

Appendix A.

CURRICULUM VITAE (January 2020) GEORGE A. NATION III

CONTACT INFORMATION:

Lehigh University, Rauch Business Center
621 Taylor Street
Bethlehem, PA 18015
610-758-4531
610-866-0598
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EDUCATION:

Villanova University School of Law: J.D. (Cum Laude) May 1983
Member, Villanova Law Review
Member, Moot Court Board

Villanova University: B.S. (Summa Cum Laude) (Accounting) May 1980

EMPLOYMENT:

Lehigh University College of Business & Economics
Department of Finance & Law
2000-Present Professor of Law & Business
1997-2001 Vice Chair, Law Area
1991-2000 Associate Professor of Law & Business
1994-1997 Program Director, Law Area
1991-1994 Chairperson, Department of Law & Business
1985-1991 Assistant professor of Law & Business

Cohen, Shapiro, Polisher, Shiekman & Cohen (Philadelphia, PA)
1983-1985 Associate (Corporate Law Department)

Ledbetter & Zaid (Radnor, PA)
Summer 1982 Law Clerk

United Engineers & Constructors, Inc. (Philadelphia, PA)
Summer 1980, 1981 Accounting Clerk

COURSES TAUGHT:

I have taught graduate and undergraduate students in the following areas:

Introduction to Law
Legal Environment of Business
Business Law
Legal Environment of Management
CPA Review Course (law portion)

HONORS:

Sue and Eugene Mercy Jr. Professor of Business and Economics
Lehigh University Award (excellence in teaching).
Order of the Coif
Beta Gamma Sigma
Phi Kappa Phi

PUBLICATIONS:

Articles:

“The Valuation of Medical Expense Damages in Tort: Debunking the Myth That Chargemaster Based “Billed Charges” Are Relevant in Determining the Reasonable Value of Medical Care”, *Forthcoming 95 Tulane Law Review* xxx, (2020)

“Contracting for Healthcare: Price Terms in Hospital Admission Agreements”, *124 Dickinson Law Review* 91 (2019) (59 pages).

“Hospitals Use the Pernicious Chargemaster Pricing System to Take Advantage of Accident Victims: Stopping Abusive Hospital Billing”, *66 Drake Law Review* 645 (2018) (59 pages).

“Taking Advantage of Patients In An Emergency: Addressing Exorbitant and Unexpected Ambulance Bills”, *62 Villanova Law Review* 747 (2017) (40 pages).

“Health Care And The Balance Billing Problem,” *61 Villanova Law Review* 153 (2016) (38 pages).

“Hospital Chargemaster Insanity: Healing The Healers,” *43 Pepperdine Law Review* 745 (2016) (37 pages).

“Demand Promissory Notes and Commercial Loans: Balancing Freedom of Contract & Good Faith,” *94 Nebraska Law Review* 151 (2015) (43 pages).

“Standing” on Formality: *Hollingsworth v. Perry* and the Efficacy of Direct Democracy in the United States,” *29 BYU J. of Public Law* 25 (2014) (74 pages) (with M. Melone).

“Determining The Fair And Reasonable Value of Medical Services: The Affordable Care Act, Government Insurers, Private Insurers, And Uninsured Patients,” *65 Baylor Law Review* 425 (2013) (47 pages).

“We The People: The Consent of The Governed In The 21st Century: The Peoples Unalienable Right To Make Law,” *4 Drexel Law Review* 319 (2012) (80 pages).

“Non-Profit Charitable Tax-Exempt Hospitals – Wolves In Sheep’s Clothing: To Increase Fairness and Enhance Competition in Health Care All Hospitals Should Be For-Profit and Taxable,” *Rutgers Law Journal* (2011) (72 pages).

“Enforcement of Discretionary Events of Default: Acting In Good Faith,” *25 Commercial Lending Review* 11 (2010) (6 pages).

