

**CHRISTOPHER T. ROBERTSON**

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**I. CURRENT POSITIONS AND AFFILIATIONS**

Professor of Law, Associate Dean for Research & Innovation, and Founding Faculty Chair of Regulatory Science Program; James E. Rogers College of Law, University of Arizona (2010-)

Consultant and Reporter, Committee to Monitor Developments in Health Law, Uniform Law Commission (2018-)

Affiliated Faculty, Petrie-Flom Center for Health Law Policy, Biotechnology and Bioethics, Harvard Law School (2013-)

Affiliated Member, NYU Langone Health Working Group on Compassionate Use and Pre-Approval Access (CUPA) (2016-)

**II. EDUCATION**

J.D., Harvard Law School, *magna cum laude* (2007)  
Petrie-Flom Student Fellow in Health Law Policy, Biotechnology and Bioethics  
Hewlett Research Fellow in Law and Negotiation  
Oberman Prize for Health Law and Bioethics  
Health Law Scholar Award

Ph.D. & M.A., Washington University in St. Louis, Philosophy (2003)  
Graduate Fellowship and Dissertation Fellowship  
Research assistantship with Social Norms Marketing Research Project (EDC)

B.A., Southeast Missouri State University, Philosophy, *summa cum laude* (4.0 GPA) (1997)  
National Merit, Governor's, and Bright Flight Scholarships  
White House Chief of Staff's Office Internship

**III. SCHOLARSHIP**

**A. Authored Books**

1. Christopher T. Robertson, *PAYING FOR OURSELVES: THE ETHICS, ECONOMICS, AND LAW OF COST-SHARING IN HEALTH INSURANCE* (Harvard University Press, under contract).

## B. Edited Books

1. Christopher T. Robertson and Aaron S. Kesselheim, Eds., *BLINDING AS A SOLUTION TO BIAS: STRENGTHENING BIOMEDICAL SCIENCE, FORENSIC SCIENCE, AND LAW* (Elsevier, 2016) (foreword, introduction, and TOC on [SSRN](#)).
2. I. Glenn Cohen, Holly Fernandez Lynch, and Christopher Robertson, Eds. *NUDGING HEALTH: BEHAVIORAL ECONOMICS AND HEALTH LAW* (Johns Hopkins University Press, 2016) (introduction on [SSRN](#)).

## C. Chapters and Parts of Books

1. Sarah E. Malanga, Jonathan D. Loe, Christopher Robertson, & Kenneth S. Ramos, *Who's Left out of Big Data? How Big Data Collection, Analysis, and Use Neglect Populations Most in Need of Medical and Public Health Research and Interventions*, in *BIG DATA, HEALTH LAW, AND BIOETHICS* 98 (I. Glenn Cohen et al. eds., 2018). (draft on [SSRN](#)).
2. Christopher T. Robertson and David V. Yokum, *Cost-Sharing as Choice-Architecture*, in *NUDGING HEALTH: BEHAVIORAL ECONOMICS AND HEALTH LAW*, I. Glenn Cohen, Holly Fernandez Lynch, and Christopher Robertson, Eds. (2016).
3. Christopher T. Robertson, *Deciding for Patients and Letting Patients Decide for Themselves (Introduction to Part VI)*, in *NUDGING HEALTH: BEHAVIORAL ECONOMICS AND HEALTH LAW*, I. Glenn Cohen, Holly Fernandez Lynch, and Christopher Robertson, Eds. (2016).
4. Christopher T. Robertson, *Selection Bias and Disclosure Discretion for Blinded Experts*, in *BLINDING AS A SOLUTION TO BIAS: STRENGTHENING BIOMEDICAL SCIENCE, FORENSIC SCIENCE, AND LAW*, Aaron S. Kesselheim and Christopher T. Robertson, Eds. (2016).
5. Megan S. Wright, Christopher T. Robertson, and David V. Yokum, *Mock Juror and Jury Assessments of Blinded Expert Witnesses*, in *BLINDING AS A SOLUTION TO BIAS: STRENGTHENING BIOMEDICAL SCIENCE, FORENSIC SCIENCE, AND LAW*, Aaron S. Kesselheim and Christopher T. Robertson, Eds. (2016).
6. Christopher T. Robertson, *Why Blinding? And How? A Theory of Blinding Applied to Institutional Corruption*, in *BLINDING AS A SOLUTION TO BIAS: STRENGTHENING BIOMEDICAL SCIENCE, FORENSIC SCIENCE, AND LAW*, Aaron S. Kesselheim and Christopher T. Robertson, Eds. (2016) (draft on [SSRN](#)).
7. Christopher T. Robertson and Marc Rodwin, *Money Blinding as a Solution to Industry Influence in Biomedical Science*, in *BLINDING AS A SOLUTION TO BIAS: STRENGTHENING BIOMEDICAL SCIENCE, FORENSIC SCIENCE, AND LAW*, Aaron S. Kesselheim and Christopher T. Robertson, Eds. (2016).

8. Christopher T. Robertson, *Preserving Public Trust and Demanding Accountability (Introduction to Part II)*, in *FDA IN THE 21ST CENTURY: THE CHALLENGES OF REGULATING DRUGS AND NEW TECHNOLOGIES*, I. Glenn Cohen and Holly Fernandez Lynch, Eds. (2015).
9. Christopher T. Robertson, *The FDCA as the Test for the Truth of Promotional Claims*, in *FDA IN THE 21ST CENTURY: THE CHALLENGES OF REGULATING DRUGS AND NEW TECHNOLOGIES*, I. Glenn Cohen and Holly Fernandez Lynch, Eds. (2015).

