The Ethics of Genetic Engineering

Roberta M. Berry recommends new approaches in her recently published book from Routledge, *The Ethics of Genetic Engineering*. She explores what she calls “fractious problems” — problems that are novel, complex, ethically fraught, unavoidably public, and unavoidably divisive. She argues that these problems, including those posed by the prospect of human genetic engineering, call for decision-making processes that fully engage the particular questions in concrete context.

In the book, Professor Berry advances a contextualized virtue ethics approach to individual

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National Briefing Day for Children’s Rights

Professor Jonathan Todres arranged for the College of Law and the Center to be the host site in Atlanta for the National Briefing Day on the United Nations Convention on the Rights of the Child (CRC) in November 2007. Atlanta was one of ten cities hosting National Briefing Day events, and the Atlanta program was attended by over 170 people, including lawyers, educators, judges, social workers, health care professionals, academics from various disciplines, NGO representatives, and students.

The CRC is the most comprehensive international treaty aimed at ensuring the rights and well-being of children. It covers a broad array of issues ranging from health and education of children to the prevention of exploitation, abuse, and

Continued on page 3
“What is health law?” a first-year law student recently asked me, “and how do I know if it’s a field I would like to go into?”

“Self-interest and sheer interest,” I responded to the second question first, then added, “Health law is a field for generalists.” He looked puzzled, so I elaborated.

One reason to go into the health law field is to “follow the money.” Last year, national expenditures on health care were over $2 trillion, or approximately 16% of the GDP in the United States. Health care spending is projected to be over $4 trillion within the next 10 years, or 20% of the GDP. Practically everyone in the health industry will need lawyers; you do the math.

Sheer interest is why I went into the field. I’m a generalist at heart, and health law is a field that encompasses a wide variety of legal disciplines, ranging from corporate law to criminal law, from administrative law to constitutional law, from tort law to public interest law.

Our graduates work in a broad spectrum of health law settings. Corporate counsel advise for-profit and not-for-profit health care businesses. Government attorneys prosecute white-collar crime in health care or implement major health legislation at national and state levels. Civil rights lawyers promote the health of under-served communities. Trial attorneys address allegations of medical malpractice. Mediators resolve conflicts in the health industry before litigation becomes necessary.

Students are encouraged to test their interests in this fast-growing field of practice by taking courses in one or more of our program’s six focus areas (see graphic). Our excellent faculty and staff featured in this newsletter are always available for curriculum and career guidance as you explore this dynamic field.

Best wishes,

Charity Scott

Genetic Engineering continued from page 1

decision-making, in which parents immerse themselves in the facts and circumstances surrounding particular choices for their future children and then make choices guided by the virtues of parenting — love, caring, and loyalty. She also calls for a “navigational approach” to policy-making, in which members of the political community immerse themselves in the facts and circumstances surrounding our policy choices, examining the issues from multiple perspectives and bringing our shared political values to bear to arrive at incremental resolutions subject to revision over time.

Professor Berry joined the Center as a Faculty Fellow in Fall 2007. She offers an innovative course on biotechnology law, policy, and ethics that enrolls a mix of Georgia State law students and graduate science students as well as graduate biomedical engineering students from her home institution, the Georgia Institute of Technology. Professor Berry serves on the Intellectual Property Advisory Board at the College of Law. She has published numerous articles and book chapters on legal, ethical, and policy issues in biotechnological innovation, bioscience and biomedical research, and health care.

Professor Berry also serves on the editorial board of HealthCare Ethics Committee Forum and was co-editor of A Health Law Reader (Carolina Academic Press 1999). She is an Associate Professor of Public Policy at Georgia Tech where she has won outstanding teaching and faculty awards from the Institute, the Ivan Allen College of Liberal Arts, and the Student Government Association. She received her Ph.D. from the University of Notre Dame; J.D. from the University of Wisconsin; and B.A. from Swarthmore College.

