

Reviewed Article – Teaching and Learning in Clinic

A CONCENTRATED CERTIFICATE PROGRAM INCORPORATING
EXPERIENTIAL EDUCATION: HELPING STUDENTS PREPARE FOR A
CAREER IN THE DYNAMIC AREA OF HEALTH LAW

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Introduction

As law practice becomes both increasingly more complex and more specialized, law students must choose how to direct their course of study. In the U.S., practice in the area of health law, in particular, requires lawyers to be familiar with a wide range of federal, state, and administrative rules and regulations that affect all aspects of the healthcare industry. Lawyers practicing in this area also must be able to engage in complex processes and procedures to serve the needs of clients. Law students who wish to practice in the area of health law must acquire knowledge, skills, and values that are necessary for them to have an understanding of the legal issues that challenge lawyers and that prepare them for life-long learning in this rapidly growing and changing industry. This paper explores how a concentrated health law certificate program provides students a focused path through the law curriculum. Not only does the program require students to take a range of health law courses, but students take multiple courses that incorporate experiential learning, including clinics, externships, and other courses that integrate clinical teaching methodology. This article highlights the development of a health law certificate program, designed to guide students through the law curriculum to choose among the most beneficial courses for a health law practice. To identify the necessary courses, health law faculty and health law practitioners first explored the knowledge, skills and values that a successful health law practitioner needs. This article also examines the process of developing and implementing the certificate

program. It also explores how the integration of experiential learning into multiple courses required by the certificate allows students to gain insight into the practical realities of a variety of careers in health law and to direct their study in alignment with their chosen career path. The involvement and integration of experiential learning as a strong component of the program allows clinical educators to have a positive impact on the overall curricular experience of students receiving the certificate. Moreover, the infusion of clinical pedagogy throughout the health law curriculum benefits not only students who are enrolled in the certificate program but any law student who elects to enroll in any of the numerous health law courses. The success of this focused curricular program demonstrates that this model is effective, can be adapted to other areas of law,² and provides a more coherent and integrated education for future law students who will become the practitioners of tomorrow.

Background

In the United States, a law degree is a three-year post-graduate course of study. The first year typically is devoted to required courses covering a range of foundational legal areas (e.g., torts, property, contracts, criminal law, and legal research and writing), whereas the

² Since the inception of the Health Law Certificate, GSU Law has modeled three additional certificate programs after it. The school now offers Certificates in Environmental and Land Use Law, Intellectual Property Law, and Public Interest Law and Policy. Like the Health Law Certificate, other certificate programs require students enrolled in the programs to take experiential courses to satisfy the certificate requirements.

second and third years provide greater freedom for students to choose their course of study. There may be a few required courses (e.g., Georgia State law requires that all students take a specialized course in litigation, “Lawyering: Advocacy”) and recommended courses (e.g., topics that are tested on the bar exam, a necessary precursor to licensure), but, overall, the second and third year curriculum is primarily directed by student choices. Students may base their choices on disparate factors ranging from area of interest, scheduling convenience, or affinity for a particular professor. This relatively unfocused approach is largely unchanged from the model Langdell introduced at Harvard Law School over 100 years ago, and has been the subject of substantial criticism and calls for reform in recent years.³ Proposed legal education reforms have included calls for the elimination of the third year⁴ but mostly have focused on providing more coherence to the three year course of study.⁵

³ WILLIAM M. SULLIVAN ET AL., *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* (San Francisco: Jossey-Bass 2007) [hereafter the “*Carnegie Report*,” so called because sponsored by the Carnegie Foundation for the Advancement of Teaching under its Preparation for the Professions series]; ROY STUCKEY ET AL., *BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP* (2007), available at http://law.sc.edu/faculty/stuckey/best_practices/best_practices-full.pdf [hereafter “*Best Practices*”]; *BUILDING ON BEST PRACTICES: REFLECTIONS ON TRANSFORMING LEGAL EDUCATION IN A CHANGING WORLD* (D. Maranville, Lisa Radtke Bliss, Carolyn Wilkes Kass, Antoinette Sedillo Lopez eds., Lexis-Nexis 2015) [hereinafter *Building on Best Practices*]; New York State Bar Association, *Report of the Task Force on the Future of the Legal Profession* (Feb. 2011), available at <http://bestpracticeslegaled.files.wordpress.com/2011/03/taskforcereport.pdf> (particularly discussion on educating and training new lawyers, at 36-47); and ALI-ABA, *Critical Issues Summit, Equipping Our Lawyers: Law School Education, Continuing Legal Education, and Legal Practice in the 21st Century* (2010) (final recommendations available at http://www.equippingourlawyers.org/documents/summit_final09.pdf).

⁴ Colleen Flaherty, *2 Years for Law School?*, *Inside Higher Ed*, Aug. 26, 2013,

<https://www.insidehighered.com/news/2013/08/26/president-obama-calls-cutting-year-law-school>.

⁵ *Building on Best Practices*, *supra* note 3 at 52-58 (discussing Pathways, Integration and Sequencing the Curriculum), at 59-65 (discussing a three-year law school curriculum that engages students and effectively prepares them for the practice of law), *Carnegie Report*, *supra* note 2; *Best Practices*, *supra* note 2.

