Teaching Population Health Outcomes Research, Advocacy, and the Population Health Perspective in Public Health Law

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The Project
As a fellow in The Future of Health Law Education faculty fellowship program,¹ I designed a project to expand an existing public health law curriculum to incorporate lessons on population health outcomes research, extra-legal advocacy, and the population health perspective. With respect to each of these lessons, I created opportunities for students not only to read about and discuss concepts, but also to employ the lessons more practically through exercises and by writing white papers on public health law reform topics relevant to population health in Missouri. To do this, I expanded an existing didactic course and created a new credit-bearing, experiential “Lab.” Each is described below.

The Course
Prior to the fellowship, I had taught a two-credit didactic course in public health law. It focused on key constitutional and administrative law doctrines as applied in public health. As part of the fellowship, I added another credit to the course and revised the syllabus to introduce new lessons.²

The revised course begins by introducing students to the practice of public health, the population health perspective, and extra-legal advocacy skills that are important to public health law practice. From there, the course presents the legal doctrine that comprised most of the pre-existing course. Finally, the revised course introduces students to outcomes research methodologies and their use in public health law.

The purpose of teaching outcomes research concepts to law students is twofold. First, it exposes them to concepts fundamental to the empiricism underlying public health practice. Second, and related, it helps students become conversant in the language of those they will work with and clients they will serve in public health law. There are similar purposes behind the lessons in the population health perspective and extra-legal advocacy as well. In the end, a core skill in public health law is translating between public health practice that speaks in terms of communities and data and laws that talk in terms of individual rights and the bounds of governmental power.

Lessons designed to have students see policy from a different professional perspective and that move students well beyond legal doctrine can be challenging. So I used several mock exercises throughout the course to help students deploy these lessons in a hands-on manner. For example, one exercise placed each student on an interdisciplinary team of professionals in a state agency working on a backlog of Medicaid applications.³ As legal counsel, students were required to do more than provide legal advice. They had to discern the agency’s practical and political goals and devise a legal strategy that both served those goals and fit within an over-arching media and political advocacy plan.

Another exercise teamed law students with graduate students in public health. These interdisciplinary groups of students evaluated a then-current policy of quarantining all healthcare workers exposed to Ebola.
while working overseas in any of three West African
nations. In each group, public health students were
required to explain to law students their evaluation of
the policy from the standpoint of preserving popula-
tion health. Likewise, law students were required to
explain to public health students their legal analysis
of the policy from the standpoint of protecting indi-
vidual rights and respecting the boundaries of govern-
mental authority.

I evaluated students in the course using yet another
mock exercise. Each student was required to draft a
memorandum to the director of a fictitious state pub-
lic health agency, with the student acting in the role
of legal counsel. I created a hypothetical about rising
levels of E. coli in a lake frequented by vacationers.

I provided a file to students containing a scientific
report, a task force report proposing a solution, and
a few newspaper clippings related to the economic
impact of both the problem and proposed solutions.
In addition to providing legal analysis of the agency’s
proposed course of action, students were required to
propose alternative strategies that were consistent
with the scientific facts and accounted for the political
and economic context.

I taught this course during the 2014-2015 academic
year. The syllabus and exercises are available through
the Network for Public Health Law.

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and its application to public health law, the
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The Lab

In addition to the restructured course, I also created
an offering called the “Public Health Law Research
Lab,” which I will teach for the first time in spring of
the 2015-2016 academic year. The Lab will give stu-
dents a hands-on opportunity to use health outcomes
research to advocate for legal reforms designed to bet-
ter serve population health.

Students will be introduced to empirical research
on the effectiveness of different legal strategies to
improve a particular aspect of population health. So,
for example, they might look for data about which reg-
ulatory strategy is associated with the highest rates of
immunizations — an absolute legal mandate, a man-
date with exceptions, or official recommendations
without any mandate? Students learn to use the Com-

munity Guide, the Law Atlas, and reports published
by the Network for Public Health Law to find and
evaluate such legal effectiveness data.

Armed with this information, students will research
and evaluate Missouri law related to key aspects of
population health in the state. They will look for data-
driven ways to make state law more effective at achiev-
ng particular population health goals.

The Lab will further provide students with an
opportunity to advocate for specific public health law
reforms by drafting white papers for public consumption. The Lab will also
instruct students on the use of white papers as advocacy pieces, and it will
teach them how best to construct a white paper to reach a broad public audience.

The number of students in the Lab will be limited to no more than 12. Each stu-
dent will be teamed with other students to develop and complete a project. Ide-
ally, law students will be teamed with public health or other graduate students
in a relevant field. The Lab has been approved and added to the law school
curriculum, and I am pursuing ways to offer the Lab to graduate students at the University’s
College for Public Health and Social Justice.

Students in the Lab will be assessed both individu-
ally and as part of their project teams. Early in the
process students will work individually as they learn
to use legal effectiveness data and to identify oppor-
tunities for public health law reform. As each team
begins to create a white paper, however, students will
be assessed based on their group project. To assure
individual accountability in this group assessment,
students will be required to write both an assessment
of their own contributions to the team project and an
assessment of the contributions of each of the other
team members. They will share these reports with me
as the instructor and with each of their team members.

Benefits and Challenges

Public health agencies and organizations need lawyers
who can speak their language, who can incorporate
a population health perspective into effective advoca-
cy, and who can work as part of interdisciplinary,
problem-solving teams. The primary benefit of the
revamped public health law course and the Lab is that
they develop these skills in students.
By training students in outcomes research and its application to public health law, the course and the Lab provide an empirical foundation for legal analysis and law reform advocacy. Because public health practice is data-driven, this training will help students find common ground for communicating with public health practitioners.

