

DAVID ORENTLICHER, MD, JD
david.orentlicher@unlv.edu

EDUCATION

Harvard Law School, J.D., *Magna Cum Laude*
Harvard Law Review Editor, Commentary and Book Review Office Chair

Harvard Medical School, M.D.,
Founder, Harvard Public Interest Health Foundation

Brandeis University, B.A., *Magna Cum Laude* with High Honors in Economics
Active in student government, University radio station, and student newspaper

CURRENT POSITION

UNLV William S. Boyd School of Law
Cobeaga Law Firm Professor of Law and Co-Director, UNLV Health Law Program
Courses in health law and constitutional law

PREVIOUS ACADEMIC APPOINTMENTS

Indiana University Robert H. McKinney School of Law
Samuel R. Rosen Professor of Law and Co-Director, Hall Center for Law and Health

Indiana University School of Medicine
Adjunct Professor of Medicine

Northwestern University Medical School
Adjunct Assistant Professor of Medicine
Faculty, Medical Ethics and Humanities Program

University of Chicago Law School
Lecturer in Law

VISITING CHAIRED PROFESSORSHIPS

Princeton University
Visiting DeCamp Professor of Bioethics

T.C. Williams School of Law, University of Richmond
George E. Allen Professor of Law

DePauw University
Frederick Distinguished Visiting Professor of Ethics

PROFESSIONAL ACTIVITIES

American Law Institute
Elected Member
Adviser, Project on Principles of Government Ethics

American Society of Law, Medicine & Ethics
President (2015), Executive Board Member

Cambridge Dictionary of Bioethics, Cambridge University Press
Editorial Board

American Association of Bioethics
Executive Board Member, Secretary-Treasurer (1994-95)

PREVIOUS EMPLOYMENT

Public Office

State Representative, Indiana General Assembly
House District 86 (three two-year terms)

Ways and Means, Public Health, Small Business and Economic Development, and Education Committees
Authored legislation to make health care insurance more affordable, increase the pool of venture capital for new businesses, and ensure better protection of children from abuse and neglect.

Ethics

American Medical Association
Director, Division of Ethics Standards
Ethics and Health Policy Counsel

Supervised development of the AMA's Code of Medical Ethics. Prepared reports on the full range of ethical issues in medicine, including health care access and rationing, end-of-life decisions, organ transplantation, genetic testing, and conflicts of interest. Also wrote amicus briefs for cases involving health policy issues, including withdrawal of life-sustaining treatment and maternal-fetal conflicts.

Led drafting of AMA's first patients' bill of rights and many other guidelines that have been incorporated into federal and state law and cited by courts and government agencies in their decision-making.

Law

Sidley & Austin, Washington, District of Columbia
Associate

Hon. Alvin B. Rubin, U.S. Court of Appeals, Fifth Circuit, Baton Rouge, Louisiana
Law Clerk

Medicine

Private General Practice of Medicine, Detroit and Trenton, Michigan
Solo Practitioner

University of Michigan Medical Center
House Officer I, Internal Medicine

MAJOR PUBLICATIONS

Books

Oxford Handbook on Comparative Health Law (I will be co-editing this Handbook with Prof. Tamara Hervey, University of Sheffield) (forthcoming)

Orentlicher, *Two Presidents Are Better than One: The Case for a Bipartisan Executive Branch* (NYU Press 2013)

Orentlicher, *Matters of Life and Death: Making Moral Theory Work in Medical Ethics and the Law* (Princeton University Press 2001)

Bobinski, Orentlicher and Hall, *Bioethics and Public Health Law* (4th ed., Wolters Kluwer 2018; 3rd ed., Wolters Kluwer 2013; 2nd ed., Aspen Publishers 2008)

Hall, Orentlicher, Bobinski, Bagley and Cohen, *Health Care Law and Ethics* (9th ed., Wolters Kluwer 2018; 8th ed., Wolters Kluwer 2013; 7th ed., Aspen Publishers 2007; 6th ed. Aspen Law & Business 2003; 5th ed. Aspen Law & Business 1998)

Hall, Ellman and Orentlicher, *Health Care Law and Ethics in a Nutshell* (3rd ed., West 2011)

Health Care Crisis? The Search for Answers (Misbin, Jennings, Orentlicher and Dewar, eds., University Publishing Group 1995)

Articles (* = peer-reviewed publication)

Orentlicher, "Law, Religion, and Health Care," 8 *UC Irvine Law Review* (forthcoming 2018) (invited for symposium on law and religion)

Orentlicher, "Health Care Reform: What Has Been Accomplished? What Comes Next?," 44 *Ohio Northern University Law Review* (forthcoming 2018) (invited for symposium on health law)

Orentlicher, "Healthcare, Health, and Income," 46 *Journal of Law, Medicine & Ethics* 567 (2018) (invited for symposium on the medicalization of poverty)

Orentlicher, "The Physician's Duty to Treat During Pandemics," 108(11) *American Journal of Public Health* (2018) (invited for symposium on the Spanish Flu Pandemic of 1918)

Orentlicher, "Politics and the Supreme Court: The Need for Ideological Balance," 79 *University of Pittsburgh Law Review* 411 (2018)

