

## **JACK SCHWARTZ**

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### EDUCATION

Yale University, J.D. 1975; University of Maryland Baltimore County, B.A. *magna cum laude* 1972. Non-degree: Intensive Bioethics Course, Kennedy Institute of Ethics, Georgetown University, 1996.

### PROFESSIONAL EMPLOYMENT

August 2011 - Present: Consulting services

Health care law, policy, and ethics.

August 2008 - Present: University of Maryland Francis King Carey School of Law, Baltimore, Maryland

Adjunct Professor and Senior Research Associate; formerly Visiting Law School Professor.

August 1982 - June 2008: Maryland Attorney General's Office, Baltimore, Maryland

Served as Chief Counsel for Opinions and Advice and later Director of Health Policy Development. Areas of special focus included policy issues affecting the delivery of health care at the end of life, the regulation of biomedical research, legislation and statutory construction, and constitutional and administrative law. Received office awards for leadership in promoting patient rights, pro bono service, and exceptional career service; two Governor's Citations; President's Award from the National Association of Attorneys General; Hero Award from the Alzheimer's Association (Greater Maryland Chapter); and Advocate Award from the Maryland Gerontological Association.

June 1975 - August 1982: Federal Trade Commission, Washington, D.C.

Variety of positions including Assistant to the Chairman and Deputy Assistant General Counsel. Received a Distinguished Service Award, Chairman's Award, and two Meritorious Service Awards.

## AFFILIATIONS AND ACTIVITIES

*Bar memberships:* Maryland and the District of Columbia (inactive status in D.C.); U.S. Supreme Court, U.S. Court of Appeals for the Fourth Circuit, and U.S. District Court for the District of Maryland.

*Current activities:* Special Studies Institutional Review Board of the National Cancer Institute (received NIH Merit Award); data and safety monitoring board for the National Institute of Aging; data access review committee for NIH Global Rare Diseases Patient Registry and Data Repository; Healthcare-Associated Infections Advisory Committee of the Maryland Health Care Commission; ethics committees at Johns Hopkins Hospital, MedStar Washington Hospital Center, and Living Legacy Foundation of Maryland.

*Current organizational memberships:* American Society for Bioethics and Humanities; Coalition to Transform Advanced Care; Nature Conservancy.

*Editorial and peer review:* Contributing Editor, Mid-Atlantic Ethics Committee Newsletter. Editorial Advisory Board, Journal of Hospital Ethics. Reviewer for the Journal of Clinical Ethics, Journal of Law, Medicine & Ethics, and Journal of the National Cancer Institute.

*Past academic activities:* Adjunct Professor, Johns Hopkins University Krieger School of Arts and Sciences (2008-2010). Guest lecturer at Johns Hopkins University Bloomberg School of Public Health, Kennedy Institute of Ethics at Georgetown University, Loyola College, NIH Department of Clinical Bioethics, Miller Center of Public Affairs at the University of Virginia, and the law schools of Saint Louis University, the University of Baltimore, and the University of Virginia.

*Other past activities and affiliations:* Senior consultant, National Bioethics Advisory Commission; national advisory committee member, The Robert Wood Johnson Foundation; member, American Bar Association Commission on Law and Aging; member, Maryland Task Force to Study Electronic Health Records; member, Maryland Stem Cell Research Commission; member, State Advisory Council on Quality Care at the End of Life; board of directors, Community Law Center (received Founder's Circle Award). U.S. Army 1965-1969.

## ARTICLES AND BOOK CHAPTERS

Hoffmann D.E., C.M. Fraser, F.B. Palumbo, J. Ravel, K. Rothenberg, V. Rowthorn, and J. Schwartz. "Federal Regulation of Probiotics: An Analysis of the Existing Regulatory Framework and Recommendations for Alternative Frameworks." *Food & Drug Law Journal* (in press).

Hoffmann D.E., C.M. Fraser, F.B. Palumbo, J. Ravel, K. Rothenberg, V. Rowthorn, and J. Schwartz. 2013. "Probiotics: Finding the Right Regulatory Balance." *Science* 342: 314-315.

