

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, 2012 - present
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 Law; Health Care and Human Rights; 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

National Institutes of Health, Bethesda, MD

January-April 2022: Visiting Scholar, Bioethics Department

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

- 2024, 2019, 2012, & 2011, Voted Teacher of the Year by the Case Western Reserve University (CWRU) School of Law first-year class
- 2023 CWRU School of Law Distinguished Research Award
- 2021 CWRU Faculty Distinguished Research Award
- 9th most-cited health law scholar in U.S. during 2016-2020, *Brian Leiter's Law School Reports*
- 2020 Northeast Ohio Scholars Strategy Network *Amplify & Apply Grant Program* mini grant
- 2020 Selected for Nebraska Governance and Technology Center's Summer Grant Program
- 2020 Jessica Melton Perry Award for Distinguished Teaching in Disciplinary and Professional Writing (awarded by CWRU)
- 2018 N. Neal Pike Award, Boston University School of Law
- 2017 Elected to membership in the American Law Institute
- 2016 Celebrating Women INSPIRE Award (awarded by McGregor, Cleveland)
- 2016 CWRU School of Law Distinguished Research Award

- 2016 invited to White House to participate in Precision Medicine Initiative Summit
- 2015 Elected to Society of Benchers (CWRU School of Law honor society)
- 2014 Distinguished Teacher Award (selected by CWRU 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 CWRU to support research for book project
- 2005 & 2013 CWRU Spotlight Series Prize for Women’s Scholarship
- 2004 Recipient of grant to participate in the Case Learning Fellows Program, CWRU
- 2002 Recipient of National Endowment for Humanities grant to participate in summer seminar on “Justice, Equality, and the Challenge of Disability”
- 2000-2001 CWRU Glennan Fellowship

BOOKS

AGING WITH A PLAN: HOW A LITTLE THOUGHT TODAY CAN VASTLY IMPROVE YOUR TOMORROW, Second Edition, First Hill Books (2022).

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). To be translated into Chinese in 2024.

PRIMARY SCHOLARLY ARTICLES

“Employers and the Privatization of Public Health,” 65:7 *Boston College Law Review* (forthcoming 2024).

“Patient Autonomy, Public Safety, and Drivers with Cognitive Decline,” 15 *UC Irvine Law Review* (forthcoming 2025) (first author with Cassandra Robertson)

“The Patient’s Voice: Legal Implications of Patient-Reported Outcome Measures,” 22 *Yale Journal of Health Policy, Law, and Ethics* 1-59 (2023) (first author with Andy Podgurski)

“Privacy and Security – Protecting Patients’ Health Information,” 387 *New England Journal of Medicine* 1913-16 (2022)

“Interoperability in the Post-Roe Era: Sustaining Progress While Protecting Reproductive Health Information,” 328 *JAMA* 1703-04 (2022) (second author with Daniel Walker and Julia Adler-Milstein)

“Physicians and Cognitive Decline: A Challenge for State Medical Boards,” 108 *Journal of Medical Regulation* 19-28 (2022) (peer reviewed)

“Sharing Clinical Notes: Potential Medical-Legal Benefits and Risks,” 327 *JAMA* 717-718 (2022) (third

author with Charlotte Blease and I. Glenn Cohen)

“Cognitive Decline and the Workplace,” 57 *Wake Forest Law Review* 115- 72 (2022)

“Professional Speech at Scale,” 55 *UC Davis Law Review* 2063-2132 (2022) (second author with Cassandra Burke Robertson)

“Covid-19 Vaccine Injuries — Preventing Inequities in Compensation,” 384 *New England Journal of Medicine* e34-36 (March 11, 2021) (third author with Katharine Van Tassel and Carmel Shachar)

“The Emerging Hazard of AI-Related Health Care Discrimination,” 51 *The Hastings Center Report* 8-9 (2021)

“Artificial Intelligence and Discrimination in Health Care,” 19 *Yale Journal of Health Policy, Law, and Ethics* 1-49 (2020) (first author with Andy Podgurski).