The move for reform has been advanced by influential reports, books and commentary over the last decade, including *Best Practices*, the *Carnegie Report* and *Building on Best Practices*.⁶ For purposes of this paper, we focus on a primary theme of the reform movement: the need for law schools to provide integrated learning and learning in context. Embracing this concept, which was one of central tenets of *Best Practices*, the *Carnegie Report* explained:

The key idea in [*Best Practices*] is that the findings of the learning sciences have converged on what the authors call “context-based education” [citation omitted]. The report’s thesis: ‘Students cannot become effective legal problem-solvers unless they have opportunities to engage in problem-solving activities in hypothetical or real legal contexts’ [citation omitted]. We concur with this thesis.⁷

The core insight behind the integrative strategy [in contrast to the traditional additive strategy of legal curriculum reform by simply adding new courses] is that effective educational efforts must be understood in holistic rather than atomistic terms. For law schools, this means that, far from remaining uncontaminated by each other, each aspect of the legal apprenticeship – the cognitive, the practical, and the ethical-social – takes on part of its character for the kind of relationship it has with the others.⁸

⁶ *Carnegie Report*, *supra* note 3; *Best Practices*, *supra* note 3, *Building on Best Practices*, *supra* note 2.

⁷ *Carnegie Report*, *supra* note 2, at 95.

⁸ *Id.* at 191. *The ABA Resolution and Report*, adopted as revised August 2011, http://www.abajournal.com/files/10B_2011.pdf, also acknowledges the importance of integrating theory with practical experiences and contexts in law school, and suggests ABA accreditation rules should address this integration: “Academics and others began to conceptualize professional development as a complex process involving an ongoing cycle of abstract learning and engagement with professional practice. That cycle permits each professional to develop individualized cognitive structures which enable the rapid problem-solving that characterizes expertise. . . . The process of developing judgment is individualized, difficult and time consuming. . . . Accreditation rules should emphasize how to apply theory and doctrine to actual practice, as well as encourage the process the development of professional

Over the last ten years, Georgia State law school has reflected on the *Carnegie Report* and other calls for reform, assessed its curricular offerings, and implemented a number of initiatives designed to improve the educational experiences of students. The full extent of these efforts is beyond the scope of this paper; rather, this paper will describe the Georgia State law school's health law certificate as a model for providing the kind of direction and integrated learning experiences that have been called for. In doing so, we connect the features of our program to best practices in legal education, as well as the needs of the legal profession.

The Development of a Health Law Certificate

By 2011, Georgia State Law had grown its health law faculty to several professors, representing substantial breadth, depth, and expertise in this rapidly growing area.⁹

Informed by recent critical analyses of legal education,¹⁰ the Georgia State health law

judgment." *Id.* at 3-4, 7. *Building on Best Practices* also addresses the importance of providing curricular pathways and concentrations to reinforce student learning and build connections across courses. *Building on Best Practices*, *supra* note 2, at 52-58.

⁹ Georgia State Law now has 12 faculty and 10 faculty fellows and adjunct faculty members teaching in the area of health law, which comprises six major areas, (health and business regulation, public and environmental health, health equity and social justice, bioethics and legal medicine, and health sciences and technology) and includes the on-site Health Law Partnership (HeLP) Legal Services Clinic and more than 20 courses and externships, Health Law: Quality & Access, Health Law: Finance & Delivery, Health Care Transactions, Health Care Fraud and Abuse, Public Health Law, Bioethics, HIV/AIDS and the Law, Food and Drug Law, Genetics and the Law, Human Subjects Research Law and Ethics, Law and Health Equity, Mental Health and the Law, Forensic Medicine, and Biotechnology, Law, Policy and Ethics. For a complete listing of the health law curriculum, go to <http://clhs.law.gsu.edu/education/health-law-courses/>.

¹⁰ A wide variety of resources were reviewed during the course of discussions. (1) Background reading on health law programs included: (a) Lawrence E. Singer & Megan Bess, *Combining Pedagogy and Practice*:

faculty decided to develop a health law certificate program to allow students to develop core competencies in health law through a coherent curricular path. The faculty performed its analysis of what should be required with particular attention to the *Carnegie Report*¹¹ and *Best Practices*.¹² These resources emphasized the importance of providing students a well-rounded curriculum that includes simulation,¹³ as well as real-

