

SHARONA HOFFMAN

Case Western Reserve University School of Law
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LAW SCHOOL FACULTY POSITIONS

- 1999-Present **Case Western Reserve University School of Law**, Cleveland, OH
Edgar A. Hahn Professor of Law
Assistant Professor 1999-2003, Associate Professor 2003-2005, Professor 2005-present
Associate Dean for Academic Affairs, 2006-2007; Senior Associate Dean 2007-2009
Co-Director, Law-Medicine Center 2006-present, Associate Director 2005-06
Secondary appointment: Professor of Bioethics, School of Medicine
Courses: Civil Procedure; Employment Discrimination; Health Care and Human Rights Seminar; Religion, Ethics, and Law Seminar, Health Matrix Notes Seminar, Perspectives on Law and Biomedicine
- 2011 **Professor, Summer Institute for Global Justice**, University of Utrecht, the Netherlands
Course: "Health Care and Human Rights," July 2011
- 2003 **Senior Fellow: University of Melbourne**, Melbourne, Australia
Course: "Health Care and Human Rights," July 2003

EDUCATION

Wellesley College

B.A. with Honors in English Literature, *magna cum laude*, 1985
Phi Beta Kappa
Wellesley College Trustee Scholarship
Margaret Freeman Bowers Fellowship
Youngren Award in Critical Reading

Harvard Law School

J.D., *Cum Laude*, 1988

University of Houston Law Center

LL.M. in Health Law, 1999
American Association of University Women Career Development Grant, 1998-99
Winner of 1999 Epstein, Becker & Green Health Law Writing Competition

Case Western Reserve University School of Law

S.J.D. in Health Law, 2017

SIGNIFICANT PROFESSIONAL APPOINTMENTS

Centers for Disease Control and Prevention (CDC), Atlanta, GA

January–April 2007: Guest Researcher at Public Health Law Program

January–April 2014: Distinguished Scholar in Residence at Center for Surveillance, Epidemiology & Laboratory Services

Emory University School of Law

January-April 2014: Visiting Scholar

Committee Member: Institute of Medicine

Served on the Committee on Research Priorities in Emergency Preparedness and Response for the Public Health System. The Committee was responsible for identifying short-term (3-5 year) research priorities for public health schools, designed to improve public health emergency preparedness (2007).

Member: Board of Scientific Counselors for CDC Office of Public Health Preparedness and Response

Appointed by Secretary of Health and Human Services Michael Leavitt for the term 2008-2012

ADDITIONAL EMPLOYMENT EXPERIENCE

1992-98 **Senior Trial Attorney: Equal Employment Opportunity Commission**, Houston, TX

1989-92 **Associate: O'Melveny & Myers**, Los Angeles, CA

1988-89 **Judicial Law Clerk: Chief Judge Douglas W. Hillman**, United States District Court for the Western District of Michigan, Grand Rapids, Michigan

AWARDS AND RECOGNITION

2017 Elected to membership in the American Law Institute

2016 Celebrating Women INSPIRE Award (awarded by McGregor, Cleveland)

2016 Case Western Reserve University School of Law Distinguished Research Award

2016 invited to White House to participate in Precision Medicine Initiative Summit

2015 Elected to Society of Benchers (Case Western Reserve University School of Law honor society)

2014 Distinguished Teacher Award (selected by Law Alumni Association)

2013 Scholar in Residence Fellowship awarded by the Robert Wood Johnson Foundation to work with the Oregon Health Authority on regulation of in-home care agencies

2013 ACES Advance Opportunity Grant awarded by Case Western Reserve University to support research for book project

2005 & 2013 Case Western Reserve University Spotlight Series Prize for Women's Scholarship

2011 & 2012: Selected as Teacher of the Year by the first year class

2004 Recipient of grant to participate in the Case Learning Fellows Program, Case Western Reserve University

2002 Recipient of National Endowment for Humanities grant to participate in summer seminar on "Justice, Equality, and the Challenge of Disability"

2000-2001 Case Western Reserve University Glennan Fellowship

BOOKS

AGING WITH A PLAN: HOW A LITTLE THOUGHT TODAY CAN VASTLY IMPROVE YOUR TOMORROW, Praeger (2015).

