

# Govind C. Persad

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## EMPLOYMENT

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### University of Denver Sturm College of Law, Denver, CO

Assistant Professor of Law, 2018-

### Johns Hopkins University, Baltimore, MD

Assistant Professor of Health Policy & Management and (by courtesy) Philosophy, 2016-18

### Georgetown University, Washington, DC

Junior Faculty Fellow, McDonough School of Business, 2015-16

### U.S. Court of Appeals for the Tenth Circuit, Denver, CO

Law Clerk to the Hon. Carlos F. Lucero, 2014-15

### University of Pennsylvania, Philadelphia, PA

Visiting Researcher, Department of Medical Ethics & Health Policy, 2013-14

### Jenner & Block LLP, Washington, DC

Summer Associate, 2010

### Munger, Tolles & Olson LLP, San Francisco, CA

Summer Associate, 2009

### National Institutes of Health, Bethesda, MD

Predocctoral Fellow, Department of Bioethics, 2006-08

## EDUCATION

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### Law School

Stanford Law School, J.D., 2013, with Pro Bono Distinction

- *Stanford Law Review*, Articles Committee
- Student Fellow, Stanford Center for Law and the Biosciences
- First Prize, Steven M. Block Civil Liberties Award
- Class Prizes for Legal Ethics, Sexual Orientation and the Law, and Alternative Conceptions of Antidiscrimination

### Graduate

Stanford University, Ph.D., Philosophy, 2015

Dissertation: *Moving Toward Fairness: Normative Aspects of Social & Economic Mobility*

Committee: Debra Satz (chair), Eamonn Callan, Joshua Cohen, Mark Kelman

- Stanford Interdisciplinary Graduate Fellow, 2012-15 (one of 18)
- Graduate Public Service Fellow, Haas Center for Public Service, 2012

### Undergraduate

Stanford University, B.S., Biological Sciences, with distinction, 2007

Stanford University, B.A., Philosophy, with honors and distinction, 2006

- *Phi Beta Kappa*
- Mothershead Prize for Outstanding Senior Thesis in Moral Philosophy

## PUBLICATIONS

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### Law Journals and Edited Volumes

1. *Evaluating the Legality of Age-Based Criteria in Health Care: From Nondiscrimination and Discretion to Distributive Justice*, 60 B.C. L. REV. \_\_\_\_ (forthcoming 2019).
2. *Paying Patients: Legal and Ethical Dimensions*, 20 YALE J.L. & TECH. 177 (2018).
3. *Transparency Trade-Offs: Priority-Setting, Scarcity, and Health Fairness*, in TRANSPARENCY IN HEALTH AND HEALTH CARE (I. Glenn Cohen, Holly Fernandez Lynch & Barbara Evans eds.), forthcoming.
4. *Bankruptcy Beyond Status Maintenance*, 11 VA. L. & BUS. REV. 451 (2017).
5. *Beyond Administrative Tunnel Vision: Widening the Lens of Costs and Benefits*, 15 GEO. J.L. & PUB. POL'Y 941 (2017). Invited symposium contribution.
6. *Law, Science, and the Injured Mind*, 67 ALA. L. REV. 1179 (2016).
7. *Health Theater*, 48 LOY. U. CHI. L.J. 585 (2016).
8. *Priority-Setting, Cost-Effectiveness, and the Affordable Care Act*, 41 AM. J.L. & MED. 119 (2015).
9. *The Medical Cost Pandemic: Why Limiting Access to Cost-Effective Treatments Hurts the Global Poor*, 15 CHI. J. INT'L L. 559 (2015).
10. *When, and How, Should Cognitive Bias Matter to Law?* 32 LAW & INEQ. 31 (2014).
11. *The Tarasoff Rule: The Implications of Interstate Variation and Gaps in Professional Training*, 42 J. AM. ACAD. PSYCHIATRY & L. 469 (2014). Second author, with Rebecca A. Johnson and Dominic Sisti.
12. *Democratic Deliberation and the Ethical Review of Human Subjects Research*, in HUMAN SUBJECTS RESEARCH REGULATION: PERSPECTIVES ON THE FUTURE (I. Glenn Cohen & Holly Fernandez Lynch eds. 2014): 157-72.
13. *Libertarian Patriarchalism: Nudges, Procedural Roadblocks, and Reproductive Choice*, 35 WOMEN'S RTS. L. REP. 273 (2014). Invited symposium contribution.
14. *What Marriage Law Can Learn from Citizenship Law (And Vice Versa)*, 22 TUL. J. L. & SEXUALITY 103 (2013). First Prize, 2012 National LGBT Bar Association Student Writing Competition; Article of the Day, ImmigrationProf Blog.
15. Note, *Risk, Everyday Intuitions, and the Institutional Value of Tort Law*, 62 STAN. L. REV. 1445 (2010).
16. *The Current State of Medical School Education in Bioethics, Health Law, and Health Economics*, 36 J.L. MED. & ETHICS 89 (2008). First author, with Linden Elder, Laura Sedig, Leonardo Flores & Ezekiel J. Emanuel.