Creating a 21st Century Health Law Curriculum, 37 J. L. MED. & ETHICS 852 (2009) (discussing process for developing health law curriculum at Loyola-Chicago); (b) Diane E. Hoffmann, *A Health Law Practice Workshop: Bridging Externship Placements and the Classroom*, 37 J. L. MED. & ETHICS 513 (2009) (discussing integrating health law externships through a course targeted at health law topics and skills); (2) Background reading on curriculum reform included: (a) New York State Bar Association, *Report of the Task Force on the Future of the Legal Profession* (Feb. 2011), available at <http://bestpracticeslegaled.files.wordpress.com/2011/03/taskforcereport.pdf>, particularly discussion on educating and training new lawyers, at 36-47) (b) ALI-ABA, Critical Issues Summit, *Equipping Our Lawyers: Law School Education, Continuing Legal Education, and Legal Practice in the 21st Century* (2010) (final recommendations at http://www.equippingourlawyers.org/documents/summit_final09.pdf); and (c) ABA, Section of Legal Education and Admissions to the Bar, Standards Review Committee, Student Learning Outcomes Subcommittee, Draft for April 2-3, 2011 meeting, Standard 302, Learning Outcomes; Standard 303, Curriculum (The final version of the learning outcomes standard was adopted, along with other revisions, at the ABA's August 12, 2014 annual meeting. The complete revised standards are available at http://www.americanbar.org/groups/legal_education/resources/standards.html); (c) Hanover Research Council, HEALTH LAW PROGRAMS (February 2010) (examining health law programs at various law schools across the country) [hereafter "2010 HANOVER REPORT"]. The faculty conducted an analyses of the literature, as well as information about the GSU program in health law.

¹¹ *Carnegie Report*, *supra* note 2.

¹² *Best Practices*, *supra* note 2.

¹³ Simulation-based courses are "courses in which a significant part of the learning relies on students assuming the roles of lawyers and performing law-related tasks in hypothetical situations under supervision and with opportunities for feedback and reflection." *Best Practices*, *supra* note 1, at 179. Simulation-based courses can achieve educational goals more effectively and efficiently and develop professional skills and understandings essential for practice. See *Best Practices*, *supra* note 2 at 179–88. ABA Standard 304(a) states, "A simulation course provides substantial experience not involving an actual client, that (1) is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a set of facts and circumstances devised or adopted by a faculty member...2016-17 ABA Standards and Rules of Procedure for Approval of Law Schools available at https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2016_2017_standards_chapter3.authcheckdam.pdf.

world experiential learning opportunities,¹⁴ thus integrating the teaching of theory, doctrine, and practice.¹⁵ The faculty also noted that a 2011 ABA House of Delegates resolution echoed these recommendations in directing the ABA to “take steps to assure that law schools . . . provide the knowledge, skills, values, habits and traits that make up the successful modern lawyer . . . [and] implement curriculum programs intended to develop practice ready lawyers, including . . . capstone and clinical courses that include client meetings and court appearances.”¹⁶ The Georgia State health law faculty heeded these recommendations in developing the framework for the health law certificate program. The incorporation of experiential education was a central value in the development of the certificate program.

The development process was an iterative one. After identifying key knowledge, skills, and values for the proposed program, the health law faculty mapped the health law curriculum to identify the knowledge, skills, and values taught in each existing health law course in the curriculum. The faculty studied the map to ensure that a certificate student would achieve an appropriate distribution of desired outcomes based upon the proposed certificate requirements. Additionally, local attorneys, representing a wide range of health law practices, including major law firms, hospitals, state and federal

¹⁴ Experiential courses generally are those courses that rely on experiential education as a significant or primary method of instruction, and include simulation-based courses, in-house clinics, and externships. *Id.* at 165–67.

¹⁵ *Id.* at 97.

¹⁶ ABA Resolution and Report, adopted as revised August 2011, available at <http://www.abanow.org/2011/07/2011am10b/>.

government agencies, and legal services organizations, participated in focus groups to provide feedback on the proposal to ensure that students obtaining a certificate through GSU's program would be equipped with the necessary knowledge, skills and values to be effective legal professionals in the health law field.

Four key conceptual themes underlie the certificate program. First, health law is a broad, general field of practice. Competent health lawyers are usually generalists, working in, among other things, corporate, administrative and regulatory, tort, contract, and employment law. As generalists, their skills are applied to the demands of diverse legal work, which encompasses a broad array of general and specific laws affecting health and health-related organizations in a wide range of public and private practice settings. Second, contemporary health lawyers need to have a solid and well-rounded background and be able to work with professionals from other non-legal, health-related disciplines. Third, trends in legal education favor structuring a curriculum not only to integrate doctrinal knowledge and theories, but also to promote development of sound lawyering skills, effective interpersonal behaviors, and professional values, ethics, and habits.¹⁷

¹⁷ *Carnegie Report*, *supra* note 1, at 27–28, 145–47. The *Carnegie Report* refers to three domains (knowledge, skills, and values) as the three “apprenticeships,” which can be summarized in its discussion of moving toward an integrative model of education for law schools. “Law school should provide an initiation into all three aspects of that development [of professional competence and identity] . . . When thinking of the law school curriculum as a three-part model, whose parts interact with an influence each other, those elements are:

1. The teaching of legal doctrine and analysis, which provides the basis for professional growth
2. Introduction to the several facets of practice included under the rubric of lawyering, leading to acting with responsibility for clients
3. A theoretical and practical emphasis on inculcation of the identity, values, and dispositions consonant with the fundamental purposes of the legal profession.”

Finally, while the certificate program uses the health field as a lens and context for studying law, the required curriculum offers a foundation in knowledge, skills, and values that is readily transferable to other legal fields. Students generally seek a health law certificate to acquire focused preparation for a career in health law. However, even students who do not plan a career in health law have recognized the benefits of following a prescribed curricular path that develops transferrable skills. Participating in the certificate program promotes students' resourcefulness and their ability to adapt successfully to rapidly changing legal, political, social, technological, and global environments, regardless of their ultimate area of practice.

