

LINDA C. FENTIMAN

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EDUCATION

- 9/82 - 6/83 HARVARD UNIVERSITY, SCHOOL OF LAW, L.L.M., 1983.
- 1/75 - 6/75 UNIVERSITY OF CALIFORNIA, BERKELEY, SCHOOL OF LAW, third year law student.
- 9/72 - 1/75 STATE UNIVERSITY OF NEW YORK AT BUFFALO, SCHOOL OF LAW, J.D. *cum laude* 1975, class rank: top 10%.
- 9/66 - 1/70 CORNELL UNIVERSITY, B.S. 1970, class rank: top 10%, Honors: member Mortarboard, national senior women's honorary, Phi Kappa Phi.

BAR ADMISSIONS California, District of Columbia, Massachusetts, and New York.

PROFESSIONAL EXPERIENCE

- 6/96 - present Professor, Pace University School of Law, 78 North Broadway, White Plains, N. Y. 10603 (appointed James D. Hopkins Professor August 2011). As Director of the Health Law and Policy Program from 1996-2001, I oversaw the Law School's health law program, which trains law students and attorneys in health law litigation, advocacy, transactions, and policymaking. I also developed the Pace Health Law Distance Education Program, the first asynchronous health law distance learning program for lawyers and health care professionals in the U.S. I have taught Contracts, Criminal Law, Introduction to Health Law, Mental Disability Law, Public Health Law, and White Collar Crime. In 2006, I taught in Pace's London Program at the Faculty of Laws, University College London, London, U.K.
- 6/12 – 8/12 Scholar in Residence, Columbia University Law School, New York, 435 West 116th St., New York, N. Y.
- 1/10 – 8/10 Visiting Scholar, Center for Reproductive Rights, 120 Wall Street, New York, N.Y.
- 8/08 – 12/08 Visiting Professor, University of Houston Law Center, Houston, TX.
- 1/03 – 6/03 Fulbright Scholar, Faculty of Law, University of Warsaw, Poland. I taught American Criminal Law and Comparative Health Law and Bioethics to Polish law students.

- 8/02 – 1/03 North American Visiting Scholar at the Hastings Center, Garrison, N.Y., researching regulation of Internet pharmacies and studying state laws protecting health care professionals who advocate for their patients.
- 5/95 - 5/96 Attorney, Garfunkel, Wild & Travis, P.C., 111 Great Neck Road, Great Neck, N.Y. 11021. As a health care lawyer, I represented individual and institutional health care clients in criminal and civil litigation and regulatory matters, focusing on compliance and fraud and abuse issues.
- 9/94 - 5/95 Visiting Professor, Columbia University Law School, New York, N.Y. 10027. I taught Health Law and Mental Disability and Criminal Law.
- 9/83 - 6/96 Professor, Suffolk University Law School, 120 Tremont Street, Boston, MA 02108. (Tenured 1989, Assistant Professor 1983 - 1986, Associate Professor 1986 - 1990, Professor since 1990, on leave 1994-96). I taught Criminal Law; Contracts; Law, Science, and Medicine (bioethics and health law issues); and Mental Disability and the Law.
- 3/80 - 7/82 Attorney, Office of General Counsel, United States Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. I practiced administrative law and litigated in the federal courts, addressing a wide range of environmental issues, focusing on pesticides.
- 1/77 - 2/80 Attorney, California State Public Defender, 1390 Market Street, San Francisco, California 94102. My job involved all aspects of criminal appellate work, including briefing and arguing felony appeals and habeas corpus motions, and conducting evidentiary hearings.
- 10/78 - 4/79 Attorney, Alameda County Public Defender's Office, 3rd & Broadway, Oakland, California 94607 (exchange program with California State Public Defender's Office). I conducted trials and pre-trial hearings, made pre- and post-trial motions, and represented clients at sentencing.
- 9/75 - 1/77 Associate, Moore and Bell, 160 Franklin Street, Oakland, California 94607. I engaged in the general practice of law, focusing on criminal appeals.
- 9/74 - 1/75 Clerk to Judge John T. Curtin, United States District Court (W.D.N.Y.), under Third Year Clerkship Program at S.U.N.Y. Buffalo Law School.
- 9/73 - 1/75 Student Editor, Law and Society Review, S.U.N.Y. Buffalo Law School.
- 9/73 - 6/74 Tutor, Minority Student Tutoring Program, S.U.N.Y. Buffalo Law School.
1/73 - 9/73 Law Clerk, Smith, Murphy & Schoepperle, Buffalo, New York, drafting pleadings and doing legal research.
- 9/70 - 6/72 Teacher, Boston Public Schools, Boston, Massachusetts.

