

**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.).
- \* *Older People and Assisted Dying* in RESEARCH HANDBOOK ON LAW, SOCIETY AND AGEING (Edward Elgar Publishing Ltd. 2024).
- \* *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, 1<sup>st</sup> 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*, 6 ETHICS, 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*, 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).

**Works in Progress:**

- \* *Die Like an Expert*
- \* *The Allure of Hope*
- \* *Contentment*

**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).