

Robert Leflar

Publications

Books

1. ROBERT B LEFLAR, *NIHON NO IRY TO H : INF MUDO KONSENTO RUNESSANSU* [Law and Health Care in Japan: The Renaissance of Informed Consent] (Tokyo: Keiso Shobo 2002) (in Japanese) (M. Nagasawa, trans.), excerpted in English in TIMOTHY STOLTZFUS JOST, READINGS IN COMPARATIVE HEALTH LAW AND BIOETHICS 154-160 (Durham, NC: Carolina Academic Press 2d ed. 2007).

Book Chapters (2003-present)

1. Robert B Leflar, *Medical Error, Deception, Self-Critical Analysis, and Law's Impact: A Comparative Examination*, in LAW IN JAPAN: A TURNING POINT 404-432 (Daniel H. Foote ed., Seattle: U. Washington Press 2008).
2. Robert B Leflar, *Law and Health Care in Japan: The Renaissance of Informed Consent*, in TIMOTHY STOLTZFUS JOST, READINGS IN COMPARATIVE HEALTH LAW AND BIOETHICS 154-160 (Durham, NC: Carolina Academic Press 2d ed. 2007) (last chapter of ROBERT B LEFLAR, *NIHON NO IRY TO H : INF MUDO KONSENTO RUNESSANSU*, above; first publication in English).
3. Robert B Leflar, *Amerika no J ky : Sh hishi Shud no Iry Kea S bisu no Ichirei to shite* [Performance of Quasi-Medical Acts by Non-Medical Personnel in the United States: The Case of Consumer-Directed Personal Assistance Services] (Tomoko Mise trans.), in *SEIMEI RINRI TO H II* [Bioethics and the Law, vol. 2] 27-34 (Norio Higuchi & Futoshi Iwata eds., Tokyo: K bund 2007) (in Japanese).
4. Robert B Leflar, *Amerika ni okeru Iry Rinri Kitei no Kin teki Bunseki* [A Functional Analysis of Medical Ethics Codes] (Chiaki Sato trans.), in *SEIMEI RINRI TO H* [Bioethics and the Law] 99-116 (Norio Higuchi & Y ko Tsuchiya eds., Tokyo: K bund 2005) (in Japanese), available at <http://www.j.u-tokyo.ac.jp/coelaw/COESOFTLAW-2005-8.pdf>.

Significant Law Review and Peer Reviewed Articles (2003-present)

1. Robert B Leflar, "Unnatural Deaths," *Criminal Sanctions, and Medical Quality Improvement in Japan*, 9 YALE J. HEALTH POLICY L. & ETHICS 1 (forthcoming 2009).
2. Robert B Leflar, *The Regulation of Medical Malpractice in Japan*, __ CLINICAL ORTHOPAEDICS & RELATED RESEARCH ____ (invited paper now under peer review; publication expected 2008 - early 2009)
3. Robert B Leflar, *Nihon to Amerika ni okeru Iryō Anzen Mondai (Iryō Kago) ni tsuite* [Medical Safety Problems and Medical Malpractice Litigation in Japan and America], 3 DOKKYŌ L. REV. ____ (forthcoming 2008).
- 4A. Robert B Leflar, *Iryō Anzen to Hō no Nichibei Hikaku* [Law and Patient Safety in the United States and Japan], 1323 JURISUTO 8-19 (2006) (in Japanese) (Tomoko Mise, trans.), reprinted in

