

# **Elizabeth Weeks Leonard**

Associate Professor  
University of Kansas School of Law  
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## **ACADEMIC POSITIONS**

### **University of Kansas School of Law**

Associate Professor, 2004 – present

Courses: Torts, Health Care Financing & Regulation, Public Health Law  
Director, Family Health Care Legal Services Clinic, 2009 – Present

### **University of the Pacific-McGeorge School of Law**

Visiting Associate Professor, 2005 – 06; Guest Lecturer, Spring 2007, 2008 & 2009  
Courses: Torts, Health Law, Public Health Law

### **University of Georgia School of Law**

Visiting Assistant Professor, 2003 – 04

Courses: Health Care Financing & Regulation, Public Health Law

## **EDUCATION**

### **University of Georgia School of Law, Athens, GA**

JD, *summa cum laude*, May 1999; Order of the Coif; *Georgia Law Review*, Editor-in-Chief

### **Columbia University, New York, NY**

BA, February 1993, Latin American Studies and Political Science major

## **HONORS**

Meredith Docking Faculty Scholar Award, University of Kansas, 2009 (University-wide award to honor faculty who have distinguished themselves in their early careers)

Advocacy Fellowship, Sunflower Foundation, Health Care for Kansans, 2008 (one of twelve health care non-profit leaders selected as inaugural Fellows for year-long program)

Health Law Scholars Award, American Society of Law, Medicine, and Ethics and Saint Louis University Center for Health Law Studies, 2004 (selected as one of four emerging health law and bioethics scholars through nationwide competition)

## **LEGAL EXPERIENCE**

### **Vinson & Elkins LLP, Houston, TX**

Associate, Health Industry Group, Sept. 2001 – June 2003

### **Supreme Court of Texas, Austin, TX**

Law Clerk to Chief Justice Thomas R. Phillips, 2000 Term

### **United States Court of Appeals, Fifth Circuit, New Orleans, LA**

Law Clerk to Judge Jacques L. Wiener, Jr., 1999 Term

## PUBLICATIONS

### BOOK CHAPTERS

*Tort Litigation for the Public's Health, SOCIAL ISSUES, WELFARE CONSEQUENCES, AND PUBLIC HEALTH LAW* (Cambridge Univ. Press, John Culhane, ed., forthcoming 2010)

*Beyond Compensation: Using Torts to Promote Public Health, in PUBLIC HEALTH: ENFORCEMENT AND LAW* 43 – 86 (Icfai Univ. Press, A. Sabitha ed., 2008)

### MAJOR ARTICLES

*The Public's Right to Health: When Patient Rights Threaten the Commons*, 86 WASH. U. L. REV. 1335 – 96 (2009)

*Cooperative Federalism and Health Care Reform: The Medicare Part D "Clawback" Example*, 1 ST. LOUIS UNIV. J. HEALTH L. & POL'Y 79 – 129 (2007)

*Failure to Connect: The Massachusetts Plan for Individual Health Insurance*, 55 KANSAS L. REV. 1283 – 1312 (2007)

*Beyond Compensation: Using Torts to Promote Public Health*, 10 J. HEALTH CARE L. & POL'Y 27 – 59 (2007)

*Lessons from Katrina: Response, Recovery, and the Public Health Infrastructure*, 10 DEPAUL J. HEALTH CARE L. 251 – 90 (2007)

*After the Catastrophe: Disaster Relief for Hospitals*, 85 N.C. L. REV. 223 – 300 (2006)

*Gauging the Cost of Loopholes: Health Care Pricing and Medicare Regulation in the Post-Enron Era*, 40 WAKE FOREST L. REV. 1215 – 86 (2005)

*The New Economic Credentialing: Protecting Hospitals from Competition by Medical Staff Members*, 65 J. HEALTH L. 247 – 300 (2003)

### OTHER PUBLICATIONS

*Public Health Law for a Brave New World: Book Review, Public Health Law: Power, Duty, Restraint*, by Lawrence O. Gostin (University of California Press, Berkeley, California, 2d ed., 2008), 9 HOUS. J. HEALTH L. & POL'Y 181 – 201 (2009)

