**RAND E. ROSENBLATT**

**CURRICULUM VITAE**

**CURRENT POSITION:**

Professor of Law

Rutgers University School of Law

217 N. Fifth St., Camden, New Jersey 08102-1203

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**Areas of Specialty:** constitutional law and interpretation, including rights regarding race and gender classifications and privacy/autonomy; theory and practice of democracy and civil society; freedom of speech; constitutional change, health law

**Courses:** Constitutional Law; Wealth, Democracy and the Rule of Law (intensive writing course); Health Law: Regulation of Quality and the Provider-Patient Relationship; Freedom of Expression in the 21st Century

**Administrative Experience:** Associate Dean for Academic Affairs, Rutgers University Law School-Camden, 1997-2000.

**RECENT MAJOR PROFESSIONAL ACTIVITIES:**

Author, “Saving Rutgers-Camden” section of Rutgers-Camden Law School Self Study Report for ABA Accreditation, December 2013

Presenter, “Oligarchy and Democracy at the Founding of the Republic: James Madison and the Ghosts of the Gracchi,” (work in progress), Rutgers-Camden Law Faculty Workshop, March 11, 2013

Designed & Taught New Intensive Writing Course, “Wealth, Democracy, and the Rule of Law,” Fall 2015, Fall 2014, Fall 2013, Spring 2013,

Co-Author, *Law and the American Health Care System*, 2nd ed. (Foundation Press, 2012), by Sara Rosenbaum, David Frankford, Sylvia Law, & Rand E. Rosenblatt

Speaker, “Debate on the Constitutionality of the Affordable Care Act,” (speaking in favor of the Act, opposing Prof. Randy Barnett (Georgetown)), sponsored by the Rutgers Camden Federalist Society and American Constitution Society, Oct. 19, 2011

Speaker, “Debate on the Constitutionality of the Affordable Care Act,” (speaking in favor of the Act, opposing David Rivkin, Esq.), sponsored by the Villanova University Law School Federalist Society, March 23, 2011

Speaker, “Debate on Originalism in Constitutional Interpretation,” (speaking critically of many forms of originalism, opposing Prof. Sai Prakash (University of Virginia)), sponsored by the Rutgers Camden Federalist Society and American Constitution Society, Feb.23, 2011

Lead speaker, “The Constitutionality of the Affordable Care Act,” Pennsylvania Bar Institute Program on Health Care Reform, Philadelphia, PA, May, 2010

**OTHER RECENT PROFESSIONAL ACTIVITIES**

Presenter & Panelist, “Informed Consent in the Operating Room” Case Study for the Interprofessional Education Conference, Rutgers University School of Law—Camden, Sept., 2014

Moderator, Panel on “Beyond Whether to Bear and Beget,” Beyond Roe Conference, Rutgers University School of Law—Camden, Oct. 11, 2013

Presenter & Panelist, “Informed Consent in the Operating Room” Case Study for the Interprofessional Education Conference, Rutgers University School of Law—Camden, Sept. 20,, 2013

Moderator, Rutgers-Camden Health Law Society Symposium on Health Care Fraud & Abuse, April 9, 2013

Commenter on Paper by Dr. Sam Lebovic (Rutgers University & New York University), “Press Freedom and the New Deal,” sponsored by the Rutgers Institute for Information Policy & Law (RIIPL), Feb. 20, 2013

Speaker, “Health Policy and the Presidential Election,” Election 2012 Policy Event, Rutgers University School of Law—Camden, Nov. 5, 2012

Participant, Conference on Ancient Constitutions, Cardozo Law School, April 2, 2012

**PUBLICATIONS:**

**BOOKS:**

*Law and the American Health Care System*, 2nd ed. (Foundation Press, 2012), by Sara Rosenbaum, David Frankford, Sylvia Law, & Rand E. Rosenblatt

*Law and the American Health Care System* (Foundation Press, 1997) (lead author, with Sylvia Law & Sara Rosenbaum), with *Supplements* in 1998, 1999-2000, and 2001-2002

*American Health Law: Cases and Materials* (Little, Brown & Co., 1990) (with George Annas, Sylvia Law, & Kenneth Wing)