Center’s Focus Areas in Health Law
The Honorable Winston P. Bethel, Chief Magistrate of DeKalb County, spoke at a Center forum about his work establishing the DeKalb Diversion Treatment Court to provide mentally ill offenders with recovery instead of incarceration. Judge Bethel established the treatment court (formerly called the DeKalb Mental Health Court) in 2001 to incorporate therapeutic jurisprudence into the court system in Georgia. Therapeutic jurisprudence is a field of law that explores how the legal system can have a positive impact on those affected by it, including criminal offenders and victims as well as lawyers and other parties. Judge Bethel’s court advances a therapeutic jurisprudence goal to treat the disorders causing offenders to commit crimes instead of simply incarcerating them.

With the de-institutionalization of the mentally ill beginning in the 1960s, jails and prisons have become the repository for people who are mentally ill. Judge Bethel discussed how his program works for the benefit of mentally ill offenders by offering a voluntary program where, if the offenders complete the treatment program, their charges are dropped. If the participants leave the program, however, their criminal cases are reactivated. The goal of the treatment court is to empower individuals to function on their own.

A lively discussion with the audience followed the panel’s presentations. A Carver high school student (see story on page 6) asked one of the more poignant questions: “If this is about children’s rights, why haven’t they asked kids what we think?” The event was featured the following week in the lead editorial of The Atlanta Journal-Constitution, which called for the United States to ratify the CRC.

The interdisciplinary audience included lawyers, judges, social workers, health care professionals, academics, NGO representatives, and students.
During the successful third semester of the HeLP Legal Services Clinic, Clinic faculty supervised ten students providing free legal assistance to 45 clients. The clients are referred to the Clinic through the Health Law Partnership (HeLP), which is a community collaboration among the law school, Children’s Healthcare of Atlanta (which operates three Atlanta area children’s hospitals), and the Atlanta Legal Aid Society. Many of the Clinic’s clients are parents of children who have chronic and serious illnesses. To help students get a better understanding of what children and families experience at the bedside, all Clinic students now take a tour of Children’s hospital at Egleston. Students learn about the hospital departments and services, how procedures and equipment are adapted to child-size patients, and the use of technology for healing. Students have uniformly agreed that the tour helps them represent clients with a deeper understanding of the issues that affect them.

Substantial Gifts for HeLP Legal Services Clinic

The HeLP Legal Services Clinic received two major gifts this past year from very generous local donors. The Ida Alice Ryan Charitable Fund, which funds charitable, scientific, literary, and educational initiatives, gave $30,000 to support the Clinic. The Community Foundation for Greater Atlanta, Inc., through its Competitive Grants Program which helps nonprofit organizations in the Atlanta area, contributed $25,000 towards the Clinic’s on-going activities. The Center and the Atlanta Legal Aid Society coordinated on the application to the Community Foundation, which has shown its ongoing support for the partnership. Its recent $25,000 gift is the third grant received by HeLP; the foundation also provided a $15,000 gift in 2005 and a $70,000 gift from its donor-advised funds in 2006.

With these gifts, the Center successfully completed its start-up fundraising for the first three years of the HeLP Clinic’s operations. The Clinic continues to seek funds to support its many activities, including summer student fellowships, support for research, and outreach. If you would like to support the HeLP Legal Services Clinic, please contact HeLP Director Sylvia Caley at 404.413.9132.
Equal Justice Works Fellowship

Recent law graduate Aisha Saeed was awarded a prestigious Equal Justice Works Fellowship, making her the law school’s first fellow from this distinguished organization for legal education. Her two-year fellowship began in September 2007.

The Equal Justice Works Fellowships program was created in 1992 to address the shortage of attorneys working on behalf of traditionally under-served populations and causes. Each year some 350 law students and graduates compete for fellowships; 50 fellowships are awarded.

Applicants identify an area of unmet need in a local community they wish to work in and propose a comprehensive program to address such need. Equal Justice Works evaluates the applications and sends the most promising projects to sponsors, who select deserving proposals for two-year funding.

