

The Symptoms of Public Health Policy: Invisible Injuries, the Gendered Body and the Law

On Friday, February 27, 2009, the Duke Journal of Gender Law & Policy will be sponsoring a conference on how public health law and policy affect, and are affected by, issues of gender, race/ethnicity and/or socioeconomic status at the Duke University School of Law. Registration will begin at 8:00. The conference will last from 9:00 a.m. to 3:45 p.m.

In hosting this symposium, we are bringing together voices from a variety of disciplines to shed light on the dynamic relationship between public health law and policy and public health provision, with a particular focus on the gendered body. The panelists will explore whether the law is appropriately responsive to the needs of public health workers; whether public health laws and policies are informed by issues of gender, race and class; whether current policy directives adequately address the environmental and sociological factors that impact the public health; whether the law can be used as a coercive force to limit risky behavior or a rewarding force to incentivize healthy conduct; whether these complex issues can be addressed in designing a comprehensive public health program. Ultimately, we hope the conference will increase awareness of the mainly invisible, structural contributors to poor public health. More than that, however, we hope to explore the ways health laws and policies affect the manner in which people experience not only disease, but health and their bodies.

The event is free and open to the public. The Duke University School of Law is located at the corner of Towerview Road and Science Drive on Duke University's West Campus. Lunch will be served and audience members will have the opportunity to attend a "Women in Academia" panel sponsored by the Women Law Students Association.

Please register at by February 15, 2009 at DJGLPPublichealth@gmail.com.

On-site registration will be permitted if space remains.

The Symptoms of Public Health Policy: Invisible Injuries, the Gendered Body and the Law
Conference Overview

Public health is a broad and nebulous issue, concerned ultimately with health but often focusing on disease. Public health includes the global threat of diseases such as HIV/AIDS and their disproportionate impact on certain vulnerable populations. It concerns domestic institutions and the structural inequalities that limit access to healthcare or reduce the opportunity for disease prevention. On the other end of the spectrum, public health is about individuals, said to be impacted by personal behaviors, choices, lack of knowledge, and/or a preference for risk. As is so often the case, contemporary understandings and controversies about gender, race and class—particularly in relation to the prevalence or sincerity of choice, and to risk and risk avoidance—are being located on the body. And, as is always the case, this body has a gender, an ethnicity, and a socioeconomic status.

On February 27, 2009, the Duke Journal of Gender Law & Policy will host a symposium examining these issues. This event is designed to incorporate the complexity surrounding public health, by bringing together the voices of those looking at the discrete and largely hidden effect of laws and policies on specific populations, as well as those taking a macro-level view of the issue and working to design comprehensive and preventive health programs.

*The Symptoms of Public Health Policy:
Invisible Injuries, the Gendered Body and the Law*

February 27, 2009

- 8:00-9:00: **Registration:** Coffee and bagels provided
- 9:00-9:15: **Opening Remarks:**
Eugenie Montague, *DJGLP* Special Projects
- 9:15-10:30: **“Irrational Women”: The Public Health Components of Prenatal Drug Use, Abortion and Infanticide**
- Janet Steverson, *Professor, Lewis and Clark Law School*
“Prenatal Drug Exposure: The Impetus for Overreaction by the Legal Community or a Serious Problem Needing a Serious Solution?”
 - Maya Manian, *Associate Professor, University of San Francisco Law School*
“The Irrational Woman: Informed Consent and Abortion Decision-Making After *Gonzales v. Carhart*”
 - Michelle Oberman, *Professor, Santa Clara University School of Law*
“Eva’s Baby: A Narrative Essay on the Public Health Components of Infanticide.”
- 10:30-11:15: **Morning Break**
- 11:15-12:00: ***The Invisible Injuries of HIV/AIDS: What the Law Overlooks in Domestic Violence, Sex Work and HIV Testing***
- Jane Stoeber, *Director of the Domestic Violence Clinic, American University, Washington College of Law*
“The Presence of HIV/AIDS in the Domestic Violence Context”
 - Svati Shah, *postdoctoral fellow, Duke University*
“Sex Work, Criminalization, and Public Health in India’s Informal Sectors”
 - Matthew Pierce, *postdoctoral fellow, University of North Carolina, Chapel Hill*
“Opting Out of the Opt-in/Opt-out Distinction in HIV Testing”
- 12:15-1:30: **Lunch Panel: *Women in Academia*** (sponsored by The Women Law Students Association)
- 1:45-3:30: ***Transforming US Healthcare: Integrating Health Law, Medicine, and Business Solutions***
- Deborah German, *Dean, College of Medicine, University of Central Florida*
 - Jeanette Schreiber, *Associate Dean, College of Medicine, University of Central Florida*
 - Ashley Bacot, *Risk Manager, Rosen Hotels*

3:30-3:45: **Closing Remarks:**
Amelia Hairston-Porter, *DJGLP* Editor in Chief
Speaker Bios

Moderator:

Professor Kim M. Blankenship, PhD is an Associate Research Professor in the Department of Sociology at Duke University and the Duke Global Health Institute (DGHI). Previously, she served on the faculty at Yale University's School of Public Health (YSPH), and from 1998 – Spring 2008, she was the Associate Director of the Center for Interdisciplinary Research on AIDS at YSPH. At DGHI she oversees the Gender, Poverty and Health Strategic Research Initiative, one of six such Initiatives supported by the Institute. Her research focuses on race, class, and gender analyses of health, policy, and law, with a focus on HIV/AIDS. Current research projects include analysis of the implementation and impact of community led structural interventions to address HIV risk in female sex workers in India; a study of the impact of the criminal justice system on HIV risk among drug users in Connecticut; and an analysis of the relationships among incarceration, policing, and race disparities in HIV/AIDS.

