

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND

John Marshall Courts Building

IN RE: MIRRANDA GRACE LAWSON)
)
) CASE NO.: CL16-2358
)
)

VCU HEALTH SYSTEM AUTHORITY’S MOTION TO STRIKE EXPERT

COMES NOW the VCU Health System Authority (VCUHS), by counsel, and moves to strike the expert identified by Patrick E. Lawson and Alison J. Lawson (“the Lawsons”), Paul A. Byrne, MD. In support thereof, VCUHS states as follows:

1. This matter comes before this Court because the Lawsons have refused to permit VCUHS physicians to complete testing for brain death of their daughter, Miranda Grace Lawson. The background of how Miranda came to VCUHS and her course there are set forth in VCUHS’s previously filed Petition, and those facts are adopted as if set forth herein.

2. On May 26, 2016, the Lawsons, by counsel, filed a Brief in Opposition to VCUHS’s Petition to complete brain death testing and act on the results of that testing in accordance with Virginia Code Section 54.1-2972. In support of their Brief in Opposition, the Lawsons attached an Affidavit by Paul A. Byrne, MD. The Affidavit of Dr. Byrne was accompanied by “Orders for Patient Miranda Lawson.”

3. In his Affidavit, Dr. Byrne purports to offer opinions on the standard of care that should govern the child’s treatment. Among the opinions in the Affidavit, Dr. Byrne opines that apnea testing should not be performed because it will harm the child, and Dr. Byrne further

opines as to additional treatment that he contends is required by the standard of care to treat the child's condition, going so far as to suggest medical orders to be implemented by VCUHS's physicians to treat the child.

Dr. Byrne Is Not Qualified As An Expert Witness

4. Dr. Byrne is not qualified to give expert testimony in Virginia. Therefore, his Affidavit (or if he should appear live, his testimony) should not be accepted by this Court.

5. Dr. Byrne's *curriculum vitae*, updated as of August 15, 2015, which sets forth his credentials, is attached as Exhibit A. Dr. Byrne's *curriculum vitae* was not attached to the Brief in Opposition and the Affidavit of Dr. Byrne that have been filed with this Court, but counsel for the Lawsons provided Dr. Byrne's *curriculum vitae* to counsel for VCUHS and to Michele Chiocca, the guardian ad litem appointed by the Court in this matter. Review of Dr. Byrne's *curriculum vitae* demonstrates that Dr. Byrne is not qualified to offer expert testimony in Virginia.

6. The decision to accept a tendered expert is at the discretion of the Court. Perdieu v. Blackstone Family Practice Ctr., Inc., 264 Va. 408, 418, 568 S.E.2d 703 (2002).

7. Va. Code Ann. § 8.01-581.20 (West) requires that an expert giving opinions on the standard of care must have an active clinical practice within a year of the alleged event in the same or similar specialty. The specialty at issue in this case is pediatric intensive care and pediatric neurology.

8. Dr. Byrne's Affidavit and *curriculum vitae* do not indicate that he is an expert in either pediatric intensive care or pediatric neurology. To the contrary, his training and specialty appear to have been in neonatal-perinatal medicine. He does not appear to be on the medical staff of any hospital and, of note, does not appear to ever have had privileges to practice as a

pediatric intensivist or as a pediatric neurologist. Thus, Dr. Byrne does not meet the requirement of the same or similar specialty.

9. An active clinical practice requires an actual clinical practice. Work as a teacher and consultant does not qualify as active clinical practice. Hinkley v. Koehler, 269 Va. 82, 606 S.E.2d 803 (2005); Peck v. Tegtmeier, 834 F. Supp. 903 (W.D. Va. 1992), aff'd, 4 F.3d 985 (4th Cir. 1993).

10. Dr. Byrne's clinical practice is represented to have ended in 2012. Thus, he does not have an active clinical practice in pediatric intensive care or pediatric neurology within one year of May 2016. In addition, there is no evidence whatsoever that Dr. Byrne has ever performed testing to determine whether brain death has occurred or has ever performed an apnea test within one year of May 2016.

