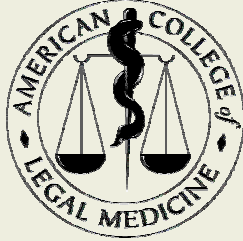


# ACLM Notes from the President

November/December 2011



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## Notes from the President: Gary I. Birnbaum, MD, JD, FCLM

Dear Colleague,

Greetings! The American College of Legal Medicine is gearing up for the annual meeting in New Orleans. The first session begins Friday morning, February 24 and the sessions will conclude on Sunday, February 26, 2012. Please go to [www.aclm.org](http://www.aclm.org) for the latest information on the conference and [registration](#). New Orleans is a great place to congregate with your legal medicine colleagues from across the nation and around the world. The [Hyatt Regency New Orleans](#) is an outstanding venue and Program Chair Francois M. Blaudeau, MD, JD, FCLM, FACHE has invited terrific speakers who will address timely legal medicine topics for CME and CLE credit. Why not arrange your registration and travel plans today?

Earlier in November, I had the privilege of representing the ACLM at the 20th Annual National Health Law Moot Court Competition. This event, hosted by ACLM Board of Governor member Professor Gene Basanta, took place on the beautiful campus of Southern Illinois University in Carbondale, Illinois. Students from all over the country competed over a two-day period. It was great judging the final round with Judges John D. Tinder and J. Phil Gilbert of the Seventh Circuit and the Southern District of Illinois respectively, and Professor Bethany Spielman of the Southern Illinois Schools of Medicine and Law who created the case and the bench brief. The case presented to the "Supreme Court" concerned an alleged violation of the Alien Tort Statute (ATS) by a pharmaceutical company that had conducted clinical trials in an African country without obtaining individual informed consent. The issues centered around corporate liability under international law and what qualifies as a tort under international law for purposes of prevailing in an ATS case. This hypothetical case was quite timely - over the past few years there has been a split in the Federal Circuit Courts pertaining to ATS corporate liability. The Supreme Court recently granted cert in the case of [Kiobel v. Royal Dutch Petroleum](#).

The students who made it to the final round were fabulous; it was a very close contest. The winners were the team from the Loyola University Chicago School of Law while second place went to the South Texas College of Law, Houston team. Many thanks to the members of the Ad Hoc committee who helped to review and grade the briefs:

Monique Anawis, MD, JD, FCLM  
Chicago, IL

Francois M. Blaudeau, MD, JD, FCLM, FACHE  
Birmingham, AL

Henry H. Chan, MD, JD, FCLM  
Stockton, CA

David Donnersberger Jr., MD, JD, FCLM  
Winnetka, IL

Charles R. Hollen, MD, JD, FCLM  
Sarasota, FL

Alejandro Moreno, MD, MPH, JD, FCLM

Austin, TX

Veling W. Tsai, MD, JD  
Alhambra, CA

Sameer Vohra, MD, JD, an SIU graduate currently training at the University of Chicago, also helped review and grade briefs.

Fellow Veling Tsai traveled from California to serve as a judge in the earlier round. It was great to see Past ACLM President and Past JLM Editor Ted LeBlang who served as a judge in the semi-final round.

At the awards ceremony, I invited students to learn more about the ACLM and consider joining as student members. This yearly event provides great exposure for the College and reinforces our fruitful collaboration with the Southern Illinois University School of Law, which has such a great MD-JD dual-degree program.

I hope you have had an opportunity to review Legal Medicine Q&A. Our new editor is Sara Ingram, JD who practices with the firm of Heyl Royster in Edwardsville, Illinois, and she's done a superb job with her first issue.

Another great benefit of ACLM membership is Legal Medicine Perspectives, which you can access [here](#). The College owes a great debt of gratitude to Editor and Board member Christopher White, MD, JD, FCLM, as well as deputy editors and Board members, Victoria Green, MD, JD, MHSA, MBA, FCLM, Treasurer and Vicky Trompler, MD, JD, FCLM. Many thanks also go out to Student Managing Editor Brittany Newell and Student Associate Managing Editor Allison Balch. This periodical requires a tremendous amount of time and work - the College is fortunate to have these people produce this wonderful publication.

The College also owes much to those who produce the Journal of Legal Medicine (JLM). Ross D. Silverman, JD, MPH of the SIU Schools of Medicine and Law has been doing an outstanding job as Editor, since succeeding Marshall Kapp, JD, MPH who now teaches at the Florida State School of Law in Tallahassee, Florida.

Deputy Editors, whose efforts are also greatly appreciated, are Jennifer Bard, JD, MPH and Gene Basanta, JD, LL.M. The JLM has an impressive Editorial Board whose members are always listed at the beginning of our quarterly journal.

