

**CELEBRATING THE DISTINGUISHED, HUMBLE, AND JOYOUS
CAREER OF PROFESSOR JESSE GOLDNER**

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Paying tribute to the career of a colleague at a symposium about death and dying is risky; your audience might misconstrue it as a memorial. This most certainly is not a memorial. Professor Jesse Goldner simply starts a new phase of life as he prepares to join the emeritus faculty at Saint Louis University School of Law. We took some time at this live event in April 2016—with family, colleagues, students, and alumni in attendance—to recognize some of his many contributions. This is an edited transcript of that live tribute.

The annual health law symposium is a marquee event for the Center of Health Law Studies at Saint Louis University. Because it brings together faculty, students, alumni, and many other friends of the Center, we use it as an opportunity to report briefly on the “State of the Center.”

In one word, the state of the Center today is *grateful*; grateful for its nearly thirty-five years of work to develop health law and prepare students to practice in the field; grateful for decades of loyal support from our alumni, academic colleagues, and many friends around the country; and, today—above all—the Center is grateful to Jesse Goldner, the John D. Valentine Professor of Law, for his forty-three years of distinguished, humble, and joyous service to Saint Louis University School of Law (SLU LAW), to the Center, and to the field of health law.

Jesse is preparing to join the law school’s emeritus faculty. Not to worry, he will have a continued presence at SLU LAW and will participate in the life of the Center for Health Law Studies. Nonetheless, this is an important moment and a wonderful opportunity for all of us to thank him and pay tribute to his career.

Jesse joined the faculty at SLU LAW in 1973 shortly after graduating from Harvard Law School. Among his many accomplishments as a Harvard law student is his cameo appearance in *The Paper Chase*—the iconic film

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dramatizing the lives of first year students at a prestigious American law school.¹ Typical of his humility, Jesse downplays his appearance in the movie, saying that he was selected only because he happened to be wearing a suit on the day the casting director was looking for extras.

Jesse was anything but an extra at SLU right from the start. He brought with him considerable expertise in law, psychiatry, health care delivery, and human subjects research, having learned as a law student with Dr. Alan Stone and Professor William Curran, and as a mentee under Dr. Jay Katz.² In recognition of his training, Jesse—in addition to his primary appointment to the SLU LAW faculty—quickly earned an appointment to SLU's medical faculty in the department of psychiatry; an appointment he has held throughout his career.

While it is not unusual for faculty to receive invitations to hold other appointments, Jesse's many appointments at SLU evidence the breadth of his contributions. In addition to his faculty positions at the law school and in the department of psychiatry at the medical school, Jesse has also served as: Professor of Pediatrics, Saint Louis University School of Medicine; Professor of Health Administration, Saint Louis University College for Public Health and Social Justice; and Adjunct Professor of Health Care Ethics, Saint Louis University Center for Health Care Ethics.³

Throughout Jesse's career, his teaching and service at SLU has had clear ties to what became known as health law. From 1973–1976, he developed and directed the first civil law clinic at SLU LAW through the Malcolm Bliss Mental Health Center, a psychiatric facility in St. Louis.⁴ At that same time, he developed and taught a course in law and psychiatry that I suspect was the first to bring together law students and psychiatric residents and fellows in the same classroom: interdisciplinary health law teaching before it had a name.

And then there are the eighteen years Jesse served on SLU's institutional review board (IRB), including five years as chair, one year as acting chair, and three years as deputy chair.⁵ Anyone who has served on an IRB knows that this is hard labor. Reviewing proposed human research protocols is complicated and tedious. Moreover, because funded research cannot proceed without IRB approval, the hard work of IRB members not only goes unappreciated, but it too often results in dirty looks by investigators who see the board as nothing but a bureaucratic barrier to their work and their funding. Now imagine doing

1. THE PAPER CHASE, at 1:45:40 (20th Century Fox 1973).

2. Jesse A. Goldner, *A Tribute to Mentors*, 14 HEALTH MATRIX 91, 92–96 (2004).

3. JESSE A. GOLDNER, CURRICULUM VITAE 1 (2010), <http://law.slu.edu/sites/default/files/goldnerCV.pdf>.

4. *Id.* at 4.

