

**Karen A. Jordan, J.D.**

**Curriculum Vita**

Louis D. Brandeis School of Law at the University of Louisville  
2301 S. Third Street, Louisville, Kentucky 40292  
502.852.5292 karen.jordan@louisville.edu

**Academic/Legal Employment**

**Louis D. Brandeis School of Law at the University of Louisville**

**Professor of Law, August 2000 – Present**

**Associate Professor, July 1997 - July 2000**

**Assistant Professor, August 1993 - June 1997**

**Courses:** Currently provides faculty oversight for most law school Externship/Field Placement courses – Criminal Justice, Public Interest, Judicial, and In-House Counsel; and oversight for the school’s Community Partnership Clinic courses – Jefferson County Office of the Commonwealth’s Attorney and the Legal Aid Society clinic courses. Also experience teaching Administrative Law, Civil Procedure I & II, Evidence, Religion & the Constitution, and various health law courses.

**Current Law School Committees:** Personnel, Curriculum, Student Grievance. Past experience: Experiential Learning & Skills, Probation & Reinstatement, Faculty Recruitment, Faculty Excellence, Strategic Planning, Economic Welfare, Student Welfare.

**Seton Hall University School of Law**

**Visiting Professor, Spring 1998 Semester**

**Courses:** Health Law I, Health Law II. (LL.M. and M.S.J. degrees in Health Law).

**Indiana University School of Law - Indianapolis**

**Adjunct Faculty, Legal Writing, Fall 1992 - Spring 1993**

**Indiana University School of Law - Indianapolis**

**The Center for Law and Health**

**Assistant Director:** September 1992 - July 1993

**Senior Research Fellow:** January 1992 - August 1992

**Sommer & Barnard, PC**

Associate attorney: August 1990 - December 1991. Litigation practice in federal and state courts, at trial and appellate levels. Summer Associate: May - August 1988

**Education**

**Juris Doctorate, *Summa Cum Laude*, May 1990**

**Indiana University School of Law - Indianapolis**

**Class Rank: 6/211, GPA: 3.65**

**Law Review: Executive Editor, Notes and Topics, Volume 23, 1989-90**

**Awards:** George O. Dix Writing Competition Award, 1990

Federal District Court Internship, 1990

Indiana State Bar Foundation Scholarship, 1989-90

James V. Donadio Scholarship, 1988-89

Law Faculty and Alumni Fellowship, 1988

American Jurisprudence Award -- Torts II, 1988

**Bachelor of Science, Public Health, With Distinction, May 1987, Indiana University**

**Associate of Science, Dental Hygiene, With Distinction, May 1979, Indiana University**

### **Publications & Other Scholarship**

*Enhancing Externships to Meet Expectations for Experiential Education*, 23 CLINICAL LAW REVIEW 339-395 (2016).

*The Emerging Use of a Balancing Approach in the Casey Undue Burden Analysis*, 18 UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW 657-724 (2015).

*Prehospital Resuscitation Decisions in Trauma Cases: Assessing the Risk of Legal Liability & the Impact of TOR Guidelines*, JOURNAL OF LEGAL MEDICINE, 36:159-213 (2015) (with Mary Fallat, M.D., University of Louisville School of Medicine).

QUESTIONS & ANSWERS: ADMINISTRATIVE LAW, Third Edition (LexisNexis, 2015) (with Linda Jellum, Ellison Capers Palmer Sr. Professor of Law, Mercer University School of Law).

*The Contraceptive Mandate: Compelling Interest or Ideology?*, 41 NOTRE DAME JOURNAL OF LEGISLATION 1-64 (2014-2015) (lead article).

*Free Exercise Jurisprudence and Theology in the Public Square*, 19 TRINITY LAW REVIEW 187-265 (2014).

*A Christian Vision of Freedom and Democracy: Neutrality as an Obstacle to Freedom*, 9 TENNESSEE JOURNAL OF LAW AND POLICY 358-431 (2014).

*Recovering Subsidiarity in Family Life Education*, 18 WILLIAM & MARY JOURNAL OF WOMEN AND THE LAW 235-331 (2012).

