



CENTER FOR Law, Health & Society

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To promote society's health



Vol. 2 • Issue 1

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

Fall 2008

Center Celebrates 5th Anniversary

The Center for Law, Health & Society celebrates its 5th Anniversary this academic year. Founded in April 2004, the Center was established to promote the development of the health law program at the College of Law. The program began with a single health law course in the 1980's, and it has steadily grown under the leadership of Professor Charity Scott, who joined the faculty over 20 years ago. With the creation of the Center, the law school's health law program is now ranked among the top ten in the nation by *U.S. News & World Report*.

Continued on page 2



Stem Cell Research Conference



STEM CELL – LEFT TO RIGHT: CYNTHIA COHEN, DAVID SHAFER, ANNE DRAPKIN LYERLY, AARON LEVINE, LESLIE WOLF, DAVID ADELMAN, ROBERTA BERRY, WILLIAM HURLBUT

Widespread public controversy surrounds stem cell research using human embryos. Supporters say it holds the promise of future medical cures for devastating illnesses. Opponents call the research both unethical and unnecessary. Whether other kinds of stem cell research that do not use human embryos are equally promising for medical science is intensely debated.

The Center brought together speakers and audience members from all sides of the debate at a conference during the Spring 2008 semester, entitled "Stem Cell Research: Understanding the Controversies." Conference speakers explored stem cell science, the ethical, religious, and policy issues surrounding the science, and how recent empirical research

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**5th
Anniversary
Year**

Join our celebration
Calendar on back cover

www.lawandhealth.org



The Center for Law, Health & Society is very fortunate to be at Georgia State University's College of Law in downtown Atlanta, which is the perfect location for a nationally prominent health law center. As we enjoy our 5th Anniversary year, we will be thanking our supporters, celebrating our accomplishments, and making plans for our future.

We benefit from being situated in our metropolitan community at the crossroads of leading academic institutions, regional and national governmental agencies that address health care and public health, and a rapidly developing business community in the non-profit and for-profit sectors of health care and biotechnology.

Our top-notch faculty, fellows, and academic professionals are sought out by the media and legislative bodies for insightful commentary and improved public understanding of some of the most complex health-related challenges facing society in the 21st century. Last year, for example, they provided commentary and testimony on legal, ethical, and policy issues related to such wide-ranging topics as new technologies involving the human embryo, international trafficking and exploitation of children, genetics and eugenics, mental health, and HIV/AIDS.

Our enthusiastic Dean and wonderful law school colleagues provide a supportive environment for offering our students one of the finest educational programs in health law in the country. Our students have responded energetically by taking their education out into the community and engaging in a variety of pro bono initiatives, including mentoring high school students specializing in the health sciences at the New Schools at Carver in downtown Atlanta.

Please join us in celebrating our 5th Anniversary. We hope you will be able to participate in our year-long program of events and social gatherings (see back cover). We look forward to welcoming you whenever you are on campus.

Best wishes,

A handwritten signature in black ink that reads "Charity Scott".

Director, Center for Law, Health & Society

The Center has consolidated the health law program at the College of Law. The Center serves as a catalyst for attracting nationally-recognized health law faculty who are engaged in cutting-edge research. Their recent activities are highlighted on pages 10-11. The Center is also strongly supported by exceptionally talented adjunct faculty, fellows, academic professionals, and staff. Its growing reputation attracts highly qualified and diverse students with health law interests. The health law curriculum now includes a rich variety of interdisciplinary course offerings.

In addition to supporting research and educational programs in health law at the College of Law, the Center actively promotes speaker programs and conferences on critical policy challenges facing society that arise at the intersection of law, ethics, and health care. Last year, the Center sponsored programs on stem cell research, the impact of genetic technology advances on people with disabilities, and the rights of children. The program calendar for this year is listed on page 12.

The Center also actively engages with our community. It oversees the participation of the law school in the community collaboration known as the Health Law Partnership (HeLP), which includes three children's hospitals of Children's Healthcare of Atlanta and the Atlanta Legal Aid Society. The HeLP Legal Services Clinic was established by the Center at the law school in Fall 2006, and offers students the opportunity to develop excellent lawyering skills while serving low-income children and their families in our community. The Center has served as a non-partisan forum for community stakeholders to come together to develop consensus on law reform in health care. It also collaborates with law students in developing their student-led pro bono initiatives in the community.

