

I. GLENN COHEN
Griswold Hall 503, Harvard Law School
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CURRENT POSITION

HARVARD LAW SCHOOL, Professor, 2013 - present
Assistant Professor, 2008-2013

HARVARD LAW SCHOOL, PETRIE-FLOM CENTER FOR HEALTH LAW POLICY, BIOTECHNOLOGY, AND
BIOETHICS, Faculty Co-Director, 2009 - 2014
Faculty Director, 2014 - present

THE BROAD INSTITUTE OF MIT AND HARVARD, Associate Member, 2013 - present

EDUCATION

HARVARD LAW SCHOOL, J.D., *magna cum laude*, 2003
Sears Prize, 2001 (awarded to the two 1L students with the highest GPA)
Harvard Law Review, Primary Editor
Hewlett Fellow in Law and Negotiation, Harvard Law School Program on Negotiation, 2001-2003
Derek Bok Center Award of Distinction in Teaching and nominee for the Joseph R. Leven Memorial
Teaching Prize as Teaching Fellow for Michal Sandel's "Justice" course at Harvard College

UNIVERSITY OF TORONTO, Hon. B.A. Bioethics (Philosophy) and Psychology, *High Distinction* (GPA 3.99), 2000
Alumni Association Scholar (awarded to five graduating students)
Cressy Award for Student Leadership
Theses: *The Ethics of Deception in Psychological Research*; *The Janus Problem: Insanity, Automatism,
and the Problem of Disposition in Anglo-American Criminal Law*.

PUBLICATIONS

(1) REPRODUCTIVE TECHNOLOGY/REPRODUCTION

Law Journals

The Constitution and the Rights Not to Procreate, 60 STANFORD L. REV. 1135 (2008) (reprinted in Brazil in *MEI
AMBIENTE, DIREITO E BIOTECNOLOGIA* (Thiago Pires Oliveira ed. 2010))

The Right Not to Be a Genetic Parent?, 81 S. CAL. L. REV. 1115 (2008) (selected for the 2008 Stanford-Yale
Junior Faculty Forum)

Intentional Diminishment, The Non-Identity Problem, and Legal Liability, 60 HASTINGS L. J. 347 (2008)
(Solicited) (reprinted in *BIOETHICS AND THE LAW* (Ramkistaiah Jillaed. 2009-2010))

*Trading-Off Reproductive Technology and Adoption: Does Subsidizing IVF Decrease
Adoption Rates and Should It Matter?* 95 MINN. L. REV. 485 (2010) (co-authored with Daniel Chen) (selected for
the 2010 Stanford-Yale Junior Faculty Forum)

Regulating Reproduction: The Problem with Best Interests, 96 MINN. L. REV. 423 (2011)

Rethinking Sperm Donor Anonymity: Of Changed Selves, Non-Identity, and One Night Stands, 100 GEO. L. J. 431
(2012)

Beyond Best Interests, 96 MINN. L. REV. 1187 (2012)

Can you Buy Sperm Donor Identification? An Experiment, 10 J. EMPIRICAL LEG. STUDIES 715 (2013) (co-authored with Travis Coan)

What (If Anything) Is Wrong with Human Enhancement? What (If Anything) Is Right with It?, 49 TULSA L. REV. 645 (2014) (festschrift honoring Einer Elhauge)

Complexifying Commodification, Consumption, ART, and Abortion, 43 J. L. MED. & ETHICS 307 (2015) (solicited commentary) (peer-reviewed)

My Body, My Bank, 93 TEXAS L. REV. 953 (2015) (Book Review) (Solicited)

Sperm Donor Anonymity and Compensation: An Experiment with American Sperm Donors, 3 J. L. & BIOSCIENCES (2016) (co-authored with Travis Coan, Michelle Ottey, and Christina Boyd) (peer reviewed)

Medical, Science and Bioethics Journals

Prohibiting Anonymous Sperm Donation and the Child Welfare Error, 41 HASTINGS CTR. REP, Sept-Oct, 13 (2011)

When Potential Does Not Matter: What Developments in Cellular Biology Tell Us About the Concept of Legal Personhood, 13 AM. J. BIOETHICS 38 (2013) (co-authored with Jonathan Will and Eli Adashi) (peer-reviewed)

Of Modest Proposals and Non-Identity: A Comment on The Right to Know Your Genetic Parents, 13 AM. J. BIOETHICS 45 (2013) (peer-reviewed)

Made-to-Order Embryos for Sale – A Brave New World?, 368 N. ENGL. J. MED. 2517 (2013) (co-authored with Eli Adashi) (peer-reviewed)

Plan B: Access to Emergency Contraception in the Legal and Political Cross Hairs, 88 CONTRACEPTION 477 (2013) (co-authored with Eli Adashi and Lisa Sullivan) (peer-reviewed)

When Religious Freedom Clashes with Access to Care, 370 N. ENG. J. MED. 596 (2014) (co-authored with Holly Fernandez Lynch and Gregory D. Curfman) (peer-reviewed)

Transatlantic Lessons in Regulation of Mitochondrial Replacement Therapy: prospect of disease-free children for women carriers through MRT, 348 SCIENCE 178 (2015) (co-authored with Julian Savulescu & Eli Y. Adashi) (peer-reviewed).