Mohammed Ranavaya, MD, JD, MS, FCLM, FRCPI, FFOM, CIME is Professor and Chief of the Division of Occupational, Environmental and Disability Medicine at the Joan C. Edwards School of Medicine at Marshall University in West Virginia. He also chairs the ACLM Education Committee and is doing a great job, ensuring that our programs are properly accredited. Thanks Mohammed!

For those interested in medical liability, a \$9 million verdict, believed to be the highest on record in Wyoming, was rendered in October 2011 in the Federal District Court in Cheyenne. The case involved missed cervical fractures. For those interested, visit:

<http://www.marketwatch.com/story/metier-wins-9-million-verdict-in-medical-malpractice-suit-against-wyoming-regional-hospital-2011-11-04>.

Past ACLM President Cyril H. Wecht, MD, JD, FCLM is the co-author of a newly published book, *From Crime Scene to Courtroom: Examining the Mysteries Behind Famous Cases*. The Casey Anthony and Michael Jackson homicide trials, along with several other well-known, controversial cases, are covered in great detail from the perspective of Dr. Wecht's personal involvement as a forensic pathologist.

As many of us know, the annual conferences often attract attendees from around the world. Last year, many of us had the honor of meeting Vugar G. Mammadov, MD, PhD from Azerbaijan. Vugar has asked me to share some of his accomplishments over the past year: elected to the Executive Board, European Association of Health Law in Leuven, October 2011;

appointed Professor of Forensic Medicine at Department of Criminalistics and Forensic Sciences, Faculty of Law, Baku State University in Sept 2011; invited to host and author the TV Program "Bioethics and Medical Law" at Azerbaijan Television for the May 2011 broadcast; appointed Deputy Director on Science, Human Rights Institute, Azerbaijan National Academy of Sciences in April 2011; appointed member of Editorial Board, Azerbaijan Medical Journal, official journal of the Ministry of Health of Azerbaijan in March 2011; appointed member of Expert Council on Law Sciences, Supreme Attestation Commission under President of Azerbaijan Republic in March 2011; made key presentations at Plenary Sessions of 2nd All Ukrainian Congress of Bioethics and Medical Law in April 2011; being a member of the international scientific board and at the 18th session of the UNESCO International Bioethics Committee in May; some oral presentations at sessions of the 18th Triennial Congress of the International Association of Forensic Sciences in September 2011; and at the 3rd EAHL Congress in Leuven in October 2011. Congratulations, Vugar! We are glad to have you as a new member of the ACLM!

Paul Blaylock MD, JD, FCLM has been reappointed to the University of Tennessee Medical School Alumni Board of Governors. Dr. Blaylock is past winner of the "Outstanding UT Alumnus" award; the Student Government Association Presidential Office has been renamed the "Paul Blaylock, MD, JD, SGA Presidential Office"; and a bronzed statute of Dr. Blaylock and his "professor, mentor, advisor and friend for life" Dr. Phil Watkins has been dedicated on campus at the Quad of the University of Tennessee, Martin.

ACLM member Thelma B. Wright, MD, Assistant Professor, Department of Anesthesiology at the University School of Medicine is the Pain Medicine Fellowship Program Director and the Director, Division of Pain Medicine at Kernan Hospital in Baltimore. Besides being a mom of three children, Dr. Wright is currently a second-year law student at the University of Maryland and we look forward to her becoming a Fellow of the College.

ACLM member Jacob Hafter, JD, MS, PhD(c) prevailed on November 3, 2011, when the Ninth Circuit issued an injunction preventing the Nevada State Board of Medical Examiners from implementing its discipline, including the filing of a National Data Bank Report, against a physician. In doing so, the Ninth Circuit also granted priority status to a case, which asks the court to re-evaluate its 1991 ruling in *Mishler v. Clift*, granting absolute immunity to the medical board when acting in a judicial or quasi-judicial manner. The case involved a physician who was found by the Board (despite the recommendation of its hearing officer) to have engaged in disrepute conduct when he defended himself against an attack from a patient's family. In Jacob's motion on behalf of the physician, the court was asked what good is having a constitutionally protected property right in one's medical license if the regulating body has absolute immunity even if they violate that right!

James Bartimus, JD, FCLM was inducted as a Fellow in IATL, the International Academy of Trial Lawyers and was appointed to the Executive Board of ISOB - the International Society of Barristers. He was also voted as Lawyer of the Year for Medical Malpractice in Best Lawyers 2012 and voted as Kansas City Business Journal's Best of the Bar.

I would like to wish everyone an enjoyable holiday season. New Orleans will be one of the early highlights of 2012!

Cordially,  
Gary Birnbaum, MD, JD, FCLM, ACLM President

## **PLAN TO ATTEND!**

**ACLM 52nd Annual Meeting**  
*"Law and Medicine Update"*  
February 23 - 26, 2012  
Hyatt Regency New Orleans  
New Orleans, Louisiana



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