“Specialty Drugs and the Health Care Cost Crisis,” 55 *Wake Forest Law Review* 55-88 (2020) (first author with Isaac D. Buck)

“Physician Burnout Calls for Legal Intervention,” 49 *The Hastings Center Report* 8-9 (Dec. 2019)

“What Genetic Testing Teaches about Predictive Health Analytics Regulation,” 98 *North Carolina Law Review* 123-63 (2019)

“Portable Medical Order Sets (POLST): Ethical and Legal Landscape,” 15 *National Academy of Elder Law Attorneys Journal* 1-11 (2019)

Cited in 4 ARK. PROBATE & ESTATE ADMIN. § 2:28

“Healing the Healers: Legal Remedies for Physician Burnout,” 18 *Yale Journal of Health Policy, Law, and Ethics* 56-113 (2019)

Cited in Code of Federal Regulations as resource for 42 C.F.R. §§ 414.1305, 414.1310, 414.1325, 414.1380, 414.1405, 414.1415, 495.20, 495.22, 495.60, and 495.310

“Big Data Analytics: What Can Go Wrong,” 15 *Indiana Health Law Review* 227-46 (2018) (invited piece). Also appears in Chinese in first issue of *Journal of Interdisciplinary Studies*.

“Step Therapy: Legal, Ethical, and Policy Implications of a Cost-Cutting Measure,” 73 *Food and Drug Law Journal* 38-65 (2018)

“The Perplexities of Age and Power,” 25 *The Elder Law Journal* 327-75 (2018)

Cited as resource in ILL. REV. STAT. ch. 210 § 91/1, 91/10 & 91/25

“Your Money or Your Patient’s Life? Ransomware and Electronic Health Records” 167 *Annals of Internal Medicine* 587-88 (2017) (second author with Glenn Cohen and Eli Adashi).

- “Big Data and the Americans with Disabilities Act,” 68 *Hastings Law Journal* 777-93 (2017)
- “The Promise and Perils of Open Medical Data,” 46 *Hastings Center Report* 6-7 (2016)
- “Citizen Science: The Law and Ethics of Public Access to Medical Big Data,” 30 *Berkeley Technology Law Journal* 1741-1805 (2016)
Cited as resource in CAL. CIV. PROC. CODE §§ 425.16 and 425.17
- “Improving Regulatory Enforcement in the Face of Inadequate Resources,” 43 *Journal of Law, Medicine, and Ethics* 33-44 (Supp. no. 2, 2015)
- “Medical Big Data and Big Data Quality Problems,” 21 *Connecticut Insurance Law Journal* 289-316 (2015) (invited symposium piece)
Cited in Code of Federal Regulations as resource for 42 C.F.R. § 495.370
- “The Use and Misuse of Biomedical Data: Is Bigger Really Better?” 39 *American Journal of Law & Medicine* 497-538 (2013) (first author with Andy Podgurski)
- “Big Bad Data: Law, Public Health, and Biomedical Databases,” 41 *Journal of Law, Medicine, and Ethics* 56-60 (Supp. 2013) (first author with Andy Podgurski)
- “The Drugs Stop Here: A Public Health Framework to Address the Drug Shortage Crisis,” 67 *Food & Drug Law Journal* 1-21 (2012).
- “Drug-Drug Interaction Alerts: Emphasizing the Evidence,” 5 *St. Louis University Journal of Health Law & Policy* 297-309 (invited piece) (2012) (first author with Andy Podgurski)
- “Balancing Privacy, Autonomy, and Scientific Needs in Electronic Health Records Research,” 65 *SMU Law Review* 85-144 (2012) (first author 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* 425-36 (2011) (first author with Andy Podgurski)
- “Meaningful Use and Certification of Health Information Technology: What about Safety?” 39 *Journal of Law, Medicine, and Ethics* 77-80 (2011) (first author with Andy Podgurski)
- “The Importance of Immutability in Employment Discrimination Law,” 52 *William & Mary Law Review* 1483-1546 (2011)
Cited in *Equal Employment Opportunity Commission v. Catastrophe Management Solutions*, 837 F.3d 1156 (11th Cir. 2016) & 852 F.3d 1018 (11th Cir. 2016)
- ”Employing E-Health: The Impact of Electronic Health Records on the Workplace,” 19 *Kansas J. Law*