Moreover, these offerings require students to engage in problem-solving beyond doctrinal analysis, and often they do so in an interdisciplinary context. The lessons in advocacy will expand each student’s understanding of how to persuade decision-makers beyond legal advocacy skills commonly taught in law schools. Meanwhile, students are challenged to put these skills to work when they become part of interdisciplinary teams tasked with a law reform problem.

The course and the Lab offer other benefits as well. Most notably, the white papers generated in the Lab and posted for public consumption have the potential to provide community benefit.

The greatest challenge in developing this project was determining how best to teach to law students lessons in health outcomes research and public health advocacy. Fortunately, I had access to experts in both of these areas.

With respect to outcomes research training in the course, the problem was choosing the concepts to introduce and determining how best to teach them in a limited period of time. I received considerable help from Dr. Leslie Hinyard, a faculty member and Associate Director of the Saint Louis University Center for Outcomes Research. Additionally, I consulted with my fellowship mentor, Professor Leslie Wolf.

In the end, the outcomes research lesson plans in the course were framed by a few examples of published legal effectiveness outcomes research. We also used the E. Coli hypothetical, described above, as the basis for a lesson on causal mapping in public health law effectiveness research.

The design of the Lab involved a different challenge. I had originally intended that students in the Lab would conduct primary research in public health law effectiveness, and I had been concerned about choosing a project that would not be too challenging for students new to such work. Early on in the fellowship, and with the help of Professor Scott Burris, I opted instead to train Lab students in the use of existing legal effectiveness data to propose changes in the law.

Finally, teaching extra-legal advocacy in the course was challenging because of limited time. Saint Louis University School of Law is very fortunate to have a program in grassroots health advocacy, and I solicited help from the health policy fellow in that program, Professor Cora Drew Walker. Together we identified readings and devised a lesson plan around an exercise that would take place over two class meetings. That exercise is the “Medicaid backlog” hypothetical, described above.

Lessons Learned
My experience in this fellowship program was tremendous, and I learned many lessons. I will share two of them here.

Lesson one: my law students became most highly engaged when they were in same classroom as graduate students in public health.

I originally designed both the course and the Lab for law students only. An opportunity arose during the course, however, to involve graduate public health students in a class devoted to Ebola quarantine policy in the United States. As described above, I invited public health students into the classroom and teamed them with law students. Each small group evaluated a quarantine policy using techniques and principles from their particular professions. Most notably, each student was required to explain his or her analysis to the others in their group.

It was in this process of cross-professional communication where students in the course seemed to have learned the most. In evaluations of the course, nearly every student identified that class as his or her favorite moment. At least half of the visiting students also asked me as they left if we could arrange for another similar opportunity in the future. I heard the same thing from the public health faculty members who had participated in the class as well.

As a result of this experience, I plan to open both the course and the Lab to graduate students outside of the law school and in other relevant fields of study.

Lesson two: engaging in a sustained project to improve my public health law course has reinvigorated all of my teaching.

I am the old guy among the fellows, having completed 18 years of full-time law teaching. I am relatively new, however, to public health law teaching. That is why I was eager to participate in the program.

Over the years I have participated in many workshops focused on scholarship. I had not, however, work-shopped my teaching beyond the long-ago visits by experienced faculty colleagues to my classroom as part of the promotion and tenure process.

In the end, I experienced this fellowship as a rigorous, year-long teaching workshop. We vetted the content of each other's projects. We met with outside experts who critiqued our lesson plans to help us better achieve our pedagogical goals. Along the way, we
read and talked about connecting to students, challenging students, and taking risks ourselves.

It was not long before I found that my teaching in other courses was deeply affected by techniques I was trying in my new public health law course as part of the fellowship. In the end, I have valued this opportunity to become a better teacher as much as any other aspect of the fellowship.

The Future
Unlike most of the other fellows, I have not yet implemented all aspects of my project in the classroom. As described at the outset, the project consists of two distinct offerings. The first is the revamped course, which I taught in its new form in fall of 2014. The second is the Lab, which I have created but not yet taught. I will teach it in the spring of 2016. So for me, the immediate future involves launching the Lab for the first time.

As indicated above, I also hope to offer the course in the future to graduate students in public health and other related fields. So I will also be working to list the course at other schools at my university.

Lastly, maintaining both the course and the Lab in the law school curriculum may be a challenge over the next many years as all law schools slowly recover from low enrollments. When most law schools are paring down their curricula, it is a difficult time to argue for new public health law offerings.

I suspect, then, that all of the fellows will need strategies to make sustainable courses out of our projects over the next several years. Among these strategies should be articulating the important practice skills that students can develop through public health law, including, most notably, interdisciplinary communication and problem-solving skills. Additionally, opening public health law coursework to graduate students in other related fields can help bolster enrollment and justify scheduling these offerings in future years.

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References
2. Network for Public Health Law, “Public Health Law Faculty Teaching Resources,” available at <https://www.networkforphl.org/faculty_teaching_resources/> (last visited January 12, 2016) (this site is password protected; faculty may request a password from the Network on the site) (see “Public Health Law” syllabus by Gatter in the Syllabi section of the website).
3. See id., at “Medicaid Backlog” advocacy exercise in the Case Studies section of the website. Thanks to Cora Drew Walker for developing and teaching this exercise with me.
4. See id., at “Ebola Hypothetical” in the Case Studies section of the website.
5. Id., at “E-Coli Hypothetical Memorandum” in the Case Studies section of the website.
6. See supra notes 2, 4, and 5.
7. See Network for Public Health Law, supra note 2, at “Public Health Law Research Lab” in the Syllabi section of the website.