

**ELIZABETH PENDO**  
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Center for Health Law Studies  
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## ACADEMIC EXPERIENCE

- 2007-present    **Saint Louis University School of Law, Saint Louis, MO**  
**Center for Health Law Studies and Wefel Center for Employment Law**  
*Professor of Law (with tenure), 2008-present; Visiting Professor, 2007-08.*  
Courses: Civil Procedure, Disability Discrimination Law, Bioethics.
- Saint Louis University, Department of Health Care Ethics**  
*Adjunct Professor, 2007-present.* Courses in Certificate in Clinical Health Care  
Ethics Program: Pain Management and Palliative Care (Fall), Law & Bioethics  
(Spring).
- 1999-2007      **Saint Thomas University School of Law, Miami, FL**  
*Professor of Law (with tenure), 2005-present; Associate Professor, 2002-05;*  
*Assistant Professor, 1999-02.* Courses: Civil Procedure, Disability Law, Health  
Law, Employee Benefits Law. Also designed and taught course, Health and  
Human Rights, at The Royal College University Escorial Maria Cristina, Spain  
as part of Summer in Spain Program (2001).
- 2006-2009      **Nova Southeastern University, Shepard Broad Law Center, Davie, FL**  
*Adjunct Professor of Law, M.S.H.L. Program.* On-line course: Legal  
Perspectives on Health Care Ethics (summer/fall term).

## EDUCATION

- University of California, Berkeley, Boalt Hall School of Law, J.D., May 1993**  
S. K. Yee Scholarship, in recognition of academic excellence  
Prosser Prize for writing, Children and the Law, Spring 1992  
*Berkeley Women's Law Journal*, Executive Editor, 1992-93  
Teaching Assistant, Civil Procedure, Fall 1992 and Juvenile Justice, Spring 1992
- University of California, Los Angeles, B.A. with Honors in English Literature, *Magna Cum Laude*, June 1990**  
Phi Beta Kappa; Honors College  
Regents and Alumni Association Scholarships

## PUBLICATIONS

### *Law Review or Peer-Reviewed Publications*

- “Working Sick: Lessons of Chronic Illness for Health Care Reform,” 9 *Yale J. Health Pol’y L. & Ethics* 453 (2009).

“Disability, Equipment Barriers and Women’s Health: Using the ADA to Provide Meaningful Access,” 2 *SLU J. of Health L. & Pol’y* 15 (2008).

“The Health Care Choice Act: The Individual Insurance Market and the Politics of ‘Choice’,” 29 *W. New Eng. L. Rev.* 473 (2007).

“The Politics of Infertility: Recognizing Coverage Exclusions as Discrimination,” 11 *Conn. Ins. L.J.* 41 (2005).

Coverage of Reproductive Technologies Under Employer-Sponsored Health Care Plans: Proceedings of the 2004 Annual Meeting, Association of American Law Schools, Sections on Employee Benefits and Employment Discrimination, 8(2) *Employee Rts. & Emp. Pol’y J.* 523 (2005).

“Telling Stories About Health Insurance: Using New Films in the Classroom,” 5 *Houston J. of Health L. & Pol’y* 101 (2005).

“Images of Health Insurance in Popular Film: The Dissolving Critique,” 37 *J. of Health L.* 267 (2004).

“Substantially Limited Justice?: The Possibilities and Limits of a New Rawlsian Analysis of Disability-Based Discrimination,” 77 *St. John’s L. Rev.* 225 (2003).

“Disability, Doctors and Dollars: Distinguishing the Three Faces of Reasonable Accommodation,” 35 *UC Davis L. Rev.* 1175 (June 2002).

“Recognizing Violence Against Women: Gender and the Hate Crimes Statistics Act,” 17 *Harv. Women’s L. J.* 157 (Spring 1994).

“The Relationship Between Domestic Violence and Custody: A Pathfinder,” 12(4) *Legal Ref. Servs. Q.* 5 (1993).

### **Book Reviews**

Book Review, 29 *J. of Legal Medicine* 117 (2008), reviewing Susan Starr Sered and Rushike Fernandopulle, *Uninsured in America* (2007).

Book Review, 22 *J. of Legal Medicine* 431 (July 2001), reviewing Sana Loue, *Textbook of Research Ethics: Theory and Practice* (2001).

