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## Symposium: The Human Genome Project, DNA Science and the Law: The American Legal System's Response to Breakthroughs in Genetic Science: Biographies of Participants

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# Symposium: The Human Genome Project, DNA Science and the Law: The American Legal System's Response to Breakthroughs in Genetic Science: Biographies of Participants

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## BIOGRAPHIES OF PARTICIPANTS

CHRISTOPHER H. ASPLEN  
ASSISTANT UNITED STATES ATTORNEY &  
EXECUTIVE DIRECTOR  
NATIONAL COMMISSION ON THE FUTURE OF DNA EVIDENCE

Christopher H. Asplen is an Assistant United States Attorney for the District of Columbia. He is currently detailed as the Executive Director of the National Commission on the Future of DNA Evidence, a commission established at the request of the Attorney General of the United States and administered through the National Institute of Justice. As Executive Director, Mr. Asplen serves as the chief administrator of the Commission. Mr. Asplen's role as Executive Director has provided him the opportunity to educate law enforcement, legal counsel, and the judiciary on DNA issues at the local, state, national and international level. In addition, Mr. Asplen works with the United States Department of Justice to analyze and respond to Congressional policy and serves on the White House Office of Science and Technology Policy Crime Technology Initiative.

Mr. Asplen has presented at numerous conferences for U.S. Attorneys, the Massachusetts Institute of Technology, the Cambridge Healthtech Institute, numerous NDAA and APRI DNA training programs, and the First International Conference on Forensic Human Identification in the Millennium. He has written several articles on DNA technology and its application to the criminal justice system for publications such as *Judicature* and the *NIJ Journal*. He also serves on the board of advisors for the *Journal of Biolaw and Business*. Mr. Asplen has appeared on programs such as *NBC Nightly News*, *60 Minutes* and *CNN Headline News*.

Prior to joining the United States Attorney's Office, Mr. Asplen was the Director of the DNA Unit for the American Prosecutors' Research Institute/National District Attorney's Association. Before moving to Washington, D.C., Mr. Asplen was a Senior Deputy District Attorney in Pennsylvania specializing in the prosecution of child sexual abuse cases.

F. SAMUEL BAECHEL  
DNA ANALYSIS UNIT  
FBI LABORATORY

F. Samuel Baechtel is a forensic examiner in the DNA Analysis Unit in the FBI Laboratory in Washington, D.C. Dr. Baechtel has been working in the DNA Analysis Unit since 1995 and is qualified in all of the Unit's DNA analytical techniques. Dr. Baechtel started his FBI career as a research chemist in the Forensic Science Research and Training Center at the FBI Academy in Quantico, Virginia. He is also an adjunct professor at the University of Virginia.

Dr. Baechtel received his B.S. in Biology and Chemistry from *Lynchburg College*, his M.S. and Ph.D. in Biochemistry and Nutrition from *Virginia Polytechnic Institute and State University*. Dr. Baechtel has written numerous articles on DNA for a variety of publications, including *Forensic DNA Technology*, *Crime Laboratory Digest*, and *The Forensic Science Handbook*.

LON A. BERK  
SHAW PITTMAN

Lon A. Berk, a partner in Shaw Pittman's litigation practice group, has sixteen years of experience litigating complex insurance coverage and extra-contractual liability actions at the trial and appellate level. His experience includes general liability, errors and omissions, fidelity and first party property coverages, as well as policies underwritten to apply to e-commerce and technology exposures.

Mr. Berk has successfully litigated numerous coverage actions in trial and appellate courts nationwide. He was the lead lawyer in *Robeson Industries Corp. v. Hartford Accident and Indemnity Corp.*, 128 F. 3d 160 (3d Cir. 1999), in which the Third Circuit affirmed sanctions against a leading policyholder law firm. He wrote the *amicus* brief filed in *Buss v. Superior Court*, 939 P.2d 766 (Cal. 1997), by the Insurance Environmental Litigation Association.

Mr. Berk regularly counsels insurers on underwriting and claims handling. He often writes and speaks on insurance and litigation-related issues, including issues concerning privacy and technology. He received a B.A., *magna cum laude*, from *Washington University* in 1977, a Ph.D. in philosophy from the *Massachusetts Institute of Technology* in 1982 and a J.D. from *Harvard Law School* in 1985. Mr. Berk is a member of the District of Columbia, Virginia and Massachusetts Bars.