11. Va. Code Ann. § 8.01-581.20 requires that an expert to be familiar with the standard of care in the Commonwealth of Virginia for the specialty at issue.

12. Dr. Byrne, in his affidavit, fails to set forth any familiarity with the standard of care in Virginia. He cannot be presumed to know the standard of care in Virginia because there is no basis to believe that he would be eligible for licensure in Virginia.

13. Dr. Byrne does not have medical staff privileges at VCUHS/MCV Hospitals (or any Virginia hospital). Further, he would not qualify for attending privileges in the Pediatric Intensive Care Unit at VCUHS/MCV Hospitals. Therefore, he cannot enter these "Orders for Patient Miranda Lawson" for any patient at VCUHS/MCV Hospitals. This is further confirmation that Dr. Byrne does not qualify as an expert witness.

Dr. Byrne's Affidavit Does Not Meet the Minimum Requirements of Expert Testimony

14. Dr. Byrne's affidavit fails to meet the minimum requirements of expert testimony.

15. More specifically, Dr. Byrne's opinions are not represented to be held to a reasonable degree of medical certainty or probability. See Fairfax Hosp. Sys. v. Curtis, 249 Va. 531, 457 S.E.2d 66 (1995) (medical opinion based on a possibility is irrelevant, purely speculative, and inadmissible).

16. Further, when scientific evidence is offered, the court must make a threshold finding of fact with respect to the reliability of the scientific method offered. Spencer v. Com., 240 Va. 78, 393 S.E.2d 609 (1990).

17. Admission of expert testimony is subject to certain basic requirements, including the requirement that the evidence be based on an adequate foundation. John v. Im, 263 Va. 315, 559 S.E.2d 694 (2002)

18. A trial court has no discretion to admit clearly inadmissible evidence. Qualification of an expert does not insure admission of his every statement and opinion. Expert opinion must be premised upon assumptions that have a sufficient factual basis and take into account all relevant variables. Although experts may extrapolate opinions from existing data, a court should not admit expert opinion "which is connected to existing data only by the ipse dixit of the expert". Hyundai Motor Company, Ltd v. Duncan, 289 Va. 147 (2015), quoting Gen. Elec. Co. v. Joiner, 522 U.S. 136, 146, 118 S. Ct. 512, 139 L. Ed. 2d 508 (1997).

19. Dr. Byrne's rambling Affidavit sets forth random facts drawn from the VCUHS MCV Hospitals chart for the child on various days. It fails to set forth how such random facts are used in arriving at what are represented to be Dr. Byrne's conclusions. His conclusions appear to be entirely *ipse dixit*.

20. More importantly, Dr. Byrne's Affidavit fails to consider any research, data or statements of scientific inquiry, and in particular, Dr. Byrne fails to consider or even mention

current guidelines for the determination of brain death in infants and children that have been endorsed by national professional societies,¹ which guide the practice of pediatric critical care specialists and pediatric neurologists throughout the United States and at VCUHS.

21. Even more importantly, Dr. Byrne's Affidavit fails to address the issue before this Court: Should a reasonable Virginia pediatric intensivist or pediatric neurologist perform and complete brain death testing, including an apnea test?

22. An opinion that constitutes an opinion of law not admissible. Va. Code Ann. § 8.01-401.3(B) (West). Here, the General Assembly has spoken as to the definition of death in Va. Code Ann. § 54.1-2972 (West).

WHEREFORE, for the reasons stated above and as set forth in oral argument, VCU Health System Authority moves this Court to strike the Affidavit and/or any testimony of Paul A. Byrne, MD.

