

Kathryn L. Tucker, JD



Kathryn L. Tucker, a graduate of Georgetown University Law School, is **Director of Legal Affairs for Compassion & Choices**, a national non-profit public interest organization dedicated to improving end-of-life care and expanding and protecting the rights of the terminally ill. Ms. Tucker practiced law with the Seattle based law firm **Perkins Coie** prior to moving to C & C. She is currently an **Adjunct Professor of Law at Loyola Law School, Los Angeles**, teaching in the areas of law, medicine and ethics, with a focus on end of life. Professor Tucker has also been **Adjunct Professor of Law** at the

University of Washington, Seattle University, and Lewis & Clark Schools of Law.

Ms. Tucker served as lead counsel representing patients and physicians in two landmark federal cases decided by the United States Supreme Court, asserting that mentally competent terminally ill patients have a constitutional right to choose aid in dying. Ms. Tucker argued the issue in the United States Supreme Court. These cases are widely acknowledged to have brought much needed attention to improving care of the dying, and to have established a federal constitutional right to aggressive pain management. Ms. Tucker also handles state constitutional litigation asserting claims of a similar nature, including *Baxter v Montana*, in which the lower court recognized that aid in dying is a fundamental right protected by the Montana State Constitution. The Montana Supreme Court did not reach the constitutional issues, but upheld the right of terminally ill Montanans to choose aid in dying. Ms. Tucker successfully defended the Oregon Death with Dignity Act from attack by the United States Department of Justice. She was involved in the development of, and successful campaign to pass, the Washington Death with Dignity Act(2008).

Ms. Tucker is recognized as a national leader in spearheading creative and effective efforts to promote improved care for seriously ill and dying patients. She served as co-counsel in the first case in the nation to assert that

failure to treat pain adequately constitutes elder abuse, which resulted in a finding of liability and a jury verdict award of \$1.5M to the family of the patient against the involved physician. Ms. Tucker has been principal author of various state legislative measures, which serve as models for other states, to ensure physician education in pain management, and provision of information to terminally ill patients about end of life care options. Ms. Tucker also defends physicians facing adverse consequences for treating pain attentively and aggressively.

Ms. Tucker is listed in the prestigious directory **Who's Who in American Law**, was recognized as **Lawyer of the Year, Runner-Up**, by the **National Law Journal**. She appears frequently on television and radio discussing end of life care, decision-making and physician-assisted dying. Media appearances include Crossfire, the NewsHour with Jim Lehrer, CNN, and Larry King. Her work has been profiled in the **National Law Journal**, the **American Lawyer**, the **Journal of the American Bar Association**, **Legal Times**, **George Magazine**, **Vogue Magazine**, **Time Magazine**, **People Magazine**, and **Health Magazine**, among others.

Ms. Tucker is an invited speaker at educational programs on the subjects of improving care at the end of life, end-of-life decision-making, and aid in dying. She has presented to the **American Bar Association**, the **Association of American Law Schools**, the **American Society of Law, Medicine and Ethics**, the **National Conference of State Legislatures**, the **National Academy of Elder Law Attorneys**, the **American Pain Society**, the **American Academy of Pain Management**, the **Federation of State Medical Boards**, and the **American College of Legal Medicine**.

SELECT LIST OF PRESENTATIONS

- Widener University School of Law, Symposium, “***Future Directions in End-of-Life Healthcare Decision-Making***”(March 2010, Wilmington)
- Yale Law School, Orville H. Schell, Jr. Center for International Human Rights and Yale University Bioethics Center, “***Dignity***,

- Liberty, and Human Rights at the Very End of Life*** (October 2009, New Haven)
- Association of Community Cancer Centers, 35th Annual National Meeting, ***“MedicoLegal Issues in End of Life Care of Terminally Ill Cancer Patients”*** (March 2009, Washington, DC)
 - National Aging and Law Conference, ***“Advocating for Elders Approaching Death Due to Terminal Illness”*** (December 2008, Washington, DC)
 - American College of Legal Medicine Annual Meeting, ***“What the Primary Care Physician Needs to Know about End of Life MedicoLegal Issues”***(September 2008, Chicago)
 - National Academy of Elder Law Attorneys Annual Meeting, ***“Counseling Clients Approaching End of Life: Options for Care; Law, Medicine, and the Elder Law Attorney”*** (May 2008, Maui, HI)
 - Seattle University School of Law, Symposium, ***“Prospects for an Aid-in-Dying Law in Washington”*** (April 2008, Seattle)
 - Pacific Rim Disability Conference, ***“The Sky is Not Falling: Impact of Aid in Dying on People with Disabilities”*** (April 2008, Waikiki)
 - American Medical Women’s Association, ***“Choice at the End of Life: The Oregon Experience”*** (Los Angeles, March 2008)
 - University of Michigan School of Law, Symposium, ***“Death, Dying and the Constitution: Glucksberg and Quill at 10”*** (Ann Arbor, November 2007)
 - National Association of Professional Geriatric Care Managers, ***“When the Client is Terminally Ill: Ensuring Appropriate Care”*** (Boston, April 2007)
 - American College of Legal Medicine, ***“PATIENT CHOICE AT THE END OF LIFE: GETTING THE LANGUAGE RIGHT”*** (Orlando, March 2007)
 - American Bar Association, ***“Gonzales v Oregon, Lessons for States”*** (Honolulu, August 2006)
 - New York University School of Law, ***“Law, Medicine and Morality: Implications of the Terri Schiavo Case”*** (NY, NY, March 2006)

