ROBERT A. BURT

Alexander M. Bickel Professor of Law
Yale University

Office Address: Yale Law School
New Haven, CT 06520
(203) 432-4960
(203) 432-8260 (fax)

Home Address: 66 Dogwood Circle
Woodbridge, CT 06525
(203) 393-3881
(203) 393-1292 (fax)

Birthdate: February 3, 1939

Family Status: Married, 1964, to Linda G. Rose
Two children: Anne (born 1967)
Jessica (born 1970)

Employment:

1976- : Yale University, Professor of Law (Southmayd Professor 1982-93, Alexander M. Bickel Professor since 1993)

1970-76: University of Michigan, Professor of Law and Professor of Law in Psychiatry (joint appointment in the Law and Medical Schools), 1973-76; Professor of Law, 1972-73; Associate Professor of Law, 1970-72

1968-70: University of Chicago, Associate Professor of Law

1966-68: Legislative Assistant, Senator Joseph D. Tydings, United States Senate

1965-66: Assistant General Counsel, Office of the President's Special Representative for Trade Negotiations, Executive Office of the President

1964-65: Law Clerk, Chief Judge David L. Bazelon, United States Court of Appeals for the District of Columbia Circuit

Education:

J.D., 1964, Yale University (cum laude)

B.A. in Jurisprudence, 1962 (M.A., 1968), Oxford University (First Class Honors) (Fulbright Scholar)

B.A., 1960, Princeton University (summa cum laude)

Bar Memberships:

District of Columbia (admitted 1966), Michigan (1973), and the United States Supreme Court (1971)

Current Activities:

Board of Trustees, Judge David L. Bazelon Center for Mental Health Law, Washington, D.C. (member since 1985, chair, 1990-2000)

Board of Directors, Benhaven School for Autistic Individuals, East Haven, CT (member since 1977, chair 1983-96)

Co-director, Latin American Linkage Program, Yale Law School (since 1993)

Institute of Medicine (since 1976) (Council member, 1990-93)

Fellow, The Hastings Center for Society, Ethics and the Life Sciences (1973-81, 2007-)

Past Activities:

Board of Trustees, Joseph Slifka Center for Jewish Life at Yale (1996-2012) (President 2010 -2012)

Advisory Board, Greenwall Foundation Bioethics Faculty Scholars Program (2001-2012)

Advisory Board, Project on Death in America, Open Society Institute (1993-2003)

Lead plaintiff in *Burt v. Rumsfeld* (2003-07) (to withhold law school assistance from military recruiters because of the discriminatory exclusion of gays and lesbians from U.S. armed forces)

Co-director, Robert Wood Johnson Health Policy Scholars Program, Yale University (2001-04)

Fellow, John Simon Guggenheim Memorial Foundation, 1997-98

Member, Working Group on Jewish-Black Relations, W.E.B. DuBois Institute for Afro-American Research, Harvard University (1993-97)

Member, Institute of Medicine Committee on Care at the End of Life (1995-97)

Member, Institute of Medicine Committee on Xenograft Transplantation: Ethical Issues and Public Policy(1994-96)

Special Master, Connecticut Hospital Ass'n v. Rowland, United States District Court for Connecticut (mediating lawsuit challenging state Medicaid reimbursement system)(1995)

Committee on Science, Engineering and Public Policy, National Academy of Sciences (1991-93)

Special Master, Fox v. Bowen, United States District Court for Connecticut (implementing Court order regarding Medicare eligibility determinations for physical therapy in skilled nursing facilities) (1987-92)

Committee on Human Rights, National Academy of Sciences (1989-91)

Distinguished Fulbright Scholar in Chile (lecturing at law schools in Santiago and Valparaiso, June 1988)

External Member, Personnel and Budget Committee, City University of New York Law School (1983-87)

Consensus Development Panel on Newborn Screening for Sickle Cell Disease, National Institutes of Health (1987)

Consensus Development Panel on Electroconvulsive Therapy, National Institute of Mental Health / National Institutes of Health (1985)

Recipient, Rockefeller Foundation Fellowship in the Humanities (1976-77)

Committee for the Study of Inborn Errors of Metabolism (Genetic Screening), National Academy of Sciences (1974-75)

