

## **Edward P. Richards, III, J.D., M.P.H.**

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### **EDUCATION**

**Rice University:** National Merit Scholar, Double Major: Biology and Behavioral Science;  
minor in Environmental Engineering - B.A., 1972.

**Baylor College of Medicine:** Graduate work in Medical Sciences

**University of Michigan:** Graduate work in Medicinal Chemistry and Human Physiology.

**University of Houston Law Center:** J.D., 1978.

**University of Texas School of Public Health:** Disease Control/Risk Analysis, M.P.H., 1983.

### **ACADEMIC POSITION**

#### **Paul M. Hebert Law Center**

Harvey A. Peltier Professor of Law

Director, Program in Law, Science and Public Health

**Adjunct Professor:** Pennington Biomedical Research Center

**Adjunct Professor:** Public Administration Institute, LSU College of Business

### **PREVIOUS ACADEMIC POSITIONS**

#### **University of Missouri-Kansas City**

The Ruby M. Hulen/UMKC Professor of Law

Adjunct Professor: Bloch School of Business

Member: Public Affairs and Administration Graduate Faculty

Member: University of Missouri System Doctoral Faculty

Member: Missouri Institute of Public Policy

Executive Director: Center for Public Health Law

Visiting Professor: University of Oregon, School of Law

Visiting Professor: University of Denver, School of Law

Research Director: National Center for Preventive Law, University of Denver

Principal Investigator: Colorado Physician's Insurance Company Study on Malpractice  
Prevention and Claims Management.

Adjunct Professor: University of Texas School of Public Health, Environmental  
Sciences

Adjunct Professor: Trinity University, Department of Philosophy

Adjunct Professor: University of Texas Medical Branch, Medical Ethics Center

Lecturer in Law: South Texas School of Law

Teaching Fellow: University of Michigan, Chemistry Department

Tutor: University of Michigan, School of Medicine

**HONORS**

- 2001 President's Award, American College of Legal Medicine
- Chair-elect, American Association of Law School, Health Law Section
- 1999 Elmer F. Pierson Outstanding Teaching Award, University of Missouri Kansas City
- 1999 Brenner Faculty Publishing Award, University of Missouri Kansas City School of Law
- Special Award for Service to the IEEE Engineering in Biology and Medicine Magazine
- 1990 Center for Public Resources Book Award in ADR - Awarded as Law Review Advisor
- 1983 Emil Brown Fund Prize for Preventive Law Writing
- Honorable Mention, Second Annual West Publishing/A.B.A. Art Contest
- Third Place, First Annual West Publishing/A.B.A. Art Contest
- Special Commendation for Community Service - San Jacinto TB and Respiratory Diseases Association

**PROFESSIONAL SERVICE**

Moderator:	LAWPROF, The Internet list for law professors
Moderator:	ADMINLAW, The AALS Internet list for administrative law teachers
Advisory Board	ECRI Center for Healthcare Environmental Management (CHEM) 2001 - present
Editorial Board	Journal of National Security Law

**PAST UNIVERSITY AND COMMUNITY SERVICE**

Research Fellow	ORISE/Centers for Disease Control - 2005
Associate Editor	Legal Medicine Perspectives, American College of Legal Medicine, 1997 - 2005.
Publications Committee	American College of Legal Medicine, 1998 - 2006
Ethics Committee	American College of Legal Medicine, 1999 - 2006
Associate Editor:	IEEE Bioengineering in Medicine and Biology Magazine, 1994 - 2002
Editorial Advisory Board Member	Journal of Intensive Care Medicine Society of Critical Care Medicine Technology Assessment Committee
Medical Advisory Board University of Denver:	HIPPOCRATES, (Massachusetts Medical Society), 1998 - 2001 Institutional Review Board Atmospheric Sciences Advisory Committee Faculty Advisor, University of Denver Law Review Preventive Law Prize Committee
Colorado Department of Health:	Committee on Revising the Public Health Laws
Colorado Medical Society:	Medical Informatics Committee
Texas Young Lawyers Association:	Public Handbook Committee
Texas Research Institute for Mental Sciences:	Informed Consent Committee
Anesthesia Safety Consortium	

### PROFESSIONAL ASSOCIATIONS

American Bar Association	State Bar of Texas
American College of Legal Medicine	Author's Guild
American Health Lawyers Association	American Assoc. for the Advancement of Science

### LAW PRACTICE

Admitted To Practice            State Courts of Texas, May 28,1979  
Fifth Circuit, Southern and Eastern Districts of Texas, 11th Circuit  
Private Practice:                1979-1987, Roberts, Markel, Folger, and Powers, Houston, Texas

### WORKS IN PROGRESS

The Public Health Law Map: <http://biotech.law.lsu.edu/map/index.htm>

### BOOKS

[Jerry Menikoff and Edward P. Richards, WHAT THE DOCTOR DIDN'T SAY: THE HIDDEN TRUTH ABOUT MEDICAL RESEARCH, Oxford 2006.](#)

Edward P. Richards and Katharine C. Rathbun, MEDICAL CARE LAW, Gaithersburg, Aspen Publishers, Inc., 1999.

[Edward P. Richards and Katharine C. Rathbun, LAW AND THE PHYSICIAN: A PRACTICAL GUIDE, Little, Brown and Company, 1993.](#)

Edward P. Richards, John Neibel, and Larry Maxwell, THE TEXAS HEALTH LAW MANUAL, Butterworths, 1985.

[Edward P. Richards and Katharine C. Rathbun, MEDICAL RISK MANAGEMENT: PREVENTIVE LAW STRATEGIES FOR HEALTH CARE PROVIDERS, by Aspen Systems Corporation, 1983.](#)

### CHAPTERS & REPORTS

Edward P. Richards, "Developments in Health Law", in Developments in Administrative Law and Regulatory Practice, 2007-2008, edited by Jeffrey Lubbers, American Bar Association, 2009.

"Introduction to the Legal System," in A PRACTICAL INTRODUCTION TO FOOD AND DRUG REGULATION, edited by Kenneth R. Piña and Wayne L. Pines, Food and Drug Law Institute Press, (1998), revised and updated 2002, revised and updated 2008.

