



PROFESSOR JONATHAN H. MARKS

MAIN AREAS OF PRACTICE:

Arbitration
Commercial and corporate law
Crime and regulatory
Environmental law
EU law
Healthcare, mental health and
mental capacity
Human rights law
International law
Local government law
Media and Information law
Mediation
Public law
Public and private international
law

Called to the Bar 1992

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Paul Venables, Practice Manager
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Jonathan's practice encompasses international law, EU law, environmental law, human rights law, health law, and commercial law and regulation (including food and drug law and regulation).

He has experience of commercial litigation at trial and appellate levels, as well as judicial review, and hearings before both the ECJ and CFI. Jonathan is also a CEDR-accredited Mediator with experience of mediation in both the UK and the US. Jonathan represented Human Rights Watch in the Pinochet case, and Dr Nancy Olivieri in her landmark case on pharmaceutical regulation in the European Court of Justice. He was retained under a contract awarded by the European Commission to advise Central and Eastern European States how to amend their environmental laws to meet EU standards prior to accession. And he has advised on the commercial and international legal implications of the dissolution of the former Yugoslavia.

Before coming to the Bar, Jonathan taught at Worcester College, Oxford, King's College, London and in Australia. After a decade in full-time legal practice, he led a Policy Task Force at the Woodrow Wilson School of Public and International Affairs at Princeton University on Lawful Responses to Terrorism. He was subsequently appointed visiting professor of law at UNC Chapel Hill, and Greenwall Fellow in Bioethics and Health Policy at Georgetown and Johns Hopkins Universities. Having accepted a full-time position at Penn State, where Jonathan is now professor of bioethics, humanities, law, philosophy, and international affairs, Marks made the transition from full-time legal practice to academic membership of Matrix. From 2009 – 2015, he was a research fellow at the Edmond J. Safra Center for Ethics at Harvard University, where he also worked in the research initiative known as the "Lab on Institutional Corruption." Since then, he has continued to focus on the ethical and legal implications for public sector bodies participating in public-private partnerships.

He has recently participated as an expert on institutional conflicts of interest at meetings of the World Health Organization, and the Institute of Medicine in the United States. He has also participated as an expert on human rights law and professional ethics at meetings of various organisations in the US and the UK including the Royal Society.

ACADEMIC POSITIONS

Professor of Bioethics, Humanities, Law, Philosophy, and International Affairs at the Pennsylvania State University and Director of the Bioethics Program (2020 – present)

Associate Professor of Bioethics, Humanities, Law, Philosophy, and International Affairs at the Pennsylvania State University and Director of the Bioethics Program (2006 - 2020)

Hugh Tomlinson QC:
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Cliff Holland, Practice Manager
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Research Fellow, Edmond J. Safra Center for Ethics, Harvard University
(2009-2015)

Greenwall Fellow in Bioethics, Health Law and Policy at Georgetown
University Law Center and John Hopkins' Bloomberg School of Public Health
(2004 - 6)

Visiting Professor of Law, UNC Chapel Hill School of Law (2003 - 4)

Visiting Lecturer in Political Science, and Public and International Affairs,
Princeton University (2001-2002)

NOTABLE CASES

Advisory work includes the following:

- on the compatibility of International Health Regulations and international human rights law;
- on guidelines of the National Institute for Health and Care Excellence;
- on the distribution of assets under international law following the dissolution of a state;
- on the implementation of Directive 96/29/EURATOM on radioactive substances;
- on the implementation of EU environmental law prior to accession to the EU.

Notable Cases (prior to academic appointment in the U.S.)

