

# **Elizabeth Weeks Leonard**

University of Georgia School of Law  
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## **ACADEMIC POSITIONS**

### **University of Georgia School of Law**

J. Alton Hosch Professor of Law, 2016 – present; Professor, 2013 – present; Associate Professor, 2011 – 2013  
Visiting Professor, Fall 2010; Visiting Assistant Professor, 2003 – 04  
Courses Taught: Torts I and II, The Law of American Health Care, Health Care Financing and Regulation, Health Care Fraud and Abuse, Health Law Survey

### **University of Kansas School of Law**

Professor, 2010 – 2011; Associate Professor, 2004 – 2010  
Director, Medical-Legal Partnership Clinic, 2009 – 2011  
Courses: Torts, Health Care Financing and Regulation, Public Health Law

### **University of the Pacific McGeorge School of Law**

Visiting Associate Professor, 2005 – 06; Guest Lecturer, Spring 2007, 2008 & 2009  
Courses: Torts, Health Law, Public Health Law

## **EDUCATION**

### **University of Georgia School of Law, Athens, GA**

JD, *summa cum laude*, May 1999; Order of the Coif; *Georgia Law Review*, Editor-in-Chief

### **Columbia University, New York, NY**

BA, February 1993, Latin American Studies and Political Science major

## **HONORS**

Howard M. and Susan Immel Award for Teaching Excellence, University of Kansas School of Law, 2010

Meredith Docking Faculty Scholar Award, University of Kansas, 2009

Health Law Scholars Award, American Society of Law, Medicine, and Ethics, 2004

## **LEGAL EXPERIENCE**

### **Vinson & Elkins LLP, Houston, TX**

Associate, Health Industry Group, Sept. 2001 – June 2003; Summer Associate, 1998

### **Supreme Court of Texas, Austin, TX**

Law Clerk to Chief Justice Thomas R. Phillips, 2000 Term

### **United States Court of Appeals, Fifth Circuit, New Orleans, LA**

Law Clerk to Judge Jacques L. Wiener, Jr., 1999 Term

## PUBLICATIONS

### BOOKS

HEALTHISM: HEALTH-STATUS DISCRIMINATION AND THE LAW (Cambridge University Press, forthcoming 2017) (with Jessica L. Roberts)

THE LAW OF AMERICAN HEALTH CARE (Aspen/Wolters Kluwer Law & Business 2016) (with Nicole Huberfeld & Kevin Outterson)

### BOOK CHAPTERS

*States' Rights: Point/Counterpoint*, in DEBATES ON U.S. HEALTH CARE REFORM (Sage Publications, Wendy E. Parmet, ed., 2013)

*Medical-Legal Partnership: Three Voices from the Law School Clinic*, in VULNERABLE POPULATIONS AND TRANSFORMATIVE LAW TEACHING: A CRITICAL READER 337 – 57 (Carolina Academic Press, 2011) (with MaryBeth Musumeci & Brutrinia D. Arellano)

*Tort Litigation for the Public's Health*, in RECONSIDERING LAW AND POLICY DEBATES: A PUBLIC HEALTH PERSPECTIVE 187 – 220 (Cambridge Univ. Press, John G. Culhane, ed., 2010)

*Beyond Compensation: Using Torts to Promote Public Health*, in PUBLIC HEALTH: ENFORCEMENT AND LAW 43 – 86 (Icfai Univ. Press, A. Sabitha ed., 2008)

### LAW REVIEW ARTICLES

*What Healthism Is (and Isn't)*, 50 GA. L. REV. 833 – 907 (2016) (with Jessica L. Roberts)

*Best Practices for a State Alzheimer's Disease Registry: Lessons from Georgia*, 17 J. MINN. J. L. SCI. & TECH. 221 – 75 (2016) (with Amanda Brown & Rui Bu)

*The Fragility of the Affordable Care Act's Universal Coverage Strategy*, 46 U. TOL. L. REV. 559 – 81 (2015)

*Crafting a Narrative for the Red State Option*, 102 KY. L.J. 381 – 439 (2013 – 14)

*Plunging into Endless Difficulties: Medicaid and Coercion in National Federation of Independent Business v. Sebelius*, 93 B.U. L. REV. 1 – 88 (2013) (lead article) (with Nicole Huberfeld & Kevin Outterson)

*Employers United: An Empirical Analysis of Corporate Political Speech in the Wake of the Affordable Care Act*, 38 J. CORP. L. 217 – 57 (2013) (with Susan Scholz & Raquel Meyer Alexander)

*Affordable Care Act Litigation: The Standing Paradox*, 38 AM. J.L. MED. 410 – 44 (2012)

*The Rhetoric Hits the Road: State Challenges to Affordable Care Act Implementation*,

46 U. RICH. L. REV. 781 – 822 (2012)

*Can You Really Keep Your Health Plan? The Limits of Grandfathering under the Affordable Care Act*, 36 J. CORP. L. 753 – 80 (2011)

*Rhetorical Federalism: The Value of State-Based Dissent to Federal Health Reform*, 39 HOFSTRA L. REV. 111 – 68 (2010)

*State Constitutionalism and the Right to Health Care*, 12 U. PA. J. CONST. L. 1325 – 1406 (2010)

*The Public's Right to Health: When Patient Rights Threaten the Commons*, 86 WASH. U. L. REV. 1335 – 96 (2009)

*Cooperative Federalism and Health Care Reform: The Medicare Part D "Clawback" Example*, 1 ST. LOUIS UNIV. J. HEALTH L. & POL'Y 79 – 129 (2007)

*Failure to Connect: The Massachusetts Plan for Individual Health Insurance*, 55 KANSAS L. REV. 1283 – 1312 (2007)

*Beyond Compensation: Using Torts to Promote Public Health*, 10 J. HEALTH CARE L. & POL'Y 27 – 59 (2007)

*Lessons from Katrina: Response, Recovery, and the Public Health Infrastructure*, 10 DEPAUL J. HEALTH CARE L. 251 – 90 (2007)

*After the Catastrophe: Disaster Relief for Hospitals*, 85 N.C. L. REV. 223 – 300 (2006)

