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Professional Experience

Northeastern University School of Law

Boston, Massachusetts

George J. and Kathleen Waters Matthews Distinguished University Professor 2003-Present
Director - Dual J.D./M.P.H. Program with Tufts University School of Medicine 2001 - Present
Distinguished Professor, Public Policy 1994 - 1995
Professor of Law, 1991 - Present
Associate Professor of Law, 1987 - 1991
Assistant Professor of Law, 1985 - 1987

Courses Taught: Health Law, Bioethics, Disability Law, Constitutional Law, Public Health Law,
Torts, Administrative Law, and Federal Courts.

Recipient - William J. Fitzgerald Service Award for Faculty, 1998

Selected Faculty Committees: Chair Appointments Committee 1990 - 1991; 1996 - 1997; 2000-2001,
2002-2003, 2008-2009
Chair Dean Search Committee 1998 - 1999
Chair Tenure and Promotions Committee 1993 - 1995
Chair Disability Commission 1997
Disability Ombudsperson 1997 - 2001

Tufts University School of Medicine

Boston, Massachusetts

Adjunct Clinical Professor, Department of Family and Community Medicine 2001- Present

Harvard School of Public Health

Boston, Massachusetts

Adjunct Professor, Health, Law & Policy 1993 - 1998

Hill & Barlow

Boston, Massachusetts

Associate Attorney 1983 - 1985

United States Court of Appeals for the First Circuit

Chief Judge Levin H. Campbell

Law Clerk 1982 - 1983

Education

HARVARD LAW SCHOOL, Cambridge, Massachusetts
J.D., *magna cum laude*, 1982

Editor, HARVARD LAW REVIEW

Executive Editor, HARVARD CIVIL RIGHTS - CIVIL LIBERTIES LAW REVIEW

Administrator and Instructor, Legal Methods Program

CORNELL UNIVERSITY, COLLEGE OF ARTS AND SCIENCES, Ithaca, New York
B.A., *summa cum laude* in Government, 1979

Books

POPULATIONS, PUBLIC HEALTH, AND THE LAW (Georgetown University Press, 2009).

ETHICAL HEALTH CARE with Patricia Illingworth (Prentice Hall, 2006).

Articles and Published Chapters

Beyond Privacy: A Population Approach to Reproductive Rights in SOCIAL ISSUES, WELFARE CONSEQUENCES, AND PUBLIC HEALTH LAW (Cambridge Univ. Press, forthcoming 2010).

Litigation Amidst Reform – The Boston Medical Center Case, 361 NEW ENGLAND J. MED. 1819 (2009).

Editorial – The Ethical Implications of the Social Determinants of Health: A Global Renaissance for Bioethics, 23 BIOETHICS ii (2009), with Patricia Illingworth.

Dangerous Perspectives: The Perils of Individualizing Public Health Problems, 30 JOURNAL OF LEGAL MEDICINE 83 (2009).

Pandemic Preparedness: A Return to the Rule of Law, 1 DREXEL L. REV. 341 (2009)(with Wendy K. Mariner and George J. Annas).

J.S. Mill and the American Law of Quarantine, 1 PUBLIC HEALTH ETHICS 210 (2008).

Stigma, Hysteria, and HIV, 38 HASTINGS CENTER REPORT 57 (2008)

Perspective: Isolation and Quarantine in the Case of Drug-Resistant Tuberculosis, 357 NEW ENGLAND JOURNAL OF MEDICINE 433 (2007).

Public Health and Constitutional Law: Recognizing the Relationship, 10 JOURNAL OF HEALTH CARE LAW AND POLICY 13 (2007).

Introduction: The Interdependency of Law and Public Health in LAW IN PUBLIC HEALTH PRACTICE xxxvii (Richard A. Goodman et al, eds., 2d ed. 2007).

Perspective: Law and Great Public Health Achievements in LAW IN PUBLIC HEALTH PRACTICE 3 (Richard A. Goodman et al, eds., 2d ed. 2007)(with Anthony Moulton et al).

Unprepared: Why Health Law Fails to Prepare Us for a Pandemic, 2 JOURNAL OF HEALTH & BIOMEDICAL LAW 157 (2006).

Pharmaceuticals, Public Health and the Law: A Public Health Perspective, in THE POWER OF THE PILL (J. Cohen and P. Illingworth eds. (2006).

A New Era of Unapproved Drugs: The Case of *Abigail Alliance v. Von Eschenbach*, 297 JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION 205 (2006) with Peter D. Jacobson.

