



CENTER FOR Law, Health & Society

Working with the law . . .
To promote society's health

Issue 1 • Vol. 1

Center for Law, Health & Society | Georgia State University College of Law

Fall 2007

Health Law Program—Top Ten Ranking

The health law program at the College of Law has been ranked Number 10 nationally by *U.S. News & World Report*. The national rankings for specialty programs like health law reflect an assessment by faculty peers in health law at all American law schools. Our addition of excellent new faculty and new health law programs and initiatives *Continued on page 2*



HEALTH LAW FACULTY AND STAFF – FRONT ROW, L TO R: JERRI NIMS ROOKER, CENTER ASSISTANT DIRECTOR; ASSOC. PROF. LESLIE WOLF; FACULTY FELLOW ROBERTA BERRY; PROF. PAUL LOMBARDO; PROF. CHARITY SCOTT, CENTER DIRECTOR – BACK ROW, L TO R: ASSIS. CLINICAL PROF. SYLVIA CALEY, DIRECTOR OF HeLP; ASSOC. PROF. JONATHAN TODRES; ASSIS. CLINICAL PROF. LISA BLISS; LUCIANA JABER, HeLP ADMINISTRATIVE COORDINATOR

Welcome New Health Law Faculty

The College of Law warmly welcomes two new tenure-track faculty in health law this year: Professor Leslie E. Wolf and Professor Jonathan Todres.

Leslie E. Wolf joins the faculty as an Associate Professor. An expert in public

health law and human subject research law and ethics, Professor Wolf was previously at the University of California, San Francisco, Medical Center where she taught medical ethics and *Continued on page 2*

www.lawandhealth.org

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Join
Our
Network!

Please complete the
sign-up sheet on page 11.



When I joined the College of Law faculty 20 years ago, only one health law course was offered in the curriculum. At the time, even this course was considered progressive for a new law school that was starting to build its foundations. Health law was just beginning to get

recognition as its own field, and fortunately for me, one of the first textbooks for a survey course had just been published. Before joining the faculty, I had been in practice representing health care clients when the field was still in its infancy, and the only training lawyers had for “hospital law” (as it was called at the time) had been the general law school curriculum.

The College of Law is celebrating its 25th Anniversary this year, and my, how we have grown. We have established the Center for Law, Health & Society, which serves as the catalyst for exciting new programs and initiatives in the health law field. Thanks to new University funding that supports the growth of interdisciplinary programs, particularly in public health and the biosciences, new health law faculty have joined the College of Law.

The health law curriculum has also expanded considerably. As well as having a rich array of health law classes taught by experts on the full-time and adjunct faculty, law students can now enroll in courses that take them beyond the law school classroom: to join medical students at Emory, to work down at the Capitol on health legislation, and to go out into the community to serve low-income children and families at children’s hospitals in Atlanta.

We hope you enjoy this inaugural issue of our newsletter. To continue to receive it and other notices of our events, please visit us at www.lawandhealth.org to become a Friend of the Center or a member of the Graduate Health Law Network.

Best wishes,

Charity Scott

Top Ten Ranking continued from page 1

contributed to this national recognition.

The Center for Law, Health & Society celebrated its third anniversary this past year. We continue to grow on the strong foundations in interdisciplinary health law education, research, and community service that we have been building across the Georgia State University campus and throughout Atlanta for the past 20 years.

