

Lars Noah

EMPLOYMENT:

- July 1994 - present: University of Florida College of Law (Gainesville, FL)
Professor (since Aug. 1999); previously Assistant, then Associate, Professor.
Courses taught: *Torts* (x13); *Medical Technology* (x8); *Administrative Law* (x7);
Medical Malpractice (x4); *Products Liability* (x4); *Conflict of Laws* (x3); and
Civil Procedure (x1). Seminars (x3): *Biomed. Innovation*; *Food & Drug Law*.
Named “Teacher of the Year” (1995, 1998, 2004).
- Aug. 2007 - May 2008: Vanderbilt University Law School (Nashville, TN)
Visiting Professor—taught *Torts* (x2) and *Medical Technology*.
- Aug. - Dec. 2004: George Washington University Law School (Washington, DC)
Visiting Professor—taught *Torts* and *Medical Technology*.
- Aug. - Dec. 2001: Georgetown University Law Center (Washington, DC)
Visiting Professor—taught *Administrative Law* and *Conflict of Laws*.
- Aug. - Dec. 2000: University of Texas School of Law (Austin, TX)
Visiting Professor—taught *Torts* (integrated w/ writing) and *Products Liability*.
- Jan. - May 1999: Washington & Lee University School of Law (Lexington, VA)
Visiting Professor—taught *American Public Law Process* (integrated w/ writing).
- July 1991 - June 1994: Covington & Burling (Washington, DC)
Associate specializing in food and drug law (FDA regulatory practice).
- July 1990 - July 1991: United States Court of Appeals (Washington, DC)
Law clerk to Chief Judge Abner J. Mikva, D.C. Circuit.

EDUCATION:

- Harvard Law School (1987-90): J.D., *magna cum laude*
Recipient of Sears Prize (for highest first year grades)
Editor, *Harvard Law Review* (articles/developments)
Instructor, Legal Methods (civil procedure seminar)
- Harvard College (1983-86): B.A., Government, *magna cum laude*
Recipient of John Harvard Scholarship; Undergrad. assoc.,
Center for Internat’l Aff.; VP, Harv. Univ. Debate Council

PRIMARY PUBLICATIONS:

LAW, MEDICINE, AND MEDICAL TECHNOLOGY: CASES & MATERIALS
(Foundation Press 3d ed. 2012).

Truth or Consequences?: Commercial Free Speech vs. Public Health Promotion (at the FDA),
21 HEALTH MATRIX 31-95 (2011).

Coerced Participation in Clinical Trials: Conscripting Human Research Subjects,
62 ADMIN. L. REV. 329-66 (2010).

Adding Insult to Injury: Paying for Harms Caused by a Competitor's Copycat Product,
45 TORT TRIAL & INS. PRAC. L.J. 673-95 (2010).

Comfortably Numb: Medicalizing (and Mitigating) Pain-and-Suffering Damages,
42 U. MICH. J.L. REFORM 431-80 (2009).

This Is Your Products Liability Restatement on Drugs,
74 BROOK. L. REV. 839-926 (2009).

Platitudes About "Product Stewardship" in Torts: Continuing Drug Research and Education,
15 MICH. TEL. & TECH. L. REV. 359-91 (2009).

The Little Agency That Could (Act with Indifference to Constitutional and Statutory Strictures),
93 CORNELL L. REV. 901-25 (2008).

LAW, MEDICINE, AND MEDICAL TECHNOLOGY: CASES & MATERIALS [with Teacher's Manual]
(Foundation Press 2d ed. 2007).

Too High a Price for Some Drugs?: The FDA Burdens Reproductive Choice,
44 SAN DIEGO L. REV. 231-58 (2007).

Treat Yourself: Is Self-Medication the Prescription for What Ails American Health Care?,
19 HARV. J.L. & TECH. 359-92 (2006).

Managing Biotechnology's [R]evolution: Has Guarded Enthusiasm Become Benign Neglect?,
11 VA. J.L. & TECH. 4 [63 pp.] (2006).

A Drug by Any Other Name . . . ? : Paradoxes in Dietary Supplement Risk Regulation,
17 STAN. L. & POL'Y REV. 165-96 (2006).

An Inventory of Mathematical Blunders in Applying the Loss-of-a-Chance Doctrine,
24 REV. LITIG. 369-408 (2005).

Medical Education & Malprac.: What's the Connection?, 15 HEALTH MATRIX 149-63 (2005).

Ambivalent Commitments to Federalism in Controlling the Practice of Medicine,
53 U. KAN. L. REV. 149-93 (2004).

A Postmodernist Take on the Human Embryo Research Debate,
36 CONN. L. REV. 1133-61 (2004).

