

# A Tribute to Professor Charity Scott

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It was a privilege to attend the symposium *Defining Health Law for the Future*, and join with so many of Georgia State University College of Law Professor Emerita Charity Scott's colleagues and friends, supporters, former students, mentees, and presenters. It was a symposium that fittingly served as a tribute to Charity and the remarkable impact she had on the many communities she touched. To the Harrell/Scott family — thank you so much for helping us celebrate Charity and her work.

Charity embraced health law as a broad discipline and medium for change. She was a pioneer who, in concert with like-minded colleagues, managed in just over two decades to transform legal education's approach to health law from a single three-credit elective into the multifaceted, interdisciplinary field of study and practice that it is today.

I was asked to focus my tribute to Charity on her program-building years, which I took to mean the path to and the success of the Center for Law, Health & Society. As the law school's dean and associate dean during many of those years, I was blessed to have had a front row view of Charity in action: her epic abilities to build, to plan and strategize, to hold to her vision, and in the end deliver far more than any of us imagined, except her.

## Charity's Vision

As Dean LaVonda Reed previewed in her opening remarks to the meeting, this symposium examined the future of health law, an ambitious charge, maybe even a stretch, but the kind of challenge Charity relished. At the same time, if Charity were here, I suspect she would remind us that an exploration of health law's future must be part of an ongoing exploration of the present — because what we call health law today is in reality a cluster of evolving questions that require us to anticipate and respond to change. Charity was both an agent of that change and a brilliant interpreter of it.

Charity foresaw that health law, when viewed correctly, extends beyond its traditional law-based boundaries, and values shared space with the other health professions and related disciplines. Her vision is

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reflected today in incalculable ways, but I will jump to an essential but basic example — the scope of today’s health law curriculum. I share here a list of Georgia State Law’s health law offerings primarily drawn from the program that Charity prepared for the center’s tenth anniversary in 2014 and the center brochure of that time period.<sup>1</sup> Note the breadth and reach beyond traditional health law. I could easily go on and add items to this list, and if Charity’s listening, I probably should. Truth be told, there was a time “BCLHS”<sup>2</sup> that I subscribed to the traditional view — that health law was, you know, health law, one course, maybe two, with the addition of Health Regulation. Charity quickly disabused me of that notion.

“Everyone teaches health law,” she exclaimed. “You’re in health law, Steve.” “I am in labor law,” I protested. Charity smiled. “See, just as I said, Health Law in the Workplace.”

### Standout Teacher

While I mentioned earlier that my focus is on Charity’s impact on the development of health law, she was also a dedicated teacher, and I digress briefly to underscore how gifted she was in the classroom.

Charity joined the Georgia State Law faculty in the fall 1987, just three years after I arrived. We were both junior faculty members and quickly became friends. Charity’s initial teaching package included antitrust law, administrative law, and the traditional three-credit health law course — one course, one faculty member. Whatever course Charity taught, she very quickly emerged as one of the law school’s most skillful and effective classroom teachers. Her student and peer evaluations consistently ranked her at or very near the top, notwithstanding her reputation among the students as quite rigorous. After a few years, Charity added a section of torts to her teaching package, an addition that dovetailed well with her health law course. It shouldn’t surprise you that Charity was particularly adept in using Socratic dialogue, especially with first year torts students, where she would engage the class through questions, and respond to their answers with more questions, a process meant to promote self-learning and discovery. (I confess from personal experience with Charity that she was very skilled at this process outside the classroom as well.)

Charity’s teaching efforts in her health law courses included introducing her students to the interdisciplinary dimensions of the subject. They would be evident in her assignment of readings, guest lecturers, and the mixing of medical and law students to help bridge the divide between legal and medical ethics. Educating her audience about these issues extended

beyond the law school or medical school classroom to include numerous presentations on innovative health law teaching at annual conferences, particularly the annual Health Law Professors Conference sponsored by the American Society of Law, Medicine & Ethics (ASLME.). In 2006, ASLME awarded Charity the Jay Healey Teaching Award in recognition of her outstanding contribution to health law teaching.

