



Center Briefings

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Health Legislation and Advocacy

Associate clinical professor Sylvia Caley (J.D. '89) teaches Health Legislation and Advocacy (HLA), an innovative course that uses law to improve health outcomes and health care service delivery, particularly for low-income children and families.

Caley draws on her early background as a registered nurse working in organ transplantation. Early in her nursing career, she was asked to testify before the Health Committee of the Georgia House of Representatives on a bill adding the organ donor card to the back of Georgia drivers' licenses. The bill passed and Caley was hooked.

"It was rewarding to see how law could be used to improve health outcomes on a broader scale than individual patient care," she reflected.

After graduating from Georgia State Law, she worked at the Atlanta Legal Aid Society handling family law cases. "Practicing family law let me get into court, testify on proposed legislation, and see how health law is really intertwined with other areas of the law," she said.

She later worked as a legislative advocate and as the manager of the AIDS Legal Project at Legal Aid, then served as legislative counsel for the Georgia Department of Community Health. Given Caley's background, professor Charity Scott reached out to her to develop a course on the legislative process. "For such a course to be successful, it needed to be taught by someone experienced, passionate, and visionary," recalled Scott.

"It needed to be taught by Sylvia."

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SYLVIA CALEY



Director's Message

We are pleased to announce the launch of a new faculty fellowship program, *The Future of Public Health Law Education* (see box at right). Funded by the Robert Wood Johnson Foundation, this fellowship program offers the opportunity for ten faculty from across the country to develop innovative educational projects that will result in sustainable curricular change in public health law at their home institutions.

The Student Health Law Association is one of the most active student organizations at the law school. This issue of our newsletter features numerous stories about our students' educational, extracurricular, and service activities. Please see the newsletter's back page for how to receive our regular e-updates and announcements about the center's events and activities.

Best wishes,

Charity Scott

Director, Center for Law, Health & Society

Announcement: Faculty Fellowships in Public Health Law Education

Georgia State University College of Law and its Center for Law, Health & Society are leading an initiative funded by the Robert Wood Johnson Foundation for a faculty fellowship program to promote public health law education. Ten faculty members with full-time appointments in law schools or schools/programs of public health will be selected to participate in a yearlong fellowship program designed to foster innovations in educational programming and to build a strong learning community among faculty who teach in the public health law field.

All fellows, with their deans' support, will design and implement a project for curricular change in public health law education at their home institutions. Each fellow will be paired with a faculty mentor in public health law. The fellows will kick off their fellowship year by attending an intensive 10-day educational Summer Institute on July 16-26, 2014 in Park City, Utah. Over the course of the academic 2014-2015 fellowship year, the fellows and their mentors will regularly share ideas, experiences and models for public health law teaching, providing opportunities for professional growth and leadership development.

ELIGIBILITY

- Applicants must have a J.D. degree and be employed in a full-time faculty position at a law school or school/program of public health, or be a full-time faculty member affiliated with a law school or school/program of public health, with a tenure-track, tenured, clinical-track, joint, or comparable faculty appointment;
- Applicants must have at least three years of full-time teaching experience at a graduate- or professional-school level by July 2014; previous background in health care law, public health law, or related subjects is preferred;
- A dean's transmittal letter of support for the proposal is required, as well as two letters of reference.

For the complete list of eligibility and selection criteria, please review the full Call for Applications.

HOW TO APPLY

- The application period opens Tuesday, Sept. 3, 2013. The deadline for applications is Friday, Dec. 13, 2013. Letters of reference are due Friday, Dec. 6, 2013.
- For instructions on how to apply and complete information about the program, download the full Call for Applications at www.law.gsu.edu/PHLFellowship.

Questions? Contact Stacie Kershner, associate director for the Center for Law, Health & Society, at skershner1@gsu.edu or 404-413-9088.



New Dual Degree in Law and Public Health

Georgia State University will begin offering a Juris Doctor/Master of Public Health (J.D./M.P.H.) dual degree program this fall. The new dual degree track allows students to pursue the degrees concurrently in a shortened period of time, by allowing certain courses from each program to count toward both degrees.

“At the national, state, and local levels, the areas where public health and law intersect are rapidly expanding,” said Steven J. Kaminshine, dean of the College of Law. “Leadership positions in both fields increasingly require multi-disciplinary expertise.”

Georgia State’s Institute of Public Health was recently renamed the School of Public Health following the acceptance of its application to transition its accredited public health program to a school by the Council on Education for Public Health, the national accrediting body for schools and programs of public health.

“Dual degree programs offer students the opportunity to develop interdisciplinary skill sets and deepen their understanding of how law intersects with the health professions.”

—*Stacie Kershner (J.D. '08), Associate Director*

“Public health at Georgia State has grown dramatically since 2002 – from a certificate program to the current M.P.H. and doctoral degree programs,” said Michael P. Eriksen, founding dean of the School of Public Health. “We are thrilled to add yet another offering that prepares our students to meet current public health challenges.”

“As the first public option in Georgia for earning this dual degree, we are well located to attract strong J.D./M.P.H. candidates,” said Charity Scott, Catherine C. Henson Professor of Law and director of the Center for Law, Health & Society. “We are walking distance from the Georgia Capitol and Georgia Department of Public Health. Atlanta is also headquarters for the Centers for Disease Control and Prevention.”