Deputizing Institutional Review Boards to Police (Audit?) Biomedical Research,
25 J. LEGAL MED. 267-93 (2004).

Assisted Reproductive Technologies and the Pitfalls of Unregulated Biomedical Innovation,
55 FLA. L. REV. 603-65 (2003).

Challenges in the Federal Regulation of Pain Management Technologies,
31 J.L. MED. & ETHICS 55-74 (2003).

Triage in the Nation's Medicine Cabinet: The Puzzling Scarcity of Vaccines and Other Drugs,
54 S.C. L. REV. 741-71 (2003).

LAW, MEDICINE, AND MEDICAL TECHNOLOGY: CASES & MATERIALS (Foundation Press 2002).

Medicine's Epistemology: Mapping the Diffusion of Knowledge in the Biomedical Community,
44 ARIZ. L. REV. 373-466 (2002).

The Coming Pharmacogenomics Revolution: Tailoring Drugs to Fit Patients' Genetic Profiles,
43 JURIMETRICS J. 1-28 (2002).

Informed Consent and the Elusive Dichotomy Between Standard and Experimental Therapy,
28 AM. J.L. & MED. 361-408 (2002).

Civil Jury Nullification, 86 IOWA L. REV. 1601-58 (2001).

A Miscarriage in the Drug Approval Process?: Mifeprax Embroils FDA in Abortion Politics,
36 WAKE FOREST L. REV. 571-603 (2001).

Rewarding Regulatory Compliance: The Pursuit of Symmetry in Products Liability,
88 GEORGETOWN L.J. 2147-65 (2000).

Divining Regulatory Intent: The Place for a "Legislative History" of Agency Rules,
51 HASTINGS L.J. 255-323 (2000).

Interpreting Agency Enabling Acts: Misplaced Metaphors in Administrative Law,
41 WM. & MARY L. REV. 1463-530 (2000).

Scientific "Republicanism": Expert Peer Review and the Quest for Regulatory Deliberation,
49 EMORY L.J. 1033-83 (2000).

What's Wrong with "Constitutionalizing Food and Drug Law"?,
75 TULANE L. REV. 137-48 (2000).

Pigeonholing Illness: Medical Diagnosis as a Legal Construct,
50 HASTINGS L.J. 241-307 (1999).

Doubts About Direct Final Rulemaking, 51 ADMIN. L. REV. 401-28 (1999).

The Executive Line Item Veto and the Judicial Power to Sever: What's the Difference?,
56 WASH. & LEE L. REV. 235-46 (1999).

Legal Aspects of the Food Additive Approval Process, in ENHANCING THE REGULATORY . . .
PROCESS FOR DIRECT FOOD INGREDIENT TECHNOLOGIES 13-110 (NAS Press 1999).

Starting from Scratch?: Reinventing the Food Additive Approval Process,
78 B.U. L. REV. 329-443 (1998) (co-authored w/ Richard A. Merrill).

Sanctifying Scientific Peer Review: Publication as a Proxy for Regulatory Decisionmaking,
59 U. PITT. L. REV. 677-717 (1998).

Authors, Publishers, and Products Liability: Remedies for Defective Information in Books,
77 OR. L. REV. 1195-228 (1998).

Regulating Cigarettes: (Non)sense & Sensibility, 22 S. ILL. U. L.J. 677-92 (1998).

Administrative Arm-Twisting in the Shadow of Congressional Delegations of Authority,
1997 WIS. L. REV. 873-941 (1997).

Advertising Prescription Drugs to Consumers: Assessing the Regulatory and Liability Issues,
32 GA. L. REV. 141-80 (1997).

The FDA's New Policy on Guidelines: Having Your Cake and Eating It Too,
47 CATH. U. L. REV. 113-42 (1997).

NAFTA's Impact on the Trade in Pharmaceuticals, 33 HOUS. L. REV. 1293-326 (1997).

Reconceptualizing Federal Preemption of Tort Claims as the Government Standards Defense,
37 WM. & MARY L. REV. 903-78 (1996).

Nicotine Withdrawal: Assessing the FDA's Effort to Regulate Tobacco Products,
48 ALA. L. REV. 1-63 (1996).

Sham Petitioning as a Threat to the Integrity of the Regulatory Process,
74 N.C. L. REV. 1-73 (1995).

Liberating Commercial Speech: Product Labeling Controls and the First Amendment,
47 FLA. L. REV. 63-112 (1995).

The Imperative to Warn: Disentangling the “Right to Know” from the “Need to Know,”
11 YALE J. ON REG. 293-400 (1994).

Constraints on the Off-Label Uses of Prescription Drug Products,
16 J. PRODS. & TOXICS LIAB. 139-65 (1994).

Amplification of Federal Preemption in Medical Device Cases,
49 FOOD & DRUG L.J. 183-211 (1994).

