HEALTH LAW, POLICY, AND BIOETHICS

Health law is a broad and exciting field that is not easily defined. There are, at least, three different, but overlapping, components to health law. First, the field is concerned with the provision of health care within the American health care system—the delivery, financing, and organization of personal medical services. Health care services consume a substantial part of the nation’s Gross National Product. The study of the health care system involves complex judgments about how to allocate health care services: access, equity, justice, quality, and cost. The United States has a highly eclectic health care system involving both private health care (e.g., managed care and fee-for-service) and public health care financing (e.g., Medicare and Medicaid).

Second, the field is concerned with bioethics—the ethically and legally appropriate way to structure myriad relationships among health care professionals and patients. Bioethics is concerned with micro-relationships between professionals and patients and concerns itself with enduring issues such as informed consent, confidentiality, and physician fidelity. Bioethics is also concerned with many interesting, emerging issues at the interface of law and society such as the human genome project.

Third, the field is concerned with public health. Public health law is concerned with the powers and duties of the state to assure the conditions for populations to be healthy. As a result, public health law is concerned with constitutional powers such as the police power and issues of federalism. Public health discusses many topics that are important to assuring healthy populations including tobacco, infectious diseases, and firearms.

The study of health law, policy and ethics, therefore, involves many subjects in a general legal education such as constitutional law, administrative law, local and government law. Scholars in health law also are also interested in specialized legal topics such as disability discrimination law and international law (notably human rights).

Georgetown has the most well regarded faculty and resources devoted to health law of any elite law school in the United States. Founded in 2007, the Linda and Timothy O’Neill Institute for Global and National Health Law aims to find innovative solutions for the most pressing health concerns facing the nation and the world through research, scholarship, and reflective engagement with partners in the public and private sectors. In addition to our own faculty, students can benefit from rich resources on our main campus: the Kennedy Institute of Ethics, the Program in Clinical Ethics, and the Institute for Health Care Research and Policy. Additionally, the joint degree program in law and public health with Johns Hopkins University is widely regarded as the best such program. The two Universities offer a combined J.D. and MPH. All in all, there is a world of opportunities for students interested in the related fields of health law, policy and ethics at Georgetown.

The Law Center has a vast array of courses in the fields of health law, policy and ethics. We have separated our offerings much as described above: health care financing, organization and delivery; bioethics; and public health. The upper class students will want to take the core classes in each of the respective areas of health law: Health Law and Policy and Public Health Law and Ethics.
LAW 1602 v00 Advanced Topics in Torts: Products Liability, Guns, and Drugs  
J.D. Course (cross-listed) | 3 credit hours  
This upper level course will cover the law of products liability generally and take a close look at the state of products liability litigation and liability in relation to guns and to opioids. The goal is to combine a survey of the complicated field of products liability law with a sophisticated deep dive into two areas of cutting edge products liability litigation. The first part of the course will familiarize students with major topics applicable to all products manufacturers including: a product distributor’s liability for defect-caused harm, allocating responsibility inside and outside the commercial chain of distribution, causation, affirmative defenses, approaches to design defect litigation, and federal preemption of products liability claims. Later in the course, we will examine gun manufacturer liability, currently and prior to the passage of the Protection of Lawful Commerce in Arms Act, which reshaped the landscape of gun litigation. Finally, we will end with a consideration of the growing litigation related to the opioids, litigation inflicted by doctrines peculiar to prescription drug manufacturer liability. The final examination will be a self-scheduled 48 hour take home exam. Attendance and participation are crucial to the course, and significant credit will be given to those students who contribute thoughtfully and constructively to class discussion of cases and issues.

LAW 277 v02 Aging and Law Seminar  
J.D. Seminar (cross-listed) | 2 credit hours  
This seminar explores, through lecture, discussion, role playing, and problem solving, the range of legal challenges and public policy issues affecting older adults. Subject areas include health care benefits (Medicare, Medicaid); long-term services and supports (nursing homes, home and community-based services, long-term care insurance, state-based programs); income security programs (Social Security, SSI); aging and autonomy, including elder abuse, neglect and exploitation and advance planning related to incapacity (powers of attorney, guardianship and its alternatives, choices regarding life-sustaining medical treatment); housing and consumer issues affecting older adults; and ethical issues in representing older adults. Coursework will address systemic inequities faced by older adults of color, older women, LGBTQ older adults, older adults with disabilities, and older adults who are immigrants or have limited English proficiency. The seminar is both practice- and policy-oriented and integrative with respect to other coursework and related disciplines.

LAW 369 v01 AIDS Law and Ethics Seminar  
J.D. Seminar (cross-listed) | 2-3 credit hours  
This course examines the social, legal, political, and ethical controversies surrounding the HIV/AIDS pandemic in contemporary society. It covers both domestic and international law and policy. The course is divided into several parts. Part I covers the role of social movements and mobilization in the response to HIV/AIDS. Part II, AIDS in the Courtroom, covers the major court cases related to HIV/AIDS in the United States and in key countries around the world like South Africa, India and Brazil that provide important comparative perspectives to understand the power of law. These cases demonstrate the social impact of AIDS—the effect of litigation on social institutions, constitutional law, and interpersonal relationships. Part III, Rights and Dignity, examines the role of international human rights, privacy, and discrimination. Part IV, Policy, Politics, and Ethics, covers a wide range of the most contentious debates of the HIV/AIDS pandemic, including testing, named reporting, civil and criminal confinement, sex work, drug law and policy, LGBT rights, and gender. The final Part, Governance and Financing, examines the absence of political leadership, the international trade system which militates against access to affordable treatment in low- and middle-income countries, the systems of financing for HIV in the U.S. and around the world, and the ethics of international collaborative research. The AIDS pandemic has reached deeply into all major spheres of modern life—e.g., law, medicine, economics, and politics. The pandemic has transformed society and restructured ethical values. This course provides an account of the major themes of the pandemic during the last three decades and offers an analysis of contemporary and future policy.

Mutually Excluded Courses: Students may not receive credit for this seminar and the course, AIDS Law and Ethics.

Note: This seminar requires a paper. J.D. students must register for the 3-credit section of the seminar if they wish to write a paper fulfilling the J.D. Upperclass Legal Writing Requirement. The paper requirements of the 2-credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.
LAW 065 v02 Alternative, Complementary, and Integrative Medicine, The Legal Issues Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20065%20v02)
J.D. Seminar (cross-listed) | 3 credit hours

Alternative, Complementary, and Integrative Medicine ("non-traditional medicine") ("CAM") is the fastest-growing sector of American Health Care and is one of the fastest growing fields in the United States. Presently, at least 50 percent of Americans are using some form of alternative and complementary therapy such as acupuncture, nutritional supplementation, herbs, massage, yoga, chiropractic and homeopathy. According to the Journal of the American Medical Association in 1997, visits to alternative health care practitioners exceeded total visits to all conventional primary care physicians. The number of clinics and hospitals that integrate some modalities of CAM alongside conventional medicine is growing rapidly. The Institute of Medicine, a part of the National Academy of Sciences, has held recent conferences on the values of both CAM and Integrative Medicine. The NIH is using significant resources to fund research in this area.

This development, of course, is raising legal issues. There is a growing but still unsettled body of law on this subject. Some but not all CAM modalities are now licensed and regulated by at least some states. Federal regulatory bodies, such as the FDA and FTC are trying, within the limits of their statutory authority, to protect what they perceive to be the interests of the public. Yet, they come at the problem through conventional, rather than alternative, eyes. Conventional law is based upon protecting the public from purveyors of the proverbial "snake oil" frauds. And to an extent this law is being used to keep out alternatives to the established health-care modalities. This seminar studies the tensions, legal, economic, and social, of this struggle as it unfolds. This seminar covers several areas of law including administrative law, medical malpractice, informed consent, FDA/FTC law, among others. A paper meeting the upperclass legal writing requirement is required.

LAW 1107 v00 Analytical Methods (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201107%20v00)
J.D. Course (cross-listed) | 3 credit hours

Lawyers in every type of practice (corporate, litigation, government, public interest, etc.) routinely deal with problems that require a basic understanding of concepts and methods from economics and statistics. This course provides an introduction to these subjects and their application and relevance to law and legal practice. Topics covered include decision analysis, game theory, probability, and statistics. Grades will be based on a graded problem set and a take-home final examination. No prior background in economics or statistics is required; however, we will regularly use elementary algebra and geometry. Students with strong backgrounds in economics, mathematics, or statistics should consult with the professor before enrolling in the course.

Course Objective and Learning Outcomes: The objective of the course is to enhance students’ ability to give sound legal advice and make effective legal arguments by introducing them to selected concepts and methods from economics and statistics that are relevant to numerous areas of law and legal practice. These concepts and methods include: decision trees, expected value, sensitivity analysis, risk aversion, present value; Nash equilibrium, game trees, backward induction, subgame perfection, moral hazard, adverse selection; probability, conditional probability, independence, Bayes’ rule; descriptive statistics (including measures of central tendency and variability), hypothesis testing, confidence intervals, statistical significance, type I and type II errors, and regression analysis.

By the end of the course, I expect students to have a good understanding of these concepts and methods and to be able demonstrate a basic proficiency in applying them to: (i) unpack complex decisions of the kind that lawyers and their clients often encounter in litigation and transactions; (ii) analyze situations involving strategic interactions (i.e., situations where the outcome depends on the strategies and actions of multiple parties) of the kind that lawyers and their clients often encounter in litigation and transactions; and (iii) engage in probabilistic and statistical reasoning and evaluate probabilistic and statistical evidence of the kind that courts and lawyers often encounter in litigation.
LAW 2028 v01 Assisted Reproductive Technologies and the Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%202028%20v01)
LL.M Seminar (cross-listed) | 2-3 credit hours
This 2 or 3 credit seminar will provide an overview of the underlying and competing laws and policies arising from the assisted reproductive technologies (ARTs) that continually make front page news. Since the 1980 opening of the country's 1st IVF clinic amidst protests and pickets, courts and legislatures have struggled to create laws and policies in response to continually evolving reproductive advances. Topics will include: the legal status of the IVF embryo in the context of procreative rights; embryo cryopreservation, storage, disposition and mix-ups; legal implications of advances in egg freezing, reproductive genetics and oncofertility; posthumous reproduction; egg and sperm donation; traditional/genetic and gestational surrogacy; unique issues for single and same-sex couples, including the rapidly changing impact of same-sex marriage; and professional standards, economic and regulatory aspects of the ARTs.

New this semester will be the inclusion of two classes that will examine selected legal and policy aspects of comparative ART law perspectives on “third-party ART” and the impact these differences have on cross-border reproductive practices, with a particular focus on surrogacy.

National experts in their respective fields will provide guest lectures on: medical advances in ART (including a field trip to a locally based national IVF clinic); psychosocial aspects of donor egg and 3rd party ART; reproductive genetics; and regulation and public relations for ART providers.

Note: This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement for JD students. The paper requirements of the 2 credit section will not fulfill the Upperclass Legal Writing Requirement for JD students.

LAW 1536 v00 Bioethics and Social Justice (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201536%20v00)
J.D. Seminar (cross-listed) | 2 credit hours
This seminar explores legal, ethical, and social issues raised by developments in health, medicine, and the biological sciences at the U.S. and global levels. It first provides an overview of the normative theories that inform the development of the field of bioethics, as well as connects these theories to legal and social dynamics that continue to shape discussions of equity and justice. It then considers a spectrum of priority topics and themes, through both a theoretical and practical lens, such as end-of-life issues, reproductive rights, human subjects research, access to medicines, and vaccines. Students will develop an in-depth perspective on how law and ethics overlap and shape the discourse on these priority topics. This seminar will be especially informative for students looking to obtain a practical view into how the law interacts with ethical dilemmas in health, medicine, and science.