#### **D. Peer Reviewed Papers**

1. Christopher T. Robertson, *Will Courts Allow States to Regulate Drug Prices?* \_\_ *NEW ENGLAND JOURNAL OF MEDICINE* \_\_ (2018) ([journal](#)).
2. Nir Eyal, Paul Romain, Christopher T. Robertson, *Can Rationing Through Inconvenience Ever Be Ethical?* 48 *HASTINGS CENTER REPORT* 10 (2018) ([journal](#)).
3. Alison Bateman-House and Christopher T. Robertson, *The Federal Right to Try Act of 2017—A Wrong Turn for Access to Investigational Drugs and the Path Forward*, 178 *JAMA INTERNAL MEDICINE* 321 (2018) ([journal](#)).
4. Christopher T. Robertson and Aaron S. Kesselheim, *Regulating Off-Label Promotion — A Critical Test*, 375 *NEW ENGLAND JOURNAL OF MEDICINE* 2313 (2016) ([journal](#)).
5. Jonathan D. Loe, D. Alex Winkelman, and Christopher T. Robertson, *An Assessment of the Human Subjects Protection Review Process for Exempt Research*, 44 *JOURNAL OF LAW, MEDICINE AND ETHICS* 481 (2016) ([journal](#)).
6. Jonathan Loe and Christopher Robertson, *Federal Government’s Proposed Expansion of Regulation of Biospecimen Research Should Be Reconsidered*, 14 *BIOPRESERVATION AND BIOBANKING* 447 (2016) ([journal](#)).
7. Christopher Robertson, Alex Winkelman, Kelly Bergstrand, and Darren Modzelewski, *The Appearance and Reality of Quid Pro Quo Corruption: An Empirical Investigation*, 8 *JOURNAL OF LEGAL ANALYSIS* 375 (2016) ([SSRN](#)).
8. Christopher Robertson, *Vaccinations and Airline Travel: A Federal Role to Protect the Public Health*, 42 *AMERICAN JOURNAL OF LAW & MEDICINE* 543 (symposium, 2016) ([SSRN](#)).
9. Christina Cutshaw, Christopher T. Robertson, Steffie Woolhandler, and David Himmelstein, *Medical Causes and Consequences of Home Foreclosures*, 46 *INTERNATIONAL JOURNAL OF HEALTH SERVICES* 36 (2016) ([journal](#)).

10. Sunita Sah, Christopher Robertson, and Shima Baradaran, *Blinding Prosecutors to Defendants' Race: A Policy Proposal to Reduce Unconscious Bias in the Criminal Justice System*, 1:2 BEHAVIORAL SCIENCE AND POLICY 69 (2015) ([SSRN](#)).
11. Athan Papailiou, David Yokum, & Christopher T. Robertson, *The Novel New Jersey Eyewitness Instruction Induces Skepticism But Not Sensitivity*, 10 (12) PLOS ONE e0142695 (2015) ([SSRN](#)).
12. Christopher Robertson, *New DTCA Guidance — Enough to Empower Consumers?* 373 NEW ENGLAND JOURNAL OF MEDICINE 1085 (Sept 17, 2015) ([journal](#)).
13. Christopher T. Robertson, *Scaling Cost-Sharing to Income: How Employers Can Reduce Healthcare Spending and Provide Greater Economic Security*, 14 YALE JOURNAL OF HEALTH POLICY, LAW, AND ETHICS 239 (2014) ([SSRN](#)).
14. Dan Durand, Christopher Robertson, Gautam Agarwal, Richard Duczak, Elizabeth Krupinski, Jason Itri, Anthony Fotenos, Brent Savoie, Alexander Ding, & Jonathan Lewin, *Expert Witness Blinding Strategies to Mitigate Bias in Radiology Malpractice Cases: A Review of the Relevant Scientific, Professional and Legal Literature*, 11 JOURNAL OF THE AMERICAN COLLEGE OF RADIOLOGY 868 (2014) ([journal](#)).
15. Megan S. Wright and Christopher T. Robertson, *Heterogeneity in IRB Policies with Regard to Disclosures about Payment for Participation in Recruitment Materials*, 42 JOURNAL OF LAW, MEDICINE, & ETHICS 375 (2014) ([SSRN](#)).
16. Christopher T. Robertson, David Yokum, Nimish Sheth, & Keith Joiner, *A Randomized Experiment of the Split Benefit Health Insurance Reform To Reduce High-Cost, Low-Value Consumption*, 1 INNOVATION AND ENTREPRENEURSHIP IN HEALTH 5 (2014) ([SSRN](#)).
17. Roy Spece, David Yokum, Andrea-Gale Okoro, and Christopher Robertson, *An Empirical Method for Materiality: Would Conflict of Interest Disclosures Change Patient Decisions?* 40 AMERICAN JOURNAL OF LAW & MEDICINE 253 (2014) ([SSRN](#)).
18. Aaron S. Kesselheim, Christopher T. Robertson, Kent Siri, Puneet Batra, and Jessica M. Franklin, *Distributions of Industry Payments to Massachusetts Physicians*, NEW ENGLAND JOURNAL OF MEDICINE (2013) ([SSRN](#)).
19. Christopher T. Robertson & David V. Yokum, *The Effect of Blinded Experts on Jurors' Verdicts*, 9 JOURNAL OF EMPIRICAL LEGAL STUDIES 765 (2012) ([SSRN](#)).
20. Aaron S. Kesselheim, Christopher T. Robertson, Jessica A. Myers, Susannah L. Rose, Victoria Gillet, Kathryn M. Ross, Robert J. Glynn, Steven Joffe, & Jerry Avorn, *A Randomized Study of How Physicians Interpret Research Funding Disclosures*, 369 NEW ENGLAND JOURNAL OF MEDICINE 1119 (2012) ([SSRN](#)).

