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Ken Gormley

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Remembering Professor Rhonda Gay Hartman

*Ken Gormley**

Professor Rhonda Gay Hartman, who passed away unexpectedly in April of 2021 as this issue of the *Duquesne Law Review* was being finalized, was an elegant, forward-thinking, brilliant scholar and teacher. She left a lasting imprint on legal academia, on the Duquesne community, and on the thousands of students whom she taught and mentored for over twenty-five years.

I was privileged to meet Rhonda when she was a student in my State Constitutional Law course at the University of Pittsburgh School of Law in the late 1980s. Already an advanced student completing graduate studies in public and international affairs, she was light-years ahead of most law students beginning their studies. When the Kentucky Supreme Court asked me to write an article on Kentucky constitutional law, I found myself facing a quandary: I already had committed myself to writing a major law journal article on privacy law and had no time to embark on another project, at least by myself. I discussed the idea with Rhonda, who was finishing up her legal studies, knowing that her ultimate goal was to be a legal scholar, writer, and teacher. She immediately accepted the challenge and agreed to collaborate on the project. The finished product, *The Kentucky Bill of Rights: A Bicentennial Celebration*, appeared in the *Kentucky Law Journal* in the 1992 issue.¹

Shortly thereafter, we collaborated on a second piece, *Privacy and the States*, published by *Temple Law Review* in 1992,² which focused on state constitutional privacy protections. Rhonda's writing and scholarship were impeccable. She was thorough, innately analytical, and cared deeply about helping to develop the law in this then-emerging field. Two decades later, those two pieces have contributed to the evolution of state constitutional law in Kentucky, Pennsylvania, and nationally.³

* President, Duquesne University, Professor of Law, and former Dean of the School of Law.

1. Ken Gormley & Rhonda G. Hartman, *The Kentucky Bill of Rights: A Bicentennial Celebration*, 80 KY. L.J. 1 (1992).

2. Ken Gormley & Rhonda G. Hartman, *Privacy and the States*, 65 TEMP. L. REV. 1279 (1992).

3. *Hunter v. Commonwealth*, 587 S.W.3d 298, 305 (Ky. 2019); *Posey v. Commonwealth*, 185 S.W.3d 170, 182 (Ky. 2006) (Roach, J., concurring); *Commonwealth v. Wasson*, 842

Fortunately, those early projects did not define, or limit, Rhonda's growth as a legal scholar. After serving as a law clerk to U.S. District Judge Alan N. Bloch of the Western District of Pennsylvania, she began collaborating on projects involving health care law and ethics, primarily at the University of Pittsburgh. When I accepted a permanent teaching post at Duquesne University School of Law in 1994, I immediately urged the dean to hire Rhonda to serve as an adjunct faculty member and research scholar at the law school, recognizing her potential as a rising star.

In short order, she was placing articles in nationally prominent journals at a time when Duquesne University School of Law was seeking to enhance its visibility through first-rate scholarship. During this time, Rhonda became Professor Hartman and began developing a passion for health care ethics, adolescent rights, and other topics that would come to define her life and work as a legal scholar.

In 1993, Professor Hartman authored *Beyond Moore: Issues of Law and Policy Impacting Human Cell and Genetic Research in the Age of Biotechnology*,⁴ the first in what would become an impressive portfolio of scholarly writings in this area. The article, published in the *Journal of Legal Medicine*, examined the California Supreme Court's landmark decision in *Moore v. Regents of the University of California*⁵ to impose a fiduciary duty of disclosure on physicians who had a personal interest, whether research-oriented or commercial in purpose, in a patient's genetic material.

Professor Hartman persuasively argued that the law and public policy had to expand to address the novel issues that were bound to arise in the emerging field of genetic engineering. She further contended that a balance had to be struck between upholding a patient's right of self-determination to make decisions about his or her genetic material and incentivizing investments in biomedical research. The article generated sufficient interest that Professor Hartman presented it to colleagues at the University of Pittsburgh's Center of Medical Ethics. This was the first of many presentations she would make in sharing her work throughout her distinguished career.