Terri and Katrina: A Population-Based Perspective on the Constitutional Right to Reject Treatment, 15 TEMPLE POLITICAL & CIVIL RIGHTS L. REV. 395 (2006).

Free Speech and Public Health: A Population-Based Approach to the First Amendment, 39 LOYOLA UNIVERSITY LOS ANGELOS LAW REVIEW 363 (2006), with Jason A. Smith.

Individual Rights Versus the Public Health - 100 Years After *Jacobson v. Massachusetts*, 352 NEW ENGLAND JOURNAL OF MEDICINE 652 (2005) with Richard A. Goodman and Amy Farber.

Informed Consent and Public Health: Are They Compatible When It Comes to Vaccines, 8 JOURNAL OF HEALTH CARE & POLICY 71 (2005).

Public Health Protection and the Commerce Clause: Controlling Tobacco in the Internet Age, 35 NEW MEXICO LAW REVIEW 81 (2005) with Christopher Bantin.

Dunwoody Commentary—Liberalism, Communitarianism & Public Health: Comments on Lawrence O. Gostin’s Dunwoody Lecture, 55 FLORIDA LAW REVIEW 1221 (2003).

Public Health Literacy for Lawyers, 31 JOURNAL LAW, MEDICINE & ETHICS 701 (2003) (with Anthony Robbins).

Quarantine Redux: Bioterrorism, AIDS and the Curtailment of Individual Liberty in the Name of Public Health, 13 HEALTH MATRIX 85 (2003).

Health Law in OXFORD COMPANION TO AMERICAN LAW (Oxford Univ. Press 2003).

Introduction: The Interdependency of Law and Public Health in LAW IN PUBLIC HEALTH PRACTICE (R.A. Goodman ed. 2003).

The Impact of Law on Coronary Heart Disease: Some Preliminary Observations on the Relationship of Law to ‘Normalized’ Conditions, 30 JOURNAL OF LAW, MEDICINE & ETHICS 608 (2002).

After September 11: Rethinking Public Health Federalism, 30 JOURNAL OF LAW, MEDICINE & ETHICS 201 (2002).

The Role of Law in Improving Public Health, 23 JOURNAL OF PUBLIC HEALTH POLICY 201 (2002).

A Rightful Place for Public Health in American Law, 30 JOURNAL OF LAW, MEDICINE & ETHICS 302 (2002) with Anthony Robbins, MD.

The Imperial Sovereign: Sovereign Immunity and the ADA, 35 MICHIGAN JOURNAL OF LAW REFORM 1 (2001-2002) with Judith Olans Brown.

Implications of the Multistate Tobacco Settlement for Tobacco Control, 91 AMERICAN JOURNAL OF PUBLIC HEALTH 1967 (2001) with R. A. Daynard et al.

Positively Disabled: The Relationship Between the Definition of Disability and Rights Under the ADA, in AMERICANS WITH DISABILITIES: EXPLORING IMPLICATIONS OF THE LAW FOR INDIVIDUALS THE LAW FOR INDIVIDUALS AND INSTITUTIONS (Anita Silver, ed.)(2000) with Patricia Illingworth.

The New Public Health Litigation, ANNUAL REVIEW OF PUBLIC HEALTH 437 (2000) with Richard Daynard.

Individual Rights and Class Discrimination: The Fallacy of An Individualized Assessment of Disability, 9 TEMPLE POLITICAL & CIVIL RIGHTS LAW REVIEW 283 (2000).

Plain Meaning and Mitigating Measures: Judicial Interpretations of the Meaning of Disability, 21 BERKELEY J. EMPL. & LAB. L. 53 (2000), reprinted in BACKLASH AGAINST THE ADA: REINTERPRETING DISABILITY RIGHTS (L. Krieger ed., Michigan Univ. Press)(forthcoming 2002).

Tobacco, HIV and the Courtroom: The Role of Affirmative Litigation in the Formation of Public Health Policy, 36 HOUSTON L. REVIEW 101 (1999).

Stealth Preemption: The Proposed Tobacco Settlement and the Federalization of State Court Procedures,
44 VILLANOVA LAW REVIEW 1 (1999).

The Rugged Feminism of Sandra Day O'Connor,
32 IND. L. REV. 1219 (1999) with Judith Olans Brown and Mary O'Connell.

The Supreme Court Confronts HIV: Reflections on Bragdon v. Abbott, 26 JOURNAL OF LAW,
MEDICINE & ETHICS 225 (Fall 1998).