"We are deeply grateful for the support of so many people and the opportunities we have had during our first five years," says Director Charity Scott. "And we have so much to look forward to in our future."

Center's Focus Areas in Health Law





Avoiding Genetic Genocide

Professor Paul Steven Miller spoke on “Good Intentions and Eugenics: Avoiding Genetic Genocide” to a packed room of over 150 people in February 2008. Professor Miller has devoted his professional career to fighting discrimination against those with disabilities.

Professor Miller’s impressive resume includes roles as the White House liaison to the disability community, President of Little People of America, and one of the longest-serving commissioners of the U.S. Equal Employment Opportunity Commission. Exploring the relationship between the medical and disability communities, he explained that although everyone wants to do what is in the best interest of disabled individuals, what actually is “best” is often understood quite differently by physicians, health care researchers, and people with disabilities.

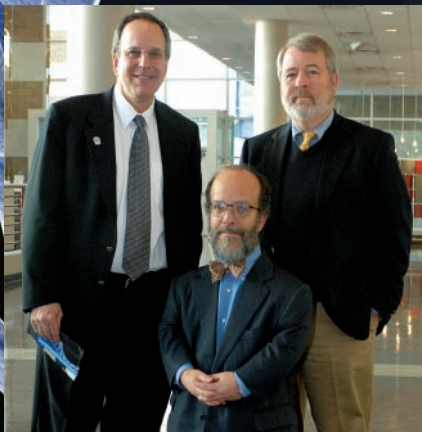
Professor Miller observed that there are two frameworks used to understand disability: the medical model and the social/civil rights model. The medical model reflects the dominant societal view that illness and disability need medical solutions so that the ill or disabled person can fit into mainstream society.

Alternatively, the social model strives to change society to embrace the disabled person as she or he is.

Professor Miller noted that “the advent of genetic technology has a tendency to pull the focus of disability further into the medical-model realm” and that “the disability community is concerned that genetics as currently defined, practiced, and presented to the public reinforces the stigma of disabled individuals as defective individuals.” Commenting on the need for the medical and disability communities to understand each other’s histories, he also explained:

“The history and social context of the eugenics movement informs how people with disabilities currently view genetic science and medical science as a whole. There is no question that the genetic revolution holds great promise and that today’s doctors and researchers have good intentions and want to improve human health for all. But because of the complex historical and cultural context associated with the science of genetics, the medical and disability communities have a difficult time understanding each other.”

The lecture was followed by an in-depth question and answer session and a reception where audience members could meet and talk further with Professor Miller.



LEFT TO RIGHT: DEAN STEVE KAMINSHINE, PAUL STEVEN MILLER, PAUL LOMBARDO

“AS THE MEDICAL COMMUNITY SINGS THE PRAISES OF GENETICS AS A REVOLUTIONARY NEW TOOL TO CURE, TO REDUCE, OR TO ELIMINATE GENETIC DEFECTS OR DISABILITY, THE DISABILITY COMMUNITY HEARS AN AGGRESSIVE RHYTHM THAT IS PATERNALISTIC AT BEST AND PERHAPS GENOCIDAL AT WORST. THE DESIRE TO CURE THROUGH GENETIC ADVANCEMENTS, WHILE SINCERE AND WELL-INTENTIONED, COMES ACROSS AS SOMETHING MORE NEFARIOUS WHEN CONSIDERED IN THE CONTEXT OF DISABILITY HISTORY.”

— PROFESSOR PAUL STEVEN MILLER



HeLP is an interdisciplinary community collaboration among the Atlanta Legal Aid Society, Children's Healthcare of Atlanta, and Georgia State University College of Law to improve the health of low-income children and their families. Healthcare providers and lawyers work together to address the social and economic conditions that can adversely impact children's health and well-being. HeLP is also an educational partnership to promote the public's health through interdisciplinary teaching and learning.

HeLP Opens at Hughes Spalding

The Health Law Partnership entered into a formal renewal Agreement in February 2008, which extended the HeLP partnership agreement for three years and incorporated authorization for HeLP to open its third office on the hospital campus of Children's at Hughes Spalding in downtown Atlanta next to Grady Memorial Hospital.

