

# CHRISTOPHER T. ROBERTSON

N. Neal Pike Scholar, Professor of Law and Public Health, Associate Dean for Strategic Initiatives (Law), Boston University

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## I. EDUCATION

**J.D., Harvard Law School, *magna cum laude* (2007)**

Petrie-Flom Student Fellow in Health Law Policy, Biotechnology and Bioethics  
Hewlett Research Fellow in Law and Negotiation  
Oberman Prize for Health Law and Bioethics  
Health Law Scholar Award

**Ph.D. & M.A., Washington University in St. Louis, Philosophy (2003)**

Graduate Fellowship and Dissertation Fellowship  
Research assistantship with Social Norms Marketing Research Project (EDC)

**B.A., Southeast Missouri State University, Philosophy, *summa cum laude* (4.0 GPA) (1997)**

National Merit, Governor's, and Bright Flight Scholarships  
White House Chief of Staff's Office Internship

## II. ACADEMIC APPOINTMENTS AND TEACHING

**Professor with Tenure and N. Neal Pike Scholar, Boston University School of Law (2020-),**

**Associate Dean for Strategic Initiatives (2022-present).** Secondary appointment at School of Public Health (2022-), Faculty Affiliate within the Center for Innovation in Social Science (CISS) (2021-). Formerly: Associate Dean for Graduate and International Programs (interim, 2021-2022). Teaching: Health Law; Bioethics and Healthcare Decision Making; Torts; Law and Science, with Kevin Outterson.

**Visiting Scholar (JD-Next) (2020-), James E. Rogers College of Law, University of Arizona.**

Formerly: Associate Professor (2010-2015), Professor with Tenure (2015-2020), Associate Dean for Research & Innovation (2015-2020). Teaching: Torts; Bioethics and the Law; Health Law; Regulatory Science Colloquium; Distinguished Scholars Colloquium; Law and Behavior Research Lab, with David Yokum; Sex, Drugs, Race, and Power in the Supreme Court; Masters Seminar in Cognitive Science, Ethics, & Law, with Massimo Piattelli-Palmarini.

**Visiting Professor, London School of Economics, Law Department (2018).** Teaching: Graduate workshop on empirical methods.

**Visiting Professor, New York University School of Law (2016).** Teaching: Torts.

**Visiting Professor, Harvard Law School (2013-2014).** Teaching: Torts; Health Law; Workshop in Health Law Policy, Biotechnology and Bioethics, with I. Glenn Cohen.

**Academic Fellow and Lecturer on Law, Petrie-Flom Center for Health Law Policy, Biotechnology and Bioethics, Harvard Law School (2008-2010).** Teaching: Empirical Approaches to Health Policy Reading Group; Healthcare Reform Seminar, with Allison Hoffman.

**Teaching Fellow, Harvard College Department of Government (2006).** Teaching: Justice (under Michael Sandel); Biotech and Our Genetic Future (under Sandel and Doug Melton).

**Visiting Lecturer, Washington University Philosophy Department (2004).** Teaching: Bioethics; Introduction to Philosophy.

**Adjunct Instructor, Webster University Philosophy Department (2001-2003).** Teaching: Bioethics; Philosophy of War and Terror; Philosophy of Leadership.

### III. SCHOLARSHIP

#### Authored Books

Christopher T. Robertson, EXPOSED: WHY OUR HEALTH INSURANCE IS INCOMPLETE AND WHAT CAN BE DONE ABOUT IT (Harvard University Press, 2019) ([press page](#), introduction on [SSRN](#)). reviewed: David Orentlicher, *The Failure of Patient Cost Sharing*, JOTWELL (2020) ([site](#)); reviewed: Karen Posner, 131 ANESTHESIA AND ANALGESIA, e214-e215 (2020) ([journal](#)); reviewed: Isaac Buck, 40 JOURNAL LEGAL MEDICINE, 283-284 (2020) ([journal](#)).

#### Edited Books

I. Glenn Cohen, Wendy Epstein, Christopher Robertson, Carmel Shachar, Eds. HEALTH LAW AS PRIVATE LAW, Cambridge University Press (forthcoming).

I. Glenn Cohen, Timo Minssen, Nicholson Price, Christopher T. Robertson, & Carmel Shachar, Eds. INNOVATION AND PROTECTION: THE FUTURE OF MEDICAL DEVICE REGULATION (Cambridge University Press, 2022) ([press site](#)).

Christopher T. Robertson and Aaron S. Kesselheim, Eds., BLINDING AS A SOLUTION TO BIAS: STRENGTHENING BIOMEDICAL SCIENCE, FORENSIC SCIENCE, AND LAW (Elsevier, 2016) (foreword, introduction, and TOC on [SSRN](#)).

I. Glenn Cohen, Holly Fernandez Lynch, and Christopher Robertson, Eds. NUDGING HEALTH: BEHAVIORAL ECONOMICS AND HEALTH LAW (Johns Hopkins University Press, 2016, second printing 2020) (introduction on [SSRN](#)). reviewed: Shlomo Cohen, *On Nudging Health*, 48 HASTINGS CENTER REPORT 45 (2018) ([journal](#)); reviewed: Elizabeth Weeks Leonard, *A Must-Read on Health Care Nudges*, JOTWELL (2017) ([site](#)); reviewed: Yaniv Hanoch, *Nudging Health: Health Law and Behavioral Economics*, 44 HEALTH POLITICS POLICY LAW 80 (2019) ([journal](#)).

#### Chapters and Parts of Books

Xinping Hu, Christopher Robertson, Alison Bateman-House, & Holly Fernandez Lynch, *Legal Pathways to Promote Access to Safe and Effective Psychedelic Medicines*, in LAW AND POLICY OF PSYCHEDELIC MEDICINE, Glenn Cohen, Mason Marks, Amy Lynn McGuire, Susannah Baruch, Eds. (2024).

- Jacqueline Salwa & Christopher Robertson, *The Need for a Strong and Stable Federal Public Health Agency Independent from Politicians*, in COVID-19 POLICY PLAYBOOK: LEGAL RECOMMENDATIONS FOR A SAFER, MORE EQUITABLE FUTURE, Scott Burris, Sarah de Guia, Lance Gable, Donna Levin, Wendy Parmet, & Nicolas Terry, Eds. (2021). ([SSRN](#)).
- Sarah E. Malanga, Jonathan D. Loe, Christopher Robertson, & Kenneth S. Ramos, *Who's Left out of Big Data? How Big Data Collection, Analysis, and Use Neglect Populations Most in Need of Medical and Public Health Research and Interventions*, in BIG DATA, HEALTH LAW, AND BIOETHICS 98 (I. Glenn Cohen et al. Eds. (2018) (draft on [SSRN](#)).
- Christopher T. Robertson and David V. Yokum, *Cost-Sharing as Choice-Architecture*, in NUDGING HEALTH: BEHAVIORAL ECONOMICS AND HEALTH LAW, I. Glenn Cohen, Holly Fernandez Lynch, and Christopher Robertson, Eds. (2016).
- Christopher T. Robertson, *Deciding for Patients and Letting Patients Decide for Themselves (Introduction to Part VI)*, in NUDGING HEALTH: BEHAVIORAL ECONOMICS AND HEALTH LAW, I. Glenn Cohen, Holly Fernandez Lynch, and Christopher Robertson, Eds. (2016).
- Christopher T. Robertson, *Selection Bias and Disclosure Discretion for Blinded Experts*, in BLINDING AS A SOLUTION TO BIAS: STRENGTHENING BIOMEDICAL SCIENCE, FORENSIC SCIENCE, AND LAW, Aaron S. Kesselheim and Christopher T. Robertson, Eds. (2016).
- Megan S. Wright, Christopher T. Robertson, and David V. Yokum, *Mock Juror and Jury Assessments of Blinded Expert Witnesses*, in BLINDING AS A SOLUTION TO BIAS: STRENGTHENING BIOMEDICAL SCIENCE, FORENSIC SCIENCE, AND LAW, Aaron S. Kesselheim and Christopher T. Robertson, Eds. (2016).
- Christopher T. Robertson, *Why Blinding? And How? A Theory of Blinding Applied to Institutional Corruption*, in BLINDING AS A SOLUTION TO BIAS: STRENGTHENING BIOMEDICAL SCIENCE, FORENSIC SCIENCE, AND LAW, Aaron S. Kesselheim and Christopher T. Robertson, Eds. (2016) (draft on [SSRN](#)).
- Christopher T. Robertson and Marc Rodwin, *Money Blinding as a Solution to Industry Influence in Biomedical Science*, in BLINDING AS A SOLUTION TO BIAS: STRENGTHENING BIOMEDICAL SCIENCE, FORENSIC SCIENCE, AND LAW, Aaron S. Kesselheim and Christopher T. Robertson, Eds. (2016).
- Christopher T. Robertson, *Preserving Public Trust and Demanding Accountability (Introduction to Part II)*, in FDA IN THE 21ST CENTURY: THE CHALLENGES OF REGULATING DRUGS AND NEW TECHNOLOGIES, I. Glenn Cohen and Holly Fernandez Lynch, Eds. (2015).
- Christopher T. Robertson, *The FDCA as the Test for the Truth of Promotional Claims*, in FDA IN THE 21ST CENTURY: THE CHALLENGES OF REGULATING DRUGS AND NEW TECHNOLOGIES, I. Glenn Cohen and Holly Fernandez Lynch, Eds. (2015).

