Philip G. Peters, Jr.

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Recent Employment

School of Law, University of Missouri

Ruth L. Hulston Professor of Law (since 1995); Associate Professor of Law (1986-95)

Subjects: Health Care Law & Policy; Torts; Education Reform Law.

Leave of Absence, 2008 and 2009, to serve as Executive Director of First Chance for Children, a nonprofit whose mission is to close the racial and poverty achievement gaps by focusing on the years before entry into kindergarten.

Faculty Fellow, MU Center for Family Policy & Research; MU Center for Health Policy; MU Center for Clinical Ethics; MU Life Sciences & Society Program

Associate Dean for Faculty Research & Development (Aug. 2002-July 2004)

Responsible for faculty recruitment, speaker series, work-in-progress workshops, the faculty research leave program, development of interdisciplinary academic programs, and participation in a re-accreditation self-study report.

Director, MU Biotechnology & Society Program (2000-2005)

Founding director of an interdisciplinary initiative to examine the social, ethical and legal implications of agricultural and human biotechnology.

First Chance for Children

Executive Director (Jan. 2008-Nov. 2009). Nonprofit organization whose mission is to close the race and poverty achievement gaps through early education (birth-to-five).

Merck Visiting Scholar, Seton Hall Law School, Fall 2005 (one week endowed visitorship).

University of Houston Law Center (visitor for intersession class January 2008)

Scholarship

I. Current projects

Vestiges: A History of the Achievement Gap (exploring the role of government intent in creating the achievement gap)

The Lifecycle of the Achievement Gap (reviewing the research identifying when the gap furst appears and how it grows in size through elementary school, but is relatively stable thereafter).

Closing the Achievement Gap through "Parent Education:" the Maternal, Infant, and Early Childhood Home Visiting Program of 2010.

FROM AFFIRMATIVE ACTION TO EARLY EDUCATION: CLOSING THE RACIAL ACHIEVEMENT

Twenty-Three Years of Missouri Malpractice Reform (a review of the data on Missouri malpractice litigation between 1986 and 2009).

Medical End-of-Life Decisions (with David R. Mehr, MD and others; a domestic replication of the Dutch survey of physician practices at the end-of-life)

II. Publications

A. Books

How Safe is Safe Enough? Obligations to the Children of Reproductive Technology (Oxford University Press, 2004)

B. Book Chapters, Anthologies or Entries

The Nonidentity Problem and Procreative Liberty in Harming Future Persons: Ethics, Genetics and the Nonidentity Problem (Melinda Roberts, PhD & David Wasserman, PhD, eds. Springer 2009).

"Legal Barriers to Consumer Information Regarding Genetically Modified Foods," in THE ETHICS AND POLICY OF LABELING GENETICALLY MODIFIED FOOD (Paul Weirich ed., Oxford University Press, 2007) (co-authored with Thomas Lambert)

"Harming Future Persons: Obligations to the Children of Reproductive Technology" in LEGAL AND ETHICAL ISSUES IN HUMAN REPRODUCTION (Bonnie Steinbock ed., Ashgate, 2002)

"Obligations to Future Persons," ENCYCLOPEDIA OF BIOETHICS (3rd edition, 2003).

C. Articles

Making Hospitals Accountable, 32(2) REGULATION 30 (2009).

Twenty Years of Evidence on the Outcomes of Malpractice Claims, 467(2) CLINICAL ORTHOPAEDICS AND RELATED RESEARCH 352 (2009)

Resuscitating Hospital Enterprise Liability, 73 MISSOURI LAW REVIEW 369 (2008)

Health Courts? 88 Boston University Law Review 227 (2008).

Cultures of Claiming: Local Variation in Malpractice Claim Frequency (with Kevin Hart, PhD), 5 JOURNAL OF EMPIRICAL LEGAL STUDIES 77 (2008).

Doctors and Juries, 105 MICHIGAN LAW REVIEW 1453 (2007).

Reprinted in the Defense Law Journal (2008).

What We Know About Medical Malpractice Settlements, 92 IOWA LAW REVIEW 1783 (2007).

Reprinted in the Defense Law Journal (2008).

The Fairness of Malpractice Settlements, REGULATION 30(2):30-35 (2007).

The Ambiguous Meaning of Human Conception, 40 U.C. DAVIS LAW REVIEW 199 (2006).