**ESSAYS IN BOOKS:**

“The Courts,” in *Health Politics and Policy***,** 4th edition **(**James A. Morone, Theodor J. Litman, and Leonard S. Robins, eds., Delmar Cengage Learning, 2008)

"Health Law," in *The Politics of Law* 147-171, 3rd edition (D. Kairys, ed., HarperCollins/Basic Books, 1998)

"The Courts and the Reconstruction of American Social Legislation," in *The Politics of Health Care Reform: Lessons from the Past, Prospects for the Future* 165-202 (James Morone & Gary Belkin, eds., Duke University Press, 1994)

"Social Duties and the Problem of Rights in the American Welfare State,” in *The Politics of Law*, 90-114, Revised edition (D. Kairys, ed., Pantheon Books, 1990)

"Legal Entitlement and Welfare Benefits,@ in *The Politics of Law* 262-278 (D. Kairys, ed., Pantheon Books, 1982)

**ARTICLES:**

“The Four Ages of Health Law,” 14 *Health Matrix: Journal of Law-Medicine* 155-196 (2004) [invited contribution to Symposium on The Field of Health Law: Its Past and Future, on the occasion of the 50th Anniversary of the Law-Medicine Center of Case Western Reserve University School of Law]

“Health Care Entitlements and the Policy Gorilla,” book review of Timothy Stoltzfus Jost, *Disentitlement?: The Threats Facing Our Public Health-Care Programs and a Rights-Based Response*, 29 *J. Health Politics, Policy & Law* 529-537 (2004)

"Equality, Entitlement, and National Health Care Reform: The Challenge of Managed Competition and Managed Care," 60 *Brooklyn L. Rev.* 105-142 (1994)(Symposium on Ensuring (E)qual(ity) Health Care for Poor Americans)

"The Courts, Health Care Reform, and the Reconstruction of American Social Legislation," 18 *Journal of Health Politics, Policy, and Law* 439-476 (1993) (Symposium on National Health Care Reform)

"Statutory Interpretation and Distributive Justice: Medicaid Hospital Reimbursement and the Debate Over Public Choice," 35 *St. Louis Univ. Law J.* 793-835 (1991) (Health Law Symposium)

"Conceptualizing Health Law for Teaching Purposes: The Social Justice Perspective," 38 *J. Legal Education* 489 (1988) (Symposium on Health Law)

"Medicaid Primary Care Case Management, The Doctor-Patient Relationship, and the Politics of Privatization," 36 *Case Western Reserve L. Rev.* 915-968 (1986) (Symposium on Health Care Cost Containment)

"Rationing `Normal' Health Care Through Market Mechanisms: A Response to Professor Blumstein," 60 *Texas L. Rev.* 919-932 (1982)

"Rationing `Normal' Health Care: The Hidden Legal Issues," 59 *Texas L. Rev.* 1401-1420 (1981)

"Health Care, Markets, and Democratic Values," 34 *Vanderbilt L. Rev.* 1067-1115 (1981) (Symposium on Health Care and Market Competition)

"Health Care Reform and Administrative Law: A Structural Approach," 88 *Yale L. J.* 243-336 (1978)

Book Comment, "Dual Track Health Care -- The Decline of the Medicaid Cure," 44 *U. Cincinnati L. Rev.* 643-661 (1975)

"Lurching Toward the Abyss: Medicaid Cutbacks and Health Care Inflation," *Health Law Project Library Bulletin*, Nov. 1975 & Jan. 1976 (2 parts)

Note, "Legal Theory and Legal Education," 79 *Yale L. J.* 1153-1178 (1970)

**OTHER PUBLICATION IN SCHOLARLY JOURNALS**

Letter to the Editor regarding Punitive Damages and Managed Care (with Sara Rosenbaum and David Frankford), 342 *New England Journal of Medicine* 1756, June 8, 2000

