"A person’s a person, no matter how small." This quote from Dr. Seuss’s *Horton Hears a Who!* has resonated through Georgia State Law Professor Jonathan Todres’s life and work since he first read it years ago. Todres, whose career has been devoted to human – particularly children’s – rights, noted “The sentiment expressed in this classic children’s book explains core concepts of human rights in a much clearer way than most legal scholars have done.”

Inspired by stories like *Horton Hears a Who!, Yertle the Turtle, The Story of Ferdinand,* and *The Day the Crayons Quit,* Todres is now co-authoring a book that examines the role of children’s literature in how children come to learn about their rights and the rights of others. “There is actually a lively human rights discourse occurring in many of the books children read or have read to them,” Todres said. “This project explores children’s literature and what it says to children about human rights, both positive and negative.” Oxford University Press will publish the book, which is expected out later this year.

This project perhaps should be expected from Todres, whose childhood experiences prompted an early commitment to human rights work. Visiting family in South Africa where his parents were born, Todres was confronted by issues of injustice. “I remember as a child seeing signs that read ‘whites only’ and asking questions about why certain people were not treated the same as others,” he said.
Director’s Message
The Center’s 10th Anniversary year was capped by an incredible fall, including a terrific series of presentations around a mental health theme. Paul Lombardo started us off by moderating a discussion on Parham v. J.R. with two lawyers from that case. We then welcomed University of Southern California Gould School of Law professor Elyn Saks, discussing her experience with schizophrenia, for the College of Law’s 54th Henry J. Miller Distinguished Lecture. We closed out the series with Temple Grandin discussing the value of cognitive diversity, using examples from her life.

Of course, there were other activities, as well. We introduced a new health law transactions course, sponsored events on a variety of health law topics, and saw our faculty and graduates recognized for their work in bioethics, children’s rights, emerging technologies and social justice. Often our students have been partners throughout these activities and are doing us proud.

Director, Center for Law, Health & Society

Children’s Literature, Human Rights and Law Cont. from p. 1
Todres’s interest in human rights work soon became action. After earning his undergraduate degree from Clark University, Todres worked in international development and went to Thailand with the Peace Corps. While in Thailand, he learned about the trafficking of children, which has since become one of his primary areas of research and policy work. His expertise in this area was recently recognized with an appointment to the Institute of Medicine Study Committee on Commercial Sexual Exploitation and Sex Trafficking of Children in the United States.

Todres decided to attend Columbia Law School after recognizing how critical law is to fighting injustice. Since joining the law faculty, Todres has continued his work on human rights and children’s rights, focusing on trafficking of children, violence against children, economic and social rights issues, and legal and cultural constructs of childhood.

While law professors often publish in law reviews and journals, Todres’s research has also been published and cited in medical journals, newspapers, and practical guides, reaching practitioners and policymakers who may be able to implement recommendations for addressing these issues. “My hope is that my research will stimulate ideas that can improve law and policy and ultimately the lives of children,” he said.

While this book project in some ways offers a break from the emotionally taxing research on violence against children, in many ways it is an extension of Todres’s work, moving toward researching prevention strategies. “This project is about building a human rights culture, so that rights are respected and not violated,” he said. “As such it is part of a much broader project aiming at the same goal: preventing harm from occurring to children.”

Georgia State Law Launches International LL.M.

With classes set to begin in fall 2015, Georgia State University College of Law launched a master of laws (LL.M.) program for foreign-trained attorneys who want to advance their careers and become eligible to practice law in the United States.

The LL.M. offers two tracks. Graduates in the Bar Preparation track will be able to take the state bar examination in Georgia or other U.S. jurisdictions. Students in the Specialized Studies track may concentrate in one of several specialty areas, including health law.

“In addition to learning about American law and practice, LL.M. students focusing in health law will be able to select from our wide range of health law courses, enabling them to tailor their program to their interests,” said Stacie Kershner (J.D. ’08), associate director of the Center for Law, Health & Society. “Students will be able to work closely with our nationally recognized program, taking advantage of the expertise of our faculty members and our key Atlanta location near the capitol, hospitals, government agencies, nonprofit organizations, and law firms.”

The health law program at Georgia State Law is ranked #3 in the nation by U.S. News and World Report.
“When I was young, I thought everybody processed information the way I did. I didn’t know I was different,” said best-selling author Temple Grandin, professor of animal sciences at Colorado State University and an autism advocate.

Diagnosed with autism at the age of four when the condition was considered a form of brain damage, Grandin reflected on her experience on Nov. 11 during the discussion and book signing for the 10th Anniversary of Georgia State University College of Law’s Center for Law, Health & Society.

Grandin, an expert in the field of animal science, pioneered practices for the humane handling of cattle and other livestock. Her life became the subject of the 2010 Emmy-award winning HBO film, “Temple Grandin,” starring Claire Danes.

The autism spectrum is vast – at one end is Albert Einstein and at the other are people who can’t dress themselves, Grandin told the audience, but diversity in cognitive styles can encourage collaborative problem solving to today’s real world issues.

As an example, Grandin explained, “my thinking is bottom up. I think visually. I don’t remember sequence. I think in photo-realistic pictures.” This kind of thinking helped in her pioneering design work for handling cattle.

“The world needs both the visual thinkers and the detail thinkers,” Grandin said.

“It’s fitting that we’re culminating our 10th Anniversary events with Temple Grandin,” said Leslie Wolf, professor of law and the center’s director. “She is a leading national voice relevant to the center’s unique capacity for problem solving. Grandin reminds us in her books, presentations and life not just to accept cognitive diversity but to value it to maximize our ability to solve problems in the world.”
Panelists Discuss Hobby Lobby

On Sept. 11, the Center for Law, Health & Society brought together three Georgia State Law professors to speak about the implications of the U.S. Supreme Court’s decision in Burwell v. Hobby Lobby from the perspective of constitutional, corporate, and health law. The Court recognized the right of for-profit, closely held corporations to claim a religious exemption to the Affordable Care Act’s contraceptive mandate under the Religious Freedom Restoration Act.