VCU HEALTH SYSTEM AUTHORITY

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Counsel for VCU Health System Authority

¹ See "Guidelines for the determination of brain death in infants and children: An update of the 1987 Task Force Recommendations," *Crit Care Med* 2011 Vol. 39, No. 9. These guidelines have been endorsed by the American Academy of Pediatrics (Section on Critical Care and Section on Neurology), the American Association of Critical Care Nurses, the Child Neurology Society, the National Association of Pediatric Nurse Practitioners, the Society of Critical Care Medicine, the Society for Pediatric Anesthesia, the Society of Pediatric Neuroradiology, and the World Federation of Pediatric Intensive and Critical Care Societies.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was emailed, faxed and mailed this 27th day of May, 2016 to the following:

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CURRICULUM VITAE

PAUL A. BYRNE, M.D.

DATE & PLACE OF BIRTH: February 14, 1933, Norwood, Ohio

EDUCATION:

B.S. - 1953 - Xavier University, Cincinnati, Ohio

M.D. - 1957 - St. Louis University School of Medicine

TRAINING:

Internship (Rotating) - 1957-58 - St. Louis University Group of Hospitals

Residency (Pediatrics) - 1958-61 - St. Louis University Group of Hospitals

Postgraduate - 1962 - Care of Premature, University of Colorado, Denver, CO Postgraduate -

1963 - Neonatology, American Academy of Pediatrics, Boston, MA

CERTIFICATION:

American Board of Pediatrics, 1963

Sub-Board of Neonatal-Perinatal Medicine of American Board of Pediatrics, 1975

ACADEMIC APPOINTMENTS:

Clinical Professor of Pediatrics, 1996-present - University of Toledo, College of Medicine, Toledo, Ohio.

Professor of Pediatrics, 1986-89 - Oral Roberts University School of Medicine, Tulsa, OK

Adjunct Professor of Obstetrics and Gynecology, 1986-89 - Oral Roberts University School of Medicine, Tulsa, OK

Clinical Professor of Pediatrics, 1981-86 - Creighton University School of Medicine, Omaha, NE

Clinical Professor of Pediatrics, 1978-81 - St. Louis University School of Medicine, St. Louis, MO

Associate Clinical Professor of Pediatrics, 1970-78 - St. Louis University School of Medicine, St. Louis, MO

Assistant Clinical Professor of Pediatrics, 1967-70 - St. Louis University School of Medicine, St. Louis, MO

Instructor, 1963-67 - Department of Pediatrics, St. Louis University School of Medicine, St. Louis, MO

Assistant, 1961-63 - Department of Pediatrics, St. Louis University School of Medicine, St. Louis, MO

POSITIONS:

President, Life Guardian Foundation, 2009-
Director of Neonatology, St. Charles Mercy Hospital, 2000-2012, Oregon, OH
Neonatologist, St. Charles Mercy Hospital, 1991-2012, Oregon, OH
Chairman, Dept. of Pediatrics, St. Charles Mercy Hospital, 2001-2012, Oregon, OH
Director of Neonatology, Riverside Hospital, 1990-91, Toledo, OH
Chairman, Dept. of Pediatrics, 1989-90 - St. Vincent's Medical Center, Bridgeport, CT
Chairman, Dept. of Pediatrics, 1986-89 - Oral Roberts University, School of Medicine,
Tulsa, OK
President, South Tulsa Christian Child Health Center, 1988-89, Tulsa, OK
Medical Director of Newborn Nurseries and Pediatric Ward, 1986-89, City of Faith
Medical and Research Center, Tulsa, OK
Director of Neonatology, 1981-86 - Archbishop Bergan Mercy Hospital, Omaha, NE Pediatric
Director, 1975-80 - St. Louis University Perinatal Center for Southern Illinois
Director, 1963-80 - Neonatal Intensive Care Unit (founded and developed), Cardinal
Glennon Memorial Hospital for Children, St. Louis, MO
Director, 1963-70 - Newborn Nursery, St. Louis University Hospital, St. Louis, MO
Private Practice, Pediatrics and Neonatology, 1961-81 - St. Louis, MO

