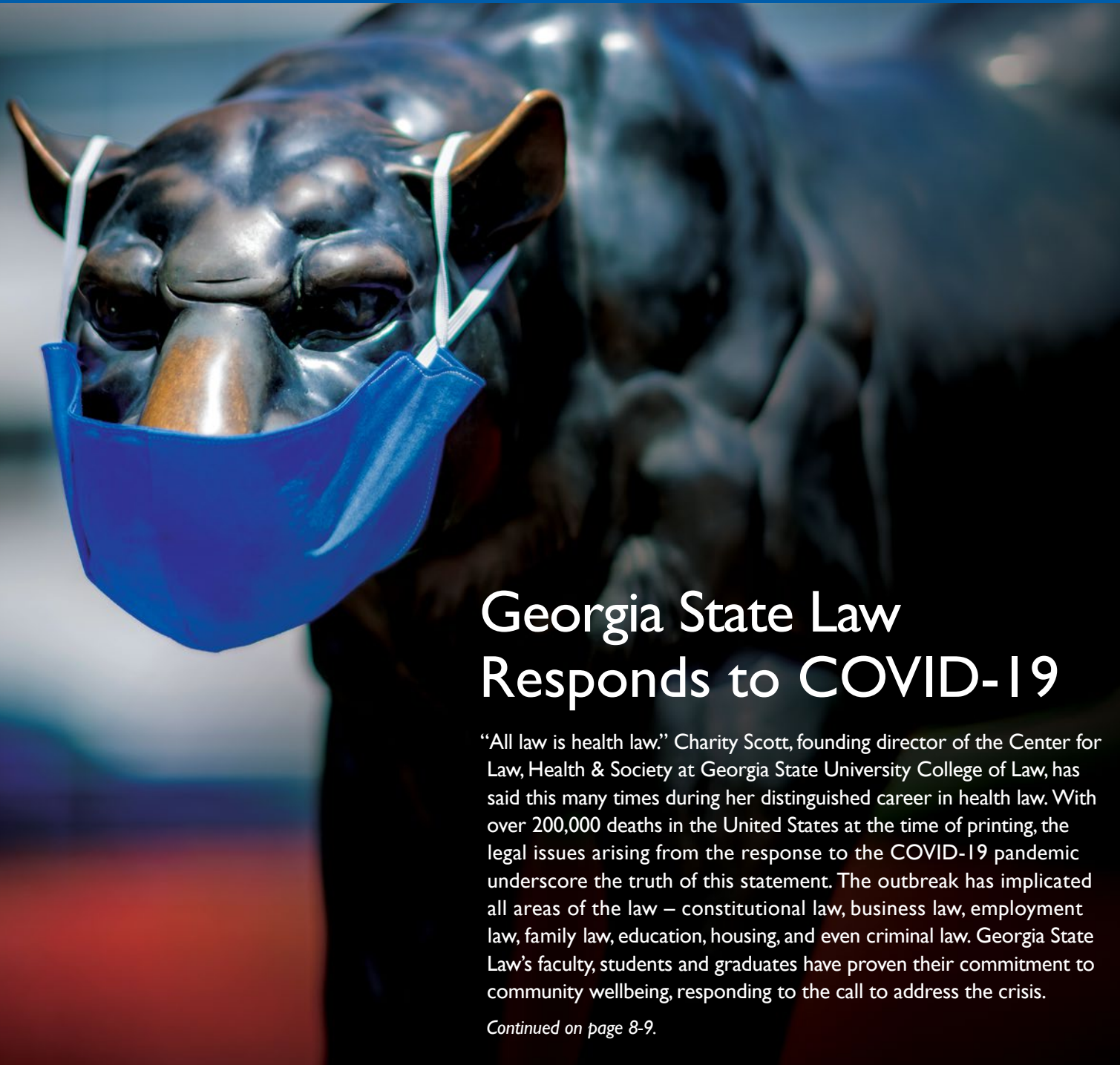


Georgia State University College of Law



Georgia State Law Responds to COVID-19

“All law is health law.” Charity Scott, founding director of the Center for Law, Health & Society at Georgia State University College of Law, has said this many times during her distinguished career in health law. With over 200,000 deaths in the United States at the time of printing, the legal issues arising from the response to the COVID-19 pandemic underscore the truth of this statement. The outbreak has implicated all areas of the law – constitutional law, business law, employment law, family law, education, housing, and even criminal law. Georgia State Law’s faculty, students and graduates have proven their commitment to community wellbeing, responding to the call to address the crisis.

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Director's Message

The COVID-19 pandemic has highlighted the importance of health law, public health and health justice to the fabric of society. It has changed the way we work but has not slowed us down. Center faculty, students, alumni and partners continue to engage and lead the way through these historic times. We have also adapted. The HeLP Legal Services Clinic shifted online while maintaining excellence in services for clients and educational experiences for students. Despite all, we have much to celebrate: the well-earned retirement of founding director, **Charity Scott**; welcoming **Brooke Silverthorn** as co-director of the HeLP clinic; the publication of *The Oxford Handbook of Children's Rights Law*, coedited by **Jonathan Todres**; **Yaniv Heled's** Patricia T. Morgan Award for Outstanding Scholarship and **Jonathan Todres'** David J. Maleski Award for Teaching Excellence; the win by HeLP clinic students **Brian Aton**, **Brittany Stocus**, and **Kayla Watkins** to secure SSI benefits for their client; graduating student **Morgan Schroeder's** 2020 Charity Scott Health Law Award; and the "Break the Cycle of Health Disparities" award won by students **Hazel Rains** and **Briana James**. Be well, stay safe, and carry on the good work of health law.

Best wishes,

Director
Center for Law, Health & Society

Center for Law, Health & Society Founding Director Retires

Founding director of the Center for Law, Health & Society Charity Scott is retiring after 33 years with Georgia State Law. Scott was instrumental in developing the College of Law to be the accredited school it is today. The health law program has been ranked in the top 10 in the country consistently over the past decade and is currently the #2 program in the nation.

Scott started the health law program with a single course in 1987. Through private grants and funding from the university's Second Century Initiative, Scott was able to help recruit ten more faculty over the years for the health law program, which now offers an extensive array of cutting-edge health law courses. Holding joint faculty appointments in business and public health at the university, she developed dual degrees with these disciplines. She created the first certificate program at the law school and championed curricular development around core competencies for health law.