Core Competencies in Health Law. To determine the specific course requirements of the certificate program, the health law faculty first identified the core competencies in health law each student should develop. "Competency" does not mean mastery, but rather, at a minimum, an initiation to the fundamentals of the subject matters, skills, and values that are considered central to an understanding of and orientation to the health law field. The

Id. at 194. This three-part framework of competencies in knowledge, skills, and values has also been adopted in the recent draft of ABA Standard 302 on "Learning Outcomes." *See supra*, note 7. It is also reflected in the ABA's Report that accompanies its recently-adopted Resolution, *supra* note 11 ("We used to think that being a good lawyer simply meant knowing the law. Today, we are more likely to think that good lawyers know how to *do* useful things with the law to help solve client problems. Society has shifted from a static understanding of professional competence as memorized knowledge to a dynamic conception of lawyers adding value through judgment and their ability to manage to solve complex problems . . . The basic impulse [in legal education reform] is two-fold: to sharpen both our understanding of the competencies, skills, knowledge, practices and values of a good lawyer and our ability to measure progress toward those goals." *Id.* at 2–3. These principles are further supported in *Building on Best Practices*, *supra* note 2.

faculty also agreed that development of any of these core competencies – particularly in skills and values -- does not depend on having specific health law courses to foster them. Nevertheless, if the faculty deemed a specific knowledge, skill, or value a core competency, then it was imperative to ensure that *every* certificate student had an opportunity to develop that core competency. Thus, knowledge competencies are typically delivered through the required courses, although they may be reinforced in other courses.

a. Knowledge Competencies: The health law educational program offers foundational subject-matter content that initiates students into the key concepts, theories, doctrines, laws, policies, ethics, systems, and institutions in the health field. With respect to knowledge competencies, reflecting the breadth of the health law field, the faculty identified a wide range of topics (as well as specific U.S. statutes and regulations within those topics) to which every health lawyer should be exposed. These include: (1) access to, payment for, and cost regulation of healthcare in both the private and public sectors; (2) regulation of healthcare providers; and (3) provider and institutional liability to patients. These topics are all addressed, in varying degrees, in two required health law courses – one that primarily addresses provider and institutional liability and the other that primarily addresses healthcare regulation. Students may opt to delve more deeply into these topics through health law electives.

Given that healthcare is a heavily regulated business, any student seeking a career in health law must understand administrative law, which addresses the ability of government to regulate, and corporate law, which addresses the legal structure of business entities that can influence how health care is delivered.¹⁸ Finally, the faculty identified exposure to either public health or bioethics as a core competency.¹⁹ For this competency, students choose from among several course offerings in either track. While students who elect the public health track may miss exposure to bioethics and vice versa, the faculty agreed to limit the requirements to maximize students' ability to take courses throughout the general law curriculum. Moreover, there is sufficient overlap between the two to feel confident that, in most cases, students will be exposed both topics throughout the various certificate course offerings.

In sum, the knowledge competencies for students enrolled in the certificate program are achieved by requiring two courses in the general law curriculum (administrative law and corporations), two specific courses in the health law curriculum, and one elective course

¹⁸ The decision to include administrative law and corporate law as required courses was strongly supported by the health law attorneys consulted while developing the program. It is also supported by the 2014 recommendations by the American Health Lawyers Association regarding health law curricula which were issued after the launch of our certificate program. THE AMERICAN HEALTH LAW ASSOCIATION, THE AHLA HEALTH LAW CURRICULUM MANUAL 9 (2014) (hereinafter AHLA MANUAL). The American Health Lawyers Association is the U.S.'s largest educational organization devoted to legal issues in the health industry with active members who practice in law firms, government, in-house settings and academia, and who represent physicians, hospitals and health systems, health maintenance organizations, health insurers, life sciences, managed care companies, nursing facilities, home care providers, and consumers. See <http://www.healthlawyers.org/About/Pages/default.aspx>.

¹⁹ All core competencies and the relationship between core competencies and the requirements for the certificate are found at <http://clhs.law.gsu.edu/education/health-law-certificate/core-competencies/>.

from the health law offerings in either public health or bioethics.²⁰ More in-depth knowledge may be developed through additional electives in health law, as well as through the skills and values competencies described below.

b. Skills Competencies: The health law certificate program offers instruction in the key cognitive, behavioral, and lawyering skills needed for successful professional practice and permits students to take advantage of similar offerings in the law program generally. Just as many knowledge competencies are common to lawyers practicing in other legal fields, the skills competencies in health law are common to many fields of legal practice. The following core professional skill competencies were identified as critical to health law: (1) critical thinking and analysis, including the ability to apply common law, constitutional law, legislation, and regulations in health law contexts, (2) the ability to undertake both legal research and interdisciplinary research reflecting the interdisciplinary nature of health law; (3) the ability to engage in a range of types of writing in health law contexts, including writing for private and public audiences and for publication; (4) the ability to communicate effectively in a range of settings, including with colleagues, clients, and others privately and publicly; and (5) the ability to engage professionally in real-world contexts, including working collaboratively, engaging in

²⁰ On an on-going basis, there are approximately 6 offerings in public health and 5 in bioethics from which students may choose.

creating problem-solving, developing practice management skills, and demonstrating cultural competency.