COMMITTEES AND SOCIETY APPOINTMENTS:

Treasurer, 1988-89 - Christian Health Care Practitioners Association, Tulsa, OK
Representative, 1988-89 - American Medical Association Section on Medical Schools
President, 1987-88 Medical Faculty Assembly, Oral Roberts University School of
Medicine (Elected by fellow faculty members), Tulsa, OK
Chairman, 1986-89 - Ethics Committee, City of Faith Medical and Research Center,
Tulsa, OK
Member, 1986-89 - Executive Committee, Oral Roberts University School of Medicine,
Tulsa, OK
Member, 1986-89 - Clinical Chair Committee, Oral Roberts University School of Medicine,
Tulsa, OK
Chairman, 1975-80 - Transportation Committee, Maternal-Infant High Risk Program, State
of Missouri
Program Director, 1974-80 - Annual Perinatal Symposium, St. Louis University
School of Medicine, St. Louis, MO
Vice-President, 1972-74 - Cardinal Glennon Memorial Hospital For Children
Medical Staff, St. Louis, MO
Secretary, 1969-71 - Cardinal Glennon Memorial Hospital for Children
Medical Staff, St. Louis, MO
Secretary, 1971-73 - American Academy of Pediatrics, Missouri Chapter
Member, 1971-73 - Committee of Fetus & Newborn, American Academy of Pediatrics,
Missouri Chapter
Chairman, 1970 - Infant Mortality Committee for State of Missouri White House Conference
Maternal & Infant Welfare Committee, City of St. Louis, 1967
President, - St. Louis Pediatric Society, 1966
Advisory Board of Life Seekers, St. Louis, MO, 1963-81

CONFERENCES

- Participant, 1969 National Birth Defects Symposium, Southern Illinois University, Carbondale, IL
- Participant, April 1971 - Round Table Spring Session, Intensive Care for High Risk Infants, American Academy of Pediatrics
- Participant, April 1971 - Matt Weiss Symposium of Fetal & Newborn Problems, St. John's Mercy Hospital, St. Louis, MO
- Participant, April 1974 - First National Meeting, Nurses Association of the American College of Obstetrics-Gynecology, Las Vegas, NV
- Participant, June 1978 - American Medical Association Meeting, panel discussion, "Ethical Issues in the Care of the Small Premature"
- Participant, March 1977 - Statewide Conference on Child Abuse and Neglect, Jefferson City, MO
- Guest Lecturer, Fifth Annual Terence Cardinal Cooke Lectureship, October 19, 1988: "Medical, Legal and Ethical Aspects of Brain Death". The Institute of Human Values in Medical Ethics of New York Medical College, New York, NY
- Opening Speaker, October 22, 1988: 11th Annual SIDS Awareness Day, sponsored by Oklahoma Chapter, NSIDSF, Inc., Oklahoma State Department of Health and Oral Roberts University School of Medicine, Tulsa, OK
- Closing Speaker, February 16, 1989: 1st Annual Perinatal Symposium: "Diabetes in Pregnancy," Oral Roberts University School of Medicine, Tulsa, OK
- Guest Lecturer, November 6-7, 1992: 3rd Annual Conference, Updated Medical/Legal Symposium of: Fetoplacental Pathology and Assessment of the Brain Damaged Infant: "A Case For Routine Blood Gases In The Newborn," and, "Adaptation to Extra-Uterine Life In The Asphyxiated Baby." Sponsored by St. Joseph Hospital, Houston, and the Texas Medical Association.
- Chairman, 66th Annual Meeting of The Catholic Medical Association. November 13-16, 1997, Toledo Hilton Hotel, Toledo, Ohio. Morals or Ethics?
- Invited Presenter, "Signs of death," Preliminary Meeting of the Pontifical Academy of Sciences, Vatican City, Italy, Feb 3-4, 2005.
- Invited Presenter, "Death--The Absence of Life," Research Council of Italy, Italy Dec 11, 2006
- Organizer and Presenter: *I segni della vita, La "morte cerebrale" è ancora vita?* Signs of life, Is "brain death" still life? Rome, Italy, February 19, 2009.
- Organizer and Presenter: International Congress, The Boundaries of the Human, The Human Being at the time of the biotechnological Revolution, *Palazzo San Pio X, Via dell'Ospedale (via della Conciliazione) Rome, Italy, February 25-26, 2012*