Death of a Salesman: To What Extent Can the FDA Regulate Promotional Statements?,
47 FOOD & DRUG L.J. 309-34 (1992).

The Politics of En Banc Review, 102 HARV. L. REV. 864-84 (1989) (student note).

SECONDARY PUBLICATIONS (SELECTED):

Correspondence published in biomedical journals:

- *Trends in Assisted Reproductive Technology*, 351 NEW ENG. J. MED. 398 (2004).
- *Pharmacogenetics*, 348 NEW ENG. J. MED. 2042 (2003).
- *Attorney General’s Intrusion into Clinical Practice*, 346 NEW ENG. J. MED. 1918 (2002).
- *Standards for Medical Expert Testimony*, 288 JAMA 2971 (2002).

HEALTH LAW NEWS:

- *Compounding a Constitutional Error?: Pharmaceuticals and Free Speech*, Sept. 2002, at 7.
- *Inverting the Products Liability Preemption Defense*, Sept. 2001, at 6.
- *Snuffing out the FDA’s Tobacco Restrictions*, Sept. 2000, at 7.

Regulatory Improvement Legislation: Risk Assessment, Cost-Benefit Analysis, Judicial Review,
11 DUKE ENVTL. L. & POL’Y F. 89-138 (2000) (w/ several co-authors).

Peer Review and Regulatory Reform, 30 ENVTL. L. REP. 10,606-14 (2000).

Comments on Restatement (Third) of Torts, 10 KAN. J.L. & PUB. POL’Y 98-101, 162-65 (2000).

Preemption and Products Liability Claims, 24 PROD. SAFETY & LIAB. REP. (BNA) 196 (1996).

PRESENTATIONS (SELECTED):

Spoke at a health law conference at the Univ. of Texas School of Law, Austin, TX, June 4, 2010 (tension between commercial free speech doctrine and public health promotion).

Presented a paper for a seminar series on health law, ethics & policy at the Univ. of Toronto, Mar. 11, 2010 (coerced participation in biomedical research).

Spoke on a panel at the annual meeting of the Law & Society Ass'n, Denver, CO, May 30, 2009 (coerced participation in biomedical research).

Testified by invitation at a workshop on food safety sponsored by the Institute of Medicine (NAS), Washington, DC, Mar. 24, 2009 (FDA's legal authority).

Spoke at a conference on the law & economics of drug development at the Univ. of Michigan Law School, Ann Arbor, MI, Nov. 7, 2008 (liability issues).

Spoke at a conference celebrating the tenth anniversary of the *Products Liability Restatement* at the Brooklyn Law School, NY, Nov. 13, 2008 (pharmaceutical issues).

Presented a paper to the faculty at the Vanderbilt Univ. Law School, Nashville, TN, Feb. 7, 2008 (mitigating pain and suffering damages).

Spoke at a program of the ABA Section on Administrative Law & Regulatory Practice, Washington, DC, Apr. 26, 2007 (FDA enforcement and dietary supplement regulation).

Spoke at a Federalist Society program, Ann Arbor, MI, Mar. 21, 2006 (regulatory compliance as a defense to pharmaceutical product liability).

Presented a paper at a conference held at the Univ. of Minnesota Law School (co-sponsored by the Life Sciences Consortium), Minneapolis, MN, May 20, 2005 (law, ethics & biotechnology).

Presented a paper to the faculty at the Univ. of Utah Quinney College of Law, Salt Lake City, UT, Feb. 3, 2005 (computational errors in loss-of-a-chance cases).

Presented a paper to the faculty at the George Washington Univ. Law School, Washington, DC, Oct. 22, 2004 (computational errors in loss-of-a-chance cases).

Spoke on a panel at a Federalist Society program on controlling drug prices, Washington, DC, Oct. 6, 2004 (involuntary switches of prescription drugs to over-the-counter status).

Spoke on a panel at the National Academy of Sciences (sponsored by its Science, Technology, and Law Program), Washington, DC, Sept. 13, 2004 (regulatory compliance defense).

Spoke on a panel at the mid-year meeting of the ABA Tax Section, Kissimmee, FL, Jan. 30, 2004 (challenging overly generous agency regulations).

Presented a paper at a workshop held at the St. Louis Univ. School of Law (co-sponsored by ASLME), St. Louis, MO, Mar. 23, 2002 (regulating pain management technologies).

Spoke on a panel at the annual AALS meeting (co-sponsored by the health law and intellectual property law sections), New Orleans, LA, Jan. 4, 2002 (biotechnology innovation and access).

Presented a paper to the faculty at the College of William & Mary Marshall-Wythe School of Law, Williamsburg, VA, Oct. 23, 2001 (biomedical knowledge).