Orentlicher, "Economic Inequality and College Admissions Policies," 26 *Cornell Journal of Law and Public Policy* 101 (2016)

Orentlicher, "International Perspectives on Physician Assistance in Dying," 46(6) *Hastings Center Report* 6 (2016) (invited)

Orentlicher, "Political Dysfunction and the Election of Donald Trump: Problems of the U.S. Constitution's Presidency," 50 *Indiana Law Review* 247 (2016) (invited for symposium on partisan conflict)

Orentlicher, "Controlling Health Care Spending: More Patient 'Skin in the Game?'," 13 *Indiana Health Law Review* 348 (2016) (invited for symposium on medical myths)

MAJOR PUBLICATIONS (continued)

Articles (continued) (* = peer-reviewed publication)

Orentlicher, "Off-Label Marketing, the First Amendment, and Federalism," 50 *Washington University Journal of Law and Policy* 89-102 (2016) (invited for symposium on free speech and health care)

*Orentlicher, Pope, and Rich, "Clinical Criteria for Physician Aid in Dying," 19 *Journal of Palliative Medicine* 259-262 (2016)

*Orentlicher, "Abortion and Compelled Physician Speech," 43 *Journal of Law, Medicine & Ethics* 9-21 (2015) (invited for symposium on free speech and the regulation of reproductive health)

Orentlicher, "Medicaid at 50: No Longer Limited to the 'Deserving' Poor?," 15 *Yale Journal of Health Policy, Law, and Ethics* 185-195 (2015) (invited for symposium on the 50th anniversary of Medicare and Medicaid)

Orentlicher, "Aging Populations and Physician Aid in Dying: The Evolution of State Government Policy," 48 *Indiana Law Review* 111-123 (2014) (invited for symposium on state governments and aging populations)

Orentlicher, "Employer-Based Health Care Insurance: Not So Exceptional After All," 36 *University of Arkansas at Little Rock Law Review* 541-553 (2014) (invited for symposium on the Affordable Care Act)

Orentlicher, "Concussions and Sports: Introduction," 42 *Journal of Law, Medicine & Ethics* 281-283 (2014) (introduction to symposium issue that I edited)

*Orentlicher, Pope and Rich, "The Changing Legal Climate for Physician Aid in Dying," 311 *JAMA* 1961-1962 (2014)

Orentlicher, "Health Care Reform and Efforts to Encourage Healthy Behavior by Individuals," 92 *North Carolina Law Review* 1637-1657 (2014) (invited for symposium issue on health care decision making)

Orentlicher, "The Future of the Affordable Care Act: Protecting Economic Health More Than Physical Health?," 51 *Houston Law Review* 1057-1079 (2014) (invited for conference on health care reform)

Orentlicher, "A Restatement of Health Care Law," 79 *Brooklyn Law Review* 435-456 (2014) (invited for symposium issue on Restatements of law)

Orentlicher, "*NFIB v. Sebelius*: Proportionality in the Exercise of Congressional Power," 2013 *Utah Law Review* 463-477

Orentlicher, "The FDA's Graphic Tobacco Warnings and the First Amendment," 369 *New England Journal of Medicine* 204-206 (2013) (invited)

Orentlicher, "Deactivating Implanted Cardiac Devices: Euthanasia or the Withdrawal of Treatment?," 39 *William Mitchell Law Review* 1287-1294 (2013) (invited for symposium issue on medical device law)

Orentlicher and David, "Concussion and Football: Failures to Respond by the NFL and the Medical Profession," 8 *FIU Law Review* 17-30 (2013) (invited for symposium issue on NFL concussion litigation)

Kesselheim & Orentlicher, "Insights from a National Conference: 'Conflicts of Interest in the Practice of Medicine,'" 40 *Journal of Law, Medicine & Ethics* 436-440 (2012) (introduction to a symposium issue that I co-edited)

MAJOR PUBLICATIONS (continued)

Articles (continued) (* = peer-reviewed publication)

Orentlicher, "Rights to Health Care in the United States: Inherently Unstable," 38 *American Journal of Law & Medicine* 326-347 (2012)

Orentlicher, "Toward Acceptance of Uterus Transplants," 42(6) *Hastings Center Report* 12-13 (2012) (invited)

Orentlicher, "Constitutional Challenges to the Health Care Mandate: Based in Politics, Not Law," 160 *University of Pennsylvania Law Review PENNumbra* 19-32 (2011) (invited)

Orentlicher, "Controlling Health Care Costs through Public, Transparent Processes: The Conflict between the Morally Right and the Socially Feasible," 36 *Journal of Corporation Law* 807-821 (2011) (invited)

Orentlicher, "Can Congress Make You Buy Broccoli? And Why It Really Doesn't Matter," 84 *Southern California Law Review Postscript* 9-15 (2011)

Orentlicher, "The Commercial Speech Doctrine in Health Regulation: The Clash Between the Public Interest in a Robust First Amendment and the Public Interest in Effective Protection from Harm," 37 *American Journal of Law & Medicine* 299-314 (2011)

Orentlicher, "Cost Containment and the Patient Protection and Affordable Care Act," 6 *FIU Law Review* 65-83 (2011) (invited)