### Emory Ethics Fellow: Creating Her Own Interdisciplinary Opportunities and Setting the Stage for the Future

In her early years at Georgia State Law, Charity’s professional and scholarly agenda focused mostly on antitrust in a health law context. But by the early 1990s her passion centered on issues at the intersection of law, medicine, and ethics, issues that Charity would champion for the rest of her professional life. She readied herself for this journey through education by seeking an opportunity to explore the world of health care ethics and medical school education from the inside. To do that, she convinced Emory Medical School’s Center for Ethics in Public Policy and the Professions to grant her request to become an “ethics fellow” for the 1994-95 academic year, assigned to its teaching hospital, Grady Memorial. For these nine months, Charity went on medical rounds with doctors and medical students, studied the legal-medical-ethical issues that arose in Grady’s neonatal unit, met with doctors and staff from Emory Medical School, and participated in medical school classes. This experience set the stage for the future as it became Charity’s north star for her mission to advance the cause of interdisciplinary and cross-professional education united around health care ethics.

But Charity’s plans to use her experiences at Emory to build the kind of program she envisioned would be slowed by university and law school budget constraints, especially in faculty hiring. Charity needed Georgia State Law to recruit new faculty members if it was serious about upgrading its capacity in the health law field. Charity was still the lone full-time health law faculty member and by this time was covering three health law courses in addition to torts: health law liability, bioethics, and a seminar focusing on health care ethics open to Emory medical students and Georgia State Law students.

### Components-in-Progress for a Center-in-Waiting: 2000-2005.

Not deterred, Charity adjusted and moved forward *incrementally* (not a word she frequently favored) to develop the components of a future center where funds allowed. For example, to enhance students’ interdisci-

plinary opportunities, she secured law school and university approval of dual degree law and master's programs, the first of which was the J.D./M.S.H.A. and J.D./M.H.A./M.B.A. in Law and Health Administration with Georgia State University's Robinson College of Business. Upon Georgia State's establishment of the Institute of Public Health (now the School of Public Health), Charity secured approval of a J.D./M.P.H., as well. Similarly, Charity continued to provide opportunities for joint ethics seminars open to Emory medical students and Georgia State Law students.

During this time, Charity also established a public

to improve both their access to health care and their overall health.

While the premise attracted much interest, the problem that almost derailed Charity was that Grady was quite resistant to having lawyers, especially litigators, within its facility mixing with doctors and patients, a position that persisted intermittently over several years, until a new Grady administration unequivocally said "no." But in the end, and after more than a decade of persistent effort, Charity prevailed without Grady by finding a new legal services partner at Children's Healthcare of Atlanta. Still, even with the

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health roundtable to give the law school more identity in public health and begin a dialogue with public health professionals, lawyers, and academics on ways to approach teaching public health as a law course. Participating in that roundtable were representatives from the Centers for Disease Control and Prevention, Emory's Law School and Rollins School of Public Health, and Georgia State's College of Law and Institute of Public Health, and Morehouse School of Medicine. The group would meet monthly for breakfast at Charity's home on Oxford Road. To make it official they took on a name: The Oxford Group. Through this effort, the group created a draft outline to be used as a model for a public health law course, and a member of the CDC contingent volunteered to teach it at Georgia State Law as an adjunct professor. Charity's relationship building was key to these successful outcomes.

In the mid-1990s, inspired by her experience at Emory as an "ethics fellow," Charity embarked on what became a decade-long journey to develop a medical-legal partnership (MLP) that would bring together health care providers and lawyers to collaborate over the treatment of patients.<sup>3</sup> In the early 2000s, with a small study grant from the State Bar of Georgia's Health Law section, Charity partnered with Atlanta Legal Aid to propose a medical-legal partnership within Grady Memorial Hospital in downtown Atlanta. The primary premise of this collaboration was that by combining the expertise of health care professionals with the expertise of attorneys on site, hospitals can work more holistically on behalf of patients

Grady issue solved, further work needed to be completed before the Health Law Partnership (HeLP) (at Children's) and the HeLP Legal Services Clinic (at Georgia State Law) would become fully operational.