S.W.2d 487, 492 (Ky. 1993). See also, e.g., Daniel J. Canon, *Challenges to the Residency Requirements of the Personal Responsibility and Work Opportunity Reconciliation Act Under the Kentucky Constitution*, 45 BRANDEIS L.J. 151, 162 (2006); Seth F. Kreimer, *The Right to Privacy in the Pennsylvania Constitution*, 3 WIDENER J. PUB. L. 77, 89 (1993); Jason Reiser, *III. Individual Rights*, 28 RUTGERS L.J. 932, 950 (1997).

4. Rhonda G. Hartman, *Beyond Moore: Issues of Law and Policy Impacting Human Cell and Genetic Research in the Age of Biotechnology*, 14 J. LEGAL MED. 463 (1993).

5. *Moore v. Regents of the University of California*, 793 P.2d 479 (Cal. 1990).

In 2000, Professor Hartman authored *Adolescent Autonomy: Clarifying an Ageless Conundrum*, published in the *Hastings Law Journal*.⁶ The article was an impressive accomplishment for a junior law school faculty member; to this day, it remains a highly influential work of scholarship on the topic of adolescent decision-making, having been cited in seventy-six scholarly pieces.⁷

The article showcased Professor Hartman's new and specialized interest in adolescent autonomy and rights, a subject she would cultivate into an area of expertise. This was much more than an academic exercise for her. As a person who cared deeply about others, she was convinced the issue was worthy of understanding because it affected real people in the real world. In fact, Professor Hartman explained that the inspiration for the piece was a discussion she had with pediatricians who recounted the difficulties they faced in treating their adolescent patients because children and youth under eighteen were presumed to lack the ability to make their own health care choices.

Professor Hartman's thesis in the article was that the traditional presumption of adolescent decisional incapacity was an outdated artifact. To drive home her point, she presented an in-depth discussion of adolescent decisional capacity in numerous arenas of law, including health care, end-of-life, mental health treatment, medical experimentation, organ transplantation, and procreative choice. Professor Hartman then proposed an adolescent autonomy model based on adolescent decisional capacity that helped to provide the foundation for legal rules and legislative policies in those circumstances in which adolescents were competent to decide what was best for them.

Subsequently, in *Adolescent Decisional Autonomy for Medical Care: Physician Perceptions and Practices*,⁸ an article that appeared in a University of Chicago Law School Roundtable, Professor Hartman combined her growing expertise in the topic of adolescent autonomy, her interest in health care issues, and her desire to provide concrete guidance to policymakers. In meticulous detail, a feature that typified all of her writing, she discussed a study that revealed

6. Rhonda Gay Hartman, *Adolescent Autonomy: Clarifying an Ageless Conundrum*, 51 HASTINGS L.J. 1265 (2000).

7. See, e.g., Tamar R. Birckhead, *Toward a Theory of Procedural Justice for Juveniles*, 57 BUFF. L. REV. 1447 (2009); Kimberly M. Mutcherson, *Whose Body Is It Anyway? An Updated Model of Healthcare Decision-Making Rights for Adolescents*, 14 CORNELL J.L. & PUB. POL'Y 251 (2005); Jennifer L. Rosato, *Let's Get Real: Quilting a Principled Approach to Adolescent Empowerment in Health Care Decision-Making*, 51 DEPAUL L. REV. 769 (2002).

8. Rhonda Gay Hartman, *Adolescent Decisional Autonomy for Medical Care: Physician Perceptions and Practices*, 8 U. CHI. L. SCH. ROUNDTABLE 87 (2001).

physicians' belief that adolescents were capable of making health care decisions for themselves but benefitted from consulting with a "trusted adult" during the decision-making process. Professor Hartman addressed the lessons the study provided for medical practitioners. She also listed areas of inquiry that could provide policymakers with the kind of concrete data they would need to formulate policies that respected the capacity of adolescents to direct their own health care choices.