The new J.D./M.P.H. will provide students the opportunity for interdisciplinary education and strengthen faculty collaboration in research and public service across the two disciplines.

Dual Degrees in Law and Health Administration



J.D./M.S.H.A. DUAL DEGREE PANEL

The College of Law and the Robinson College of Business recently collaborated to present an overview of the Juris Doctor and Master of Science in Health Administration (J.D./M.S.H.A.) and Juris Doctor and Master of Business Administration/ Master of Health Administration (J.D./M.B.A./M.H.A.) dual degree programs.

The highlight of the event was a career panel moderated by Nancy Mansfield, professor of legal studies in Robinson’s Institute of Health Administration. The panel featured Leanna Jordan (J.D. '13), a current dual degree student; Raymond Lindholm (J.D. '11; M.S.H.A. '12), an associate at Nelson Mullins Riley & Scarborough LLP; current business student Samantha Johnson (J.D. '03; M.B.A./M.H.A.'14), associate general counsel with Grady Health System; and recent business graduate Patrick Lail (J.D. '93; M.B.A./M.H.A. '12), partner at Elarbee, Thompson, Sapp & Wilson, LLP.

Panelists described their backgrounds, career paths, and what led them to obtain both a law degree and degree in health administration. Panelists also shared how having a background in both areas is beneficial for their positions and how they use both skill sets in their work.

“Sessions like this offer students the opportunity to hear from attorneys in the field about the benefit of having both degrees,” said Stacie Kershner, associate director of the Center for Law, Health & Society. “We are looking forward to hosting a similar session for the new J.D./M.P.H. in the fall.”



NANCY MANSFIELD, LISETTE BRANSCOMB, SAMANTHA JOHNSON, LEANNA JORDAN, PATRICK LAIL, RAYMOND LINDHOLM, AND STACIE KERSHNER

Medical Student Joins HeLP Clinic

During the final weeks of her fourth year at Morehouse School of Medicine, Charisma Manley opted to participate in a four-week elective rotation with the HeLP Legal Services Clinic at the College of Law.

Manley began her undergraduate career intending to pursue careers in both law and medicine. Although she applied to several medical schools that offered dual M.D./J.D. programs, Manley fell in love with Morehouse the minute she set foot on campus.

Manley experienced the same feeling walking into the HeLP clinic. "The fields of law and medicine may be different, but the mission of the clinic and my home institution were quite the same," said Manley. "At the HeLP clinic, I realized I would be able to advance the Morehouse mission of addressing the health care needs of the underserved populations of Georgia, now through legal services."

Manley discovered similarities in the practice of law and medicine. "The way the law students interview their clients – soliciting a thorough history, taking good notes, and asking open-ended questions – was akin to the conversations I have with my patients," Manley observed.

Manley described her work at the clinic as gratifying. "I never foresaw having the opportunity to achieve good health outcomes for youth in a role other than as a health care provider," she said.

"Having medical students enroll in the clinic helps law students understand how interprofessional collaboration can work in addressing problems for real clients," said associate clinical professor Lisa Bliss. "Both law and medical students see how clients can benefit from this holistic approach."

In addition to participating in the HeLP clinic, Charisma attended Interviewing and Counseling and Health Legislation and Advocacy classes. "Charisma's keen interest in the intersection of law and medicine brought a unique perspective to classroom discussions in the clinic as well as other classes," added Bliss.

Manley intends to continue to participate as a consultant with the HeLP clinic. "Who knows? If I am fortunate enough, I may even return in a few years as a Georgia State University College of Law student. We'll see!" she said.



"As a part of the legal team, I was able to advocate beyond the confines of the doctor's office and achieve health care victories beyond anything I could accomplish in a doctor's visit."

– Charisma Manley, Morehouse Medical Student



SARAH KETCHIE, SECOND FROM RIGHT

Graduates Receive First Health Law Certificates

The first seven Georgia State University College of Law students graduated with health law certificates this May. These J.D. '13 graduates are: Katrina Carmichael, Evelyn Clark, Rachel Hulkower, Jena Jolissaint, Amy Jurden, Sarah Ketchie, and Joseph Leonard.

The health law certificate program was launched in the spring of 2012 and fosters the knowledge, skills, and values that contemporary lawyers need in today's health care industry and public health field.

The first certificate program graduates represent a wide array of backgrounds, interests, and plans for the future. Hulkower, who worked as a scientist at the Centers for Disease Control and Prevention (CDC) prior to law school, has been accepted as a clerk for Judge E. Clayton Scofield III with the Northern District of Georgia. "After the clerkship, I will be looking into health law firms as well as policy jobs at CDC or another public health entity," she said. "I believe that having the health law certificate will let potential employers know I am serious and committed to the field of health law."

Carmichael will join Parker, Hudson, Rainer, & Dobbs, LLP, an Atlanta law firm with a strong health practice, in September. She reflected that the Student Health Law Association's mentoring program, which pairs law students with health law graduates, was one of the most useful programs she participated in. "It allowed me to bolster contact with attorneys in the field and get advice from those with experience," she said.