Olivieri v Commission [2003]

R (on the application of Robertson) v Wakefield [2001] 2 WLR 889 R v Secretary of State ex p First Corporate Shipping E.C.J. [2001] All E.R. (EC) 177

Olivieri v Commission [2000] E.C.R.-II 1985

Barclays Bank v Coleman [2000] 1 A11 E R 385 (C.A)

R v Bow Street Mags ex p Pinochet (No 3) [1999] 2 WLR 827 (H.L)

R v Secretary of State ex p Hull City Council The Times 31.01.96; (1998) 8 JEL 336

Mortgage Express v Pearn [1998] 5 L S Gaz 30 Scottish Equitable v Virdee [1999] 1 FLR 863 (C.A)

Hypomortgage Services v Robinson [1997] 2 FLR 71 (C.A)

PUBLICATIONS INCLUDE

"Toward a Systemic Ethics of Public-Private Partnerships Related to Food and Health" Kennedy Institute of Ethics Journal, 24(3): 267-299 (2014)

"Silencing Marcellus: When the Law Fractures Public Health" Hastings Center Report, 44(2): 8-10 (2014)

"Objects Closer Than They Appear: Regulating Health-Based Food Advertising" American Journal of Bioethics, 13(5): 23-25 (2013).

"The Undocumented Unwell" Hastings Center Report, 43(1): 10-11 (2013)

"On Regularity and Regulation, Health Claims and Hype" HASTINGS CENTER REPORT, 41(4): 11-12 (2012).

"Toward a Unified Theory of Professional Ethics and Human Rights" Michigan Journal of International Law, 33: 215-263 (2012)

"Shifting the Focus: Conflict of Interest and the Food Industry," (with Donald B. Thompson), American Journal of Bioethics, 11(1): 44 - 46 (2011)

"The Terrorist and the Doctor: A Legal and Ethical Response" *American Journal of Bioethics*, 9(10): 49-51 (2009)

"Looking Back, Thinking Ahead: The Complicity of Health Professionals in Detainee Abuse" in R. Goodman AND M.J. Roseman (eds.), *Interrogation, Force Feeding, and the Role OF Health Professionals* (Harvard, 2009)

"Doctors as Pawns? Law and Medical Ethics at Guantanamo Bay" *Seton Hall Law Review* 37: 711-731 (2007) (Guantanamo Symposium Issue)

"Interrogational Neuro-imaging: A 'No-Brainer' or a Human Rights Hazard?" *American Journal of Law and Medicine* 37: 483 - 500 (2007)

"9/11 + 3/11 + 7/7 = ? What Counts in Counterterrorism" *37 Columbia Human Rights Law Review* 559 - 626 (2006)

"Doctors and Interrogators at Guantantamo Bay" (with M. Gregg Bloche), *New England Journal of Medicine*, 353 (1): 6 - 8 (2005); cited in the UN Report on Guantanamo Detainees (Feb. 2006)

"When Doctors Go To War" (with M. Gregg Bloche), *New England Journal of Medicine*, Jan 6, 2005 (on the ethical and international legal implications of physician participation in interrogation)

"Mending the Web: Universal Jurisdiction, Humanitarian Intervention and the Abrogation of Immunity by the Security Council" *42 Columbia Journal of Transnational Law* (2004)

"Britain is no longer an island - international law matters, too" (*The Times*, May 18, 2004)

Co-editor and contributor, *Handbook on the Implementation of EU Environmental Legislation* (European Commission, 2003)

Contributor, *Environmental Liability*, in *Banks, Liability and Risk*, Ed. William Blair QC (Lloyd's of London Press, 2001)

Co-editor, and contributor, first supplement to *Clayton & Tomlinson's The Law of Human Rights* (Oxford University Press, 2002)

Selected recent lectures and academic presentations

October 27 – 29, 2015: Participation as sole expert on conflicts of interest and institutional ethics in meeting on public-private partnerships (co-hosted by UK Health Forum and the Canadian Institute of Health Research), Rockefeller Foundation Center, Bellagio, Italy

October 8-9, 2015: Participation as Technical Expert in Meeting to Provide Guidance to Member States on Conflicts of Interest related to Nutrition and Non-Communicable Diseases, World Health Organization (WHO), Geneva

