

HARVARD LAW SCHOOL

I. GLENN COHEN

DEPUTY DEAN

JAMES A. ATTWOOD AND LESLIE WILLIAMS PROFESSOR OF LAW
FACULTY DIRECTOR, PETRIE-FLOM CENTER FOR HEALTH LAW POLICY,
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CURRENT POSITION

HARVARD LAW SCHOOL,

Deputy Dean, 2020 - present

James A. Attwood and Leslie Williams Professor of Law, 2017 - present

Professor, 2013-2017

Assistant Professor, 2008-2013

HARVARD LAW SCHOOL, PETRIE-FLOM CENTER FOR HEALTH LAW POLICY, BIOTECHNOLOGY, AND
BIOETHICS, Faculty Co-Director, 2009 - 2014

Faculty Director, 2014 - present

THE BROAD INSTITUTE OF MIT AND HARVARD, Associate Member, 2013 - present

EDUCATION

HARVARD LAW SCHOOL, J.D., *magna cum laude*, 2003

Sears Prize, 2001 (awarded to the two 1L students with the highest GPA)

Harvard Law Review, Primary Editor

Hewlett Fellow in Law and Negotiation, Harvard Law School Program on Negotiation, 2001-2003

Derek Bok Center Award of Distinction in Teaching and nominee for the Joseph R. Leven Memorial

Teaching Prize as Teaching Fellow for Michal Sandel's "Justice" course at Harvard College

UNIVERSITY OF TORONTO, Hon. B.A. Bioethics (Philosophy) and Psychology, *High Distinction* (GPA 3.99), 2000
Alumni Association Scholar (awarded to five graduating students)

Cressy Award for Student Leadership

Theses: *The Ethics of Deception in Psychological Research; The Janus Problem: Insanity, Automatism,
and the Problem of Disposition in Anglo-American Criminal Law.*

PUBLICATIONS

(1) REPRODUCTIVE TECHNOLOGY/REPRODUCTION/GENETICS

Books

CONSUMER GENETIC TECHNOLOGIES: ETHICAL AND LEGAL CONSIDERATIONS (Cambridge University Press, 2021)
(co-editor with Nita A. Farahany, Henry T. Greely, Carmel Shachar)

REPRODUCTIVE TECHNOLOGIES AND THE LAW (Carolina Academic Press, 3rd ed. 2022) (co-author with Judith
Daar, Seema Mohapatra, Sonia Suter)

Law Journals

The Constitution and the Rights Not to Procreate, 60 STANFORD L. REV. 1135 (2008) (reprinted in Brazil in MEI
AMBIENTE, DIREITO E BIOTECNOLOGIA (Thiago Pires Oliveira ed. 2010))

The Right Not to Be a Genetic Parent?, 81 S. CAL. L. REV. 1115 (2008) (selected for the 2008 Stanford-Yale Junior Faculty Forum)

Intentional Diminishment, The Non-Identity Problem, and Legal Liability, 60 HASTINGS L. J. 347 (2008) (Solicited) (reprinted in BIOETHICS AND THE LAW (Ramkistaiah Jillaed. 2009-2010)

Trading-Off Reproductive Technology and Adoption: Does Subsidizing IVF Decrease Adoption Rates and Should It Matter? 95 MINN. L. REV. 485 (2010) (co-authored with Daniel Chen) (selected for the 2010 Stanford-Yale Junior Faculty Forum)

Regulating Reproduction: The Problem with Best Interests, 96 MINN. L. REV. 423 (2011)

Rethinking Sperm Donor Anonymity: Of Changed Selves, Non-Identity, and One Night Stands, 100 GEO. L. J. 431 (2012)

Beyond Best Interests, 96 MINN. L. REV. 1187 (2012)

Can you Buy Sperm Donor Identification? An Experiment, 10 J. EMPIRICAL LEG. STUDIES 715 (2013) (co-authored with Travis Coan)

What (If Anything) Is Wrong with Human Enhancement? What (If Anything) Is Right with It?, 49 TULSA L. REV. 645 (2014) (festschrift honoring Einer Elhauge)

Complexifying Commodification, Consumption, ART, and Abortion, 43 J. L. MED. & ETHICS 307 (2015) (solicited commentary)

My Body, My Bank, 93 TEXAS L. REV. 953 (2015) (Book Review) (Solicited)

Sperm Donor Anonymity and Compensation: An Experiment with American Sperm Donors, 3 J. L. & BIOSCIENCES 468 (2016) (co-authored with Travis Coan, Michelle Ottey, and Christina Boyd)

Germ-Line Gene Editing and Congressional Reaction in Context: Learning from Almost 50 Years of Congressional Reactions to Biomedical Breakthroughs, 30 J.L. & HEALTH 20 (2017) (co-authored with Russell Spivak and Eli Y. Adashi)

Moratoria and Innovation in the Reproductive Sciences: Of Pretext, Permanence, Transparency, and Time-Limits, 15 J. HEALTH. & BIOMED. L. 5 (2018) (co-authored with Russell Spivak and Eli Y. Adashi)

The Lumbering Crawl Toward Human Germline Editing, 46 J. L. MED. & ETHICS 1010 (2018) (co-authored with Eli Y. Adashi)

Gene Editing Sperm and Egg (Not Embryos): Does it Make a Legal or Ethical Difference?, 48 J. L. MED. & ETHICS 619 (2020) (co-authored with Eli Y. Adashi and Jacob S. Sherkow)

Borrowed Wombs: On Uterus Transplants and the “Right to Experience Pregnancy”, 2022 U. CHI. L. F. 127 (2023)

The Dyson Distinguished Lecture: The Alabama Embryo Decision in Ethics, Law, and Politics, 45 PACE L. REV. 11 (2024)

Medical, Science and Bioethics Journals

Prohibiting Anonymous Sperm Donation and the Child Welfare Error, 41 HASTINGS CTR. REP, Sept-Oct, 13 (2011)

When Potential Does Not Matter: What Developments in Cellular Biology Tell Us About the Concept of Legal Personhood, 13 AM. J. BIOETHICS 38 (2013) (co-authored with Jonathan Will and Eli Adashi)

Of Modest Proposals and Non-Identity: A Comment on The Right to Know Your Genetic Parents, 13 AM. J. BIOETHICS 45 (2013) (peer- reviewed)

Made-to-Order Embryos for Sale – A Brave New World?, 368 N. ENGL. J. MED. 2517 (2013) (co-authored with Eli Adashi)

Plan B: Access to Emergency Contraception in the Legal and Political Cross Hairs, 88 CONTRACEPTION 477 (2013) (co-authored with Eli Adashi and Lisa Sullivan)

When Religious Freedom Clashes with Access to Care, 370 N. ENG. J. MED. 596 (2014) (co-authored with Holly Fernandez Lynch and Gregory D. Curfman)

Transatlantic Lessons in Regulation of Mitochondrial Replacement Therapy: prospect of disease-free children for women carriers through MRT, 348 SCIENCE 178 (2015) (co-authored with Julian Savulescu & Eli Y. Adashi)

Going Germline: Mitochondrial Replacement as a Guide to Genome Editing, 164 CELL 832 (2016) (co-authored with Eli Y. Adashi)

Preventing Mitochondrial DNA Diseases: One Step Forward, Two Steps Back, 315 JAMA 273 (2016) (co-authored with Eli Y. Adashi)

Embryo Disposition Disputes: Controversies and Case Law, 46 HASTINGS CTR. REP. 13 (2016) (co-authored with Eli Y. Adashi)

The FDA is prohibited from Going Germline, 353 SCIENCE 545 (2016) (co-authored with Eli Y. Adashi) (peer-reviewed)

Mitochondrial Replacement Therapy: The IOM Report and Its Aftermath, 17 NATURE REVIEWS GENETICS 189 (2016) (co-authored with Eli Y. Adashi)

Embryo Disposition Disputes: Controversies and Case Law, 46 HASTINGS CTR. REP., July-Aug. 2016, at 13.

Disruptive Reproductive Technologies, 9 SCIENCE TRANS. MED. eaag2959 (2017) (Jan 11, 2017) (co-authored with George Q. Daley and Eli Y. Adashi)

Preventing Mitochondrial Disease: A Path Forward, 131 OBSTETRICS & GYNECOLOGY 553 (2018) (co-authored with Eli Y. Adashi)

Building Capacity for a Global Genome Editing Observatory: Conceptual Challenges, 36 TRENDS IN BIOTECHNOLOGY 639 (2018) (co-authored with Krishana Sahu et al.)

Building Capacity for a Global Genome Editing Observatory: Institutional Design, 36 TRENDS IN BIOTECHNOLOGY 641 (2018) (co-authored with Krishana Sahu et al.)

Personhood and the Three Branches of Government, 378 N. ENG. J. MED. 2453 (2018) (co-authored with Eli Y. Adashi)

Losing Embryos, Finding Justice: Life, Liberty, and the Pursuit of Personhood, 169 ANN. INTERN. MED. 800 (2018) (co-authored with Eli Y. Adashi and Dov Fox)

The Ethics of Heritable Genome Editing New Considerations in a Controversial Area, 320 JAMA 2531 (2018) (co-authored with Eli Y. Adashi)

Commentary, The Lumbering Crawl Toward Human Germline Editing, 46 J. LAW, MED. AND ETHICS 1010 (2019) (co-authored with Eli Y. Adashi)

Stem Cell-Derived Human Gametes: The Public Engagement Imperative, 25 TRENDS IN MOLEC. MED. 165 (2019) (co-authored with Eli Y. Adashi, Jacob H. Hanna, Azim M. Surani, and Katsuhiko Hayashi)

A Troubling Court Decision for Reproductive Rights: Legal Recognition of Fetal Standing to Sue, 322 JAMA 23 (2019) (co-authored with Eli Y. Adashi and Dov Fox)

Heritable Genome Editing: Is a Moratorium Needed?, 322 JAMA 104 (2019) (co-authored with Eli Y. Adashi)

How Bans on Germline Editing Deprive Patients with Mitochondrial Disease, 37 NATURE BIOTECH. 589 (2019) (co-authored with Eli Y. Adashi and Vardit Ravitsky)

Genetic Testing, Insurance Discrimination, and Medical Research: What the US Can Learn from Peer Countries, 1198 NATURE MED. 1198 (2019) (co-authored with Jean-Christophe Bélisle-Pipon, Effy Vayena and Robert C Green)

Fertility Fraud, Legal Firsts, and Medical Ethics, 134 OBSTETRICS & GYNECOLOGY 918 (2019) (co-authored with Eli Y. Adashi and Dov Fox)

Heritable Genome Editing—Edited Eggs and Sperm to the Rescue?, 322 JAMA 1754 (2019) (co-authored with Eli Y. Adashi)

Reproduction Reimagined, 1 F & S REPORTS 7 (2020) (co-authored with Eli Y. Adashi)

Commentary on 'Gestation, Equality and Freedom: Ectogenesis as a Political Perspective', 46 J. MED. ETHICS 87 (2020) (solicited)

Heritable Genome Editing: The International Commission Report, 324 JAMA 1941 (2020) (co-authored with Eli Y. Adashi)

The Regulation of Mitochondrial Replacement Techniques Around the World, 21 ANN. REV. GENOMICS & HUM. GEN. 565 (2020) (co-authored with Eli Y. Adashi, Sara Gerke, César Palacios-González, and Vardit Ravitsky)

Disruptive Synergy: Melding of Human Genetics and Clinical Assisted Reproduction, 1 CELL REP. MED. 100093 (2020) (co-authored with Eli Y. Adashi)

Heritable Human Genome Editing: The Public Engagement Imperative, 6 CRISPR J. 434 (2020) (co-authored with Eli Y. Adashi et al.)

