Friday, January 10, 2014

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Petrie-Flom Center Seeks to Hire Senior Law and Ethics Associate

In connection with our work on the Regulatory Foundations, Ethics, and Law Program of Harvard Catalyst | The Harvard Clinical and Translational Center, the Petrie-Flom Center seeks to hire a Senior Law and Ethics Associate immediately. This is a full-time position for a doctoral-level hire (J.D., M.D., Ph.D., etc. in law, ethics, public health, social science, or other relevant discipline) with extensive knowledge and understanding of clinical research and its regulation. The Senior Law and Ethics Associate will support a new program aimed at developing creative, practical solutions to reduce seemingly intractable legal and ethical barriers to clinical and translational research.

View the full job description and apply here.

Contact Executive Director Holly Fernandez Lynch with questions.

Conference: Second Annual Health Law Year in P/Review

https://ui.constantcontact.com/visualeditor/visual_editor_preview.jsp?agent.uid=1116041419389&format=html&print=true
Health Law Year in P/Review
Friday, January 31, 2014, 8:30am to 5:00pm
Wasserstein Hall, Milstein East C (2036)
Harvard Law School
1585 Massachusetts Ave., Cambridge, MA

Please join the Petrie-Flom Center and the New England Journal of Medicine for our second annual Health Law Year in P/Review event. This year we will welcome experts discussing major developments over the past year and what to watch out for in areas including the Affordable Care Act, medical malpractice, FDA regulatory policy, abortion, contraception, intellectual property in the life sciences industry, public health policy, and human subjects research. The full agenda is available on our website.

Attendance is free and open to the public, but space is limited and registration is required. To register, please visit our website at http://petrieflom.law.harvard.edu/events/details/health-law-year-in-p-review.

Contact petrie-flom@law.harvard.edu with questions.

This event is supported by the Oswald DeN. Cammann Fund.

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Scholarship & Commentary from Petrie-Flom Affiliates

NEW BOOK: Science and Technology in International Economic Law: Balancing Competing Interests
Edited by Bryan Mercurio and Kuei-Jung Ni, Petrie-Flom Visiting Scholar Routledge, 2014

Science and technology plays an increasingly important role in the continued development of international economic law. This book brings together well-known and rising scholars to explore the status and interaction of science, technology and international economic law. The book reviews the place of science and technology in the development of international economic law with a view to ensure a balance between the promotion of trade and investment liberalisation and decision-making based on a sound scientific process without hampering technological development.

The book features chapters from a range of experts - including Lukasz Gruszcynski, Jürgen Kurtz, Andrew Mitchell and Peter K. Yu - who examine a wide range of issues such as investment law, international trade law, and international intellectual property. By bringing together these issues, the book asks how international trade and investment regimes utilise science and technology, and whether they do so fairly and in the interest of broader public policies. This book will be of great interest to researchers of international economic law, health law, technology law and international intellectual property law.

Defining mental illnesses: can values and objectivity get along?
Dominic Sisti, Michael J. Young (Petrie-Flom Student Fellow), and Arthur Caplan
Abstract:
Background: The creation of each edition of the Diagnostic and Statistical Manual (DSM) of psychiatry has proven enormously controversial. The current effort to revise the 'bible' of disorder definitions for the field of mental health is no exception. The controversy around DSM-5 reached a crescendo with the announcement from National Institute of Mental Health (NIMH) that the institute would focus efforts on the development of their own psychiatric nosology, the Research Domain Criteria (RDoC) (NIMH, 2013).

Discussion: The RDoC seem to be structured around the concern that the only way to find objectivity in the classification of diseases or disorders in psychiatry is to begin with biology and work back to symptoms. Values infuse medical categories in various ways and drive practical considerations about where and how to divide up constellations of already agreed upon symptoms.

Summary: We briefly argue that all nosologies are infused with values and, while we should continue to sharpen the psychiatric nosology, normativity will permeate even the strictest biologically based taxonomy; this need not be a bad thing.

