

RESUME

Roy G. Spece, Jr.
John D. Lyons Professor of Law
University of Arizona James E. Rogers College of Law

EDUCATION:

Degrees:

University of Southern California Gould School of Law -- Highest Honors (see below), 1972.

California State University, Long Beach -- B.A., Summa Cum Laude, 1972 (completed while in law school).

Law School Honors:

First in class (overall and each of three years; overall average was one of the highest in school's history).

Order of the Coif.

Highest grades in section on both oral argument and brief in first year Moot Court.

Law Alumni Award (for the most outstanding student upon graduation).

Several merit scholarships.

Law School Activities:

Note and Article Editor of the Southern California Law Review.

Conducted seminars on exam taking for minority law students (sponsored by Phi Alpha Delta).

Teaching Assistant, 1970-71.

Volunteer Tutor for CLEO (program for minority students).

Undergraduate Honors and Activities:

First in graduating class of over 5,000 students (4.0 grade point average out of a possible 4.0).

Only political science student to graduate summa cum laude.

Award as University's top scholar/athlete.

Letter in Track & Field.

Sportswriter for school newspaper.

High School Honors and Activities:

Medallion as top business and economics student in graduating class of over 1,000 students.

All League Track; team captain.

EMPLOYMENT AND PROFESSIONAL WORK:

Professor of Law, University of Arizona College of Law, August 1975 to present.

Professor in charge of course on Medical Jurisprudence at the University Of Arizona College Of Medicine, August 1975 to August 1999.

Gibson, Dunn & Crutcher, 515 South Flower Street, Los Angeles, California, 90071-Law Clerk, Summer of 1971; Associate, August 1972 to August 1975 (representing plaintiffs and defendants in various federal and state litigation).

Research Assistant to Professor Christopher D. Stone of the University of Southern California Law Center -- Summer of 1970.

Research Fellow at University of Southern California—Summer of 1975

HONORS, ASSOCIATIONS AND ACTIVITIES:

Fellow of the American Trial Lawyers Association (now the Association for Justice).

Member of the California and Arizona Bar Associations.

American Society of Law, Medicine, & Ethics.

Inns of Court (2011-2012).

University of Arizona Faculty Senator, 1995; 1997 to present.

President, American Association of University Professors, Arizona Chapter, 1990-91.

Chosen to deliver the Thomas J. White Public Law Lecture at St. Louis University Law School, 1983.

Chairperson, Law and Medicine Section of the American Association of Law Schools, 1982 and 2019.

Consultant to the Center for Technology Assessment and Policy Research on study done for the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, 1977.

Appointed by Governor Bruce Babbitt to the Study Commission on Insurance, 1986.

President, University of Arizona Faculty Association, 1980.

Member of Board of Directors of El Pueblo Neighborhood Health Care Clinic, 1984-86.

Member of the Editorial Advisory Board of Law & Human Behavior (1985-89).

Vestry, Grace Episcopal Church (1987-89).

Numerous University of Arizona Committees.

Consultant to various legal publishers.

PUBLICATIONS:

Books:

Bioethics and Law: Cases, Materials, and Problems, (M. Shapiro, R. Spece, R. Dresser, and E. Wright eds., 2d ed., Thomson/West Publishing Company, 2003).

Conflicts of Interest in Clinical Research and Practice, (R. Spece, D. Shimm, and A. Buchanan eds., Oxford University Press 1996).

Bioethics and Law: Cases, Materials, and Problems, (M. Shapiro and R. Spece eds., West Publishing Co., 1991 supplement).

Bioethics and Law: Cases, Materials, and Problems, (M. Shapiro and R. Spece eds., West Publishing Co., St. Paul 1981).

“Conflicts of Interest in Relations Between Physicians and the Pharmaceutical Industry” (co-authored with Dr. David Shimm), in Conflicts of Interest In Clinical Practice and Research (1996).

“Discovering the Ethical Requirements of Physicians’ Roles in the Service of Conflicting Interests As Healers and As Citizens” (co-authored with Dr. David Shimm), in Conflicts of Interest in Clinical Practice and Research (1996).

“Case Study: Marketing Research Studies,” in Ethics in Emergency Medicine (K. Iserson et. al. eds., 2d ed. 1994).

“Forensic and Medicolegal Aspects of Transplantation,” in Anesthesia for Cardiac Surgery (B. Brown & J. Copeland eds. 1986, F.A. Davis Company).

