

MATTHEW B. LAWRENCE

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EXPERIENCE

Emory University School of Law, Atlanta, GA

Associate Professor, July 2020 –

United States Drug Enforcement Administration, Arlington, VA

Senior Advisor, June 2022 – June 2023

United States House of Representatives, Washington, DC

Committee on the Budget, Majority Staff

Special Legal Advisor, Jan. 2020 – June 2020

Dickinson Law, The Pennsylvania State University, Carlisle, PA

Assistant Professor, Aug. 2017 – June 2020

- Established and supervised Addiction Legal Resources Team.
- Honored as 2017 Health Law Scholar by American Society for Law, Medicine, and Ethics.

Executive Office of the President, Washington, DC

Office of Management & Budget, Office of General Counsel

Attorney Advisor, Jan. 2017 – July 2017

Intermittent Consultant, Aug. 2017 – Nov. 2019

United States Department of Justice, Washington, DC

Federal Programs Branch, Civil Division

Trial Attorney, Aug. 2010 – Aug. 2013, July 2015 – Jan. 2017

- Represented United States in constitutional and statutory challenges to federal legislation and agency actions.
- Recipient of 2016 Special Commendation Award for defense of Affordable Care Act programs.
- Handled all aspects of numerous high-profile matters in courts nationwide.

Harvard Law School, Cambridge, MA

Petrie-Flom Center for Health Law Policy, Bioethics, and Biotechnology

Academic Fellow, Aug. 2013 – June 2015

Affiliate Faculty, Jan. 2018 – Present

EDUCATION

New York University School of Law, New York, NY

J.D., *magna cum laude*, 2009

New York University Law Review, Managing Editor

Furman Scholar (scholarship program for aspiring academics)

Butler Scholar (awarded to top 10 students in class after four semesters)

Pomeroy Scholar (awarded to top 10 students in class after two semesters)

Paul D. Kaufman Memorial Award (most outstanding *Law Review* note)

Brown University, Providence, RI

B.A., *magna cum laude*, with honors, 2006, International Relations

CLERKSHIP

Hon. Douglas H. Ginsburg, U.S. Court of Appeals for the D.C. Circuit, Washington, DC

Law Clerk, 2009 – 2010

PUBLICATIONS

Second-Class Administrative Law, 101 WASH. U. L. REV. ____ (forthcoming 2024).

Why Not Hospital Abolition?, ____ J. L. MED. & ETHICS ____ (forthcoming 2024) (symposium).

Public Health Law's Digital Frontier: Addictive Design, Section 230, and the Freedom of Speech, 3 J. FREE SPEECH L. ____ (forthcoming 2023).

Addiction & Liberty, 108 CORNELL L. REV. 259 (2023).

THE LAW OF AMERICAN HEALTH CARE (with Huberfeld, Weeks, and Outterson) (3rd ed.) (2023).

A Vulnerability Approach to the "Right to Health Care": Addressing Epistemic Vulnerability, in *LAW, VULNERABILITY AND THE RESPONSIVE STATE* (MARTHA ALBERTSON FINEMAN AND LAURA SPITZ, EDs.) (forthcoming, Routledge 2023).

Covid-19 Reveals the Fiscal Determinants of Health, in *COVID-19 AND THE LAW* (I. GLENN COHEN, ABBE GLUCK, KATHERINE KRASCHEL, AND CARMEL SHACHAR, EDs.) (forthcoming, Cambridge University Press 2023).

Medicare "Bankruptcy," 63 B.C. L. REV. 1657 (2022) (reviewed by Amy Monahan, *Understanding (and Avoiding) Medicare Insolvency*, JOTWELL (Sept. 8, 2022)).

Federal Administrative Pathways to Promote Access to Quality Methadone Treatment, in *METHADONE TREATMENT FOR OPIOID USE DISORDER: IMPROVING ACCESS THROUGH REGULATORY AND LEGAL CHANGE, PROCEEDINGS OF A WORKSHOP, NATIONAL ACADEMIES OF SCIENCE, ENGINEERING, AND MEDICINE* (2022) (commissioned paper).

Subordination and Separation of Powers, 131 YALE L.J. 78 (2021).

Health Reform Reconstruction, 55 U.C. DAVIS L. REV. 657 (2021) (with Wiley, Brown, and McCuskey).