Learning Objectives:

- Describe the normative theories that inform the development of the field of bioethics and the role that the law has played in this evolution
- Describe practical examples of legal and ethical dilemmas that arise across multi-disciplinary topics in health, medicine, and the biological sciences
- Articulate the ethical arguments on often opposing sides of priority bioethical issues, understanding the varied levels of nuance involved
- Analyze the role of legal institutions and law and in creating a framework to address the ethical, legal, and social issues that arise in the fields of health, medicine, and the biological sciences
LAW 1536 v01 Bioethics and Social Justice (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201536%20v01)
J.D. Seminar (cross-listed) | 1 credit hour
This seminar explores legal, ethical, and social issues raised by developments in health, medicine, and the biological sciences at the U.S. and global levels. It first provides an overview of the normative theories that inform the development of the field of bioethics, as well as connects these theories to legal and social dynamics that continue to shape discussions of equity and justice, including on the global stage. It then uses several in-class simulations to explore the practical challenges—both legal and ethical—that arise for counsel practicing in this field. The simulations are designed for students to “step into the shoes,” as it were, of different actors, from in-house counsel at an academic medical center to the United States Ambassador to the United Nations, to gain practical insight into real-world situations. This seminar will be especially informative for students looking to obtain a practical view into how the law interacts with ethical dilemmas in health, medicine, science, and politics.

Learning Objectives:

• Describe the normative theories that inform the development of the field of bioethics and the role that the law has played in this evolution
• Describe practical examples of legal and ethical dilemmas that arise across multi-disciplinary topics in health, medicine, and the biological sciences
• Articulate the ethical arguments on often opposing sides of priority bioethical issues, understanding the varied levels of nuance involved
• Analyze the role of legal institutions and law and in creating a framework to address the ethical, legal, and social issues that arise in the fields of health, medicine, and the biological sciences

Note: Withdrawals are permitted up until the last class for this specific course.

LAW 284 v01 Bioethics and the Law Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20284%20v01)
J.D. Seminar (cross-listed) | 3 credit hours
This seminar investigates legal, ethical, and social problems raised by developments in health, medicine and the biological sciences through the study of selected subjects that vary from year to year. Issues covered might include death and dying, genomics, reproductive technologies, fetal treatment and research, experimentation with human subjects, and societal controls on scientific advances.

LAW 3038 v00 Biosecurity and the Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203038%20v00)
LL.M Seminar (cross-listed) | 2 credit hours
This course is designed to provide students an understanding of current and emerging issues concerning biosecurity and relevant law. Recent global acts of terrorism coupled with sophisticated advances in biotechnology present a host of complex issues driving biosecurity analysis and discussion. We will examine both the history and current state of bioterrorism threats with an emphasis on the legal and ethical challenges as we "sort out" best methods for moving forward. Our analysis will explore the recent Zika and Ebola threats as well as the threats posed by prior H1N1, SARS, anthrax, smallpox, SARIN, Ricin, and even the possibilities stemming from genetically engineered once thought "dead" bio-threats. Our method of instruction will focus on significant legal challenges each week. We will however, use past examples of quarantine and cordon sanitaire applications to instruct as how best to legally address future possible pandemics. Within our course exercises, students will be assigned healthcare and legal roles in order to gain insight as to management of a true healthcare crisis. Guest speakers with knowledge of crisis management will be invited to share personal experiences and advice concerning future pandemics. We will also examine recent legislation, both domestic and international, with a view toward a better understanding of the complex challenges within biosecurity.

LAW 056 v00 Biotechnology and Patent Law Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20056%20v00)
J.D. Seminar (cross-listed) | 2-3 credit hours
This course examines a variety of legal and policy issues associated with the intellectual property protection available to biotechnological innovations, with an emphasis on patents.

Specific issues that will be examined within this framework include legal utility; conception and reduction-to-practice of biological molecules; anticipation and obviousness of nucleic acids; written description and enablement requirements for biological processes and molecules; experimental use; export and import issues; infringement; and potentially developments outside the US.

Course readings rely primarily on cases, statutes, and regulations. A biotechnology background is not necessary.

Prerequisite: Patent Law or patent law experience.

Note: J.D. students must register for the three-credit section of the course if they wish to write a paper fulfilling the J.D. Upperclass Legal Writing Requirement. A take home exam is required for the two-credit section.
LAW 2030 v01 Comparative Reproductive Technologies and "Reproductive Tourism" (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%202030%20v01)
LL.M Seminar (cross-listed) | 2-3 credit hours
The use of reproductive technologies—and crossing national borders to obtain them—has become a burgeoning multi-billion dollar, international industry. While the desire to have children may be universal, legal protections and restrictions on access to reproductive technologies vary immensely from country to country, and often reflect conflicting cultural and religious values.

This seminar will examine the fundamental elements of ART law and practice so that students have a foundation to explore and compare a diverse number of legal systems' approaches to selected reproductive technologies with a particular emphasis on the legal implications for "cross-border reproductive care" ("reproductive tourism"). Other topics will include: comparative access to and affordability of IVF, egg and sperm donation, and surrogacy; reprogrenetics; treatment for same-sex couples; professional liability; and embryonic stem cell research (as it intersects with egg donation and the use of IVF embryos). Guest lectures will provide a medical and an ethical perspective to broaden an understanding of the legal and policy challenges in this unique field.

Note: This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement for JD students. The paper requirements of the 2 credit section will not fulfill the Upperclass Legal Writing Requirement for JD students.

LAW 1101 v00 Consumer Advocacy: Public Health Regulation of Tobacco and Personal-Care Products (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201101%20v00) (Fieldwork Practicum)
J.D. Practicum | 4 credit hours
In fieldwork practicum courses, students participate in weekly seminars and conduct related fieldwork at outside organizations. This fieldwork practicum course will focus on federal regulation of tobacco and personal-care products by the Food and Drug Administration (FDA) under the Food, Drug, and Cosmetic Act and how public interest groups advocate greater protections for consumers. Students will participate in a two-hour/week seminar and carry out either 10 or 15 hours/week of fieldwork as interns with one of two national consumer and environmental health organizations: the Campaign for Tobacco-Free Kids or the Environmental Working Group. (Two pass/fail credits will be awarded for 10 hours/week of fieldwork, and three pass/fail credits will be awarded for 15 hours/week of fieldwork.)

SEMINAR: In the two-credit, graded, seminar portion of the practicum, students will utilize legislative and administrative materials as well as case law to become familiar with the processes by which the federal government regulates tobacco and personal-care products, and to critique both the statutory framework and FDA's performance in protecting consumers. The 2009 Tobacco Act created a new regulatory regime very different from the FDA's existing authority to regulate other products within its jurisdiction. Examination of the agency's initial steps to carry out this responsibility provides a chance for students to understand how a federal agency responds to a legislative mandate requiring innovative action to address a major public health problem. On the other hand, FDA has minimal authority to regulate personal-care products, raising real concerns for consumer protection. The course will also touch on related topics such as the role of the Federal Trade Commission in the regulation of trade practices, the Freedom of Information Act, the legislative process and the interaction of federal and state regulation.

FIELDWORK: In the two- or three-credit, mandatory pass-fail, fieldwork portion of the practicum, students will work as interns with the Campaign for Tobacco-Free Kids or the Environmental Working Group on projects aimed at strengthening the legislative or administrative processes, or on matters in litigation, under the supervision of attorneys connected with these organizations. (Students who have completed this course will have priority consideration if they opt to apply for the year-long Toni Stabile Graduate Fellowship at the Environmental Working Group after graduation.)

Prerequisite: J.D. students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

Recommended: Administrative Law; Food and Drug Law-related courses.

Mutually Excluded Courses: Students may not concurrently enroll in an externship or a clinic or another practicum course.

Note: LL.M. students must seek professor permission to apply. Evening students who work during the day are encouraged to reach out to the professors to determine whether this practicum course would be compatible with their schedules. This is either a four or a five credit course, depending on the number of fieldwork hours/week. Two credits will be awarded for the two-hour weekly seminar and either two credits (for 10 hours/week) or three credits (for 15 hours/week) for the fieldwork. The fieldwork will be conducted over a minimum of 11 weeks, to be arranged with the faculty members. Students will have the ability to choose the credit option that best fits their schedules. However, the fieldwork must be completed during normal business hours. All students will initially be registered for a total of four
LAW 131 v02 Disability Discrimination Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20131%20v02)
J.D. Course | 3 credit hours
This course covers the Americans with Disabilities Act, its amendments, regulations, and interpretive guidance as they relate to discrimination against people with disabilities in employment, the programs, services, or activities provided by government entities, and public accommodations. The course will take a pragmatic approach to exploring the rights and responsibilities arising from this law and will focus on such issues as defining disability, the concept of qualified persons with a disability, reasonable accommodations, medical exams and disability-related inquiries, program access, and public accommodations.

LAW 1102 v00 Drug Law and Policy Seminar: A Critical Perspective on the War on Drugs in the Americas (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201102%20v00)
J.D. Seminar (cross-listed) | 2-3 credit hours
This seminar will explore the policy of prohibition on drug production, distribution and consumption that embodies the long-standing hemispheric “war on drugs”. It will examine the legal regime that underpins current policies on drug trafficking (international, transnational and domestic regulations) related to criminalization but also to arms’ sale and money laundering. We will reflect on the economic and social consequences that drug-trafficking prohibition has had in countries and communities situated on different sides of the global drug trade. Our focus will be primarily on the United States, Mexico and Colombia. The seminar will explore the dominant “law and order” criminalization paradigm and contrast it with other potential approaches that focus on public health and economic development. We will conclude by considering a range of potential policy alternatives to the current model.

Note: This seminar requires a paper. J.D. students must register for the 3-credit section of the seminar if they wish to write a paper fulfilling the J.D. Upperclass Legal Writing Requirement. The paper requirements of the 2-credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

LAW 3003 v00 Employee Benefits: Health & Welfare Plans (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203003%20v00)
LL.M Seminar (cross-listed) | 2 credit hours
This course focuses on the tax and ERISA aspects of employer-sponsored health and welfare benefit plans. The tax discussion will concentrate on the conditions for favorable tax treatment of health and welfare benefits (and other statutory fringe benefits), the cafeteria plan rules, the applicable nondiscrimination requirements, and the special rules applicable to funded welfare benefits. The ERISA discussion will focus on plan design, reporting and disclosure, claims procedures, and fiduciary duty rules. The course will integrate the tax and labor aspects of the Affordable Care Act.

Prerequisite: Federal Income Taxation (formerly Taxation I).

Mutually Excluded Courses: Students may not receive credit for this course and Health and Welfare Benefit Plans: Tax & ERISA Aspects.

Note: This course is required for the Employee Benefits Certificate.

This course is open to J.D. students by professor permission. Interested students should contact Ellis Duncan via email at ged5@law.georgetown.edu between August 1 - August 30, 2021 for permission to take this class. Students may not withdraw from this class after the add/drop period ends without the permission of the professor.

LAW 263 v02 Employment Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20263%20v02)
J.D. Course | 3 credit hours
This course surveys the law regulating the fundamentals of the employee-employer relationship and examines a variety of public policy questions relating to employment standards regulation. The subjects covered may include: the common law doctrine of at-will employment and the development of contract and tort exceptions to that doctrine; statutory efforts to protect employees from wrongful discharge; the law of work-related invasions of privacy (e.g., drug-testing, genetic screening, polygraphs, etc.); the National Labor Relations Act, the regulation of employment compensation (e.g., Fair Labor Standards Act, prevailing wage laws); the regulation of workplace health and safety (e.g., Occupational Safety and Health Act). This course may also cover the Worker Adjustment and Retraining Notification Act, the Family Medical Leave Act, and workers compensation.
LAW 146 v01 Environmental Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20146%20v01)
J.D. Course (cross-listed) | 3 credit hours
This course covers the key laws developed to control pollution. The main focus of the course is on current statutes, including the National Environmental Policy Act, the Clean Water Act, the Resource Conservation and Recovery Act, the Superfund Act (CERCLA and SARA), and the Clean Air Act. Other statutes, such as the Oil Pollution Act, as well as climate change, are addressed briefly. Common law and pre-1970s efforts to develop law to obtain control are also reviewed. Relying on their practical experience, the instructors address application and interpretation of the statutes, Congressional actions to extend and modify the statutes, regulatory implementation of the statutes by executive agencies, enforcement policy and practice, the role of states, citizens’ groups and industry, and private efforts at clean-up. The professors use problems to help students understand the practical application of the statutes in real-world contexts.

Strongly Recommended: Prior or concurrent enrollment in Administrative Law.