Committee on Recombinant DNA Research, University of Michigan (1975-76)

Counsel for John Doe in the Detroit Psychosurgery Trial (Kaimowitz v. Dep't of Mental Health, 2 Prison Law Rptr. 433 (Cir. Ct., Wayne Co., Mich., 1973)

Publications:

Books

IN THE WHIRLWIND: GOD AND HUMANITY IN CONFLICT (Cambridge: Harvard University Press, 2012) 382 pages

DEATH IS THAT MAN TAKING NAMES: INTERSECTIONS OF AMERICAN MEDICINE, LAW, AND CULTURE (Berkeley: University of California Press; New York: Milbank Memorial Fund, 2002) 221 pages

THE CONSTITUTION IN CONFLICT (Cambridge: Belknap Press of Harvard University Press, 1992) 462 pages

Spanish translation: CONSTITUTIÓN Y CONFLICTO (Buenos Aires: Editorial Universitaria de Buenos Aires, 2000) 518 pages

1993 Scribes (American Society of Writers on Legal Subjects) Book Award, Honorable Mention

TWO JEWISH JUSTICES: OUTCASTS IN THE PROMISED LAND (Berkeley: University of California Press, 1988) 165 pages

Chapter 3, "Frankfurter," reprinted in THE JEWISH EXPERIENCE (Norman Cantor, ed.) (New York: HarperCollins, 1996) pp. 409-15

TAKING CARE OF STRANGERS: THE RULE OF LAW IN DOCTOR-PATIENT RELATIONS (New York: Free Press, 1979) 200 pages

Chapter 7, "Conversation with Silent Patients," reprinted in GENETICS AND THE LAW II (A. Milunsky & G. Annas, eds.) (New York: Plenum Press, 1979), pp. 159-74

Chapter 1, "David G and Self-Rule," and Chapter 6, "Assuring Conversation between Doctor and Patient," reprinted in MEDICAL ETHICS: A CLINICAL TEXTBOOK AND REFERENCE FOR THE HEALTH CARE PROFESSIONS (N. Abrams & M. Buckner, eds.) (Cambridge: MIT Press, 1983)

Chapter 1 reprinted (as "Autonomy's Protection and Pretense in Law and Medicine") in ETHICAL ISSUES IN MODERN MEDICINE (J. Arras & N. Rhoden, eds.) (Mountain View, CA: Mayfield Publ. Co., 1989), pp. 176-84

STANDARDS RELATING TO ABUSE AND NEGLECT (with Michael Wald) (Prepared for the Juvenile Justice Standards Project, Institute of Judicial Administration / American Bar Association) (Cambridge: Ballinger, 1977) 191 pages

Journal Articles

God's Gift and Mindfulness of the Ethical Dimensions as Human Response: Response to Rabbi Dr. Barry Freundel, 3 JOURNAL OF LAW, PHILOSOPHY AND CULTURE 417-20 (2009)

Doctors vs. Lawyers: The Perils of Perfectionism, 53 SAINT LOUIS UNIVERSITY LAW JOURNAL 1177-88 (2009)

Constitutional Constraints on the Regulation of Cloning, IX YALE JOURNAL OF HEALTH, POLICY, LAW AND ETHICS 495-506 (2009)

Invitation to the Dance: Lessons from Susan Sontag's Death, 39 HASTINGS CENTER REPORT 38-45 (2009).

Review Dialogue: A Conversation between Robert A. Burt and Elyn R. Saks on *The Center Cannot Hold: My Journey through Madness*, by Elyn R. Saks, 65 AMERICAN IMAGO 309-26 (2008).