"Public Health Law," with Katharine C. Rathbun, in PRINCIPLES OF PUBLIC HEALTH PRACTICE, edited by Douglas Scutchfield and C. William Keck, Delmar Publishers (1996), revised and updated 2003, revised and updated 2007.

Jay Gold and Edward P. Richards, "Chapter 73 - Public Health Law", in Legal Medicine, edited by the American College of Legal Medicine, Seventh Edition, Elsevier (2007)

Edward P. Richards, Katharine C. Rathbun, Corina Solé Brito, and Andrea Luna, "The Role of Law Enforcement in Public Health Emergencies: Special Considerations for an All-Hazards Approach." Bureau of Justice Assistance (U.S. Department of Justice) (2006)

Edward P. Richards and Gus Birkhead, "Blood-borne and Sexually Transmitted Diseases", M.D., in Richard Goodman, et al (eds.), LAW IN PUBLIC HEALTH PRACTICE, Second Edition, Oxford Press. (2006), First edition, 2002.

Edward P. Richards and Katharine C. Rathbun, "Public Health Law," in PUBLIC HEALTH AND PREVENTIVE MEDICINE, edited by Robert B. Wallace (Maxey, Roseneau, and Last), Appleton and Lange (1998) 1147-1154, revised for the 2006 edition.

Edward P. Richards and Donald Bross, "Legal Aspects of STD Control: Public Duties and Private Rights," in SEXUALLY TRANSMITTED DISEASES, King Holmes, et al., revised edition, (1989), revised for the 3<sup>rd</sup> edition, (1998), revised for the 4th edition (2006).

"Clinical Engineering Liability", with Charles Walter, in Joseph Dyro, (ed.) CLINICAL ENGINEERING HANDBOOK, Academic Press (2004).

"Regulatory Authority", "Police Powers", "Licensing", "Legislation and Regulation", and "Liability of Public Health Officials", in THE ENCYCLOPEDIA OF PUBLIC HEALTH, Lester Breslow, Editor in Chief, Macmillan Reference Books (2001).

"HIV/AIDS Testing, Screening, and Confidentiality: The United States Experience," in Rebecca Bennett, & Charles A. Erin (eds.), HIV/AIDS: TESTING, SCREENING AND CONFIDENTIALITY Oxford: Oxford University Press (Clarendon Press) (1999).

"The Legal Checkup," in Robertson, W.O., Ed., MEDICAL-LEGAL ISSUES IN PEDIATRICS, Report of the Eighteenth Ross Roundtable on Critical Approaches to Pediatric Problems (1987).

"Risk Management in the Intensive Care Unit," with Katharine C. Rathbun, in MEDICOLEGAL ASPECTS OF CRITICAL CARE MEDICINE, edited by Norman S. Abramson, M.D., Aspen (1986).

### LAW REVIEWS

[Edward P. Richards, Dangerous People, Unsafe Conditions The Constitutional Basis for Public Health Surveillance. 30 Journal of Legal Medicine 25:50 \(2009\).](#)

[Hilary S. Leeds; Edward P. Richards. Legal Issues in Accommodating the Americans with Disabilities Act to the Diabetic Worker. Journal of Legal Medicine, Volume 29 Issue 3 2008 271-283.](#)

Edward P. Richards, 2006-2007 National Health Law Moot Court Competition, 28 J. Legal Med. 437 (2007).

[Edward P. Richards, Public Health Law as Administrative Law, 10 Maryland Journal of Health Law 61-88 \(2007\), Public Health Law Symposia.](#)

[Edward P. Richards and Thomas R. McLean, Administrative Compensation for Medical Malpractice Injuries: Reconciling the Brave New World of Patient Safety and the Torts System, 49 St. Louis University Law Journal 73-104 \(2005\) Health Law Symposium.](#)

[Edward P. Richards, Katharine C. Rathbun, and Jay Alexander Gold, The Smallpox Vaccination Campaign of 2003: Why Did It Fail and What Are the Lessons for Bioterrorism Preparedness?, 64 Louisiana Law Review 851-904 \(2004\), Bioterrorism Symposia.](#)

[Thomas R. McLean and Edward P. Richards, "Health Care's 'Thirty Years War': The Origins and Dissolution of Managed Care," 60 NYU Annual Survey of American Law 283 \(2004\)](#)

["The Role of Medical and Public Health Services in Sustainable Development, 32 Environmental Law Reporter 11299 \(2002\), also printed as a chapter in John Dernbach, Ed., STUMBLING TOWARD SUSTAINABILITY, Environmental Law Institute \(2002\).](#)

Edward P. Richards, Terry O'Brien, and Katharine C. Rathbun, ["Bioterrorism and the Use of Fear in Public Health," 34 Urban Lawyer 685 \(2002\).](#)

["Autonomy and Community: Implications of Liability Regimes for Injuries Caused by Demented Individuals," 35 Georgia Law Review 621-660 \(2001\).](#)

["Managed Care Liability for Breach of Fiduciary Duty after Pegram v. Herdrich: The End of ERISA Preemption for State Law Liability for Medical Care Decision Making," with Thomas R. McLean, M.D., 53 University of Florida Law Review 1 \(2001\).](#)

["The Police Power and the Regulation of Medical Practice: A Historical Review and Guide for Medical Licensing Board Regulation of Physicians in ERISA-Qualified Managed Care Organizations," Health Law Symposia, 8 Loyola \(Chicago\) Annals of Health Law 201-237 \(1999\).](#)

["Past as Prolog: Can Managed Care Overcome the Conflicts Inherited from Fee-For-Service Medicine?" 66 UMKC L. Rev. 735 \(1998\) - Symposia issue on managed care.](#)

"Physicians and Managed Care: A Multidimensional Analysis of New Trends in Liability and Business Risks," with Thomas R. McLean, M.D., 18 Journal of Legal Medicine 443:473 (1997).

"The Role of the Horrible in Understanding Medicine," 60 UMKC L. Rev. 729 (1992).