21. Christopher T. Robertson, Susannah L. Rose, & Aaron S. Kesselheim *Effect of Financial Relationships on the Behavior of Healthcare Professionals*, 40 JOURNAL OF LAW, MEDICINE, & ETHICS 452 (2012) ([journal](#)).
22. Christopher T. Robertson, *From Freeriders to Fairness: Towards a Cooperative System for Organ Transplantation*, 48 JURIMETRICS 1 (2007) ([SSRN](#)).

#### E. Law Review Articles

1. Bernard Chao, Ian Farrell, Christopher Robertson, and Cathy Durso, *Why Courts Fail to Protect Privacy: Race, Age, Bias, and Technology*, 106 CALIFORNIA LAW REVIEW 263 (2018) (accepted by peer review, American Psychology-Law Society Annual Meeting and Conference on Empirical Legal Studies (poster)) ([SSRN](#)).
2. Christopher Robertson and Alex Winkelman, *Incentives, Lying Witnesses, and the Failure of Disclosure*, 20 JOURNAL OF CONSTITUTIONAL LAW 33 (2017) ([journal](#)).
3. John Campbell, Bernard Chao, & Christopher Robertson, *Time is Money? An Empirical Measure of Noneconomic Damages Arguments*, 95 WASHINGTON UNIVERSITY LAW REVIEW 1 (2017) (accepted by peer review, Conference on Empirical Legal Studies) ([journal](#)).
4. John E. Campbell, Bernard, Chao, Christopher T. Robertson, and David V. Yokum, *Countering the Plaintiff's Anchor: Jury Simulations to Evaluate Damages Arguments*, 101 IOWA LAW REVIEW 543 (2016) (accepted by peer review, Conference on Empirical Legal Studies) ([SSRN](#)).
5. D. Alex Winkelman, Lisette C. Cole, Shelby C. Thompson, David V. Yokum, & Christopher T. Robertson, *An Empirical Method for Harmless Error*, 46 ARIZONA STATE LAW JOURNAL 1405 (2014) ([SSRN](#)).
6. Christopher T. Robertson, *When Truth Cannot Be Presumed: The Regulation of Drug Promotion Under an Expanding First Amendment*, 94 BOSTON UNIVERSITY LAW REVIEW 545 (2014) ([SSRN](#)).
7. Christopher T. Robertson, *The Split Benefit: The Painless Way to Put Skin Back in the Healthcare Game*, 98 CORNELL LAW REVIEW 921 (2013) (accepted by peer review at Harvard-Stanford-Yale Junior Faculty Forum) ([SSRN](#)).
8. Christopher T. Robertson, *Biased Advice*, 60 EMORY LAW JOURNAL 653 (2011) (accepted by peer review at Conference on Empirical Legal Studies) ([SSRN](#)).
9. Christopher T. Robertson, *Blind Expertise*, 85 NEW YORK UNIVERSITY LAW REVIEW 174 (2010) ([SSRN](#)).

10. Christopher T. Robertson, Richard Egelhof, & Michael Hoke, *Get Sick, Get Out: The Medical Causes of Home Foreclosures*, 18 HEALTH MATRIX 65 (2008) (published as a student) ([SSRN](#)).

## F. Invited Symposia Contributions

1. Elizabeth Hall-Lipsy, Leila Barraza, & Christopher Robertson, *Practice-Based Research Networks and the Mandate for Real World Evidence*, 44 AMERICAN JOURNAL OF LAW & MEDICINE 219 (2018) ([SSRN](#)).
2. Christopher Robertson and Victor Laurion, *Tip of the Iceberg II: How the Intended-Uses Principle Produces Medical Knowledge and Protects Liberty*, 11 NYU JOURNAL OF LAW & LIBERTY 770 (2017) ([SSRN](#)).
3. Victor Laurion and Christopher Robertson, *Ideology Meets Reality: What Works and What Doesn't in Patient Exposure to Health Care Costs*, 15 INDIANA HEALTH LAW REVIEW 43 (2017) ([SSRN](#)).
4. Christopher Robertson, *The Tip of the Iceberg: A First Amendment Right to Promote Drugs Off-Label*, 78 OHIO STATE LAW JOURNAL 1019 (2017) ([SSRN](#)).
5. Christopher T. Robertson, *Should Patient Responsibility for Costs Change the Doctor-Patient Relationship?* 50 WAKE FOREST LAW REVIEW 363 (2015) ([SSRN](#)).
6. Christopher T. Robertson, David V. Yokum, & Megan S. Wright, *Perceptions of Efficacy, Morality, and Politics of Potential Cadaveric Organ Transplantation Reforms*, 77 LAW AND CONTEMPORARY PROBLEMS 101 (2014) ([SSRN](#)).
7. Christopher T. Robertson & David V. Yokum, *The Burden of Deciding for Yourself: The Disutility Caused by Out-of-Pocket Healthcare Spending*, 11 INDIANA HEALTH LAW REVIEW 609 (2014) ([SSRN](#)).
8. Christopher T. Robertson, *The Presumption Against Expensive Healthcare Consumption*, 49 TULSA LAW REVIEW 627 (2014) ([SSRN](#)).
9. Christopher T. Robertson, *Contingent Compensation of Post-Conviction Counsel: A Modest Proposal to Identify Meritorious Claims and Reduce Wasteful Government Spending*, 64 MAINE LAW REVIEW 513 (2012) ([SSRN](#)).
10. Christopher T. Robertson, *The Money Blind: How to Stop Industry Bias in Biomedical Science, Without Violating the First Amendment*, 37 AMERICAN JOURNAL OF LAW & MEDICINE 358 (2011) ([SSRN](#)).

