

# THADDEUS MASON POPE

Thaddeus Pope is an Associate Professor of Law and a member of the Health Law Institute at Widener University School of Law. Professor Pope received a B.A. from the University of Pittsburgh in 1992, a J.D. from Georgetown University in 1997, and a Ph.D. (in Philosophy) from Georgetown University in 2003. Following graduation from law school, Professor Pope clerked for the U.S. Court of Appeals for the Seventh Circuit. He then worked as a litigation attorney with Arnold & Porter LLP in Los Angeles from 2000 to 2005, and as an Assistant Professor of Law with the University of Memphis from 2005 to 2007. Professor Pope teaches and writes in the areas of Health Law, Bioethics, Public Health, and Torts.

Professor Pope has been deeply engaged with legal, policy, and ethical issues concerning medical futility for several years. After publishing “The Maladaptation of Miranda to Advance Directives: A Critique of the Patient Self Determination Act” in *Health Matrix* (1999), he began drafting policies and making presentations for the Los Angeles County Bar Association Bioethics Committee and for a select joint committee of LACBA and the Los Angeles County Medical Association. More recently, Professor Pope has been involved in both staff education and/or policy drafting at public and private hospitals in Albuquerque, Los Angeles, Memphis, Nashville, Newark, Milwaukee, San Diego, and Winnipeg. He regularly makes presentations regarding medical futility at academic and professional conferences, including: the AALS, AARP, ASBH, ASLME, ATS, IAB, and ICCEC. In 2008, he was invited to testify before the President’s Council on Bioethics. In 2010, he was a legal advocate before the New Jersey Appellate Division in *Betancourt v. Trinitas Hospital*. He serves on a Delaware hospital ethics committee and on the board of several Delaware end-of-life care organizations.

Professor Pope has published several lengthy articles on medical futility disputes. While many agree that there must be limits on the right of a patient to request specific medical interventions, few can agree on just where to place those limits. Consequently, few effective limits have been imposed. In “Medical Futility Statutes: No Safe Harbor to Unilaterally Stop Life-Sustaining Treatment,” *Tennessee Law Review* (2007), Professor Pope analyzes why legislative attempts to set these limits have failed. In “Mediation at the End-of-Life: Getting Beyond the Limits of the Talking Cure,” *Ohio State Journal of Dispute Resolution* (2007), he argues that since mediation cannot resolve all end-of-life disputes, we must scrutinize the default rules which now empower patients to demand medically inappropriate care. In “Involuntary Passive Euthanasia in U.S. Courts: Reassessing the Judicial Treatment of Medical Futility Cases,” *Marquette Elder’s Advisor* (2008), he debunks the popular myth that the courts have been hostile to health care providers’ decisions to stop inappropriate treatment. In “Multi-Institutional Healthcare Ethics Committees: the Procedurally Fair Internal Dispute Resolution Mechanism,” *Campbell Law Review* (2009), Pope analyzes the procedural fairness of having intramural hospital ethics committees adjudicate futility disputes. In “Surrogate Selection: An Increasingly Viable, but Limited, Solution to Intractable Futility Disputes,” *St. Louis Journal of Health Law & Policy* (2010), he assesses whether all intractable futility disputes can be resolved by replacing the surrogates who demand inappropriate treatment.

Professor Pope drafted a medical futility problem and bench brief for the 17<sup>th</sup> National Health Law Moot Court Competition (*Journal of Legal Medicine*), and has published smaller pieces in: *Chest*, *ABA Health eSource*, the *Journal of Clinical Ethics*, the *American Journal of Bioethics*, the *American Journal of Critical Care*, the *N.Y. State Bar Association Health Law Journal*, and the *Mid-Atlantic Ethics Committee Newsletter*. He also authors the *Medical Futility Blog*, which tracks legislative, regulatory, judicial, policy, and other developments relating to medical futility.

Widener University School of Law  
4601 Concord Pike • L-325  
Wilmington, Delaware 19803  
T • 302-477-2230

F • 901-202-7549  
E • tmpope@widener.edu  
W • www.thaddeuspope.com