**AMICUS BRIEFS:**

*Aetna v. Davila*, U.S. Supreme Court, co-author, on behalf of Families USA and 13 other organizations concerned with disabilities and chronic illness, arguing that HMOs and other managed care organizations not only pay for health care but also seek directly to structure and influence the delivery of health services, and that therefore state law liability should not be preempted by the federal ERISA statute. (January 2004)

*C.K. v. Shalala*, U.S. Court of Appeals for the Third Circuit, and U.S. District Court, Newark, NJ, on behalf of "Members and Staff of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research and the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research," on human experimentation issues in New Jersey's welfare reform demonstration program (September 1995 and September 1994)

**ARTICLES IN NEWSPAPERS**

"Prescribing for Health Care," (book review essay), *New York Newsday*, July 17, 1994

"Viewpoint: Warped Vision Killed the Health Plan," *New York Newsday*, September 13, 1994

**LEGISLATIVE TESTIMONY AND ANALYSIS**

Letter of analysis, requested by the offices of Senator Jon Corzine and Congressman Rush Holt, dated August 29, 2001, addressed to the United States Senators and Members of Congress from New Jersey, regarding the probable impact of the version of the federal patients bill of rights passed by the United States House of Representatives in August 2001 on New Jersey’s recently enacted Health Care Carrier Accountability Act, P.L. 2001, ch.187.

Letter of analysis dated August 2, 2001, requested by the office of Congressman John Dingell, co-authored with professors Sara Rosenbaum and David Frankford, addressed to Representative John Dingell, Ranking Member of the United States House of Representatives Committee on Commerce, regarding the “Norwood Amendment” (the latest White House patients rights proposal) to the patients bill of rights bill in the House, HR 2563.

Letter of analysis dated June 14, 2001, requested by the office of Senator Edward Kennedy, addressed to Senator Edward Kennedy, Chair, United States Senate Committee on Health, Education, Labor & Pensions, regarding provisions on access to non-network specialist physicians in S.889 (Frist/Breaux/Jeffords).

Testimony before the Health Committee of the New Jersey Senate on the Health Care Insurer Accountability Act, Senate Committee Substitute for S.1333 and S.722, delivered orally September 25, 2000, submitted in writing October 13, 2000. I testified regarding the creation of a patient right to sue HMOs and other managed care entities, and proposed four amendments to the pending bill. The Senate Health Committee accepted all four proposals and favorably reported the bill, which was enacted into law on July 30, 2001.

Letter of analysis dated July 6, 2000, co-authored with professors Sara Rosenbaum and David Frankford, addressed to Congressman John Dingell, Ranking Member of the United States House of Representatives Committee on Commerce, regarding the legislation on patients= rights passed by the United States Senate in June 2000.

Letter of analysis dated October 6, 1999, reprinted in the Congressional Record, October 7, 1999, pp.H9594-9595, addressed to Congressman John Dingell, Ranking Member of the United States House of Representatives Committee on Commerce, analyzing Congressman Coburn=s Substitute Amendment to H.R. 2723, The Health Care Quality and Choice Act of 1999 (co-authored with George Washington Univ. Prof. Sara Rosenbaum);

Testimony on ERISA and Health Care Delivery, United States House of Representatives Subcommittee on Employer-Employee Relations of the Committee on Education and the Workforce, Washington, DC, February 24, 1999;

Testimony on Consumer Rights in Health Insurance Coverage Determinations, United States Senate Committee on Labor and Human Resources, Washington, DC, January 20, 1999

**COURT-APPOINTED EXPERT REPORT:**

"Children's Health and the Agent Orange Settlement Fund," A Report to Chief Judge Jack B. Weinstein, U.S. District Court, Eastern District of New York, *In re Agent Orange Product Liability Litigation*, MDL No. 381 (Feb. 22,1985)

**SELECTED LECTURES AND PRESENTATIONS:**

“Emerging Issues in Health Law,” presentation at a symposium panel sponsored by the Rutgers-Camden Health Law Society, March 27, 2009.

“The Second Founding,”sponsored by the Rutgers-Camden chapter of the American Constitution Society (ACS) and the Black Law Students Association, about the significance of the Reconstruction Amendments in American constitutional history and development, November 12, 2008, in preparation for the Second Founding Conference sponsored by the national ACS at the University of Pennsylvania Law School, November 13-14, 2008.

