

DAYNA BOWEN MATTHEW

University of Colorado School of Law
401 UCB Wolf Law Building
Boulder, Colorado 80309
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dayna.matthew@colorado.edu

EDUCATION

UNIVERSITY OF VIRGINIA SCHOOL OF LAW

CHARLOTTESVILLE, VIRGINIA

Juris Doctor, May 1987

Academic Honors: Editor, Virginia Law Review; Winner, Lile Moot Court Competition; Hardy Cross Dillard Writing Fellow; Winner, John Marshall Award; Winner, Ritter Fellowship; Raven Society

HARVARD-RADCLIFFE COLLEGE

CAMBRIDGE, MASSACHUSETTS

Bachelor of Arts, Economics

THE FIELDSTON SCHOOL

NEW YORK, NEW YORK

Diploma, 1977

ACADEMIC EXPERIENCE

UNIVERSITY OF COLORADO SCHOOL OF LAW

BOULDER, COLORADO

PROFESSOR OF LAW (2003-PRESENT)

Vice Dean (2010-2011)

Associate Dean of Academic Affairs (2004 to 2010)

Courses: Evidence, Civil Procedure, Health Law, Medical Malpractice Litigation, Public Health Law and Ethics, Comparative Public Health Law, Law and Bioethics

CENTER FOR BIOETHICS AND HUMANITIES

UNIVERSITY OF COLORADO HEALTH SCIENCES CENTER

DENVER, COLORADO

PROFESSOR OF LAW (2003-PRESENT)

Courses: Public Health Law and Ethics; Ethics in the Health Professions, Law and Medicine; Law for Physicians (Clerkship and Medical Residents' Training, Advanced Topics in American Health Law and Policy)

DUBLIN INSTITUTE OF INTERNATIONAL AND COMPARATIVE LAW

TRINITY COLLEGE OF DUBLIN (SUMMER 2009)

DUBLIN, IRELAND

Director - Institute for law students studying International Human Rights Law, Comparative Civil Rights Law, and International Criminal Law. Oversaw all program courses, faculty, and administration for law students and faculty from eight countries.

DAYNA BOWEN MATTHEW

SEMESTER AT SEA
(SUMMER 2004)

PACIFIC RIM, USS EXPLORER

Courses: Comparative Public Health Law; Comparative Race, Gender & Law

UNIVERSITY OF KENTUCKY COLLEGE OF LAW
(August 1999- December 2002)

LEXINGTON, KENTUCKY

Gallion & Baker Professor of Law & Medicine

Courses: Civil Procedure, Health Law, Medical Malpractice Litigation, Bioethics and the Law, Corporate Transactions In Health Care

UNIVERSITY OF LOUISVILLE SCHOOL OF LAW

LOUISVILLE, KENTUCKY

Visiting Professor (1998-1999) (Health Law, Property Evidence)

Summer Instructor (1995, 1996) (Civil Procedure, Torts)

UNIVERSITY OF VIRGINIA SCHOOL OF LAW

CHARLOTTESVILLE, VIRGINIA

August 1991-May 1994

Assistant Professor. Courses: Civil Procedure, Evidence, Health Law, Advanced Torts-Mass Tort Litigation and Products Liability, Winner, First Year Teaching Award.

LAW PRACTICE EXPERIENCE

GREENEBAUM DOLL & McDONALD, PLLC

LOUISVILLE, KENTUCKY

September 1996-May 1998

Of Counsel, Health Law and Commercial Litigation

McGUIRE WOODS

CHARLOTTESVILLE, VIRGINIA

May 1988-May 1991

Associate, Civil Litigation (Insurance defense, Medical Malpractice, Products Liability)

OTHER PROFESSIONAL EXPERIENCE

MORGAN GUARANTY TRUST COMPANY

NEW YORK, NEW YORK

June 1981-May 1984

Assistant Treasurer, Commercial Real Estate Finance

PUBLIC SERVICE EXPERIENCE

THE COLORADO HEALTH FOUNDATION

DENVER, COLORADO

December 2010 – Present

DAYNA BOWEN MATTHEW

COLORADO COALITION FOR THE MEDICALLY UNDERSERVED
January 2004-2007

DENVER, COLORADO

KENTUCKY BAR ASSOCIATION
January 1999-December 2002

FRANKFORT, KENTUCKY

Trial Commissioner appointed by Chief Justice of Kentucky Supreme Court to hear attorney disciplinary cases.