SOCIETY MEMBERSHIPS:

- American Academy of Pediatrics, 1963 -
Missouri Chapter of American Academy of Pediatrics, 1963-81
St. Louis Pediatric Society, 1963-81

SOCIETY MEMBERSHIPS: (continued)

St. Louis Medical Society, 1961-81
Nebraska Chapter of American Academy of Pediatrics, 1981-86
Fellowship of Catholic Scholars 1982 -Oklahoma Perinatal Association - 1986-89
Oklahoma State Medical Association, 1986 - 1989
Tulsa Pediatric Society, 1986-89
Tulsa County Medical Society, 1986-89
American Medical Association, 1986-present
Catholic Medical Association, formerly known as National Federation of Catholic Physicians'
Guilds, 1984-present
 Board of Directors 1986-
 Secretary – 1993-94
 Treasurer – 1994-95
 Vice President – 1995-96
 President Elect – 1996-97
 President – 1997-98
Fairfield County Medical Society (Connecticut), 1990
Northwest Ohio Pediatric Society - 1991 -
Ohio Perinatal Association, 1991-
Ohio Chapter of American Academy of Pediatrics, 1991-
Ohio State Medical Association, 1991-
The Academy of Medicine of Toledo and Lucas County, 1991-

AWARDS:

Certificate of Appreciation from Project Get Together, December 1986, 1987, 1988,
Tulsa, OK
Certificate of Appreciation from Oklahoma Chapter of National Sudden Infant Death
Syndrome Foundation, October 1988
Cardinal Carberry Pro-Life Award, October 1979, St. Louis, MO
Dr. James T. Cleary Biology Award, May 1953, Xavier University, Cincinnati, OH

VOLUNTEER POSITIONS:

Project Get Together Pediatric Free Clinic (once or twice a month), 1986-89
Broken Arrow Neighbors Pediatric Free Clinic (once a month), 1986-87

PUBLICATIONS:

Fagan LF, Thurman M, LoPiccolo VJ, Jr. and Byrne PA. Myocardial Infarction in
the Perinatal Period With Long-Term Survival. J Pediatrics, September
1966; 69(3): 378-382.

Byrne PA and Garlinghouse BK. Development Of A Practical Disposable CPAP Head
Bag. Ped Res, April 1974; 8(4): 465.

PUBLICATIONS (continued):

- Caddell JL, Erickson M, and Byrne PA. Interference From Citrate Using The Titan Yellow Method And Two Fluorometric Methods For Magnesium Determination In Plasma. *Clinical Chimica Acta*, 1974; 50:9-11.
- Cook SA Brodeur A, Byrne PA. Aspiration Of Ear Plug Into The Respiratory Tract. *Cleveland Clinic Quarterly*, Spring 1974;41(1).
- Byrne PA and Caddell JL. The Magnesium Load Test: II. Correlation of Clinical and Laboratory Data in Neonates. *Clin Peds*, May 1975; 14(5)
- Caddell JL, Byrne PA, Triska RA, and McElfresh AE. The Magnesium Load Test: II. Correlation Of Clinical And Laboratory Date In Infants From One To Six Months Of Age. *Clin Peds*, May 1975; 14(5).
- Sarnat HB, O'Connor T, and Byrne PA. Clinical Effects of Myotonic Dystrophy on Pregnancy and the Neonate. *Arch Neuro*, July 1976; 33:459-465.
- Byrne PA. On Death. *Missouri Medicine*, June 1978;75(6):256-258.
- Byrne PA, O'Reilly S, and Quay PM. Brain Death - An Opposing Viewpoint, *JAMA*, November 2, 1979; 242:1985-1990.
- Byrne PA. Response [to brain-related criteria for death]: Moral Responsibility in Prolonging Life Decisions, by The Pope John XXIII Medical-Moral Research and Education Center, St. Louis, 1981.
- Byrne PA. Response [to brain-related criteria for death]: Moral Responsibility in Prolonging Life Decisions, by The Pope John XXIII Medical-Moral Research and Education Center, St. Louis, 1981.
- Byrne PA, O'Reilly S, Quay PM, and Salsich PW. Brain Death - The Patient, The Physician, and Society. *Gonzaga Law Review*, 1984;18(3):429-516.
- Byrne PA, et al. The Physician's Responsibility toward Sacred Human Life, *Linacre Quarterly*, November 1986:15-21.
- Henderson, RL and Byrne PA. A Medical Financial System Based on Biblical Principles, *Journal of Biblical Ethics in Medicine*, 1990; 4(1): 14-19.