Panel One: *“Irrational Women”*: *The Public Health Components of Prenatal Drug Use, Abortion and Infanticide*

Professor Janet Steverson was an associate at Steptoe & Johnson in Washington, D.C., doing general litigation. She worked particularly on cases of commercial transactions involving tort and contract allegations, employment discrimination, government contracts, and insurance coverage disputes. Steverson was a member of the Harvard Law School Board of Student Advisors teaching first-year students moot court, legal writing, and research. An area of special interest to her is children's rights. She has published on the issues of interspousal tort immunity, drug-addicted mothers, and the relevance of contract and contract law to small businesses. Her current research interests are focused on drug-addicted mothers. She is admitted to the New York and District of Columbia bar associations. Professor Steverson graduated magna cum laude 1982 State University of New York College at Brockport and received her J.D. in 1986 from Harvard University Law School. Professor Steverson is currently the Jefferey Bain Faculty Scholar Professor of Law at Lewis and Clark Law School.

Professor Maya Manian received her undergraduate degree from the University of Michigan and her law degree magna cum laude from Harvard Law School, where she served on the Harvard Law Review. After law school, she was a Fulbright Scholar in India, studying India's domestic violence laws. She served as a law clerk to Judge James R. Browning of the United States Court of Appeals for the Ninth Circuit. She practiced civil rights litigation at the Center for Reproductive Rights in New York, as a Blackmun Fellowship Attorney. She was an associate at Howard, Rice, Nemerovski, Canady, Falk & Rabkin and also a Deputy Attorney General for the California Office of the Attorney

General. Professor Manian's research interests focus on constitutional law, gender equality and reproductive justice. Professor Manian is an Associate Professor at the University of San Francisco School of Law.

Professor Michelle Oberman is a graduate of the University of Michigan Schools of Law and Public Health. She is Professor of Law at Santa Clara University School of Law, where she specializes in the area of health policy and the law, with particular emphasis on the intersection of women's health, poverty, criminal law and public health issues.

A former chair of the American Association of Law School's Section on Law and Medicine, Professor Oberman lectures to a broad set of audiences, including legal, medical, undergraduate and community-based interest groups. In addition to her academic experience, Professor Oberman maintains an affiliation with a variety of health care organizations, and has served on the Institutional Review Board of Children's Memorial Hospital in Chicago, and the Board of Directors of the Health and Medicine Policy Research Group. She served as a community representative on the University of California at San Francisco Campus Committee on Gamete, Embryo, and Stem Cell Research (GESCR) (2005-2008).

As a legal scholar with a background in public health, Professor Oberman's research focuses on legal and ethical issues relating to adolescence, sexuality, pregnancy and motherhood. In recent years, she has written about statutory rape, postpartum mental health issues and the law, filicide, substance abuse by pregnant women, and the fiduciary obligations of health care providers to their patients. In addition to teaching in the area of health law, Professor Oberman teaches both Criminal Law and Contracts. Her current research employs ethnographic methodology in search of a deeper cross-cultural understanding of issues involving women's health and the law.

Panel Two: *The Invisible Injuries of HIV/AIDS: What the Law Overlooks in Domestic Violence, Sex Work and HIV Testing*

Professor Jane Stoever is the Director of the Domestic Violence Clinic at American University, Washington College of Law, where she supervises third-year law students as they represent clients in family law, domestic violence, and immigration matters. Professor Stoever also teaches Family Law, Domestic Violence Law, and a clinical seminar on lawyering skills and values. She previously taught in Georgetown University Law Center's Domestic Violence Clinic as a Women's Law and Public Policy Fellow, served as a judicial clerk, and worked at legal aid offices and shelters for teenage girls and homeless families. She is a graduate of Harvard Law School and was a student attorney at the Harvard Legal Aid Bureau. She was recently featured in Harvard Law School's *Women's Rights Guide*. Her latest article, *Stories Absent from the Courtroom: Responding to Domestic Violence in the Context of HIV and AIDS*, will be published in the North Carolina Law Review.

Svati Shah is a Postdoctoral Fellow in Transnational Sexuality Studies at Duke this year, and is based in the Women's Studies department here. Prior to her current position, she was a visiting lecturer at Wellesley College.

She has taught gender and sexuality studies at New York University, Hunter College, and Marymount Manhattan College. Her book on sex work in Mumbai's informal sector will be published with Duke University Press. Dr. Shah's research focuses on migration, sexuality, and political economy in India.