Congress' Domain: Appropriations, Time, and Chevron, 70 DUKE L. J. 1057 (2021).

Fiscal Waivers and State "Innovation" in Health Care, 62 WM. & MARY L. REV. 1477 (2021).

Disappropriation, 120 COLUM. L. REV. 1 (2020) (reviewed by Eloise Pasachoff, *When the Government Breaks Its Financial Promises*, JOTWELL (July 20, 2020)).

Parity is Not Enough! Mental Health, Medicaid, and Managed Care, 48 J. L. MED. & ETHICS 480 (2020) (peer reviewed).

Social Solidarity in Health Care, American Style, 48 J. L. MED. & ETHICS 411 (2020) (peer reviewed) (with Lindsay Wiley, Erin Fuse Brown, and Liz McCuskey).

Against the 'Safety Net', 72 FLA. L. REV. 49 (2020) (companion piece, *The Antisocial "Safety Net"*, PUBLIC HEALTH REPORTS 1-4 (2021) (peer reviewed)).

Reflections on the Effects of Federalism on Opioid Policy, 124 DICK. L. REV. 695 (2020) (transcribed remarks).

Health Insurance's Social Consequences Problem and How to Solve It, 13 HARV. L. & POL'Y REV. 593 (2019).

Deputizing Family: Loved Ones as a Regulatory Tool in the 'Drug War' and Beyond, 11 NORTHEASTERN L. REV. 195 (2019) (invited for symposium).

Regulatory Pathways to Promote Treatment for Substance Use Disorder or Other Under-Treated Conditions Using Risk Adjustment, 46 J. L. MED. & ETHICS 935 (2018) (peer reviewed).

Chapter Introduction, *Behavioral Economics and the Problem of Healthcare Costs*, in NUDGING HEALTH: BEHAVIORAL ECONOMICS, LAW, AND HEALTH POLICY (I. Glenn Cohen et al. eds., 2017).

Procedural Triage, 84 FORDHAM L. REV. 79 (2015) (reviewed by Adam Zimmerman, *Procedural Triage*, PRAWFSBLAWG.COM (June 18, 2015)).

Mandatory Process, 90 IND. L. J. 1429 (2015).

Courts Should Apply a Relatively More Stringent Pleading Threshold to Class Actions, 81 U. CIN. L. REV. 1225 (2013).

The Jurisdiction of the D.C. Circuit, 23 CORNELL J. OF L. & PUB. POL'Y 131 (2013) (with Eric M. Fraser; David K. Kessler; & Stephen A. Calhoun).

Note, *In Search of an Enforceable Medical Malpractice Exculpatory Agreement: Introducing Confidential Contracts as a Solution to the Doctor-Patient Relationship Problem*, 83 N.Y.U. L. REV. 850 (2009) (named best NYU Law Review note in 2009 by NYU Law faculty committee).

BLOG POSTS

- *Highlighting Diverse Role Models in Teaching Legislation and Regulation*, Notice & Comment, Yale Journal on Regulation (Aug. 19, 2020)
- *Could Pipeline and Non-Residential Fellowships Increase the Diversity of the Academy?*, Prawfsblawg (Sept. 8, 2020) (with Bijal Shah)
- *Concerns Raised by 'Georgia Access' 1332 Waiver Application*, Harvard Law, Bill of Health (Sept. 21, 2020) (with Haley Gintis, Emory '21)
- *Midnight Waivers: Can They Be Revoked Through the Congressional Review Act?*, Notice & Comment, Yale Journal on Regulation (Jan. 6, 2021) (cited in the Huffington Post and The Atlantic)
- *Advantages of Using the Congressional Review Act to Revoke Health Care Waivers*, Harvard Law, Bill of Health (Jan. 11, 2021)
- *In Defense of Sticky Waivers: Executive Entrenchment and the "Other" Texas Case*, State & Local Government Law Blog (Sept. 14, 2021)
- *Vulnerability Theory and Health Justice*, Harvard Law, Bill of Health (Sept. 15, 2021)
- *Apportionment Transparency in the 2022 CAA: The Return of Institutionalism?*, Notice & comment, Yale Journal of Regulation (March 16, 2022)
- *Extinguishing Locality Claims to Untap Opioid Settlement Funds: The Case of Georgia*, State & Local Government Law Blog (May 12, 2022) (with Care Waite, Emory '23)
- *An Expedited Regulatory Strategy for Expanding Access to Methadone Treatment for Opioid Use Disorder*, Health Affairs Forefront (May 27, 2022) (with Richard Bonnie, Bridget Dooling, Shelley Weizman, and Corey Davis).