["The Jurisprudence of Prevention: Society's Right of Self-Defense Against Dangerous Individuals," 16 Hastings Constitutional Law Quarterly 329-392 \(1989\).](#)

["Communicable Disease Control in Colorado: A Rational Approach to AIDS," 65 U. Dev. L. R. 127-179 \(1988\).](#)

"Risk Management Theory: Reducing Liability in Corporate and Medical Environments," with Abraham Silvers, Ph.D., University of Houston Law Review, Volume 19, #2, pp. 251-273, 1982.

### **BUSINESS JOURNALS**

"Special Report: Who's Liable for Stress on the Job?," with John M. Ivancevich, Michael T. Matteson, Harvard Business Review, March-April 1985.

### **BOOK REVIEWS**

Edward P. Richards, Review of Populations, Public Health, And The Law, Journal of the American Medical Association, 302:691-692 (2009).

Edward P. Richards, Review of Distributive Justice and the New Medicine, Journal of the American Medical Association 301: 1385-1386 (2009)

Edward P. Richards, Review of Gun Violence - The Real Costs, by Philip J. Cook and Jens Ludwig, Oxford University Press (2000), in Journal of Policy Analysis and Management, winter 2002 issue (v. 21, #1, pp. 166-68)

Edward P. Richards, Review of Public Health Law: Power, Duty, Restraint, by Lawrence Gostin, University of California Press (2001), in Journal of the American Medical Association, Vol 287, #2 (January 9, 2002) p. 246-248.

Edward P. Richards and Katharine C. Rathbun, A Review of PRIVATE ACTS, SOCIAL CONSEQUENCES by Ronald Bayer, , M.D., M.P.H., 23 Family Law Quarterly 137-142 (1989).

**MEDICAL AND SCIENTIFIC JOURNALS**

Thomas McLean and Edward P. Richards, Teleradiology: A Case Study Of The Economic And Legal Considerations In International Trade In Telemedicine Health Affairs, September/October 2006; 25(5): 1378-1385.

[Edward P. Richards and Katharine C. Rathbun, "Making State Public Health Laws Work for SARS Outbreaks," Emerging Infectious Diseases, Vol 10, No. 2, p. 356-357 \(Feb 2004\).](#)

[Edward P. Richards, "Collaboration between Public Health and Law Enforcement: The Constitutional Challenge," Emerging Infectious Diseases, Vol. 8, No. 10, p.1157-1159 \(October 2002\).](#)

Grimes RM, Richards, EP, Flaitz CM. Avoiding malpractice for non-dental conditions: The example of HIV. Journal of the American Dental Association. J Am Dent Assoc 2001 Apr;132(4):499-507.

["The Role of the Police Power in 21<sup>st</sup> Century Public Health," with Katharine C. Rathbun, Journal of Sexually Transmitted Diseases, 1999;26\(6\):350-7.](#)

"Legal Considerations in Screening Pregnant Women for Human Immunodeficiency Virus," with Richard Grimes, Ph.D., Andrew W. Helfgott M.D., and Nancy L. Eriksen M.D., American Journal of Obstetrics-Gynecology, 1999;180(2 Pt 1):259-64.

"Hepatitis B, Syphilis And Human Immunodeficiency Virus: Are Different Approaches To Prenatal Screening Justified?" with Richard Grimes, Ph.D. and Katharine C. Rathbun, M.D., 8 Pediatric AIDS and HIV Infection: Fetus to Adolescent, #2, p. 98-101 (1997).

"Professional Courtesy," with Katharine C. Rathbun, Missouri Medicine, V. 95, (Jan 1998), p. 18-20.

"Covenants to not Compete: A Trap for Missouri Physicians," with Katharine C. Rathbun, Missouri Medicine V.94 (May 1997), p. 224.

"Supervising RNs and Advance Nurse Practitioners: New Regulations for Missouri," with Katharine C. Rathbun, Missouri Medicine V.94 (January 1997), p. 17.

"A Model for Technology Assessment as Applied to Closed Loop Infusion Systems," with other members of the Technology Assessment Task Force of the Society of Critical Care Medicine, 23 Critical Care Medicine 1745 (#10) 1995.

"Creating a Rational System for Reviewing Critical Care Decision-making: The Time-critical Review," with Mark K. Hutchison, 9 J. Intensive Care Med. 55 (1994).

"A Model For Technology Assessment Applied To Pulse Oximetry," with other members of the Technology Assessment Task Force of the Society of Critical Care Medicine Critical Care Medicine 21 (4). 1993. 615-624.

"Making Sense of Cruzan: Implications of the Supreme Court's Right to Die Decision," J Intensive Care Med, 1990; 5/6:241-245.

"Living with Uncertainty: Information Theory and Critical Care Decisionmaking," J Intensive Care Med 1990; 5; 91-92 (1990).

"Birth Clustering," with Arnold Miller, Timothy Moreland, George Donovan, 1990 American Statistical Association Proceedings of the Social Statistics Section, pp. 245-252.

"Using Objects to Communicate Legal Information," with Barry B. Bounds, Computer Society Press of the IEEE, 9 Phoenix Conference on Computers and Communications, pp. 766-771 (1990).

"The Problems of Knowledge Representation in Law," ABA Section on Law Practice Management: 2 Document Assembly User Group News, #2, p. 8 (Winter 1990).

"Ethical Considerations in Non-Judicial Termination of Life-Support Decisions," J Intensive Care Med, 1990; 5/5:193-196.

"A Preventive Law Plan for the Colorado AIDS Control Law," with Thomas M. Vernon, M.D., and George Thomasson, M.D., 86 Colorado Medicine Magazine #5, p. 78 (1989).

"Statistical Analysis of Medical Malpractice Costs: Analysis of Incident Reporting Times," with Arnold R. Miller, 1989 American Statistical Association Proceeding of the Business and Economics Statistics Section, 327-330.

"Legal Issues in Critical Care Medicine," with Katharine C. Rathbun; Journal of Intensive Care Medicine; Vol 1, #2 (March-April 1986) p. 101 - 110.

"A Procrustean Approach to Informed Consent: The Texas Medical Disclosure Panel," with Katharine C. Rathbun; Law, Med. Health Care, Vol. 10, Number 4, p. 158 (September 1982).