Unwarranted Variations in the Quality of Health Care: Can the Law Help Medicine Provide a Remedy/Remedies?, 37 WAKE FOREST LAW REVIEW (2002) (with John E. Wennberg, M.D.)

The Role of Empirical Evidence in Malpractice Litigation, 37 WAKE FOREST L. REV. (2002).

Staying Grounded, MIZZOU MAGAZINE 91:1, Fall 2002.

The Role of the Jury in Modern Malpractice Law, 87 IOWA LAW REVIEW 909 (2002).

Reprinted in 52(1) DEFENSE LAW JOURNAL (April 2003).

Breaking Down the Boundaries of Malpractice Law, 65 MISSOURI LAW REVIEW 1047 (2001).

The Quiet Demise of Deference to Custom: Malpractice Law at the Millennium, 57 Washington & Lee Law Review 163 (2000).

Condensed in:

The Reasonable Physician Standard: The New Malpractice Standard of Care?, 34 JOURNAL OF HEALTH LAW 105 (2001).

The Changing Malpractice Standard of Care, XIV(4) HEALTH LAW NEWS 7 (2001).

Hindsight Bias and Tort Liability: Avoiding Premature Conclusions, 31 ARIZONA STATE LAW JOURNAL 1277 (2000).

Harming Future Persons: Obligations to the Children of Reproductive Technology, 8 Southern California Interdisciplinary Law Journal 365 (1999).

Reprinted in LEGAL AND ETHICAL ISSUES IN HUMAN REPRODUCTION (Bonnie Steinbock ed., Ashgate, 2002)

The Illusion of Autonomy at the End of Life: Unconsented Life Support and the Wrongful Life Analogy, 45 UCLA LAW REVIEW 673 (1998).

When Physicians Balk at Futile Care: Implications of the Disability Rights Laws, 90 NORTHWESTERN UNIVERSITY LAW REVIEW 798 (1997).

Health Care Rationing and Disability Rights, 70 Indiana Law Journal 491 (1995).

Rethinking Wrongful Life: Bridging the Boundary Between Tort and Family Law, 67 Tulane Law Review 397 (1992).

The Physician's Decision to Use Tube Feedings, 40 JOURNAL OF THE AMERICAN GERIATRICS SOCIETY 475 (1992) (with Ely *et al.*).

Physician Willingness to Withhold Tube Feeding after Cruzan: An Empirical Study, 57 MISSOURI LAW REVIEW 831 (1992) (with Ely, Zweig, Elder, and Schneider)

Community Attitudes and Knowledge About Advance Care Directives, 5 JOURNAL OF THE AMERICAN BOARD OF FAMILY PRACTICE 565 (1992) (with Elder, et al).

The Constitution and the Right to Die, 6(4) MIDWEST MEDICAL ETHICS 13 (1990).

The State's Interest in the Preservation of Life: From Quinlan to Cruzan, 50 Ohio State Law Journal 893 (1989).

Protecting the Unconceived: Nonexistence, Avoidability and Reproductive Technology, 31 ARIZONA LAW REVIEW 487 (1989).

Book Review, *Who Should Decide: Paternalism in Health Care*, by James F. Childress, 23 JOURNAL OF FAMILY LAW 287 (1984).

Note, 64 California Law Review 516 (1976).

Numerous op-ed pieces on access to health care, reproductive technology, and malpractice litigation

Education

- University of California at Berkeley, J.D., 1976; Order of the Coif Board of Editors, California Law Review; Berkeley Law Foundation (founding member)
- **University of Edinburgh** (Scotland); Rotary Foundation Postgraduate Fellowship, 1972-73 Economic history; intercollegiate basketball

Harvard University (Economics), B.A., 1972; cum laude; varsity football

Legal Practice

- **Woodward, Hobson & Fulton,** 2500 First National Tower, Louisville, Kentucky–1983-86 Private civil practice concentrating in malpractice defense, health, and product liability litigation.
- **Craig and Macauley Professional Corporation**, One Post Office Sq., Boston, MA–1981-83 Trial practice involving personal injury and commercial lending.
- **Civil Rights Division, United States Department of Justice,** Washington, D.C.–1976-79 Trial attorney litigating housing and credit discrimination.
- **United States Department of State,** Office of the Legal Advisor, Washington, D.C.–Summer 1975.