Scott co-founded the nationally recognized Health Law Partnership (HeLP) with Children's Healthcare of Atlanta and the Atlanta Legal Aid Society. She was the first director of the HeLP Legal Services Clinic at the law school, which she helped to launch in order to promote interdisciplinary clinical education and public service for law, medical and graduate students.

Scott's strong commitment to interdisciplinary education was reflected in her long-term collaborations with Emory University's medical

school faculty to teach bioethics in joint classes with law and medical students. She received the Heroes in Health Care Ethics award for her work with Emory's Center for Ethics.

Scott had a long-standing commitment to building bridges between academia and the real world of lawyers and legal practice. She helped to launch and develop the health law sections of the both ABA and the State Bar of Georgia, where she held leadership positions for years.

In recent years Scott expanded her teaching and research interests beyond health law. She earned a master's degree in conflict management and taught negotiation and mediation in order to better prepare law students to resolve clients' problems and disputes in non-adversarial ways. She created the mindfulness training program at the law school and developed other wellness initiatives for law students in order to support their health and well-being.

"I hope that Georgia State Law continues to put law students at the center of its mission, and that increasingly it will develop programs that nurture students in a holistic way that supports every dimension of their well-being and health," she said. "This will support them both as people and as professionals."

Join us in honoring Charity Scott and celebrating her retirement! Share your memories and well-wishes at law.gsu.edu/charity-scott.

Journal of Legal Medicine: Call for Submissions



Georgia State Law and the American College of Legal Medicine invite article submissions to the *Journal of Legal Medicine*. JLM is an interdisciplinary, peer-reviewed, internationally circulated journal that focuses on the intersection of health law, science and policy. Quality submissions of short commentaries (up to 3,000 words) and articles (up to 7,500 words) are accepted. Book and film reviews (approximately 1000 words) may also be submitted.

Visit clhs.law.gsu.edu/journal for more information.



"Everything I have been able to do at Georgia State and with other educational and community partners has been because it's interesting and because I have felt it has been important to do. Georgia State Law has given me tremendous freedom to follow my passions and interests wherever they may lead me."

– Charity Scott, Catherine C. Henson Professor of Law and Founding Director, Center for Law, Health & Society, Georgia State Law, retired

"Charity will always be a part of Georgia State Law for the students she has taught, the faculty she hired and mentored and the programs she built. Her impact has been truly immeasurable, and she has inspired so many to pursue health law. We wish her the very best as she goes onto this next journey."

– Leslie E. Wolf, Interim Dean and Distinguished University Professor, Georgia State University College of Law

"Aside from her significant scholarly accomplishments, Charity remains the kindest, most thoughtful, most tolerant and most emphatic person I have ever encountered in health law, a field full of wonderful people. No one in our little field is loved and admired more than Charity."

– Ted Hutchinson, Executive Director of the American Society of Law, Medicine & Ethics

"I can say unequivocally that Charity was the best teacher I ever had. She not only served as teacher, but also as mentor, coach, confidante, collaborator and friend. Through her dedication, will, perseverance and fortitude, Charity brought to life HeLP, the HeLP Legal Services Clinic and an experiential legislative class known as Health Legislation & Advocacy. Charity both directly and indirectly provided assistance, guidance and opportunities for so many—students, lawyers, academics, friends and neighbors."

– Sylvia Caley, Co-founder, Health Law Partnership (HeLP) and Clinical Professor of Law Emerita, Georgia State University College of Law

"Not only did I love the intellectual challenges in Professor Scott's health law class, but I also loved the fact at the center of every discussion was a human being. There wasn't a class that we had that didn't discuss how the impact of some legal decision affected someone's life. That health law class and the way Professor Scott presented it left an impression on me."

– Dawn M. Jones (J.D. '08), Managing Member, The Firm of Dawn M. Jones, LLC, and President, State Bar of Georgia

"Charity Scott has brought tremendous wisdom, inspiration, encouragement and healing to law students and lawyers through her many courses, presentations and articles on mindfulness. The power of Charity's embodied skill and wisdom is transformational for the legal profession as it finally begins to recognize that supporting and protecting the health and well-being of lawyers and law students is inseparable from developing and sustaining our professional competence and capacity."

– Plamen Russev (J.D. '03), Attorney, Bryan Cave Leighton Paisner LLP, and Co-Chair, Mental Well-Being Subcommittee, Attorney Wellness Committee, State Bar of Georgia

TOP 10

The health law program at Georgia State Law is ranked No. 2 in the nation by U.S. News & World Report.

Appropriate Opioid Prescribing for Acute Pain



Amid the continuing opioid epidemic in the United States, a new report on opioid prescribing from the National Academies of Sciences, Engineering and Medicine claims guidance for treating acute pain is lacking, which could play a factor in the crisis.

In February, Dr. Bernard Lo, president of the Greenwall Foundation and chair of the committee that wrote the new report, “Framing Opioid Prescribing Guidelines for Acute Pain: Developing the Evidence,” spoke to a classroom of students, faculty and community members at Georgia State Law. The lecture was hosted by the Center for Law, Health & Society and made possible through the Diversity in Bioethics grant from the Greenwall Foundation.

Lo said there are not consistent prescribing practices for acute pain. Acute pain – defined as pain that starts suddenly and lasts for up to 90 days – can follow an injury, surgery or childbirth.

“How many of you have had surgery in your lifetime or gone to the emergency room for acute pain?” Lo asked.

Nearly every hand in the room went up. He then asked how many had leftover opioids in their medicine cabinets from that surgery or doctor’s visit. Several hands remained in the air, which reinforced the report’s claim that after surgery, patients on average only consume half of the opioids prescribed.

According to the report, from 2002 to 2010 opioid prescribing rates in the United States doubled. Lo said that is possibly attributed to aggressive marketing by pharmaceutical companies. Even though the prescribing rates leveled off in 2011 and have since been on a decline, drug overdose deaths continue to rise. Lo says that is due to the increased use of heroin and fentanyl, which are lower cost compared to prescription drugs.

“If you talk to people that have opioid use disorder, many of them say they started with prescription drugs before moving on to stronger opioids such as heroin or fentanyl,” said Lo.

The report details the need to create clinical practice guidelines, which would provide evidence-based criteria for prescribing opioids, help clinicians assess the risks and benefits, and identify areas where more evidence and research is needed.

Lo says while it remains a challenge, the prescribing guidelines are meant to balance the risk of overprescribing while also reducing patients’ acute pain. He acknowledges this report is only one step, and likely more needs to be implemented in addition to the guidelines.