## G. Shorter Works

1. Bernard Chao, Christopher Robertson, and David Yokum, *Crowdsourcing & Data Analytics: The New Settlement Tools*, \_\_ JUDICATURE \_\_ (2018).

2. Christopher Robertson and Jamie Cox Robertson, *Reducing Wasteful Incarcerations*, 39:2 REGULATION 20 (2016) ([journal](#)).
3. Sarah Malanga, Ryan Sprissler, Christopher Robertson, & Keith Joiner, *A Problem Not Yet Manifest: Gaps in Insurance Coverage of Medical Interventions After Genetic Testing*, 2 JOURNAL OF LAW AND BIOSCIENCES 1 (2015), doi:10.1093/jlb/lsv043 ([journal](#)).
4. Christopher T. Robertson and Keith A. Joiner, *Scaling and Splitting, New Approaches to Health Insurance*, 38 REGULATION 40 (2015) ([journal](#)).
5. Jonathan Loe, Christopher Robertson, & Alex Winkelman, *Cascading Consent for Research on Biobank Specimens*, 15 AMERICAN JOURNAL OF BIOETHICS 68 (2015) ([journal](#)).
6. Roger Koppl, David Charlton, Irving Kornfield, Dan Krane, Michael Risinger, Christopher Robertson, Michael Saks, & William Thompson, *Do Observer Effects Matter? A Comment on Langenburg, Bochet, and Ford*, 6 FORENSIC SCIENCE POLICY & MANAGEMENT: AN INTERNATIONAL JOURNAL 1 (2015) ([journal](#)).
7. Christopher T. Robertson, *The Problem of Biased Experts, and Blinding as a Solution: A Response to Professor Gelbach*, 81 THE UNIVERSITY OF CHICAGO LAW REVIEW DIALOGUE 61 (2014) ([SSRN](#)).
8. Ameet Sarpatwari, Christopher T. Robertson, David V. Yokum & Keith Joiner, *Crowdsourcing Public Health Experiments: A Response To Jonathan Darrow's "Crowdsourcing Clinical Trials"*, 98 MINNESOTA LAW REVIEW 2326 (2014) ([SSRN](#)).
9. Christopher T. Robertson, *Why Intuitionism and Metaphysics Are Wrong for Health Law*, 11 AMERICAN JOURNAL OF BIOETHICS 18 (2009) ([journal](#)).
10. Christopher T. Robertson, *Making Pragmatism Practicable for the Institutional Review Board*, 8 AMERICAN JOURNAL OF BIOETHICS 49 (2008) ([journal](#)).
11. Christopher T. Robertson, *A Reply to David Undis*, 49 JURIMETRICS 3 (2008) ([journal](#)).
12. Christopher T. Robertson, *The Consequences of Qualified Confidentiality*, 6 AMERICAN JOURNAL OF BIOETHICS 31 (2006) ([journal](#)).
13. Christopher T. Robertson, *Who is Really Hurt Anyway? The Problem of Organ Solicitation*, 5 AMERICAN JOURNAL OF BIOETHICS 15 (2005) ([journal](#)).
14. Christopher T. Robertson, *Recent Developments in Embryonic Stem Cell Policy: Can Science Resolve The Ethical Problems It Creates?* 33 JOURNAL OF LAW, MEDICINE & ETHICS 384 (2005).

15. Christopher T. Robertson, *Organ Advertising: Desperate Patients Solicit Volunteers*, 33 JOURNAL OF LAW, MEDICINE & ETHICS 170 (2005) ([journal](#)).
16. Christopher T. Robertson, *Framing the Organ Issue: Altruism or Cooperation*, 4 AMERICAN JOURNAL OF BIOETHICS 46 (2004) ([journal](#)).
17. Christopher T. Robertson, *The Notion of Sovereign Exclusive Dominion for Global Political Justice*, 20 SOUTHWEST PHILOSOPHY REVIEW 231 (2004) ([journal](#)).
18. Christopher T. Robertson, *Slote on Ordinary Moral Thought and Theorization*, 19 SOUTHWEST PHILOSOPHY REVIEW 190 (2003) ([journal](#)).