*Gauging the Cost of Loopholes: Health Care Pricing and Medicare Regulation in the Post-Enron Era*, 40 WAKE FOREST L. REV. 1215 – 86 (2005)

*The New Economic Credentialing: Protecting Hospitals from Competition by Medical Staff Members*, 65 J. HEALTH L. 247 – 300 (2003)

**OTHER  
PUBLICATIONS**

Essay, *Teaching The Law of American Health Care*, 61 SAINT LOUIS U. L. J. (forthcoming 2017) (with Nicole Huberfeld & Kevin Outterson) (symposium on Teaching Health Law)

*Georgia Legislature Compels Testing of Backlogged Rape Kits. Issues Remain*, Health Law Developments, Health Law Section Newsletter, State Bar of Georgia, Fall 2016 (with Morgan Melodie Johnson),

[https://www.gabar.org/committeesprogramssections/sections/healthlaw/upload/Health\\_Law\\_Fall\\_16.pdf](https://www.gabar.org/committeesprogramssections/sections/healthlaw/upload/Health_Law_Fall_16.pdf)

*CMS' Proposed Changes To The Two-Midnight Rule: Partial Restoration Of Medical Judgment*, HEALTH AFFAIRS BLOG, Sept. 1, 2015,

<http://healthaffairs.org/blog/2015/09/01/cms-proposed-changes-to-the-two-midnight-rule-partial-restoration-of-medical-judgment/>

Essay, *Death Panels and the Rhetoric of Rationing*, symposium on *Under the Knife: Health Law, Health Care Reform, and Beyond*, 12 NEV. L.J. 872 – 87 (2013)

*A Response to Beyond Separation: Professor Copeland's Ambitious Proposal for "Integrative" Federalism*, 15 U. PA. J. CON. L. HEIGHTENED SCRUTINY 29 – 41 (2013)

*New Deal Lessons for the Affordable Care Act: The General Welfare Clause*, 14 U. PA. J. CON. L. HEIGHTENED SCRUTINY 5 – 14 (2012)

*Introduction*, Symposium: *The Role of States in Federal Health Care Reform*, 20 KAN. J.L. & PUB. POL'Y 181 – 85 (2011)

*Rhetorical Federalism: The Role of State Resistance in Health Care Decisionmaking*, J.L. MED. & ETHICS 73 – 76 (2011), symposium on *Using Law, Policy, and Research to Improve the Public's Health*

*What I Talk about When I Talk about Health Law*, 18 ANNALS OF HEALTH L. 9 – 12 (2010) (invited contribution to special edition commemorating the 25th anniversary of the Beazley Institute for Health Law and Policy, Loyola University Chicago School of Law)

*Right to Experimental Treatment: FDA New Drug Approval, Constitutional Rights, and the Public's Health*, 37 J.L. MED. & ETHICS 269 – 79 (2009), symposium on *Pharmaceutical Innovation: Law & the Public's Health*

*Public Health Law for a Brave New World: Book Review*, Public Health Law: Power, Duty, Restraint, by Lawrence O. Gostin (University of California Press, Berkeley, California, 2d ed., 2008), 9 HOUS. J. HEALTH L. & POL'Y 181 – 201 (2009)

*Book Review*, Populations, Public Health, and the Law, by Wendy E. Parmet (Georgetown Univ. Press 2009), 30 J. LEGAL MED. 427 – 34 (2009)

*Teaching Sicko*, "Teaching Health Law" column, 37 J.L. MED. & ETHICS 139 – 46 (2009)

*Loopholes: Opportunity, Responsibility, or Liability?* "The Ethical Health Lawyer" column, 35 J.L. MED. & ETHICS 320 – 28 (2007)

*Is It Worth the Trouble? The New Policy on Dissemination of Information on Off-Label Use Under the Food and Drug Modernization Act*, 54 FOOD & DRUG L.J. 645 – 65 (1999)

Note, *The Newly Found "Compassion" for Sexually Violent Predators: Civil Commitment and the Right to Treatment in the Wake of Kansas v. Hendricks*, 32 GA. L. REV. 1261 – 1300 (1998)

## PRESENTATIONS

### INVITED SYMPOSIA

Welcome and Introduction, *Good Health Policy or Discrimination? How to Tell the Difference*, University of Houston Law Center, Health Law & Policy Institute, Houston, TX, Nov. 4, 2016

*Health Law Symposium*, University of Toledo Law Review, University of Toledo College of Law, Toledo, OH, Oct. 10, 2014

*Medicaid Matters*, Kentucky Law Journal, University of Kentucky College of Law, Lexington, KY, March 22, 2013

*Health Care Reform: The State of the States Roundtable*, University of Maryland School of Law and Health Care Program, Baltimore, MD, March 1, 2013

*Affordable Care Act Litigation: The Standing Paradox*, Symposium on *The American Right to Health: Constitutional, Statutory, and Contractual Healthcare Rights in the United States*, American Journal of Law & Medicine, Boston University School of Law, Jan. 28, 2012

Panel on *Litigating Administrative Programs, Then and Now*, Symposium on *FDR and Obama: Are there Constitutional Law Lessons from the New Deal for the Obama Administration?* University of Pennsylvania Journal of Constitutional Law, University of Pennsylvania Law School, Philadelphia, PA, Jan. 19, 2012

*The Rhetoric Hits the Road: State Challenges to Affordable Care Act Implementation*, Symposium on *Everything But the Merits: Analyzing the Procedural Aspects of the Healthcare Litigation*, University of Richmond School of Law, Richmond, VA, Nov. 11, 2011

*Can You Really Keep Your Health Plan? The Limitations of Grandfathering Under the Affordable Care Act*, Panel on Health Care Reform, *Journal of Corporation Law* Symposium on *Reregulation and the Business Firm*, University of Iowa College of Law, Iowa City, IA, Feb. 18, 2011

Faculty Convenor, *Kansas Journal of Law & Public Policy* Symposium: *The Role of States in Federal Health Care Reform*, University of Kansas School of Law, Lawrence, KS, Feb. 11, 2011

*Medical-Legal Partnerships*, Symposium, Widener University School of Law, Wilmington, DE, April 24, 2009

Moderator, Panel on *Health and Reparations*, *Kansas Law Review Symposium: Law, Reparations, and Racial Disparities*, University of Kansas School of Law, Oct. 31, 2008