Accommodating Vulnerabilities to Environmental Tobacco Smoke: A Prism for Understanding the ADA,
12 JOURNAL OF LAW AND HEALTH 1 (1997-98) with Mark A. Gottlieb and Richard A. Daynard.

No Longer Disabled: The Legal Impact of the New Social Construction of HIV, 23 AMERICAN
AMERICAN JOURNAL OF LAW & MEDICINE 7 (1997), with Daniel J. Jackson.

From Slaughter-House to Lochner: The Rise and Fall of the Constitutionalization of Public Health,
40 AMERICAN J.L. HISTORY 476 (1996).

The Physician's Role in Helping Smoke-Sensitive Patients to Use the Americans with Disabilities Act to Secure
Smoke-Free Workplaces and Public Spaces, 276 JAMA 909 (1996) with R.A. Daynard and M.A. Gottlieb.

Legislating Privacy: The HIV Experience, 23 AMERICAN JOURNAL OF LAW, MEDICINE & ETHICS,
371 (Winter 1995).

The Americans With Disabilities Act (ADA): A New Tool for Health Care Advocates,
1 HCFA Legal Network News (Spring 1995).

ERISA's Effect on Quality and Access, 1 HCFA Legal Network News (Fall 1994).

Health and Education: A Tale of Two Crises,
22 JOURNAL OF LAW, MEDICINE AND ETHICS 53 (Spring 1994) with Peter Enrich.

Health Care and the Constitution: Public Health and the Role of the State in the Framing Era,
20 HASTINGS CONSTITUTIONAL L. QUARTERLY 267 (1993).

Regulation and Federalism: Legal Impediments to State Health Care Reform,
19 AMERICAN JOURNAL OF LAW & MEDICINE 121 (1993).

Title III: Reimagining the Public World, IMPLEMENTING THE AMERICANS WITH DISABILITIES ACT
(L. Gostin & H. Beyer, eds.) (1993).

The Impact of Health Insurance Reform on the Law Governing the Physician-Patient Relationship,
268 JAMA 3468 (1992).

The Supreme Court's Road to Serfdom: The Hidden Meaning of Rust v. Sullivan,
THE AMERICAN PROSPECT 94 (Spring 1992) with Mary O'Connell.

Discrimination and Disability: The Challenges of the ADA,
18 LAW, MEDICINE & HEALTH CARE 260 (1990).

An Antidiscrimination Law: Necessary But Not Sufficient,
in AIDS & THE HEALTH CARE SYSTEM (L. Gostin, ed.) (1990).

Legal Rights and Communicable Disease: AIDS, The Police Power and Individual Liberty,
14 JOURNAL OF HEALTH POLICY POLITICS & LAW 741 (1989).

The Police Power and AIDS: The Limits of Legal Precedent,

11 JOURNAL OF HEALTH AND HUMAN RESOURCES ADMINISTRATION 444 (1989).

The Failure of Gender Equality: An Essay in Constitutional Dissonance,

36 BUFFALO LAW REVIEW 573 (1987) with Judith Olans Brown and Phyllis Tropper Baumann.

AIDS and the Limits of the Anti-Discrimination Principle,

15 LAW, MEDICINE & HEALTH CARE 61 (1987).

AIDS and Quarantine: The Revival of an Archaic Doctrine,

14 HOFSTRA LAW REVIEW 53 (1985).

Note - Voting in Special Purpose Districts, The Supreme Court, 1980 Term,

95 HARVARD LAW REVIEW 181 (1981).

Note - Public Health Protection and the Privacy of Medical Records,

16 HARVARD CIVIL RIGHTS - CIVIL LIBERTIES LAW REVIEW 265 (1981).

Consumer Views of the Impact of Nurse Midwifery on Low Income Areas,

3 JOURNAL OF AMBULATORY CARE MANAGEMENT 67 (1980) with Jacqueline Wallen and Samuel P. Korper.

Selected Presentations

Public Health & Social Control: Implications for Human Rights, International Council for Human Rights Policy, London, July/Aug. 2009.

Public Health Law Update, Health Law Teacher's Conference, Case Western Reserve School of Law, June, 2009.

Training Lawyers to Expand Public Health Capacity: A Global Perspective, Public Health Law in India, Public Health Foundation of India, Hyderabad, August, 2008.

Dangerous Perspectives: The Perils of Individualizing Public Health Problems, Southern Illinois University School of Law, May, 2008.