New Faculty continued from page 1



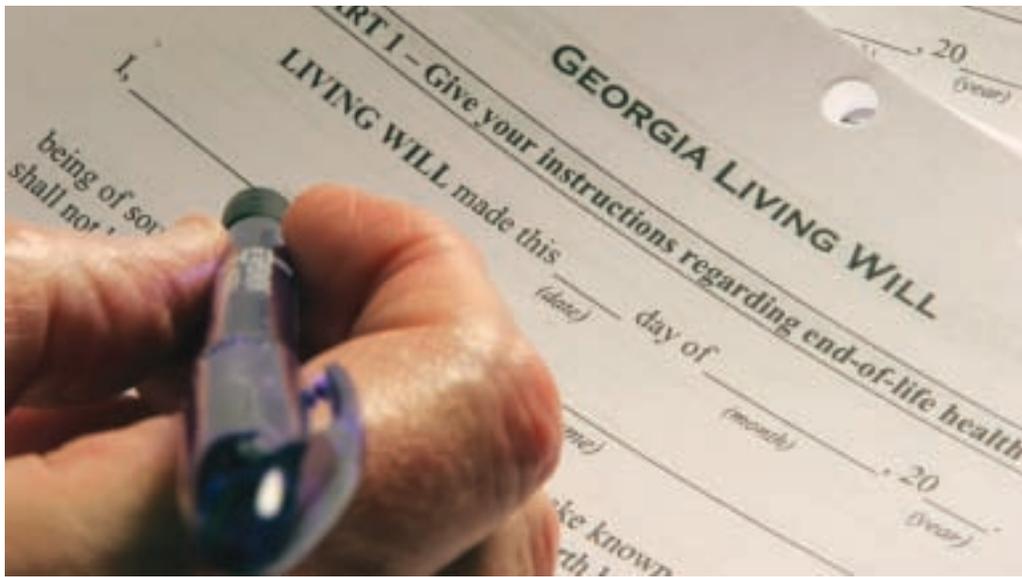
served on the Institutional Review Board and an advisory committee on stem cell research. While at UCSF, Professor Wolf was selected as a Greenwall Faculty Scholar, as part of a national program that enables junior faculty members to carry out original research on policy issues involving ethics and the life sciences. She received her JD degree from Harvard

Law School, and MPH degree from Johns Hopkins School of Public Health. Professor Wolf teaches courses in public health law, HIV/AIDS and the law, and human subjects research law and ethics.



Jonathan Todres joins the faculty as an Associate Professor. With special interests in international health law and children’s rights, Professor Todres previously taught at New York University and Benjamin N. Cardozo law schools. His research focuses on various aspects of health law and children’s rights issues, particularly those related to trafficking and

commercial sexual exploitation. Professor Todres received his JD from Columbia Law School. Before entering the legal academy, he was in private practice in New York and London, as well worked in international public health in Boston and Thailand. Professor Todres teaches courses in public health law, children’s rights and the law, and international and comparative health law.



THE NEW ADVANCE DIRECTIVE IN GEORGIA COMBINES THE FORMER LIVING WILL AND DURABLE POWER OF ATTORNEY FOR HEALTH CARE FORMS INTO A SINGLE FORM.

Advance Directives Reform

Gaining grass-roots consensus among a broad range of community stakeholders can be a key first step to successful enactment of health legislation reform.

In Summer and Fall 2006, the Center hosted a series of weekly roundtable discussions to consider revisions to Georgia's advance directives forms and legislation, for potential introduction of a bill in the 2007 session of the General Assembly. In the wake of

(“Thunder”) Tumlin, Jr., Representative, District 38, and a College of Law graduate. The legislative working group included a wide variety of representatives of the private bar, government agencies, professional associations, health care facilities, advocacy groups, and other community stakeholders with an interest in end-of-life decision-making in health care.

The committee was assisted throughout this process by Jill Travis, Esq., Deputy Legislative Counsel for the General Assembly. On behalf of the Center, Jerri Nims Rooker, Assistant Director, took the lead in convening this on-going roundtable on a weekly basis and in providing valuable research and other assistance. *Continued on page 5*

Download a copy of the new Georgia Advance Directive for Health Care at www.lawandhealth.org

the Terri Schiavo case in Florida, the then-current Living Will and Durable Power of Attorney for Health Care forms in Georgia had been widely criticized as hard to understand by patients and families, as well as hard to implement in health care settings.

This series of roundtable discussions was initiated at the request of Steve

Speakers from November 2006 Conference

Several members of the Advance Directive working group spoke at a conference hosted by the Center, entitled “New Directions for Health Care Planning: Proposed Legislative Reform for Advance Directives in Georgia.”



FRONT ROW LEFT TO RIGHT: JERRI NIMS ROOKER, CENTER ASSISTANT DIRECTOR, CO-CHAIR NIKOLA DJURIC, ESQ., SUTHERLAND, ASBILL & BRENNAN; BEVERLY TYLER, EXECUTIVE DIRECTOR, GEORGIA HEALTH DECISIONS; PROFESSOR MARY RADFORD, GEORGIA STATE UNIVERSITY COLLEGE OF LAW; DEANA RICHARDSON, MN, MPH, APRN-BC, PIEDMONT HOSPITAL, DIRECTOR PALLIATIVE CARE SERVICES; CHARITY SCOTT, CENTER DIRECTOR.

