

Robert Gatter

Saint Louis University School of Law
Center for Health Law Studies
100 N. Tucker Blvd., St. Louis MO 63101
rgatter@slu.edu
(314) 977-3355

Current Position: Professor of Law (with tenure), Saint Louis University School of Law, July 2008 to present; Co-Director of Center for Health Law Studies, Saint Louis University School of Law, January 2010 to present; Professor of Health Management and Policy, Saint Louis University College of Public Health and Social Justice, joint appointment. Teaching responsibilities have included *Health Care Law*, *Public Health Law*, *Public Health Law Research Lab*, *Theories of Health Law Seminar*, *Administrative Law*, *Contracts*

As Co-Director of Center for Health Law Studies, I am one of two administrators of a premiere health law program in the United States. It has been ranked first among health law programs by *US News and World Report* for all but one of the last 13 years running and has never been outside of the top three programs since the inception of the rankings. More than 100 law students participate in a wide variety of programs operated through the Center, including a health law concentration, four health-law related dual-degree programs, a health law semester program in Washington DC, and a student-edited law journal. The Center also hosts several distinguished health law speakers and a practitioner-in-residence as well as an annual health law symposium and a workshop for health law scholars that is jointly sponsored by the American Society of Law Medicine and Ethics.

Education

University of Pennsylvania Law School, J.D., 1990

Medical College of Wisconsin, M.A. in Bioethics, 1995

Johns Hopkins University, B.A. in Social and Behavioral Sciences, 1986

Prior Positions:

Penn State University, Dickinson School of Law, July 2000 through June 2008, Professor of Law (2006-2008 with tenure), Associate Dean for Academic Affairs (Jan. 2006 through June 2007), Associate Professor of Law (2004-2006), Assistant Professor of Law (2000-2004)

Visiting Assistant Professor of Law, Chicago-Kent College of Law, Illinois Institute of Technology, Chicago IL, 1997-2000

Fellow, Center for Bioethics, University of Minnesota, Minneapolis MN, 1996-1997

Adjunct Instructor, Center for the Study of Bioethics, Medical College of Wisconsin, Milwaukee WI, 1995-1996

Associate Attorney, Davis Graham & Stubbs, Denver, CO, 1990-93

Publications

Books:

HEALTH LAW: CASES, MATERIALS AND PROBLEMS, 8th edition, American Casebook Series, West (forthcoming Fall 2017) (with Barry R. Furrow, Thomas L. Greaney, Sandra H. Johnson, Timothy Stoltzfus Jost, Robert L. Schwartz, Erin C. Fuse Brown, Brietta R. Clark, Jaime S. King, and Elizabeth Pendo)

BIOETHICS AND LAW IN A NUTSHELL, 2d edition, Nutshell Series, West (forthcoming 2016) (with Sandra H. Johnson, Robert L. Schwartz, and Elizabeth Pendo)

Book Chapters:

Communicating Loyalty: Advocacy and Disclosure of Conflicts in Treatment and Research Relationships in THE OXFORD HANDBOOK OF U.S. HEALTHCARE LAW (I. Glenn Cohen, Allison K. Hoffman & William M. Sage, eds, Oxford University Press, published online 2016, hard copy forthcoming 2017); <http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199366521.001.0001/oxford-hb-9780199366521-e-12?print=pdf>.

The New Global Framework for Pandemic Influenza Virus and Vaccine Sharing in GLOBALIZATION OF HEALTH CARE: LEGAL AND ETHICAL CHALLENGES 272 (Glenn Cohen ed., Oxford University Press, 2013)

Financial Conflicts of Interest in Human Subjects Research: Domestic and International Issues in LEGAL PERSPECTIVES IN BIOETHICS 29 (Ana S. Iltis, Sandra H. Johnson & Barbara A. Hinze eds, Routledge Annals in Bioethics series, 2008)

End-of-Life Medical Decisions and Other Ethical Issues in HEALTH CARE LAW DESK REFERENCE (Alison Barnes ed., ALI-ABA, 2001)

Articles and Essays:

(*Population*) *Health Law in Theory*, 41 J. HEALTH POL. POL'Y & L. 1129 (special issue, forthcoming 2016)

Quarantine Controversy: Kaci Hickox v. Governor Chris Christie, 46(3) HASTINGS CENTER REPORT 7 (May/June 2016)

Teaching Population Health Outcomes, Advocacy, and the Population Health Perspective in Public Health Law, 44(1) J. L. MED & ETH. 41 (supplement, Spring 2016)

Ebola, Quarantine, and Flawed CDC Policy, 23 U. MIAMI BUS. L. REV. 375 (2015) (invited for special “health law” issue)

Excerpted in LAWRENCE O. GOSTIN & LINDSAY WILEY, EDS, PUBLIC HEALTH LAW AND ETHICS: A READER (3d edition) (forthcoming 2017).

