

CONSTRUCTING A LEGAL EDUCATION FOR A CAREER IN HEALTH LAW

Health Law is a fascinating subject that combines concern with compelling human need, complex personal relationships, high finance and corporate organization, pervasive government regulation, civil rights, and equality. It is also a growth area of legal practice.

A career in health law can take many forms. In this guide, the Health Law Society identifies the variety of work that health lawyers do and suggests courses that students should consider if interested in this type of work.

This document includes sections on:

- Core health law curriculum;
- Additional foundational courses important for training in health law:
 - Health care organizations;
 - Health care regulation;
 - Medical malpractice;
 - Labor law;
 - Civil rights & benefits;
 - International health;
 - Reproductive rights;
 - Bioethics;
- Law clinics;
- Further academic options and courses, at NYU School of Law and other academic institutions in New York City.

THE HEALTH LAW CORE CURRICULUM

NYU Law offers two courses that should be regarded as the core of a health law curriculum.

Health Law (L13.3525). This three credit introductory course is taught by Professor Sylvia Law. It surveys the law, history, demographics, economics, and ideology of health care delivery and financing in the United States. It also addresses issues of access, financing, and regulation of quality.

Health Law Colloquium (L13.3500). This three credit seminar is also taught by Professor Sylvia Law.

SUPPLEMENTING THE HEALTH LAW CORE CURRICULUM

NYU Law has a small health law core curriculum, but there are numerous courses that may be important to a career in health law, depending on the area chosen. We have listed these courses in the next section. They are grouped by general career paths.

It is worth noting that it is customary for lawyers to move from one area of health law advocacy to another throughout their careers. We have listed career paths in which you might reasonably expect to find a job. Many lawyers begin at a firm representing many different types of clients in the health care industry.

Please note that not all courses listed are offered every academic year.

HEALTH CARE ORGANIZATIONS

This area presents many employment opportunities for lawyers interested in health law. Most hospitals, medical schools, health maintenance organizations, and community health centers have full-time staff counsel. Most large organizations have their own legal departments, and many look to outside counsel when problems such as antitrust, regulatory, and union issues arise.

Suggested courses: Corporations (L03.2010)
Income Taxation (L11.2001)
Law of Nonprofit Organizations (L03.3055)
Tax-Exempt Organizations (L11.3040)
Medical-Legal Advocacy Clinic (L02.2543/2544)

Additional courses: Community Development Law (L13.2050)
Survey of Copyright, Patent and Trademark Law (L12.3030)
Patent Law I and II (L12.3010 and L12.3011)

HEALTH CARE REGULATION

This area offers many employment opportunities working for local, state or federal agencies that regulate health care, health insurance, antitrust or civil rights, as well as working for the health care organizations that must comply with such regulations. Government agency work tends not to be as well paid as work representing mainstream health care organizations.

Suggested courses: Insurance Law (L03.3050)
Local Government Law (L01.3016)

Additional courses: Antitrust Law (L12.3020)
Environmental Law (L01.3035)
Torts: Products Liability (L08.3040)

MEDICAL MALPRACTICE

This area of practice employs both plaintiff and defense lawyers. Defense counsel is generally paid by insurance companies and on average earns more than plaintiff lawyers. Plaintiff lawyers

are usually paid on a contingent fee basis. Malpractice defense lawyers, and less well-established plaintiffs' lawyers, tend to have less choice about the clients they represent.

Suggested courses: **Civil Litigation** (L09.2005)
Trial Advocacy (L09.3527)
Trial and Appellate Advocacy (L09.3510)
Mass Tort Litigation (L09.3500)
Torts: Products Liability (L08.3040)
New York Practice (if you will work in New York) (L09.3020)
Clinics offering litigation opportunities

LABOR LAW

Health care workers, particularly in the public sector, are often unionized. Further, the general labor law of pensions and employee benefits applies to all health care workers. Some small firms specialize in representing unions composed of health care workers. Other firms specialize in resisting unionization. In addition to representing individual clients, labor lawyers often plan an important role in state and federal debates about health care policy. Most of this work is well paid, although management lawyers tend to earn more.

Suggested courses: **Labor Law** (L07.3001)
Employee Benefits (L07.3021)
Employment Discrimination (L07.3016)
Topics in Labor and Employment Law (L07.3504)
Employee Pension and Health Benefits Law (L07.3520)

PATIENTS' RIGHTS: CIVIL RIGHTS AND BENEFITS

Because there are few small organizations in the United States devoted to obtaining quality health care for people who are uninsured, there are few job opportunities in this area. Many legal services and civil rights organizations have a staff person who focuses on health care access issues for the clients they serve, and organizations that serve individuals with HIV/AIDS do a good deal of health law work. Additionally, local, state and federal anti-discrimination agencies employ lawyers who focus on health law.

Suggested courses: **Federal Courts and the Federal System** (L09.2015)
Medical-Legal Advocacy Clinic (L02.2543/2544)

Additional courses: **Law of the Welfare State** (L13.3005)
Mental Disability Law (L08.3535)
Current Issues in Immigrants' Rights (L01.3511)
Sex Discrimination Law (L06.3553)
Sexuality and the Law (L08.3599)

INTERNATIONAL HEALTH

The study of health on an international level relates primarily to the work of national governments and international organizations to develop and reform health care systems. In recent years, the provision of health care has been promoted under a human rights framework. Many United Nations agencies are involved in the provision of health care on an international level, such as the World Health Organization and UNICEF. The U.S. government is also active in international health initiatives through departments such as the Agency for International Development. Additionally, many non-governmental organizations, such as CARE, Oxfam, and the Center for Reproductive Law and Policy, are committed to international health care work. Information about these organizations can be found through the Public Interest Law Center.