"Molecular Mobilities of Soluble Components in the Aqueous Phase of Bovine Chromaffin Granules," with R. R. Sharp, III; Biochimica and Biophysica Acta, Volume 497, p. 260, 1977.

"Analysis of the Carbon 13 and Proton NMR Spectra of Bovine Chromaffin Granules," with R. R. Sharp, III, Biochimica and Biophysica Acta, Volume 497, p. 14, 1977.

"NMR Evidence for an Acetylcholine ATP Complex," with R.R. Sharp; Biochemical and Biophysical Research Communications, Volume 64, #3, p. 851, 1975.

### **LEGAL PERIODICALS**

Thomas R. Mclean and Edward P. Richards, The ruling in 'Sereboff', National Law Journal, August 12, 2006.

Thomas R. Mclean and Edward P. Richards, The 'Aetna Health' Ruling, National Law Journal, August 30, 2004, p. 12

Thomas R. McLean and Edward P Richards, "The Supreme Court's Roadmap for Managed Care", National Law Journal, June 9, 2003; p.39

"Health Care Preventive Law: Lessons for All Preventive Lawyers," 19 Preventive Law Reporter #3, 2001, p. 4.

"Preemption after 'Pegram,'" with Thomas McLean, National Law Journal, June 18, 2001, p. B8.

"Legal Issues in Using the Public Health Police Powers to Protect the Elderly from HIV-AIDS", in Conference Proceedings, HIV/AIDS and the Older Adult, published by the ABA Tort and Insurance Law Practice Section, 1999.

"Federal Preemption Under the Medical Device Amendments," 11 Food, Drug, Cosmetic, and Medical Device Law Digest, #3, p. 92 (1994).

"Proceeding of an Electronic Conference: The Attorney-Client Relationship," in The Effect of Electronic Mail on Law Practice and Law Teaching, I. Trotter Hardy, Editor, William S. Hein & Co., Inc. (1994).

- "Do Physicians Really Care about Medical Malpractice Litigation?" 12 Prev. L. Rptr. 3 (1993).
- "Tuberculosis: An Introduction for Health Care Attorneys," with Katharine C. Rathbun, 6 The Health Lawyer (The ABA Health Law Section Journal) #4, p. 11 (1993).
- "Medical Preventive Law: Should preventive law, like some medicine, be mandated by the government?" 11 Prev. L. Rptr. #2, p. 25 (1992).
- "Tuberculosis in the Workplace," with Katharine C. Rathbun, 11 Prev. L. Rptr. #1, p. 25 (1992).
- "The Risks Every Business Should Know About AIDS and HIV Infection," 6 The Health Lawyer (The ABA Health Law Section Journal) #3, p. 11 (1992).
- "Does the ADA mean no more medical examinations for disabled workers?" with Katharine C. Rathbun, 10 Prev. L. Rptr. #4, p. 14 (1991).
- "New Government Regulations put Lawyers and Doctors in Jeopardy," 10 Prev. L. Rptr. #3, p. 28 (1991).
- "Insider trading: in research agreements, preventive-law approach is required," 9 Preventive Law Reporter #1, p. 28 (1990.)
- "How do you counsel clients with hidden fiduciary interests?" with Daniel J. Deters, 9 Preventive Law Reporter #2, p. 28 (1990).
- "Developing a preventive-law strategy may control medical malpractice costs," 8 Preventive Law Reporter #4, p. 20 (1989).
- "The Project - Preventive Law Strategy to Head Off AIDS-Related Litigation," 8 Prev. L. Rptr. #3, p. 28 (1989)
- "Communicable-disease plan must confront increasing problems of the workplace," with Katharine C. Rathbun, 8 Prev. L. Rptr. #2, p.19 (1989)
- "Physicians and their Profession: Do Racketeering Rules Apply?," with Daniel J. Deters and Robin J. Gray, National Law Journal, Monday, August 28, 1989, p. 38.
- "Most Employers Oblivious to Tort Liability for Communicable Diseases in the Workplace?" with Katharine C. Rathbun, 8 Prev. L. Rptr. #1, p. 7 (1989), reprinted 6 Health Care Lawyer #2, p. 10 (1989).
- "The Legal Risks of AIDS: Moving Beyond Discrimination," with Katharine C. Rathbun, 18 Colorado Lawyer 605 (1989).
- "Employers-and their attorneys-fail to face up to the risks of AIDS," 7 Prev. L. Rptr. #4, p. 28 (1988).
- "AIDS Dementia: Companies must manage the risks of a new job `bombshell'," 7 Prev. L. Rptr. #3, p. 23 (1988).
- "The Impossible Dream: Ending Client's Aversion to Lawyer's Bills," 7 Prev. L. Rptr. March 1988, p. 33.
- "Businesslike Nonprofit Hospitals Losing Traditional Special Treatment," with Stephen L. Tucker, 6 Prev. L. Rptr. June 1987, p. 3.
- "Accurate Information about AIDS," with Katharine C. Rathbun; Activist's Quarterly (Houston Civil Liberties Union) Vol 16, #1 (1986) p. 4 - 6.
- "Lessons from Bhopal," with Charles Walter, 4 Preventive Law Reporter, #6, p. 139 (1986).

"Access to Medical Care in Texas: New Rights - New Duties," with Katharine C. Rathbun; Texas Bar Journal, November 1984; 47:1272-1277.

"Patient's Rights Issues in Health Care Administration," "The Health Lawyer" (A.B.A. Forum Committee on Health Law Reporter), Fall 1983; 1:3; 13-15.

Patient's Rights Handbook, with Katharine C. Rathbun, M.D.; Texas Young Lawyers Association, 1980 (revised editions 1983, 1986).

"Informed Consent and the Texas Medical Disclosure Panel," with Katharine C. Rathbun; 46 Texas Bar J. 349 (1983).

"The Law of Patient's Rights in Texas," with Katharine C. Rathbun; Texas Bar Journal, Volume 44, #9, p. 1059, 1981. Reprinted in the "Tarrent County Physician," p. 54, February 1982.

"Company Doctors as Third Party Defendants," with Glen Provost; 17 TRIAL #7, p. 35, 1981.

