PUBLIC HEALTH LAW (LAW 668) SYLLABUS

(Fall 2016)

M & W 1:30-2:45pm in Room 164

Prof. Jennifer Brobst (Room 244, jbrobst@siu.edu, 618-453-8702)

COURSE DESCRIPTION AND LEARNING OBJECTIVES: This three credit seminar course will provide students with an understanding of the legal, theoretical, and practical source and implications of public health law. Students will learn to identify the balance of interests between private and public interests in health, safety, and privacy through an in depth analysis of constitutional, regulatory, and other legal frameworks. Major substantive topics will focus primarily on current American local, state and federal concerns, such as zoning, product labeling, vaccination, disaster relief, food security, quarantine, water safety, and access to health care. A smaller focus on international public health policy will familiarize students with the more complex balance of interests between American and other nationals’ health and safety across the globe. Practice areas in public health law will be reviewed to provide students with an understanding of their varied opportunities for employment in this broad and expanding field.

REQUIRED TEXTBOOK: JAMES G. HODGE, JR., PUBLIC HEALTH LAW IN A NUTSHELL (2015, West), ISBN: 978-1634592796, and other materials as assigned in the syllabus and in class


OFFICE HOURS. Walk-in or by appointment.

EMAIL CORRESPONDENCE & TWEN. Students must regularly check and be responsive to email communications with faculty. According to law school rules, students must use their assigned siu.edu email address for law school related business. See http://law.siu.edu/_common/documents/rules-code/email-rule-ay14-15.pdf. Students are expected to regularly check the TWEN course page for syllabus updates and assignments.

CALENDAR & MAKE-UP CLASSES. Classes that meet on Mondays, which ours does, must add a make-up day for Labor Day to ensure adherence to ABA credit hour requirements. For the approved calendar for the fall semester see http://law.siu.edu/_common/documents/calendar/fa16-calendar.pdf. Occasionally I may need to miss a class for an event or conference, in which case I will usually prepare a podcast or take home assignment to make up the class.
GRADED ASSIGNMENTS:

- **Class participation and attendance (10%)**
  - Students may miss up to 2 classes before points will begin to be taken off for attendance
  - For full participation credit, students are expected to contribute to every class discussion, fully prepared, using legal and policy support for their views, not merely personal opinion

- **Field assignment and class presentation (15%)**
  - Students will investigate a community public health matter of choice and observe a live hearing involving active dialogue and debate (e.g., town council hearing, legislative hearing, public health conference, appellate oral argument, webinar with interactive comments), followed by a joint class presentation with visuals

- **Regulatory analysis paper and presentation (25%)**
  - Topic of choice (each student must select a different topic)
  - 8-10 pages, double spaced, footnotes (specific format specs to be provided)
  - A single rewrite will be accepted within one week, with a maximum of a single grade increase on the paper (e.g., B- to A-); if the rewrite would receive a lower grade than the original, the original grade will stand (accounts for 20% of 25%)
  - Short presentation to class providing an overview of the paper (15-20 minutes each, including class discussion) (accounts for 5% of 25%)

- **Final Exam (open book, take home performance test) (50%)**

**FIRST ASSIGNMENT.** Please see the TWEN course page for the first reading assignment for class.

**WORKLOAD PREPARATION EXPECTATIONS.** According to ABA Standard 310(b)(1), a credit hour is an amount of work that reasonably approximates not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time. Our class is a 3-credit class meeting twice a week, which means that you should prepare approximately three hours for each class.

**ATTENDANCE.** As a smaller discussion seminar, our course relies on regular attendance for a vibrant exchange of ideas and the best learning environment. According to the SIU School of Law Rules of Attendance: “Class hours will be calculated on a fifty minute basis. Absent agreement of the instructor, missing all or part of a class counts as missing all of the class minutes for that class.” See [http://law.siu.edu/_common/documents/rules-code/attendance-rules-ay16-17.pdf](http://law.siu.edu/_common/documents/rules-code/attendance-rules-ay16-17.pdf). The maximum number of absences permitted in our course is five (5) 75 minute classes. Students who are substantially unprepared for class may be deemed absent, but you should stay and observe rather than miss class.

**EMERGENCY PROCEDURES.** SIU Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, on www.bert.siu.edu and www.dps.siu.edu, and in the Emergency Response Guideline pamphlet. Know how to respond to each type of emergency. Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting
your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. BERT will provide assistance to your instructor in evacuating the building or sheltering within the facility. Note that most of the School of Law’s BERT are members of the administrative staff, rather than faculty, so please follow and respect their directions in an emergency.

**DISABILITY POLICY.** At SIUC, Disability Support Services (DSS) provides the required academic and programmatic support services to students with permanent and temporary disabilities. To utilize DSS services, please contact DSS (see [http://disabilityservices.siu.edu/](http://disabilityservices.siu.edu/)). Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations. In addition to this official policy, please also feel free to contact me if you have any concerns or if I can help in any way, whether or not you have a formal disability designation.

**SALUKI CARES.** This is the SIUC counseling center, which your tuition dollars pay for, so please do not hesitate to take advantage of these services if you need. The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. Saluki Cares: (618) 453-5714, or siucares@siu.edu, [http://salukicares.siu.edu/index.html](http://salukicares.siu.edu/index.html). At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources (judiray@siu.edu, 618-453-3135). Please also note that Carbondale also offers free support resources in the community if you would prefer not to use campus resources (e.g., Women’s Center [http://www.thewomensctr.org/](http://www.thewomensctr.org/)); Jackson Co. Health Dept. ([http://www.jchdonline.org/](http://www.jchdonline.org/)).

**LAPTOP POLICY.** Laptops are useful tools for outlining and research in class, but only when used wisely. Research consistently shows that the act of handwriting notes fosters better understanding than typing. Also, in the legal profession, attorneys quickly obtain a poor reputation when they are seen to be disengaged in meetings or court, using personal devices for personal matters when they should be working. The same holds true for law students, who should present themselves professionally to their professors as future references and to their peers as future colleagues.

**RECORDING POLICY.** No recording of class is permitted in this course. Powerpoints and handpoints will be posted on TWEN to assist you if you must miss class.

**USEFUL PUBLIC HEALTH LAW WEBSITES:**

- [http://www.aspph.org/educate/research-training-centers/](http://www.aspph.org/educate/research-training-centers/) (careers in public health);
- [www.publichealthlaw.net/reader](http://www.publichealthlaw.net/reader) (a companion website to the Gostin text, with full-text versions of the cases excerpted in the Gostin Reader (not required) along with additional material and links related to public health law); [www.publichealthlaw.net](http://www.publichealthlaw.net) (separate from the Gostin companion site, but useful for general resources and current issues)

- [http://www2.cdc.gov/phlp/index.asp](http://www2.cdc.gov/phlp/index.asp) (CDC’s Public Health Law Program)