MEDIA

- Nova Safo, *Will the \$400 in Extra Unemployment Benefits Actually Reach People?*, NPR Marketplace Morning Report (Aug. 10, 2020) (interview excerpted on air)
- Christopher Brown, *Biden to Have Tough Time Withdrawing Obamacare, Medicaid Waivers*, Bloomberg (Jan. 22, 2021) (quoted)
- Haley Mason, *Gov. Kemp Says He and Other Republican Governors Will Fight Vaccine Orders From Biden*, CBS 46 (Sept. 10, 2021) (quoted)
- Meredith Sheldon, *Can Hospitals Refuse to Admit You If You're Not Vaccinated?*, 11 Alive (Sept. 17, 2021) (quoted)
- Phil Galewitz & Andy Miller, *Biden Administration Will Reverse Medicaid Changes that Trump OK'd in Some States*, NPR Shots (Feb. 10, 2022) (quoted)
- Russell Berman, *The Trump Move that Democrats Want Biden to Copy*, The Atlantic (April 18, 2022) (quoted)
- Selena Simmons-Duffey, *Why the Government's Slow Move to Appeal the Mask Decision May Be a Legal Strategy*, NPR Shots (April 22, 2022) (quoted)
- Rachel Martin & Allison Aubrey, *Health Officials Say a Rise in Covid Cases Looks More Like a Ripple Than a Wave*, NPR Morning Edition (April 25, 2022) (interview excerpted on air)

PRESENTATIONS AND PANELS

Second Class Administrative Law, **Presentation, U.C. Berkeley Legislation Workshop**, August 26, 2023

Addiction and Liberty

Presentation, ASLME Conference, June 8, 2023

Medicare "Bankruptcy": Securing Medicare by Planning for Insolvency,

Presentation, **University of Chicago Department of Economics**, June 2, 2023

Addiction and Liberty

Presentation, **University of Houston Faculty Colloquium**, March 30, 2023

Covid-19 and the Fiscal Determinants of Health, **Georgia State University Symposium: The Public Health Administrative State Under Fire**, March 24, 2023

Addiction and Liberty,

Presentation, **University of Pennsylvania, Mental Health and Substance Use Disorder Seminar** (Prof. Allison Hoffman), February 28, 2023

Addiction and Liberty

Presentation, **University of Indiana, Hall Center Virtual Grand Rounds**, August 11, 2022

Vigil's Domain

Presentation, **Administrative Law New Scholarship Roundtable**, June 22, 2022

Medicare Bankruptcy

Presentation, **ASLME Conference**, June 2, 2022

Addiction & Liberty

Presentation, **Texas A&M Health Law Conference**, May 6, 2022

Addiction & Liberty

Presentation, **Georgetown Law, O’Neill Institute Workshop**, April 13, 2022

Subordination and Separation of Powers,

Clubhouse Session, **Penn Program on Regulation, Law and Governance**, Jan. 31, 2022

Article I, Federalist Society, December 8, 2021

Health Law: Evolving Topics Post-COVID

Presentation, **American Academy of Legal Medicine, Inc.**, Oct. 23, 2021

Subordination and Separation of Powers

Presentation, **Vanderbilt Faculty Colloquium**, Oct. 13, 2021

Health Reform Reconstruction

Presentation, **Hastings Law Health Capstone Course**, Aug. 31, 2021

Medicare “Bankruptcy”

Presentation, **Virtual Health Law Workshop**, August 13, 2021

Medicare “Bankruptcy”

Presentation, **Emory-UGA Summer Colloquium**, July 27, 2021

Health Reform Reconstruction

Presentation, **ASLME Health Law Conference**, June 7, 2021

Fiscal Waiver and State “Innovation” in Health Care

Presentation, **Texas A&M Mostly Non-Pandemic Health Law Conference**, April 23, 2021