PUBLICATIONS (continued):

Evers JC, Byrne PA. Brain Death-Still a Controversy. The Pharos of Alpha Omega Alpha, Fall 1990; 53(4): 10-12.

Translated and published:

Verantwortlich für die Übersetzung: Professor Dr. Gerhard Fitkau. Hirntod immer noch umstritten, Medizin & Ideologie, Dezember 1994:55-58.

Hirntod - Sind Organspende wirklich tot?

Organspende: Letzter Liebesdienst oder Euthanasie / Walter Ramm (Hg.).

[Mit einem Vorw. von W. Pó_tawska]. - 2., überarb. Aufl. - Absteinach:

Derschieder, 1995 ISBN 3-930533-03-0

NE: Ramm, Walter [Hrsg.].

Evers JC, Byrne PA. "Brain Death May Not Determine Death" -Death & Dying, Opposing View Point Series, Greenhaven Press, William Dudley, Editor 1992; 1:23-29.

Byrne PA, Nilges, RG. The Brain Stem in Brain Death. Issues In Law & Medicine 1993; 9(1):3-21.

Byrne PA, Nilges RG, Evers JE. Anencephaly - Organ Transplantation? Issues In Law & Medicine, 1993; 9(1): 23-33.

Byrne PA, Evers JC. The Sacrament of Anointing and the Brain Dead. The Priest, August 1993; 49(8):6-9.

Byrne PA, Kurt EJ Jr JD, Campbell DD JD, Nilges RG, de Carvalho CA, Perone AM JD, Evers JC, Traynor RJ JD. Quinlan Re-Examined. Linacre Quarterly, May 1997: 58-65.

Bowes W, Byrne P, Cavanagh D, Colliton W, Foye G, Klaus, H, Pellegrino E. True Integrity for the Maternal-Fetal Medicine Physician. Linacre Quarterly, August 1997:77-81.

Byrne PA, Colliton WF, Evers JC, Fangman TR, L'Ecuyer J, Simon FG, Nilges RG, Shen JTY, Kramper RJ. Life, Life Support, and Death: Principles, Guidelines, Policies and Procedures for Making Decisions That Respect Life. Linacre Quarterly, November 1997:3-31.

Byrne PA, Rinkowski GM. "Brain Death" is False. Linacre Quarterly, February 1999:42-48.

Shewmon DA, Holmes GL, Byrne PA. Consciousness in Congenitally Decorticate Children: Developmental Vegetative State as Self-Fulfilling Prophecy. Developmental Medicine & Child Neurology, 1999, 41:364-374.

Bruskewitz FW, Vasa RF, Weaver WF, Byrne PA and Nilges RG. Are Organ Transplants Ever Morally Licit? CWR, March 2001;11(3):50-56.

PUBLICATIONS (continued):

Byrne PA, Coimbra CG, Spaemann R, and Wilson MA. "Brain Death" is Not Death. CWR, March 2005: 54-58.