Other Academic Experience

University of Louisville, School of Law, Louisville, Kentucky, Lecturer, Health Law (1984-86)

University of Oklahoma, College of Law, Visiting Assistant Professor of Law (1979-81)

Oklahoma City University, College of Law, Summer School Faculty (1980).

Grants

Co-PI, Improving Latino School Readiness with Summer English Instruction, MU Cambio Center grant (approximately \$6,000; conditionally approved June 2007).

PI, Correlating Early Education with Readiness to Start Kindergarten, MU Research Council (\$4,918; approved 2/14/2005; IRB approval 3/3/2005).

Community and Professional Service

Missouri Coalition for School Readiness, Steering Committee (a coalition of nonprofits seeking universal, voluntary preschool in Missouri, funded by the Pew Foundation; 2010 to present)

Columbia Vision Commission, Jan. 2009-dec. 2010 (appointed by the City Council).

Columbia Public Schools, CSIP (Strategic Planning Committee for 2010-2014), 2009-10.

Boone County Coordinating Board for Early Childhood Education (Chair, Oct. 2006-2010, member since then) (a board of community leaders seeking to create a high quality system of early education in Boone County)

First Chance for Children (Board of Directors, 2003-2007, Dec. 1, 2009 to present; President, Jan. 2006-July 2007) (a non-profit organization seeking to improve the educational outcomes of low-income and minority children by improving their access to high quality early education).

Family Health Center (a non-profit community health center); President of the Board Board, July 2003- July 2005; board member 2000-2010.

Columbia Public Schools, Board of Education's Student Performance Committee (2010-present)

Columbia Public Schools, Achievement Gap Task Force (2006-present)

Columbia Public Schools, Early Education Task Force (2004-05) (charged with drafting a strategic plan for addressing the educational achievement gap that exists when children enter kindergarten)

Columbia Public Schools Foundation (1996-present) (founding member/donor along with my wife, Vickie Park).

Nanny's Neighborhood (low income child care center), Advisory Board (2004).

Boone County Health Report Card, Community Benefits Subcommittee (1996) (exploring ways to improve access to health care in Boone County, Missouri)

Governor's Health Reform Commission, Consultant, 1993 (the Commission was appointed by Governor Carnahan to propose a plan for universal health care access)

Institutional Review Board, Ellis Fischel State Cancer Center, Columbia, Missouri (1986-1990) (protecting the interests of patients receiving experimental treatment)

External Reviewer: Oxford University Press, JAMA, Health Affairs, AgBioForum, Bioethics Forum, Yale University Press, Aspen.

Reporter, Study Committee on the Misuse of Genetic Information, National Conference of Commissioners on Uniform State Laws (2004-2005)

American Law Institute (see above)

International Center for Indigenous Phytotherapy (TICIPS), an NIH funded study of South African herbal medicines (consulting on the sharing of commercial benefits with South Africa and its traditional healers).

Selected Law School and Campus Committees

Law School:

Chair, Faculty Appointments Committee (2002-2006; 1992-97)

Chair, Promotion and Tenure Subcommittee (1998-2002)

Curriculum Committee (1986-2000)

Re-accreditation Self-Study Committee (1997-98)

Faculty Advisor, Missouri Equal Justice Foundation (1995-2001)

President, Missouri Chapter of Order of the Coif, 1996-1999

Campus:

Mizzou Advantage, The Impact of Federal Health Care Reform Legislation on Missouri Citizens and Institutions (team member, from 2010)

One Health, One Medicine: The Convergence of Human and Animal Health, Advisory Committee (2010 to present)

Chancellor's Minority Faculty Recruitment, Retention and Development Task Force (2004 to 2005)

Center for Health Policy, faculty fellow

Center for Health Ethics, faculty fellow

School of Public Health, Provost's Planning Group

Life Sciences & Society Program, Advisory Committee, 2010 to present.

Biotechnology & Society Working Group (1999-present), Director (2000-present)

Search Committee, Klein Chair in Philosophy (2000-02)

Search Committee, Molecular Biology Department Visiting Ethicist (2000-01)

Campus Health Care Oversight Committee (1995-96)

Selection Committee for the Chancellor's Award for Outstanding Research and Creativity in the Behavioral and Social Sciences (1998)

Clinical Ethics Committee, University of Missouri-Columbia School of Medicine (1989-2009)

University Hospital Task Force to Revise Consent Policies (1998)

Harvard University, Schools Committee (interviewing applicants; 1987-present).