Overruling *Dred Scott*: The Case for Same-Sex Marriage, 17 WIDENER L. J. 73-95 (2007)

The Ethics of Unilateral "Do Not Resuscitate" Orders: The Role of "Informed Assent", 132 CHEST 248-51 (2007) (with J. Randall Curtis)

Law's Effect on the Quality of End-of-Life Care: Lessons from the *Schiavo* Case, 34 CRITICAL CARE MEDICINE S348-54 (2006)

The Uses of Psychoanalysis in Law: The Force of Jay Katz's Example, YALE JOURNAL OF HEALTH POLICY, LAW, AND ETHICS 401-13 (2006)

Family Conflict and Family Privacy: The Constitutional Violation in Terri Schiavo's Death, 22 CONSTITUTIONAL COMMENTARY 427-55 (2005)

An Obligation to Students, 1 OPENING ARGUMENT 1-2 (2005)

Robert Cover's Passion, 17 YALE J. LAW 7 HUMANITIES 1-8 (2005)

On Gnats, Camels and Payment to Research Subjects: A Commentary, 9 JOURNAL OF MEDICINE & LAW 25-30, 35-36 (2005)

Moral Offenses and Same Sex Relations: Revisiting The Hart-Devlin Debate, 1 JOURNAL OF LAW 70-88 (2004)

The Law Professors vs. the Military: Why We Are Suing, 67 YALE ALUMNI MAGAZINE 22-23 (2004)

The Truth About Owen Fiss, 58 U.MIAMI. L.REV 83-96 (2003)

Inside the Cruzan Case, 17 MEDICAL HUMANITIES REVIEW 46-50 (2003)

Resolving Disputes Between Clinicians and Family About "Futility" of Treatment, 27 SEMINARS IN PERINATOLOGY 495-502 (2003)

Why Are Critical Care Clinicians So Powerfully Distressed by Family Demands for Futile Care? 18 JOURNAL OF CRITICAL CARE 22-24 (2003) (with J. Randall Curtis)

Reality TV: From Public Autopsies to What?, 130 COMMONWEAL 11-12 (January 31, 2003)

Liberals' Labors Lost, 2 LEGAL AFFAIRS 55-58 (2003)

The Medical Futility Debate: Patient Choice, Physician Obligation, and End-of-Life Care, 5 JOURNAL OF PALLIATIVE MEDICINE 249-254 (2002)

Misguided Guidelines, 6 PSYCHOLOGY, PUBLIC POLICY, AND LAW 382-87 (2000)

The Limitations of Protocols for End-of-Life Care, 45 RESPIRATORY CARE 1523-33 (2000)

Wrong Tomorrow, Wrong Yesterday, but not Today: On Sliding into Evil with Zeal but without

Understanding, 5 ROGER WILLIAMS UNIV. L. REV. 19 (1999)

Self-Determination and the Wrongfulness of Death, 2 JOURNAL OF HEALTH CARE LAW & POLICY 177-210 (1999)

Reconciling with Injustice, 4 GRAVEN IMAGES106-22 (1998)

Assessing Oregon's Physician-Assisted Suicide Law: Through a Glass, Darkly, 1 J. PALLIATIVE MEDICINE 313-14 (1998)

Los riesgos del suicidio con ayuda médica: primeras lecciones desde la experiencia americana, 9 ISONOMÍA 103-127 (1998)

Disorder in the Court: Physician-Assisted Suicide and the Constitution, 82 MINN. L. REV. 965-81 (1998)

Confronting Death: Who Chooses? Who Controls? A Dialogue between Dax Cowart and Robert Burt, 28 HASTINGS CENTER REPORT 14-24 (January-February 1998)

The Supreme Court Speaks -- Not Assisted Suicide but a Constitutional Right to Palliative Care, 337 N.ENG.J.MEDICINE 1234-36 (October 23, 1997)

Rationality and Injustice in Physician-Assisted Suicide, 19 W. NEW ENG. L. REV. 353-69 (1997)

Metodología y metáforo en el Derecho Constitucional, 6 ISONOMÍA 31-54 (1997)

The Suppressed Legacy of Nuremberg, 26 HASTINGS CENTER REPORT 30-33 (September-October 1996)

Comments on James Oakes, "The Compromising Expedient", 17 CARDOZO L. REV. 2057-61 (1996)

Constitutionalizing Physician-Assisted Suicide: Will Lightning Strike Thrice?, 35 DUQUESNE L.REV. 159-181 (1996)

Palliative medicine: Providing care when cure is not possible, 51 GERIATRICS 33-44 (May 1996), 32-42 (June 1996) (with R. Butler, K. Foley, J. Morris & S. Morrison)

Alex Bickel's Law School and Ours, 104 YALE LAW JOURNAL 1853-73 (1995)