& *Public Policy* 409-32 (2010) (invited symposium piece)

“E-Health Hazards: Provider Liability and Electronic Health Record Systems,” 24 *Berkeley Technology Law Journal* 1523-81 (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* 1491-1547 (2009)

Cited as resource in CAL. CIV. CODE §§ 51, 54 and 54.1, CAL. GOV’T CODE §§ 4450 and 8589.6

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

“Finding a Cure: The Case for Regulation and Oversight of Electronic Health Record Systems,” 22 *Harvard Journal of Law & Technology* 103-65 (2008) (first author with Andy Podgurski). Reprinted in 9 *Telehealth Law* 53 (June 2009).

Cited in Code of Federal Regulations as resources for 42 C.F.R. § 488.418

“Responders’ Responsibility: Liability and Immunity in Public Health Emergencies,” 96 *Georgetown Law Journal* 1913-69 (2008)

“Assessing Competencies for Public Health Emergency Legal Preparedness,” special supplement to 36:1 *Journal Law Medicine & Ethics* 28 (2008) (with James G Hodge Jr 1, Kristine M Gebbie, Chris Hoke, Martin Fenstersheib, and Myles Lynk)

“Settling the Matter: Does Title I of the ADA Work?” 59 *Alabama Law Review* 305-44 (2008)

“Securing the HIPAA Security Rule,” 10 *Journal of Internet Law* 1, 6-16 (February 2007) (first author with Andy Podgurski)

“In Sickness, Health, and Cyberspace: Protecting the Security of Electronic Private Health Information,” 48 *Boston College Law Review* 331-86 (2007) (first author 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* 395-452 (2005)

“The Suitability of IRB Liability,” 67 *University of Pittsburgh Law Review* 365-427 (2005) (first author with Jessica Wilen Berg)

“Is There A Place for Race As A Legal Concept?” 36 *Arizona State University Law Journal* 1093-1159 (2004)

“Birth After Death: Perpetuities & The New Reproductive Technologies,” 38 *Georgia Law Review* 575-631 (2004) (first author with Andrew P. Morriss)

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

“Corrective Justice and Title I of the ADA,” 52 *American University Law Review* 1213-89 (2003)

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

“Intrinsic Conflicts of Interest in Clinical Research,” 13 *Kennedy Institute of Ethics Journal* 83 (2003) (second author with Sharmon Sollitto, Maxwell J. Mehlman, Robert J. Lederman, Stuart J. Youngner, and Michael M. Lederman)

“Unmanaged Care: Towards Moral Fairness in Health Care Coverage,” 78 *Indiana Law Journal* 659-721 (2003)
Cited as resource in IND. CODE § 27-4-1-4

“AIDS Caps, Contraceptive Coverage, and the Law: An Analysis of the Federal Anti-Discrimination Statutes’ Applicability to Health Insurance,” 23 *Cardozo Law Review* 1315-62 (2002)

“Continued Concern: Human Subject Protection, the IRB, and Continuing Review,” 68 *Tennessee Law Review* 725-70 (2001)

“Preplacement Examinations and Job-Relatedness: How to Enhance Privacy and Diminish Discrimination in the Workplace,” 49 *Kansas Law Review* 517-92 (2001)

“The Use of Placebos in Clinical Trials: Responsible Research or Unethical Practice?” 33 *Connecticut Law Review* 449-501 (2001)

“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).