More articles followed, including *Coming of Age: Devising Legislation for Adolescent Medical Decision-Making*,⁹ published by the *American Journal of Law & Medicine*, *AIDS and Adolescents*,¹⁰ which appeared in the *Journal of Health Care Law & Policy*, and *Word from the Academies: A Primer for Legal Policy Analysis Regarding Adolescent Research Participation*,¹¹ published in the *Rutgers Journal of Law & Public Policy*. Through this steady body of work, Professor Hartman made a name for herself in the fields of health care law and adolescent rights. As a result, she was invited to share her expertise at seminars and conferences sponsored by law schools, interdisciplinary centers of study, healthcare entities, medical institutions, and policy think tanks regionally and around the country.

Professor Hartman's scholarship took an interesting turn toward a new subject in 2005, bringing her additional accolades, when she became interested in reconstructive transplant surgery and the thorny legal and ethical issues arising from newly developed face and hand transplants. The theme that ran throughout her writings was that the scientific strides making face transplants possible should continue; however, progress had to proceed carefully because a person's face is so deeply intrinsic to that person's identity and sense of self.

In *Face Value: Challenges of Transplant Technology*,¹² published in the *American Journal of Law and Medicine*, Professor Hartman explored the benefits and risks of face transplantation, the donation and informed consent processes, the procedures for selecting recipients, and the desirability of regulatory oversight of the field. In *The Face of Dignity: Principled Oversight of Biomedical*

9. Rhonda Gay Hartman, *Coming of Age: Devising Legislation for Adolescent Medical Decision-Making*, 28 AM. J.L. & MED. 409 (2002).

10. Rhonda Gay Hartman, *AIDS and Adolescents*, 7 J. HEALTH CARE L. & POL'Y 280 (2004).

11. Rhonda Gay Hartman, *Word from the Academies: A Primer for Legal Policy Analysis Regarding Adolescent Research Participation*, 4 RUTGERS J.L. & PUB. POL'Y 151 (2006).

12. Rhonda Gay Hartman, *Face Value: Challenges of Transplant Technology*, 31 AM. J.L. & MED. 7 (2005).

Innovation,¹³ she went on to offer a thought-provoking premise: she argued that, because the face is so deeply tied to personhood, the concept of dignity—i.e., the idea that each one of us has inherent value—deserved a special place in shaping public debate on, and steering scientific progress in, this type of human transplantation. This article generated so much interest that the British Broadcasting Corporation and France's premier medical and scientific institution, the Université Pierre et Marie Curie, invited Professor Hartman to discuss her ideas through interviews and presentations.

Professor Hartman's scholarship in this area also led to the inclusion of her ideas in a chapter in *Transplantation of Composite Tissue Allografts*, the field's seminal medical treatise.¹⁴ It further led to invitations to share her expertise with reconstructive surgery teams who cared for injured U.S. veterans, plastic surgeons at several of the nation's top-notch medical institutions, and to collaborations with surgeons at The Johns Hopkins Hospital and the University of Pittsburgh Medical Center to establish protocols for reconstructive transplantation.

The *Duquesne Law Review* was privileged to publish *Noblesse Oblige: States' Obligations to Minors Living with Life-Limiting Conditions*,¹⁵ an article in which Professor Hartman provided a detailed examination of the issues surrounding minors grappling with incurable diseases and conditions. In Professor Hartman's view, such minors had not received sufficient attention from state legislative policymakers—a striking contrast to the scrutiny afforded the interests of adults living with similar conditions. In the article, Professor Hartman shone a light on the distinct challenges prevalent among minors suffering from life-limiting conditions and illuminated the crucial role state lawmakers must play in protecting their unique interests.

As Professor Hartman herself noted, the impetus for the article was her work in 2008 as a member of the Commonwealth's Pediatric Palliative and Hospice Care Task Force, which was established to examine the availability and administration of pediatric palliative and hospice care options in Pennsylvania. It was the perfect vehicle for Professor Hartman as it involved facilitating statewide discussions with patients, parents, health care providers, and other

13. Rhonda Gay Hartman, *The Face of Dignity: Principled Oversight of Biomedical Innovation*, 47 SANTA CLARA L. REV. 55 (2007).