BACK ROW LEFT TO RIGHT: STEVE “THUNDER” TUMLIN, REPRESENTATIVE, DISTRICT 38; BECKY KURTZ, ESQ., GEORGIA STATE LONG-TERM CARE OMBUDSMAN; JOSHUA NORRIS, ESQ., DIRECTOR OF LEGAL ADVOCACY, GEORGIA ADVOCACY OFFICE; CO-CHAIR KATHY KINLAW, M.Div., ACTING DIRECTOR, CENTER FOR ETHICS, EMORY UNIVERSITY.

What is “Health Law”?

Everyone asks this question – from entering law students to members of the public. Simply stated, health law is a broad and interdisciplinary field that involves any law which affects the health of individuals and the public.

At the Center, we have organized the health law field into six focus areas. All upper-level law students are welcome to enroll in any of the health law courses, whether to test out their potential interests in this growing and dynamic field or to decide to concentrate their studies in one or more of these focus areas.

Here is a brief overview of some of the issues raised in the focus areas.

Law, Medicine & Bioethics

The last half of the 20th century saw a dramatic increase in both patients’ rights and the obligations of health care professionals. Debates over the right to die, such as were sparked by the Terri Schiavo case in Florida, have captured the public’s attention. Reproductive rights, including abortion rights and new forms of procreation and family structure, remain controversial. Tort reform has also been high on many states’ legislative agendas.

Health law includes any law that affects the health of individuals and the public.

Regulation of Health Care Business

There is a virtual “alphabet soup” of federal and state agencies that regulate the health care industry. Whether a health care provider is an individual physician or a

complex health system comprised of hospitals, outpatient centers, and medical practices, they all must comply with a vast array of government regulations that span insurance, antitrust, fraud and abuse, and licensing, laws.



Health and Social Justice

A person’s health depends not only on access to good health care, but also on a variety of social, economic, and environmental factors that support good health, such as adequate housing, employment, education, and freedom from domestic violence and hunger. The HeLP Legal Services Clinic serves low-income children and families by addressing the socio-economic challenges to optimum health and well-being.

Health Sciences & Technology

Advances in medicine and biotechnology have often outpaced society’s ability to respond to the ethical, legal, and societal implications

of the fast-growing health sciences fields. Law and ethics are key considerations in new scientific research and development.

Public Health & the Environment

Public health takes a population-based approach to health and health care access. This field involves federal, state, and local laws that address emergency preparedness, infectious disease, chronic illness, sanitation, regulation of food and drugs, and environmental issues affecting health, such as urban growth and development.

International Health & Human Rights

Laws and international treaties and conventions offer frameworks for ensuring the health of our global community. They address a broad array of 21st century challenges, from multi-national corporations to individuals living in impoverished developing countries.

Health Law Courses At the College of Law:

Law, Medicine & Bioethics

- Bioethics and the Law
- Health Law: Liability
- Health Law Seminar
- Psychiatry & the Law

Regulation of Health Care Business

- Health Law: Regulation
- Food & Drug Law

Health & Social Justice

- Domestic Violence & the Law
- Health Legislation & Advocacy
- HeLP Legal Services Clinic
- Public Interest Law & Social Welfare

Health Sciences & Technology

- Biotechnology Law, Policy & Ethics
- Genetics & the Law

Public Health & the Environment

- HIV/AIDS & the Law
- Public Health Law
- Urban Environmental Law

International Health & Human Rights

- Human Rights & Children
- International & Comparative Health Law



Speaker Conference continued from page 3

The committee developed a consensus draft of a revised advance directive form, which combined into a single document provisions similar in concept and legal operation to the two forms available under then-current law. The revised form was tested at a community forum for readability and user-friendliness. It was a goal of the committee to promote Georgia citizens' advance planning in health care decisions by making the new form easier to understand and use than the earlier forms.