"Medical Records: OSHA Requirements and the Practicing Attorney," with Katharine C. Rathbun; Texas Bar Journal, Volume 43, #9, p. 944, 1980.

"OSHA Regulations: Access to Employer Held Medical Information," 16 TRIAL #11, p. 8, 1980.

"Effective Initial Screening/Avoiding the Frivolous Lawsuit," with Katharine C. Rathbun; 16 TRIAL 45-49 1980.

### LAW AND ENGINEERING

Walter, C.F. and Richards, E.P., III. "Publish and Perish." IEEE Eng Med Biol Mag. 2002 Jul-Aug;21(4):127-30, 133.

Walter, C.F. and Richards, E.P., III "Legal Defenses to the Use of Data Digits to Identify Fabricated Data." Engineering in Medicine and Biology Magazine, IEEE. 21(2) 2002: 77- 80.

Walter, C.F. and Richards, E.P., III "Using Data Digits to Identify Fabricated Data." Engineering in Medicine and Biology Magazine, IEEE. 20(4) 2001: 96-100.

Walter, C.F. and Richards, E.P., III "Public Access to Scientific Research Data." Engineering in Medicine and Biology Magazine, IEEE. 20(2) 2001: 116-123.

Walter, C.F. and Richards, E.P., III. "When Does The Freedom Of Information Act Apply To Privately Held Data Produced Under A Federal Grant? (Part II)." 19 IEEE Engineering In Medicine And Biology Magazine 120-2, 143 (2000).

Walter, C.F. and Richards, E.P., III. "When Does The Freedom Of Information Act Apply To Privately Held Data Produced Under A Federal Grant? (Part I)." 19 IEEE Engineering In Medicine And Biology Magazine #4 121-125. (2000)

Walter, C.F. and Richards, E.P., III. "When are Expert Witnesses Liable for their Malpractice?" 19 IEEE Engineering In Medicine And Biology Magazine #2, 107-109 (2000).

Richards, E.P., III and Walter C. "The Supreme Court Sets Standards for Engineering Expert Testimony," 18 IEEE Engineering In Medicine And Biology Magazine #6, 83-4, 88.

"The Biomaterials Access Assurance Act of 1998," with Charles Walter, 18 IEEE Engineering In Medicine And Biology Magazine #2, 125-7 (1999).

"The Social Responsibility of Scientists: The Scientific Impact Statement," with Charles Walter, 17 IEEE Engineering In Medicine And Biology Magazine #6, 94-95 (1998).

"Keeping Junk Science out of the Courtroom," with Charles Walter, 17 IEEE Engineering In Medicine And Biology Magazine (July-August 1998) #4 p 78-81.

"Science in the Supreme Court: Round Two," with Charles Walter, 17 IEEE Engineering In Medicine And Biology Magazine, (March-April 1998) #2 p 124-125.

"Book Review: Judging Science," 16 IEEE Engineering In Medicine And Biology Magazine, in press.

"Litigating Fear: Electrical and Magnetic Fields (EMF) and the Law," 16 IEEE Engineering In Medicine And Biology Magazine, (Sept.-Oct. 1997) #5 p. 176-178.

"Extracting The Teeth From The False Claims Act," with Charles Walter, 16 IEEE Engineering In Medicine And Biology Magazine, (May-June 1997) #3 p. 93-95.

"The Supreme Court rules on medical device liability - Or does it?" 16 IEEE Engineering In Medicine And Biology Magazine (Jan-Feb 1997) #1 p. 87.

"Custodians Of Information," with Charles Walter, 15 IEEE Engineering In Medicine And Biology Magazine (Sept-Oct 1996) #5 p. 138.

"Defining Scientific Misconduct For The Benefit Of Science," with Charles Walter, 15 IEEE Engineering in Medicine and Biology Magazine (May-June 1996) #3, p. 118-119.

"Public Policy and the Preemption of State Tort Claims against Medical Device Manufacturers," with Charles Walter, 15 IEEE Engineering in Medicine and Biology Magazine 121 (Jan/Feb) 1996.

"Just When You Thought It Was Safe to Go Outside: The False Claims Act and Scientific Misconduct," with Charles Walter, 14 IEEE Engineering in Medicine and Biology Magazine 652 (Sept/Oct) 1995.

"Using Expert Testimony in Scientific Misconduct Cases," with Charles Walter, 14 IEEE Engineering in Medicine and Biology Magazine 338 (May/June) 1995.

"Pillorying Well-Stocked Scientists," with Charles Walter, 14 IEEE Engineering in Medicine and Biology Magazine 544 (Aug-Sept) 1995.

"Phantom Risk - Phantom Justice?" A review of Phantom Risk," edited by Kenneth R. Foster, David E. Bernstein, and Peter W. Huber (MIT Press, 1993), 13 IEEE Engineering in Medicine and Biology Magazine #3, p. 427 (1994).

"News Fraud Fuels Science Fraud," with Charles Walter, 13 IEEE Engineering in Medicine and Biology Magazine #2, p. 279 (1994).

"Research Misconduct: Catching the Desperadoes and Restraining the Zealots," with Charles Walter, 13 IEEE Engineering in Medicine and Biology Magazine, #1, p. 142 (1994).

"Medical Device Reporting: New Rules, New Concerns," 12 IEEE Engineering in Medicine and Biology Magazine, #3, p. 102 (1993).

"Products Liability for Medical Devices: Federal Preemption of State Lawsuits," with Charles Walter, 12 IEEE Engineering in Medicine and Biology Magazine #2, p. 97 (1993).

"Scientific Misconduct: Part 6 - Constitutional Rights Revisited," 12 IEEE Engineering in Medicine and Biology Magazine, #1, p. 130 (1993).

"Scientific Misconduct: Part 5 - Making Scientific Self-regulation Work," with Charles Walter, 11 IEEE Engineering in Medicine and Biology Magazine, #4, p. 102 (1992).

"Scientific Misconduct: Part 4 - The Cost of Hubris," with Charles Walter, 11 IEEE Engineering in Medicine and Biology Magazine, #3, p. 77 (1992).

