**Barbara A. Reich, Professor of Law**

Western New England University School of Law

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**Education**:

**Harvard Law School** (Cambridge, MA): J.D. 1990

**Union College** (Schenectady, NY): B.A., 1987 English Literature, *summa cum laude*,

Phi Beta Kappa, Alpha of New York

**Professional Experience**:

**Western New England University, School of Law**,Springfield, MA (July 2005-present):

\* *Professor of Law* (with tenure, 2008-present; sabbatical leave, spring 2012 & spring 2020)

\* *Associate Professor of Law* (2005-2008)

(Torts, Bioethics & Law, End-of-Life Law, Health Care Finance & Delivery, Genetics & Law, Medical Liability & Quality, Comparative End-of-Life Law, Public Health Law, Medical Technology & Law)

**Smith College, School for Social Work**, Northampton, MA (2011-14; 2019-present): *Clinical Instructor*, Postgraduate Certificate Program in Palliative and End-of-Life Care for Social Workers; Postgraduate Certificate Program for Social Workers Specializing in the Needs of Dialysis Patients (2014 only)

**Dalhousie University, Schulich School of Law**, Halifax, NS, Canada (Spring 2017): *Schulich Distinguished Visiting Scholar* (comparative research on end-of-life law and practices in Canada; comparative end-of-life law seminar)

**Queen’s University, Faculty of Law**, Kingston, ON, Canada (Summer 2016): *Visiting Scholar* (comparative research on end-of-life law and practices in Canada)

**University of Exeter Law School**, Exeter, United Kingdom (Feb.-March 2012): *Visiting Scholar* (comparative research on end-of-life law in the U.K.; work-in-progress presentation to combined faculties; guest teaching on U.S. health insurance system)

**University of Florida**,Gainesville, FL (1996-2005):

\* *Research Associate & Lecturer*, Health Law and Policy (Aug. 1999-June 2005)

*Center for Governmental Responsibility*, *College of Law*

\* *Adjunct Professor* (1995-2005)

*College of Law* (1997-99) (Health Care Law, Medical Technology & Law, Bioethics & Law, Health Care Finance & Delivery, Genetics & Law, Topics in Bioethics)

*College of Medicine* (2000-05) (Ethical and Legal Aspects of Medical Practice)

*College of Health Professions* (MHA/MPH Program) (1996-2004) (Legal Aspects of Health Administration, Ethical Issues in Health Administration)

*College of Liberal Arts & Sciences* (Undergrad. Honors Program) (1995-98) (American Constitutional Law, Bioethics & Law)

*College of Pharmacy* (1996) (Pharmacy Law)

**Kleinfeld, Kaplan & Becker**, Washington, D.C. (1990-1992)

*Law firm associate* (FDA regulatory compliance practice)

**Publications: Books & Chapters**

\* Intimations of Mortality: Medical Decision-Making at the End of Life (Cambridge University Press, 2022).

\* Informed ~~Consent~~ Hope, forthcoming in Patient Safety Law, Ethics and Practice in the NHS: Towards a Management Culture (Routledge, 2025) (John Tingle et al., eds.) (book chapter).

\* *Older People and Assisted Dying* in Research Handbook on Law, Society and Ageing (Edward Elgar Publishing Ltd. 2024) (book chapter).

\* *Comparative Perspectives on Medical Aid in Dying: The United States and Canada* in Routledge Handbook of Global Health Rights (Routledge, 2021) (book chapter).

\* *State Adverse Health Incident Reporting Systems in the United States: An Introduction and Contextual Discussion,* in Global Perspectives on Patient Safety: Law, Policy and Practice (Routledge | Taylor & Francis Group, 2018) (book chapter).

\* Law, Medicine, and Medical Technology: Cases and Materials (Foundation Press, 1st ed., 2002) (co-authored).

**Publications: Articles & Essays**

\* *Surrogate Decision-Making: Clinical Uncertainty, Rational Apathy, and the Problem of Trust*, 15 Ethics, Med. & Pub. Health J. (Oct.-Dec. 2020) (peer-reviewed).

\* *Rational Patient Apathy*, 49 Seton Hall L. Rev. 535-628 (2019) (with René Reich-Graefe).

\* *Potential Utility of an Independent Decision-Making Board for Seriously Ill Patients Lacking Decisional Capacity,* 6Ethics, Med. & Pub. Health J. 63-71 (July-Sept. 2018) (peer-reviewed).