“Beneficial and Unusual Punishment: An Argument in Support of Prisoner Participation in Clinical Trials,” 33 *Indiana Law Review* 475-515 (2000)
Cited as resource in IND. CONST. Art. 1, §§ 9, 11, 12 & 16

“A Proposal for Federal Legislation to Address Health Insurance Coverage for Experimental and Investigational Treatments,” 78 *Oregon Law Review* 203-73 (1999)
Cited in *Zervos v. Verizon New York, Inc.*, 252 F.3d 163 (2d Cir. 2001)

“Genetic Testing, Genetic Medicine, and Managed Care,” 34 *Wake Forest Law Review* 849-88 (1999) (second author 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* 255-63 (1998) (first author with Glenn Pransky)

“First, Do No Harm: Why Doctors Are Not Omnipotent Under the Americans with Disabilities Act,” 14 *Hofstra Labor Law Journal* 151-75 (1996)

“Mandatory Arbitration: Alternative Dispute Resolution or Coercive Dispute Suppression?” 17 *Berkeley Journal of Employment and Labor Law* 131-57 (1996)

Cited in U.S. Code Annotated as resource for 9 U.S.C.A. § 1, 9 U.S.C.A. § 2, 29 U.S.C.A. § 185, 29 U.S.C.A. § 626, 42 U.S.C.A. § 12117, and 42 U.S.C.A. §§ 2000e and 12212

“The After-Acquired Evidence Rule: The Best of All Possible Worlds?” 22 *Employee Relations Law Journal* 79-94 (1996)

“Criminal Sanctions in Accidental Oil Spill Cases - Punishment without A Crime,” 71 *Nebraska Law Review* 1033-48 (1992). Reprinted in 2 *Environmental Law Anthology* (1992-1993)

BOOK CHAPTERS

“Vulnerable Populations and Vaccine Injury Compensation: The Need for Legal Reform,” in COVID-19 AND THE LAW: DISRUPTION, IMPACT AND LEGACY (I. Glenn Cohen et al., eds. Cambridge University Press 2023) (with Katharine Van Tassel)

“Artificial Intelligence and Discrimination Based on Prediction of Future Illness” in DEEP DIVING INTO DATA PROTECTION 1979-2019 : CELEBRATING 40 YEARS OF PRIVACY AND DATA PROTECTION AT THE CRIDS 365-79 (Jean Herve gel., Larcier 2021) (with Mariah Dick)

“Privacy and Integrity of Medical Records,” in OXFORD HANDBOOK ON COMPARATIVE HEALTH LAW (David Orentlicher & Tamara K. Hervey eds., Oxford University Press 2021) (with Jean Herveg)

“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 260 (Holly Fernandez Lynch et al. eds., Cambridge University Press 2019)

“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 (I. Glenn Cohen et al. eds., Cambridge University Press 2018)

“Privacy and Security,” in OXFORD HANDBOOK OF U.S. HEALTH LAW (I. Glenn Cohen et al eds. Oxford University Press 2016)

“Electronic Health Information Security and Privacy,” in 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?” in HEALTH CAPITAL AND SUSTAINABLE SOCIOECONOMIC DEVELOPMENT (Patricia A. Cholewka & Mitra M. Motlagh eds., Taylor & Francis 2008)

“DNA Databanks,” in ENCYCLOPEDIA OF ETHICAL, LEGAL, AND POLICY ISSUES IN BIOTECHNOLOGY 413 (Thomas H. Murray & Maxwell J. Mehlman eds., John Wiley & Sons 2000) (with Paul Giannelli and Wendy Wagner)

OTHER

[“Balancing Autonomy And Public Safety: A Call For Medical And Regulatory Oversight Of Drivers With Cognitive Decline,”](#) *Health Affairs Forefront*, Jan. 2, 2024 (with Cassandra Robertson)

[“Key Considerations for Patient-Reported Outcome Measures,”](#) *The Bill of Health* (a Harvard Law School blog), November 3, 2023

[“Employers and the Future of Public Health,”](#) *The Bill of Health* (a Harvard Law School blog), February 22, 2023

“Transcript: Presentation on Artificial Intelligence and Discrimination in Healthcare,” 35 J. L. & HEALTH 436 (2022)

[“Legal Preparedness for Aging and Caregiving,”](#) *The Bill of Health* (a Harvard Law School blog), September 16, 2022

[“Managing Cognitive Decline Concerns in the Workplace,”](#) *The Bill of Health* (a Harvard Law School blog), Feb. 3, 2022