### **Medical Ethics and Health Policy Journals and Edited Volumes**

17. *The Case for Resource-Sensitivity: Why It Is Ethical to Provide Cheaper, Less-Effective Treatments in Global Health*, 47 HASTINGS CTR. REP. 17 (2017). First author, with Ezekiel J. Emanuel. Featured article with commentaries by Alex London (Carnegie Mellon), Richard Marlink (Harvard), and Paul Ndebele (Medical Research Council of Zimbabwe).
18. *Justice and Public Health*, in OXFORD HANDBOOK OF PUBLIC HEALTH ETHICS (Nancy Kass, Jeff Kahn, and Anna Mastroianni eds.), forthcoming.

19. *Non-Health and Indirect Benefits*, in GLOBAL HEALTH PRIORITIES: BRIDGING THE GAP BETWEEN THEORY AND PRACTICE (Ole Frithjof Norheim & Ezekiel J. Emanuel eds.), forthcoming. First author, with Jessica du Toit.
20. *Public Preferences About Fairness and the Allocation of Scarce Medical Interventions*, in INTERDISCIPLINARY PERSPECTIVES ON FAIRNESS, EQUITY AND JUSTICE (Meng Li & David Tracer eds. 2017).
21. Letter, *The Ethics of Expanding Access to Cheaper, Less-Effective Treatments--Authors' Reply*, 389 LANCET 1008 (2017). Second author, with Ezekiel J. Emanuel.
22. *What Is the Relevance of Procedural Fairness to Making Determinations about Medical Evidence?* 19 AM. MED. ASS'N J. ETHICS 183 (2017). Invited contribution.
23. *The Ethics of Expanding Access to Cheaper, Less-Effective Treatments*, 388 LANCET 932 (2016). First author, with Ezekiel J. Emanuel.
24. *Sufficiency, Comprehensiveness of Healthcare Coverage and Cost-Sharing Arrangements in the Realpolitik of Health Policy*, in WHAT IS ENOUGH? SUFFICIENCY, JUSTICE, AND HEALTH (Carina Fourie and Annette Rid eds. 2016): 267-80. First author, with Harald Schmidt.
25. *Expanding Deliberation in Critical-Care Policy Design*, 16 AM. J. BIOETHICS 60 (2016): 60-63. Invited contribution.
26. *Should Research Ethics Encourage the Production of Cost-Effective Interventions?* in ETHICS AND GOVERNANCE OF BIOMEDICAL RESEARCH: THEORY AND PRACTICE (Daniel Strech & Marcel Mertz eds. 2016): 13-28.
27. *Clinical Research: Should Patients Pay to Play?* 7 SCI. TRANSLATIONAL MED. 298 (2015). Fifth author, with Ezekiel J. Emanuel, Steve Joffe, Christine Grady, and David Wendler.
28. Poster, *Offensive Defensive Medicine: The Ethics of Digoxin Injections in Response to the Partial Birth Abortion Ban*, 90 CONTRACEPTION 304 (2014). Second author, with Colleen Denny and Elena Gates.
29. *Misuse Made Plain: Evaluating Concerns About Neuroscience in National Security*, 1 AJOB NEUROSCI. 15 (2010). Seventh author, with Kelly Lowenberg, Brenda M. Simon, Amy Knight Burns, Libby Greismann, Jennifer M. Halbleib, David L.M. Preston, Harker Rhodes, and Emily M. Murphy.
30. *Standing by Our Principles: Meaningful Guidance, Moral Foundations, and Multi-Principle Methodology in Medical Scarcity*, 4 AM. J. BIOETHICS 46 (2010). First author, with Ezekiel J. Emanuel and Alan Wertheimer.
31. Letter, *Ethical Criteria for Allocating Health-Care Resources--Authors' Reply*, 373 LANCET 1425 (2009). First author, with Ezekiel J. Emanuel and Alan Wertheimer.
32. *Principles for Allocation of Scarce Medical Interventions*, 373 LANCET 423 (2009). First author, with Ezekiel Emanuel and Alan Wertheimer. Reprinted in ETHICAL ISSUES IN MODERN MEDICINE, 8th ed. (John Arras, Bonnie Steinbock, and Alex London eds. 2012).
33. *Are Physicians Willing to Ration Health Care? Conflicting Findings in a Systematic Review of Survey Research*, 90 HEALTH POL'Y 113 (2009). Second author, with Daniel Strech, Georg Marckmann, and Marion Danis.