*Hall, Hager and Orentlicher, "Using Payroll Deduction to Shelter Individual Health Insurance from Income Tax," 46 *Health Services Research* 348-364 (2011)

Orentlicher, "The Legislative Process Is Not Fit for the Abortion Debate," 41(4) *Hastings Center Report* 13-14 (2011) (invited)

Orentlicher, "Rationing Health Care: It's a Matter of the Health Care System's Structure," 19 *Annals of Health Law* 449-464 (2010) (invited)

Orentlicher, "Prescription Data Mining and the Protection of Patients' Interests," 38 *Journal of Law, Medicine & Ethics* 74-84 (2010) (invited)

Orentlicher, "Discrimination Out of Dismissiveness: The Example of Infertility," 85 *Indiana Law Journal* 143-186 (2010)

Orentlicher, "Multiple Embryo Transfers: Time for Policy," 40(3) *Hastings Center Report* 12-13 (2010) (invited)

Orentlicher, "Health Care Law: A Field of Gaps," 19 *Annals of Health Law* 1-5 (2010) (invited)

*Orentlicher, "Health Care Reform: Beyond Ideology," 301 *JAMA* 1816-1818 (2009)

Orentlicher, "Presumed Consent to Organ Donation: Its Rise and Fall in the United States," 61 *Rutgers Law Review* 295-331 (2009)

*Orentlicher, "Making Research a Requirement of Treatment: Why We Should Sometimes Let Doctors Pressure Patients to Participate in Research," 35(5) *Hastings Center Report* 20-28 (2005)

MAJOR PUBLICATIONS (continued)

Articles (continued) (* = peer-reviewed publication)

Orentlicher, "Diversity: A Fundamental American Principle," 70 *Missouri Law Review* 777-812 (2005)

Orentlicher and Callahan, "Feeding Tubes, Slippery Slopes and Physician-Assisted Suicide," 25 *Journal of Legal Medicine* 389-409 (2004) (invited)

Orentlicher, "The Rise and Fall of Managed Care: A Predictable Tragic Choices Phenomenon," 47 *St. Louis University Law Journal* 411-421 (2003) (invited)

*Orentlicher, "Universality and Its Limits: When Research Ethics Can Reflect Local Conditions," 30 *Journal of Law, Medicine & Ethics* 403-410 (2002)

Orentlicher, "Conflicts of Interest and the Constitution," 59 *Washington and Lee Law Review* 713-766 (2002)

Orentlicher, "Placebo-Controlled Trials of New Drugs: Ethical Considerations," 24 *Diabetes Care* 771-772 (2001) (invited)

Orentlicher, "Beyond Cloning: Expanding Reproductive Options for Same-Sex Couples," 66 *Brooklyn Law Review* 651-683 (2000-2001)

*Orentlicher and Caplan, "The Pain Relief Promotion Act of 1999: A Serious Threat to Palliative Care," 283 *JAMA* 255-258 (2000)

*Orentlicher and Snyder, "Can Assisted Suicide be Regulated?," 11 *Journal of Clinical Ethics* 358-366 (2000)

Orentlicher, "Medical Malpractice: Treating the Causes Instead of the Symptoms," 38 *Medical Care* 247-249 (2000) (invited editorial)

Orentlicher, "Third Party Payments to Criminal Defense Lawyers: Revisiting United States v. Hodge and Zweig," 69 *Fordham Law Review* 1083-1110 (2000) (invited)

Orentlicher, "The Implementation of Oregon's Death with Dignity Act: Reassuring, but More Data Are Needed," 6 *Psychology, Public Policy, and Law* 489-502 (2000) (invited)

Orentlicher, Book Review, *Euthanasia and Law in the Netherlands*, 25 *Journal of Health Politics, Policy and Law* 387-391 (2000) (invited)

*Orentlicher and Hehir, "Advertising Policies of Medical Journals: Conflicts of Interest for Journal Editors and Professional Societies," 27 *Journal of Law, Medicine & Ethics* 113-121 (1999)

Orentlicher, "Representing Defendants on Charges of Economic Crime: Unethical When Done for a Fee," 49 *Emory Law Journal* 1339-1376 (1999)

Orentlicher, "Cloning and the Preservation of Family Integrity," 59 *Louisiana Law Review* 1019-1040 (1999) (invited)

Orentlicher, "The Misperception that Bioethics and the Law Lag behind Advances in Biotechnology," 33 *Indiana Law Review* 163-172 (1999) (invited)

MAJOR PUBLICATIONS (continued)

Articles (continued) (* = peer-reviewed publication)

*Orentlicher, "Practice Guidelines: A Limited Role in Resolving Rationing Decisions," 46 *Journal of the American Geriatrics Society* 369-372 (1998)

Orentlicher, "The Alleged Distinction between Euthanasia and the Withdrawal of Life-Sustaining Treatment: Conceptually Incoherent and Impossible to Maintain," 1998 *University of Illinois Law Review* 837-859 (invited)

Orentlicher, "Affirmative Action and Texas' Ten Percent Solution: Improving Diversity and Quality," 74 *Notre Dame Law Review* 181-210 (1998)

Orentlicher, "Spanking and Other Corporal Punishment of Children by Parents: Undervaluing Children, Overvaluing Pain," 35 *Houston Law Review* 147-185 (1998) (invited)