"Scientific Misconduct: Part 3 - Standards for Scientific Record Keeping," with Charles Walter, 11 IEEE Engineering in Medicine and Biology Magazine, #2, p. 88 (1992).

"Scientific Misconduct: Part 2 - What are your Constitutional Rights?" 11 IEEE Engineering in Medicine and Biology Magazine, #1, p. 73 (1992).

"Scientific Misconduct: Part 1 - The Federal Rules," with Charles Walter, 10 IEEE Engineering in Medicine and Biology Magazine, #4, p. 69 (1991)

"Do You Talk Too Much?" with Charles Walter, 10 IEEE Engineering in Medicine and Biology Magazine, #3, p. 74 (1991).

"How Effective Safety Devices Lead to Secondary Litigation," with Charles Walter, 10 IEEE Engineering in Medicine and Biology Magazine, #2, p66 (1991).

"Employment Obligations Part IV: University Faculties and Expert Consultants," with Charles Walter, 10 IEEE Engineering in Medicine and Biology Magazine, #1, p. 85 (1991).

"Employment Obligations Part III: Who Is an Independent Contractor?" with Charles Walter, 9 IEEE Engineering in Medicine and Biology Magazine, #4, p. 48 (1990).

"Employment Obligations Part II: Duties of an Ex-employee," with Charles Walter, 9 IEEE Engineering in Medicine and Biology Magazine, #3, p. 72 (1990).

"Employment Obligations Part I: Duties of an Employee to His Employer," with Charles Walter, 9 IEEE Engineering in Medicine and Biology Magazine, #2, p. 72 (1990).

"High Tech Devices in Low Tech Environments: The Lay Use of Medical Devices," with Charles Walter, 8 IEEE Engineering in Medicine and Biology Magazine #4, p. 60 (1989).

"The Wages of Sin: Preventing Punitive Damages," 8 IEEE Engineering in Medicine and Biology Magazine #3, p. 50 (1989).

"How is an anesthesia machine like a lawnmower? - The problem of the learned intermediary," with Charles Walter, 8 IEEE Engineering in Medicine and Biology Magazine #2, p. 55 (1989).

### **SPEECHES AND WORKING GROUPS**

Balancing the Needs of Public Health Professionals and Lawyers in the Design of Public Health Law Materials, Annual Health Law Teachers Conference, Cleveland, OH, June 2009.

H1N1 and the Federal Courts, Annual 5th Circuit Conference, New Orleans, May 2009.

Health Care Forum: Improving Emergency Preparedness for Hospitals, Office of the Assistant Secretary for Preparedness and Response within the US Dept of Health and Human Services, Washington, DC, May 2008.

Dangerous People, Irrational Fears: Developing a rational jurisprudence for non-criminal dangerousness, Speaker, 10th Annual Health Policy Institute, sponsored by the Southern Illinois University Law and Medical Schools, and the Senator Paul Simon Public Policy Institute, Carbondale II, May 2008.

Real Life Public Health Planning: Where Medicine Meets The Law, Florida Department of Health - Attorney Conference, Maitland, Fl, June 13-15, 2007

Planning Session for the National Summit on Obesity Law, Participant, Centers for Disease Control, Atlanta, Georgia, November, 2007.

National Summit on Emergency Preparedness Law, Discussion Facilitator, Centers for Disease Control, Atlanta, Georgia, June 2007.

The Limits of Law in Public Health Emergencies – Building Resilient Communities - Presented at the 2007 Great Lakes Homeland Security Training Conference & Exposition, May 2007.

Panelist, 21st Annual Conference of the Professions, “Preparing for Disaster: Fire, Flood and the Flu,” University of Texas Southwestern Medical Center, Dallas, March 2007

The Role of Law Enforcement in Public Health Emergencies - Presented at the Department of Homeland Security-Federal Transportation Administration Safety and Security Round Table, San Francisco, December 2006

Coping with natural disasters – federal, state and local responsibilities and coordination, Guest Lecture, University of Pennsylvania School of Medicine, November 2006.

Judge and Problem Author, National Health Law Moot Court Competition, Southern Illinois University and the American College of Legal Medicine, Carbondale Illinois, November 2006

When Moral Hazard Becomes Mortal Hazard - Policy Failures Leading to the Hurricane Katrina Disaster and its Aftermath, Distinguished Lecture, University of Toronto, Toronto Canada, October 2007.

Seizing Private Property during Emergencies, presented and moderated panel, Annual CDC Public Health Law Conference, June 2006, Atlanta.

Lessons from Katrina, presented at the Annual Health Law Teachers Conference. June 2006, Baltimore.

All Hazards Approach to Pandemic Flu,. presented at the Transit Safety and Security Round Table, sponsored by the Department of Homeland Security for heads of transit security for all mass transit systems in the U.S. May 2006, San Francisco.

Pandemic Flu Preparation for Law Enforcement, presented at a Police Executive Research Forum International Conference, and continued work under a Bureau of Justice Administration grant for a report to the Department of Justice. March 2006, Washington DC.

Public Health as Administrative Law - Presented at the 2006 AALS Annual Meeting, January 2006.

The Administrative Basis of Public Health Law - Presented at the 2005 APHA Annual Meeting, Dec 9, 2005.

Obesity Management: Lessons and Cautions from the Tobacco Experience, Presented at the NACCHO-ASTHO Annual Meeting, 13 July 2005

Testimony before the President's AIDS Commission: AIDS Law - Past and Future, 21 June 2005

Legal Frameworks for Preventing Chronic Disease: Developing a Preventive Law Approach, presented at the CDC Public Health Law Conference, 14 June 2005.

Public Health Law Revision and the Model Law Process: The Case of Emergency Quarantine and Isolation, to be presented at the CDC Public Health Law Conference, 14 June 2005.

"Phantom Agent - Preparing for Smallpox Bioterrorism", National Security Studies, Maxwell School, Syracuse, NY, April 2005.

"The Politics of Smallpox Modeling", Rice University Department of Statistics, Houston Texas, November 2004.

Public Health Law Powers, Short Course on Public Health Law, American Public Health Association Annual Meeting, Washington, DC, November, 2004.