Judges, Behavioral Scientists, and the Demands of Humanity, 143 UNIV. PENNSYLVANIA L. REV. 179-99 (1994)

Confronting Holocausts: Remarks on Spielberg's *Schindler's List*, YALE LAW REPORT 13-14

(Spring 1994)

Brown's Reflection, 103 YALE LAW JOURNAL 1483-94 (1994)

Cruelty, Hypocrisy, and the Rehabilitative Ideal in Corrections, 16 INTERNATIONAL JOURNAL OF LAW AND PSYCHIATRY 359-70 (1993)

Independencia judicial y democracia constitucional: lecciones de la experiencia norteamericana, 1 REVISTA DERECHO Y HUMANIDADES 15-28 (1992) (published by University of Chile Law School, Santiago, Chile)

Precedent and Authority in Antonin Scalia's Jurisprudence, 12 CARDOZO LAW REV. 1685-97 (1991)

Loving Big Brother: Comments on Seidman, Police Interrogation, and the Fifth Amendment, 2 YALE JOURNAL OF LAW & THE HUMANITIES 181-88 (1990)

Inventing Judicial Review: Israel and America, 10 CARDOZO LAW REV. 2013-97 (1989) (expanded version of the Inaugural Uri and Caroline Bauer Memorial Lecture, delivered at Cardozo Law School, October 1988)

Uncertainty and Medical Authority in the World of Jay Katz, 16 LAW, MEDICINE & HEALTH CARE 190-96 (1988)

Privacy and Contraception in the American and Irish Constitutions, 7 ST. LOUIS UNIV. PUBLIC LAW REV. 287-96 (1988)

Disorder in the Court: The Death Penalty and the Constitution, 85 MICHIGAN L. REV. 1741-1819 (1987)

Withholding Nutrition and Mistrusting Nurturance: The Vocabulary of In re Conroy, 2 ISSUES IN LAW & MEDICINE 317-30 (1987)

What Frank Allen Teaches, 85 MICHIGAN L. REV. 391-96 (1986)

The Treatment of Handicapped Newborns: Is There a Role for Law? 1 ISSUES IN LAW & MEDICINE 279-91 (1986)

Coercive Freedom: A Response to Professor Chambers, 18 UNIV. MICH. J. LAW REFORM 829-34 (1985)

Commentary on Schelling's "Enforcing Rules on Oneself", 1 J. LAW, ECONOMICS & ORGANIZATION 381-83 (1985)

What Was Wrong with Dred Scott, What's Right about Brown, 42 WASH. & LEE L. REV. 1-25 (1985)

The Ideal of Community in the Work of the President's Commission, 6 CARDOZO L. REV. 267-86 (1984)

Coercion and Communal Morality: A Response, 9 J. HEALTH POLITICS, POLICY & LAW 323-24 (1984)

Constitutional Law and the Teaching of the Parables, 93 YALE L.J. 455-502 (1984)

Experts, Custody Disputes, and Legal Fantasies, 14 PSYCHIATRIC HOSPITAL 140-44 (1983)

Conflict and Trust between Attorney and Client, 69 GEORGETOWN L.J. 1015-46 (1981)

The Elusive Role of "Neutral Observer" in Human Investigations, 2 IRB: A REVIEW OF HUMAN SUBJECTS RESEARCH 9 (1980)

The Constitution of the Family, 1979 SUP. CT. REV. 329-95

The Limits of Law in Regulating Health Care Decisions, 7 HASTINGS CENTER REPORT 29-32 (1977)

Children's Rights on Entering Therapeutic Institutions (with Derek Miller), 134 AM. J. PSYCHIATRY 153-56 (1977)

Why Physicians Should Decide Cases Like Karen Quinlan's, 2 FAMILY MEDICINE RPTR 14-15 (April 1976), 14 (June 1976)

Developing Constitutional Rights of, in, and for Children, 39 LAW & CONTEMPORARY PROBLEMS 118-43 (1975)

Why We Should Keep Prisoners from the Doctors: Reflections on the Detroit Psychosurgery Case, 5 HASTINGS CENTER REPORT 25-35 (1975) (This article is a shortened version of the Ohio State Law Forum Lectures for 1974)