Jolissaint is a full-time faculty member and assistant program director of philosophy and general studies at South University and plans to continue teaching while completing a writing project on bioethics. "The most rewarding experiences I had were with the HeLP Legal Services Clinic and Health Legislation and Advocacy course with associate clinical professor Sylvia Caley, and a clinical bioethics internship at Grady arranged by professor Paul Lombardo," said Jolissaint. She encouraged future health law students to participate in practical lawyering skills opportunities while in law school and to take advantage of the expertise and advice of the health law professors.

Bioethics
at the **Movies**
Spring 2013

This spring, the Student Health Law Association hosted the 7th Annual Bioethics at the Movies, featuring clips from movies and television and discussion on a wide range of topics in bioethics moderated by health law faculty:

Panem Idol: Is Reality TV Getting Too Hungry? Scenes from "The Hunger Games"
Associate Professor Jessica Gabel

Medical Tourism: Scenes from "Best Exotic Marigold Hotel"
Professor Leslie Wolf

Surrogacy, Class (and Humor): Scenes from "Baby Mama"
Professors Courtney Anderson and Erin Fuse Brown

Bioethics Paradigm Shift in a Post-Zombie-Apocalypse World: Scenes from "The Walking Dead"
Assistant Professor Yaniv Heled

SHLA Students Volunteer at Homeless Shelter



Throughout the spring semester, Student Health Law Association (SHLA) members participated in a service project benefitting Covenant House Georgia, culminating on Volunteer Day (April 13, 2013) when many student groups at Georgia State University College of Law come together to help in the community.

Covenant House Georgia provides shelter and services for homeless youth ages 17 to 21 in Atlanta. "Covenant House is an organization that helps youth rebuild their lives and gain self-sufficiency," said Brittanie Browning (J.D. '14), an

SHLA officer and community liaison. "Covenant House also offers counseling and mental health services to their residents which ties into SHLA's goals and focus."

Browning became interested in health law when studying abroad and learning about the Korean health care system. Her interest in learning how the law can aid those in need of medical services led to her involvement in SHLA and her encouragement of student service as an officer of the organization.

Under Browning's leadership, health law students helped paint rooms for the youth at the shelter. The organization recently relocated and was preparing to move residents to the new campus. Volunteer support was needed to get the new facility ready in time for the move.

This service opportunity was part of SHLA's on-going effort to get law students out of the classroom and into the community.

New SHLA Officers

The following students were elected as officers of the Student Health Law Association for 2013-2014:

Co-President: Kyle Gregory (J.D. '14)

Co-President: Nirvi Shah (J.D. '15)

Vice President: Sam Shapiro (J.D. '14)

Treasurer: Amber Bishop (J.D. '15)

Student Outreach Coordinator: Emily Dynan (J.D. '15)

The position of Secretary is reserved for an incoming first-year student interested in health law and will be selected at the beginning of the academic year.



Point-Counterpoint on Medical Malpractice Litigation



This April, the Student Health Law Association (SHLA) invited pre-eminent Atlanta medical malpractice attorneys R. Clay Milling of Henry Spiegel Milling, LLP and Paul Weathington of Weathington Smith, P.C. for a face-off, sharing stories from the medical malpractice trenches.

Milling provided the perspective of a plaintiff's attorney. After

beginning his legal career with a focus on complex medical malpractice cases, he now concentrates on representing individuals and families in catastrophic injury and wrongful death cases. Weathington shared a defense counsel's perspective, having over twenty years of trial experience defending physicians and hospitals in medical malpractice cases.

The speakers discussed how to transition to legal practice after law school. "Don't shy away from whatever work comes your way right after law school," advised Weathington. "Get into court. When you get into court, no matter what

types of cases you handle, you develop skills that are translatable to what you eventually want to pursue."

The speakers also addressed identifying expert witnesses and coping with widespread misunderstanding by the public of the legal profession.

"Understanding when to take a case or not is an important skill to hone," Milling observed. "You have to really listen to the potential client and ferret out whether it is a true instance where malpractice has occurred or whether there was just a bad outcome for the patient."

Students appreciated seeing these litigators interact positively and light-heartedly with each other. "Some things cannot fully be taught in a classroom – professionalism, camaraderie, and humor are three of those lessons," explained SHLA president Gregory Fosheim (J.D. '14). "Our speakers gave a master class in loving what you do and doing it well."



Nanotechnology and the Law

On April 3, assistant professor Yaniv Heled's Law and Emerging Technologies seminar students toured the Georgia Institute of Technology's Nanotechnology Research Center (NRC). The visit was hosted by senior research scientist Dr. David Gottfried.

As a leader in nanoscience and nanotechnology research, the NRC provides resources including space, high-tech equipment, and staff with the expertise needed for science



and engineering research. Nearly 600 researchers from Georgia Tech, other universities, private companies, and the government use the facility each year.

Over the course of the semester, the students discussed the legal issues that may arise from development of

new technologies, such as compliance with safety regulations and intellectual property disputes. The visit provided the students with an opportunity to see firsthand an impressive research facility and also to gain context for the legal issues affecting research in this cutting-edge area of technology.