“Whatever your field is, the ethical issues are important and the solutions are going to have to come from multiple jurisdictions,” said Lo. “I hope you are part of that solution.”

Stigma in Policy: What is the Impact on the LGBTQ Community?

In March, Heather Walter-McCabe, then associate professor at the Indiana University School of Social Work and assistant professor at the IU Robert H. McKinney School of Law, brought her interdisciplinary perspective to Georgia State Law for a discussion of stigma and health in the LGBTQ community. The event was hosted by the Center for Law Health & Society and co-sponsored by the Student Health Law Association and OUTLaw student organizations.

Walter-McCabe’s research examines the disparate impact of law and policy for the LGBTQ population, with an emphasis on the transgender and non-binary community. Due to stigma and limited social support, the LGBTQ community experiences increased rates of suicide, substance abuse and other physical and mental health disorders, compared to the general population. This community is also at greater risk of being victims of violence.

However, Walter-McCabe encouraged a reframing of the narrative, “Being LGBTQ is not the risk factor,” she said. “The social structures of bias and phobias are the risk factors. Those are the things we can change.”

Walter-McCabe highlighted recent

regulation and litigation aimed at altering the rights of the LGBTQ community, such as employment and housing discrimination, health care coverage and insurance, criminal law and hate crimes, and public accommodation or bathroom bills, among others. States vary dramatically on these laws. Even when laws are proposed but not passed, the publicity and debate surrounding the legislation can increase stigma against the community.

To better understand the impact of these laws on health and how changes at the policy level can lessen the health burden on the LGBTQ population, Walter-McCabe is currently working with the Centers for Disease Control and Prevention Public Health Law Program to create a database of laws affecting the LGBTQ community. She is also partnering with a LGBTQ center to analyze health data.

“We have to work within health care and behavioral health systems to educate on culturally competent care for the LGBTQ community,” she said. “We must consider the impact on health when developing policies and laws.”



Bioethics at the Movies

The Student Health Law Association and the Center for Law, Health & Society cohosted the 14th Annual Bioethics at the Movies series in February. This popular series features clips from contemporary movies and TV shows. Professors and guests facilitate discussion with students on a range of interesting issues in law and bioethics.

“Bioethics at the Movies is always a popular event among all students, not just health law students,” said Baylee Culverhouse (J.D./M.S.H.A. ’21), SHLA co-president. “Movies and television shows offer a casual way to prompt important and serious discussions on issues of health law, policy, and ethics.”

“The Farewell”: Cultural Differences In End-of-Life Questions

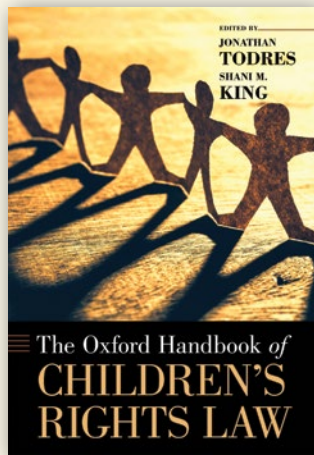
Moderator: Professor Erin Fuse Brown
Co-sponsor: Asian American Law Students Association

Narratives of Substance Use in “Ben is Back”

Moderator: Thomas Griner (J.D. ’96, Ph.D. ’19)
Co-sponsor: Criminal Law Society

Examining “The Upside”: How Disability Affects Us Differently

Moderator: HeLP Legal Services Clinic
Supervising Attorney Jimmy Mitchell



Todres on Editing *The Oxford Handbook of Children's Rights Law*

As one of the leading scholars on children's rights issues, Georgia State Law Distinguished University Professor Jonathan Todres recently published a new book, *The Oxford Handbook of Children's Rights Law*.

Oxford Handbooks is one of the Oxford University Press' flagship series. It aims to develop comprehensive volumes that can serve as foundational works in their respective areas.

"Given the reputation of *Oxford Handbooks*, this was an exciting opportunity to think more holistically about the field of children's rights," Todres said. "More specifically, it was an opportunity to develop a volume that would be of value to scholars and students and could potentially help shape the direction the field is going."

Children's rights law is a relatively young but rapidly developing field, with the 1989 U.N. Convention on the Rights of the Child serving as its cornerstone. In *The Oxford Handbook of Children's Rights Law*, Todres and his coeditor, University of Florida Levin College of Law professor Shani King, have assembled a group of renowned scholars to evaluate and assess the state of children's rights law and its implementation around the world.

"Editing a project this big has its challenges," said Todres, "But it also is a wonderful opportunity to bring together dynamic scholars and advocates. I loved reading the work of colleagues in the field."



Exploring a New Approach to Combat Human Trafficking

In January, the Center for Law, Health & Society at Georgia State Law hosted the authors of *Preventing Child Trafficking: A Public Health Approach* (Johns Hopkins University Press). Distinguished University Professor Jonathan Todres and Dr. Angela Diaz, director of the Mount Sinai Adolescent Health Center, spoke about their new book, which explores how sex and labor trafficking can be prevented using public health methods.

While public awareness about human trafficking has increased significantly in the past 20 years, Todres challenged the audience to consider how much progress has been made. "Despite all those efforts, most people in the field agree there's no evidence to suggest that prevalence has declined," said Todres. "We haven't necessarily made a dent in the number of people being trafficked at any point in time."

Instead, most of the work in the past two decades has focused on apprehending perpetrators and assisting survivors, but that's after harm has already occurred. Using a public health approach can help focus efforts on prevention.

Diaz knows first-hand how child trafficking is a public health issue. In her medical practice, she works with trafficking survivors ages 10 to 24

covering a range of clinical services. "Wherever they are, we work with them," said Diaz. "They come to us because they feel welcome, respected, connected, safe, not judged, and accounted for. That's what they need and that begins the healing process."

Diaz stated that, in order to address the adolescent's needs, the system must be comprehensive and easily accessible. At the Mount Sinai Adolescent Health Center, she champions an innovative interdisciplinary approach to addressing human trafficking that includes integrated physical health, sexual and reproductive health, dental, optical, behavioral and mental health, and legal services, as well as health education.

In their book, Todres and Diaz outlined a public health "toolkit"—a set of questions that any individual or organization can use to develop or strengthen responses to child trafficking. "Our hope is that these questions can at least start conversations on this issue and help to bring in the benefits and the value of a public health approach. That might help us build a more comprehensive, integrated response and move us closer to preventing the harm from occurring," said Todres.