### **Peer-Reviewed Papers**

- Daniel G. Aaron, Christopher Robertson, Louise King, and William Sage, *A New Legal Standard for Medical Malpractice (Special Communication)*, \_\_ JAMA E1 (2025) ([journal](#)).
- Daniel G. Aaron and Christopher Robertson, *E-Cigarettes at the Supreme Court—Potential Implications for the FDA and Public Health* \_\_ NEW ENGLAND JOURNAL OF MEDICINE \_\_ (2025) ([journal](#)).
- Christopher Robertson, Kirsten Bibbins-Domingo, and Gregory Curfman, *The US Preventive Services Task Force in Legal Jeopardy*, 332 JAMA 1607 (2024) ([journal](#)).

- Jess Fishman, Christopher Robertson, Dan Scheitrum, Aleks Schaefer, Dolores Albarricin, *Common Measures of Vaccination Intention Generate Substantially Different Estimates that Can Reduce Predictive Validity*, 14 SCIENTIFIC REPORTS 22843 (2024) ([journal](#)).
- Katharine Silbaugh, Lis Del Valle, and Christopher Robertson, *Toward a Tobacco-free Generation — A Birth Date–Based Phaseout Approach*, 390 NEW ENGLAND JOURNAL OF MEDICINE 1837 (2024) ([journal](#)).
- Braman, Anna, Christopher Robertson, and Louise King, *Should Current Laws Be Revised to Address Occupational Hazards Caused by Hand-Tool Size Mismatch Among Surgeons?* 159 JAMA SURGERY 359 (2024) ([journal](#)).
- Steven Holtzman, Jonathan Steinberg, Jonathan Weeks, Christopher Robertson, Jessica Findley, David Klieger, *Validity, Reliability, and Fairness Evidence for the JD-Next Exam*, ETS RESEARCH REPORT NO. RR-24-04 (2024) ([report](#)).
- Tina Watson and Christopher Robertson, *Silencing the FDA’s Voice – Drug Information on Trial*, 389 NEW ENGLAND JOURNAL OF MEDICINE 2312 (2023) ([journal](#)).
- Christopher Robertson and Anna Braman, *The New Over-the-Counter Oral Contraceptive Pill — Assessing Financial Barriers to Access*, 389 NEW ENGLAND JOURNAL OF MEDICINE 1352 (2023) ([journal](#)).
- Wendy Epstein, Christopher Robertson, and Hansoo Ko, *The Effects Of Price Transparency And Debt Collection Policies On Intentions To Consume Recommended Health Care: A Randomized Vignette Experiment*, 20 JOURNAL OF EMPIRICAL LEGAL STUDIES 941 (2023) ([journal](#)).
- Gabriela Khazanov, Rebecca Stewart, Matteo F. Pieri, Candice Huang, Christopher Robertson, K. Aleks Schaefer, Hansoo Ko, Jessica Fishman, *The Effectiveness of Financial Incentives for COVID-19 Vaccination: A Systematic Review*, 172 PREVENTATIVE MEDICINE 107538 (2023) ([journal](#)).
- Christopher Robertson, Andrew Keane Woods, Kelly Bergstrand, Jessica Findley, Cayley Balser, Marvin Slepian, *Diverse Patients’ Attitudes Towards Artificial Intelligence (AI) in Diagnosis*, 2(5) PLOS DIGITAL HEALTH e0000237 (2023) ([journal](#)).
- Annabel Kupke, Carmel Shachar, & Christopher Robertson, *Pulse Oximeters and Violation of Federal Antidiscrimination Law*, 329 JAMA 365 (2023) ([journal](#)).
- Heather M. Buzick, Christopher Robertson, Jessica D. Findley, Heidi Legg Burross, Matthew Charles, & David M. Klieger, *The Association of Participating in a Summer Prelaw Training Program and First-Year Law School Students’ Grades*, 13 JOURNAL OF EDUCATIONAL RESEARCH AND PRACTICE 181 (2023) ([SSRN](#)).
- Katherine C. Cheng, Jessica Findley, Adriana Cimetta, Heidi Legg Burross, Matt Charles, Cayley Balser, Ran Li, & Christopher Robertson *JD-Next: A Randomized Experiment of an Online Scalable Program to Prepare Diverse Students for Law School*, 71 JOURNAL OF LEGAL EDUCATION 673 (2022) ([SSRN](#)).
- Jessica Findley, Adriana Cimetta, Heidi Legg Burross, Katherine C. Cheng, Matt Charles, Cayley Balser, Ran Li, & Christopher Robertson, *JD-Next: A Valid and Reliable Tool to Predict Diverse Students’ Success in Law School*, 20 JOURNAL OF EMPIRICAL LEGAL STUDIES 134 (2023) ([SSRN](#)).
- Wendy Epstein, Christopher Robertson, Hansoo Ko, Kevin H. Wilson, Matthew Lyddon, David Yokum, Monica Ramos, Katherine Kettering, Margaret Houtz, Katherine McCue, Iqra Mushtaq, *Can Moral Framing Drive Insurance Enrollment in the US?*, 19 JOURNAL OF EMPIRICAL LEGAL STUDIES 804 (2022) ([SSRN](#)).

- Jessica Fishman, Christopher Robertson, Aleks Schaeffer, Dan Scheitrum, *Comparative Effectiveness of Mandates and Financial Policies Targeting COVID-19 Vaccine Hesitancy: A Randomized, Controlled Experiment*, 40 VACCINE 7451 (2022) ([journal](#)) ([SSRN](#)).
- Christopher Robertson, *What the Harm Principle Says About Vaccination and Healthcare Rationing in a Pandemic* 9 JOURNAL OF LAW & BIOSCIENCES 1 (2022) ([SSRN](#)).
- Christopher Robertson, Aaron S. Kesselheim, Michael Sinha, *Patient Assistance Programs and the Anti-Kickback Statute* 327 JAMA 1231 (2022) ([journal](#)).
- Christopher Robertson and Margaret Houtz, *When Patients Demand Unproven Treatments – The Battle for Hospital Independence*, 386 NEW ENGLAND JOURNAL OF MEDICINE 1200 (2022)([journal](#)).
- Christopher T. Robertson, Mark Rukavina, Erin Fuse Brown, *New State Consumer Protections Against Medical Debt*. 327 JAMA 121 (2022) ([journal](#)).
- Holly Fernandez Lynch and Christopher T. Robertson, *Challenges in Confirming Drug Effectiveness After Early Approval*, 374 SCIENCE 1205 (2021) ([journal](#)).
- Jacqueline Salwa and Christopher Robertson, *Designing an Independent Public Health Agency*, NEW ENGLAND JOURNAL OF MEDICINE 1684 (2021) ([journal](#)).
- Christopher T. Robertson, Daniel Scheitrum, and Aleks Schaefer, *Are Vaccine Lotteries worth the Money?* 209 ECONOMICS LETTERS 1 (2021) ([SSRN](#)).
- Christopher T. Robertson, Keith Bentele, Beth Meyerson, Alex S.A. Wood, Jackie Salwa, *Effects of political versus expert messaging on vaccination intentions of Trump voters: A randomized survey experiment*, 16(9) PLoS ONE e0257988 (2021) ([journal](#)).
- Christopher T. Robertson, Daniel Scheitrum, Aleks Schaefer, Trey Malone, Brandon McFadden, Paul Ferraro and Kent Messer, *Paying People to Take the Vaccine - Would it Help or Backfire?* 8 JOURNAL OF LAW & BIOSCIENCES 1 (2021) ([SSRN](#)).
- Jonathan J. Darrow, Christopher T. Robertson, Willard S. Kasoff, *Evidence Supporting Surgical Procedures: Can We Do Better?* 87 THE AMERICAN SURGEON 1352 (2021) ([journal](#)).
- Christopher Robertson, *The Ethics of Research that May Disadvantage Others*, 43 ETHICS & HUMAN RESEARCH 2 (2021) ([SSRN](#)).
- Susannah Rose, Sunita Sah, Raed Dweik, Cory Schmidt, MaryBeth Mercer, Ariane Mitchum, Michael Kattan, Matthew Karafa, & Christopher Robertson, *Patient Responses to Physician Disclosures of Industry Conflicts of Interest: A Randomized Field Experiment*, 166 ORGANIZATIONAL BEHAVIOR AND HUMAN DECISION PROCESSES 27 (2021) ([journal](#)).
- Kelly Bergstrand and Christopher Robertson, *Threat and Emotions: Mobilizing and Attitudinal Outcomes of a Ballistic Missile Scare*, 69 SOCIAL PROBLEMS 184 (2022) ([journal](#)).
- Christopher T. Robertson, Aleks Schaefer, Daniel Scheitrum, Sergio Puig, Keith Joiner, *Indemnifying Precaution: Economic Insights for Regulation of a Highly-Infectious Disease*, 7 JOURNAL OF LAW & BIOSCIENCES 1 (2020) ([journal](#)).
- Christopher Robertson, Andy Yuan, Wendan Zhang, Keith Joiner, *Distinguishing Moral Hazard from Access for High-Cost Healthcare under Insurance*, 15 PLoS ONE e0231768 (2020) ([journal](#), [open access](#)).
- Christopher Robertson, Shima Baradaran Baughman, & Megan S. Wright, *Race and Class: A Randomized Experiment with Prosecutors*, 16 JOURNAL OF EMPIRICAL LEGAL STUDIES 807 (December 2019) ([journal](#)).