*Right to Experimental Treatment: FDA New Drug Approval, Constitutional Rights, and the Public's Health*, 37 J.L. MED. & ETHICS 269 – 79 (2009), symposium on *Pharmaceutical Innovation: Law & the Public's Health*

*Book Review, Populations, Public Health, and the Law*, by Wendy E. Parmet (Georgetown Univ. Press 2009), 30 J. LEGAL MED. 427 – 34 (2009)

*Teaching Sicko*, "Teaching Health Law" column, 37 J.L. MED. & ETHICS 139 – 46 (2009)

*Loopholes: Opportunity, Responsibility, or Liability? “The Ethical Health Lawyer”*  
column, 35 J.L. MED. & ETHICS 320 – 28 (2007)

*Is It Worth the Trouble? The New Policy on Dissemination of Information on Off-Label  
Use Under the Food and Drug Modernization Act*, 54 FOOD & DRUG L.J. 645 – 65 (1999)

Note, *The Newly Found “Compassion” for Sexually Violent Predators: Civil Commitment  
and the Right to Treatment in the Wake of Kansas v. Hendricks*, 32 GA. L. REV. 1261 –  
1300 (1998)

## PRESENTATIONS

### INVITED SYMPOSIA

*Medical-Legal Partnerships*, Symposium, Widener University School of Law,  
Wilmington, DE, April 24, 2009

Moderator, Panel on *Health and Reparations*, *Kansas Law Review Symposium: Law,  
Reparations, and Racial Disparities*, University of Kansas School of Law, Oct. 31, 2008

*Tort Litigation for the Public’s Health*, Symposium: *Public Health Perspectives on  
Charged Legal Issues*, Widener University School of Law, Wilmington, DE, Oct. 19, 2007

*Cooperative Federalism and Health Care Reform: The Medicare Part D “Clawback”  
Example*, Annual Health Law Symposium: *Medicare Modernization Act Update*, Saint  
Louis University School of Law, Saint Louis, MO, March 30, 2007

Faculty Coordinator, *Kansas Law Review Symposium: The Massachusetts Plan and the  
Future of Universal Coverage*, University of Kansas School of Law, Lawrence, KS, Nov.  
10, 2006

*Gap-Filling, Risk-Pooling, and the “Connector”*: *Private Market Solutions to Universal  
Coverage*, *Kansas Law Review Symposium: The Massachusetts Plan and the Future of  
Universal Coverage*, University of Kansas School of Law, Lawrence, KS, Nov. 10, 2006

*After the Catastrophe: Disaster Relief for Hospitals*, Symposium: *Shaping a New  
Direction for Law and Medicine: An International Debate on Culture, Disaster,  
Biotechnology & Public Health*, DePaul University College of Law, Chicago, IL, March  
31, 2006

### FACULTY WORKSHOPS

*State Constitutionalism and the Right to Health Care*, Florida State University College of  
Law, Tallahassee, FL, Oct. 12, 2009

*State Constitutionalism and the Right to Health Care*, University of the Pacific –  
McGeorge School of Law, Sacramento, CA, April 3, 2009

*FDA Drug Approval and Constitutional Rights*, Regional Junior Faculty Workshop, Washington University in Saint Louis Law School, Saint Louis, MO, April 18, 2008

*Right to Experimental Treatment: FDA New Drug Approval, Constitutional Rights, and the Public's Health*, University of North Carolina School of Law, Chapel Hill, NC, Feb. 14, 2008

*Right to Experimental Treatment: FDA New Drug Approval, Constitutional Rights, and the Public's Health*, Drexel University College of Law, Philadelphia, PA, Dec. 11, 2007

*Cooperative Federalism and Health Care Reform: The Medicare Part D "Clawback" Example*, University of Missouri-Columbia School of Law, Columbia, MO, April 27, 2007