Suggested courses: International Law (L05.3001)
International Human Rights (L05.3034)

REPRODUCTIVE RIGHTS

This area of health law has received a lot of attention since the 1960s and 1970s. There are very few jobs that offer the chance to specialize solely in reproductive rights law, but many fields, such as employment discrimination law, regularly touch on reproductive rights. Furthermore, a growing number of think tanks and legal organizations focus on reproductive rights. A few government offices maintain a staff attorney to address reproductive rights issues.

Suggested Courses: Sex Discrimination Law (L06.3553)
Sexuality and the Law (L08.3599)

BIOETHICS

This area, although extremely fascinating, offers few jobs that allow lawyers to address these issues exclusively. A lawyer interested in focusing on bioethics may want to become a professor at a college, law school, or school of public health. However, general counsel at a research hospital or medical school will also confront ethical issues in the context of human subject research, research studies involving animals, stem-cell research and other cutting-edge research.

Suggested courses: Allocating Authority for Biomedical Decisions (L08.3528)
Introduction to Ethical Theory (L06.3002)

CLINICS

A clinic is a unique opportunity offered by the law school to earn course credit while engaging in meaningful, real-world legal fieldwork. Currently, the law school offers one clinic that is particularly relevant to a health law curriculum, the Medical-Legal Advocacy Clinic taught by Professor Paula Galowitz. Students in the clinic work with LegalHealth, a nonprofit organization that provides free legal services to low-income clients in a medical setting.

Information about the Medical-Legal Advocacy Clinic can be found at <http://www.law.nyu.edu/academics/clinics/semester/medical-legal/index.htm>; information about applying for a clinic is available at <http://www.law.nyu.edu/academics/clinics/index.htm>.

Suggested course: **Medical-Legal Advocacy Clinic** (L02.2543/2544)

OTHER COURSEWORK

Aside from course offered at the Law School, students can further pursue study of health law issues through a variety of avenues, both within the Law School and through other venues.

Directed Research. Students should consider directed research opportunities as a way to explore and develop personal interests. Many professors are willing to supervise directed research projects on health law issues relating to the law that they study and teach. Please consult the faculty advisor guide in determining the appropriate faculty member to supervise your work.

Institute for Law and Society. Courses at the Institute are open to law and graduate students and focus on social and legal policy, sociological theory, and comparative law and global practices. Some faculty affiliated with the Institute, such as Sylvia Law and Dorothy Nelkin, teach course that draw on health law issues. The Institute is located in Butterick (161 Avenue of the Americas, 12th Floor), and its website is www.law.nyu.edu/ils.

Wagner School of Public Service. Through its Health Policy and Management Program, Wagner offers classes that focus on the management and policy aspects of health care delivery and financing. Courses in the Health “Cluster Area” include: Community Health and Medical Care (P11.1830), Health Economics and Payment Systems (P11.1832), Health Services Management (P11.1833), International Health Policy and Prospects (P11.2242), Global Health Governance and Management (P11.2244), Healthcare Management Information Systems (P11.2821), Human Resources Management in Health Care Organizations (P11.2832), Current Issues in Health Policy (P11.2836), Financial Management for Health Care Organizations (P11.2842), Health Care Financing in Developing Countries (P11.2843), Advanced Health Care Payment Systems (P11.2845), Health Insurance and Managed Care (P11.2848), Economics of Global Health (P11.2852), Comparative Health Systems (P11.2852), and Health System Reform: Comparative Perspectives (P11.2867). Information about these courses can be found on the NYU Wagner website at <http://wagner.nyu.edu/courses/listings.php?subc=hlth>.

School of Medicine. While there is generally little overlap between medical and law school coursework, the medical school occasionally offers classes that are relevant to law students’ studies. One example is Doctor/Patient, Lawyer/Client: The Nature of Professional Relationships (L06.3588), which is co-taught with law school faculty.

Note on Coursework in Other Graduate Schools of the University: For law school credit, a case must be made that a course advances interdisciplinary understanding and one of those

disciplines must be the law. That is, for a course to receive law school credit, a case must be made that the course will enrich a student's knowledge of the law itself.

Students will be permitted to enroll for non-law school graduate courses within the University **only** if they have permission from the Office of Academic Services. Permission to enroll, in all cases, will be subject to the availability of space in the class after registration at the particular department within the University is complete.

For more information, see the Academic Services request form available at <http://www.law.nyu.edu/recordsandregistration/crossregistration/otherdivisionsattheuniversity/index.htm>.

Columbia School of Public Health. Law students can take courses at Columbia's School of Public Health by using transfer credits. Information about these courses can be found on the Columbia School of Public Health website (<http://www.mailman.hs.columbia.edu/>). To take courses outside the law school, you must obtain a request form from the Office of Academic Services. Once you submit the form and receive the law school's approval, you can receive transfer credits for courses taken at the Columbia School of Public Health.

Columbia School of Law. Law students are allowed to take one course at the Columbia School of Law. Though only a limited selection of Columbia courses are available to NYU students, the selections for Fall, 2008 included two courses which may be of interest to law students: The Anatomy of Autonomy: From Personhood to Personification (L8174) and Reproductive Health and Human Rights (L8152). The list of courses is available at <http://www.law.columbia.edu/academics/curriculum>. For instructions on how to register and receive credit for a course taken at the Columbia Law School, please see <http://www.law.nyu.edu/recordsandregistration/crossregistration/columbialawschoolnyuschooloflawexchange/index.htm> for an online request form.