### **Other Writings**

“Eighth Circuit Holds Health Plan’s Exclusion of Prescription Contraceptives Does Not Violate Title VII, PDA,” ABA Section on Labor and Employment Law, Employee Benefits Committee Newsletter (Winter 2007).

Forward, Symposium Issue: Employer-Sponsored Health Care Plans, 19(1) *St. Thomas L.R.* (Fall 2006).

“Finding Ideas,” AALS New Law Professors Annual Newsletter (Nov. 2006).

“Second and Third Year Students as Exam Preparation Experts,” 12(1) *The Law Teacher* 15 (Fall 2004)

“Contextualizing Disability Law and Policy” *The Lawyer* 20 (Spring 2002).

“The Americans with Disabilities Act at Work: Are You Covered?” 4(2) *MS Focus* 18 (2002).

## PRESENTATIONS

“Health Care Challenges for the New Administration,” panelist, Southeastern Conference, Association of American Law Schools Annual Meeting, Aug. 5, 2009, Manalapan, FL (*upcoming*)

“Health Care Access for People with Disabilities,” ADA Conference, hosted by Paraquad (a Center for Independent Living) and Saint Louis City Office on the Disabled, July 22, 2009, Saint Louis, MO (*upcoming*)

“Teaching Bioethics,” workshop (with Professor Jennifer Bard and Asst. Dean Kelly Dineen), Bioethics Summer Institute, hosted by the Cleveland Clinic Bioethics Department, June 27, 2008, Rocky Gap, MD (*upcoming*)

“Health Care Financing,” panelist (presenting paper, “Working Sick: Lessons of Chronic Illness for Health Care Reform”) Health Law Professors Conference of the American Society of Law, Medicine & Ethics, June 6, 2009, Cleveland, OH

"Jay Healey Teaching Session: Experiential Learning," panelist (presenting project, "Teaching Access through Advocacy: A Public Right-of-Way Project in a Disability Discrimination Law Course) Health Law Professors Conference of the American Society of Law, Medicine & Ethics, June 6, 2009, Cleveland, OH.

“Books, Film, and New Media in Health Law,” panelist, Law and Society Association Annual Meeting, May 30, 2009, Denver, CO

“Race, Culture, Class and Health Care," panelist (presenting on "Beyond Discrimination: GINA and the Use of Genetic Information"), SE/SW People of Color Legal Scholarship Conference, Mar. 28, 2009, Phoenix, AZ

“Legal Requirements Regarding Accessible Medical Equipment," Washington University School of Medicine, Program in Occupational Therapy (to a committee on a project with The Disability and Business Technical Assistance Center), Mar. 25, 2009, Saint Louis, MO

"The Grand Irony of ERISA: Intersectionality of ERISA Preemption and Remedial Issues," panelist (presenting on "Going Forward: ERISA Issues and Health Care Reform"), Hofstra University School of Law, Mar. 13, 2009, New York, NY

- "The Role of Employers in Achieving Universal Health Care Coverage," panelist (presenting paper, "Working Sick: Lessons of Chronic Illness for Health Care Reform"), Section on Employee Benefits, AALS Annual Meeting, Jan. 6-10, 2008, San Diego, CA
- "The Genetic Information Nondiscrimination Act of 2008," SLU Wefel Center for Employment Law, Oct. 29, 2008, Saint Louis, MO
- Constitution Day, panelist (speaking on recent Supreme Court employment discrimination cases), SLU School of Law, Sept. 17, 2008, Saint Louis, MO
- "Disability, Equipment Barriers and Women's Health: Using the ADA to Provide Meaningful Access," SLU Faculty Workshop Series, Sept. 3, 2008, Saint Louis MO.
- "What's Hot in Health Law for Those Who Don't Teach It," panelist (presented on employment discrimination issues), Southeastern Conference, Association of American Law Schools Annual Meeting, July 28, 2008, Manalapan, FL
- "Uses of Genetic Information after GINA," workshop (with Professor Jennifer Bard), Bioethics Summer Institute, hosted by the Stanford Center for Biomedical Ethics, June 22, 2008, Santa Rosa, CA
- "Protecting Populations at Risk," panelist (presented on access to women's health care for women with disabilities), Health Law Professors Conference of the American Society of Law, Medicine & Ethics, June 5, 2008, Philadelphia, PA
- "Ensuring Equal Access to Reproductive Health Care for Women with Disabilities," Saint Louis University Center for Health Law Studies, 20<sup>th</sup> Annual Health Law Symposium, "Disability, Reproduction and Parenting," April 4, 2008, Saint Louis, MO
- "Learning by Doing: How to Incorporate Activism into Your Course," panelist (presented on "Helping Health Care Consumers through State Ombudsman Programs"), SALT Teaching Conference March 14 - 15, 2008, UC Berkeley School of Law, Berkeley, CA.
- "Access to Women's Health Care for Women with Disabilities," University of Louisville Brandeis School of Law, Faculty Workshop Series, February 12, 2008, Louisville, KY.
- "Women and the State," panelist (presented on women and health care reform), Association of American Law Schools Annual Meeting, January 2-6, 2008, New York, NY.
- "Employment Discrimination 15 Years after the Civil Rights Act of 1991," panelist (presented on remedies for disability-based discrimination), Southeastern Conference, Association of American Law Schools Annual Meeting, July 31, 2007, Amelia Island, FL
- "New Models for Reform," panelist (presented on consumer-choice models, such as the Health Care Choice Act), Health Law Professors Conference of the American Society of Law, Medicine & Ethics, May 31-June 2, 2007, Boston, MA
- "Current Issues under the FLMA and the ADA," speaker, Labor Arbitration Institute, Feb. 13, 2006, Miami Beach, FL