Supreme Court Position on Obamacare Birth Control Mandate a Tough Call
Quoting Holly Fernandez Lynch, Petrie-Flom Executive Director
Tom Howell, Jr., Washington Times, December 25, 2013

"It also probably will not matter that three of the court's justices - Ruth Bader Ginsburg, Sonia Sotomayor and Elena Kagan - are female, even if the case involves the coverage of contraceptive services that are used by women," said Holly Lynch, a health care policy and bioethics specialist at Harvard Law School.

"'I think this will really be an issue of religious freedom,' she said, 'divorced as much as possible from the specific content of the objectionable requirement.'"

Past Sperm and Egg Donors Split on Losing Anonymity
Quoting I. Glenn Cohen, Petrie-Flom Faculty Co-Director
Shereen Jegtvig, Reuters, December 21, 2013

"The ethical considerations of egg and sperm donor anonymity are complicated, researchers said.

"'Those in favor of non-anonymity or mandatory identification rules tend to argue from the perspective of the rights of the child that's born and talk about the right to know your genetic origin or right to have contact with the genetic parent,' Glenn Cohen told Reuters Health.

"Cohen is co-director of the Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics at Harvard Law School in Cambridge, Massachusetts. He was not involved in the Australian study.

"Occasionally people will talk about the interests of the egg or sperm donors or the egg or sperm recipients' parents, Cohen added.

"But, he said, the U.S. has a robust network of donation banks that work under open identification principles. So anybody who wants to donate under non-anonymous conditions and parents who want to ensure their children have access can do so."
"Cohen said there's evidence that requiring donor identification will lead to a reduction in the number of donors, resulting in longer waiting periods. On the other hand, his own research suggests doubling the compensation for donors can overcome their concerns for anonymity."

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From the Blog

http://blogs.law.harvard.edu/billofhealth/

Come join the conversation at the Bill of Health! It's been relatively quiet during the winter break. Our bloggers have been discussing:

**Health insurance, health care reform/finance:**

- The individual mandate in the face of canceled policies ([here](#))

**General health law/policy:**

- Visiting Scholar Kuei-Jung Ni's new co-edited volume *Science and Technology in International Law* ([here](#))
- The mandatory settlement conference ordered in the case of brain dead patient Jahi McMath ([here](#))
- The value in advanced medical imaging ([here](#))
- Peter Singer's editorial arguing that we should use our heads, not our hearts, to decide where we donate our money ([here](#))

We look forward to more robust conversations as the spring semester gets underway!

If you'd like to join us as a guest blogger or if you have something you'd like us to post, please contact Cristine Hutchison-Jones, Petrie-Flom Center Administrative Director, at chutchisonjones@law.harvard.edu.

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Health Law Policy and Bioethics Workshops

Upcoming presenters for the Health Law Policy and Bioethics Workshop, this year run by Professors Cohen and Robertson, include:

February 3: [Kevin Outterson](#), Boston University School of Law
NEW DATE February 17: I. Glenn Cohen, Harvard Law School, Petrie-Flom Center Faculty Co-Director

March 24: Hank Greely, Center for Law and the Biosciences, Stanford Law School

April 7: David Gamage, UC Berkeley School of Law

April 21: Matthew J. B. Lawrence, Petrie-Flom Center Academic Fellow

All meetings will run from 5:00 to 7:00pm in Hauser 105 at the Law School. For questions and drafts of the papers being presented, contact Kaitlin Burroughs at kburroughs@law.harvard.edu.

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Petrie-Flom Center Events

2nd Annual Health Law Year in P/Review

Friday, January 31, 2014, 9:00am to 5:00pm
Wasserstein Hall, Milstein East C (2036), Harvard Law School, 1585 Massachusetts Ave.

Please join the Petrie-Flom Center and the New England Journal of Medicine for our second annual Health Law Year in P/Review event. This year we will welcome experts discussing major developments over the past year and what to watch out for in areas including the Affordable Care Act, medical malpractice, FDA regulatory policy, abortion, contraception, intellectual property in the life sciences industry, public health policy, and human subjects research. The full agenda is available on our website.

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Contact petrie-flom@law.harvard.edu with questions.

This event is supported by the Oswald DeN. Cammann Fund.

Fairness in Organ Allocation: Outcomes vs. Chances

February 11, 2014, 12:00pm
Wasserstein Hall 3018, Harvard Law School, 1585 Massachusetts Ave.