Students Get Taste of Real World

Ten members of the Student Health Law Association attended the "Fundamentals of Health Care Law," which was co-sponsored by the Health Law Section of the State Bar of Georgia and the Institute of Continuing Legal Education in Georgia (ICLE). One student was also selected to represent Georgia State Law at the 2013 Health Care Law Update and Annual Meeting sponsored by the Georgia Academy of Healthcare Attorneys (GAHA) of the Georgia Hospital Association.

Leading attorneys provided an overview of the key statutes and regulations in health care, including Medicare, Medicaid, False Claims Act, and Anti-Kickback at both programs. "The content was very informative and the presenters

did a good job of honing in on key concepts within such a wide breadth of topics," said Barbara Rogers (J.D. '16), who attended the ICLE program. "It felt a little bit like a sprint through a marathon but made me look forward to my upcoming health law coursework."

Students also took advantage of the opportunity to network with attorneys practicing in health law and related areas. "I sat next to an attorney who works in intellectual property law who came to the conference hoping to get into the health law field," said Katie Darracott (J.D.'15), who also attended the ICLE program. "It was nice to be able to share information about events and speakers at the law school with an experienced attorney."



"Going beyond the abstract concepts found in case books, the speakers addressed the nuances of health law as applied in the real world."

—Gregory Fosheim (J.D. '14), SHLA President, GAHA Conference Attendee

Health Law Awards

Four health law students were acknowledged for their achievements at the 2013 College of Law Honors Day. "We are proud of the accomplishments of our health law students," said Charity Scott, director of the Center for Law, Health & Society. "These dedicated students have worked hard and truly earned this recognition."

Sarah Ketchie (J.D. '13) received the annual Health Law Award. This award includes a monetary gift sponsored by the State Bar of Georgia's Health Law Section. It recognizes outstanding student achievement in health law including academic performance, writing ability, experiential learning, and involvement in the health law community.

The ABA/BNA Award for Excellence in the Study of Health Law is awarded to three students with the highest grades in core health law courses. Ketchie



HULKOWER



KETCHIE



REEVES



VAUGHN

received this award for Health Law: Finance and Delivery; Rachel Hulkower (J.D. '13) received it for Health Law: Quality and Access; and Kimberly Reeves (J.D. '13) received it for Public Health Law. These students received a certificate and a complementary book selection from ABA/BNA.

Allison Vaughn (J.D. '14) was presented with the HeLP Legal Services Clinic Award, which includes a monetary gift sponsored by the HeLP Advisory Council. The award recognizes excellent legal analysis, writing, advocacy, and professionalism in the delivery of legal services to low-income families served by the clinic.

WELLSTAR

Health System

“Good conflict management systems in health care are proactive and promote full communication before problems escalate, anger and frustration set in, and positions become hardened”

—Charity Scott, Director
and Catherine C. Henson
Professor of Law



Early Resolutions of Medical Malpractice Claims

Professor Charity Scott spoke at a recent meeting of the Medical Association of Georgia (MAG) outlining new approaches by hospitals across the country to resolve potential claims of medical malpractice before the parties are embroiled in lengthy and expensive litigation.

“The traditional litigation model of claims resolution in health care is costly, reactive and defensive,” said Scott. “Litigation also does little to actually improve the quality and safety of patient care for the future.”

The new models that are emerging rely both on prompt internal reporting and investigation of all adverse events that may signal a medical error has occurred in a patient’s care and on prompt disclosure of such unanticipated outcomes to patients (and to their families when appropriate). If the hospital determines that unreasonable care was provided – that is, below the medical standard of care under the circumstances – then the patient receives an explanation as to how the error occurred, how its effects will be minimized, and what steps will be taken to ensure it does not happen again.

When determined to be appropriate by the hospital’s claims committee, patients are also given an apology and an offer of fair compensation to cover expenses for future medical care and other

damages without having to bring a lawsuit to receive compensation.

Leading hospitals that are taking this approach include the University of Michigan Health System, the University of Illinois Medical Center at Chicago, 16 Harvard hospitals in Massachusetts, and other academic medical centers at Stanford and Johns Hopkins.

“This approach has also been endorsed by many national health care professional societies,” observed Scott. “It reflects the ethically right thing to do.”

The attendees at the MAG meeting had questions about the impact on liability and insurance costs. According to Scott, initial information provided by the health care centers adopting this approach show significant savings by reducing the number of cases in litigation, the costs per claim, the time to resolution, defensive medicine costs, and insurance costs.

One of the key reasons to implement this approach is to systematize the reporting of adverse events and improvements in patient care within the hospital. The collected data can be analyzed and shared internally to improve health care providers’ performance and overall systems of care for patients.

Health Legislation and Advocacy Continued from page 1

Together Scott and Caley examined models, considered textbooks, and reviewed syllabi from other law schools. Caley began teaching HLA in 2004.

The HLA course lasts two semesters. Each fall, groups of three students are paired with a community partner over a legal issue related to health. The students research the issue and conduct 50-state surveys to show how other states are addressing the same problem. They then help to draft legislation proposed by their community partners. During spring semester, they track the bill through the legislative process.

During the 2012-2013 year, HLA students worked on cyber bullying, boater safety, and specialty tier drug programs. The boater safety project resulted in passage of a law requiring children under the age of thirteen to wear a life jacket when on board a boat and reduced the permissible blood alcohol concentration level for operators of watercraft. Children's Healthcare of Atlanta was the community partner on this bill.