“Understanding National Health Reform,” sponsored by a UMDNJ medical student organization. Delivered talk to over 100 medical students and faculty at UMDNJ—School of Osteopathic Medicine, Stratford, on major approaches to national health reform, Oct. 7, 2008.

“New Developments in Health Law,” presentation at a symposium panel sponsored by the Rutgers-Camden Health Law Society, March 29, 2008.

“Teaching Constitutional Law in Our Times: The Use of History, Narrative, and Contending Constitutional Worldviews,”presenter at Society of American Law Teachers (SALT) Conference on Teaching for Social Change,Univ. of California Law School (Boalt Hall), March 14-15, 2008

“Overview of the Roberts Court,” Presentation on the 2006-2007 Term of the U.S. Supreme Court to the Women’s Rights and Civil Rights Committees of the Philadelphia Bar Association, Oct.1, 2007.

Presenter, “May a Doctor Refuse to Render Emergency Care? Decoding *Hurley v. Eddingfield* (1901),” (work in progress), Rutgers-Camden Faculty Workshop, February 2007.

Moderator, Panel on Freedom of Speech in Wartime (with panelists David Cole, Ronald Collins, and Charles Fried), Conference on Freedom of Speech in Wartime and Professor Geoffrey Stone’s *Perilous Times*, National Constitution Center, Philadelphia, January 2005

Presenter, “The Legacy of *Brown* and the Spirit of *Plessy*: Social Citizenship and the Struggle for the Soul of the New Constitutional Order,” Vanderbilt Law Review Symposium:

Lawyers as Activists: Achieving Social Change Through Civil Litigation, March 2004

Presenter, “Constitutional Interpretation and the Dynamics of World History,” (work in progress, responding to Philip Bobbitt’s *The Shield of Achilles* (2002) and other works), Rutgers-Camden Faculty Workshop, November 2003.

Speaker on freedom of speech and press, “Free Speech on Campus” Panel, Cumberland County College, Vineland, NJ, October 17, 2002. This panel arose out of a controversy about whether a vulgar phrase on a banner for student expression of sentiment about Sept.11 justified the college administration’s removing the banner and imposing conditions on the student newspaper’s access to the banner.

Moderator, Panel Organizer and Speaker on “The Impact of the Market on Private and Public Health Insurance Law,” American Society of Law, Medicine and Ethics National Conference of Health Law Teachers, Indiana University Law School at Indianapolis, June 7, 2002

Speaker on *Pegram*, Liberty of Plan Design, and the Posner/Easterbrook Vision of ERISA, American Society of Law, Medicine and Ethics National Conference of Health Law Teachers, Boston University Law School, June 2001

Speaker on Health Insurance, Conference on Social Security: Privatization and Reform, University of Connecticut Law School, April 2001

Speaker on ERISA Fiduciary Duty and Preemption, Rutgers University Center for State Health Policy, New Brunswick, NJ, September 2000

Speaker, The American Disabilities Act and Health Insurance, New Jersey Institute of Continuing Legal Education, October 1999

Commenter on Keynote Speaker Uwe Reinhart; Presenter on ERISA, American Society of Law, Medicine and Ethics National Conference of Health Law Teachers, St. Louis University Law School, June 1999

Invited Participant, Conference on Insurance and Risk, University of Connecticut Law School, April 1999

Expert Witness and Presenter on ERISA and Health Care Delivery, United States House of Representatives Subcommittee on Employer-Employee Relations of the Committee on Education and the Workforce, Washington, DC, February 24, 1999.

