

Jesse A. Goldner

Curriculum Vitae

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Professional Academic Experience

John D. Valentine Professor of Law, Saint Louis University School of Law, St. Louis, Missouri, since 2005, Professor of Law since 1979; Assistant and Associate Professor of Law, 1973-79.

Professor of Law in Psychiatry, Saint Louis University School of Medicine, since 1988 (secondary appointment); Assistant and Associate Professor of Law in Psychiatry, 1974-1988.

Professor of Pediatrics, Saint Louis University School of Medicine, since 1985 (secondary appointment).

Professor of Health Administration, Saint Louis University School of Public Health, since 1989 (secondary appointment).

Adjunct Professor of Health Care Ethics, Saint Louis University Center for Health Care Ethics, since 2006.

Visiting Professor of Law, California Western School of Law, San Diego, CA, 2004.

Visiting Professor of Law, University of San Diego School of Law, San Diego, CA, 1997.

Visiting Fellow, School of Law, University of Warwick, England, U.K., 1987

Visiting Professor of Law, New York Law School, New York, N.Y., 1983-84.

Visiting Professor of Law, University of Warsaw, Warsaw, Poland, 1979-80.

Other Professional and Administrative Experience

Director, Center for Health Law Studies, Saint Louis University, 1985-1988, 1991-2000.

Associate Dean for Academic Affairs, Saint Louis University School of Law, 1988-1991.

Other Professional and Administrative Experience (cont'd)

Therapist, Cambridge Court Clinic, Cambridge, Massachusetts, 1971-73.

Assistant to the Dean, Columbia College, Columbia University, New York, N.Y., 1969-70.

Education

Law School: Harvard Law School, Cambridge, Massachusetts J.D., June 1973.

Graduate School: Department of Psychology, Teachers College, Columbia University, New York City, M.A., December 1971.

Masters Thesis: "Legal Socialization and the Soviet Union"

College: Columbia College, Columbia University, New York City, A.B., June, 1969.
Major: Political Science

Professional Honors and Awards

2004 Distinguished Health Law Teacher of the Year Award, American Society of Law, Medicine & Ethics.

Fellow, American Bar Foundation, elected 2004.

Thompson Coburn Award for Best Faculty Publication, 2001.

Conference U.S.A. Presidential Visiting Scholar, University of Memphis, Memphis, Tennessee, February 1999.

Thompson Coburn Faculty Publication Award (Second), 1997

Teaching Assignments

Law School - Health Law, Evidence, Family Law, Medical Malpractice, Legal and Ethical Issues in Human Subject Protection, Law and Psychiatry, Child Health and the Law, Child Abuse and Neglect, Lawyering Process (civil clinic), Criminal Trial Advocacy (criminal clinic), Criminal Law and Procedure, Legal Writing (summer institute program for educationally disadvantaged students).

Health Sciences Center - The Legal Environment of Medicine (for first-year medical students); Law and Psychiatry (for medical students and psychiatric residents).

St. Louis Psychoanalytic Institute - Psychoanalytic Issues in Family Law Practice (for practicing attorneys and judicial officers).

Clinical supervision of law students and psychiatry and pediatric residents and fellows.

Professional Affiliations and Activities

American Bar Association, since 1981.

Member, Law School Accreditation Committee, Section on Legal Education and Admissions to the Bar, 2005-present.

Conducted Eighteen Law School Site Evaluations for the Committee 1988-2009.

Association of American Law Schools

Conducted Six Law School Site Evaluations for Membership, chairing one, 1997-2008.

Committee on Sections and the Annual Meeting, Member, 1993-1997.

Planning Committee for National Workshop on Teaching Health Law, Chairman, 1993-94.

Association for the Accreditation of Human Research Protection Programs, Inc., Accreditation Council, Member, 2002-2006; Chairman, 2005-2006; Site Evaluation Team Chair, 2003, 2004, 2007-2008.

United States Department of Justice, Special Assistant U.S. Attorney, specializing in criminal prosecution of cases involving health care fraud and abuse, 1992-95.

Missouri Bar, admitted 1973.

Family Law Section, since 1973

Health and Hospital Law Committee, since 1984

Board of Governors, Special Committee on the Needs of Children, 1985-1990.

Bar Association of Metropolitan St. Louis, since 1973.

Family Law Committee, since 1973, Chairman 1981-82.

Mental Health Committee of Young Lawyer's Section, Chairman, 1974-77.

Cardinal Glennon Children's Medical Center:.

Child Abuse Management Team, Special Counsel 1974-1995.