Regulating Dual-Use Research to Preserve Public Trust, 7 ST. LOUIS U. J. HEALTH L. & POL’Y 131 (2014)

Reprinted in THOMAS EATON, ED., TAKING SIDES: CLASHING VIEWS IN SCIENCE, TECHNOLOGY AND SOCIETY (12th edition) (2016)

Global Public Health Legal Responses to H1N1, 39 J. L. MED. & ETH. 46 (2011) (with Lance Gable, Brooke Courtney, and Eleanor Kinney)

Blowing Blotner: A Missed Opportunity to Mend Georgia’s Informed Consent Law, 11 HOUS. J. HEALTH L. & POL’Y 79 (2011)

Symposium Foreword, Pandemic Preparedness: Lessons Learned and Future Challenges, 4 ST. LOUIS U. J. HEALTH L. & POL’Y 1 (2010)

A Prisoner’s Constitutional Right to Medical Information: Doctrinally Flawed and a Threat to State Informed Consent Law, 45 WAKE FOREST L. REV. 1025 (2010)

Conflicts of Interest in International Human Drug Research and the Insufficiency of International Protections, 32 AM. J. L. & MED. 351 (2006)

The Mysterious Survival of the Policy Against Informed Consent Liability for Hospitals, 81 NOTRE DAME L. REV. 1203 (2006)

Institutionally Sponsored Mediation and the Emerging Medical Trust Movement in the U.S., 23 MEDICINE & LAW 201 (2004)

Faith, Confidence, and Health Care: Fostering Trust in Medicine through Law, 39 WAKE FOREST L. REV. 395 (2004)

Walking the Talk of Trust in Human Subjects Research: The Challenge of Regulating Financial Conflicts of Interest, 52 EMORY L. J. 327 (2003)

Informed Consent Law and the Forgotten Duty of Physician Inquiry, 31 LOY. U. CHI. L.J. 557 (2000)

Unnecessary Adversaries at the End of Life: Preventing Erosion of the Patient-Physician Relationship by Mediating End-of-Life Treatment Disputes, 79 B.U. L. REV. 1091 (1999)

From Futility to Triage, 20 J. MED. & PHIL. 191 (1995) (with John Moskop)

Book Reviews, Op-Eds, and Other Works:

Science Over Fear is Lesson of Nurse's Ebola Story, NETWORK FOR PUBLIC HEALTH LAW, Dec. 10, 2014 (blog post), available at www.networkforphl.org

The Uninsured and the Commerce Clause, ST. LOUIS POST-DISPATCH, Aug. 23, 2011 (Op-Ed)

World Too Complacent on Bird Flu, ATLANTA JOURNAL CONSTITUTION, Aug. 17, 2011 (Op-Ed)

Health Care Regulation in America: Complexity, Confrontation and Compromise by Robert I. Field, 28 J. LEG. MED. 593 (2007) (book review)

Yelling 'Yuck' at Cloning is not Rational, HARRISBURG PATRIOT-NEWS, Jan. 2, 2003, A9 (Op-Ed)

Should You Accept Gifts or Bequests from Patients?, AM. MED. NEWS, November 6, 2000

Qualifying to Wait: Some Ethics of Transplant Wait-listing, 8(3) CAMBRIDGE Q. HEALTHCARE ETH. 375 (Spring 1999) (response to case study)

Cloning Position Paper of IIT Institute of Science Law and Technology's Working Group on Reproductive Technologies, 8 SO. CAL. INTERDISC. L. J. 87 (1998) (member of the working group that authored this position paper and primary author of the dissenting opinion)

ART into Science: Regulation of Fertility Techniques, 281 SCIENCE 651 (1998) (member of the working group that authored this policy statement)

Selected Panels and Presentations

Legal Lessons from Ebola Outbreak, Temple University, Beasley School of Law, October

22, 2015

Flawed CDC Quarantine Guidance, Drexel University, Kline School of Law, October 22, 2015

Guest Reviewer, “Vulnerability in Health Care” Symposium, University of Houston Law Center, October 15-17, 2015

Getting Data into Public Health Law, Guest Lecture in Course on “Translating Epidemiology into Policy (Prof. Ross Brownson), Brown School of Social Work, Washington University in St. Louis, October 8, 2015

Using Public Health Law to Teach Outcomes Research and Population Health Advocacy, Closing Conference, Future of Public Health Law Education Fellowship, Robert Wood Johnson Foundation and Georgia State University College of Law, Atlanta GA May 28, 2015