*Orentlicher, "The Supreme Court and Physician-Assisted Suicide--Rejecting Assisted Suicide But Embracing Euthanasia," 337 *New England Journal of Medicine* 1236-1239 (1997)

Orentlicher, "The Supreme Court and Terminal Sedation: Rejecting Assisted Suicide, Embracing Euthanasia," 24 *Hastings Constitutional Law Quarterly* 947-968 (1997) (invited)

Orentlicher, "The Legalization of Physician-Assisted Suicide: A Very Modest Revolution," 38 *Boston College Law Review* 443-475 (1997) (cited in a concurring opinion in *Washington v. Glucksberg*, 521 U.S. 702, 805 (1997))

*Orentlicher, "The Legalization of Physician-Assisted Suicide," 335 *New England Journal of Medicine* 663-667 (1996)

*Orentlicher, "Psychosocial Assessment of Organ Transplant Candidates and the Americans with Disabilities Act," 18 *General Hospital Psychiatry* 5S-12S (1996)

Orentlicher, "Deconstructing Disability: Rationing of Health Care and Unfair Discrimination Against the Sick," 31 *Harvard Civil Rights-Civil Liberties Law Review* 49-87 (1996)

Orentlicher, "Paying Physicians More to Do Less: Financial Incentives to Limit Care," 30 *University of Richmond Law Review* 155-197 (1996) (invited) (cited in the Supreme Court's unanimous opinion in *Pegram v. Herdrich*, 530 U.S. 211, 220 (2000))

Orentlicher, "Health Care Reform and the Threat to the Patient-Physician Relationship," 5 *Health Matrix: Journal of Law-Medicine* 141-180 (1995) (invited)

Orentlicher, "Managed Care and the Threat to the Patient-Physician Relationship," 10 *Trends in Health Care, Law & Ethics* 19-24 (1995) (invited)

Orentlicher, "Organ Retrieval from Anencephalic Infants: Understanding the AMA's Recommendations," 23 *Journal of Law, Medicine & Ethics* 401-402 (1995)

Orentlicher, "Physician Advocacy for Patients under Managed Care," 6 *Journal of Clinical Ethics* 333-334 (1995)

*Orentlicher, "Rationing and the Americans with Disabilities Act," 271 *JAMA* 308-314 (1994).

MAJOR PUBLICATIONS (continued)

Articles (continued) (* = peer-reviewed publication)

Orentlicher, "The Limitations of Legislation," 53 *Maryland Law Review* 1255-1305 (1994) (invited for symposium issue on trends in health care)

Orentlicher, "The Influence of a Professional Organization on Physician Behavior," 57 *Albany Law Review* 583-605 (1994) (invited for symposium issue on innovative medical technology)

Glasson and Orentlicher, "Caring for the Poor and Professional Liability: Is There a Need for Tort Reform?," 270 *JAMA* 1740-1741 (1993) (invited editorial)

*Orentlicher, "The Illusion of Patient Choice in End-of-Life Decisions," 267 *JAMA* 2101-2104 (1992)

*Orentlicher, "Corporal Punishment in the Schools," 267 *JAMA* 3205-3208 (1992)

*Wolf, Boyle, Callahan, Fins, Jennings, Nelson, Barondess, Brock, Dresser, Emanuel, Johnson, Lantos, Mason, Mezey, Orentlicher and Rouse, "Sources of Concern About the Patient Self-Determination Act," 325 *New England Journal of Medicine* 1666-1671 (1991)

*Orentlicher, "HIV-Infected Surgeons: *Behringer v Medical Center*," 266 *JAMA* 1134-1137 (1991)

*La Puma, Orentlicher and Moss, "Advance Directives on Admission: Clinical Implications and Analysis of the Patient Self-Determination Act of 1990," 266 *JAMA* 402-405 (1991)

*Orentlicher, "Denying Treatment to the Noncompliant Patient," 265 *JAMA* 1579-1582 (1991)

*Orentlicher, "The Right to Die After *Cruzan*," 264 *JAMA* 2444-2446 (1990)

*Orentlicher, "Drug Testing of Physicians," 264 *JAMA* 1039-1040 (1990)

*Orentlicher, "Advance Medical Directives," 263 *JAMA* 2365-2367 (1990)

*Orentlicher, "Genetic Screening by Employers," 263 *JAMA* 1005, 1008 (1990)

*Winters, McIntosh, Cheitlin, Elon, Graboys, King, Murdaugh, Orentlicher, Ports and Rainer, "Ethics in Cardiovascular Medicine. Task Force II: The Relation of Cardiovascular Specialists to Patients, Other Physicians and Physician-Owned Organizations," 16 *Journal of the American College of Cardiologists* 11-16 (1990)

*Orentlicher, "*Cruzan v Director of Missouri Department of Health*: An Ethical and Legal Perspective," 262 *JAMA* 2928-2930 (1989)

*Orentlicher, "Physician Participation in Assisted Suicide," 262 *JAMA* 1844-1845 (1989)

Johnson, Phillips, Orentlicher and Hatlie, "A Fault-Based Administrative Alternative for Resolving Medical Malpractice Claims," 42 *Vanderbilt Law Review* 1365-1406 (1989)