Going Germline: Mitochondrial Replacement as a Guide to Genome Editing, 164 CELL 832 (2016) (co-authored with Eli Y. Adashi) (peer-reviewed)

Preventing Mitochondrial DNA Diseases: One Step Forward, Two Steps Back, 315 JAMA 273 (2016) (co-authored with Eli Y. Adashi) (peer-reviewed)

Embryo Disposition Disputes: Controversies and Case Law, 46 HASTINGS CTR. REP. 13 (2016) (co-authored with Eli Y. Adashi) (peer-reviewed)

The FDA is prohibited from Going Germline, 353 SCIENCE 545 (2016) (co-authored with Eli Y. Adashi) (peer-reviewed)

Mitochondrial Replacement Therapy: The IOM Report and Its Aftermath, 17 NATURE REVIEWS GENETICS 189 (2016) (co-authored with Eli Y. Adashi) (peer-reviewed)

Disruptive Reproductive Technologies, 9 SCIENCE TRANS. MED. eaag2959 (2017) (Jan 11, 2017) (co-authored with George Q. Daley and Eli Y. Adashi) (peer reviewed)

Book Chapters

Las Recientes Controversias sobre la Tecnología Reproductiva en los Estados Unidos, in I. GLENN COHEN & ESTER FARNOS AMORÓS, DERECHO Y TECNOLOGÍAS REPRODUCTIVAS, FUNDACIÓN COLOQUIO JURÍDICO EUROPEO, MADRID 11 (2014) (trans. Pablo de Lora).

Sperm and Egg Donor Anonymity: Legal and Ethical Issues, in THE OXFORD HANDBOOK OF REPRODUCTIVE ETHICS (Leslie Francis ed., 2015-2016)

Religion and Reproductive Technology, in LAW, RELIGION, AND HEALTH IN THE UNITED STATES 360 (Holly Fernandez Lynch, I. Glenn Cohen, and Elizabeth Sepper eds., Cambridge University Press, 2017)

Online Law Review Contributions

Trading-Off Reproductive Technology and Adoption: A Response to Appleton and Pollak, 96 MINN. L. REV. HEADNOTES 1 (2012) (co-authored with Daniel Chen) (Responding to Susan Appleton and Robert A. Pollak, *Exploring the Connections Between Adoption and IVF: Twibling Analyses*, 95 MINN. L. REV. HEADNOTES 60 (2011), responding to our earlier article)

Burying Best Interests of the Resulting Child: A Response to Professors Crawford, Alvaré, and Mutcherson, 97 MINN. L. REV. HEADNOTES 1 (2012) (Responding to Bridget J. Crawford, *Authentic Reproductive Regulation*, 96 MINN. L. REV. HEADNOTES 31 (2012), Helen M. Alvaré, *A Response to Professor I. Glenn Cohen's Regulating Reproduction: The Problem with Best Interests*, 96 MINN. L. REV. HEADNOTES 8 (2012), and Kimberly M. Mutcherson, *In Defense of Future Children: A Response to Cohen's Beyond Best Interests*, 96 MINN. L. REV. HEADNOTES 46 (2012)).

The Science, Fiction, and Science Fiction of Unsexed Motherhood, *Online Symposium*, HARV. J. L. & GENDER ONLINE (2012)

(2) MEDICAL TOURISM/GLOBALIZATION OF HEALTH CARE

Books

THE GLOBALIZATION OF HEALTH CARE: LEGAL AND ETHICAL CHALLENGES (Oxford University Press 2013) (editor, and contributing introduction and chapter)

PATIENTS WITH PASSPORTS: MEDICAL TOURISM, LAW, AND ETHICS (Oxford University Press, 2014)

Law Journals

Protecting Patients with Passports: Medical Tourism, Medical Tourism and the Patient-Protective Argument, 95 IOWA L. REV. 1467 (2010) (selected by the American Society of Law, Medicine, and Ethics for the Health Scholar Award Program)

Medical Tourism, Access to Health Care, and Global Justice, 52 VA J. INT'L L. 1 (2011) (reprinted with a new introduction in 1 CAN. J. COMP. & CONTEMP. L 1 (2015))

Circumvention Tourism, 97 CORNELL L. REV. 1309 (2012)

Transplant Tourism: The Ethics and Regulation of International Markets for Organs, 41 J. L. MED. & ETHICS 269 (2013) (solicited) (peer-reviewed)

Medical Tourism, Medical Migration, and Global Justice: Implications for Biosecurity in a Globalized World, 25 MED. L. REV. _ (2017) (solicited) (peer-reviewed)

Medical, Public Health and Bioethics Journals

Medical Tourism: The View from Ten Thousand Feet, 40 HASTINGS CTR. REP., Mar.-Apr. 2010, at 11-12.

Medical Tourism, Consumer-Driven Healthcare, and Patient Protection, 17 LAHEY CLINIC MED. ETHICS J. 4 (Spring 2010)

How to Regulate Medical Tourism (and Why Bioethicists Should Care?), 12 J. DEVELOPING WORLD BIOETHICS 9 (2012) (peer-reviewed)

S.H. and Others v. Austria and Circumvention Tourism, REPRODUCTIVE BIOMEDICINE ONLINE (2012) (solicited) (peer-reviewed) (available at <http://www.sciencedirect.com/science/article/pii/S1472648312004531>)

Ethical and Legal Implications of the Risks of Medical Tourism for Patients: A Qualitative Study of Canadian Health and Safety Representatives' Perspectives, 3 BRITISH MEDICAL JOURNAL OPEN e002302 (2013) (co-authored with Valorie A. Crooks, Leigh Turner, Janet Bristeir, Jeremy Snyder, Vicky Casey, Rebecca Whitmore) (peer-reviewed)

Navigating Physicians' Ethical and Legal Duties to Patients Seeking Unproven Interventions Abroad, 61 CANADIAN FAMILY PHYSICIAN 584-586 (2015) (co-authored with Jeremy Snyder, Krystyna Adams, Y.Y. Chen, Daniel Birch, Valorie A. Crooks, Judy Illes, and Amy Zarzeczny)

Inbound Medical Tourism to Barbados: A Qualitative Examination of Local Lawyers' Prospective Legal and Regulatory Concerns, 15 BMC HEALTH SERVICES RESEARCH 291 (2015) (co-authored with Valorie A. Crooks, Krystyna Adams, Rebecca Whitmore and Jeffrey Morgan)

Book Chapters

Medical Outlaws or Medical Refugees? An Examination of Circumvention Tourism, in RISKS AND CHALLENGES IN MEDICAL TOURISM: UNDERSTANDING THE GLOBAL MARKET FOR HEALTH SERVICES CONTROVERSIES IN THE EXPLODING INDUSTRY OF GLOBAL MEDICINE 207 (Jill Hodges et al eds., Praeger, 2012).