QUESTIONS & ANSWERS: ADMINISTRATIVE LAW, Second Edition (LexisNexis 2010) (with Russell Weaver).

*Church and State: The Origins & Implications of Separate Jurisdictional Spheres*, 11 RUTGERS JOURNAL OF LAW & RELIGION 61-138 (2009).

*Opening the Door to Hard Look Review of Agency Preemption*, 31 WESTERN NEW ENGLAND LAW REVIEW 353-410 (2009).

*Agency Preemption and the Shimer Analysis: Unmasking Strategic Characterization By Agencies and Giving Effect to the Presumption Against Preemption*, 2008 WISCONSIN LAW REVIEW 69-139 (2008).

QUESTIONS & ANSWERS: ADMINISTRATIVE LAW, NexisNexis (2005) (co-authored with Russell Weaver).

*Recent Modifications to Preemption Doctrine & Their Impact on State HMO Liability Laws*, 1 INDIANA HEALTH LAW REVIEW 51-108 (2004) (inaugural issue, lead article).

*The Final Chapter (Maybe) in the Story of Preemption of HMO Accountability Under State Law*, Health Care Law Monthly, February 2004 (LexisNexis).

*The Evolution of Informational Needs of Consumers Regarding Their Health Coverage*, for the Southeastern Association of Law Schools Annual Meeting (July 2003).

*Financial Conflicts of Interest in Human Subjects Research: Proposals for a More Effective Regulatory Scheme*, 60 Wash. & Lee L. Rev. 15-109 (2003).

*ERISA UpDate*, Proceedings of the Annual Health Law Teachers Conference, American Society of Law, Medicine & Ethics, Indiana University School of Law (June 2002) (paper detailing current ERISA / ERISA preemption issues).

*Ethics and the Entrepreneurial Factor in Research*, Proceedings, Conference on Ethics at the Frontiers of Medicine, University of Louisville School of Medicine & the Brandeis School of Law (April 2001) (paper detailing financial conflicts of interest in research involving human subjects, and the regulations governing).

*Coverage Denials in ERISA Plans: Assessing the Federal Legislative Solution*, 65 MISSOURI L. REV. 405 - 472 (2000).

*Preemption of a State "Legislatively Created" Right to Sue HMOs For Negligence*, Health Care Law Monthly (Matthew Bender) (April 1999).

*Coverage of Emergency Services: Case Commentary*, in Gervais, K.G. et al, ETHICAL CHALLENGES IN MANAGED CARE: A CASEBOOK (Georgetown University Press, Washington, D.C.) (1999).

*The Shifting Preemption Paradigm: Conceptual and Interpretive Issues*, 51 VANDERBILT L. REV. 1149 (1998) (lead article vol. 51, no. 5).

*ERISA Pre-emption: Integrating Fabe into the Savings Clause Analysis*, 9 NATIONAL INSURANCE L. REV. 139 (1998) (reprint of article first appearing in 27 RUTGERS L.J. 273 (1996)).

*Geissal v. Moore Medical Corp.*, HEALTH LAW NEWS, A Publication of the University of Houston Health Law and Policy Institute (September 1998) (commentary on recent Supreme Court case relating to health law).

*Empirical Studies of Judicial Decisions Serve an Important Role in the Cumulative Process of Policy Making*, 31 IND. L. REV. 80 (1998) (Symposium Issue: How Empirical Research Shapes Health Law and Policy).

*Tort Liability for Managed Care: The Weakening of ERISA's Protective Shield*, 25 AMERICAN JOURNAL OF LAW, MEDICINE AND ETHICS 160 (1997).

*Clarifying ERISA's Preemption, Discrimination Provisions*, HEALTH LAW NEWS, A Publication of the University of Houston Health Law and Policy Institute (September 1997) (commentary on recent Supreme Court cases relating to health law).

*Serious Illness and Private Health Coverage: A Unique Problem Calling For Unique Solutions*, 25 AMERICAN JOURNAL OF LAW, MEDICINE AND ETHICS 180 (1997) (with E. Kinney et al.).