Orentlicher, "Does Mother Know Best?," 40 *Hastings Law Journal* 1111-1122 (1989) (reviewing M. Field, *Surrogate Motherhood* (1988))

Note, "Organizational Papers and the Privilege Against Self-Incrimination," 99 *Harvard Law Review* 640-654 (1986)

MAJOR PUBLICATIONS (continued)

Articles (continued)

Note, "Organizational Papers and the Privilege Against Self-Incrimination," 99 *Harvard Law Review* 640-654 (1986)

Book Chapters

Book Note, *Medical Malpractice: Theory, Evidence, and Public Policy*, 99 *Harvard Law Review* 2001-2007 (1986)

Supreme Court Case Comment, "Monopolization and the Duty to Cooperate: Aspen Skiing Co. v. Aspen Highlands Skiing Corp.," 99 *Harvard Law Review* 275-283 (1985)

*Graves, Hudgins, DeLung, Burnett, Scanlon and Orentlicher, "Computerized Patient-Flow Analysis of Local Family Planning Clinics," 13 *Family Planning Perspectives* 164-170 (1981)

Orentlicher, "Presumed Consent to Organ Donation," in *Nudging Health: Health Law and Behavioral Economics* (Cohen, Lynch & Robertson eds., Johns Hopkins University Press, 2016)

Orentlicher, "Societal Disregard for the Needs of the Infertile," in *Oxford Handbook of Reproductive Ethics* (Francis ed., Oxford University Press 2015)

Orentlicher, "Principle and Practice for Palliative Sedation: Gaps between the Two," in *Continuous Sedation at the End of Life: Clinical, Legal and Ethical Aspects* 116-131 (Sterckx, Raus & Mortier eds., Cambridge University Press 2013)

Orentlicher, "Human Immunodeficiency Viral Syndrome: Legal and Public-Policy Perspectives," in *The Child: An Encyclopedic Companion* (Shweder, Bidell, Dailey, Dixon, Miller & Modell, eds., University of Chicago Press 2009)

Orentlicher, "Bioethics and Society: From the Ivory Tower to the State House," in *The Ethics of Bioethics: Mapping the Moral Landscape* 74-82 (Eckenwiler & Cohn, eds., Johns Hopkins University Press 2007)

Orentlicher, "Utility, Equality, and Health Care Needs of Persons with Disabilities: Interpreting the ADA's Requirement of Reasonable Accommodations," in *Americans with Disabilities: Exploring Implications of the Law for Individuals and Institutions* 236-243 (Francis & Silvers, eds., Routledge 2000)

Orentlicher, "Medical Ethics and the Law," in *Advances in Bioethics: Bioethics for Medical Education, Vol. 5*, 101-112 (Edwards & Bittar, eds., JAI Press 1999)

Orentlicher, "The Supreme Court and Terminal Sedation: An Ethically Inferior Alternative to Physician-Assisted Suicide," in *Physician Assisted Suicide: Expanding the Debate* 301-311 (Battin, Rhodes & Silvers, ed., Routledge Press 1998)

Orentlicher, "Genetic Privacy in the Patient-Physician Relationship," in *Genetic Secrets: Protecting Privacy and Confidentiality in the Genetic Era* 77-91 (Rothstein, ed., Yale University Press 1997)

Orentlicher, "The Role of Professional Self-Regulation," in *Regulation of the Healthcare Professions* 129-148 (Jost ed., Health Administration Press 1997)

MAJOR PUBLICATIONS (continued)

Book Chapters (continued)

Orentlicher, "Organ Donation--the Willing Donor," in *Ethics in Emergency Medicine* 214-222 (Iserson, Sanders and Mathieu, eds., 2d ed., Galen Press 1995)

Orentlicher, "Physician-Assisted Dying: The Conflict with Fundamental Principles of American Law," in *Medicine Unbound: The Human Body and the Limits of Medical Intervention* 256-268 (Blank and Bonnicksen, eds., Columbia University Press 1994)

Orentlicher & Halkola, "The Growing Inaccessibility to Prenatal Care for Poor and Minority Women," in Citizens' Commission on Civil Rights, *One Nation, Indivisible: The Civil Rights Challenge for the 1990s*, 216-246 (Govan & Taylor, eds., L&B Limited 1989)

Staff Authorship (* = peer-reviewed publication)

*Council on Ethical and Judicial Affairs, "Ethical Issues in the Patenting of Medical Procedures," 53 *Food and Drug Law Journal* 341-351 (1998) (with Jarrard)

*Council on Ethical and Judicial Affairs, "Managed Care Cost Containment Involving Prescription Drugs," 53 *Food and Drug Law Journal* 25-34 (1998) (with Quigley)

*Council on Ethical and Judicial Affairs, "The Use of Anencephalic Neonates as Organ Donors," 273 *JAMA* 1614-1618 (1995) (with O'Neill)

*Council on Ethical and Judicial Affairs, "Financial Incentives for Organ Procurement: Ethical Aspects of Future Contracts for Cadaveric Donors," 155 *Archives of Internal Medicine* 581-589 (1995) (with Leslie)