Recent news stories regarding children in need of organ transplants have brought renewed attention to the perennial issue of organ allocation, and the fundamental question of who is it fair to save when we cannot save everyone in need.

Please join us for a lecture on these topics by Professor Shlomi Segall, Associate Professor at the Joint Program in Politics, Philosophy and Economics (PPE) at the Hebrew University of Jerusalem; Visiting Fellow at the Center for Ethics, University of Toronto; and author of Health, Luck, and Justice (Princeton University Press, 2010) and Equality and Opportunity (Oxford University Press, 2013).

Professor Segall will discuss the particular input of fairness as a value in rescue cases, with a focus on organ allocation. He will distinguish fairness from related notions of respect, impartiality, and rational choice behind a veil of ignorance, arguing that the currency of distributive justice in rescuing is the good of being saved, rather than the good of the chance to be saved. Perhaps counterintuitively, he will argue that complete fairness requires saving no one if we cannot save all, but that a coin toss (equal chances) is the least unfair solution that still involves saving someone, while saving the greatest number is completely unfair.
The lecture will be followed by a response from Professor Nir Eyal, Harvard University Program in Ethics and Health, and a question and answer period moderated by Professor I. Glenn Cohen, Faculty Co-Director of the Petrie-Flom Center at Harvard Law School.

This event is free and open to the public. Lunch will be served.

*This event is supported by the Oswald DeN. Cammann Fund.*

**Patents Without Patents: Regulatory Incentives for Innovation in the Drug Industry**

February 19, 2014, 12:00pm  
Wasserstein Hall 1015, Harvard Law School, 1585 Massachusetts Ave.

In the pharmaceutical industry, patents are the preeminent incentive for innovation in developing new drugs. But patents aren't the whole story; regulatory agencies also offer different forms of exclusivity-enforced by the agencies themselves-to encourage different forms of innovation in the industry. This panel will discuss actual and potential roles for those rewards in the context of developing new drugs, new uses for old drugs, and new ways to make drugs, in both the United States and the European Union. Panelists include:

- **Benjamin N. Roin**, Hieken Assistant Professor in Patent Law, Harvard Law School; Faculty Co-Director, the Petrie-Flom Center
- **W. Nicholson Price II**, Academic Fellow, the Petrie-Flom Center
- **Timo Minssen**, Associate Professor, University of Copenhagen Faculty of Law; Visiting Scholar, the Petrie-Flom Center

This event is free and open to the public. Lunch will be served.

**New Directions for Food Safety: The Food Safety Modernization Act and Beyond**

February 21, 2014, 9:00am to 4:30pm  
Austin Hall, Ames Courtroom (200), Harvard Law School, 1515 Massachusetts Ave.

This conference is free and open to the public, but space is limited and registration is required. For more information, including the conference agenda and registration links, please visit the conference website: [http://petrieflom.law.harvard.edu/events/details/new-directions-for-food-safety](http://petrieflom.law.harvard.edu/events/details/new-directions-for-food-safety).

*Cosponsored by the Petrie-Flom Center; the Center for Health Law and Policy Innovation, Food Law and Policy Division; and the Food Law Lab at Harvard Law School, with support from the Top University Strategic Alliance at Harvard University.*

**Frances Kamm's Bioethical Prescriptions: Book Talk and Panel Discussion**

February 27, 2014, 2:00 to 3:30pm  
Wasserstein Hall 1019, Harvard Law School, 1585 Massachusetts Ave.

Please join us as we launch Professor Frances Kamm's latest book, *Bioethical Prescriptions: To Create, End, Choose, and Improve Lives* (Oxford University Press, January 2014). The book showcases Professor Kamm's articles on bioethics as parts of a coherent whole, with sections devoted to death and dying; early life (on conception and use of embryos, abortion, and childhood); genetics and other enhancements (on cloning and other genetic technologies); allocating scarce resources; and methodology (on the relation of moral theory and practical ethics).