BINNY MILLER  
WASHINGTON COLLEGE OF LAW

Professor Binny Miller is the Director of the Criminal Justice Clinic at American University's Washington College of Law (WCL), where she has taught for thirteen years. In this capacity, Professor Miller teaches a class about criminal defense advocacy and supervises law students defending juveniles and adults accused of crimes in Maryland. She is a member of the Board of Directors of the Innocence Project of the National Capital Region, which seeks the exoneration and release from confinement of persons who have been convicted of crimes that they did not commit and who are serving sentences and/or awaiting execution in Maryland, Virginia, or the District of Columbia. The Project brings together volunteer law students, attorneys and advocates in this endeavor, including a group of WCL law students who work with Professor Miller in screening and investigating applications for assistance from inmates. Professor Miller owes her practical knowledge of DNA to her work with the Innocence Project, which also is active in legislative efforts to improve post-conviction access to forensic testing.

Professor Miller writes in the area of lawyering practice and ethics, with an emphasis on how lawyers use stories in advocacy. These stories (or case theories) take the form of exoneration theories when lawyers rely on DNA or other evidence to undo wrongful convictions. Before she joined the WCL faculty, Professor Miller worked as a civil rights attorney with the United States Department of Justice, and served as a law clerk to the late Honorable Barrington D. Parker of the United States District Court for the District of Columbia. She received her B.A. *magna cum laude* from *Carleton College* and is a *cum laude* graduate of the *University of Chicago Law School*.

SUSAN D. CARLE  
WASHINGTON COLLEGE OF LAW

Susan D. Carle is an Associate Professor of Law at *American University's Washington College of Law*. Professor Carle specializes in Labor and Employment Law, Legal Profession, and Legal Ethics. She graduated from *Bryn Mawr College* and *Yale Law School*. Professor Carle was a law clerk for Judge Dolores K. Sloviter, U.S. Court of Appeals for the Third Circuit. She was also an appellate attorney for the U.S. Department of Justice, Civil Rights Division and an associate at Bredhoff & Kaiser. Before joining the faculty at the Washington College of Law, Professor Carle was a W.M. Keck Fellow in Legal Ethics at *Georgetown University Law Center*. Professor Carle has published numerous articles including issues of legal ethics, women in the law, and pro bono lawyering.

Q. TODD DICKINSON  
HOWREY, SIMON, ARNOLD & WHITE

Q. Todd Dickinson is Partner and Co-Chair of Howrey, Simon, Arnold & White's Intellectual Property Practice. He has more than twenty-five years of experience in all aspects of intellectual property law and public policy, including patents, trademarks, copyrights, and trade secrets. Mr. Dickinson leads the firm's Intellectual Property Group's counseling, licensing, prosecution, strategic portfolio management and government relations practice.

Prior to joining Howrey, Mr. Dickinson was Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (USPTO). At the USPTO, Mr. Dickinson was principal policy advisor to the President of the United States on all intellectual property matters. Moreover, he was responsible for all international intellectual property policy issues on behalf of the U.S. government.

Mr. Dickinson has written extensively on various subjects, from e-commerce and IP enforcement in a knowledge-based economy to genomic patents. Additionally, he taught courses at *George Washington University*, *Georgetown University*, *George Mason University*, *University of Pittsburgh*, and *Tokyo University*. Mr. Dickinson graduated from *Allegheny College* and the *University of Pittsburgh School of Law*. He has testified before Congress on many occasions including testimony on Genomic Patents before the House Judiciary Subcommittee on Courts and Intellectual Property and he recently participated in the debate on stem cell research before the Senate.



DR. KATHY HUDSON  
NATIONAL HUMAN GENOME RESEARCH INSTITUTE  
NATIONAL INSTITUTE OF HEALTH

Dr. Kathy Hudson is the Director for Policy and Public Affairs at the National Human Genome Research Institute (NHGRI), where she is responsible for communications, legislation, program planning, and education activities. Dr. Hudson has provided focus and leadership in public policy and public affairs relating to NHGRI programs including the Human Genome Project—the international effort to decipher the human genetic code and apply the results to improving human health. She has led efforts to identify barriers, such as genetic discrimination, that could impede the fair and equitable application of genetic information to public health and has led the development of policies to protect privacy and prevent genetic discrimination.

Before joining the NHGRI, Dr. Hudson was senior policy analyst in the office of the Assistant Secretary for Health at the Department of Health and Human Services. She advised the assistant secretary on national health and science policy issues involving the National Institute of Health. Prior to that, Dr. Hudson worked in the Congressional Office of Technology Assessment as a congressional science fellow.

Dr. Hudson received her B.A. in biology at *Carleton College* in Minnesota; M.S. in microbiology from the *University of Chicago*; and Ph.D. in molecular biology from the *University of California, Berkeley*.