“The New Constitutional Right To Guns: Exploring The Illegitimate Birth and Acceptable Limitations of This New Right,” *40 Rutgers Law Journal* 353 (2009) (65 pages).

"Guaranty Agreements: Recent Cases Illustrate Common Risks," 24 Commercial Lending Review 31 (2009) (6 pages).

"Respondeat Manufacturer: Imposing vicarious Liability on Manufacturers of Criminal Products," 60 Baylor Law Review 156 (2008) (75 pages).

"Loan Documents Can be Compromised by Poor Loan Administration," 22 Commercial Lending Review 12 (2007) (6 pages).

"Creating Enforceable prepayment Provisions in Commercial Promissory Notes," 21 Commercial Lending Review 19 (2006) (4 pages).

"Obscene Contracts: The Doctrine of Unconscionability and Hospital Billing of the Uninsured," 94 Kentucky Law Journal 1 (2006) (37 pages). (This article has been cited by several courts including the Supreme Court of Texas in two separate cases: Daughters of Charity v. Linnstaedter (2007) and Haygood v. DeEscabado (2011)).

"Agency Law and Commercial Lending: Creating an Enforceable Security Interest," 20 Commercial Lending Review 17 (2005) (6 pages).

"Prepayment Fees in Commercial Promissory Notes: Applicability to Payments Made Because of Acceleration," 72 Tennessee Law Review 613 (2005) (32 pages).

"Agency Law and Secured Transactions: The Use of Agents in the Creation of Security Interests," 11 George Mason Law Review 739 (2003) (25 pages).

"Circuity of Liens Arising from Subordination Agreements: Comforting Unanimity No More," 83 Boston University Law Review 591 (2003) (27 pages).

"Proper Loan Structure Requires Coordination of Multiple Areas of Law," 18 Commercial Lending Review 23 (2003) (5 pages).

"Delegation or Novation: An Important Distinction for Lenders," 17 Commercial Lending Review 34 (2002) (6 pages).

"Creating Enforceable Guaranty Agreements: Multiple Sources of Law Require Careful Analysis," 119 Banking Law Journal 153 (2002) (21 pages).

"Electronic Contracting After E-Sign: The Impact on Commercial Loan Documentation," 16 Commercial Lending Review 31 (2001) (31-40; 10 pages).

"Mobile Goods Ruling Revised by Court of Appeals," 15 Commercial Lending Review 67 (2000) (67-71; 5 pages).

"For the Introductory Business Law Course Consider An In-Depth Study of

Contract Law in an Integrated Business Context," 17 Journal of Legal Studies Education 283 (Summer/Fall 1999) (published in 2000) (283-303; 21 pages) (with M. Melone).

"Giving Notice of the Sale of Collateral: Complying with Article 9's Notice Requirements," 16 Commercial Lending Review 49 (2000) (1-6; 6 pages).

"Commercial Loans Payable on Demand: Poor Note Drafting Continues to Cause Problems For Lenders," 116 Banking Law Journal 313 (1999) (313-340; 28 pages).

"Revised Article 9: New Rules for Filing to Perfect a Security Interest," 14 Commercial Lending Review 49 (1999) (49-59; 11 pages).

"Creation and Perfection of Non-Seller Purchase Money Security Interests: Current Law and Proposed Changes Under Revised Article 9," 31 UCC Law Journal 84 (1998) (84-110; 27 pages).

"Revised Article 9 of the UCC: The Proposed Revisions Most Important to Commercial Lenders," 115 Banking Law Journal 212 (1998) (212-237; 26 pages).

"Mobile Goods Under Article 9: Make Multiple Filings to Protect Your Security Interest," 13 Commercial Lending Review 53 (1997) (53-59; 7 pages).

"The Clardy Case: Lessons For Lenders Concerning Commitment Letters and Other Pre-Loan Contracts," 114 Banking Law Journal 347 (1997) (347-365; 19 pages).