Sterilization, State Action and the Concept of Consent (with Monroe Price), 1975 LAW & PSYCHOLOGY REV. 57-78

Of Mad Dogs and Scientists: The Perils of the "Criminal-Insane", 123 U. PA. L. REV. 258-96 (1974)

Adolescents and the Law, VIII PSYCHIATRIC SPECTATOR 12-14 (1973)

At the Present Time Experimental Neurosurgery Cannot Be Performed on Involuntarily Confined Mental Patients (with Francis Allen), 18 LAW QUADRANGLE NOTES 9-15 (1973)

A Proposal for the Abolition of the Incompetency Plea (with Norval Morris), 40 UNIV. CHICAGO L. REV. 66-95 (1972)

Forcing Protection on Children and Their Parents, 69 MICH. L. REV. 1259-1310 (1971)

Protecting Children from Their Families and Themselves: State Laws and the Constitution, 1 J. YOUTH & ADOLESCENCE 91-111 (1972)

Miranda and Title II: A Morganatic Marriage, 1969 SUP. CT. REV. 81-134

Book Chapters

Seeing the Hollow in LAW TOUCHED OUR HEARTS: A GENERATION REMEMBERS *BROWN V. BOARD OF EDUCATION* (Mildred W. Robinson & Richard J. Bonnie, eds.) (Vanderbilt Univ. Press, 2008)

Commentario sobre la obligación de erradicar la pobreza. In DEROCHO Y POBREZA (SELA 2005) 45-52 (Roberto Saba, ed.) (Buenos Aire: Editores del Puerto, 2006)

The End of Autonomy, in IMPROVING END OF LIFE CARE: WHY HAS IT BEEN SO DIFFICULT? (Bruce Jennings, Gregory Kaebnick & Thomas Murray, eds.) S9-S13 (A Hastings Center Special Report, 2005)

On the Bench: The Jewish Justices, in JEWS IN AMERICAN POLITICS (L. Sandy Maisel & Ira N. Forman, eds.) 65-80 (Lanham, MD: Rowman & Littlefield Publishers, 2001)

Supremacía judicial, impotencia judicial y *rule of law* en tiempos de crisis, in ESTADO DE DERECHO Y DEMOCRACIA (SELA 2000) 297-310 (Buenos Aires: Editores del Puerto, 2001)

Promises to Keep, Miles to Go: Mental Health Law Since 1972, in THE EVOLUTION OF MENTAL HEALTH LAW (Lynda E. Frost & Richard J. Bonnie, eds.) 11-30 (Washington, D.C.: American Psychological Ass'n, 2001)

Roe v. Wade as a Counter-Revolutionary Manifesto: A Retrospective View, in NEW DIMENSIONS IN BIOETHICS: SCIENCE, ETHICS AND THE FORMULATION OF PUBLIC POLICY (Arthur W. Galston & Emily G. Shurr, eds.) 155-168 (Boston: Kluwer Academic Publishers, 2001)

Louis Brandeis, Stephen Wise, Felix Frankfurter, in LES JUIFS ET LE XXe SIÈCLE:

DICTIONNAIRE CRITIQUE (Élie Barnavi & Saul Friedländer, eds.) 540-551 (Paris: Calmann-Lévy, 2000)

Desarrollo constitutional de derechos de, sobre y para menores, La constitución de la familia, and El tratamiento de menores sin el consentimiento de los padres, in DERECHO, INFANCIA Y FAMILIA (Mary Beloff, ed.) 13-36, 37-114, 189-198 (Barcelona: Editorial Gedisa 2000)

Desarrollando derechos constitucionales de, en y para los niňos, in DERECHO Y GRUPOS DESAVENTAJADOS (Roberto Gargarella, ed.) 169-208 (Barcelona: Editorial Gedisa, 1999)

Where Do We Go From Here? In THE DEFINITION OF DEATH: CONTEMPORARY CONTROVERSIES (Stuart Youngner, Robert Arnold & Renie Schapiro, eds.) 332-39 (Baltimore: Johns Hopkins Univ. Press, 1999)

Choosing Death: For Oneself / For Others in PATIENT'S RIGHTS: INFORMED CONSENT, ACCESS AND EQUALITY (Lotta Westerhall & Charles Phillips, eds.) 63-84 (Stockholm, Sweden: Nerenius & Santérus Publishers, 1994).