LEGISLATIVE BREAKFAST ON CYBER BULLYING

The Asian American Legal Advocacy Center, Inc. was the community partner on the cyber bullying initiative. As part of their project, students attended a legislative breakfast, where they met state senators and representatives who were supporting the legislation. While this bill was introduced late in the session and did not pass this year, Caley is hopeful that it will be favorably considered next year.

Past HLA projects have included passage of laws increasing the age children are required to remain in a booster seat in motor vehicles and

allowing for child-only insurance policies. A bill limiting cell phone usage while driving did not pass, but the students' research and language were useful in a later bill limiting texting while driving.

Working with the differing priorities and competing resources of the legislature and community partners can be challenging, but Sylvia Caley keeps the goal of improving health in mind. "I can do anything with gloves on. I used to say that all of the time when I worked in nursing, and as I tell my students, it still rings true."

Interdisciplinary Training in Public Health Ethics

This past year, professor Leslie Wolf helped train public health practitioners and lawyers in public health ethics at several conferences around the country. The training program developed out of efforts by the Centers for Disease Control and Prevention (CDC) and its Ethics Subcommittee to the Advisory Committee to the Director, on which Wolf served from 2008-2012, to support state, local, territorial, and tribal health officials.

"We spent a year holding webinars with different groups of health officials to learn how the CDC could help them with respect to public health ethics," Wolf

explained. Based on the feedback received through those webinars, Wolf began working with CDC staff, members of the Ethics Subcommittee, and public health practitioner representatives on public health ethics training. The goal was to develop training materials that ultimately could be used by public health departments to train their staff.

The training is flexible enough to be used in a number of different contexts. "We presented in a number of different venues to different audiences for different lengths of time," Wolf remarked. For Wolf, this included

three presentations in Atlanta, at CDC, the National Association of Local Boards of Health, and the Public Health Law Conference, as well as in San Francisco at the American Public Health Association annual conference.

Wolf commented, "Participants seem particularly to appreciate that the problems we used in the trainings were realistic, so they could imagine using the training in their work." The CDC has made the training materials available to the public to facilitate their use in building capacity in public health ethics.



SOME OF THE CDC ETHICS TRAINING TEAM:
LINDSAY FELDMAN, DRUE BARRETT, LEONARD ORTMANN,
LESLIE WOLF, AND RUTH GAARE BERNHEIM

Alumna Returns for Supreme Court Arguments



MERI K. BENOIT

"I had the opportunity to watch appellate arguments while in law school, and recall feeling that no amount of preparation could ever fully ready an attorney for every curveball thrown," said Meri K. Benoit (J.D. '99) after oral arguments in *Wellstar v. Jordan*. "I still feel that to be the case!"

With more than 10 years of experience and her role of plaintiff's lawyer with Malone Law, assisting with arguments before the state's highest court may cause some anxiety, but she is holding her own.

When Georgia State University College of Law welcomed the Supreme Court of Georgia to hear oral arguments on Feb. 20, it was a coincidence

that one of the plaintiff's lawyers was a Georgia State Law alumna.

"I was very honored to participate, and very proud to be a graduate of the College of Law," Benoit said. Hearing the case in the special session, in front of a room of students, faculty and distinguished guests in the Student Center Ballroom "emphasized the wide-reaching significance of the issue."

Although Benoit began her career representing corporate clients, she ultimately gravitated toward medical negligence cases—first representing physicians, nurses, hospitals and nursing homes, and now representing injured patients and their families. "Health care touches everyone," she says. "It has been very rewarding to be a part of a process that maintains the quality and integrity of the health care system upon which we all rely."

Benoit has been working with Malone Law's founder Tommy Malone on the *Wellstar v. Jordan* case, which concerns a 2010 medical malpractice suit and the distinctions made between witness testimony and Health Insurance Portability and Accountability Act protected information.

"I genuinely feel GSU provides the most practical legal education available in Georgia. The curriculum, professors, adjuncts, extracurricular programs and even the physical location continue to afford students real-life opportunities unavailable at any other law school in the state."

The Supreme Court of Georgia held the special session in honor of the college's 30th anniversary and the university's centennial.



Always Something New

Charlotte Combre (J.D. '97), partner at McKenna Long & Aldridge LLP, focuses her practice on the bread and butter of health law: regulatory and compliance matters of health care organizations.

"When I began practicing, I had no health care experience. I had taken two health care law classes and had spent two summers as a summer associate at Powell Goldstein Frazer & Murphy LLP (now Bryan Cave LLP)," Combre recalled. "Now, there is an expectation that lawyers entering the field have more knowledge of health care terminology and issues."



"A student who is interested in health law should take advantage of the multitude of offerings that Georgia State Law has made available, especially if he or she does not have a background in health care."

- Charlotte Combre (J.D. '97), Partner, McKenna, Long & Aldridge LLP

Working in health law for over fifteen years, Combre has never had a dull moment. "There is always something new in health care – new laws, new rules, new regulators," she said.

