

E. DONALD SHAPIRO PROFESSORSHIP[†]

BRYAN A. LIANG

INTRODUCTION BY EDWARD A. DAUER^{*}

It was fitting, if not inevitable, that the E. Donald Shapiro Professorship in Health Law would be founded at California Western School of Law, and that Bryan Liang would be appointed as the chair's inaugural incumbent. California Western is an educational pioneer in the collaborative work of lawyers and doctors, Don Shapiro was the first to fashion the contours of the modern discipline of health law, and Bryan Liang is the architect of its most articulate paradigms. There is, it seems, at least one orderly spot in the universe where things happen as they ought to.

Bryan Liang is himself a rarity. Few in the academic world earn distinction for both their intellectual achievements and their personal contributions to community welfare. The academic world is structured to encourage either, though its rigors—not to mention its tastes—almost always require the choice. Doing both tolerably well calls for dedication and capability beyond the norm. Doing both with real distinction is, to use the statistical phrase, out at the sixth sigma. Liang's academic work in healthcare, drug, and medical policy is not just distinctive, it is foundational. His personal efforts in advancing patient safety and healthcare equity in the community are no less. And all of this becomes the sustenance of his students—who are not just tutored, but included.

The fit is meet. California Western, Shapiro, and Liang have each other to thank. And the rest of us have all three.

[†] Accepted by Bryan A. Liang on October 11, 2007, at California Western School of Law.

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ACCEPTANCE BY BRYAN A. LIANG*

Dean Shapiro, Mrs. Shapiro, Dean Smith, Professor Dauer, Honored Guests, and Friends:

Thank you very much for this opportunity to say a few words about Don Shapiro, for whom the E. Donald Shapiro Distinguished Professorship in Health Law honors, and a bit about health care.

Dean Shapiro's career reads like a combination between a Mario Puzo *Godfather* story and a Robin Cook medical thriller. From his efforts to investigate and prosecute mobsters, to doing site inspections with Dean Smith that involved clandestine bedroom cameras and midnight phone calls, to his introduction of U.S. malpractice law to the United Kingdom while at Oxford—and apparently inducing the malpractice crisis in England—Dean Shapiro has led what might be considered a colorful life.

But the reason we are here today is to celebrate the deep and unique impact that he has had on American law and American medicine. Dean Shapiro almost single-handedly transformed the way doctors and lawyers think about how law and medicine interact. He synthesized a solid foundation of principles to give his followers legitimacy to study the coherent field of health law and advocate health policies that promote justice and fairness for the patient.

The framework of health law created by Dean Shapiro now has an established place in legal and medical education, as well as in legal and medical practice. From torts and medical malpractice to current, bleeding edge issues such as forensics, patient safety, pay-for-performance, managed care, tax status, counterfeit drugs, and access to care, health law plays a fundamental role in shaping how medicine

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is delivered, financed, and regulated.

It was said decades ago by an illustrious board member of the American Medical Association that “the medical and legal professions shall never meet.” Dean Shapiro’s pioneering work completely upset that proposition and foresaw what we all know today—that the two are intertwined in a richly complex dynamic that makes it fascinating to study and, more importantly, essential for both professions to engage for the benefit of all patients.

Of course, it was not easy to develop a new area of study, particularly in law, where “new” means less than one hundred years of acceptance. Indeed, all pioneers like Dean Shapiro face challenges and critics. But when I think of Dean Shapiro and his health law vision, the immortal words of Theodore Roosevelt immediately come to mind. Roosevelt said:

It is not the critic who counts . . . not the man who points to how the strong man stumbled, or how the doers of deeds could have done them better. The credit belongs to the man who is actually in the arena . . . whose face is marred by the dust, and sweat, and blood . . . who strives valiantly, and who comes short again, and again. But who knows the great enthusiasms, the great devotions, and spends his life in a worthy cause. And, at the end, at the best, if he is successful, knows the triumph of high achievement. And, at the worst, if he fails, at least fails while daring greatly, and his place shall never be with those cold and timid souls who know neither victory nor defeat.¹

Dean E. Donald Shapiro dared to be great. And as the last few decades have shown, he obtained what we all strive for and what Roosevelt so aptly described—the triumph of high achievement. Let us hope that over the next few decades Dean Shapiro slows down a bit so we have at least a fighting chance to keep up with him.

Dean and Mrs. Shapiro, Dean Smith, and honored guests, I thank you for the privilege of being named the E. Donald Shapiro Distinguished Professor of Health Law. It is a tremendous distinction to be recognized by my colleagues in this way; but to have my name

1. Theodore Roosevelt, Pres. of the U.S., *Citizenship in a Republic*, Address at the Sorbonne, Paris (Apr. 23, 1910) in THEODORE ROOSEVELT, *PRESIDENTIAL ADDRESSES AND STATE PAPERS AND EUROPEAN ADDRESSES* 2191 (1910).

associated with Donald Shapiro, I truly have an embarrassment of riches. I ask for your help to ensure that I may live up to the vision, talent, and achievement of the great man for whom this professorship is named.

Thank you.