Faculty Awards 2020

Interim dean Leslie Wolf recently announced the 2020 faculty awards. Distinguished University Professor Jonathan Todres received the David J. Maleski Award for Teaching Excellence. This award celebrates innovative faculty members who have made significant contributions to the promotion of student learning. Associate professor Yaniv Heled received the Patricia T. Morgan Award Outstanding Scholarship Award. This award recognizes faculty who have compiled a significant record of outstanding research and scholarly activity over the previous two years. "These awards are well-deserved," said Wolf. "Our professors represent the best in teaching and research, but I take particular pride to recognize my center colleagues' achievements."

Law Professors Author Amicus Brief in Georgia Supreme Court Sperm Bank Case

In May, the Georgia Supreme Court heard oral arguments on a case considering the civil liability of commercial sperm banks for fraud and negligence. The case, *Norman v. Xytex*, concerns whether a commercial sperm bank is subject to any form of liability for marketing and selling sperm with readily knowable undisclosed genetic abnormalities which could also cause genetic abnormalities in a fetus. Georgia State Law professors Yaniv Heled, whose research focuses on genetic technologies, and Timothy Lytton, an expert in torts, along with Emory Law professor Liza Vertinsky, mobilized leading tort law, family law, and health law scholars from around the country to co-sign an amicus brief supporting the plaintiffs' claims.

In the case, the sperm bank Xytex is accused of misrepresentation. Xytex claimed its sperm donor had a clean medical history and multiple academic degrees. Use of the donor's sperm resulted in 36 babies born over 15 years. During this time, Xytex allegedly knew or should have known that the donor did not have a degree, had been diagnosed with schizophrenia and narcissistic personality disorder; was hospitalized multiple times for psychotic episodes and had a felony conviction for burglary.

Although multiple lawsuits have been brought against Xytex, so far the Georgia courts have dismissed all forms of potential liability, insisting that any claim against a sperm bank for injury to the parents of a child amounts to wrongful birth, a theory of recovery rejected by the Georgia Supreme Court in their 1990 decision in *Atlanta Obstetrics & Gynecology Group v. Abelson*. "We are unwilling to say," explained the court, "that life, even life with severe [impairments], may ever amount to a legal injury."

In the amicus brief in the *Norman* case, Heled, Lytton, and Vertinsky argued that Abelson does



not apply to the claims against Xytex. *Abelson* involved a genetic abnormality inherited from the parents that existed before the physician provided care. By contrast, the amicus brief argues it was Xytex's alleged failure to properly vet the sperm and fraudulent misrepresentations that caused the fertilization of an egg with this genetic abnormality.

Moreover, the parents in *Abelson* argued they were deprived of a right to abort the pregnancy. By contrast, the Normans have never suggested they did not want their child. They simply argue that their child was born with an abnormality that was caused by the misconduct of the sperm bank, and they want compensation to help them care for a child to whom they are fully committed.

The Georgia Supreme Court has not yet released an opinion in the case. Heled argued that the case should be sent back to the trial court for consideration on the merits. If the allegations against Xytex in this case are true, exposing sperm banks to liability will give them a powerful incentive to vet donors and provide accurate information to clients, he said.

Genetic Paparazzi: Could Celebrity DNA Become Public Domain?

Imagine being able to produce a child with your favorite movie star using the DNA from a strand of hair or flake of skin. What sounds like the plot to a sci-fi thriller is actually not that far from reality.

This not-so-far-fetched concept is an extension of what Georgia State Law associate professor Yaniv Heled called "genetic paparazzi": the idea of gathering a celebrity's DNA, sequencing it and publishing the findings. Heled said there is limited legal protection against such use of the DNA, which is what led him to dive even further into these questions. Advancements in DNA technology have made sequencing DNA more affordable and accessible.

The law protecting DNA privacy, however, has made little progress. At the federal level, the Genetic Information Nondiscrimination Act, or GINA, prevents only health insurers and large employers from discriminating against people based on their genetic information.

College of Law interim dean Leslie Wolf said many people are willing to share their genome for the sake of research, and there are legal and ethical requirements that provide some protection to that data; however, not all companies holding genetic information are bound by those requirements.

"For example, a lot of the information is in the hands of private companies, like 23andMe. While they may not have sold it or exposed it, given what Facebook and other social media companies have done with personal information they hold, I can't say that I have a lot of confidence they will ultimately do the right thing," said Wolf.

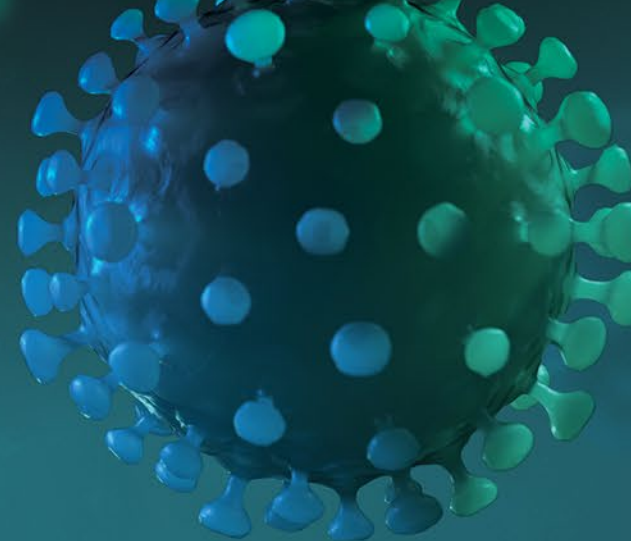
Regarding paparazzi, GINA wouldn't protect against someone's genetic information from being published. Heled said the most likely protection for celebrities is violation of privacy, which falls under state laws and would face freedom of press challenges, among others.

The issue is that the law only addresses DNA as information, said Heled. This was highlighted when pop singer Madonna sued Gotta Have It! Collectables for auctioning a used hairbrush, arguing it was "grossly offensive" that her DNA could be auctioned for sale to the public. The judge threw out her suit.

Heled believes more "genetic paparazzi" cases are inevitable. As with all new ideas, it just takes a shift in the public discourse before something becomes the norm.

"We're not saying there have to be laws for every scenario that we can imagine," Heled said. "But there isn't really a way for jurists to think about genetics more broadly, and we think there should be."

Georgia State Law Responds to COVID-19



Eric Segall



Anthony Kreis



Clark Cunningham



Timothy Lytton



Lauren Sudeall



John Marshall



Courtney Anderson



Susan Goico Walker



Stacie Kershner

Public health experts have been warning that the next dangerous pandemic was not a matter of if, but when. In early 2020, the United States found itself responding to an outbreak of novel coronavirus. Georgia State Law faculty members have responded to the pandemic's legal issues through policy development, research and advocacy.