*Tort Litigation for the Public's Health*, Symposium: *Public Health Perspectives on Charged Legal Issues*, Widener University School of Law, Wilmington, DE, Oct. 19, 2007

*Cooperative Federalism and Health Care Reform: The Medicare Part D "Clawback" Example*, Annual Health Law Symposium: *Medicare Modernization Act Update*, Saint Louis University School of Law, Saint Louis, MO, March 30, 2007

Faculty Convenor, *Kansas Law Review Symposium: The Massachusetts Plan and the Future of Universal Coverage*, University of Kansas School of Law, Lawrence, KS, Nov. 10, 2006

*Gap-Filling, Risk-Pooling, and the "Connector": Private Market Solutions to Universal Coverage*, *Kansas Law Review Symposium: The Massachusetts Plan and the Future of Universal Coverage*, University of Kansas School of Law, Lawrence, KS, Nov. 10, 2006

*After the Catastrophe: Disaster Relief for Hospitals*, Symposium: *Shaping a New Direction for Law and Medicine: An International Debate on Culture, Disaster, Biotechnology & Public Health*, DePaul University College of Law, Chicago, IL, March 31, 2006

**FACULTY  
WORKSHOPS**

*Healthism: Health Status Discrimination and the Law*, Marquette University Law School, Milwaukee, WI, April 10, 2017

*Healthism: Health Status Discrimination and the Law*, Indiana University Robert H. McKinney School of Law, Hall Center for Law & Health, Grand Rounds, Indianapolis, IN, March 23, 2017

*Healthism: Health Status Discrimination and the Law*, Harvard Law School, Health Law Policy, Bioethics, and Biotechnology Workshop, Cambridge, MA, Nov. 21, 2016

Brown Bag, *Healthism: Health Status Discrimination and the Law*, University of Georgia School of Law, Athens, GA, Nov. 9, 2016

*Healthism and the Law*, Georgia State University College of Law, Atlanta, GA, March 30, 2015

*Healthism in the Courts*, University of Houston Law Center, Houston, TX, Oct. 27, 2014

*Employers United: An Empirical Analysis of S.E.C. Disclosures in the Wake of Citizens United and the Affordable Care Act*, University of Arkansas School of Law, Fayetteville, AR, March 12, 2012

*Rhetorical Federalism: The Value of State-Based Dissent to Federal Health Reform*, Loyola University Chicago School of Law, Beazley Institute for Health Law & Policy, Chicago, IL, March 24, 2011

*Death Panels and the Rhetoric of Rationing*, conference on *Health Care Rationing and Public Debate*, University of South Carolina School of Law, Columbia, SC, March 18, 2011

*Notes from the Tea Party: The Affirmative Case for the Health Reform Nullification Movement*, Loyola Constitutional Law Colloquium, *How Democratic is the Constitution?* Loyola University Chicago School of Law, Chicago, IL, Nov. 5, 2010

*Uncooperative Federalism: The Value of State-Based Dissent to Federal Health Reform*, University of Georgia School of Law, Athens, GA, November 3, 2010

*State Resistance to Federal Health Care Reform*, University of Kansas, International Programs, Interdisciplinary International Seminar for Faculty on Global Health, Lawrence, KS, May 6, 2010

*Uncooperative Federalism: The Role of Dissent in Health Care Decisionmaking*, University of the Pacific McGeorge School of Law, Sacramento, CA, March 17, 2010

*State Constitutionalism and the Right to Health Care*, Florida State University College of Law, Tallahassee, FL, Oct. 12, 2009

*State Constitutionalism and the Right to Health Care*, University of the Pacific McGeorge School of Law, Sacramento, CA, April 3, 2009

*FDA Drug Approval and Constitutional Rights*, Regional Junior Faculty Workshop, Washington University in Saint Louis Law School, Saint Louis, MO, April 18, 2008

*Right to Experimental Treatment: FDA New Drug Approval, Constitutional Rights, and the Public's Health*, University of North Carolina School of Law, Chapel Hill, NC, Feb. 14, 2008

*Right to Experimental Treatment: FDA New Drug Approval, Constitutional Rights, and the Public's Health*, Drexel University College of Law, Philadelphia, PA, Dec. 11, 2007

*Cooperative Federalism and Health Care Reform: The Medicare Part D "Clawback" Example*, University of Missouri-Columbia School of Law, Columbia, MO, April 27, 2007

*After the Catastrophe: Disaster Relief for Hospitals*, University of Iowa College of Law, Iowa City, IA, Feb. 8, 2007

*Gap-Filling, Risk-Pooling, and the “Connector”*: Private Market Solutions to Universal Coverage, Randall Park Faculty Colloquium, University of Kentucky College of Law, Lexington, KY, Jan. 18, 2007

*Homeland Security for Hospitals: Front-Line Reimbursement for Bioterrorism and Public Health Emergencies*, Cumberland School of Law, Samford University Birmingham, AL, Oct. 14, 2005

*Homeland Security for Hospitals: Front-Line Reimbursement for Bioterrorism and Public Health Emergencies*, Southern Methodist University Dedman School of Law, Dallas, TX, Feb. 7, 2005

*Homeland Security for Hospitals: Front-Line Reimbursement for Bioterrorism and Public Health Emergencies*, Health Law Scholars Workshop, Saint Louis University School of Law, St. Louis, MO, Sept. 17, 2004

**ACADEMIC  
CONFERENCES**

*The Limits of Federal Health Insurance Laws to Address Healthism*, Panel on Health, Midwestern Law & Economics Association (MLEA) Annual Meeting, Emory University School of Law, Atlanta, GA, Sept. 9, 2016

Moderator, Discussion Group, *Challenges and Opportunities in Defining and Regulating Wellness*, Southeastern Association of Law Schools (SEALS), Amelia Island, FL, Aug. 7, 2016

*Recent Developments in Fraud & Abuse: The Practitioners’ Perspective*, Health Law Professors Conference, American Society of Law, Medicine & Ethics (ASLME), Boston University School of Law, Boston, MA, June 4, 2016

Discussion Group, *King v. Burwell*, Southeastern Association of Law Schools (SEALS), Annual Meeting, Boca Raton, FL, July 27, 2015