Ethics Committee, Member, since 1988.

St. Louis Area Health Lawyers Association, Founding Director and member of three-person Board of Directors, 1994-present.

The Cleveland Clinic, Medical Institute for Law Faculty, Participant, May-June, 1992.

Catholic Health Association of the United States, Consultant on HIV and Confidentiality, 1991.

Missouri General Assembly, Consultant to Legislative Committees on Mental Health and Family Law Issues, 1978, 1984-89; Co-Principal Draftsman of Revision of Civil Commitment Legislation, 1976-1978.

Love, Lacks and Paule, Of Counsel, 1986 (litigation of domestic relations cases).

Masters and Johnson Institute, Consultant on Child Sexual Abuse Project, 1985-1986.

Professional Affiliations and Activities (cont'd)

American Arbitration Association, Commercial Arbitrator on Medical Reimbursement Issues, 1986

Missouri State Department of Mental Health, Youth Center Professional Advisory Committee, Subcommittee on Juvenile Courts, Member, 1977-1979.

Missouri State Alcoholism and Drug Abuse Training Program, Consultant on Confidentiality, 1977-1978.

Malcolm Bliss Mental Health Center Legal Services Program, Director, 1973-76.

Selected University Activities

Saint Louis University Conflicts of Interest Committee, 2004-present.

Saint Louis University, Center for Health Care Ethics, Executive Committee, member, 2001-present.

Saint Louis University Institutional Review Board (Human Research Subjects Protection Committee): Member, 1977-89, 1997-2003; Chairman, 1998-2003; Acting Chairman, 1981; Deputy Chairman, 1981-83. Draftsman, University Regulations on Human Experimentation and Assurances to the U.S. Department of Health and Human Services, 1981.

Saint Louis University Faculty Manual Professional Relations Committee (Revising Faculty Grievance Procedures): member, 1999-2001.

Search Committee for Tenet Chair, Member, 1999-2000

Saint Louis University Faculty Senate: Grievance Committee, Member, 1994-95, Chairman, 1995-98, Task Force on Faculty Issues for Saint Louis University's Self-Study for North Central Association Accreditation Visit, Chairman, 1991.

Summer University Research Awards Selection Committee, Member, 1991.

Search Committee for Graduate School Associate Dean for Research, Member, 1989.

Strategic Planning Committee, 1996-98; Decanal Search Committee, 1991-92; Faculty Appointments Committee, Chairman, 1981-83, 1984-87, 1988-89, Member, 1980-81, 1989-91; Self-Study Committee, Chairman and Principal Draftsman, 1989, 1991, Member, 1983, 1997; Curriculum Committee, Chairman, 2004-present, Member, 1988-1999; Faculty Development Committee, Member, 1988-90, 2000-03; Ethics Committee, Special Prosecutor, 1981-85; 2004-05.

Selected Publications

Books

Ethics and Regulation of Human Subject Research (with Coleman, C., Menikoff, J., & Dubler, N.) 746+ pp. (Lexis-Nexis Publishing, 2005) and accompanying Teacher's Manual.(2005).

Missouri Dissolution of Marriage, Support, and Child Custody, 456 pp. (The Harrison Company, 1987).

Child Abuse and Neglect and the Law: Cases and Materials for Attorneys and Law Students, 172 pp. (University of Iowa Child Abuse and Neglect Resource Center, 1979).

Journal Articles and Book Chapters

"Beyond the Anti-Kickback Statute: New Theories in Healthcare Fraud Prosecutions," (with James G. Sheehan) 40 Journal of Health Law 167-203 (2007)

"A Review of Current Issues in the Regulation of Human Subject Research in the United States," in A.S. Iltis, S.H. Johnson & B. Hinze (eds.), Legal Perspectives in Bioethics 10-28 (2008)

"A Tribute to Mentors," 14 Health Matrix: Journal of Law-Medicine, 91-100 (2004).

"Institutional Review Boards and Hospital Ethics Committees in the United States," in J. Glasa (ed.) Ethics Committees in Central and Eastern Europe, 251-264 (Council of Europe, 2000).

"Dealing with Conflicts of Interest: IRB Oversight as the Next Best Solution to the Abolitionist Approach," 28 Journal of Law, Medicine & Ethics, 379-404 (2000).

"Mental Health and Managed Care: Clinical Perspectives and Legal Realities," 35 Houston Law Review, 1437-1527 (1999).