- Tara Sklar & Christopher Robertson, *Affordability Boards — The States' New Fix for Drug Pricing*, 381 NEW ENGLAND JOURNAL OF MEDICINE 1301 (2019) ([journal](#)).
- Christopher T. Robertson, *Will Courts Allow States to Regulate Drug Prices?* 379 NEW ENGLAND JOURNAL OF MEDICINE 1000 (2018) ([journal](#)).
- Nir Eyal, Paul Romain, & Christopher T. Robertson, *Can Rationing Through Inconvenience Ever Be Ethical?* 48 HASTINGS CENTER REPORT 10 (2018) ([journal](#)). reviewed: Carl Coleman, *In Praise of Hassles: Why "Rationing Through Inconvenience" May Be More Ethical Than Other Mechanisms for Allocating Care*, JOTWELL(2020) ([site](#)).
- Alison Bateman-House and Christopher T. Robertson, *The Federal Right to Try Act of 2017—A Wrong Turn for Access to Investigational Drugs and the Path Forward*, 178 JAMA INTERNAL MEDICINE 321 (2018) ([journal](#)).
- Christopher T. Robertson and Aaron S. Kesselheim, *Regulating Off-Label Promotion — A Critical Test*, 375 NEW ENGLAND JOURNAL OF MEDICINE 2313 (2016) ([journal](#)).
- Jonathan D. Loe, D. Alex Winkelman, and Christopher T. Robertson, *An Assessment of the Human Subjects Protection Review Process for Exempt Research*, 44 JOURNAL OF LAW, MEDICINE AND ETHICS 481 (2016) ([journal](#)).
- Jonathan Loe and Christopher Robertson, *Federal Government's Proposed Expansion of Regulation of Biospecimen Research Should Be Reconsidered*, 14 BIOPRESERVATION AND BIOBANKING 447 (2016) ([journal](#)).
- Christopher Robertson, Alex Winkelman, Kelly Bergstrand, and Darren Modzelewski, *The Appearance and Reality of Quid Pro Quo Corruption: An Empirical Investigation*, 8 JOURNAL OF LEGAL ANALYSIS 375 (2016) ([SSRN](#)).
- Christopher Robertson, *Vaccinations and Airline Travel: A Federal Role to Protect the Public Health*, 42 AMERICAN JOURNAL OF LAW & MEDICINE 543 (symposium, 2016) ([SSRN](#)).
- Christina Cutshaw, Christopher T. Robertson, Steffie Woolhandler, and David Himmelstein, *Medical Causes and Consequences of Home Foreclosures*, 46 INTERNATIONAL JOURNAL OF HEALTH SERVICES 36 (2016) ([journal](#)).
- Sunita Sah, Christopher Robertson, and Shima Baradaran, *Blinding Prosecutors to Defendants' Race: A Policy Proposal to Reduce Unconscious Bias in the Criminal Justice System*, 1:2 BEHAVIORAL SCIENCE AND POLICY 69 (2015) ([SSRN](#)). reprinted in: LEE E. ROSS, Ed., READINGS IN CULTURAL DIVERSITY AND CRIMINAL JUSTICE, (Cognella Academic Publishing, 2020).
- Athan Papailiou, David Yokum, & Christopher T. Robertson, *The Novel New Jersey Eyewitness Instruction Induces Skepticism But Not Sensitivity*, 10 (12) PLOS ONE e0142695 (2015) ([SSRN](#)).
- Christopher Robertson, *New DTCA Guidance — Enough to Empower Consumers?* 373 NEW ENGLAND JOURNAL OF MEDICINE 1085 (Sept 17, 2015) ([journal](#)).
- Christopher T. Robertson, *Scaling Cost-Sharing to Income: How Employers Can Reduce Healthcare Spending and Provide Greater Economic Security*, 14 YALE JOURNAL OF HEALTH POLICY, LAW, AND ETHICS 239 (2014) ([SSRN](#)). reviewed: David Orentlicher, *Making Cost Sharing Fairer and More Effective*, JOTWELL (2015) ([site](#)).
- Dan Durand, Christopher Robertson, Gautam Agarwal, Richard Duczak, Elizabeth Krupinski, Jason Itri, Anthony Fotenos, Brent Savoie, Alexander Ding, & Jonathan Lewin, *Expert Witness Blinding Strategies to Mitigate Bias in Radiology Malpractice Cases: A Review of the Relevant Scientific, Professional and Legal Literature*, 11 JOURNAL OF THE AMERICAN COLLEGE OF RADIOLOGY 868 (2014) ([journal](#)).

- Megan S. Wright and Christopher T. Robertson, *Heterogeneity in IRB Policies with Regard to Disclosures about Payment for Participation in Recruitment Materials*, 42 JOURNAL OF LAW, MEDICINE, & ETHICS 375 (2014) ([SSRN](#)).
- Christopher T. Robertson, David Yokum, Nimish Sheth, & Keith Joiner, *A Randomized Experiment of the Split Benefit Health Insurance Reform To Reduce High-Cost, Low-Value Consumption*, 1 INNOVATION AND ENTREPRENEURSHIP IN HEALTH 5 (2014) ([SSRN](#)).
- Roy Spece, David Yokum, Andrea-Gale Okoro, and Christopher Robertson, *An Empirical Method for Materiality: Would Conflict of Interest Disclosures Change Patient Decisions?* 40 AMERICAN JOURNAL OF LAW & MEDICINE 253 (2014) ([SSRN](#)).
- Aaron S. Kesselheim, Christopher T. Robertson, Kent Siri, Puneet Batra, and Jessica M. Franklin, *Distributions of Industry Payments to Massachusetts Physicians*, NEW ENGLAND JOURNAL OF MEDICINE (2013) ([SSRN](#)).
- Christopher T. Robertson & David V. Yokum, *The Effect of Blinded Experts on Jurors' Verdicts*, 9 JOURNAL OF EMPIRICAL LEGAL STUDIES 765 (2012) ([SSRN](#)).
- Aaron S. Kesselheim, Christopher T. Robertson, Jessica A. Myers, Susannah L. Rose, Victoria Gillet, Kathryn M. Ross, Robert J. Glynn, Steven Joffe, & Jerry Avorn, *A Randomized Study of How Physicians Interpret Research Funding Disclosures*, 369 NEW ENGLAND JOURNAL OF MEDICINE 1119 (2012) ([SSRN](#)).
- Christopher T. Robertson, Susannah L. Rose, & Aaron S. Kesselheim, *Effect of Financial Relationships on the Behavior of Healthcare Professionals*, 40 JOURNAL OF LAW, MEDICINE, & ETHICS 452 (2012) ([journal](#)).
- Christopher T. Robertson, *From Freeriders to Fairness: Towards a Cooperative System for Organ Transplantation*, 48 JURIMETRICS 1 (2007) ([SSRN](#)).