Byrne PA, Miller C, and Justus K. Neonatal Group B Strept Infection Related to Breast Milk, Breastfeeding Medicine, 2006: 1(4), 263-270.

Boyd J and Byrne PA. May We Donate Our Organs? Homiletic and Pastoral Review, October 29, 2014.

BOOKS:

Life, Life Support, and Death: Principles, Guidelines, Policies and Procedures for Making Decisions That Respect Life. Byrne, PA, Colliton, WF, Evers, JC, Fangman TR, L'Ecuyer JL, Simon FG, Shen JTY, Kramper RJ. American Life League, Stafford, VA, 1992.

Revised Edition: Byrne, PA, Colliton, WF, Evers, JC, Fangman TR, L'Ecuyer JL, Simon FG, Shen JTY, Kramper RJ, Nilges RG. American Life League, Stafford, VA, 1993.

Third Edition: Byrne, PA, Colliton, WF, Evers, JC, Fangman TR, L'Ecuyer JL, Simon FG, Shen JTY, Kramper RJ, Nilges RJ, with Sadick MH, JD Consulting Editor. American Life League, Stafford, VA, 1996.

Second Revised Edition: Byrne, PA, Colliton, WF, Evers, JC, Fangman TR, L'Ecuyer JL, Simon FG, Shen JTY, Kramper RJ, Nilges RJ, with Sadick MH, JD Consulting Editor. American Life League, Stafford, VA, 2005.

Beyond Brain Death: Edited by Michael Potts, Ph.D., Paul A. Byrne, M.D. and Richard G. Nilges, M.D., Philosophy and Medicine (P & M) 66, Kluwer Academic Publishers, ISBN 0-7923-6578-X, 2000.

"Brain Death" Is Not Death. Byrne, PA and Weaver, WF. Chapter in "Brain Death and Disorders of Consciousness," Proceedings of the Fourth International Symposium on Coma and Death, held March 9-12, 2004, in Havana, Cuba. Edited by Calixto Machado and D. Alan Shewmon, Advances in Experimental Medicine and Biology, Kluwer Academic/Plenum Publishers, New York, 2004.

Finis Vitae, Death: the Absence of Life, *Conziglio Nazionale delle Ricerche* pp 63-84, . Rubbettino, Rome, Italy, 2006.

Finis Vitae, Is "Brain Death" True Death? *Conziglio Nazionale delle Ricerche*, Rubbettino, Rome, Italy, 2006; Life Guardian Foundation, 2009.

Organ Transplantation, Facts about Being an Organ Donor, Life Guardian Foundation, September 2010, Revised Second Edition 2011, Revised Third Edition 2012.

El Donador y Trasplante De Organos, Life Guardian Foundation, *Primero Edicion Espanola*. September 2014.

ABSTRACTS:

Byrne PA and Beld JW. Development Of A Practical Neonatal Monitoring System For Systolic and Diastolic Blood Pressure, Heart Rate, Respiratory Rate, and Temperature. Program for the Society of Pediatric Research, 1968.
(Presented at annual meeting in New Jersey).

Byrne PA and Garlinghouse BK. Development Of A Practical Disposable CPAP Head Bag. Program for the Society of Pediatric Research, 1974.

ABSTRACTS (cont'd):

Byrne PA. Assessment of Asphyxia in the Neonate by Measuring Brain-Type Isoenzyme of Creatine Phosphokinase (CK-BB). Presented at Great Plains Perinatal Organization, Des Moines, Iowa, September 30, 1983.

Byrne PA. Nasal Variable Positive Airway Pressure (N-VPAP) in the Treatment of RDS, presented at the American Academy of Pediatrics Meeting, Phoenix, AZ, March 25, 1984.

GUEST COLUMNIST:

Starving Terminal Patients is Murder. USA Today, March 29, 1984.

We Don't Need a Law to Keep Patients Alive. USA Today, Sept 20, 1984.