Each speaker suggested that the decision has effects well beyond its impact on the contraceptive mandate. Eric Segall, Kathy and Lawrence Ashe Professor of Law, discussed the constitutional aspects of the case. “The Court not only found that the requirement to provide health insurance coverage that included these specific forms of birth control was a substantial burden to the free exercise of religion of the plaintiffs Hobby Lobby and Conastoga Wood, the court also added new elements to the test,” he said. “Now the government must use the least restrictive means available to achieve their goals.”

Anne Tucker, associate professor of law, spoke about the impact on corporate law. “The ruling applies to closely held corporations,” Tucker said. “However, closely held is not defined in the opinion leaving the precise definition to regulations or future litigation. Additionally, the reasoning of the opinion could be applied to all corporations, even those that are publicly traded.”

Erin Fuse Brown, assistant professor of law, concluded with the potential consequences of the case on health law. “This case could potentially affect other areas of health. What about vaccinations? Blood transfusions? Psychiatric drugs? There are religions that object to each of these,” she said. “The dissent points out this slippery slope, while the majority argues that an individual analysis of the least restrictive means to address the government’s purpose may lead to different results for other covered health care services.”

Together, the panel presentations provided a deeper understanding of the case and what to look for in the future. “In class, we are so focused on one area of the law at a time,” said Greg Tanner (J.D./M.S.H.A.’16), co-president of the Student Health Law Association, an event co-sponsor. “This panel presentation from our own experts at Georgia State Law showed how different areas interact.”
54th Miller Lecture: Saks Explores Stigma of Mental Illness

“I was scared of dying, but even more scared of what I saw looking back at me in the mirror,” said internationally known author and legal scholar Elyn R. Saks during Georgia State University College of Law’s 54th Henry J. Miller Distinguished Lecture on Oct. 14.

Saks shared her experiences over the past 30 years with chronic schizophrenia, as detailed in her memoir, *The Center Cannot Hold: My Journey Through Madness*. She vividly described being forcibly restrained, medicated and bound by her arms and legs to a metal bed.

Saks, the Orrin B. Evans Professor of Law, Psychology and Psychiatry and the Behavioral Sciences at the University of Southern California Gould School of Law, defied doctors’ “grave” diagnosis and instead chose to write the narrative of her life.

“I had a hard time accepting my diagnosis,” Saks said. “Ironically, the more I accepted my diagnosis, the less it defined me.” Saks specializes in mental health law, criminal law and children and the law. Her research focuses on ethical dimensions of psychiatric research and forced treatment of the mentally ill. She has advocated for reduced use of force and minimizing the use of restraints. She also teaches at the Institute of Psychiatry and the Law at the Keck School of Medicine at the University of Southern California and is an adjunct professor of psychiatry at the University of California, San Diego.

“Mental illness is common in society and in the profession, but people are often afraid to talk about it,” Paul Lombardo, Bobby Lee Cook Professor of Law, said. “Professor Saks demonstrates it is possible to succeed as a professional with mental illness.”

The Henry J. Miller Distinguished Lecture Series is supported by the Charles Loridans Foundation Inc. and named for Henry J. Miller, a partner in the law firm of Alston & Bird for more than 50 years. Miller’s legacy continues to live in his role as mentor to generations of Atlanta’s professional community.

Parents Still Know Best: 35 Years After Parham v. J.R.

Thirty-five years ago, the U.S. Supreme Court issued its landmark decision in *Parham v. J.R.* that parents have the right to make decisions for their children in areas concerning health, education and family life. The case involved institutionalized children in Georgia. On Sept. 30, the Center for Law, Health & Society brought together two lawyers involved in the case for a panel discussion reflecting on the lasting impact of this class action case.

Paul Lombardo, Bobby Lee Cook Professor of Law, who teaches the Law and Mental Health course, moderated the panel and set the stage for the discussion. He explained that the named plaintiff, a ward of the state, had spent several years in a mental hospital in Georgia, despite medical evidence suggesting he did not need to remain institutionalized.

“Children could be admitted to a state mental hospital with a parent or guardian’s signature and a medical decision making process. The Court found no need for a full due process hearing, or even any hearing at all, for children admitted to a mental hospital,” Lombardo said. “This precedent has not been overturned.”

At the time of the Supreme Court hearings, panelist Rev. John L. Cromartie Jr. was the executive director of Georgia Legal Services Program representing the lead plaintiffs J.R., J.L. and other similarly situated minors. He argued the case before the Court each time it was heard.

“The Supreme Court found very little beyond that a full scale review by a tribunal is not necessary,” he said. “Thankfully, the narrow ruling by the Court left most of the important issues, other than pre-admission hearings, still on the table for further negotiation and litigation.”

Phyllis J. Holmen, executive director of the Georgia Legal Services Program, represented dozens of children in their release hearings after the Supreme Court remanded the case. She also worked to change procedures, succeeding in securing a 90-day review after a child had been admitted to a mental institution to assess the child’s need for continued hospitalization.

Georgia Legal Services Program received notice of the reviews, so it could provide lawyers to represent the children. “The parties to the case were interested in finding a solution so that children wouldn’t languish in the institution,” she said.
Students Partner with AHLA for Networking Event

On Sept. 11, about 100 Atlanta-area health lawyers and students gathered at Georgia State University to network and hear from a distinguished panel of local health law leaders. The American Health Lawyers Association partnered with the Student Health Law Association at the College of Law to hold the event.

Panelists included Robert M. Keenan III, King & Spalding LLP; Andrew Lyness (J.D. ’08), compliance & litigation counsel for EndoChoice Inc.; and Lynnette Rhodes, deputy director of Medicaid Operations for the Georgia Department of Community Health, with Georgia State Law student Nirvi Shah (J.D. ’15) co-president of SHLA, moderating the discussion. The panelists answered questions like “What was your most bizarre moment in health law?” and “Will the new health care regulations ever become easier to manage?”

“The evening provided a great opportunity for law students and health law attorneys from many different backgrounds to meet each other in a collegial and professional atmosphere.”
— Erin Fuse Brown, Assistant Professor of Law

Events like these provide students the opportunity to learn about the nation’s preeminent professional association for health lawyers and the opportunity to demonstrate their own leadership skills. “Many thanks to AHLA, our sponsors, and the panelists for putting together this great event,” said Erin Fuse Brown, assistant professor of law. “I especially want to recognize Nirvi Shah and her team of dedicated SHLA board members. They deserve much of the credit for the success of the event.”