### **Law Review Articles**

- Christopher T. Robertson, Annabel Kupke, Louise P. King, *Structural Sex Discrimination: Why Gynecology Patients Suffer Avoidable Injuries and What the Law Can Do About It*, 74 EMORY LAW JOURNAL 43 (2024) ([SSRN](#)).
- Christopher Robertson & Michael Shammass, *The Jury Trial Reinvented*, 9 TEXAS A&M LAW REVIEW 109 (2022) ([SSRN](#)).
- Megan Wright, Shima Baradaran Baughman, Christopher Robertson, *Inside the Black Box of Prosecutor Discretion*, 55 UC DAVIS LAW REVIEW 2133 (2022) ([SSRN](#)).
- Bernard Chao, Ian Farrell, Christopher Robertson, and Cathy Durso, *Why Courts Fail to Protect Privacy: Race, Age, Bias, and Technology*, 106 CALIFORNIA LAW REVIEW 263 (2018) ([SSRN](#)).
- Christopher Robertson and Alex Winkelman, *Incentives, Lies, and Disclosure*, 20 JOURNAL OF CONSTITUTIONAL LAW 33 (2017) ([SSRN](#)).
- John Campbell, Bernard Chao, & Christopher Robertson, *Time is Money? An Empirical Measure of Noneconomic Damages Arguments*, 95 WASHINGTON UNIVERSITY LAW REVIEW 1 (2017) ([SSRN](#)).
- John E. Campbell, Bernard, Chao, Christopher T. Robertson, and David V. Yokum, *Countering the Plaintiff's Anchor: Jury Simulations to Evaluate Damages Arguments*, 101 IOWA LAW REVIEW 543 (2016) ([SSRN](#)).

- D. Alex Winkelman, Lisette C. Cole, Shelby C. Thompson, David V. Yokum, & Christopher T. Robertson, *An Empirical Method for Harmless Error*, 46 ARIZONA STATE LAW JOURNAL 1405 (2014) ([SSRN](#)).
- Christopher T. Robertson, *When Truth Cannot Be Presumed: The Regulation of Drug Promotion Under an Expanding First Amendment*, 94 BOSTON UNIVERSITY LAW REVIEW 545 (2014) ([SSRN](#)).
- Christopher T. Robertson, *The Split Benefit: The Painless Way to Put Skin Back in the Healthcare Game*, 98 CORNELL LAW REVIEW 921 (2013) ([SSRN](#)).
- Christopher T. Robertson, *Biased Advice*, 60 EMORY LAW JOURNAL 653 (2011) (accepted by peer review, Conference on Empirical Legal Studies) ([SSRN](#)).
- Christopher T. Robertson, *Blind Expertise*, 85 NEW YORK UNIVERSITY LAW REVIEW 174 (2010) ([SSRN](#)).
- Christopher T. Robertson, Richard Egelhof, & Michael Hoke, *Get Sick, Get Out: The Medical Causes of Home Foreclosures*, 18 HEALTH MATRIX 65 (2008) (published as a student) ([SSRN](#)).

### **Symposia Contributions**

- Christopher Robertson, *Is Tort Law the Tool for Fixing Reproductive Wrongs?* 100 BOSTON UNIVERSITY LAW REVIEW ONLINE 143 (2020) ([journal](#)).
- Christopher Robertson & Tara Sklar, *Telehealth for an Aging Population: How to Influence Adoption Among Providers, Payors, and Patients?* 46 AMERICAN JOURNAL OF LAW & MEDICINE 311 (2020) ([repository](#)).
- Christopher Robertson, David Yokum, & Matt Palmer, *The Inability of Jurors to Self-Diagnose Bias*, 96 DENVER UNIVERSITY LAW REVIEW 869 (2019) ([SSRN](#)). excerpt reprinted: *The Civil Jury Project at NYU School of Law Newsletter* (December 2019) ([source](#)). excerpt reprinted: *Voir Dire Magazine*, American Board of Trial Advocates (January 2020).
- Elizabeth Hall-Lipsy, Leila Barraza, & Christopher Robertson, *Practice-Based Research Networks and the Mandate for Real World Evidence*, 44 AMERICAN JOURNAL OF LAW & MEDICINE 219 (2018) ([SSRN](#)).
- Victor Laurion and Christopher Robertson, *Ideology Meets Reality: What Works and What Doesn't in Patient Exposure to Health Care Costs*, 15 INDIANA HEALTH LAW REVIEW 43 (2018) ([SSRN](#)).
- Christopher Robertson and Victor Laurion, *Tip of the Iceberg II: How the Intended-Uses Principle Produces Medical Knowledge and Protects Liberty*, 11 NYU JOURNAL OF LAW & LIBERTY 770 (2017) ([SSRN](#)).
- Christopher Robertson, *The Tip of the Iceberg: A First Amendment Right to Promote Drugs Off-Label*, 78 OHIO STATE LAW JOURNAL 1019 (2017) ([SSRN](#)).
- Christopher T. Robertson, *Should Patient Responsibility for Costs Change the Doctor-Patient Relationship?* 50 WAKE FOREST LAW REVIEW 363 (2015) ([SSRN](#)).
- Christopher T. Robertson, David V. Yokum, & Megan S. Wright, *Perceptions of Efficacy, Morality, and Politics of Potential Cadaveric Organ Transplantation Reforms*, 77 LAW AND CONTEMPORARY PROBLEMS 101 (2014) ([SSRN](#)).
- Christopher T. Robertson & David V. Yokum, *The Burden of Deciding for Yourself: The Disutility Caused by Out-of-Pocket Healthcare Spending*, 11 INDIANA HEALTH LAW REVIEW 609 (2014) ([SSRN](#)).



Christopher T. Robertson, *The Presumption Against Expensive Healthcare Consumption*, 49 TULSA LAW REVIEW 627 (2014) ([SSRN](#)).

Christopher T. Robertson, *Contingent Compensation of Post-Conviction Counsel: A Modest Proposal to Identify Meritorious Claims and Reduce Wasteful Government Spending*, 64 MAINE LAW REVIEW 513 (2012) ([SSRN](#)).

Christopher T. Robertson, *The Money Blind: How to Stop Industry Bias in Biomedical Science, Without Violating the First Amendment*, 37 AMERICAN JOURNAL OF LAW & MEDICINE 358 (2011) ([SSRN](#)).

### **Comments, Replies, Dissemination, and Other Works**

Christopher Robertson and Tara Sklar, *The States' Hodgepodge of Physician Licensure Regulations*, 52 JOURNAL OF LAW, MEDICINE, AND ETHICS 419 (2004) ([SSRN](#)).

Christopher Robertson, *Harm-Prevention Arguments are Easier to Confuse Than to Rebut*, 24 AMERICAN JOURNAL OF BIOETHICS 100 (2024) ([journal](#)).

Bernard Chao, Christopher Robertson, David Yokum, *The Case for Scientific Jury Experiments*, 66 FOR THE DEFENSE 6 (Feb. 2024), syndicated at JDSUPRA ([full text](#)).

Annabel Kupke, Christopher T. Robertson, and Carmel Shachar, *Pulse Oximeters and Federal Antidiscrimination Law—Reply*, 321 JAMA 1884 (2023) ([journal](#)).

Jess Findley, Andrew Woods, Christopher Robertson, & Marv Slepian, *Keeping the Patient at the Center of Machine Learning in Healthcare*, 20 AMERICAN JOURNAL OF BIOETHICS 54 (2020) ([journal](#)).

Victor Laurion and Christopher Robertson, *Why the Duty to Research Falls on Institutions Rather than Individuals*, 19 AMERICAN JOURNAL OF BIOETHICS 44 (2019) ([journal](#)).

Bernard Chao, Christopher Robertson, and David Yokum, *Crowdsourcing & Data Analytics: The New Settlement Tools*, 102 JUDICATURE 63 (2018) ([journal](#)).

Christopher Robertson and Jamie Cox Robertson, *Reducing Wasteful Incarcerations*, 39:2 REGULATION 20 (2016) ([journal](#)).

Sarah Malanga, Ryan Sprissler, Christopher Robertson, & Keith Joiner, *A Problem Not Yet Manifest: Gaps in Insurance Coverage of Medical Interventions After Genetic Testing*, 2 JOURNAL OF LAW AND BIOSCIENCES 1 (2015), doi:10.1093/jlb/lsv043 ([journal](#)).

Christopher T. Robertson and Keith A. Joiner, *Scaling and Splitting, New Approaches to Health Insurance*, 38 REGULATION 40 (2015) ([journal](#)).

