

**BIOGRAPHICAL SKETCH**

Provide the following information for the key personnel and other significant contributors in the order listed on Form Page 2.  
Follow this format for each person. **DO NOT EXCEED FOUR PAGES.**

NAME Jessica W. Berg, J.D.	POSITION TITLE Professor of Law and Bioethics		
eRA COMMONS USER NAME			
EDUCATION/TRAINING <i>(Begin with baccalaureate or other initial professional education, such as nursing, and include postdoctoral training.)</i>			
INSTITUTION AND LOCATION	DEGREE <i>(if applicable)</i>	YEAR(s)	FIELD OF STUDY
Cornell University	B.A.	1991	Psychology
Cornell Law School	J.D.	1994	Law
Case Western Reserve University	M.P.H.	2009	Public Health

**A. POSITIONS AND HONORS.****RESEARCH AND PROFESSIONAL EXPERIENCE**

1994-1994 Fellow, Institute for Law & Psychiatry, University of Virginia Law School, Charlottesville, VA  
 1994-1994 Fellow, Center for Bioethics, University of Virginia Medical School, Charlottesville, VA  
 1995-1996 Scholar in Excellence, Worcester, Massachusetts  
 1996-1997 Visiting Professor, Michigan State University Medical School, East Lansing, MI  
 1997-1998 Adjunct Professor, Northwestern University Law School, Chicago, IL  
 1997-1999 Adjunct Professor, University of Chicago Law School, Chicago, IL  
 1997-1999 Section Director, Professionalism, American Medical Association Institution for Ethics  
 1998-1999 Director, Academic Affairs, American Medical Association Institute for Ethics  
 1999-2004 Associate Professor of Law and Bioethics, Case Western Reserve University, Cleveland OH  
 2005- Professor of Law and Bioethics, Case Western Reserve University, Cleveland OH

**B. SELECTED PEER-REVIEWED PUBLICATIONS (IN CHRONOLOGICAL ORDER).**

Berg J, "Give Me Liberty or Give Me Silence: Taking a Stand on Fifth Amendment Implications For Court-Ordered Therapy Programs," 79 (3) Cornell Law Review 700 (1994).

Berg J, "Ethical Issues in the Conduct of Clinical Trials," Institute of Medicine (1995).

Berg J, Appelbaum PS, Grisso T, "Constructing Competence: Formulating Standards of Legal Competence to Make Medical Decisions" 48(2) Rutgers Law Review 345 (1996).

Berg J, "The Legal and Ethical Complexities of Consent with Cognitively Impaired Research Subjects: Proposed Guidelines" 48 The Journal of Law, Medicine & Ethics 18 (1996).

Berg J, Bonnie RJ, "When Push Comes to Shove," in Coercion and Aggressive Community Treatment: A New Frontier in Mental Health Law, Plenum (1996).

Berg J, "Waiver of Informed Consent for Emergency Research," 1 Journal of Medicine and Law 1 (1997).

Wynia M, Latham S, Kao A, Berg J, Emanuel L, “Medical Professionalism,” 341(21) New England Journal of Medicine 1612 (1999).

Berg J, Appelbaum PS: “Patients’ Competence to Consent to Neurobiological Research,” in Ethics in Psychiatric Research: A Resource Manual for Investigators, American Psychiatric Association, 81-106 (1999).

Ozar D, Berg J, Werhane P, Emanuel L, “Organizational Ethics in Health Care: A Model of Ethical Decision-Making by Provider Organizations,” Institute for Ethics at the American Medical Association (2000).

Berg J, “Risky Business: Evaluating Oocyte Donation,” 1(4) American Journal of Bioethics 18 (2001)

Berg J, “Grave Secrets: Ethical and Legal Analysis of Postmortem Confidentiality” 34 Connecticut Law Review 81 (2001).

Berg J, Appelbaum PS, Lidz C, Parker L, Informed Consent: Legal Theory and Clinical Practice (Oxford 2<sup>nd</sup> edition, 2001).

Doukas D, Berg J, “Genetic Testing and The Family Covenant,” 1(3) American Journal of Bioethics 2 (2001).

Berg J, “Ethics and E-Medicine” 46 St. Louis University Law Journal 61 (Symposium, 2002); adapted as book chapter in Ethics Consultation: From Theory to Practice (2003).

Berg J, “Understanding Waiver” 40 Houston Law Review 101 (2003)

Berg J, “When if ever should confidentiality be set aside?” in Ethical Dilemmas in Neurology, W.B. Saunders (2000); adapted as book chapter in Russian Bioethics Textbook (2003).

Berg J, “You say person, I say property: Does it really matter what we call an embryo?” 4 American Journal of Bioethics 17 (2004).

Berg, J, “Children and Placebos”, in Learning From Cases: Ethics and Research with Children (Oxford, 2005).

Berg, J, Owing Persons: The Application of Property Theory to Embryos and Fetuses,” 40 Wake Forest Law Review 159 (2005).

Hoffman, S., Berg, J, “The Suitability of IRB Liability,” 67 University of Pittsburgh Law Review 365 (2005).

Berg J, “A Qualified Defense of Legal Disclosure Requirements,” 6 American Journal of Bioethics 25 (2006).

Marshall, P, Berg, J, “Protecting Communities in Biomedical Research,” 6 American Journal of Bioethics 28 (2006).

Berg, J, “Smokescreen,” 36 Hastings Center Report (2006).

Berg, J, “Legal Issues in End-of-Life Decisionmaking” in Aspen Health Care and Compliance Update 2007 (2006).

Berg, J, King, N, “Strange Bedfellows: Reflections on Bioethics’ Role in Disaster Response Planning,” 6 American Journal of Bioethics 3 (2006).

Berg J, "Of Elephants and Embryos: A Proposed Framework for Legal Personhood," 59 Hastings Law Journal 369 (2007).

Mehlman M, Berg J, "Human Subjects Protections in Biomedical Enhancement Research: Assessing Risk and Benefit and Obtaining Informed Consent," Journal of Law, Medicine & Ethics 2 (2008).

Berg J, Mehlman M, Rubin D, Kodish E, "Making All the Children Above Average: Ethical and Regulatory Concerns for Pediatricians in Pediatric Enhancement Research," Clinical Pediatrics (Forthcoming 2009).

Berg J, Putting the Community Back into the "Community Benefit" Standard, 43 Georgia Law Review (forthcoming Winter 2010).