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TRIBUTES

A TRIBUTE TO ELEANOR D. KINNEY HALL RENDER PROFESSOR OF LAW

DAVID ORENTLICHER*

While Eleanor DeArman Kinney undoubtedly will continue to make important contributions in health care law, it is fitting upon her retirement to celebrate all of the important contributions that she made during her career as a health law scholar.

She was the founding director of the internationally recognized William S. and Christine S. Hall Center for Law and Health at the Indiana University Robert H. McKinney School of Law, and for decades has been one of the nation's leading experts on health care law. When I came to the law school to take my first full-time position in the academy, I was very fortunate to be able to join a program that she had so effectively nurtured.

A widely published author and respected lecturer, Eleanor distinguished herself in the breadth of issues on which she left her mark. In her long list of books and journal articles, she has provided important guidance on medical malpractice reform, health coverage for the poor, consumer protection in health care, and the international principles for a universal right to health care. She was an early proponent of the need to inform health care law scholarship with empirical research, and her own empirical work has served as an important model for other scholars in the field.

One of the virtues of empirical scholarship is its ability to confirm or dispel commonly held assumptions, and Eleanor's malpractice research provides an important example. When Indiana adopted its caps on damage awards for malpractice plaintiffs, critics feared that patients would suffer from inadequate compensation. However, Eleanor's research showed that Indiana's caps actually may have increased the average award for large malpractice claims. After the law was passed, awards were higher in Indiana than in comparable neighboring states without damage caps.¹ Because physicians were responsible for only the first \$100,000 (now \$250,000), with a state patient compensation fund picking up the remainder of the damages, Indiana malpractice insurers and health care providers faced a weaker incentive than insurers and providers in other states to contest

* Samuel R. Rosen Professor of Law, Indiana University Robert H. McKinney School of Law; co-director of the William S. and Christine S. Hall Center for Law and Health.

1. Eleanor D. Kinney et al., *Indiana's Medical Malpractice Act: Results of a Three-Year Study*, 24 IND. L. REV. 1275, 1294-96 (1991).

fault.²

Eleanor also distinguished herself with her ability to bring to bear complementary perspectives to her scholarship. An expert in administrative law, as well as health care law, Eleanor applied the principles of both disciplines to her analyses of key health policy concerns and developed valuable insights as a result. Her book, *Protecting American Health Care Consumers*, provides important ways to think about how the needs of patients should be served properly by the different features of the U.S. health care system.³

On many occasions, governmental bodies have turned to Eleanor for guidance. She has served as a consultant to President Clinton's Task Force for Health Care Reform, the Administrative Conference of the United States on reforms of the federal regulatory process, and the Indiana Commission on Health Care for the Working Poor. She also was appointed by the governor of Indiana to the Executive Board of the Indiana State Department of Health and to other state advisory boards and task forces.

Eleanor's outstanding contributions in scholarship and service have been matched by her mentorship of students. Over the years, Indianapolis has developed a top-notch community of health care lawyers. Whether in governmental agencies, legal departments of hospitals and life science corporations, or health care groups at private law firms, Eleanor's students provide first-rate counsel to their clients and the public. Her protégés comprise a veritable who's who in Indianapolis health care law.

My colleagues at the School of Law and I were privileged to serve as members of the faculty with Eleanor, and we have been grateful for her devoted and exceptional leadership.

2. *Id.* at 1278-80, 1302-03. Publication of the study led the Department of Insurance to become more aggressive in defending the patient compensation fund. Communication with Eleanor D. Kinney (Feb. 12, 2012).

3. Sara Rosenbaum, *Protecting American Health Care Consumers*, 288 J. AM. MED. ASS'N 2049 (2002) (reviewing ELEANOR DEARMAN KINNEY, *PROTECTING AMERICAN HEALTH CARE CONSUMERS* (2002)).