Consultant, National Institution of Justice, Terrorism Research meeting, Washington, DC, October 2004.

"Plagues, Police, and Posse Comitatus: Legal Issues in Forensic Epidemiology and Public Health Emergency Response," Keynote Speech, Forensic Epidemiology, Investigative Responses to Bioterrorism, University of San Diego, June 2004.

"Legal Issues in Obesity Management," CDC 3rd Annual Public Health Law Conference, Atlanta, June 2004.

"Public Health as Administrative Law," Short Course, CDC 3rd Annual Public Health Law Conference, Atlanta, June 2004.

"Liability and Compensation for Injuries Caused by Vaccines for Bioterrorism Agents," The University of Maryland Center for Health and Homeland Security Conference: Eliminating Legal, Regulatory, and Economic Barriers to Biodefense Vaccine Development, Baltimore, June, 2004.

"Obesity Laws: What are the Unintended Consequences?," presentation and panel chair, American Society of Law, Medicine, and Ethics, Annual Health Law Teacher's Conference, Newark, June, 2004

"Legal Issues in the Interstate Sharing of the Strategic National Stockpile," prepared for the Association of State and Territorial Health Officers, May 2004.

Consultant, Agency for Healthcare Research and Quality (AHRQ), Report on Health Care Preparedness for Bioterrorism Events, Washington DC, April 2004.

"Smallpox Bioterrorism", Symposium on Public Health and National Security Law, LSU Law Center, April 2004.

"Administrative Compensation for Medical Malpractice Injuries", Symposium on Administrative Law and Health Law, St. Louis University School of Law, March 2004.

"Medical Malpractice Tort Reform," Panel chair, Annual Meeting of the AALS, Atlanta, January 2004

"Smallpox, SARS, and Bioterrorism: Lessons Learned and Future Challenges", Louisiana Hospital Association Health Law Update, New Orleans, November 2003

"Bioterrorism and the Law", Annual Meeting of the Association for Politics and the Life Sciences, Philadelphia, Sept. 2003.

National Institute of Justice Commentator, Police Executive Research Foundation's Executive Session on Community Policing in a Security Conscious World, entitled Preparing for and Responding to Bioterrorism, Los Angeles, California July 24th and 25th, 2003.

"Teaching Public Health Law", Plenary Session, American Society of Law, Medicine, and Ethics Annual Health Law Teacher's Conference, June 2003.

"Blinded by Bioterrorism," Bioterrorism and the Law Conference, Sponsored by the Development Center for Operational Medicine, United States Air Force, 29 April 2003, San Antonio Texas.

"Bioterrorism and Emerging Infections Diseases: Balancing Private Rights and Public Safety, Public Square Lecture Series, William Mitchell College of Law, Minneapolis, March 2003.

Invited Workshop: Creating a Model Syllabus for Bioterrorism & Public Health Law, McGeorge Law School, March 2003.

"Legal Issue in Restarting a Smallpox Immunization Program," South Texas College of Law, Houston, November 2002.

"Legal Issues for Pharmaceutical Scientists," American Association of Pharmaceutical Scientists Annual Meeting, Short Course, Toronto, November 2002.

"Clones, Replicants, and Liability," Annual Health Law Teacher's Conference, Bloomington, June 2002.

"Biotechnology and World Health," Program Moderator, Health Law Section Program, AALS Annual Meeting, January 2002

"Legal Issues in Protecting against Smallpox Bioterrorism," Suffolk Law School, October 2001.

"Bioterrorism," An Interdisciplinary Conference on State Law and Public Health, University of Kentucky Law School and School of Public Health, October 2001.

"Rethinking Public Health Law," An Interdisciplinary Conference on State Law and Public Health, University of Kentucky Law School and School of Public Health, October 2001.

"Environmental Justice and Public Health," Health Law Workshop, Brandeis School of Law, April, 2001.

"Policy Issues in Developing Combined JD/MPH Educational Programs", Texas Wesleyan University School of Law, December, 2000.

Participant and panelist - ABA Conference On Legal And Ethical Issues In Progression Of Dementia, University of Georgia School of Law, Athens Georgia, December, 2000.

"The Future of Public Health Law", American Association of Public Health Physicians, American Public Health Association Annual Meeting, Boston, Massachusetts, November, 2000.

"Emerging Infectious Diseases and the Law," International Conference on Emerging Infectious Diseases, Centers for Disease Control, Atlanta, July 2000.

"Bioterrorism and the Use of Fear in Public Health," Health Law Teachers Conference, Case-Western Reserve Law School, Cincinnati, Ohio, June 2000.

Member - UMKC Urban Mission Task Force on Health and Human Services - Spring 2000

"Legal Issues in Clinical Engineering Risk Management," HealthTech 2000, Dallas, May 2000.

"Public Health Ethics," University of Kansas Medical School, Department of History and Philosophy of Medicine, Kansas City, March 2000.

"The Law of Emerging Infectious Diseases and Bioterrorism," Panel Chair and Speaker, American Public Health Association Annual Meeting, Chicago, Oct. 1999.

"Legal Issues in Using the Public Health Police Powers to Protect the Elderly from HIV-AIDS", HIV/AIDS and the Older Adult, ABA Tort and Insurance Law Practice Section, ABA Annual Meeting, August 9, 1999.

"Medicine & Public Health: The Power of Collaboration", Panel Member, American Public Health Association Annual Meeting, Chicago, Oct. 1999.

"Doctors, Dollars, and Death," part of the UMKC Interdisciplinary Center program, "The Cultures of Death & Dying in America," Kansas City, June 1999.

"Operator Errors And Managing Their Risk," A Course Presented at the AAMI Annual Meeting & Expos, June, 1999, Boston, MA.

"Ethical Issues Facing Health Care Attorneys," with Ellen Suni, Kansas City Hospital Attorneys Association, March 1999.

"The State Regulation of Medical Practice," Health Law Section, Association of American Law Schools, January 1999.

"Police Power and Public Health Practice," American College of Legal Medicine, Midyear Meeting, October 1998.

"Managing The Risks Of Technology," A Course Presented at the AAMI Annual Meeting & Expos, June 2, 1998, Philadelphia, PA.