"Solar Motors, Inc. v. First National Bank of Chadron: Some Important Lessons for Lenders Regarding Demand Notes," 113 (Banking Law Journal 815 (1996) (815-826; 12 pages).

"Promissory Notes In Commercial Lending: Selecting the Best Type of Note For Your Loan," 11 Commercial Lending Review 39 (1996) (39-53; 15 pages).

"Lending to Limited Liability Companies: Structuring and Documenting Loans to LLC's," 113 Banking Law Journal 25 (1996) (25-52; 28 pages)

"The Bankruptcy Reform Act of 1994: Its Impact on Commercial Lenders," 10 Commercial Lending Review 66 (1995) (66-77; 6 pages).

"Demand Notes and Good Faith in Commercial Lending: The Impact of UCC Revised Article 3," 27 U.C.C. Law Journal 382 (1995) (382-412; 31 pages).

"Life Without EPA's Rule Interpreting CERCLA's Secured Party Exemption," 111 Banking Law Journal 499 (1994) (499-506; 8 pages).

"EPA's Final Rule Interpreting CERCLA's Secured Party Exemption: More Confusion for Lenders," 110 Banking Law Journal 92 (1993) (92-117; 26 pages).

"A New Risk for Lenders from EPA's Final Rule: Lenders Liable as Arrangers Under CERCLA," Loan Officers Legal Alert: The Commercial Lending Law Letter Vol. 8 No. 12 December 1992 pp. 1-4 (4 pages).

"How Lenders Can Minimize Their Risk of Loss and Liability From Environmental laws," 108 Banking Law Journal 346 (1991) (346-385; 40 pages).

"Recognition and Enforcement of Demandable Notes," 23 U.C.C. Law Journal 51 (1990) (51-100; 50 pages). (This article has been cited by the Massachusetts Supreme Court in Shawmut Bank N.A. v. Miller, 614 N.E. 2nd 668 (Sup. Ct. Mass. 1993)).

"Banks: Involuntary Ethics Insurers," Loan Officers Legal Alert: The Commercial Lending Law Letter Vol. 6 No. 2 February 1990 pp. 7-8 (2 pages).

"Some Thoughts About Intercorporate Guaranties, Fair Consideration, and Reasonable Equivalent Value," 37 Drake Law Review 569 (1989) (569-596; 28 pages).

"Demand Notes: Are They Payable on Demand," Lender Liability News, February 22, 1989 (11-12; 2 pages).

"Is Your Collateral Worth the Paper It Is?," ABA Banking Journal February 1989 pp. 42-48 (7 pages).

"Products Designed for Illegal Use : A Proposed Rule for Product Suppliers Who Profit From Illegal Activity," 91 Dickinson Law Journal 657 (1987) (657-676; 20 pages).

Research in Progress:

- Measuring Medical Expenses: "Billed Charges" Are Not Relevant Evidence of Reasonable Value
- The use of direct democracy to enact environmental regulation designed to promote sustainability.
- What's Fair About the Value of Usual & Customary Hospital Fees? Nothing: What Do Patients Owe?
- The Constitutionality of Federal Direct Democracy
- The Impact Of Hospital Pricing on The Cost Of U.S. Health Care

Scholarly Writings Cited in Court Opinions:

Federal Courts

United States Court of Appeals for the Seventh Circuit, *Caterpillar Fin. Servs. v. Peoples National Bank, N.A.*, 710 F.3d 691 (2013).

United States District Court for the District of South Carolina, Charleston Division, *United States v. Berkeley Heartlab, Inc.*, 2017 U.S. Dist. LEXIS 107481 (2017).

Aetna Life Ins. Co., v. Huntingdon Valley Surgery Ctr., 129 F. Supp. 3d 160 (2015).

State Courts

Alaska Supreme Court, *Weston v. Happytime, LLC*, 445 P3d 1015 (2019).

Supreme Judicial Court of Massachusetts, *Shawmut Bank N.A. v. Miller*, 614 N.E. 2d 668 (1993).