During the Spring, Dr. Robert Pettignano, who is the medical director of Hughes Spalding, was appointed by Dr. Daniel Salinas, who is the medical director overall of Children's, to be the primary point person on the medical side to champion HeLP at Children's hospitals.

Nearly all of the patients at Children's at Hughes Spalding will be financially eligible for HeLP's services. This new office location affords the opportunity to provide law students enrolled in the HeLP Legal Services Clinic with a full medical-legal collaborative experience and easier access to clients.

In addition, the treatment priorities being developed at Children's at Hughes Spalding (including specialty centers addressing asthma, sickle cell disease, and child abuse) will create opportunities for collaborative, interdisciplinary research on addressing the socio-economic determinants of children's health and well-being.



LAW STUDENTS DISCUSS CASE ISSUES DURING A WEEKLY CLINIC CLASS.



CLINIC STUDENT SHARIFF JONES



FACULTY AND STUDENTS PARTICIPATE IN A HELP LEGAL SERVICES CLINIC CLASS (L TO R): NATASHA NANKALI, ERNESSA BRAWLEY, SEAN DEVETTER, JIM HUFFORD, CLINICAL PROFESSOR LISA BLISS, STEPHANIE MASON, CENTER FACULTY FELLOW AND ADJUNCT PROFESSOR RANDALL HUGHES

See HeLP's updated Web site at www.healthlawpartnership.org

Faculty Honored with Sparks Award

Professor Sylvia Caley is the honored recipient of the University's 2008 Sparks Award. Every year, ten Georgia State employees are given this University-wide award. As explained on the University's Web site, the "Sparks Awards are designed to recognize Georgia State University's unsung heroes: faculty, staff and students who exemplify a willingness to go the extra mile with good humor and perseverance. These were the characteristics of Dr. Sparks, Georgia State's president from 1928-1957."

Professor Caley's extraordinary capacity to juggle the multitude and variety of responsibilities associated with being both HeLP's overall director and a clinical faculty member with the HeLP Legal Services Clinic is just one of her many talents that make her so deserving of this award.

Congratulations to Professor Caley, and sincere thanks for all she does for HeLP, the Center, and the College of Law!



SPARKS AWARD
WINNER,
PROFESSOR
SYLVIA CALEY

Stem Cell Research Conference continued from page 1

informs the debates. Professor Leslie Wolf and Professor Roberta Berry, a Center Faculty Fellow and the conference moderator, co-organized the half-day event. Georgia Institute of Technology's School of Public Policy and its Center for Ethics & Technology co-sponsored the conference.

State lawmakers Senator David Adelman (D-District 42) and Senator David Shafer (R-District 48) began the program by providing legislative perspectives on the debate. Senator Adelman supports this research and developments in the biotechnology industry which may result in treatments that reduce human illness and suffering. Senator Shafer, the sponsor of a new law in Georgia to create an umbilical cord blood bank, promotes research that does not involve the destruction of human embryos, such as adult stem cell research, finding embryonic stem cell research to be unnecessary and fraught with complications.

Georgia State law professor Leslie Wolf, who previously served on a stem cell research advisory panel at the University of California, San Francisco, explained stem cell research science and discussed ethical issues raised by the research. She said much of the debate centers on whether one views the embryo as human life, observing that "the fact that it's in a

petri dish and there's no intention of it being implanted in the womb makes a difference for some." Cynthia Cohen, a senior research fellow at the Kennedy Institute for Ethics at Georgetown University, presented various religious



views on the human embryo's status in different cultures and communities.

A panel on public policy perspectives was kicked-off by a member of the President's Council on Bioethics, Dr. William Hurlbut. Dr. Hurlbut has developed what he views as an uncontroversial way to obtain embryonic stem cells called Altered Nuclear Transfer, in which a nucleus is altered before being transferred to an enucleated egg for development

into an embryo. He argues that this process creates a biological entity that lacks the attributes and capacities of a human embryo.

Anne Drapkin Lyerly, a Duke University professor and obstetrician/gynecologist, discussed how in vitro fertilization patients are often conflicted about whether to allow unused embryos to be destroyed, donated to science, or donated to another infertile couple. A recent study she conducted found that many would prefer the embryos to benefit society in some way, and that they were apprehensive about allowing them to develop into a child in unknown circumstances and opposed simply discarding them. Georgia Tech public policy professor Aaron Levine concluded the program by exploring the patchwork of laws regulating the use of embryos which may lead to scientific migration.