[“COVID-19 Calls for Reassessment of Senior Care,”](#) *Daily Progress*, Jan. 17, 2022

[“What ‘Solo Agers’ Should Know About Planning for the Future,”](#) *AgingCare*, Jan. 14, 2022

[“The Limited Reach of the HIPAA Security Rule,”](#) *The Regulatory Review*, Aug. 16, 2021

[“Race and Gender Bias in Medical AI,”](#) *Wiley*, March 10, 2021

[“Biased AI Can Be Bad for your Health – Here’s How to Promote Algorithmic Fairness,”](#) *The Conversation*, March 9, 2021

[“Protecting Our Health Care Providers from Liability in a Pandemic,”](#) *NULR of Note* (a Northwestern University Law Review blog), May 3, 2020.

[“Maintaining Healthy Skepticism About Reported COVID-19 Findings,”](#) *The Bill of Health* (a Harvard Law School blog), April 29, 2020 (with Andy Podgurski)

[“Protecting our Most Vulnerable Populations in the COVID-19 Pandemic,”](#) *The Bill of Health* (a Harvard Law School blog), March 19, 2020.

[“High-Priced Specialty Drugs: Exposing the Flaws in the System,”](#) *The Conversation*, January 13, 2020

[“Caring for Those Who Cared for Us,”](#) *Wellesley Magazine*, Fall 2019 (book review of *Parenting Our Parents: Transforming the Challenge into a Journey of Love* by Jane Wolf Frances)

[“Artificial Intelligence in Medicine Raises Legal and Ethical Concerns,”](#) *The Conversation*, September

4, 2019

[“Physician Burnout: Why Legal and Regulatory Systems May Need to Step in,”](#) *The Conversation*, July 9, 2019

[“Access to Health Records: New Rules Another Step in the Right Direction,”](#) *Jurist*, Feb. 20, 2019

[“Health Insurers Want You to Try Cheaper Drugs First, but That Can Hurt You,”](#) *The Conversation*, January 3, 2019

[“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

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

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)

“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).

“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

“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

“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

REPRESENTATIVE SPEAKING ENGAGEMENTS (since 2017)

“Artificial Intelligence and Discrimination in Health Care”

- Siegal Lifelong Learning, Lisbon, Portugal, April 12, 2024
- Villanova Law Review 2024 Norman J. Shachoy Symposium, Villanova, PA March 15, 2024
- Loyola Chicago Law Journal Symposium, Chicago, IL, April 5, 2024

“The Patient’s Voice: Legal Implications of Patient Reported Outcome Measures”

- Journal of Law and Health Symposium: Racial Disparities & Health Outcomes, Cleveland State University, Cleveland, OH, February 9, 2024
- Arizona Telemedicine Summit, Phoenix, AZ, October 24, 2023
- Health Law Professors Conference, Baltimore, Maryland, June 8, 2023

“Patient Autonomy, Public Safety, and Drivers with Cognitive Decline,”

- CWRU School of Law “Cognitive Decline and the Law” conference, March 1, 2024
- Northeast Ohio Faculty Colloquium, January 19, 2024

“Cognitive Decline and the Workplace”

- CWRU School of Law “Cognitive Decline and the Law” conference, March 1, 2024
- St. Louis Area Health Lawyers Association, St. Louis, MO, September 15, 2023
- Association of American Law Schools Annual Meeting, San Diego, CA, January 6, 2023
- Health Law Professors Conference, Phoenix AZ, June 3, 2022
- National Institutes of Health Bioethics Dept., Feb. 8, 2022
- Public Affairs Discussion Group, Case Western Reserve University, Feb. 4, 2022
- Seton Hall Law Faculty Colloquium, Jan. 26, 2022

Panelist, “[Legal, Ethical, and Equity Issues Surrounding AI in Healthcare](#),” Yale Law School, April 3, 2023

“Privacy and Security – Protecting Patients’ Health Information,” New England Journal of Medicine Podcast, November 19, 2022

