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## BIOGRAPHICAL SKETCH

Provide the following information for the key personnel and other significant contributors in the order listed on Form Page 2.  
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|---|---|---------|---------------------------------|
| NAME<br>Maxwell J. Mehlman, J.D.  | POSITION TITLE<br>Arthur E. Petersilge Professor of Law |         |                                 |
| eRA COMMONS USER NAME<br>MMEHLMAN   |   |         |                                 |
| EDUCATION/TRAINING ( <i>Begin with baccalaureate or other initial professional education, such as nursing, and include postdoctoral training.</i> ) |   |         |                                 |
| INSTITUTION AND LOCATION  | DEGREE<br>(if applicable)                               | YEAR(s) | FIELD OF STUDY                  |
| Reed College, Portland, OR  | B.A.  | 1970    | Political Science               |
| Oxford University (Brasenose College)   | B.A.  | 1972    | Politics, Economics, Philosophy |
| Yale Law School   | J.D.  | 1975    | Law                             |

### Positions and Honors

#### Positions and Employment

- 1975-1984 Attorney, Arnold & Porter, Washington D.C. Area of specialization: Federal Regulation of Healthcare and Medical Technology.
- 1984-87 Assistant Professor of Law, Case Western Reserve University
- 1985-87 Associate Director, The Law-Medicine Center, Case Western Reserve University School of Law
- 1987-90 Associate Professor of Law, Case Western Reserve University School of Law
- 1990-Present Arthur E. Petersilge Professor of Law; Director, The Law-Medicine Center, Case Western Reserve University School of Law
- 1999-Present Professor of Bioethics, Case Western Reserve University School of Medicine

#### Honors

- 1970 Rhodes Scholarship (Oregon)
- 1971 Phi Beta Kappa
- 1985-1986 Keck Research Fellow, Health Systems Management Center, Weatherhead School of Management, Case Western Reserve University
- July 1994, 2004 Member, Ad Hoc Study Section, Ethical, Legal and Social Implications Branch, Office of Human Genome Research, National Institutes of Health
- 2001 Jay Healey Distinguished Health Law Teacher Award, Health Law Teachers Section, American Society of Law, Medicine and Ethics
- 2003 President's Award, American College of Legal Medicine
- 2005 Marjorie Guthrie Award, Huntington's Disease Society of America, Northeast Ohio Chapter
- 2003 Fellow, The Hastings Center

#### Selected peer-reviewed publications (Selected from 72 peer-reviewed publications)

#### Most relevant to the current application

1. Mehlman, M., *Genetics: Ethics, Law and Society* (with Andrews and Rothstein) (Thompson/West, third edition 2010).
2. "The Price of Perfection: Individualism and Society in the Era of Biomedical Enhancement" (Johns Hopkins University Press 2009).
3. *Genetic Enhancement in Sport: Ethical, Legal, and Policy Concerns*, in *Performance-Enhancing Technologies in Sports: Ethical, Conceptual, and Scientific Issues* (T. Murray, K. Maschke, and A. Wasunna, eds. Baltimore: Johns Hopkins University Press 2009).
4. *Making All Children Above Average: Ethical and Regulatory Concerns for Pediatricians in Pediatric Enhancement Research*, 48 Clin. Peds. 472-480 (2009) (with Berg, Rubin, and Kodish).

5. *A New Era of Biomedical Enhancements*, in *Issues in Science and Technology* 59-69 (National Academy of Sciences; Spring 2009).
6. *Behavioral Genetics: Can We Prevent Crimes Before They Are Committed?* in *Biomedical Ethics: A Multidisciplinary Approach to Moral issues in Medicine and Biology* (David Steinberg ed. Hanover, NH: University Press of New England 2007).
7. *Cognition-Enhancing Drugs*, 82 *Milbank Quarterly* 483-506 (2004).
8. *Predictive Genetic Testing in Urology: Ethical and Social Issues*, 21 *World J. Urology* 433-437 (2004).
9. *Human Enhancement Uses of Biotechnology, Genetic Enhancement and the Regulation of Acquired Genetic Advantages*, *Encyclopedia of Ethical, Legal and Policy Issues in Biotechnology* (Murray and Mehlman, eds. John Wiley & Sons 2000).
10. Mehlman, M., co-editor, *The Encyclopedia of Ethical, Legal, and Policy Issues in Biotechnology*. (John Wiley & Sons 2000, T. Murray, co-editor).
11. *Genetic Testing for Cancer Risk: How to Reconcile the Conflicts*, 279 *JAMA* 179 (1998) (with E. Kodish, G. Wiesner, and T. Murray.)
12. *Access to the Genome: The Challenge to Equality* (1998, Georgetown University Press) (with J. Botkin).
13. *The Need for Anonymous Counseling and Testing*, 58 *Am. J. Hum. Genet.* 393-397 (1996) (with others).