Jonathan Loe, Christopher Robertson, & Alex Winkelman, *Cascading Consent for Research on Biobank Specimens*, 15 AMERICAN JOURNAL OF BIOETHICS 68 (2015) ([journal](#)).

Roger Koppl, David Charlton, Irving Kornfield, Dan Krane, Michael Risinger, Christopher Robertson, Michael Saks, & William Thompson, *Do Observer Effects Matter? A Comment on Langenburg, Bochet, and Ford*, 6 FORENSIC SCIENCE POLICY & MANAGEMENT: AN INTERNATIONAL JOURNAL 1 (2015) ([journal](#)).

Christopher T. Robertson, *The Problem of Biased Experts, and Blinding as a Solution: A Response to Professor Gelbach*, 81 THE UNIVERSITY OF CHICAGO LAW REVIEW DIALOGUE 61 (2014) ([SSRN](#)).

- Ameet Sarpatwari, Christopher T. Robertson, David V. Yokum & Keith Joiner, *Crowdsourcing Public Health Experiments: A Response To Jonathan Darrow's "Crowdsourcing Clinical Trials"*, 98 MINNESOTA LAW REVIEW 2326 (2014) ([SSRN](#)).
- Christopher T. Robertson, *Why Intuitionism and Metaphysics Are Wrong for Health Law*, 11 AMERICAN JOURNAL OF BIOETHICS 18 (2009) ([journal](#)).
- Christopher T. Robertson, *Making Pragmatism Practicable for the Institutional Review Board*, 8 AMERICAN JOURNAL OF BIOETHICS 49 (2008) ([journal](#)).
- Christopher T. Robertson, *A Reply to David Undis*, 49 JURIMETRICS 3 (2008) ([journal](#)).
- Christopher T. Robertson, *The Consequences of Qualified Confidentiality*, 6 AMERICAN JOURNAL OF BIOETHICS 31 (2006) ([journal](#)).
- Christopher T. Robertson, *Who is Really Hurt Anyway? The Problem of Organ Solicitation*, 5 AMERICAN JOURNAL OF BIOETHICS 15 (2005) ([journal](#)).
- Christopher T. Robertson, *Recent Developments in Embryonic Stem Cell Policy: Can Science Resolve The Ethical Problems It Creates?* 33 JOURNAL OF LAW, MEDICINE & ETHICS 384 (2005).
- Christopher T. Robertson, *Organ Advertising: Desperate Patients Solicit Volunteers*, 33 JOURNAL OF LAW, MEDICINE & ETHICS 170 (2005) ([journal](#)).
- Christopher T. Robertson, *Framing the Organ Issue: Altruism or Cooperation*, 4 AMERICAN JOURNAL OF BIOETHICS 46 (2004) ([journal](#)).
- Christopher T. Robertson, *The Notion of Sovereign Exclusive Dominion for Global Political Justice*, 20 SOUTHWEST PHILOSOPHY REVIEW 231 (2004) ([journal](#)).
- Christopher T. Robertson, *Slote on Ordinary Moral Thought and Theorization*, 19 SOUTHWEST PHILOSOPHY REVIEW 190 (2003) ([journal](#)).

### **Grants and Support**

- Co-Investigator, *'Generosity Framing' to Encourage Young and Healthy Individuals to Purchase Health Insurance*, Robert Wood Johnson Foundation Evidence for Action Program (2021).
- Principal Investigator, *JD-Next*, AccessLex Institute (2020, 2021), Co-Investigator, ETS (2021, 2022).
- Co-Principal Investigator, *Perspectives of Diverse Patient Populations on AI and Big Data*, National Institute for Heart, Lung, & Blood Disorders (NIH) (2019).
- Co-Principal Investigator, *A Randomized Trial of the Novel JD-Exposure, Assessment, Preparation Program*, AccessLex Institute (2019).
- Co-Principal Investigator, *Evaluation of the BA in Law and an Intervention for Latinas*, AccessLex Institute (2019).
- Co-Principal Investigator, *A Randomized Field Experiment of the Effect of Physician Conflicts of Interest Disclosure on Patient Trust and Reliance*, Greenwall Foundation (via the Cleveland Clinic) (2014).
- Principal Investigator, *Experimental Investigations into Institutional Corruption (aka "535 Felons")*, Edmond J. Safra Center for Ethics, Harvard University, collaborative research project (2014).
- Consulting Investigator, *Experimental Jury Research on Patent Litigation*, Hughes Program, Denver University (2014).

Consulting Investigator, *Countering the Plaintiff's Anchor: Jury Simulations to Assess Damages Arguments*, Hughes Pilot Project Grant Program, Denver University (2013).

Co-Principal Investigator, *Blinding Science*, Edmond J. Safra Center for Ethics, Harvard University, collaborative research project (2012).

Co-Principal Investigator, *The Impact of Home Foreclosures on Public Health*, Robert Wood Johnson Foundation (2012).

Principal Investigator, *Law and Behavior Research Lab*, University of Arizona Honors College, (2012).

Co-Principal Investigator, *Empirical Research on Physician's Responses to Conflict of Interest Disclosures*, Edmond J. Safra Center for Ethics, Harvard University (2010).

Principal Investigator, *Empirical Research on Juror Decisions in Medical Malpractice Cases*, Petrie Flom Center of Harvard Law School (2009).

Principal Investigator, *Empirical Research on Causes of Home Foreclosures*, Harvard Law School Office of the Dean (2006).

### **Working Papers**

Jacqueline Salwa, Matt Charles, Jessica Findley, Adriana Cimetta, Heidi Legg Burross, & Christopher Robertson, *Interventions to Increase Adherence in an Academic Support Program: A Randomized Controlled Experiment*.

Bernard Chao and Christopher Robertson, *Law's Punishment Divide*.

### **International Presentations**

Conference on Experimental Methods in Legal Research, Jerusalem, Israel (2023)

Triennial Invitational Choice Symposium, Fontainebleau, France (2023)

Experimental Methods in Economics Research, Santiago, Chile (2016)

Institutional Corruption Conference, Mexico City, Mexico (2013)

Conference on Ethical, Social, and Legal Implications of Human Research, Cambridge, UK (2012)

### **Competitive Peer Reviewed Paper Presentations and Scientific Posters**

Conference on Empirical Legal Studies, Chicago (two presentations, 2023)

American Law and Economics Association, Boston (presentation, 2023)

Conference on Empirical Legal Studies, Charlottesville (presentation, 2022)

American Law and Economics Association Annual Meeting, Columbia (presentation and poster, 2022)

Academy Health, New Orleans (poster, 2022)

Conference on Empirical Legal Studies, Toronto (presentation, 2022)

Conference on Empirical Legal Studies, Claremont McKenna (presentation, 2019)

Conference on Empirical Legal Studies, Michigan (presentation, 2018)

Conference on Empirical Legal Studies, Cornell (poster, 2017)

Conference on Empirical Legal Studies, Cornell (presentation, 2017)

Academy Health, New Orleans (poster, 2017)

American Law and Economics Association Annual Meeting, Yale Law School (2017)

American Law and Economics Association Annual Meeting, Harvard Law School (2016)

Conference on Empirical Legal Studies, Washington University in St. Louis (2015)

American Law and Economics Association Annual Meeting, University of Chicago (2014)

Conference on Empirical Legal Studies, University of Pennsylvania (2013)  
Junior Faculty Forum, sponsored by Yale, Stanford, and Harvard, at Yale (2013)  
Junior Faculty Forum, sponsored by Yale, Stanford, and Harvard, at HLS (2012)  
American Law and Economics Association Annual Meeting, Stanford (poster, 2012)  
Conference on Empirical Legal Studies, Stanford (2012)  
New Voices in Civil Justice Workshop, Vanderbilt Law School (2012)  
Conflicts of Interest in the Practice of Medicine, ASLME National Conference at U. of Pittsburgh (2011)  
Conference on Empirical Legal Studies, Northwestern University Law School (2011)  
Conference on Empirical Legal Studies, University of Southern California (poster, 2009)

### **Recorded Talks and Appearances (selected)**

*Vertical Integration in GLP-1 Promotion and Off-Label Use*, Loyola Chicago Symposium (2025) ([video](#)).

*JD-Next: A Valid and Reliable Tool to Predict Diverse Students' Success in Law School*, Faculti.net (2024) ([video](#)).

*Robophobia: How Aversion to AI Creates Health Risks*, Boston University Research on Tap (2023) ([video](#)).

*Moral Framing of Health Insurance*, New Ideas in Health Insurance Series, University of Connecticut Insurance Law Center (2023) ([video](#)).