## H. Grants and Support

1. Co-Principal Investigator, *A Randomized Field Experiment of the Effect of Physician Conflicts of Interest Disclosure on Patient Trust and Reliance*, Greenwall Foundation (via the Cleveland Clinic) (2014).
2. Principal Investigator, *Experimental Investigations into Institutional Corruption (aka "535 Felons")*, Edmond J. Safra Center for Ethics at Harvard (2014).
3. Consulting Investigator, *Experimental Jury Research on Patent Litigation*, Hughes Program, Denver University (2014).
4. Consulting Investigator, *Countering the Plaintiff's Anchor: Jury Simulations to Assess Damages Arguments*, Hughes Pilot Project Grant Program, Denver University (2013).
5. Co-Principal Investigator, *Blinding Science*, Edmond J. Safra Center for Ethics, Harvard University, collaborative research project (2012).
6. Co-Principal Investigator, *The Impact of Home Foreclosures on Public Health*, Robert Wood Johnson Foundation (2012).
7. Principal Investigator, *Law and Behavior Research Lab*, University of Arizona Honors College, (2012).
8. Co-Principal Investigator, *Empirical Research on Physician's Responses to Conflict of Interest Disclosures*, Edmond J. Safra Center for Ethics, Harvard University (2010)
9. Principal Investigator, *Empirical Research on Juror Decisions in Medical Malpractice Cases*, Petrie Flom Center of Harvard Law School (2009).
10. Principal Investigator, *Empirical Research on Causes of Home Foreclosures*, Harvard Law School Office of the Dean (2006).



## **I. Working Papers**

1. *Measuring Moral Hazard: A Randomized Experiment* (co-authored).
2. *A Randomized Experiment of Race and Class Bias in Prosecutorial Charging Decisions, and a Pilot of Blinding as a Solution* (co-authored).
3. *The Inability of Jurors to Self-Diagnose Bias* (co-authored) ([SSRN](#)).
4. *The Use of Continuous Feedback for Mock-Jury Research: A Replication* (co-authored).

## **J. Competitive Peer Reviewed Paper Presentations and Scientific Posters**

1. Conference on Empirical Legal Studies, Cornell (poster, 2017)
2. Conference on Empirical Legal Studies, Cornell (presentation, 2017)
3. Academy Health, New Orleans (poster, 2017)
4. American Law and Economics Association Annual Meeting, Yale Law School (2017)
5. American Law and Economics Association Annual Meeting, Harvard Law School (2016)
6. Conference on Empirical Legal Studies, Washington University in St. Louis (2015)
7. American Law and Economics Association Annual Meeting, University of Chicago (2014)
8. Conference on Empirical Legal Studies, University of Pennsylvania (2013)
9. Junior Faculty Forum, sponsored by Yale, Stanford, and Harvard, at Yale (2013)
10. Junior Faculty Forum, sponsored by Yale, Stanford, and Harvard, at HLS (2012)
11. American Law and Economics Association Annual Meeting, Stanford (poster, 2012)
12. Conference on Empirical Legal Studies, Stanford (2012)
13. New Voices in Civil Justice Workshop, Vanderbilt Law School (2012)
14. Conflicts of Interest in the Practice of Medicine, ASLME National Conference at University of Pittsburgh (2011)
15. Conference on Empirical Legal Studies, Northwestern University Law School (2011)
16. Conference on Empirical Legal Studies, University of Southern California (poster, 2009)

## **K. Selected Talks and Appearances**

- 2018: ASLME Health Law Professors Conference, Cleveland; Ethics of Preapproval Access, BIO International Convention; Ordeals in Health Care: Ethics & Efficient Delivery, Harvard Law School symposium; The Law of Off-Label Promotion (CLE), Roche – Ventana Medical Systems, Tucson; Law of Genetic Testing, Association of Health Care Journalists Annual Meeting; Symposium on Drug Pricing and Accessibility, Johns Hopkins Carey School of Business; Obviousness and Hindsight Bias in Patent Law, London School of Economics Department of Law ([audio and slides](#)); Randomized Experimentation as a Method for Legal

Scholarship, London School of Economics Department of Law; Symposium on the 21<sup>st</sup> Century Cures Act, Boston University

- 2017: Symposium on Pharmaceutical Prices, University of Minnesota School of Law; Methods Panel, Conference on Empirical Legal Studies, Cornell; ASLME Health Law Professors Conference, Georgia State; Corruption in Chains of Epistemic Reliance: The Cases of Doctors and Witnesses, Edmond J. Safra Center at Harvard University ([video](#)); The Need to Accelerate Therapeutic Development — Must Randomized Controlled Trials Give Way? The New York Academy of Sciences ([video](#)); Philosophy, Politics, Economics & Law (PPEL) Colloquium, University of Pennsylvania; Medical Innovation and the Law, Classical Liberal Institute, NYU School of Law ([video](#))
- 2016: CMS-FDA Summit, Washington, DC; Ohio State Law Journal Symposium on the First Amendment; Southern Economic Association Annual Meeting, Washington, DC; University of Toronto Patent Colloquium; Indiana University Robert H. McKinney School of Law Symposium in Health Law and Policy; University of Texas School of Law Faculty Colloquium; Future of Health Law & Policy: Empirical Health Law Panel, Harvard Law School Petrie-Flom Center ([video](#)); Northwestern University / Boston University Empirical Health Law Workshop; Denver Empirical Justice Institute; Boston College Faculty Workshop; ASLME Health Law Professors Conference, Boston University; Symposium on the Law of Infectious Disease, Boston University
- 2015: Denver University Sturm College of Law Faculty Workshop; ELSI 2.0, at Oxford University, panel moderator; ASLME Health Law Professors Conference, at St. Louis University; Litigation as a Solution to Institutional Corruption, Harvard Law School, Edmond J. Safra Center for Ethics Institutional Corruption Lab, Ending Institutional Corruption Conference (presenter and workshop organizer); Ohio State University Moritz College of Law Faculty Workshop
- 2014: Robert Wood Johnson Foundation Public Health Law Research Program Annual Meeting, Atlanta; Center for Bioethics, Health, and Society Symposium, Wake Forest School of Law; Center for Law and Social Science (CLASS), University of Southern California; Moderator, Biostatistics and FDA Regulation, Food and Drug Law Institute; Forum on Conflict of Interest in Academe, Association of American Medical Colleges; Nuevas Fronteras para los Estudios sobre Corrupción, Universidad Nacional Autónoma de México; ASLME Health Law Professors Conference, UC Hastings; Behavioral Economics, Law, and Health Policy, Harvard Law School, Petrie Flom Center Annual Conference ([video](#)); Experimental Methods, Harvard Empirical Legal Studies (HELS) Group; Harvard Law School faculty workshop; Emory Law School faculty workshop; Arizona State University faculty workshop; UCLA Law School faculty workshop; Law, Science, and Evidence Colloquium, UCLA Law School; Quinnipiac School of Law Faculty workshop