LAW 146 v08 Environmental Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20146%20v08)
J.D. Course (cross-listed) | 3 credit hours
This course focuses on legal strategies to regulate and remedy environmental harms. The course is designed to prepare transactional lawyers, regulatory lawyers, government counsel and litigators, as well as students interested in specializing in environmental law. A major goal of the course is to introduce students to the analytical skills necessary to understand and work in this and other predominantly statutory and regulatory fields. The course starts by reviewing economic, ecological and historical perspectives on protection of the environment. We also briefly cover common law environmental claims. We then turn to several cross-cutting public environmental law issues, namely discussion of regulatory design choices, federalism issues, a brief introduction to important administrative law concepts, cases, and doctrine, and analysis of the role of citizens as enforcers under US environmental laws. We then turn to in-depth analysis of key portions of several of the most significant federal environmental laws, including hazardous waste cleanup laws, the National Environmental Policy Act (NEPA), the Endangered Species Act, the Clean Air Act, and the Clean Water Act. We will also look at the developing body of law regarding climate change.

LAW 146 v09 Environmental Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20146%20v09)
J.D. Course (cross-listed) | 3 credit hours
This course focuses on legal strategies to regulate and remedy environmental harms. It is designed to prepare transactional, regulatory, and government lawyers, and students interested in specializing in environmental law. A major goal of the course is to introduce students to the analytical skills necessary to understand and work in this and other predominantly statutory and regulatory fields. The course starts by reviewing economic, ecological and historical perspectives on protection of the environment. We also briefly cover common law environmental claims. We then turn to an in-depth analysis of the key laws developed to control pollution: the National Environmental Policy Act, the Clean Water Act, the Resource Conservation and Recovery Act, the Superfund Act (CERCLA and SARA), and the Clean Air Act. Other key topics such as climate change, enforcement policy and practice, and the role of states, citizens’ groups and industry are addressed briefly. The professor will use problems to help students understand the practical application of the statutes in real-world contexts.

LAW 146 v10 Environmental Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20146%20v10)
J.D. Course (cross-listed) | 3 credit hours
Between New Year’s Day in 1970 and December of 1980, Congress enacted virtually all of our major federal environmental statutes. To this day, these laws form the core of this country’s approach to addressing environmental problems. All of the laws aim to achieve cleaner water, air, and land, while at the same time taking very different approaches to doing so. This course will introduce you to the major federal statutes on environmental protection, including but not limited to the Clean Air Act, the Clean Water Act, and the Superfund law. You will come to understand the basic regulatory goals and mechanisms of these laws. You will also learn how one might choose among these goals and mechanisms in fashioning environmental policy. Ideally, you will come away with an informed judgment about how far we have come in protecting the environment and how far we still have to go.

Recommended: Administrative Law or a first-year elective on legislation and/or regulation.
LL.M Seminar (cross-listed) | 1 credit hour
Increasingly, lawyers and policymakers are confronted with the need to evaluate scientific research about causes of good or ill health. Should the family of a person who was exposed to asbestos and later died of lung cancer sue? At what level should mercury in tuna violate regulatory standards? What measures can be employed to control the spread of an Ebola outbreak or to prevent obesity? Will mandatory quarantines save lives if a bioterrorist releases anthrax in a major city?

This class will provide students with a basic toolset in public health's empirical methods. Disciplines such as epidemiology, risk assessment, and biostatistics provide ways to systematically evaluate proposed policy and search for answers in the quest for better health. To illustrate how these methods are deployed in practice, we will discuss case studies from the Ebola epidemic in West Africa, Zika virus, Middle East Respiratory Syndrome (MERS), and novel avian influenza, among others. We will also examine US domestic health issues that engage questions of law, policy, and democracy.

Students who successfully complete this class will not be trained to be professional scientists. However, students will be able to:

1. Understand fundamental epidemiological concepts;
2. Interpret health data and research;
3. Critically evaluate empirical claims;
4. Identify when assistance from health experts is required; and
5. Apply learnings to the development of policy and laws.

Lawyers with training in epidemiology will be able to more effectively respond to emerging and persistent issues in our complex society, whether they practice in health law, torts, environmental regulation, law enforcement, or human rights.

Note: Not intended for MPH students. No prior knowledge of Epidemiology is assumed.

WEEK ONE COURSE. This course will meet for one week only on the following days: Monday, January 11, 2021 through Thursday, January 14, 2021, 1:30 p.m. - 4:50 p.m.

This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students. ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal.

Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course.
This course will provide an introduction to the legal contexts and theoretical debates surrounding sex, gender, sexuality, and their intersections. We will explore the way gender and sexuality have been debated, defined, and redefined in the contexts of gender identity and performance, sexual pleasure, reproductive rights, sexual violence, marriage, family organization, work, and education. In these contexts we will consider the evolution of the law, the discursive effects of law, and the ways feminist and queer theorists have challenged and reimagined prevailing legal rules and cultural norms. In short, the class will probe the ways that law is gendered, sexualized, and raced, and with what overall effects on social institutions and practices.

Key topics will include:

- The Mutual Influence of Identitarian Politics and Law
- Constitutional Law of Sex Equality, Liberty, and Religious Objection
- Regulation of Sexual Conduct
- Regulation of Reproduction
- The Evolving Meanings of Marriage & Family
- Sexual Harm & Consent
- Gender & Sexuality at Work, School and other Institutions

Strongly Recommended: Constitutional Law II.

Mutually Excluded Courses: Students may not receive credit for this course and Sexual Orientation and the Law: Selected Topics in Civil Rights.

LAW 3028 v00 Global Drug Law and Regulation (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203028%20v00)
LL.M Seminar (cross-listed) | 2 credit hours
Globalization and the international trade of drugs and medical products have progressed beyond any single regulatory authority's ability to effectively ensure the quality, safety, and effectiveness of these products. In the U.S., the importation of foreign sourced products has increased tremendously, accounting for over 80% of the active pharmaceutical ingredients. However, varying drug regulations have resulted in gaps in oversight causing differing views on the acceptable level of risk in public health leading to drug quality related deaths and other serious harms. One clear reason for this compromised system is the differences in how these products are regulated from country to country. Nevertheless, the pharmaceutical and related industries are thriving in the global marketplace. This course is intended to be the first comparative survey into the regulatory frameworks of certain key countries, both developed and developing markets, along with international institutions, such as the World Health Organization, involved in promoting the access and development of safe, effective and quality medical products. This course will also identify the major international non-governmental stakeholders, and the multi-lateral schemes and treaties in which they operate that are intended to assist in the convergence of pharmaceutical laws and regulations.

Recommended: Prior Enrollment in Food and Drug Law

LAW 493 v01 Global Health Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20493%20v01)
LL.M Seminar | 3 credit hours
Global Health Law is the flagship course for Georgetown University Law Center’s O’Neill Institute for National and Global Health Law. This course is open to both Georgetown JD and LLM students and is a compulsory unit in the National and Global Health LLM and the Global Health Law and Governance LLM.

No longer an emerging field, global health law encompasses international law and policy that directly or indirectly affects global health, including treaties, regulations, global strategies and other non-binding standards, and national and international jurisprudence. The field of study includes both legal instruments designed to protect public health as well as the interaction between legal instruments from other international legal regimes and public health considerations and concerns. This course provides a strong foundation in these laws and policies, including governance of the World Health Organization, the International Health Regulations, and the WHO Framework Convention on Tobacco Control.

In examining the application and effectiveness of global health law, this course provides a normative foundation for global health issues including infectious diseases (such as COVID-19, HIV/AIDS, tuberculosis, malaria, and influenza) and noncommunicable diseases (such as diabetes, cancer and cardiovascular disease and their causes, including obesity, tobacco, and alcohol).

In this course, students will hear from leading voices in global health and the law and benefit from the expertise of Georgetown Law’s O’Neill Institute.

Recommended: Prior enrollment in International Law I.

Note: Required for the Global Health Law LL.M.

Class will meet for two hours each week, with third hour of weekly course content delivered asynchronously.

Recommended: Prior Enrollment in Food and Drug Law
class for this specific course.

In this intensive course, students will work with faculty and fellows at the O'Neill Institute for National and Global Health Law to gain an in-depth understanding of global health law through intensive examination and role play of one or more major problems in global health. Potential problems could include a naturally occurring infectious disease epidemic such as extensively drug-resistant tuberculosis; a future epidemic such as pandemic influenza (A) H5N1; an intentional introduction of a lethal pathogen such as anthrax; and/or major chronic diseases caused by obesity or tobacco use. Students should come to this course with a basic level of understanding of global health law, including the major international health treaties and governing structures. When studying and role playing these kinds of problems, students will be asked to construct innovative methods of global health governance, drawing upon existing international health law and institutions, along with a vision for more ideal models. The course will also capitalize on materials developed in collaboration with faculty from the School of Nursing and Health Studies for use in the “health care situation room”.

Full attendance and participation is required at all sessions. Class sessions will consist of a combination of lecture, case simulations, and discussion. Grades are based on student participation, a daily journal to be kept by students, and a final paper.

**Note:** A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course.

**ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS.** Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety will result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course.

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**LAW 1028 v00 Health Care Fraud and Abuse Seminar**

One-fifth of the U.S. economy centers around health care industry sectors. This seminar examines criminal, civil and administrative tools used by federal and state enforcement authorities to police the U.S. healthcare system. We will focus on cases brought under federal and state False Claims Acts (FCA), the Anti-Kickback Statue (AKS), Stark laws, Federal Food Drug and Cosmetic Act (FDCA), and Foreign Corrupt Practices Act (FCPA). The seminar provides a survey of the enforcement activities of the U.S. Department of Justice (DOJ), the Office of Inspector General at Department of Health and Human Services (OIG), and state Medicaid Fraud Control Units (MFCUs) in matters against pharmaceutical and medical device manufacturing companies, physicians, hospitals, clinical practices, nursing homes, laboratories, and others. The seminar materials thoroughly cover the statues, safe-harbors, and regulations that govern the health care industry. We will also discuss risk mitigation strategies and compliance program best practices across industry sectors to provide insight into the impact enforcement has on (1) clinical decision-making, (2) costs to providers, payers, and patients, (3) patient safety, and (4) quality of care. In an effort to maintain a broad perspective with the diverse and frequently changing legal landscape in the area, in addition to the case book, materials discussed and presented in this course draw from news reports, trade publications, and U.S. government agency materials.

The class requires a paper of approximately 20-25 pages in length.

**Recommended:** Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

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**LAW 594 v00 Global Health Law: An Intensive, Problem-Based Exploration**

**J.D. Seminar (cross-listed) | 2 credit hours**

This intensive course, students will work with faculty and fellows at the O’Neill Institute for National and Global Health Law to gain an in-depth understanding of global health law through intensive examination and role play of one or more major problems in global health. Potential problems could include a naturally occurring infectious disease epidemic such as extensively drug-resistant tuberculosis; a future epidemic such as pandemic influenza (A) H5N1; an intentional introduction of a lethal pathogen such as anthrax; and/or major chronic diseases caused by obesity or tobacco use. Students should come to this course with a basic level of understanding of global health law, including the major international health treaties and governing structures. When studying and role playing these kinds of problems, students will be asked to construct innovative methods of global health governance, drawing upon existing international health law and institutions, along with a vision for more ideal models. The course will also capitalize on materials developed in collaboration with faculty from the School of Nursing and Health Studies for use in the “health care situation room”.

Full attendance and participation is required at all sessions. Class sessions will consist of a combination of lecture, case simulations, and discussion. Grades are based on student participation, a daily journal to be kept by students, and a final paper.

**Note:** A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course.

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**LAW 1511 v00 Health Care Fraud and Abuse Seminar**

One-fifth of the U.S. economy centers around health care industry sectors. This seminar examines criminal, civil and administrative tools used by federal and state enforcement authorities to police the U.S. healthcare system. We will focus on cases brought under federal and state False Claims Acts (FCA), the Anti-Kickback Statue (AKS), Stark laws, Federal Food Drug and Cosmetic Act (FDCA), and Foreign Corrupt Practices Act (FCPA). The seminar provides a survey of the enforcement activities of the U.S. Department of Justice (DOJ), the Office of Inspector General at Department of Health and Human Services (OIG), and state Medicaid Fraud Control Units (MFCUs) in matters against pharmaceutical and medical device manufacturing companies, physicians, hospitals, clinical practices, nursing homes, laboratories, and others. The seminar materials thoroughly cover the statues, safe-harbors, and regulations that govern the health care industry. We will also discuss risk mitigation strategies and compliance program best practices across industry sectors to provide insight into the impact enforcement has on (1) clinical decision-making, (2) costs to providers, payers, and patients, (3) patient safety, and (4) quality of care. In an effort to maintain a broad perspective with the diverse and frequently changing legal landscape in the area, in addition to the case book, materials discussed and presented in this course draw from news reports, trade publications, and U.S. government agency materials.