Schwartz J. and L.B. Fried. 2012. "Legal Issues for Caregivers of Individuals with Alzheimer's Disease," in Zarit S.H. and R.C. Talley (eds.), *Caregiving for Alzheimer's Disease and Related Disorders* (New York: Springer).

Schwartz J. 2012. "Law and Informed Consent: The 'Reasonable Hospital Patient.'" *Journal of Hospital Ethics* 3, no.1: 6-9.

Rubinstein Y.R., S.C. Groft, S.H. Chandros, J. Kaneshiro, B. Karp, N.C. Lockhart, P.A. Marshall, R.T. Moxley, G.B. Pollen, V.R. Miller, and J. Schwartz. 2012. "Informed Consent Process for Patient Participation in Rare Disease Registries Linked to Biorepositories." *Contemporary Clinical Trials* 33: 5-11.

Rushton C.H. and J. Schwartz. 2011. "A Legislatively Mandated Council: A Model for Palliative Care Policy Integration." *Journal of Palliative Medicine* 14: 1240-1245.

DeRenzo E.G. and J. Schwartz. 2010. "Building *Esprit de Corps*: Learning to Better Navigate Between 'My' Patient and 'Our' Patient." *Journal of Clinical Ethics* 21: 232-237.

DeRenzo E.G., S. Peterson, J. Schwartz, A. Jeannotte, and S. Selinger. 2009. "Patient Rights: Ethics and the Clinical Care of Patients with Schizophrenia," in Kasper S. and G.N. Papadimitriou (eds.), *Schizophrenia: Biopsychosocial Approaches and Current Challenges* (New York: Informa Healthcare).

DeRenzo E.G., J. Schwartz, and S. Selinger. 2009. "Harnessing Complex Hospital Care: Hospital Practices Must Match the Moral Ends of Treatment." *Science Progress* January 2009 (online only: <http://scienceprogress.org/2009/02/harnessing-complex-hospital-care/>).

Triplett P., B.S. Black, H. Phillips, S. Richardson Fahrendorf, J. Schwartz, A.F. Angelino, D. Anderson, and P.V. Rabins. 2008. "Content of Advance Directives for Individuals with Advanced Dementia," *Journal of Aging and Health* 20: 583-596.

Berger J.T., E.G. DeRenzo, and J. Schwartz. 2008. "Surrogate Decision Making: Reconciling Ethical Theory and Clinical Practice," *Annals of Internal Medicine* 149: 48-53.

Shamoo A.E. and J. Schwartz. 2007. "Universal and Uniform Protections of Human Subjects in Research," *American Journal of Bioethics* 7, no. 12: 7-9.

Schwartz J. 2007. "Legal and Policy Environment for State-Based Biomedical Research," *Health Law and Policy* 1, no. 1: 10-11.

Chang J.C., T.E. Finucane, C. Christmas, W. Vaughan, J. Schwartz, and B. Leff. 2007. "Nutrition and Involuntary Weight Loss: A Pilot Study of an Educational Intervention for Nursing Home Surveyors," *Journal of the American Medical Directors Association* 8: 110-114.

Hoffmann D.E. and J. Schwartz. 2006. "Who Decides Whether a Patient Lives or Dies?," *TRIAL* 42, no. 10: 30-37.

DeRenzo E.G., P. Panzarella, S. Selinger, and J. Schwartz. 2005. "Emancipation, Capacity, and the Difference Between Law and Ethics," *Journal of Clinical Ethics* 16: 144-150.

Schwartz J. 2005. "Living Wills: Time to Say Goodbye?," *Maryland Bar Journal* 38, no. 4: 4-10.

Schwartz J. 2005. "Guardianship, Alzheimer's Disease, and the Pursuit of Best Interest," *Journal of the National College of Probate Judges* 2, no. 1: 20-24.

Das A., J. Schwartz, and E.G. DeRenzo. 2004. "True Risk Management: Physicians' Liability Risk and the Practice of Patient-Centered Medicine," *Journal of Law and Health* 18: 57-69.

DeRenzo E.G., J. Schwartz, and S. Selinger. 2004. "Talking About Dying: Ethical Obligations and Maryland State Law," *Maryland Medicine* 5, no. 3: 39-41.