ELECTRONIC HEALTH RECORDS AND MEDICAL BIG DATA: LAW AND POLICY, Cambridge University Press (2016).

PRIMARY SCHOLARLY ARTICLES

"Healing the Healers: Legal Remedies for Physician Burnout," *Yale Journal of Health Policy, Law, and Ethics* (forthcoming 2019).

"Big Data Analytics: What Can Go Wrong," 15 *Indiana Health Law Review* 227 (2018) (invited piece)

"Step Therapy: Legal, Ethical, and Policy Implications of a Cost-Cutting Measure," 73 *Food and Drug Law Journal* 38 (peer-reviewed) (2018).

"The Perplexities of Age and Power," 25 *The Elder Law Journal* 327 (2018)

"Your Money or Your Patient's Life? Ransomware and Electronic Health Records" 167 *Annals of Internal Medicine* 587 (2017) (with Glenn Cohen and Eli Adashi).

"Big Data and the Americans with Disabilities Act," 68 *Hastings Law Journal* 777 (2017)

"The Promise and Perils of Open Medical Data," 46 *Hastings Center Report* 6 (2016)

"Citizen Science: The Law and Ethics of Public Access to Medical Big Data," 30 *Berkeley Technology Law Journal* 1741 (2016)

"Improving Regulatory Enforcement in the Face of Inadequate Resources," 43 *Journal of Law, Medicine, and Ethics* 33 (Supp. no. 2, 2015)

“Medical Big Data and Big Data Quality Problems,” 21 *Connecticut Insurance Law Journal* 289 (2015) (invited symposium piece)

“The Use and Misuse of Biomedical Data: Is Bigger Really Better?” 39 *American Journal of Law & Medicine* 497 (2013) (with Andy Podgurski)

“Big Bad Data: Law, Public Health, and Biomedical Databases,” 41 *Journal of Law, Medicine, and Ethics* 56 (Supp. 2013) (with Andy Podgurski)

“The Drugs Stop Here: A Public Health Framework to Address the Drug Shortage Crisis,” 67 *Food & Drug Law Journal* 1 (peer-reviewed) (2012).

“Drug-Drug Interaction Alerts: Emphasizing the Evidence,” 5 *St. Louis University Journal of Health Law & Policy* 297 (invited piece) (2012) (with Andy Podgurski)

“Balancing Privacy, Autonomy, and Scientific Needs in Electronic Health Records Research,” 65 *SMU Law Review* 85 (2012) (with Andy Podgurski)

“Improving Health Care Outcomes through Personalized Comparisons of Treatment Effectiveness Based on Electronic Health Records,” 39 *Journal of Law, Medicine, and Ethics* 425 (2011) (with Andy Podgurski)

“Meaningful Use and Certification of Health Information Technology: What about Safety?” 39 *Journal of Law, Medicine, and Ethics* 77 (2011) (with Andy Podgurski)

“The Importance of Immutability in Employment Discrimination Law,” 52 *William & Mary Law Review* 1483 (2011)

”Employing E-Health: The Impact of Electronic Health Records on the Workplace,” 19 *Kansas J. Law & Public Policy* 409 (2010) (invited symposium piece)

“E-Health Hazards: Provider Liability and Electronic Health Record Systems,” 24 *Berkeley Technology Law Journal* 1523 (2009) (with Andy Podgurski); reprinted in 1 *Electronic Healthcare Law Review*, issues 1 & 2 (October and December 2011)

“Preparing for Disaster: Protecting the Most Vulnerable in Emergencies,” 42 *UC Davis Law Review* 1491 (2009)

“Finding a Cure: The Case for Regulation and Oversight of Electronic Health Record Systems,” 22 *Harvard Journal of Law & Technology* 103 (2008) (with Andy Podgurski). Reprinted in 9 *Telehealth Law* 53 (June 2009).

