

NADIA N. SAWICKI

Professor of Law

Academic Director, Beazley Institute for Health Law and Policy

Loyola University Chicago School of Law

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ACADEMIC POSITIONS

Loyola University Chicago School of Law

Professor of Law and Academic Director, Beazley Institute for Health Law and Policy (2016 –)

Associate Professor (2014 – 2016)

Assistant Professor (2009 – 2014)

Torts; Introduction to Health Law; Law and Bioethics; Constitutional Issues in Health Law; Advance Care Planning and Client Counseling; Comparative Health Law and Bioethics; Health Law Writing Competition Independent Study; Health Law L.L.M. Thesis Seminar

Service: Internal Faculty Speaker Coordinator (2013-present); Faculty Appointments Committee (2015–2016; 2011-2012); Beazley Chair in Health Law and Policy Search Committee (2013-2014); Library Director Search Committee (2012-2013); Dean’s Advisory Committee (2010 – 2014); Clerkship Advisory Committee (2009 – present).

University of Pennsylvania Law School

George Sharswood Fellow in Law and Bioethics (2007–2009)

Law and Bioethics; Topics in Public Health Law

Arthur Littleton and H. Clayton Louderback Legal Writing Instructor (2003–2004)

Legal Research and Writing

University of Pennsylvania School of Arts and Sciences

Lecturer, Department of History and Sociology of Science (2005–2007)

Law and Medicine

EDUCATION

University of Pennsylvania Law School

J.D., *cum laude*, 2004

University of Pennsylvania School of Medicine

M.Bioethics, 2004

Brown University

B.A., Biomedical Ethics, *magna cum laude*, 2000

PUBLICATIONS

Articles: * indicates a peer-reviewed / refereed journal

Informed Consent and Societal Stewardship, __ JOURNAL OF LAW, MEDICINE, AND ETHICS __ (forthcoming 2017) *

Who Judges Harm? 27 JOURNAL OF CLINICAL ETHICS __ (forthcoming 2016) *

Modernizing Informed Consent: Expanding the Boundaries of Materiality, 2016 UNIVERSITY OF ILLINOIS LAW REVIEW 821 (2016)

Informed Consent as Compelled Professional Speech: Fictions, Facts, and Open Questions, 49 WASHINGTON UNIVERSITY JOURNAL OF LAW & POLICY 11 (2016)

Mandating Disclosure of Conscience-Based Limitations on Medical Practice, 42 AMERICAN JOURNAL OF LAW & MEDICINE 85 (2016) *

Ethical Limitations on the State's Use of Arational Persuasion, 38 LAW & POLICY 211 (2016) *

Informed Refusal in the Rehabilitation Context: Legal Considerations, 8 PM&R: THE JOURNAL OF INJURY, FUNCTION, AND REHABILITATION 691 (2016) *

Clinicians' Involvement in Capital Punishment – Constitutional Implications, 371 NEW ENGLAND JOURNAL OF MEDICINE 103 (2014) *

Compelling Images: The Constitutionality of Emotionally Persuasive Health Campaigns, 73 MARYLAND LAW REVIEW 458 (2014)

A New Life for Wrongful Living, 58 NEW YORK LAW SCHOOL LAW REVIEW 279 (2014)

Patient Protection and Decision Aid Quality, 54 ARIZONA LAW REVIEW 621 (2012)

The Hollow Promise of Freedom of Conscience, 33 CARDOZO LAW REVIEW 1389 (2012)

Informed Consent Beyond the Physician-Patient Encounter: Tort Law Implications of Extra-Clinical Decision Support Tools, 20 ANNALS OF HEALTH LAW 1 (2012)

Judging Physicians: The Person and the Professional, 13 VIRTUAL MENTOR: AMERICAN MEDICAL ASSOCIATION JOURNAL OF ETHICS 718 (2011) *

Book Review: Peculiar Institution: America's Death Penalty in an Age of Abolition, 18 ETHICAL PERSPECTIVES 702 (2011) *

The Abortion Informed Consent Debate: More Light, Less Heat, 21 CORNELL JOURNAL OF LAW AND PUBLIC POLICY 1 (2011)