5. *Id.*

that work for nearly twenty years and holding a leadership post for nearly ten of those years.

Beyond dedicating years of service, Jesse shaped how human subjects research has been conducted at SLU and beyond. He drafted SLU's internal regulations on the conduct of human subjects research that in 1981 were used to assure SLU's compliance with then-new federal regulations.⁶ Furthermore, during these years of service, Jesse developed an expertise and an international reputation in the field of human subjects research and regulation. There will be more on that later.

Jesse also devoted himself to health law as a field. Here at SLU LAW, he directed the Center for Health Law Studies for twelve years,⁷ and he did so in an era when health law emerged as a nationally recognized field of study and practice. Moreover, what Jesse learned from his own health law work, he brought to students. In addition to the civil clinic and law and psychiatry courses mentioned above, he taught a variety of courses including: Health Law, Medical Malpractice, Legal and Ethical Issues in Human Subject Protection, Child Health and the Law, Health Care Quality and the Law, and more.⁸

Jesse's service to health law is not limited to his work at SLU. Indeed it goes well beyond. He was a member and chair of the Association for the Accreditation of Human Research Protection Programs, Inc.⁹ From 1992 to 1995, he served as Special Assistant United States Attorney for criminal prosecutions involving health care fraud and abuse.¹⁰ He worked as special counsel to the child abuse management team and continues to serve as a member of the ethics committee at Cardinal Glennon Children's Medical Center.¹¹ Additionally, the Missouri General Assembly consulted him on mental health and civil commitment issues, and he, similarly, is on the board of directors of the National Register of Health Service Providers in Psychology.¹² He was also a consultant to the Catholic Health Association on HIV and medical confidentiality.¹³ Furthermore, he has mentored more than fifty young health law professors who have participated in SLU LAW's health law

6. *Id.*

7. *Id.* at 1.

8. GOLDNER, *supra* note 3, at 2.

9. *Id.* at 3.

10. *Id.*

11. *Id.*

12. *Id.*

13. GOLDNER, *supra* note 3, at 3.

scholars program.¹⁴ I am proud to say that I was one of those he nurtured when I was new to the health law academy in 2002.

Another highlight in Jesse's career holds special importance to Jesse and to the health law community in Saint Louis. He is the founding director and long-term board member of the Saint Louis Area Health Lawyers Association (SLAHLA).¹⁵ This vibrant community of health lawyers teaches and mentors each other at monthly lunch-and-learn sessions that Jesse has helped to organize since 1994. He is so highly regarded by this group that when SLAHLA's April meeting conflicted with this symposium—and, in particular, this tribute—the organization rescheduled so as to make room for this recognition. Indeed, many of SLAHLA's members are here in the audience today.

At the outset, I described Jesse's career as distinguished, humble, and joyous. Each of these characteristics is a common thread running through Jesse's many contributions.

Jesse's career achievements distinguish him among health law academics. He is one of the nation's foremost experts on human subjects research regulation. Indeed, he is co-author of the leading text in the field, which is now in its second edition.¹⁶ Moreover, anyone publishing on financial conflicts of interest in human subjects research is virtually certain to cite to at least one of Jesse's publications on the topic.¹⁷

Jesse has earned several awards for his academic contributions. He is a two-time winner of the Thompson Coburn Award given annually to a SLU LAW faculty member for excellence in publication.¹⁸ At the national level, Jesse also won the coveted Health Law Teacher of the Year Award from the American Society of Law, Medicine and Ethics, which—among health law academics—is understood to honor outstanding career achievement in health law.¹⁹ There is no higher recognition in the health law academy.

14. The Health Law Scholars Workshop is a SLU and ASLME program. Saint Louis Univ. Sch. of Law, 2016 Health Law Scholars Workshop (unpublished brochure) (on file with the Saint Louis University Center for Health Law Studies) (2016).

15. GOLDNER, *supra* note 3, at 3.

16. CARL H. COLEMAN ET AL., THE ETHICS AND REGULATION OF RESEARCH WITH HUMAN SUBJECTS vii (LexisNexis 2d ed., 2015).

17. Jesse has authored many articles on this subject. *See generally, e.g.*, Jesse A. Goldner, *Regulating Conflicts of Interest in Research: The Paper Tiger Needs Real Teeth*, 53 ST. LOUIS U. L. J. 1211 (2009); Jesse A. Goldner, *Dealing with Conflicts of Interest in Biomedical Research: IRB Oversight as the Next Best Solution to the Abolitionist Approach*, 28 J. L. MED. & ETHICS 379 (2000).