According to Professor and Center Fellow Roberta Berry, the program's goal was "to expand our mutual understanding of the controversies surrounding stem cell research through a frank, informative, and thought-provoking discussion of the issues from a wide range of perspectives." She guided the program by moderating questions from the audience throughout the conference.



LEFT TO RIGHT: STUDENTS CLAUDIA FERNANDEZ, MIN SON YEO, SHEENA BOSKET, LISA LIANG, MARIAN ADEIMY, AND PROF. TODRES (NOT PICTURED: KATHRYN FRANKLIN)

Students Hold Benefit to Aid Ugandan Children

The students in Professor Jonathan Todres' Human Rights and Children class held a benefit in April to raise money and public awareness to support the education of impoverished children in Uganda, after learning about the situation in class. The benefit took place at Loca Luna restaurant in Atlanta, and proceeds were donated to an international NGO called Invisible Children, a humanitarian organization that is building a school where Ugandan children who are victims of war can live and learn in safety. The benefit, called

"Make Yourself Visible: A Benefit for the Invisible Children of Uganda," raised over \$1,300 to support the organization's efforts to promote quality education for Ugandan children. The students also organized three showings of a documentary on the children of Northern Uganda for the law school community to raise awareness about the situation. "What the students did in the space of a few weeks is truly inspirational," said Prof. Todres. "It's a great example of taking classroom learning and applying it to help make an impact here and abroad."

International Law & Human Rights Testimony

Professor Jonathan Todres was invited to testify in February before the United Nations Committee on the Rights of the Child in Geneva about the sale of children, child prostitution, and child pornography in the United States.

This session of the U.N. Committee marked an historic occasion, as it was the first time the U.N. Committee was reviewing the practices of the United States. Professor Todres discussed U.S. efforts with respect to criminalization of these practices, provision of assistance to child victims, and implementation of prevention programs.

After its formal session with the U.S. government in May, the U.N. Committee published its final recommendations (Concluding Observations) which incorporated several recommendations put forth by Professor Todres in his testimony.



PROFESSOR JONATHAN TODRES



Center Welcomes New Faculty Fellow

The Center is pleased to welcome Randall L. Hughes, Esq. as a Faculty Fellow, in recognition of his many invaluable contributions to the College of Law, the Center's health law program, and the HeLP Legal Services Clinic.

Mr. Hughes is Of Counsel with Powell Goldstein LLP. He served as the head of the law firm's health care law department for many years until his retirement last year. His areas of expertise are wide-ranging, and include health care law and litigation involving not-for-profit hospitals, hospital authorities, certificates of need, medical staff disputes, health care reimbursement, regulatory compliance investigations, reviews and claim defense, medical malpractice, personal injury, insurance and general business litigation. As a Special Assistant Attorney General to the State of Georgia, he has undertaken major Government reorganization projects.

Mr. Hughes has been selected for the 2006, 2007, and 2008 editions of *Best Lawyers in America* for Health Care Law. He has also been recognized by *Atlanta Magazine* as a 2007 and 2008 Georgia "SuperLawyer." He is a graduate of the Duke University School of Law.

Mr. Hughes has a depth and breadth of experience in health law that is well known and highly respected in the Atlanta legal community. The College of Law, the Center, and the Clinic benefit enormously from his expertise and mentoring of our students. He will continue to participate in both HeLP and the Clinic, assisting in case handling by staff attorneys and Clinic students. He will also continue to teach the Health Law: Regulation course in the Spring semester.

Students' Class Work Becomes Law



LEFT TO RIGHT: GENE MATTHEWS, NICHOLE HAIR, AND LEE GILLIS.

The Corporate Good Samaritan Act was signed into law this Spring by Governor Sonny Perdue as part of House Bill 89 and went into effect July 1. The provisions of the Good Samaritan portion of the law began as a project in Professor Sylvia Caley's year-long Health Legislation and Advocacy class in 2006.

The law is designed to encourage businesses and nonprofits to coordinate relief efforts with state agencies in a time of emergency, such as widespread storm damage, flooding, or disease outbreak. The idea was championed by Gene

Matthews, former counsel to the CDC and previously a faculty fellow with the Center.