Las Fronteras del Derecho Sanitario: Globalización y Turismo Médico, in LAS FRONTERAS DEL DERECHO BIOSANITARIO, ANUARIO DE LA FACULTAD DE DERECHO DE LA UNIVERSIDAD AUTÓNOMA DE MADRID 21 (Pablo de Lora y Blanca Mendoza eds. 2014) (trans. Pablo de Lora).

Medical Tourism: Bioethical and Legal Issues, in ROUTLEDGE COMPANION TO BIOETHICS (John D. Arras et al. eds, Routledge, forthcoming 2014)

Medical Tourism for Services Legal in the Home and Destination Country: Legal and Ethical Issues, in BODIES ACROSS BORDERS: THE GLOBAL CIRCULATION OF BODY PARTS, MEDICAL TOURISTS AND PROFESSIONALS (Brownyn Parry et al. eds, Ashgate, 2015).

Medical Tourism for Services Illegal in Patients' Home County, in HANDBOOK ON MEDICAL TOURISM AND PATIENT MOBILITY (Neil Lunt et al. eds, 2015)

Traveling for Assisted Suicide, in EUTHANASIA AND ASSISTED SUICIDE: GLOBAL VIEWS ON CHOOSING TO END LIFE 373 (Michael J. Cholbi ed., Praeger 2017)

(3) ORGAN TRANSPLANTATION

Law Journals

Regulating The Organ Market: Normative Foundations for Market Regulation, 77 LAW AND CONTEMP. PROB. 71 (2014) (symposium)

Organs Without Borders? Allocating Transplant Organs, Foreigners, and the Importance of the Nation State (?),77 LAW AND CONTEMP. PROB. 175 (2014) (symposium)

Medical and Bioethics Journals

Selling Bone Marrow – Flynn v. Holder, 366 N. ENG. J. MED. 296 (2012) (peer-reviewed)

Can the Government Ban Organ Sale? Recent Court Challenges and Future of U.S. Law on Selling Human Organs and Other Tissue, 12 AM. J. TRANSPLANTATION 1983 (2012) (peer-reviewed)

A Fuller Picture of Organ Markets, 14 AJOB 19 (2014)

(4) ABORTION, CONTRACEPTION, AND STEM CELLS

Law Journals

Fetal Pain, Abortion, Viability and the Constitution, 39 J. L. MED. & ETHICS 235 (2011) (co-authored with Sadath Sayeed) (peer-reviewed)

Are all Abortions Equal? Should there be Exceptions to the Criminalization of Abortion for Rape and Incest?, 43 J. L. MED. & ETHICS 87 (2015) (solicited) (peer-reviewed)

Personhood Seeking New Life with Republican Control, 93 INDIANA L. J. _ (forthcoming, 2017) (co-authored with Jonathan Will and Eli Adashi)

Medical, Philosophy, Public Health and Bioethics Journals

Balancing Religious Freedom and Health Care Access, LAHEY CLINIC MED. ETHICS J. 7 (Fall 2015) (co-authored Holly Fernandez Lynch) (peer-reviewed)

Human Embryonic Stem-Cell Research Under Siege — Battle Won but Not the War, 364 N. ENG. J. MED. e48 (2011) (co-authored with Eli Adashi) (peer-reviewed)

Sherley v Sebelius and the Future of Stem Cell Research, 308 JAMA 2087 (2012) (peer-reviewed) (co-authored with Eli Adashi and Jeremy Feigenbaum)

Balancing Religious Freedom and Health Care Access, LAHEY HEALTH JOURNAL OF MEDICAL ETHICS 7 (Fall 2015) (co-authored with Holly Fernandez Lynch)

Artificial Wombs and Abortion Rights, 47 HASTINGS CTR. REP, July 2017, Back Cover.

(5) RESEARCH ETHICS

Books

HUMAN SUBJECTS RESEARCH REGULATION: PERSPECTIVES ON THE FUTURE (co-editor with Holly Fernandez Lynch) (MIT Press, 2014)

SPECIMEN SCIENCE: ETHICS AND POLICY IMPLICATIONS (MIT Press, 2017) (co-editor with Holly Fernandez Lynch, Barbara E. Bierer, and Suzanne M. Rivera)

Medical, Philosophy, Public Health and Bioethics Journals

In the Wake of Guatemala: The Case for Voluntary Compensation and Remediation, 102 AM. J. PUB. HEALTH e4 (2012) (co-authored with Eli Adashi) (peer-reviewed)

Streamlining Review by Accepting Equivalency, 14 AJOB 11 (2014) (co-authored with Holly Fernandez Lynch) (peer commentary)

Clinical Trials and the Right to Remain Silent, 174 JAMA INTERNAL MEDICINE E1 (co-authored with Michelle Mello) (peer-reviewed)

Confronting Biospecimen Exceptionalism in Proposed Revisions to the Common Rule, 46 HASTINGS CENTER REPORT 4 (2016) (co-authored with Holly Lynch and Barbara Bierer) (peer-reviewed)

When Clinical Trials Compete: Prioritising Study Recruitment, J. MED. ETHICS (January 20, 2017), (co-authored with Luke Gelin, Holly Fernandez Lynch, and Barbara Bierer) (peer-reviewed)