In March, state and local city and county governments began imposing "stay-at-home" orders and restrictions on public gatherings to combat the spread of disease. Some churches challenged the orders as violating First Amendment religious freedoms. In their ACS blog post, "Forced Closing of Houses of Worship During the Coronavirus: Both Legal and Right," **Eric Segall**, Kathy and Lawrence Ashe Professor of Law, and his co-author explained the constitutional support for including religious services in bans on large gatherings: "Not only is it perfectly legal during this crisis under both state and federal law to apply general closure laws that are devastating millions of Americans in many different settings to houses of worship; it is obviously the right thing to do for the American people."

New to Georgia State Law, assistant professor **Anthony Kreis** also tackled constitutional issues in his *Harvard Law Review Blog* post, "Contagion and the Right to Travel." State travel restrictions on

short-term visitors or requiring travelers to quarantine raises dormant commerce clause questions. "[T]he permissibility of public health orders from state officials restricting the movement of interstate travelers in a pandemic should be weighed against the characteristics of the disease, the reasonability of the covered jurisdiction(s), and the relative treatment of nonresidents versus residents," he stated.

Several Georgia municipalities, including the City of Atlanta, issued mask mandates this summer. Governor Brian Kemp challenged these mandates as contradicting his state-wide orders. **Clark Cunningham**, W. Lee Burge Chair of Law and Ethics, spoke to *Time* and other media outlets on the lawsuit. The Governor's emergency powers, said Cunningham, give him the authority to "take action to protect the health, safety and welfare of Georgia's residents and visitors to ensure COVID-19 remains controlled throughout the State." Preventing the City of Atlanta from having a more protective order than the State may defy that authority, particularly when the virus remains uncontrolled.

With the easing of restrictions, business owners have expressed concern over liability for customers or employees who may be exposed to the virus while at their establishments. Distinguished University

Professor **Timothy Lytton** was quoted in a variety of news outlets, including the *Huffington Post*, *WSB*, *Legal Examiner* and *LA Times*. He laid out his argument in both the *Conversation* and the *Regulatory Review*, stating that it would be extremely difficult to hold a business liable for an individual contracting COVID-19, unless that business had not acted with reasonable care. "Immunity from liability could actually encourage businesses to be less cautious in preventing COVID-19 transmission," he warned.

COVID-19 has exacerbated health disparities faced by underserved communities. Center for Access to Justice director, **Lauren Sudeall**, and Center for the Comparative Study of Metropolitan Growth professor **John Marshall**, along with their co-authors, wrote "Towards an Emergency Housing Response to COVID-19 in Georgia," arguing that housing stability is critical for public health, economic resilience and protection of children. Among other things, they pushed for an extension of moratoria on foreclosures and evictions. Sudeall also co-authored "Courts in Crisis: Exploring the Impact of COVID-19 on Eviction Court in Georgia," describing Georgia's decentralized court system and varying response to the Georgia Supreme Court's emergency order suspending non-essential court functions. The

fragmented policies mean that tenants across the state may be treated differently during and post-pandemic, and all parties may find the eviction process difficult to navigate.

In her chapter on housing in "Assessing Legal Responses to COVID-19," a report produced by Public Health Law Watch, associate professor **Courtney Anderson** cautioned that short-term fixes alone are not enough: "These individuals face challenges other than housing, and their race and socioeconomic status puts them at greater risk for health inequities." At the federal level, in addition to amending the Coronavirus Aid, Relief, and Economic Security (CARES) Act, she recommended amendments to the Affordable Housing Credit Improvement Act and Section 8 of the U.S. Housing Act. Recommendations at the state level included providing support for high speed internet and utilities.

Susan Goico Walker, adjunct professor, director of the Olmstead Disability Clinic, and director of the Disability Integration Project at Atlanta Legal Aid Society, collaborated with stakeholders statewide on an open letter to Governor Kemp. With the support of eleven organizations comprising the Georgia Developmental Disability

Network, the letter urged steps Georgia should take, stating, "Every effort must be extended to ensure the protection of the civil rights of people with disabilities, who should not be discriminated against medically or socially during this difficult time."

These and other legal issues were topics addressed by Public Health Law Watch's COVID Legal Briefings series and included in their report. The Law Section of the American Public Health Association co-sponsored the video series. **Stacie Kershner** (J.D. '08), associate director of the Center for Law, Health & Society and program planner for the Law Section, assisted with communication for these events and has organized a special panel session at the upcoming APHA Annual Meeting featuring several of the national public health law experts.

The diversity of the Georgia State Law faculty's involvement and expertise in response to COVID-19 highlights the array of legal issues set in motion by the pandemic. It underscores that all law is health law in a public health crisis of this magnitude, spanning disciplines and jurisdictions. Yet, a common theme has emerged: an effective public health response depends on advancing justice in all spheres of society.

Wolf Leads University COVID-19 Task Force

At the outset of the pandemic, Mark Becker, Georgia State University president, created a Public Health Preparedness Task Force to examine the potential impact of COVID-19 on the university community. Comprised of members from a variety of disciplines across the university, the committee has provided input on the plans and procedures for responding to the outbreak while continuing to deliver quality educational programming.

College of Law interim dean **Leslie Wolf** was appointed to chair the task force. An expert in public health law and ethics, Wolf has written on issues related to public health emergencies and served on the Centers for Disease Control's Ethics Subcommittee to the Advisory Committee to the Director. "Georgia State's response to the COVID-19 pandemic has been guided by the university's commitment to the health and well-being of its students, faculty and staff as its highest priority," Wolf told the *Signal*, Georgia State's student newspaper.



Silverthorn Named Co-Director of the HeLP Legal Services Clinic

Brooke Silverthorn (J.D. '03) has been named co-director of the Health Law Partnership (HeLP) Legal Services Clinic in the College of Law and assistant clinical professor. Silverthorn joined the College of Law faculty last summer to teach in the health law program and help launch the online master of jurisprudence degree program.

"Brooke's longtime interest in clinical legal education, and her prior work experience and passion for children's health and welfare issues makes her a perfect addition to the Health Law Partnership team," said Lisa Bliss, associate dean of experiential education and clinical programs, clinical professor and co-director of the HeLP Clinic. "She brings dedication and enthusiasm to her work, and those qualities are already serving us well as we navigate the current challenges of teaching our clinic and serving our clients during COVID-19 restrictions."