After final input from the community and the roundtable participants on recommended language for the new advance directive form, working group co-Chair Nikola Djuric and Rep. Tumlin provided proposed conforming revisions to the existing Living Will and Durable Power of Attorney for Health Care statutes. The proposed revised statute and advance directive form were introduced as House Bill 24 (2007), which was passed by both the House and Senate with few amendments. The bill was signed into legislation by Governor Sonny Perdue, and it is effective as of July 1, 2007. Center Assistant Director Jerri Nims Rooker has been providing informational sessions on the new form and is available to do so for legal, health care, and community groups and associations.



Visit our updated Web site at
www.lawandhealth.org

NOW IN ITS THIRD YEAR OF OPERATION, THE HEALTH LAW PARTNERSHIP (HeLP) IS AN INNOVATIVE MEDICAL-LEGAL COLLABORATION WHICH SERVES LOW-INCOME CHILDREN AND THEIR FAMILIES BY ADDRESSING THE SOCIAL AND ECONOMIC CONDITIONS THAT CAN ADVERSELY IMPACT THEIR HEALTH AND WELL-BEING.

HeLP Legal Services Clinic



HeLP has two fully-staffed free legal services offices on the hospital campuses of Children’s at Egleston and Children’s at Scottish Rite. The three HeLP partners (Georgia State College of Law, the Atlanta Legal Aid Society, and Children’s Healthcare of Atlanta, Inc.) work collaboratively to ensure the on-going success and sustainability of this community partnership.

The newest expansion of HeLP is at the College of Law. The HeLP Legal Services Clinic opened its doors in time for Spring Semester 2007, allowing the first group of law students to enroll in this live-client clinic which takes referral cases from HeLP.

Law students enrolled in the Clinic are assigned a variety of client cases, which they work on in teams of two students. These cases present an array of issues, including FMLA benefits, SSI, child support, health insurance (private as well as government programs like Medicaid and PeachCare), income supports, and special education.

The students also attend classes each week that address both substantive law and practice skills (such as interviewing, counseling, and negotiation). Their teams meet every week with their respective clinical faculty supervisors, Professors Lisa Bliss and Sylvia Caley.

During the ABA accreditation site survey that took place at the College of Law last Spring, the clinician faculty reviewer gave a highly favorable assessment of the new HeLP clinical program.

Strong HeLP supporters from across the legal, social work, and health professions in Atlanta, including Georgia and Atlanta legal services organizations, major law firms, Children’s Healthcare of Atlanta, and Emory and Morehouse medical schools attended a festive Open House in March to celebrate the opening of the new HeLP Legal Services Clinic.

Generous Gift to Clinic

The HeLP Legal Services Clinic gratefully received a very generous gift this year of \$25,000 from the Joey M. and Ramona L. Loudermilk Fund, which is a donor-advised fund at Community Foundation of Chattahoochee Valley. Mr. Loudermilk serves on the Board of Visitors at the College of Law.



Opens at College of Law



ASSISTANT CLINICAL PROFESSOR
SYLVIA CALEY, DIRECTOR OF HeLP



ASSISTANT CLINICAL PROFESSOR
LISA BLISS

HeLP Awarded Recognition



FRONT ROW L TO R - HeLP PARTNERS: STEVE GOTTLIEB, EXECUTIVE DIRECTOR, ATLANTA LEGAL AID SOCIETY; CHARITY SCOTT, DIRECTOR, CENTER FOR LAW, HEALTH & SOCIETY; DALE HETZLER, VICE PRESIDENT AND GENERAL COUNSEL, CHILDREN'S HEALTHCARE OF ATLANTA, INC.; BACK ROW L TO R - (1) HeLP STAFF ATTORNEYS: JOANN YOON AND TINA SARKAR; (2) ASSISTANT CLINICAL PROFESSORS SYLVIA CALEY AND LISA BLISS; (3) HeLP ADVISORY COUNCIL MEMBERS: HEDY RUBINGER (CHAIR), ARNALL GOLDEN GREGORY; ARMANDO BASARRATE, PARKER HUDSON RAINIER & DOBBS; DAWN JONES, KING & SPALDING

Every year, the Atlanta Business Chronicle puts out a call for nominations for its "Health-Care Heroes" Awards. Last Spring HeLP was nominated and was a finalist in the Community Outreach category.

What is especially significant about being a finalist for this award is that it is predominantly health care professionals who oversee the award selection process. When doctors start viewing lawyers as "health care heroes," it is clear that we have made great strides in achieving one of HeLP's key interdisciplinary goals: to foster understanding, cooperation, and mutual respect among the professions.