Institutions as an Ethical Locus of Research Prioritisation, J. MED. ETHICS (April 6, 2017), (co-authored with Luke Gelin, Holly Fernandez Lynch, and Barbara Bierer) (peer-reviewed)

Public Engagement, Notice-and-Comment Rulemaking, and the Common Rule, 39 IRB: ETHICS & HUM. RES. (January/February 2017) (co-authored with Holly Fernandez Lynch and Barbara E. Bierer) (peer-reviewed)

Using Social Media as a Research Recruitment Tool: Ethical Issues and Recommendations, 17 AM. J. BIOETHICS 3 (2017) (co-authored with Luke Gelin, Robin Pierce, Sabune Winkler, Holly Fernandez Lynch, and Barbara Bierer) (peer-reviewed)

Nonexceptionalism, Research Risks, and Social Media: Response to Open Peer Commentaries on “Using Social Media as a Research Recruitment Tool: Ethical Issues and Recommendations”, 17 AM. J. BIOETHICS W1 (2017) (co-authored with Luke Gelin, Robin Pierce, Sabune Winkler, Holly Fernandez Lynch, and Barbara Bierer)

Stakeholder Perspectives and Ethical and Regulatory Oversight Issues in Patient-Centered Outcomes Research, IRB: Ethics & Human Res. (forthcoming 2017) (co-authored with Emily A. Largent, Holly Fernandez Lynch, Melissa Abraham, Ronen Rozenblum, Avni Gupta, and Joel S. Weissman).

Book Chapters

From Medical Experimentation to Non-Medical Experimentation: What Can and Cannot be Learned from Medicine as to the Ethics of Legal and Other Non-Medical Experiments?, in MEDICAL EXPERIMENTATION: PERSONAL INTEGRITY AND SOCIAL POLICY, NEW EDITION (Oxford University Press 2016) (co-authored with James D. Greiner)

(6) BIOETHICS AND HEALTH CARE IN SPORTS

Law Journals

Protecting and Promoting the Health of NFL Players: Legal and Ethical Analysis and Recommendations (2016) (co-authored with Christopher R. Deubert, and Holly Fernandez Lynch) (reprinted in 7 HARV. J. SPORTS & ENT. L. 1 (2016))

Evaluating NFL Player Health and Performance: Legal and Ethical Issues, 165 U. PENN. L. REV. 227 (2017) (co-authored with Jessica L. Roberts, Christopher R. Deubert, and Holly Fernandez Lynch)

Comparing Health-Related Policies and Practices in Sports: The NFL and Other Professional Leagues (2017) (co-authored with Christopher R. Deubert, and Holly Fernandez Lynch) (reprinted in 8 HARV. J. SPORTS & ENT. L. 1 (2017)).

Bioethics Journals

NFL Player Health: A Proposal to Address NFL Club Doctors' Conflicts of Interest and to Promote Player Trust, 46 HASTINGS. CTR. REP. S2 (2016) (co-authored with Christopher R. Deubert, and Holly Fernandez Lynch) (peer-reviewed)

NFL Player Health: A Response to Commentaries, 46 HASTINGS. CTR. REP. S45 (2016) (co-authored with Christopher R. Deubert, and Holly Fernandez Lynch) (peer-reviewed)

The Legality of Biometric Screening of Professional Athletes, 17 AM. J. BIOETHICS 65 (2016) (co-authored with Jessica L. Roberts, Christopher R. Deubert, and Holly Fernandez Lynch) (peer commentary)

(7) HEALTH POLICY

Books

THE OXFORD HANDBOOK OF U.S. HEALTH CARE LAW (Oxford University Press, 2015-2016) (co-editor with Bill Sage and Allison Hoffman)

NUDGING HEALTH: HEALTH LAW AND BEHAVIORAL ECONOMICS (John Hopkins University Press, 2016) (co-editor with Holly Fernandez Lynch and Christopher Robertson)

Medical, Philosophy, Public Health and Bioethics Journals

The Constitutionality of the ACA's Medicaid-Expansion, 366 N. ENG. J. MED. 103 (2012) (co-authored with Jim Blumstein) (peer-reviewed)

The Taxing Power and the Public's Health, 367 N. ENG. J. MED. 1777 (2012) (peer-reviewed) (co-authored with Michelle Mello)

Conscientious Objection, Coercion, the Affordable Care Act, and U.S. States, 19 ETHICAL PERSPECTIVES 163 (2013) (peer-reviewed) (solicited)

Book Chapters

The Relationship Between Bioethics and U.S. Health Law, in THE OXFORD HANDBOOK OF U.S. HEALTH CARE LAW (I. Glenn Cohen et al eds., 2015-2016)

Was the Medicaid Expansion Coercive?, in THE AFFORDABLE CARE ACT DECISION: PHILOSOPHICAL AND LEGAL IMPLICATIONS 253 (Fritz Allhoff and Mark Hall, eds. 2014)

(8) FOOD, DRUG, AND DEVICE LAW

Books

FDA IN THE TWENTY-FIRST CENTURY: THE CHALLENGES OF REGULATING DRUGS AND NEW (Columbia University Press, 2015) (co-editor with Holly Fernandez Lynch)

Law Journals

Make it Work! Breyer on Patents in the Life Sciences, 128 HARV. L. REV. 481 (2014) (festschrift for Justice Breyer)

Medical, Philosophy, Public Health and Bioethics Journals

FDA Regulation of Mobile Health Technologies 371 N. ENG. J. MED. 372 (2014) (co-authored with Nathan Cortez and Aaron Kesselheim) (peer-reviewed)

Reconsideration of the Lifetime Ban on Blood Donation by Men Who Have Sex With Men, 311 JAMA 337 (2014) (co-authored with Eli Adashi and Jeremy Feigenbaum) (peer-reviewed)