Silverthorn has served as both an attorney and a policy advocate for children and children's issues for 15 years in various sectors, including government, non-profit, and education. She represented the Gwinnett County Department of Family & Children Services for eight and a half years in cases involving child removals and termination



of parental rights. She also worked in Denver at the National Association of Council for Children, and she was an adjunct professor at the University of Denver Sturm College of Law.

"Honestly, it's a dream role for me," Silverthorn said. "It combines my experience in advocacy for children with my passion and commitment to working with the next generation of lawyers to improve the quality of representation and access to justice for children."

Over the summer, Silverthorn began collaborating with HeLP's medical partners, including medical director Dr. Robert Pettignano. They are working to continue the clinic's mission of research and scholarship related to the social determinants of health as well as to increase the impact of HeLP's unique, interprofessional approach to serving clients.

"One of the great things about clinics in general is that they give students some context for the concepts they learned in their IL courses," Silverthorn said. "Clinics help the law to 'come alive.' So, at the very least, I want every clinic student to leave with a better understanding of both the enormous responsibility and opportunity they will have as lawyers to impact real life issues."

The Health Law Partnership (HeLP) is a medical-legal partnership among Georgia State University College of Law, Children's Healthcare of Atlanta and Atlanta Legal Aid Society. Through this community collaboration, health care providers and lawyers address the multiple social and economic conditions that affect the health of low-income children. One of HeLP's core components is interdisciplinary education of graduate professional students through the HeLP Legal Services Clinic at Georgia State Law.

HeLP Clinic Students Overcome Challenges to Win in SSI Hearing

A student team with the Health Law Partnership (HeLP) Legal Services Clinic overcame unique challenges to win a fully favorable decision during a hearing this spring. The team composed of Georgia State Law students Brian Aton (J.D. '20), Brittany Stocus (J.D. '21) and Kayla Watkins (J.D. '21) successfully convinced the judge to grant their client Supplemental Security Income benefits for her child.

The team only had three weeks to prepare. Once they started going over the details, they realized it would be difficult explaining the child's disease. Stocus said it is not something many people are familiar with, and her particular condition was more serious than most. "If you Google searched her condition, everything online about it is pretty minor," Stocus said. "People might not understand why it is a big deal, so we had to explain the very unique case that she has."

The team said it was helpful to have the partnership with medical students to make sense of the thousands of pages of medical records they combed through.

"Those records are not very easy

to read, so a lot of time was spent pulling pieces out of the documents and constructing them in a framework that made sense in light of the Social Security Administration's listings for eligibility for SSI benefits," Aton said.

The hearing included testimony from a medical expert, who agreed with their argument, but, even so, it was an uphill battle for the students to convince the judge.

The team said as much as they tried to prepare for anything that might get thrown their way, the hearing taught them to always expect the unexpected. "You can practice and go over things in your head but sometimes in the hearing things just pop up and it may or may not work in your favor," said Watkins. "I just learned to be flexible and to be open to different scenarios happening."

This win is especially meaningful for the team, each saying they're glad they could give their client one less thing to worry about. "Just to know how detrimental this can be to them and the little thing we did makes their life easier is a good feeling," Stocus said.



HeLP Clinic Adapts During Pandemic to Continue Serving Clients

While the COVID-19 pandemic required many aspects of life to be shut down or put on hold, the Health Law Partnership (HeLP) Legal Services Clinic has learned how to transform to continue representing its clients.

The clinic is offered as a course at Georgia State Law during the spring and fall semesters, but continues to work as an internal law firm with cases being handled by supervising attorneys through the summer. This year, even with the pandemic, that has continued.

"That initial month or two, we had to be the most intentional," said Jimmy Mitchell, clinical supervising attorney for the HeLP Clinic. "We couldn't just go on prior experience and intuitively know what to do next, we had to take these extra steps and require extra layers of thought."

That transition began midway through the spring semester when students started communicating with clients virtually. One of the main roles for the clinic is preparing for Supplemental Security Income hearings with the Social Security Administration, which were put on hold in the spring. They have since started back up with the hearings being held via telephone, with the option for clients to wait for an in-person hearing.

A challenge the clinic has experienced is gathering evidence in its cases. Often the students or supervising attorneys request medical records from doctors or medical providers by calling or faxing, but with many employees still working remotely, it's taking longer to hear back.

Beyond SSI cases, another big area for the clinic is to handle cases in special education. "Our education cases typically involve children that have a disability and either have an individualized education program or they're applying for one," Mitchell said. "So obviously this is a very hard-to-predict situation at this time. We don't necessarily have a one size fits all solution so we will be evaluating each case going forward."

The clinic has anywhere from 25 to 40 cases, and the supervising attorneys work with their colleagues at the Health Law Partnership to assess when the clinic and its students can work on additional cases. In the meantime, the HeLP Clinic supervising attorneys and students will continue to represent their clients in the fall, even if how they do that looks a little different.

Students Respond to Pandemic

Georgia State Law health law students demonstrated resilience in responding to the challenges of the pandemic and seized the opportunity to work on COVID-19-related legal issues.

When the pandemic hit, many students lost their summer externship opportunities due to budget cuts, uncertain court schedules and social distancing mandates. To fill this void, Ana Maria Martinez (J.D. '09), president and co-founder of the Georgia Latino Law Foundation, developed the Summer Virtual Judicial Internship program for law students across the state to gain experience. Eight Georgia State Law students participated. They were paired with judges and attorney mentors and performed novel legal research on an issue that COVID-19 has presented to the operation of the legal system. Wesley Billiot (J.D. '22) worked with Chief Judge Linda Cowen in the Clayton County State Court. His project explored whether judges have immunity should an attorney or participant in court proceedings be exposed to

COVID-19 at the courthouse.

Yasamine Jalinouszadeh (J.D./M.S.H.A. '21), Kate Schiller (J.D. '22) and Davynn Brown (J.D. '22) participated in the Systemic Justice Project through Harvard Law. The project engaged law students in summer legal research on health disparities exacerbated by the COVID-19 crisis. As a graduate research assistant for the Georgia Health Policy Center, Jalinouszadeh also worked with policy researchers to create a working summary of the CARES Act, which provided economic aid and relief for COVID-19.

At BakerHostetler, Sophia Welf (J.D. '20) worked as part of a larger team that compiled a list of reliable COVID-19 related sources and updates. Welf focused particularly on updates regarding COVID-19 treatments, as well as on the different measures each state took in the strive to slow the spread of the virus.