The class requires a paper of approximately 20-25 pages in length.

**Recommended:** Criminal Justice (or Democracy and Coercion) or Criminal Procedure.
LAW 206 v03 Health Care Law and Policy (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20206%20v03)
J.D. Course (cross-listed) | 4 credit hours
This course is Georgetown Law’s introduction to the law and policy of health care provision and financing. No single course can serve as a comprehensive introduction, and this class won’t try. Rather, we’ll consider central themes and selected topics, with an eye toward the larger questions that drive legal, political, and ethical conflict in the health sphere. We’ll begin with some context – the non-medical determinants of health, which have much greater influence on population-wide health than does clinical care. We’ll then turn to the idea of a right to health care, then to the roles of markets and government in making care available and containing medical costs. Next up will be an introduction to the Affordable Care Act, with an eye toward its conceptual framework, its critics’ core objections, and the main problems that it has left unresolved. We’ll examine some of the legal conflicts that have arisen over the ACA, then turn to brief introductions to several other areas of health care law, including medical malpractice, antitrust, and the role of for-profit v. non-profit institutions. We’ll finish with consideration of racial disparities in health care and tension between medicine’s clinical and social roles.

COVID-19 has put a spotlight on our medical care system’s shortcomings, as well as the social inequities that shape Americans’ health and well-being. Our nation’s response to COVID will thus play a substantial role in this year’s edition of the course – as both a matter of national urgency and a window onto these shortcomings.

LAW 2037 v00 Health Information Technology and the Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%202037%20v00)
LL.M Seminar (cross-listed) | 2 credit hours
Health care decision-making and innovation are increasingly driven and made possible by vast stores of data. The importance of data has created an inevitable push-pull dynamic between concerns for confidentiality and demands for medical progress and cost containment. Data is both a privacy risk and a tremendous asset. This course will explore the legal and ethical issues at the intersection of health information, including where data comes from, how it is used and should be protected, how it can be used, and risks to its integrity and security. In doing so, this course will cover a range of topics including health information privacy, future use of data assets, and conflicts of interest.

LAW 627 v00 Health Justice Alliance Law Clinic (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20627%20v00)
J.D. Clinic | 10 credit hours
Please see the Health Justice Alliance Law Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/health-justice-alliance-clinic) for more detailed information about the program.


Mutually Excluded Courses: Students may not concurrently enroll in this clinic and an externship or a practicum course.

LAW 2076 v00 Health Law and Regulation (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%202076%20v00)
LL.M Course (cross-listed) | 3 credit hours
Beyond health insurance and the delivery of health care, goods and services related to individual and public health are highly regulated in the United States, and often serve as a basis for international regulations. These goods and services are a large and growing part of the U.S. and world economy, with some estimates being that more than one-quarter of U.S. food and medical products are regulated by the FDA alone. This regulation is carried out directly by a variety of State and Federal agencies (such as the FDA, the CDC, and the NIH) as well as indirectly through the purchasing power of federally financed programs, such as Medicare.

This course will include an introduction to the basic legal and regulatory frameworks within public health and an overview of the Constitutional limits and policy choices that have led to current law. The course will then move to a review of several major fields of regulation. From a high-level, this includes the regulation of health professionals, health systems, and medical or food products impacting human health. The course will then conclude with an examination of several contemporary problems, such as the safe and effective use of human drug products, infectious-disease prevention and control, ethical research practices, and rationing and allocation of limited resources.

The primary objective of the course is to teach students about the regulation of public health at the intersection of state and federal levels, recognizing that such regulatory frameworks often become the template for international policies. Students will be called on to learn the basics of two fundamental statutes—the Public Health Service Act (PHSA) and the Food, Drug and Cosmetic Act (FDCA). Students will also be called upon to follow examples of administrative change under these statutes, each year analyzing a new set of proposed regulations and sub-regulatory guidance documents. By the end of the course, students will be able to describe the major means by which goods and services used in both personal and public health are controlled, as well as areas in which future changes are likely.

Currently, there is no text or case book on this subject. The primary readings will be assigned by the professor.

Note: This is a required course for the US Health Law Certificate.
LAW 3054 v00 Health Rights Litigation Intensive (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203054%20v00)
LL.M Course (cross-listed) | 2 credit hours
This one-week intensive course offers students an opportunity to develop specialist-level knowledge in litigating health-related rights at the national, regional, and international levels.

During the course, globally renowned experts will lecture on a range of topics, including: regulation of private actors; sexual and reproductive health and rights; rights arising in health-care settings; approaches to health-care rationing and factors to consider in assessing the equity impacts of judgments; access to medicines and intellectual property; judicial legitimacy in deciding issues with budgetary and policy implications; and judicial effectiveness and impact of judgments.

The course is highly participatory, and uses case-based teaching and group exercises extensively. Students will be evaluated based on their participation in lectures and group exercises throughout the week, as well as their participation in either the moot court competition or the fundraising pitch on the final day of the course.

Recommended: Prior enrollment in International Human Rights; International and Comparative Law on Women's Human Rights; Gender, Sexual and Reproductive Health and International Human Rights Law; O'Neill Institute Practicum: Health and Human Rights

Note: This class will meet on the following Summer 2017 dates: 6/26, 6/27, 6/28, 6/29, and 6/30.

LAW 3058 v00 Health, Human Rights and Social Justice (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203058%20v00)
LL.M Seminar (cross-listed) | 1 credit hour
Human rights is now the dominant language for claims of human emancipation around the world; human rights theory and practice have permeated many domains beyond the law, including health. Yet the landscape of global health is marked by vast inequities and brutal deprivation, and it is not yet clear how bringing human rights concepts and strategies to bear will change the lives of the millions of people around the globe who are suffering. In this course, we will explore these questions and see how human rights provides not the only, but one, critical framework and set of tools through which to advance social justice in health. Nonetheless, the use of human rights to advance social justice faces vexing challenges, including being reduced to rhetoric by powerful actors and becoming overly legalistic.

The class will explore the conceptual and practical implications of adopting human rights frameworks relating to health policymaking and programming, including emphases on accountability, participation and non-discrimination. We will examine how human rights discourses are shaped and contested, and how this determines the relevance of ‘human rights-based approaches’ to addressing the health needs of different populations. Throughout the course, as we discuss specific issues, we will examine potential limitations as well as strengths of using human rights to improve global health.

The course seeks to answer the following questions:

- What are international human rights standards that relate to health?
- What does it mean in practice to set out a “right to health,” and how might such a right be implemented?
- What is (and should be) the role of courts in enforcing health rights?
- What are the key elements of ‘rights-based approaches’ in programs and policies, with reference to specific health issues and affected populations?
- How might adopting a rights-based approach to global health issues challenge traditional human rights assumptions and practices?
- How can human rights be used to create meaningful social change in health, and what are the limitations to using human rights frameworks?
LAW 1700 v00 Healthy Living, Aging, and Dying Seminar: The Legal Determinants of Wellbeing (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201700%20v00)
J.D. Seminar (cross-listed) | 2-3 credit hours
This course examines law as a determinant of health throughout the lifecycle, including direct regulation, indirect regulation through the courts, deregulation of legal barriers to health, the authority to tax and spend to influence behaviors, and powers to alter socio-economic, informational, and physical environments. It covers both domestic and international legal and policy strategies.

Health outcomes and life expectancy increasingly are socially determined. In the United States, for example, life expectancy has dropped three years running, mostly due to diseases of despair (e.g., illicit drug and opioid overdoses, suicides, and depression) among low and middle-income Americans. It will explore how law and regulatory reform can improve health and longevity among all socioeconomic groups.

Part I analyzes the role of law and policy in preventing chronic non-communicable diseases (NCDs) such as cardiovascular disease, cancer, diabetes, and respiratory disease. It explores international instruments, such as the Framework Convention on Tobacco Control, and domestic interventions to reduce use of tobacco, alcohol, and vaping products. Importantly, law and regulatory reform can effectively promote healthy diets and physical activity across the life-course.

Part II examines the social and economic impacts of aging populations, with a focus on legal and policy interventions for healthy aging. It explores social isolation and the importance of recreational spaces, social connectedness, mental health, and prevention of injuries among the elderly (both unintentional and elder abuse). It will also examine “macro” policies such as the social and economic impacts of aging populations, and what governments and societies can do to encourage productivity and manage costs.

Part III covers legal and ethical issues around the concept of a “good death,” including palliative care, end of life decision-making, and voluntary assisted death. Everyone wants to live a healthy life, without major disability. But they also want to die with dignity. How can society be structured to empower people to have a “good death?”

In addition to analyzing population level interventions to promote health and wellness, the course integrates personal, family, and societal health and wellbeing. Students will have the opportunity to reflect on how to keep themselves and their loved ones healthy and balanced, including lifestyles conducive to health, peacefulness, wellbeing, social engagement, and productivity.

NCDs are a global pandemic, representing 70% of all global mortality. Well-structured laws and policies have the power to prevent premature disease, disability, and premature death, and promote health and wellbeing in ageing societies. This course will educate and actively engage students on the legal issues surrounding disease prevention and health promotion across the life-course and offer analysis of innovative policy opportunities to structure health systems, food systems, and communities that promote individual and public health.

Description of student learning goals:

1. Understand the social and economic impacts of population aging and the global non-communicable disease pandemic.
2. Analyze law and policy as a determinant of health and well-being, with a focus on legal interventions to reduce NCD risk factors (e.g. tobacco use) and promote healthy aging and dying.
3. Compare regulatory approaches to health promotion, including direct regulation, the authority to tax and spend to influence behaviors, and powers to alter socio-economic, informational, and physical

LAW 1408 v00 Human Genetic Engineering: Law and Policy (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201408%20v00)
J.D. Seminar (cross-listed) | 2 credit hours
This two-credit seminar will open a window into the fast-developing world of human genetic engineering. It begins with a review of international and regional efforts to ban or restrict human germline modification (HGM), along with a brief world overview of relevant laws and trends. It then focuses on cutting-edge techniques like CRISPR/Cas9 and organized research efforts, particularly in China, that may nonetheless spark a race to create designer babies within a decade or less, as regulation lags behind technology and human affairs. Next, we examine two more well-established reproductive technologies, mitochondrial replacement and pre-implantation genetic diagnosis (PGD), to identify forces that are likely to guide HGM regulation as relevant technologies become safer and more efficient. We'll study the U.K.'s recent adoption of mitochondrial transfer to reduce birth defects or enhance fertility and then learn about evolving U.S. policy. We'll follow the spread of PGD, initially used to identify embryos bearing genes causing incurable childhood diseases, first to other less serious conditions, then to the creation of "savior siblings" and finally to non-medical uses like sex selection. Then we'll return to HGM and view a sample of public policy proposals and religious views likely to influence the coming debate. Finally, we'll close with an introduction to futuristic impulses to implement theoretically limitless improvements to human capabilities, sometimes balanced by the desire to use HGM to improve human moral character and tempered by doubts regarding the moral status to be accorded new HGM creations.
LAW 1286 v00 Human Trafficking and Modern Slavery in the 21st Century: Legal Perspectives (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201286%20v00)
J.D. Seminar (cross-listed) | 2 credit hours

Slavery has been a phenomenon that has existed since before written history, yet it is only in the last 200 years that efforts to abolish it have gained traction. Today, increasing mobility, global supply chains, and continued social discrimination have created the environment for ongoing human exploitation, even though the formal practice of chattel slavery, or the legal ownership of one human being by another, is illegal virtually everywhere. Indeed, some estimate that there are more slaves today than at any other time in human history. Most recently, efforts to eliminate severe forms of human exploitation are being made under the banner of ending human trafficking (or more formally, trafficking in persons).

This course will provide students an overview of the multiple legal perspectives on combating human trafficking and modern slavery. This will include the definitional tensions between different perspectives, alternative approaches to addressing severe human exploitation, and an overview of the current U.S. legal framework for eradicating human trafficking and modern slavery and its weaknesses. Attention will be paid to commonly recognized principles in human rights, criminal and labor law, but also in such areas as corporate responsibility and international humanitarian law. The class will use a range of materials, including international treaties, decisions of international and foreign tribunals, and more familiar U.S. statutory materials and legislative history (such as committee reports).

**Learning Objectives:**

At the conclusion of the class, students should be able to

- recognize many of the forms of and pervasive nature of human trafficking and modern slavery;
- identify risks of human trafficking and modern slavery in most areas of practice they may choose in the future; and
- have familiarity with emerging issues in the area of human trafficking and modern slavery.