- SEIMEI RINRI TO HŌ II* [Bioethics and the Law II] 171-95 (Norio Higuchi & Futoshi Iwata eds., Tokyo: Kōbundō 2007) (in Japanese).
- 4B. Robert B Leflar, *Law and Patient Safety in the United States and Japan*, in TIMOTHY STOLTZFUS JOST, READINGS IN COMPARATIVE HEALTH LAW AND BIOETHICS 124-126 (Durham, NC: Carolina Academic Press 2d ed. 2007) (English-language excerpt from Robert B Leflar, *Iryō Anzen to Hō no Nichibei Hikaku*, above).
 - 5A. Robert B Leflar & Futoshi Iwata, *Medical Error as Reportable Event, as Tort, as Crime: A Transpacific Comparison* (updated version with German abstract), 22 J. JAPANESE L./ZEITSCHRIFT FÜR JAPANISCHE RECHT 39-76 (2006)
 - 5B. Robert B Leflar & Futoshi Iwata, *Medical Error as Reportable Event, as Tort, as Crime: A Transpacific Comparison*, 12 WIDENER L. REV. 189-225 (2005)
 6. Robert B Leflar, *Iryō Misu, Anzen, Kōteki Sekinin – Nichibei ni okeru Iryō Misu Jōhō Shūshū Shisutemu no Kōchiku* [Error, Safety, and Accountability: Crafting Information Systems on Medical Mistakes in America and Japan], 2003 AMERIKA-HŌ 1-24 (in Japanese) (Tomoko Mise, trans.).
 7. Robert B Leflar, *Iryō Jiko ni taisuru Nichibei no Taiō – Kanja no Anzen to Kōteki Sekinin no Sōkoku* [Two Societies' Responses to the Problem of Medical Error: The Tension Between Patient Safety and Public Accountability], 1133 HANREI TIMES 20-27 (2003) (in Japanese) (Tomoko Mise, trans.).
 8. Robert B Leflar, *The Civil Justice Reform Act and the Empty Chair*, 2003 ARK. L. NOTES 67-77.

Significant Recent Citations and Republications of Previous Work

1. Robert B Leflar & Robert S. Adler, *The Preemption Pentad: Federal Preemption of Products Liability Claims After Medtronic*, 64 TENN. L. REV. 691-748 (1997), cited in *Riegel v. Medtronic, Inc.*, 128 S.Ct. 999, 1003 (2008) (Scalia, J.); *id.* 1017 n. 12 (Ginsburg, J., dissenting).
2. Robert B Leflar, *Informed Consent and Patients' Rights in Japan*, 33 HOUSTON L. REV. 1-112 (1996), excerpted in JULIE A. DAVIES & PAUL T. HAYDEN, GLOBAL ISSUES IN TORT LAW 133-139 (2007).

Other Publications:

1. *T kai University Hospital -- Euthanasia Case*, in TIMOTHY STOLTZFUS JOST, READINGS IN COMPARATIVE HEALTH LAW & BIOETHICS 332-340 (2d ed. 2007) (Robert B Leflar, trans. & ed.) (translation of *State v. Tokunaga*, 1530 Hanrei Jih 28 (Yokohama Dist. Ct. March 28, 1995)).
2. Robert B Leflar, *Medical Error, Deception, Self-Critical Analysis, and Law's Impact: A Transpacific Comparison*, 16 FULBRIGHTER IN CHUBU 14-25 (March 2006) (transcription of lecture).
3. *Herusukea risuku manajemen to genj to kadai* [Current Challenges in Healthcare Risk

Management], IGAKKAI SHIMBUN [NEW MEDICAL WORLD WEEKLY], Jan. 30, 2006, at 1-3 (transcribed discussion by Dr. Kazue Nakajima, Dr. Toshiharu Furukawa, and Prof. Robert B Leflar) (in Japanese).

4. Robert B Leflar, *Medical Error as Reportable Event; as Tort; as Crime*, International Symposium on the Reconstruction of Legal Systems: Proceedings 39-55, 182-184 (2006) (transcription of presentation, commentary by Prof. Daniel Foote, and discussion).
5. Robert B Leflar, Book Review, 25 JAP. STUD. 307-09 (2005) (reviewing LUKE NOTTAGE, *PRODUCT SAFETY AND LIABILITY LAW IN JAPAN: FROM MINAMATA TO MAD COWS* (2004)).
6. Robert B Leflar, *Medikaru Gabanansu to Kanja no Anzen Kanri – Beikoku no Genj o Kataru* [*Medical Governance and Patient Safety Management: Developments in the U.S.*], 19(1) ACCESS 8-12 (Jan. 2004) (interview) (in Japanese).
7. Robert B Leflar, *How the Civil Justice Reform Act Changes Arkansas Tort Law*, 38(4) ARK. LAWYER 26-28, 38 (Fall 2003).