\* *Teaching Bioethics: The Role of Empathy & Humility in the Teaching and Practice of Law*, 28 Health Matrix 201-16 (2018).

\* *Removing Obstacles to a Peaceful Death*, 23 Elder L.J. 197-233 (2018) (with Kathy Cerminara).

\* *The (Ir)rationality of (Un)informed Consent*, 34 Quinnipiac L. Rev. 691-704 (2016) (symposium) (reviewed by Zack Buck in Jotwell, http://health.jotwell.com/, Mar. 1, 2017).

\* *Avoiding Overtreatment at the End of Life: Physician-Patient Communication and Truly Informed Consent*, 36 Pace L. Rev. 737-800 (2016) (with Neal Feigenson).

\* *A Better Death in Britain?,* 40 Brooklyn J. Int’l L. 870-915 (2015).

\* *The Inclusion of Pregnant Women in Clinical Research*, 7 St. Louis U. J. Health L. & Pol’y 353-87 (2014).

\* *Two Conflicts in Context: Lessons from the Schiavo and Bland Cases and the Role of Best Interests Analysis in the United Kingdom*, 36 Hamline L. Rev. 239-64 (2013) (symposium).

\* *In Denial: The Role of Law in Preparing for Death*,21 Elder L.J. 1-31 (2013) (reviewed by Conrad Teitell, 2014 WLNR 5821063).

\* *The Role of Race in End-of-Life Care*, 15 J. Health Care L. & Pol’y 349-78 (2012).

\* *Foreword: Race and Healthcare in America (Symposium)*, 10 Houston J. Health L. & Pol’y 195-200 (2010).

\* *Just a Spoonful of Sugar: Drug Safety for Pediatric Populations*, 37 J. L. Med. & Ethics 280-91 (2009) (peer-reviewed).

\* *A Prescription for Racial Equality in Medicine*, 40 Conn. L. Rev. 675-721 (2008).

\* *The Role of Religion in the Schiavo Controversy*, 6 Houston J. Health L. & Pol’y 319-46 (2006).

\* *A Drug by Any Other Name? Paradoxes in Dietary Supplement Risk Regulation*, 17 Stan. L. & Pol’y Rev. 165-96 (2006) (co-authored).

\* *Dietary Supplements: Balancing Consumer Choice & Safety*, 33 J.L. Med. & Ethics 860-65 (2005) (reviewing New York State Task Force on Life & Law report) (peer- reviewed).

\* *Foreword: Dietary Supplement Symposium Issue*, 31 Am. J.L. & Med. 147-53 (2005).

\* *Politicizing the End of Life: Lessons from the Schiavo Controversy*, 59 U. Miami L. Rev. 107-34 (2005).

\* *Bioethical Malpractice: Risk and Responsibility in Human Research*,7 J. Health Care L. & Pol’y 175-241 (2004).

\* *The Participation of Underrepresented Minorities in Clinical Research*,29 Am. J.L. & Med. 221-45 (2003).

\* *The Invisible Patient*, 2002 U. Ill. L. Rev. 121-48.

\* *Adverse Drug Reactions: Harnessing Experiential Data to Promote Patient Welfare*, 49 Cath. U. L. Rev. 449-504 (2000).

\* *Adverse Drug Reactions in Elderly Patients: Alternative Approaches for Postmarket Surveillance*, 33 J. Health Law 383-454 (2000) (with David Brushwood).

\* *Racial Disparities in the Delivery of Health Care*, 35 San Diego L. Rev. 135-78 (1998).

\* *Constitutional Qualms Concerning Governmental Restrictions on Tobacco Advertising*,

29 U. Tol. L. Rev. 637-52 (1998) (symposium).

\* *The Managed Care Dilemma: Can Theories of Tort Liability Adapt to the Realities of Cost Containment?*, 48 Mercer L. Rev. 1219-68 (1997).

\* *Racist Health Care?*, 48 Fla. L. Rev. 357-72 (1996) (symposium).

\* *Nicotine Withdrawal: Assessing the FDA’s Effort to Regulate Tobacco Products*, 48 Ala. L. Rev. 1-63 (1996) (co-authored).

\* *Liberating Commercial Speech: Product Labeling Controls and the First Amendment*, 47 Fla. L. Rev. 63-112 (1995) (co-authored).

**Publications: Book Reviews and Short Pieces**:

\* *The Massachusetts MOLST: Acknowledging and Planning for the End of Life*, Af-Am Point of View, Dec. 1, 2022, at 23.