February 24, 2015: Presenter, *Toward a Systemic Ethics of Public-Private Partnerships in Global Health*, World Health Organization, Geneva

February 5, 2015: Presenter, *The Ethics of Public-Private Partnerships in Global Health*, Brocher Foundation, Geneva

October 18-19, 2014: Presenter, *Hydraulic Fracturing and Public Health: Legal Interventions by Health Professionals*

September 23, 2014: *The Ethics of Public-Private Partnerships: Implications for Policy, Integrity, and Trust*, Hastings Center, NY

September 4, 2014: Presenter, *The Ethics of Public-Private Partnerships Related to Food and Health: Institutional Integrity, Policy Implications, and Public Trust*, Annual Meeting of the European Consortium on Political Research, Glasgow

May 8 – 9, 2014: Presenter (*Mapping the Ethical Issues*) and Participant, Workshop on Counterterrorism, Ethics and Global Health, Brocher Foundation, Geneva

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March 31, 2014: *Toward a Systemic Ethics of Public-Private Partnerships*, Seminar, Georgetown University Business School

December 9, 2013: *Global Health and the Private Sphere: Systemic Ethical Concerns*, Symposium on Companies' Global Health Footprint, Harvard University

November 28, 2013: *The New Corruption? The Ethics of Public-Private Partnerships Related in Global Health*, Center for Transnational Legal Studies, London

November 1, 2013: *Research Agenda Distortion: How to Address a Problem Money Blinds Cannot Solve*, Symposium on Money Blinds, Harvard University

October 4, 2013: Panelist, *Problem of Dual-Use and Research Ethics*, Conference on National Security and Professional Ethics, Center for Ethics and the Rule of Law, University of Pennsylvania Law School

June 1, 2013: Presentation, *Institutional Corruption*, Law and Society Association, Annual Meeting, Boston

November 29, 2012: Invited Participant, Symposium on Obesity Interventions and Public Health Ethics, Berman Bioethics Institute, Johns Hopkins University

November 1 – 2, 2012: Presenter, Institutional Financial Conflicts of Interest Perspectives, and Panelist (with Derek Bok and others), Symposium on Institutional Financial Conflicts of Interest, Petrie-Flom Center for Health Law Policy and Edmond J. Safra Center for Ethics, Harvard University

January 24, 2012: Co-organizer and Presenter, Responding to Child Sexual Abuse: Legal, Medical and Ethical Perspectives, Penn State Dickinson School of Law

November 7, 2011: Presenter, *Toward a Unified Theory of Professional Ethics and Human Rights*, Greenwall Fellows Seminar, Johns Hopkins University

November 1 – 2, 2011: Presenter (x2), *The Hazards of Public-Private Partnerships*, and *The Ethics of Public-Partnerships*, The Institute of Medicine / National Academy of Sciences: Food Forum

September 22, 2011: Presenter, *The Ethics of Industry-Funded Health-Related Food Research*, Edmond J. Safra Center for Ethics at Harvard University

September 13, 2011: *Presenter, Toward a Unified Theory of Professional Ethics and Human Rights*, Greenwall Fellows and Scholars Biannual Meeting, Johns Hopkins

September 12, 2011: Presenter on Human Rights, and Participant in Meeting on the Right to Healthcare of Undocumented Patients, Hastings Center (meeting in NYC)

May 2011: Guest Speaker and Panelist, *Human Rights, National Security and "the Other"*, Conference, University of Minnesota Law School

May 2011: Guest Speaker, *When the State Makes Demands: Medical Professionalism, Dual Loyalty, and Human Rights*, Panel for U.S. Holocaust Museum *Deadly Medicine* Exhibit, Harvard Medical School

May 2011: Guest Speaker and Panelist, *Symposium on Research Ethics*, Harvard University Science, Technology and Society Program (on human subjects research in the U.S. and the developing world)

March 2011: Guest Speaker, *Toward a Unified Theory of Professional Ethics and Human Rights*, Harvard Law School (Human Rights Program)