Expert Witness and Presenter on Consumer Rights in Health Insurance Coverage Determinations, United States Senate Committee on Labor and Human Resources, Washington, DC, January 20, 1999

Keynote Speech, "The New Medical Malpractice Liability: Managed Care, Quality and the Law," at a Symposium sponsored by the George Washington University Medical Center, the GWU School of Public Health and Health Services, and the Hirsh Health Law and Policy Program, Washington DC, October 1998

Presentation, "The Role of State Judges in Modern Health Care Litigation" 1998 Kansas Judicial Conference, Overland Park, KA, October 1998

Workshop, “Teaching ERISA and HMO liability in Health Law Courses,” at the American Society of Law, Medicine and Ethics National Conference of Health Law Teachers, University of Houston Law School, June 1998

Presentation, “The New HMO Liability,” New Jersey Institute of Continuing Legal Education (ICLE), May 1998

Faculty Member & Presenter on Introduction to Health Law, ERISA Preemption, and Insurer Decisions on Experimental Care, Health Law Program for Federal and State Judges sponsored by the Federal Judicial Center and the Kaiser Family Foundation, Atlanta, GA, March 1998

Presentation, The Legal Structure of Affirmative Action in Higher Education, Executive Committee of the Rutgers University Senate, February 27, 1998

Presenter & Panelist, The Politics of Teaching *Brown v. Board of Education*, Fourth Annual Mid-Atlantic People of Color Legal Scholarship Conference, Rutgers-Camden Law School, February 14, 1998

Expert Witness and Presenter, "ERISA and Consumer Remedies," President's Advisory Commission on Consumer Protection and Quality in the Health Care Industry, Bethesda, MD, January 27, 1998

Faculty Member & Presenter on Introduction to Health Law, ERISA Preemption, and Insurer Decisions on Experimental Care, Health Law Program for Federal and State Judges sponsored by the Federal Judicial Center and the Kaiser Family Foundation, Palm Springs, CA, November 1997

Presenter & Commenter, "Cultural Competence and Medicaid Managed Care," The Harkness Fellowship Program of The Commonwealth Fund, New York City, June 1997

Presentation, "Health Care Financing," American Society of Law, Medicine & Ethics, Health Law Teachers Conference, Seton Hall Law School, Newark, NJ June 1997

Presentation, "Health Care Financing," American Society of Law, Medicine & Ethics, Health Law Teachers Conference, Widener Univ. Law School, Wilmington, DE, June 1996

Presentation, "Consumer Rights and Managed Care," Seton Hall Univ. Law School, Newark, NJ, Symposium on Managed Care, November 1995

Presentation, "Consumer Grievances and Managed Care: Indispensable and Impossible?," American Public Health Assoc. Annual Meeting, San Diego, CA, October 1995

Presentation, Insurer Determinations of Medical Necessity, University of Alabama Law School Visiting Scholars Program, Tuscaloosa, Ala., February 1995

Presentation, "What Happened To Health Care Reform?," Rutgers-Camden Health Policy Lunch Forum and Law Faculty Lunch Program, Rutgers-Camden Law School, February 1995

Presentation on health care reform and administrative law to the Administrative Law Section of the American Bar Association, Washington, DC, October 1994

Panelist on Medical Malpractice Law Reform, Rutgers University Law School -- Camden Forum on Tort Reform and Civil Justice, Camden, NJ, September 1994

Presentation to the 1994 Health Law Teachers Conference, American Society of Law, Medicine and Ethics, Indianapolis University Law School, Indianapolis, Ind., June 1994

Presentation to the RAND Graduate School, the University of Southern California Law Center Faculty Workshop, and the Pacific Center on Health Law and Ethics on the legal implications of health care reform, Los Angeles, Calif., February 1994

Testimony on Access to Justice, Discrimination, and Health Care Reform to the Subcommittee on Health and Environment of the Committee on Energy and Commerce, United States House of Representatives, January 1994

Speaker on Access to Justice in Health Care Reform, Symposium on Ensuring (E)qual(ity) Health Care for Poor Americans, Brooklyn Law School, December 1993

**SELECTED ADDITIONAL PROFESSIONAL ACTIVITIES:**

Participant, Health Law Professors Conference, University of Texas Law School, June 2010

Participant, Conference on “The Constitution in 2020,” co-sponsored by the American Constitution Society and the Yale Law School, at the Yale Law School, October 2-4, 2009

Participant, Conference on “The Second Founding” [1866-1868], co-sponsored by the American Constitution Society and the University of Pennsylvania Law School, at the University of Pennsylvania Law School, November 13-14, 2008

Manuscript Peer Reviewer, Vanderbilt University Press, for "Voices of the Brown Generation,” October 2006

Participant, Conference on  Equality and the State at the University of Kent, Canterbury, UK, June 29/July 1, 2006.   The conference was organized by the Feminist Legal Theory Project and Keele Law School, and sponsored by the British Academy and the Emory University Law School Network on Key Concepts in Feminist Legal Theory.