Attendance was open to the larger health law community in the area and interested students from every law school in Georgia. Laurice Rutledge (J.D. ’10), associate at McKenna Long & Aldridge LLP, expressed her admiration for the event’s ability to bring together so many students and attorneys from so many different places. Rutledge also remarked on how AHLA members can build valuable connections through these events and stressed how important AHLA membership is for all students and attorneys interested in health law.

The event was put on by AHLA’s Young Professionals Council; Diversity+Inclusion Council; Mentoring Committee; Women’s Leadership Council; and Membership Committee. Local sponsors were GSU’s Center for Law, Health & Society; McKenna Long & Aldridge LLP; Morris Manning & Martin LLP; Nelson Mullins Riley & Scarborough LLP; and Pershing Yoakley & Associates PC.

The Affordable Care Act’s Impact on LGBT Health

Brian M. Basinger (J.D. ’08) presented on the impact of the Affordable Care Act on the health of the lesbian, gay, bisexual and transgender community at an October event sponsored by the Student Health Law Association and OUTLaw.

Although health inequities based on race and income have long been the subject of public and medical discourse, Basinger started his presentation outlining research documenting significant disparities based on sexual orientation and gender identity: “LGBT individuals face structural and personal barriers in accessing health care,” he said. “LGBT adults are more likely to delay or not seek medical care, and they are less likely to have insurance coverage than heterosexuals. Same-sex couples are also less likely to have both partners or spouses covered by insurance than opposite-sex couples.”

According to Basinger, the Affordable Care Act has a number of features that may help alleviate these disparities. Under its provisions, for example, tracking of LGBT health care status, disparities and outcomes is now conducted. Despite the crisis of HIV/AIDS and its impact on the LGBT community, the government had never asked in health research surveys whether a respondent identified as being LGBT.

Following the ACA’s implementation, the Department of Health and Human Services began incorporating questions about sexual orientation into the department’s existing nationwide health data surveys, which will allow Congress, states, and others to allocate funds and better target interventions to address health care disparities for the LGBT population, Basinger said.

The act also improves LGBT access to health insurance coverage and increases benefits under existing programs, Basinger said, citing the Medicaid expansion as helping low-income lesbians and same-sex female couples living at disproportionately high levels of poverty, as well as LGBT nondiscrimination policies imposed on health insurance exchange plans. There are many LGBT issues that are still not addressed by the ACA, but Basinger is excited about the precedents the act is setting.

Fraud and Abuse: Practicing Law in the Stark Era

D’Andrea Morning joined Grady Health System as the senior associate general counsel and was formerly a senior associate with Alston & Bird LLP with a health law focus. For many of the students, this was their first introduction into the world of fraud and abuse. Morning introduced the Federal False Claims Act, the Physician Self-Referral Law, also known as the “Stark” law, and the Anti-Kickback statute.

“The speaker provided an overview of the elements, policy and history of each law,” said Christine H. Lee (J.D. ’16), a graduate research assistant for the Center for Law, Health & Society. “She also provided valuable insight and context by discussing hypothetical scenarios as well as real cases for each law.”

In addition, Morning illustrated the grave consequences of fraud by describing the millions of dollars health care entities have had to pay in penalties.

Morning concluded by outlining steps health care entities can take to avoid violating fraud and abuse laws.

“It is important for health care entities to have an effective compliance program,” Morning said. “Effective compliance programs can detect, address and correct any activities that may be violations of the fraud and abuse laws and, in many cases, can prevent occurrences through appropriate training and education.”

Ryan Young (J.D. ’16), OUTLaw’s vice president, echoed this sentiment: “We have gone from having the government officially call [LGBT individuals] “sexual pervert[s]” to having thirty states that recognize same-sex marriage. The ACA features Basinger highlighted and other legal changes represent amazing progress but there is a lot more to be done.”
On Oct. 22, the Student Health Law Association and the Labor and Employment Law Society held a panel, “How to Hire a Doctor,” on the contractual relationship between health care employers and physicians.

“We co-sponsored this event because the topic of physician employment in hospitals raises important employment law and health law issues,” said Genevieve Razick (J.D./M.S.H.A ’16), vice president of LELS and a member of SHLA. “It is important that both health and employment attorneys be knowledgeable about issues that may arise under a physician’s employment contract with a hospital or other health entity.”

Cameron Crow, assistant vice president with WellStar Health System’s Medical Group Development, described some changes in the relationships between physicians and hospitals or other health facilities.

“The current trend among hospitals is to hire physicians as employees rather than independent contractors to provide seamless services to patients,” Crow said.

Crow highlighted key components considered in all WellStar Medical Group contracts with physicians, such as the term of employment, duties of the parties, standards of performance, compensation and benefits, malpractice insurance, conflicts of interest, termination provisions and covenants not to compete.

Attorneys Cindy Anderson, an associate at Kilpatrick Townsend & Stockton LLP whose practice focuses on the health care industry, and Matthew Brohm, an associate in the Healthcare and Corporate practice groups at Arnall Golden Gregory LLP, expanded on specific contract provisions that Crowe mentioned.

Anderson focused on termination and post-termination obligations under a physician employment contract. Those contract terms can have significant impact on physician practices. For example, Anderson warned, “Physicians entering into exclusive contracts with hospitals should be wary of a ‘clean sweep’ provision that automatically terminates their privileges at the hospital in the event the contract is terminated.”

Brohm described covenants not to compete from both the employer’s and physician’s perspectives. A covenant not to compete can restrict the physician’s ability to practice after termination. “In Georgia, a new law governing covenants not to compete went into effect in 2011 allowing a judge to ‘blue pencil’ the covenant if a question arises as to its enforceability,” Brohm said.

This change allows for enforcement of the covenant, as opposed to discarding it completely under the old law. Brohm added, when physicians are in a position to negotiate, they should consider trying to limit the scope of the covenant not to compete by location, duration, or type of practice rather than accepting form contracts.

Emma DeKock (J.D. ’16), the president of LELS, called the panel a “refreshing opportunity to engage both health law and employment law issues in one thorough and enlightening discussion.”
Students Attend Advanced Health Care Law Conference

Third-year health law certificate students Iliana Uzunova (J.D. ’15), Barbara Rogers (J.D. ’15), and Nirvi Shah (J.D. ’15) attended “Advanced Health Care Law” with assistant law professor Erin Fuse Brown on Oct. 17. The Health Law Section of the State Bar and the Institute of Continuing Legal Education hosted the day-long program.