*Mitigating Conflicts of Interest in Healthcare*, New York Academy of Sciences and NYU Grossman School of Medicine (2021) ([video](#)).

*Telehealth: How Law Can Spur Its Adoption*, presentation to UNLV Health Law Program (2020) ([video](#)).

*Potential Solutions for Reducing Racial Disparities in Attorney Discipline*, presentation to California State Bar Board of Trustees (2020) ([video](#), session IV.A).

*Covid-19 and Preapproval Access to Drugs* (2020) ([video](#), starting at 34:29 on off-label and intended uses).

*Ethical and Regulatory Implications of Recent Events in COVID-19* (2020) ([video](#)).

Book talk on *Exposed*, Petrie Flom Center at Harvard Law School (2020) ([video](#)).

*If We Cannot Live with the Individual Mandate, Can We Cover Enough Lives Without It?* American Enterprise Institute (2019) ([video](#)).

*Driving Value in the U.S. Healthcare System*, University of Nevada Las Vegas (2019) ([video](#)).

*Ordeals in Health Care: Ethics & Efficient Delivery*, Harvard Law School – Distributive Ethics Panel ([video](#)) and Practical Implications Panel (2019) ([video](#)).

*Obviousness and Hindsight Bias in Patent Law*, London School of Economics Department of Law (2019) ([audio and slides](#)).

*Corruption in Chains of Epistemic Reliance: The Cases of Doctors and Witnesses*, Edmond J. Safra Center at Harvard University (2017) ([video](#)).

*The Need to Accelerate Therapeutic Development — Must Randomized Controlled Trials Give Way?* The New York Academy of Sciences (2017) ([video](#)).

*Medical Innovation and the Law*, Classical Liberal Institute, NYU School of Law (2017) ([video](#)).

## V. MEDIA

### Essays and Opinion Pieces

*The Best Way to Convince Healthy People to Get Insurance is Not ‘Because It’s in Your Financial Interest’*, STAT NEWS, November 3, 2023 ([text](#)) (co-authored with Wendy Netter Epstein).

*Trump’s Special Treatment in the Courts Highlights Failings in our Legal System*, THE HILL, August 17, 2023 ([text](#)) (co-authored with Russell Gold).

*Donald Trump’s Right – He is Getting Special Treatment, Far Better than Most Other Criminal Defendants*, THE CONVERSATION (syndicated in SALON and elsewhere), August 9, 2023 ([text](#)) (co-authored with Russell Gold).

*A Simple Solution to Regulate AI*, THE HILL, July 21, 2023 ([text](#)).

*Arizona’s Debt Collection Reform—A Small Step Towards Health Justice*, BMJ, November 23, 2022 ([text](#)) (co-authored with David Himmelstein and Steffie Woolhandler).

*It’s Time to Repeal the ABA’s Law School Testing Mandate*, BLOOMBERG LAW, August 16, 2022 ([text](#)) (co-authored with Marc Miller, Robert Williams, John Pierre).

*A New Alzheimer’s Drug Shows Why the FDA’s Speedy Approval Process is Broken*, WASHINGTON POST, January 10, 2022 ([text](#)) (co-authored with Holly Fernandez Lynch).

*Constitution allows Biden to mandate COVID vaccine. Federal government can do even more*. USA TODAY, September 19, 2021 (reprinted on MSN) ([text](#)).

*Is it a Crime to Forge a Vaccine Card? And What’s the Penalty for Using a Fake?* THE CONVERSATION (reprinted in QUARTZ, SALON, etc), August 30, 2021 ([text](#)) (co-authored with Wes Oliver).

*Cruise Ship Vaccine Mandates are Great. The Latest Ruling for Them Wasn’t*. WASHINGTON POST, August 11, 2021 ([text](#)) (co-authored with I. Glenn Cohen).

*Paying People to Get Vaccinated Might Work – but is it Ethical?* THE CONVERSATION, May 19, 2021 ([text](#)).

*Biden’s Attempts to Diversify Federal Courts Can’t Come Fast Enough*, THE HILL, April 6, 2021 ([text](#)) (co-authored with Robert Tsai).

*What are Emergency Use Authorizations, and Do They Guarantee that a Vaccine or Drug is Safe?* THE CONVERSATION, December 3, 2020 ([text](#)); also republished on MARKETPLACE ([text](#)) as *What you need to know about an emergency use authorization for a COVID-19 vaccine* (co-authored with Jeremy Greene).

*Conservatives Backed the Ideas behind Obamacare, So How Did They Come to Hate It?* THE CONVERSATION, November 10, 2020 ([text](#)); also republished on SALON ([text](#)), and on NATIONAL INTEREST as *Obamacare Has Republican DNA: So Why the War to Kill It?* ([text](#)) (co-authored with Wendy Epstein).

*We Need an Independent Public Health Agency*, THE HILL, July 27, 2020 ([text](#)) (co-authored with former Surgeon General Richard Carmona).

*In the Rush to Innovate for COVID-19 Drugs, Sound Science Is Still Essential*, THE CONVERSATION, April 8, 2020 ([text](#)); also republished on CBS NEWS as *Scientists weigh in on coronavirus drugs: What we know, what we don’t* ([text](#)) (co-authored with Alison Bateman House, Holly Fernandez Lynch, and Keith Joiner).



*Without Obamacare, the COVID-19 Crisis Would Be Far Worse*, CHICAGO TRIBUNE, April 1, 2020 ([text](#)) (co-authored with Wendy Epstein).

*Airplanes Spread Diseases Quickly – so Maybe Unvaccinated People Shouldn't be Allowed to Fly*, THE CONVERSATION February 26, 2020 ([text](#)); also republished in CHICAGO SUN TIMES ([text](#)) and translated to Finnish, Japanese, and Indonesian (co-authored with Keith Joiner).

*Does 'No More Copays, No More Deductibles' Really Represent Radical Health Care Reform?* STAT (Boston Globe Media) January 20, 2020 ([text](#)).

*Politicians are Missing the Big Point on Health Care*, CNN ONLINE, January 17, 2020 ([text](#)).

*It's Hard to be Economically Rational When You're Sick*, THE HILL, March 21, 2018 (co-authored with Victor Laurion, [text](#)).

*Police Shouldn't Access Your Phone's Data Without a Court Order*, ARIZONA REPUBLIC (co-authored with Bernard Chao and Ian Farrell, [text](#)).

*It's Time to Rethink the Law School Entrance Exam Monopoly*, THE HILL, October 25, 2017 (co-authored with Marc Miller, [text](#)).

*Behavioral Science Suggests that Obamacare May Survive*, co-authored with Holly Fernandez Lynch and Glenn Cohen, STAT (Boston Globe Media) (2017) ([text](#)).

*For Fairer Courts, Address Prosecutor Bias*, THE NEW REPUBLIC, October 2016 (co-authored with Shima Baughman and Sunita Sah, [text](#)); also republished on PBS NEWSHOUR as *Training Police is Not Enough to Eliminate Racial Bias* ([text](#)).

*Wrongful Incarceration*, USA TODAY (MAGAZINE) 262016 WLN 36854856, January 11, 2016 (co-authored with Jamie Robertson).

*Learning the Wrong Lesson on Privacy from Henrietta Lacks*, WASHINGTON POST, January 8, 2016 (co-authored with Jonathan Loe ([text](#))).

### **Selected Press Coverage**

Joyce Frieden, *Legal Group Issues 'Restatement' of Medical Malpractice Law*, MEDPAGE TODAY (February 26, 2025) ([interviewed](#)).

Katie Palmer, *Senators Demand Answers on Telehealth Platforms from Pfizer and Eli Lilly*, STAT+ (October 22, 2024) ([interviewed](#)).

Theresa Schliep, *Gov't Looks to High Court to Preserve Free Preventive Care*, LAW360.COM (October 1, 2024) ([interviewed](#)).

Maia Anderson, *General Catalyst's healthcare plans raise concerns over patient safety*, HEALTHCARE BREW, November 17, 2023 ([interviewed](#)).

Elizabeth Lopatto, *Who Wins When Telehealth Companies Push Weight Loss Drugs?* THE VERGE, October 2, 2023 ([interviewed](#)).

Adam Reilly, *How Should Media Cover the Trump Indictment?* WGBH NEWS, August 18, 2023 ([interviewed in studio](#)).

Jessica Hamzelou, *Who gets to decide who receives experimental medical treatments?* MIT TECHNOLOGY REVIEW, August 10, 2023 ([quoted](#)).

Mike Sullivan, *'Gave the world a gift': Henrietta Lacks' family gets justice 70 years after cells taken without consent*, CBS NEWS BOSTON, August 2, 2023 ([interviewed on camera](#)).