\* *The Massachusetts Health Care Proxy: Information and Empowerment,* Af-Am Point of View, Nov. 1, 2021, at 23.

\* *A Role for Law in Preparing for Death*, 153 Trs. & Ests. 55 (2014). Trusts & Estates (Sept. 2014).

\* *Book Review* (reviewing Elizabeth Wicks, Human Rights and Healthcare), 18 L. & Pol. Book Rev. 441-43 (2008).

*\* Book Review* (reviewing Michele Goodwin, Black Markets: The Supply and Demand of Body Parts), 16 L. & Pol. Book Rev. 785-87 (2006).

\* *Book Review* (reviewing Tom Baker, The Medical Malpractice Myth), 16 L. & Pol. Book Rev. 253-55 (2006) (reprinted in Health Law Litigation Newsletter, Vol. 8, Sum. 2006).

\* *Editorial: Life, Death, and Politics: The Long Good-bye*, 3 J. Philosophy, Science & L. (2003), available at http://jpsl.org/archives/life-death-and-politics-long-good-bye/.

\* *AIDS and Antiretroviral Drugs in South Africa: Public Health, Politics, and Individual Suffering*, 31 J.L. Med. & Ethics 144-48 (2003) (documentary review).

**Grants and Awards**:

\* Appointed as Schulich Distinguished Visiting Scholar, Dalhousie University Schulich School of Law, Halifax, NS, Canada (Spring 2017, with $25,000 stipend).

\* Received multiple summer research grants from Western New England University School of Law.

\* Marshall (2015), Hooder (2016), Western New England University School of Law Commencement Ceremony (by student election).

\* Selected as a fully grant-funded faculty fellow for a two-week intensive workshop on the ethical, legal and social implications of the Human Genome Project at Dartmouth College (sponsored by NIH and Dartmouth Ethics Inst.), Hanover, NH (June 2000).

\* Received a $15,000 grant from the Borchard Foundation (Center on Law & Aging) to research and publish an article on prescription drug safety in the elderly (1999).

**Professional Activities**:

\* Paper selected for presentation and discussion at the Controversies in Bioethics Seminar, Lehigh University, Bethlehem, PA (Apr. 3-4, 2020) (*Rational Healthcare Agent Apathy and the Two Worlds of End-of-Life Decision-Making*).

\* Paper selected for presentation and discussion at the Controversies in Bioethics Seminar, Lehigh University, Bethlehem, PA (Apr. 13-14, 2018) (*Comparative Perspectives on Surrogate Decision-Making: Lessons from Ontario*).

\* Paper selected for presentation and discussion at the Seton Hall Health Annual Health Law WIP Retreat, Seton Hall Law School, Newark, NJ (Feb. 9, 2018) (*Rational Patient Apathy*).

\* Participant, National Conference of Bar Examiners, Writing Multiple Choice Questions: A Training Session, Madison, WI (Sept. 11-12, 2017).

 \* Member, Medical-Legal Partnership Planning Committee, Baystate Medical Center, Springfield, MA (2015-18).

\* Member, Mercy Medical Center Ethics & Justice Committee, Springfield, MA (2009-11; 2013‑15).

\* Member, Mercy Medical Center Ethics Consultation Committee, Springfield, MA (2013-15).

\* Invited Commentator, Nuffield Council on Bioethics, United Kingdom (Oct. 2013).

\* Member, Institutional Biosafety Committee, Baystate Medical Center, Springfield, MA (2009-11).

\* Member, Institutional Review Board, Baystate Medical Center, Springfield, MA

(2008-11).

\* Western New England University Committee Service: University Data Analytics Committee (2019-present); Admissions Committee (2015-18; Chair, 2017-18); Personnel Committee (2009-11; 2014-19; Chair, 2015-16); Honor Code Committee (2018-present); Law Review Committee (2012-15; Chair, 2013-15); University Benefits Committee (2013-16; 2017-present); University Personnel Committee (2015-16); University Speaker Series (2013-14); Academic Standards and Student Petitions Committee (Fall 2007; 2012-14); Tenure Drafting Committee (2010-12); Tenure Committee (2008-present); Tenure Sub-Committee (2009-11; Chair, 2010-11); University-wide Discrimination and Sexual Harassment Hearing Committee (2009-present); Curriculum Committee (2006-08); Professional Development Committee (2008-10; Chair, 2008-10); Library Committee (2005-06); Promotion Committees (2005-present).