She marveled at what is new at Georgia State Law, too. "It has been amazing to watch the College of Law and the Center for Law, Health & Society grow. There are so many more courses, a nationally ranked program, and a certificate in health law," Combre said. "At McKenna, we have four Georgia State law graduates in our health care group: Kim Ruark, Laurice Rutledge, Sarah Grivas West, and Jennifer Whitton. That speaks volumes about the program."

As McKenna's Diversity Partner, Combre spends a fair amount of time on diversity-related matters for the firm. "I have oversight of the firm-wide Diversity Committee and its activities," she said. "I am very excited about our Street Law Diversity Pipeline program that we teach at Grady High School and the KIPP Academy in D.C."



SAMUEL PARK

Recent Graduate Awarded Law and Government Fellowship

American University Washington College of Law has selected Samuel Park (J.D. '13) as an LL.M. fellow in law and government. The one-year fellowship program was designed for graduates with an interest in U.S. government and politics by focusing on some of the most important policy issues of our time.

Along with a partial tuition remission, the fellowship offers a dean's research assistant position and an externship in Annapolis, Md., with State Sen. Jamin B. Raskin, director of the Law and Government program. Externs will have the opportunity to experience the legislative process and be involved with Sen. Raskin's legislative agenda in a significant and meaningful way during the spring legislative session.

The experience Park gained at the Georgia Capitol helped him

standout to the Washington College of Law admission's panel and Sen. Raskin. Georgia State Law's proximity and connections to the Capitol helped facilitate his involvement in the political process.

While at Georgia State Law, Park participated in associate clinical professor Sylvia Caley's Health Legislation and Advocacy class. "Spending an entire semester at the Capitol allowed me to get involved with the Georgia House Democratic Caucus during the 2012 legislative session," Park said. "This experience helped me gain an externship with the Georgia Senate Democratic Caucus during the 2013 session."

"Without professor Caley's course, I would not be on the path I am on today or have the opportunity to live and study in our nation's capital," Park said.

Panel Debates Copyrightability of DNA



YANIV HELED

Through the creation of non-naturally occurring DNA sequences, the rapidly developing fields of technology and synthetic biology continue to generate new and difficult ethical questions for scientists and lawyers alike. The Center for Law, Health & Society and

the Intellectual Property Advisory Board hosted a panel discussion to address whether DNA copyrights are a potential alternative to DNA patents.

The program, entitled “Copyrighting DNA: Protecting Synthetic DNA Sequences as a Work of Authorship,” was held in January as the intellectual property community awaited the Supreme Court’s decision in *AMP v. Myriad*. Assistant professor Yaniv Heled moderated the panel.

“The idea of using copyright law to protect DNA is not a new idea – scientists have talked about it for over 30 years,” said Andrew Torrance, professor of law and Docking Faculty Scholar at the University of Kansas School of Law and visiting scholar at the MIT Sloan School of Management. “What is new is the current assault on the patenting of DNA and the sense of need to look for other ways to protect DNA advancements,” he said, referring to *Myriad* and other cases. “DNA fits well within the structure of copyright law.”

Examining the history of the Copyright Act, Michael Landau, professor of law at Georgia State, came to the opposite conclusion. “Congress probably never considered the Copyright Act extending to DNA,” he contended. “Over the last century, every time that a new subject matter – such as musical compositions, drama, paintings, drawings, sculptures, movies, and computer software – has been added, Congress has acted.” Congress has not acted to include DNA for copyright protection, he noted.

Brent R. Bellows, partner at Knowles Intellectual Property Strategies, rounded out the panel. “In copyright law, the rule is that you can only protect the creative expression. You can’t protect the functionality,” Bellows argued. “Where is the value to the industry? It’s in the functionality. At the end of the day, if DNA is copyrightable, the protection will be very thin.”



ANDREW TORRANCE



MICHAEL LANDAU



BRENT R. BELLOWES

CDC Experts Discuss Designing Healthy Communities



KEN ROSE, MONTECE RANSOM,
AND COURTNEY ANDERSON

“The CDC speakers showed how we can effectively use our legal skills to have a positive impact on these urban improvement projects.”

—Becky Payne (J.D. '15)

Experts from the Centers for Disease Control and Prevention (CDC) spoke to faculty, students, and community members about diabetes, asthma, and other chronic conditions in the context of law, community planning, and public health. The discussion was organized around selected clips from “Designing Healthy Communities,” a video series previously aired on PBS. Assistant professor Courtney Anderson moderated the panel which was co-sponsored by the Center for Law, Health & Society and the Center for the Comparative Study of Metropolitan Growth.

The first video clip described how urban design serves as an underlying cause of chronic diseases such as obesity and how urban designers are addressing the issue through projects like Atlantic Station and the BeltLine.

“The Beltline project illustrates the importance of taking a multi-disciplinary approach to designing our communities,” said Montrece Ransom, Senior Public

Health Analyst with CDC’s Public Health Law Program. “It is critical that public health practitioners, lawyers, and others join with planners on these issues and move past their disciplinary silos to use the built environment to create communities where healthy choices are the norm.”

The second clip focused on the compounding effect of poverty on health, particularly in urban city centers. “Unfortunately, urban redevelopment efforts can result in the displacement of lower income populations to less healthy environments with less access to essential services like public transit,” said Ken Rose, Associate Director for Policy with CDC’s National Center for Environmental Health. “Policy interventions like community benefit agreements, grandfathering property tax rates for elderly homeowners on fixed incomes, or workforce housing requirements can help to mitigate these impacts.”

