
INTRODUCTION

Defining Health Law for the Future: A Tribute to Charity Scott

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Abstract: This special edition of *JLME* celebrates the life of Charity Scott, Professor Emerita and Founding Director of the Center for Law, Health & Society at Georgia State University College of Law.

A year ago, we lost our beloved colleague, Charity Scott, Professor of Law Emerita at Georgia State University College of Law, to a long battle with cancer. Charity was a giant in the field of health law and health law teaching, known (among other things) for her vision of “Doctors as Advocates; Lawyers as Healers.”¹ Charity worked with students, health care practitioners, public health and bioethics professionals, and practicing attorneys. Charity was known as an excellent attorney, a teacher, a mentor, a colleague, and a friend.

Charity launched many health law practice and teaching careers and developed nearly as many health law initiatives. She founded the Center for Law, Health & Society at Georgia State Law, beginning with a single course, and growing it into what is currently the No.1 health law program in the U.S. She also co-founded the Health Law Partnership (HeLP), a nationally recognized medical-legal partnership.

Both the Center and HeLP are celebrating their 20th anniversaries this year.

Charity’s reach extended well beyond the walls of Georgia State Law. She was instrumental in developing the Health Law Sections of the State Bar of Georgia and the American Bar Association. She was involved with the Law, Medicine and Healthcare Section of the American Association of Law Schools, and she was deeply connected to the American Society of Law, Medicine & Ethics, serving on the board, writing for the *Journal of Law, Medicine & Ethics*, and leading the Jay Healey teaching session at the annual Health Law Professors Conference.

To celebrate Charity’s life and honor her vision, Georgia State University College of Law and the American Society of Law, Medicine & Ethics hosted a symposium entitled “Defining Health Law for the Future.” One might ask, why not “Defining the Future of Health Law”? From very early on Charity embraced a broad conception of health law. A torchbearer, she defined health law to include, not just medical malpractice, but also health care regulation and transactions, public health law and the environment, bioethics, health technology, global health, and social welfare. She ensured that principles of health equity and justice were always a focus when examining any aspect of health law. For Charity “All law is health law.” This symposium was an opportunity to explore what health law can and should be going forward, build-

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ing on Charity's invaluable contributions to the field, to teaching, and to the profession. The symposium was organized around the following topics important to Charity across her career and included tributes to Charity and her work:

Addressing the social drivers of health and health justice.

While public health and health care in the United States can tout many achievements over the past 100+ years, health disparities still exist and marginalized populations — including racial and ethnic minorities, women, people living with disabilities, LGBTQ, and people with low income — have not seen the same improvements due to structural, economic,

Bioethics — Navigating the spaces between law and ethics.

In health care, as in other fields, the law establishes what must be done and what is not permitted. But often the law is permissive, providing what may be done, and leaving health care professionals to determine the path forward among many choices. Charity Scott explored different frameworks for grappling with the range of complex questions that can arise in health care that are not resolved solely by the law.

Resolving conflict while preserving relationships.

Fear of litigation has long made medical professionals wary of lawyers. But often despite the outcome of a medical malpractice claim,

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political, and other barriers. Throughout her career, Charity Scott emphasized that law can be both a tool and an obstacle to improving health outcomes and achieving health equity.

Championing interdisciplinary and experiential teaching and practice in health care.

As mentioned above, Charity Scott led efforts to develop the first medical-legal partnership in Georgia, a collaboration between health care professionals and attorneys to address health harming legal needs. One of the key aspects of the MLP is the recognition of the importance of an interdisciplinary approach to improving patient health. Educational MLPs involve law, medical and other graduate students and medical residents working collaboratively in an experiential learning environment to improve health outcomes for real clients/patients who may not have had other access to legal services.

doctors and other health care workers have to return to patient care. Charity Scott considered alternative dispute resolution, such as medical apology programs, mediation, and negotiation, to be important mechanisms for resolving conflict in health care while preserving relationships, whether between providers and patients, or between employers and employees, or among colleagues.

Paradigm shifting. Charity Scott promoted challenging the status quo to identify areas for change with the ultimate goal of improving health outcomes, whether for individual patients or communities. Cracks in the system could mean a need to repair or restore but might also present a larger opportunity to redefine and redesign. Addressing overarching health system concerns requires fresh, bold ideas that could have large scale impact on health.

Encouraging wellness and mindfulness in professional identify formation for law students and lawyers. With concerns over depression, anxiety, substance use, and burnout, the legal profession needs to redefine demanding expectations on law students and lawyers. Adopting a culture of well-being at law schools and in law practice can help prevent poor mental and physical health among students and attorneys. Towards the end of her long career, Charity Scott examined the benefits of incorporating mindfulness and reflective practice as an important aspect of professional identify formation, and she established law school courses and continuing legal education programming.

We dedicate this special journal edition to the family and friends of Charity Scott, and we welcome this opportunity to share tributes and articles from the symposium with the readers of *JLME*. We extend our thanks to our Georgia State Law staff for their assistance hosting the symposium, to our reviewers for their helpful comments and feedback, and to our students for their assistance with the symposium and with editing and citation checking of articles. We hope that this symposium edition will be a lasting testament to Charity's mark on teaching, research and practice as those who follow her continue to define health law for the future.

View the Symposium

- Symposium Recording and Slideshow, <<https://gsu.hosted.panopto.com/Panopto/Pages/Sessions/List.aspx#folderID=%22b0023e9f-0140-4a8e-8e28-b1190123b09b%22>>

Articles about the Event

- “Honoring the Past, Defining the Future,” <<https://news.gsu.edu/2024/02/28/honoring-the-past-defining-the-future/>>
- “Defining the Future of Health Law: In Honor of Charity Scott,” <<https://aslme.org/aslme-insider/conferences-events/defining-the-future-of-health-law-in-honor-of-charity-scott/>>

Reflections on the Life of Charity Scott

- “Remembering Our Friend and Colleague Charity Scott,” <<https://hlp2023.conferencespot.org/event-data/pdf/fr000/fr003>>
- Obituary, <<https://www.asturner.com/obituaries/Charity-Scott?obId=27561743>>
- “Remembering Charity Scott,” <<http://newsmanager.commpartners.com/aslme/issues/2023-03-21/index.html>>
- “In Memoriam: Charity Scott,” *Journal of Law, Medicine & Ethics* compendium, <<https://www.cambridge.org/core/journals/journal-of-law-medicine-and-ethics/jlme-spotlight-collections/charity-scott>>
- “Charity Scott (1951 - 2023),” <<https://news.gsu.edu/2023/03/22/charity-scott-1951-2023/>>
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- “Congratulations to GSU Law’s Charity Scott on Retirement,” <<https://www.law.com/dailyreportonline/2020/09/29/congratulations-to-gsu-laws-charity-scott-on-retirement/?slreturn=20230429155643>>

References

1. Charity Scott's famous reference to “Doctors as Advocates, Lawyers as Healers” has become a sort of rallying cry for interprofessional collaboration to improve health outcomes, with doctors standing in for all health care, public health, and bioethics professionals, and the client being patient or population. The original article, however, focused on what patient care would look like as a fiduciary relationship. The article “explores whether viewing doctors as advocates and lawyers as healers, consistent with our core understandings of the professional and ethical responsibilities of practitioners in each profession, might improve the prospects for conflict resolution in health care.” C. Scott, “Doctors as Advocates, Lawyers as Healers,” *Journal of Public Policy & Law* 29, no. 2 (2008): 331-398, at 333.