Matthew Pierce is a postdoctoral fellow at the Injury Prevention Research Center at the University of North Carolina, Chapel Hill. Mr. Pierce graduated with a joint JD-MPH degree in 2004 from Georgetown University Law Center and the Johns Hopkins Bloomberg School of Public Health. Before coming to Chapel Hill, Mr. Pierce worked as an Assistant Public Defender in Baltimore City for 2 ½ years, during which time he participated in a pilot program aimed at promoting a more holistic and preventive approach to public defending. Mr. Pierce has written on a wide variety of law and public health topics, including the constitutionality of gun detection technology, the use of zoning laws to combat obesity, and the legal and policy trends surrounding HIV testing of pregnant women.

Panel Three: Transforming US Healthcare: Integrating Health Law, Medicine, and Business Solutions

Dr. Deborah C. German, M.D., is the Dean of the College of Medicine, University of Central Florida. She earned her M.D. degree from Harvard Medical School. She was a Resident in Medicine at the University of Rochester in New York and a Fellow in Rheumatic and Genetic Diseases at Duke University in Durham, North Carolina. She became a faculty member at Duke, involved in research, patient care, and education. As an Associate Investigator at the Howard Hughes Medical Institute at Duke, she studied adenosine metabolism. She became Director of the Duke Gout Clinics in 1984 and Associate Dean of Medical Education at Duke in 1987. She also maintained her own private practice of Internal Medicine and Rheumatology. Dr. German also served as Associate Dean for Students and Senior Associate Dean of medical Education at Vanderbilt University, and as President and Chief Executive Officer for Saint Thomas Health Services, where she led a successful hospital turn-around and initiated service excellence and quality programs at the hospital that received national recognition. Throughout this time she continued to practice medicine.

In 2005, Dr. German spent a year at the Association of American Medical Colleges in Washington, D.C. as a Petersdorf Scholar in Residence. She studied the leadership of academic health centers framed in the concepts of chaos theory and complex adaptive system science. She has also been recognized by the Athena Award, the AAMC Women in Medicine Leadership Development Award, and as a Local Legend of Medicine in the National Library of Medicine.

Dr. German was appointed as the Founding Dean of the College of Medicine at the University of Central Florida in December 2006. She leads the development of a full-scale medical school and academic medical center that is part of an evolving research-based medical city within a highly engaged central Florida community. In less than two years she has hired over 200 employees and appointed over 700 volunteer faculty, gained preliminary accreditation, raised enough money to provide full four-year scholarships for the entire Charter Class, and is overseeing construction of 400,000 square feet of medical school space. She is the Orlando Business Journal and Orlando Regional Healthcare 2008 recipient of both the Business Executive of the Year and the Businesswoman of the Year. Most recently, Dr. German received the Orlando Sentinel's Editorial Board Central Floridian of the Year, 2008.

Dr. German is the mother of two daughters, one of whom, Julia, is a Duke law student.

Jeanette Carpenter Schreiber, J.D., M.S.W. is the Chief Legal Officer and Associate Dean for Special Projects at the University of Central Florida College of Medicine. Ms. Schreiber assists Dean Deborah C. German, M.D., in development of affiliations and in planning and implementing the College's clinical mission and business strategies. She advises and represents the College of Medicine in legal and regulatory issues and activities. Before joining the College of Medicine, Ms. Schreiber served for over 20 years as the primary outside health care attorney for the Yale-New Haven Health System, the primary teaching facilities for the Yale University School of Medicine in New Haven, CT. She worked extensively with the Yale system in planning, development and operations of clinical programs, services, facilities and affiliations, and in government relations.

Ms. Schreiber practiced law in the Connecticut-based law firm, Wiggin and Dana, LLP, from 1982 and was a partner there until 2007. Over the years she served as chair of the firm's health law practice and Health Information Technology group and a member of the firm's executive and compensation committees. Ms. Schreiber is Board Certified in Health Law by the Florida Bar. She has served on numerous advisory boards and has been recognized nationally for her health care expertise, including selection in the Best Health Care Lawyers category by *Best Lawyers in America* for over 12 years.

Ms. Schreiber is a graduate of Harvard Law School (J.D., cum laude, 1982), Florida State University School of Social Work (M.S.W., highest honors, 1978) and Emory University (B.A., magna cum laude, 1976).

Ashley Bacot is the Risk Manager for Rosen Hotels and Resorts. Mr. Bacot oversees the Rosen Hotels' self insurance plan and Rosen Medical Center. Mr. Bacot has a Bachelor of Science degree in Risk Management and Insurance from Florida State University. He has worked in a variety of realms of the insurance industry, including underwriting, marketing, sales and risk management consultation. He has been employed as a risk manager for a local municipality, hotel chain, furniture manufacturer and computer programming company, providing him with diverse perspectives in managing risks. Mr.

Bacot coordinates and closely monitors the Rosen Medical Center for quality in services and cost effectiveness.