Quarantine Law and Policy, University of Pittsburgh School of Public Health MOOC on "Epidemics, Pandemics, and Outbreaks," March 16, 2015 (interview with Prof. Elizabeth Ferrell Bjerke)

Immunizations, the Law, and Good Strategies, Panel on “From the Lab to the Law: Perspectives on Vaccines,” Saint Louis University College of Public Health and Social Justice, February 20, 2015

Introducing Community-Based Table Top Exercises and Outcomes Research Opportunities in Public Health Law, American Public Health Association, Annual Meeting, November 2014

Pandemic Influenza Policy and Backyard Poultry Farmers in Developing Nations, ASLME Health Law Professors Conference, UC Hastings College of Law, June 2014

Federal Policy on Dual-Use Research of Concern in the Life Sciences, ASLME Health Law Professors Conference, Seton Hall University School of Law, June 2013

Overseeing DURC: Lessons from the Regulation of Human Subjects Research, Saint Louis University School of Law 25th Annual Health Law Symposium, February 2013

Post Mortem on National Federation of Independent Business v. Sebelius and Cases to Keep an Eye on Coming Down the Pike, St. Louis Area Health Lawyers Association, St. Louis MO, December 7, 2012

Legal Issues in Immunization, Missouri Immunization Conference, upcoming November 2012

U.S. Supreme Court Decision on the Affordable Care Act, Grand Rounds, Cardinal Glennon Hospital, upcoming Oct. 2012

Update on International Bird Flu Policy, presentation, ASLME Health Law Professors Conference, Arizona State University Law School, June 2012

Roundtable Discussion on Censoring Bird Flu Studies, presentation, ASLME Health Law Professors Conference, Arizona State University Law School, upcoming June 2012

Shifting Public Health Priorities and the Global Effort to Prevent a Bird Flu, invited Guest Scholar presentation, Southern Illinois University School of Law, upcoming April 2012

A Review of the Constitutional Challenges to Health Care Reform, St. Louis Area Health Lawyers Association, St. Louis MO, January 13, 2012

Defending the Constitutionality of Medicaid Expansion under Health Care Reform, Federalist Society Debate with Prof. James Blumstein of Vanderbilt University, November 10, 2011

Global Politics of Pandemic Influenza Vaccine-Sharing, presentation, Globalization of Health Care: Legal and Ethical Challenges, Petrie-Flom Center for Health Policy, Biotechnology and Bioethics, Harvard Law School, May 2011

WHO Pandemic Influenza Preparedness Framework and the Stalemate Over Virus and Vaccine Sharing, presentation, Using Law, Policy and Research to Improve the Public's Health: A National Conference, American Society of Law Medicine and Ethics and the Public Health Law Association, September 2010

Hospital Liability for Breaches of Informed Consent, St. Louis Area Health Lawyers Association, St. Louis MO, September 2010

International Attention on the Prevention of Animal Influenza: the Hanoi Declaration, presentation, Health Law Teachers Conference, sponsored by the American Society of Law Medicine and Ethics and University of Texas School of Law, June 2010

On Overview of Health Law and Health Care Reform (with Prof. Tim Greaney), invited presentation, Annual Meeting of the Council of University Chairs of Obstetrics and Gynecology, San Francisco CA, April 2010

Pandemic Preparedness: Lessons Learned and Future Challenges, Organizer and Moderator, 22nd Annual Health Law Symposium, Center for Health Law Studies, Saint Louis University School of Law, St. Louis MO, March 2010

Substantive Due Process and Disclosure Duties under State Informed Consent Laws, presentation, Health Law Teachers Conference, sponsored by the American Society of Law Medicine and Ethics and Case Western Reserve University School of Law, June 2009

New Governance Theory and Health Law, organizer and moderator, Law, Medicine and Health Care section panel, AALS Annual Meeting, Washington DC, Jan. 2007

Conflicts of Interest in International Human Drug Research and the Insufficiency of International Protections, presentation, Symposium on Regulatory Issues of the Globalization of Pharmaceuticals, Boston University School of Law, Boston MA, Feb. 2006

Regulatory Implications of the Flu Vaccine Shortage, presentation, Health Law Teachers Conference, sponsored by the American Society of Law Medicine and Ethics and University of Houston Law Center, Houston TX, June 2005

Current Issues in Drug Regulation, moderator of academic panel, Health Law Teachers Conference, sponsored by the American Society of Law Medicine and Ethics and University of Houston Law Center, Houston TX, June 2005

Law and Medicine in Three Dimensions: Reconstructing a Health Care Regulatory Continuum, poster presentation, Health Law Teachers Conference, sponsored by the American Society of Law, Medicine and Ethics and Seton Hall University School of Law, Newark NJ, June 2004