*Does ERISA Preempt a State Provider Tax to the Extent it is Imposed on Health Care Facilities Owned by Self-Insured ERISA Plans?* WEST LEGAL NEWS (In the Supreme Court series), 3-10-97 WLN 40000 (1997).

*The Complete Preemption Dilemma: A Legal Process Perspective*, 31 WAKE FOREST L. REV. 927 (1996) (lead article vol. 31, no. 4).

*ERISA Pre-emption: Integrating Fabe into the Savings Clause Analysis*, 27 RUTGERS L.J. 273 (1996) (lead article vol. 27, no. 2).

*Travelers Insurance: New Support for the Argument to Restrain ERISA Pre-emption*, 13 YALE J. ON REG. 255 (1996).

*Managed Competition & Limited Choice of Providers: Countering Negative Perceptions Through A Duty to Select Quality Network Physicians*, 27 ARIZ. ST. L.J. 876 (1995).

*Perpetual Conservation: Achieving the Goal Through Preemptive Federal Easement Programs*, 43 CASE WESTERN RESERVE L. REV. 401 (1993).

*Recent Developments in Indiana Tort Law*, 26 INDIANA L. REV. 1159 (1993) (with Neal Lewis, Esquire).

THE SOCIAL CONTRACT FOR HEALTH CARE IN INDIANA, REPORT OF THE SOLUTIONS SUBCOMMITTEE TO THE INDIANA COMMISSION ON STATE HEALTH POLICY (July 1992) (with Eleanor D. Kinney, J.D., M.P.H., Professor of Law and Director, The Center for Law and Health).

*Expanding the Privacy Torts: Protecting Human Dignity and Autonomy in an Information Era* (Spring 1990), George O. Dix Writing Competition Award.

*Delimiting the Manufacturer's Liability: An Examination of Loss of Consortium Recovery in Strict Products Liability Actions Under Section 402A of the Restatement (Second) of Torts*, 22

INDIANA L. REV. 821 (1989), *reprinted by* Cleveland-Marshall College of Law, Law Alumni Ass'n, CLE program on Products Liability (May 12, 1990).

### **Professional Organizations**

Member, American Bar Association, Section on Administrative Law & Regulatory Practice  
Member, American Bar Association, Litigation Section

### **Presentations**

Externships 8 Conference: *Building on Common Ground: Externships, Clinics and Practice-Based Legal Education*; March 2016. Cleveland-Marshall College of Law. Co-presenter at a concurrent session. Topic: "Partnering with the Local Bar to Develop Hybrid Field Clinic Courses."

Third National Symposium of the Alliance for Experiential Learning in Law. June 2016. New York Law School (conference focused on assessment tools in experiential courses). Presentation Topic: "Rubric Design and Application in Skills Courses." Facilitator: David Thomson, University of Denver Sturm College of Law.

Annual Fall Meeting of the National Association of State EMS Officials. October 2015. Kentucky International Convention Center. Presented findings set out in *Prehospital Resuscitation Decisions in Trauma Cases: Assessing the Risk of Legal Liability & the Impact of TOR Guidelines*.

Sister Conferences at the University of St. Thomas, Minnesota (St. Thomas School of Law, Minneapolis Campus & St. Paul Seminary School of Divinity). October 2008. "Women & the Recovery of Culture." Workshop presentation: *The Feminine Nature and Classical Moral Philosophy*.

2008 Midyear Meeting. June 2008. Association of American Law Schools, Evidence Section. "Conference on the Future of Evidence: How Science and Technology Are Changing Evidence Law." Presentation on using slide design techniques to enhance the teaching and retention value of Power Point.

Annual Meeting of the Southeast Association of Law Schools. July 2005. Presentation on FDA preemption of state tort actions alleging negligent failure to warn.

Annual Health Law Teachers Conference. June 2004. American Society of Law, Medicine and Ethics and Seton Hall University School of Law. Presentation on ERISA preemption issues before the Supreme Court in 2004.