Participant, Conference on A New Constitutional Order?, Fordham University Law School, New York City, March 24, 2006.

Member, Governor-elect James McGreevey’s Transition Team for the New Jersey Department of Health and Senior Services, December 2001

Manuscript Peer Reviewer, *Journal of Health Politics, Policy & Law, The Milbank Quarterly*

Co-Chair, Committee on Access to Justice in Health Care Reform, Society of American Law Teachers, October 1993 - June 1995

**LEGAL EMPLOYMENT:**

Professor of Law, Rutgers University Law School--Camden (7/1/82-present)

Associate Dean for Faculty and Academic Affairs, Rutgers University Law School--Camden (7/1/97-7/1/2000)

Associate Professor of Law, Rutgers University Law School--Camden (7/1/76-6/30/82)

Visiting Associate Professor of Law, University of Pennsylvania Law School (7/1/79-6/30/80)

Assistant Professor of Law, Rutgers University Law School--Camden (7/1/75-6/30/76)

Assistant Professor of Law, Rutgers University Law School--Newark (7/1/73-6/30/75)

Staff Attorney, Health Law Project, University of Pennsylvania Law School (7/1/72-6/30/73)

Law Clerk to U.S. District Judge Jack B. Weinstein, Eastern District of New York (7/1/71- 6/30/72)

**SELECTED LAW SCHOOL & UNIVERSITY SERVICE:**

Member, Committee on Assessment & Learning Outcomes, 2015-

Member, Committee on Clinical Promotions & Review, 2015-

Member, Mary Philbrook Award Student Honoree Selection Committee, 2015-

Author, “Saving Rutgers-Camden” section of Rutgers-Camden Law School Self Study Report, December 2013

Member, Rutgers-Camden Chancellor’s Ad Hoc Committee on Higher Education Cooperation in South Jersey, October 2011-March 2012

Member, Rutgers-Camden Campus Committee on Equity & Diversity, 2010-2012

Member, Clinical Appointments Committee, 2009-2010

Member, Committee on Faculty Workshops, 2008 to 2014

Chair, Committee on Faculty Workshops, 2007-2008

Chair, Faculty Appointments Committee, 2005-2006; 2004-2005

Member, Legal Research & Writing Committee, 2003-2004

Member, University Committee South (Rutgers Restructuring), 2003-2004

Chair, Committee on Faculty Workshops, 2001-2002

Chair, Law School Self Study Committee, 1999-2000

Chair, Committee on Legal Research and Writing, 1999-2000

Member, Curriculum Committee, 1998-2000, 2001-2002

Member, Camden Campus Committee on FASP Awards, 1985-2001

Speaker, Introduction to the Legal System, Law School Orientation Program

(day and evening), August 1999 and August 1998

Teacher, Law School Class, National Youth Leadership Forum at

Rutgers-Camden Law School, July 1999

Chair, Committee on Faculty Appointments, 1996-1997

[continued on next page]

Member, Committee on Faculty Appointments, 1994-1995

Chair, Committee on Courses, 1993-1994

Chair, Committee on Faculty Appointments, 1991-1992

Chair, Committee on Promotions, 1990-1991

**EDUCATION:**

J.D. 1971, Yale Law School

Article & Book Review Editor, *Yale Law Journal*

M. Sc. (Econ.) in Political Sociology (with distinction), 1967, London School of Economics and Political Science

B.A. *Summa Cum Laude* (Social Studies), 1966, Harvard University

Bowdoin First Prize for Undergraduate Writing

Frank Knox Fellowship for Study in Great Britain

Phi Beta Kappa

Editorial Board, *Harvard Crimson*

Updated: 10/15