Supreme Court of Texas, *Gunn v. McCoy*, 554 S.W. 3d 645 (2018).

Supreme Court of Texas, *In re Cypress Med. Ctr. Operating Co.*, 559 S.W.3rd 128 (2018).

Supreme Court of Texas, *Haygood v. Escabedo*, 356 S.W.3d 390 (2011).

Supreme Court of Texas, *Daughters of Charity Health Servs. of Waco v. Linnstaedter*, 226 S.W.3d. 409 (2007).

Illinois Court of Appeals, *Verci v. High*, 2019 IL App (3d) 190106-B (2019).

Indiana Court of Appeals, *Parkview Hosp. Inc. v. Frost*, 52 N.E.3d 804 (2016).

Indiana Court of Appeals, *Patchett v. Lee*, 46 N.E.3d 476 (2015).

Tennessee Court of Appeals, *Dedmon v. Steelman*, W2015-01462-SC-R11-CV, LEXIS 386 (2016).

Texas Court of Appeals, *Matbon v. Gries*, 288 S.W.3d 471 (2009).

Media (Opinion/Commentary/Comment) Related to Scholarship:

- [Saving surprise medical billing legislation | TheHill](https://thehill.com › opinion › healthcare › 461163-saving-surprise-medica)
<https://thehill.com › opinion › healthcare › 461163-saving-surprise-medica>. Sep 16, 2019 - Saving surprise medical billing legislation. Saving surprise medical billing legislation By **George A. Nation III**, opinion contributor 12.
- [New Medicare rule is a step forward on price transparency ...](https://thehill.com › opinion › healthcare › 463819-new-medicare-rule-is-a...) <https://thehill.com › opinion › healthcare › 463819-new-medicare-rule-is-a...> Oct 3, 2019 - A recent study suggests that steering patients toward lower-price providers or setting price ceilings could save from 9 to almost 13 percent. **George A. Nation III** is ...
- [Expand Medicaid, not Medicare, to provide Americans with ...](https://thehill.com › opinion › healthcare › 457720-expand-medicaid-not-...) <https://thehill.com › opinion › healthcare › 457720-expand-medicaid-not-...> Aug 20, 2019 - ... with health care safety net. Expand Medicaid, not Medicare, to provide Americans with health care safety net By **George A. Nation III**, opinion contributor.
- [Taking the 'surprise' out of medical billing | TheHill](https://thehill.com › opinion › healthcare › 451979-taking-the-surprise-out...) <https://thehill.com › opinion › healthcare › 451979-taking-the-surprise-out...> Jul 10, 2019 - Taking the 'surprise' out of medical billing. Taking the 'surprise' out of medical billing By **George A. Nation III**, opinion contributor 162. The views expressed by ...
- [The cost of a 'right' to health care is liberty | TheHill](https://thehill.com › opinion › 453900-the-cost-of-a-right-to-health-care-is...) <https://thehill.com › opinion › 453900-the-cost-of-a-right-to-health-care-is...> Jul 24, 2019 - The cost of a 'right' to health care is liberty. The cost of a 'right' to health care is liberty By **George A. Nation III**, opinion contributor.
- [Your View by Lehigh prof: Why Medicare for All would harm ...](https://www.mcall.com › opinion) <https://www.mcall.com › opinion> Apr 9, 2019 - According to them, America provides worse care for a higher price. They are wrong. **George A. Nation III** is a professor of law and business at Lehigh University
- [Your View by Lehigh prof: Why colleges should admit students ...](https://www.mcall.com › opinion) <https://www.mcall.com › opinion> Jun 5, 2019 - **George A. Nation III** is a professor of law and business at Lehigh University. The complex system of standardized tests, college equivalent courses, ...
- [It cost what? Medical pricing shrouded in secrecy, leaving ...](https://www.houstonchronicle.com › business › article › It-cost-what-Medi...) <https://www.houstonchronicle.com › business › article › It-cost-what-Medi...> Apr 22, 2019 - "You can't have a free market for health care when patients don't know the real price," said **George A. Nation III**, a professor of Law & Business at Lehigh ...
- [Hospitals and patients' attorneys spar over lien practices](https://www.modernhealthcare.com › providers › hospitals-and-patients-att...) <https://www.modernhealthcare.com › providers › hospitals-and-patients-att...> May 25, 2019 - Hospital liens underscore an even deeper problem: list prices, which are set as high as possible to gain leverage over health insurers, said **George Nation III**,
- [Alieria to stop selling health plans in Texas and limit assets ...](https://www.houstonchronicle.com › business › article › Georgia-company) <https://www.houstonchronicle.com › business › article › Georgia-company>. Jul 20, 2019 - "It's certainly fall-out from the problem we're having with health care in this country," said **George Nation III**, professor of law and business at Lehigh University in ...
- [Trump moves to make healthcare costs more transparent ...](https://www.benefitnews.com › articles › trump-administration-moves-to-...) <https://www.benefitnews.com › articles › trump-administration-moves-to-...> Aug 4, 2019 - Business professor **George Nation**, who studies hospital pricing at Lehigh University, lands on the side of the argument that more price information can lower
- [Diagnosis: opaque - Donald Trump wants hospitals to be ...](https://www.economist.com › business › 2019/11/21 › donald-trump-want...) <https://www.economist.com › business › 2019/11/21 › donald-trump-want...> Nov 21, 2019 - ... prices for thousands of procedures, all couched in impenetrable