2013: Program in Psychiatry and the Law, Harvard Medical School; Harvard School of Public Health Department of Health Policy and Management; Co-Convenor, Blinding as a Solution to Institutional Corruption, symposium at Harvard Law School ([video](#)); Robert Wood Johnson Foundation Pioneer Fund Pitch Day (competitive selection); ASLME Health Law Professors Conference, at Seton Hall; Boulder Summer Conference on Consumer Financial Decision Making; Organs and Inducements, Duke Law School (invited symposium); University of Tulsa College of Law (invited symposium) ([video](#)); Indiana University-Indianapolis (invited symposium); Future of the Food and Drug Administration, Petrie-Flom Center at Harvard Law School ([video](#))

2012 and prior: Harvard Law School Health Policy Workshop; ASLME Health Law Professors Conference, Arizona State U.; Petrie-Flom Center at Harvard Law School Works-in-Progress Workshop; ASLME Health Law Professors Conference, Loyola University; Southeastern Association of Law Schools Annual Meeting; Edmond J. Safra Center for Ethics Seminar, Harvard Law School; The John L. Gedid Endowed Lecture, Widener University School of Law; The First Amendment and the Public Health, Boston University Law School (invited symposium); Harvard School of Public Health Department of Society, Human Development, and Health Research Seminar; Harvard University Program in Ethics and Health; Harvard University Psychology Department Moral Psychology Workshop

### **III. TEACHING AND ACADEMIC APPOINTMENTS**

#### **A. Visiting Professor, London School of Economics, Law Department (2018)**

#### **B. Visiting Professor, New York University School of Law (2016)**

1. Torts

#### **C. Visiting Professor, Harvard Law School (2013-2014)**

1. Torts
2. Health Law
3. Workshop in Health Law Policy, Biotechnology and Bioethics, with I. Glenn Cohen.

#### **D. Associate Professor (2010-2015), Professor (2015-), Associate Dean for Research and Innovation (2015-), James E. Rogers College of Law, University of Arizona.**

1. Torts
2. Health Law
3. Regulatory Science (cross-listed with Medicine, Pharmacy, Nursing, Public Health)
4. Distinguished Scholars Colloquium
5. Law and Behavior Research Lab (a hybrid course for law students, honors undergraduates, and post-doctoral scholars to conduct original experimental research), with David V. Yokum

6. Sex, Drugs, Race, and Power in the Supreme Court (a large undergraduate course on pivotal cases, with law students leading discussion sections as teaching fellows, along with an honors section of the course)
7. Masters Seminar in Cognitive Science, Ethics, & Law, with Massimo Piattelli-Palmarini.

**E. Academic Fellow and Lecturer on Law, Petrie-Flom Center for Health Law Policy, Biotechnology and Bioethics, Harvard Law School (2008-2010)**

1. Empirical Approaches to Health Policy Reading Group
2. Healthcare Reform Seminar, co-taught with Allison Hoffman.

**F. Teaching Fellow, Harvard College Department of Government (2006)**

1. Justice (under Michael Sandel)
2. Biotech and Our Genetic Future (under Sandel and Doug Melton).

**G. Visiting Lecturer, Washington University Philosophy Department (2004)**

1. Bioethics
2. Introduction to Philosophy.

**H. Adjunct Instructor, Webster University (2002-2003)**

1. Introduction to Philosophy
2. Ethics of War and Terror
3. Philosophy of Leadership.

## IV. MEDIA

### A. Opinion Pieces

1. *It's Hard to be Economically Rational When You're Sick*, THE HILL, March 21, 2018 (co-authored with Victor Laurion, [text](#)).
2. *Police Shouldn't Access Your Phone's Data Without a Court Order*, ARIZONA REPUBLIC (co-authored with Bernard Chao and Ian Farrell, [text](#)).
3. *It's Time to Rethink the Law School Entrance Exam Monopoly*, THE HILL, October 25, 2017 (co-authored with Marc Miller, [text](#)).
4. *For Fairer Courts, Address Prosecutor Bias*, THE NEW REPUBLIC, October 2016 (co-authored with Shima Baughman and Sunita Sah, [text](#)).
5. *Wrongful Incarceration*, USA TODAY (MAGAZINE) 262016 WLNR 36854856, January 11, 2016 (co-authored with Jamie Robertson).
6. *Learning the Wrong Lesson on Privacy from Henrietta Lacks*, WASHINGTON POST, January 8, 2016 (co-authored with Jonathan Loe, [text](#)).