(9) BIG DATA/HEALTH IT

Books

BIG DATA, HEALTH LAW, AND BIOETHICS (Cambridge University Press, forthcoming 2018) (co-edited with Holly Fernandez Lynch, Effy Vayena, and Urs Gasser)

Law Journals

Cops, Docs, and Code: A Dialogue Between Big Data in Health Care and Predictive Policing, _ U.C. DAVIS L. REV. _ (forthcoming, 2017) (co-authored with Harry Graver)

Medical Journals

The Legal and Ethical Concerns That Arise From Using Complex Predictive Analytics In Health Care, 33 HEALTH AFF. 1139 (2014) (co-authored with Bernard Lo, Ruben Amarasingham, and Anand Shah) (peer-reviewed)

Consensus Statement on Electronic Health Predictive Analytics: A Guiding Framework, eGEMS Vol. 4, Issue 1 (2016) (co-authored with Ruben Amarasingham, Anne-Marie J. Audet, and many others)

Your Money or Your Patient's Life? Ransomware and Electronic Health Records, _ ANNALS OF INT. MED. _ (forthcoming, 2017) (peer reviewed) (co-authored with Sharona Hoffman and Eli Y. Adashi)

Book Chapters

Is There a Duty to Share Health Care Data?, in BIG DATA, HEALTH LAW, AND BIOETHICS (Cambridge University Press, forthcoming 2018) (I. Glenn Cohen, Holly Fernandez Lynch, Effy Vayena, and Urs Gasser eds. Forthcoming 2018)

(10) OTHER PROJECTS

Books

H2O FREE CIVIL PROCEDURE TEXTBOOK, available at <http://brk.mn/cohencivpro>.

IDENTIFIED V. STATISTICAL LIVES: ETHICAL, LEGAL, AND MEDICAL PERSPECTIVES (Oxford University Press, 2015) (co-editor with Nir Eyal and Norman Daniels and contributing a chapter)

LAW, RELIGION, AND HEALTH IN THE UNITED STATES (co-editor with Holly Fernandez Lynch and Elizabeth Sepper, Cambridge University Press, 2017)

Law Journals

Making Residency Work Hour Rules Work, 41 J. L. MED. & ETHICS 310 (2013) (co-authored with Charles A. Czeisler and Christopher P. Landrigan) (peer-reviewed)

Rationing Legal Services, 5 J. L. ANALYSIS 221 (2013) (peer-reviewed)

This is Your Brain on Human Rights: Moral Enhancement and Human Rights, 9 LAW AND ETHICS OF HUMAN RIGHTS 1 (2015) (peer-reviewed) (symposium, Human Rights and Human Minds)

Medical, Philosophy, Public Health and Bioethics Journals

Physicians, Medical Ethics, and Execution by Lethal Injection, 311 JAMA 2375 (2014) (co-authored with Robert Truog and Mark Rockoff) (peer-reviewed)

Hospital-Based Active Shooter Incidents: Sanctuary Under Fire, 313 JAMA 1209 (2015) (co-authored with Eli Y. Adashi and Hans Gao) (peer-reviewed)

Effect of Patient and Therapist Factors on Suicide Risk Assessment, 39 DEATH STUD. 433 (2015) (co-authored with NC Berman, A. Stark, A. Cooperman, and S. Wilhelm) (peer-reviewed)

Clinical Decision Making Regarding Suicide Risk: Effect of Patient and Clinician Age, 40 DEATH STUD. 269 (2016) (co-authored with NC Berman, ES Tung, N Matheny, and S. Wilhelm) (peer-reviewed)

Effect of a Legal Prime on Clinician's Assessment of Suicide Risk, 40 DEATH STUD. 61 (2016) (co-authored with NC Berman, A Sullivan, and S. Wilhelm) (peer-reviewed)

Book Chapters

Litigation and the Statistics v. Identified Lives Issue: On Standing, Ripeness, and Class Actions, in IDENTIFIED V. STATISTICAL LIVES: ETHICAL, LEGAL, AND MEDICAL PERSPECTIVES (I. Glenn Cohen, Nir Eyal, and Norman Daniels eds 2015)

(11) PRE-FELLOWSHIP WORK

Case Comment, *Supreme Court of New Jersey Holds that Preembryo Disposition Agreements Are Not Binding When One Party Later Objects*, J.B. v. M.B., 115 HARV. L. REV. 701 (2001)

Note, *Gore, Gibson, and Goldsmith: The Evolution of Internet Metaphors in Law and Commentary*, 16 HARV. J. L. TECH. 265 (2002) (co-authored with Jonathan Blavin)

Note, *The Price of Everything, the Value of Nothing: Reframing the Commodification Debate*, 117 HARV. L. REV. 689 (2003)

Therapeutic Orphans, Pediatric Victims? The Best Pharmaceuticals for Children Act and Existing Pediatric Human Subject Protection, 58 FOOD & DRUG L. J. 661 (2003) (peer-reviewed)

Negotiating Death: ADR and End of Life Decision-making, 9 HARV. NEGOTIATION L. REV. 253 (2004) (awarded a CPR Institute for Dispute Resolution Award of Excellence)

Negotiating in the Shadow of Death, DISPUTE RESOLUTION MAGAZINE 12 (Fall 2004)

OP-EDS AND WRITING FOR PUBLIC AUDIENCES

Mississippi's Ambiguous Personhood Amendment, New York Times, Oct 31, 2011, available at <http://www.nytimes.com/2011/10/31/opinion/mississippi-ambiguous-personhood-amendment.html> (co-written with Jonathan Will)

Guatemalans Used in Experiments Deserve Compensation, New York Times, July 4, 2011, available at http://www.nytimes.com/2012/07/05/opinion/guatemalans-used-in-experiments-deserve-compensation.html?_r=1&adxnml=1&adxnmlx=1345907160-K8WS0SLJalIknr/t6qtBmg (co-written with Holly Lynch)