34. *Including Persons with HIV Infection in Cancer Clinical Trials*, 26 J. CLIN. ONCOLOGY 1027 (2008). First author, with Richard F. Little and Christine Grady.

### Philosophy Journals

35. *Distributive Justice and the Relief of Household Debt*, J. POL. PHIL., epub ahead of print at <https://doi.org/10.1111/jopp.12153>.
36. *Downward Mobility and Rawlsian Justice*, 175 PHIL. STUDIES 277 (2017).
37. Retrospective Essay, *On H.M. Oliver's "Established Expectations and American Economic Policies,"* 125 ETHICS 829 (2015).
38. *Equality via Mobility: Why Socioeconomic Mobility Matters for Relational Equality, Distributive Equality, and Equality of Opportunity*, 31 SOC. PHIL. & POL'Y 158 (2015).

### PRESENTATIONS (past five years)

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#### Law

- Beyond QALY Maximization and Antidiscrimination: A Moderate Approach to Priority-Setting for Patients with Disabilities*  
Petrie-Flom Conference: Beyond Disadvantage: Disability, Law, and Bioethics, Harvard Law School, Cambridge, MA, June 2018. Among ~10% of abstracts accepted.
- Intellectual Property and Access to Health Care: Beyond Pharmaceutical Exceptionalism*  
ASLME BioIP Workshop, May 2018  
Bowdoin College, Brunswick, ME, April 2018
- Adequacy and Equality in Health Insurance Benefit Design*  
Michigan Law 4th Annual Junior Scholars Conference, University of Michigan, Ann Arbor, MI, April 2018.  
Mid-Atlantic Health Law Professors Retreat, Seton Hall Law School, February 2018
- When Are Age-Based Classifications Appropriate in Medical Decisionmaking? Discrimination, Discretion, and Distributive Justice*  
University of Denver Sturm College of Law, November 2017  
Northeastern University School of Law, November 2017  
Indiana University Robert H. McKinney School of Law, November 2017  
University of Illinois Law School Faculty Workshop, October 2017  
ASLME Health Law Scholars Workshop, St. Louis University School of Law, October 2017
- Taxing Health*  
ASLME Health Law Professors Conference, June 2017
- Transparency Trade-Offs: Priority-Setting, Scarcity, and Health Fairness*  
Petrie-Flom Conference on Transparency in Health and Health Care, Harvard Law School, Cambridge, MA, April 2017. Among ~12% of abstracts accepted.
- When Should Employee Health Be Employers' Business?*  
Zicklin Center Normative Business Ethics Workshop, Department of Legal Studies and Business Ethics, The Wharton School, University of Pennsylvania, January 2017
- Paying Patients: Legal and Ethical Dimensions*  
Mid-Atlantic Health Law Professors Retreat, Seton Hall Law School, February 2017

ASLME Health Law Professors Conference, June 2016

*An Egalitarian Right to Security: From Status Maintenance to Adequacy Plus Mobility*  
Rapoport Center for Human Rights Conference, University of Texas School of Law, Austin, TX, April 2016

*Rethinking Financial Risk Protection in Universal Health Coverage*  
American Society for International Law International Economic Law Interest Group, Denver, CO, May 2014

*From Bungee Cords to Safety Nets: Evaluating and Rethinking Status Maintenance*  
Doctoral Scholarship Conference, Yale Law School, December 2013

*Comments on Scott Shapiro, "Goodness Grotius"* (chapter in his *THE INTERNATIONALISTS*)  
Political Theory Workshop, Stanford University, October 2013.

*Libertarian Patriarchalism*  
Beyond *Roe v. Wade* Conference, Rutgers Law School, October 2013  
UCLA Law and Philosophy Graduate Conference, April 2013

### **Medical Ethics and Health Policy**

*Comments on Alison Massof, "Doctors: Collaborators or Contractors"*  
Rocky Mountain Ethics Congress, University of Colorado, upcoming August 2018

*When Can Health Differences Justify Wealth Differences?*  
Workshop on Current Issues in Ethics and Economics, Center for Values and Social Policy, University of Colorado-Boulder, April 2018

*Authority Without Identity: Defending Advance Directives via Posthumous Rights Over One's Body*  
American Philosophical Association, Central Division, February 2018  
University of Waterloo, Waterloo, Canada, March 2018