SEALS (Southeast Association of Law Schools) Annual Meeting. July 2003. Presentation on the evolution of information disclosure: from the HMO acts to recent managed care reform legislation.

Annual Health Law Teachers Conference. June 2003. American Society of Law, Medicine and Ethics and Widener University School of Law. Presentation on recent developments in the area of ERISA preemption.

Annual Health Law Teachers Conference. June 2002. American Society of Law, Medicine and Ethics and Indiana University School of Law-Indianapolis. Presentation on recent developments in the area of ERISA preemption.

Ethics at the Frontiers of Medicine. University of Louisville School of Medicine & the Brandeis School of Law. April 2001. Presentation on financial conflicts of interest in research involving human subjects.

Annual Meeting, Association of American Law Schools. January 1999. New Orleans, Louisiana. Presentation to the Section on Employee Benefits: ERISA Preemption of State Law: Recent Developments and Current Trends.

Annual Health Law Teachers Conference. June 1998. American Society of Law, Medicine and Ethics and University of Houston Health Law and Policy Institute. Presentation on teaching ERISA preemption.

KET Interview. August 1998. Provided interview to Kentucky Educational Television for purposes of a news report preceding a panel discussion on managed care reform.

Annual Health Law Teachers Conference. June 1997. American Society of Law, Medicine and Ethics and Seton Hall University School of Law. Presentation on teaching ERISA preemption.

Health Law Symposium for the Indiana Law Review: How Empirical Research Shapes Health Law and Policy. April 1997. Indiana University School of Law--Indianapolis. Presented commentary on an article by Professor William Sage. *See Empirical Studies of Judicial Decisions Serve an Important Role in the Cumulative Process of Policy Making.*

University of Louisville Multicultural Center. January 1997. Presentation on women's issues in the law. (Described gender equity in the federal courts as documented in the Report of the Special Committee on Gender to the Gender Task Force Project in the D.C. Circuit, 84 Geo. L.J. 1657 (1996)).

Annual Health Law Teachers Conference. June 1996. American Society of Law, Medicine and Ethics and Widener University School of Law. Presentation on current ERISA preemption issues.

Annual Health Law Teachers Conference. June 1994. American Society of Law, Medicine and Ethics and Indiana University School of Law-Indianapolis. Presentation on getting started in empirical research.

Risk & Insurance Management Society, Inc., Kentuckiana Chapter. March 15, 1994. Presentation on current issues in health reform.

Southern Middle School, Louisville, Kentucky. Summer 1994. Presentation on environmental regulation as part of a program funded by the National Science Foundation (with Professor Serena Williams, Brandeis School of Law at the University of Louisville).

### **Committee Assignments, University**

2018-

Member, University Conflict Review Board  
Member, Institutional Effectiveness Advisory Collaborative (IEAC)

2017-

Member, University Conflict Review Board  
Member, Institutional Effectiveness Advisory Collaborative (IEAC)

2016-

Member, University Conflict Review Board

2007-2013

Member, Oversight Committee for the Management of Individual Financial Interests in Research  
Member, Oversight Committee for the Management of Institutional Financial Interests in Research.

2006-07

Member, University Individual Conflicts of Interest in Research Committee  
Member (alternate), University Faculty Grievance Committee

2005-06

Member, University Individual Conflicts of Interest in Research Committee  
Member (alternate), University Faculty Grievance Committee

2004-05

Member, University Individual Conflicts of Interest in Research Committee

2003-04

Member, University Individual Conflicts of Interest in Research Committee  
Member, University Conflicts of Interest Task Force

2002-03

Member, University Conflicts of Interest Task Force

2001-02

Member, University Scholars Award Committee

2000-01

Member, University Scholars Award Committee

Women's Center Council Member

Member, Committee For National Conference on Bioethics

1999-2000

Member, University Scholars Award Committee

Women's Center Council Member

Member, Committee For National Conference on Bioethics

1998-99

Women's Center Council Member

### **Committee Assignments, Law School**

2018-

Personnel, Spring & Fall

Spring: Experiential Learning and Skills (Chair), Student Grievance

Fall: Curriculum, Student Grievance

2017-

Personnel, Spring & Fall

Spring: Experiential Learning and Skills (Chair), Student Grievance

Fall: Curriculum, Student Grievance

2016-

Sabbatical – Spring 2016

Fall 2016: Personnel, Experiential Learning and Skills (Chair), Student Grievance