### B. Media Interviews

1. *Clean Break: Kennedy Supreme Court Exit Could Upend Environmental Safeguards*, SCIENTIFIC AMERICAN, July 3, 2018 (quoted)([text](#)).

2. *Libertarian Groups Eye Off-Label Drug Promotion Laws*, BLOOMBERGLAW, May 31, 2018 (quoted)([text](#)).
3. *New Efforts Taking Root to Ease Off-Label Promotion*, MEDSCAPE, May 16, 2018 (quoted)([text](#)).
4. *House Passes Right-to-Try on Second Try*, POLITICO, March 21, 2018 ([text](#)).
5. *A Big Pharma-funded charity that helps patients pay for drugs just sued the government*, WASHINGTON POST, January 8, 2018 ([text](#)).
6. *'Right to Try' Won't Lead to Miracle Cures*, BLOOMBERG VIEW, February 2, 2018 ([text](#)).
7. *Ryan Bundy's New Bargaining Chip: His Shoulder Shrapnel*, THE OREGONIAN, January 16, 2018 ([text](#)).
8. *How Drug Manufacturers are Fighting to Push Their Drugs for Unapproved Purposes*, SALON.COM October 23, 2017 ([text](#)).
9. *The Case for Giving Health-Care Consumers a 'Nudge' -- A law professor argues that people will make better choices if they're asked the right way*, THE WALL STREET JOURNAL, June 25, 2017 ([text](#)).
10. *Cosby Trial Gears Up with Jury Selection in Pennsylvania*, NBC NEWS, May 19, 2017 ([text](#)).
11. *Department of Justice Decision to Allow National Forensic Sciences Commission to Expire*, BLOOMBERG LAW RADIO SHOW AND PODCAST 2017 ([audio](#)).
12. *The Power of Superdelegates and Campaign Contributions*, NPR MARKETPLACE, March 1, 2016 ([audio](#)).
13. *A Judge's Guidance Makes Jurors Suspicious of Any Eyewitness*, NPR MORNING EDITION, January 26, 2016 (research featured, [audio](#)).
14. *The Magic Question: Judges Trust Jurors to Assess Their Own Biases. That Might Not Be Such a Good Idea*, SLATE.COM, January 22, 2015 (research featured, [text](#)).
15. *California Counties Accuse Opioid Makers of Deceptive Marketing*, REUTERS LEGAL, May 23, 2014 ([text](#)).
16. *Lawyers Say Drugmakers May Follow GSK Marketing Overhaul*, REUTERS LEGAL, December 18, 2013.
17. *Q&A: Off-label drug promotion and the First Amendment*, REUTERS LEGAL, October 1, 2013.
18. *Medical Billing: A World of Hurt Error-prone system is a headache for insurers, medical providers and stressed patients*, CLEVELAND PLAIN DEALER, 2012 WLNR 9661442 ([text](#)).
19. *Foreclosure: Its Not Just About the Money*, CBS NEWS, January 15, 2010 ([text](#)).

### **C. Podcasts, Selected Blogposts, and Other Media**

1. *House Right To Try Bill Wouldn't Preempt State Laws' Insurance Limits, Would Expand Liability Shield*, INSIDEHEALTHPOLICY, March 16, 2018 (quoted) ([text](#)).
2. *Is it Legal for Trump to Punish Health Insurers That Do Not Support Repeal of Obamacare?* Bill of Health Blog (Harvard Law) (2017) ([text](#)).
3. *Behavioral Science Suggests that Obamacare May Survive*, co-authored with Holly Fernandez Lynch and Glenn Cohen, STAT (Boston Globe Media) (2017) ([text](#)).

4. *National Survey Suggests that Off-Label Status is Material to Informed Consent*, Bill of Health Blog (Harvard Law)(2017) ([text](#)).
5. *Conflict of Interest Disclosures Come to Pub Med*, Bill of Health Blog (Harvard Law) (2017) ([text](#)).
6. *Interview with Prof. Christopher Robertson on whether the First Amendment should protect sales pitches by pharmaceutical representatives*, supplement to the New England Journal of Medicine (2016) 375:2313-2315 ([audio](#)).
7. *Interview*, JurisDiction – The International Intellectual Property Podcast (2016) ([audio](#)).
8. *Quick: Click! Student response systems offer increased versatility*, University Business, (2016) (quoted) ([text](#)).
9. *Interview with Christopher Robertson*, The Week in Health Law Podcast, March 2016 ([audio](#)).
10. *Interview with Dr. Christopher Robertson on the FDA’s new draft guidelines on direct-to-consumer pharmaceutical advertising*, supplement to the New England Journal of Medicine 2015; 373:1085-1087 ([audio](#)).
11. *Open Payments: Early Impact and the Next Wave of Reform*, Health Affairs Blog, co-authored with Tony Caldwell (2015) ([text](#)).
12. *To Support Physician Decision-Making, Re-Evaluate Industry Funding of Science*, Health Affairs Blog (2015) ([text](#)).
13. *Can Proportionality Distinguish Quid Pro Quo Corruption?* Institutional Corruption Blog (2015) ([text](#)).
14. *Mello’s Medmal 2.0 Study Documents Discordant Outcomes in the Communication-and-Resolution Programs*, Jotwell (2014) ([text](#)).
15. *When Less Information is Better: Blinding in Medicine*, podcast interview (2013) ([audio](#)).
16. *A Different Take on the New Murtagh Study on MedMal Disclosures, And a Few Thoughts on Friendly Attorneys*, Bill of Health Blog (2012) ([text](#)).
17. *The Lopsided Giant* (discussion of *NFIB v Sebelius*), Bill of Health Blog (2012) ([text](#)).