Commentor, Paul J. Zwier, *A Failure of Remedies: The Case of Big Pharma*, UGA-Emory Summer Workshop, UGA School of Law, Athens, GA, July 9, 2015

Invited Participant, *Medicaid Matters*, St. Louis University School of Law, St. Louis, MO, Feb. 13, 2015

*Healthism and Tort Law*, University of Georgia School of Law, First Monday Workshop, Athens, GA, Sept. 15, 2014

*Healthism in the Courts*, Health Law Workshop, Discussion Group on *Public Health Law*



*Theory and Practice*, Southeastern Association of Law Schools, Amelia Island, FL, Aug. 1, 2014

Invited Participant, The George Consortium, 2014 Planning Retreat, Marriott Marquis, San Francisco, CA, June 7 – 8, 2014

*Healthism in the Courts*, Panel on *Issues in Liability*, Health Law Professors Conference, American Society of Law, Medicine & Ethics, University of California Hastings College of Law, June 6, 2014

Plenary Panelist, *A Fresh Start: Health Law Teaching After the ACA*, Jay Healey Teaching Session on *Rethinking Health Law Teaching in the Post ACA World*, Health Law Professors Conference, University of California Hastings College of Law, June 5, 2014

Demi-Plenary Panelist, *NFIB, Medicaid, and Federalism*, Health Law Professors Conference, Seton Hall University School of Law, Newark, NJ, June 9, 2013

*Employers United: An Empirical Analysis of S.E.C. Disclosures in the Wake of Citizens United and the Affordable Care Act*, Law and Society Association, Annual Meeting, Boston, MA, May 30 – June 2, 2013

Invited Participant, *Advancing Public Health through the Law: The Role of Legal Academics, Meeting 2*, Network for Public Health Law, American University School of Law, Chevy Chase, MD, Jan. 11 – 12, 2013

Program Chair and Moderator, Panel on *American Exceptionalism: Health Reform and the Persistence of Employer-Based Benefits*, Co-sponsored by the Sections on Law, Medicine & Health Care, and Employee Benefits and Executive Compensation, Association of American Law Schools Annual Meeting, New Orleans, LA, Jan. 5, 2013

Discussion Group, *Implementing Health Care Reform: What the Headlines Missed*, Southeastern Association of Law Schools, Annual Meeting, Amelia Island, FL, July 29, 2012

Panelist, *Health Care, Health Law, and Rhetoric*, Southeastern Association of Law Schools, Annual Meeting, Amelia Island, FL, July 29, 2012

Invited Participant, *Advancing Public Health through the Law: The Role of Legal Academics, Meeting 1*, Robert Wood Johnson Foundation, Public Health Law Research Program, Northeastern University School of Law, Boston, MA, July 23 – 24, 2012

Moderator, Opening Plenary Session, *The Future of the Affordable Care Act – Looking Beyond the Supreme Court Decision*, Health Law Professors Conference, Arizona State University School of Law, Tempe, AZ, June 8, 2012

*Employers United: An Empirical Analysis of Corporate Disclosures in the Wake of Citizens United and the Affordable Care Act*, Midwestern Law & Economics Association Annual Meeting, University of Indiana School of Law, Bloomington, IN, Sept. 16, 2011

*Employers United: An Empirical Analysis of Retiree Health Care Corporate Disclosures in the Wake of Citizens United and the Affordable Care Act*, panel on *Health Reform and Elder Law*, Southeastern Association of Law Schools, Annual Meeting, Hilton Head, SC, July 24, 2011

*Can You Really Keep Your Health Plan? The Limitations of Grandfathering Under the Affordable Care Act*, Health Law Professors Conference, Loyola University Chicago School of Law, Chicago, IL, June 10, 2011

*Notes from the Tea Party: The Affirmative Case for the Health Reform Nullification Movement*, Midwestern Law & Economics Association Annual Meeting, University of Colorado Law School, Boulder, CO, Oct. 9, 2010

*Notes from the Tea Party: The Affirmative Case for the Health Reform Nullification Movement*, Central States Law Schools Association, Annual Meeting, University of North Dakota School of Law, Grand Forks, ND, Sept. 25, 2010

*State Constitutionalism and the Right to Health Care*, panel on *The Past, Present, and Future of State Constitutional Law*, Southeastern Association of Law Schools, Annual Meeting, Palm Springs, FL, Aug. 2, 2010

*Uncooperative Federalism: The Role of Dissent in Health Care Decisionmaking*, Health Law Professors Conference, University of Texas School of Law, June 4, 2010

*State Constitutionalism and the Right to Health Care*, panel on *Health Care Rights and Responsibilities*, Law and Society Association Annual Meeting, Chicago, IL, May 27, 2010

*Training the Next Generation of Medical-Legal Advocates in Law School and Beyond*, panel on *Health, Law, and Poverty*, conference on *Vulnerable Populations and Economic Realities: An Interdisciplinary Approach to Law Teaching*, Golden Gate University School of Law and Society for American Law Teachers, San Francisco, CA, March 20, 2010

Invited Small Group Discussion Facilitator, conference on *Interdisciplinary Collaborative Education: Partnerships Between Law Schools and Health Professions*, Georgia State University College of Law, Atlanta, GA, Sept. 24 – 25, 2009

*The Individual Mandate*, panel on *Health Care Challenges for the New Administration*, Southeastern Association of Law Schools, Annual Meeting, Palm Springs, FL, Aug. 5, 2009

*State Constitutionalism and the Right to Health Care*, Health Law Professors Conference, Case Western Reserve University School of Law, Cleveland, OH, June 5, 2009

Chair and Presenter, *Teaching Sicko*, panel on *Film, Literature, and New Media in Health Law*, Law and Society Association, Annual Meeting, Denver, CO, May 30, 2009

*State Constitutionalism and the Right to Health Care*, AALS Conference on Clinical Legal Education, Works-in-Progress, Cleveland, OH, May 8, 2009

*The Effects of Federal Programs on Kansas: Medicare and Medicaid Reform*, 2008 State of the State Kansas Economic Policy Conference, *Insuring a Healthy Kansas*, Institute for Policy & Social Research, University of Kansas, Oct. 30, 2008