The Flawed Basis Behind Fetal-pain Abortion Laws, Washington Post, Aug 1, 2012, available at http://www.washingtonpost.com/opinions/the-flawed-basis-behind-fetal-pain-abortion-laws/2012/08/01/gJQAS0w8PX_story.html?hpid=z4

It is Time for the U.S. to Cover IVF (for Gays and Lesbians too), Huffington Post, March 18, 2013, available at http://www.huffingtonpost.com/dov-fox/it-is-time-for-the-us-to-_b_2900323.html

Some Insurance Companies Ask Their Customers to Cross the Border for Care, The New Republic, July 7, 2014 (co-authored with Adam Teicholz), available at <http://www.newrepublic.com/article/118546/some-insurance-companies-ask-customers-cross-border-care>

Nudging the FDA, The American Interest, Vol. 10, No. 2, October 17, 2014 (co-authored with William Nicholson Price II), available at <http://www.the-american-interest.com/2014/10/17/nudging-the-fda/>

New Blood Donor Policy, Same Gay Stigma, New York Times, May 21, 2015 (co-authored with Eli Y. Adashi), available at http://www.nytimes.com/2015/05/21/opinion/new-blood-donor-policy-same-gay-stigma.html?ref=opinion&_r=1)

The Non-Spaces of Medical Tourism, 40 Harvard Design Magazine, Spring 2015, available at <http://www.harvarddesignmagazine.org/issues/40/the-non-spaces-of-medical-tourism>

How is it Even Possible For Sofia Vergara's Embryos to Sue Her? A Harvard Law Prof Weighs In, Refinery 29, Dec 8, 2016, available at <http://www.refinery29.com/2016/12/132368/sofia-vergara-embryo-lawsuit-explained>

When NFL Calls the Doctor, Boston Globe, Nov. 17, 2016 (co-authored with Holly Fernandez Lynch and Chris Deubert), available at <https://www.bostonglobe.com/opinion/2016/11/17/when-nfl-calls-doctor/ZXmx9C3zAFBScgXGZb22gL/story.html>

COURSES

Reproductive Technology and Genetics: Legal and Ethical Issues (Spring '08, Spring '09, Spring '10, Spring '11, Spring '17)

Civil Procedure (Fall '08, Fall '09, Fall '10, Fall '11, Fall '13, Fall '14, Fall '15, Fall '16)

Health Law Policy, Biotechnology, and Bioethics Workshop (Fall/Spring '09-'10, '10-'11, '11-'12, '12-'13, '13-'14, '14-'15, '16-'17) (co-taught with others in some years)

Lawyers, Doctors, Ethics, and Professionalism (Spring '14, '15) (co-taught with Rebecca Brendel)

Bioethics: The Law, Medicine, and Ethics of Reproductive Technologies and Genetics, available at <https://www.edx.org/course/bioethics-law-medicine-ethics-harvardx-hls4x> (free online course launched Fall '16)

Freshman Seminar: Bioethics through Film: An Exploration of the Law and Ethics of Medicine (Fall '16)

JUDICIAL CLERKSHIP

HON. MICHAEL BOUDIN, U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT, Law Clerk, 2003-2004

LEGAL WORK EXPERIENCE

HARVARD LAW SCHOOL, PETRIE-FLOM CENTER FOR HEALTH LAW POLICY, BIOTECHNOLOGY, AND BIOETHICS, Academic Fellow & Lecturer On Law, 2006-2008

Conducted and presented research relating to health law and bioethics. Taught a seminar at law school in the spring of 2008 on legal and ethical issues related to reproductive technology and genetics.

UNITED STATES DEPARTMENT OF JUSTICE, ATTORNEY GENERAL'S HONORS PROGRAM, CIVIL DIVISION, APPELLATE STAFF, Washington, D.C., Attorney, 2004-2006

Briefed and argued cases in the Circuit Courts defending the United States and acts of Congress. Drafted briefs in the U.S. Supreme Court in conjunction with the Solicitor General's Office. Advised the Attorney General, the Solicitor General, and other units of the Justice Department on numerous legal matters.

DAVIS, POLK & WARDWELL, New York, Summer Associate, Summer 2002

U.N., INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA, Tanzania & Rwanda, Legal Intern, Summer 2001

LITIGATION EXPERIENCE

Served as amicus counsel in:

Whole Woman's Health v. Hellerstedt _ U.S. _ (2016) (brief with Melissa Murray and Jessie B. Hill)

Association for Molecular Pathology v. Myriad Genetics, Inc., 569 U.S. _ (2013), brief on behalf of Dr. Eric Lander (discussed extensively at oral argument by the Justices)

Served as lead counsel in the following cases before the U.S. Courts of Appeals while at the Justice Department:

Doe v. FAA, 432 F.3d 1259 (11th Cir. 2005)

Landes v. Tartaglione, 153 Fed. Appx. 131 (3d Cir. 2005)

Branham v. Snow, 392 F.3d 896 (7th Cir. 2005) (rehearing petition only)

Avalos-Galvan v. Gonzales, 170 Fed. Appx. 501 (9th Cir. 2006)

Goodin v. U.S. Postal Inspection Service, 444 F.3d 998 (8th Cir. 2006)

Luna Tech, Inc. v. Bureau of Alcohol, Tobacco and Firearms, 183 Fed. Appx. 863 (11th Cir. 2006)

Chaplaincy of Full Gospel Churches v. England, 454 F.3d 290 (D.C. Cir. 2006)

Silva v. Gonzales, 463 F.3d 68 (1st Cir. 2006)

Strolberg, et al., v. Akal Securities, Inc., et al., 210 Fed. Appx. 683 (9th Cir. 2006)