DAVID H. KAYE  
ARIZONA STATE UNIVERSITY COLLEGE OF LAW

David H. Kaye is a Regents' Professor of Law at *Arizona State University*. He joined the faculty in 1976. In 1985, he was appointed the first Director of the University's Center for the Study of Law, Science and Technology. Professor Kaye teaches and conducts research into the law of evidence, particularly scientific and statistical evidence. He has taught as a visiting professor at *Cornell University*, *Duke University*, the *University of Utah*, the *University of Virginia*, the *University of Southampton* (England), and as the Mason Ladd Distinguished Visiting Professor at the *University of Iowa*. Professor Kaye's research focuses on the law of evidence, on the use of science and statistics in litigation, and on genetics and the law.

Before joining the ASU faculty, Professor Kaye was an associate in a private law firm in Portland, Oregon, an Assistant Special Prosecutor on the Watergate Special Prosecution Force, and a law clerk to Judge Alfred T. Goodwin of the U.S. Court of Appeals for the Ninth Circuit. He holds degrees in law from *Yale University*, in astronomy from *Harvard University*, and in physics from *Massachusetts Institute of Technology*.

Professor Kaye has served on committees of the American Statistical Association, the National Academy of Sciences, and the National Commission on the Future of DNA Evidence. He has been on the editorial boards of four academic journals. Professor Kaye's publications include 7 books and 101 articles, reviews, or letters in journals of law, philosophy, medicine, genetics, and statistics.

JOHN KILYK, JR.  
LEYDIG, VOIT & MAYER

John Kilyk has practiced intellectual property law with Leydig, Voit & Mayer for nearly twenty years. For the past five years he has held the position of Chairman of the Management Committee within the firm, which specializes in the practice of all aspects of intellectual property law.

Mr. Kilyk exclusively practices in the field of patent law, including litigation and prosecution, with specific concentration in the areas of biotechnology and chemistry. Recent technologies with which Mr. Kilyk has been involved include nucleic acid sequences, proteins, chemical compounds, chemical and biological assays, monoclonal antibodies, cell lines, DNA cloning and amplification techniques, genetic vectors, medical treatments, pharmaceutical compositions, polymeric membranes, chemical syntheses, enzymatic reactions, and chemical surface treatments.

Mr. Kilyk has served as trial counsel in numerous patent lawsuits, including bench and jury trials before the U.S. district courts, proceedings before the U.S. International Trade Commission, and appeals before the U.S. Courts of Appeal for the Federal and Seventh Circuits. In addition, Mr. Kilyk has served as counsel in patent interference proceedings before the U.S. Patent and Trademark Office, as well as in patent opposition proceedings before foreign patent offices.

Mr. Kilyk has extensive experience in formulating patent strategies and in managing patent portfolios, as well as in counseling and rendering opinions on patent validity, patent infringement, technology licensing, and the protection of trade secrets and other proprietary information. Mr. Kilyk also prepares and prosecutes patent applications in the U.S. and foreign countries, as both independent activities and as part of coordinated overall patent strategies on behalf of clients. He has been instrumental in securing patent protection for breakthrough technologies in the U.S. and internationally. Mr. Kilyk graduated from *Kenyon College* and *Georgetown University Law Center*.

PAUL STEVEN MILLER  
COMMISSIONER  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Paul Steven Miller was first nominated as a Commissioner of the U.S. Equal Employment Opportunity Commission (EEOC) by President Bill Clinton on May 18, 1994, and was unanimously confirmed by the Senate on September 29, 1994. Mr. Miller has been unanimously confirmed by the Senate as Commissioner two more times, with his current term to expire on July 1, 2004. As a member of the Commission, he participates with the four other Commissioners on all matters which come before the Commission including the development and approval of EEOC enforcement policies, authorization of litigation, issuance of Commissioners' charges of discrimination, and performance of such other functions as may be authorized by law, regulation, or order.

Mr. Miller co-chaired a Commission-wide task force to develop an alternative dispute resolution policy and program for the EEOC, and he chaired a Commission-wide task force, which evaluated and proposed changes to the agency's litigation program to enhance its effectiveness. He also serves on the Executive Committee of the President's Committee on the Employment of People with Disabilities. Currently, Mr. Miller is serving on the Presidential Task Force on Employment of Adults with Disabilities, a government-wide presidential task force created to develop a coordinated national policy to raise the employment rate of adults with disabilities.

Prior to his appointment as Commissioner, Mr. Miller served as the Deputy Director of the United States Office of Consumer Affairs and as the White House liaison to the disability community. Earlier, Mr. Miller served as the Director of Litigation for the Western Law Center for Disability Rights, a non-profit legal services center specializing in disability rights issues. At the Western Law Center for Disability Rights, Mr. Miller litigated all types of disability rights cases, including employment, education, transportation, and access discrimination.