*Where There's a Wrong, There May Be No Remedy: FDA Preemption of Common Law Claims and Implications for ERISA*, Midwestern Law and Economics Association, Annual Meeting 2008, Northwestern University, Chicago, IL, Oct. 3, 2008

*Teaching "Sicko,"* Panel on *What's Hot in Health Law for Those Who Don't Teach it*, Southeastern Association of Law Schools, Annual Meeting, Palm Beach, FL, July 28, 2008

*Cooperative Federalism and Health Care Reform: The Medicare Part D "Clawback" Example*, panel on Federalism and Government Health Care Programs, Health Law Professors Conference, Drexel University School of Law, Philadelphia, PA, June 7, 2008

*Public Health Legal Preparedness: Preparing a Guide for the Kansas Judiciary*, Joint Annual Meetings of the Law and Society Association and Canadian Law and Society Association, Montreal, Quebec, Canada, May 31, 2008

*Right to Experimental Treatment: FDA New Drug Approval, Constitutional Rights, and the Public's Health*, Midwestern Law & Economics Association, Annual Meeting, University of Minnesota, Minneapolis, MN, Oct. 12 – 13, 2007

*Legal Issues for Volunteer Health Care Providers in Bioterrorism and Public Health Emergencies*, Panel on Bioterrorism, Association of Politics and the Life Sciences, Cincinnati, OH, Oct. 11, 2007

*Abigail Alliance v. Eschenbach: The Constitutional Right to Experimental Treatment and Public Health*, Panel on *Regulatory Trends: Trial and Error at the FDA*, Health Law Professors Conference, Boston University School of Law, Boston, MA, June 2, 2007

*The Massachusetts Plan and the Future of Universal Coverage*, Midwestern Law & Economics Association, Annual Meeting, University of Kansas School of Law, Lawrence, KS, Oct. 21, 2006

*Gauging the Cost of Loopholes: Norms, Ethics, and Competition in Health Care Markets*, Poster session on ongoing empirical research on Medicare loopholes, Health Law Teachers Conference, University of Maryland School of Law, Baltimore, MD, June 1 – 3, 2006

*Beyond Compensation: Using Torts to Promote Public Health*, Panel on Teaching Public Health in Law Schools, AALS, Annual Meeting, Co-sponsored by Sections on Torts and Compensation Systems and Socio-Economics, Washington, DC, Jan. 7, 2006  
Panel on *Bioterrorism*, Association for Politics and the Life Sciences, Annual Meeting, Washington, DC, Sept. 1, 2005

**PROFESSIONAL  
CONFERENCES**

*Healthism: Health Status Discrimination and the Law*, Panel on Health in All Policies, State of Public Health Law Conference, University of Georgia College of Public Health, Office of Outreach and Engagement, Athens, GA, Oct. 18, 2016

U.S. Supreme Court Update, *King v. Burwell*, Institute of Continuing Legal Education in Georgia, State Bar of Georgia Center, Atlanta, GA, October 22, 2015

Invited Speaker, *State Constitutionalism and the Right to Health Care*, Centers for Disease Control and Prevention Law SAG Journal Club, Atlanta, GA, September 27, 2012

Invited Panelist, *Health Care Reform after the Supreme Court Challenge*, American Risk and Insurance Association, Annual Meeting, Minneapolis, MN, Aug. 7, 2012

Invited Speaker, *States Opting Out: Health Reform Challenges, Waivers and Alternatives*, National Conference of State Legislatures, Annual Legislative Summit, San Antonio, TX, Aug. 10, 2011

Speaker, *Health Care Federalism: The Role of States in Health Care Reform*, session on *Health Reform in the United States*, American Public Health Association, Annual Meeting, Denver, CO, Nov. 8, 2010

Participant, *Using Law, Policy and Research to Improve the Public's Health: A National Conference*, American Society of Law, Medicine & Ethics/Public Health Law Association, Atlanta, GA, Sept. 13 – 15, 2010

Participant, *Medical-Legal Partnership: Patients to Policy*, Fifth Annual National Medical-Legal Partnership Summit, Arlington, VA, March 24 – 26, 2010

Participant, *Medical-Legal Partnership: Transforming Health Care Through Preventative Law*, Fourth Annual National Medical-Legal Partnership Summit, Cleveland, OH, March 26 – 27, 2009

Invited Participant, *2008 Obesity and Public Health Law Summit*, Centers for Disease Control and Prevention, Atlanta, GA, Nov. 26, 2007 (planning committee for annual CDC

conference, *The Public's Health and the Law in the 21st Century: Legal Preparedness for Obesity Prevention*, Atlanta, GA, June 18 – 20, 2008)

Speaker, *Right to Experimental Therapies: FDA New Drug Approval, Constitutional Rights, and the Public's Health*, Panel on Research Rights and Policies, American Public Health Association, Annual Meeting, Washington, DC, Nov. 5, 2007

Invited Participant, *Emergency Liability Networking Workshop*, American Red Cross Headquarters, Washington, DC, May 8, 2007

Participant, *Building a Network for Child Health*, Second Annual Medical-Legal Partnership Summit, Toronto, ON, May 4, 2007

Speaker, *Beyond Compensation: Using Torts to Promote Public Health*, session on *Vaccinations, Human Rights, and Public Health Interventions*, American Public Health Association, Annual Meeting, Boston, MA, Nov. 7, 2006

Invited Speaker, *Disaster Management: Preparing for a New Reality*, American Medical Association, Organized Medical Staff Section Education Program, Chicago, IL, June 9, 2006

Invited Speaker, *Reimbursement after the Emergency: The Stafford Act, Medicare, Medicaid & Private Insurance*, *The Lawyer as First Responder: Legal Preparedness for Public Health Emergencies*, Washington University, Saint Louis, MO, May 20, 2006

Invited Public Interest Session Speaker, *After the Catastrophe: Disaster Relief for Hospitals*, Institute on Medicare and Medicaid Payment Issues, American Health Lawyers Association, Baltimore, MD, March 23, 2006

Speaker, Session on *Bioterrorism, Emergency Preparedness and the Law*, American Public Health Association, Annual Meeting, Philadelphia, PA, Dec. 12, 2005