Students have multiple opportunities to develop professionally from courses across the health certificate curriculum. Indeed, Georgia State Law has established a reputation for innovative, experiential teaching throughout its courses, and our health law faculty have been integral to that movement.²¹ Our faculty have infused experiential learning into traditional, doctrinal courses.²² For example, students in the required health care liability course have two experiential learning exercises: an interview of “clients” about end-of-life treatment preferences and drafting of a complaint as a way of applying concepts of institutional liability to a group of institutions not discussed in class. Both assignments have a mandatory self-assessment, which enables these assignments to be used in a larger class (25-50 students). Students in our public health law classes regularly draft legislation or regulation as part of their coursework. Students in GSU’s forensic medicine course

²¹ The infusion of experiential learning throughout the curriculum at Georgia State Law has been supported through the offering of “Teaching Innovation Grants” by Dean Steven Kaminshine. See also, *Building on Best Practices*, *supra* note 2 at 427. Additionally, GSU Professor Andrea A. Curcio reported on experiential learning activities across Georgia State Law’s curriculum at the Educating Tomorrow’s Lawyer’s Conference held at the University of Denver in October 2014 through a video of participating faculty (available at <http://law.gsu.edu/practice-based-learning/> under “Hands-on Learning In the Curriculum”). The college is also home to the Health Law Partnership (HeLP) Legal Services Clinic, which is an interdisciplinary collaboration among Georgia State Law, Atlanta Legal Aid Society, and Children’s Healthcare of Atlanta that allows students to develop professionally while representing clients and working side-by-side with physicians, social workers, and other health professionals (information available at <http://law.gsu.edu/clinics/help-legal-services-clinic/>).

²² See Courtney L. Anderson, Jessica Gabel Cino, Nicole G. Iannarone, Leslie E. Wolf, “Incorporating Experiential Learning Into Every Class: Required Courses, Seminars and Live-Client Representation” in EXPERIENTIAL EDUCATION IN THE LAW SCHOOL 63-84 (E. Grant, S. Simpson, K. Terry eds., *forthcoming* 2017).

have conducted mock hearings. These activities augment and complement the more in-depth training students receive through lawyering skills courses.

All certificate students are required to take a lawyering skills course because the faculty believes it is the experience, rather than exposure to the substantive content, that is essential to student development. The goal is for students to have extensive experiences engaged in realistic lawyering work.²³ Students may satisfy this requirement through enrollment in any of the in-house clinics (including tax and investor advocacy), externships, or simulation classes (e.g., negotiation).²⁴ However, GSU offers an increasingly rich range of lawyering skills options that are health law specific. GSU's medical-legal partnership clinic, the Health Law Partnership (HeLP) Legal Services Clinic, provides students with the opportunity to represent low-income children and their families in a range of cases with the goal of improving the children's health.²⁵ A course in health legislation and advocacy engages students in working with community partners, developing proposed legislation and shepherding it through the legislative process. GSU also offers several externships that allow students to work in health law practice environments, including with the Centers for Disease Control and Prevention,

²³ This responds to one of the issues addressed by *Best Practices*: law schools not fully committing to preparing students for practice. See *Best Practices*, *supra* note 2, at 17.

²⁴ GSU's rich array of experiential offerings and the mix of both real and simulated practice environments meet the best practices identified for experiential education, see *Building on Best Practices*, *supra* note 2 at 162-187.

²⁵ Information about our HeLP Legal Services Clinic is available at our Center website: <http://law.gsu.edu/clinics/help-legal-services-clinic/>.

the U.S. Department of Health and Human Services, the Veteran’s Administration, and the Georgia Hospital Association. Other options include innovative courses that teach doctrine in context through either direct client interaction or simulation. For example, students in law and health equity class learn about the social determinants of health and apply legal analysis of those concepts while working with members of Atlanta neighborhoods to address issues that negatively impact the community’s health.²⁶ Additionally, students enrolled in a new team-based and client-oriented capstone course, the health care transactions practicum, learn how to negotiate and draft deals through realistic simulations carried throughout the semester. The course provides students the opportunity to hone critical skills in drafting, reviewing, and negotiating health care contracts; applying health laws and regulations, conducting due diligence, and collaboration.²⁷ It is co-taught by a full-time faculty member together with two local attorneys who focus their practices in health law. The course was designed on the kinds of work that the practicing attorneys wished their entry-level attorneys knew how to do.²⁸ In addition to the lawyering skills course requirement, students further their analytical skills through the certificate writing requirement, which must be based on a health law topic. The law school already requires a research paper as a requirement for graduation.

²⁶ For a full description of Law and Health Equity, See *Incorporating Experiential*, p. 81-83. More information about this course is available at: <http://clhs.law.gsu.edu/2014/09/09/hands-course-addresses-health-disparities-local-neighborhoods/>.