Numerous presentations to media and to local civic and religious organizations.

Honors

Life Fellow, Clare Hall, Cambridge University (In residence, Fall 2001, researching the regulation of reproductive and genetic technology).

American Law Institute (elected 1997).

Consultative Group, Restatement Third of Torts: Apportionment of Liability.

Consultative Group, Restatement Third of Torts: General Principles.

Chancellor's Special Advisory Committee (Jan. 2005-present).

Shook, Hardy & Bacon Award for Excellence in Research, 2008 (an award presented since 1993 by the UMC School of Law for the most outstanding faculty scholarship in the prior year)

Shook, Hardy & Bacon Award for Excellence in Research, 1997.

Nominee, Chancellor's Award for Outstanding Research and Creativity in the Behavioral and Social Sciences, 1996.

Shook, Hardy & Bacon Award for Excellence in Research, 1995.

Shook, Hardy & Bacon Award for Excellence in Research, 1993.

University Development Leave, Fall 1993 (funded leave of absence based on campus-wide competition)

Presentations

MU School of Medicine, Family Medicine Dept, "Health Reform Forum," April 12, 2011 (panelist).

"Constitutionality of Health Care Reform," Winter 2011(respondent to Cato attorney).

"What's Wrong with Health Care," MU Law Federalist's Society, Winter 2010 (respondant to Prof. David Hyman).

"Introduction to National Health Care Reform," Audrain County Bar Assn, April 20, 2010

"At What Age Does the Achievement Gap Arise," Joint Annual Meeting of the National Assn for the Education of Young Children (NAEYC) and the National Black Child Development Institute (NBCDI), Nov. 4, 2010.

"Closing the Achievement Gap," Annual Meeting of the Mid-Missouri Assn for th Education of Young Children, March 2010.

"Recent Rulings and Embryonic Stem Cell Research," KBIA radio and web, October 2010.

"Universal Health Care," presentation hosted by the ASUM (Associated Students of the University of Missouri), Sept. 2009.

"OctoMom: Ethics and Multiple Embryos," presentation hosted by MU Law Students for Reproductive Justice (Winter 2009)

"The Relationship Between Physician-Patient Communication and the Risks of Malpractice Law Suits," Health Ethics Grand Rounds, MU School of Medicine, March 17, 2008. "The Ambiguous Meaning of Human Conception," American Society of Law, Medicine and Ethics, Health Law Teachers Conference, June 2006.

"Stem Cells," Missouri Council of Churches, March 2006.

"The Future of Human Genetics," Life Sciences and Society Program's conference "Stem Cells in the Heartland, March 8-9, 2006, Columbia, MO (discussant).

"Legal Barriers to Consumer Information About Genetically Modified Foods," in Philosophy Department's interdisciplinary conference, Nov. 5, 2006, Columbia, MO.

Merck Visiting Scholar, Seton Hall Law School, Fall 2005.

"Looking for the Lottery: What We Know About the Fairness of Medical Malpractice Verdicts and Settlements" Sept. 14, 2005

"The Meaning of Human Conception," Sept. 12, 2005

"Our Custom-Based Standard of Care & Deferential to Medical Norms," Sept. 15, 2005

"Tort Reform—Putting the New Law Into Practice," Missouri Bar Assn Annual Meeting, Sept. 23, 2005.

"Addressing Variations in Healthcare Quality: The Role of Medicine and the Law," American Health Lawyers Assn Teleconference, May 20, 2005 (with John Wennberg, MD).

"Medical Malpractice in Missouri," MU School of Medicine, Patient Care Block 8, March 14, 2005

Discussant, "Whose View of Life: Embryos, Cloning, and Stem Cells," Life Sciences & Society Symposium, March 9, 2005.

"Law Enforcement and Immigration Law," Cambio de Colores Conference, March 31, 2005 (moderator)

"Redressing the Achievement Gap in Education," presentation sponsored by Hispanic and Latino Faculty and Staff Assn for Hispanic Heritage Month, Oct. 2004.