Baylee Culverhouse (J.D./M.S.H.A. '21) spent spring semester as an intern at MagMutual, on a team developing and

implementing strategies to mitigate exposure to liability for physician practices. "This pandemic will inevitably have negative long-term effects on patients' access to care for years to come—especially for rural, safety net hospitals that are barely managing to stay afloat as it is," Culverhouse said. "As a field, we will need to strategize ways to assist struggling health systems during their recoveries from COVID-19."

Students such as Liv Devitt (J.D. '21) had boots on the ground to make an impact during the pandemic as Atlanta Legal Aid volunteers. Devitt worked directly with clients to help them receive Food Stamps, Medicaid, unemployment insurance and the stimulus check. "By calling and speaking with clients about how they have been impacted by the pandemic, I've not only been able to hear what members in my community have been through in the last few months, I've also been able to ensure they are aware of and receiving the public benefits available to them," she said.

Graduate Happenings

- **Jasmine Becerra** (J.D. '20) began a clerkship with Judge Jean-Paul Boulee of the United States District Court for the Northern District of Georgia.
- **Andrew Brown** (J.D./M.S.H.A. '19) was promoted to contracts attorney with the Georgia Department of Community Health in June.
- **Scott C. Crowley** (J.D. '95) joined the health care practice group of Shumaker Loop & Kendrick LLP in their Charleston office as an attorney and partner.
- **Sakinah Jones** (J.D. '17) joined Holland & Knight's health care and life sciences team.
- **Laurice Rutledge Lambert** (J.D. '10) was elected to the partnership with BakerHostetler.
- **Ray Lindholm** (J.D. '11, M.S.H.A. '12) is now a shareholder at Polsinelli.
- **Adam Strotman** (J.D. '19) accepted a position as regulatory counsel with the Food & Drug Administration, Center for Tobacco Products, Office of Compliance & Enforcement.

Do you have news to share? Send news and updated contact information to lawandhealth@gsu.edu!

Health Law Awards

Morgan Schroeder (J.D. '20) received the 2020 Charity Scott Health Law Award. The highest student accolade in health law at Georgia State Law has been renamed in honor of Center for Law, Health & Society founding director Charity Scott. The center is very grateful to Scott for endowing the award and to the Georgia Hospital Association for administering it. The award recognizes outstanding student achievement in health law. Schroeder was a committed health law student, serving as lead student editor of the *Journal of Law, Medicine & Ethics*, vice president of membership for the Student Health Law Association, a health law regulatory and compliance competition captain and competitor, and a graduate research assistant. She also participated in the HeLP Legal Services Clinic.

Christopher David Whitson (J.D. '20) received the Excellence in the Study of Health Law Award for his performance in Health Law: Finance and Delivery. Joseph Allen (J.D. '21) received this award for his performance in Health Law: Quality and Access. Michael Foo (J.D. '20), Taylor Lin (J.D. '20), Ryan Malone (J.D. '20) and Ngan Nguyen (J.D. '20) were presented the HeLP Legal Services Clinic Award, including a monetary gift sponsored by the HeLP Advisory Council, for demonstrating excellence in the delivery of legal services to low-income families served by the clinic.

"While COVID-19 prevented us from recognizing our health law students in person at Georgia State Law's traditional Honors Day Ceremony, it has not kept us from celebrating these students' accomplishments," said Stacie Kershner, associate director for the Center for Law, Health & Society. "We are very proud of their hard work."

Students Win Award at Environmental Health Disparities Conference

For the past 15 years, Emory University's Break the Cycle of Health Disparities, Inc. has invited students from across the globe to submit research proposals that address the adverse environmental factors affecting children's health and development. Students are encouraged to examine creative strategies to improve health and well-being of children and families.

This year, Georgia State Law students Hazel T. Rains (J.D. '21) and Briana James (J.D. '21) submitted a proposal assessing the impact of the Atlanta Volunteer Lawyers Foundation's Standing with Our Neighbors program. Their proposal was accepted.

SWON is a collaboration among AVLF, Atlanta Public Schools and Purpose Built Schools Atlanta that seeks to improve health and educational outcomes by addressing housing instability in low-income neighborhoods through a "place-based" or "community" lawyering model.

"Substandard living conditions and evictions contribute to poor health, frequent school absences and school turnover," said Rains. "Students may not achieve well in school or not graduate, leading to lower paying jobs. Thus, the cycle continues."

Many low-income families encounter structural barriers when accessing traditional legal assistance. "Tenants may not be aware that they might be able to assert legal rights against their landlords, or they may not understand how to navigate the legal system," said James. "Lawyers can be expensive, tenants may not have the luxury of taking time off work, and they may not have childcare or transportation."

The community lawyering model seeks to build relationships and remove structural barriers. SWON provides free legal assistance to clients where they can more easily access it – at their children's school. The attorneys work closely with school leadership to identify families who may benefit. They also collaborate with a SWON "community advocate" to connect families with other resources to address non-legal needs.

Over the course of the year, Rains and James researched SWON's impact and presented their findings virtually at the 15th Annual Break the Cycle conference to more than 400 registrants. In a very short time, schools working with SWON have seen decreased absenteeism, fewer evictions and a 14% reduction in student turnover. In five years, the program has expanded to nine schools.

The law students' project, "Standing with Our Neighbors: How Community Lawyering Can Break the Cycle of Children's Health Disparities" was recognized with the "Break the Cycle" award.

"Hazel and Briana participated in our Alternative Spring Break and saw firsthand the difference SWON is making for families," said Darcy Meals, assistant director of the Center for Access to Justice, who supervised the students' research. "Their project shined a light on an innovative lawyering model that prioritizes being physically present in communities to build trust and make legal help more accessible. With SWON's help, families stabilize and living conditions improve, so students can stay healthy and stay in school."



SHLA New Officers

The Student Health Law Association is an organization for law students interested in health-related legal disciplines. The following students were elected as officers of SHLA for 2020-2021:



Baylee Culverhouse
(J.D./M.S.H.A. '21)
3L President



Avery Minnick (J.D. '22)
2L President



Saskia Olczak (J.D. '22)
VP of Membership



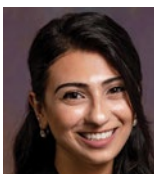
Fanny Chac (J.D. '21)
VP of Programming



Nolan Hendricks (J.D. '22)
VP of Programming



Yasamine Jalinouszadeh
(J.D./M.S.H.A. '21)
VP of Student Outreach



Zari Shah (J.D. '22)
VP of Community Outreach



Morgan Cronin (J.D. '23)
Secretary



DeChino Duke (J.D. '23)
Treasurer

Center Highlights



Courtney L. Anderson

Anderson was invited to write a chapter on housing law for a book assessing the legal response to COVID-19, forthcoming in the fall of 2020. Her article, "Opioids are the New Black," was published in *DePaul Law Review* and her article, "Hate Wins," was accepted for publication in the *Loyola Law Review*.