Democracy, Equality, and the Death Penalty, in NOMOS XXXVI: THE RULE OF LAW (Ian Shapiro, ed.) 80-98 (New York: New York University Press, 1994)

Judicial Independence and Constitutional Democracy: Lessons from the U.S. Experience, in TRANSITION TO DEMOCRACY IN LATIN AMERICA: THE ROLE OF THE JUDICIARY (Irwin Stotzky, ed.) 287-98 (Boulder, CO: Westview Press, 1993)

Legal and Ethical Aspects of Interventions, in GENETIC VARIATION AND NUTRITION (A. P. Simopoulos & B. Childs, eds.) 266-76 (Basel, Switzerland: Karger, 1990)

Raices Historicas de la Revision Judicial: Fuerzas Socioculturales Subyacentes al Poder Judicial, in CONSTITUCION Y DESARROLLO SOCIAL 51-62 (Santiago, Chile: Instituto de Estudios Judiciales, 1988)

Retardation, Legal Rights and the Communal Ideal, in THE LEGAL RIGHTS OF CITIZENS WITH MENTAL RETARDATION 32-49 (L. Kane, P. Brown & J. Cohen, eds.) (Lanham, MD: University Press, 1988)

Autism and the Law: "To Secure These Rights . . . ", in HANDBOOK OF AUTISM AND PERVASIVE DEVELOPMENTAL DISORDERS 718-21 (D. J. Cohen & A. M. Donnellan, eds.) (Silver Spring, MD: V. H. Winston & Sons, 1987)

Constitutional Rights of Handicapped People and the Teaching of the Parables, in ON MORAL MEDICINE: THEOLOGICAL PERSPECTIVES IN MEDICAL ETHICS 582-90 (S. Lammers & A. Verhey, eds.) (Grand Rapids, MI: Eerdmans Publ. Co., 1987)

Family and the Constitution, Mental Illness and the Constitution, and Mental Retardation and the Constitution, in ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION 686-88, 1247-49, and 1249-51 (L. Levy, ed.) (New York: Macmillan, 1986)

Legal Reform and Aging: Current Issues, Troubling Trends, in WHAT DOES IT MEAN TO GROW OLD? REFLECTIONS FROM THE HUMANITIES 99-113 (T. Cole & S. Gadow, eds.) (Durham, N.C.: Duke Univ. Press, 1986)

Authorizing Death for Anomalous Newborns: Ten Years Later, in GENETICS AND THE LAW III 259-69 (A. Milunsky & G. Annas, eds.) (New York: Plenum Press, 1985)

Pennhurst: A Parable, in IN THE INTERESTS OF CHILDREN: ADVOCACY, LAW REFORM AND PUBLIC POLICY 265-363 (R. Mnookin, ed.) (New York: W. H. Freeman, 1985)

The Burger Court and the Family, in THE BURGER COURT: THE COUNTER-REVOLUTION THAT WASN'T 92-112 (V. Blasi, ed.) (New Haven: Yale Univ. Press, 1983)

Treating Children without Parental Consent, in TROUBLING PROBLEMS IN MEDICAL ETHICS 101-09 (M. Basson et al., eds.) (New York: Alan R. Liss, 1981)

Immunizing Physicians by Law, in DILEMMAS OF DYING: POLICIES AND PROCEDURES FOR DECISIONS NOT TO TREAT 143-50 (C. Wong & J. Swazey, eds.) (Boston: Hall Medical Publishers, 1981)

Children as Victims, in CHILDREN'S RIGHTS: CONTEMPORARY PERSPECTIVES 37-52 (P. Vardin & I. Brody, eds.) (New York: Teachers' College Press, Columbia Univ., 1979)

Law as Supervising and/or Supporting the Family, in THE FAMILY: SETTING PRIORITIES 331-40 (T. Brazelton & V. Vaughan, eds.) (New York: Science & Medicine Publ. Co., 1979)

Informed Consent in Mental Health, in ENCYCLOPEDIA OF BIOETHICS762-67 (W. Reich, ed.) (New York: Free Press, 1978)