“As a former teacher, I am acutely aware of the manner in which Georgia schools don’t meet the educational needs of low-income, chronically ill students,” Saeed explains. “My fellowship project is designed to improve educational services and support to this population. I provide legal representation, education, and advocacy on behalf of children with chronic illness by working with HeLP (Health Law Partnership).”

The outcomes of Saeed’s project include: improved access to education for these children; improved understanding by parents, health providers, and educators of the needs of ill children; improved school policies for these children; and development of best practices for addressing their educational needs.

Equal Justice Works Fellowships seek to develop the public interest law leaders of the future, whether they continue to work in the nonprofit arena or become pro bono advocates in the private bar. Saeed’s Equal Justice Works Fellowship project is sponsored by the national labor and employment law firm of Ford & Harrison LLP.

Building Our Community

In Spring 2008, health law professors and students participated in a Habitat for Humanity build team from the law school. In celebration of its 25th anniversary, the College of Law faculty, students, and staff have pledged 25,000 hours of pro bono service during the year. The Center is sponsoring and participating in many activities as part of this initiative.
The Center for Law, Health & Society kicked off a program for Georgia State law students to mentor high school students from the New Schools at Carver, part of the Atlanta Public School system in downtown Atlanta. The Center’s Associate Director, Jerri Nims Rooker, created the program as part of her focus on developing community initiatives for the Center. Members of the Student Health Law Association, Black Law Student Association, and Child Advocacy Society volunteered with the program.

Carver is a model public school in Georgia incorporating a new way of learning in smaller, more personalized settings. There are five interest-specific schools at Carver that focus on real-world education. The mentees are from the School of Health Sciences and Research, referred to as the LAB at Carver. Course work focuses on preparing students for college as well as for jobs in any of the over 200 health professions. Current enrollment at the LAB includes 296 students of whom 177 are female, 119 are male, 285 are African-American, 8 are Hispanic, 2 are Caucasian, and 1 is multi-racial.

Over 20 law students mentored 20 high school students during the 2007-08 academic year. At the outset of the year, law students visited Carver and got to know their mentees through games and over lunch. Later in the year, the Carver students visited the law school, attending

Professor Charity Scott’s class on torts; engaging with Professor Jonathan Todres on the film “Juvies”; and talking with Professor Sylvia Caley about legal issues that affect children’s health. The mentors and mentees also attended the national briefing day on the Convention on the Rights of the Child at Georgia State (see story on page 1).

Law student Heather Carter helped run the Carver mentor program and participated as a mentor. She observed: “I think the goals of the program are to interact with Carver students and provide guidance about school and life in general. The high school students were highly engaged and talked to their mentors about everything from youth violence to class work to prom.”
When travelers made their way to the New World in the early 20th century during one of this country’s most massive waves of immigration, they were greeted at Ellis Island with a battery of tests, both physical and mental.

According to Professor Paul Lombardo, the tests were aimed at keeping out undesirable immigrants who might have been suffering from physical ailments or “feeblemindedness.”

Professor Lombardo consulted with the film’s writer-director, Emanuele Crialese, and helped inform scenes of immigrants passing through Ellis Island as officials tested the new arrivals’ physical health and their mental aptitude.

Professor Lombardo is an expert on the eugenics movement in the United States and the history of laws aimed at shaping society’s makeup. He put that expertise to work as an historical consultant on the feature film “Golden Door,” recently released on DVD after opening in American theaters last summer.

Professor Lombardo consulted with the film’s writer-director, Emanuele Crialese, and helped inform scenes of immigrants passing through Ellis Island as officials tested the new arrivals’ physical health and their mental aptitude. The film’s plot involves an English woman who secures passage to America, and follows her interactions with a family of Sicilians hoping to find a new home in the United States.

Professor Lombardo says immigration officials were practicing what was then considered cutting-edge science and trying to ensure that only healthy and mentally sound immigrants were allowed to stay. “What [the director] wanted was to be sure his vision of what was going on when people came across the Atlantic and ended up at Ellis Island in 1910, or during the era, was accurate,” says Professor Lombardo, who has previously done consulting work on documentary films dealing with race and eugenics. “He wanted to be sure he got that sequence of going into Ellis Island, being physically examined and being mentally examined – he wanted to get that right.”

