

Jerry A. Menikoff

W: Dept. of History & Philosophy of Medicine, University of Kansas Medical Center,
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EDUCATION Harvard College

A.B., Magna cum laude in mathematics, June 1973.
Honors Thesis, Magna cum laude, on game-theoretic analysis of
decision-making under uncertainty
Phi Beta Kappa
National Merit Scholarship

Harvard Law School & Kennedy School of Government Joint Degree Program in Law & Public Policy

J.D., Magna cum laude, and
M.P.P. (Public Policy), June 1977
Harvard Law Review: Editor, Volume 89
Case Editor, Volume 90
Third Year Paper selected for inclusion in Harvard Law Library Collection of
Honor Papers of High Excellence
Harvard Law School Scholarship for Exceptional Promise
Teaching Assistant to Prof. Robert Keeton in connection with
first-year Torts class
Research Assistant to Prof. David Westfall for Estate Planning text

Washington University (St. Louis) School of Medicine

M.D., May 1986
Alpha Omega Alpha
The Merck Manual Award
The Dr. Robert Carter Prize (among top 5 students in first year)

EMPLOYMENT University of Kansas, 1997-present:

Assistant Professor of Law, Ethics & Medicine, Department of History &
Philosophy of Medicine, School of Medicine

Assistant Professor of Ophthalmology, School of Medicine

Director of Hospital Ethics, University of Kansas Hospital

Chair, Hospital/Medical Staff Ethics Committee

Chair, Human Subjects Committee (I.R.B.)

Courtesy Assistant Professor of Law, School of Law

Templin Faculty Fellow (only non-tenured faculty member among initial
group of twelve chosen to serve for inauguration of undergraduate residential
honors program, modeled after Oxford/Cambridge collegiate systems)

**Visiting Professor of Law, Hofstra University School of Law, Summers of 1998,
1999, 2000.**

Associate Professor, University of Akron, School of Law, 1996-1997.

Faculty Fellow, The Program in Ethics and the Professions, Harvard University, 1995-1996.

Research, writing and teaching with regard to ethical issues raised in the context of the clinical practice of medicine. Participant in year-long 9-member faculty seminar on professional ethics.

Resident in Ophthalmology, The New York Eye & Ear Infirmary, 1992-1995.

Roy and Sarita Warshawsky Senior Fellow in Ethics, MacLean Center for Clinical Ethics, and Lecturer in Law, The Law School, University of Chicago; and Director, Ethics Program, Oak Forest Hospital, Oak Forest, IL, 1991-1992.

Teaching and research regarding medical ethics. Clinical ethics consultation at University of Chicago Hospital and Oak Forest Hospital. Taught Health Law course at Law School. Initiated and supervised new medical ethics service at one of the nation's largest public long-term care hospitals.

Research Fellow, The New York Eye & Ear Infirmary, 1990-1991.

Research in endophthalmitis and the use of intra-ocular endoscopes.

Associate Attorney, Tax Department, Dewey, Ballantine, Bushby, Palmer & Wood, New York, 1986-1990.

Diversified practice involving all aspects of federal, state and local taxation, with emphasis on corporate transactional planning.

Intern, Deaconess Hospital, St. Louis, MO, 1986-1987.

Transitional internship.

Associate Attorney, Tax Department, Paul, Weiss, Rifkind, Wharton & Garrison, New York, 1978-1982.

Diversified practice involving all aspects of federal, state and local taxation, including representation of tax-exempt organizations; pro bono representation of various religious and cultural organizations.

Judicial Clerk, The Honorable Irving R. Kaufman, Chief Judge, United States Court of Appeals for the 2nd Circuit, New York, 1977-1978.

Diverse opinion writing, including a tax decision upheld on appeal by U.S. Supreme Court, and *en banc* decision authorizing section 1983 lawsuits against municipalities.

PUBLICATIONS AND RESEARCH

The Law of Bioethics. Textbook, forthcoming from Georgetown University Press.

Redefining Death. Manuscript in progress.

A Typology of Advance Directives. Manuscript nearing completion.

Pap Smears and PVS: Standards of Care for the Permanently Unconscious. Manuscript nearing completion.

Disclosing Investigational Alternatives to Research Subjects. Submitted for publication.

Individualizing Informed Consent. Manuscript in progress.

The Ethics of Discouraging Public Discussion of Bioethics: A Case Study. Submitted for publication.

Is Death a State of Mind? Submitted for publication.

Ethics Module for the *National Health Service Corps Educational Program for Clinical and Community Issues in Primary Care* (co-authored with Norman Fost) (1999).

Demanded Medical Care. 30 *Arizona State Law Journal* 1091 (1999).

Organ Swapping. 29(6) *Hastings Center Report* 28 (1999).

Doubts About Death: The Silence of the Institute of Medicine. 26 *J. Law Medicine & Ethics* 157 (1998) (with Reply by Potts, Herdman, Beauchamp & Robertson).

Ethics, Law and Managed Care: The Role of the Physician in Cost Control. *Ophth Clin of North America*. 1997;10(2):191-5.

Persistent Brain Death. (letter) 24 *J. Law Medicine & Ethics* 76 (1996).

Speaker MG, Menikoff JA. Postoperative Endophthalmitis: Pathogenesis, Prophylaxis and Management. *Int Ophth Clin*. 1993;33:51-70.

Is Informed Consent Needed for Fluorescein Angiography? (letter) *Arch Ophthalmol*. 1993;111:1604.

Raskin EM, Speaker MG, McCormick SA, Wong D, Menikoff JA, Pelton-Henrion K. Influence of Haptic Materials on the Adherence of Staphylococci to Intraocular Lenses. *Arch Ophthalmol*. 1993;111:250-253.

Menikoff JA, Sachs GA, Siegler M. Beyond Advance Directives: Health Care Surrogate Laws. *N Engl J Med*. 1992;327:1165-1169.

Speaker MG, Menikoff JA. Prophylaxis of Postoperative Endophthalmitis with Topical Povidone-iodine. *Ophthalmology*. 1991;98:1769-1775.

Menikoff JA, Speaker MG, Marmor M, Raskin EM. A Case-Control Study of Risk Factors for Post-operative Endophthalmitis. *Ophthalmology*. 1991;98:1761-1768.

Bittker, BI, Menikoff J. Restructuring Business Transactions for Federal Income Tax Purposes, in Bittker, BI, *Collected Legal Essays* (1990). Originally appeared in 1978 *Wis. L. Rev.* 715.

Initial Drafter of Par. 4.4 of Bittker BI, Lokken L, 1 *Federal Taxation of Income, Estates & Gifts* (2d Ed. 1989); edited/reviewed various other sections of Volumes 1 and 2.

O'Brien KJ, Menikoff JA. Aspects of Indexing Taxes for Inflation: A Report by the Committee on Adjustments for Inflation of the Tax Section of the New York State Bar Association. 10 *Tax Notes* 59 (1980)

Bittker BI, Menikoff J. What Factors Determine When a Transaction Can Be Restructured for Tax Purposes? 8 *Tax. Lawyers* 184 (1979), reprinted in *Tax. Accountants*.

The Taxation of Restricted-Use Property: A Theoretical Framework. 27 *Buffalo Law Review* 419 (1978).