The speakers included well-known and well-regarded health lawyers. Sessions addressed issues such as fraud and abuse, developments in the insurance industry, medical board concerns, and doctors’ exclusion from participation in federal health care programs.

“Much of the conference was on very specific issues with professional jargon that I am sure would sound like a foreign language to a person not familiar with the basics of health care law,” Uzunova said. “As health law students though, we were pleased to find that many topics were familiar and comfortable.”

The Center for Law, Health & Society, through generous donations from graduates and friends, provided scholarships to cover registration fees for the students to attend this event.

Health Care Transactions Course

The American Health Lawyers Association, the nation’s largest professional group of health care attorneys, released its “Health Law Curriculum Toolkit.” Based on the input of practicing health lawyers and academics, the resource provides guidance for law schools in designing an effective health law curriculum, addressing both substantive health law topics as well as desired practical legal skills.

The Center for Law, Health & Society’s faculty was pleased to see how well Georgia State University College of Law’s health law certificate meets the AHLA’s recommendations. A new course in health care transactions adds to the existing program. Assistant professor Erin Fuse Brown’s Health Care Transactions practicum, offered for the first time fall semester, is a team-based and client-oriented capstone course.

“This course provides the opportunity for students to hone critical skills in drafting, reviewing, and negotiating health care contracts; applying health laws and regulations; conducting due diligence; and working in teams,” Fuse Brown said. “The students in this course learn a host of transactional and professional skills that most attorneys do not learn until they are in practice.”

“Other health law courses covered things like Stark Law, Anti-Kickback Statute, and the False Claims Act,” student said Ryan Kerr (J.D./M.S.H.A. ’15). “This course was a practical extension that put these legal issues into perspective and allowed us to experience what it is like to be a transactional attorney in the lower stakes environment of the classroom.”

The students were assigned to teams of associates to represent simulated hospital and physician clients engaging in a series of transactions of increasing complexity, including physician employment agreement, professional services agreement, and culminating with a physician practice acquisition.

The course was taught as a collaboration among Fuse Brown and two local attorneys who focus their practices in health law: Kim Roeder, a partner with King & Spalding LLP, and Sidney Welch, a partner with Kilpatrick Townsend & Stockton LLP.

“We designed the course based on what Kim and Sidney wished their entry-level attorneys knew how to do,” Fuse Brown said. “And they bring their real-world experiences into the classroom to teach these skills to our students.”

The AHLA’s survey respondents highlighted skills in analyzing federal and state laws and regulations as the most important for recent law graduates, followed closely by drafting contracts and analyzing client problems. The Health Care Transactions course combines all of these skills into one capstone experience.

“When I tell attorneys in practice about this course, I inevitably get two responses,” Fuse Brown said. “One — I wish I had a class like that; and two — we need to hire graduates who have taken your class.”
Dispelling “Despicable She”

"In the United States and in the world, we blame domestic violence on the woman. Women get this pervasive message at a young age. Guilt, shame and stigma are ingrained into the center of our being," said Jessica Gabel, associate professor of law at Georgia State University, during the Women Inspire Speaker Series Nov. 18.

Gabel kicked off the series, sponsored by Risa Palm, provost, and Laura Voisinet, first lady of Georgia State University, with “Despicable She: How Society and the Criminal Justice System Vilify the Domestic Violence Victim.”

“Victim-blaming continues to be the rule, not the exception,” Gabel said. “For women, this is especially vivid, given the cultural norm that insists that we are the cause of our own undoing.” Gabel described how the questions we ask – What was she wearing? Was she drinking? Why didn’t she leave? – all create challenges to addressing violence against women. “The unpleasant reality is that it’s easier to blame the victim than to admit to systemic problems,” Gabel told of two women she represented and the challenges she faced in their cases. Although claims of self-defense or battered women syndrome can result in acquittals or reduced sentences, there are problems with each. The Stand Your Ground defense, which became infamous in the Trayvon Martin case, often does not apply in the domestic violence case.

“Simply put: a woman cannot use force against an intimate partner, even if he has previously beat her or threatened to kill her, until the moment he actually attacks her,” Gabel said. “And by then, it’s probably too late.”

Gabel discovered the battered women’s syndrome defense has flaws too. “It requires extensive evidence, expert testimony, and intense scrutiny of the client’s life. Essentially, her life is served up on a platter and with that comes lots of judgment.”

“The ‘despicable she’ double standard is not just an artifact of the legal process,” Gabel said. “It is a societal double standard as well. And that double standard matters.” Gabel argued that changing the narrative of ‘despicable she’ to one of compassion and support is needed to effect lasting chance on reducing intimate partner violence.

Wolf Presents at Legal Education Conference in Ankara, Turkey

In November, Professor Leslie Wolf participated in the Second International Congress on Legal Education at Hacettepe University in Ankara, Turkey. Wolf was part of an international panel regarding law school curriculum and spoke about Georgia State Law’s Health Law Certificate as a way to prepare students as professionals through an integrated, sequenced curriculum.

“It was a fascinating conference,” Wolf said. “Although, like many European countries, law is an undergraduate degree in Turkey, many of the issues discussed were similar to what we face in the U.S.”

Topics included incorporating experiential learning into the curriculum to prepare students for practice, use of technology, and gender issues. The audience included legal academics and practitioners from Turkey and countries across the globe, as well as Turkish law students. “It was wonderful to see the students actively participating in the conference and questioning the panelists,” Wolf said. “It makes sense to involve students in conversations about the future of legal education.”

Wolf also commented about the connections she made. “There were numerous opportunities to interact with the other speakers and the Hacettepe University law students,” she said. “I really enjoyed talking to the students about their experiences and discussing potential collaborations with my international colleagues.”