²⁷ See <http://clhs.law.gsu.edu/2014/11/28/health-car-transactions-course>.

²⁸ *Id.*

Certificate students can use their health law paper to meet their graduation requirement or may do an additional health law paper.²⁹ Most health law topics require research of non-law resources. Accordingly, the required paper allows students to develop their interdisciplinary research skills, as well as their communication skills. The writing requirement also provides an opportunity for health law professors to mentor students as they investigate important issues of health law, and to assist them in seeking publication opportunities as appropriate. Several faculty have helped students to publish in law and non-law venues, which has fostered students' professional development.³⁰

The requirement for experiential education in the health law context allows students to gain insight and develop critical skills and connections needed for a successful health law practice. It also means that clinical and other faculty can have a significant impact on students' professional development. Often, faculty who are engaged in clinical pedagogy

²⁹ The AHLA encourages a "capstone" course with a strong writing component, which is consistent with GSU's writing requirement. AHLA MANUAL, *supra* note 13, at 13-14.

³⁰ See, e.g., Katie Hanschke (student), Leslie E. Wolf (faculty) & Wendy F. Hensel (faculty), *The Impact of Disability: A Comparative Approach to Medical Resource Allocation in Public Health Emergencies*, 8 ST. LOUIS U. J. HEALTH L. & POL'Y 259 (2015); Jessica D. Gabel (faculty) & Karyn D. Heavenrich (student), *Reigning in the Wild West: The Necessary Outcomes and Inevitable Pitfalls of Reforming Forensic Science*, 24 ALB. L.J. SCI. & TECH. 81 (2014); Leslie E. Wolf (faculty), Mayank J. Patel (student), Brett A. Williams (student), Jeffrey L. Austin (student) & Lauren A. Dame, *Certificates of Confidentiality: Protecting Human Subject Research Data in Law and Practice*, 14 MINN. J.L. SCI. & TECH. 11 (2013); Rachel L. Hulkower (student) & Leslie E. Wolf (faculty), *Federal Funds for Syringe Exchange Programs: A Necessary Component Toward Achieving an Aids-Free Generation*, 22 ANNALS HEALTH L. 307 (2013). Jonathan Todres (faculty) & Michael Baumrind (student), *Human Trafficking: A Global Problem with Local Impact*, GA. B.J. at 12 (2012); Jessica D. Gabel (faculty) & Ashley D. Champion (student), *Regulating the Science of Forensic Evidence: A Broken System Requires a New Federal Agency*, 90 TEX L. REV. 19 (2011).

develop an accurate and deep understanding of a student's skills, weaknesses, and abilities. This intimate knowledge of a student's capability means that faculty engaged in experiential teaching are able to transmit to potential employers specific examples of a student's skills and experience in a way that is more meaningful than a grade report. Additionally, clinical and other experiential faculty are connected to practice and have a wide network that enables them to assist students in securing opportunities for employment, fellowships, and advanced degrees that may enhance their professional development. Finally, the requirement for experiential learning as part of the certificate program is a way to integrate all of a student's learning in the health law area. This knowledge is transferable to any practice, and will have lasting benefits for certificate program students as well as students from the general JD program who take health law classes as electives.

c. Values Competencies: In addition to developing specific knowledge and skills, the health law certificate program fosters professional ethics and values, including habits of mind and mindsets that promote the responsible, civil, and ethical practice of law generally and in the health law field particularly. Just as many knowledge and skill competencies are developed through the law program generally, the values-oriented competencies in health law are common to all fields of legal practice. Core competencies in professional values in health law are the abilities to: (1) appreciate how professional ethics plays out in health law contexts; (2) engage in self-reflection and self-awareness,

including the ability to self-critique and commit to life-long learning and self-care; (3) develop professional identity; (4) retain sense of personal and professional fulfillment; (5) treat others with respect and civility; (6) promote justice in health; and (7) commit to pro bono and community service.³¹

As with the experiential learning requirements, the values competencies are taught throughout the health law curriculum, as well as through the general law curriculum. However, our lawyering skills, particularly the clinical courses, play a special role in developing these professional values, providing a context in which these issues become more salient and alive.³²

To further instill the professional values critical to a health lawyer, certificate students are also required to participate in fifteen hours of extracurricular activities or attend five approved health law events over a student's second and third years of law school. Such activities can promote many of the core values competencies the faculty identified, including leadership, community-building, developing professional identity, and commitment to pro bono service. This requirement lays the foundation for an actively engaged professional life. Activities that students may use to satisfy this requirement include participation in student activities that have an educational component and

³¹ The core values-oriented competencies in health law are consistent with the best practice of integrating professionalism throughout the program of instruction and best practices for teaching professionalism generally. See *Best Practices*, *supra* note 1, at 79–91, and *Building on Best Practices*, *supra* note 1, at 253–80.