"International Concerns About Genetically-Modified Crops," presentation to the National Soybean Biotechnology Center, Oct. 2004.

"Understanding the Terri Shiavo Case," talk-radio guest twice, Fall and Winter 2004.

"Obligations to the Children of Reproductive Technology," presentation to the annual Health Law Teachers Conference, June 2004.

Getting to the Heart of the Malpractice Crisis," Columbia Rotary Club, Winter 2004.

"Getting to the Heart of the Malpractice Crisis," Columbia Kiwanis Club, Winter 2004.

"After Affirmative Action—Closing the Racial Test-Score Gap," MU Law Faculty Workshop, Winter 2004.

"Law and the Life Sciences," Presentation at the Missouri Bar Annual Meeting, Oct. 4, 2003.

"Getting to the Heart of the Malpractice Crisis," Faculty Workshop, MU School of Journalism, Oct. 13, 2003.

"The Medical Malpractice Crisis," radio panel discussion, Feb. 2003.

"Stem Cells," Senior Science Seminar, Central Methodist College, Feb. 2003.

"Legal Issues in Geriatric Care," 14th Gerontology Nursing Conference, Jan. 2003.

"Genetic Discrimination in Employment and Insurance," and "Involuntary Sterilization Based on Genetic Information," Advanced Judicial Seminar on Genetics & the Law, April 19, 2002.

"The Role of Empirical Evidence in Malpractice Litigation," invited paper in a symposium at Wake Forest University, April 5-6 (2002).

"Genetic Discrimination in Employment and Insurance," and "Involuntary Sterilization Based on Genetic Information," Advanced Judicial Seminar on Genetics & the Law, May 10-11, 2001 (also assisted in planning this conference).

"Legal Role of Ethics Committees," Caring for the Frail Elderly Conference, Columbia, MO (Aug. 2000).

"The Quiet End of Deference to Custom," Health Law Teachers Conference, American Society of Law, Medicine & Ethics, Cleveland (June 2000).

Medical School Grand Rounds (Missouri infanticide bill) (Feb. 2000)

"Partial Birth Abortions in Missouri," UMC School of Medicine, Faculty Ethics Group, (Dec. 1999).

"Surrogacy: Where the Law Stands," Midwest Bioethics Center conference for experienced members of hospital ethics committees and counsel, Kansas City (Nov. 1999).

"Legal Duties to Future Persons," Faculty Workshop, UMC School of Law (Oct.1999).

- "Legal Concerns: Record and Confidentiality," Missouri Dermatological Society, 1999 Annual Meeting, Columbia.
- "Damages for Unconsented Life Support," Multidisciplinary Conference on Geriatrics, School of Medicine, Columbia (July 1999).
- "Harming Future Persons," the American Society of Law, Medicine & Ethics, Health Law Teachers Conference, St. Louis (June 1999).
- "Baby K," UMC Medical School, Faculty Ethics Group (Nov. 1998).
- "Access to Health Care: The Disability Rights Issues," American Society of Law, Medicine & Ethics, Health Law Teachers Conference, Houston (June 1998).
- "Legal Issues in Managed Care," Central Methodist College (April 1998).
- "Applying Q to the Study of Death and Dying: Perspectives from the Law," UMC School of Journalism (Oct. 1996).
- "Legal Issues for Ethics Committees," Midwest Bioethics Seminar for Ethics Committees, Columbia Regional Hospital (Sept. 1995).
- "Malpractice Issues in Managed Care," Department. of Family & Community Medicine, Faculty Seminar (June 1995).
- "Disability Rights and Bedside Rationing," Faculty Ethics Group, School of Medicine, University of Missouri-Columbia (May 1995).
- "Health Reform and Medical Malpractice", Midwest Bioethics Center, Kansas City (July 1994).
- "Legal Issues Raised by Medical Technology," Southwest Missouri Bench Club (May 1994).
- "Advance Care Directives and the Patient Self-Determination Act: Implications for Missouri's Nursing Homes," Caring for the Frail Elderly Conference, Missouri Association of Long-Term Care Physicians (Sept. 1992).
- "Universal Health Care: Right or Privilege," public forum sponsored by the Missouri Association for Social Welfare (Apri 1991).
- "Understanding the *Cruzan* Case, Critical Care Update Program, University of Missouri School of Medicine (April 1991).
- "Decision-making When Principles Conflict: Problems in Surrogate Decisionmaking"-- a speech presented at a program entitled "Medical Practice After *Cruzan*: Withholding Life Sustaining Treatment in Missouri"; sponsored by the University of Missouri School of Medicine and The Ethics Committee of the Health Sciences Center (Dec.1990).