*Council on Ethical and Judicial Affairs, "Ethical Issues in Managed Care," 273 *JAMA* 330-335 (1995) (with Harwood and Johnson)

*Council on Ethical and Judicial Affairs, "Ethical Considerations in the Allocation of Organs and Other Scarce Medical Resources Among Patients," 155 *Archives of Internal Medicine* 29-40 (1995) (with Leslie)

*Council on Ethical and Judicial Affairs, "Disputes Between Medical Supervisors and Trainees," 272 *JAMA* 1861-1865 (1994) (with Leslie and Halkola)

*Council on Ethical and Judicial Affairs, "Reporting Adverse Drug and Medical Device Events," 49 *Food and Drug Law Journal* 359-365 (1994) (with Leslie)

*Council on Ethical and Judicial Affairs, "Ethical Issues in Health Systems Reform: The Provision of Adequate Health Care," 272 *JAMA* 1056-1062 (1994) (with Harwood)

*Council on Ethical and Judicial Affairs, "Strategies for Cadaveric Organ Procurement: Mandated Choice and Presumed Consent," 272 *JAMA* 809-812 (1994) (with Leslie)

*Council on Ethical and Judicial Affairs, "Ethical Issues Related to Prenatal Genetic Testing," 3 *Archives of Family Medicine* 633-642 (1994) (with Leslie, Halkola and Feigenbaum)

Council on Ethical and Judicial Affairs, "Physician Assisted Suicide," 10 *Issues in Law & Medicine* 91-97 (1994)

MAJOR PUBLICATIONS (continued)

Staff Authorship (continued) (* = peer-reviewed publication)

*Council on Ethical and Judicial Affairs, "Gender Discrimination in the Medical Profession," *4 Women's Health Issues* 1-11 (1994) (with Harwood)

*Council on Ethical and Judicial Affairs, "Physician Participation in Capital Punishment," *270 JAMA* 365-368 (1993) (with Halkola)

*Council on Ethical and Judicial Affairs, "Caring for the Poor," *269 JAMA* 2533-2537 (1993) (with Johnson and Conley)

*Council on Ethical and Judicial Affairs, "Mandatory Parental Consent to Abortion," *269 JAMA* 82-86 (1993)

*Council on Ethical and Judicial Affairs, "Guidelines on Gifts to Physicians from Industry: An Update," *47 Food and Drug Law Journal* 445-458 (1992) (with Johnson)

*Council on Ethical and Judicial Affairs, "Confidentiality of HIV Status on Autopsy Reports," *116 Archives of Pathology & Laboratory Medicine* 1120-1123 (1992) (with Halkola)

*Council on Ethical and Judicial Affairs, "Physicians and Domestic Violence: Ethical Considerations," *267 JAMA* 3190-3193 (1992) (with Schweickart and Halkola)

*Council on Ethical and Judicial Affairs, "Conflicts of Interest: Physician Ownership of Medical Facilities," *267 JAMA* 2366-2369 (1992) (with Johnson and Conley)

*Council on Ethical and Judicial Affairs, "Decisions Near the End of Life," *267 JAMA* 2229-2233 (1992) (with Schweickart and Halkola)

*Board of Trustees, "Requirements or Incentives by Government for the Use of Long-Acting Contraceptives," *267 JAMA* 1818-1821 (1992)

*Council on Ethical and Judicial Affairs, "Sexual Misconduct in the Practice of Medicine," *266 JAMA* 2741-2745 (1991) (with Halkola)

*Council on Ethical and Judicial Affairs, "Use of Genetic Testing by Employers," *266 JAMA* 1827-1830 (1991)

*Council on Ethical and Judicial Affairs, "Gender Disparities in Clinical Decision Making," *266 JAMA* 559-562 (1991) (with Halkola)

*Council on Ethical and Judicial Affairs, "Guidelines for the Appropriate Use of Do-Not-Resuscitate Orders," *265 JAMA* 1868-1871 (1991) (with Knight)

Council on Ethical and Judicial Affairs, "Gifts to Physicians From Industry," *265 JAMA* 501 (1991) (an editorial)

*Board of Trustees, "Legal Interventions During Pregnancy: Court-Ordered Medical Treatments and Legal Penalties for Potentially Harmful Behavior by Pregnant Women," *264 JAMA* 2663-2670 (1990) (with Halkola)

*Council on Scientific Affairs and Council on Ethical and Judicial Affairs, "Conflicts of Interest in Medical Center/Industry Research Relationships," *263 JAMA* 2790-2793 (1990) (with Loeb)

MAJOR PUBLICATIONS (continued)

Staff Authorship (continued) (* = peer-reviewed publication)

*Board of Trustees, “Frozen Pre-embryos,” 263 *JAMA* 2484-2487 (1990)

*Council on Ethical and Judicial Affairs, “Black-White Disparities in Health Care,” 263 *JAMA* 2344-2346 (1990)

*Council on Scientific Affairs and Council on Ethical and Judicial Affairs, “Medical Applications of Fetal Tissue Transplantation,” 263 *JAMA* 565-570 (1990) (with Evans)

*Council on Scientific Affairs and Council on Ethical and Judicial Affairs, “Persistent Vegetative State and the Decision to Withdraw or Withhold Life Support,” 263 *JAMA* 426-430 (1990) (with Evans)