Character, Competence, and the Principles of Medical Discipline, 13 JOURNAL OF HEALTH CARE LAW & POLICY 285 (2010)

There Must Be a Means: The Backward Jurisprudence of Baze v. Rees, 12 UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW 1407 (2010)

Without Consent: Moral Imperatives, Special Abilities, and the Duty to Treat, 8:8 AMERICAN JOURNAL OF BIOETHICS 33 (2008) *

Holly Fernandez Lynch, Michele Mathes, and Nadia N. Sawicki, *Compliance with Advance Directives: Wrongful Living and Tort Law Incentives*. 29:2 JOURNAL OF LEGAL MEDICINE 133 (2008) *

Doctors, Discipline, and the Death Penalty: Professional Implications of Safe Harbor Policies,
27 YALE LAW & POLICY REVIEW 107 (2008)

Wrongful Pregnancy, Wrongful Life and Wrongful Birth, 51:3 MEDICAL TRIAL TECHNIQUE
QUARTERLY 283 (2005) *

Book Chapters:

A Common Law Duty to Disclose Conscience-Based Limitations on Medical Practice, in HOLLY
FERNANDEZ LYNCH, I. GLENN COHEN, AND ELIZABETH SEPPER, EDS., LAW, RELIGION AND
HEALTH IN THE UNITED STATES (Cambridge, forthcoming)

Complaints to Professional and Regulatory Bodies, in BILL SAGE, GLENN COHEN, AND ALLISON
HOFFMAN, EDS., THE OXFORD HANDBOOK OF U.S. HEALTHCARE LAW (Oxford, forthcoming)

Commissioned Reports and White Papers:

Various Authors, *Salzburg Statement on Shared Decision Making* (2011), available at
<http://www.bmj.com/content/342/bmj.d1745.full.pdf>

Joanna Bergmann, Arthur Caplan, and Nadia Sawicki, *Conceiving the Father: An Ethicist's
Approach to Paternity Disestablishment*. WHITE PAPER, U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES EMERGING ISSUES IN PATERNITY ESTABLISHMENT EXPERT SYMPOSIUM (2006)

Nadia Sawicki, *Discussions of Health Websites in Health Care Trade Publications*, in Joseph
Turow *et al*, DISCUSSIONS OF HEALTH WEBSITES IN MEDICAL AND POPULAR MEDIA: A REPORT
TO CONSUMER WEBWATCH (2003)

HONORS, GRANTS, AND AWARDS

Finalist, Loyola University Ignatius Loyola Award for Excellence in Teaching (2015)

Nominee, Loyola University Ignatius Loyola Award for Excellence in Teaching (2014)

Recipient, Loyola University Chicago Faculty Research Grant (2010 – 2016)

Recipient, Loyola University Chicago Teaching Development Grant (2014)

Junior Scholar in Bioethics, Wake Forest University (2013)

Visiting Scholar, American Bar Foundation (Fall 2012)

Fellow, Salzburg Global Seminar (2010)

Recipient, University of Pennsylvania Alumni Development Grant (2010)

Junior Health Law Scholar, American Society for Law, Medicine, and Ethics (2008)

SELECTED PRESENTATIONS

Reconceptualizing the Legal Doctrine of Informed Consent - Breach: Expanding the Boundaries of Materiality, American Society of Law, Medicine & Ethics (June 2016)

Mandating Disclosure of Physicians' Conscience-Based Limitations on Practice, Zicklin Center for Business Ethics Research Normative Ethics Workshop Series, The Wharton School of the University of Pennsylvania (Feb. 2016)

Fictions, Facts, and Open Questions: Informed Consent as Compelled Professional Speech, American Society of Law, Medicine & Ethics (June 2015)

Does Informed Consent Require Disclosure of Physicians' Religious Convictions?, Harvard Law School Conference, "Law, Religion, and Health Care in America" (May 2015)

Tort Liability in End-of-Life Care, University of Chicago MacLean Center for Clinical Medical Ethics Seminar Series (Mar. 2015)

