

## Health Law Course Selection Guide

Welcome to the Health Law Program at Boston University. Health law covers a wide range of topics from biotechnology to bioethics, health care insurance to health systems reform, contracts, torts, antitrust, corporate law, constitutional law, criminal law, public health law, reproductive justice, and health justice – in other words, virtually any area of legal practice that touches upon health. Health care is one of the largest industries in the U.S. and is heavily regulated. As a result, lawyers interested in practicing health law have a wide range of options from which to choose.

The course offerings are organized into three sections: (i) the introductory survey course; (ii) advanced topical courses; and (iii) advanced experiential courses. If you have questions, seek out the BU Law professors teaching in health law including Professors Ahmed, Outterson, Pelfrey Duryea, Robertson, Stephens, and Zeiler, or BU School of Public Health professors including Professors Huberfeld, McCuskey, and Ulrich. We offer several [health law concentrations](#); Professor Stephens is the concentration advisor. For questions about the [American Journal of Law & Medicine](#), attend the journal competition meeting organized each spring for 1Ls.

This document provides an overview of the courses offered in BU's Health Law Program. Students should refer to the [BU Course Descriptions web page](#) for applicable restrictions/prerequisites for these courses.

**(i) Health Law Survey Colloquium (LAW JD 746)**, led by Professor Stephens, is designed to orient students to the breadth of health law expertise at BU by featuring various BU faculty as guest lecturers each week. The Colloquium presents a diverse range of topics spanning the field of health law. During each class session, speakers share something from their core specialties designed to spark highly engaging conversations. Relevant readings include scholarly works in progress (as in typical colloquia) but also excerpts from casebooks, primary sources, new legal or regulatory developments, or case studies from practice.

**(ii) Advanced Topical Courses.** We offer a wide array of advanced topical and practical courses taught by leading academics and practicing lawyers:

**Antitrust and Health Care (S) (Law JD 891)** The healthcare industry has been a leading target of antitrust enforcement over the past two decades, and most of that has focused on the conduct of pharmaceutical companies. The high cost of prescription drugs is one of the biggest public policy challenges of our time and is now an issue squarely in the cross hairs of federal and state antitrust enforcers. The cases that result feature the application of traditional antitrust principles, formed over the last century, to a unique industry with atypical economics, complex regulatory schemes, and extensive enforcement of patent rights. At every turn, courts and regulators must balance the need to promote price-reducing competition with the need to maintain incentives for massive private R&D investment. This seminar, taught by Professor Ford, will serve as an introduction to those cases. It will focus on the most common antitrust matters that arise from the competition between branded and generic drugs. It will also survey other hot topics at the antitrust-healthcare intersection more broadly, such as hospital and health

system mergers. The course will also serve to develop practical lawyering skills--including how to critically analyze precedent, how to frame and communicate advice to clients when legal standards are uncertain, and how lawyers shape the law.

**Bench to Bedside: Translating Biomedical Innovation from the Laboratory to the Marketplace (LAW LA 997)** is taught by an expert in university technology development, Professor Nijhawan. Navigate the intellectual property and business issues in biotechnology innovation, together with BU's School of Management graduate students (QST HM 801). The focus is on the translation of medical technologies into new products and services for the healthcare system. The course begins with a rigorous study of intellectual property, licensing, and the core aspects of planning, creating, funding, and building new entrepreneurial ventures. Concepts and tools are presented for assessing new technologies and their potential to be the basis for a new entrepreneurial venture. Comparisons will be made of how technologies can be sourced and commercialized out of three very different environments: universities, national laboratories, and corporate laboratories. Working in cross-disciplinary teams, students will evaluate translational research projects currently being developed at Boston University and their potential for transformation into a start-up company to commercialize the technology, providing a unique linkage between the scientific research activities of the university and the professional schools. Each week, a case study is discussed. The studies include examples of both success and failure in technology commercialization. Some of these case studies examine Boston University life sciences spin-out companies. The founders and CEOs of these ventures share their experiences with the class.

**Competition in Health Care (S)**, taught by Professor Zeiler, examines the role that competition and regulation play in the U.S. health care industry. Antitrust enforcement agencies believe strongly that promoting competition in health care is critical to control health care costs. Many of those involved in the health care industry disagree. Some health care professionals argue that we can cut costs and improve care only through increased collaboration and cooperation. The seminar considers the clash of these views by examining how competition is treated in the Affordable Care Act, what weight antitrust enforcement agencies give to values other than competition, the accelerating trend towards consolidation in the health care industry today, and integration among providers, including increasing hospital acquisition of physician groups.