### **The Center for Law, Health, & Society and the University's Second Century Initiative**

In the fall of 2003, Charity submitted a proposal for the establishment of a health law center at Georgia State Law to be named the "Center for Law, Health & Society" and known as the CLHS. In early 2004 the proposal was approved and the center became a reality. Charity's choice of name for the center was obviously and intentionally broad, meant to capture in just a few words what is stated in more detail in the very first lines of its mission statement:

The mission of the proposed Center for Law, Health & Society is to provide ongoing opportunities for faculty and students to engage in interdisciplinary education and research with respect to contemporary issues at the intersection of law, health and society.

While the center's 2004 opening technically marked its formal founding, it may be more precise to say it marked the careful development of an individual's vision many years in the making- a series of proposals and initiatives, formal and informal, some ready for launch, others still in progress. The Health Law Partnership (HeLP), for example, was launched at

Children's the same year as the center, under the leadership of clinical professor Sylvia Caley. The HeLP Legal Services Clinic would take bit longer before opening in 2007 under the leadership of Charity Scott as its director and clinical professors Sylvia Caley and Lisa Bliss. Charity turned the director reigns over to Sylvia and Lisa after the clinic's first year of operation.<sup>4</sup>

Charity and the faculty (which had just approved the center) quickly recognized the immediate benefit of moving from an accumulation of loosely connected programmatic parts to a living, breathing, coherent center, with its own website, and the name Charity Scott for instant credibility. But make no mistake, the center that was approved in 2004, while loaded with potential, needed significantly more resources for hiring more faculty.

A surprising opportunity emerged before the availability of funding in 2005 when Charity convinced the Georgia State University chair of the Biology Department on the interdisciplinary benefits of supporting a senior law appointment in Law and Bioethics, who agreed to help her convince the provost. The provost supported the collaboration, and Charity was at her best in recruiting Law and Bioethics scholar Paul Lombardo to leave the medical school at the University of Virginia to accept a senior, tenured position at Georgia State Law.

It was shortly after this time, as if on cue, that Georgia State's president and provost announced the establishment of a campus-wide competitive grant program, known as the Second Century Initiative or 2CI, meant to commemorate the university's celebration of its first hundred years. The grant funding component was designed to promote interdisciplinary collaboration and build scholarly strength around critical national and international issues. Successful proposals would receive funding for faculty appointments in disciplinary clusters of two to four persons.

Charity seized the opportunity. Between 2006 and 2010 she would spearhead three successful cluster hire proposals, two in partnership with Georgia State's Institute of Public Health and the third with the Robinson College of Business' Institute of Health Administration. The funds awarded from these successful 2CI proposals directly resulted in five new tenure track law appointments filled by national candidates of exceptional ability. These appointments served to address important CLHS needs while providing scholarly strength in a diverse range of health law areas, including public health law, health law regulation, health justice, biotechnology, the business of science and intellectual property, research ethics, and human rights. Another successful 2CI proposal

in 2014 funded two additional law faculty positions in the areas food and drug law and regulatory science.

The infusion of these new hires, along with Paul Lombardo's pre-2CI hire in 2006, and the launch of the HeLP Legal Services Clinic in 2007, gave Charity and the CLHS a dramatic jump on nearly all aspects of its development. It enriched the health law offerings available to students; hastened the timeline of a health law certificate program; projected the CLHS as a national leader in interdisciplinary health law education; promoted the strength and versatility of the health law faculty's scholarship and level of national engagement; improved our competitiveness in the faculty hiring market; and enabled the CLHS to successfully recruit candidates previously viewed as long shots.