“Responders’ Responsibility: Liability and Immunity in Public Health Emergencies,” 96 *Georgetown Law Journal* 1913 (2008)

“Settling the Matter: Does Title I of the ADA Work?” 59 *Alabama Law Review* 305 (2008)

“Securing the HIPAA Security Rule,” 10 *Journal of Internet Law* 1 (February 2007) (with Andy Podgurski)

“In Sickness, Health, and Cyberspace: Protecting the Security of Electronic Private Health Information,” 48 *Boston College Law Review* 331 (2007) (with Andy Podgurski). Reprinted in part in JANET L. DOLGIN & LOIS L. SHEPHERD, *BIOETHICS AND THE LAW* (4th ed. 2019).

“‘Racially-Tailored’ Medicine Unraveled” 55 *American University Law Review* 395 (2005)

“The Suitability of IRB Liability,” 67 *University of Pittsburgh Law Review* 365 (2005) (with Jessica Wilen Berg)

“Is There A Place for Race As A Legal Concept?” 36 *Arizona State University Law Journal* 1093 (2004) (lead article)

“Birth After Death: Perpetuities & The New Reproductive Technologies,” 38 *Georgia Law Review* 575 (2004) (with Andrew P. Morriss)

“Corrective Justice and Title I of the ADA,” 52 *American University Law Review* 1213 (2003)

“Unmanaged Care: Towards Moral Fairness in Health Care Coverage,” 78 *Indiana Law Journal* 659 (2003)

“AIDS Caps, Contraceptive Coverage, and the Law: An Analysis of the Federal Anti-Discrimination Statutes’ Applicability to Health Insurance,” 23 *Cardozo Law Review* 1315 (2002)

“Continued Concern: Human Subject Protection, the IRB, and Continuing Review,” 68 *Tennessee Law Review* 725 (2001) (lead article)

“Preplacement Examinations and Job-Relatedness: How to Enhance Privacy and Diminish Discrimination in the Workplace,” 49 *Kansas Law Review* 517 (2001)

“The Use of Placebos in Clinical Trials: Responsible Research or Unethical Practice?” 33 *Connecticut Law Review* 449 (2001)

“Beneficial and Unusual Punishment: An Argument in Support of Prisoner Participation in Clinical Trials,” 33 *Indiana Law Review* 475 (2000)

“A Proposal for Federal Legislation to Address Health Insurance Coverage for Experimental and Investigational Treatments,” 78 *Oregon Law Review* 203 (1999)

“Genetic Testing, Genetic Medicine, and Managed Care,” 34 *Wake Forest Law Review* 849 (1999) (with Mark A. Rothstein)

“Pre-Employment Examinations and the Americans with Disabilities Act: How Best to Avoid Liability under Federal Law,” 8 *Journal of Occupational Rehabilitation* 255 (1998) (with Glenn Pransky)

“First, Do No Harm: Why Doctors Are Not Omnipotent Under the Americans with Disabilities Act,” 14 *Hofstra Labor Law Journal* 151 (1996)

“Mandatory Arbitration: Alternative Dispute Resolution or Coercive Dispute Suppression?” 17 *Berkeley Journal of Employment and Labor Law* 131 (1996)

“The After-Acquired Evidence Rule: The Best of All Possible Worlds?” 22 *Employee Relations Law Journal* 79 (1996)

“Criminal Sanctions in Accidental Oil Spill Cases - Punishment without A Crime,” 71 *Nebraska Law Review* 1033 (1992). Reprinted in 2 *Environmental Law Anthology* (1992-1993)

BOOK CHAPTERS

“Privacy and Integrity of Medical Records,” in OXFORD HANDBOOK ON COMPARATIVE HEALTH LAW (Oxford University Press, forthcoming 2019)

“Personal Health Records as a Tool for Transparency in Health Care” in TRANSPARENCY IN HEALTH AND HEALTH CARE IN THE UNITED STATES: LAW AND ETHICS (Cambridge University Press, forthcoming 2018)

“Big Data’s New Discrimination Threats: Amending the Americans with Disabilities Act to Cover Discrimination Based on Data-Driven Predictions of Future Disease,” in BIG DATA, HEALTH LAW, AND BIOETHICS (Cambridge University Press 2018)

“Privacy and Security,” OXFORD HANDBOOK OF AMERICAN HEALTH LAW (Oxford University Press 2016).