"The Unending Saga of Legal Controls Over Scientific Misconduct: A Clash of Cultures Needing Resolution," 24 American Journal of Law & Medicine, 294-343 (1998).

"An Analysis of Medical Futility Decisionmaking: Law and Professional Attitudes" (with Wiener, R.L., Eaton, D., Gibbons, V.P., and Johnson, S.H.) 16 Behavioral Sciences and the Law, 497-508 (1998).

"Legal Issues" (with Dolgin, C. and Manske, S.) in Brodeur, A.E. and Monteleone, A. (eds.), Child Maltreatment: Clinical Guide and Reference Text for the Professional 559-602 (G.W. Medical/Harcourt Brace, Second Edition, 1998) (revised from First Edition, 1994).

Journal Articles and Book Chapters (cont'd)

- "Legal and Institutional Policy Responses to Medical Futility" (with Johnson, S.H., Gibbons, V.P., Wiener, R.L. and Eaton, D.) 30 Journal of Health and Hospital Law 21-36 (1997).
- "Responses to Medical Futility Claims" (with Johnson, S.H. and Wiener, R.L.) in Gosfield, A.G. (ed.) Health Law Handbook 401-417 (Clark Boardman Callaghan, 1997).
- "An Overview of Legal Controls on Human Experimentation and the Regulatory Implications of Taking Professor Katz Seriously," 38 Saint Louis University Law Journal 63-134 (1993).
- "Ethical, Legal and Psychodynamic Considerations in Intervention of a Possible Cult Member" (with Berland, Spinazzola, et al.), 29 Journal of the American Academy of Child and Adolescent Psychiatry 975-81 (1990).
- "Dealing with the Incompetent Patient-Legal Implications" in Johnson, S., (ed.), Long Term Care and the Law 211-46 (National Health Law Publishing, 1983).
- "Psychiatric Evaluations for Competency and Responsibility Under Chapter 552," 24 St. Louis Bar Journal 26-34 (1977).
- "Legal Issues in the Treatment of Emotional Abuse" in Proceedings of the Second Statewide Conference on Child Abuse and Neglect, (Missouri Division of Family Services, 1977).
- "The Medical-Legal Ramifications of Hysteria" (with R. Woolsey, M.D.), 12 California Western Law Review 299-330 (1976).
- "Legal Aspects of Child Abuse and Neglect" in Proceedings of the Statewide Conference on Identification of Child Abuse and Neglect, (Missouri Division of Family Services, 1976).
- "Forensic Aspects of Electroencephalography" (with R. Woolsey, M.D.), 1975 Medical Trial Quarterly 333-345.

Reviews and Other Publications

- "Symposium on Human Subjects Research: Redux," 30 Journal of Law, Medicine & Ethics 358-60 (2002).
- Forward to Zimny, G.H. and Grossberg, G.T. (eds.) Guardianship of the Elderly: Psychiatric and Judicial Aspects ix-x (Springer, 1998).
- "Herbert A. Eastman: A Memorial Tribute," 40 Saint Louis University Law Journal 305-09 (1996).
- "Gene P. Schultz: A Memorial Tribute," 39 Saint Louis University Law Journal 1-5 (1994).

Reviews and Other Publications (cont'd)

- "A (Partial) Taxonomy of Psychological (and Psychiatric) Issues in Family and Juvenile Law" in Association of American Law Schools, Materials for Workshop on Family and Juvenile Law 59-73 (1994).
- "Book Review of Manson, Medico-Legal Aspects of Reproduction and Parenthood," in 2 Legal Publishing Previews 97-103 (1990).
- "Book Review of McLean, Legal Issues in Human Reproduction and Cuisine, New Reproductive Techniques: A Legal Perspective," in 1 Legal Publishing Previews 55 (1989).
- "Book Review of National Jury Project, Jurywork: Systematic Techniques," 21 Criminal Law Bulletin 281-285 (1985).
- "Privileged Communications Between Parent and Child" in September 1978, Newsletter of the American Academy of Child Psychiatry.
- "Book Review of S. Asch, Mental Disability in Civil Practice," 20 Saint Louis University Law Journal 150-158 (1974).

Editorial Positions

Editorships

- Co-Editor-in-Chief, Journal of Health Law, published jointly by the American Health Lawyers Association and Saint Louis University School of Law, 1996-2007.
- Symposium Editor for Issues on Institutional Review Boards, The Journal of Law, Medicine & Ethics, Volume 28, Number 4, Winter 2000 and Volume 30 Number 4, Winter, 2002, published by the American Society of Law, Medicine & Ethics.