Wilson, et al. v. MVM, et al., 475 F.3d 166 (3d Cir. 2007)

In re Reynoso, 477 F.3d 1117 (9th Cir. 2007)

Frahm v. United States, 492 F.3d 258 (4th Cir. 2007)

Served as counsel in the following cases before the U.S. Courts of Appeals and U.S. Supreme Court while at the Justice Department:

City of Rancho Palos Verdes v. Abrams, 544 U.S. 113 (2005)
Cobell v. Norton, 428 F.3d 1070 (D.C. Cir. 2005)
In re Kempthorne, 449 F.3d 1265 (D.C. Cir. 2006)
Cobell v. Kempthorne, 455 F.3d 301 (D.C. Cir. 2006)
Cobell v. Kempthorne, 455 F.3d 317 (D.C. Cir. 2006)
U.S. ex rel. Battle v. Board of Regents for Georgia, 468 F.3d 755 (11th Cir. 2006)
Walton v. U.S. Marshals Service, et al., 476 F.3d 723 (9th Cir. 2007)
Abigal Alliance v. Eschenbach, 495 F.3d 695 (D.C. Cir. 2007) (rehearing petition only)

BAR

Admitted to the New York Bar in January 2004. Admitted to practice in the First, Third, Fourth, Fifth, Seventh, Eighth, Ninth, and D.C. Circuits.

FELLOWSHIPS

Radcliffe Institute for Advanced Studies Fellowship, 2012-2013 (awarded to 50 out of 950 applicants from across the world and all disciplines and professions)

Greenwall Faculty Scholar in Bioethics 2012-2015 (\$400,000 in funding to devote time to research, awarded to two leading young scholars in bioethics).

GRANTS

Project Co-Lead, Football Players Health Study at Harvard (multi-year multi-million dollar study on the health of NFL Players including concussions) (2012 - 2017)

Project Co-Lead, Ethics and Law, Regulatory Foundations, Ethics, and Law Program of Harvard Catalyst | The Harvard Clinical and Translational Science Center (multi-million dollar multi-year NIH funded project to improve translational research and ethically reduce barriers to research), (2013 – present)

Co-Investigator, Patient-Centered Outcomes Research Oversight Study (PCOROS) (aims to understand Key ethical barriers to the oversight of patient-centered outcomes research through mixed methods empirical research with investigators, IRBs, and patient groups.) (2015- present)

Co-Investigator, Advancing Collaborative Genetic Research: Ethical and Policy Challenges (seeks to develop appropriate ethical frameworks and regulatory parameters for research with biospecimens by publishing a book based on a conference of national thought leaders) (2015 – present)

JOURNALS AND AFFILIATIONS

Co-Editor in Chief, The Journal of Law and the Biosciences, an Oxford University Press peer-reviewed journal (2013-Present)

Editorial Board of the American Journal of Bioethics (2015-Present)

Peer reviewer for the American Society for Bioethics and Humanities, the New England Journal of Medicine, The Lancet, The Hastings Center Report, The American Journal of Bioethics, Law and Contemporary Problems, Law and Philosophy, the American Journal of Public Health and Bioethics.

Board Member of the American Association of Law Schools, Law, Medicine, and Health Care Section Executive Committee (2009-2012).

Board member of the Institutional Review Board for Fenway Community Health (2007-2010).

NY and Massachusetts Civil Procedure Bar Review lecturer for Themis bar review (2011-present).

MEDIA

Dom Cosentino, *Why Only the NFL Doesn't Guarantee Contracts*, Aug. 1, 2017, available at <http://deadspin.com/why-only-the-nfl-doesnt-guarantee-contracts-1797020799> (discussing our work)

Kristen V. Brown, *How New Technology Could Threaten a Woman's Right to Abortion*, Gizmodo, July 28, 2017, available at <http://gizmodo.com/how-new-technology-could-threaten-a-womans-right-to-abo-1797339090> (quoting)

Sarah Elizabeth Richards, *Locked Out Of Asia, Americans Are Turning To Eastern Europe To Hire Gestational Surrogates*, Huffington Post, July 25, 2017, available at http://www.huffingtonpost.com/entry/surrogacy-ukraine-russia-georgia-czech-republic_us_595fa776e4b02e9bdb0c2b47?q76 (quoting)

Kalhan Rosenblatt, *Judge Offers Inmates Reduced Sentences in Exchange for Vasectomy*, NBC News, July 21, 2017, available at <http://www.nbcnews.com/news/us-news/amp/judge-offers-inmates-reduced-sentences-exchange-vasectomy-n785256> (quoting)

Renee Ghert-Zand, *'Sperminator' Ari Nagel Spreads More Seed on Recent Israel Visit*, Times of Israel, July 6, 2017, available at <http://www.timesofisrael.com/sperminator-ari-nagel-spreads-more-seed-on-recent-israel-visit/> (quoting)

Lisa Ward, *The Case for Giving Health-Care Consumers a 'Nudge'*, Wall Street Journal, June 25, 2017, available at <https://www.wsj.com/articles/the-case-for-giving-health-care-consumers-a-nudge-1498442400> (discussing our book)

The Sean Pendergrast Show, May 28, 2017, available at <https://player.fm/series/the-tj-show/the-sean-pendergrast-show-dr-glenn-cohen-harvard-law-professor> (radio interview)

NBC Boston, *Reading the Fine Print in DNA Kits*, May 23, 2017, available at <http://www.nbcboston.com/on-air/as-seen-on/Reading-the-Fine-Print-in-DNA-Kits-423982974.html> (interview)

Tom Pelissero, *Roster Exemptions for Players with Concussions Could Draw vote from NFL owners*, USA Today, May 22, 2017, available at <https://www.usatoday.com/story/sports/nfl/2017/05/22/roster-exemption-concussion-proposal-vote-owners-spring-meeting/102030906/> (discussing my work)