Jessica Gabel Cino

Cino has spent the last 5 months quarantined with now-17-month-old twins. She routinely dodges sweet potatoes and cheerios catapulted toward her and has developed a new expertise in corralling two toddlers walking wobbly in opposite directions. When not reciting veteran and exotic animal sounds found in Old McDonald's Farm, she continues her work on forensic science issues, including formulating best practices as a member of the National Institute of Standards & Technology's Organization of Scientific Area Committees.



Yaniv Heled

Heled co-authored and filed with 35 other health, torts, and family law professors an amicus brief in the case of *Norman vs. Xytex* that is pending before the Supreme Court of Georgia. Heled also presented his forthcoming article "Genetic Paparazzi: Beyond Genetic Privacy" with Liza Vertinsky at the Law and Biosciences colloquium at the University of Utah College of Law.



Paul A. Lombardo

Lombardo was quoted in BuzzFeed News: "Fox News And Donald Trump Are Embracing Xenophobia To Defend Against the Coronavirus," and the Florida Times Union: "Buck v. Bell: The High Court's Low Point." He spoke at an online symposium on eugenics at the University of Puget Sound, presented at the Association for Practical and Professional Ethics, and was a visiting professor at the Centre for Bioethics and Culture in Karachi, Pakistan.



James E. Mitchell

Mitchell continued supervising second- and third-year law students in the HeLP Legal Services Clinic on legal matters related to disability benefits, special education, and landlord/tenant issues. In February, he supervised three law students as they advocated for a child with chronic health challenges at a hearing before a Social Security Administration judge. The students' work resulted in a fully favorable decision for their client.



Brooke N. Silverthorn (J.D. '03)

Silverthorn was named assistant clinical professor and co-director of the HeLP Legal Services Clinic. She also taught two online sessions, one in spring and one in summer, of a comprehensive child welfare law course to assist lawyers in preparing for their child welfare law specialist certification.



Jonathan Todres

Todres served as lead editor of the new volume, *The Oxford Handbook of Children's Rights Law*, coedited with Shani King. Todres also published "The Trauma of Trump's Family Separation and Child Detention Actions: A Children's Rights Perspective" in the *Washington Law Review* with Daniela Villamizar Fink (J.D. '17, B.A. '14), "Making Children's Rights Widely Known" in the *Minnesota Journal of International Law*; and an op-ed for CNN.com, "Why Children Are an Overlooked Ally in the Fight against Human Trafficking".



Lisa R. Bliss

Bliss served on the AALS Section on Clinical Legal Education 2020 Annual Meeting Planning Committee. The conference was postponed for a year due to COVID-19. Bliss will remain on the planning committee for the conference to be held in 2021.



Erin C. Fuse Brown

Fuse Brown published "Federalism, ERISA, and State Single-Payer Health Care" in the *University of Pennsylvania Law Review* with Elizabeth McCuskey, "Stalled Federal Efforts to End Surprise Medical Billing—The Role of Private Equity" in the *New England Journal of Medicine*, and "Out-of-Network Air Ambulance Bills: Prevalence, Magnitude, and Policy Solutions" in the *Milbank Quarterly* with co-authors from the USC-Brookings Schaeffer Initiative for Health Policy.



Stacie P. Kershner (J.D. '08)

Kershner served as a guest editor with Susan Goico Walker of Atlanta Legal Aid Society on the "Olmstead at 20: Past and Future of Community Integration" symposium issue of the *Journal of Legal Medicine*. She was interviewed on WSB TV on preemption and COVID-19, and she provided communications assistance to the Public Health Law Watch COVID Law Briefings.



Timothy D. Lytton

Lytton delivered lectures on food safety at Boston University and Tufts University and a presentation on gun industry litigation at Duke University. His recent book on food safety was chosen as a finalist for the ABA Silver Gavel Award. He has been quoted in news articles on COVID-19 in the *New York Times*, *BBC News*, and *TV France 4*.



Charity Scott

Scott completed an empirical research project to study the effect of mindfulness training on law students. She created a new course called The Reflective Lawyer to promote qualities that contribute to the ethical and professional practice of law, including self-awareness, compassion, intelligence, diligence, honesty, authenticity, tolerance, initiative, creativity and adaptability. She helped organize the online Jay Healey teaching workshop for the Health Law Professors Conference.



Lauren MacIvor Thompson (Ph.D. '16)

MacIvor Thompson presented in January at an international symposium on suffrage and the Nineteenth Amendment in Paris, France. In February, she also gave a talk titled, "Doctors Versus Feminists? Medical and Legal Politics in the Early Birth Control Movement," as part of the Histories and Politics of Reproduction speaker series at the University of South Dakota.



Leslie E. Wolf

As part of the Greenwall-funded grant, Wolf co-taught with Courtney Anderson and Paul Lombardo an undergraduate honors course that focused on bioethics topics of relevance to diverse communities. The *Journal of Law, Medicine & Ethics* published her article with Erin Fuse Brown and Vanderbilt Medical Center research colleagues, "Protecting Participants in Genomic Research: Understanding the 'Web of Protections' Afforded by Federal and State Law."

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Courtney L. Anderson, *Associate Professor of Law*

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Yaniv Heled, *Associate Professor of Law and Co-Director of the Center for Intellectual Property*

Wendy F. Hensel, *University Provost and Professor of Law*

Paul A. Lombardo, *Regents' Professor and Bobby Lee Cook Professor of Law*

Timothy D. Lytton, *Associate Dean for Research and Faculty Development, Distinguished University Professor and Professor of Law*

James E. Mitchell, *Supervising Attorney with HeLP Legal Services Clinic*

Charity Scott, *Catherine C. Henson Professor of Law, retired*

Brooke N. Silverthorn (J.D. '03), *Co-Director of HeLP Legal Services Clinic and Clinical Professor*

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Jonathan Todres, *Distinguished University Professor and Professor of Law*

Leslie E. Wolf, *Interim Dean, Distinguished University Professor and Professor of Law*