MINOR PUBLICATIONS

Orentlicher, “What Harvard can learn from Texas: A solution to the controversy over affirmative action,” *The Conversation*, Aug. 14, 2018

Orentlicher, “Supreme Court Polarization Is Not Inevitable — Just Look at Europe,” *The Conversation*, July 9, 2018

Orentlicher, “How to Minimize Partisanship in U.S. Politics,” *Las Vegas Review-Journal*, August 5, 2017

Orentlicher, “Californians Now Have Right to ‘Aid in Dying’: How Did We Get Here?,” *The Conversation*, June 10, 2016

Orentlicher, “College Score Card Is Flawed,” *Indianapolis Star*, October 23, 2015

Orentlicher, “Nothing to Fear About ‘Aid in Dying,’” *Indianapolis Star*, September 22, 2015

Orentlicher, “RFRA Poses Little Threat to Public,” *Indianapolis Star*, September 10, 2015

Orentlicher, “Nuclear Deal with Iran Is Worrisome,” *Indianapolis Star*, July 18, 2015

Orentlicher, “Justices Failed to Check Power of the President,” *Indianapolis Star*, June 22, 2015

Orentlicher, “End Predatory Traffic Stops,” *Indianapolis Star*, May 15, 2015

Orentlicher, “There Is an Option on Health Care,” *Indianapolis Star*, April 17, 2015

Orentlicher, “Senators Should Have a Say, Too,” *Indianapolis Star*, March 23, 2015

Orentlicher, “HIP 2.0 Counterproductive in Helping the Poor,” *Indianapolis Star*, February 20, 2015

Orentlicher, “Health Care Costs Shifted to Patients,” *Indianapolis Star*, January 16, 2015

Orentlicher, “Don’t Curb Authority of Schools Official,” *Indianapolis Star*, December 19, 2014

Orentlicher, “Does America Need More Than One President?,” *TIME.org*, December 3, 2014

Orentlicher, “Ruthless Synagogue Killings,” *Indianapolis Star*, November 21, 2014

MINOR PUBLICATIONS (continued)

- Orentlicher, “No Labels Are Needed on GM Food,” *Indianapolis Star*, October 17, 2014
- Orentlicher, “Brawn vs. Brains,” *Indianapolis Star*, September 19, 2014
- Orentlicher, “Too Much Power in the White House,” *Indianapolis Star*, August 15, 2014
- Orentlicher, “The Right Call in Hobby Lobby Case,” *Indianapolis Star*, July 18, 2014
- Orentlicher, “University Censors Run Risk of Intolerance,” *Indianapolis Star*, June 20, 2014
- Orentlicher, “Off-Balance Over Public Prayer,” *Indianapolis Star*, May 19, 2014
- Orentlicher, “Wealthy Donors Can Buy More Votes,” *Indianapolis Star*, April 18, 2014
- Orentlicher, “Making the Case for Gay Marriage,” *Indianapolis Star*, March 21, 2014
- Orentlicher, “Doctors, Hospitals Key to Health-Care Costs,” *Indianapolis Star*, February 21, 2014
- Orentlicher, “Honor Beliefs in End-of-Life Decisions,” *Indianapolis Star*, January 17, 2014
- Orentlicher, “Corporate Speech vs. Public Health,” *Indianapolis Star*, December 20, 2013
- Orentlicher, “No Guarantees of Health Because of Insurance,” *Indianapolis Star*, November 16, 2013
- Orentlicher, “Health Law May Penalize the Poor,” *Indianapolis Star*, October 18, 2013
- Orentlicher, “Syria’s Lesson for Obama,” *Indianapolis Star*, September 20, 2013
- Orentlicher, “The Real Roots of Polarization,” *Indianapolis Star*, August 16, 2013
- Orentlicher, “Filibusters Are Worth Protecting,” *Indianapolis Star*, July 19, 2013
- Orentlicher, “Edward Snowden Has Done Great Service to Nation,” *Indianapolis Star*, June 14, 2013
- Orentlicher, “Assisted Suicide Becomes More Legally Accepted,” *Indianapolis Star*, May 17, 2013
- Orentlicher, “Soda Ban Is Unlikely to Reduce Obesity,” *Indianapolis Star*, April 19, 2013
- Orentlicher, “Do What’s Best for the Poor,” *Indianapolis Star*, March 15, 2013
- Orentlicher, “How to Make Weak Schools Strong,” *Indianapolis Star*, February 15, 2013
- Orentlicher, “Plan Ahead for End-of-Life Decisions,” *Indianapolis Star*, January 21, 2013
- Orentlicher, “A Time to Share Power,” *Indianapolis Star*, December 21, 2012
- Orentlicher, “Uterus Transplants Offer Women Hope,” *Indianapolis Star*, November 30, 2012
- Orentlicher, “The Dangers of Early Voting,” *Indianapolis Star*, October 19, 2012
- Orentlicher, “When Presidents Overreach,” *Indianapolis Star*, September 22, 2012

MINOR PUBLICATIONS (continued)