14. Rhonda Gay Hartman, *Ethical and Policy Concerns of Hand/Face Transplantation*, in *TRANSPLANTATION OF COMPOSITE TISSUE ALLOGRAFTS* 429 (Charles W. Hewitt et al. eds., 2008).

15. Rhonda Gay Hartman, *Noblesse Oblige: States' Obligations to Minors Living with Life-Limiting Conditions*, 50 DUQ. L. REV. 333 (2012).

professionals devoted to caring for children facing life-shortening or life-threatening conditions. Professor Hartman contributed to the task force's final report, a consequential document that cogently identified the challenges and systemic gaps children and their families encountered when attempting to access palliative and end-of-life care in Pennsylvania. It also recommended ways to enhance Pennsylvania's delivery of palliative and hospice care services to the children and families who needed them most.

Professor Hartman's scholarship also drew significant attention in the medical community. In 2017, she accomplished what few attorneys manage to do—get an article she authored accepted by a peer-reviewed medical publication. The *Journal of the American Medical Association, Pediatrics* published *Implementing Public Health Goals for Human Immunodeficiency Virus Infection Through Law*, which focused on the lack of progress that had been made in treating adolescents with human immunodeficiency virus (HIV) despite worldwide gains in eradicating the epidemic in adults.¹⁶ Reiterating the theme that ran through her writings, starting in her groundbreaking piece on adolescent decision-making capacity in the *Hastings Law Journal* in 2000,¹⁷ Professor Hartman proposed that giving adolescents access to confidential HIV testing and treatment, independent of their parents, would go a long way toward addressing untreated HIV infection among adolescents.

Professor Hartman's work generated increasing national and international interest. She was invited to lecture at Université Pierre et Marie Curie and Université de Paris-Sorbonne in Paris, France; Hofstra University in Hempstead, New York; Yale University in New Haven, Connecticut; Johns Hopkins University in Baltimore, Maryland; Georgetown University Law Center in Washington, D.C.; and University of Pittsburgh School of Medicine in Pittsburgh, Pennsylvania. Of course, Professor Hartman never turned down an invitation from colleagues at Duquesne University to lecture in schools across campus, and she did so frequently.

Professor Hartman was a forward-thinking, disciplined, and unflagging scholar. Yet, for all of her talent as a writer and academician, she was an even better teacher. For her, there was no greater joy than instilling in her students a passion for law and razor-sharp analytical thinking. She viewed each of these as powerful tools of change, and she wanted her students to enter the legal world fully equipped with a mastery and appreciation of these implements.

16. Rhonda Gay Hartman, *Implementing Public Health Goals for Human Immunodeficiency Virus Infection Through Law*, 171 JAMA PEDIATRICS 315 (2017).

17. Hartman, *supra* note 6.

Professor Hartman was unfailingly kind, generous, empathetic, gracious, and graceful in her role as an instructor in the classroom. She cared about each student, knew every person's name within five minutes, and reveled in the joys and successes of her students. She helped to lead annual trips to Washington, D.C. with faculty colleagues at the Duquesne University School of Pharmacy so that students could advocate for legislation that allowed pharmacists to better assist underprivileged patients. She invited groups of students to the elegant Duquesne Club—on her own dime—to discuss job interviewing skills and strategies for presenting themselves favorably in professional settings. She even gave new suits of clothing to women in her class who were preparing for important law firm interviews and told them to keep them so they would be prepared for their first jobs. Professor Hartman lived for each new class of law students, understanding that they were the shining instruments of positive change in the law, society, and communities where they would share their abundant talents.

It is fitting, then, that the editors of the *Duquesne Law Review* would choose to dedicate this final issue of 2021 to Professor Rhonda Hartman. She valued immensely the power of legal scholarship. She cherished, more than anything, the gift of teaching students at Duquesne University School of Law, of whom she was fiercely proud. And she prayed, in her quiet fashion, that her students would go forth and change the world and the system of laws for the better, using a tiny piece of the knowledge and passion that she passed along to them.

Now, her legacy will be secure in scores of graduates who will make contributions in every field imaginable, who have been shaped—at least in some small measure—by an extraordinary faculty member who foresaw their successes and gave them gifts that will always be with them.