Presented a paper to the faculty at the Georgetown Univ. Law Center (Sloan Interdisciplinary Workshop series), Washington, DC, Sept. 21, 2001 (biomedical knowledge).

Presented a paper to the faculty at the Univ. of Texas School of Law, Austin, TX, Sept. 15, 2000 (civil jury nullification).

Spoke at a symposium on the *Restatement (Third) of Torts* at the Univ. of Kansas (sponsored by KU's Law & Organizational Economics Center), Lawrence, KS, June 1-3, 2000 (panels on warnings for prescription drugs and the role of government standards).

Spoke at a conference on FDA regulation at the Stanford Law School (sponsored by Stanford's Program in Law, Science & Technology), Palo Alto, CA, Mar. 23-24, 2000 (panels on agency procedures, First Amendment constraints, and medical device surveillance).

Delivered a lecture at the Arizona State Univ. College of Law (sponsored by ASU's Center for the Study of Law, Science & Technology), and presented a paper to the faculty, Tempe, AZ, Mar. 6-7, 2000 (peer review in the regulatory process; and interpreting agency rules).

Presented a paper to the faculty at the Univ. of California Hastings College of the Law, San Francisco, CA, Oct. 29, 1999 (interpreting agency rules).

Spoke at a symposium on the regulatory compliance defense at the Georgetown Univ. Law Center, Washington, DC, Oct. 8, 1999.

Testified by invitation before the Subcommittee on Commercial & Administrative Law of the House Judiciary Comm., Washington, DC, May 25, 1999 (arm-twisting by the FCC).

Presented a work-in-progress to the faculty at the Washington & Lee Univ. School of Law, Lexington, VA, Mar. 22, 1999 (interpreting agency statutes).

Participated in a workshop sponsored by the Harvard Center for Risk Analysis (Harvard School of Public Health), Washington, DC, Dec. 17, 1998 (peer review of agency risk assessments).

Spoke at the fall meeting of the ABA Section on Administrative Law & Regulatory Practice, Washington, DC, Oct. 9, 1998 (led a panel on agency arm-twisting).

Spoke at a health law teachers conference (sponsored by the University of Houston, and the American Society of Law, Medicine & Ethics), Houston, TX, June 5, 1998 (panel on FDA).

Presented a paper at a Food Forum workshop sponsored by the Institute of Medicine (NAS), Washington, DC, May 6, 1997 (food additives).

Testified by invitation at an FDA public hearing on the labeling of nonprescription products, Rockville, MD, Sept. 29, 1995 (60 Fed. Reg. 42,578).

Presented a paper to the faculty at the Harvard Law School, Cambridge, MA, Mar. 17, 1994 (consumer product warnings).

PROFESSIONAL ACTIVITIES (SELECTED):

Recipient of the Simonsmeier Award (\$2,500) from the Am. Soc’y for Pharmacy Law (2006).

Served as an external reviewer for the National Academy of Sciences on a draft report by the Institute of Medicine’s Committee on Implications of Dioxin in the Food Supply (Mar. 2003).

Served as a member of an Institute of Medicine committee charged with developing a framework for conducting safety evaluations of dietary supplements (July 2001 - Jan. 2002).

Received a grant from the American Society of Law, Medicine & Ethics (\$10,000) to study pain management issues (July 2001 - June 2002).

Served as a member of the expert advisory panel for the National Institutes of Health technology assessment conference on the retrieval of implanted medical devices for purposes of biomaterials testing, Bethesda, MD, Jan. 10-12, 2000.

Selected to serve as the “Roger J. Traynor Summer Research Professor” (scholar in residence) at the Univ. of California Hastings College of the Law, San Francisco, CA, June-July 1999.

Served as an expert consultant to Senator Orrin Hatch’s Judiciary Committee health staff in drafting proposed legislation to codify the national tobacco settlement, Nov. 1997, and in analyzing the regulatory provisions of Senator John McCain’s bill, Apr. 1998; and to Senator Ted Kennedy’s staff in evaluating a medical device provision of FDA reform bill, Sept. 1997.

Member, Editorial Advisory Board, *Food & Drug Law Journal* (2000-04).

Co-taught *Food & Drug Law* as an adjunct professor at the Univ. of Maryland School of Law (Baltimore, MD), Jan.-May 1994.

Media interviews—quoted in the following publications:

N.Y. TIMES (x7); WALL ST. J. (x2); WASH. POST (x1); USA TODAY (x3); L.A. TIMES (x1); PHILA. INQUIRER (x1); BALT. SUN (x2); BUS. WEEK (x3); NEWSWEEK (x2); NAT’L L.J. (x4); NEW ENG. J. MED. (x1); LANCET (x1); etc.; as well as on CNN (x1) and NPR (x3).