On Children's Rights and Therapeutic Institutions (with Derek Miller), in ADOLESCENT PSYCHIATRY: VOLUME V, DEVELOPMENTAL CLINICAL STUDIES 39-53 (S. Feinstein & P. Giovacchini, eds.) (New York: Jason Aronson, 1977)

Helping Suspect Groups to Disappear, in PSYCHOLOGY AND THE LAW 33-62 (G. Bermant, C. Nemeth & N. Vidmar, eds.) (Lexington, MA: Lexington Books, 1979)

Developing Constitutional Rights of, in, and for Children, in PURSUING JUSTICE FOR THE CHILD 225-45 (M. Rosenheim, ed.) (Chicago: Univ. Chicago Press, 1976)

Authorizing Death for Anomalous Newborns, in GENETICS AND THE LAW435-50 (A.

Milunsky & G. Annas, eds.) (New York: Plenum Press, 1975)

Judicial Action to Aid the Retarded, in ISSUES IN THE CLASSIFICATION OF CHILDREN 293-318 (Volume II) (N. Hobbs, ed.) (New York: Jossey-Bass, 1975)

Beyond the Right to Habilitation, in THE MENTALLY RETARDED CITIZEN AND THE LAW 417-36 (President's Committee on Mental Retardation) (New York: Free Press, 1976)

Nonconsensual Medical Procedures and the Right to Privacy (with Monroe Price), in THE MENTALLY RETARDED CITIZEN AND THE LAW93-111 (President's Committee on Mental Retardation) (New York: Free Press, 1976)

The Therapeutic Use and Abuse of State Power over Adolescents, in CURRENT ISSUES IN ADOLESCENT PSYCHIATRY (J. Schoolar, ed.) (New York: Brunner/Mazel, 1973)

Eighth Amendment Rights in Mental Institutions and Rights of the Mentally Handicapped in Criminal Proceedings, in LEGAL RIGHTS OF THE MENTALLY HANDICAPPED 735-45, 1107-25 (B. Ennis & P. Friedman, eds.) (New York: Practicing Law Institute & Mental Health Law Project, 1973) (latter chapter reprinted in THE MAINE PROSECUTOR, January 1974)

Legal Restrictions on Sexual and Familial Relations of Mental Retardates -- Old Laws, New Guises, in HUMAN SEXUALITY AND THE MENTALLY RETARDED 206-14 (F. de la Cruz & G. LaVeck, eds.) (New York: Brunner/Mazel, 1973) (reprinted in MENTAL RETARDATION: SOCIAL AND EDUCATIONAL PERSPECTIVES 130-34 (C. Drew, M. Hardman & H. Bluhm, eds.) (St. Louis: C.V. Mosby Co., 1977)

Book Reviews

Singing Death's Praises, Review of LINDA HUTCHEON & MICHAEL HUTCHEON, OPERA: THE ART OF DYING, in 18 MEDICAL HUMANITIES REVIEW 46-48 (Spring 2004)

Review of JOCELYN DOWNIE, DYING JUSTICE: A CASE FOR DECRIMINALIZING EUTHANASIA AND ASSISTED SUICIDE IN CANADA, in 352 N.ENG.J.MEDICINE 1501-02 (April 7, 2005).

Review of PHYSICIAN ASSISTED SUICIDE: EXPANDING THE DEBATE (M. Battin, R. Rhodes & A. Silvers, eds.) in 339 N.ENG.J.MEDICINE 1563-64 (Nov. 19, 1998)

Review of TONI MARIE MASSARO, CONSTITUTIONAL LITERACY: A CORE CURRICULUM FOR A MULTICULTURAL NATION, in 4 ON COMMON GROUND 21-22 (1995)

Building on Our Differences (Review of MARTHA MINOW, MAKING ALL THE DIFFERENCE: INCLUSION, EXCLUSION AND AMERICAN LAW) in 6 MEDICAL HUMANITIES REVIEW 9-12 (1992)

Review of NELSON L. DAWSON, ed., BRANDEIS AND AMERICA, in FILSON CLUB HISTORICAL QUARTERLY 88-91 (January 1991)

Quarreling with Job (Review of LONNIE D. KLIEVER, ed., DAX'S CASE: ESSAYS IN MEDICAL ETHICS AND HUMAN MEANING) in 4 MEDICAL HUMANITIES REVIEW 17-19 (1990)