Are you already a health lawyer (and maybe didn't even realize it)?



WITH THE HEALTH CARE INDUSTRY EXPECTED TO REPRESENT NEARLY 20% OF THE GDP IN THE NEXT DECADE, IT'S NO WONDER HEALTH LAW IS ONE OF THE FASTEST-GROWING AREAS OF LAW PRACTICE.

Health lawyers work in a broad array of legal settings, including:

- **Corporate counsel** who advise for-profit and not-for-profit health care businesses
- **Corporate lawyers** who counsel employers on health-related matters, including benefits and health plans, related to their employees
- **Attorneys in private practice** who advise individuals and families on disability, workers compensation, special education, the welfare of children and the elderly, and other health-related issues
- **Legal aid and civil rights lawyers** who address the rights of economically disadvantaged and otherwise under-served members of the community and who promote their health and access to health care

- **Trial attorneys** involved in litigation related to insurance companies, health care enterprises, medical products manufacturers, or individuals' health or health care outcomes
- **Government attorneys who prosecute** criminal fraud and abuse and other health-related white-collar crimes
- **Government attorneys representing administrative agencies** or charged with implementing major health legislation at the federal, state or local levels
- **Intellectual property lawyers** involved with the development of new health care technologies
- **Attorneys in private practice** who advise on the rights of patients and health care providers, including doctors and institutional providers
- **Legal advocates in non-profit organizations** who represent the health interests of particular segments of the population
- **Mediators** who facilitate the resolution of health-related disputes

In addition, many lawyers provide pro bono legal services that promote the health of their communities.

Eugenics Legislative Resolutions Passed

As an internationally recognized scholar and historian of the 20th century eugenics movement, Professor Paul Lombardo can recount in depth the now-disparaged 100-year history of state-sanctioned forced sterilizations of people who were deemed unfit to reproduce and the uses of eugenics as a tool of public health policy around the world.

As a talented lawyer and civil rights advocate, Professor Lombardo has garnered an impressive record of work in numerous states to obtain official government acknowledgement of – and regret over – those states’ eugenics statutes that authorized the coerced sterilization of thousands of their citizens.

Professor Lombardo joined the College of Law faculty in 2006, and turned his attention to eugenics legislation in Indiana (the first state to enact such laws in 1907) and

in Georgia (which enacted a Depression-era eugenics law in 1937). He drafted state resolutions denouncing these eugenic laws, which were introduced in the Georgia and Indiana legislatures. Successfully passed, these resolutions were Georgia Senate Resolution 247 (2007) and Indiana Senate Concurrent Resolution 91 (2007).

Professor Lombardo also led a successful campaign to erect an historical marker in Indiana commemorating the Centennial of the first U.S. sterilization law. The resolutions and marker were part of a three-day long commemoration in Indianapolis that included an Indiana Supreme Court continuing education program, a State library exhibit on eugenics, and a day-long symposium at the State Capitol. Several of these and related events were funded through an N.I.H. grant in which Professor Lombardo is participating.