- Santa Clara University School of Law, Center for Social Justice and Public Service, Fall Social Justice Symposium, “***California Faces End-of-Life Choice: Legal Issues and the Contemporary Controversy***” (Santa Clara, CA, October 2005)
- American Constitution Society, “***Gonzales v Oregon, The Advocates Speak***” (Washington, DC, October 2005)
- American Bar Association, “***The Right to a Good Death***” (Chicago, August 2005)
- Willamette Law School, “***FEDERALISM IN THE CONTEXT OF ASSISTED DYING: Time for the Laboratory to Extend beyond Oregon, to the Neighboring State of California***” (Salem, OR, March 2005)
- National Conference of State Legislatures, National Health Conference, “***Policy Measures to Promote Excellent End-of-Life Care***” (Savannah, December 2004)
- American College of Legal Medicine, “***Sides of a Coin: Medical Board Action for Over and Under Prescribing of Pain Medication***” (New Orleans, October 2004)
- American Alliance of Cancer Pain Initiatives, “***Accessing Pain Management: Effective Policy, Practice and Action***” (New Brunswick, June 2004)
- American Society of Law Medicine and Ethics, Health Law Teachers’ Conference, “***Choices at the End of Life***” (Wilmington, June 2003)
- Federation of State Medical Boards, “***Applying Principles of Professionalism to End of Life Care***” (Chicago, April 2003)
- Association of the Bar of the City of New York, “***Oregon v. Ashcroft: Are Good Pain Management and Patient Care in Serious Danger?***” (NY, NY February 2003)

- American Bar Association, "***Oregon, et al. v. Department of Justice: Preserving the State's Role in Regulating the Practice of Medicine***" (Washington, DC August 2002)
- Citizen Advocacy Center, "***Addressing Pain Management and End-of-Life Care***" (San Francisco, November 2002)
- National Academy of Elder Law Attorneys, "***Pain Management: Advising and Advocating for Good Care, Seeking Accountability for Inadequate Care***" (Baltimore, April 2002)
- American Society of Healthcare Risk Management, "***A New Risk Emerges: Provider Accountability for Inadequate Treatment of Pain***" (New Orleans, November 2000)
- American Academy of Pain Management, "***Provider Accountability for Inadequate Pain Care***" (Las Vegas, September 2000)
- American Bar Association, "***Provider Accountability for Inadequate Pain Care***" (San Diego, February 2000)
- American Pain Society, "***Inadequate Treatment of Pain: Accountability***" (Fort Lauderdale, October 1999)
- Federation of State Medical Boards, "***Medical Board Corrective Action with Physicians Who Fail to Treat Pain Adequately***" (Dallas, March 1998)
- American Association of Law Schools, "***The Death with Dignity Movement: Protecting Rights and Expanding Options after Glucksberg and Quill***" (San Francisco, January 1998)
- National Conference of State Legislatures, "***Choice at the End of Life***" (Philadelphia, August 1997)
- American Bar Association, "***Glucksberg and Quill***" (August 1997)
- Northwestern University School of Law, "***Socially Assisted Dying***" (Chicago, April 1997)

- Stanford University Center for Biomedical Ethics, "*Comprehensive Care of the Terminally Ill: A Consensus Development Conference for Guidelines on Aid-In-Dying*" (San Francisco, September 1996)

PUBLICATIONS

- Older Women's League Mother's Day Report 2010, Aid in Dying: A Matter of Elder Justice and Civil Rights
- End of Life Care in Idaho: Law, Medicine, Policy and Geography (in press *ID L. Rev.* spring/summer 2010)
- The Need for More Accurate Terminology in Discussing End-of-Life Options, *Archives Internal Medicine*, Vol. 170(No.3) p. 307 (Feb. 8 2010)
- Final Acts: Death, Dying, and the Choices We Make, Chapter Author: Empowering Patients at the End of Life: Law, Advocacy, Policy (Rutgers University Press 2009)
- The Campaign to Deny Terminally Ill Patients Information and Choices at the End of Life, 30 *J. Legal Med.* 495(2009)
- Empowering Terminally Ill Cancer Patients with the Option of Aid in Dying, *Oncology Issues*, pp. 8-11(Nov.-Dec. 2009)
- State of Washington, Third State to Permit Aid in Dying, *Journal of Palliative Medicine*, Vol. 12, No 7, pp 583-584(2009)
- At the Very End of Life: The Emergence of Policy Supporting Aid in Dying Among Mainstream Medical and Health Policy Associations, *Harvard Health Policy Review*, Vol. 10, No. 1, pp. 45-47(2009)
- Ensuring Informed End-of-Life Decisions, *Journal of Palliative Medicine*, Vol. 12, No 2., pp 119-120 (2009)
- The Washington State Death with Dignity Act, *Nat'l Academy of Elder Law Attorneys Journal*, Volume 21, Issue 1, pp 12-17(2009)