Under Professor Caley's supervision in the course, law students Nichole Hair and Lee Gillis worked on the bill during the 2006-2007 academic year, providing the necessary research, drafting, and other work to ensure the bill's introduction to the General Assembly during the 2007 session. Professor Caley and Mr. Matthews thereafter collaborated during the 2008 session to achieve its ultimate passage.

Students "Break the Cycle" at Conference

Two College of Law students who worked as research assistants for the Center for Law, Health & Society were among various student presenters at a March conference in Atlanta examining the link between disadvantage and disability.

The speeches by May 2008 graduates Brian Basinger and Kathryn Lemmond were part of the "Break The Cycle II"

conference, a grant-funded collection of medical and legal research projects. The event took place at the Morehouse School of Medicine.

Brian Basinger spoke to the interdisciplinary audience about the various ways in which the legal community can help improve the health outcomes of low-income and minority children suffering from asthma. His speech included not

only legislative solutions, but also a focus on encouraging lawyers to volunteer for legal aid groups that serve the indigent, such as the College of Law's Health Law Partnership (HeLP) Clinic. Mr. Basinger offered a comprehensive look at laws that reduce exposure to asthma triggers, such as a California statute banning schools from being built near congested freeways, as well as Arizona and Massachusetts laws prohibiting school buses from idling on campus for more than a few minutes.

Kathryn Lemmond addressed the topic of children who lack health insurance. Her speech focused on identifying the various ways in which the legal community could work to provide insurance to more of the 8.7 million U.S. children who are now without coverage. Ms. Lemmond touched on such ideas as eliminating yearly re-enrollment requirements in state health care programs for children to avoid accidental losses of coverage. She also discussed state laws in places such as Massachusetts and Illinois which have led to higher coverage of children in state insurance plans.



LAW STUDENTS KATHRYN LEMMOND AND BRIAN BASINGER SPOKE ABOUT MEDICAL AND LEGAL TOPICS AT THE "BREAK THE CYCLE" CONFERENCE

5th Anniversary Campaign

The Center kicks-off its 5th Anniversary celebration with a social gathering at Professor Charity Scott's house on September 25th, to which everyone in our network is invited (see below to join).

Graduates David Johnson (COL '89) and James Westbury (COL '94) are co-chairing a Graduate Health Law Network (GHLN) Campaign in the Fall to support the Center. They are working with Team Leaders, who are graduates of the law school and members of GHLN, to raise funds to support the Center's many activities and programs.

The 5th Anniversary celebrations will conclude in the Spring with an event to honor the graduates who participated in the GHLN campaign, to express our gratitude to all of our many sponsors and supporters, and to launch the plans for our next successful five years.



CAMPAIGN CO-CHAIR
DAVID JOHNSON ('89)

Special Thanks to the
Center's Graduate
Health Law Network
5th Anniversary
Campaign Committee

CO-CHAIRS

David Johnson ('89)
James Westbury ('94)



CAMPAIGN CO-CHAIR
JAMES WESTBURY ('94)

TEAM LEADERS

Brian Basinger ('08)
Charlotte Combre ('97)
Sandy Herron ('99)
Anne Ware Lewis ('89)
Lori Pearson ('03)
Trey Reese ('97)

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Join Our Network

Do you have to be practicing in the health law field in order to be a part of our growing network and get updates about our events?

Of course not – anyone may join. We offer opportunities for both Georgia State law graduates and other interested members of our community to participate in our network. 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 for law students. 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.



Center Highlights



Roberta Berry

In spring 2008, Professor Berry presented “Policymaking in the Era of Translational Research” at the Emory University conference, Ethics and Translational Research: From Discovery to Implementation. A streaming video is available at <http://www.ethics.emory.edu/content/view/432/98>. She delivered a lecture in the Agnes Scott College Ethics Program Speaker Series, “Should We Engineer the Genomes of Our Children?” She also served as an expert consultant for citizen panelists engaged in an NSF-funded, two-hour, synchronous, on-line public deliberation about converging technologies for human enhancement.



Lisa Bliss

Professor Bliss was appointed to the Best Practices Implementation Committee of the Clinical Legal Education Association. The committee supports legal educators in implementing the best practices set forth in “Best Practices for Legal Education” by Roy Stuckey. Professor Bliss presented “The Joy of Evaluation: Creative Methods to Improve Clinic Evaluation” at the AALS Conference on Clinical Legal Education and “Teaching Transactional Skills in the Context of Wills and Advance Directives” at the Emory Conference on Teaching Drafting and Transactional Skills.