“Professional Malpractice” (co-authored with Rose Marie Ibáñez, M.D., J.D.), in IV United States Law of Trade and Investment (B. Kozolchyk and J. Molloy eds. 2001).

Constitutional Law & Bioethics: Mutual Illuminations (under preparation with contract).

Articles:

“Scotus’s Summer of 2022: Obfuscation Of And Distain For Rationality And The Traditional Personal Liberties Framework,” --- Kentucky L. Rev. --- (2023).

“COVID-19 Control: Disrupting Doctor Patient Relationships, 100 Neb. L. Rev. 151 (2021).

“(Implicit) Consent to Intimacy,” 50 Indiana L. Rev. 907 (2017) (co-author, with John K. Hilton & Jeffrey N. Younggren).

“Scrutinizing Strict Scrutiny,” (Spece and Yokum), 40 Vt. L. Rev. 285 (2015).

“An Empirical Method For Materiality: Would Conflict Of Interest Disclosures Change Patient Decisions?,” (Spece, Robertson, Yokum and Okoro), 40 Am. J. L. & Med. 253 (2014).

- “Comparing Certain Aspects of U.S. and Costa Rican Medical Malpractice Compensation Systems: Bad News for Costa Ricans and Medical Tourists to Costa Rica?,” Arizona Legal Studies Discussion Paper No. 13-01 (2013) (co-author, with Federico Torrealba, Carmen Garcia Downing, & Rose Marie Ibanez), 30 *Ariz. J. Int’l & Comp. L.* 187 (2013).
- “Direct and Enhanced Disclosure of Researcher Financial Conflicts of Interest: The Role of Trust,” 23 *Health Matrix* 409 (2013).
- “The Purpose Prong of *Casey’s* Undue Burden Test and Its Impact on the Constitutionality of Abortion Insurance Restrictions in the Affordable Care Act or Its Progeny,” 33 *Whittier L. Rev.* 77 (2011).
- “Constitutional Attacks Against the Patient Protection and Affordable Care Act’s ‘Mandating’ that Certain Individuals and Employers Purchase Insurance While Restricting Purchase by Undocumented Immigrants and Women Seeking Abortion Coverage,” 38 *N. Ky. L. Rev.* 489 (2011).
- “Medical Tourism: Protecting Patients from Conflicts of Interest in Broker’s Fees Paid by Foreign Providers,” IV *Journal of Health & Biomedical Law* 1 (2010).
- “What is Scientific Misconduct, Who has to (Dis)Prove it, and to What Level of Certainty?,” (co-authored with Dr. Carol Bernstein), 26 *Medicine and Law* 493 (2007).
- “Scientific Misconduct and Liability for the Acts of Other,” (co-authored with Dr. Carol Bernstein), 26 *Medicine and Law* 477 (2007).
- “A Fundamental Constitutional Right of the Monied to “Buy Out Of” Universal Health Care Program Restrictions Versus the Moral Claim of Everyone Else to Decent Health Care: An Unremitting Paradox of Health Care Reform?,” III *Journal of Health and Biomedical Law* 1 (2007);
- “Sound Constitutional Analysis, Moral Principle, and Wise Policy Judgment Require a Clear and Convincing Evidence Standard of Proof in Physician Disciplinary Proceedings, 3 *Indiana Health L. J.* 107 (2006) (co-authored with Dr. John Marchalonis).
- “Scarce Goods: Justice, Fairness, and Organ Transplantation,” (Book Review), 28 *J. Health Pol. Pol’y & L.* 1129 (December 2003).