- In the Laboratory of the States: The Progress of *Glucksberg's* Invitation to States to Address End of Life Choice, 106 *MI. L. Rev.* 1593-1612(2008)
- Patient Choice at the End of Life: Getting the Language Right, 28 *J. Legal Med.* 305-325(2007)
- Privacy and Dignity at the End of Life: Protecting the Right of Montanans to Choose Aid in Dying, 68 *Mont. L. Rev.* 317-333(2007)
- The Sky is Not Falling, Disability and Patient Directed Aid in Dying, in (pp 135-143) *END OF LIFE ISSUES AND PERSONS WITH DISABILITIES* (Timothy H. Lillie & James L. Werth eds., 2007)
- Book Review, Unplugged: Reclaiming Our Right to Die in America, by William Colby, 10 *Journal of Palliative Medicine* 260(2007)
- U.S. Supreme Court Ruling Preserves Oregon's Landmark Death with Dignity Law, *Nat'l Academy of Elder Law Attorneys Journal*, Volume II, No. II, pp 291-301(2006) (honored with NAELA's *John J. Regan Writing Award*, 2007)
- FEDERALISM IN THE CONTEXT OF ASSISTED DYING: Time for the Laboratory to Extend beyond Oregon, to the Neighboring State of California, 41 *Willamette L. Rev.* 863 (2005)
- Legal Advocacy to Improve Care and Expand Options at the End of Life, in (pp 264-282) *PHYSICIAN-ASSISTED DYING: THE CASE FOR PALLIATIVE CARE AND PATIENT CHOICE* (Timothy Quill & Margaret Battin eds., 2004).
- Promoting Good Pain Management in California, *California Health Law News* (Fall 2004)
- The Chicken and the Egg: The Pursuit of Choice for a Humane Hastened-Death as a Catalyst for Improved End-of-Life Care; Improved End-of-Life Care as a Precondition for Legalization of Assisted Dying, 60 *NYU Annual Survey of American Law* 355 (2004)

- Medico-Legal Case Report and Commentary: Inadequate Pain Management in the Context of Terminal Cancer - The Case of Lester Tomlinson, 5 *Pain Medicine* 214-217 (June 2004)
- Anatomy of a Claim for Failure to Adequately Treat Pain, 39 *Trial News* 10-11(January 2004)
- End of Life Care, a Human Rights Issue, 30 *HUM. RTS.* 11 (2003)
- A Piece of the Puzzle: Bringing Accountability to Failure to Treat Pain Adequately, 6 *Journal of Palliative Medicine* 615-617 (2003)
- Pain Management: Advising and Advocating for Good Care, Seeking Accountability for Inadequate Care, 15 *Nat'l Academy of Elder Law Attorneys Quarterly* 17-21(Fall 2002)
- "Pain Management: A Practical Guide for Clinicians," *American Academy of Pain Management*, Sixth Edition (2002), Chapter author.
- A New Risk Emerges: Provider Accountability for Inadequate Treatment of Pain, 9 *Annals of Long-Term Care* 52-56 (2001)
- Medical Board Corrective Action With Physicians Who Fail to Provide Adequate Pain Care, 87 *J. Med. Licensure and Discipline* 130-131 (2001)
- Pain Control: Deceptive Placebo Administration 101 *American Journal of Nursing* 55-56 (August 2001)
- Improving Pain Care: A Safe Harbor is Not Enough, 11 *Health Law* 15 (1999)
- Treatment of Pain in Dying Patients, 338 *New England Journal of Medicine* 1231 (1998); 339 *New England Journal of Medicine* 705 (1998)
- The Death with Dignity Movement: Protecting Rights and Expanding Options after Glucksberg and Quill, 82 *Minnesota Law Review* 923 (1998)

- Socially Assisted Dying, 7 *Cornell Journal of Law and Public Policy* 350-358 (1998)
- Surrogate End of Life Decision Making: The Importance of Providing Procedural Due Process, A Case Review, 72 *Wash. L. Rev.* 859 (July 1997)
- Physician Aid in Dying: A Humane Option, A Constitutionally Protected Choice, 18 *Seattle University Law Review* 495 (1995)