Wolf hopes to build on this experience and the law school’s existing relationships with law schools in Turkey. This spring, Professor Ryan Rowberry of the Center for the Comparative Study of Metropolitan Growth will bring law students together with students at Bahçeşehir University in Istanbul over spring break for the course, International Perspectives on Urban Law & Policy. “This is a good model for the Center for Law, Health & Society,” Wolf said.
Caley Appointed to Health and Human Services Committee

Sylvia Caley (J.D. ’89), associate clinical professor, has been appointed to the U.S. Department of Health and Human Services’ Advisory Committee on Organ Transplantation in the Health Resources and Services Administration for a four-year term.

Caley, director of the Health Law Partnership and co-director of the Health Law Partnership Legal Services Clinic (HeLP), will be one of up to 25 members on the committee, which advises Secretary Sylvia Burwell on proposed policies on organ transplants and the procurement network. This includes all aspects of organ donation, procurement, allocation and transplantation.

“This appointment allows me to use all of my skills,” Caley says. “Not only do I have the transplant and organ donation perspective, I have experience around health disparities and trying to improve health outcomes.”

Caley’s resume boasts extensive experience in health care, health law and policy and poverty law. A registered nurse, Caley has worked as a member of a kidney transplant surgical team and managed an organ procurement organization. She serves as a member of the Grady Health System Ethics Committee and Children’s Healthcare of Atlanta Bioethics and Public Affairs Committees and has participated in the development of hospital policy at both institutions concerning non-heart beating organ donation.

In the late 1970s, Caley worked to have legislation passed in Georgia that authorized adding the organ donor card to the back of the driver’s license. She also served as part of the procurement coordinator effort to develop and pass the National Organ Transplant Act. For two decades, she has been very involved in developing and supporting health policy issues in Georgia.

“Organ donation is the gift of life,” Caley says. “There are fewer donors than actual people in need.”

Todres Provides Testimony on Parental Rights

Professor Jonathan Todres provided written testimony to the U.S. House of Representatives Committee on the Judiciary during a Sept. 9 hearing. The House committee considered testimony about a proposed amendment to the U.S. Constitution relating to parental rights and how any such amendment would affect both parents and children.

Todres, lead editor of the book The United Nations Convention of the Rights of the Child: An Analysis of Treaty Provisions and Implications of U.S. Ratification, briefed the subcommittee on development of the U.N. Convention on the Rights of the Child (CRC) and how it compares to U.S. law. He discussed how the proposed constitutional amendment could result in unintended adverse consequences for both parents and children.

“Although it is understandable that any parent would have questions about the potential impact of a law or treaty on his or her family, the assertion that the CRC is a threat mischaracterizes both the U.S. approach to international law and the mandate of the CRC,” Todres testified. “The question of treaty ratification should be taken seriously and spur a thoughtful review, but parental rights to raise their children are already well protected by multiple Supreme Court decisions.”

In contrast, potential unintended consequences of a constitutional amendment include limiting the rights of some parents, such as in the case of international child abductions. “A constitutional amendment that bars any application of international law might render many children at greater risk of harm and leave their parents without adequate rights to seek their children’s return,” Todres testified.

It could create problems for intercountry adoptions, putting adoptive parents’ rights in jeopardy as well as the children they are seeking to adopt if international law is barred from applying, he adds.
Wolf and Fuse Brown Conducting NIH-funded Research on Confidentiality

Georgia State University College of Law professors Leslie E. Wolf and Erin Fuse Brown and three graduate research assistants, Ryan Kerr (J.D./M.S.H.A. ’15), Genevieve Razick (J.D./M.S.H.A. ’16), and Greg Tanner (J.D./M.S.H.A. ’16), are conducting research to assess the legal protections afforded research participants in genomic research.

Wolf and Fuse Brown are working with Duke University researchers, principal investigator Laura Beskow, Ph.D., M.P.H., and Kathleen Brelsford, Ph.D., to address questions about what risks genomic research poses for research participants, what protections are available, and how those protections should be conveyed to research participants.

The College of Law will receive more than $590,000 during the grant’s three years to support the team’s work. This research is funded by the National Human Genome Research Institute.

The Georgia State portion of the grant is focused on the legal research. “Most research consent forms have a statement along the lines that ‘your information will be kept confidential to the extent the law allows,’” Wolf said. “While this statement may reassure research participants who may share sensitive information with researchers, it’s not clear what it really means.”

The team’s task is to figure that out. They are studying the various layers of protections afforded by federal and state laws to see what protections are available, where there may be gaps, and what changes may be necessary.

“We hope to come up with better ways to describe the risks and legal protections to genomic research participants,” Fuse Brown said. “If there are gaps in existing protections, we need to shine a light on these areas for improvement.”

Heled Testifies to State House Committee on Self-Driving Cars

Imagine a place where automated cars show up at your door to drive you to work, take you to the doctor or deliver your groceries and dry cleaning. That’s the picture painted by Yaniv Heled, assistant professor with Georgia State University College of Law.

Interested in the intersection of law and emerging technologies, Heled was among the experts who testified before the Georgia House Committee for the Study of Autonomous Vehicle Technology. He is collaborating with people from Georgia Tech Research Institute on policy matters and was selected to advise the House committee, led by Rep. Trey Kelley (J.D. ’14).

“All signs indicate that autonomous vehicles will be part of our reality in the not-so-distant future,” Heled testified. “If Georgia passes forward-looking legislation, it could be the first state that allows autonomous vehicles. So far, laws in other states are limited to the testing of vehicles and nothing else.”

Heled has researched the legal liabilities of autonomous vehicles. “Currently, under Georgia’s negligence regime, in an automobile accident, in order to be found liable, the hitting driver must be found negligent and the damages – injury or fatality, as well as property damage – must have occurred as a result of that negligence.”

With an autonomous vehicle, it would be very difficult to find the owner or operator of the autonomous vehicle at fault under this law, he explained. Instead the injured party might have to try to recover from the automobile manufacturer by proving a design or defect under a products liability cause of action. These lawsuits could be cumbersome and expensive, with costs ultimately passed along to consumers, making the price of autonomous vehicles too expensive for the average consumer.

Heled suggested instead that Georgia legislators adopt a no-fault regime, in which any vehicle found to have caused an accident would be responsible for the damages regardless of negligence. “It’s simple,” Heled said. “If your car is involved in an accident and causes damages, you need to pay.”

If the autonomous vehicle truly had a defect, then the owner or operator’s insurance company could still sue the manufacturer.