The Racial Blind Spot of an Emerging Medical Trust Movement, Mid-Atlantic People of Color Conference, Washington & Lee University School of Law, Lexington VA, Jan. 2003

Trust-Oriented Health Law: Implications and Challenges, work-in-progress presentation at the Health Law Scholars Workshop sponsored by the American Society of Law, Medicine and Ethics, St. Louis MO, Oct. 2002

Regulating Financial Conflicts of Interest, presentation at the Human Subjects Research session of the Health Law Teachers Conference sponsored by the American Society of Law, Medicine and Ethics, Indianapolis IN, June 2002

The Budget Barrier and Other Legal Impediments to Community-Based Treatment, presentation during a session on access to community-based care for the disabled, Annual Meeting of the American Society for Bioethics and Humanities, Nashville, Tennessee, Oct. 2001

Media Appearances:

Radio Interview:

National Public Radio program HERE AND NOW (“Can States Force People Into Quarantine?” October 30, 2014)

Quoted in:

THE BALTIMORE SUN, November 2, 2014 (“Ebola Outbreak Tests States’ Quarantine Powers” by Scott Dance)

USA TODAY, October 29, 2014 (“Experts Divided Over Legal Issues in Maine Ebola Case” by Larry Copeland)

Television Interviews:

KSDK TV (NBC Affiliate, St. Louis MO), “Ebola Opens Legal Can of Worms,” October 30, 2014

Service Activities and Memberships:

Conference Co-Organizer, ASLME 38th Annual Health Law Professors Conference, Center for Health Law Studies, Saint Louis University School of Law, June 2015.

Symposium Organizer, 25th Annual Health Law Symposium, Center for Health Law Studies, Saint Louis University School of Law, March 2013.

Symposium Co-Organizer, 24th Annual Health Law Symposium, Center for Health Law Studies, Saint Louis University School of Law, March 2012.

Member, Editorial Board, AJOB – PRIMARY RESEARCH (2010-present).

Symposium Organizer, 22nd Annual Health Law Symposium, Center for Health Law Studies, Saint Louis University School of Law, held March 2010.

Executive Committee member, Law, Medicine and Health Care Section, Association of American Law Schools, 2007-2009 academic year (Chair 2007-2008, Chair-Elect 2006-2007 academic year, Secretary 2005-2006), and member of section since 2000

Nominating Committee, Health Law Scholars Workshop, American Society of Law, Medicine and Ethics, 2003-present

Reader and Panelist, Health Law Scholars Workshop, American Society of Law, Medicine and Ethics, hosted by Saint Louis University School of Law, Sept 2009 and 2010

Member, Academia Advisory Group, American Health Lawyers Assoc., 2005-2009

Member, Advisory Panel, Conflicts of Interest Notification Study (COINS), a research project funded by the National Institutes of Health (Jeremy Sugarman, principal investigator), 2004-2007

Member, Board of Visitors, Southern Illinois University School of Law, 2004-2006

Member, Ethics Committee, Keystone Human Services, Harrisburg PA, 2000-2003

Member, American Health Lawyers Association

Member or Chair of various institutional committees at Saint Louis University, including faculty advisor to the Saint Louis University Journal of Health Law and Policy (2008-present), School of Law Admissions Committee (Chair 2010-2015), School of Law Ad Hoc Committee on Law School Progress in US News Ranking (summer 2010), College of Public Health and Social Justice Dean Search Committee (Spring 2015), School of Law Dean Search Committee (Spring 2016)

Member or Chair of various institutional committees at Penn State University, Dickinson School of Law, including Academic Rules (member Spring 2005, 2005-2006, 2006-2007 and Chair Spring and Summer 2007), Admissions (member 2002-2003 and Chair 2003-2004, 2004-2005, and 2007-2008), Appointments (member 2005-2006, 2006-2007), Building Program (member Spring 2005, 2005-2006), Curriculum (member 2005-2006, 2006-2007 and Chair Fall 2005), Dean Search (member 2001-2002), Faculty Development (member 2002-2003), Self-Study (member 2007-2008) and Technology (member 2000-2001); also Secretary of the Law Faculty (2007-2008)

Member, Penn State University Bioethics Advisory Committee (2007-2008)

Awards and Recognitions:

Faculty Fellow, Future of Public Health Law Education, Robert Wood Johnson Foundation and Georgia State University College of Law (2014-2015 academic year)

Faculty Excellence Award, Saint Louis University, 2012

Health Law Scholar, ASLME Health Law Scholars Workshop, Saint Louis University School of Law, 2002