*After the Catastrophe: Disaster Relief for Hospitals*, University of Iowa College of Law, Iowa City, IA, Feb. 8, 2007

*Gap-Filling, Risk-Pooling, and the "Connector": Private Market Solutions to Universal Coverage*, Randall Park Faculty Colloquium, University of Kentucky College of Law, Lexington, KY, Jan. 18, 2007

*Homeland Security for Hospitals: Front-Line Reimbursement for Bioterrorism and Public Health Emergencies*, Cumberland School of Law, Samford University Birmingham, AL, Oct. 14, 2005

*Homeland Security for Hospitals: Front-Line Reimbursement for Bioterrorism and Public Health Emergencies*, Southern Methodist University Dedman School of Law, Dallas, TX, Feb. 7, 2005

*Homeland Security for Hospitals: Front-Line Reimbursement for Bioterrorism and Public Health Emergencies*, Health Law Scholars Workshop, Saint Louis University School of Law, St. Louis, MO, Sept. 17, 2004

**ACADEMIC  
CONFERENCES**

*State Constitutionalism and the Right to Health Care*, panel on *The Past, Present, and Future of State Constitutional Law*, Southeastern Association of Law Schools, Annual Meeting, Palm Springs, FL, July 30 – Aug. 5, 2010

Small Group Discussion Facilitator, Conference on *Interdisciplinary Collaborative Education: Partnerships Between Law Schools and Health Professions*, Georgia State University College of Law, Atlanta, GA, Sept. 24 – 25, 2009

*The Individual Mandate*, Panel on *Health Care Challenges for the New Administration*, Southeastern Association of Law Schools, Annual Meeting, Palm Springs, FL, Aug. 5, 2009

*State Constitutionalism and the Right to Health Care*, Health Law Professors Conference, Case Western Reserve University School of Law, Cleveland, OH, June 5, 2009

Chair and Presenter, *Teaching Sicko*, Panel on *Film, Literature, and New Media in Health Law*, Law and Society Association, Annual Meeting, Denver, CO, May 28 – 31, 2009

*State Constitutionalism and the Right to Health Care*, AALS Conference on Clinical Legal Education, Works-in-Progress, Cleveland, OH, May 8, 2009

*The Effects of Federal Programs on Kansas: Medicare and Medicaid Reform*, 2008 State of the State Kansas Economic Policy Conference, *Insuring a Healthy Kansas*, Institute for Policy & Social Research, University of Kansas, Oct. 30, 2008

*Where There's a Wrong, There May Be No Remedy: FDA Preemption of Common Law Claims and Implications for ERISA*, Midwestern Law and Economics Association, Annual Meeting 2008, Northwestern University, Chicago, IL, Oct. 3, 2008

*Teaching "Sicko,"* Panel on *What's Hot in Health Law for Those Who Don't Teach it*, Southeastern Association of Law Schools, Annual Meeting, Palm Beach, FL, July 28, 2008

*Cooperative Federalism and Health Care Reform: The Medicare Part D "Clawback" Example*, Panel on Federalism and Government Health Care Programs, Health Law Professors Conference, Drexel University School of Law, Philadelphia, PA, June 7, 2008

*Public Health Legal Preparedness: Preparing a Guide for the Kansas Judiciary*, Joint Annual Meetings of the Law and Society Association and Canadian Law and Society Association, Montreal, Quebec, Canada, May 31, 2008

*Right to Experimental Treatment: FDA New Drug Approval, Constitutional Rights, and the Public's Health*, Midwestern Law & Economics Association, Annual Meeting, University of Minnesota, Minneapolis, MN, Oct. 12 – 13, 2007

*Legal Issues for Volunteer Health Care Providers in Bioterrorism and Public Health Emergencies*, Panel on Bioterrorism, Association of Politics and the Life Sciences, Cincinnati, OH, Oct. 11, 2007

*Abigail Alliance v. Eschenbach: The Constitutional Right to Experimental Treatment and Public Health*, Panel on *Regulatory Trends: Trial and Error at the FDA*, Health Law Professors Conference, Boston University School of Law, Boston, MA, June 2, 2007