"Withholding Treatment After *Cruzan*: The Health Care Surrogate Law"-- planned and moderated a forum held on October 9, 1990, about the Missouri Bar Association's proposed health care surrogate statute; it featured the draftsman of the bill and a lobbyist for its chief opponent, the Missouri Catholic Conference.

"Annual Update of the Law of Torts," Missouri Bar Association Annual Meeting (Oct. 1990).

"Privacy, Liberty and the Right to Die," Constitution Week Program, Central Methodist College (Sept. 1990).

"When Should Autonomy Be Transferred," Family Practice Update Conference, UMC Department of Family and Community Medicine (March 1990).

"*Cruzan* Before the U.S. Supreme Court" - moderated and participated in a panel discussion held on October 17, 1989, at the law school featuring William Colby, the attorney for the Cruzans, and Judge Edward D. Robertson, Jr., the author of the Missouri Supreme Court's opinion.

"Legal-Medical Ethics and Metabolic Support;" Current Issues in Nutrition Support, Columbia (June 1987).

Teaching Across the Campus

Developed and taught an interdisciplinary course on "The Social Implications of Genetically Modified Organisms" offered from 2002 to 2004. The class was cross-listed in several departments and taught by faculty from law, molecular biology, biology, philosophy, agricultural economics, rural sociology, political science, plant sciences, and journalism.

Annual Lecturer at the School of Medicine, teaching the law governing the withholding of life-sustaining care (1996 to 2005) and basic malpractice law (2004 to present).

Annual Lecturer in Veterinary Jurisprudence at the University of Missouri-Columbia School of Veterinary Medicine (1987 to 2000)

Ag Journalism 3201: "Writing About Biotechnology: Getting Past the Partisans" Oct. 20, 2005.

Guest Lecturer in Medical Ethics at a class offered jointly by the Honors College and the Department of Philosophy, University of Missouri-Columbia (occasionally, from 1988-1995)

Guest Lecturer, Journalism and the Courts, Jan 20, 2005.

"Patenting the Human Genome," Biochemistry 105 (Biotechnology & Society) (Dec. 2000).

"A Malpractice Primer," Surgical Technology (Sept. 1998).

Grand Rounds, Departments of Neurology and Neurosurgery, UMC School of Medicine, May 1998.

"The Relationship of Law and Justice in a Pluralist Society," Honors College, Feb. 1998.

"Legal Issues in Biotechnology," Biochemistry (March 1994; Nov. 1995).

"Futile Medical Care," Department of Surgery (Jan. 1994).

"Antitrust Issues in Health Care," Department of Plant Pathology (Oct. 1993).

"Legal Issues in Sports", College of Education, Department of Health & Physical Education (Fall 1991).

"The Right to Die," presentation and panel discussion, February 21, 1990, sponsored by the Philosophy Club and the Arts & Sciences Student Government as part of Arts & Sciences Week.

"Legal Restrictions on the Release of Genetically Engineered Organisms in the Environment," Graduate Seminar, Department of Plant Pathology (Spring, 1988).

"Withholding Medical Treatment After *Cruzan v. Harmon*;" presented to the University of Missouri-Columbia School of Medicine Faculty Ethics Group (April 1989).

Honors College, "Introduction to Law of Defamation" (Fall, 1988-1990)

Association Memberships

American Bar Association, Missouri Bar Association, Boone County Bar Association American Society of Law, Medicine and Ethics American Civil Liberties Union Society of American Law Teachers Southern Poverty Law Center NAACP Founding Member, Berkeley Law Foundation

Personal

Address: 2620 Westbrook Way, Columbia, MO 65203, (573) 442-1150.

Born: February 4, 1950, in Manchester, New Hampshire.
Married: Vickie Park, M.D., F.A.C.E.P., married July 12, 1980.
Children: Natalie, born July 28, 1986; Mackenzie, born July 29, 1992.

[September 6, 2011]