\* Created and supervised health law externships (Mercy Medical Center, Baystate Medical Center); supervised other student externships (approx. 25 students total).

\* Faculty Advisor, Health Law Student Association, Western New England University School of Law (Nov. 2006-present).

\* Faculty Advisor, Health Law Symposia, Western New England Law Review (2006, 2008).

\* Faculty Advisor, student law review notes (approx. 15 students), independent study tutorials (approx. 25 students).

\* Peer reviewer for various publishers of health law and ethics journals and textbooks (Journal of Medical Ethics, Aspen Publishers, Foundation Press, Dalhousie Law Journal).

\* Member, University of Florida, Hospital Ethics Advisory Committee (2000-05).

\* Member, Institutional Review Board, University of Florida, College of Medicine (1997-2003).

\* Created and supervised health law externships (approx. 25 students): Shands Hospital Legal Services; Univ. of Florida General Counsel (Health Sciences Center); AvMed, Inc. (1998-2005).

\* External Reviewer, New York State Task Force on Life & the Law, Report on Dietary Supplements and the Public’s Health (June 2004).

\* Board member, Center for the Study of Race & Bioethics, DePaul Univ. College of Law (2003-06).

\* Media Interviews: Associated Press, Boston Globe, Chicago Sun-Times, The Guardian, Miami Herald, Orlando Sentinel, and Toronto Post.

**Selected Speaking Engagements**:

\*Invited Panelist, At the End of Life: Agency, Role and Responsibilities of the Physician/Advanced Practitioner, University of Washington, Seattle, WA (Sept. 13-14, 2019) (panelist on Palliative Sedation panel; panelist on Cardiac Devices Panel).

\* Careers in Health Law (with Mass. Bar Section on Health Law), Western New England University School of Law, Springfield, MA (Jan. 2018).

\* Faculty Presenter, Western New England University School of Law, Mini Law School, Springfield, MA (Oct. 3, 2017) (end-of-life decision-making and medically-assisted dying).

\* Presentation, International Congress on Law and Mental Health Bi-Annual, Prague, Czech Republic (July 13, 2017) (informed consent at end of life).

\* Presentation, *End-of-Life Decision-Making in the U.S. with Some Canadian Comparisons*, Dalhousie University Health Law Institute Seminar Series, Halifax, NS (Mar. 10, 2017).

*\** Presentation, Health Law Professors Annual Conference, Boston University School of Law, Boston, MA (June 3, 2016) (informed consent and shared decision-making at end of life).

 \* Presentation, Quinnipiac University School of Law, Symposium on End-of-Life Law, North Haven, CT (Nov. 21, 2015) (informed consent and shared decision-making at end of life).

 \* Presentation, Risk Update for Physicians, Mercy Medical Center, Springfield, MA (Nov. 14, 2015) (informed consent and shared decision-making at end of life).

\* Presentation, *Lessons from the Liverpool Care Pathway*, Health Law Professors Annual Conference, St. Louis University School of Law, St. Louis, MO (June 5, 2015).

\* Faculty Presenter, Western New England University School of Law, Mini Law School, Springfield, MA (Feb. 24, 2015) (end-of-life planning).

\* Presentation, Risk Update for Physicians, Mercy Medical Center, Springfield, MA (Nov. 8, 2014) (end-of-life communication and advance directives).

\* Presentation, *Overtreatment at the End of Life*, Mercy Home Care Program, West Springfield, MA (June 5, 2014).

\* Presentation, *Overtreatment at the End of Life*, Mercy Hospital Ethics & Justice Committee, Springfield, MA (May 13, 2014).

\* Presentation of WIP, *On Not Giving Up at the End of Life*, Quinnipiac University School of Law (Oct. 28, 2013).

\* Presentation of WIP, *Ethical Issues in Research with Pregnant Women*, International Academy of Law and Mental Health Bi-Annual Conference, Amsterdam, Netherlands (July 17, 2013).

\* Presentation, *The Role of Law in Preparing for Death*, Law & Society Conference, Boston, MA (June 1, 2013).

\* Presentation, *Problems with Surrogate Decision-Making*, Hamline University School of Law (Nov. 9, 2012).

\* Presentation, *Medical Autonomy and Pragmatism*, University of Exeter Law School (Feb. 29, 2012).

\* Guest Lecturer in Medical Law, *Structure of the U.S. Health Care Finance and Delivery System*, University of Exeter Law School (Feb. 27-28, 2012).