*The Massachusetts Plan and the Future of Universal Coverage*, Midwestern Law & Economics Association, Annual Meeting, University of Kansas School of Law, Lawrence, KS, Oct. 21, 2006

*Gauging the Cost of Loopholes: Norms, Ethics, and Competition in Health Care Markets*, Poster session on ongoing empirical research on Medicare loopholes, Health Law Teachers Conference, University of Maryland School of Law, Baltimore, MD, June 1 – 3, 2006

*Beyond Compensation: Using Torts to Promote Public Health*, Panel on Teaching Public Health in Law Schools, AALS, Annual Meeting, Co-sponsored by Sections on Torts and Compensation Systems and Socio-Economics, Washington, DC, Jan. 7, 2006

Panel on *Bioterrorism*, Association for Politics and the Life Sciences, Annual Meeting, Washington, DC, Sept. 1, 2005

**PROFESSIONAL  
CONFERENCES**

Participant, *Medical-Legal Partnership: Transforming Health Care Through Preventative Law*, Fourth Annual National Medical-Legal Partnership Summit, Cleveland, OH, March 26 – 27, 2009

Invited Participant, *2008 Obesity and Public Health Law Summit*, Centers for Disease Control and Prevention, Atlanta, GA, Nov. 26, 2007 (planning committee for annual CDC conference, *The Public's Health and the Law in the 21st Century: Legal Preparedness for Obesity Prevention*, Atlanta, GA, June 18 – 20, 2008)

Speaker, *Right to Experimental Therapies: FDA New Drug Approval, Constitutional Rights, and the Public's Health*, Panel on Research Rights and Policies, American Public Health Association, Annual Meeting, Washington, DC, Nov. 5, 2007

Invited Participant, *Emergency Liability Networking Workshop*, American Red Cross Headquarters, Washington, DC, May 8, 2007

Participant, *Building a Network for Child Health*, Second Annual Medical-Legal Partnership Summit, Toronto, ON, May 4, 2007

Speaker, *Beyond Compensation: Using Torts to Promote Public Health*, session on *Vaccinations, Human Rights, and Public Health Interventions*, American Public Health Association, Annual Meeting, Boston, MA, Nov. 7, 2006

Invited Speaker, *Disaster Management: Preparing for a New Reality*, American Medical Association, Organized Medical Staff Section Education Program, Chicago, IL, June 9, 2006

Invited Speaker, *Reimbursement after the Emergency: The Stafford Act, Medicare, Medicaid & Private Insurance*, *The Lawyer as First Responder: Legal Preparedness for Public Health Emergencies*, Washington University in Saint Louis, Saint Louis, MO, May 20, 2006

Invited Public Interest Session Speaker, *After the Catastrophe: Disaster Relief for Hospitals*, Institute on Medicare and Medicaid Payment Issues, American Health Lawyers Association, Baltimore, MD, March 23, 2006

Speaker, Session on *Bioterrorism, Emergency Preparedness and the Law*, American Public Health Association, Annual Meeting, Philadelphia, PA, Dec. 12, 2005

**GUEST  
LECTURES**

*State Constitutionalism and the Right to Health Care*, Family Health Care Legal Services Clinic course, Professor David J. Gottlieb, University of Kansas School of Law, Lawrence, KS, April 8, 2009

*ERISA Health Plans*, Health Law course, Professor Edward D. Spurgeon, University of the Pacific-McGeorge School of Law, Sacramento, CA, March 31 & April 2, 2009

*ERISA Health Plans*, Health Law course, Professor Edward D. Spurgeon, University of the Pacific-McGeorge School of Law, Sacramento, CA, March 12 & 14, 2008

*Public Health Law*, Health Law course, Professor Edward D. Spurgeon, University of the Pacific-McGeorge School of Law, Sacramento, CA, March 13 & 15, 2007

*Health Care Laws and Regulations: Addressing Health Care Market Imperfections*, Economic Analysis of the Law undergraduate course, Professor David B. Mustard, University of Georgia, Department of Economics, Athens, GA, April 19, 2004

