Educating the New Public Health Law Professional

Sarah Davis

Introduction
This article offers my experience designing and implementing an asynchronous online course, “Public Health Law Online Practice Workshop,” as a companion to externships in public health law. It describes how my approach to teaching has been influenced by concerns for the well-being of students (future healing/service professionals) and the need for professionalism touchstones. It also shares how the faculty fellowship program described in this Journal issue1 enhanced my teaching and offers guidance for others wishing to dip their toe into online teaching.

Teaching Philosophy
In a touchstone essay for educators of new professionals, Parker Palmer challenges teachers to help learners preserve the values that lead them to become service professionals and confront institutions that constrain ethical behavior. In his view, four conditions impede 21st-century professionalism: (1) thinking of institutions as unchangeable, (2) devaluing emotional intelligence, (3) individualism and isolation, and (4) separation between work and personal spheres.2 I use his essay in my teaching, and I reread it frequently, to stay true to my teaching values.

Research repeatedly reminds us that in both law and medical schools, a negative transformation occurs during the training of students in the ways of a new profession. In law school it is the staggering increased depression rate,3 and in medical school it is the loss of empathy.4 Both are concerning for anyone, much less individuals who will be leaders and healing/service professionals.

Within this context, it is vital for law faculty to talk about institutional power, and to teach that institutions are changeable, and that lawyers should be leaders and change agents. We must teach that emotional intelligence is as important as cognitive intelligence in the practice of law and that, with effort, all intelligence can be enhanced. As we help our students develop their professional identities, we have an ethical obligation to teach that values always influence work, and that to pretend otherwise is detrimental to clients and self, and likewise, that what we do under the guise of our professional cloak impacts us personally and profoundly. Law faculty need to talk about depression within the legal profession, and should teach cultivatable skills such as resilience and healthy ways to address the stresses of law practice. We should expose our students to an ethics-based problem-solving approach and to the expertise and skills of professionals in other disciplines who can enhance problem solving for clients.

I do all of these things in the new workshop course. I also created it in the context of the current legal education crisis and the values conflicts it highlights. A core tension illuminated in the 2014 American Bar Association (ABA) Task Force on the Future of Legal

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Education is whether law schools are educating lawyers who will be “deliverers of technical services requiring a certain skill or expertise,” or “broad-based problem solvers and societal leaders.” Similar values conflicts are ever present in public health policymaking. Tensions and disagreements exist over the role of government, autonomy, power and inequity, ethical considerations, models of representation, and the role of citizen engagement. The course invites students to confront such challenges with creativity, collaborative problem-solving, humility, and a sense of humor.

Creating a Course for New Professionals
This two-credit online course is designed to be taken in tandem with an externship at government or non-profit agencies involved with public health law and policy. These field placements ensure that students are actively engaged in public health law projects for real clients and exposed to the daily workings of public health agencies and practitioners. The online format allows students to extern anywhere (in local, regional, national, or international field placements), to maintain a connection to the law school community, and to deepen their learning through both thoughtful reflective exercises and comparison across externship sites.

In its first iteration, this course was designed for law students only, including dual-degree students pursuing both a J.D. degree and a master’s degree in public health, public affairs, or other related degree. The course meets the ABA requirements for contemporaneous reflection during externships. A doctrinal health law or public health law course is a prerequisite.

Course Content
The course focuses on the actors, strategies, and broad practice considerations for lawyers and other stakeholders interested in practicing public health law. It is vital for future public health lawyers to learn how public health policies are crafted and operationalized, and how they can guide institutional and individual behavior to promote health and wellness. Exploration of effective and ineffective policymaking processes, and the resulting good and bad policies, can inform lawyers’ independent professional judgment.

The course has six modules. The first module introduces students to the strategic use of law as a tool to advance the public’s health and explores the advantages of, and barriers to, interdisciplinary and cross-sector collaboration in public health. It frames how public health law is practiced today and reminds students of the field’s focus on population health. It also identifies how public health law field offers many opportunities for non-law-practice (“J.D. preferred, but not required”) problem-solving jobs, like elected officials, policymakers, lobbyists, public health department directors, compliance officers, and community organizers.