Manuscript Reviewer for the following Journals

Health Affairs, published by Project Hope.

The Journal of Law, Medicine & Ethics, published by the American Society of Law, Medicine & Ethics.

Journal of the Society for Clinical Trials

Selected Presentations

- "ABA Accreditation Standards on Faculty" at the ABA Site Evaluation Workshop for Law School Representatives and New Site Evaluators, Chicago, IL, February 2007.

Selected Presentations (cont'd)

“Are Claims of Medical Futility Futile? Lessons from the Law” Bioethics Rounds, Cardinal Glennon Children’s Medical Center, November 2006.

“Legal Issues Relating to Institutional Review Boards and Problems of Accreditation” at the Hofstra University Conference on Biomedical Research and the Law: The Pharmaceutical Industry and Its Relationship with Government, Academic, Physicians and Consumers, Hempstead, NY, October 2006.

“ABA Accreditation Standards on the Program of Legal Education” at the ABA Site Evaluation Workshop for Law School Representatives and New Site Evaluators, Chicago, IL, February 2006.

“An Overview of the Department of Health and Human Services Regulation on Research with Human Subjects,” and “Different Models of Institutional Officials for Different Kinds of Institutions- To Whom Do You Speak About What,” at the PRIM&R (Public Responsibility in Medicine & Research) 2005 Annual Human Research Protection Programs (HRPP) Conference: Ethics and Trust Across Boundaries, Boston, MA, December 2005:

“Who is a Legally Authorized Representative for Purposes of Surrogate Consent to Participate in Research,” at 2005 AAHRPP (Association for the Accreditation of Human Research Protection Programs) Conference on Quality Human Research Protection Programs Atlanta, GA, March 2005.

“Regulatory Choices in the Protection of Human Subjects” at the 16th Annual Health Law Symposium, Saint Louis University, March 2004.

“Observations and Lamentations of a Former IRB Chair,” at the Developing Innovative Therapies in a Complex Regulatory Environment Conference, Brooklyn Law School, March 2004.

“Clinical Research” at the Healthcare Summit, American Bar Association, Health Law Section, Washington, DC, November 2003.

“Institutional Review Boards: Their Role in Regulating Conflicts of Interest in Research” at the Emerging Issues in Healthcare 2001 Conference, American Bar Association, Health Law Section, Orlando, FL, February 2001.

“The Crisis in Research on Human Subjects,” at Grand Rounds, Department of Surgery, Saint Louis University, August 2000.

“Neuroscience and the Law” at the National Symposium on the Future of Judicial Branch Education for State Supreme Court Justices, St. Louis, Missouri, October 1999.

Selected Presentations (cont'd)

"Children's Rights and Bioethics" for the Pennsylvania Superior Court Judicial Conference, St. Louis, October 1999.

"New Federal Regulatory Initiatives in Conducting Pediatric Research," Grand Rounds, Department of Pediatrics, Saint Louis University, May 1999.

"Pre-Commencement Convocation Address," School of Public Health, Saint Louis University, May 1999.

"New Directions for Empirical Research in Health Law for Law and Psychology Scholars" at invitation only conference sponsored by the National Science Foundation, St. Louis, March 1999.

"The Crisis in Human Experimentation: IRBs and Informed Consent," as the Conference U.S.A. Presidential Visiting Scholar, University of Memphis, Memphis, Tennessee, February 1999.

"Workshop on Protecting Human Subjects" for the Division of Gastrointestinal Medicine, Saint Louis University, February 1999.

"IRBs and Hospital Ethics Committees," Stanley Lyss Memorial Lecture Series, Congregation Share Emeth, January 1999.

"Legal Issues in Child Abuse and Neglect Cases," at the Annual Meeting of the American College of Legal Medicine, St. Louis, Missouri, October 1998.

"Psychotherapeutic Privilege and Confidentiality in Child Custody Cases after Jaffee v. Redmond" at the Annual Law Teachers Conference of the American Society of Law, Medicine & Ethics, Houston, TX, June 1998.

"Genetic Testing For Cancer Risk: Legal Implications" at the 15th Annual Oncology Update, St. Lukes' Hospital, Chesterfield, Mo., October 1997.

"Dilemmas in Diagnosis and Treatment of ADHD (Attention Deficit Hyperactivity Disorder): Legal Issues" and "Religious Objections to Medical Treatment" at the Conference on Children, Parents, Professionals, and the State: Ethical, Clinical and Legal Issues in Health Care for Children, co-sponsored by Vanderbilt University School of Medicine, American Society of Law, Medicine and Ethics, and the American Academy of Pediatrics, Cambridge, Massachusetts, September 1997.