Outside the Lines, *How Does the NFL Stack up with Healthcare*, ESPN, May 20, 2017, available at <http://www.espn.com/video/clip?id=19439253> (discussing my work)

CBC Radio, *Babies from Skin Cells? New Fertility Technology Raises Ethical Questions*, May 19, 2017, available at <http://www.cbc.ca/radio/thecurrent/the-current-for-may-19-2017-1.4121961/babies-from-skin-cells-new-fertility-technology-raises-ethical-questions-1.4122111> (interview)

Tamar Lewin, *Babies From Skin Cells? Prospect is Unsettling to Some Experts*, NY Times, May 16, 2017, available at https://www.nytimes.com/2017/05/16/health/ivg-reproductive-technology.html?_r=1 (discussing my work)

Fola Akinnibi, *Harvard Study Looks At Ways NFL Can Bolster Player Health*, Law360, May 16, 2017, available at <https://www.law360.com/articles/924596/harvard-study-looks-at-ways-nfl-can-bolster-player-health>

Jenny Vrentas, *Harvard's Advice for NFL Player Health and Safety*, Sports Illustrated MMQB, May 15, 2017, available at <https://mmqb.si.com/mmqb/2017/05/15/nfl-harvard-study-player-health-safety-nine-recommendations> (discussing my work)

Rick Maese, *Harvard Study Suggests some NFL Health and Safety Changes*, Washington Post, May 15, 2017, available at https://www.washingtonpost.com/sports/redskins/harvard-study-suggests-some-nfl-health-and-safety-changes/2017/05/15/02b1c678-397c-11e7-a058-dbb23c75d82_story.html (quoting me)

Travis Anderson, *NFL Should Offer Treatment for Performance-Enhancing Drug Users*, Boston Globe, May 15, 2017, available at <https://www.bostonglobe.com/sports/patriots/2017/05/15/harvard-study-nfl-should-offer-treatment-for-peformance-enhancing-drug-users/dPCIRF7FrvX6ufeWvMeUxK/story.html> (discussing our work)

Michael Powell, *From Combine to Draft, N.F.L. Prospects Are Treated Like Pieces of Meat*, NY Times, April 27, 2017, available https://www.nytimes.com/2017/04/27/sports/football/from-combine-to-draft-nfl-prospects-are-treated-like-pieces-of-meat.html?rref=collection%2Fbyline%2Fmichael-powell&action=click&contentCollection=undefined®ion=stream&module=stream_unit&version=latest&contentPlacement=1&pgtype=collection&r=0 (discussing my work)

Jenny Morber, *Should We Study Human Embryos Beyond 14 Days?*, PBS NOVA, April 26, 2017, available at <http://www.pbs.org/wgbh/nova/next/body/14-day-rule/> (quoting me)

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Alex Ronan, *The Pro-Choice Movement has a Science Problem*, The Outline, Feb 23, 2017, available at <https://theoutline.com/post/1144/the-pro-choice-movement-has-a-science-problem> (quoting me)

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Pransu Rathi, *Future of Pregnancy: New Paper Examines 'In Vitro Gametogenesis,' Raises Specter of Embryo Farming, Designer Babies*, International Business Times, Jan 13, 2017 available at <http://www.ibtimes.com/future-pregnancy-new-paper-examines-vitro-gametogenesis-raises-specter-embryo-farming-2475097>

Mia de Graaf, *Babies Made Without Mothers 'Will Come Sooner Than We Think', Leading Scientists Warn After Study Discovered How to Make Embryos From Skin Cells*, Daily Mail, Jan 11, 2017, available at <http://www.dailymail.co.uk/health/article-4110572/Babies-without-mothers-come-sooner-think-leading-scientists-warn-study-discovered-make-embryos-skin-cells.html#ixzz4jGO4oqnn> (discussing my work)

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Anne-Diandra Louarn, *Le Tourisme Médical, Entre Risques et Espoirs*, Dec 6, 2015, Radio Canada, available at <http://ici.radio-canada.ca/regions/colombie-britannique/2015/12/06/001-tourisme-medical-tourism-sclerose-plaques-operation-risques.shtml> (interview)

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Bob Yirka, *Trio Contrast Approaches Taken by Britain Versus the US Concerning Mitochondrial Replacement Therapy*, Medical Xpress, April 10, 2015, available at <http://medicalxpress.com/news/2015-04-trio-contrast-approaches-britain-mitochondrial.html#nR1v> (quoting)

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Scott Dance, *Hopkins Faces \$1B Lawsuit Over Role in Government Study That Gave Subjects STDs*, The Baltimore Sun, April 1, 2015, available at <http://www.baltimoresun.com/health/bs-hs-hopkins-guatemala-lawsuit-20150401-story.html?page=1> (quoting)

Joel Cohen, *An Interview with I. Glenn Cohen on Selling Organs*, Talks on Law, March 2015, available at <https://www.talksonlaw.com/talks/15> (interview)

Joshua A. Krisch, *Questioning the Value of Health Apps*, The New York Times, March 16, 2015, available at http://well.blogs.nytimes.com/2015/03/16/health-apps-provide-pictures-if-not-proof-of-health/?_r=1 (quoting)

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BLOGGING AND TWEETING

I tweet @CohenProf

I have done month-long blogging stints at Prawfsblawg (<http://prawfsblawg.blogs.com/>) and Concurring Opinions (<http://www.concurringopinions.com/>), and am the founder of and blogger at Bill of Health (<http://blogs.law.harvard.edu/billofhealth/>). The Greenbag Publication “The Post” has selected my 2012 blogging on abortion and personhood amendments for its “exemplary legal writing” award in the blog category <http://journaloflaw.us/5%20The%20Post/The%20Post%20home.html>.

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