“Artificial Intelligence and Discrimination in Health Care,” State Attorney General Project’s Health Equity Working Group, September 14, 2022

“Physicians and Cognitive Decline: A Challenge for State Medical Boards,” JMR Podcast, September 7, 2022

“Aging with a Plan: How a Little Thought Today Can Vastly Improve Your Tomorrow,”

- Siegal Lifelong Learning, Evora, Portugal, April 17, 2024
- NA’AMAT USA, February 8, 2024
- Various Cuyahoga County Public Libraries, Sept. 6, Sept. 7, Sept 23, Sept. 27, Oct. 2, Oct. 19, Nov. 11, 2023
- Putting Your Game Plan in Place, McGregor, Cleveland, OH, Oct. 4, 2023
- Case Western Reserve University Wellness Program, May 17, 2023
- [Washington Hebrew Congregation](#), Washington, DC, May 7, 2023
- Anshe Emeth Memorial Temple, New Brunswick, NJ, April 16, 2023
- Merage Jewish Community Center, Irvine, CA, February 8, 2023
- Wilf Campus for Senior Living, Somerset, NJ, January 10, 2023
- Cleveland Heights Library, September 21, 2022
- Cleveland Metropolitan Bar Association, September 16, 2022
- Judson Manor, Cleveland, OH, August 10, 2022
- InMotion: Parkinson’s Awareness, Exercise & Support Groups, Cleveland, OH, July 28, 2022

Panelist, “Untruth and Consequences: How to Respond to Doctors Spreading Misinformation,” Medical-Legal Summit, Cleveland Metropolitan Bar Association, April 30, 2022

“Artificial Intelligence and Discrimination in Health Care,” Digital Health & Technology Symposium, Cleveland-Marshall College of Law, April 8, 2022

Panelist, “Promises of Technological Innovation & Its Equitable Distribution,” Race & Technology Law: Innovating Health Equity Symposium, UC Berkeley School of Law, November 10, 2021

Panelist, “Hot Talks: Refusing Transplants to Unvaccinated Patients,” Cleveland Metropolitan Bar Association Webinar, November 3, 2021

Moderator, [MedCity News INVEST Digital Health: How to Incorporate Robust Bioethics in AI Algorithms](#), September 17, 2021

“Employees with Cognitive Decline: A Challenge that Cannot be Ignored,” Charm City Colloquium on Law and Bioethics, Johns Hopkins Berman Institute of Bioethics, September 10, 2021

Podcast, “[Demistifying Policy Relevant Research: Series 5, Episode 1, Dr. Sharona Hoffman](#),” *Growing Democracy*, August 17, 2021.

“Covid-19 Vaccine Injuries – Preventing Inequities in Compensation,” Health Law Professors Conference, June 10, 2021.

Discussant, “Health Data Federalism” by Craig Konnoth, Privacy Law Scholars’ Conference, June 4, 2021

“Regulating Professional Speech,” Regulating at Scale Roundtable, University of Nebraska School of Law, March 18, 2021

“Artificial Intelligence and Discrimination in Health Care,” Case Western Reserve University School of Law Zaremski Lecture, Feb. 18, 2021.

Commentator, Junior Health Law Scholars Works in Progress, AALS Annual Conference, Jan 8, 2021

Podcast, “Genetic Testing and Predictive Health Analytics,” The Jaharis Podcast, DePaul University College of Law, Jan. 7, 2021

“AI and Discrimination: Algorithmic Bias,” *Journal of Gender, Social Policy & the Law* symposium, American University College of Law, November 18, 2020

Discussant, “Domestic Governance during Pandemics,” American Society of International Law Midyear Meeting, Oct. 29, 2020

“Ethical Benefits and Perils of AI,” Association for Continuing Education Lecture Day, Cleveland, OH,

October 12, 2020

Discussant, “Administration in Crisis: Pandemics, Financial Crises, and Other Emergencies, Research Roundtable, George Mason University Antonin Scalia Law School, Oct 1-2, 2020

“COVID-19: Ethics and Care,” Case Western Reserve University, Cleveland, OH April 16, 2020

