

Thaddeus Mason Pope

Scholarship Agenda 2013 – 2016

Immediate Projects (2013-2014)

I have already been invited to contribute to a number of projects, many of which, I hope, will make a difference, have a practical real-world impact, and improve public health. Consequently, I have the following commitments and deadlines in 2013 and 2014.

1. GREENWALL FOUNDATION GRANT: I am in the second round of a grant to develop policy guidance for hospices on when staff should report known or suspected assisted suicide. If this is funded, I will devote 15% of my time in 2013-2014 to preparing at least one peer-reviewed medical journal article and one “perspective” piece, and to otherwise disseminate the legal and ethical guidance.
2. CONNECTICUT LAW REVIEW: I agreed to respond to a “target” article on public health paternalism. This is a central area of my scholarship. I published four significant pieces on this topic in the 2000s and a book chapter in 2011. Increasingly, regulators are limiting individual liberty to promote community health (e.g. smoking bans, soda size limits). While I am sympathetic to these health and healthcare cost objectives, we still have limited rules and principles by which to distinguish justified from unjustified restriction of substantially voluntary self-regarding conduct.
3. CARDOZO JOURNAL OF CONFLICT RESOLUTION: In connection with my invited participation at a November 2013 conference on dispute resolution in healthcare, I am submitting a piece on the procedural due process problems with hospital ethics committees. This will build on 2010-2011 work that I published in CAMPBELL LAW REVIEW and JOURNAL OF CLINICAL ETHICS. This is part of my broader project as an Edmond J. Safra Network Ethics Fellow at Harvard.
4. OXFORD HANDBOOK ON DEATH AND DYING: I am contributing an invited chapter on physician power to unilaterally refuse life-sustaining treatment on grounds of medical futility. This builds on an earlier chapter on “Patient Rights” that I already contributed to the OXFORD TEXTBOOK ON CRITICAL CARE 2D.
5. JOURNAL OF CLINICAL ETHICS: Since 2009, I have been authoring a quarterly “Legal Briefing” column for this journal. In 10-15,000 words, each briefing comprehensively reviews legal developments concerning a particular issue in clinical bioethics.
6. JOURNAL OF BIOETHICAL INQUIRY: This year, I joined the group of regular law professor contributors to the “Recent Developments” column in this journal.
7. COCHRANE DATABASE OF SYSTEMATIC REVIEWS: The protocol for this systematic review, *Advance Care Planning for End-Stage Kidney Disease*, has been approved. 2013, Issue 7. Art. No.: CD010687. My co-authors and I are now engaged in the review.
8. Over the 2013-2014 timeframe, I will be reviewing, editing, and polishing another ten to fifteen manuscripts that are already in various stages of editorial processing.

Major New Projects (2014-2016)

1. **BOOK - MODEL HEALTHCARE DECISIONS ACT:** I have written dozens of articles over the past few years concerning advance directive, surrogate decision making, informed consent, and related topics. I am eager to engage in a book-length treatment of these issues. I will catalog the state-by-state variations and assess their strengths and weaknesses. My objective is to defend a comprehensive model healthcare decisions act that would be considered by state policymakers much like products of the National Conference of Commissioners on Uniform State Laws.
2. **SERIES OF ARTICLES – DECISION MAKING FOR THE UNBEFRIENDED:** In 2012, I published a series of articles on the under-examined issue of how treatment decisions are made for incapacitated patients without surrogates. In 2013, I was invited to contribute an editorial on the topic to the *NEW ENGLAND JOURNAL OF MEDICINE*. I am presently seeking grant funding for a broader project examining access to public guardians and the standards by which those guardians make healthcare decisions.
3. **SERIES OF ARTICLES - JUSTIFIABILITY OF PUBLIC HEALTH HARD PATERNALISM:** I published three of the five chapters of my 2003 doctoral dissertation. I am eager develop the main, final chapter by taking the arguments that I have framed using the vocabulary of normative jurisprudence and political philosophy, and engaging the newer vocabulary and literature of behavioral economics.

Smaller New Projects (2014-2016)

1. **TORTS & LIABILITY:** I will analyze and assess the “school of thought” doctrine that permits a medical malpractice defendant to avoid breach by establishing compliance with any one of multiple standards of care. This is an important, yet under-analyzed area.
2. **MULTI-INSTITUTIONAL ETHICS COMMITTEE:** In 2009, I charged that healthcare ethics committees frequently make decisions that suffer from risks of corruption, bias, carelessness, and arbitrariness. I proposed that those risks could be mitigated by using a multi-institutional committee. I have been urged to further design such a committee so that it could be piloted. This continues my project as an Edmond J. Safra Network Ethics Fellow at Harvard.
3. **JOURNAL OF CLINICAL ETHICS:** Since 2009, I have been authoring a quarterly “Legal Briefing” column for this journal. In 10-15,000 words, each briefing comprehensively reviews legal developments concerning a particular issue in clinical bioethics. I will continue this relationship.
4. **JOURNAL OF BIOETHICAL INQUIRY:** This year, I joined as one of the regular law professor contributors to the “Recent Developments” column. I will continue this relationship.
5. I will continue blogging as a primary contributor to *Medical Futility Blog* and *Health Paternalism*. I will continue as a regular contributor to *Bioethics.net*.
6. I will update and expand my 2012 health law career guide.
7. I am engaged in some collaborative international, comparative projects: comparing, for example, innovative dispute resolution mechanisms in Queensland, Ontario, and Texas.