3/70 - 9/70

Head Teacher, Self-Help, Inc. Day Care Center, Brockton, Massachusetts.

PUBLICATIONS

“Sex, Science, and the Age of Anxiety,” 92 Nebraska Law Review 455 (2014).

“Are Mothers Hazardous to Their Children’s Health: Law, Culture, and the Framing of Risk,” 21 Virginia Journal of Social Policy and the Law 295 (2014).

"A New Form of WMD: Driving with Mobile Devices and Other Weapons of Mass Destruction," 81 University of Missouri at Kansas City Law Review 133 (2012).

“Marketing Mothers’ Milk,” in *Beyond Health, Beyond Choice: Breastfeeding Constraints and Realities* (Rutgers University Press 2012).

“Rethinking Addiction: Drugs, Deterrence, and the Neuroscience Revolution,” 14 University of Pennsylvania Journal of Law and Social Change 233 (2011).

“Marketing Mothers’ Milk: The Commodification of Breastfeeding and the New Markets for Human Milk and Infant Formula,” 10 Nevada Law Journal 29 (2010).

“In the Name of Fetal Protection: Why American Prosecutors Pursue Pregnant Drug Users (and Other Countries Don’t),” 18 Columbia Journal Gender & Law 647 (2009).

"Pursuing the Perfect Mother: Why America's Criminalization of Maternal Substance Abuse Is Not the Answer," 15 Michigan Journal Gender & L. 389 (2009).

Book Review: Legal Issues in Healthcare Fraud and Abuse: Navigating the Uncertainties, by David E. Matyas and Carrie Valiant, New York Law Journal, February 7, 2007.

“The New ‘Fetal Protection’: The Wrong Answer to the Crisis of Inadequate Health Care for Women and Children,” 84 Denver University Law Review 537 (2006).

“A Distance Education Primer: Lessons from My Life as a Dot.Edu Entrepreneur," 6 North Carolina Journal of Law and Technology 41 (2004).

“Internet Pharmacies: Why State Regulatory Solutions Are Not Enough,” 30 (No. 1) Administrative & Regulatory Law News 5 (2004).

“Internet Pharmacies and the Need for a New Federalism: Protecting Consumers While Increasing Access to Prescription Drugs,” 56 Rutgers Law Review 119 (2003) (selected by the American Society for Pharmacy Law as the Best Published Paper Related to Pharmacy Law for 2005).

"Patient Advocacy and Termination from Managed Care Organizations: Do State Laws Protecting Health Care Professional Advocacy Make any Difference?" 82 Nebraska Law Review 508 (2003).

"Playing the Psychiatric Odds: Can We Protect the Public by Predicting Dangerousness?" 20 Pace University Law Review 221 (2000).

"Health Care Access for Children with Disabilities," 19 Pace University Law Review 245 (1999).

"The Legal Questions from Tele-Medicine," New York Law Journal, August 3, 1998.

"AIDS as a Chronic Illness: A Cautionary Tale for the End of the Twentieth Century," 61 Albany Law Review 989 (1998).

"Law and Ethics at the End of Life: High Court Speaks -- Where Do We Stand After Decisions on Physician-Assisted Suicide?" New York Law Journal, August 25, 1997.

"Where Altruism and the Law of Supply and Demand Meet: Compensated Presumed Consent to Organ Donation," Issues in Science and Technology 43 (Fall 1994).

"Organ Donation as National Service: A Proposed Federal Organ Donation Law," 27 Suffolk University Law Review 1593 (1994).

"The Neonatal Intensive Care Unit - What Is the Role of Law When Parents and Physicians Make Treatment Decisions for Seriously Ill Newborns," 23 (No. 1) The Advocate 7 (1992).

"Privacy and Personhood Revisited: Substitute Decisionmaking for the Incompetent Incurably Ill Adult," 57 George Washington Law Review 801 (1989).

"Whose Right Is It Anyway?: Rethinking Competency to Stand Trial In Light of the Synthetically Sane Insanity Defendant," 40 University of Miami Law Review 1109 (1986).

"Guilty But Mentally Ill': The Real Verdict is Guilty," 26 Boston College Law Review 601 (1985).

Book Review, 19 Suffolk University Law Review 775 (1986) (reviewing L. Coleman, The Reign of Error: Psychiatry, Authority and Law (1984).