Review of MILNER S. BALL, LYING DOWN TOGETHER: LAW, METAPHOR AND THEOLOGY, in XLIII THEOLOGY TODAY 451-54 (1986)

To Praise Willowbrook and to Bury It (Review of DAVID J. & SHEILA M. ROTHMAN, THE WILLOWBROOK WARS), in 15 HASTINGS CENTER REPORT 26-27 (1985)

Review of FRANKLIN E. ZIMRING, THE CHANGING LEGAL WORLD OF ADOLESCENCE, in 33 JOURNAL OF LEGAL EDUCATION 722-24 (1983)

The Power of Illegitimate Masters (Review of RICHARD SENNETT, AUTHORITY), in 11 HASTINGS CENTER REPORT 21 (1981)

The New Segregationists (Review of DERRICK BELL, ed., SHADES OF BROWN: NEW PERSPECTIVES ON SCHOOL DESEGREGATION), in WASHINGTON POST, January 17, 1981, page F5

Review of ALAN STONE, MENTAL HEALTH AND THE LAW: A SYSTEM IN TRANSITION, in 46 AMERICAN J. ORTHOPSYCHIATRY 367-69 (1976)

Review of THOMAS SZASZ, THE MANUFACTURE OF MADNESS, in 16 CONTEMPORARY PSYCHOLOGY 631-33 (1971)

Periodical Articles

A Poor Ruling by the Supreme Court, CHRONICLE OF HIGHER EDUCATION, May 19, 2006, p. B18

The Fight over Controlling Death -- A Misplaced Debate, AGING TODAY, January/February 1996, p. 10

Death Made Too Easy, NEW YORK TIMES, November 15, 1994, p. A19 (Op-Ed Page)

On Abortion, Judge Ginsburg Backs Democracy, NEW YORK TIMES, June 25, 1993, p. A30 (Editorial Page Letter)

Why Bush Should Name a Liberal Democrat to the Supreme Court, HARTFORD COURANT, October 6, 1991, pp. B1,B4 (reprinted through the Los Angeles Times - Washington Post Wire Service in other newspapers)

Into Israeli Darkness, the Judges Shine a Beacon of Light, HARTFORD COURANT, April 24, 1988, pp. B1,B4 (reprinted through the Los Angeles Times - Washington Post Wire Service)

In the Matter of Baby M: Court Stumbles by Raising Specter of Criminality, 121 NEW JERSEY LAW JOURNAL 319 (1988)

The Legacy of the Bork Debate, HARTFORD COURANT, November 1, 1987, pp. C1,C4 (reprinted through the Los Angeles Times - Washington Post Wire Service in other newspapers)

Two Jewish Justices: Outcasts or Assimilated Insiders, 58 WOMEN'S LEAGUE OUTLOOK 6-7, 29 (1987)

Bork's Ideology: A Valid Issue, HARTFORD COURANT, August 23, 1987, p. B3 (reprinted through the Los Angeles Times - Washington Post Wire Service in other newspapers)

The Baby M Contract: Is It Enforceable? 119 NEW JERSEY LAW JOURNAL 328 (1987) (reprinted in 13 CONNECTICUT LAW TRIBUNE 4-5 (1987))

Others

Introduction (with Christine K. Cassel) to Connie Zuckerman, END-OF-LIFE CARE AND HOSPITAL LEGAL COUNSEL (Milbank Memorial Fund, 1999)

Remarks in Carlos Santiago Nino, 1943-93 (Yale Law School, 1995)

Remarks on Opening of City University of New York Law School, in THE CREATION OF A LAW SCHOOL (CUNY Law School, 1983)

Videotape, Stranger in a Family, produced by Yale Media Design Studio & Connecticut Public Television, 1982

Testimony on the Presidential Impoundment Power, Hearings on Impoundment Reporting and Review, Committee on Rules, United States House of Representatives, 93rd Congress, 1st Session 359-80 (1973)

Admission and Discharge Processes in Veterans Administration Psychiatric Hospitals (Report to the Chairman of the Administrative Conference of the United States) (1972) (typescript, 157

pages)