## V. SERVICE AND PROFESSIONAL ACTIVITY

### A. Amicus Briefs

1. Brief of Empirical Fourth Amendment Scholars, *Carpenter v. United States*, United States Supreme Court, 16-402 (2017).
2. Brief of Forensic Science Experts, *Wisconsin v. Brian Avery*, Wisconsin Supreme Court, 2010AP1952 (2012) (amicus).
3. Brief for New England Journal of Medicine et al, *IMS v. Sorrell*, United States Supreme Court, 10-779 (2010-11) (co-counsel).

### B. Peer Reviewer, Referee, or Commentator

New England Journal of Medicine (2018); Stanford Law Review (2018); National Science Foundation, Law and Social Sciences Program (2017); Conference on Empirical Legal

Studies (2017); Journal of Law and the Biosciences (2017 twice); JAMA Internal Medicine (2017); Journal of General Internal Medicine (2017); American Psychology-Law Society Grant Program (2017); National Science Center, Poland (2017); PLOS One (2017); Health Affairs (2016); New England Journal of Medicine (2015); BMJ (2015); Journal of Law, Medicine, and Ethics (2015); University of Houston Health Law Center Scholars Workshop (2015); Robert Wood Johnson Foundation Public Health Law Research Program (2012, 2013, 2014); American Society for Bioethics & Humanities Annual Meeting (2014); Journal of Bioethical Inquiry (2015); HLS Petrie Flom Center Annual Conference (2014); BMC Medical Ethics (2014); Review of Law and Economics (2014); Conference on Empirical Legal Studies (2013); Journal of Empirical Legal Studies (2013); Netherlands Organization for Scientific Research (NWO) (2013); Canadian Medical Association Journal (CMAJ, 2013); Wellcome Trust (UK) Fellowship Program (2010, 2012); Journal of Social Psychological and Personality Science (2010); Oxford University Press (2005); Blackwell Press (2005).

### **C. Outside Service (selected)**

Faculty Chair and Presenter, *The Science of Judgment and Decision Making*, CLE Program, American College of Trial Lawyers (2017). Visiting Scholar, Lab at DC, Executive Officer of the Mayor, Washington, DC (2016). Methods Core, Robert Wood Johnson Foundation Public Health Law Research Program (2013-2015). Conceived and led development of "[Unearth Industry Funding of Science](#)," a browser extension to help physicians understand industry funding of biomedical science, winner of MIT Media Lab / Harvard University Hacking iCorruption hackathon (2015) ([video](#), starting at 34:40). Co-hosted regional conference "With Conviction: Reporting Science in the Courtroom" (2015). Lecturer, American Society of Trial Consultants Annual Meeting (2013). Co-convenor, *The Mind and the Law* (2014), lecture series and [podcast](#). Mentor, National Association of Attorneys General Public Health Law Fellows (2013).

### **D. University Service (selected)**

Chair, search committee for director of Natural Resources Users Law and Policy Center, a joint project of the College of Law and the College of Agriculture and Life Sciences (2016). Mentor, Undergraduate Research Grant program (2014). Member, Interprofessional Education Steering Committee (2010-2013), Arizona Health Sciences Center Clinical Ethics Committee (2011-), National Institute for Civil Discourse. Mentor, Arizona Assurance Program (2011-2012). Member, doctoral dissertation committees for Political Science (2012), Psychology (2014), Second Language Acquisition (2016). Convener, Behavioral Interdisciplinary Experimentation Research Colloquium (2011-2012). Member of Heterodox Academy, in support of viewpoint diversity on campuses nationwide (2017).

### **E. College of Law Service (selected)**

Chair of Appointments Committee (2017-2018, 2018-2019), Chair of Enrichment Committee (2014-2015). Leslie and Patricia Bell Faculty Service Award (2013). Member

of Peer Review Committee (2018-2019), Tenure and Promotions Committee (2018-2019), Dean Search Committee (2012-2013), Dean's Advisory Committee (2011-2012); Executive Committee (2012-2013). Faculty advisor for Students Health Law Association (2010-) and Federalist Society (2012-2013). Academic supervisor for interns with Tucson Family Assistance Program and University Medical Center Office of General Counsel (2011-2012).

**F. Legal and Consulting Experience (selected)**

Admitted (inactive) in Mississippi and Fifth Circuit Court of Appeals (2007). Founding Partner, HUGO Analytics ([site](#)) – provider of experimental jury research for litigators (2016-). Trial and appellate counsel in mass torts litigation (2007-2012). Consultant for trial, appellate, and U.S. Supreme Court litigation teams in health care fraud, honest services fraud, mortgage fraud, First Amendment, qui tam, white collar, and post-conviction criminal cases (2010-present). Consultant for Commissioner of Missouri Department of Higher Education (2004). Consultant for American Chemical Society (2005). Trainer for Coro Leadership Center (2003-2005).