Mr. Miller was Adjunct Professor of Law at *Loyola Law School* in Los Angeles, a visiting Professor of Law at the *University of California at Los Angeles*, and Parson Visiting Scholar at the *University of Sydney*, Faculty of Law. Mr. Miller began his career as a litigator for a large Los Angeles law firm. In addition, he has addressed the British Houses of Parliament on the Americans with Disabilities Act and disability rights, and was a member of an American delegation to Japan on disability rights. Mr. Miller was a 1998-99 Phi Beta Kappa Visiting

Scholar. Recently, Mr. Miller was honored to be selected as a delegate to The British-American Project, a non-profit organization dedicated to enhancing U.K.-U.S. relations by bringing together leaders from the two countries.

Born and raised in New York, Mr. Miller is a *cum laude* graduate of the *University of Pennsylvania* and received his Juris Doctor from *Harvard Law School*. At Harvard, Mr. Miller was a member of the Harvard Civil Rights-Civil Liberties Law Review. Mr. Miller has written many scholarly articles on discrimination issues and the civil rights of people with disabilities.

WILLIAM B. MOFFITT  
ASBILL, JUNKIN, MOFFITT & BOSS

William B. Moffitt is a name partner with Asbill, Junkin, Moffitt & Boss. His practice areas include state and federal criminal defense, constitutional litigation, and state and federal appellate law. Mr. Moffitt has sat on the Board of Directors of the National Association of Criminal Defense Lawyers since 1988. He was President of the National Association of Criminal Defense Lawyers in 1999 and immediate Past President in 2000. Mr. Moffitt also served on the Board of Directors of the ACLU and as President of the Virginia College of Criminal Defense Lawyers.

Mr. Moffitt has given numerous lectures before the National Association of Criminal Defense Lawyers, as well as before various state bar associations on topics ranging from representing a witness before a grand jury to defending high profile cases. He has been published on topics such as the attorney-client privilege. Mr. Moffitt has been interviewed on The Today Show, CNN's Crossfire, CNBC's Hardball, and is a commentator for Court TV. He graduated from the *University of Oklahoma* and *American University Washington College of Law*.

ARTI K. RAI  
UNIVERSITY OF PENNSYLVANIA LAW SCHOOL

Arti K. Rai is an Assistant Professor of Law at the *University of Pennsylvania Law School*. Professor Rai's teaching and scholarly interests include law and biotechnology, patent law, and health care regulation. Prior to joining the *University of Pennsylvania*, Professor Rai taught at the *University of San Diego Law School* and the *University of Chicago Law School*.

Professor Rai graduated from *Harvard College*, attended *Harvard Medical School*, and received her law degree from *Harvard Law School*. After law school, she clerked for Judge Marilyn Hall Patel of the Northern District of California. Professor Rai has been a litigation associate at the Washington, D.C. office of Jenner & Block and an attorney at the Federal Programs Branch of the U.S. Department of Justice. Immediately prior to entering legal teaching, Professor Rai was a Faculty Fellow at Harvard University's Program on Ethics and the Professions. She has authored numerous articles in the areas of biotechnology, patent law, and health care regulation. Professor Rai is a co-author of *Law and the Mental Health System: Civil and Criminal Aspects* and serves on the Board of Editors of the *American Journal of Law and Medicine*.

ELIZABETH BARRY SANDZA  
LEBOEUF, LAMB, GREENE & MACRAE

Elizabeth Barry Sandza, a specialist in insurance coverage litigation and reinsurance arbitration, has been a partner in the Washington, D.C. office of Leboeuf, Lamb, Greene & MacRae since 1989. Ms. Sandza's areas of practice include environmental insurance coverage litigation, advertising liability, reinsurance, and insurance rehabilitation/ liquidation. She has written and lectured on reinsurance matters and has handled reinsurance arbitrations for, among others, Skandia America Reinsurance Corporation, Employers Reinsurance Corporation, Travelers Indemnity Company, Philadelphia Reinsurance Corporation, Republic Insurance Company and Finnish and Swedish reinsurers. Ms. Sandza has also acted as national coordinating counsel for two excess insurers for all of their coverage matters and has defended a number of other primary, umbrella and excess carriers in a variety of coverage litigation involving environmental liability, toxic torts, product liability and advertising liability. She participates in the reinsurance and excess and surplus lines committees of the Federation of Insurance and Corporate Counsel.