Collectively these several factors underscored the successful advancement of Charity's vision of a broad, interdisciplinary role for today's health law. That vision is embodied in the center she built, as evidenced by the center's standing within its field. In the U.S. News & World Report annual ranking of law school health law programs, the CHLS has been ranked as one of the top ten in the nation every year since 2008, standing presently alone at number 1.<sup>5</sup>

Charity stepped down as CLHS director in 2014, leaving forward the embodiment of a twenty-five-year journey that began with one faculty member and one course. By the time she stepped down, it had grown to young adulthood encompassing a team of ten full-time health law faculty, a director and associate director, as well as affiliated faculty, and center fellows. Leadership is the capacity to transform vision into reality.

## Conclusion

I would like to thank Stacie Kershner and Erin Fuse Brown for allowing me to tell this story and especially to share it with all of you. While writing this tribute, I found it easy, perhaps too easy, to get caught up in the tangible parts of the narrative — the success points; how many faculty, how many courses, how many initiatives, and how we compared to our national peers. Charting Charity's journey this way may have been inevitable, but in the end it is incomplete. To touch upon the fuller story, I will close by making two brief observations.

The first is about Charity the visionary whose work has taught us not simply to accept the challenge of interdisciplinary collaboration but to embrace it fully as an opportunity to achieve better outcomes in a complex world. Her sandbox was at the intersection of law, health, and society.

My second observation is about Charity the person and what she gave to these endeavors; to will them into existence — her unmatched grit and tenacity, passion that rarely wavered, creativity to manage more than a fair share of roadblocks, and a spectacular ability to think strategically — all in the pursuit of a conviction that the law can play a vital role in improving society's health.

#### Note

The author has no conflicts of interest to disclose.

#### References

1. "BCLHS" is shorthand for *Before* the Center for Law Health & Society.
2. The list includes:
  - Bioethics and the Law
  - Biotechnology and the Law
  - Food and Drug Law
  - Forensic Medicine
  - Genetics & the Law
  - Health Law: Finance and Delivery (formerly Health Law Regulation)
  - Health Law: Quality and Access (formerly Health Law Liability)
  - Health Legislation and Advocacy
  - HIV/Aids and the Law
  - Human Subjects Research
  - International & Comparative Health Law
  - Law and Health Equity
  - Law and Mental Health (formerly Law and Psychiatry)
  - Law and Social Welfare
  - Public Health Law
  - Health Law Partnership (HeLP) Legal Services Clinic
  - Health Law Seminar/Health Law Special Topics

Other courses with health law components included Domestic Violence and the Law, Human Rights and Children, Elder Law, and Disability Law. Additional courses added

later included Reproductive Rights and Justice, Health Care Fraud & Abuse, Pharmaceutical Law, and Law and Eugenics. Courses like Privacy Law and ERISA also have health law components.

3. The HeLP Legal Services Clinic was created to be a HeLP offspring with the added responsibility of serving as a teaching clinic in which enrolled students at Georgia State Law would be authorized to represent HeLP clients under faculty supervision. The cases used in the HeLP Clinic would be referred from the Health Law Partnership at Children's, which would screen for cases well suited for a law school clinic.
4. Sylvia Caley, a friend and colleague, worked closely with Charity over many years to bring this project to fruition. Sylvia was a Georgia State law student at the outset and began work on the project while serving as Charity's graduate research assistant. In the years following graduation, Sylvia became a staff attorney at Atlanta Legal Aid while also continuing to spread the word about medical-legal partnerships. In or about 2005 Georgia State Law hired Sylvia as a clinical professor to further develop opportunities in this area.
5. U.S. News and World Report, Rankings of Law School Specialty Programs: Health Law. Georgia State University College of Law, 2004-2024

2024: 1st (20th anniversary)	2014: 3rd (10th anniversary)
2023-2024: 1st	2013: 2nd
2023: 3rd	2012: 5th
2022: 1st	2011: 4th
2021: 2nd	2010: 6th
2020: 2nd	2009: 10th (5th anniversary)
2019: 3rd (15th anniversary)	2008: 10th (first year in top 10)
2018: 7th	2007
2017: 6th	2006
2016: 3rd	2005
2015: 8th	2004: First year of center — not ranked