Woodruff Program: Sample Class

Presentation, **Emory Law Admitted Students**, March 20, 2021

COVID-19 Reveals the Fiscal Determinants of Health

Presentation, **Yale/Harvard Seminar on COVID-19 and the Law**, March 16, 2021

Risk Adjustment and Substance Use Disorder

Presentation, **Levin Center Symposium on Access to Addiction Medical Care**, March 10, 2021

Judicial Clerkships

Presentation, **Emory Law Office of Career Services**, February 28, 2021

The ACA and Its Discontents

Presentation, **Emory University Board of Visitors**, February 25, 2021

Congress’ Domain: Appropriations, Time, and Chevron

Presentation, **Duke Law Journal’s 51st Administrative Law Symposium**, February 5, 2021

Fiscal Waivers and State “Innovation” in Health Care

Presentation, **Federal Funding Issues Workshop**, November 13, 2020

Fiscal Waivers and State “Innovation” in Health Care
Presentation, **AALS Virtual Poverty Law Workshop**, October 16, 2020

State Level Medicare for All: Is It Possible?
Podcast interview, **Medicare for All Podcast**, Sept. 15, 2020

Vulnerability Theory and Health Law
Podcast interview, **Voices in Vulnerability**, July 16, 2020

Balancing the Fiscal Constitution,
Presentation, **Emory Law Summer Brownbag**, July 17, 2020

Balancing the Fiscal Constitution
Presentation, **Dickinson Law Katz Workshop**, June 21, 2020

COVID-19 and the Legal Process
Presentation, **Emory Law Admitted Students**, April 14, 2020

COVID-19 and the Legal Process
Presentation, **Emory Law Admitted Students**, April 14, 2020

COVID-19 and the Legal Process
Presentation, **Emory Medical School**, COVID-19: Pathogenesis to Pandemic, April 8, 2020

Shared Federal Savings
Invited Presentation, **Penn State Law**, January 30, 2020

Assessing the Impact of Allina,
Invited Panelist, **American Bar Association Section on Health Law**, December 10, 2019

The Future of the ACA,
Invited speaker, **National Council of Insurance Legislators Annual Meeting**, December 12, 2019

Crisis of Authority: Federalism and the Opioid Crisis, Symposium, Dickinson School of Law,
Speaker, November 8, 2019

Financing Health Entitlements: Appropriations and Shared Savings
Invited Presentation, **Indiana Health Law Symposium: Getting Serious About Single Payer**,
October 17, 2019

Financing Health Entitlements: Appropriations and Shared Savings
Panel Organizer and Panelist, **ASLME Next Steps in Health Reform Conference**, October 10, 2019

Financing Health Entitlements: Appropriations and Shared Savings
Conference Organizer and Panelist, **Pennsylvania Physicians’ Legal Issues Conference**, Penn
State’s Dickinson Law, September 13-14, 2019

*The Powers of the Purse in Dissonance: Entitlements, Disappropriation, and the Separation of
Powers*

Selected for Presentation, **Administrative Law New Scholars Roundtable**, University of Wisconsin, June 10, 2019

The Powers of the Purse in Dissonance: Entitlements, Disappropriation, and the Separation of Powers

Presentation, **ASLME Health Law Professors Conference**, June 6, 2019

The Powers of the Purse in Dissonance: Entitlements, Disappropriation, and the Separation of Powers

Presentation, **Junior Faculty Forum**, University of Richmond, May 21, 2019

Regulatory Pathways to Promote Treatment for Substance Use Disorder or Other Under-Treated Conditions Using Risk Adjustment

Invited Presentation, **American University Conference on Opioids and the Law**, February 22, 2019

Regulatory Pathways to Promote Treatment for Substance Use Disorder or Other Under-Treated Conditions Using Risk Adjustment

Selected for Presentation, **Vulnerability and the Human Condition Workshop**, Emory University, January 25, 2019

Insurance Coverage as a Tool to Promote Treatment for Substance Use Disorder

Invited Presentation, **Carlisle League of Women Voters**, December 5, 2018

Funding Federalism: Budget Neutrality as a Prerequisite to State Innovation in Medicaid

Selected for Presentation, **Beazley Institute for Health Law and Policy**, Loyola College of Law (Chicago), November 16, 2018