Panelists include:

- **Frances Kamm**, Littauer Professor of Philosophy & Public Policy, Harvard Kennedy School of Government; Professor of Philosophy, Faculty of Arts & Sciences, Harvard University; Former Senior
Fellow, Petrie-Flom Center

**Norman Daniels**, Mary B. Saltonstall Professor of Population Ethics and Professor of Ethics and Population Health, Harvard School of Public Health

- **Thomas (Tim) Scanlon, Jr.**, Alford Professor of Natural Religion, Moral Philosophy, and Civil Polity, Faculty of Arts & Sciences, Harvard University
- **Moderator**: **Christopher T. Robertson**, Visiting Professor of Law, Harvard Law School; Associate Professor, James E. Rogers College of Law, University of Arizona

This event is free and open to the public. For questions, please contact petrie-flom@law.harvard.edu or 617-496-4662.

**Cosponsored by the Petrie-Flom Center, Edmond J. Safra Center for Ethics at Harvard University, and the Countway Library of Medicine at Harvard Medical School. This event is supported by the Oswald DeN. Cammann Fund.**

**Mark your calendars for additional spring events:**

- **Monday, March 3, 12:00pm**: Hot Topics at the President's Commission on Bioethical Issues: Plus Q&A on Careers in Law and Bioethics, with Michelle Groman, Associate Director, President's Bioethics Commission

- **Tuesday, March 11, 12:00pm**: "Evaluating the Revised Diagnostic and Statistical Manual of Mental Disorders (DSM-5)," a panel discussion featuring Steven Hyman (Broad Institute), Anne Becker (HMS), and Nita Farahany (Duke Law)

- **Thursday, March 27, 12:00pm**: a panel discussion on current legal issues in HIV/AIDS work, cosponsored with Gay Men's Health Crisis (GMHC)

- **Wednesday, April 2, 12:00pm**: "Hot Topics in European Biopatent Law," cosponsored with the Broad Institute of MIT and Harvard

- **Friday, May 2, and Saturday, May 3**: 2014 Petrie-Flom Center Annual Conference, "Behavioral Economics, Law, and Health Policy."

- **Friday, May 20**: Conference on regulatory biostatistics, cosponsored with the Food and Drug Law Institute (FDLI).

Look for more details on these events in future editions of this newsletter, or follow us on Facebook and Twitter to receive updates as soon as they're available!

Questions? Contact petrie-flom@law.harvard.edu or 617-496-4662.

Subscribe to our Google Calendar to stay up to date on Petrie-Flom Center events.

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Other Harvard Events
The Medical Ethics Faculty Seminar, 2013-2014
Implementation of the Affordable Care Act: Ethics and Policy

Please join the HMS Division of Medical Ethics at the Faculty Seminars led by Marcia Angell, MD:

January 17, 2014
"The ACA and Overtreatment"
Shannon Brownlee, MS, Senior Fellow, Health Policy Program, New America Foundation; Senior Vice President, The Lown Institute; and author of Overtreated: Why Too Much Medicine is Making Us Sicker and Poorer

February 21, 2014
"Consequences of the Supreme Court Decisions on the ACA"
Michelle M. Mello, JD, PhD, Professor of Law and Public Health, and Director, Program in Law and Public Health, Department of Health Policy and Management, Harvard School of Public Health

For the full 2013-2014 Medical Ethics Faculty Seminar schedule, click here.

The Dead Donor Rule and the Future of Organ Transplantation
Monday, January 27, 2014, 4:30 to 6:00pm
Snyder Auditorium (Kresge G1), Harvard School of Public Health, 677 Huntington Ave., Boston

The ethics of organ transplantation have been premised on the "dead-donor rule," which states that vital organs should be taken only from persons who are dead. In this Public Forum, Professors James Bernat (Dartmouth Geisel School of Medicine) and Robert Truong (Harvard Medical School) will continue the discussion begun in their recent NEJM articles, and will debate whether our current approaches to diagnosing death actually comply with the dead-donor rule, and indeed whether the dead-donor rule should continue to be a foundational ethical principle for organ donation. Dr. Edward Hundert, Director of the Center for Teaching and Learning, will moderate.

Please RSVP here.