**Disability Law (S) (LAW JD 749)** This seminar, taught by Professor Dorchak, surveys the evolution of federal law as it relates to people with disabilities. The seminar covers disability discrimination in the areas of employment, education, government services, public accommodations run by private entities, and housing. In exploring these areas, the seminar examines relevant case law and statutes (i.e., the ADA and its amendments, the Rehabilitation Act of 1973, the IDEA, and the Fair Housing Act) and their implementing regulations and guidance. In addition to studying legal authorities, students engage in practical classroom exercises and hear from attorneys practicing in disability law-related settings.

**Drugs, Devices, and Diagnostics: New Challenges, Strategies, and Execution (QST HM 717)**, taught by Professor Conti, examines issues and opportunities in life sciences focused on the pharmaceutical, biotechnology, medical devices sectors and the life sciences service

industry supporting these sectors, through the eyes of the CEO. The course investigates who manages these companies and the strategies that are used to build successful enterprises. Students will be introduced to individuals and institutions at every stage of the development cycle from idea generation and start-up fundraising to manufacturing, commercialization and global expansion. The course covers key elements of strategy and execution by examining companies that have either succeeded or failed, by discussing the pros and cons of different approaches and teasing out lessons one can derive from leaders in the field and case studies examining their approaches.

**Elder Law (LAW TX 977).** This course, taught by Professor Lutsky, aims to develop an understanding of the differences between Medicare and Medicaid. It explores the operation of a Durable Power of Attorney and a Health Care Proxy in connection with the admission of a loved one to a nursing home. It covers the Federal and corresponding Massachusetts Medicaid Regulations as they relate to: understanding what is a countable and non-countable asset for Medicaid eligibility purposes; the five-year look-back period versus the period of ineligibility resulting from disqualifying transfers along with related exceptions to these rules; real estate as a countable and non-countable asset including the different treatment of primary residences, vacation homes and rental properties along with ways to convert these countable assets into non-countable assets; last minute planning techniques with annuities and personal care contracts; drafting and operation of Medicaid Irrevocable Trusts including a complete analysis of the Income, Gift and Estate Tax consequences of using these trusts from Grantor Trust rules to step up in basis, use of life estates along with real life fact patterns that explain the planning opportunities and related pitfalls to be avoided.

**Ethical Issues in Medicine and Public Health (SPH LW 725).** This course reviews the nature and scope of moral dilemmas and problematic decision making in public health, medicine, and health care. After a survey of ethical theory, the course focuses on a broad range of ethical concerns raised by the theory and practice of public health and medicine: the nature of health, disease and illness, health promotion and disease prevention; rights, access, and the limits of health care; the physician-patient relationship; truth-telling and confidentiality. Through a series of case studies, the course examines specific topics: the bioethics movement and its critiques; human experimentation; the role of institutional review boards; the concept and exercise of informed, voluntary consent; abortion, reproduction, genetic counseling and screening; euthanasia, death and dying; ethics committees; and international and cross-cultural perspectives.

**Food Law (LAW JD 680).** This introductory survey course in food law is taught by Professor Gray. It covers a range of issues impacting the food system from farm to table including health and safety, transparency and choice, food exceptionalism, and food justice. Issues are discussed through an in-depth exploration into the history, development, and enforcement of major federal food statutes and regulations, with emphasis on the Federal Food, Drug, and Cosmetic Act (FDCA) and the US Department of Agriculture (USDA).

**Food, Drug, and Cosmetic Law (S) (LAW JD 802)** is Professor Emerita Miller's favorite seminar; we have many alums working at the U.S. Food and Drug Administration in Washington, DC. This seminar examines the FDA as an administrative agency combining law and science to regulate activities affecting public health and safety. Topics include testing and

approval of pharmaceuticals and medical devices; food safety and nutritional policy; biologics and biotechnology regulation; cosmetic regulation; pricing of and reimbursement for drugs and devices; global aspects of pharmaceutical regulation, U.S. and foreign patent issues, and FDA practice and procedure; jurisdiction and enforcement.

**Health and Human Rights (SPH LW 740)**, taught by Professor Annas, focuses on health and the realization of human rights. Preventable illness, infant mortality, and premature death, for example, are closely tied to societal discrimination and violation of human rights. This course explores the relationship between human rights and health by examining relevant international declarations in historical context, exploring the meaning of "human rights" and "health," and analyzing specific case studies that illuminate the problems, prospects, and potential methods of promoting health by promoting human rights on national and international levels.