“AI and Long-Term Health Predictions: Legal & Ethical Concerns,” Artificial Intelligence and Disability/Dependency: Equity, Access, and Interdependence, Harvard Law School, March 24, 2020

“Ethics Concerns in Widely Deploying AI in Healthcare,” Artificial Intelligence in Oncology: Advancements and Policy, Case Western Reserve University, Cleveland, Ohio, October 24, 2019

Panelist, “Prior Authorization Partnership Forum,” Academy of Managed Care Pharmacy, Alexandria, VA, June 25, 2019

“Healing the Healers: Legal Remedies for Physician Burnout”

- A Call to Action: Improving Clinician Wellbeing and Patient Care and Safety Conference, Ohio State University, February 13, 2020
- Cleveland Clinic Family Medicine Residency Program, Cleveland, OH, November 20, 2019
- St. Louis Health Lawyers Association, October 4, 2019
- Annual Health Law Professors Conference, Loyola University Chicago School of Law, June 7, 2019
- Electronic Health Records and Patient Safety: Legal Challenges and Solutions Conference, Case Western Reserve University School of Law, April 5, 2019

“EMR Law and Policy,” American College of Legal Medicine Annual Meeting, Los Angeles, CA, Feb. 23, 2019

“Big Data, Artificial Intelligence, and the Risk of Discrimination Based on Health Predictions,” Bioethics Seminar, Tel Aviv University, January 9, 2019

“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

GRANTS

PIPP Phase I: Comprehensive, Integrated, Intelligent System for Early and Accurate Pandemic Prediction, Prevention, and Preparation at Personal and Population Levels, 2200255

Source of Support: NSF; Role: Co-PI

July 15, 2022-December 31, 2023; Total Award Amount: \$999,995

Case/UHC Center for AIDS Research, 5P30AI036219-25

Source of Support: NIH; Role: Key Personnel

May 2019-April 2022; Total Award Amount: \$1,799,475

NATIONAL AND COMMUNITY SERVICE

- Have appeared in the media hundreds of times in outlets that include the *Wall Street Journal*, *Washington Post*, *Los Angeles Times*, *New York Times*, *Forbes*, *CNBC*, *Pro Publica*, *NPR*, *CNBC*, *NBC News*, *ABC News*, *AARP*, *Politico*, *Chicago Tribune*, *Conde Nast Traveler*, *Philadelphia Inquirer*, *USA Today*, *U.S. News & World Report*, *Meet the Press Daily*, and many more.
- 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*; *New England Journal of Medicine*; *British Medical Journal*; and others.
- Member, *Journal of Elder Policy* advisory board, 2018-present
- University Hospitals Ethics Committee, member, 2003-present

- 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
- MetroHealth Institutional Review Board, member, 2000-2006
- Association of American Law Schools, Executive Committee Member, Employment Discrimination Section, 2003-2006
- American Society for Bioethics and Humanities, Member – 2002-2008, Member of 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, President’s Advisory Committee on Promotion and Tenure, 2023
- Member, Hospital Based Faculty Committee, 2023
- Member, Faculty Distinguished Research Award Selection Committee, 2022-23
- Member, COVID-19 Vaccine Education Group, 2021
- Member, Presidential Search Advisory Committee, 2020
- Member of search committee for Diversity Director, Office of Inclusion, Diversity, and Equal Opportunity, 2019
- 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

LAW SCHOOL SERVICE

- Curriculum Committee, *Chair*, 2018-2019, 2022-24, member, 2006-09, 2019-20
- Educational Metrics & Assessment Committee, 2019-21
- Admissions Committee, member, 2001-03, *Chair*, 2019-20
- Ad hoc Ranking Committee, *Chair*, summer 2019
- Promotion and Tenure Committee, 2014-17 & 2023-24; *Chair* 2015-2017

- Appointments Committee, 2000-2001, 2009-2014; *Chair* 2011-2014
- Faculty Advisor to Health Matrix: Journal of Law Medicine, 2003-04, 2007-present
- 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.
- 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