The second module develops the concept of the “whole lawyer” and emphasizes leadership and resilience. We discuss how to cultivate resilience and self-awareness, develop emotional intelligence, and avoid professional burn-out. This module also encourages students to develop their professional identity as change agents in society.

Students explore the factors that influence organizational culture and workplace satisfaction in the third module. They also learn how to match their own professional strengths with an organization’s needs, and how to seek feedback in the workplace and engage successfully in their own life-long learning.

The fourth module introduces the process of evidence-based policymaking in public health. Students learn about the role of evidence (anecdotal and otherwise) in policymaking and the resources for finding such evidence. They also explore how conflicts over different values in our society can impact policymaking. Students learn how to evaluate policies and programs for their impact on populations, particularly their disparate impact on vulnerable populations.

Strategic lawyering and ethical stewardship are the topics of the fifth module. Students discuss the practicalities of lawyering in or for public health agencies. They are introduced to tools for practicing public health law strategically, and provided ethical frameworks to apply in uncertain situations. They examine the role of law in encouraging voluntary action to promote health and wellness and the role of lawyers in proposing practical solutions to public health problems.

The course concludes with a module on community engagement and media advocacy to advance public health. It introduces students to community-based participatory research and other tools for public involvement in policymaking. Students also learn how the media can influence the public’s perceptions of health, and they discuss strategies to harness that influence and foster the media as a trusted source of health information.

Hands-on Learning Activities
Highly successful online course activities capitalize on electronic resources (in all their mixed media forms). The course requires students to co-create a public health law evidence-based resource guide. The three-fold goals of this teaching tool are to: (1) introduce students to web-based resources to find the best evidence to support public health policies; (2) reinforce...
the value of collaboration; and (3) support the gen-
eration of a portfolio of resources to support future public health law practice. This tool is best imbedded in a unit on the evidence base in public health law (my fourth module), which explores the role of data, values conflicts, and anecdote (narratives and stories about citizens’ experiences). It is designed to engage students in the exploration of multiple resources and create a practice-ready tool. Included along with the website link for each resource is a link to each site’s video tutorial on search functionality or one created by a UW-Madison law librarian.

Students are required to review in-depth at least one resource and complete the spreadsheet for that resource. After completing a short assignment, which has them review more than one resource, they are required to add additional information to any of the resources listed on the spreadsheet. Lastly, they are encouraged to add additional resources they discover and download the living document to take with them into their future practice. The activity and tool could be incorporated into any public health law course and is valuable primer for a policy brief assignment.

A course activity that benefits from private self-reflection is embedded in the second module on the “whole lawyer.” The goals of this teaching tool are to: (1) acculturate students to the role of leader expected of lawyers; (2) introduce them to various styles of leadership; and (3) provide space for reflection and integration regarding how this will be actualized for them personally. After reading seminal pieces on leadership, students turn to their own contemplation of what they will bring to leadership in the public health law sphere. Students are prompted to ensure they have sufficient time and space to engage in three self-assessments regarding personality traits, leadership styles, and character strengths.

Next they integrate the readings, strength assessment results, and their own reflections to create a leadership vision statement. Whether or not law students see themselves as leaders, by virtue of being lawyers, others will see them as leaders. We are desperately in need of thoughtful leaders to address the challenges of our public’s health with competency, creativity, a commitment to equity, and a desire to fundamentally change institutions so they are in the service of people.

While still enrolling in additional courses appealing. At UW-Madison Law School, we also have a statistically significant number of students graduating in two and in two and a half years, making enrolling in more credits, and utilizing summer semesters, in flexible ways, appealing. Students who are juggling jobs, families, and school can benefit from the flexibility of asynchronous distance courses. Lastly, the upcoming ABA experiential learning requirement, coupled with financial constraints on law schools may provide an opportunity for schools to offer experiential learning and companion courses to students across institutions.

I am a new convert to teaching online; I have come to love it. This was not my disposition when colleagues and I at our interdisciplinary Center for Patient Partnerships (CPP) decided, with trepidation, to convert our entire set of consumer health advocacy certificate courses, including a clinical component, to an “eLearning” format. I was downright skeptical. I am not very tech savvy and have no inherent interest in cultivating technology skills. Now I fully embrace the benefits of online teaching.