The Case for Remedial Germline Editing – the Long-Term View, 323 JAMA 1762 (2020) (co-authored with Eli Y. Adashi)

Therapeutic Germline Editing: Sense and Sensibility, 36 TRENDS IN GEN. 315 (2020) (co-authored with Eli Y. Adashi)

What Would Responsible Remedial Human Germline Editing Look Like?, 38 NATURE BIOTECHNOLOGY 398 (2020) (co-authored with Eli Y. Adashi)

Assisted Same-Sex Reproduction: The Promise of Haploid Stem Cells?, 29 STEM CELLS AND DEVELOPMENT 1417 (2020) (co-authored with Eli Y. Adashi)

Legal and Ethical Issues in the Report Heritable Human Genome Editing, 51 HASTINGS CTR. REP. 8 (2021) (co-authored with Eli Y. Adashi)

Governing Human Germline Editing Through Patent Law, 326 JAMA 1149 (2021) (co-authored with Jacob S. Sherkow and Eli Y. Adashi)

Mitochondrial Disease: Replace or Edit?, 373 SCIENCE 1200 (2021) (co-authored with Eli Y. Adashi, Donald S. Rubenstein, Jim A. Mossman, and Eric A. Schon)

CRISPR Immunity: A Case Study for Justified Somatic Genetic Modification? 48 J. MED. ETHICS 83 (2022) (co-authored with Eli Y. Adashi)

Handle with Care: The WHO Report on Human Genome Editing, 52 HASTINGS CENTER REPORT 10 (2022) (co-authored with Eli Y. Adashi and Jake Sherkow)

Who Will Oversee the Ethical Limits of Human Embryo Research?, 40 NATURE BIOTECH. 463 (2022) (co-authored with Eli Y. Adashi)

The Enduring Allure of Person-Affecting Arguments for Reproductive Technologies, 22 AM. J. BIOETHICS 44 (2022) (co-authored with Eli Y. Adashi)

The End of Anonymous Sperm Donation in Colorado: A Step Forward to a New Fertility Future in the US? 328 JAMA 1903 (2022) (co-authored with Seema Mohapatra and Eli Y. Adashi)

Maternal Mortality Crisis and Extension of Medicaid Postpartum Coverage, 330 JAMA 911 (2023) (co-authored with Eli Y. Adashi and Daniel P. O'Mahony)

Assisted Reproduction Post-Dobbs: The Prospect of Legislative Protection, 4 F & S REPORTS 128 (2023) (co-authored with Eli Y. Adashi and Daniel P. O'Mahony)

The Misplaced Embryo: Legal Parenthood in 'Embryo Mix-Up' Cases, _ J. MED. ETHICS _ (2023) (co-authored with Vardit Ravitsky & Shelly Simana)

Preimplantation Sex Selection Via In Vitro Fertilization: Time for a Reappraisal, 4 F & S REPORTS 241(2023) (co-authored with Vitaly A. Kushnir and Eli Y. Adashi)

CRISPR Therapy of Sickle Cell Disease: The Dawning of the Gene Editing Era, 137 AM. J. MED. 390 (2024) (co-authored with Eli Y. Adashi and Philip A. Gruppuso)

Ethical and Legal Challenges in Assisted Same-Sex Conception Through In Vitro Gametogenesis, 30 NATURE MED. 322 (2024) (co-authored with Eli Y. Adashi and Katsuhiko Hayashi)

The Alabama Embryo Decision—The Politics and Reality of Recognizing “Extrauterine Children,” 331 JAMA 1083 (2024) (co-authored with Rebecca S. Feinberg and Michael S. Sinha)

Book Chapters

Las Recientes Controversias sobre la Tecnología Reproductiva en los Estados Unidos, in I. GLENN COHEN & ESTER FARNOS AMORÓS, DERECHO Y TECNOLOGÍAS REPRODUCTIVAS, FUNDACIÓN COLOQUIO JURÍDICO EUROPEO, MADRID 11 (2014) (trans. Pablo de Lora).

Sperm and Egg Donor Anonymity: Legal and Ethical Issues, in THE OXFORD HANDBOOK OF REPRODUCTIVE ETHICS (Leslie Francis ed., 2015-2016)

Religion and Reproductive Technology, in LAW, RELIGION, AND HEALTH IN THE UNITED STATES 360 (Holly Fernandez Lynch, I. Glenn Cohen, and Elizabeth Sepper eds., Cambridge University Press, 2017)

Gestational Surrogacy Agreements: Enforcement and Breach, in HANDBOOK OF GESTATIONAL SURROGACY 85 (E. Scott Sills ed., Cambridge University Press, 2016) (co-authored with Katherine Kraschel)

The Regulation of Reproduction and Best Interests Analysis, in THE OXFORD HANDBOOK OF CHILDREN AND THE LAW 19 (James G. Dwyer, ed., Oxford University Press, 2019)

The Right(s) to Procreate and Assisted Reproductive Technologies in the United States, in THE OXFORD HANDBOOK OF COMPARATIVE HEALTH LAW 1009 (Tamara K. Hervey and David Orentlicher eds., Oxford University Press, 2021)

MRT in the United States, in REPRODUCTION REBORN 129 (Diana M. Bowman, Karinne Ludlow, and Walter G. Johnson eds., Oxford University Press, 2023) (co-authored with Priyanka Menon & Eli Y. Adashi)

Reproductive Technologies and Embryo Destruction After Dobbs, in ROE V. DOBBS: THE PAST, PRESENT AND FUTURE OF A CONSTITUTIONAL RIGHT OF ABORTION _ (Geoffrey R. Stone and Lee Bolinger eds., 2024)

Bioethics, Reproduction, and Extending Life, in LAW AND THE 100 YEAR LIFE _ (Abbe Gluck, Anne Alstott & Eugene Rusyn eds., 2024)

Online Law Review Contributions

Trading-Off Reproductive Technology and Adoption: A Response to Appleton and Pollak, 96 MINN. L. REV. HEADNOTES 1 (2012) (co-authored with Daniel Chen) (Responding to Susan Appleton and Robert A. Pollak, *Exploring the Connections Between Adoption and IVF: Twibling Analyses*, 95 MINN L. REV. HEADNOTES 60 (2011), responding to our earlier article)

Burying Best Interests of the Resulting Child: A Response to Professors Crawford, Alvaré, and Mutcherson, 97 MINN. L. REV. HEADNOTES 1 (2012) (Responding to Bridget J. Crawford, *Authentic Reproductive Regulation*, 96 MINN. L. REV. HEADNOTES 31 (2012), Helen M. Alvaré, *A Response to Professor I. Glenn Cohen's Regulating Reproduction: The Problem with Best Interests*, 96 MINN. L. REV. HEADNOTES 8 (2012), and Kimberly M. Mutcherson, *In Defense of Future Children: A Response to Cohen's Beyond Best Interests*, 96 MINN. L. REV. HEADNOTES 46 (2012)).

The Science, Fiction, and Science Fiction of Unsexed Motherhood, *Online Symposium*, HARV. J. L. & GENDER ONLINE (2012)

(2) MEDICAL TOURISM/GLOBALIZATION OF HEALTH CARE

Books

THE GLOBALIZATION OF HEALTH CARE: LEGAL AND ETHICAL CHALLENGES (Oxford University Press 2013) (editor, and contributing introduction and chapter)

PATIENTS WITH PASSPORTS: MEDICAL TOURISM, LAW, AND ETHICS (Oxford University Press, 2014)

Law Journals

Protecting Patients with Passports: Medical Tourism, Medical Tourism and the Patient-Protective Argument, 95

IOWA L. REV. 1467 (2010) (selected by the American Society of Law, Medicine, and Ethics for the Health Scholar Award Program)

Medical Tourism, Access to Health Care, and Global Justice, 52 VA J. INT'L L. 1 (2011) (reprinted with a new introduction in 1 CAN. J. COMP. & CONTEMP. L 1 (2015))

Circumvention Tourism, 97 CORNELL L. REV. 1309 (2012)

Transplant Tourism: The Ethics and Regulation of International Markets for Organs, 41 J. L. MED. & ETHICS 269 (2013) (solicited)

Medical Tourism, Medical Migration, and Global Justice: Implications for Biosecurity in a Globalized World, 25 MED. L. REV. 200 (2017) (solicited)

Medical, Public Health and Bioethics Journals

Medical Tourism: The View from Ten Thousand Feet, 40 HASTINGS CTR. REP., Mar.-Apr. 2010, at 11-12.

Medical Tourism, Consumer-Driven Healthcare, and Patient Protection, 17 LAHEY CLINIC MED. ETHICS J. 4 (Spring 2010)

How to Regulate Medical Tourism (and Why Bioethicists Should Care?), 12 J. DEVELOPING WORLD BIOETHICS 9 (2012)

S.H. and Others v. Austria and Circumvention Tourism, REPRODUCTIVE BIOMEDICINE ONLINE (2012) (solicited) (available at <http://www.sciencedirect.com/science/article/pii/S1472648312004531>)

Ethical and Legal Implications of the Risks of Medical Tourism for Patients: A Qualitative Study of Canadian Health and Safety Representatives' Perspectives, 3 BRITISH MED. J. OPEN e002302 (2013) (co-authored with Valorie A. Crooks, Leigh Turner, Janet Bristeir, Jeremy Snyder, Vicky Casey, Rebecca Whitmore)

Navigating Physicians' Ethical and Legal Duties to Patients Seeking Unproven Interventions Abroad, 61 CANADIAN FAMILY PHYSICIAN 584-586 (2015) (co-authored with Jeremy Snyder, Krystyna Adams, Y.Y. Chen, Daniel Birch, Valorie A. Crooks, Judy Illes, and Amy Zarzeczny)

Inbound Medical Tourism to Barbados: A Qualitative Examination of Local Lawyers' Prospective Legal and Regulatory Concerns, 15 BMC HEALTH SERVICES RESEARCH 291 (2015) (co-authored with Valorie A. Crooks, Krystyna Adams, Rebecca Whitmore and Jeffrey Morgan)

Circumvention Medical Tourism and Cutting Edge Medicine: The Case of Mitochondrial Replacement Therapy, 25 INDIANA J. GLOB. L. STUD. 439 (2018) (Invited as the George P. Smith Lecture)

Regulation of Stem Cell Therapy Travel, 4 CURRENT STEM CELL REPORTS 220 (2018) (co-authored with Shelly Simana)

Traveling Across States for Prohibited Treatments: Medical Aid in Dying and Looming Battles Over Abortion, 38 J. GEN. INTERN. MED. 517 (2022) (co-authored with Thaddeus M. Pope and Eli Y. Adashi)

Book Chapters

Medical Outlaws or Medical Refugees? An Examination of Circumvention Tourism, in RISKS AND CHALLENGES IN MEDICAL TOURISM: UNDERSTANDING THE GLOBAL MARKET FOR HEALTH SERVICES CONTROVERSIES IN THE EXPLODING INDUSTRY OF GLOBAL MEDICINE 207 (Jill Hodges et al eds., Praeger, 2012).

Las Fronteras del Derecho Sanitario: Globalización y Turismo Médico, in *LAS FRONTERAS DEL DERECHO BIO-SANITARIO, ANUARIO DE LA FACULTAD DE DERECHO DE LA UNIVERSIDAD AUTÓNOMA DE MADRID 21* (Pablo de Lora y Blanca Mendoza eds. 2014) (trans. Pablo de Lora).

Medical Tourism: Bioethical and Legal Issues, in *ROUTLEDGE COMPANION TO BIOETHICS* (John D. Arras et al. eds, Routledge 2014)

Medical Tourism for Services Legal in the Home and Destination Country: Legal and Ethical Issues, in *BODIES ACROSS BORDERS: THE GLOBAL CIRCULATION OF BODY PARTS, MEDICAL TOURISTS AND PROFESSIONALS* (Brownyn Parry et al. eds, Ashgate, 2015).