**COMMUNITY  
GROUPS**

*Right to Experimental Treatment: FDA New Drug Approval, Constitutional Rights, and the Public's Health*, University of Kansas Ethics Club, Lawrence Memorial Hospital, Lawrence, KS, Dec. 4, 2008

*Disaster Preparedness and Liability Protection for Volunteer Health Professionals and Entities*, Kansas City Regional Hospital Ethics Committee Consortium, Center for Practical Bioethics, Kansas City, MO, July 5, 2007

*Emergency Preparedness*, Center for Practical Bioethics, Disaster Planning Taskforce with Mid-America Regional Council, Kansas City, MO, July 5, 2007

*Disaster Relief and Liability Issues for Hospitals*, Kansas City Area Kansas Regional Hospital Emergency Preparedness Council, Olathe, KS, March 22, 2007

*Mental Health Consumer Rights in Kansas*, National Alliance for the Mentally Ill, Support Group, Lawrence, KS, Oct. 13, 2004

*How HIPAA Affects You, Your Clients, and Your Practice*, Association of Women Attorneys, Houston, TX, Sept. 25, 2002

**STUDENT  
GROUPS**

*Right to Experimental Treatment: FDA New Drug Approval, Constitutional Rights, and the Public's Health*, McGeorge Health Law Association, Sacramento, CA, March 14, 2008

*Introduction to Health Law: Who Are the Uninsured and What Are We Doing About it?*, KU Scholars undergraduate class, with Dean Gail Agrawal, Lawrence, KS, Feb. 29, 2008

*Alternatives to Privatized Health Care: Massachusetts as a Case Study*, McGeorge Health Law Association, Sacramento, CA, March 14, 2007

*Abigail Alliance v. Eschenbach: The Constitutional Right to Experimental Treatment and Public Health*, University of Kansas Medical Ethics Club, Lawrence, KS, March 5, 2007

*Legal History, Politics & Culture in England in Cambridge, England, Summer Institute*, Phi Alpha Delta Pre-Law Society, University of Kansas, Lawrence, KS, Feb. 20, 2007

Mock Class, *Garrett v. Dailey*, Phi Alpha Delta Pre-Law Society, University of Kansas, Lawrence, KS, Oct. 24, 2006

*Homeland Security for Hospitals: Front-Line Reimbursement for Bioterrorism and Public Health Emergencies*, McGeorge Health Law Association, Sacramento, CA, Nov. 2, 2005

**OUTSIDE FUNDING**

Project Manager, Search Committee Chair, and Supervisor, *Medical-Legal Partnership Post-Graduate Fellowship*, Sunflower Foundation, competitive Request for Proposals. \$229,125 for 36 months, August 1, 2009 – July 31, 2012.

Establishing three, one-year Medical-Legal Partnership Post-Graduate Fellowships for recent law graduates to work with the Family Health Care Legal Services Clinic and related medical-legal partnership projects, providing direct client services, independent research, and program development and evaluation

Project Coordinator, *Jay Doc Free Health Clinic and Medical Legal Family Health Project*, Health Care Foundation of Greater Kansas City, competitive Foundation Defined Grant. \$72,555 for one year, April 9, 2009 – April 9, 2010.

Funding to support collaborative, interdisciplinary clinical program involving University of Kansas Medical School (Jay Doc Free Clinic) and Law School (Family Health Care Legal Services Clinic) students, providing essential medical evaluation and treatment and legal assistance to indigent, underserved patients.

Co-Principal Investigator, *Researching the adequacy of inter-local agreement laws to meet the public health needs of rural communities in selected states*, Robert Wood Johnson Foundation, Public Health Law Research, 2009 Call for Proposals. \$33,285 requested. Brief proposal selected as one of 40 out of 235 submissions for full proposal; final grantee selection pending.