Noteworthy Presentations, 2002-2007

1. “Medical Error, Deception, Self-Critical Analysis, and Law’s Impact,” Univ. of Tokyo School of Law, Prof. Dan Foote’s class on “Japanese Law as Viewed from Abroad,” July 6, 2007
2. “‘Unnatural Deaths,’ Criminal Sanctions, and Medical Quality Improvement in Japan,” Health Law Professors Conference, Boston U., June 1, 2007
3. “‘Unnatural Deaths,’ Criminal Sanctions, and Medical Quality Improvement in Japan,” Japanese Law Conference, Creighton U., Omaha, Neb., May 13, 2007
4. “Law and Patient Safety in the United States and Japan,” College of Public Health, UAMS, Little Rock, March 27, 2007
5. “Candor Concerning Care: Ethics, Psychology, and Law in the Disclosure of Mistakes and the Reform of Medical Liability,” University of Tokyo bioethics symposium, Feb. 3, 2007
6. “Law, Medical Errors, and Politics: An International Comparative Analysis,” International Symposium on Urbanization, Gender, and Public Health, Shanghai, China, Dec. 14, 2006
7. “Law and Patient Safety in the United States and Japan,” Faculty enrichment presentation, UALR School of Law, Little Rock, Nov. 2, 2006
8. “Disclosure of and Apology for Medical Error: Changes in Law and Practice in the United States and Japan,” Japan Ass’n of Law and Society (Kant branch), Waseda Univ., Tokyo, July 15, 2006
9. “Law and Patient Safety in the United States and Japan,” Workshop on Medical Safety and the Law, Univ. of Tokyo, July 8, 2006 (keynote speaker)
10. “Issues in Patient Safety and Medical Malpractice in Japan and the United States,” Yokohama City University Faculty of Medicine, June 22, 2006

11. *“Nihon to Amerika ni okeru iry anzen mondai (iry kago) ni tsuite”* [Issues in Patient Safety and Medical Malpractice in Japan and the United States], Dokky Univ. School of Law, S ka, Saitama, June 14, 2006 (in Japanese)
12. *“Nichibei hikaku no shiten kara mita iry jiko o meguru h to seiji”* [The Law and Politics of Medical Error from a Comparative Perspective], Kyoto University Hospital, June 2, 2006 (in Japanese)
13. “Medical Error as Crime in Japan,” Freeman Symposium on Health, Law, and Justice in Asia, Dickinson College, Carlisle, Pa., April 28, 2006 (opening speaker)
14. *“Rik ru seido no ky ka to anzen j h no ky y ka: Beikoku no jij ”* [Strengthening the Product Recall System and Sharing Information: US Developments], PL Ombuds Kaigi, Tokyo, Apr. 4, 2006 (in Japanese)
15. *“Nichibei hikaku no shiten kara mita iry jiko o meguru h to seiji”* [The Law and Politics of Medical Error from a Comparative Perspective], Handai Forum, Osaka University Hospital, March 14, 2006 (in Japanese)
16. *“Nichibei hikaku no shiten kara mita iry jiko o meguru h to seiji”* [The Law and Politics of Medical Error from a Comparative Perspective], Omotokai Symposium, Naha, Okinawa, Feb. 25, 2006 (in Japanese)
17. “Crimes, Torts, Accident Reports: Factual Investigations in the Medical Context,” Int’l Workshop on Safety Law Systems, Univ. of Tokyo, Feb. 14, 2006
18. “The Law, Politics, and Media Treatment of Medical Error from a Comparative Perspective,” 1st Int’l Forum on Patient Safety, Univ. of Tokyo Graduate School of Medicine, Jan. 23, 2006
19. *“Amerika kara no goaisatsu”* [Salutation from America], Japan Federation of Bar Ass’ns Symposium on Four Proposed Consumer Rights Laws, Tokyo, Jan. 21, 2006 (in Japanese)
20. “Patient Safety and Medical Ethics: The Dilemmas of Medical Error Disclosure,” Yokohama City Univ. Faculty of Medicine, Jan. 16, 2006
21. “Medical Error as Reportable Event; as Tort; as Crime,” International Symposium on the Reconstruction of Legal Systems, Univ. of Tokyo, Jan. 7, 2006
22. “Trends in Patient Safety and the Law in the United States,” Keio Univ. Law School, Tokyo, Nov. 29, 2005
23. “Medical Error, Deception, Self-Critical Analysis, and Law’s Impact: A Transpacific Comparison,” Chubu Fulbright Ass’n, Nanzan Univ., Nagoya, Japan, Nov. 25, 2005
24. “Liability for Medical Accidents and Their Prevention in the U.S. and Japan,” D shisha Univ., Kyoto, Nov. 18, 2005
25. *“Amerika kara no goaisatsu”* [Salutation from America], Celebration of Katsuko Nomura as One of the “1,000 Women of the World” Nominated for the Nobel Peace Prize, Tokyo, Nov. 12, 2005 (in Japanese)