Medical Materiality and the Scope of Informed Consent Disclosure: Harvard Law School (Mar. 2015); Case Western Reserve University School of Law (Feb. 2015); Marquette Law School (Nov. 2014); Loyola University Chicago Stritch School of Medicine (Nov. 2014)

Compelling Images: The Constitutionality of Emotionally Persuasive Health Campaigns: Yale Law School Symposium, "Public Health in the Shadow of the First Amendment" (Oct. 2014); Loyola University Constitutional Law Colloquium (Nov. 2013); Albany Law School (Feb. 2013)

Medicalization of Schedule I Drugs: Learning from Medical Marijuana, American Society of Law, Medicine & Ethics (June 2014)

PPACA, Medicaid, and Reproductive Care: Unresolved Issues, Loyola University Chicago Public Interest Law Symposium (Nov. 2013)

Strong of Spirit, Weak of Will: An Alternate Account of Conscience Claims: American Society for Bioethics and the Humanities (Oct. 2013); American Society of Law, Medicine & Ethics (June 2013); University of Chicago Conference on Medicine and Religion (May 2013)

The Ethics of Arational Persuasion: American Bar Foundation (Oct. 2013); Midwest Political Science Association (April 2013); Wake Forest Bioethics Scholars Workshop (March 2013)

A New Life for Wrongful Living, New York Law School Symposium, "Freedom of Choice at the End of Life" (Nov. 2012)

Emotional Persuasion and Government Health Images: Constitutional Challenges Miss the Mark: American Society for Bioethics and the Humanities (Oct. 2012); Valparaiso University Law School (Oct. 2012); American Society of Law, Medicine & Ethics (June 2012)

Legal Solutions for Ensuring Decision Aid Quality, University of Chicago Regis J. Fallon Lecture on Health & Law (Feb. 2012); Washington University Law School Junior Faculty Workshop (Feb. 2012)

Informed Consent Beyond the Clinical Encounter: Shared Decision-Making and Tort Law Implications, American Society of Law, Medicine & Ethics (June 2011)

The Hollow Promise of Freedom of Conscience, Washington University Law School Junior Faculty Workshop (Feb. 2011)

PROFESSIONAL EXPERIENCE

Wolf, Block, Schorr and Solis-Cohen, LLP, Philadelphia, PA

Associate, Corporate and Securities Practice Group (2005–2007)

Represented investors, emerging companies, and research institutions in corporate governance, M&A, and securities matters; focus on biotechnology and research industries.

United States District Court for the Eastern District of Pennsylvania, Philadelphia, PA

Law Clerk, Honorable J. Curtis Joyner (2004–2005)

Pennsylvania Health Law Project, Philadelphia, PA

Edwin V. Sparer Fellow (2002–2003)

Represented clients seeking Medical Assistance benefits before the Pennsylvania Department of Public Welfare; engaged in statewide advocacy efforts.

Center for Lesbian and Gay Civil Rights, Philadelphia, PA

Legal Clinic Intake Advocate (2002)

Screened potential clients seeking representation in family law, privacy law, medical, property, and probate matters.

The Advisory Board Company, Washington, D.C.

Analyst, Nursing Executive Center (2000 – 2001)

Conducted on-site research, interviews, focus groups, and surveys of Chief Nursing Officers, nurse managers, and nurses to identify best practices for improving nurse manager performance; developed final practice specifications presented to over 750 Chief Nurse Executives and CEOs; developed and taught introductory course on hospital operations for new employees.

MISCELLANEOUS

Professional: Member, American Bar Association Special Committee on Bioethics and the Law (2016 – present)

Co-Chair, Law Affinity Group, American Society for Bioethics and the Humanities (2013 – present)

Editorial Board Member, MIT Press Bioethics Series (2008 – present)

Contributor, *Bill of Health* (blog of the Petrie-Flom Center for Health Law, Policy, Biotechnology, and Bioethics at Harvard)

Bar Admissions: Supreme Court of Pennsylvania | Supreme Court of New Jersey | U.S. District Court, New Jersey

Languages: Ukrainian (fluent); Italian (conversational)