*Financial Protection in Universal Health Coverage*  
Philosophy Interest Group, American Society for Bioethics and Humanities, October 2017

*Centering Health Care and Public Health Policy: Should We Cater to the Middle Class?*  
American Society for Bioethics and Humanities, October 2017

*Cost-Effectiveness in Animal Health: An Ethical Analysis*  
Rocky Mountain Ethics Congress, Preconference Workshop on Animal Ethics, University of Colorado, August 2017

*Comments on Eric Chwang, "Consent Is All in the Mind(ing)"*  
Rocky Mountain Ethics Congress, University of Colorado, August 2017

*Setting Priorities for Genomic Research: Cost-Effectiveness and Distributive Fairness*  
Ethical, Legal and Social Implications of Genomic Research Congress, University of Connecticut, June 2017

*Social Change and Status Quo Maintenance in Applied Ethics*  
Workshop on Methodology in Applied Ethics, Georgetown University, February 2017

*The Ethics of Cost-Effectiveness: How Organ Transplantation Costs Lives*  
American Philosophical Association, Eastern Division, January 2017  
Center for Bioethics and Humanities, University of Colorado-Anschutz Medical Campus, November 2015.

Center for Values and Social Policy, University of Colorado-Boulder, October 2015.

*Beyond Administrative Tunnel Vision: Widening the Lens of Costs and Benefits*

Georgetown Institute for the Study of Markets and Ethics Annual Workshop, Georgetown University, November 2016.

Invited Panelist, *Can't Buy Me Love, but Maybe a Clinical Trial Spot? How IRBs Wrestle with Participant Funding and Influence*

PRIM&R Advancing Clinical Excellence Conference, Anaheim, CA, November 2016. Panel discussion with Melissa Abraham, Carol Weil, Glenn O'Neill, and Elizabeth Hohmann.

*In Defense of Use-Based Health Care Financing*

American Philosophical Association, Eastern Division, Washington, DC, January 2016

*Health, Disability, and Third-Party Effects*

Berkeley-Stanford-Davis Graduate Philosophy Conference, May 2015

*The Medical Cost Pandemic*

American Philosophical Association, Eastern Division, December 2014

*Progress Over Perfection: Providing Lower-Cost Medicine Internationally and Domestically*

Parr Center for Ethics, University of North Carolina, November 2013

*Research Ethics and the Production of Cost-Effective Interventions*

Research Ethics: Current Challenges in Preclinical, Clinical and Public Health Research, Medizinische Hochschule Hannover, Hanover, Germany, August 2013

## **Philosophy**

*Polarization, Distributive Justice, and the Future of the Middle Class*

American Philosophical Association, Central Division, March 2017

*Household Debt, Disadvantage, and Status Maintenance*

Finance and Social Justice Conference, University of Bayreuth, November 2016

*From Bungee Cords to Safety Nets: Evaluating and Rethinking Status Maintenance*

Professional Speaker Series, Colorado State University, December 2015

*When Does Downward Mobility Matter?*

American Philosophical Association, Eastern Division, December 2013

*Mobility, Inequality, and Intergenerational Justice*

Conference on Intergenerational Justice, University of York, September 2013

*Comments on Philip Shadd, "The Saviour of Justificatory Liberalism"*

American Philosophical Association, Pacific Division, March 2013

## **EXTERNAL HONORS**

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**Greenwall Faculty Scholar in Bioethics**, 2018-21. Provides 50% of salary as well as a mentorship program.

**BioIP Workshop Scholar**, American Society of Law, Medicine and Ethics, 2018 (one of three)

**Health Law Scholar**, American Society of Law, Medicine and Ethics, 2017 (one of four)

**Student Travel Award**, American Philosophical Association, Eastern Division, 2015, 2014, 2013

**First Prize**, National LGBT Bar Association Law Student Writing Competition, 2012

**First Prize**, Northeastern University Program in Human Rights and the Global Economy Student Writing Competition, 2012

**Participant**, National Endowment for the Humanities Summer Seminar, Washington University in St. Louis, 2012. Topic: *Liberty, Equality, and Justice: Philosophical Problems in Domestic and Global Contexts*. Includes housing and stipend.

#### GRANTS RECEIVED

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**Exploration of Practical Ethics Grant**, Johns Hopkins University, 2017-18. Total: \$67,500.  
Role: Co-Investigator (Principal Investigators: Johnathon Ehsani, Health Policy and Management, and Tak Igusa, Engineering)  
Topic: Ethical issues in autonomous vehicle testing.