DFCI Ethics Grand Rounds
"The Elephant in the Room: Disrespect in Health Care"
Monday, January 27, 2014, 12:00pm - 1:00pm
Smith Family Room, Dana 1620, Dana-Farber Cancer Institute, 44 Binney Street, Boston

Lucian Leape, MD
Health Policy Analyst; Adjunct Professor of Health Policy
Department of Health Policy and Management
Harvard School of Public Health

The event will also be available via webcast at: http://video.dfcionline.org/accordent/Ethics012714.

NOTE: The Division of Medical Ethics at Harvard Medical School often has public programs likely to be of interest. More information is available here. The Healthcare Initiative at Harvard Business School also hosts a number of relevant events. For details, see here.
Outside Events

2014 Yale Health Law & Policy Society Conference
Health Insurance Exchange Implementation: Early Challenges and Opportunities

Saturday, February 8, 2014, 8:30am to 5:15pm
Sterling Law Building, Yale Law School, 127 Wall Street, New Haven, CT

Yale Law School is proud to host the first Yale Health Law and Policy Society Conference. The theme of the conference is "Health Insurance Exchange Implementation: Early Challenges and Opportunities." The conference will feature keynote speaker Henry J. Aaron, Ph.D., the Bruce and Virginia MacLaury Senior Fellow in the Economic Studies program at the Brookings Institution. Additionally, other health policy and law experts from across the country will present on topics such as the history of health insurance exchanges, early successes and challenges, and how to optimally balance state and federal roles in exchange implementation and operation.

A schedule and full list of speakers is available online.

Registration: The conference is open to the Yale University community, the greater New Haven community, and all others interested in health insurance exchange implementation.

To register, please email YaleHIXConference@gmail.com with your name and affiliation.

Registration is free for Yale University and New Haven community members. For all others, the registration fee is $30, payable by check. Checks should be addressed to Yale Law School and include "YHeLPS Conference" in the memo section. Registration fees paid in advance should be mailed to Yale Law School, P.O. Box 208215, New Haven, CT 06511.

Questions? Contact YaleHIXConference@gmail.com.

For directions to Yale Law School, please see: http://www.law.yale.edu/admissions/gettinghere.htm.

For lodging options, please see: http://www.law.yale.edu/about/lodging.htm.

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Opportunities at Harvard

Call for Applications: Non-Stipendiary Fellowships
Program on Science, Technology and Society, Harvard Kennedy School
Deadline: January 31, 2014

The Program on Science, Technology and Society at Harvard Kennedy School welcomes applications to its non-stipendiary pre- and postdoctoral fellowship program for AY 2014-2015. Predoctoral fellowships are most appropriate for Ph.D. students in STS or related fields who have completed their qualifying exams and have embarked on dissertation research and writing. Postdoctoral fellowships are most appropriate for recent Ph.D.’s pursuing research that would benefit from systematic exposure to STS theories and methods. The Program offers
a unique collegial environment in which fellows become an integral part of the Cambridge-based STS community. Fellows meet weekly as a group to discuss each other's research, attend weekly STS Circle seminars, have the opportunity to audit Harvard graduate courses, and participate in the Program's major events. Each year's cohort includes students from varied backgrounds, cultures, and countries. We have hosted students from the US, Canada, South Korea, and several European countries (e.g., France, Germany, Italy, Norway, the Netherlands, and the United Kingdom).

Non-stipendiary fellows are expected to participate in the Program for one academic year (September-May), but shorter stays of at least one semester (about three months) are also possible with appropriate justification. Fellows may stay for a maximum of two years with appropriate external support. Applicants for non-stipendiary fellowships should contact the STS Program Administrator, Shana Rabinowich, at shana_rabinowich@hks.harvard.edu, with the following information no later than January 31, 2014:

- description of research interests and reasons for seeking affiliation with the STS Program;
- supporting letter from an academic adviser evaluating the applicant's performance and standing;
- brief curriculum vitae.

For more information on the STS Program, visit http://sts.hks.harvard.edu.