Medical Tourism for Services Illegal in Patients' Home County, in *HANDBOOK ON MEDICAL TOURISM AND PATIENT MOBILITY* (Neil Lunt et al. eds, 2015)

Traveling for Assisted Suicide, in *EUTHANASIA AND ASSISTED SUICIDE: GLOBAL VIEWS ON CHOOSING TO END LIFE 373* (Michael J. Cholbi ed., Praeger 2017)

(3) ORGAN TRANSPLANTATION

Law Journals

Regulating The Organ Market: Normative Foundations for Market Regulation, 77 *LAW AND CONTEMP. PROB.* 71 (2014) (symposium)

Organs Without Borders? Allocating Transplant Organs, Foreigners, and the Importance of the Nation State (?), 77 *LAW AND CONTEMP. PROB.* 175 (2014) (symposium)

Medical, Economics, and Bioethics Journals

Selling Bone Marrow – Flynn v. Holder, 366 *N. ENG. J. MED.* 296 (2012)

Can the Government Ban Organ Sale? Recent Court Challenges and Future of U.S. Law on Selling Human Organs and Other Tissue, 12 *AM. J. TRANSPLANTATION* 1983 (2012)

A Fuller Picture of Organ Markets, 14 *AJOB* 19 (2014)

On Repugnance, Distribution, and the Global Kidney Exchange, 75 *J. INST. THEOR. ECON.* 20 (2019)

(4) ABORTION, CONTRACEPTION, AND STEM CELLS

Law Journals

Fetal Pain, Abortion, Viability and the Constitution, 39 *J. L. MED. & ETHICS* 235 (2011) (co-authored with Sadath Sayeed)

Are all Abortions Equal? Should there be Exceptions to the Criminalization of Abortion for Rape and Incest?, 43 *J. L. MED. & ETHICS* 87 (2015) (solicited)

Personhood Seeking New Life with Republican Control, 93 *INDIANA L. J.* 499 (2018) (co-authored with Jonathan Will and Eli Adashi)

Medical, Philosophy, Public Health and Bioethics Journals

Balancing Religious Freedom and Health Care Access, LAHEY CLINIC MED. ETHICS J. 7 (Fall 2015) (co-authored Holly Fernandez Lynch)

Human Embryonic Stem-Cell Research Under Siege — Battle Won but Not the War, 364 N. ENG. J. MED. e48 (2011) (co-authored with Eli Adashi)

Sherley v Sebelius and the Future of Stem Cell Research, 308 JAMA 2087 (2012) (co-authored with Eli Adashi and Jeremy Feigenbaum)

Balancing Religious Freedom and Health Care Access, LAHEY HEALTH JOURNAL OF MEDICAL ETHICS 7 (Fall 2015) (co-authored with Holly Fernandez Lynch)

Artificial Wombs and Abortion Rights, 47 HASTINGS CTR. REP, July 2017, Back Cover

The Law and Ethics of Fetal Burial Requirements for Reproductive Health Care, 322 JAMA 1347 (2019) (co-authored with Eli Y. Adashi and Dov Fox)

June Medical Services v Russo—The Future of Abortion Access in the U.S., 1 JAMA HEALTH FORUM e201107 (2020) (co-authored with Eli Y. Adashi and Dov Fox)

The Supreme Court, the Texas Abortion Law (SB8), and the Beginning of the End of Roe v Wade?, 326 JAMA 1473 (2021) (co-authored with Eli Y. Adashi and Lawrence O. Gostin)

The Supreme Court Ruling on the Texas Abortion Law: Beginning to Unravel Roe v. Wade, 327 JAMA 621 (2022) (co-authored with Rebecca Reingold and Lawrence O. Gostin)

The Next Two Decades of Mifepristone at FDA: History as Destiny, 109 CONTRACEPTION 1 (co-authored with Eli Y. Adashi, Rohit S. Rajan, & Daniel P. O'Mahony)

The End of Roe v Wade and New Legal Frontiers on the Constitutional Right to Abortion, 328 JAMA 325 (2022) (co-authored with Lawrence O. Gostin and Melissa M. Murray)

Travel to Other States for Abortion After Dobbs, 22 AM. J. BIOETHICS 42 (2022) (peer commentary)

What Overturning Roe v Wade May Mean for Assisted Reproductive Technologies in the US. 328 JAMA 15 (2022) (co-authored with Eli Y. Adashi and Judith Daar)

EMTALA After Dobbs: Emergency Reproductive Health Care in the Balance, 176 ANN. INTERN. MED. 268 (2022) (co-authored with Eli Y. Adashi)

Alliance for Hippocratic Medicine v. FDA-Dobbs's Collateral Consequences for Pharmaceutical Regulation, 388 N. ENGL J. MED. e29 (2023) (co-authored with Patti J. Zettler and Eli Y. Adashi)

The Mifepristone Litigation: Untangling the Implications of the Fifth Circuit's Decision for Abortion Access and the U.S. Food and Drug Administration, 176 ANN. INTERN. MED. 1666 (2023) (co-authored with Patti J. Zettler, Lewis A. Grossman, and Eli Y. Adashi)

The New Threat to Abortion Access in the United States—The Comstock Act, 330 JAMA 405 (2023) (co-authored with Eli Y. Adashi and Mary Ziegler)

The FDA Declares Levonorgestrel a Nonabortifacient—A 50-Year Saga Takes a Decisive Turn, 4 JAMA HEALTH FORUM e232257 (2023) (co-authored with Eli Y. Adashi and Allen J. Wilcox)

The New Threat to Medical Travel for Abortion, 4 J. AM. FAM. MED. 298 (2024) (co-authored with Eli Y. Adashi and Mary Ziegler)

Paying for Over-the-Counter Contraception: The Opill Quandary, 137 J. AM. FAM. MED. 200 (2023) (co-authored with Eli Y. Adashi and Daniel P. O'Mahony)

State Legal Initiatives to Restrict and Protect Mifepristone Access, 107 R.I. MED J. 44 (2024) (co-authored with Eli Y. Adashi and Daniel P. O'Mahony)

Who Will Save Legal Access to Emergency Abortion?, 332 JAMA 1141 (2024) (co-authored with Holly Fernandez Lynch and Eli Y. Adashi)

FDA v. Alliance for Hippocratic Medicine and the Future of Mifepristone Access, _ FERTILITY & STERILITY _ (2024) (co-authored with Lewis A. Grossman, and Eli Y. Adashi)

(5) RESEARCH ETHICS

Books

HUMAN SUBJECTS RESEARCH REGULATION: PERSPECTIVES ON THE FUTURE (co-editor with Holly Fernandez Lynch) (MIT Press, 2014)

SPECIMEN SCIENCE: ETHICS AND POLICY IMPLICATIONS (MIT Press, 2017) (co-editor with Holly Fernandez Lynch, Barbara E. Bierer, and Suzanne M. Rivera)

Medical, Philosophy, Science Public Health and Bioethics Journals

In the Wake of Guatemala: The Case for Voluntary Compensation and Remediation, 102 AM. J. PUB. HEALTH e4 (2012) (co-authored with Eli Adashi)

Streamlining Review by Accepting Equivalency, 14 AJOB 11 (2014) (co-authored with Holly Fernandez Lynch) (peer commentary)

Clinical Trials and the Right to Remain Silent, 174 JAMA INTERNAL MEDICINE E1 (co-authored with Michelle Mello)

Confronting Biospecimen Exceptionalism in Proposed Revisions to the Common Rule, 46 HASTINGS CENTER REPORT 4 (2016) (co-authored with Holly Lynch and Barbara Bierer)

When Clinical Trials Compete: Prioritising Study Recruitment, 43 J. MED. ETHICS 803 (2017), (co-authored with Luke Gelinas, Holly Fernandez Lynch, and Barbara Bierer)

Institutions as an Ethical Locus of Research Prioritisation, 43 J. MED. ETHICS 816 (2017), (co-authored with Luke Gelinas, Holly Fernandez Lynch, and Barbara Bierer)

Public Engagement, Notice-and-Comment Rulemaking, and the Common Rule, 39 IRB: ETHICS & HUM. RES. (January/February 2017) (co-authored with Holly Fernandez Lynch and Barbara E. Bierer)

Using Social Media as a Research Recruitment Tool: Ethical Issues and Recommendations, 17 AM. J. BIOETHICS 3 (2017) (co-authored with Luke Gelinas, Robin Pierce, Sabune Winkler, Holly Fernandez Lynch, and Barbara Bierer)

Nonexceptionalism, Research Risks, and Social Media: Response to Open Peer Commentaries on “Using Social Media as a Research Recruitment Tool: Ethical Issues and Recommendations, 17 AM. J. BIOETHICS W1 (2017) (co-authored with Luke Gelinias, Robin Pierce, Sabune Winkler, Holly Fernandez Lynch, and Barbara Bierer)

Stakeholder Perspectives and Ethical and Regulatory Oversight Issues in Patient-Centered Outcomes Research, 40 IRB: ETHICS & HUMAN RES. 7 (2018) (co-authored with Emily A. Largent, Holly Fernandez Lynch, Melissa Abraham, Ronen Rozenblum, Avni Gupta, and Joel S. Weissman)

A Framework for Ethical Payment to Research Participants, 378 N. ENGL. J. MED. 766 (2018) (co-authored with Luke Gelinias, Emily A. Largent, Susan Kornetsky, Barbara Bierer, and Holly Fernandez Lynch)

On Scarcity and the Value of Clinical Trials, 4 AJOB 71 (2018) (co-authored with Luke Gelinias, Barbara Bierer, and Holly Fernandez Lynch) (peer commentary)

Truth in Advertising: Disclosure of Participant Payment in Research Recruitment Materials, 52 THERAP. INN. & REG. SCI 68 (2018) (co-authored with Luke Gelinias, Holly Fernandez Lynch, Emily A. Largent, Carmel Shachar, and Barbara Bierer)

Patient-Centered Outcomes Research: Stakeholder Perspectives and Ethical and Regulatory Oversight Issues, ETHICS AND HUM. RES. 7 (Jan/Feb 2018) (co-authored with Emily Largent, et al.)

IRB Oversight of Patient-Centered Outcomes Research: A National Survey of IRB Chairpersons, 13 J. EMP. RES. ON HUM. RES. ETHICS 421 (2018) (co-authored with Joel Weissman, et al.)

Oversight of Patient-Centered Outcomes Research: Recommendations from a Delphi Panel, 169 ANN. INTERN. MED. 559 (2018) (co-authored with Luke Gelinias, et al.)

Organ Donor Intervention Trials and Risk to Bystanders: An Ethical Analysis, 16 CLIN. TRIALS 463 (2019)

Overcoming Obstacles to Experiments in Legal Practice, 367 SCIENCE 1078 (2020) (co-authored with Holly Fernandez Lynch and Jim Greiner)

Observational Studies must be Reformed before the Next Pandemic, 29 NATURE MED. 1903 (2023) (co-authored with Emily E. Ricotta, Annette Rid & Nicholas G. Evans)

Ethically Cleared to Launch?, 381 SCIENCE 1408 (2023) (co-authored with Vasiliki Rahimzadeh et al.)