"Physician-Assisted Suicide" at The Living Constitution Conference, American Civil Liberties Union of Eastern Missouri, October 1996.

Selected Presentations (cont'd)

- "Confidentiality in the Therapeutic Relationship: A Response to Dr. Bollas" at Conference on Confidentiality, St. Louis Psychoanalytic Institute, September 1996.
- "Legal and Institutional Responses to Medical Futility" at the Annual Meeting of the National Health Lawyers Association, Washington, D.C., June, 1996, and at the 17th Annual Law Teachers Conference of the American Society of Law, Medicine & Ethics, June 1996.
- "Making Bioethics Hospital Policy: Institutional Standards and Procedures for Treatment Decisionmaking," at the Saint Louis University School of Law Health Law Colloquium Series, October 1995.
- "Law and Health Science Center Cooperative Programs," at the Health Law Teachers Conference of the American Society of Law, Medicine and Ethics, Chicago, IL, June 1995.
- "Legal Implications of Restricted Pharmaceutical Formularies," at the Roerig/Pfizer Town Hall Meeting for Psychiatrists on Patient's Rights and Good Medical Practice, June 1995.
- "Legal Control of Scientific Misconduct and Research" in course for Ethics Research Scientists (for pre-and post-doctoral students on NIH-NRSA training grants), Saint Louis University Health Sciences Center, March 1994.
- "Legal Issues in the Sexual Exploitation of Patients" at Psychiatric Grand Rounds, Saint Louis University School of Medicine, June 1992.
- "The Physician in Court" at Pediatric Grand Rounds, Saint Louis University School of Medicine, June 1992.
- "The Child Psychiatrist and Custody Evaluations" at Seminar in Child Psychiatry, Washington University School of Medicine, September 1991.
- "Workshop on Establishing a Hospital Ethics Committee" at Jefferson Memorial Hospital, Crystal City, MO., February 1991.
- "Ethical, Developmental and Legal Issues in Adolescent Psychiatry: A Case Study on Cult Membership" at Psychiatric Grand Rounds, Saint Louis University School of Medicine, May 1990.
- "Criteria for Removing Life Support" at Pediatric Grand Rounds, Saint Louis University School of Medicine, May 1990.
- "Legal Issues in Fetal Tissue Experimentation" at Pediatric Grand Rounds, Saint Louis University School of Medicine, January 1990.

Selected Presentations (cont'd)

- "Evidentiary Issues in the Litigation of Child Abuse and Neglect Cases" (6 hours) at Judicial Education Program, State Justice Institute/Saint Louis University, July 1989.
- "Psychodynamic Issues in Family Law Practice: A Mini-Course" (14 hours) at St. Louis Psychoanalytic Institute, Spring 1989.
- "Legal Issues in Child Abuse" at Sr. Noreen McGowan Conference on Pediatric Nursing, St. Louis, October 1988.
- "Confidentiality Issues in Child Custody Cases" at Psychiatric Grand Rounds, Saint Louis University School of Medicine, May 1988.
- "Liability of Child Welfare Workers" at Missouri Statewide Conference on Child Abuse, Columbia, MO., May 1988.
- "Legal Issues in Obstetrics and Fetal Surgery" at Annual Meeting of the Women Lawyers' Association of St. Louis, February 1988.
- "Human Experimentation and the Law" at Faculty Colloquium, University of Warwick Law Faculty, Warwick, England, November 1987.
- "Child Abuse in the United States: Legal Issues" at Faculty Colloquium, University of Warwick Law Faculty, Warwick, England, October 1987.
- "Issues in Law and Psychiatry in the United States" at Department of Psychiatry, Medical Institute of Krakow, Poland, May 1980.
- "Legal Issues in Psychiatric Confidentiality" Keynote Address at Annual Conference of the Polish Society of Forensic Psychiatry, Augustow, Poland, May 1980.
- "Current Problems in American Substantive Criminal Law" at Faculty of Law, University of Torun, Poland, April 1980.
- "The Role of Lawyers in a Psychiatric Hospital" at the Psychoneurological Institute, Warsaw, Poland, March 1980.
- "Legal Control of Human Experimentation" at Faculty Colloquium, Faculty of Law, University of Warsaw, Poland, March 1980.
- "Patient's Rights in the United States" at the Department of Psychiatry, Medical Institute of Krakow, Krakow, Poland, February 1980.