FOUNDATION FOR A HEALTHY KENTUCKY
May 2001-December 2002

LOUISVILLE, KENTUCKY

Member of Community Action Board of \$45 million tobacco settlement trust fund

WESTERN KENTUCKY FEDERAL COMMUNITY DEFENDER ORGANIZATION
August 2002-December 2002

KENTUCKY REGISTRY OF ELECTION FINANCE
August 1997-September 1999

FRANKFORT, KENTUCKY

Member of the Board Administering Kentucky Campaign Finance Laws

JUDICIAL CLERKSHIP

THE SUPREME COURT OF VIRGINIA
August 1987-April 1988

RICHMOND, VIRGINIA

Law Clerk to The Honorable John Charles Thomas

PUBLICATIONS

“Reigning in the Rogue Squadron: Making Sense of the ‘Original Source’ Exception for *Qui Tam* Relators,” ___ *Washington & Lee L. Review* ____ (forthcoming Winter 2011)

“Applying Lessons from Social Psychology to Repair the Health Care Safety Net for Undocumented Immigrants,” chapter in, The Health Care “Safety Net” in a Post-Reform World (Mark A. Hall, J.D. and Sara Rosenbaum, J.D. ed.)(Rutgers University Press 2011)

“Implementing American Health Reform: The Fiduciary Imperative,” 59 *Buffalo Law Review* 715 (May 2011)

“The Social Psychology of Limiting Health Care Benefits for Undocumented Immigrants – Moving Beyond Race, Class, and Nativism,” 10 *Houston J. of Health L.* 201 (Spring 2010)

“Defeating Health Disparities – A Property Interest Under the Patient Protection and Affordable Care Act of 2010,” 113 *West Virginia L. Review* 31 (Fall 2010)

“Race, Religion, and Informed Consent – Lessons from Social Science,” 36 *Journal of Law, Medicine & Ethics* 150-173 (Spring 2008)

“A Property Right to Health Care,” *Journal of Legal Medicine*, Co-Authored with Mark Earnest, M.D. 29 *Journal of Legal Medicine* 65-80 (2008)

“The ‘Race Card’ and Reforming American Health Insurance,” 14 *Connecticut Insurance Law Journal* 435-444 (2007-2008)

“Disastrous Disasters: Restoring Civil Rights Protections for Victims of the State,” 2 *Journal of Health and Biomedical Law* 213-248 (2007)

“The Moral Hazard Problem with Privatizing Public Enforcement: The Case of Pharmaceutical Fraud,” 40 *Michigan Journal of Law Reform* 281-339 (2007)

“A New Strategy To Combat Racial Inequality In American Health Care Delivery,” 9 *DePaul Law Review* 793-836 (April 2005)

“Assessing Patient Protection Laws: A Look at The Economic Justifications for Regulating the Managed Care Market,” 47 *St. Louis University Law Journal* 299-308 (Spring 2003)

“The New Federalism Approach to Medicaid: Empirical Evidence,” 90 *Kentucky Law Journal* 973– 1007 (2002)

“An Economic Model To Analyze the Impact of False Claims Act Cases on Access to Health Care for the Elderly Disabled, Rural and Inner-City Poor,” 27 *American Journal Of Law & Medicine* 439-467 (Winter 2001)

“Tainted Prosecution of Tainted Claims: The Law, Economics and Ethics of Fighting Medical Fraud Under the Civil False Claims Act,” 73 *Indiana L. J.* 526-589 (Summer 2001)

“Prohibition on Qui Tam Lawsuits,” American Bar Association Section of Public and Contract Law, *Qui Tam Lawsuits Under the False Claims Act* 37-45 (2nd ed. June 1999)

“Reverse Agency Costs of Employer Based Health Insurance,” 31 *Wake Forest L. Rev.* 1037-1070 (Winter 1996)

DAYNA BOWEN MATTHEW

“Antitrust Law in the Health Care Industry,” *Kentucky Health Law*,” (2nd ed.) (August 1995) (co-authored)

“Doing What Comes Naturally: Antitrust Law and Hospital Mergers,” 31 *Houston L. Rev.* 814-872 (1994)

“The ‘Terminal Condition’ Condition in Virginia’s Natural Death Act,” 73 *Va. L. Rev.* 749-781 (1987)

WORKS IN PROGRESS

Book Project: The Law, Psychology, and Ethics of Health Disparities: A Behavior Realist’s Solution (*forthcoming 2012*).

The Unintended Public Health Consequences of Colorado’s H.B. 1023 – An Empirical Inquiry

SELECTED PRESENTATIONS

“Reigning In The Rogue Squadron: The Original Source Exception for *Qui Tam* Relators” Lexington, Virginia (October 2011)

“Implicit Bias and Health Care: A Behavioral Realist’s Perspective on Anti-Discrimination Law” Lexington, Virginia (October 2011)

“The Affordable Care Act: What to Expect at the Courthouse” Tenth Circuit Judicial Conference, Colorado Springs, Colorado (August 2010)

“Eliminating Racial Disparities in Health Care – A Fiduciary Obligation,” Edward G. Donley Memorial Lecture on Health Policy, West Virginia Law School (2010)

“A New Paradigm for Improving Health Care Access for Undocumented Immigrants”

Southeast/Southwest People of Color Legal Scholarship Conference, Phoenix, Arizona (March 2009)

Colorado Health Care Ethics Forum Annual Conference, Denver, Colorado (April 2009)

American Society of Law, Medicine, and Ethics Health Law Professors’ Conference, Case Western Reserve University (June 2009)