Book Chapters

From Medical Experimentation to Non-Medical Experimentation: What Can and Cannot be Learned from Medicine as to the Ethics of Legal and Other Non-Medical Experiments?, in MEDICAL EXPERIMENTATION: PERSONAL INTEGRITY AND SOCIAL POLICY, NEW EDITION (Oxford University Press 2016) (co-authored with James D. Greiner)

(6) BIOETHICS AND HEALTH CARE IN SPORTS

Reports/Law Journals

Protecting and Promoting the Health of NFL Players: Legal and Ethical Analysis and Recommendations (2016) (co-authored with Christopher R. Deubert, and Holly Fernandez Lynch) (reprinted in 7 HARV. J. SPORTS & ENT. L. 1 (2016))

Evaluating NFL Player Health and Performance: Legal and Ethical Issues, 165 U. PENN. L. REV. 227 (2017) (co-authored with Jessica L. Roberts, Christopher R. Deubert, and Holly Fernandez Lynch)

Comparing Health-Related Policies and Practices in Sports: The NFL and Other Professional Leagues (2017) (co-authored with Christopher R. Deubert, and Holly Fernandez Lynch) (reprinted in 8 HARV. J. SPORTS & ENT. L. 1 (2017))

The NFL as a Workplace: The Prospect of Applying Occupational Health and Safety Law to Protect NFL Workers, 60 ARIZ. L. REV. 291 (2018) (co-authored with Adam M. Finkel, Christopher R. Deubert, Orly Lobel, and Holly Fernandez)

Bioethics, Medical, and Other Journals

NFL Player Health: A Proposal to Address NFL Club Doctors' Conflicts of Interest and to Promote Player Trust, 46 HASTINGS. CTR. REP. S2 (2016) (co-authored with Christopher R. Deubert, and Holly Fernandez Lynch)

NFL Player Health: A Response to Commentaries, 46 HASTINGS. CTR. REP. S45 (2016) (co-authored with Christopher R. Deubert, and Holly Fernandez Lynch)

The Legality of Biometric Screening of Professional Athletes, 17 AM. J. BIOETHICS 65 (2016) (co-authored with Jessica L. Roberts, Christopher R. Deubert, and Holly Fernandez Lynch) (peer commentary)

Life on an Emotional Roller Coaster: NFL Players and Their Family Members' Perspectives on Player Mental Health, 12 J. CLIN. SPORTS PSYCH. 404 (2018) (co-authored with Sarah A. McGraw, Christopher R. Deubert, and Holly Fernandez Lynch, Alixandra Nozzolillo, and Lauren Taylor)

NFL or 'Not For Long'? Transitioning Out of the NFL, 42 J. SPORT BEHAV. 461 (2019) (co-authored with Sarah A. McGraw, Christopher R. Deubert, and Holly Fernandez Lynch, and Alixandra Nozzolillo)

(7) HEALTH LAW, HEALTH POLICY, AND BIOETHICS GENERALLY

Books

HEALTH CARE LAW AND ETHICS (Wolters Kluwer, 10th ed. 2024) (co-author with Mark A. Hall, David Orentlicher, Mary Anne Bobinski, Nicholas Bagley, and Nadia Sawicki)

BIOETHICS AND PUBLIC HEALTH LAW (Wolters Kluwer, 5th ed. 2024) (co-author with Mary Anne Bobinski, David Orentlicher, and Mark A. Hall)

MEDICAL LIABILITY AND TREATMENT RELATIONSHIPS (Wolters Kluwer, 5th ed. 2024) (co-author with Mark A. Hall, David Orentlicher, Mary Anne Bobinski, Nicholas Bagley, and Nadia Sawicki)

COVID-19 AND THE LAW: DISRUPTION, IMPACT AND LEGACY (Cambridge University Press 2023) (co-edited with Abbe R. Gluck, Katherine Kraschel, and Carmel Shachar)

DISABILITY, HEALTH, LAW, AND BIOETHICS (co-editor with Carmel Shachar, Anita Silvers, Michael Ashley Stein, Cambridge University Press, 2020)

READINGS IN COMPARATIVE HEALTH LAW AND BIOETHICS (Carolina Academic Press, 3^d ed. 2020) (co-author with Nathan Cortez and Tim Jost)

TRANSPARENCY IN HEALTH AND HEALTH CARE IN THE UNITED STATES (co-editor with Holly Fernandez Lynch, Carmel Shachar, Barbara J. Evans, Cambridge University Press, 2019)

HEALTH CARE LAW AND ETHICS (Wolters Kluwer, 9th ed. 2018) (co-author with Mark A. Hall, David Orentlicher, Mary Anne Bobinski, and Nicholas Bagley)

BIOETHICS AND PUBLIC HEALTH LAW (Wolters Kluwer, 4th ed. 2018) (co-author with Mary Anne Bobinski, David Orentlicher, and Mark A. Hall)

MEDICAL LIABILITY AND TREATMENT RELATIONSHIPS (Wolters Kluwer, 4th ed. 2018) (co-author with Mark A. Hall, David Orentlicher, Mary Anne Bobinski, and Nicholas Bagley)

LAW, RELIGION, AND HEALTH IN THE UNITED STATES (co-editor with Holly Fernandez Lynch and Elizabeth Sepper, Cambridge University Press, 2017)

THE OXFORD HANDBOOK OF U.S. HEALTH CARE LAW (Oxford University Press, 2015-2016) (co-editor with Bill Sage and Allison Hoffman)

NUDGING HEALTH: HEALTH LAW AND BEHAVIORAL ECONOMICS (John Hopkins University Press, 2016) (co-editor with Holly Fernandez Lynch and Christopher Robertson)

Law Journals

Making Residency Work Hour Rules Work, 41 J. L. MED. & ETHICS 310 (2013) (co-authored with Charles A. Czeisler and Christopher P. Landrigan)

Honoring the Public Trust: Curbing the Bane of Physician Sexual Misconduct, 9 J. L. & BIOSCI. (2022) (co-authored with Kunal K. Sindhu, Adam C. Schaffer, Rebecca Haw Allensworth, and Eli Y. Adashi)

Random Drug Testing of Physicians: A Question of Safety, 5 DEPAUL J. HEALTH CARE L. 1 (2024) (co-authored with Eli Y. Adashi and Jeffrey Julian)

Medical, Philosophy, Public Health and Bioethics Journals

The Constitutionality of the ACA's Medicaid-Expansion, 366 N. ENG. J. MED. 103 (2012) (co-authored with Jim Blumstein)

The Taxing Power and the Public's Health, 367 N. ENG. J. MED. 1777 (2012) (co-authored with Michelle Mello)

Conscientious Objection, Coercion, the Affordable Care Act, and U.S. States, 19 ETHICAL PERSPECTIVES 163 (2013) (solicited)

Physicians, Medical Ethics, and Execution by Lethal Injection, 311 JAMA 2375 (2014) (co-authored with Robert Truog and Mark Rockoff)

Hospital-Based Active Shooter Incidents: Sanctuary Under Fire, 313 JAMA 1209 (2015) (co-authored with Eli Y. Adashi and Hans Gao)

Private Rights and the Public Interest in Drug and Medical Device Litigation, 180 JAMA INT. MED. 299 (2019) (co-authored with Nicholas Bagley)

Medical Crowdfunding for Unproven Medical Treatments: Should Gofundme Become a Gatekeeper?, 49 HASTINGS CTR. REP. 32 (2019)

Potential Legal Liability for Withdrawing or Withholding Ventilators During COVID-19: Assessing the Risks and Identifying Needed Reforms, 323 JAMA 1901 (2020) (co-authored with Andrew M. Crespo and Douglas B. White)

A Legislative Blueprint for the Next Pandemic, 1 JAMA HEALTH FORUM e e200882 (2020) (co-authored with Eli Y. Adashi)

Universal Masking in the United States: The Role of Mandates, Health Education, and the CDC, 323 JAMA 837 (2020) (co-authored with Lawrence O. Gostin & Jeffrey P. Koplan)

The Interstate Medical Licensure Compact: Attending to the Underserved, 325 JAMA 1607 (2021) (co-authored with Eli Y. Adashi and Winston L. McCormick)

Industry-Sponsored Speaker Programs-End of the Line?, 325 JAMA 1835 (2021) (co-authored with Eli Y. Adashi)

An Overdue Executive Order: Reinstating the National Bioethics Commission, 21 AM. J. MED. S0002 (2021) (co-authored with Eli Y. Adashi)

Legislation to Criminalize Gender-Affirming Medical Care for Transgender Youth, 325 JAMA 2251 (2021) (co-authored with Jack L. Turban and Katherine L. Kraschel)

The American Rescue Plan Act of 2021: A Historic if Transitory Expansion of the ACA, 326 JAMA 27 (2021) (co-authored with Eli Y. Adashi)

Enforcement of the Physician Payments Sunshine Act: Trust and Verify, 326 JAMA 807 (2021) (co-authored with Eli Y. Adashi)

Antiviral Therapeutics: Key to Curbing the COVID-19 Pandemic, 135 AM. J. MED. 411 (2022) (co-authored with Eli Y. Adashi)

Preventing Female Genital Mutilation in the United States: The Legal Threat to Effective Action, 110 AM. J. PUB. HEALTH 813 (2020) (co-authored with Nikolas Bowie, Megan Jones, and Eli Y. Adashi)

The Biden Administration's Proposal for an Advanced Research Projects Agency for Health (ARPA-H), 2 JAMA HEALTH FORUM e212972 (2021) (co-authored with Eli Y. Adashi)

When Failure Is Not an Option: The Independent Panel Pandemic Report, 135 AM. J. MED. 131 (2021) (co-authored with Eli Y. Adashi)

The Affordable Care Act Resurrected: Curtailing the Ranks of the Uninsured, 326 JAMA 1797 (2021) (co-authored with Eli Y. Adashi and Daniel P. O'Mahony)

The Pandemic Preparedness Program: Reimagining Public Health, 327 JAMA 219 (2022) (co-authored with Eli Y. Adashi)

Health Care Fraud: The Leading Violation of the False Claims Act, 135 AM. J. MED. 558 (2022) (co-authored with Eli Y. Adashi)

The CMS Vaccine Mandate at the Supreme Court: A Hippocratic Imperative, 135 AM. J. MED. 1035 (2022) (co-authored with Eli Y. Adashi)

Stamping Out the Medicaid Coverage Gap: An ACA Imperative, 135 AM. J. MED. E225 (2022) (co-authored with Eli Y. Adashi and Daniel P. O'Mahony)

And Then There Were Three: The Decimation of the Affordable Care Act (ACA) CO-Ops, 35 J. Am. Bd. Fam. Med. 867 (2022) (co-authored with Eli Y. Adashi and Daniel P. O'Mahony)

Legislation Restricting Gender-Affirming Care for Transgender Youth: Politics Eclipse Healthcare, 3 CELL REP. MED. 100719 (2022) (co-authored with Katherine L. Kraschel, Alexander Chen, Jack L. Turban)

Criminalizing Medical Errors Will Undermine Patient Safety, 11 NATURE MED. 2241 (2022) (co-authored with Eli Y. Adashi)

Failing Grade: The Pandemic Legacy of HHS, 64 AM. J. PREVENTATIVE MED. 142 (2022) (co-authored with Eli Y. Adashi)

The Nursing Home Crisis: Prognosis Guarded, 135 AM. J. MED 1130 (2022) (co-authored with Eli Y. Adashi)

The PREVENT Pandemics Act: A National Road Map, 64 AM. J. PREVENTATIVE MED. 298 (2022) (co-authored with Eli Y. Adashi and Daniel P. O'Mahony)

Mounting Violence in Health Care: Is It Time to Harden the Sanctuary?, 135 AM. J. MED 1391 (2022) (co-authored with Eli Y. Adashi)

Transparency and the Doctor-Patient Relationship - Rethinking Conflict-of-Interest Disclosures, 386 N. ENGL. J MED. 300 (2022) (co-authored with Eli Y. Adashi and Jacob T. Elberg)

Persistent Inpatient Harm: The Unremitting Challenge of Patient Safety, 38 J. GEN. INTERN. MED. 1532 (2023) (co-authored with Eli Y. Adashi)

Should the Administration for Strategic Preparedness and Response Lead the National Response to a Public Health Emergency? 4 JAMA HEALTH F. e224824 (2023) (co-authored with Eli Y. Adashi and Daniel P. O'Mahony)

Persistent Inpatient Harm: The Unremitting Challenge of Patient Safety, 38 J. GEN. INTERN. MED. 1532 (2023) (co-authored with Eli Y. Adashi)

Workplace Violence in Health Care: Protective Federal Legislation Must not be Delayed, 136 AM. J. MED. 611 (2023) (co-authored with Eli Y. Adashi and Daniel P. O'Mahony)

The Inflation Reduction Act: Recasting the Medicare Prescription Drug Plans, 64 AM. J. PREVENTATIVE MED. 936 (2023) (co-authored with Eli Y. Adashi and Daniel P. O'Mahony)

Hospital at Home Receives a New Lease on Life: A Promising if Uncertain Future, 136 AM. J. MED. 958 (2023) co-authored with Eli Y. Adashi and Daniel P. O'Mahony)

Affirmative Action Ruled Unconstitutional: Options for Building a Diverse Health Care Workforce, 330 JAMA 1031 (2023) (co-authored with Eli Y. Adashi and Philip A. Gruppuso)

State Approaches to Stopping Violence Against Health Care Workers, 331 JAMA 825 (2024) (co-authored with Rebekah J. Ninan and Eli Y. Adashi)