³² See, e.g. *Building on Best Practices*, *supra* note 2 at 203-04, 291-93.

require a significant time commitment, such as moot court,³³ law review, leadership in any student organization, or serving as a research assistant to a professor, the various health-related events sponsored by the various organizations on campus, including our Center for Health, Law & Society, our Student Health Law Association, and our partners in the business school and public health, and externally sponsored health law-related events, including State Bar programs and health-related service activities.³⁴

d. Additional considerations

In developing the requirements, the number of required credits was limited to ensure that students had the freedom to explore other topics in the general law curriculum or to dig more deeply into the rich health law course offerings.³⁵ Accordingly, the certificate program requires only 16-21 credits, depending on courses selected. A minimum grade

³³ For example, GSU health law certificate students have participated in health law competitions, including the University of Maryland Compliance & Regulatory Competition, the SIU National Health Law Moot Court Competition, and the Loyola Health Law Transactions Competition.

³⁴ The Center for Law, Health & Society regularly sponsors events that educate about current issues in health law. For example, recent Center events have addressed U.S. Supreme Court cases involving the Affordable Care Act, state legalization of medical marijuana, and laws regarding end-of-life decision-making. The Center also sponsors students to attend two annual continuing legal education events in health law and encourages students to attend the bar's health law events. These activities provide greater exposure to health law as experienced by those in practice and an opportunity to network with those in the field. The Center and Student Health Law Association (SHLA) also regularly bring practicing attorneys and others working in health law to campus to discuss their work in the profession that help students appreciate the various options available in health law and what the work entails. Volunteer opportunities, from working with asylum seekers to blood drives, instill a commitment to serving the community that is an essential component of the profession,

³⁵ GSU law regularly offers over 20 health law courses. [http://clhs.law.gsu.edu/education/health-law-](http://clhs.law.gsu.edu/education/health-law-courses/)

[courses/](http://clhs.law.gsu.edu/education/health-law-courses/)

point average (GPA) is not required for a student to enter the certificate program so as not to discourage students who may have found their first year of law school particularly challenging and who are fully capable of overcoming those challenges in their upper-division years, especially where they may be motivated by a specific interest in the health law field. However, to ensure that certificate represents a level of achievement and education to the legal community, to qualify for a certificate a student must attain a minimum GPA (of 3.0) for all courses taken in satisfaction of the certificate requirements and the writing requirement. The minimum GPA for health law courses ensures that the certificate is evidence of a level of achievement in health law study.

The Benefits of the Health Law Certificate Program

The health law certificate program provides multiple benefits to our students. The primary benefit is to provide a thoughtful pathway through the curriculum, designed to provide students with an integrated and progressive learning experience in the area of health law.³⁶ The combination of required courses, elective courses, experiential learning, and additional activities gives students necessary guidance through the curriculum that allows them to take advantage of the second and third years of law school in a way that meets their individual learning goals and better prepares them for their careers. An

³⁶ *Carnegie Report*, *supra* note 1; *Best Practices*, *supra* note 2.

integrated health law curriculum offers students the opportunity for spiral learning – building and reinforcing the basics as they progress through courses and applying the core competencies in more advanced contexts.³⁷ A secondary benefit is the commitment of the health law faculty to giving enhanced advisement to certificate students. Although all students in our law school are assigned a faculty mentor in their first year, these assignments are done administratively and do not reflect students' educational and career interests. Thus, students may not take full advantage of these relationships. Assignment of a curricular-specific advisor through the certificate program can provide more targeted guidance. Through the health law certificate program, students have faculty available not only to assist them in designing course packages in health law and from the JD program generally that match their intellectual and employment interests, but also to provide guidance on career paths, and to suggest opportunities for future professional development, such as dual-degree programs and fellowships in health law.³⁸ While not a primary reason for adopting the program, certificate programs with a robust experiential component can also be a way to distinguish a law school and attract students

³⁷ An integrated curriculum has three parts that interact and influence each other. *Best Practices*, *supra* note 2, at 255. Those elements are first, the teaching of legal doctrine and analysis; second, introduction to the several facets of practice included under the rubric of lawyering; and third, a theoretical and practical emphasis upon inculcation of the identity, values, and dispositions consonant with the fundamental purposes of the legal profession. *Id.*

³⁸ The Georgia State College of Law offers multiple dual-degree programs, including programs in health administration and business and in public health. (See <http://clhs.law.gsu.edu/education/dual-degree-programs/>). Dual-degree programs can help develop additional domain knowledge and interdisciplinary skills that can be a competitive advantage in an increasingly complex practice environment. They also can provide contacts with potential employers or clients from those fields through involvement in the other departments' professional and student organizations, activities, and networking opportunities.

who are interested in a school's existing curricular strength. For example, many students report that the reason they chose to attend Georgia State Law over other law schools is the HeLP Clinic and/or the health law certificate program.

The *Carnegie Report* notes the importance of on-going coordination among faculty at a law school in order to develop an integrated curriculum.³⁹ To ensure genuine integration, the health law faculty strives to reinforce in their respective courses the knowledge, skills, and values that have been identified as core, and to build on these domains across the health law curriculum.⁴⁰ This requires a level of self-conscious discipline and on-going collective discussion by health law faculty among themselves and with faculty colleagues across Georgia State law to examine opportunities for integrating knowledge, skills, and values in each course and across courses. Having a certificate program and a dedicated faculty to administer it provides motivation and structure for such on-going faculty collaboration to ensure the program's quality and responsiveness to student needs.