"When Smoke Gets in Your Eyes: Proposed U.S. Ratification of the 1925 Geneva Protocol on Chemical-Biological Warfare," 24 Buffalo Law Review 159 (1974).

IN PROGRESS:

Blaming Moms: Mothers, Children, and the Quest for a Risk-Free Childhood (forthcoming New York University Press).

PROFESSIONAL PRESENTATIONS

“Public Protection and Private Markets: Do We Need Regulation of the Emerging Markets in Human Milk?” presentation at the American Society of Law, Medicine, and Ethics Health Law Professors Conference, San Francisco, CA, June 7, 2014.

“Are Mothers Hazardous to Their Children’s Health?” Law and Feminism Conference, University of Baltimore Law School, Baltimore, MD, March 7, 2014.

“The ‘Good Mother’ and Crimes of Omission: How the Social Construction of Risk and American Criminal Law Principles Make It More Likely That Mothers, Rather Than Fathers, Will Be Prosecuted for Failing to Prevent Their Partners’ Abusive Acts,” Association of American Law Schools Mid-Year Workshop on Criminal Justice, San Diego, CA, June 11, 2013.

“*National Federation of Business v. Sebelius*: Implications for the Affordable Care Act and the Breadth of Federal Power,” Pace University Law School, Continuing Legal Education Program, December 4, 2012.

“Sex, Science, and the Age of Anxiety,” Law and Society Association Conference, Honolulu, HI, June 5, 2012.

“Sex, Science, and the Age of Anxiety,” Faculty Colloquium, Albany Law School, Albany N.Y., November 16, 2011.

“Teaching Administrative Law through Public Health Law,” American Society of Law, Medicine, and Ethics, Health Law Professors Conference, Chicago, IL, June 11, 2011.

“Rethinking Addiction,” American Society of Law, Medicine, and Ethics, Health Law Professors Conference, Chicago, IL, June 10, 2011.

“Women and Addiction: How Gender Bias in the Legal and Medical System Has Prevented Women from Receiving Appropriate Treatment,” Association of American Law Schools Annual Meeting, San Francisco, CA, January 7, 2011.

“Marketing Mothers’ Milk: The Markets for Human Milk and Infant Formula,” Conference on Breastfeeding and Feminism: A Public Health Agenda, University of North Carolina at Greensboro, N.C., March 20, 2010.

“Substance Abuse and Gender: How Biological & Environmental Factors Affect Illness and Treatment,” Psychiatry Grand Rounds, University of Medicine and Dentistry of New Jersey, February 3, 2010.

“Hospital-Acquired Infections: The Legal Landscape,” New York City Bar Association, New York, N.Y., September 10, 2009.

“Marketing Mothers’ Milk: The Commodification of Breastfeeding and the New Markets for Breast Milk and Infant Formula,” Law and Society Meeting, Denver, CO, May 28, 2009.

“Marketing Mothers’ Milk,” Conference, A Philosophical Inquiry into Pregnancy, Childbirth, and Mothering, University of Oregon, Eugene, OR, May 16, 2009.

“In the Name of Fetal Protection: Why American Prosecutors Pursue Pregnant Drug Users (and Other Countries Don’t),” Symposium on Gender on the Frontiers: Confronting Intersectionalities, Columbia Law School, New York, N.Y., April 10, 2009.

Moderator, Conference on Compassion and Professionalism in End of Life Care, New York State Judicial Institute, White Plains, N.Y., March 3, 2009.

“The New Fetal Protection: Comparative Legal & Social Analysis,” Symposium on New Scholarship in Reproductive Rights, Columbia University Law School, New York, N.Y., October 20, 2008.

Presenter, “White Collar Crime: Issues in Tax Fraud,” University of Houston Law Center, Houston, TX, October 14, 2008.

“Introduction to Criminal Law,” Lecture to New York Forensic Psychiatry Fellows, Bellevue Hospital, New York, N.Y., July 16, 2008 and August 1, 2007.

“The ‘Fetal Protection’ Wars: Why America Has Made the Wrong Choice in Addressing Maternal Substance Abuse - A Comparative Legal Analysis,” Comparative Law Workshop, University of Michigan, Ann Arbor, MI, May 15, 2008.

“The New Fetal Protection: A Comparative Criminal Law Analysis,” Association of American Law Schools Annual Meeting, New York, N.Y., January 3, 2008.