The Pregnant Workers Fairness Act—a Bipartisan Step Forward, 5 JAMA HEALTH F. e235386 (2024) (co-authored with Eli Y. Adashi and Daniel P. O'Mahony)

Medicare Advantage: Growth Amidst Mounting Scrutiny, 36 J. AM. BD. FAM. MED. 1062 (2024) (co-authored with Eli Y. Adashi and Daniel P. O'Mahony)

Remote Patient Monitoring: A Leading Anchor of the 'Hospital-at-Home' Paradigm 137 AM. J. MED. 81 (2024) (co-authored with Eli Y. Adashi and Daniel P. O'Mahony)

The White House Initiative on Women's Health Research: A Presidential Boost, 33 J. WOMEN'S HEALTH 1151 (2024) (co-authored with Eli Y. Adashi and Daniel P. O'Mahony)

Medicare Advantage Under Fire: Public Criticism and Implications, _ J. GEN. INTERN. MED. _ (2024) (co-authored with Eli Y. Adashi and Daniel G. Aaron)

The National Physician Shortage: The Imperative of Congressional Action, 137 AM. J. MED. 1030 (2024) (co-authored with Eli Y. Adashi and Daniel P. O'Mahony)

The State of Maternal and Infant Health: An Unrelenting Crisis, 33 J. WOMEN'S HEALTH _ (2024) (co-authored with Eli Y. Adashi and Daniel P. O'Mahony)

A Whole-of-Government Approach to Addressing the U.S. Maternal Health Crisis, _ J. WOMEN'S HEALTH _ (2024) (co-authored with Eli Y. Adashi and Daniel P. O'Mahony)

Declining U.S. Fertility and Births Rates: A Shrinking Nation, _ J. WOMEN'S HEALTH _ (2024) (co-authored with Eli Y. Adashi and Daniel P. O'Mahony)

The Right to Contraception Act: A Present-Day Imperative, _ J. WOMEN'S HEALTH _ (2024) (co-authored with Eli Y. Adashi and Daniel P. O'Mahony)

Book Chapters

Was the Medicaid Expansion Coercive?, in THE AFFORDABLE CARE ACT DECISION: PHILOSOPHICAL AND LEGAL IMPLICATIONS 253 (Fritz Allhoff and Mark Hall, eds. 2014)

The Relationship Between Bioethics and U.S. Health Law, in THE OXFORD HANDBOOK OF U.S. HEALTH CARE LAW (I. Glenn Cohen et al eds., 2015-2016)

On the Human Right to Health: Statistical Lives, Contingent Persons, and Other Difficult Questions, in HUMAN RIGHTS, DEMOCRACY, AND LEGITIMACY IN A WORLD OF DISORDER (Silja Voeneke & Gerald Neuman eds., Cambridge University Press, 2018)

Health Law and Ethics, in HEALTH SYSTEMS SCIENCE (Susan Skochelak, ed.; 2d edition, Elsevier 2019) (co-authored with Bill Sage and Allison Hoffman)

Vaccine Tourism, Federalism, Nationalism, in COVID-19 AND THE LAW: DISRUPTION, IMPACT AND LEGACY (I. Glenn Cohen, Abbe R. Gluck, Katherine Kraschel, and Carmel Shachar eds. 2023)

(8) FOOD, DRUG, AND DEVICE LAW

Books

DIGITAL HEALTH CARE OUTSIDE OF TRADITIONAL CLINICAL SETTINGS: ETHICAL, LEGAL, AND REGULATORY CHALLENGES AND OPPORTUNITIES (Cambridge University Press, 2024) (co-authored with Daniel B. Kramer, Julia Adler-Milstein, and Carmel Shachar)

FDA IN THE TWENTY-FIRST CENTURY: THE CHALLENGES OF REGULATING DRUGS AND NEW TECHNOLOGIES (Columbia University Press, 2015) (co-editor with Holly Fernandez Lynch)

Law Journals

Make it Work! Breyer on Patents in the Life Sciences, 128 HARV. L. REV. 481 (2014) (festschrift for Justice Breyer)

Innovating Preemption or Preempting Innovation?, 119 NORTHWESTERN L. REV. ONLINE 137 (2024) (co-authored with Carmel Shachar and David Simon)

Medical, Philosophy, Public Health, Bioethics and other Journals

FDA Regulation of Mobile Health Technologies 371 N. ENG. J. MED. 372 (2014) (co-authored with Nathan Cortez and Aaron Kesselheim)

Reconsideration of the Lifetime Ban on Blood Donation by Men Who Have Sex With Men, 311 JAMA 337 (2014) (co-authored with Eli Y. Adashi and Jeremy Feigenbaum)

Influence, Integrity, and the FDA: An Ethical Framework, 357 SCIENCE 876 (2017) (co-authored with Spencer Hey, Eli Y. Adashi, and Aaron Kesselheim)

When Science and Politics Collide: Enhancing the FDA, 364 SCIENCE 628 (2019) (co-authored with Eli Y. Adashi and Rohit Rajan)

Pharmaceutical Companies, Human Rights, and the Alien Tort Statute, 49 J LAW., MED. & ETHICS 500 (2021) (co-authored with Eli Y. Adashi and Tyler Giannini)

A Divisive Ruling on Devices — Genus Medical Technologies v. FDA, 385 N. ENG. J. MED. 2409 (2021) (co-authored with Eli Y. Adashi and Patricia J. Zettler)

Deadly Legacy—The 510(k) Path to Medical Device Clearance, 157 JAMA SURG. 185 (2022) (co-authored with Eli Y. Adashi and Katina M. Robison)

At-Home Diagnostics and Diagnostic Excellence Devices vs General Wellness Products, 327 JAMA 523 (2022) (co-authored with David Simon and Carmel Shachar)

SARS-CoV-2 Laboratory-Developed Tests: Integrity Restored, 327 JAMA 1229 (2022) (co-authored with Eli Y. Adashi)

Expanding the Blood Pool: The Limitations of the FDA’s Current MSM Blood Deferral, 97 MAYO CLINIC PROC. 1424 (2022) (co-authored with Winston McCormick & Eli Y. Adashi)

The FDA Struggle to Withdraw Makena: Problems With the Accelerated Approval Process, 328 JAMA 2394 (2022) (co-authored with Daniel Aaron and Eli Y. Adashi)

Assessing—and Extending—California’s Insulin Manufacturing Initiative, 329 JAMA 533 (2023) (co-authored with Jake Sherkow and Eli Y. Adashi)

The FDA Modernization Act 2.0: Drug Testing in Animals is Rendered Optional, 9 AM. J. MED. 853 (2023) (co-authored with Eli Y. Adashi and Daniel P. O’Mahony)

The FDA Initiative to Assure Racial and Ethnic Diversity in Clinical Trials, 36 J. AM. B. FAM. MED. 366 (2023) (co-authored with Eli Y. Adashi)

Patient-Assistance Programs, Kickbacks, and the Courts, 388 N. ENGL. J. MED. 2407 (2023) (co-authored with Jacob. T. Elberg and Eli Y. Adashi)

Lawsuits Over the Price of Insulin—State Efforts for Insulin Access. 184 JAMA INTERN MED. 9 (2024) (co-authored with Daniel G. Aaron and Eli Y. Adashi)

Food and Drug Omnibus Reform Act: A Critical Course Correction, 99 MAYO CLINIC PROCEEDINGS 869 (2024) (co-authored with Aditya Narayan and Eli Y. Adashi)

Checks and Balances on FDA's Authority, 332 JAMA 705 (2024) (co-authored with Holly Fernandez Lynch and Peter Lurie)

The US FDA's New Rule for Regulating Laboratory-Developed Tests, 5 JAMA HEALTH F. e242917 (2024) (co-authored with Daniel G. Aaron and Eli Y. Adashi)

(9) PSYCHEDELICS AND THE LAW

Law Journals

Patents on Psychedelics: The Next Legal Battlefield of Drug Development, HARV. L. REV. F. (Feb 20, 2022), <https://harvardlawreview.org/2022/02/patents-on-psychedelics-the-next-legal-battlefront-of-drug-development/> (co-authored with Mason Marks)

Microdosing Psychedelics Under Local, State, and Federal Law, 103 B.U. L. REV. 573 (2023) (co-authored with Mason Marks, David Angelatos, & Jonathan Perez-Reyzin)

Psychedelics, Psychosocial Support, and Psychotherapy: Why It Matters for the Law, Ethics, and Business of Medical Psychedelic Use, 93 FORDHAM LAW REVIEW 393 (2024)

Medical, Philosophy, Public Health, Bioethics and other Journals

Psychedelic Therapy: A Roadmap for Wider Acceptance and Utilization, 27 NATURE MED. 1669 (2021) (co-authored with Mason Marks)

Pressing Regulatory Challenges for Psychedelic Medicine, 380 SCIENCE 347 (2023) (co-authored with Amy L. McGuire, Holly Fernandez Lynch, and Lewis A. Grossman)

How Should the FDA Evaluate Psychedelic Medicine?, 389 N. ENGL. J. MED. 389 (2023) (co-authored with Mason Marks)

Introducing Psychedelics to End-Of-Life Mental Healthcare, 1 NATURE MENTAL HEALTH 920 (2023) (co-authored with Mason Marks, Brent Kious and Carmel Shachar)

Essentials of Informed Consent to Psychedelic Medicine, 81 JAMA PSYCHIATRY 611 (2024) (co-authored with Mason Marks, Carmel Shachar, and Rebecca Brendel)

Developing an Ethics and Policy Framework for Psychedelic Clinical Care: A Consensus Statement, 7 JAMA NETWORK OPEN e2414650 (2024) (co-authored with Amy McGuire, Dominic Sisti, et al)

(10) AI/DIGITAL HEALTH/BIG DATA

Books

BIG DATA, HEALTH LAW, AND BIOETHICS (Cambridge University Press, 2018) (co-edited with Holly Fernandez Lynch, Effy Vayena, and Urs Gasser)

RESEARCH HANDBOOK ON HEALTH, AI AND THE LAW (Elgar Publishing, 2024) (co-edited with Barry Solaiman)

Law Journals

Cops, Docs, and Code: A Dialogue Between Big Data in Health Care and Predictive Policing, 51 U.C. DAVIS L. REV. 437 (2017) (co-authored with Harry Graver)

Informed Consent and Medical Artificial Intelligence: What to Tell the Patient?, 108 GEORGETOWN L. J. 1426 (2020) (symposium)

The Algorithmic Explainability “Bait and Switch,” 108 MINN L. REV. 857 (2023) (co-authored with Boris Babic)

Locating Liability for Medical AI, 73 DEPAUL L. REV. 339 (2024) (co-authored with W. Nicholson Price II) (invited as part of Clifford Tort Symposium 2023)

Towards Responsible Quantum Technology: Safeguarding, Engaging and Advancing Quantum R&D, 15 HASTINGS SCI. & TECH. L.J. 63 (2024) (co-authored with Mauritz Kop, Mateo Aboy, Eline De Jong, Urs Gasser, Timo Minssen, Mark Brongersma, Teresa Quintel, Luciano Floridi, and Raymond Laflamme)

Medical, Bioethics and Other Journals

The Legal and Ethical Concerns That Arise From Using Complex Predictive Analytics In Health Care, 33 HEALTH AFF. 1139 (2014) (co-authored with Bernard Lo, Ruben Amarasingham, and Anand Shah)

Consensus Statement on Electronic Health Predictive Analytics: A Guiding Framework, eGEMS Vol. 4, Issue 1 (2016) (co-authored with Ruben Amarasingham, Anne-Marie J. Audet, and many others)

Your Money or Your Patient’s Life? Ransomware and Electronic Health Records, 167 ANNALS OF INT. MED. 587 (2017) (co-authored with Sharona Hoffman and Eli Y. Adashi)

HIPAA and Protecting Health Information in the 21st Century, 320 JAMA 231 (2018) (co-authored with Michelle Mello)

The Ethics of Smart Pills and Self-Acting Devices: Autonomy, Truth-Telling, and Trust at the Dawn of Digital Medicine, 9 AJOB 38 (2018) (co-authored with Craig M. Klugman, Laura B. Dunn, and Jack Schwartz)