18. GOLDNER, *supra* note 3, at 2.

19. *Id.*

Jesse also has held a variety of editorial positions, including co-editor-in-chief of the *Journal of Health Law* for more than ten years²⁰ and manuscript reviewer for *Health Affairs* and the *Journal of Law, Medicine & Ethics*.²¹ Additionally, in 2004, he was named a fellow of the American Bar Foundation.²² And in 2005, Jesse was installed at the John D. Valentine Professor of Law at SLU.²³

These are just some of the achievements that distinguish the career of Jesse Goldner. I mention them because Jesse won't; and this brings me to the humility with which Jesse has served his students, university, and the field of health law.

Jesse has what seems to be a boundless willingness to serve. He has chaired or been a member of virtually every committee and task force that has existed at SLU LAW since 1973.²⁴ He has taught a wide variety of courses related and unrelated to health law, including time-consuming clinical courses and legal writing courses.²⁵ Additionally, Jesse has never hesitated to take on new courses to serve institutional needs. This kind of commitment to serve explains his eighteen years of IRB service, twelve years directing the Health Law Center, and more than twenty years of helping to organize presentations for the SLAHLA.²⁶

I cannot think of one whose humility has been less affected by his many career achievements than has Jesse Goldner. And this, I suspect, derives from the sincere joy he takes in his work and in those with whom he works.

Jesse's joy is evident in even the simplest of greetings. Those of you who have worked with him on a project, bumped into him at a conference, or visited with him at an alumni event have experienced this. He is always happy to see you, and he has a story—often a long one—to share with you. His greetings and stories, however, reveal that Jesse has been thinking about you. He wants to follow-up on a question you asked, or hear more about a project you are working on, or introduce you to someone who shares a professional interest with you. In short, Jesse finds joy in getting to know his students and colleagues so as to help them.

This is apparent from what former students say about Jesse. Helen Dick, a former student and research assistant, said that he is generous with not only his wisdom but also with his entire life, and that he had been a “relentless”

20. *Id.* at 7.

21. *Id.* at 8.

22. *Id.*

23. *See* GOLDNER, *supra* note 3.

24. *Id.* at 4–5.

25. *Id.* at 2.

26. *Id.* at 1, 3–4.

supporter during her job searches.²⁷ Another former student and research assistant, Trish Wagner, describes Jesse as a “champion” of getting to know each student so as to tailor their education to their skills and interests, rather than the other way around.²⁸

I am also a former mentee of Jesse’s from my days as a new health law academic. I echo his students’ statements about his generosity of time and interest in me and my professional development.

Jesse best described his professorial personality in a tribute he paid to his own mentors:

I suspect that few health law students have given much thought to who taught their teachers. Nor, I imagine, have students considered how those teachers have had an enormous impact on the careers of current professors. So much of what we, as professors, do in the classroom, as well as in our writings and other work in various public arenas, can be directly linked to their influences.²⁹

* * *

The mentoring that is done to us carries with it a burden, but one that can be . . . joyous . . . to bear.³⁰

This is Jesse’s joy; a joy in teaching and serving others, which is ever-present and ever-buoyant to those around him.

The state of the Center for Health Law Studies today is *grateful*—joyously grateful for Jesse Goldner and to his wife and children for sharing him with us all these years.

27. E-mail from Helen Dick, former Research Assistant to Jesse Goldner, Saint Louis University School of Law, to Robert Gatter, Co-Director, Center for Health Law Studies, Saint Louis University School of Law (Mar. 28, 2016, 10:07 AM) (on file with author).

28. E-mail from Patricia Wagner, former Research Assistant to Jesse Goldner, Saint Louis University School of Law, to Robert Gatter, Co-Director, Center for Health Law Studies, Saint Louis University School of Law (Mar. 28, 2016, 5:00 PM) (on file with author).

29. Goldner, *supra* note 2, at 91.

30. *Id.* at 98.