“Mandating Motherhood: Breastfeeding and the Markets in Breast Milk,” the American Society of Law, Medicine, and Ethics, Health Law Teachers Conference, Boston, MA, June 1, 2007.

“Issues in National Health Professional Licensure,” the Forum on National Licensure of Health and Mental Healthcare Professionals, New York City Bar Association, New York, N.Y., September 12, 2006.

“Comparative Bioethics: Issues in Fetal Protection,” lecture to medical students, St. Catharine’s College, University of Cambridge, Cambridge, England, May 5, 2006.

“The New Fetal Protection: A Comparative Criminal Law Analysis,” the American Society of Law, Medicine & Ethics, Health Law Teachers Conference, Houston, TX, June 3, 2005.

“Criminal Prosecutions of Pregnant Women,” Advanced Criminal Law Seminar Series, Fordham University Law School, New York, N.Y. April 5, 2005.

“Teaching Mental Disability Law Across the Curriculum: Criminal Law,” Association of American Law Schools Annual Meeting, San Francisco, CA, January 8, 2005.

“Legal and Bioethical Issues in Conducting Clinical Trials Among HIV/AIDS Patients in Developing Countries,” guest lecture in the Primary Care in Developing Countries course at New York Medical College, Valhalla, N.Y., June 23, 2004.

“Do State Laws Protecting Advocacy by Health Care Providers Increase Access to Quality Health Care?” American Society of Law, Medicine & Ethics, Health Law Teachers Conference, Seton Hall University Law School, Newark, N.J., June 5, 2004.

Program Chair, “Beware the Unexpected: Anticipating and Avoiding Health Care Fraud and Abuse Pitfalls,” Pace University Continuing Legal Education Program, White Plains, N.Y., May 26, 2004.

“Integrating Public Health Principles: An Educational Perspective on Interdisciplinary Opportunities Between Law and Public Health,” Conference on Advancing Public Health in the Hudson Valley Region, New York Medical College, Valhalla, N.Y., October 10, 2003.

“Do State Laws Protecting Advocacy by Health Care Providers Make a Difference to Providers or Patients?” ALI-ABA Program on Health Care Law and Litigation, Washington, D.C., October 31, 2002.

“E-Health, Internet Pharmacies, and the Physician,” Program on Electronic Privacy Issues for Physicians, sponsored by the Medical Society of New York and the New York State Bar Association Health Law Section, New York, N.Y., March 13, 2002.

“Internet Pharmacies: The Promise of Access Meets the Barriers of an Antiquated Regulatory Scheme,” ALI-ABA Program on Health Care Law and Litigation, Washington, D.C., October 18, 2001.

“The Pace Health Law Distance Education Program,” American Society of Law, Medicine & Ethics Health Law Teachers Conference, Boston, MA, June 1, 2001.

“How Internet Pharmacies Challenge Traditional Approaches to Regulating Health Care Delivery,” New York State Bar Health Law Section Meeting, New York, N.Y., January 24, 2001.

“Crossing Boundaries: Internet Pharmacies’ Challenge to Traditional Health Care Regulation,” American Society of Law, Medicine and Ethics, Health Law Teachers Conference, Cleveland, OH, June 8-10, 2000.

“How The Law Views Psychopathy and Anti-Social Personality Disorder,” Program for Forensic Psychiatry Fellows, New York University Medical School, New York, N.Y., October 29, 1999.

"Charting a Safe Course Through the Americans with Disabilities Act," "Legal Issues in Telemedicine," and "Professional Responsibilities of Government Attorneys in an Era of Vigorous Prosecution of Health Care Fraud," Presentation to the New York State Department of Health, Legal Affairs Division, Albany, N.Y., May 13, 1999.

"Nurse Practitioner Liability," presentations at Lienhard School of Nursing, Pace University, and College of Mount Saint Vincent, New York, N.Y., 1997 - 2002.

"Legal Issues Surrounding the Treatment of Persons with HIV+/AIDS," New York Medical College, Valhalla, N.Y., June 23, 1998.

"Access to Health Care for Children with Disabilities," Conference on Children at Risk, Pace University School of Law, White Plains, N.Y., April 23, 1998.

"Discrimination under the Americans with Disabilities Act," Grand Rounds, Burke Rehabilitation Hospital, White Plains, N.Y., February 24, 1998.

"AIDS as a Chronic Illness: A Cautionary Tale," Symposium on Health Care Policy: "What Have We Learned From the AIDS Pandemic," Albany Law School, Albany, N.Y., November 12, 1997.