- “Getting Involved: Service to the Community and the Profession,” panelist, Association of American Law Schools Annual Meeting, January 4-6, 2006, Washington DC
- The Politics of Infertility: Recognizing Coverage Exclusions as Discrimination,” poster session, Health Law Teachers Conference of the American Society of Law, Medicine & Ethics, June 3 and 4, 2005, Houston, TX
- “Mass Media and Health Care Law,” panelist, Association for the Study of Law, Culture & the Humanities Annual Conference, March 12, 2005, Austin, TX
- “The Hidden Costs of ‘Everyday Low Prices’: Wal-Mart and Health Care Benefits,” January 21, 2005, University of Arkansas, Fayetteville, AK
- “Images of Health Insurance in Popular Film: The Dissolving Critique,” Young Scholars Workshop, Southeastern Conference, Association of American Law Schools Annual Meeting, Aug. 3, 2004, Kiawah, S.C.
- “Health Law, Policy and Media,” poster session, Health Law Teachers Conference of the American Society of Law, Medicine & Ethics, June 4 and 5, 2004, Newark, NJ
- “Images of Health Insurance in Popular Film: The Dissolving Critique,” panelist, Popular Culture and American Culture Association Annual Meeting, April 8, 2004, San Antonio, TX
- “The Americans with Disabilities Act” and “Medical Privacy under HIPAA,” National Institute on Labor Law and Arbitration, February 1, 2004, Hollywood, FL
- “Coverage of Women’s Health Care Under Employer-Sponsored Health Plans,” panelist, Association of American Law Schools Annual Meeting, January 6, 2004, Atlanta, GA. Program published at 8(2) *Employee Rts. & Emp. Pol’y J.* 523 (2005).
- “Images of Health Insurance in Popular Film: The Dissolving Critique,” South Florida Bioethics and Health Law Working Group, September 23, 2003, Ft. Lauderdale, FL
- “Limiting Punitive Damages,” moderator and panelist, Southeastern Conference, Association of American Law Schools Annual Meeting, July 23, 2003, Kiawah, SC
- “Update on ERISA Issues in Health Law,” panelist, Health Law Teachers Conference of the American Society of Law, Medicine & Ethics, June 6, 2003, Wilmington, DE
- “Damaged Care: Images of the Health Care System in Popular Film,” Association for the Study of Law, Culture & the Humanities Annual Conference, March 8, 2003, New York, NY
- “Current Issues in Health Law,” (presented on the emergence of consumer directed health care plans), Southeastern Conference, Association of American Law Schools Annual Meeting, July 31, 2002, Kiawah, SC
- “Challenges for Public Health and Human Rights,” panelist, Health Law Teachers Conference of the American Society of Law, Medicine & Ethics, June 8, 2002, Indianapolis, IN

Visiting Faculty Expert, "Clinical Ethics, Debates, Decisions and Solutions," March 1, 2002, Miami, FL

"Health and Human Rights," South Florida Bioethics and Health Law Working Group, September 25, 2001, Ft. Lauderdale, FL

"Disability-Based Discrimination in Employment," Oxford Round Table, St. Anthony's College, Oxford University, August 16, 2001, Oxford, England