"Crazy or Bad? – Dealing with Dangerous People," Grand Rounds, Western Missouri Mental Health Center, May 1998.

"The Structure of Managed Care," UMKC Continuing Legal Education, March 1998.

"The Public Health Implications of Hendricks v. Kansas," Mental Health Law Section, Association of American Law Schools, January 1998.

"Bribing Doctors," Featured speaker, Oklahoma Bar Association Health Law Section Annual Meeting, November, 1997.

"Physicians, Patients, and Managed Health Care: The Critical Role of Trust in Balancing Individual and Societal Needs," International meeting of the Society for the Advancement of Socio-Economics (SASE), July 5, 1997.

"Recent Developments in Managed Care Liability for Physicians," 37<sup>th</sup> Annual Meeting, American College of Legal Medicine, March 7, 1997.

"New Challenges For Clinical Engineers, BMETS, & Risk Managers," short course (one day), Annual Meeting, Association for the Advancement of Medical Instrumentation, May 1996.

"The Law of Infectious Diseases," Luncheon Speaker - 36<sup>th</sup> Annual Meeting, American College of Legal Medicine, March 7, 1996.

"The ADA and Family Leave Act," The 19<sup>th</sup> Annual Carroll P. Hungate Post Graduate Seminar on Occupational and Environmental Health: Great Plains College of Occupational and Environmental Medicine; March 8, 1996.

"New Challenges in Clinic Engineering Risk Management," short course (one day), Annual Meeting, Association for the Advancement of Medical Instrumentation, May 1995.

"The Law Professor's Workstation," Association of American Law Schools Annual Convention, January 1995.

"New Developments in Disabilities," Annual Meeting, Missouri Bar, September, 1994.

National Conference: Law in a Digital World, sponsored by West Publishing Company, 1994.

Panelist and Commentator: Forum on Medical Malpractice Reform, Midwest Bioethics Center, July 1994.

Electronic Panel Discussion, "Total quality management; a group of practitioners, in-house counsel, and leading consultants discuss the promise and the reality of TQM." printed in: 15 American Lawyer #10 S9(10) December 1993.

Co-course director, short course (one day) on clinical engineering risk management, Annual Meeting, Association for the Advancement of Medical Instrumentation, May 1994.

"Privacy in the Workplace," panel discussion, Kansas City Chapter, Information Systems Security Association, March 1994.

"Ethical Breaches in Managed Care?" 1994 Bioethics Conference in Hawaii, February, 1994.

"Gender Issues and Health Care," panel discussion, National Association of Women Lawyers, 1994 ABA midyear meeting.

"Patients-More Access, Less Care?" Fifteenth Annual Health Law Forum, East Carolina University Medical School, September 1993.

Co-course director, short course (one day) on clinical engineering risk management, Annual Meeting, Association for the Advancement of Medical Instrumentation, May 1993.

Legal and Ethical Conflicts in Managed Care, Annual Meeting, American College of Legal Medicine, Las Vegas, March 1993.

"Reforming Medical Care in the U.S.: Ensuring Access while Preserving Quality," Johnson County Medical Society, 27 October 1992.

"Risk Reduction for the Medical Device Industry: Regulatory Compliance and Liability Prevention," Minnesota Small Business Assistance Office, April 1992.

"Legal Issues Related to Biotechnology and Medical Care," Oregon Supreme Court and Appellate Judges, March 1991.

"Medical Device Liability for Operating Room Nurses," Laserscope educational program, Association of Operation Room Nurses, April 1991.

"High Technology as a Patient Safety Net," Nellcor Annual Sales Meeting, Maui, June 1990.

Past member of the Editorial Board for "Health Care Instrumentation," a bioengineering and medical devices journal published by Elsevier/Excerpta Medica.

Reviewer, Society of Critical Care Medicine document: "An Assessment of Pulse Oximetry," September 1990.

"Legal Implications of Critical Care Data," Society of Critical Care Medicine Annual Meeting, San Francisco, May, 1990.

"AIDS Law for the Practicing Physician," presented to medical groups in Colorado in cooperation with the COPIC Insurance Company and the Colorado Medical Society, June - September 1989.

"AIDS and the Law," Colorado ETC's 'Train the Trainers Conference', June 1989.

"Colorado's Public Health Laws and AIDS: Public Protection or Constitutional Crisis," Continuing Legal Education, University of Denver College of Law, 1988.

"Risk Management in the Pediatric ICU," National Academy of Pediatrics, Short Course, New Orleans, 1988.

Counsel, Association of State and Territorial Health Officers' report: "Guide to Public Health Practice: Principles to Protect HIV-Related Confidentiality and Prevent Discrimination," 1988.

Official representative of the Colorado State Bar to the Colorado Legislature's Judiciary Committee hearings on the Colorado AIDS law, 1987.

"The Obligations of Multinational Corporations," Global Issues Series, Trinity University, 1986.

"AIDS in the Workplace," San Antonio Association of Occupational Health Nurses, 1986.

"Informed Consent and Ethical Practice," Texas Medical Association/Texas Hospital Association Joint Conference on Ethics, 1986.

"Quality Control in Medical Administration," Short Course, Continuing Medical Education, Brooks Army Medical Hospital, 1985.

"Legal Issues in Home Health Care," Visiting Nurses Association of Houston, 1985.

Speaker and panelist on legal issues in bioengineering innovation, Annual Meeting, Association for the Advancement of Medical Instrumentation, 1985.

"Does Legal Liability Threaten Medical Innovation?," Annual Meeting, Society of Critical Care Medicine, 1985.

"Managing your Lawyers," Trinity University Health Forum, 1984.

"Lawyers in Your Pocket," featured presentation, Annual Meeting, Association for the Advancement of Medical Instrumentation, 1984.

Speaker and panelist on bioengineering risk management, Annual Meeting, Association for the Advancement of Medical Instrumentation, 1983.

"Patient's Rights," First and Second Annual Texas Health Law Institutes, University of Houston Law Center, 1981 and 1982.

"Pitfalls in the Nurse as Patient Advocate," Annual Meeting, National Association of Operating Room Nurses.