2015

Personnel, Spring & Fall

Spring: Experiential Learning and Skills (Chair), Strategic Planning, Economic Welfare

Fall: Experiential Learning and Skills (Chair), Student Grievance (alt)

2014

Personnel, Spring & Fall

Spring: Clinic (Chair), Economic Welfare, Student Welfare



Fall: Experiential Learning and Skills (Chair), Strategic Planning, Economic Welfare

2013

Personnel, Spring & Fall  
Spring: Curriculum, Economic Welfare, Reinstatement & Probation,  
Spring: Dean's Advisory Committee  
Fall: Clinic (Chair), Economic Welfare, Student Welfare  
Fall: Decanal search committee)

2012

Personnel, Spring & Fall  
Spring: Reinstatement & Probation; Professional Development  
Fall: Reinstatement & Probation; Curriculum; Economic Welfare  
Fall: Dean's Advisory Committee  
Fall: Pirtle-Washer Competition

2011-2012

Personnel, Reinstatement & Probation  
Professional Development  
Pirtle-Washer Competition

2010-2011

Personnel, Faculty Excellence, Chair  
International, Student Welfare  
Pirtle-Washer Competition

2009-2010

Personnel, Faculty Excellence, Chair  
International, Student Welfare,  
Pirtle-Washer Competition

2008-09

Personnel, Reinstatement & Probation  
International, Student Welfare

2007-08

Personnel, Curriculum, Chair  
Faculty Recruitment  
Reinstatement & Probation  
Student Welfare

2006-07

Personnel  
Curriculum, Chair  
Reinstatement & Probation  
Student Grievance, Student Welfare

2005-06

Personnel  
Student Welfare, Chair  
Reinstatement & Probation  
Student Grievance  
Curriculum  
Served as replacement on BLS Position Search Committee

2004-05

Personnel  
Student Development & Academic Support, Chair  
Student Grievance, Chair  
Reinstatement & Probation  
Curriculum  
Research/Coif

2003-04

Personnel  
Student Development & Academic Support  
Reinstatement & Probation  
Student Grievance

2002-03

Personnel (presenter for Hall promotion)  
Student Development & Academic Support  
Reinstatement & Probation  
Student Grievance

2001-02

Personnel  
Student Development & Academic Support  
Reinstatement & Probation  
Regulatory Law & Policy Program  
Curriculum

2000-01

Personnel  
Reinstatement & Probation  
Regulatory Law & Policy Program  
Curriculum

Research Enhancement/Coif

1999-2000

Student Development & Academic Support  
Reinstatement & Probation  
Curriculum  
Research Enhancement/Coif  
Challenge for Excellence Initiatives

1998-99

Student Development & Academic Support  
Reinstatement & Probation  
Curriculum  
Research Enhancement/Coif  
Challenge for Excellence Initiatives

1997-98

Student Development & Academic Support  
Reinstatement & Probation  
Curriculum  
Research Enhancement/Coif  
Challenge for Excellence Initiatives

1996-97

Student Development & Academic Support  
Reinstatement & Probation  
Research Enhancement/Coif

1995-96

Student Development & Academic Support  
Reinstatement & Probation  
Research Enhancement/Coif

1994-95 and 1993-94

Student Development & Academic Support  
Reinstatement & Probation

1993-94

Student Development & Academic Support  
Reinstatement & Probation

**Seminars Attended for Development**

Externships 9 Conference: *Coming of Age* (20th anniversary of the first Externships Conference held in March 1997). March 9-11, 2018. University of Georgia School of Law, Athens GA.

Externships 8 Conference: *Building on Common Ground: Externships, Clinics and Practice-Based Legal Education*. March 2016. Cleveland-Marshall College of Law.