**Recommended:** A prior course in public international law or international human rights.

**Mutually Excluded Courses:** Students may not receive credit for both this seminar and Human Trafficking in International and Transnational Law.

LAW 3114 v00 Industry Epidemics: NCDs, Commercial Risk Factors and the Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203114%20v00)
LL.M Seminar (cross-listed) | 2-3 credit hours

This seminar will examine the role of law and policy in addressing modifiable risk factors that contribute to the rising prevalence of non-communicable diseases (NCDs). Risk factors to be addressed include: tobacco use, unhealthy diets, and the harmful use of alcohol. Materials and discussions will probe questions such as: What are the best regulatory practices to deal with NCDs risk factors? How do transnational corporations contribute to the spread of non-communicable diseases? How different international legal regimes come into play in addressing risk factors? What are the opportunities and challenges of using law & policy to address NCDs’ commercial risk factors? Throughout this course we will have opportunities to consider how law and policy shape contemporary legal discussions related to NCDs, such as tobacco plain packaging, alcohol sponsorship, childhood obesity, commercial speech and food labelling, and targeted marketing strategies.

The course will take a global approach grounded in constitutional law and different international legal regimes (WTO, Human Rights Systems – Regional & Universal—, among others). The course will explore how the rise in NCDs prevalence in both developed and developing countries is mainly driven by transnational corporations, globalization and foreign direct investment. Additionally, case studies will explore a variety of examples from jurisdictions spanning the United Kingdom, South Africa, and Latin American countries, including taxes to discourage consumption of unhealthy products, laws restricting advertising and promotion, and laws and policies to promote access to information to consumers.

Students will be equipped with an understanding of specific issues, such as the role of law compared with policy, the strengths and weaknesses of different regulatory strategies and the role and responsibilities of the relevant industries in promoting the right to health. After exploring a series of foundational themes and issues through the first half of the course, the remainder will focus on in-depth case studies and experiences in regulating the risk factors from a comparative perspective and future challenges.

This seminar requires attendance and participation in seminar discussions, preparation for class, writing response posts, and the submission of a final paper (for those taking the course for three credits) or leading a class discussion (for those taking the course for two credits).

**Course goals:**

- Understanding of the various risk factors contributing to non-communicable diseases (NCDs).
- Understanding of various models of regulation of NCDs risk factors.
- Understanding of complex risk factors regulatory issues across various constitutional systems and international legal regimes.
- Understanding the interaction between regulation of NCDs risk factors and issues like gender and freedom of speech.
- Understanding the role of transnational corporations in the increased prevalence of NCDs.
This course focuses on the law of insurance, the insurance of business, and the business of insurance. Questions concerning property and casualty insurance, including insurance for mass torts, product liability, directors’ and officers’ liability, and natural disasters are examined. The obligations of insurance companies to conduct their business according to state and, to some extent, federal regulation and the law of insurance bad faith are explored. Particular types of coverages that will be studied include homeowners insurance, comprehensive general liability (CGL) insurance, excess and umbrella insurance, D&O insurance, and property insurance (including business-interruption/lost-profits insurance). Students will develop sophisticated skills in analyzing the applicability of insurance to complex loss situations, the duties of insureds and insurance companies, and the ethical questions faced by lawyers sometimes caught in between.

Note: The course does not address life, disability, or health insurance, or ERISA.

Learning Objectives:

1. Business context and objectives for insurance transactions.
2. How to parse and interpret insurance-policy language.
3. How property-casualty insurance responds to “real world” situations, involving losses to property including from natural disasters, mass tort claims, shareholder claims, and other situations.
4. How courts and law makers create incentives for insurance companies to act in positive ways. This includes questions of insurance company “bad faith” or good faith, the obligation of an insurer to accept a reasonable settlement offer from a plaintiff, obligations of insurers to provide lawyers to defend the insured and the ethical limits on the role of the lawyer, including when the lawyer is selected by the insured rather than the insurance company.
5. Through reviewing excerpts from briefs, students will gain a better appreciation of how to articulate insurance-law points and make appropriate argument.
6. The reading material introduces the wide variety of relevant sources that may assist lawyers, such as cases, articles/treatises, attorneys-general opinions, bar-association ethics opinions, and actual insurance policies.

Prerequisite: Torts (or Government Processes), Civil Procedure (or Legal Process and Society), and Contracts (or Bargain, Exchange, and Liability).

Recommended: Corporations.
LAW 802 v01 International Assistance for Global Health (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20802%20v01)
LL.M Course (cross-listed) | 1 credit hour
The overall objective of this course is to explore the present and potential role of international human rights law – and the right to health in particular – in international assistance for global health.

During the first class, we will discuss the recent history and present practice of international assistance for global health. We will discuss tensions between the objectives of development and relief, and between the objectives of promoting 'health security' and equity in global health. During the second class, we will explore the concept of equity in global health: how it is central to several definitions of global health, what the practice of international assistance for global health should look like, if the predominant objective of that assistance were equity. During the third class, we will examine the meaning of the right to health, the freedoms and entitlements it generates and the corresponding national and international responsibilities. During the fourth class, we will discuss if and how the right to health can be used to modify/improve the practice of international assistance for global health, taking into account that such assistance serves other objectives as well.

Strongly Recommended: Completion of coursework in the area of international human rights law.

Note: ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal.

Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. The take-home exam in this course may be administered mid-semester and the specific exam date will be provided by the professor after the add/drop period.

LAW 145 v00 International Environmental and Natural Resources Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20145%20v00)
J.D. Course (cross-listed) | 3 credit hours
The course focuses on international law applicable to the leading environmental and natural resource issues. It provides a framework for identifying and addressing the legal issues, links international law with relevant national laws, and focuses on ways to strengthen compliance with international obligations. The course covers climate change, ozone depletion, transboundary pollution and hazardous waste disposal; natural resource issues of fresh water (both surface and ground water), marine resources, and biodiversity; the links between human rights and environment and between environment and trade; and the financing of sustainable development. Special attention is given to cutting edge issues, such as synthetic biology and climate intervention.

Learning goals for this course: To enable students to become effective counsel, litigators, negotiators, arbitrators, judges, or legal advisors on a broad range of international environmental and natural resource problems; to understand international negotiations; and to be able to apply legal concepts developed in the course within different national settings for implementing international law.

LAW 227 v04 International Human Rights (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20227%20v04)
J.D. Course (cross-listed) | 3 credit hours
This course examines the law, institutions, and advocacy strategies designed to protect international human rights. We will analyze civil and political rights and economic and social rights, as well as international humanitarian law, and explore key enforcement mechanisms at the national, regional, and international levels. The evolving role of NGOs and civil society actors in advancing human rights, and the responsibility of corporations, will also be examined. Both progress and enduring challenges in making human rights real "on the ground" will be a focus of this course, together with the need for effective enactment of legal standards, enforcement of those standards, and empowerment of affected communities. Current legal issues and strategies concerning climate change and human rights will also be highlighted.

Recommended: International Law I: Introduction to International Law.

Mutually Excluded Courses: Students may not receive credit for both this course and the graduate course, International Human Rights Law.
LAW 3006 v00 International Right to Health (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203006%20v00)
LL.M Course (cross-listed) | 2 credit hours
The course provides an introduction to the human right to health and its implementation in a few hot topic issues. Issues covered will include criminalization of drug use and sexual and reproductive health, vulnerable groups, HIV/AIDS, the intellectual property regime and access to medicines, and a critique of the current framework and the challenges that impede the realization of the human right.

Recommended: Introductory course in public international law or human rights, introduction to public international law and/or introduction to human rights

Note: ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal.

Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course.

LAW 520 v00 International Women’s Human Rights Clinic (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20520%20v00)
J.D. Clinic | 10 credit hours
Please see the International Women’s Human Rights Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/international-womens-human-rights-clinic) for more detailed information about the program.


Mutually Excluded Courses: Students may not concurrently enroll in this clinic and an externship or a practicum course.

LAW 199 v03 Law and Regulation of Drugs, Biologics and Devices (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20199%20v03)
J.D. Course (cross-listed) | 3 credit hours
This course explores the legal, regulatory and policy issues that shape the research, development, and commercialization of drugs, biologics, and medical devices in the United States. We will consider the history and role of federal regulation of medical technologies; legal and ethical issues in the development and testing of new therapies; managing incentives for innovation, including patent, regulatory and data exclusivity; tort liability and its function in the regulation of the life sciences industry; and other issues. We will explore these issues using real-world examples, including the government and industry response to the COVID-19 pandemic.

Recommended: Prior or concurrent enrollment in Administrative Law.

Note: This is a required course for the Food and Drug Law Certificate.

LAW 2010 v01 Law and Regulation of Global Health Technologies (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%202010%20v01)
LL.M Seminar (cross-listed) | 2 credit hours
Technological advances in diagnostics and therapeutics have the potential to revolutionize health care and improve the lives of millions of people. However, many of these technologies remain out of reach to those who need them, particularly the poor in low- and middle-income countries.

With increased investment and global attention over the last decade, there has been tremendous progress in building a pipeline of candidate medical technologies to meet the health needs of the world’s poorest people. This course will explore the legal, regulatory and policy issues that are shaping the research, development, and delivery of those drugs, vaccines, and diagnostics. Part I of the course will provide an overview of the burden of neglected diseases in low- and middle-income countries and the new institutions and initiatives that have arisen to address that burden. Part II will examine the incentives for global health innovation, including intellectual property management, regulatory and tax incentives, and prizes and advance market commitments. Part III will consider the role of national and international regulation, international clinical trials and the globalization of research, and World Health Organization's policy processes for ensuring drug and vaccine safety and recommending their use. Part IV of the course will explore the legal, regulatory and policy issues that arise in the delivery and use of global health technologies, particularly supply chain contracting, drug resistance, and post-market surveillance in low- and middle-income countries.
LAW 915 v00 Law, Healthy Lifestyles, and Business Regulation
(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %20915%20v00)
LL.M Seminar (cross-listed) | 1 credit hour
This course is about legal responses to tobacco use, obesity, poor diet, harmful use of alcohol and sedentary lifestyle – the leading causes of preventable disease in the United States, in high-income countries generally, and increasingly, in developing economies. Cancer, heart disease, stroke, diabetes and tobacco-related diseases (known as “non-communicable diseases” or NCDs) are society’s greatest killers, but what can law do – and what should it do – to prevent and manage them?

Unlike other global health threats, NCDs and their risk factors are partly caused by patterns of consumer choices and transactions lived out every day across the country. The challenge of creating healthier lifestyles cannot be separated, then, from the regulation of those businesses that all too frequently have a vested interest in unhealthy lifestyles.

Law’s relationship with tobacco, alcohol and food is complex and contested. Nevertheless, governments around the world are experimenting with a wide range of legal strategies to encourage healthier lifestyles. This course places U.S. developments in a global and comparative context, offering comparisons with legal strategies for encouraging healthier lifestyles in Australia and other countries.

During the course, we will confront some important over-arching questions. What are the global determinants of NCDs, and how are these diseases being managed, globally? What do the global solutions look like? To what extent should law intervene to influence the behavior of populations – as distinct from treating lifestyle-related risk factors matters for personal responsibility? Does a regulatory approach to the prevention of NCDs imply coercion? Does it signal the emergence of a “nanny state”? Does progress necessarily depend on motivating people to consciously improve their habits and lifestyles? Is it possible to regulate business without micro-managing or dictating commercial decisions and “legislating the recipe for tomato ketchup”?

Most people want to live longer and healthier lives. Yet no country can achieve this without addressing the preventable risk factors that drive non-communicable diseases. This course gives students the conceptual tools to think powerfully about law’s role in the prevention of NCDs, and to participate effectively in debates about appropriate, workable, legal interventions

Note: WEEK ONE COURSE. This course will meet for one week only on the following days: Monday, January 11, 2021 through Thursday, January 14, 2021, 9:00 a.m. - 12:20 p.m.

This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students. ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course.

LAW 3047 v00 LGBTQ Health Law and Policy
(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %203047%20v00)
LL.M Seminar (cross-listed) | 2 credit hours
Despite significant progress in legal protections for (and the visibility of) LGBTQ and non-binary people over the past decade, LGBTQ communities continue to face systemic obstacles to quality health care such as refusals of care, substandard care, and inequitable policies and practices in many health care settings. These experiences of discrimination correlate with significant health disparities, including greater exposure to sexual and gendered violence, higher rates of tobacco and other substance use, mental health concerns, HIV acquisition, and cancer.