- Joseph Choi, *Drug industry launches furious legal fight against Medicare negotiating powers*, THE HILL, June 23, 2023 ([quoted](#)).
- Christine Charnofsky, *ABA Approves 'JD-Next' as Admissions Test for UArizona Law, Other Schools With Variance*, ALM LAW.COM, June 7, 2023 ([quoted](#)).
- Por Felipe Gutierrez, *Nos EUA, falsificação de prova de vacina pode ser punida com até 20 anos de prisão*, G1, May 3, 2023 ([quoted](#)).
- Shannon Larson, *'Abortionists.' 'Unborn human.' Legal experts blast 'incendiary' rhetoric of Texas ruling on abortion pill*, BOSTON GLOBE, April 10, 2023 ([quoted](#)).
- Nancy Kisicki, *CONFERENCE REPORT: California Addresses Racial Disparity in Attorney Discipline*, Bloomberg News, June 7 2022 ([text](#)).
- Claire Savage, *Social media posts push unproven and 'dangerous' Covid-19 treatments*, AFP FACT CHECK, October 25, 2021 ([quoted](#)).
- Dora Mekour, *Mandates Give Rise to Booming Black Market for Fake Vaccine Cards*, VOICE OF AMERICA (VOA) NEWS, September 23, 2021 ([quoted](#)).
- John Howell Show* on WLS-AM 890 in Chicago, September 21, 2021.
- Peter Grier, *Vaccines, mandates, and backlash: The long US history*, CHRISTIAN SCIENCE MONITOR, September 14, 2021 ([quoted](#)).
- Sarah Wood, *An Increasing Number of Higher Ed Institutions Mandating COVID-19 Vaccinations*, DIVERSE: ISSUES IN HIGHER EDUCATION, September 14, 2021 ([quoted](#)).
- Amanda Kaufman, *A Supreme Court case that originated in Mass. could provide a legal precedent for President Biden's vaccine mandates, experts say*, BOSTON GLOBE, September 10, 2021 ([quoted](#)).
- Jay Hancock, *Pfizer court fight could legalize Medicare copays and unleash 'gold rush' in sales*, FORTUNE, July 2, 2021 ([quoted](#)).
- Kat Eschner, *After 600 emergency use authorizations for COVID, experts worry the FDA has gone too far*, FORTUNE, June 7, 2021 ([quoted](#)).
- Amanda Beland Arun Rath, *Answering Questions About Vaccine Passports, Mandates, Incentives, And More*, WBUR IN IT TOGETHER, May 20, 2021 ([text and audio](#)).
- "Receta para el Caos": Falta de un Plan Federal Sobre Tests de Detección Puede Retrasar la Vuelta a la Normalidad*, UNIVISION, April 18, 2020 ([quoted](#)).
- Entrepreneurs Trying to Make up For Lost Time in COVID-19 Testing*, VICE NEWS, April 15, 2020 ([featured on camera](#), at 2:50).
- Cómo Afecta la Crisis del Doronavirus la Supervivencia de Obamacare*, UNIVISION, April 1, 2020 ([quoted](#)).
- Health Policy in the Presidential Primary*, SKYNEWS (UK), March 2, 2020.
- Trump's Phoenix Rally: What Were the Facts Behind his Major Claims?* USA TODAY, February 20, 2020 ([quoted](#)).
- Does Racial Bias Drive Prosecutors to Punish Blacks More Harshly? Top of Mind with Julie Rose*, SIRIUSXM, February 10, 2020 ([feature segment](#)).
- Obamacare is Turning 10. But its Cheerleaders are Focused on the Problems it Didn't Fix*, WASHINGTON POST (HEALTH 202), January 6, 2020 ([quoted](#)).
- Bad Medicine?* NEW SCIENTIST, November 30, 2019 ([quoted](#)).

*Arizona Sues Maker of Oxycontin*, AZPM NEWS, September 20, 2018 ([audio](#)).

*Clean Break: Kennedy Supreme Court Exit Could Upend Environmental Safeguards*, SCIENTIFIC AMERICAN, July 3, 2018 (quoted)([text](#)).

*Libertarian Groups Eye Off-Label Drug Promotion Laws*, BLOOMBERGLAW, May 31, 2018 (quoted)([text](#)).

*New Efforts Taking Root to Ease Off-Label Promotion*, MEDSCAPE, May 16, 2018 (quoted)([text](#)).

*House Passes Right-to-Try on Second Try*, POLITICO, March 21, 2018 ([text](#)).

*A Big Pharma-funded Charity that Helps Patients Pay for Drugs Just Sued the Government*, WASHINGTON POST, January 8, 2018 ([text](#)).

*'Right to Try' Won't Lead to Miracle Cures*, BLOOMBERG VIEW, February 2, 2018 ([text](#)).

*How Drug Manufacturers are Fighting to Push Their Drugs for Unapproved Purposes*, SALON.COM October 23, 2017 ([text](#)).

*The Case for Giving Health-Care Consumers a 'Nudge' -- A law professor argues that people will make better choices if they're asked the right way*, THE WALL STREET JOURNAL, June 25, 2017 ([text](#)).

*Cosby Trial Gears Up with Jury Selection in Pennsylvania*, NBC NEWS, May 19, 2017 ([text](#)).

*Department of Justice Decision to Allow National Forensic Sciences Commission to Expire*, BLOOMBERG LAW RADIO SHOW AND PODCAST 2017 ([audio](#)).

*The Power of Superdelegates and Campaign Contributions*, NPR MARKETPLACE, March 1, 2016 ([audio](#)).

*A Judge's Guidance Makes Jurors Suspicious of Any Eyewitness*, NPR MORNING EDITION, January 26, 2016 (research featured, [audio](#)).

*The Magic Question: Judges Trust Jurors to Assess Their Own Biases. That Might Not Be Such a Good Idea*, SLATE.COM, January 22, 2015 (research featured, [text](#)).

*California Counties Accuse Opioid Makers of Deceptive Marketing*, REUTERS LEGAL, May 23, 2014 ([text](#)).

*Lawyers Say Drugmakers May Follow GSK Marketing Overhaul*, REUTERS LEGAL, December 18, 2013.

*Q&A: Off-label drug promotion and the First Amendment*, REUTERS LEGAL, October 1, 2013.

*Foreclosure: Its Not Just About the Money*, CBS NEWS, January 15, 2010 ([text](#)).

## **Podcasts**

*A New Legal Standard for Medical Malpractice From the American Law Institute*, JAMA (2025) ([interview](#)).

*Structural Sex Discrimination in Gynecology and the Law*, JUST ACCESS (2024) ([interview](#)).

*RVUs in Gynecologic Surgery: Equity & Reform*, BACKTABLE (2024) ([interview](#)).

*Interview on When Desperate Patients Go to Court for Unproven Treatments — The Battle for Hospital Independence*, NEW ENGLAND JOURNAL OF MEDICINE (2022) ([interview](#)).

*Exposed Book*, MONEYLIFE WITH CHUCK JAFFE, June 1, 2020 ([interview](#) at 16:08).

*Overexposure*, PEERSPECTRUM, April 27, 2020 ([interview](#)).

*Christopher Robertson on Health Insurance*, FREEDOM CENTER TODAY 2:09, March 31, 2020 ([interview](#)).

*A True Outlook on American Health Insurance*, HEALTH CARE ROUNDS, Episode 93, March 19, 2020 ([interview](#)).

*Why is Getting Sick in the US Financially Toxic for Many People?* FACES OF DIGITAL HEALTH, March 14, 2020 ([interview](#)).

*Actuarial Value: From Moral Hazard to Cost-Shifting*, THE WEEK IN HEALTH LAW, February 20, 2020 ([interview](#)).

*Can They Freaking Do That?* ARM AND A LEG SHOW, Season 3 Episode 5, December 2019 ([interview](#)).

*Interview on whether the First Amendment should protect sales pitches by pharmaceutical representatives*, NEW ENGLAND JOURNAL OF MEDICINE (2016) 375:2313-2315 ([interview](#)).

*Blinding Experts to Reduce Bias*, JURISDICTION – THE INTERNATIONAL INTELLECTUAL PROPERTY PODCAST (2016) ([interview](#)).

*The Double Blind*, THE WEEK IN HEALTH LAW, March 2016 ([interview](#)).

*Interview on the FDA's new draft guidelines on direct-to-consumer pharmaceutical advertising*, NEW ENGLAND JOURNAL OF MEDICINE 2015; 373:1085-1087 ([interview](#)).

*The Mind and the Law*, co-convenor of lecture series and podcast, 2014 ([audio](#)).