Health Insurance's Social Consequences Problem and How to Solve It

Invited Presentation, **Harvard Law School Health Law Workshop**, September 24, 2018

Health Insurance's Social Consequences Problem and How to Solve It

Presentation, **ASLME Health Law Professors Conference**, June 8, 2018

Deputizing Family: Loved Ones as a Regulatory Tool in the 'Drug War' and Beyond

Selected for Presentation, **Northeastern Law Review Symposium**, April 12, 2018

The Affordable Care Act and Its Discontents

Presentation, **Penn State College of Medicine Grand Rounds**, February 1, 2018

Adjusting Global Payments for Social Determinants of Health

Presentation, **ASLME Next Steps in Health Reform Conference**, October 27, 2017

Health Insurance's Social Consequences Problem and How to Solve It

Presentation, **Health Law Scholars Workshop**, St. Louis University School of Law, October 14, 2017

The Affordable Care Act and Its Discontents

Presentation, **Penn State Dickinson Law Board of Trustees**, September 10, 2017

Health Insurance After King v. Burwell

Conference Organizer and Presenter, **Harvard Law School**, April 1, 2015

Gender (Re)assignment: Legal, Ethical, and Conceptual Issues
Panel Organizer and Panelist, **Harvard Law School**, February 10, 2015

The ACA, Exchanges, and Subsidies—Policy and Implementation
Presentation, **Third Annual Health Law Year in P/Review**, January 30, 2015

Rationing Process: Solving Medicare's Backlog Problem
Presentation, **University of Chicago School of Law**, January 18, 2015

Rationing Process: Solving Medicare's Backlog Problem
Presentation, **DePaul Law School**, November 24, 2014

Rationing Process: Solving Medicare's Backlog Problem
Presentation, **West Virginia University School of Law**, November 13, 2014

Rationing Process: Solving Medicare's Backlog Problem
Presentation, **Tulane Law School**, November 3, 2014

A Conversation with the Department of Health and Human Services, Office of the Inspector General
Organizer and Moderator, **Dana-Farber Cancer Institute**, September 30, 2014

A Dialogue with the Department of Health and Human Services, Office of the Inspector General
Organizer and Moderator, **Harvard Law School**, September 30, 2014

Rationing Process: Participation and Efficiency in the Administration of Medicare
Presentation, **ASLME Health Law Professors Conference**, June 6, 2014

Justice by Default: Solving Medicare's Backlog Problem
Presentation, **Petrie-Flom Center Annual Conference: Behavioral Economics, Law, and Health Policy, Harvard Law School**, May 4, 2014

Behavioral Economics and Healthcare Costs
Panel Moderator, **Petrie-Flom Center Annual Conference: Behavioral Economics, Law, and Health Policy, Harvard Law School**, May 3, 2014

Rationing Justice
Presentation, **Harvard Law School Health Law Workshop**, April 21, 2014

REPRESENTATIVE CASES

United Healthcare Ins. Co. v. Price, 255 F. Supp. 3d 208 (D.D.C. 2017) (statutory challenge to Medicare Advantage risk adjustment policy).

Estate of Boyland v. Young, 242 F. Supp. 3d 24 (D.D.C. 2017) (equal protection challenge to settlements related to *Pigford* litigation).

Dialysis Patient Citizens v. Burwell, 2017 WL 365271 (N.D. Tex. Jan. 25, 2017) (motion for nationwide injunction to halt rule regarding dialysis patient steering between ACA, Medicare, and Medicaid plans).

United States House of Representatives v. Burwell, 185 F. Supp. 3d 165 (D.D.C. 2016)
(Appropriations Clause challenge to expenditures for ACA cost-sharing reductions program).

Evergreen Health Cooperative, Inc. v. U.S. Dep't of Health & Human Servs., No. 16-02039 (D. Md. June 13, 2016) (motions for nationwide emergency relief regarding ACA risk adjustment program brought by health care co-op).

American Hospital Ass'n v. Burwell, 68 F. Supp. 3d 54 (D.D.C. 2014) (APA challenge to Medicare Part A/B re-billing).

Harkness v. United States, 727 F. 3d 465 (6th Cir. 2013) (Establishment Clause and Due pProcess challenge to Navy promotion procedures).