**Health Care Corporate Compliance (LAW JD 745)** is co-taught by Professors Bryant and Vernaglia. Health care organizations of all types (hospitals and health systems, medical device and pharmaceutical companies, health plans, and other health care providers) must develop and maintain an effective corporate compliance and ethics program. Boards of Directors are judged on whether they have taken steps, directly and through management, to implement such programs. This is necessary both as a core management tool and to demonstrate a commitment to good governance and compliance in order to take advantage of penalty reductions under U.S. Sentencing Guidelines, including the Sentencing Commission's June 2020 revisions. "Such compliance and ethics programs shall be reasonably designed, implemented, and enforced so that the program is generally effective in preventing and detecting criminal conduct." But how do you design such a program? How does legal counsel assist the company in building and operating one? What distinguishes the "legal function" from the "compliance function." Lawyers working in health care businesses need to be able to answer these questions to advise the board and management. This course focuses on the fundamentals required to develop and maintain an effective health care corporate compliance program.

**Health Care Decisions and Bioethics (LAW JD 727)**, taught by Professor Robertson, explores the myriad legal, regulatory, and ethical issues that arise in clinical healthcare settings, primarily involving who decides and on what basis. The course considers issues such as informed consent and materiality; competence and capacity to give consent; surrogates, advanced directives, physicians orders, and powers of attorney; end-of-life decision making, including withholding/removing treatment, euthanasia, and physician-assisted suicide; clinical ethics committees; patient confidentiality and duties to disclose; human subjects research and institutional review boards; physician conflicts of interest; pre-approval access to drugs; and rationing of scarce healthcare resources.

**Health Care Finance (LAW JD 867)**, taught by Professor Zeiler, covers the legal structures governing public and private health care finance. Topics include an overview of health care and health care insurance markets, the economics of health care insurance, regulation of employer-sponsored insurance including ERISA, the Affordable Care Act and related litigation, tax exemption, the basics of Medicare and Medicaid, and proposed health care finance alternatives.

**Health Care Fraud & Abuse (S) (LAW JD 726)**, taught by Professor Hitchings of the Whistleblower Law Collaborative, one of the most successful *qui tam* law firms in the country, uses a practical, case-study approach to some of the issues arising in the complex world of health care enforcement and compliance. With emphasis on the procedural mechanisms of the False Claims Act and the substantive law of the Anti-Kickback Act, the Stark I and II laws, the Food Drug and Cosmetic Act, and the government's remedial authorities, the seminar explores how prosecutors, defense attorneys, whistleblowers, and compliance officials inside health care companies approach their work and advise their clients. The seminar also explores the relationships between regulated industries (e.g., pharmaceutical companies, hospitals, doctors, medical device companies) and government insurance programs (e.g., Medicaid and Medicare), why these relationships generate billions of dollars every year in fraud, and how the interested constituencies are approaching these issues.

**Health Law Research (LAW JD 717)**, taught by Professor Fegreus, is a one-credit class focused on research in health law. Beyond introducing you to key health law resources, it can help you in drafting a journal note. Health law encompasses the engagement of the legal system with a large and dynamic segment of the U.S. economy. Students gain a familiarity with how to navigate the statutory and regulatory framework of health law, how to evaluate resources, and how complex and multi-part search strategies may be applied to research problems. Students will also gain a deeper understanding of databases beyond Lexis, Westlaw and Bloomberg, and of current awareness sources. Classes will combine instruction and hands-on exercises using print, electronic, and web-based resources.

**Hospital Law (LAW JD 913)**, co-taught by Professors Bryant and Vernaglia, focuses on the highly regulated industry of health care, but with attention to the law applicable to hospitals and health systems. The course reviews Federal and State statutes, regulations, as well as case law relevant to hospital organization, responsibilities and liability, credentialing, fraud and abuse laws and compliance oversight. The course is intended to develop competencies in understanding health care and health care insurance laws and regulations as they pertain to hospitals, developing familiarity with the reimbursement (particularly Medicare & Medicaid), regulatory compliance and enforcement issues facing hospital counsel. In addition, it is expected that students will demonstrate legal analysis and reasoning, problem-solving and communications skills required for work in a hospital/health care setting. Through understanding core health care law principles, students will learn the foundational legal, structural and business aspects of the modern hospital complex. Understanding how hospitals fit into the broader health care environment of payors, physicians, patients, regulators and other health care providers, law students will be able to appreciate the challenging dynamics affecting the health care system and the role of the hospital, often at the hub of activity, both in terms of current practice, but also health care delivery system reform. After completing the class, students will have been exposed to the key health care-related legal issues facing hospitals that hospital counsel and other health care lawyers need to know. Additionally, recognition of these stressors will be important training for lawyers in other disciplines interacting with hospitals, such as labor and employment law, intellectual property, antitrust, criminal defense, environmental, corporate, employee benefits, tax, etc. Course materials include a case book, primary source documentation, and guest lectures from in-house and outside counsel representing hospitals.