Dorf Weighs Mandates, Prohibitions

“The challengers were making a libertarian argument against mandates, but to appeal to the more conservative justices, they could not invoke the right to bodily integrity under *Roe v. Wade*,” said Michael C. Dorf, the Robert S. Stevens Professor of Law at Cornell University Law School, during the 52nd Henry J. Miller Distinguished Lecture Series on March 7. Dorf provided an analysis of the arguments and motivations in the Court’s health care decision in *National Federation of Independent Business v. Sebelius*.

In his presentation, “Commerce, Death Panels and Broccoli: Or Why the Activity/Inactivity Distinction in the Health Care Case Was Really About the Right to Bodily Integrity,” Dorf suggested a stronger argument would have been one that leveraged *Roe*’s limitations on the government’s ability to interfere with an individual’s bodily integrity.

“Ordinarily we think of laws telling us you can’t do this or that, but not obligating us to anything,” Dorf said. However, some mandates are a part of life: mandatory vaccines, jury duty, the draft and paying taxes all instrumentalize people. So, should health care be one of them?



Erin Fuse Brown, assistant professor of law, said Dorf argued the government failed to articulate a limiting principle for Congress’ Commerce Clause powers and this may have made a difference in the case.

“What is interesting about his point is that you do not need to be able to prove that health care is somehow different or exceptional from other types of regulated industries,” Fuse Brown said. “Instead, the limiting principle is that the regulation or mandate must be limited to economic activity. Eating broccoli, as opposed to purchasing broccoli, Dorf argued, is not economic activity, so allowing the individual mandate would not permit the federal government to make you eat broccoli.”

Center Hosts TedMed

TedMed is an annual three-day event focused on health and medicine and is known for its provocative programing, including inspirational and innovative short talks and impressive artistic performances.

Simulcasting is offered to non-profits, government agencies, and academic institutions free of charge through support from partner organizations. This year, the Center for Law, Health & Society hosted a campus simulcast of TedMed Live 2013, courtesy of the Robert Wood Johnson Foundation (RWJF). The center is an RWJF grantee.

Faculty and students from across campus gathered to view portions of the TedMed event over lunch and snacks on topics ranging from big data to community health promotion to the future of health care to technology. One engaging session included then United States Surgeon General Regina Benjamin exercising with fitness personality Richard Simmons.

TEDMED

Center Highlights



Courtney L. Anderson



Professor Anderson's publication "Opening Doors: Preventing Youth Homelessness through Housing and Education Collaboration," was published in the *Seattle*

Journal for Social Justice and she accepted an invitation to be a health care law panelist at the Annual Conference for the National Black Law Students Association. She was selected to present her work-in-progress "Redistrict, Remove, Reduce" at the Association for Law, Property and Society's annual meeting, and at American University's Poverty Law Conference.

Roberta M. Berry



Professor Berry delivered the keynote address on "fractious problems" in science and technology policy at the spring 2013 meeting of the Georgia

Philosophical Society. Together with two Georgia Tech graduate students in bioengineering and public policy, she presented at the June 2013 annual meeting of the American Society for Engineering Education on using problem-based learning in ethics courses for science and engineering students. She is working on articles on oocyte donation and on a new assessment instrument for ethics education.

Lisa R. Bliss



Professor Bliss presented with the Health Law Partnership team on the use of scorecards and dashboards for evaluating and monitoring the effectiveness of medical

legal partnerships at the Medical Legal Partnership National Summit in Bethesda, Maryland. She also presented on interdisciplinary clinical legal education and facilitated a session on best practices for experiential education at the AALS Conference on Clinical Legal Education in San Juan, Puerto Rico.

Sylvia B. Caley



Professor Caley collaborated with a film maker from California, the Georgia State Digital Arts & Entertainment Lab (DAEL), and an independent film maker in Atlanta to develop a

video telling the story of the work of the Health Law Partnership. All four components – public health legal services, education, systemic advocacy, and research and scholarship – are highlighted. She had four articles published discussing the benefits of medical-legal partnership for patients, providers and the community.

Erin C. Fuse Brown



Professor Fuse Brown presented "The Way Forward for the Affordable Care Act's Right to Health Care" at the Health Law Professors Conference hosted by Seton

Hall University School of Law and the American Society of Law, Medicine & Ethics in June. In August, she gave a presentation on "The Harms of Irrational Hospital Pricing" at the annual meeting of the Southeastern Association of Law Schools.

Jessica D. Gabel



Professor Gabel has been working to implement forensic science standards to make evidence more reliable. Her article, "A New Approach to an Old Problem: Realizing Reliability in Forensic

Science from the Ground Up," will be published in the *Journal of Criminal Law & Criminology at Northwestern University*. She is also launching the Bankruptcy Assistance & Practice Program in August, which pairs law students with mentor attorneys in the community to represent low-income debtors in bankruptcy court.