Ross D.D., D. Shpritz, C.S. Alexander, K. Carter, M.J. Edelman, N. Friedley, A. Hemani, T.J. Keay, S.C. Roy, H. Silverman, D.J. Tasker, D. Timmel, J. Schwartz, and S.D. Wolfsthal. 2004. "Development of Required Postgraduate Palliative Care Training for Internal Medicine Residents and Medical Oncology Fellows." *Journal of Cancer Education* 19: 81-87.

Silverman H.J., J.M. Luce, and J. Schwartz. 2004. "Protecting Subjects with Decisional Impairment in Research: The Need for a Multifaceted Approach," *American Journal of Respiratory and Critical Care Medicine* 169: 10-14.

Schwartz J. 2003. "The Kennedy Krieger Case: Judicial Anger and the Research Enterprise," *Journal of Health Care Law & Policy* 6: 148-168.

Kapo J. and J. Schwartz. 2003. "Chapter 4: End-of-Life Care Issues," in Snyder, D.R. and Christmas, C. (eds.), *Geriatric Education for Emergency Medical Services* (Sudbury, Massachusetts: Jones and Bartlett Publishers).

Schwartz J. 2003. "Research and Children's Health: The Court of Appeals as Bioethics Commission," *Maryland Bar Journal* 36, no. 1: 8-12.

Schwartz J. 2002. "Bioterrorism and Maryland Law – Mending the Tools of Public Health," *Maryland Bar Journal* 35, no. 6: 40-43.

Forster H.P., J. Schwartz, and E.G. DeRenzo. 2002. "Reducing Legal Risk by Practicing Patient-Centered Medicine," *Archives of Internal Medicine* 162: 1217-1219.

Schwartz J. 2002. "Maryland's Effort to Regulate Ethically Sensitive Research: A Step in the Right Direction," in Shamoo, A.E. (ed.), *Research and Decisional Capacity: Responding to the National Bioethics Advisory Commission* (New York: Taylor & Francis).

Schwartz J. 2001. "Alzheimer's Disease and the Role of State Law," *BIFOCAL (Bar Associations in Focus on Aging and the Law)* 23: 1, 12.

DeRenzo E.G., H. Silverman, D.E. Hoffmann, J. Schwartz, and J. Vinicky. 2001. "Maryland's Ethics Committee Legislation: A Leading Edge Model or a Step Into the Abyss?," *HEC (Healthcare Ethics Committee) Forum* 13: 49-58.

Hoffmann D.E., J. Schwartz, and E.G. DeRenzo. 2000. "Regulating Research with Decisionally Impaired Individuals: Are We Making Progress?," *DePaul Journal of Health Care Law* 3: 547-608.

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Schwartz J. 2000. "Policy in Pursuit of Medical Reality: Maryland Health Care Law in the Twentieth Century," *Maryland Bar Journal* 33, no. 1: 28-31.

Schwartz J. 1999. "Maryland's Effort to Regulate Ethically Sensitive Research: A Step in the Right Direction," *Accountability in Research* 7: 169-74.

Khanna V., H. Silverman, and J. Schwartz. 1999. "Disclosure of Operating Practices by Managed-Care Organizations to Consumers of Health Care: Obligations of Informed Consent," *Journal of Clinical Ethics*, 9: 291-96.

Schwartz, J. 1998. "Representing Maryland," *Maryland Bar Journal*, 31, no. 6: 8-11.

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Goldstein J., B. Marshall, and J. Schwartz (eds.). 1976. *The My Lai Massacre and Its Cover-up: Beyond the Reach of Law?* (New York: The Free Press).

#### MISCELLANEOUS

Hoffmann D.E, C.M. Fraser, F.B. Palumbo, J. Ravel, V. Rowthorn, and J. Schwartz. 2012. *Federal Regulation of Probiotics: An Analysis of the Existing Regulatory Framework and Recommendations for Alternative Frameworks*. NIH Grant Number 5R01HG005171-02.

Graham L., J.C. Chang, T.E. Finucane, C. Christmas, W. Vaughan, J. Schwartz, and B. Leff. 2007. "Description of the Content of Nursing Home Citations for Involuntary Weight Loss and Nutrition-Related Issues," *Journal of the American Geriatric Association* 55 s1: S201 (poster abstract).

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