Third National Symposium of the Alliance for Experiential Learning in Law. June 2016. New York Law School (conference focused on assessment tools in experiential courses).

AALS Conference on Clinical Legal Education. *Leading the New Normal: Clinical Education at the Forefront of Change*. May 4 - 7, 2015. Rancho Mirage, California.

Alliance for Experiential Learning in Law. Second National Symposium on Experiential Education in Law: Experience the Future. June 2014. Elon University School of Law, Greensboro, North Carolina.

Externships 7. *Scaling New Heights: Field Placements and the Reform of Legal Education*. February 27-March 2, 2014. University of Denver, Sturm College of Law.

Association of American Law Schools, 2013 Conference on Clinical Legal Education. April 2013. San Juan, Puerto Rico.

Annual Meeting, Association of American Law Schools. January 2010. New Orleans, Louisiana.

Sister Conferences at the University of St. Thomas, Minnesota (St. Thomas School of Law, Minneapolis Campus & St. Paul Seminary School of Divinity). October 22-24, 2008. "Women & the Recovery of Culture." Workshop presentation: *The Feminine Nature and Classical Moral Philosophy*.

2008 Midyear Meeting. June 2008. Association of American Law Schools, Evidence Section. "Conference on the Future of Evidence: How Science and Technology Are Changing Evidence Law." Cleveland, Ohio.

Institute for Law School Teaching. June 2-3, 2006. Conference on Effective Law School Teaching. Chicago Kent Law Center. Chicago, IL.

Annual Meeting of the Southeast Association of Law Schools. July 2005.

Annual Health Law Teachers Conference. June 2004. Seton Hall University School of Law and the American Society of Law, Medicine and Ethics.

SEALS (Southeast Association of Law Schools) Annual Meeting. July 2003. Presentation on the evolution of information disclosure: from the HMO acts to recent managed care reform legislation.

Annual Health Law Teachers Conference. June 2003. Widener University School of Law and the American Society of Law, Medicine and Ethics.

Institute for Law School Teaching: Demonstrating and Deconstructing Our Teaching. June 2002. Franklin Pierce Law Center, Concord, N.H.

Annual Health Law Teachers Conference. June 2002. Indiana University School of Law and the American Society of Law, Medicine and Ethics.

Annual Meeting, Association of American Law Schools. January 2002. New Orleans, Louisiana.

Association of American Law Schools: Workshop For Experienced Law Teachers—We Teach, But Do They Learn. June 9-13, 2001. Calgary, Alberta, Canada.

Annual Meeting, Association of American Law Schools. January 1999. New Orleans, Louisiana.

Annual Health Law Teachers Conference. University of Houston and the American Society of Law, Medicine and Ethics. June 1998.

Harvard Law School: Workshop for Law Teachers and Scholars. June 9-13, 1997.

Annual Health Law Teachers Conference. Seton Hall University School of Law and the American Society of Law, Medicine and Ethics. June 6-7, 1997.

Health Law Symposium for the Indiana Law Review: How Empirical Research Shapes Health Law and Policy. Indiana University School of Law--Indianapolis. April 4-5, 1997.

Annual Health Law Teachers Conference. Widener University School of Law and the American Society of Law, Medicine and Ethics. June 7-8, 1996.

LBA-CLE Doctors & Lawyers Talk Malpractice. Louisville, Kentucky. October 27, 1995.

UK-CLE Kentucky Health Law. University of Kentucky. September 22, 1995.

Annual Health Law Teachers Conference. Loyola University School of Law and DePaul University School of Law and the American Society of Law, Medicine and Ethics. June 2-3, 1995.

Annual Health Law Teachers Conference. Indiana University School of Law-Indianapolis and the American Society of Law, Medicine and Ethics. June 3-4, 1994.

AALS Health Law Workshop. Washington, D.C. March 4-5, 1994.

Health Care Symposium. Louisville Chamber of Commerce. Feb. 17, 1994.

AALS Conference for New Law Teachers. The University of Maryland School of Law. July 23-24, 1993.