Yaniv Heled



Professor Heled moderated a panel at the College of Law on the issue of copyrightability of synthetic DNA sequences. He gave a presentation as part of the Bioethics in the Movies series

entitled "Bioethics Paradigm Shift in a Post-Zombie-Apocalypse World: Scenes from 'The Walking Dead.'" He also presented his current research about regulatory competitive shelters at Seton Hall School of Law and at the Governance of Emerging Technologies conference hosted by Arizona State University.

Randall L. Hughes



Professor Hughes presented continuing legal education sessions to the Elder Law Section of the Atlanta Bar association and at the Atlanta Legal Aid Society Legal Services University

entitled "The Affordable Care Act at a Glance." He will be presenting at the Southern Clinical Conference with members of the HeLP faculty in August 2013 and will be moderating an upcoming panel on the U.S. Supreme Court's decision in *Federal Trade Commission v. Phoebe Putney Health System*.

Stacie P. Kershner



Together with faculty from the School of Public Health, Ms. Kershner drafted the proposal for the new dual degree J.D./M.P.H. and shepherded the proposal through

the university and Board of Regents' formal process. She also co-authored an article on liability protection and workers' compensation of out-of-state volunteer health practitioners in emergencies to be published in *Biosecurity and Bioterrorism: Biodefense Strategy, Practice, And Science*.

Paul A. Lombardo



Professor Lombardo spoke at the University of Washington Schools of Law, Medicine and Public Health, and at the University of Pennsylvania History and

Sociology of Science Symposium for retiring historian Ruth Schwartz Cowan. He gave papers at the Annual Meeting of the American Association for the History of Medicine and presented the Bioethics Update at the American Society of Law Medicine and Ethics Health Law Professors Conference.

Charity Scott



Professor Scott has been appointed to Chair a new Task Force on ADR and Conflict Management in Health Care by the ABA's Health Law Section and has spoken nationally on this topic. She

hosted a regional forum for health care leaders to explore interest in new approaches to resolving medical malpractice claims without resort to litigation, with a follow-up presentation to the directors of the Medical Association of Georgia.

Emily F. Suski



Professor Suski's co-authored article "Translating the Values of Clinical Pedagogy Across Generations" will be published in the forthcoming edition of the *Clinical Law Review*.

She was also

invited to present on three panels at William & Mary Law School's Institute for Special Education Advocacy in July. In addition, she presented on the intersection of doctrine, theory, and practice at the Southern Clinical Conference at the University of Arkansas School of Law in August.

Jonathan Todres



Professor Todres' recent work includes "A Person's A Person: Children's Rights in Children's Literature," forthcoming in the Fall 2013 issue of the *Columbia Human Rights Law*

Review this fall, which he co-authored with Sarah Higinbotham, and "A Public Health Approach to Human Trafficking," published in the International Organization for Migration's April 2013 issue of *Global Eye on Human Trafficking*. He also presented papers on preventing child trafficking recently at Arizona State University College of Law and Michigan State University College of Law.

Leslie E. Wolf



Professor Wolf published several articles, including an invited commentary that appeared in the *Annals of Thoracic Surgery*, a book review that appeared in the

Journal of Law and Medicine, and a symposium article, co-authored with a recent graduate, that appeared in the *Journal of Law, Medicine & Ethics*, and continued to present her work at national meetings. She was recently appointed to the Georgia State University Research Foundation Board.



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We define "health law" broadly to include any law that impacts health, and so our news and events appeal to a broad range of lawyers. Our six focus areas reflect this breadth of our curriculum and activities, as do our graduates who practice in a wide range of health-related legal fields, including:

- Medical malpractice
- Regulation of health care providers
- Civil and criminal law related to enforcement of government health programs
- Public health and environmental law
- Intellectual property related to biotechnology and life sciences
- Pharmaceutical and FDA law
- Legal aid to promote the health of the economically disadvantaged
- Family and child advocacy related to health
- Civil and human rights related to health
- Disability law
- Global health

Even if you do not identify yourself as a "health lawyer," you are welcome to join GHLN to learn more about what the center does and to participate in our activities, which include:

- Social gatherings and networking events
- CLE programs
- Updates on job opportunities through GHLN LinkedIn group
- Mentoring law students
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To join as a "Friend," please visit
<http://law.gsu.edu/clhs/friends>.

Center Faculty & Staff

Charity Scott, Director and Catherine C. Henson Professor

Stacie P. Kershner, Associate Director

Courtney L. Anderson, Assistant Professor

Erin C. Fuse Brown, Assistant Professor

Yaniv Heled, Assistant Professor

Paul A. Lombardo, Bobby Lee Cook Professor

Jonathan Todres, Associate Professor

Leslie E. Wolf, Professor

Cassie Hayasaka, Administrative Specialist

HeLP Legal Services Clinic

Sylvia B. Caley, Director of HeLP, Associate Clinical Professor, and Co-Director of Clinic

Lisa R. Bliss, Associate Clinical Professor and Co-Director of Clinic

Emily F. Suski, Assistant Clinical Professor

Shamecia D. Powers, Administrative Coordinator

Law Faculty Affiliates

Jessica D. Gabel, Associate Professor

Wendy F. Hensel, Associate Dean for Research and Faculty Development and Professor

Faculty Fellows

Roberta M. Berry, Associate Professor, Georgia Institute of Technology

Randall L. Hughes, Of Counsel, Bryan Cave LLP.