**GUEST  
LECTURES**

Wendy E. Parmet's *Populations, Public Health, and the Law*, Major Works in Legal Theory seminar, Professors Lori Ringhand & Joe Miller, UGA School of Law, Athens, GA, November 18, 2015

Introduction to U.S. Legal System, *Introduction to Torts*, UGA School of Law, LL.M course for foreign-trained lawyers, Fall 2015

*Who are the Deserving Poor? The Supreme Court's Decision Regarding the Affordable Care Act and the Future of Medicaid*, University of Georgia/Medical College of Georgia Medical Partnership, UGA College of Public Health, and UGA Honors students, Oct. 22, 2012

*Affordable Care Act Litigation*, Introduction to Health Policy undergraduate course, Professor Phaedra S. Corso, College of Public Health, Health Policy & Management, University of Georgia, Athens, GA, Jan. 23, 2012

*State Challenges to the Affordable Care Act*, Introduction to Public Health undergraduate course, Professor Kathryn Mitchell-Fearon, College of Public Health, University of Georgia, Athens, GA, Nov. 4, 2011 & March 23, 2012

*Torts and Public Health*, Law and Public Health seminar, Professor John Blum, Loyola University Chicago School of Law, March 24, 2011

*ERISA Introduction*, Health Law Survey course, Professor Fazal Khan, University of Georgia School of Law, Athens, GA, November 11, 2010

*Tort Law and Tort Reform for Non-Lawyers*, Policy and Politics of Health Care course, Professor Elizabeth Stewart, Rockhurst University, DO/MBA Dual Degree Program, Kansas City, MO, June 14, 2010

*Managed Care*, Health Law course, Adjunct Professor Ann Marie Marciarille, University of the Pacific McGeorge School of Law, Sacramento, CA, March 16 & 17, 2010

*State Constitutionalism and the Right to Health Care*, Family Health Care Legal Services Clinic, Professor David J. Gottlieb, University of Kansas School of Law, Lawrence, KS, April 8, 2009

*ERISA Health Plans*, Health Law course, Professor Edward D. Spurgeon, University of the Pacific McGeorge School of Law, Sacramento, CA, March 31 & April 2, 2009

*ERISA Health Plans*, Health Law course, Professor Edward D. Spurgeon, University of the Pacific McGeorge School of Law, Sacramento, CA, March 12 & 14, 2008

*Public Health Law*, Health Law course, Professor Edward D. Spurgeon, University of the Pacific McGeorge School of Law, Sacramento, CA, March 13 & 15, 2007

*Health Care Laws and Regulations: Addressing Health Care Market Imperfections*, Economic Analysis of the Law undergraduate course, Professor David B. Mustard, University of Georgia, Terry College of Business, Department of Economics, Athens, GA, April 19, 2004

**COMMUNITY  
GROUPS**

Co-convenor, Alzheimer's Disease Registry Stakeholder Meeting – North Georgia/Athens, University of Georgia Conference Center, Athens, GA, June 16, 2014 (with Toni Miles, Director, University of Georgia, Institute of Gerontology, College of Public Health)

Invited Graduation Speaker, Youth Leadership Athens, Class of 2013, Trumps Catering, Athens, GA, March 24, 2013, March 30, 2014

*Medical-Legal Partnerships*, Greater Kansas City Society of Healthcare Attorneys, Continuing Legal Education program, Kansas City, MO, March 31, 2010

*Right to Experimental Treatment: FDA New Drug Approval, Constitutional Rights, and the Public's Health*, University of Kansas Ethics Club, Lawrence Memorial Hospital, Lawrence, KS, Dec. 4, 2008

*Disaster Preparedness and Liability Protection for Volunteer Health Professionals and Entities*, Kansas City Regional Hospital Ethics Committee Consortium, Center for Practical Bioethics, Kansas City, MO, July 5, 2007

*Emergency Preparedness*, Center for Practical Bioethics, Disaster Planning Taskforce with Mid-America Regional Council, Kansas City, MO, July 5, 2007

*Disaster Relief and Liability Issues for Hospitals*, Kansas City Area Kansas Regional Hospital Emergency Preparedness Council, Olathe, KS, March 22, 2007

*Mental Health Consumer Rights in Kansas*, National Alliance for the Mentally Ill, Support Group, Lawrence, KS, Oct. 13, 2004

*How HIPAA Affects You, Your Clients, and Your Practice*, Association of Women Attorneys, Houston, TX, Sept. 25, 2002

**STUDENT  
GROUPS**

*The Patient Protection and Affordable Care Act: Three Years Later*, Alpha Epsilon Delta, University of Georgia, Pre-Medical Honor Society, Athens, GA, March 6, 2013

Respondent, *Constitutional Issues in the Affordable Care Act*, Federalist Society, University of Georgia School of Law, Athens, GA, March 20, 2012 (with David Oedel)

*Health Care Challenges for the New Administration: The Individual Mandate*, University of Kansas School of Law, Health Law Society, Lawrence, KS, Oct. 29, 2009

*Right to Experimental Treatment: FDA New Drug Approval, Constitutional Rights, and the Public's Health*, McGeorge Health Law Association, Sacramento, CA, March 14, 2008

*Introduction to Health Law: Who Are the Uninsured and What Are We Doing About it?*, KU Scholars undergraduate class, with Dean Gail Agrawal, Lawrence, KS, Feb. 29, 2008

*Alternatives to Privatized Health Care: Massachusetts as a Case Study*, McGeorge Health Law Association, Sacramento, CA, March 14, 2007

*Abigail Alliance v. Eschenbach: The Constitutional Right to Experimental Treatment and Public Health*, University of Kansas Medical Ethics Club, Lawrence, KS, March 5, 2007

*Legal History, Politics & Culture in England in Cambridge, England, Summer Institute*, Phi Alpha Delta Pre-Law Society, University of Kansas, Lawrence, KS, Feb. 20, 2007

Mock Class, *Garrett v. Dailey*, Phi Alpha Delta Pre-Law Society, University of Kansas, Lawrence, KS, Oct. 24, 2006

*Homeland Security for Hospitals: Front-Line Reimbursement for Bioterrorism and Public Health Emergencies*, McGeorge Health Law Association, Sacramento, CA, Nov. 2, 2005

## SERVICE

### GRANTS

Project Manager and Supervisor, *Medical-Legal Partnership Post-Graduate Fellowship*, Sunflower Foundation, competitive Request for Proposals. \$229,125 for 36 months, August 1, 2009 – July 31, 2012. Establishing three, one-year Medical-Legal Partnership Post-Graduate Fellowships for recent law graduates.