“This is cutting edge law and technology,” Heled said. “Driverless cars will change the way we do a lot of things in ways we can only start imagining.”
Exploring the “Haunted Files” of Eugenics

“Haunted Files: The Eugenics Records Office” opened in October at the Asian/Pacific/American Institute at New York University. The exhibit was described by The New York Times as an office complete with original filing cabinets from the 1920s containing copies of “research” on families purported to have undesirable traits such as mental disability, sexual deviancy, criminal behavior and racial degeneracy. Information stored in those files was used to legitimize forced sterilization practices, with the ultimate goal of eliminating the “unfit” from society.

Paul A. Lombardo, Bobby Lee Cook Professor of Law at Georgia State University College of Law, shared his expertise as a legal historian in November, when the APA held “A Eugenic (Un)haunting: Extricating the Legacy of American Eugenics from Contemporary Politics and Praxis” with the exhibit. The symposium included activists, performers, musicians, writers, and scholars representing a broad array of backgrounds. Each provided a unique context as a backdrop for discussion of early 20th century eugenics research.

Lombardo recounted the story of Carrie Buck and her family through photographs and described the U.S. Supreme Court case Buck v. Bell, upholding the right of the state to sterilize individuals against their will.

“My comments focused on the use of IQ tests as a vehicle for discrimination against people with disabilities,” said Lombardo. “The larger scope of the exhibit and the symposium involved confronting the dangerous possibility that many of the biases supporting the most repressive features of eugenic policy still exist in our society.”

Fellows Present Teaching Innovations

Charity Scott, Catherine C. Henson Professor of Law and lead faculty for the Robert Wood Johnson Foundation-funded faculty fellowship program, organized panel presentations showcasing five of the 10 fellows’ teaching innovations. “All of the fellows have been creating highly innovative courses that emphasize interdisciplinary teaching and engagement with their communities,” said Scott.

Scott led a session on Public Health Law in the Classroom at the October 2014 Public Health Conference in Atlanta. Fellow Sarah Davis, clinical associate professor at the University of Wisconsin, spoke about her new externship program that links students in community-based public health placements through an interactive online course.

At the November 2014 American Public Health Association annual meeting, Scott moderated a session on Community-Academic Partnerships in Public Health Law. Four other fellows described the innovations in their courses.

Robert Gatter, professor of law and co-director of the Center for Health Law Studies at Saint Louis University School of Law, introduced new table-top exercises and lessons on public health outcomes research into his public health law course. Micah Berman, assistant professor in The Ohio State University’s College of Public Health and Moritz College of Law, developed a new course in which law and public health students assist the local Board of Health assess laws to meet accreditation requirements. Amy Campbell, associate professor of law and director of the Health Law Institute at University of Memphis Cecil C. Humphreys School of Law, has engaged in a community-based “Healthy Homes Partnership” with a local hospital. Finally, Heather McCabe, assistant professor at Indiana University School of Social Work, introduced a course in which law, public health, and social work students team with community partners.

These presentations give just a taste of the kinds of innovations in public health law teaching that the fellowship has brought about. “By the end of the fellowship program next summer, there will be ten model courses and programs across the country that will showcase best practices in teaching public health law,” Scott said.
For years, Douglas County Juvenile Court Judge Peggy Walker (M.Ed. ’78, J.D. ’86) has worked tirelessly for the needs of Georgia’s court-involved children and their families. This year, those efforts are being rewarded.

In November, Walker received the Verizon’s 2014 HopeLine Hero Award for her work reducing family violence, supporting victims of domestic violence, and ensuring safe and healthy homes for children.

Also this year, Gov. Nathan Deal selected Walker to serve on the Child Welfare Reform Council, which is reviewing the Division of Family and Children’s Services and suggesting possible reforms to improve the lives of children in Georgia.

In July, she also was sworn in as president of the National Council of Juvenile and Family Court Judges, which is the oldest judicial membership organization and undertakes a variety of activities to advance its mission of assuring fair, timely and effective access to justice for children and families. Through the NCJFCJ, Walker works on the Centers for Disease Control and Prevention initiative Striving to Reduce Youth Violence Everywhere Action Council.

As president, Walker intends to continue to promote judicial leadership and to improve outcomes for children and families.

“Judges are in a unique position to uphold best practices. From our vantage point, we are able to identify gaps in services for families, determine what resources might be needed, and understand policy implications of decision making.”

– Hon. Peggy Walker (M.Ed ’78, J.D. ’86), Douglas County Juvenile Court Judge

But Walker understands it is not enough to approach these issues from law or policy alone and encourages interdisciplinary approaches to helping families.

“Families often have multiple challenges that don’t fit neatly into our singular categories of mental health, child welfare, education, domestic violence and others,” Walker said. “A child’s family may have multiple case plans where the agencies involved have never met in the same room – the family can’t be expected to follow competing or conflicting plans. As a judge we can help to bring everyone together to work with the family to determine their priorities and how we can achieve a positive outcome for the child.”

Walker brings her experience as former school teacher, as well as a deeper understanding of the needs of young children and how their brains develop through a fellowship with Zero To Three, a nonprofit dedicated to the needs of children under three to her work.

“It is not enough for babies and toddlers to have their physical needs met,” she said. “They need a nurturing adult who will meet their social and emotional needs as well. The child welfare system needs to support this critical relationship between parent and child and provide services that teach parents to develop these skills. Courts can help to facilitate this.”

Walker has served as a full-time juvenile court judge since 1998, presiding over dependency and delinquency cases. From 1990 to 1998, she was an associate judge and judge pro-tempore.

Walker credits volunteering with the juvenile courts with helping her find her passion. A member of the Georgia State University College of Law’s first class, she encourages students to volunteer to learn about possible career paths: “You know you have the right job when you look forward to going to work. Do not settle for a career without passion and love for what you do.”
Pushing Access to Healthy Foods

Sustainable foods and the environment are at the heart of what propelled Karissa Orris (J.D. ’14) to attend law school. So it’s no surprise she immersed in volunteer and internship opportunities that fed those interests.

Orris worked at GreenLaw, a nonprofit, public interest law firm that works with underprivileged communities; the Environmental Protection Agency; the Centers for Disease Control and Prevention and the DeKalb Public Defender’s Office. She served as co-president of Georgia State Law’s Environmental Law Society. She also has volunteered with Slow Food Atlanta and Georgia Organics, groups promoting local and sustainable, earth-friendly food.