Commentator on John D. Caputo's "In Search of Sacred Anarchy: An Experiment in Danish Deconstruction," Faith and Reason Conference, at St. John Vianney College Seminary, February 2, 2001, Miami FL

"Categories of Entitlement: Race, Gender, Age, Disability, Sexual Orientation and the Social Policy of Public and Private Wealth Transmission," panelist, Association of American Law Schools Annual Meeting, January 5, 2001, San Francisco, CA

"Contextualizing Distributive Outcomes under Title I of the ADA," South Florida Bioethics and Health Law Working Group, September 19, 2000, Ft. Lauderdale, FL

"What's Next in Managed Care: *Pegram v. Herdrich*, No. 98-1949 (U.S. June 12, 2000)," panelist, Nova Southeastern University School of Law, June 20, 2000, Ft. Lauderdale, FL

"Facing the Challenges of the ADA: The First Ten Years and Beyond," workshop participant, Ohio State Law Journal ADA Symposium, April 7, 2000, Cleveland, OH

## PROFESSIONAL ACTIVITIES

Member of Editorial Board, Cambridge Dictionary of Bioethics

Reviewer, American Journal of Law, Medicine and Ethics

Reader, Health Law Scholars Workshop (co-sponsored by ASLME and Center of Health Law Studies, Saint Louis University School of Law)

Outside Review for Tenure and Promotion

Mentor, New Scholars Workshop, Southeastern Conference, Association of American Law Schools Annual Meeting

Submitted Public Comment by letter dated Aug. 18, 2008, encouraging the Department of Justice to address standards for accessible medical equipment in its proposed revisions to Titles II and III of the ADA. *See* 73 Fed. Reg. 126 (proposed June 30, 2008) (to be codified at 28 C.F.R. § 35), and 73 Fed. Reg. 126 (proposed June 30, 2008) (to be codified at 28 C.F.R. § 36).

Interviewed in "Contact 2: Health Insurance," Fox 2 News (aired June 4, 2008)

Expert consultant for plaintiff Stella R. Kirby in the case of *Kirby v. Long-Term Disability Plan of TAD Resources and Guardian Life Ins. Co. of America*, Case No. CV-2006-769 (N.M. 2006) and *Kirby v. Long-Term Disability Plan of TAD Resources, Inc., et al.*, Case No. 06-2160 (10<sup>th</sup> Cir. 2006).

Statewide Chair, Florida Agency for Health Care Administration, Managed Care Ombudsman Committee, 2003-07, and appointed member since 2000. The MCOC was created to assist people in understanding and navigating the managed care grievance process when a complaint is made or coverage is denied.

## PROFESSIONAL MEMBERSHIPS

Association of American Law Schools, Sections  
Disability Law Section  
Employee Benefits, Executive Committee, (2004-present)  
New Law Professors, Chair (2006-07), Chair Elect (2005-06), Secretary (2004-05)  
Law, Medicine and Health Care

American Society of Law, Medicine & Ethics  
American Bar Association, Section on Health Law  
Member of the State Bars of California and New York (inactive status)

## OTHER PROFESSIONAL EXPERIENCE

- 1997-99      **Metropolitan Life Insurance Company**, New York, NY  
*Associate Counsel*. Represented MetLife and its interests in litigation involving claims for benefits pursuant to group life and disability insurance policies, primarily regulated by ERISA.
- 1995-97      **Reboul, MacMurray, Hewitt, Maynard & Kristol**, New York, NY (now part of Ropes & Gray LLP)  
*Associate*. Represented clients in all stages of federal and state litigation, mediation and arbitration. Focused in areas such as employment and employment discrimination, and contracts and related matters.
- 1993-95      **U.S. Court of Appeals, Second Circuit**, New York, NY  
*Pro Se Law Clerk*. Researched and wrote bench memoranda with recommended dispositions on civil and criminal motions and appeals in which at least one party was proceeding *pro se*, and advised *pro se* litigants on procedural matters. Focused in areas such as civil rights, constitutional law, employment discrimination law, immigration and post-conviction remedies.
- 1992-93      **Legal Aid Society of Alameda County**, Oakland, CA  
*Legal Intern*. Represented clients, as well as advised and prepared pleadings for *in pro per* clients, with employment, benefits and housing and disputes. Drafted major portions of brief for administrative hearing in complex medical case.