Beyond Privacy: A Public Health Approach to Reproductive Rights, Widner University Law School, October, 2007.

Public Health and Emergency Preparedness: For What? Health Law Teachers Conference, Boston, June 2007.

A Right to Die and a Right to Public Health: The Relationship between Negative Individual Rights and Population Health, American Public Health Association Annual Meeting, Boston, November, 2006.

Unprepared: Why Health Law Leaves Us Unprepared for a Pandemic, Health Law Teachers Conference, Baltimore, June 2006.

Year in Review, Public Health and the Law in the 21st Century, Atlanta, June 2006.

Terri and Katrina: A Public Health Perspective on End of Life Jurisprudence, Philadelphia, 2005.

Jacobson v. Massachusetts and the Maturation of Public Health Law, Public Health and the Law in the 21st Century, Atlanta, 2005.

Jacobson v. Massachusetts: State Public Health Powers and the Constitution, Council of State and Territorial Epidemiologists, Albuquerque, 2005.

Beyond Consent Forms: A Health Law Primer, ART and the Law, Cambridge, 2004.

Federalism and Health Law, Annual Health Law Teacher's Conference, American Society of Law, Medicine & Ethics, Newark, 2004.

Public Health Literacy for All Attorneys, The Public's Health and the Law in the Twenty First Century, Centers for Disease Control and Prevention, Atlanta, 2004.

Issues of Consent and Standard of Care in the Administration of Vaccines in Response to a Bioterrorist Threat, Eliminating Legal, Regulatory, and Economic Barriers to Biodefense Vaccine, University of Maryland School of Law, Baltimore, 2004.

Bioterrorism Planning, Civil Liberties and Public Health, Public Health Emergencies: Legal Issues, Practical Solutions and Ethical Concerns, Massachusetts Medical Society, Waltham, December 2003.

Moderator: Public Health from Individuals to Populations, Rethinking Ideology and Strategy, Progressive Lawyering, Globalization and Markets, Northeastern University School of Law, Boston, November 2003).

Public Health Literacy for Lawyers, Annual Health Law Teacher's Conference, American Society of Law, Medicine, & Ethics, Wilmington, 2003.

Shifting Understandings of Disability: Law, Ethics and Public Health, University of Minnesota, February 2003.

Public Health Literacy for Lawyers, Law and Medicine Section Meeting, Annual Meeting of American Association of Law Schools, Washington, D.C., January, 2003.

The Neglect of Public Health in Constitutional Law Texts, Annual Meeting of American Public Health Association, Philadelphia, November 2002.

Issues State Courts Face When Considering Federal Preemption of State Court Procedures, Roscoe Pound Institute, Atlanta, July 2002.

Legal Preparedness for Bioterrorism, The Public's Health and Law in the 21st Century, Atlanta 2002.

Bioterrorism's Threat: Public Health v. Civil Liberties, Harvard Medical Ethics Forum, Cambridge, April 2002.

The Impact of Law on Coronary Heart Disease: Some Preliminary Observations and Questions About the Relationship of Law to Normalized Conditions, American Society of Law, Medicine & Ethics, 2001 Annual Meeting, September 2001.

Stagnant Sovereignty: The Fate of the Americans with Disabilities Act, University of Michigan Law School, November 2000.

Forsaken Trust: Pegram v. Herdrich, American Society of Law, Medicine & Ethics, Case Western Reserve Law School, June 2000.

Plain Meaning and Mitigating Measures: Judicial Interpretations of the Meaning of Disability, U.C. Berkeley, Boalt Hall, April 1999.

Workshop on Bragdon v. Abbott, Lavendar Law Conference, Boston, MA, October 1998.

The Road to Abbott, AIDS and the Law, Harvard Law School, Cambridge, MA, April 25, 1998.

Conflicts in Managed Care: Clinical, Ethical and Legal Issues, Baystate Health Systems, Springfield, MA, December 12, 1996.

AIDS and Its Impact on Health Law, 17th Annual Health Law Teachers Conference, American Society of Law, Medicine & Ethics, Widener University, Wilmington, Del., June 1996.

The ADA and Corporate Health Benefits, The Hastings Center, Briarcliff Manor, NY, November 27, 1995.

Antidiscrimination Law and the Ethics of Clinical Decisionmaking: The HIV Example, Annual Meeting of the American Public Health Assoc., San Diego, CA., November 1995.

Nondiscrimination Statutes and Medical Treatment, Annual Health Law Teachers Conference, American Society of Law, Medicine and Ethics, Chicago, Ill., June 1995.