26. "Comment: Performance of Quasi-Medical Acts by Non-Medical Personnel in the United States," Workshop on Rethinking the Concept of "Medical Procedures," University of Tokyo, Nov. 2, 2005
27. "Medical Error, Deception, Self-Critical Analysis, and Law's Impact: A Transpacific Comparison," Health Law Teachers' Conference, Houston, June 4, 2005
28. "Medical Error as Reportable Event, as Tort, as Criminal Act: A U.S.-Japan Comparison," Widener Law School Symposium, "Regulating for Patient Safety: The Law's Response to Medical Error," Wilmington, Del., Oct. 15, 2004
29. "Patients' Rights and Patient Safety in Japan," Wharton School, Univ. of Pennsylvania, Oct. 14, 2004
30. "The Role of Civil and Criminal Law in Medical Error and Self-Critical Analysis: A Transpacific Comparison," University of Tokyo Dep't of Forensic Medicine, July 29, 2004
31. "A Functional Analysis of Medical Ethics Codes," University of Tokyo Symposium on Modern Significance of Medical Ethics Codes, July 17, 2004
32. "Medical Error, Deception, Self-Critical Analysis, and Law's Impact: A Transpacific Comparison," D shisha University Faculty of Law, Prof. Fujikura's class on the American Legal System, July 9, 2004
33. "Tort Reform in America in Its Political and Social Context," D shisha University Faculty of Law, Prof. Fujikura's class on American tort law, July 8, 2004
34. "Teaching a Memorable Class," University of Tokyo Law School faculty seminar on law teaching, July 1, 2004
35. "Tort Reform in Arkansas: Practical Implications of Arkansas' New Tort Reform Act," Ark. Bar Ass'n Annual Meeting, Hot Springs, June 10, 2004.
36. "Tipping Point: Accelerating Anti-Smoking Momentum in Japan," report prepared as a consultant for Pinney Associates of Bethesda, MD, April 2004
37. Argument favoring Fayetteville's Smoking Restriction Ordinance in debate sponsored by the Federalist Society, U of A School of Law, Feb. 6, 2004.
38. "The Perils of Comparative Health Law Research and How to Elude Them," St. Louis U. School of Law, Nov. 7, 2003.
39. "Academic Success," Teacher Appreciation Banquet, Kappa Delta sorority, U of A, Nov. 3, 2003.
40. "Tort Law Reform in Arkansas & Its Practical Consequences," Fall Legal Inst., Fayetteville, Oct. 17, 2003.
41. "Medical Error in Japan and the U.S.: Dilemmas, Attempted Solutions, and Resistance to Change," Dep't of Asian Studies, University of Texas at Austin, Oct. 3, 2003.

42. "Remarks on Civil Justice Reform," UALR Symposium for Arkansas Insurance Day, Little Rock, Oct. 2, 2003.
43. "Patient Safety and Medical Governance," Univ. of Tokyo Int'l Center for Comparative Law & Politics Symposium on Governance in Modern Society, Tokyo, July 18, 2003.
44. "Dilemmas of Quality Improvement in American and Japanese Health Care," Japan Ass'n of Pharmaceutical Medicine," Tokyo, July 14, 2003.
45. "Japanese Law and Medicine through the Eyes of an American Health Law Scholar: Remarks Presented at the Celebration of the Publication of Mr. Tatsuo Kuroyanagi's Book," Tokyo, July 2, 2003.
46. "Dilemmas of Quality Improvement in Japanese Health Care," Health Law Teachers Conference, Wilmington, Del., June 6, 2003.
47. "Error, Safety, and Accountability: Crafting Information Systems on Medical Mistakes in the United States and Japan," Nichibei H Gakkai [Japan-America Society for Legal Studies], Yokohama, Sept. 8, 2002.
48. "Medical Error, Deception, Self-Critical Analysis, and Law's Impact: A Transpacific Comparison," Conference on Law in Japan: A Turning Point, Univ. of Washington, Seattle, Aug. 24, 2002.
49. "A Comparison of Japanese and U.S. Strategies for Medical Error Reduction: The Tension Between 'Cultures of Safety' and Public Accountability," 14th World Congress on Medical Law, Maastricht, The Netherlands, Aug. 12, 2002.
50. "Reporting of Medical Errors and the Drive to Improve Patient Safety: Observations from the United States," Tokyo University Anzen H Kenky kai [Safety Law Research Group], July 17, 2002.