Response to Open Peer Commentaries on “The Ethics of Smart Pills and Self-Acting Devices: Autonomy, Truth-Telling, and Trust at the Dawn of Digital Medicine”, 9 AJOB W4 (2018) (co-authored with Craig M. Klugman, Laura B. Dunn, and Jack Schwartz)

Machine Learning in Medicine: Addressing Ethical Challenges, 15 PLOS MED e1002689 (2018) (co-authored with Effy Vayena and Alessandro Blasimme)

Privacy in the Age of Medical Big Data, 25 NATURE MED. 37 (2019) (co-authored with W. Nicholson Price II)

Big Data, Big Tech, and Protecting Patient Privacy, 322 JAMA 1141 (2019) (co-authored with Michelle Mello)

Ethical and Legal Issues of Ingestible Electronic Sensors, 2 NATURE ELECTRONICS 329 (2019) (co-authored with Sara Gerke, Helen Yu & Timo Minssen)

How Does Emerging Patent Case Law in the US and Europe Affect Precision Medicine?, 37 NATURE BIOTECH. 1118 (2019) (co-authored with Mateo Aboy, Kathleen Liddell, Cristina Crespo, Johnathon Liddicoat, Sara Gerke & Timo Minssen)

Potential Liability for Physicians Using Artificial Intelligence, 322 JAMA 1765 (2019) (co-authored with W. Nicholson Price II and Sara Gerke)

Algorithms on Regulatory Lockdown in Medicine, 366 SCIENCE 1202 (2019) (co-authored with Boris Babic, Sara Gerke, and Theodoros Evgeniou)

Ethical and Legal Aspects of Ambient Intelligence in Hospitals, 323 JAMA 601 (2020) (co-authored with Serena Yeung and Sara Gerke)

The European Artificial Intelligence Strategy: Implications and Challenges for Digital Health, 7 LANCET DIGITAL HEALTH e376 (2020) (co-authored with Theodoros Evgeniou, Sara Gerke, and Timo Minssen)

Digital Smartphone Tracking for COVID-19: Public Health and Civil Liberties in Tension, 323 JAMA 2371 (2020) (co-authored with Lawrence O. Gostin and Daniel J. Weitzner)

The Need for a System View to Regulate Artificial Intelligence/Machine Learning-Based Software as Medical Device, 3 NPJ DIGITAL MED. 53 (2020) (co-authored with Boris Babic, Sara Gerke, and Theodoros Evgeniou)

Regulatory, Safety, and Privacy Concerns of Home Monitoring Technologies During COVID-19, 26 NATURE MED. 1176 (2020) (co-authored with Sara Gerke, Carmel Shachar, and Peter R. Chai)

Regulatory Responses to Medical Machine Learning, 7 J. LAW & BIOSCI. Isaa002 (2020) (co-authored with Timo Minssen, Sara Gerke, Mateo Aboy, and Nicholson Price)

Ethical and Legal Aspects of Remote Monitoring of Medical Devices, 98 MILBANK Q. 1257 (2020) (co-authored with Sara Gerke and Daniel B. Kramer)

Invited Perspective: How Much Can Potential Jurors Tell Us about Liability for Medical AI?, 62 J. NUCL. MED. 15 (2020) (co-authored with W. Nicholson Price II and Sara Gerke)

When Machine Learning Goes Off the Rails, HARVARD BUSINESS REVIEW (Jan-Feb 2021) (co-authored with Boris Babic, Sara Gerke, and Theodoros Evgeniou)

Artificial Intelligence and Liability in Medicine: Balancing Safety and Innovation, 98 MILBANK Q. 629 (2021) (co-authored with Sara Gerke, George Maliha, and Ravi Parikh)

Digital Health Passes in the Age of COVID-19: Are "Vaccine Passports" Lawful and Ethical?, 325 JAMA 1933 (2021) (co-authored with Lawrence O. Gostin & Jana Shaw)

Beware Explanations from AI in Health Care, 373 SCIENCE 284 (2021) (co-authored with Boris Babic, Sara Gerke, and Theodoros Evgeniou)

Direct-to-Consumer Medical Machine Learning and Artificial Intelligence Applications, 3 NATURE MACHINE INTELLIGENCE 283 (2021) (co-authored with Boris Babic, Sara Gerke, and Theodoros Evgeniou)

Beyond Security Patches: Fundamental Incentive Problems in Health Care Cybersecurity, 2 JAMA HEALTH FORUM e212969 (2021) (co-authored with Genevieve P. Kanter and Jack Kufhal)

Sharing Clinical Notes: Potential Medical-Legal Benefits and Risks, 327 JAMA 717 (2021) (co-authored with Charlotte Blease & Sharona Hoffman)

Emerging Ethical Considerations for the Use of Artificial Intelligence in Ophthalmology, 2 OPHTHALMOLOGY SCI. 100141 (2022) (co-authored with Nicholas G. Evans, Danielle M. Wenner, Duncan Purves, Michael F. Chiang, Daniel S.W. Ting, and Aaron Y. Lee)

How NFTs Could Transform Health Information Exchange, 375 SCIENCE 500 (2022) (co-authored with Kristin Kostick-Quenet, Kenneth D. Mandl, Timo Minssen, Urs Gasser, Isaac Kohane, and Amy McGuire)

Mitigating Racial Bias in Machine Learning, 50 J. LAW, MED. & ETHICS 50, 92 (2022) (co-authored with Kristin M. Kostick-Quenet, Sara Gerke, Bernard Lo, James Antaki, Faezah Movahedi, Hasna Njah, Lauren Schoen, Jerry E. Estep, and J.S. Blumenthal-Barby)

The Hospital-At-Home Presents Novel Liabilities for Physicians, Hospitals, Caregivers, and Patients, 28 NATURE MED. 438 (2022) (co-authored with David A. Simon, Celynne Balatbat & Anaeze C. Offodile II)

Ethics-By-Design: Efficient, Fair and Inclusive Resource Allocation Using Machine Learning, 9 J. L. & BIOSCI. (2022) (co-authored with Theodore P Papalexopoulos, Dimitris Bertsimas, Rebecca R Goff, Darren E Stewart, and Nikolaos Trichakis)

"I'd Feel Like Someone Was Watchin' Me... Watching for a Good Reason": Perceptions Of Data Privacy, Access, And Sharing in the Context of Real-Time Prep Adherence Monitoring Among HIV-Negative MSM with Substance Use, 26 AIDS & BEHAV. 2981 (2022) (co-authored with Georgia R. Goodman, Anna Kikut, Maria J. Bustamante, Lizette Mendez, Yassir Mohamed, Carmel Shachar, Sara Gerke, Edward W. Boyer, Rochelle K. Rosen, Kenneth H. Mayer, Conall O' Cleirigh and Peter R. Chai)

When Is a Change Significant? The Update Problem of Apps in Medical and Behavioral Research, 44 ETHICS & HUM. RES. 2 (2022) (co-authored with Carmel Shachar, Sara Gerke, Walker Morrell, Aaron Kirby, and Barbara E. Bierer)

Skating The Line Between General Wellness Products and Regulated Devices: Strategies and Implications, 9 J. L. & BIOSCI. (2022) (co-authored with David A Simon and Carmel Shachar)

Should Alexa Diagnose Alzheimer's?: Legal and Ethical Issues with At-Home Consumer Devices, 3 CELL REP. MED. 100692 (2022) (co-authored with Barbara Evans, David A Simon and Carmel Shachar)

Unsettled Liability Issues for "Prediagnostic" Wearables and Health-Related Products, 328 JAMA 1391 (2022) (co-authored with David A Simon and Carmel Shachar)

Hospital-at-Home: Multistakeholder Considerations for Program Dissemination and Scale, 100 MILLBANK Q. 673 (2022) (co-authored with Kushal T. Kadakia, Celynne A. Balatbat, Albert L. Siu, Consuelo H. Wilkins, Victor J. Dzau and Anaeze C. Offodile)

Navigating a Path Toward Routine Recording in the Operating Room, 278 ANN. SURG. e474 (2023) (co-authored with Alexander Langerman et al.)

HIPAA is a Misunderstood and Inadequate Tool for Protecting Medical Data, 29 NATURE MED. 1900 (2023) (co-authored with Carmel Shachar, Romain Cadario, and Carey K. Morewedge)

The Challenges for Regulating Medical Use of ChatGPT and Other Large Language Models, 330 JAMA 315 (2023) (co-authored with Timo Minssen and Effy Vayena)

What Should ChatGPT Mean for Bioethics, 23 AM. J. BIOETHICS 8 (2023)

How AI Can Learn from the Law: Putting Humans in the Loop Only on Appeal, 6 NPJ DIGITAL MED. 160 (2023) (co-authored with Boris Babic, Sara Gerke, Qiong Xia, Theodoros Evgeniou & Klaus Wertenbroch)

AI as a Mental Health Therapist for Adolescents, 177 JAMA PEDIATR. 1253 (2023) (co-authored with Doug J Opel & Brent M Kious)

Navigating the New Risks and Regulatory Challenges of GenAI, HARV. BUS. REV. (2023) (co-authored with Theodoros Evgeniou & Martin Husovec)

Using Digital Technologies to Diagnose in the Home: Recommendations from A Delphi Panel, 7 NPJ DIGITAL MED. 18 (2024) (co-authored with David A. Simon, Sara Raza & Carmel Shachar)

The Health Risks of Generative AI-Based Wellness Apps, 30 NATURE MED. 1269 (2024) (co-authored with Julian De Freitas)

The EU AI Act: Implications for U.S. Health Care, 1 N. ENGL. J. MED. AI (2024) (co-authored with Timo Minssen and Sebastian Porsdam Mann)

Synthetic Health Data: Real Ethical Promise and Peril, 54 HASTINGS CENTER REPORT 8 (2024) (co-authored with Daniel Susser et al.)

Ten Principles for Responsible Quantum Innovation, 9 QUANTUM SCI AND TECH (2024) (co-authored with Mauritz Kop et al.)

Guidelines For Ethical Use and Acknowledgement of Large Language Models in Academic Writing, 6 NATURE MACHINE INTELLIGENCE 1272 (2024) (co-authored with Sebastian Porsdam Mann et al.)

Book Chapters

Is There a Duty to Share Health Care Data?, in BIG DATA, HEALTH LAW, AND BIOETHICS 209 (I. Glenn Cohen, Holly Fernandez Lynch, Effy Vayena, and Urs Gasser eds., Cambridge University Press 2018)

A Doctor's Touch: What Big Data in Health Care Can Teach Us About Predictive Policing, in POLICING AND ARTIFICIAL INTELLIGENCE (John L.M. McDaniel and Ken G. Pease eds., Routledge, 2020) (co-authored with Harry Graver)

Ethical and Legal Challenges of Artificial Intelligence-Driven Healthcare, in ARTIFICIAL INTELLIGENCE IN HEALTHCARE 295 (Adam Bohr & Kaveh Memarzadeh eds., Elsevier 2020) (co-authored with Sara Gerke and Timo Minssen)

The Ethics and Laws of Medical Big Data, in THE CAMBRIDGE HANDBOOK OF LIFE SCIENCE, INFORMATION TECHNOLOGY AND HUMAN RIGHTS 48 (Marcello Ienca et al. eds., Cambridge University Press 2021) (co-authored with Hrefna D. Gunnarsdóttir, Timo Minssen and Sara Gerke)

Liability for Use of Artificial Intelligence in Medicine, in RESEARCH HANDBOOK ON HEALTH, AI AND THE LAW (Barry Solaiman & I. Glenn Cohen eds, 2024) (co-authored with W. Nicholson Price II & Sara Gerke)

The Development, Implementation, and Oversight of Artificial Intelligence in Health Care: Legal and Ethical Issues, in I HANDBOOK OF BIOETHICAL DECISIONS 441 (Erick Valdés & Juan Alberto Lecaros eds., Springer 2023) (co-authored with Sara Gerke & Jenna Becker)