Ms. Sandza previously practiced insurance coverage law in California and was deputy attorney general in the Delaware Department of Justice. She graduated from the *University of Minnesota*, received her masters degree from *Northwestern University*, and her law degree from *Temple University*.



NANCY SEGAL  
WASHINGTON COLLEGE OF LAW

Nancy Segal has a long history of working on labor, employment and civil rights issues both in the public and private sectors. She is currently Legal Director of the Program on Gender, Work and Family, at the *Washington College of Law, American University*, where she is responsible for developing policy and litigation guidance to promote the integration of work and family. Ms. Segal came to the *Washington College of Law* from her position as Labor Counsel to Senator Edward Kennedy, Chair of the Health, Education, Labor and Pension Committee of the U.S. Senate, where she advised the Senator on a variety of labor and civil rights issues, including the issue of genetic discrimination. With her colleague from Senator Kennedy's office, David Bowen, she co-authored *The DNA Code Meets the United States Code: Legal Protections Against Genetic Discrimination*, which is scheduled to be published in the *Harvard Health Policy Review* this week.

Prior to that, as Special Assistant to Commissioner Paul Steven Miller of the U.S. Equal Employment Opportunity Commission (EEOC), Ms. Segal provided advice on policy and litigation matters arising under the federal civil rights statutes enforced by the Commission, specifically focusing on the Americans with Disabilities Act and genetic discrimination. While at the EEOC, she also served on an interagency working group that assisted President Clinton in developing his executive order on genetic discrimination. Ms. Segal also co-chaired two workgroups of the President's Task Force on the Employment of Adults with Disabilities that focused on improving and coordinating disability policy throughout the federal government.

Before going into the public sector, Ms. Segal was counsel to numerous international labor unions, including the Association of Flight Attendants, the International Association of Machinists and the Service Employees International Union, litigating cases and providing advice under a variety of labor and civil rights statutes. She was also a contributing editor to *The Railway Labor Act*, a book published by the ABA Section of Labor and Employment Law.

JACK SPIEGEL, PH.D.  
DIRECTOR, DIVISION OF TECHNOLOGY DEVELOPMENT & TRANSFER  
OFFICE OF TECHNOLOGY TRANSFER  
NATIONAL INSTITUTE OF HEALTH

Dr. Jack Spiegel is the director of the patent and licensing division of the Office of Technology Transfer (OTT) at the National Institutes of Health (NIH). He was been at the OTT since 1990, where he has also served as a Patent Advisor. Dr. Spiegel came to NIH from the U.S. Patent and Trademark Office, where he was a Biotechnology Patent Examiner. Prior to his career in intellectual property, Dr. Spiegel was an Assistant Professor of Biology at the *Catholic University of America*. His research interests included *in vitro* models of cell interactions involving embryonic nervous tissue. Dr. Spiegel received his Ph.D. in Developmental Biology and his Post Doctoral training in neuroanatomy at the *University of Chicago*.

MICHAEL J. WERNER  
BIOETHICS COUNSEL/DIRECTOR OF FEDERAL GOVERNMENT RELATIONS  
BIOTECHNOLOGY INDUSTRY ORGANIZATION

Michael J. Werner, Esq. is the Bioethics Counsel and Director of Federal Government Relations for the Biotechnology Industry Organization (BIO). Mr. Werner is responsible for working with the Bioethics Committee and lobbying Congress and regulatory agencies on a variety of bioethics issues such as: confidentiality; genetics; gene therapy; cloning; stem cell research; xenotransplantation; protection of human subjects in research and other medical research issues. He also works on FDA reform and appropriations matters such as the reauthorization of the Prescription Drug User Fee Act and the FDA Modernization Act.

Mr. Werner has over 15 years of experience in health law and policy in Washington, DC. Before coming to BIO, he spent six years as Counsel for Legislation and Policy for the American College of Physicians-American Society of Internal Medicine (ACP-ASIM). During his tenure with the College, he performed legal analysis, policy development, as well as congressional and regulatory advocacy on a variety of issues including: end of life care; Medicare reform; liability reform; integration and delivery system re-structuring.

Prior to working for the College, Mr. Werner was a senior health advisor to then-US Senate Majority Leader George Mitchell. He also spent three months at the beginning of 1993 working on the staff of the Task Force on Health Reform headed by then-First Lady Hillary Rodham Clinton. In addition to his federal experience, Mr. Werner spent several years as a senior advisor to Maryland Governor William Donald Schaefer.

Mr. Werner is the author of several published articles, and has spoken at numerous conferences and meetings. He is currently Treasurer of Americans for Better Care of the Dying, a national advocacy group. He is also a member of the American Health Lawyers Association and the American Society of Law, Medicine & Ethics.