SPOTLIGHT ON

Paul A. Lombardo

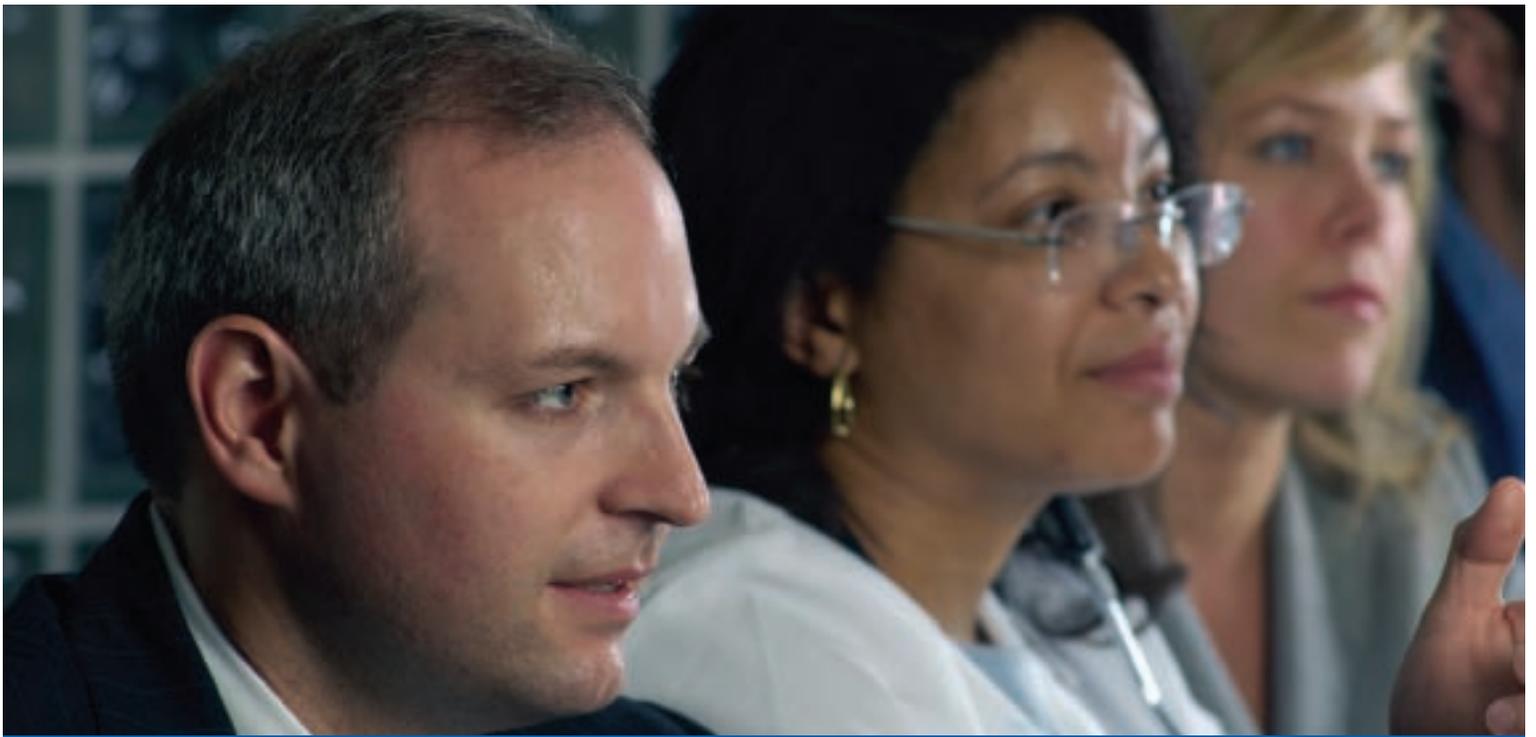


Professor Lombardo is one of the most media-prominent faculty members at the College of Law. The print and news media contact Professor Lombardo several times every month for accurate background information and his respected opinion on contemporary issues in bioethics and health law and for his historical expertise on the eugenics movement.

Since joining the faculty in 2006, Professor Lombardo helped to introduce a legislative resolution in the Georgia Senate to acknowledge the history of, and to express profound regret for, Georgia’s eugenic activities that resulted in the involuntary sterilization of over 3,000 Georgians.

He also worked extensively with the U.S. Holocaust Museum and the Centers for Disease Control and Prevention to bring a special exhibit on the history of American eugenics and its relationship to the Nazi Holocaust to Atlanta. This exhibit, “Deadly Medicine: Creating the Master Race,” was on display at the CDC this past spring and summer.

Professor Lombardo also served as an historical consultant in the production of *The Golden Door*, a feature film which highlights the eugenic screening of immigrants at Ellis Island. The film was presented by Martin Scorsese/Miramax and was released in the United States during this past summer.



LEFT TO RIGHT, COLLEGE OF LAW GRADUATES: MR. JAMES RICHARD WESTBURY JR. ('94), DR. VICTORIA L. GREEN ('00), AND MS. VICTORIA DAVIS LOCKARD ('97).

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the law . . .*

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Join Our Network

Do you have to be in the “health law” field (or know and love someone who is) in order to be a part of our growing network and get updates about our events?

Of course not – anyone may join. It is likely that, one way or another, you already are in fact in or affected by the health law field. (See story on page 8.) We offer opportunities for both Georgia State Law graduates and other interested members of our community. It’s free to be a subscriber – we look forward to serving you.