medical jargon—transparent in theory but “useless” in practice, says **George Nation** of Lehigh ...

- [White House unveils finalized health care price ... - PhillyVoice](https://www.phillyvoice.com/white-house-health-care-price-transparency/) [https://www.phillyvoice.com/white-house-health-care-price-transparency...](https://www.phillyvoice.com/white-house-health-care-price-transparency/) Nov 18, 2019 - **George Nation**, a business professor at Lehigh University in Pennsylvania who studies hospital pricing, called the final rule and the insurer proposal “exactly a move in the right direction.
- [Trump's Plan To Lower Your Hospital Costs: Here's ... - NPR](https://www.npr.org/sections/health-shots/2019/06/24/trumps-plan-to-lower-your-hospital-costs) [https://www.npr.org/sections/health-shots/2019/06/24/trumps-plan-to...](https://www.npr.org/sections/health-shots/2019/06/24/trumps-plan-to-lower-your-hospital-costs) Jun 24, 2019 - "People are sick and tired of hospitals playing these games with prices," says **George Nation**, a business professor at Lehigh University who studies hospital ...
- [Taking Surprise Medical Bills to Court](#) New York Times-Dec 18, 2018 (I was quoted in the article)
- [Research in Action: Texas Supreme Court Decision Cites Hospital](#) Lehigh University News-May 30, 2018 (the Texas Supreme Court cited my amicus brief and two of my published law review articles in their opinion)
- [Congress should broaden legislation to curb medical price gouging](#) The Hill-Nov 10, 2018.
- [Gun control laws take time but making schools ...](#) Allentown Morning Call-May 30, 2018.
- [Your View: Why hospital list prices are ridiculously high and how much ...](#) Allentown Morning Call-Sep 29, 2018.
- [Prices that insurers pay can help end hospital price gouging](#) The Hill-May 30, 2018.
- [Judge Kavanaugh should become Supreme Court Justice Kavanaugh ...](#) Fox News-Oct 4, 2018.
- [Three doses of competition to reduce the soaring cost of health care](#) The Hill-Mar 4, 2018.
- Solution to health care problem rests in free-market economy, The Morning Call Aug. 3, 2017
- **Tolerance is not agreement | Guest column, Lehigh Valley Live, Aug. 24, 2017**
- [George A. Nation III: Feds should respect states' marijuana laws](#) [ObamaCare repeal collapses — will health insurance collapse too?](#) The Hill (blog)-Mar 24, 2017 (I am the author)
- [Local constitutional expert weighs in on flag burning](#) WFMZ Allentown-Dec 21, 2016