- “Conflicts Of Interest Affecting Those Involved In Staff Privileges Matters,” 15 HealthCare Ethics Forum 188 (June 2003).
- "Fourth Amendment Restrictions on Scientific Misconduct Proceedings at Public Research Universities," (co-authored with Dr. John J. Marchalonis) 11 Health Matrix 571 (Spring/Summer 2001).
- “First Amendment Protection of Experimentation: A Critical Review and Tentative Synthesis/Reconstruction of the Literature” (co-authored with one of my third-year students), 8 So. Calif. Interdisciplinary L.J. 185 (1998).
- “Liability for Genetic Malpractice: Choosing Among Theories,” Bioethics Bulletin, Vol. 5, No. 1 (ABA Winter/Spring 1996).
- “Legal Liability for Financial Incentives to Limit Health Care,” paper presented at and published in the proceedings of the 1995 American Trial Lawyers Association Convention, New York, New York.
- “Standards of Review and Constitutional Analysis of Health Care,” lead/introduction article in symposium on the Constitution and Health Care, 21 Hastings Constitutional Law Quarterly 477 (1994).
- “Legal Implications for Managing Confidential Information Regarding Workers’ Compensation Light Duty Programs” (co-authored with W.E. Wilkinson and Rose Marie Ibáñez, M.D., J.D.), Journal of Nursing Law, Vol. 1, Issue 3, June 1994.
- “Ethical Issues and Clinical Trials,” (with Dr. David Shimm), 46 Drugs 579 (1993).
- “‘Conflicts of Interest’ and ‘Professionalism,’” Survey of Anesthesiology, 1992:26:260-264.
- “Ethics Committees are Primarily Designed to Assist the Health Care Team and Institution, Rather Than the Patient,” 4 Health Care Ethics Committee Forum 199 (1992).
- “Gloving Compliance to Prevent Bloodborne Infections for Healthcare Workers,” (with Wilkinson et. al.), Journal of Occupational Health & Safety, (November 1992).
- “Industry Reimbursement for Entering Patients into Clinical Trials: Legal and Ethical Issues” (co-authored with Dr. David Shimm), Annals of Internal Medicine, 1991:115:148-151.

- “No ‘Right to Life’, No ‘Right To Die’: United States Supreme Court Doctrine and Decisions in *DeShaney v. Winnebago County* and *Cruzan v. Director, Missouri Department of Health*,” *Survey of Anesthesiology*, 1991:25:46-49.
- “Refusal to Participate in Clinical Trials: A Way to Verify Informed Consent” (co-authored with Dr. David Shimm), 14 *IRB* 7 (Nov.-Dec., 1991).
- “Conflict of Interest and Informed Consent in Industry-Sponsored Clinical Research” (co-authored with Dr. David Shimm), 12 *J. of Legal Med.* 477 (1991).
- “The Most Effective or Least Restrictive Alternative as the Only Intermediate and Only Means-Focused Review in Due Process and Equal Protection,” 33 *Vill. L. Rev.* 111 (1988).
- “AIDS, Due Process, Equal Protection and the Right to Treatment,” 4 *Issues in Law and Medicine* 283 (1988) (lead article in AIDS Symposium).
- “The Case Against Arizona Medical Malpractice Panels,” 63 *Detroit Law Review* 7 (1985) (lead article in Law/Medicine Symposium) (revised version printed in January 1986 issue of *Summation*, the publication of the Arizona Trial Lawyers Association).
- “The Arizona Living Will Bill,” 24 *Pulse* Nos. 12 & 13 (July and September 1985).
- “Is It Federal Policy to Force Inappropriate Treatment on Defective Neonates and to Reimburse Physicians for Unnecessary Aortocoronary By-Pass Surgeries But to Refuse Needed Heart Transplantation to Disabled Patients?,” 4 *Public Law Forum* 21 (1984).
- “Decisionmaking for or About Incompetent Persons,” (paper presented to the Law and Medicine Section of the American Association of Law Schools, 1982).
- “How to Argue Due Process and Equal Protection Cases,” (paper presented to the Arizona Attorney General’s Office, 1981).
- “Justifying Invigorated Scrutiny and the Least Restrictive Alternative as a Superior Form of Intermediate Review: Civil Commitment and the Right to Treatment as a Case Study,” 21 *Ariz. L. Rev.* 1049 (1979).

“Preserving the Right to Treatment: A Critical Assessment and Constructive Development of Constitutional Right to Treatment Theories,” 20 Ariz. L. Rev. 1 (1978).

“A Purposive Analysis of Constitutional Standards of Judicial Review and a Practical Assessment of the Constitutionality of Regulating Recombinant DNA Research,” 51 S. Cal. L. Rev. 1281-1351 (1978).

“A Convict’s Brain: Is It Really Own?,” L.A. Times, April 2, 1972, sec. G. at 1, col. 1.

“Conditioning and Other Technologies Used to ‘Treat?’ ‘Rehabilitate?’ ‘Demolish?’ Prisoners and Mental Patients,” 45 S. Cal. L. Rev. 616-684 (1972).