Stein v. Mabus, 2013 WL 12092058 (S.D. Cal. 2013) (Free Speech Clause challenge to discharge of marine based in part on Facebook comments).

Adirondack Med. Ctr. v. Sebelius, 891 F. Supp. 2d 36 (D.D.C. 2012) (APA challenges to Medicare payment adjustment to counteract "coding creep").

Am. Sports Council v. U.S. Dep't of Ed., 850 F. Supp. 2d 288 (D.D.C. 2012) (Equal Protection Clause challenge to Title IX guidance).

Fox Insurance Company v. Berwick, 2011 WL 13199230 (D. Ariz. Nov. 8, 2011) (APA and due process challenge to first mid-year termination of a Medicare Part D insurer).

OTHER PROFESSIONAL EXPERIENCE

NYU Law Mediation Group, New York, NY
Mediator, 2007–2008
Served as a volunteer mediator in small claims court in Brooklyn, New York.

Williams & Connolly LLP, Washington, DC
Summer Associate, Summer 2008

OTHER ACADEMIC HONORS AND EXPERIENCES

Assistant Professor (by courtesy), Department of Surgery, Penn State College of Medicine, 2017 – 2020.

NYU School of Law: Maurice Goodman Memorial Prize (outstanding scholarship and character); Daniel G. Collins Prize (excellence in contract law); Order of the Coif; Research Assistant, Prof. Lewis A. Kornhauser; Research Assistant, Prof. Arthur R. Miller; Research Assistant, Prof. Howard Shelanski; Teaching Assistant, Prof. Florencia Marotta-Wurgler (contracts).

New York State Bar Association, First Prize, Barry Gold Memorial Health Law Writing Competition, 2008.

COURSES

Emory Law, Legislation & Regulation (Fall 2020, Fall 2021)
Dickinson Law, Administrative Law (Spring 2020, Spring 2019, Spring 2018)
Dickinson Law, Legal Argument and Factual Persuasion (Fall 2019, two sections)
Dickinson Law, Health Care Law & Policy (Fall 2019, Fall 2018, Fall 2017)
Dickinson Law, Health Care Innovation & Entrepreneurship (Fall 2018)

Dickinson Law, Health Care: Business Organizations & Finance (Spring 2018, Spring 2019)

SERVICE

National Academies of Science, Engineering, and Medicine, Planning Committee, *Methadone Treatment for Opioid Use Disorder: Examining Federal Regulations and Laws* (Fall 2021)
Emory Law, Faculty Advisory Committee (Member Fall 2021 – Spring 2022)
Emory Law, Appointments Committee (Chair of Tax Subcommittee Fall 2021 – Spring 2022)
Emory Law, Curriculum Committee (Member Fall 2020, Co-Chair Spring 2021)
Emory Law, Comment Advisor (Fall 2020 – Spring 2022)
Tenure Reviews: Seton Hall Law (Fall 2021)
Peer Reviews: Columbia Law Review (August 2020), Journal of Law & Biosciences (May 2021, August 2020)
Founding Committee, ABA Program for Prospective Administrative Law Scholars, Summer 2020 – present
Co-Convenor, Federal Funding Issues Workshop, Fall 2020 – Spring 2021 (with Prof. Gillian Metzger)
Organizing Committee, What Could Congress Do About the Pandemic?, Emory-GSU Workshop, Friday, Dec. 4, 2020
Member, Board of Directors, THRIVE for Life Foundation, 2019 – present
Member, Advisory Board, Penn State Consortium to Combat Substance Abuse, 2019 – 2020
Planning Committee, ASLME Next Steps in Health Reform Conference, 2019
Planning Committee, PA-Med/PA Bar Physicians Legal Issues Conference, 2019
Founder and Member, Addiction Legal Resources Team, Penn State Dickinson Law, 2018 – 2020
Member, Internal Advisory Board, Penn State Center for Medical Innovation, 2018 – 2020
Member, Opioid Prescribing Task Force, Partnership for Better Health PA, 2017 – 2020
Member, Community Policy and Engagement Committee, Partnership for Better Health PA, 2017 – 2020

PROFESSIONAL AFFILIATIONS AND CERTIFICATIONS

Maryland State Bar (active since 2009).

U.S. Department of Justice, secret level security clearance (granted 2009).