- Orentlicher, "Opting Out Isn't the Right Call," *Indianapolis Star*, July 20, 2012
- Orentlicher, "Court Returns the Debate to Rightful Place: Congress," *Indianapolis Star*, July 1, 2012
- Orentlicher, "Slippery Slopes at Life's End," *Indianapolis Star*, June 15, 2012
- Orentlicher, "Bloodshed vs. Nudity," *Indianapolis Star*, May 18, 2012
- Orentlicher, "Health Care's Unique Rules," *Indianapolis Star*, April 20, 2012
- Orentlicher, "Goodbye to Public Servant," *Indianapolis Star*, March 16, 2012
- Orentlicher, "Give Help to Infertile Couples," *Indianapolis Star*, February 17, 2012
- Orentlicher, "No Right to Be a Freeloader," *Indianapolis Star*, January 20, 2012
- Orentlicher, "Let's Embrace Full Disclosure," *Indianapolis Star*, December 16, 2011
- Orentlicher, "It's Not Perfect, but It's Valid," *Indianapolis Star*, November 19, 2011
- Orentlicher, "Corporate Speech Rights Trump the Public's Health, 18(3) *Lahey Clinic Journal of Medical Ethics* 4 (2011)
- Orentlicher, "Common Ground on Abortion," *Indianapolis Star*, October 21, 2011
- Orentlicher, "A Misguided Shot at Vaccine," *Indianapolis Star*, September 16, 2011
- Orentlicher, "Fair Warning for Smokers," *Indianapolis Star*, August 19, 2011
- Orentlicher and Stotland, "Danger for Pregnant Women," *Indianapolis Star*, July 15, 2011
- Orentlicher, "Mandate's Good for America," *Indianapolis Star*, June 17, 2011
- Orentlicher, "Abandoning Our Moral Code," *Indianapolis Star*, May 20, 2011
- Orentlicher, "Medicare Plan Starts Dialogue," *Indianapolis Star*, April 11, 2011
- Orentlicher, "Walkout Stands Up for Voters," *Indianapolis Star*, March 18, 2011
- Orentlicher, "Despite Ruling, the Law Ultimately Will Be Upheld," *Indianapolis Star*, December 19, 2010
- Orentlicher, "Clearly, Congress Acted within Its Constitutional Authority," *Indianapolis Star*, April 18, 2010
- Orentlicher and Caplan, "Legislation and End-of-Life Care," 283 *JAMA* 2934-2935 (2000) (reply to letters to the editor)
- Orentlicher, "Principle, Practice, and the Right to Die," 2(3) *ASBH Exchange* 1 (1999)
- Orentlicher, "Mother deserves murder charge," *USA Today*, May 24, 1999
- Orentlicher, "Hope for those in need of marrow transplants," *Indianapolis Star*, December 29, 1998

MINOR PUBLICATIONS (continued)

Orentlicher, "With proper safeguards, a medical ID will be a lifesaving health policy," *Insight*, August 24, 1998, 24

Orentlicher, "Terminal Sedation," 338 *New England Journal of Medicine* 1230 (1998) (reply to letters to the editor)

Orentlicher, "Medical Trials for Assisted Suicide," *Louisville Courier-Journal*, September 3, 1997

Orentlicher, "Trends suggest 'duty to die' may supplant 'right' question," *Portland Oregonian*, June 27, 1997

Orentlicher, "Why we must preserve the right to die," *Baltimore Sun*, October 29, 1996

Orentlicher, "Navigating the Narrows of Doctor-Assisted Suicide," *Technology Review* 62-63 (July 1996)

Orentlicher, "Learning Lessons of Life and Death from Kevorkian," *Chicago Tribune*, May 21, 1996

Glasson and Orentlicher, "Mandated Choice for Organ Donation," 273 *JAMA* 1176-1177 (1995) (letter to the editor)

Glasson and Orentlicher, "Essential vs Discretionary Health Care in System Reform," 273 *JAMA* 919 (1995) (reply to a letter to the editor)

Orentlicher, "Rationing and the Americans with Disabilities Act," 271 *JAMA* 1903-1904 (1994) (reply to a letter to the editor)

Glasson and Orentlicher, "HIV Testing: AMA Code of Ethics," 271 *JAMA* 1160 (1994) (letter to the editor)

Glasson and Orentlicher, "Gifts From Industry: Laundering Money or Supporting Education?," 271 *JAMA* 505 (1994) (reply to a letter to the editor)

Clarke and Orentlicher, "Parental Consent for Abortion," 269 *JAMA* 2211 (1993) (reply to a letter to the editor)

Clarke and Orentlicher, "Self-Referral by Physicians," 328 *New England Journal of Medicine* 1278 (1993) (letter to the editor)

Clarke and Orentlicher, "Reporting Abuse of Competent Patients," 268 *JAMA* 2378 (1992) (reply to a letter to the editor)

Clarke and Orentlicher, "'Futility' as a Criterion in Limiting Treatment," 327 *New England Journal of Medicine* 1240 (1992) (letter to the editor)

Clarke and Orentlicher, "Diagnosis of Brain Death and Organ Donation," 268 *JAMA* 1859-1860 (1992) (reply to a letter to the editor)

Emanuel, Emanuel and Orentlicher, "Advance Directives," 266 *JAMA* 2563 (1991) (letter to the editor)