#### **Additional recent publications of importance to the field (in chronological order)**

1. Moore v. Regents of the University of California, in *Property Stories* (G. Korngold and A. Morriss eds. 2d edition, New York: Foundation Press 2009).
  2. *Medical Injustice: The Case Against Health Courts* (American Association for Justice 2007) (with Dale Nance).
  3. *Dishonest Medical Mistakes*, 59 *Vanderbilt Law Review* 1137-1173 (2006)
  4. Mehlman, M., *Genetics: Ethics, Law and Society* (with Andrews and Rothstein) (Thompson/West, second edition 2006).
  5. *Malpractice Reforms: Are They Fair?* in *Clinics in Perinatology: Risk Management in Neonatal-Perinatal Medicine* (M. Hermansen, ed. Philadelphia: W.B. Saunders Co. 2005)
  6. *Hospital Liability for Physician Malpractice in Health Law and Compliance Update* (2005 ed.) (J. Steiner ed. New York: Aspen Publishers).
  7. Quackery, 31 *Am. J. Law and Medicine* 349-363 (2005).
  8. *Moore v. Regents of the University of California*, in *Property Stories* (G. Korngold and A. Morriss eds. New York: Fountain Press 2004).
  9. *Malpractice, Medical*, in *Encyclopedia of Bioethics* (3<sup>rd</sup> ed., S. Post ed., MacMillan Reference USA 2003).
  10. *Reforming the Medical Malpractice System: Fairness Considerations* (Project on Medical Liability, Pew Charitable Trusts) (2003) (<http://mediabilitypa.org>).
  11. *Intrinsic Conflicts of Interest in Clinical Research: A Need for Disclosure*, 13 *Kennedy Institute of Ethics Journal* 83-91 (2003) (with Sollitto, Hoffman, Lederman, Youngner and Lederman).
  12. *Wondergenes: Genetic Enhancement and the Future of Society* (Indiana University Press 2003).
  13. Mehlman, M., Rothstein, M. and L. Andrews, *Genetics: Ethics, Law and Society* (casebook, West Group 2002).
  14. *Any DNA to Declare? Regulating Offshore Access to Genetic Enhancement*, 28 *American Journal Law & Medicine* 179 (2002) (with Kristen Rabe).
  15. *Should Physicians Withhold Highly Active Antiretroviral Therapies from HIV-AIDS Patients Who Are Thought To Be Poorly Adherent to Treatment?* 15 *AIDS* 153 (2001) (with Sharmon Sollitto, Stuart Youngner, & Michael Lederman).
  16. *Liability for Prescribing Intravenous Injection Equipment to IV Drug Users*, 11 *Health Matrix* 73 (2001).
  17. *Dying To Save Money: Economic Motives for Physician-Assisted Suicide*, in *Alternatives to Physician-Assisted Suicide* (Poynter Center for the Study of Ethics and American Institutions, 2000).
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18. The Law of Above Averages: Leveling the New Genetic Enhancement Playing Field, 85 *Iowa Law Review* 517 (2000).
  19. *How Will We Regulate Genetic Enhancement?* 34 *Wake Forest Law Review* 671 (1999)
  20. Alternative Definitions of Disability: Changes in a Dichotomous vs. Continuous System, 21 *Disability and Rehabilitation* 385 (1999) (with D. Neuhauser).
  21. Review of Mark Hall, Making Medical Spending Decisions, 4 *The Journal of Ethics, Law and Aging* 49 (Spring-Summer 1998).
  22. Getting a Handle on Coverage Decisions: If Not Case Law, Then What? 31 *Ind. L. Rev.* 75 (1998).
  23. *Genetic Testing for Cancer Risk: How to Reconcile the Conflicts*, 279 *JAMA* 179 (1998) (with E. Kodish, G. Wiesner, and T. Murray.).
  24. *Enhancing Cognition in the Intellectually Intact: Possibilities and Pitfalls*, 27 *Hastings Center Report* 14 (1997) (with P. Whitehouse, T. Murray, and E. Juengst).
  25. When Do Health Care Decisions Discriminate Against Persons With Disabilities? 22 *Journal of Health Politics, Policy, and Law* 1385 (1997) (with Durchslag, D. Neuhauser).
  26. Access to the Genome and Federal Entitlement Programs in The Human Genome Project and the Future of Health Care (Indiana University Press, T. Murray, M. Rothstein and R. Murray, Jr., eds.) 113-132 (1996).
  27. *Historical Trends in Malpractice Litigation*, in *Physician Executives and the Law: Issues and Trends in Liability* (American College of Physician Executives, Todd Sagin ed.) 21-44 (1996).
  28. *Medical Advocates: A Call for a New Profession*, 1 *Widener L. Rev.* 299 (1996).
  29. Mehlman, J., Grubb A., eds. *Justice and Health Care: Comparative Perspectives* (John Wiley & Sons) (1995).
  30. *The Patient-Physician Relationship and the Allocation of Scarce Resources—A Law and Economics Approach* 4 *Kennedy Institutes of Ethics J.* 291 (1994), reprinted in *NWP Journal of Clinical Practice* (Sept. 1995) (with S. Massey).
  31. *Bad “Bad Baby” Bills*, 20 *American J. of Law, Medicine and Ethics* 129 (1994).
  32. Coverage of Genetic Technologies Under National Health Reform, 55 *American J. of Human Genetics* 1054 (1994) (with others).
  33. The Patient-Physician Relationship in an Era of Scarce Resources: Is There a Duty to Treat?, 25 *U. Conn. L. Rev.* 349 (1993), (reprinted in *Specialty Law Digest: Health Care Law*, October 1993).
  34. Medicare and Medicaid: Are They Just Health Care Programs?, 29 *Houston L. Rev.* 835 (1992) (with K. Visocan).
  35. Mehlman, M., Younger, S., eds., *Delivering High Technology Home Care* (1991).
  36. The Oregon Medicaid Program: Is It Just?, 1 *Health Matrix* 175 (1991).
  37. Assuring the Quality of Medical Care: The Impact of Outcome Assessment and Practice Standards, 18 *Law, Medicine and Health Care* 368 (1991).
  38. Medicare Quality Assurance Mechanisms and the Law, background paper, Institute of Medicine, National Academy of Sciences (1989) (with A. Smith).
  39. Containing the Costs of Medical Technology: A Critique of Waste Theory, 36 *Case Western Reserve Law Journal* 778 (1986).
  40. Rationing Expensive Lifesaving Medical Resources, 1985 *Wisconsin Law Review* 239(1985), (reprinted in *Specialty Law Digest: Health Care-Jan.* 1987).
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