Selected Briefs, Legislative Analyses and Reports

Public Health & Social Control: Implications for Human Rights, The International Council on Human Rights Policy)(forthcoming 2010).

Pandemic Preparedness: The Need for a Public Health – Not a Law Enforcement/National Security Approach, American Civil Liberties Union, January 2008 (with George J. Annas and Wendy K. Mariner).

Brief for Respondent, Sidney Abbott, Bragdon v. Abbott, 524 U.S. 624, 118 S.Ct. 2196 (1998), Abbott v. Bragdon, ___ F.3d ___, No 96-1643 (1st Cir. 1998), (with Bennett Klein).

An Analysis of Selected Provisions of the McCain Committee Bill (S. 1415rs), Working Paper #8 in a Series on Legal Issues in the Proposed Tobacco Settlement, Tobacco Control Resources Center, May 11, 1998 (with Richard A. Daynard et. al).

Judicial Federalism and S. 1530, Working Paper #5 in a Series on Legal Issues in the Proposed Tobacco Settlement, Tobacco Control Resources Center, February 17, 1998.

Judicial Federalism and the Proposed Tobacco Settlement, Working Paper #3 in a Series on Legal Issues in the Proposed Tobacco Settlement, Tobacco Control Resources Center, August 6, 1997.

Book Reviews

Review of Peter Baldwin, DISEASE AND DEMOCRACY: THE INDUSTRIALIZED WORLD FACES AIDS, JOURNAL OF INTERDISCIPLINARY HISTORY (2007).

Review of Martha A. Derthick, UP IN SMOKE: FROM LEGISLATION TO LITIGATION IN TOBACCO POLITICS and Robert Rabin and Stephen D. Sugarman (eds.), REGULATING TOBACCO, 31 JOURNAL OF HEALTH POLITICS, POLICY AND LAW 385 (2006).

Review of N. Shah, CONTAGIOUS DIVIDES: EPIDEMICS AND RACE IN SAN FRANCISCO'S CHINATOWN, 29 JOURNAL OF HEALTH POLITICS, POLICY & LAW 326 (2004).

Review of L. Gostin, PUBLIC HEALTH LAW: POWER, DUTY AND RESTRAINT, 24 JOURNAL OF PUBLIC HEALTH POLICY 460 (2003).

Review of L. Gostin & Z. Lazzarini, HUMAN RIGHTS AND PUBLIC HEALTH IN THE AIDS PANDEMIC, 23 JOURNAL OF HEALTH POLITICS, POLICY AND LAW 1005 (1998).

Review of L. Garrett, THE COMING PLAGUE: NEWLY EMERGING DISEASES IN A WORLD OUT OF BALANCE, 23 AMERICAN JOURNAL OF LAW, MEDICINE & ETHICS 288 (Fall, 1995).

Review of J. West (ed), THE AMERICANS WITH DISABILITIES ACT: FROM POLICY TO PRACTICE, 17 JOURNAL OF HEALTH POLITICS, POLICY & LAW 583 (1992).

Review of W.F. Banta, AIDS in the Workplace: Legal Questions and Practical Answers, 39 INTERNATIONAL DIGEST OF HEALTH LEGISLATION, 969 (1988).

Guest Book Review - (reviewing three books on AIDS and the law),
12 AMERICAN JOURNAL OF LAW & MEDICINE 503 (1986)

Selected Community Service, Professional Boards and Advisory Committees

Co-Counsel in *Bragdon v. Abbott*, 524 U.S. 624, 118 S.Ct. 2196, and *Abbott v. Bragdon*, 163 F.3d. 87, No. 96-1643 (1st Cir. 1998).

Counsel of Record, *Health Law Advocates et. al. Amici Curiae, Pegram v. Herdrich*, 530 U.S. 211 (2000).

Board of Directors, Health Law Advocates.

Board of Directors, Health Care for All.

Public Health Law Association, Executive Committee.

Fellow, American Bar Foundation

Special Counsel, AIDS Coordinating Committee, American Bar Association

Commissioner, American Bar Association Commission of Mental & Physical Disability Law, 2005-2008.

National Advisory Committee, Robert Wood Johnson Foundation, Public Health Law Research.

Bar Admissions

United States Supreme Court

Supreme Judicial Court, Commonwealth of Massachusetts

U.S. Court of Appeals for the First Circuit.

U.S. District Court for the District of Massachusetts