Project Coordinator, *Jay Doc Free Health Clinic and Medical Legal Family Health Project*, Health Care Foundation of Greater Kansas City, competitive Foundation Defined Grant. \$72,555 for sixteen months, April 9, 2009 – August 31, 2010. Funding interdisciplinary clinical program for University of Kansas Medical and Law Schools.

Project Coordinator, *Family Health Care Legal Services Clinic*, Sunflower Foundation, competitive Request for Proposals. \$300,000 for 36 months, Nov. 1, 2008 – Nov. 30, 2010. Funding staff attorney and support for Medical-Legal Partnership Clinic.

### AMICUS BRIEFS

Counsel of Record, *Florida v. U.S. Dep't of HHS*, No. 11-400, In the Supreme Court of the United States, Brief of Amici Curiae Health Law & Policy Scholars and Prescription Policy Choices in Support Of Respondents on the Constitutional Validity of the Medicaid Expansion, *filed* Feb. 17, 2012

Signatory, *U.S. Dep't of HHS v. Florida*, No. 11-398, In the Supreme Court of the United States, Brief of 104 Health Law Professors as Amici Curiae in Support of Petitioners (Minimum Coverage Provision), *filed* Jan. 13, 2012

Counsel of Record *States of Texas, Kentucky, Maine, Missouri, and New Jersey v. Michael Leavitt*, No. 135, Original, In the Supreme Court of the United States, Brief of Professors and Practitioners of Health Law as Amici Curiae in Support of Plaintiffs, *cert. denied*, June 19, 2006

### PEER REVIEWS

*Fear of the Unknown: Screening Practices for the Social Determinants of Health*, JOURNAL OF LAW, MEDICINE & ETHICS (2016)

*The Right to Try, Risk Education, and the Future of the FDA*, MERCATUS (George Mason University) (2015)



*Should Patients in Need Be Given Access to Experimental Drugs?*, EXPERT OPINION ON PHARMACOTHERAPY (2015)

*State Constitutional Commitment to Health and Health Care and Population Health Outcomes: Evidence from Historical U.S. Data*, AM. J. PUB. HEALTH (2014)

Book Proposal, THE AFFORDABLE CARE ACT: A NATIONAL EXPERIMENT (Oxford Univ. Press 2012)

*The June Surprises: Balls, Strikes, and the Fog of War*, J. HEALTH POL., POL'Y & L. (2012)

*Reviving the Constitution: How the Patient Protection and Affordable Care Act May Redefine Commerce*, J.L. & CONFLICT RESOL. (2012)

*Toward a Model of Audience-Directed Health Policy: Exploring Health Care Reform Advertisements*, J. HEALTH POLITICS, POL'Y & L. (2012)

*Comparative Effectiveness Research Under the Patient Protection and Affordable Care Act: Can New Bottles Accommodate Old Wine?* AM. J.L. & MED. (2011)

Editorial Advisor, POVERTY, HEALTH AND LAW: READING AND CASES FOR MEDICAL-LEGAL PARTNERSHIP (Carolina Academic Press 2011)

*How the Interplay of Legal Ethics and Bioethics Can Enrich the Medical-Legal Collaboration*, J.L. MED. & ETHICS (2010)

*The Role of ERISA Preemption in Health Reform: Opportunities and Limits*, Legal Solutions in Health Reform, O'Neill Institute for National and Global Health Law at Georgetown University Law Center, J.L. MED. & ETHICS (2009)

*Universal Coverage Through Individual Mandates, Then What? Making Health Insurance More Affordable in a Changed Market*, J. HEALTH & LIFE SCIENCES L. (2008)

*Labeling and Failure-to-Warn Concerns for FDA-Regulated Goods Incorporating Nanotechnology*, J.L. MED. & ETHICS (2008)

**NATIONAL  
SERVICE**

Chair (2013), Chair-Elect (2012), Secretary (2011), Association of American Law Schools, Section on Law, Medicine & Ethics

Invited Mentor, National Association of Attorneys General, National Attorneys General Training and Research Institute, Public Health Law Fellowship, 2013

Co-Editor, Jotwell (Journal of Things We Like (Lots)), Health Law Section, 2012 – present (with co-editor Carl Coleman; previously, Kathleen Boozang)

A Definitive Primer and Prescription on Social Determinants of Health, Oct. 17, 2016 (reviewing Wendy K. Mariner, *Beyond Lifestyle: Governing the Social Determinants of Health*, 42 AM. J.L. & MED. 284 (2016)), <http://health.jotwell.com/a-definitive-primer-and-prescription-on-social-determinants-of-health/>

On Health Status, Choice, and Immunity, July 22, 2015 (reviewing Jessica A. Clarke, *Against Immutability*, 125 Yale L. J. 2 (2015)), <http://health.jotwell.com/on-health-status-choice-and-immutability/>

Healthism, Health Care Rights, and the Affordable Care Act, July 1, 2013 (reviewing Jessica L. Roberts, "Healthism": A Critique of the Antidiscrimination Approach to Health Insurance and Health-Care Reform, 2012 U. Ill. L. Rev. 1159 (2012)), <https://health.jotwell.com/healthism-health-care-rights-and-the-affordable-care-act/>

Invited Reader and Mentor, Health Law Scholars Workshop, American Society of Law, Medicine, and Ethics, Saint Louis University School of Law, St. Louis, MO, Sept. 13 – 15, 2012

Mentor, New Scholars Workshop, Southeastern Association of Law Schools, Annual Meeting, Hilton Head Island, SC, July 25, 2011

Invited Guest Editor, *Introduction: The Prospects for Health Reform*, Symposium on *Public Health Reform: Patient Protection and Affordable Care Act Implications for the Public's Health*, 39 J.L. MED. & ETHICS 312 – 16 (2011)