"For-Profit v. Not-For-Profit Health Care in New York State," Moderator, Association of the Bar of the City of New York, New York, N.Y., May 1, 1997.

"Tobacco and the Public Health: Legal and Social Policy Issues," Conference Organizer and Moderator, Pace University School of Law, White Plains, N.Y., April 18-19, 1997.

"Health Law and Healthcare Fraud and Abuse," The Academic Orthopaedic Society, Dallas, TX, December 6, 1996.

"The United States Health Care System," Presentation to the Republic of China State Commission for Restructuring Economic Systems, People's Republic of China, New York, N.Y., August 8, 1996.

"Physician Authority and Parental Autonomy," Grand Rounds, Massachusetts General Hospital, Boston, MA, May 1993.

"The Impact of Law on Medical Decision-making for Seriously Ill Newborns," Presentation to the Pediatrics Bioethics Committee, Massachusetts General Hospital, Boston, MA, February 1993.

"The Insanity Defense," Massachusetts Superior Court Judicial Language Center, Boston, MA, February 1992.

"Proposed Reforms in Massachusetts Medicolegal Investigation Law," Massachusetts Medicolegal Society, Waltham, MA, September 1991.

"The American Juvenile Law System," Taitung College, Taiwan, June 1991.

Testimony Before the Massachusetts House of Representatives in Support of a Bill Criminalizing Sexual Misconduct by Mental Health and Health Professionals, Boston, MA, May 1990.

"Synthetic Sanity: Psychotropic Medication and the Incompetent Defendant," Capital District Psychiatric Center, Schenectady, N.Y., July 1988.

"ABA Criminal Justice Mental Health Standards: Ethical Issues," Association of American Law Schools Annual Meeting, Section on Law and Psychiatry, Miami, FL, January 1988.

OTHER PROFESSIONAL ACTIVITIES

Fellow, American Bar Foundation.

Fellow, New York Academy of Medicine, New York, New York, elected 1997.

Member, Health Law Committee, New York City Bar Association (formerly Association of the Bar of the City of New York), 1994 - 1999 and 2007 – 2010 (Chair 1997 - 1999).

Outside Reviewer, Annals of Internal Medicine, 1998 – present (reviewing articles on bioethics, public health, and health law and policy issues).

Outside Reviewer, International Breastfeeding Journal (2011 – present).

Conference Co-Organizer, "Privacy, Security, and Preparedness: Can Personal Health Records Improve the Public Health Response?" at the New York State Judicial Institute, White Plains, N.Y., April 12, 2007.

Conference Co-Organizer, "Public Health and Terrorism," Pace University Law School, November 30, 2005.

Member, Committee on Emerging Issues and Data on Environmental Contaminants of the National Research Council/National Academy of Science, Washington, D.C., 2002 – 2004. The Committee was an appointed group of scientific, legal, and communication experts created to serve as a public forum for communication among government, industry, environmental groups, and the academic community about emerging evidence and issues in toxicogenomics, environmental toxicology, risk and exposure assessments, and related fields.

Co-Chair of Planning Committee, American Law Institute–American Bar Association Program on Health Care Law & Litigation, Washington, D.C., October 31, 2002, and October 18 - 19, 2001.

Member, New York State Bar Association, Health Law Section, 1997 – present; Chair, Subcommittee on the Healthcare Internet, 2000 – 2002.

Member, Westchester Child Health Task Force, 1998 – 2001.

Secretary, Association of American Law Schools Section on Criminal Justice, 1995.

Member, Board of Directors, Sjogren's Syndrome Foundation, New York, 1994 - 1997.

Member, American Society of Law, Medicine, and Ethics, 1994 – present.

Member, Advisory Committee on Infants' and Children's Project, Disability Law Center, Boston, MA, 1993 - 1994.

Member, Massachusetts Commission on Medicolegal Investigation (oversees Massachusetts Medical Examiner's Office), Boston, MA 1990 - 1992.

Consultant, American Bar Association (ABA) Central and Eastern European Law Initiative, re: proposed Polish white collar crime statute, 1992.

Chair, Association of American Law Schools Section on Law and Mental Disability, 1990-1991.

Consultant in Law and Ethics, Massachusetts General Hospital, Boston, MA, 1990-1991.

Invited Participant, Seminar on Ethics and the Professions, University of Nebraska, Lincoln, NE, June 10-22, 1990.

Member, Massachusetts House of Representatives Advisory Committee on Sexual Misconduct by Mental Health and Health Professionals, Boston, MA, 1989-1990.