These disparities are even more pronounced for LGBTQ people who are also members of other groups that face discrimination because of race, ethnicity, or other aspects of identity—such as people of color, young and older people, people with disabilities, low-income people, and immigrants, among others.

In this seminar, students will learn about LGBTQ health law and policy issues from a variety of perspectives—including medicine, public health, women’s studies, and U.S. foreign policy—and gain a better understanding of the social mistreatment and ostracism of LGBTQ people at both the individual and community level. Topics covered will include LGBTQ-inclusive data collection, clinical and cultural competency, reproductive justice, international human rights law, and health issues facing LGBTQ youth and elders. This course will also examine the ways in which LGBTQ individuals and families are treated under federal, state, and international law and how these policies impact access to health care and contribute to health disparities.

LAW 275 v01 Medical Judgment, Morals, and Law Seminar
(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %20275%20v01)
J.D. Seminar (cross-listed) | 3 credit hours
“Into each house I go,” the Hippocratic Oath promises, “I shall go only for the good of my patients.” We think of doctors as devoted to their patients’ well-being, but they increasingly serve social and legal purposes. To control medical costs, physicians ration care, often unbeknownst to their patients. To protect us from foreign enemies, doctors wage war, designing and overseeing the interrogation of terror suspects. When threats to public health loom, physicians make clinical decisions that protect society at their patients’ expense. In our criminal and civil justice systems, medical judgment answers moral and legal questions about the scope of personal responsibility, the reach of civil rights law, and more. And in our politics, medical opinion both masks and imposes moral and cultural beliefs. This Seminar will explore medicine’s myriad social and legal roles, with an eye toward conflict between these roles and physicians’ traditional commitment to their patients’ interests.
Medical-Legal Partnership (MLP) is a health care delivery model that recognizes that some barriers to good health have legal remedies. In an MLP, doctors and other healthcare professionals work with lawyers to improve the health and lives of vulnerable populations in a way that neither medicine nor law can alone. Thus, for example, the child with asthma who lives in substandard housing may respond more effectively to treatment if her pediatrician and lawyer work together to force her landlord to address the mold, rodent, and roach issues that exacerbate her condition. Beyond direct legal services, MLPs also build institutional capacity to address unmet legal needs and advocate for changes to laws, regulations, practices and policies that impact health.

Using readings, discussion, guest lecturers, community-based work in D.C., and case simulations, we will explore:

- social determinants of health and health disparities, as well as the connections between poverty, health, and law.
- barriers to health faced by specific types of populations/disease groups and how law can reduce those barriers.
- how interdisciplinary collaboration can help lawyers more effectively address legal issues that affect health.

As part of this class you will be involved in projects designed to support the establishment of an MLP at Georgetown. The latter part of the semester will also include joint classes with first-year Georgetown medical students enrolled in a medical school "selective" on MLP. Travel to main campus for those classes will be provided, timing and details will be arranged at the start of the semester. Students will be evaluated based on the quality of their class participation, several short written assignments, and their MLP project. There is no end-of-semester exam.

**Required Text**

TBA
Proper nutrition is one of the many contributors to overall health and could be one of the most cost-effective approaches to address many of societal, environmental and economic challenges facing the world today. Increasingly, law and policy has been recognized as a high-impact and robust approach for accelerating progress toward reducing and managing nutrition-related chronic diseases such as obesity, cardiovascular disease, type 2 diabetes mellitus and certain types of cancer. In various jurisdictions, policymakers enact courses of action, regulatory measures, laws and policies, and set funding priorities designed to address food insecurity, hunger, obesity prevention, chronic diseases, among other health and well-being concerns. This course focuses on policies, programs and practices across the globe—at the national, tribal, state and local levels—that improve or hinder healthy eating. Students will examine the evidence informing these courses of action, along with the historical and contemporary legislative, regulatory and judicial aspects. Topics and themes include dietary guidance, food and nutrition assistance programs, food and nutrition labeling, and other environmental and policy strategies to improve access to healthier foods and beverages.

Student Learning Goals:

- Identify key law and policy approaches used across the globe that have been used or have the potential to improve or hinder healthy eating;
- Discuss and debate the historical and contemporary legislative, regulatory and judicial aspects of the key nutrition law and policy approaches during collaborative in-class exercises; and
- Execute analytical and strategic planning for developing, implementing, evaluating, and sustaining a nutrition law and policy approach during in-class exercises and as part of the mid-term and final projects.

Recommended: Constitutional Law, Property, Contracts, Torts, as well as Food and Drug Law, Introduction to Health Law, and Land Use and Planning.

In a project-based practicum course, students participate in a weekly seminar and work on a project under the supervision of their professors. This project-based practicum course will give students the opportunity to work with Georgetown Law’s O’Neill Institute (http://www.law.georgetown.edu/onellinstitute/index.cfm) and its civil society partners to use international human rights law to advocate for positive health outcomes. Students will participate in a two hour/week seminar and carry out 10 hours/week of project work under the direction of the course professors.

SEMINAR: In the seminar, students will explore the connections between global health and human rights. We begin by examining the emergence of health and human rights as a distinct field. Following this, we will carefully consider the meaning of the international right to health, stressing the material differences between civil and political rights, on the one hand, and economic, social, and cultural rights on the other. After exploring a series of foundational themes and issues through the first half of the semester, the remainder of the class will focus on in-depth case studies (e.g., HIV/AIDS, mental health, access to essential medicines, reproductive rights). While we will use the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights as the dominant legal instruments in our analyses, our discussions will also reference other international instruments, as well as a variety of national cases, constitutions and legislation. Class time will be devoted to developing practical advocacy and drafting skills to support students in their project work. Students will also learn how to use epidemiological data to support and craft compelling arguments for advancing the right to health.

PROJECT WORK: Students will work with external partners of Georgetown Law’s O’Neill Institute on legal and policy projects related to health and human rights. For example, students may draft alternative reports to UN bodies analyzing compliance with human rights obligations related to tobacco control (e.g., “shadow reports”). A report such as this could analyze the prevailing legal frameworks for ensuring universal access to maternal health services in a particular country and highlight any weaknesses in the statutory and regulatory language. A report such as this would also suggest recommendations for the UN body to consider. By working with the O’Neill Institute, Inter-Governmental Organizations (e.g., PAHO), and civil society organizations, the course will give students the opportunity to use international human rights law to advocate for legal mechanisms to address critical health challenges.

Prerequisite: J.D. students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

Mutually Excluded Courses: Students may not concurrently enroll in this practicum course and a clinic or another practicum course. Students may concurrently enroll in this practicum course and an externship.

Note: This practicum course is open to LL.M. students, space permitting. Interested LL.M. students should email Louis Fine (fine@law.georgetown.edu) to request admission.

Evening students who work during the day are encouraged to reach out to the professor to discuss whether this practicum course would be compatible with their schedules.

This is a four-credit course. Two credits will be awarded for the two-hour weekly seminar and two credits will be awarded for approximately 10 hours of supervised project work per week, for a minimum of 11 weeks. Both the seminar and the project work will be graded.

Prerequisite: J.D. students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

Mutually Excluded Courses: Students may not concurrently enroll in this practicum course and a clinic or another practicum course. Students may concurrently enroll in this practicum course and an externship.

Note: This practicum course is open to LL.M. students, space permitting. Interested LL.M. students should email Louis Fine (fine@law.georgetown.edu) to request admission.

Evening students who work during the day are encouraged to reach out to the professor to discuss whether this practicum course would be compatible with their schedules.

This is a four-credit course. Two credits will be awarded for the two-hour weekly seminar and two credits will be awarded for approximately 10 hours of supervised project work per week, for a minimum of 11 weeks. Both the seminar and the project work will be graded.
LAW 1209 v02 O'Neill Institute Practicum: Regulating Alcohol, Tobacco & Food in International and Comparative Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201209%20v02) (Project-Based Practicum)
J.D. Practicum | 4 credit hours

In a project-based practicum course, students participate in a weekly seminar and work on a project under the supervision of their professors. This course explores the challenges and opportunities of using law to address risk factors that contribute to the rising prevalence of NCDs, such as unhealthy diets, tobacco use, and alcohol consumption. By taking an international and comparative approach, it navigates the theory behind the regulation of risk factors to NCDs in relation to concrete examples from around the world, with a particular emphasis on Latin America, where considerable progress has happened in recent years. Students will participate in a two-hour/week seminar and carry out 10 hours/week of project work under the direction of the course professors.

SEMINAR: In every class, students will learn substantive content and develop lawyering skills, leading to a comprehensive understanding of the role of law in relation to risk factors to NCDs, including in policy, advocacy, and litigation. Specifically, students will be introduced to NCDs (definition, risk factors, and global burden); understand the role of corporations as drivers of NCDs; learn about regulations to address NCDs, such as pricing and taxation, labelling and packaging, and restrictions to marketing and advertising; and explore the strengths and weaknesses of regulatory, advocacy, and litigation approaches to NCDs. In navigating these topics, students will develop a set of lawyering skills, including generating and using evidence, monitoring policy, building coalitions, conducting scenario-planning, engaging decision-makers, segmenting audiences, and framing arguments.

PROJECT WORK: On the experiential/field-work side, students will work with external partners of the O'Neill Institute for National and Global Health Law (and the newly created Global Center for Legal Innovation Food Environments) on legal and policy projects related to NCDs and the law. For example, students may draft alternative reports to UN bodies analyzing compliance with human rights obligations related to unhealthy diets, tobacco use, or alcohol consumption (e.g., “shadow reports”). Such a report could analyze the prevailing legal frameworks in a particular country and highlight strengths and weaknesses in the statutory and regulatory language. By working with the O'Neill Institute and civil society organizations, the course gives students the opportunity to use law to address critical health challenges.

Prerequisite: J.D. students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

Mutually Excluded Courses: Students may not concurrently enroll in this practicum course and a clinic or another practicum course. Students may concurrently enroll in this practicum course and an externship.

Note: This practicum course is open to LL.M. students, space permitting. Interested LL.M. students should email the Office of the Registrar (lawreg@georgetown.edu) to request admission.

Evening students who work during the day are encouraged to reach out to the professor to discuss whether this practicum course would be compatible with their schedules. This is a four-credit course. Two credits will be awarded for the two-hour weekly seminar and two credits will be awarded for approximately 10 hours of supervised project work per week, for a minimum of 11 weeks. Both the seminar and the project work will be graded. Students who enroll in this course will be automatically enrolled in both the seminar and project components and may not take either component separately. After Add/Drop, a student who wishes to withdraw from a practicum course must obtain permission from
LAW 508 v02 Policy Clinic (Harrison Institute for Public Law) (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20508%20v02)

J.D. Clinic | 8 or 14 credit hours
Please see the Policy Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/the-policy-clinic-climate-health-food-human-rights-and-trade-harrison-institute) for more detailed information about the program.


Learning outcomes for this clinic: Students are supervised, evaluated and graded on three skill sets, each of which has explicit evaluation criteria in the clinical program design (https://www.law.georgetown.edu/experiential-learning/clinics/the-policy-clinic-climate-health-food-human-rights-and-trade-harrison-institute).

1. **Management and professionalism** — includes “managing up” with supervision meetings, initiating self-evaluation, managing effort and deadlines, collaborating, and expectations in a professional culture.

2. **Research and analysis** — covers legal, policy and strategic analysis. It includes identifying issues that require analysis, learning the context efficiently, using diverse sources to learn efficiently and avoid bias, explaining analytic methods, using a logical framework, and drawing conclusions or options that meet client needs.

3. **Communication, writing and speaking** — includes organizing documents and presentations logically, meeting audience needs for context in the introduction and for decision-making in the conclusion, relating analysis through stories and examples, presenting visual information, and using appropriate language in terms of editing conventions, clarity, tone, and jargon.

**Recommended:** Legislation and Administrative Law. Also, for climate projects: Local Government Law; and for trade or human rights projects: International Law I, International Trade (various titles), World Trade Organization: Law, Policy and Dispute Settlement, and International Human Rights.

**Mutually Excluded Courses:** Students may not concurrently enroll in this clinic and an externship or a practicum course.