Last summer, she interned with Keep Food Legal, a small nonprofit in Washington, D.C., dedicated to food access and friendlier laws toward small farms and organics.

“Our nation is in a troubling place when it comes to food accessibility,” said Orris, who now lives in Washington, D.C. “Millions of Americans live in food deserts. When you have a significant population growing up malnourished, that’s going to affect education, economics and the job market.”

She cited children who are sent to school undernourished and can’t learn as well as they could. It has a cyclical affect, she said. While at Keep Food Legal, she researched state laws including for raw milk and farmers markets and how it affects farmers and growers and impacts people’s food choices.

“When you’re working in nonprofits or government organizations, they’re so often understaffed,” Orris said. “Having the opportunity to do this work allows these organizations and government the chance to stand up to people with far greater resources and provide power and strength to organizations who don’t always have the resources that some of these major corporations.”

Bridging the Gap Between Science and Law

Born and raised in China, Shuang “Carrie” Chang (J.D. ’14) came to the United States with plans to become a scientist. A chance encounter changed Chang’s career path from biosciences to the law while she was completing her Ph.D., in molecular biology.

Chang described the encounter with a desperate father of two boys with Fragile X syndrome, a genetic condition and a top cause of autism with no cure. A mother of four, this experience propelled Chang’s interest in the law.

The father sought access to drugs that Chang discovered to be therapeutically effective in animal models to help with autism. She published her research on it in journals, including Nature Publishing Group.

“I became driven to bridge the gap between science and law,” said Chang, a December graduate of the part-time Georgia State University College of Law program with a health certificate. “I had been satisfied with my contributions to life sciences and never realized that without an understanding of the law, I was largely impotent in providing help. The drugs had not been tested in human clinical trials so legally they could not be used at all.”

As with science, Chang excelled as a law student, said Leslie Wolf, director of the Center for Law, Health and Society and professor of law. “Her work ethic is beyond reproach,” Wolf said. “The quality of her work was already at a high level yet she was always striving to do better. She was always professional and prepared.”

Chang has bridged law and science in her experiences as a law student. While at Georgia State Law, Chang externed for the U.S. Patent and Trademark Office and worked in the university’s Office of Legal Affairs. She also was a student legal research assistant at King & Spalding in Atlanta. Chang is now working in the patent prosecution and litigation practice at Morris Manning & Martin in Atlanta.

“Georgia State Law prepared me really well,” Chang said. “As my knowledge of drug regulation policy has been growing, the drugs from my earlier research on Fragile X syndrome were being patented and licensed for clinical trials, bringing me one more step closer to giving that helpless father hope.”
HeLP Clinic Recognized Among Nation’s Top Innovative Clinics

Georgia State University College of Law’s Health Law Partnership Legal Services Clinic has been named among the most innovative law school clinics in the nation by National Jurist’s PreLaw Magazine. The clinic was one of 10 runners-up.

The program, created by associate clinical professors Lisa Radtke Bliss and Sylvia Caley (J.D. ’89) partners with physicians and medical students from Morehouse School of Medicine, Emory School of Medicine, Children’s Healthcare of Atlanta, Emory University and Georgia State University.

The professionals work together to tackle legal matters for children that affect their health and well-being. HeLP is innovative because it’s the most robust medical-legal partnership clinic in the country in terms of inter-professional involvement of different disciplines and a variety of institutions, said Bliss, clinic co-director and director of experiential education.

The HeLP Clinic opened in 2006 and is the result of a medical-legal collaboration, the Health Law Partnership (HeLP). What started with only two faculty members has turned into a classic example of teamwork. The clinic has handled more than 300 cases affecting the health and well-being of low-income children at Children’s Healthcare of Atlanta. Law students get a chance to work on these cases, under the guidance of their professors.

“We hope this type of recognition encourages students interested in law to seriously consider the College of Law at Georgia State as they make their school selection,” said Caley, clinic co-director.

“We also hope that medical students and residents factor the existence of a strong medical-legal partnership into their decision-making when selecting their programs.”

PreLaw Magazine recognized 25 law school clinics in its winter issue, this includes 15 clinics and 10 runners-up. More than 76 law schools were nominated nationwide for clinics that are innovative in structure, subject matter and provide a service to the community.

“It is an honor to be recognized for innovation. When we began, our intention was to design an educational program that not only helped students become better lawyers, but that trained law students and health professionals to work together to improve health and collaboration among our professions.”

– Lisa Bliss, HeLP Clinic Co-Director, Associate Professor, and Director of Experiential Education

www.healthlawpartnership.org
HeLP Clinic Students Win Big For Their First Client

With just two weeks to prepare, Janelle Alleyne (J.D.’15), Peter Watson (J.D.’16) and Ryan Young (J.D.’16) represented a disabled child in an administrative hearing at the Social Security Administration and secured back payments of more than $10,000, plus monthly benefits, including Medicaid, which will help the child get access to medical treatment and needed services.

“Representing our client at the hearing was an amazing opportunity that offered invaluable experience,” Watson said. “We learned the substantive law during our preparations, but during the hearing we were able to actually see the law come alive through real world application and advocacy for our client.”

Their client, a 2-year-old boy with cerebral palsy, could not walk, talk or even grasp Cheerios due to his condition. The client’s mother had applied for Supplemental Security Income (SSI) benefits for her disabled son and was denied in 2012.

Although the Health Law Partnership Legal Services Clinic had been involved in the case for almost two years, Alleyne, Watson and Young were assigned to the case just two weeks before the hearing. Building on casework done by previous students, the trio conducted a moot hearing before retired administrative law judge Kathleen A. McGraw and the entire clinic class, to ensure that they were ready.

At the hearing, the team encountered multiple twists and turns, including a last-minute substitution of the administrative law judge. Another twist came when the Social Security Administration’s medical expert at the hearing was a psychologist, rather than a medical doctor. The team effectively argued for the expert’s testimony to be limited to his areas of expertise.

Their client’s mother was appreciative of the law students who helped her get the benefits to which her son was entitled.