“Golden Door,” distributed by Miramax, is presented with an introduction by famed producer-director Martin Scorsese, who is of Italian descent.
Join Our Network

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

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

Join GHLN

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

Become a Friend of the Center

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

Working with the law . . .

To promote society’s health

Practicing Law Graduates Serve as Mentors

The Center’s Mentor Program for law students is now in its third successful year. The program pairs current law students who are members of the Student Health Law Association (SHLA) with practicing attorneys in the health law field who are members of the Center’s Graduate Health Law Network (GHLN). The primary goal of the program is to give students greater exposure to the actual practice of law.

Students meet with their mentors at least twice a year regarding questions or concerns about law school, the profession, the Bar examination, legal practice, and other related topics. Attorney mentors sign up for a year and are encouraged to provide students with opportunities to observe and discuss the day-to-day realities of the practice of health law.

This year, SHLA hosted the kick-off for the program at a reception in the Fall and concluded the program at a social event in the Spring. Both events were held at Einstein’s in Midtown Atlanta.

The Center sends out a request for graduate mentors each Fall. If you are a graduate, we hope you will consider sharing the gift of your time and talents with current law students.

Graduates and students at the spring social event at Einstein’s in Midtown Atlanta.
The Student Health Law Association again hosted the popular Bioethics at the Movies series this Spring. Over lunch and popcorn (of course!), Center faculty and academic professionals showed film and TV clips and informally discussed with students the issues raised by the clips. This year’s series covered a wide range of topics, including informed consent, the role of genetics in determining sexual orientation, euthanasia, access to health care for low-income populations, gun control, the right to die, and the ethics of body-altering elective surgeries.

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### Bioethics at the Movies

**Wednesday Noon Film Festival**

<table>
<thead>
<tr>
<th>Date</th>
<th>Title</th>
<th>Movie/Show</th>
<th>Moderator</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 16</td>
<td>“Bioethics in this movie? Inconceivable!”</td>
<td>Scenes from “The Princess Bride”</td>
<td>Professor Leslie Wolf</td>
</tr>
<tr>
<td>January 23</td>
<td>“Don’t Ask, Don’t Tell”</td>
<td>Scenes from “Twilight of the Golds”</td>
<td>Professor Paul Lombardo</td>
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<tr>
<td>January 30</td>
<td>“Mercy or Murder?”</td>
<td>Scenes from “House”</td>
<td>Professor Charity Scott</td>
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<tr>
<td>February 6</td>
<td>“Injustice for All”</td>
<td>Scenes from “John Q”</td>
<td>Associate Director, Jerri Nims Rooker</td>
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<tr>
<td>February 13</td>
<td>“Insomniacs Welcome”</td>
<td>Scenes from late-night television</td>
<td>Professor Jonathan Todres</td>
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<tr>
<td>February 20</td>
<td>“Pull That Plug!”</td>
<td>Scenes from “Million Dollar Baby”</td>
<td>Professor Sylvia Caley</td>
</tr>
<tr>
<td>February 27</td>
<td>“Spare Parts: Where do we draw the line on elective surgeries?”</td>
<td>Scenes from “Whole”</td>
<td>Professor Lisa Bliss</td>
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</tbody>
</table>
Center Highlights

**Roberta Berry**

**Lisa Bliss**
In addition to her work in the HeLP Legal Services Clinic, Professor Bliss is preparing a new course to be taught at the College of Law in Fall 2008, “Public Interest Law and Social Welfare.” The course will introduce students to the laws and policies that address social welfare and poverty in American society. The course will also emphasize the practical applications of these laws via simulation and other active learning methods.

**Sylvia Caley**
Professor Caley opened the newest HeLP office located at the hospital of Children’s at Hughes Spalding in downtown Atlanta and adjacent to the law school’s campus. Clinic students will have more access to the health care team and to children and their families at this location. Professor Caley received the 2008 Sparks Award, which is a University-wide award designed to recognize Georgia State’s “unsung heroes” who “exemplify a willingness to go the extra mile.”