LAW 1288 v00 Politics of Litigation and Litigation of Politics (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201288%20v00)

J.D. Seminar (cross-listed) | 2 credit hours
Many of the most important and intense political disputes in American history have come before the federal courts. From the controversy about the midnight judges reflected in *Marbury v. Madison*, to the conflict about slavery at the core of *Dred Scott*, to the rise of interest group litigation by civil rights, religious, environmental, and other organizations, those opposed to prevailing laws and policies have taken their grievances to court. In recent years, a new breed of political litigation has proliferated. Increasingly, the losers in legislative and electoral battles have leapt immediately into the judicial arena, challenging the constitutionality of the laws enacted over their objection or the way elections are run. Increasingly, politicians and the entities they control have deployed litigation as another tool in the partisan arsenal. And increasingly, federal courts have become the arbiters of political disputes between the other two branches of the Federal Government, and between the Federal Government and the States, and between political candidates.

This course will use the legal challenges to the Affordable Care Act as an initial case study of how political disputes play out in litigation, from the trial courts to the Supreme Court. We will follow the pattern of political litigation into the Trump and Biden Administrations, and assess the lessons from the partisan shift in the litigation. We will consider how and why partisan disputes generate litigation and discuss the issues this litigation raises regarding the appropriate role of courts in our democratic system. In large part, the perspective will be practical, as we explore the legal, strategic, and tactical choices advocates make in bringing high profile political cases, in framing the legal issues, in harnessing the rules of procedure, and in managing the political features of the case — both offensively and defensively, and both inside and outside the courtroom. We will discuss the hurdles litigants face in seeking to strike down federal laws, the particular challenges of representing the U.S. Government in defending those laws, and the conflicting pressures that bedevil advocates on both sides of the cases. In some of our sessions, students may be asked to strategize or to argue from the perspective of the plaintiffs or the defendant in the cases.

**Prerequisite:** Constitutional Law I: The Federal System (or Democracy and Coercion).

**Recommended:** Prior or concurrent enrollment in Federal Courts and the Federal System.
LAW 3131 v00 Preventing, Detecting and Responding to Global Health: The International Health Regulations and the U.S. Government Interagency Process

The World Health Organization's International Health Regulations (IHRs) provided a basis for the design of the Global Health Security Agenda. This course will provide students with a general understanding of the way in which the IHRs helped shape the Global Health Security Agenda, and the engagement of the various U.S. Departments and Agencies in the GHSA. It will include those agencies with a clear global health mission, such as the Center for Disease Control and Health and Human Services, as well as other Departments whose work in global health are not as evident, such as the Department of Defense, Department of State, and the Federal Bureau of Investigation. We will examine why issues of global health are a national security issue. The course will also include a simulation where students will have an opportunity to better understand the different roles of the various U.S. Departments, Agencies, as well as the role of the non-governmental sector.

LAW 995 v00 Public Health and International Investment Law

The objective of this 1 credit course is to introduce students to the relationship between international laws governing foreign investment and efforts to protect and promote human health. The course will examine the extent to which bilateral investment treaties (BITs) and investment chapters in trade agreements limit domestic regulatory autonomy in the field of public health. International investment law is comprised of over 2500 BITs, which govern the acceptance and treatment of foreign investment. BITs impose various rules limiting the freedom of domestic policy-makers, including rules governing national treatment, most-favoured-nation treatment (principles of non-discrimination), so-called fair and equitable treatment and expropriation of property rights. These rules are increasingly being used by foreign investors, including transnational corporations, to challenge domestic regulations such as public health measures. For example, a major tobacco company recently filed arbitration claims challenging tobacco packaging regulations introduced by health authorities in Australia and Uruguay.

The course will address:

1. the theoretical perspectives underlying the international law of investment and the concept of police powers (particularly the power to protect health);
2. the different types of legal tests used to determine the regulatory legitimacy of a measure as well as the impact of varying standards of proof on analysis of this type;
3. rules governing expropriation of property rights and the circumstances in which health and environmental health measures might be considered equivalent to expropriation;
4. rules governing fair and equitable treatment as used in determining the legitimacy of domestic regulatory measures;
5. rules governing non-discrimination and their potential impact on domestic health measures that are non-discriminatory in form;
6. rules governing arbitrary or discriminatory measures; and
7. procedural issues relating to the participation of civil society in the negotiation of investment treaties and the settlement of investment disputes.

Prerequisite: Familiarity with international law or global health law is desirable, but not required.

Note: ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal.

Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. The take-home exam in this course may be administered mid-semester and the specific exam date will be provided by the professor after the add/drop period.
LAW 364 v05 Public Health Law and Ethics

J.D. Course (cross-listed) | 3 credit hours
This course is intended to provoke thought and legal and ethical debate over pressing public policy issues surrounding the major health problems facing America and globally—e.g., infectious diseases, smoking, obesity, violence, injuries, and the environment. First, the course will examine the Constitutional and historical foundations of public health law in the United States. This section will discuss the Constitutional and statutory powers and duties of government to ensure the health and safety of the population. Second, the course will examine the conflicts between public health and civil liberties. For example, the course will probe conflicts between: (1) injury and disease surveillance and privacy; (2) labeling and advertising restrictions and freedom of expression; (3) personal control measures (e.g., screening, forced medical treatment and quarantine) and liberty; (4) commercial public health regulation and property rights. Finally, the course will examine the future of public health law. This “Future” includes a careful analysis of biosecurity—both naturally occurring (e.g., Ebola, pandemic influenza, Zika Virus) and intentional (e.g., bioterrorism such as smallpox and the anthrax attacks after September 11, 2001). This course should be important for all students considering careers in health law as well as those simply interested in exploring and debating the state of public health in America. It is a particularly unique opportunity for students given the expertise of Georgetown Law’s own O’Neill Institute for National and Global Health Law.

LAW 364 v06 Public Health Law and Ethics

J.D. Course (cross-listed) | 3 credit hours
This course explores the interwoven dynamics of legal and ethical aspects of public health issues in the United States and abroad, including infectious diseases, tobacco use, obesity, and the environment, among others. This course will be valuable for students interested in global health law, as well as students looking to broaden and deepen their expertise in preparation for a career in health law more generally.

This course will proceed in three movements. First, it will consider the conceptual foundations of public health law in the United States through the lens of governance, ethics, and human rights, affording particular attention to the statutory and regulatory powers and duties of federal and state governmental entities to protect the health and safety of the population. Second, it will examine the sources of tension between the objectives of public health and civil liberties including, among others: labeling and advertising restrictions and free speech; disease surveillance and privacy; and considerations in personal versus population-based conceptions of health. Lastly, this course will conclude by considering emerging public health issues at the intersection of law and ethics, such as biosecurity, vaccine policy, and the role for public health in broader discussions around health care reform in the United States.

LAW 3067 v00 Public-Private Partnerships: Law and Governance

LL.M Course (cross-listed) | 2 credit hours
Public-Private Partnerships (PPPs) are a modern means for pursuing social and policy outcomes and have recently served as a key vehicle for addressing the COVID-19 pandemic. When they work, they mobilize the comparative advantages of the public and private spheres to address key challenges. When they fail, critics cite their worst aspects and argue for a retreat into more traditional roles. Their prevalence means that everyone is likely to come across, and be affected by, such a partnership at some point in their careers.

Serving as a lawyer to a PPP provides an exceptional challenge because the tools and strategies that work when counseling in the public sector may be strange or ill fit for purpose in the private sector (and vice versa). Effective PPP lawyers are translators and guides: they ‘speak both languages’ thus positioning themselves to propose innovative, non-obvious solutions and can build trust with, and among, partners and stakeholders. Bridging theory and practice, students will have the opportunity to understand why PPPs have emerged and the theoretical basis under which they operate. They will also receive practical tools and knowledge to allow them to work with or within a PPP and discuss and debate sophisticatedly how they should be managed and governed.

To do this, the course uses a mix of lecture, discussion, video, and experiential learning. It will start by examining and contrasting the key organizational, legal, and governance components of public-sector institutions and corporate entities. Students will then analyze several kinds of PPPs including global health partnerships, innovative finance institutions, and biomedical research consortia. In particular, they will examine applicable international, corporation, and regulatory law and seek to understand the choices these partnerships make in applying a particular mix of public-sector and corporate norms. We will seek to understand the high profile COVID-19 PPPs such as COVAX, Accelerating COVID-19 Therapeutic Interventions and Vaccines (ACTIV) partnership, and Operation Warp Speed. A key feature is a simulation that provides students the opportunity to experience the formation of a PPP using the tools they develop during the semester.
LAW 1071 v00 Reproductive Health and International Human Rights Law
(Project-Based Practicum)  J.D. Practicum | 4 credit hours
In a project-based practicum course, students participate in a weekly seminar and work on a project under the supervision of their professor. This project-based practicum course will focus on the interaction between international human rights law and reproductive health and rights. Students will participate in a two-hour/week seminar and carry out 10 hours/week of project work under the direction of the course professor.

SEMINAR: The seminar will begin by providing an overview of international human rights law as it pertains to reproductive rights. The course will then focus on access to reproductive health from an international perspective, examining States’ obligations on a variety of issues, such as maternal mortality and coerced sterilization. Analyzing recent decisions emerging from regional and international human rights bodies, such as the European Court of Human Rights, the Inter-American Commission and Court on Human Rights and the CEDAW Committee (UN Committee on the Convention on the Elimination of All Forms of Discrimination against Women), the seminar component will provide a solid legal foundation for students to develop their experiential/field placement projects.

PROJECT WORK: Students will work with external partners on legal and policy projects related to reproductive health. Some of the projects may include drafting amicus briefs for cases currently pending before international bodies, and drafting briefs assessing a particular State’s compliance with human rights law regarding sexual and reproductive rights to be filed in front of UN bodies (shadow reports). Through these projects, students will learn how to conduct an analysis of existing legal and regulatory frameworks for sexual and reproductive health from a human rights perspective. Students will also learn how to use epidemiological data to support and craft compelling human rights law arguments for advancing public policy on, for example, maternal mortality and sexual violence prevention and eradication. By working with external civil society organizations, the course will give students the opportunity to develop practical projects using international human rights law to advocate for the advancement of reproductive health rights. In the past, external partners have included organizations working on women’s rights issues, such as: the Center for Reproductive Rights, Women’s Link Worldwide, Human Rights Watch (Women’s Rights Division), IPAS, and Southern Africa Litigation Centre, among others.

Prerequisite: J.D. students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

Mutually Excluded Courses: Students may not concurrently enroll in this practicum course and a clinic or another practicum course. Students may concurrently enroll in this practicum course and an externship.

Note: This practicum course is open to LL.M. students, space permitting. Interested LL.M. students should email the Office of the Registrar (lawreg@georgetown.edu) to request admission.

Evening students who work during the day are encouraged to reach out to the professor to discuss whether this practicum course would be compatible with their schedules. This is a four credit course. Two credits will be awarded for the two-hour weekly seminar and two credits will be awarded for approximately 10 hours of supervised project work per week, for a minimum of 11 weeks. Both the seminar and the project work will be graded. Students who enroll in this course will be automatically enrolled in both the seminar and project components and may not take either component separately. After Add/Drop, a student who wishes to withdraw from the practicum course must obtain permission from the faculty member and the Assistant Dean for Experiential Education.

LAW 1445 v00 Reproductive Justice Seminar
(J.D. Seminar | 2-3 credit hours)
Reproductive Justice is a concept developed by Black Women activists in the 1990s to provide a different framework to explore how systemic oppression impacts reproductive decision-making. Acknowledging that abortion and contraception were often not the primary reproductive concerns of many marginalized women, including women of color, young women, women with disabilities, undocumented women, and queer women, activists adopted a framework that considers the contexts in which reproductive decisions are made. This approach centers social, racial and economic justice, and focuses as much on the rights to have and raise children as it does on the right to not have them thorough access to safe and legal abortion care and contraceptive access.

This course will focus on the rights to not have a child, to have a child, and to raise a child. While abortion will be discussed in several of the units in which it is relevant, due to the truncated semester, the course will not focus on abortion or contraception. Students may, however, focus their writing requirement on abortion or contraception. The course will take an interdisciplinary approach to the issues, incorporating various bodies of law (family law, welfare policy, criminal law) along with an historical analysis, social science, and current events.

Note: NOTE FOR THE SUMMER 2021 SECTION: This professor has committed to teaching this course from the classroom on campus. Students may participate in-person or remotely.

J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. This course will be enrolled via waitlist.