“A Legal Prescription for Health Care Disparities in America,”
34th Austin W. Scott, Jr. Lecture, University of Colorado Law School (November 2008)

DAYNA BOWEN MATTHEW

2009 Lawrence M. Clark, Sr. Lecture, North Carolina Central University (February 2009)

“Update on Fraud and Abuse Law” – American Health Lawyers’ Association (Teleconference – May 2009)

“Race, Religion and Informed Consent – Lessons from Social Science,” 30th Annual Health Law Professors Conference, Boston University School of Law (June 2007)

“Ethics in Fraud and Abuse Counseling,” ABA’s 17th Annual National Institute on Health Care Fraud (May 2007)

“Health Care Disparities in America,” University of Colorado Health Sciences Center Diversity Project (September 2006)

“Race, Class and the Public Health,” 29th Annual Health Law Teachers’ Conference, University of Maryland Law School (June 2006)

“Addressing Racial and Ethnic Disparities in Health Care,” Suffolk University Law School (March 2006)

“Legal Solutions To The Threat of Avian Flu,” University of Colorado Health Sciences Center (November 2005)

“An Introduction To Health Care Fraud and Abuse Law,” ABA’s 15th Annual National Institute on Health Care Fraud (May 2005)

“Physician Assisted Suicide: What Might The Supreme Court Decide?” (March 2005)

“African American Music and Healing,” Medicine and the Humanities Program, University of Colorado Health Sciences Center (2005)

“Reviving Civil Rights Law As A Tool To Fight Health Care Disparities,” Symposium, DePaul Law School (March 2005)

“Pharmaceutical Fraud and *Qui Tam* Relators,” Annual Health Law Teachers Conference (June 2004)

“Infectious Disease Law: Mandatory Testing, Reporting and Contact Tracing in Asia, South Africa and the United States,” (June 2004)

“Health Law In A Nutshell,” ABA 14th Annual National Institute on Health Care Fraud

DAYNA BOWEN MATTHEW

(May 2004)

“Medicare and Medicaid Fraud And Abuse,” Distinguished Speakers Series, St. Louis University School of Law (February 2003)

“Federalism, Moral Hazard and The States’ New Medicaid Flexibility,” Health Law Scholar’s Workshop – Selected Paper, St. Louis University School of Law (October 2002)

“Economic Analysis of Patient Protection Laws,” (Commentary) St. Louis University School of Law Health Law Symposium (April 2002)

“Racial Disparity in The Access to American Health Care,” American Association of Black Cardiologists’ Annual Meeting, Cape Town, South Africa; Various Professional Groups (January 2001, May 2001, January 2002)

“FCA Enforcement Against Medicare Part B Suppliers,” ABA 3rd Annual National Institute on the Civil False Claims Act and *Qui Tam* Enforcement (November 2001)

“The Impact of False Claims Act Litigation on Access to Health Care for the Elderly, Poor and Disabled,” – Mid Atlantic People of Color Legal Scholarship Conference (February 2001)

“Fraud and Abuse from the Government’s Perspective,” (Moderator) – Jointly sponsored Conference, Greenebaum Doll & McDonald and U.S. Attorney’s Office (October 1998)

“Confidentiality of Medical Records,” Client Seminar Louisville, Kentucky (January 1998)

“Antitrust Developments in Health Care,” Client Seminar, Louisville, Kentucky (September 1997)

PROFESSIONAL MEMBERSHIPS

Member, American Law Institute

Louisville Bar Association

Virginia Bar Association

Chair Emeritus, AALS Health Law Section

American Association of Law, Medicine and Ethics

Kentucky Bar Association

DAYNA BOWEN MATTHEW

PERSONAL

Married: Thomas L. Matthew, M.D.

Children: Sarah Griffin, '88; Thomas William, '91; Mari Lewis, '94

Athletic Interests: Running, Tennis, alpine skiing, hiking, camping, swimming

REFERENCES

Professor Hal Bruff
University of Colorado Law School
401 UCB - Wolf Law Building
Boulder, Colorado 80309

Associate Dean Mary J. Davis
University of Kentucky Law School
Law Building, South Limestone
Lexington, Kentucky 40506

Dean Paul Mahoney
Professor Mildred Robinson
University of Virginia Law School
580 Massie Road
Charlottesville, Virginia 22901

Eric L. Ison, Esq.
Vickie Yates Brown, Esq.
Greenebaum Doll & McDonald, PLLC
101 South Fifth Street
Louisville, Kentucky 40202

Dean Donald Burnett
(Former Dean, University of Louisville)
University of Idaho College of Law
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Moscow, Idaho 83844-2321

The Honorable John Charles Thomas
Hunton & Williams
Riverfront Plaza
951 East Byrd Street- East Tower
Richmond, Virginia 23219

The Honorable Jay T. Swett
McCammon Mediation Group, Ltd.
1111 East Main Street, Suite 1700
Richmond, Virginia 23219

R. Craig Wood, Esq.
McGuire Woods
One Court Square
Charlottesville, Virginia 22901