**Luciana Jaber**
Luciana Jaber has been the Administrative Coordinator for the HeLP Legal Services Clinic since its inception in January 2007. Fluent in both Spanish and Portuguese, Luciana assists Clinic clients who speak those languages with the many issues that arise during their case management. In addition to interpreting and translating communications between the clients and HeLP staff, including Clinic students, she helps clients by interpreting in court and with administrative agencies as well as translating and helping them submit required forms and paperwork.

**Paul Lombardo**
Professor Lombardo provided media commentary after controversial remarks on race by geneticist and Nobel Laureate James Watson (*USA Today*, November 21, 2007) and on proposals to change mental health confidentiality laws in the aftermath of the Virginia Tech shootings (*Roanoke Times*, December 30, 2007). He chaired the Ethics Panel of a National Institute of Environmental Health Sciences study to determine the feasibility of a National Twin Registry to investigate the genetic basis of complex diseases. He also lectured at Northwestern University, the Indiana State Supreme Court, and the National Press Club in Washington, D.C.

**Jerri Nims Rooker**
Jerri Nims Rooker has been promoted to Associate Director of the Center for Law, Health & Society. In Fall 2007, she was invited to testify for the Georgia Senate Study Committee on Rights Relating to Reproductive and Genetic Technology about ethical and legal issues of new technologies involving the embryo. She also spoke at the Healthcare Ethics Consortium of Georgia’s Ethics Committee Workshop on “Law and Ethics in Health Care” and frequently speaks on Georgia’s new advance directive to legal, health care, and community groups.

**Aisha Saeed**
Aisha Saeed handles a variety of education law cases. In recent months she successfully secured hospital homebound services, evaluations, and appropriate accommodations at school for her clients. She has also provided training to law students, teachers, and parents regarding the rights of children with special needs in the educational setting. She will be presenting her fellowship project at the upcoming Equal Justice Works reception in Atlanta.
Charity Scott
Professor Scott became the editor of a new column on health law teaching for the Journal of Law, Medicine & Ethics, publishing essays on “How Well Do We Engage Our Students?” and “The Professor’s Viewpoint: Should We Say What We Think in the Classroom?” She spoke at annual conferences of the ABA Health Law Section and American Public Health Association on how lawyers can address the social and economic determinants of health, and at Hamline University on conflict resolution in health care.

Jonathan Todres

Leslie Wolf
Professor Wolf and colleagues in San Francisco published an article, “Implementing Routine HIV Testing: The Role of State Law,” in the online, open-access, peer-reviewed journal PLoS One. Their article evaluates state laws regarding HIV testing that may present barriers to implementation of the CDC’s recommendations for routine HIV testing. International media widely reported the results of this study. Professor Wolf also served as the bioethicist on two scientific review panels for the Department of Defense’s Congressionally Directed Medical Research Programs.

New Administrative Coordinator

The Center is pleased to welcome Robin Schreiner, who joined the College of Law in October 2007 as an Administrative Coordinator. She provides administrative support for the Center for Law, Health & Society as well as faculty support. She brings over 25 years of administrative and project management experience to her position.

Robin relocated from Southern California where she was employed with Amgen Pharmaceuticals. Previously, she worked at The High School at Moorpark College, nourishing her interest in the well-being of children. She has a wide range of experience from office management to managing budgets, executive support, event planning, and public relations. She is a member of the International Association of Administrative Professionals.
Center Faculty & Staff

Charity Scott
Center Director and Professor

Jerri Nims Rooker
Associate Director

Robin Schreiner
Administrative Coordinator

Paul A. Lombardo
Professor

Jonathan Todres
Associate Professor

Leslie E. Wolf
Associate Professor

HeLP Legal Services Clinic

Lisa A. Bliss
Assistant Clinical Professor and co-Associate Director of Clinic

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

Luciana Jaber
Administrative Coordinator

Aisha Saeed
Equal JusticeWorks Fellow

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