LAW 3090 v00 Reproductive Rights
(LL.M Course (cross-listed) | 2 credit hours
This course will explore the history and law of reproductive rights in the United States. The majority of the semester will be spent analyzing the constitutional framework, jurisprudence and federal and state regulations governing forced sterilization, contraception and abortion from the 1920s until today. We will consider the historical, social and religious context of the regulation of reproduction; gender, race and socioeconomic class issues; and the practical impact of the regulations in effect today. This course is primarily focused on reproductive rights in the United States, but we may consider comparative international perspectives.

Please note that this course will not cover regulation of parenting, adoption, foster care, assisted reproductive technologies or related reproductive health topics, or reproductive justice in any meaningful detail.

All students are expected to read the assignments, attend class, and prepare for active discussion every week. Depending on course enrollment, I may assign small groups of students to assist me in leading each week’s discussion of the assigned materials. Short oral presentations on current events or topics of particular interest will likely be assigned during the second half of the semester.

Grading: Class participation, including oral presentations, and/or short reaction papers will represent at least 35% of the final grade. A take-home exam will account for the remaining 65%.

Recommended: Constitutional Law I
LAW 837 v00 Research with Human Subjects: Law, Policy & Ethics
(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20837%20v00)
LL.M Seminar (cross-listed) | 3 credit hours
This course provides an opportunity to explore issues related to the use of humans as research subjects. The course will begin by examining the history of human subject research, including the abuses that led to the creation of our modern legal protections. Following a discussion of the ethical principles of research involving humans, we will carefully explore the legal treatment of human subjects, focusing on US regulations and international instruments. Core sources will include: the Common Rule (45 CFR 46), Belmont Report, Declaration of Helsinki, Nuremberg Code, and CIOMS. After exploring a series of foundational themes and issues through the first half of the semester, the remainder of the class will focus on in-depth case studies. Topics may include: international research, research involving vulnerable populations (children, prisoners, and pregnant women), informed consent, research on subjects with impaired decision-making abilities, genetic/genomic research, risk-benefit analysis, coercion/undue inducement, use of placebos, and IRB governance.

This seminar provides opportunities for participants to engage in a research and writing project related to humans as research subjects. Participants will conduct independent research and scholarly writing on important topics at the intersection of law, policy and ethics.

Note: This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement for JD students. The paper requirements of the 2 credit section will not fulfill the Upperclass Legal Writing Requirement for JD students.

LAW 395 v03 Sexual Orientation and the Law: Selected Topics in Civil Rights
(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20395%20v03)
J.D. Course | 3 credit hours
This survey course explores a wide range of legal issues relating to sexual orientation and gender identity. The issues we will address cut across numerous areas of legal doctrine, including criminal law, employment, family law, equal protection, privacy, and First Amendment law. The course considers how the legal system regulates and affects various aspects of the lives of lesbians, gay men, bisexuals, and transgendered individuals; we will address workplace issues, family relationships (including marriage, partnerships and parenting), and the interplay between law, politics, and policy as it relates to sexual orientation. The course will meld both legal theory and practical considerations, and therefore will draw on the experiences of several practitioners as course participants currently involved in shaping various aspects of LGBT law and policy.

Strongly Recommended: Prior or concurrent enrollment in Constitutional Law II: Individual Rights and Liberties.

Mutually Excluded Courses: Students may not receive credit for both this course and Sexuality, Gender and the Law Seminar or the course, Gender and Sexuality: Law and Theory.

LAW 3017 v00 Survey of Employee Benefits Law
(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203017%20v00)
LL.M Course (cross-listed) | 2 credit hours
This course provides a general overview of the federal labor and tax law policies and principles that apply to employment-based retirement plans, health care plans, and executive compensation arrangements. Students will examine the principles of the Internal Revenue Code and ERISA that govern the form and operation of employer-sponsored plans, especially tax-qualified pension plans, executive compensation arrangements and welfare plans (with a focus on health care). This class will concentrate on the structure and basic rules that govern such arrangements. In the context of tax-qualified and nonqualified plans and health and welfare programs, this course will explore plan administration, fiduciary duties, claims appeals and litigation.

Prerequisite: Federal Income Taxation (formerly Taxation I).


Note: Students enrolled in the Employee Benefits Certificate Program may not register for this course.

LAW 2080 v00 The Affordable Care Act: Law and Policy Governing Private Health Insurance
(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%202080%20v00)
LL.M Course (cross-listed) | 3 credit hours
The Patient Protection and Affordable Care Act has significantly impacted the healthcare system. Through changes to the regulation of private health insurance, federal subsidies for low-income people, individual and employer mandates, and expansion of the Medicaid program, millions of Americans have gained health insurance. Yet, implementation of the law’s most significant reforms has been challenging, and its provisions have been subject to extensive litigation and continued threats of repeal.

This course will examine the regulation of private health insurance with an emphasis on the issues that the Affordable Care Act was designed to address. The course will explore regulatory changes such as new market reforms and health insurance marketplaces; the impact of federal and state approaches to implementation; and legal and regulatory challenges. Guest lectures by speakers—including insurance industry representatives, legal experts, and regulators—will provide students with an in-depth understanding of how the Affordable Care Act has been implemented and what it means for millions of consumers across the country.

The primary objective of the course is to teach students about the regulation of private health insurance at the federal and state level, with the rare opportunity to witness real-time changes to this complex system.

Through this course, students will gain practical experience in identifying and analyzing federal and state laws, regulations, and administrative materials. Students will also gain a broader understanding of administrative law and how it has affected Affordable Care Act implementation. By the end of the course, students will be able to describe how private health insurance is regulated at the federal and state level, the major reforms ushered in by the Affordable Care Act, federal and state implementation, and likely areas of changes to the law given real-time debates.
LAW 3083 v00 The First 1000 Days: Global Health Law & Policy from Gestation to Age Two (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203083%20v00)
LL.M Seminar (cross-listed) | 2-3 credit hours
The first 1,000 days between a woman's pregnancy and her child's second birthday significantly impacts a child's ability to grow, learn, and thrive and affects a country's health and prosperity. This course approaches this period with a Reproductive Justice (RJ) lens, emphasizing social supports, financial assistance, and other tools that advance the right to have and raise children. Both in the US and throughout the world, factors such as race, language, income, education, ability, gender identity, and sexual orientation all impact one's ability to carry a healthy pregnancy to term, and the opportunities babies have to grow and thrive.

Increasingly, law and policy has been recognized as a high-impact and robust approach for accelerating progress in supporting women who are pregnant and lactating, along with infants through their first 24 months. In various jurisdictions, policymakers enact courses of action, regulatory measures, laws, and policies, and set funding priorities with direct or indirect effects on providing the essential building blocks for families during the 1,000-day window of opportunity. This course focuses on policies, programs, and practices across the globe—at the national, tribal, state, and local levels—that improve or hinder a mother and child's health and well-being. Students will examine the evidence informing these courses of action, along with the historical and contemporary legislative, regulatory, and judicial aspects. This course applies the RJ framework to an area that has primarily been viewed as one of public health. In doing so, students will build a deeper understanding of the social factors and inequities that impede public health initiatives and widen health disparities. Topics and themes include preconception care, infertility, assisted reproductive technology, maternal and infant mortality disparities, newborn screening, immunizations, maternity and paternity leave policies, breastfeeding relevant policies and practices, dietary and physical activity guidance, social assistance programs, food and nutrition labeling, childcare supports, and other environmental and policy strategies to support maternal and child health.

Note: J.D. students must register for the three-credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement for J.D. students. The special requirements of the two-credit section will not fulfill the Upperclass Legal Writing Requirement for J.D. students.

LAW 3085 v00 The Nuremberg Trials, the Doctors Trials (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203085%20v00)
LL.M Seminar (cross-listed) | 2 credit hours
The Doctors Trial considered the fate of twenty-three German physicians who either participated in the Nazi program to euthanize persons deemed "unworthy of life" (the mentally ill, mentally retarded, or physically disabled) or who conducted experiments on concentration camp prisoners without consent. The Doctors Trial lasted 140 days. Eighty-five witnesses testified and almost 1,500 documents were introduced. Sixteen of the doctors charged were found guilty. Seven were executed.

The Doctors Trial provides a significant and important example of human rights violations and serves as a lesson in law and bioethics vital to understanding how law evolved from an initial eugenics policy to and including the horrible examples that framed human atrocities during WW II.

This course will highlight examples from Jeanne Guillemin's "Hidden Atrocities, Japanese Germ Warfare and American Obstruction of Justice at the Tokyo Trial", JoelDimsdale's "Anatomy of Malice" examining the psychological assessments necessary for the trials, and Vivien Spitz's "Doctors from Hell", delving deep into the actual court transcripts from the proceedings. Ben Ferenz's work, one of the actual prosecutors at the trials, will also be included as insight into this tragic period.
LAW 869 v00 The Role of WHO in Global Health Law and Governance (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW\%20869\%20v00)  
LL.M Course (cross-listed) | 1 credit hour  
WHO is the sole global health organization and, as such, has been traditionally considered the lead actor in this domain at the center and the forefront of technical, policy and normative developments in global health governance. Its Constitution and institutional structure represent both the embodiment of a new way of thinking about global health and its governance at the time of creation of the UN system as well as the outcome of political compromises that have affected the life of the organization and its positioning in the global health landscape. The historical development of WHO's functions and activities are also an emblematic reflection of the changing role of health in the global economic, political and development agendas and, as such, can shed light on broader issue of international law and relations. WHO's role and significance as the central actor in global health governance has been the object of contestation and much critical reflection starting in the 1990s and culminating with the organization's role in responding to the Ebola crisis. At the same time, global health governance has become more complex, fragmented and politicized and the future role of WHO has to be seen in the context of those developments and the search for a coherent global health architecture.

The course will focus on four broad areas covering the most important aspects of WHO as an international organization, an actor in global health governance, and a forum for policy and legal developments: 1) Historical, constitutional and institutional aspects; 2) normative functions and the role of WHO in the development of international law; 3) directing and coordinating functions, both in terms of how to address the most important health challenges as well as with regard to WHO's interaction with a number of political and economic regimes; 4) the position of WHO in the current global health landscape, both with regard to the role of other actors as well as to how the organization should look to its own future. The course will allow students to gain not only an in-depth knowledge and appreciation of WHO from an institutional and structural perspective, but also most importantly to appreciate the main contemporary challenges in global health as well as the role of health in a number of critical policy and normative regimes. The approach of the course will be based on lecturing, class discussions and at least one class exercise. Prof. Burci's former tenure as the Legal Counsel of WHO and a long-term senior lawyer in the organization will allow him to contribute real-life examples and experiences that will better root the course in the realities of the life of an international organization.

Note: ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal.

Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course.

LAW 611 v04 World Health Assembly Simulation: Negotiation Regarding Climate Change Impacts on Health (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW\%20611\%20v04)  
J.D. Seminar | 1 credit hour  
This Week One simulation will introduce students to the science and impacts of climate change, including effects on health such as heat stress, vector-borne disease, and food security. It will provide students an opportunity to develop positions, advocate, conduct a simulated negotiation, and receive feedback to improve skills. The negotiations will take place as part of the World Health Organization's World Health Assembly. Students will represent countries and important civil society institutions in negotiating and crafting an international agreement pertaining to climate change and global health. They will have the opportunity to conduct research for their assigned country or organization, interview experts, develop strategy, negotiate, receive and incorporate feedback, and draft resolutions, treaties, or other legislative language. Our approach will allow students to go through not merely an academic negotiation exercise but to develop language that might be useful in the real-world context of the World Health Assembly.

Note: This course is mandatory pass/fail, and does NOT count against the 7-credit pass/fail limit for J.D. students.

This optional, elective course is for first-year J.D. students only, who will enroll via the Live Registration process. ATTENDANCE AT ALL CLASS SESSIONS IS MANDATORY. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. For more information see the Week One website (https://www.law.georgetown.edu/experiential-learning/simulations/first-year-week-one-simulations). Due to the intensive nature of the course, the small-group, team, and individual work that is involved, and the preparation that is necessary to ensure a positive student experience, students who wish to drop the course after they have accepted a seat must drop by Monday, November 29, 2021 at 3:00 p.m. After that point, students must receive permission from both the course professor and Assistant Dean for Experiential Education to drop the course. Permission will only be granted when remaining enrolled in the course would cause significant hardship for the student. Students who are enrolled but do not attend the first class session will be withdrawn from the course.

Full-time Faculty  
Maxwell Gregg Bloche  
Lawrence O. Gostin  
Timothy Westmoreland