Join GHLN

Any College of Law graduate may join the Graduate Health Law Network (GHLN). Our graduates participate in a variety of activities, including networking social gatherings, continuing legal education programs, and the Center’s Mentor Program, which pairs graduates with current law students with an interest in the health law field. Just go to www.lawandhealth.org and click on ‘Students and Alumni’ and then ‘Graduate Network’ to join.

Become a Friend of the Center

Any member of the public may become a Friend of the Center. Simply go to www.lawandhealth.org and click on ‘Contact Us’ and then ‘Join Our Network’ for on-line information about how to join. It is free to receive our newsletter and updates about our events and activities.

Join Our Network

The mission of the Center for Law, Health & Society is to advance the key role that law plays in promoting society's health. The health law field encompasses many diverse areas where law affects the health of individuals and the public, such as bioethics and law, corporate law, social welfare law, environmental law, public health law, biotechnology and law, tort law, family and elder law, administrative law, and intellectual property law. Please complete and return this form if you would like to receive free updates on our activities and events through our newsletter, e-alerts, and mailings. You may also sign-up online at www.lawandhealth.org. Please indicate which of our two networks you would like to join:

- Graduate Health Law Network (GHLN), a network of Georgia State University College of Law graduates with an interest in the health law field, or
- Friends of the Center, a network of community members from the legal, health care, nonprofit, and academic communities interested in health law issues.

Contact Information (please print)

Name _____ Graduation Year (GHLN) _____
 Practice Area(s) _____

WORK

Employer _____
 Address _____
 City _____ State _____ Zip _____
 Phone _____ Email _____

HOME

Address _____
 City _____ State _____ Zip _____
 Phone _____ Email _____

Involvement Preferences - All registrants

Please contact me about getting involved in the following activities (please check all that apply):

- I am interested in helping to organize or speak at a professional conference or seminar on:

- I am interested in helping to organize or speak at a lunch-time presentation to students on:

***** GRADUATE HEALTH LAW NETWORK *****

MENTOR PROGRAM

- I agree to be a mentor for a law student member of the Student Health Law Association

COMMITTEES

- GHLN Leadership: assist in a leadership position
- Development and Networking: work on fundraising, member recruitment, social gatherings, media opportunities
- Student Mentoring: coordinate mentor program, coach health law Moot Court team, help with student programs
- Government Liaison: plan nonpartisan roundtables for legislators
- Educational Programs: co-sponsor and/or organize CLE conferences, seminars, student lunch-time presentations

Please return form to Jerri Nims Rooker, Assistant Director of the Center for Law, Health & Society
 GSU College of Law, P.O. Box 4037, Atlanta, GA 30302-4037 • F: 404.413.9225 • P: 404.413.9088 • E: jnimsrooker@gsu.edu

Upcoming Events

November 1, 2007

Annual Center Social at the home of Center Director, Professor Charity Scott. All Center Friends and members of the Graduate Health Law Network are invited. For more information and to RSVP, please email jnimsrooker@gsu.edu.

November 6, 2007

“Offering Mental Health Treatment to Criminal Offenders Instead of Jail”
The Honorable Winston P. Bethel, Chief Magistrate, Magistrate Court of DeKalb County

November 16, 2007

National Briefing Day – U.N. Convention on the Rights of the Child
Professor Jonathan Todres; Tom Rawlings, Director, Office of the Child Advocate, State of Georgia; and Karen Baynes, Associate Director of the Carl Vinson Institute of Government, University of Georgia

February 25, 2008

“Current Developments in Disability Law”

Internationally renowned expert in disability law, Professor Paul Steven Miller, was one of the longest-serving commissioners of the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency which enforces employment discrimination laws

Center Faculty & Staff

Charity Scott

Center Director and Professor

Jerri Nims Rooker

Center Assistant Director

Paul A. Lombardo

Professor

Jonathan Todres

Associate Professor

Leslie E. Wolf

Associate Professor

HeLP Legal Services Clinic

Lisa A. Bliss

Assistant Clinical Professor and
co-Associate Director of Clinic

Sylvia B. Caley

Director of HeLP, Assistant Clinical
Professor, and co-Associate Director of Clinic

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