Judge, National Health Law Transactional Competition, Loyola University Chicago School of Law, Beazley Institute for Health Law & Policy, Chicago, IL, March 25, 2011

External reviewer of scholarship: Rutgers School of Law – Newark, University of Connecticut School of Law, University of Missouri-Kansas City School of Law, Temple University Beasley School of Law

## **COMMUNITY SERVICE**

Consulting Attorney, Dekalb County, Georgia, Law Department, Jan. 2014 – May 2015

Governing Board, Georgia Options, Inc., Athens, GA, November 2011 – October 2013; President, Jan. 2013 – October 2013

Member, Alumni Recruitment Committee, Columbia University, 2004 – present

Board of Directors, Health Care Access Clinic, Inc., Lawrence, KS, 2006 – 2009  
President, Sept. 2009 – Sept. 2011; Vice-President, Sept. 2007 – Sept. 2009

Member, Institutional Review Board, Lawrence Memorial Hospital, Lawrence, KS, May

2010 – 2011

*Public Health Law Bench Book: Emergency Preparedness Handbook for the Kansas Judiciary*, Kansas Office of Judicial Administration, Kansas Department of Health and the Environment, and Kansas Public Health Association, Jan. 2008 – May 2009

Board of Directors, Wheatlands Administrative Services, Inc. of Blue Cross Blue Shield of Kansas, Topeka, KS, June 2006 – Oct. 2007

**UNIVERSITY  
SERVICE**

**University of Georgia:**

Member, Professional and Applied Studies University Review Committee, 2016 – 2019  
Member, Institutional Review Board, Office of Vice President for Research, 2014 – 2016  
Member, University Curriculum Committee, 2014 – present  
    Chair, Subcommittee on Other Professional Courses, 2015 – present  
Member, University Council, 2012 – 2015; reappointed, 2015 – 2018  
    Committee on Statutes, Bylaws & Committees, 2016 – present  
    Committee on Student Affairs, 2014 – present  
    Faculty Post-Tenure Review Appeals Committee, 2014 – present  
Faculty Advisor, Student Chapter, American Society of Law, Medicine & Ethics, 2016 – present

**School of Law:**

Chair, Faculty Committee, Promotion of Associate Professor Andrea Dennis, Fall 2016  
Member, Committee on Clinical Faculty Appointment and Promotion Unit, Fall 2016  
Member, Policies & Procedures Committee, 2015 – 2016  
Member, Faculty Recruitment Committee, 2015 – 2016  
Member, Admissions Committee, 2015 – 2016, 2016 – present  
Faculty Advisor, Student Health Law Society, 2013 – present  
Chair, Faculty Committee, Promotion of Associate Professor Harlan Cohen, Fall 2015  
Member, Faculty Committee, Third-Year Review of Assistant Professor Kent Barnett, Spring 2015  
Chair, Student Affairs Committee, 2012 – 2013; Member, 2013 – 2014, 2014 - 2015  
Chair, Ad Hoc Hearing Committee, Faculty Policy on Plagiarism, May 2012  
Member, First-Year Curriculum Reform Committee, 2011 – 2012  
Invited Speaker, Admitted Students Open House, March 30, 2012; April 6, 2013  
Introduction, The Honorable Edith H. Jones, Edith House Lecture Series, March 20, 2013

**University of Kansas:**

Director, Family Health Care Legal Service Clinic, 2009 – 2011  
Chair, Search Committee, Medical-Legal Partnership Post-Graduate Fellowship, 2009  
Supervisor, Medical-Legal Partnership Post-Graduate Fellow, 2009 – 2011  
Faculty Advisor, Health Law Society, 2007 – 2011  
Member, Law School Faculty Workshops and Lectureships Committee, 2006 – 2011  
Participant and Presenter, Junior Faculty Workshop Series, 2007 – 2011  
Faculty Presenter and Facilitator, Judicial Clerkship Forum, 2007 – 2011

Member, Special Committee for Appointment of Clinical and Lawyering Positions, Fall 2009 – 2010  
Selected Participant, Global Health Faculty Seminar, 2009 - 2010  
Member, University Academic Procedures and Policies Committee, 2006 – 2009  
Faculty Coach, Health Law Moot Court Competition, Southern Illinois University School of Law, Carbondale, IL, 2008, 2009  
Faculty Co-Advisor, 2006 – 07; Faculty Assistant, 2004 – 05; Faculty Chaperon, 2008 – 09, Jessup International Law Moot Court Competition  
Faculty, Legal History, Politics & Culture in England in Cambridge, England, Summer Institute, History Department, July 2005, 2006 & 2007  
Scholarship Interviewer, Rice Scholarship Committee, 2007 – 2008  
Participant, Law & Economics Discussion Group, 2006 – 2011  
Participant, University of Kansas Ethics Club, University of Kansas Medical Center, 2006  
Member, Law School Faculty Recruitment Committee, 2004 – 05

**University of the Pacific – McGeorge School of Law:**

Member, Governmental Affairs Committee, 2005 – 06  
Planning Committee, Gordon D. Schaber Chair in Health Law & Policy, 2005 – 06  
Faculty Advisor, Health Law Student Organization, 2005 – 06

**PROFESSIONAL  
MEMBERSHIPS**

Association of American Law Schools (AALS)  
Law, Medicine, and Health Care Section: Executive Committee (2014 - present),  
Chair (2013), Chair-Elect (2012), Secretary (2011)  
Law & Social Sciences Section: Secretary (2005 – 07), Exec. Comm. (2004, 2007)  
Section on Civil Rights: Executive Comm. (2007)  
Section on Torts and Compensation  
American Health Lawyers Association (AHLA)  
Reimbursement, Accreditation, and Payment Practice Group (2004 – 06)  
American Society of Law, Medicine & Ethics (ASLME)  
Public Health Law Association (PHLA)  
American Public Health Association (APHA)  
Association for Politics and the Life Sciences (2005 – 07)  
American Bar Association, Health Law Section  
Georgia Bar Association, Health Law Section, Affiliate Member  
Executive Committee (2015 – present)  
Kansas Bar Association, Health Law Section (2004 – 2011)  
State Bar of Texas (since Nov. 2000)