## SERVICE

### AMICUS BRIEF

*States of Texas, Kentucky, Maine, Missouri, and New Jersey v. Michael Leavitt*, No. 135, Original, In the Supreme Court of the United States, Brief of Professors and Practitioners of Health Law as Amici Curiae in Support of Plaintiffs, *cert. denied*, June 19, 2006

### PEER REVIEWER

Peter D. Jacobson, *The Role of ERISA Preemption in Health Reform: Opportunities and Limits*, Legal Solutions in Health Reform, project of O'Neill Institute for National and Global Health Law at Georgetown University Law Center

William H. Pitsenberger, *Universal Coverage Through Individual Mandates, Then What? Making Health Insurance More Affordable in a Changed Market*, J. HEALTH & LIFE SCIENCES L. (2008)

*Labeling and Failure-to-Warn Concerns for FDA-Regulated Goods Incorporating Nanotechnology*, J. LAW MED. & ETHICS (2008)

### COMMUNITY SERVICE

*Public Health Law Bench Book: Emergency Preparedness Handbook for the Kansas Judiciary*, Kansas Office of Judicial Administration, Kansas Department of Health and the Environment, and Kansas Public Health Association, Jan. 2008 – May 2009

Board of Directors, Health Care Access Clinic, Inc., Lawrence, KS, 2006 – 2009  
Vice-President, Sept. 2007 – Sept. 2009; President, Sept. 2009 – Sept. 2011

Member, Alumni Recruitment Committee, Columbia University, 2004 – present (conduct interviews of high school seniors applying to Columbia for college)

Board of Directors, Wheatlands Administrative Services, Inc. of Blue Cross Blue Shield of Kansas, Topeka, KS, June 2006 – Oct. 2007

### UNIVERSITY SERVICE

Member, University Academic Procedures and Policies Committee, 2006 – 2009  
Faculty, Legal History, Politics & Culture in England in Cambridge, England, Summer Institute, University of Kansas, History Department, July 2005, 2006 & 2007  
Participant, Law & Economics Lunches, University of Kansas School of Law, Business School, Economics, and Finance faculty, 2006 – present  
Participant, University of Kansas Ethics Club, University of Kansas Medical Center, 2006

#### **Law School Service:**

Chair, Search Committee, Medical-Legal Partnership Post-Graduate Fellowship, 2009  
Faculty Advisor, Health Law Society, 2007 – present  
Faculty Coach, Health Law Moot Court Competition, Southern Illinois University School of Law, Carbondale, IL, 2008, 2009  
Faculty Co-Advisor, 2006 – 07; Faculty Assistant, 2004 – 05; Faculty Chaperon, 2008 – 09, Jessup International Law Moot Court Competition

Participant and Presenter, Junior Faculty Workshop Series, 2007 – present  
Faculty Presenter and Facilitator, Judicial Clerkship Forum, 2007 – present  
Scholarship Interviewer, Rice Scholarship Committee, 2007 – 2008  
Member, Law School Faculty Workshops and Lectureships Committee, 2006 – present  
Member, Law School Faculty Recruitment Committee, 2004 – 05

**McGeorge Service:**

Member, Governmental Affairs Committee, 2005 – 06  
Planning Committee, Gordon D. Schaber Chair in Health Law & Policy, 2005 – 06  
Faculty Advisor, Health Law Student Organization, 2005 – 06

**PROFESSIONAL**  
**MEMBERSHIPS**

Association of American Law Schools (AALS)  
    Law & Social Sciences Section: Secretary (2005 – 07), Exec. Comm. (2004, 2007)  
    Section on Civil Rights: Exec. Comm. (2007)  
    Law, Medicine, and Health Care Section  
    Section on Torts and Compensation  
American Health Lawyers Association (AHLA)  
    Reimbursement, Accreditation, and Payment Practice Group (2004 – 06)  
American Society of Law, Medicine & Ethics (ASLME)  
American Public Health Association (APHA)  
Association for Politics and the Life Sciences (2005 – 07)  
American Bar Association, Health Law Section  
Kansas Bar Association, Health Law Section  
State Bar of Texas (since Nov. 2000)