*When Less Information is Better: Blinding in Medicine*, Harvard Safra Center podcast, 2013 ([interview](#)).

### **Selected Blogposts and Other Media**

*Liability versus Full Coverage Car Insurance*, Ask the Experts, WalletHub, 2022 ([text](#)).

*In-Flight COVID Transmission: Surveying the Liability Landscape*, Bill of Health Blog (Harvard Law), 2022 ([text](#)).

*Liability Car Insurance*, Ask the Experts, WalletHub, 2021 ([text](#)).

*Webinar on Pre-Approval Access to Drugs*, Vox Advisors and Compassionate Use and Pre-Approval Access Working Group, 2021 ([video](#)).

*Video Explainers on Law in Time of Pandemic: Access to Drugs Before FDA Approval* ([video](#)), *Drug Shortages* ([video](#)); *Ethical Duty of Care* ([video](#)); *Constitutional Law* ([video](#), [video](#), [video](#)), 2020.

*Low Rates, Auto-Enroll: What Will Make People Ante Up for Coverage? -- Experts consider new strategies to replace ACA's abolished penalty*, MEDPAGETODAY, September 17, 2019 ([text](#)).

*House Right To Try Bill Wouldn't Preempt State Laws' Insurance Limits, Would Expand Liability Shield*, INSIDEHEALTHPOLICY, March 16, 2018 ([text](#)).

*Medical Bills are Open-Price Contracts: A Victory for the Little Guy*, Bill of Health Blog (Harvard Law), 2017 ([text](#)).

*Is it Legal for Trump to Punish Health Insurers That Do Not Support Repeal of Obamacare?* Bill of Health Blog (Harvard Law), 2017 ([text](#)).

*National Survey Suggests that Off-Label Status is Material to Informed Consent*, Bill of Health Blog (Harvard Law), 2017 ([text](#)).

*Conflict of Interest Disclosures Come to Pub Med*, Bill of Health Blog (Harvard Law), 2017, ([text](#)).

*Open Payments: Early Impact and the Next Wave of Reform*, Health Affairs Forefront, co-authored with Tony Caldwell, 2015 ([text](#)).

*To Support Physician Decision-Making, Re-Evaluate Industry Funding of Science*, Health Affairs Forefront, 2015 ([text](#)).

*Can Proportionality Distinguish Quid Pro Quo Corruption?* Institutional Corruption Blog, 2015 ([text](#)).

*Mello's Medmal 2.0 Study Documents Discordant Outcomes in the Communication-and-Resolution Programs*, Jotwell, 2014 ([text](#)).

## VI. SERVICE AND PROFESSIONAL ACTIVITY

### Amicus Briefs and Regulatory Comments

Letter of Health Law Scholars on the Standard of Care for Medical Malpractice Restatement Project, Council of the American Law Institute (primary drafter) (2023).

Brief of Law Scholars, *Bristol Myers Squibb Co. v. Becerra*, District Court for the District of New Jersey, 3:23-cv-3335-ZNQ-JBD (as amicus) (2023).

Comment by Scholars, *AI Accountability Project*, National Telecommunications and Information Administration, Docket No. 230407-0093 (2023).

Brief of Health Law Scholars, *Food and Drug Administration, et al., v. Alliance for Hippocratic Medicine, et al.*, filed in District, Fifth Circuit, and United States Supreme Court, 23-10362 (2023) (as amicus).

Brief of Empirical Corruption Scholars, *Lieu v. Federal Election Commission*, filed in Court of Appeals for the District of Columbia Circuit, 19-502 (2019), filed in United States Supreme Court 19-1398 (2020) (as amicus).

Brief of Empirical Fourth Amendment Scholars, *Carpenter v. United States*, United States Supreme Court, 16-402 (2017) (as amicus).

Brief of Forensic Science Experts, *Wisconsin v. Brian Avery*, Wisconsin Supreme Court, 2010AP1952 (2012) (as amicus).

Brief for New England Journal of Medicine et al, *IMS v. Sorrell*, United States Supreme Court, 10-779 (2010-11) (as co-counsel).

### Peer Reviewer, Referee, or Commentator

2024: JAMA (twice), New England Journal of Medicine, Israel Science Foundation, PLoS One, Journal of Empirical Legal Studies, Journal of Law & Biosciences (twice)

2023: Clinical Microbiology and Infection, Current Medical Research & Opinion, PLoS One, New England Journal of Medicine (2x), Journal of Empirical Legal Studies, JAMA, American Law and Economics Association Annual Meeting

2022: BMJ Open, Bioethics, Journal of Pediatrics, Journal of the American Medical Association (JAMA); American Journal of Public Health (AJPH); National Science Foundation Law & Science Program

2021: Journal of Empirical Legal Studies (JELS); Journal of the American Medical Association (JAMA); American Journal of Public Health (AJPH); Journal of Law and Biosciences.



2020: JAMA; Health Affairs; Journal of Law & Biosciences; Behavioral Public Policy; Milbank Quarterly

2019 and prior: University of Arizona Foundation Small Grants Program (six); Journal of General Internal Medicine; American Journal of Public Health; JAMA Network Open; Social Philosophy & Policy (project editor); American Journal of Law & Medicine; New England Journal of Medicine; Stanford Law Review; National Science Foundation, Law and Social Sciences Program; Conference on Empirical Legal Studies; Journal of Law and the Biosciences (twice); JAMA Internal Medicine; Journal of General Internal Medicine; American Psychology-Law Society Grant Program; National Science Center, Poland; PLOS One; Health Affairs; BMJ; Journal of Law, Medicine, and Ethics; University of Houston Health Law Center Scholars Workshop; Journal of Bioethical Inquiry; Robert Wood Johnson Foundation Public Health Law Research Program; American Society for Bioethics & Humanities Annual Meeting; HLS Petrie Flom Center Annual Conference; BMC Medical Ethics; Review of Law and Economics; Journal of Empirical Legal Studies; Conference on Empirical Legal Studies; Netherlands Organization for Scientific Research (NWO); Canadian Medical Association Journal (CMAJ); Robert Wood Johnson Foundation Public Health Law Research Program; Robert Wood Johnson Foundation Public Health Law Research Program; Wellcome Trust (UK) Fellowship Program (twice); Journal of Social Psychological and Personality Science; Oxford University Press; Blackwell Press.

### **Outside Service (selected)**

Science & Technology Entry Program, NYU Langone School of Medicine (2024).

Elected Member, American Law Institute (2023-present), Advisor to the Project on Medical Liability (2023-present).

Affiliated Member, NYU Grossman School of Medicine Working Group on Compassionate Use and Pre-Approval Access (CUPA) (2016-present).

Academic Program Review, University of California (2019, 2022).

Reporter, Committee to Monitor Developments in Health Law, Uniform Law Commission (2018-2020).

Clinical Bioethics Committee, Banner University Medical Center (2010-2020).

Methods Core, Robert Wood Johnson Foundation Public Health Law Research Program (2013-2015).

### **College and University Service (selected, since 2020)**

Assessments and Outcomes Committee (2024); Co-Chair, College Governance Committee (2023-24); University Appointments, Promotions, and Tenure Committee (2023-24); Dean Search Committee, Sargent College of Health & Rehabilitation Sciences (2022-23); Co-Convenor, Law and Economics Workshop (2022); Graduate and Foreign Programs Committee Co-Chair (2022-23); Law Lateral Appointments Committee (2022-23); Health Law Program Co-Chair (2020-21); Law Joint Appointments Committee (2020-21, 2021-22); Graduate Programs Committee (2021-22); Pandemic Pedagogy Task Force (2020); Learn from Anywhere coach (2020-21). Philosophy Department Hiring Committee (2021-22).

### **Legal and Consulting Experience (selected)**

Consultant, Aspen Publishing (for JD-Next) (2024-present). Consultant, Themis Bar Review (data strategy) (2024-present). Equal Citizens (litigation expert) (2025). Consulting Advisor, California State

Bar Board of Trustees (on disparities in attorney discipline, see review [here](#)) (2020-2022). Founding Partner, [HUGO Analytics](#) – provider of experimental jury research for litigators (2016-2024). Admitted to practice law in Mississippi and Fifth Circuit Court of Appeals (2007). Trial and appellate counsel in national mass torts litigation law firm consortia (2007-2012). Consultant for trial, appellate, and U.S. Supreme Court litigation teams in health care fraud, bribery, honest services fraud, mortgage fraud, First Amendment, *qui tam* (False Claims Act), white collar, stolen minerals, and post-conviction criminal cases (2010-present).