Sylvia Caley

Professor Caley gave presentations on HeLP’s evaluation component at the AALS Conference on Clinical Legal Education; using pro bono involvement and program evaluation to strengthen medical-legal partnerships at the ABA/NLADA Equal Justice Conference; and using Wills and Advance Directives to teach transactional skills at the Emory Conference on Teaching Drafting and Transactional Skills. She presented an introduction to HeLP to numerous groups including the Georgia Chapter of the American Academy of Pediatrics and the pediatrics faculty of Morehouse School of Medicine.



Paul Lombardo

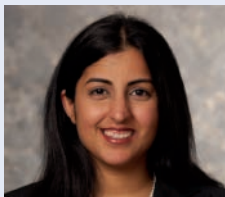
Professor Lombardo gave the opening lecture at St. Louis University School of Law’s 20th Health Law Symposium, speaking on “Eugenics, History and the Culture Wars.” He also spoke at the annual meeting of the American Association of the History of Medicine, on “The Aiken Leper Case, 1908,” at the Case Western University ELSI Conference on “Thomas Jefferson’s DNA,” and at the Cleveland Clinic Symposium on the Ethics of Innovative Surgery, surveying “Economic, Regulatory and Legal Challenges Outside the O.R.”

Visit us on the Web at www.lawandhealth.org



Jerri Nims Rooker

Jerri Nims Rooker presented “Embryonic Stem Cell Research: Human Status and Faith” to academic, student, and community audiences. The talks considered signifiers of human status identified by the scientific, faith, and legal communities when considering the ethics of this research and references to the relief of suffering and prenatal human status found in religious texts. She also developed a public service program for Georgia State law students to mentor high school students from the New Schools at Carver in downtown Atlanta.



Aisha Saeed

Aisha Saeed handled many legal matters on behalf of children with chronic illnesses and disabilities experiencing problems receiving a free and appropriate education. She presented on education law to students enrolled in the HeLP Legal Services Clinic and to faculty and staff at Children's at Hughes Spalding.



Charity Scott

Professor Scott published an essay in *The Hastings Center Report* entitled “Belief in a Just World: A Case Study in Public Health Ethics” (Jan.-Feb. 2008). She also published an article entitled “Doctors as Advocates, Lawyers as Healers” in a 2008 symposium volume of the Hamline University *Journal of Public Law & Policy* that addressed conflict resolution in health care. She gave the keynote address, entitled “Law and Politics at the Neonatal Bedside,” at the annual regional neonatology conference at Emory University.



Jonathan Todres

Professor Todres authored an article, “Council of Europe Addresses Sexual Abuse and Exploitation of Children,” in the Spring issue of *International Law News*, an ABA publication. He also presented a paper entitled “The Impact of Otherness on Legal Responses to Human Trafficking” at the Southeastern Association of Law School’s Annual Conference, and provided testimony at Congressional briefings in the U.S. House of Representatives and U.S. Senate on combating commercial sexual exploitation of children.



Leslie Wolf

Professor Wolf presented an “Overview of Stem Cell Science and Related Ethical Issues” at the Center’s conference on “Stem Cell Research: Understanding the Controversies.” She also gave a presentation on the “FDA Ban on All Sexually Active Gay Blood Donors” for the Lesbian & Gay Law Student Association and Student Health Law Association at the law school. Her article “Conflicts of Interest in Recruitment: IRB Policies Regarding Finder’s Fees and Role Conflicts” is forthcoming in *IRB: Ethics and Human Research*.

Events

2008

- September 25 5th Anniversary Kickoff – Annual Networking Social at Professor Scott's home
- October 1 Professor Paul Lombardo's book release, *Three Generations, No Imbeciles: Eugenics, the Supreme Court, and Buck v. Bell*
- October 9 "The Role of Conscience in the Practice of Medicine"
- October 27 Graduate Health Law Network (GHLN) Campaign begins

2009

- January–March "Bioethics at the Movies" student lunch series
- January 26 "Taking Women to Market: Eggs, Embryos, and Informed Consent"
- February 13 Law Review Symposium - "The 25th Anniversary of the Baby Doe Rules"
- April TBD 5th Anniversary Celebration Event

— Visit www.lawandhealth.org for all event details —

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