As part of overall coordination efforts, the center committed to engage in assessments of the certificate program to ensure it continues to meet students' needs. The health law field

³⁹ "Integrating the three parts of legal education would better prepare students for the varied demands of professional legal work. In order to produce such integrative results in students' learning, however, the faculty who teach in the several areas of the legal curriculum must first communicate with and learn from each other. . . . [I]ntegration can flourish only if law schools can consciously organize their emphases through ongoing mutual discussion and learning." Executive Summary, *Carnegie Report*, *supra* note 1, at 8, 10. Development of a structured curriculum is also discussed in detail in the book, *Building on Best Practices*, *supra* note 1.

⁴⁰ *Best Practices* also identifies the importance of an engaged, effective faculty. The effectiveness of full-time and part-time faculty in these types of courses is enhanced by "hiring qualified faculty, providing professional development opportunities, and assigning reasonable workloads." *Best Practices*, *supra* note 1, at 178.

has changed dramatically over the past several decades, and it is expected to continue to change in response to changes in the delivery of health care in America and other external forces. For example, after the certificate program began, the American Health Lawyers Association (AHLA) issued recommendations for developing a health law foundation for law students.⁴¹ For the most part, GSU's required classes align with the AHLA's recommendations with respect to topics required to develop a foundation for health law students.⁴² However, there are a few health law topics not covered in the required courses. For example, the required courses do not directly cover life sciences and the Food and Drug Administration, but students may choose among electives that do.⁴³ The AHLA also suggested requiring a course in labor and employment,⁴⁴ which is not currently required for the GSU certificate. However, the law curriculum contains a variety of labor and employment courses relevant to health law settings that students may take, and the requirements are sufficiently flexible to permit students to take such a class. However, GSU will consider whether changes are necessary in light of the AHLA recent recommendations. If GSU does not change its requirements, the AHLA's recommendations can be incorporated into student advisement to provide better guidance to them about what courses employers might like to see. Similarly, the AHLA

⁴¹ AHLA MANUAL, *supra* note 13.

⁴² *Id.* at 12–13.

⁴³ *Id.*

⁴⁴ *Id.* at 14.

recommended covering the importance and limitations of public health law, including laws relating to vaccinations, tobacco control, and others.⁴⁵ While these topics are covered in several of the public health and in some of the bioethics offerings, not all certificate students are guaranteed to study these topics. Requirements could be revised, or GSU could offer a blended bioethics and public health course that ensures coverage for all students. Periodic assessment of offerings provides the opportunity to make appropriate changes and keep pace with the knowledge, skills, and values students need.

Although the certificate program is only entering its fifth year, the curriculum has already been reviewed to ensure that it is meeting the promises made through the program. Specifically, faculty have reassessed whether GSU is delivering core knowledge, skills, and values in each course and across courses and whether changes are necessary based upon this review and on student feedback. Certificate students are surveyed annually. While these responses have not resulted in substantive changes, they have highlighted some areas to change to improve the student experience, such as scheduling courses to facilitate completion of the certificate, especially in conjunction with our dual-degree programs. GSU continues to seek input from the legal community, which guides our assessment of how to respond to the AHLA recommendations. On-going reflection and

⁴⁵ *Id.* at 13. The importance and limitations of public health law, including mandatory vaccinations, tobacco control, wellness programs, and emergency preparedness/quarantine powers.

reconsideration of the effectiveness of the program is essential to maintaining a quality program and meeting students' needs.

The growth of the health law certificate program since its launch in 2012 suggests that GSU has been successful in creating a program that responds to students' needs. In its first year, 7 students completed the requirements of a health law certificate. Enrollment now averages 30 2Ls and 3Ls, with 15 students graduating each year. Of the 40 students completing a health law certificate, 19 have graduated with honors⁴⁶.

Conclusions

In developing a health law certificate program, Georgia State Law sought to incorporate best practices in health law education. Accordingly, the health law certificate program offers an integrated learning experience that reflects and reinforces foundational knowledge, skills, and values across the program and that leverages the strength of offerings in the JD program generally. The program is structured to offer a coherent, progressive learning environment where foundational knowledge, skills, and values are reflected and reinforced across courses. The program also promotes the habits of the reflective practitioner, encourages the skills of self-awareness and self-critique, and fosters commitment to life-long learning, and professional and community engagement.

⁴⁶ Honors are awarded to students who earn a GPA of 3.6 or higher in their health law courses (required courses and electives).

Additionally, the health law certificate program is designed to meet the needs of students. The curriculum has sufficient breadth in health law, policy, ethics, and practical skills for students to appreciate the real world of health law practice as well as sufficient depth for them to be able to hone their skills and begin to develop expertise in their chosen area of health law interest. There is also sufficient flexibility to meet the needs of part-time and full-time students. Because the practice of health law is not static, the faculty is committed to regular evaluation and, if needed, revision of the certificate program to ensure that its requirements correspond to the needs and realities of legal practice and the qualifications of future legal professionals. These experiences can be adapted and will inform other efforts to provide students with an integrated learning experience.