this standard, an accusation made to a known police officer is clearly testimonial.”

“In short,” Friedman says in his brief, “if an accusation made to a police officer, whatever the circumstances in which it was made, may be admitted against an accused without an opportunity for confrontation, then virtually the whole of the confrontation right is lost: Rather than saying that a prosecution witness must testify in the presence of the accused and subject to cross-examination, as the Confrontation Clause requires, we must add a qualifier, that the witness may also testify by making an accusation to a police officer.”

“The Court can decide this case by adopting a simple principle: A statement made to a known police officer (or other government agent with significant law enforcement responsibilities) and accusing another person of a crime is testimonial within the meaning of Crawford,” according to Friedman.

“The Confrontation Clause is an affirmative guarantee that testimony introduced against an accused must be given under a prescribed procedure—in the presence of the accused and subject to cross-examination.”

Schneider spotlights law, ethics in consumer-directed health care

Chauncy Stillman Professor of Ethics, Morality, and the Practice of Law Carl E. Schneider, ’79, and his co-researcher have been given an Investigator Award in Health Policy Research by the Robert Wood Johnson Foundation to study “The Law and Ethics of Consumer-Directed Health Care.”

Schneider is conducting the research with co-investigator Mark A. Hall, the Fred D. and Elizabeth L. Turnage Professor of Law and Public Health at Wake Forest University. Their research seeks “to better understand how law and ethics can and should respond to consumer-directed health care” and “probes a range of possible effects on medical practice and treatment relationships when cost-sharing by patients plays a greater role in medical decision-making.”

“New developments in health insurance, designed in part to contain costs, require patients to take greater responsibility for making medical spending decisions,” their abstract notes. “The mechanisms of this new ‘consumer-directed health care’ model—health savings accounts, high-deductible catastrophic coverage, and tiered provider networks and pharmacy benefits—have broad policy implications that may challenge conventional understandings of the doctor-patient relationship, the doctrine of informed consent, the medical malpractice standard of care, and other tenets of health care law and ethics.”

Schneider and Hall are among 11 scholars awarded a total of $2.5 million to support nine new policy projects in health and health care.

Chauncy Stillman Professor of Ethics, Morality and the Practice of Law Carl E. Schneider