Assessing Public and Private Rights of Action to Police Health Data Sharing, in THE LAW AND ETHICS OF DATA SHARING IN HEALTH SCIENCES 33 (Marcelo Corrales Compagnucci et al. eds 2024) (co-authored with Carmel Shachar & David Simon)

Medical AI and Tort Liability, in ARTIFICIAL INTELLIGENCE IN MEDICINE: FROM ETHICAL, SOCIAL, AND LEGAL PERSPECTIVES 89 (Joseph J.Y. Sung and Cameron Stewart eds. 2024) (co-authored with Andrew Slotjje and Sara Gerke)

A Framework for Health, AI, and the Law, in RESEARCH HANDBOOK ON HEALTH, AI AND THE LAW 1 (Elgar Publishing, 2024) (Barry Solaiman and I. Glenn Cohen eds 2024) (co-authored with Barry Solaiman)

Artificial Intelligence and the Law of Informed Consent, in RESEARCH HANDBOOK ON HEALTH, AI AND THE LAW 167 (Elgar Publishing, 2024) (Barry Solaiman and I. Glenn Cohen eds 2024) (co-authored with Andrew Slottje)

Liability for Use of Artificial Intelligence in Medicine, in RESEARCH HANDBOOK ON HEALTH, AI AND THE LAW 150 (Elgar Publishing, 2024) (Barry Solaiman and I. Glenn Cohen eds 2024) (co-authored with Sara Gerke and W. Nicholson Price II)

(11) OTHER PROJECTS

Books

H2O FREE CIVIL PROCEDURE TEXTBOOK, available at <http://brk.mn/cohencivpro>

IDENTIFIED V. STATISTICAL LIVES: ETHICAL, LEGAL, AND MEDICAL PERSPECTIVES (co-editor with Nir Eyal and Norman Daniels and contributing a chapter, Oxford University Press, 2015)

Law Journals

Rationing Legal Services, 5 J. L. ANALYSIS 221 (2013)

This is Your Brain on Human Rights: Moral Enhancement and Human Rights, 9 LAW AND ETHICS OF HUMAN RIGHTS 1 (2015) (symposium, Human Rights and Human Minds)

Medical, Philosophy, Public Health and Bioethics Journals

Effect of Patient and Therapist Factors on Suicide Risk Assessment, 39 DEATH STUD. 433 (2015) (co-authored with NC Berman, A. Stark, A. Cooperman, and S. Wilhelm)

Clinical Decision Making Regarding Suicide Risk: Effect of Patient and Clinician Age, 40 DEATH STUD. 269 (2016) (co-authored with NC Berman, ES Tung, N Matheny, and S. Wilhelm)

Effect of a Legal Prime on Clinician's Assessment of Suicide Risk, 40 DEATH STUD. 61 (2016) (co-authored with NC Berman, A Sullivan, and S. Wilhelm)

Designing Development Programs for Non-Traditional Antibacterial Agents, 10 NATURE COMM. 3416 (2019) (co-authored with John H. Rex, Holly Fernandez Lynch, Jonathan J. Darrow and Kevin Outterson)

Book Chapters

Litigation and the Statistical v. Identified Lives Issue: On Standing, Ripeness, and Class Actions, in IDENTIFIED V. STATISTICAL LIVES: ETHICAL, LEGAL, AND MEDICAL PERSPECTIVES (I. Glenn Cohen, Nir Eyal, and Norman Daniels eds., 2015)

(11) PRE-FELLOWSHIP WORK

Case Comment, *Supreme Court of New Jersey Holds that Preembryo Disposition Agreements Are Not Binding When One Party Later Objects*, *J.B. v. M.B.*, 115 HARV. L. REV. 701 (2001)

Note, *Gore, Gibson, and Goldsmith: The Evolution of Internet Metaphors in Law and Commentary*, 16 HARV. J. L. TECH. 265 (2002) (co-authored with Jonathan Blavin)

Note, The Price of Everything, the Value of Nothing: Reframing the Commodification Debate, 117 HARV. L. REV. 689 (2003)

Therapeutic Orphans, Pediatric Victims? The Best Pharmaceuticals for Children Act and Existing Pediatric Human Subject Protection, 58 FOOD & DRUG L. J. 661 (2003)

Negotiating Death: ADR and End of Life Decision-making, 9 HARV. NEGOTIATION L. REV. 253 (2004) (awarded a CPR Institute for Dispute Resolution Award of Excellence)

Negotiating in the Shadow of Death, DISPUTE RESOLUTION MAGAZINE 12 (Fall 2004)

OP-EDS AND WRITING FOR PUBLIC AUDIENCES

Mississippi's Ambiguous Personhood Amendment, New York Times, Oct 31, 2011, available at <http://www.nytimes.com/2011/10/31/opinion/mississippi-ambiguous-personhood-amendment.html> (co-written with Jonathan Will)

Guatemalans Used in Experiments Deserve Compensation, New York Times, July 4, 2011, available at http://www.nytimes.com/2012/07/05/opinion/guatemalans-used-in-experiments-deserve-compensation.html?_r=1&adxnml=1&adxnmlx=1345907160-K8WS0SLJalIknr/t6qtBmg (co-written with Holly Lynch)

The Flawed Basis Behind Fetal-pain Abortion Laws, Washington Post, Aug 1, 2012, available at http://www.washingtonpost.com/opinions/the-flawed-basis-behind-fetal-pain-abortion-laws/2012/08/01/gJQAS0w8PX_story.html?hpid=z4

It is Time for the U.S. to Cover IVF (for Gays and Lesbians too), Huffington Post, March 18, 2013, available at http://www.huffingtonpost.com/dov-fox/it-is-time-for-the-us-to-_b_2900323.html

Some Insurance Companies Ask Their Customers to Cross the Border for Care, The New Republic, July 7, 2014 (co-authored with Adam Teicholz), available at <http://www.newrepublic.com/article/118546/some-insurance-companies-ask-customers-cross-border-care>

Nudging the FDA, The American Interest, Vol. 10, No. 2, October 17, 2014 (co-authored with William Nicholson Price II), available at <http://www.the-american-interest.com/2014/10/17/nudging-the-fda/>

New Blood Donor Policy, Same Gay Stigma, New York Times, May 21, 2015 (co-authored with Eli Y. Adashi), available at http://www.nytimes.com/2015/05/21/opinion/new-blood-donor-policy-same-gay-stigma.html?ref=opinion&_r=1

The Non-Spaces of Medical Tourism, 40 Harvard Design Magazine, Spring 2015, available at <http://www.harvarddesignmagazine.org/issues/40/the-non-spaces-of-medical-tourism>

How is it Even Possible For Sofia Vergara's Embryos to Sue Her? A Harvard Law Prof Weighs In, Refinery 29, Dec. 8, 2016, available at <http://www.refinery29.com/2016/12/132368/sofia-vergara-embryo-lawsuit-explained>

When NFL Calls the Doctor, Boston Globe, Nov. 17, 2016 (co-authored with Holly Fernandez Lynch and Chris Deubert), available at <https://www.bostonglobe.com/opinion/2016/11/17/when-nfl-calls-doctor/ZXmx9C3zAFBScgXGZb22gL/story.html>

Artificial Wombs are Coming. They Could Completely Change the Debate over Abortion, Vox, Aug. 23, 2017, available at <https://www.vox.com/the-big-idea/2017/8/23/16186468/artificial-wombs-radically-transform-abortion-debate>

Smart Pills Can Transmit Data to Your Doctors, But What About Privacy?, New Scientist, Sept.19, 2018 (co-authored with Alex Pearlman), available at <https://www.newscientist.com/article/2180158-smart-pills-can-transmit-data-to-your-doctors-but-what-about-privacy/>

Creating Eggs and Sperm From Stem Cells: The Next Big Thing in Assisted Reproduction?, Stat News, June 5, 2019 (co-authored with Alex Pearlman), available at <https://www.statnews.com/2019/06/05/creating-eggs-sperm-stem-cells/>

Protect the Doctors and Nurses Who Are Protecting Us, New York Times, April 1, 2020, (co-authored with Andrew M. Crespo and Douglas B. White), available at <https://www.nytimes.com/2020/04/01/opinion/coronavirus-ventilators-doctors.html>

Maximizing Use Of Claims Data To Address COVID-19: We Need To Revisit Gobeille v. Liberty Mutual, Health Affairs Blog, Aug 8, 2020 (co-authored with Carme Shachar and Sara Gerke), available at <https://www.healthaffairs.org/doi/10.1377/hblog20200805.788636/full/>

Can AI Fairly Decide Who Gets an Organ Transplant?, Harvard Business Review, December 1, 2020 (co-authored with Boris Babic, Sara Gerke, Theodoros Evgeniou, and Nikos Trichakis), available at <https://hbr.org/2020/12/can-ai-fairly-decide-who-gets-an-organ-transplant>

'Authorization' Status is a Red Herring when it Comes to Mandating Covid-19 Vaccination, STAT News, April 5, 2021 (co-authored with Dorit R. Reiss and Carmel Shachar), available at <https://www.statnews.com/2021/04/05/authorization-status-covid-19-vaccine-red-herring-mandating-vaccination/>

Can Your Employer Require that You Get Vaccinated? It Depends Where You Live, TIME, Aug 2, 2021, available at <https://time.com/6086537/covid-19-vaccine-employer-required/>

Cruise Ship Vaccine Mandates are Great. The Latest Ruling for Them Wasn't, The Washington Post, Aug 11, 2021, available at <https://www.washingtonpost.com/outlook/2021/08/11/cruise-ship-vaccine-mandate-decision-first-amendment/> (co-authored with Christopher Robertson)

The Danger of the Supreme Court Undercutting Biden's Vaccination Rules, TIME, Jan. 10, 2022, available at <https://time.com/6138247/supreme-court-bidens-vaccination-rules/> (co-authored with Carmel Shachar)

What The Supreme Court's Abortion Reversal Means for In Vitro Fertilization, THE BOSTON GLOBE, June 30, 2022, available at <https://www.bostonglobe.com/2022/06/30/opinion/what-supreme-courts-abortion-reversal-means-vitro-fertilization/> (co-authored with Judith Daar and Eli Y. Adashi)

The Family Glitch, Premium Stacking, and the Need to Revisit Health Care Reform, HEALTH AFFAIRS FOREFRONT, Nov. 17, 2022, available at <https://www.healthaffairs.org/content/forefront/family-glitch-premium-stacking-and-need-revisit-health-care-reform> (co-authored with Carmel Shachar James René Jolin and Eli Y. Adashi)

Beyond HIPAA: The FTC's Increasing Focus On Protecting Health Data, HEALTH AFFAIRS FOREFRONT, Aug 31, 2023, available at <https://www.healthaffairs.org/content/forefront/beyond-hipaa-ftc-s-increasing-focus-protecting-health-data> (co-authored with Carmel Shachar and Eli Y. Adashi)

With the National Uninsured Rate at a Record Low, Focus on Maintaining the Gains, HEALTH AFFAIRS FOREFRONT, Oct 19, 2023, available at <https://www.healthaffairs.org/content/forefront/national-uninsured-rate-record-low-focus-maintaining-gains> (co-authored with Carmel Shachar and Eli Y. Adashi)

Preimplantation Polygenic Risk Score Testing Is Unvalidated and Unregulated, HEALTH AFFAIRS FOREFRONT, Oct 30, 2023, available at <https://www.healthaffairs.org/content/forefront/preimplantation-polygenic-risk-score-testing-unvalidated-and-unregulated> (co-authored with Daniel P. O'Mahony and Eli Y. Adashi)

For Physician-Assisted Suicide In Massachusetts, Uncertainty Remains Post-Kligler, HEALTH AFFAIRS FOREFRONT, Dec 20, 2023, available at <https://www.healthaffairs.org/content/forefront/physician-assisted-suicide-massachusetts-uncertainty-remains-post-kligler> (co-authored with Konstantin Tretyakov and Eli Y. Adashi)

