MARGARET GILHOOLEY

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Seton Hall Law School
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EDUCATION

Legal

Columbia Law School, J.D., June 1966, Magna Cum Laude
Board of Editors of the Columbia Law Review
National Scholarship
Theodore R. Kupferman Prize (Trade Regulation)
Jane Marks Murphy Prize

College

Fordham University, School of Education, B.S. in Education, June 1963, Magna Cum Laude, Major - History

BAR ADMISSIONS

New York, 1967
United States Supreme Court, 1973

EXPERIENCE

Seton Hall University, School of Law, Newark, New Jersey
Professor of Law, teaching Administrative Law, Food & Drug Law, Drug Regulation, Innovation and Costs and Torts
September 1981 - Present

U.S. Dept. Of Health & Human Services, Office of the General Counsel, Food & Drug Administration, Rockville, Maryland
Associate Chief Counsel for Food & Cosmetics and Enforcement, May 1975 - June 1981

Administrative Conference of the United States,
Staff Attorney, February 1971 - May 1973, September 1974 - April 1975

Debevoise & Plimpton, New York
Associate, September 1967 - April 1970

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PUBLICATIONS AND ARTICLES

Heal the Damage: Prescription Drug Consumer Advertisements and Relative Choices, Journal of Health Law (forthcoming 2005)

The Impact and Limits of the Constitutional Deregulation of Health Claims on Foods and Supplements: From Dementia to Nuts to Chocolate to Saw Palmetto, 56 Mercer Law Review (forthcoming 2005)

FDA and the Adaptation of Regulatory Models, St. Louis University Law Journal (forthcoming 2005)

Reexamining the Labeling for Biotechnology in Foods: The Species Connection, 82 Nebraska Law Review 1088 (2004)

The Supreme Court Checks Out Drug Promotion Restrictions, 58 Food Drug L.J. 347 (2003)

Drug Regulation and the Constitution After Western States, 37 University of Richmond Law Review 3 (2003)

Tobacco Unregulated: Why the FDA Failed, and What To Do Now, 111Yale Law Journal 1179 (2002)

Constitutionalizing Food and Drug Law: When Avoidance Is Right, 38 Houston Law Review 5 (2000)

Constitutionalizing Food and Drug Law, 74 Tulane Law Review 815 (2000)

When Drugs Are Safe For Some But Not For Others: The FDA Experience and Alternatives for Products Liability, 36 Houston Law Review 927 (1999)

Herbal Remedies and Dietary Supplements: The Boundaries of Drug Claims and Freedom of Choice. 49 Florida Law Review 663 (1997)

Broken Back: A Patient's Reflections in the Process of Medical Necessity Determinations, 40 Villanova Law Review 153 (1995)

Innovative Drugs, Products Liability, Regulatory Compliance and Patient Choice, 24 Seton Hall Law Review 1481 (1994)

Executive Oversight of Administrative Rulemaking: Disclosing the Impact of the Freedom of Information Act Publication Requirements, 3 American University Administrative Law Journal 53 (1989)

Pharmaceutical Drug Regulation in China, 44 Food Drug and Cosmetic Law Journal 21 (1989)

Plain Meaning, Absurd Results and the Legislative Purpose: The Interpretation of the Delaney Clause, 40 Administrative Law Review 267 (1988)

Learned Intermediaries, Prescription Drugs and Patient Information, 30 St. Louis University Law Journal 633 (1986)

Cosmetic Regulation: Going Beyond Appearance, A Chapter in a Book On the Seventy-fifth Anniversary Of Food and Drug Regulation, Published by the Food and Drug Law Institute, (1984)

Standards and Procedures for the Discretionary Distribution of Federal Assistance, 3 Reports and Recommendations of the Administrative Conference of the United States 38, 422 (1974) in support of Recommendation 74-2 adopted by the Administrative Conference of the United States.

Federal Regulation of Cosmetics: An Overview, 33 Food Drug and Cosmetic L.J. 231-38 (1978). Comment, Racial Discrimination and the Duty of Fair Representation, 65 Colum. L. Rev. 272 (1965)

Recent Developments, Conflict of Laws: Effects of Parties' Request that Law of Situs Be Applied to Disposition of Marital Property, 66 Colum. L. Rev. 790 (1966)

Recent Developments, Conflicts of Laws: Escheat of Intangible Property and Compelling State Claims, 65 Colum. L. Rev. 1101 (1965)

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PROFESSIONAL ACTIVITIES

Member, American Law Institute

Reviewer, Institute of Medicine Report on Clearing the Smoke: The Science Base of Tobacco Harm (2000)

Testimony on Dietary Supplements before the U.S. House of Representatives, Committee on Government Operations (March 1999)

Member, U.S. Commission on Dietary Supplement Labels (1996-97) (Presidential Appointment)

Editorial Board, Food and Drug Law Journal (1987-91)

American Association of Law Schools, Special Committee on Ethical and Professional Responsibilities of Law Professors (1988-89)

American Association of Law Schools, Committee on Academic Freedom and Tenure (1986-89)

Member, Council of the Section of the American Bar Association (1980-82)

PRESENTATIONS

"FDA Regulation of Innovative Drugs," Program on Developing Innovative Therapies in a Complex Regulatory Environment, co-sponsored by Brooklyn Law School and the New York Academy of Medicine (March 2004)

"The Evolution of Models for Food and Drug Regulation: Lessons for Health Law," Symposium on Administrative Law Meets Health Law, St. Louis Univ. School of Law (March 2004)

"The Constitutional Deregulation of Health Claims on Food and Supplements," Panel on Food Agriculture and the First Amendment, American Association of Law Schools Annual Meeting (January 2004)

"The Supreme Court Checks Out Drug Advertising, American Society of Law Medicine & Ethics, Health Law Teachers' Conference, Wilmington Del (June 2003)

June 2001 "Tobacco and Paternalism-Comments," American Association of Medicine & Ethics, Boston, Mass. (June 2001)

Moderator, Panel on "Drugs & Medical Devices Design Defect or Warning Cases?" Program on Proving Product Defect After the Third Restatement of Torts: Products Liability, Seton Hall (1999)