“Electronic Health Information Security and Privacy,” HARBORING DATA: INFORMATION SECURITY, LAW AND THE CORPORATION, (Andrea M. Matwyshyn ed., Stanford University Press 2009) (with Andy Podgurski)

“Health Care in the United States: A Matter of Right or Privilege?” HEALTH CAPITAL AND SUSTAINABLE SOCIOECONOMIC DEVELOPMENT (Taylor & Francis 2008)

OTHER

“[Artificial Intelligence and Predictive Data: The Need for A New Anti-Discrimination Mandate](#),” Balkinization (A Yale Law School blog), November 1, 2018

“[Drug Shortages Pose a Public Health Crisis in the US](#),” *The Conversation*, June 18, 2018

“[5 Questions to Ask Your Aging Parent’s Doctor](#),” *The Conversation*, February 20, 2018

“[CVS merger with Aetna: Health care cure or curse?](#)” *The Conversation*, December 6, 2017

“[Our Laws Don’t Do Enough to Protect Our Health Data](#),” *The Conversation*, October 22, 2017

“[Why Medicaid Matters to You](#),” *The Conversation*, August 9, 2017.

“[The Americans with Disabilities Act and Discrimination Based on Predictive Health Data](#)” *Bill of Health*, March 20, 2017

“How to be Your Own Medical Advocate,” *C L Magazine*, January 27, 2017

“[Faith in an Unconventional Approach to Find Care](#),” *The Caregiver’s Voice*, January 25, 2016,

“Lifting the Taboo on End of Life Conversations,” *The Jewish Advocate*, December 25, 2015.

[“How to Become A Member of Your Own Medical Team,”](#) *Healthy Aging*, August 6, 2015, at

[“Why Your Parents' Finances Are Your Business,”](#) *AgingCare.com*, July 25, 2015, at

Introduction to symposium issue on Health Data Security Systems, 12 *Houston Journal of Health Law & Policy* 87 (2012)

“Electronic Health Records and Research: Privacy vs. Scientific Priorities,” 10 *The American Journal of Bioethics* 19 (2010)

“Breach Notification and the Law,” 21 *Journal of Clinical Ethics* 42 (2010)

“Measure for Measure: The Government’s Response to H1N1 and Remaining Liability Issues,” *LexisNexis Emerging Issues Analysis* (November 2009)

[“Why Electronic Health Record Systems Require Safety Regulation,”](#) *Bioethics Forum*, (3/20/09) (with Andy Podgurski)

“Law, Liability, and Public Health Emergencies” 3 *Disaster Medicine and Public Health Preparedness* 117 (2009) (with Richard Goodman and Daniel Stier)

“Title I of the ADA: What We Know and Don’t Know About Its Impact in the Workplace,” 33 *Administrative Law News* (Summer 2008)

Letter to the Editor, 38 *The Hastings Center Report* 8 (Jan-Feb 2008) (discussing the HIPAA Privacy Rule)

“Assessing Competencies for Public Health Emergency Legal Preparedness,” special supplement to 36:1 *Journal Law Medicine & Ethics* 28 (2008) (with others).

“Addressing Privacy Concerns Through the Health Insurance Portability and Accountability Act Privacy Rule,” 7 *American Journal of Bioethics* 48 (March 2007)

“Review of Sofia Gruskin, Michael A. Grodin, George J. Annas, and Stephen P. Marks (eds.), *Perspectives on Health and Human Rights*,” 7 *American Journal of Bioethics* 90 (March-April 2007)

“Health Insecurity: The Vulnerability of Electronic Personal Health Information,” 32 *Administrative Law & Regulatory News* 7 (Spring 2007) (with Andy Podgurski)

“Unmanaged Care: Should there be a Right to Health Care in the United States?” 15 *Legal Medicine Perspectives* 35, May/June 2006

“Protect intent of donor,” opinion piece, *The National Law Journal*, September 6, 2004, reprinted in the *New Jersey Law Journal*, September 13, 2004