Congress' Failure To Address Violence Against Health Care Workers, HEALTH AFFAIRS FOREFRONT, Feb 2, 2024, available at https://www.healthaffairs.org/content/forefront/health-care-violence-epidemic-and-congress-s-failure-act?utm_medium=social&utm_source=twitter&utm_campaign=forefront&utm_content=0%27mahony (co-authored with Daniel P. O'Mahony and Eli Y. Adashi)

Developing Drugs For A Developing Climate, HEALTH AFFAIRS FOREFRONT, July 11, 2024, available at <https://www.healthaffairs.org/content/forefront/developing-drugs-developing-climate> (co-authored with David Simon)

A Guide to Managing Interconnected AI Systems, HARVARD BUSINESS REVIEW, Dec 16, 2024, <https://hbr.org/2024/12/a-guide-to-managing-interconnected-ai-systems> (co-authored with Theodoros Evgeniou and Martin Husovec)

LAW SCHOOL COURSES

Reproductive Technology and Genetics: Legal and Ethical Issues (Spring '08, Spring '09, Spring '10, Spring '11, Spring '17, Spring '21)

Civil Procedure (Fall '08, Fall '09, Fall '10, Fall '11, Fall '13, Fall '14, Fall '15, Fall '16, Fall '17, Fall '18, Fall '19, Fall '20, Fall '21, Fall '22, Fall '23, Fall '24)

Health Law Policy, Biotechnology, and Bioethics Workshop (Fall/Spring '09-'10, '10-'11, '11-'12, '12-'13, '13-'14, '14-'15, '16-'17, Fall '17, Fall '18, Fall '19, Fall '20, Fall '21, Fall '22, Fall '23, Fall '24) (co-taught with others in some years)

Bioethics and Health Law: Selected Topics (Winter Term '19, Winter Term '20, Winter Term '21)

Writing Group: Health Law, Bioethics, FDA Law (Spring '21, Fall/Spring '21-22, Fall/Spring '22-23; Fall/Spring '23-24)

Psychedelics and the Law (Spring '24) (co-taught with Mason Marks)

Lawyers, Doctors, Ethics, and Professionalism (Spring '14, '15) (co-taught with Dr. Rebecca Brendel)

Freshman Seminar: Bioethics through Film: An Exploration of the Law and Ethics of Medicine (Fall '16)

ASYNCHRONOUS ONLINE COURSES

Introduction to American Civics: Presented by Zero- L, available at <https://www.edx.org/course/zero-l-presents-introduction-to-american-civics> (course creator for free online course launched Summer '20)

Zero- L, available at <https://online.law.harvard.edu/> (course creator for online course launched wide in Summer '20 has been used at over 120 law schools)

Bioethics: The Law, Medicine, and Ethics of Reproductive Technologies and Genetics, available at <https://www.edx.org/course/bioethics-law-medicine-ethics-harvardx-hls4x> (free online course launched Fall '16 which has educated more than 97,000 students)

JUDICIAL CLERKSHIP

HON. MICHAEL BOUDIN, U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT, Law Clerk, 2003-2004

LEGAL WORK EXPERIENCE

HARVARD LAW SCHOOL, PETRIE-FLOM CENTER FOR HEALTH LAW POLICY, BIOTECHNOLOGY, AND BIOETHICS, Academic Fellow & Lecturer On Law, 2006-2008

Conducted and presented research relating to health law and bioethics. Taught a seminar at law school in the spring of 2008 on legal and ethical issues related to reproductive technology and genetics.

UNITED STATES DEPARTMENT OF JUSTICE, ATTORNEY GENERAL'S HONORS PROGRAM, CIVIL DIVISION, APPELLATE STAFF, Washington, D.C., Attorney, 2004-2006

Briefed and argued cases in the Circuit Courts defending the United States and acts of Congress. Drafted briefs in the U.S. Supreme Court in conjunction with the Solicitor General's Office. Advised the Attorney General, the Solicitor General, and other units of the Justice Department on numerous legal matters.

DAVIS, POLK & WARDWELL, New York, Summer Associate, Summer 2002

U.N., INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA, Tanzania & Rwanda, Legal Intern, Summer 2001

LITIGATION EXPERIENCE

Served as amicus counsel in:

Whole Woman's Health v. Hellerstedt, 579 U.S. 582 (2016) (brief with Melissa Murray and Jessie B. Hill)
Association for Molecular Pathology v. Myriad Genetics, Inc., 569 U.S. 576 (2013), brief on behalf of Dr. Eric Lander (discussed extensively at oral argument by the Justices)

Served as lead counsel in the following cases before the U.S. Courts of Appeals while at the Justice Department:

Doe v. FAA, 432 F.3d 1259 (11th Cir. 2005)
Landes v. Tartaglione, 153 Fed. Appx. 131 (3d Cir. 2005)
Branham v. Snow, 392 F.3d 896 (7th Cir. 2005) (rehearing petition only)
Avalos-Galvan v. Gonzales, 170 Fed. Appx. 501 (9th Cir. 2006)
Goodin v. U.S. Postal Inspection Service, 444 F.3d 998 (8th Cir. 2006)
Luna Tech, Inc. v. Bureau of Alcohol, Tobacco and Firearms, 183 Fed. Appx. 863 (11th Cir. 2006)
Chaplaincy of Full Gospel Churches v. England, 454 F.3d 290 (D.C. Cir. 2006)
Silva v. Gonzales, 463 F.3d 68 (1st Cir. 2006)
Strolberg, et al., v. Akal Securities, Inc., et al., 210 Fed. Appx. 683 (9th Cir. 2006)
Wilson, et al. v. MVM, et al., 475 F.3d 166 (3d Cir. 2007)
In re Reynoso, 477 F.3d 1117 (9th Cir. 2007)
Frahm v. United States, 492 F.3d 258 (4th Cir. 2007)

Served as counsel in the following cases before the U.S. Courts of Appeals and U.S. Supreme Court while at the Justice Department:

City of Rancho Palos Verdes v. Abrams, 544 U.S. 113 (2005)
Cobell v. Norton, 428 F.3d 1070 (D.C. Cir. 2005)
In re Kempthorne, 449 F.3d 1265 (D.C. Cir. 2006)
Cobell v. Kempthorne, 455 F.3d 301 (D.C. Cir. 2006)

Cobell v. Kempthorne, 455 F.3d 317 (D.C. Cir. 2006)
U.S. ex rel. Battle v. Board of Regents for Georgia, 468 F.3d 755 (11th Cir. 2006)
Walton v. U.S. Marshals Service, et al., 476 F.3d 723 (9th Cir. 2007)
Abigail Alliance v. Eschenbach, 495 F.3d 695 (D.C. Cir. 2007) (rehearing petition only)

I have also been a signatory to many amicus briefs and served as an expert witness or advisor in several cases.

BAR

Admitted to the New York Bar in January 2004. Admitted to practice in the First, Third, Fourth, Fifth, Seventh, Eighth, Ninth, and D.C. Circuits.

FELLOWSHIPS

Radcliffe Institute for Advanced Studies Fellowship, 2012-2013 (awarded to 50 out of 950 applicants from across the world and all disciplines and professions)

Greenwall Faculty Scholar in Bioethics, 2012-2015 (\$400,000 in funding to devote time to research, awarded to two leading young scholars in bioethics).

Pierre Elliot Trudeau Foundation Fellow, 2020-2023 (one of our fellows selected by one of Canada's leading foundations to act as "outstanding public educators, dynamic professors and intellectual guides to Scholars over a three-year program cycle" focused on technology and ethics)

Hastings Center, Fellow, 2016-Present (recognition of the leading bioethics scholars in the world by the Hastings Center)

MAJOR GRANTS AND GIFTS

Project Co-Lead, Football Players Health Study at Harvard (multi-year multi-million dollar study on the health of NFL Players including concussions) (2012-2017)

Project Co-Lead, Ethics and Law, Regulatory Foundations, Ethics, and Law Program of Harvard Catalyst | The Harvard Clinical and Translational Science Center (multi-million dollar multi-year NIH funded project to improve translational research and ethically reduce barriers to research), (2013-present)

Co-Investigator, Patient-Centered Outcomes Research Oversight Study (PCOROS) (aims to understand Key ethical barriers to the oversight of patient-centered outcomes research through mixed methods empirical research with investigators, IRBs, and patient groups.) (2015-2018)

Co-Investigator, Advancing Collaborative Genetic Research: Ethical and Policy Challenges (seeks to develop appropriate ethical frameworks and regulatory parameters for research with biospecimens by publishing a book based on a conference of national thought leaders) (2015-2018)

Project Lead, Precision Medicine, Artificial Intelligence, and the Law (PMAIL) (provides a comparative analysis of the law and ethics of black-box personalized medicine, explaining the shortcomings of the current innovation policy landscape in Europe and the US, and providing a comprehensive examination of various policy options to better harness the potential of black-box medicine, supported by a Novo Nordisk Foundation-grant for a Collaborative Research Programme grant agreement number NNF17SA027784) (2018-2023).

Work expanded to include polygenic risk scores, advanced medical computing, quantum technology as part of International Collaborative Bioscience Innovation & Law Programme (Inter-CeBIL), supported by a Novo Nordisk Foundation-grant for a Collaborative Research Programme grant agreement number NNF23SA0087056 (2023-2028)

Project Lead, Diagnosing in the Home: The Ethical, Legal, and Regulatory Challenges and Opportunities of Digital Home Health (develop scholarship, guidelines, and proposed regulations for the ethical implementation of digital products that support clinical diagnosis in patients' homes, supported by a grant from the Gordon and Betty Moore Foundation (grant agreement number 9974) (2020-2024)

Project Lead, The Project on Psychedelics Law and Regulation (POPLAR) (Three-year project will promote safety, innovation, and equity in psychedelics research, commerce, and therapeutics, supported by a generous gift from the Saisei Foundation) (2021-present)

Project Lead, Gracias Family Psychedelics Research Initiative and Bootcamp in Ethics Regulation Fund at Harvard Law School (Three-year project to study how the therapeutic use of psychedelics interfaces with law and ethics and support training for emerging leaders in the space) (2023-2026)

JOURNALS AND OTHER AFFILIATIONS

Co-Editor in Chief, The Journal of Law and the Biosciences, an Oxford University Press peer-reviewed journal (2013-present)

Editorial Board of the American Journal of Bioethics (2015-present)

Editorial Board of the Lancet, Digital Health (2020-present)

Peer reviewer for the American Society for Bioethics and Humanities, the New England Journal of Medicine, The Lancet, The Hastings Center Report, The American Journal of Bioethics, Law and Contemporary Problems, Law and Philosophy, the American Journal of Public Health and Bioethics

Committee Member, OPTN/UNOS Ethics Committee (2018-2023)

Committee Member, National Academies of Medicine, Committee on Emerging Science, Technology, and Innovation in health and medicine (2019-present)

Committee Member, National Academies of Science, Engineering, and Medicine, Committee on Issues in Organ Donor Intervention Research Committee on Emerging Science, Technology, and Innovation in health and medicine (2016-2017)

Committee Member, Ethics Committee for the American Congress of Obstetricians and Gynecologists (ACOG) (2016-2020)

Committee Member, Steering Committee for Ethics for the Canadian Institutes of Health Research (CIHR) (2015-2018)

Board Member of the American Association of Law Schools, Law, Medicine, and Health Care Section Executive Committee (2009-2012)

Board member of the Institutional Review Board for Fenway Community Health (2007-2010)

NY and Massachusetts Civil Procedure Bar Review lecturer for Themis bar review (2011-2017)

CURRENT BOARD WORK

Member (2021-present), Board of Trustees, New England Donor Services

Member (2021-present), Bioethics Council, Bayer

Member (2020-2024) and Chair (2024-present), Ethics Advisory Board, Illumina

BLOGGING, TWEETING, Etc

I tweet @CohenProf

I am a founder of and blogger at Bill of Health (<http://blogs.law.harvard.edu/billofhealth/>). The Greenbag Publication “The Post” has selected my 2012 blogging on abortion and personhood amendments for its “exemplary legal writing” award in the blog category <http://journaloflaw.us/5%20The%20Post/The%20Post%20home.html>.

I gave a [Tedx talk](#).

[This CV is current as of Aug 20, 2024]