\* Presentation, *Vulnerable Populations in Human Subjects Research*, International Academy of Law and Mental Health Bi-Annual Conference, Berlin, Germany (July 19, 2011).

\* Presentation, Department of Obstetrics & Gynecology Conference, Baystate Medical Center, (April 2010) (legal issues in genetics and reproductive medicine).

\* Presentation, American Society for Law, Medicine & Ethics Health Law Professors Annual Conference, Case Western Reserve University School of Law (June 4-6, 2009) (cultural influences in end-of-life decision-making).

\* Invited Discussant, Union College Symposium on Health Care Reform (Oct. 24-26, 2008).

\* Panelist, Leadership Forum, Western New England College School of Business (Nov. 1, 2007) (ethics in business practices).

\* Panel Moderator, American Society for Law, Medicine, & Ethics Health Law Professors Annual Conference, Boston University School of Law (June 1-2, 2007) (affirmative action and diversity issues in medical education).

\* Invited Participant, Dartmouth Ethics Institute, ELSI Issues in Genetics Faculty Re-Union Conference, Hanover, NH (Aug. 11-13, 2006) (ethical, legal, and social implications of the Human Genome Project).

\* Presentation, American Society for Law, Medicine, & Ethics Health Law Professors Annual Conference, University of Maryland School of Law, Baltimore, MD (June 2, 2006) (scholarship panel discussion).

\* Invited Discussant, Roundtable Discussion on the Challenges of Regulating Nanotechnology, University of Maryland School of Law, Baltimore MD (Apr. 28, 2006).

\* Presentation, Society for Bioethics & Humanities Annual Meeting, Washington, D.C., (Oct. 20, 2005) (conflicts in end-of-life care).

\* Presentation, Loyola University Chicago Law Journal Conference on the Right to Die, Loyola University School of Law, Chicago, IL (Apr. 9, 2005) (legal developments in end of life 30 years after *Quinlan*).

\* Presentation of WIP, American Society for Law, Medicine & Ethics Health Law Professors Annual Conference, Seton Hall University School of Law, Newark, NJ (June 4, 2004) (legal issues in the *Schiavo* case).

\* Presentation, Florida Bioethics Network annual meeting, Miami, FL (Apr. 17, 2004) (legal issues in the *Schiavo* case).

\* Presentation, co-chair and panelist, the Alpha-One Foundation’s Symposium on Genetic Discrimination, Miami, FL (Oct. 10, 2003) (role of race in clinical research; risk of discrimination with compilation of genetic databases).

\* Presentation, American Society for Law, Medicine & Ethics Health Law Professors Annual Conference, Widener University College of Law, Wilmington, DE (June 7, 2003) (pediatric clinical trials).

\* Presented of WIP, Florida State University College of Law, Tallahassee, FL (Jan. 17, 2003) (participation of underrepresented populations in research).

\* Presentation of two papers at the American Association of Pharmaceutical Scientists Annual Meeting, Toronto, Canada (Nov. 10, 2002) (human subjects research; prescription drug safety).

\* Speaker, Symposium on Bioethics at the University of Florida College of Medicine (Mar. 19, 2002) (ethics of clinical research).

\* Presentation of WIP, Stetson College of Law, Gulfport, FL (Nov. 13, 2001) (IRB liability for clinical research injuries).

\* Moderator, Conference on Ethical and Legal Issues at the End of Life, University of Florida, Gainesville, FL (May 17-18, 2001).

\* Speaker, Conference on Health Care Litigation at the University of Texas School of Law, Austin, TX (March 2, 2001) (liability of IRBs and ethics committees).

\* Presentation of WIP, *Adverse Drug Reactions in Elderly Patients*, annual meeting of the American Pharmaceutical Association, Washington, D.C. (Mar. 11, 2000).

\* Guest Lecturer, University of Florida College of Law (Jan. 10-12, 2000) (administrative law); (Mar. 23, 2000) (products liability and prescription drugs) and University of Florida Interdisciplinary Studies Program, Apr. 5, 2000 (Feb. 7, 2001) (ethics of clinical research).

\* Presentation, *Adverse Drug Reactions*, Brandeis School of Law, University of Louisville (Dec. 10, 1998).

\* Speaker, Symposium on Tobacco Product Regulation at University of Toledo School of Law (Mar. 20, 1998) (constitutional issues in regulating tobacco advertising).