“I chose the HeLP Clinic because of my drive to help those who are most vulnerable in our communities; children, who are unable to advocate for themselves,” Alleyne said. “There is nothing like the feeling you get from helping an overburdened family work through their legal issues.”

All three agree their HeLP Clinic experience will help make them better lawyers and enjoyed the opportunity to see how they can positively affect their community.
Courtney L. Anderson

Professor Anderson launched Law and Health Equity, an experiential learning course in which students work to mitigate health disparities in Atlanta. She spoke at the Southeastern Association of Law Schools Annual Conference, Health Law Professors Conference, and Study Space VII in Barcelona, a week-long intensive workshop that unified global scholars to discuss the affordable housing crisis. Anderson co-authored a paper on affordable housing for this conference and also authored a paper of public school redistricting.

Roberta M. Berry

Professor Berry assumed a new full-time administrative position at Georgia Institute of Technology as director of the Honors Program. Her position incorporates a continuing joint appointment with the College of Law as professor of science & technology law, policy & ethics. Her chapter on genetic information was published in Suffering and Bioethics, and she is engaged in research on issues in human enhancement and assisted reproductive technologies.

Lisa R. Bliss

Professor Bliss spoke about “Teaching Professional Identity” at the Southeastern Association of Law Schools Conference. She presented at the “Leading Voices of the Future in Legal Education – Legal Education and the Practice of Law” symposium at Northern Kentucky University College of Law. Bliss also presented “Self-Directed Learning: Exploring the Potential of Journals and Other Written Reflection to Help Students Become Lifelong Learners,” at the Southern Clinical Conference at William and Mary Law School.

Sylvia B. Caley

Professor Caley was appointed to the U.S. Department of Health and Human Services Advisory Committee on Organ Transplantation. She participated in two national webinars during the fall. The first was hosted by the National Center for Medical-Legal Partnership and was entitled “Codifying Medical-Legal Partnerships through State Legislation as a Sustainability Strategy.” The second webinar, hosted by the American Health Lawyers Association, served to educate members about the mission and benefits of medical-legal partnerships.

Erin C. Fuse Brown

Professor Fuse Brown’s article, “Fair Hospital Prices Are Not Charity: Decoupling Hospital Pricing and Collection Rules from Tax Status” is forthcoming in the University of Louisville Law Review. This fall, she spoke about the Supreme Court’s decision in Burwell v. Hobby Lobby at the College of Law, the Bleckley Inn of Court, and the Georgia Bar. Fuse Brown created and co-taught a Health Care Transactions course with Atlanta-area health care attorneys, Sidney Welch and Kim Roeder.

Jessica D. Gabel

Professor Gabel co-wrote “Shadow Dwellers: The Under-regulated World of Local DNA Databanks” for the NYU Law Review. Her article, “A New Approach to an Old Problem: Realizing Reliability in Forensic Science from the Ground Up,” was published in Northwestern University’s Journal of Criminal Law and Criminology, and her most recent article, “The Lean Legal Clinic: Cost-Effective Methods of Implementing Experiential Education” will be published by the Elon Law Review in 2015.

Yaniv Heled

Professor Heled testified before the Georgia House of Representatives Committee for the Study of Autonomous Vehicles Technology and published an op-ed article about tort aspects of autonomous vehicles in the Atlanta Journal Constitution. His article, “Patenting Human Organisms or How the Abortion Wars Feed into the Ownership Fallacy,” was published in the Cardozo Law Review. Heled presented his work in conferences at Boston University, Georgia State University, and Michigan State University, among others.

Wendy F. Hensel

Dean Hensel published “Recent Developments in Vouchers for Students with Disabilities” in the Loyola Law Review and presented at The Ohio State University Moritz School of Law, the
Education Law Association’s Annual Conference in Denver, and Loyola University in New Orleans. She also authored a book chapter in Righting Educational Wrongs: Disability Studies in Law and Education. Hensel chaired the College of Law’s Strategic Planning Committee and continues to play a leadership role in implementing identified initiatives.

**Randall L. Hughes**

Professor Hughes was appointed to the Board of Navicent Health, the parent organizations for the Medical Center of Central Georgia. He serves on the college’s Board of Visitors as well as on the alumni board of the Cooperative Living Organization at the University of Florida. In addition to teaching, Hughes mentors health law students, participates in HeLP case rounds, and conducts intake for the Atlanta Legal Aid Society.

**Paul A. Lombardo**

Professor Lombardo presented papers at the American Society for Bioethics and the Humanities and the American Society of Law, Medicine and Ethics Health Law Professors Conference; gave Grand Rounds to the Department of Psychiatry at SUNY Downstate Medical Center; delivered a keynote lecture at the North Carolina State University program on Genetics and Society; conducted the University Seminar on Disability Studies at Columbia University; and spoke on eugenics at the Asian/Pacific/American Institute at New York University.

**Charity Scott**

Professor Scott spoke at the Quinnipiac-Yale Dispute Resolution Workshop on conflict engagement for ethics committees and consultants. As lead faculty for the RWJF-funded faculty fellowship program, she gave presentations at the American Public Health Association annual meeting and the Public Health Law Conference co-sponsored by the Network for Public Health Law and American Society of Law, Medicine and Ethics. She also gave a separate talk at this latter conference on “Law, Public Health, and the Diabetes Epidemic.”

**Emily F. Suski**

Professor Suski published “Dark Sarcasm in the Classroom: The Failure of the Courts to Recognize Students’ Severe Emotional Harm as Unconstitutional” in the Cleveland State Law Review and presented it at the Association of American Law Schools annual meeting. She also presented “Cyberbullying, School Authority, and Privacy” at the University of Kentucky Developing Ideas Conference and AALS Clinical Legal Education Conference. She is co-chair of the Scholarship Committee of the AALS Section on Clinical Legal Education.

**Jonathan Todres**


**Leslie E. Wolf**

Professor Wolf and Duke University colleagues have been funded by the National Human Genome Research Institute to study confidentiality protections applicable to genomic research. She published articles on the Ebola epidemic in the Huffington Post and the Daily Report. She served on a Department of Defense peer review committee for its Congressionally Directed Medical Research Program and as a mentor for the Robert Wood Johnson Foundation-funded Future of Public Health Law Education Faculty Fellowship Program.
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