“New Reproductive Technologies and the Inheritance Rights of Unborn Children,” 31 *The Journal of Law, Medicine & Ethics* 721 (2003) (with Andrew P. Morriss)

“Intrinsic Conflicts of Interest in Clinical Research,” 13 *Kennedy Institute of Ethics Journal* 83 (2003) (with others)

“Regulating Clinical Research: Informed Consent, Privacy, and IRBs,” 31 *Capital University Law Review* 71 (2003) (solicited symposium piece)

“Actuarial Fairness vs. Moral Fairness in Health Insurance,” *Law and Bioethics Report*, published by the Institute for Bioethics, Health Policy and Law of the University of Louisville, June 2002

“Legislation and Genetic Discrimination,” 16 *Journal of Law and Health* 47 (2001-2002)

“ADA Obligations of Employers,” 42 *South Texas Law Review* 59 (2000) (solicited symposium piece).

“DNA Databanks,” *Encyclopedia of Ethical, Legal, and Policy Issues in Biotechnology* 413, eds. Maxwell J. Mehlman & Thomas H. Murray (John Wiley & Sons 2000) (with Paul Giannelli and Wendy Wagner)

“Prisoner Participation in Biomedical Research,” *Health Law News*, June 2000, at 7

“AIDS: Insurance Coverage and the Americans with Disabilities Act,” *The Houston Lawyer*, July/August 1994, at 27, (with Guy Kidd)

“Employer-Mandated Dispute Resolution: Taking a Stand on Coercive Policies,” *Inside Employee Rights Litigation*, November 1996, at 4

RECENT REPRESENTATIVE SPEAKING ENGAGEMENTS

“Artificial Intelligence and Predictive Data: The Need for a New Anti-Discrimination Mandate,” The Law & Policy of AI, Robotics & Telemedicine in Health Care, Yale Law School, Nov. 2, 2018

“Electronic Health Records and Medical Big Data: Law and Policy,”

- CWRU Law Downtown City Club of Cleveland, Sept. 12, 2018
- St. Louis Area Health Lawyers Association, April 13, 2018

“Step Therapy: Legal, Ethical, and Policy Implications of a Cost-Cutting Measure,” Health Law Professors Conference, Cleveland, Ohio, June 8, 2018

“E-Health Hazards: Provider Liability and Electronic Health Record Systems,” Academy of Medicine of Brooklyn, New York HIT Symposium, April 28, 2018 (keynote speaker)

“Big Data and the Americans with Disabilities Act,”

- Boston University School of Law Annual Pike Lecture, Boston, March 19, 2018
- University of Pennsylvania Law School Faculty Workshop, April 26, 2018
- Harvard Law School, Big Data, Health Law and Bioethics conference, May 6, 2016

Panelist, Physician Aid in Dying debate at Ohio State University College of Medicine, Columbus, Ohio, November 13, 2017

“The HIPAA Security Rule: Strengths and Vulnerabilities,” U.S. Dept. of Health and Human Services “Data Privacy in the Digital Age” conference, Washington, DC, October 26, 2017

“Big Data Analytics – What Can Go Wrong?” Indiana University Robert H. McKinney School of Law “All Data is Health Data” conference, Indianapolis, October 20, 2017

“Aging with a Plan: How a Little Thought Today Can Vastly Improve Your Tomorrow,”
Over 60 book talks at venues in Northeast Ohio, Lansing (Michigan), New York City, and Boston

“Personal Health Records as a Tool for Transparency in Health Care,” Harvard Law School, Transparency in Health and Health Care: Legal and Ethical Possibilities and Limits Conference, Cambridge MA, April 28, 2017

“Electronic Health Records and Medical Big Data: Privacy and Autonomy,” Cleveland State University Cleveland-Marshall College of Law, April 17, 2017

Panelist, “Law, Medicine, and the Right to Decide,” Jewish Law Symposium, Whippany, New Jersey, September 26, 2016

“Driving While Elderly,” Health Law Professors Conference, Boston, MA, June 4, 2016

“Thinking Ahead: Helping Patients Express Their Preferences for Medical Care,” Cleveland Clinic Bioethics Grand Rounds, Cleveland, OH, May 9, 2016