Benefits of Online Teaching
Whether a course is taught fully or partially online, distance technology can enhance learning, encourage reflection, foster integration of material, and model collaborative co-creation of knowledge that enhances critical thinking. It also facilitates resource exploration and acquisition, introducing students to tools they will utilize in practice. It is an equal playing field for introverts and extroverts — all are required to participate, and all do. In the online “virtual” classroom, written discussions are elevated over the oral ones experienced in a physical classroom. Another benefit of the online written discussion format is that it provides students repeated opportunity to work on the clear, concise writing that is necessary for client communication, but often difficult to find in other law school courses.

Online learning is especially helpful in the public health law context, where practice is so incredibly local/geographically bound. Students can extern in the community that is using innovative legal approaches, is addressing a specific issue (e.g., vaccination rates, heroin overdoses, obesity) they are passionate about, or where they intend to put down roots upon graduation.

Online learning has its limitations, and like teaching in all settings, it can be done poorly. A quality online course is less about the medium, but rather the intentional pedagogy, learning time dedicated to the course, and opportunities for collaboration.

Why Online?

**Trends and Personal Interest**
The online format is responsive to the needs of today’s law students. Students’ increased focus on job acquisition makes the ability to extern anywhere...
All good teaching requires transactional closeness (faculty presence), a social dimension, and active learning.  

**Online Format**
Consistent with other online courses I have developed, I followed a format that CPP faculty created based upon adult learning and instructional design theory. All CPP courses meet ABA requirements and are created in module form. Every module contains consistent sections: (1) introduction, (2) key concepts, (3) guided practice, (4) resources, and (5) application (see Table 1). A consistent organizational style makes it easier for students who enroll in multiple CPP courses and faculty who create courses. All courses include an introductory module, “Intro to eLearning at CPP.” In addition, modules offer valuable adaptability. They can be separated and utilized as freestanding units in other courses, as continuing education units, or in community trainings.

**Challenges and Lessons Learned from the Pilot**
The fellowship timeline necessitated teaching this course in the spring semester of 2015, which resulted in anticipated low enrollment. Only two students were enrolled, and they were both externing at a non-traditional public health law site that was a start-up non-profit without a physical office and corresponding organizational culture and infrastructure. The substance of their externship experience, however, appeared to be topnotch. They worked collaboratively on a 50-state survey of wellness-program legislation. Since the course was designed for students to evaluate their externship sites and compare and contrast across placements in various local, state, and federal agencies, this aspect of the course needed to be reinterpreted. The students and I therefore approached the course as a hybrid independent “directed research.” Since one student was also simultaneously employed at a health-related state agency, and the second student had a master’s of public health and would be externing at the local city/county public health department in the summer, they were easily able to apply different relevant experiences to the exercises. Despite the need to re-interpret some activities, students found the content on strategic lawyering, policymaking, and engaging stakeholders relevant to their future practice, as described in their final course reflection:

I really enjoyed the strategic lawyering section.... I can see how a lawyer can really focus on communicating with non-lawyers to facilitate changes....

The fellowship program emboldened me to proudly embrace teaching professional development, lawyering skills, and the importance of collaboration and community. A lawyer who knows only substantive law better not have any clients. A lawyer who believes his or her work has social value and has nurtured relationships with colleagues and community can have a transformative impact on issues that plague our collective health and well-being. This experience has also confirmed the importance of having communities of practice — colleagues with whom I engage in a process of collective learning. This fellowship group is one such community, and we can continue to foster it using online tools.

Lawyers are so vital for the future of public health initiatives, yet we will probably never hear about the exploits of the most successful ones... who use different methods of communication to subtly guide the legal framework on these issues.

I came into this course with very little background on public health issues. What I enjoyed most about this course was learning the frameworks and challenges that policymakers face.

The topic of involving the community in the research was very intriguing.... I hope to one day be involved in a project where external stakeholders [are] not only surveyed for feedback but actively participate....
What’s Next?  
Welcoming Others and Constant Improvement

In response to reduced class sizes and ABA experiential learning requirements, the next step for this course is a multi-school pilot. The plan is to co-teach it in 2016 with several other former public health law faculty fellows or mentors. Students will enroll and receive credit in their own institution. Faculty, matched with subject matter expertise, will each take the lead for one or more modules. In this role, they will be responsible to respond to group activities, contributing to discussion forums and responding to collaborative documents. Each faculty member will be solely responsible for the assessment of their own students, grading all assignments and assigning participation points for activities.