**Call for Postdoctoral Fellowship Applications: The Harvard Medical School/Brigham and Women's Hospital Program On Regulation, Therapeutics, And Law (PORTAL)**

**Deadline: February 14, 2014**

The Division of Pharmacoepidemiology and Pharmacoeconomics at Brigham and Women's Hospital Department of Medicine and Harvard Medical School invites its 2014 round of applications for postdoctoral fellows in pharmaceutical law and health services research. Current fellows have studied FDA regulation, patents and drug access and costs, and competition in the therapeutic marketplace. Other areas of focus include intellectual property, ethics, and comparative effectiveness, as well as the development, approval, and evidence-based use of drugs, devices, vaccines, procedures, and diagnostics.

Applications are invited from researchers with doctoral degrees (J.D., M.D., Ph.D., Pharm.D., or equivalent) or who will complete such training by July 2014. Fellows will have an appointment at Harvard Medical School, receive close mentorship from faculty members in the Division, and engage in one or more projects intended to start their careers in law and public health research. Fellowship length will vary depending on the candidate (min: 1 year).

To apply, please send to akesselheim@partners.org: (1) a CV, (2) a writing sample, and (3) a cover letter describing your past work, ideas for the kind of research you'd like to do in the fellowship, and career goals.

The Division of Pharmacoepidemiology and Pharmacoeconomics is a 50-member interdisciplinary research program. Our work focuses on the evaluation, regulation, outcomes, and cost-effectiveness of prescription drugs and medical devices, as well as in the development and evaluation of policies to improve use of therapeutics. Further information is at www.DrugEpi.org.

E-mail Aaron Kesselheim, M.D., J.D., M.P.H. at akesselheim@partners.org with any questions.

Brigham and Women's Hospital and Harvard Medical School are Equal Opportunity/Affirmative Action Employers; women and members of underrepresented minority groups are strongly encouraged to apply.

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Jobs, Fellowships, and Other Opportunities

https://ui.constantcontact.com/visualeditor/visual_editor_preview.jsp?agent.uid=1116041419389&format=html&print=true
NEW POST:
Engagement Manager, Axiom, New York
No deadline posted.

Axiom, a revolution in the legal industry and one of the nation's fastest growing private companies, is seeking an Engagement Manager for our New York office.

What we're looking for
This is a truly rare opportunity for an entrepreneurial professional with a results orientation who is looking for a client services and business development role. Axiom has pioneered a new category of firm in the market for sophisticated legal services and is one of the fastest growing companies in the United States.

The Engagement Manager plays a critical role in ensuring both continued revenue growth and successful engagements with legal departments at Fortune 500 companies. The Engagement Manager is an integral part of the team involved in the sales cycle, driving growth and new products, providing account oversight and engaging with internal and external clients at all levels.

The Engagement Manager will

- Effectively build client relationships and oversee the day to day activities for a portfolio of clients.
- Identify new areas of opportunity with new and existing clients.
- Work with the Practice Manager and General Manager to secure new accounts and craft strategic solutions for clients' needs.
- Support the recruiting and assessment of Axiom's New York attorney population.
- Align Axiom attorneys with specific client engagements and manage existing engagements.
- Analyze the success metrics for each engagement.

This position is for someone who exhibits an outstanding work ethic and professionalism, and thrives in a fast-paced, high-performing environment. Our ideal candidate must possess a demonstrated ability to and interest in the growth of client relationships and developing strategic solutions for a portfolio of candidates.

Our ideal candidate

- 4 to 6 years' sales, account management, or other business experience in a client services role with full profit/loss responsibility. This includes experience working with senior level decision makers.

Required Knowledge, Skills and Abilities

- Keen ability to build laterally and nurture client relationships;
- Innate ability to focus on client's needs and consistently raises the bar on service excellence;
- Capable of leading, managing & inspiring others;
- Knowledge of selling/closing and customer service techniques;
- Significant project management experience and meticulous attention to detail skills;
- Superb time management, decision-making and problem solving skills;
- Thrives in both individual and team environments;
- Expert high-impact communication and presentation skills;
- Strong leadership skills, with the ability to coach and mentor others;
- Highly proficient with the Microsoft Office suite (including PowerPoint);
- Organizational fit for the Axiom culture, that is, exhibit the core values of Irresistible, Fresh, Instinct to help, & Thoughtful;
- Legally eligible to work in the country in which the position is located.

Education

- Bachelor's degree required.