“Citizen Science: The Law and Ethics of Public Access to Medical Big Data,”

- 19th Annual BCLT/BTLJ Symposium at U.C. Berkeley, Berkeley, CA, April 17, 2015
- Ohio State University Moritz College of Law, Columbus, Ohio, April 24, 2015
- Health Law Professors Conference, St. Louis, Missouri, June 6, 2015

“Prevention Strategies for the Unbefriended Elderly Problem,” Association of American Law Schools annual conference, Washington, D.C., January 3, 2015

NATIONAL AND COMMUNITY SERVICE

Peer reviewer for academic journals including *Health Affairs*, *Yale Law Journal*, *Archives of Internal Medicine*, *The Journal of Law, Medicine & Ethics*, *Applied Clinical Informatics*, *Science*, *American Journal of Bioethics*, *Yale Journal of Health Policy, Law, and Ethics*, and others.

Guest blogger, *Faculty Lounge*, February-March 2011; *HealthLawProf blog*, February 2014.

Member, Board of Directors, Public Health Law Association, 2009-2012

Chair, ad hoc workgroup to review fiscal allocation process for CDC Coordinating Office for Terrorism Preparedness and Emergency Response, February 25-27, 2009.

Peer reviewer of grant proposals, for CDC program entitled: “Preparedness and Emergency Response Research Centers: A Public Health Systems Approach,” July 7-9, 2008.

Member, Special Emphasis Panel to review Medical Liability and Safety Innovation grant applications, Agency for Healthcare Research and Quality (AHRQ), April 1-2, 2010

Health Law Scholars Selection Committee, 2002 - present

Association of American Law Schools,

Executive committee Member, Employment Discrimination Section, 2003-2006

American Society for Bioethics and Humanities, Member – 2002-2008
Employment and Recruitment Task Force – 2004-2005
Anti-Defamation League, Board Member, 1996-2006; Regional Vice Chair, 2002-2005
Cleveland Hillel Foundation, Trustee, 2001-2004; Executive Committee Member, 2002-2003
American Bar Association, Member - 1999-present
American Society of Law, Medicine & Ethics, Member - 1999-present
Houston Bar Association
Labor and Employment Law Section
Council Member - 1995-98
Treasurer - 1996-97
Secretary - 1997-98
Editorial Board, *Inside Employee Rights Litigation*, 1996-98
A.A. White American Inn of Court, University of Houston, Barrister Member, 1997-98
University of Texas Health Science Center Committee for Protection of Human Subjects, 1998-99

UNIVERSITY SERVICE

Member of search committee for Faculty Diversity Officer, 2015
Member of search committee for Vice President of Research, 2014
Deans' Council Member, 2006-2009
University-wide Women's Faculty Committee, 2003-2006, Chair, 2004-2006
UCITE Advisory Committee, 2004-2012
MetroHealth Institutional Review Board, member, 2000-2006
University Hospitals Ethics Committee, member, 2003-present

LAW SCHOOL SERVICE

Curriculum Committee, *Chair*, 2018-present
Promotion and Tenure Committee, 2014-present; *Chair* 2015-2017
Appointments Committee, 2000-2001, 2009-present; *Chair* 2011-2014
Faculty Advisor to Health Matrix: Journal of Law Medicine, 2003-04, 2007-present
Curriculum Committee, 2006-2009
Honor Code Revision Committee, 2007-08
Graduate & Foreign Legal Studies Committee, 2007-08
Chair, Dean Search Committee, 2005-06
Building Committee, 2003-2004, 2004-05
Library & Computers Committee, 2003-04, 2004-05
Rankings Advisory Committee, 2003-2004
Guest Editor, Health Matrix, Volume 11, Issue 2.
Admissions Committee, 2001-2003
Law School Community Committee, 1999-2000, 2002-2003

BAR ADMISSIONS

State Bar of California – 1988 (inactive)
District of Columbia - 1990
U. S. Court of Appeals - Ninth Circuit - 1990
U. S. District Court - Southern District of Texas - 1992
U.S. District Court - Central District of California -1989