Artificial Birth Control from a Medical Viewpoint. Catholic Chronicle, Toledo, Ohio, September 24, 1993, Page 3.

Medical Ethics Under Siege. The Toledo Blade, Toledo, Ohio, July 8, 1995, page 7.

Declaration of Death Requires Understanding Life. The Toledo Blade, Toledo, Ohio, June 15, 1994, page 11.

Renew America:

Vital distinctions in transplantation. July 9, 2007.

Vital organ donation. August 8, 2007.

Help! Organs taken from living people! June 4, 2008.

Person on earth begins at conception. June 16, 2008.

More on conception. June 22, 2008.

"Brain death"--enemy of life and truth. June 25, 2008.

Excision of vital organs is imposed death (*epivalothanasia*). July 9, 2008.

The demise of "brain death". September 8, 2008.

Revised Uniform Anatomical Gift Act 2006: is it unconstitutional involuntary servitude? December 10, 2008.

Bioethics experts challenge the 'Revised Uniform Anatomical Gift Act (2006)'. April 14, 2009.

Death starts when life has ended! January 26, 2010.

End of life planning--the Blumenauber way. January 4, 2011.

Do your organs belong to the government? January 21, 2011.

Vital organ transplantation--not truly dead. August 18, 2011.

Why are Pastoral Care Workers ignorant of the realities of "brain death"? February 16, 2012.

Execution in a New York Hospital, Oct 29, 2013

Think you don't need an organ donor opt-out card? Think again--the Burns case, July 11, 2013

Cord blood--who owns it? March 5, 2013

A living human person on earth until true death, February 11, 2013 Catholic teaching on death and organ transplantation, February 7, 2013

Liberty is necessary, February 2, 2013

Do you really want to be an organ donor? January 8, 2013

Liberty is necessary, February 2, 2013
Catholic teaching on death and organ transplantation, February 7, 2013
A living human person on earth until true death, February 11, 2013
Cord blood--who owns it? March 5, 2013
Think you don't need an organ donor opt-out card? Think again -- the Burns case, July 11, 2013
Execution in a New York hospital, October 29, 2013
Jahi is not truly dead, Wesley Smith, December 24, 2013
Jahi McMath is a living person, January 14, 2014
Jahi McMath's functioning hypothalamus: some social and scientific considerations, January 18, 2014
Jahi McMath, can you move? February 1, 2014
For the love of Jahi, the living testimony of Nailah Winkfield, February 7, 2014
Jahi McMath--accepting her life, March 18, 2014
Quinlan re-examined, September 27, 2014
Jahi is alive -- praise the Lord and pass the ammunition, May 21, 2015
Nevada physician is needed, July 6, 2015
Judge rules: stop life support, July 27, 2015
Aden Hailu appeal to Nevada Supreme Court, August 12, 2015

LETTERS:

Byrne PA. The Uniform Anatomical Gift Act. JAMA, 1982;248:1452.
Byrne PA. Response to Article on Brain Death. America, March 26, 1983:234-235.
Byrne PA. Letter to the Editor regarding "Magnesium Therapy in Premature Neonates with Apnea Neonatorum." Journal of the American College of Nutrition, 1988;7(6):520-521.
Byrne PA. Response to Editorial by Mr. Wright. The Public Medical News, June 13-27, 1989; II(12):5.
Evers JC and Byrne PA. Reply to Brain Death - The Controversy Continues. The Pharos of Alpha Omega Alpha, Spring 1991; 54(1):32-33.
Byrne PA. Phase II of Kevorkian's "Prescription: Medicide." HLI Reports, February, 1998:8.
Byrne PA. More on Organ Donations. HLI Reports, April, 1998:8-9.
Byrne PA. Cutting costs can shorten patients' lives. The Blade, November 6, 2014

FILM:

Continuum of Life. Byrne, PA. Author and Producer.

(Revised and updated (8-11-2015))