Prior to teaching the collective course, all participating faculty will review content and offer improvements. The course will also be updated based upon feedback from students in the first pilot, such as changing the order of two modules and requiring more exercises in the resilience activity. In addition, some activities will be modified to more clearly emphasize recommended professional development skills such as questioning, presenting, and clearly conveying complex information.

Living Up to the Reflective Practice I Expect of My Students

The fellowship program required deep reflection and a focus on professional development for faculty. I was the student. It was unpleasant at times. I teach at the institution I attended and am deeply invested in it. This current crisis in legal education will require significant changes in how we teach.

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A Continuing Call

Palmer asks: “How do I stay close to the passions and commitments that took me into this work — challenging myself, my colleagues, and my institution to keep

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<tr>
<th>Module Section</th>
<th>Purpose</th>
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<tbody>
<tr>
<td>Introduction</td>
<td>• Provides the broad overview and context for the material</td>
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<td></td>
<td>• Offers logistical information: reminders about the time estimate for completion of the module and the types of learning activities</td>
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<td></td>
<td>• Includes Learning Objectives and Aspirations (for learning beyond the course)</td>
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<tr>
<td>Key Concepts</td>
<td>• Often includes an invitation for students to identify and share preexisting foundational knowledge</td>
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<td></td>
<td>• Outlines foundational ideas, knowledge, themes, concepts and essential information</td>
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<td>• Generally introduced through required readings, presentations, videos, podcasts, and diagrams</td>
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<td>Guided Practice</td>
<td>• Designed for deep engagement with material</td>
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<td>• Applying foundational knowledge from Key Concepts in learning activities and assignments</td>
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<td></td>
<td>• Activities include: discussion forums, case studies, inventories, interviews and collaborative documents (where students share research and co-create knowledge)</td>
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<td>• Includes short assignments that are submitted privately for feedback: reflections, reaction papers, collaborative projects, interviews, and self-assessments</td>
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<td>Resources</td>
<td>• Provides resources with hyperlinks on topics covered in module for use in course and beyond</td>
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<td>• Multi-formatted resources provided: supplemental texts, books, journal articles, videos, podcasts, websites, and databases</td>
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<tr>
<td>Application</td>
<td>• Reflect upon integration of material from the course into externship and/or use in future public health law practice</td>
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faith with this profession’s deepest values?” During this crisis in legal education, I welcome being a part of a community of practice that is striving to do right by our students and our world. I deeply appreciate all hope for innovation efforts and broader engagement in improving the health of our legal community.

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References
6. Id., at 14.
9. The syllabus for this course is available through the fellowship program's online teaching resources library. See Network for Public Health Law, “Public Health Law Faculty Teaching Resources,” available at <https://www.networkforphl.org/faculty_teaching_resources/> (last visited January 11, 2016) (this site is password protected; faculty may request a password from the Network on the site) (see “Public Health Law Workshop” in the Syllabi section of this website). The author can provide a "virtual tour" of the course's online presence to interested readers; please contact her directly.
10. Id. (a complete table of the content for the six modules may be found in the syllabus).
11. This activity and tool can be accessed in the teaching resources library at Network for Public Health Law, supra note 9 (see “Designing an Evidence-Based Resource Guide” in the Case Studies section of this website).
12. This activity can be accessed in the teaching resources library at Network for Public Health Law, supra note 9 (see “Public Health Law Online Practice Workshop, Lawyers as Leaders” in the Case Studies section of this website).
19. T. Bender, Discussion-Based Online Teaching to Enhance Student Learning; Theory, Practice, and Assessment (Sterling, VA: Stylus Publishing, 2003).
21. American Bar Association, supra note 8 (Standard 306, “Distance Education”).
22. Course reflections are on file with the author. The students have granted permission to the author to use these quoted excerpts.
23. A review of all applicable ABA rules yielded no prohibition of cross-institutional courses.
27. Palmer, supra 2.