- [Assault weapons ban reasonable response to ...](#) Allentown Morning Call-Jul 6, 2016
- [The problems with Justice Anthony Kennedy's opinion in the Fisher ...](#) Inside Higher Ed-Jun 27, 2016
- [Assault weapon bans should stand](#) Baltimore Sun-Mar 25, 2016
- [After Bill Cosby revelations, colleges should ...](#) Allentown Morning Call-Mar 5, 2016
- [Competition would reduce hospital price-gouging in Pa. | Opinion](#) lehighvalleylive.com-Feb 29, 2016
- [Apple fight about profits, not principle](#) Philly.com (blog)-Feb 25, 2016
- [America's indecisiveness weakens us | Guest opinion ...](#) www.lehighvalleylive.com/...ssf/.../americas_indecisiveness_weaken.html Dec 28, 2015
- [Don't criticize Trump simply because he wants ...](#) Allentown Morning Call-Sep 16, 2015

**PROFESSIONAL ORGANIZATIONS
AND CERTIFICATIONS:**

American Bar Association
Pennsylvania Bar Association
Philadelphia Bar Association
Northampton County Bar Association
Academy of Legal Studies in Business
Admitted to the Pennsylvania Bar 1983

**RECENT
UNIVERSITY
SERVICE:**

Member, College Promotion & Tenure Committee (2013-2016)
Member, College Policy Committee (2011-2014), (2016-2019)
Chair College Promotion & Tenure Committee (2011-2012)
Chair, College Policy Committee (2007-2010)
Global Steering Committee
Prelaw Advisor
Faculty Senate 2020-2024

**PROFESSIONAL
ACTIVITIES:**

I wrote and submitted an amicus brief to the Supreme Court of Texas, November 2017 in the matter of *In re North Cypress Medical Center Operating Co., LTD. Vs. Crystal Ann Roberts* on behalf of the Alliance of Claims Assistance Professionals ACAP.

I gave a presentation with Denis Paul Juge Esq., "Outpatient Odyssey/Chargemaster Insanity", for the Louisiana Association of self-insured employers (LASIE), 2017 LASIE Conference "Geaux for the Gold", Lake Charles Louisiana, Nov 2017.

I gave the presentation entitled: "Fixing The Free Market For Healthcare: Exposing The Unfairness of Chargemaster Based Pricing" for Florida Governor Scott's Commission on Healthcare and Hospital Funding on January 19, 2016. The presentation may be found here:
<http://thefloridachannel.org/videos/11916-commission-healthcare-hospital-funding-part-1/>

I have written and presented "The Law of Commercial Lending," which is a series of continuing professional education courses on the law of commercial lending. The series consists of three separate programs with a total of five days of instruction and has been offered by Lehigh's Office of Continuing Education.

The Robert Morris Associates (The National Association of Loan and Credit Officers, established 1914) East-Central Pennsylvania Group. I wrote and presented a three-hour seminar entitled "Commitment Letters: Working With Counsel to Get From Commitment to Closing." I also presented a paper titled: "Bankers: Involuntary Ethics Insurers" at the RMA 75th anniversary dinner.

Lehigh County Bankers Association. I presented a paper titled "The Impact of Environmental Law on Commercial Lending."

I have written "Business Law for Lenders: The Legal Principles and Documents of Commercial Lending," which is an extensive continuing professional education manual concerning the law and documents of commercial lending. The manual is the basis of a two-day short course. I have presented this course a number of times on an in-house basis for banks in Philadelphia and Bethlehem. In addition, I offered the course on an open enrollment basis.

I have written and presented other professional education seminars for banking institutions in topics concerning the legal aspects of commercial lending with emphasis on the developing law of lender liability and its impact on commercial loan documentation.