**Exploration of Practical Ethics Grant**, Johns Hopkins University, 2017-18. Total: \$64,635.  
Role: Co-Investigator (Principal Investigator: Len Rubenstein, School of Public Health)  
Topic: Ethics and human rights of refugee resettlement.

#### SELECTED SERVICE AND PUBLIC OUTREACH

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**Board of Directors**, Telluride Association, 2013-. Telluride Association is a non-profit that offers free summer seminars in humanities, social sciences, and ethnic studies to high school students, and operates scholarship residences for undergraduates at Cornell and the University of Michigan. In 2016-17, I co-chaired the committee that hires faculty to teach summer seminars in ethnic studies.

**National Institutes of Health Study Section on Societal and Ethical Issues in Research**, Temporary Member, 2017. Invited reviewer for grant applications that use legal methods.

**Diversity/Mentoring the Mentors Workshop Participant**, American Philosophical Association, 2017. Selected participant in grant-funded workshop on strategies for effectively mentoring students from diverse backgrounds, particularly undergraduates who are participating in diversity summer programs and plan to pursue graduate study.

**Session Chair** for workshop on Crime Without Fault: The Justifiability of Public Welfare Offenses and the Responsible Corporate Officer Doctrine, Georgetown University Law Center, 2017

**Institutional Review Board**, Bloomberg School of Public Health, Johns Hopkins University, 2017-18. Weekly meetings.

**Admissions and Program Committee**, PhD Concentration in Bioethics and Health Policy, Bloomberg School of Public Health, Johns Hopkins University, 2017.

**Invited Commentator**, Templeton Foundation-funded project on hope, creative resolve, and access to medicines, Cornell University, 2017. Commented on book manuscript by Nicole Hassoun (Binghamton) on the human right to health and access to essential medicines.

**Lunch and Learn Presenter**, Patient-Centered Outcomes Research Institute, 2017. Topic: Justice and public health.

**Occasional Blogger** for Stanford Law School's Center for Law and Biosciences Blog, 2012-

**Occasional Blogger** for Harvard Law School's Petrie-Flom Center Bill of Health Blog, 2015-

**Campus Interviewer** for Fulbright Scholarship applicants, Georgetown University, 2015

**Peer Reviewer** for *Law and Philosophy*; *American Journal of Bioethics*; *Bioethics* (3x); *Journal of AIDS – Epidemiology*; *Journal of General Internal Medicine* (3x); *Journal of Medical Ethics* (2x); *Kennedy Institute of Ethics Journal* (2x); *Medicine, Health Care, and Philosophy* (2x); *Oxford Handbook on Public Health Ethics*; *Public Affairs Quarterly*; *Regenerative Medicine*; *Theoretical Medicine and Bioethics*; *Ethical Theory and Moral Practice*; *Social Theory and Practice*; *Journal of Financial Counseling and Planning*

## TEACHING

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### Full-Length Courses

- Johns Hopkins University, *Bioethics and the Law*, 2017. Co-taught with Joseph Ali.
- Johns Hopkins University, special study on Valuing Health, 2016
- Georgetown University, *Moral Foundations of Market Society*, 2014 and 2015
- Stanford University, *Race and Gender: Philosophical Perspectives*, 2012, with Sam Asarnow

### Intensives and Guest Lectures

- Fellows Seminar, Department of Bioethics, National Institutes of Health, 2017 & 2018. Topic: health care reform.
- Bioethics Boot Camp, University of Pennsylvania, 2017, 2016, 2014. Topics: universal coverage; non-health benefits in health policy; priority-setting in the Affordable Care Act.
- PhD Seminar, Department of Health Policy and Management, Johns Hopkins University, 2017 & 2016. Topic: introduction to ethical theory.
- Medical Ethics, San Francisco State University, 2013. Topic: physician-patient relationship in medical ethics.
- Mass Incarceration in Global Perspective, Prison University Project, San Quentin, 2013. Topic: philosophy of race. Co-facilitated with Wendy Salkin.

### Graduate Student Supervision

Co-Advisor (2017-18), Christian Morales (PhD student, Dep't of Health Policy and Management)

Exam Committee, Ariella Messing (PhD student, Dep't of Health Policy and Management)

### Teaching Assistantships

Stanford University, 2009-12. Courses: *Global Justice* (Samuel Arnold); *Justice* (Joshua Cohen); *Introduction to Moral Philosophy* (Tamar Schapiro); *Modern Philosophy: Descartes to Kant* (Shane Duarte); *Philosophy & Literature* (R. Lanier Anderson & Joshua Landy).

## BAR ADMISSIONS

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State: Maryland (2014)

Federal: U.S. Court of Appeals for the Tenth Circuit (2015)