**Insurance Law (LAW JD 850)** is taught by Professor O'Brien. The presence or absence of insurance is in many instances the single most important determinant of whether and how a tort or contracts action is litigated. This course focuses on both individual and commercial forms of insurance coverage. Students are introduced to the key insurance concepts of risk management, including the transfer, pooling, and allocation of covered risks. Problems of contract interpretation, imperfect information, adverse selection, and discrimination will be treated at length. Additionally, the class takes up issues particular to property, life, health, disability, liability, and auto insurance. Finally, some time is devoted to the state regulatory regimes designed to ensure solvency and profitability, and to the secondary market (i.e., reinsurance, and surplus and excess lines).

**Introduction to Risk Management and Compliance (LAW JD 778)** is taught by Professor Griffith. Spanning the range of industries from health care to financial services to manufacturing and beyond, compliance is the fast-growing practice of managing the full range of legal risk within highly regulated organizations. At the complex intersection of law, business operations, reputation, and ethics, compliance lawyers practice "preventive law" to protect companies against corporate criminal and civil liability. The course covers how to identify and evaluate an organization's legal risks and to work in multidisciplinary teams to develop effective strategies to prevent wrongdoing (and detect violations when they do occur). Among other topics, the course explores the Federal Sentencing Guidelines for Organizations, the Foreign Corrupt Practices Act, and enforcement guidance from the Department of Justice and Securities & Exchange Commission to understand how compliance has become a key mechanism of corporate accountability in the U.S. and globally.

**Law and Regulation of Cannabis (S) (LAW JD 969)**, taught by Professor Wexler, examines the burgeoning field of law surrounding the use, sale, and production of cannabis. Possible topics include federal versus state power to regulate cannabis, the substantive criminal laws regarding cannabis, and a variety of other issues such as banking, tax, and environmental laws that impact the cannabis industry in the United States.

**Law and Science (LAW JD 732)** is taught by Professors Outtersson and Robertson. Whether it is a clinical trial, a psychology laboratory study, or an econometric analysis, science is essential to a wide range of legal and policy contexts including regulation (e.g., new drug approval), litigation (e.g., causation in mass torts), and even transactions (e.g., acquiring a company that depends on technology patents). Through this course, students will develop basic fluency with reading and interpreting scientific studies used across these domains. The course will also introduce several critical themes, including animal research ethics, the role of expert witnesses, funding and conflicts of interests, the neutrality of science, and scientific integrity. Note that this course is focused on scientific methods in a legal context; it is not designed to teach substantive scientific concepts and requires no background or prerequisites in scientific fields.

**Life as Life Sciences General Counsel (LAW JD 928)** This course, taught by Professor Sherbet, is for students who want to increase their understanding of the roles and responsibilities of a general counsel in the life sciences industry. The course covers the substantive and/or doctrinal aspects of key areas of law in order to facilitate students' understanding of the general counsel's role in leading a company's legal function and advising key stakeholders, such as the

board of directors and the CEO. The course also orients students to the work environment in a large global enterprise. Although the principles and concepts covered in the course are generally applicable to most industries, the course will be taught through the lens of the life sciences industry. Guest speakers include, for example, a CEO and a member of the board of directors of a public company.

**Mental Health Law, Policy & Ethics (SPH LW 854).** This seminar, taught by Professor Ulrich, tackles some of the most complex issues in mental health, such as involuntary confinement, adolescent disorders and decision-making, deinstitutionalization, the right to treatment and the right to refuse treatment, criminalization, substance use disorders, medicalization, and the meaning of mental illness, forced treatments, discrimination, confidentiality, research, and professional ethics. The course focuses primarily on legal cases, utilizing these as case studies to explore the intersection of law, policy, and ethics to determine the manner in which we attempt to understand and regulate in the area of mental health.

**Public Health Law (LAW JD 926),** taught by Professor Huberfeld, seeks to prevent unnecessary illness, injury, and death, which law can either facilitate or thwart. The field is transforming from state programs that prevent disease in populations (e.g., vaccination, newborn screening) to federal and international efforts to broadly recognize a population and individual "right to health." This course explores contemporary examples of public health problems such as disasters and emergencies, firearms regulation, regulating commercial speech to prevent consumer deception, and reproductive health. The course offers a framework for identifying and controlling health risks drawing on principles and theories of law, assessment of risk, policy evaluation, and empirical evidence. We will consider how laws at the state and federal levels regulate personal behaviors and products as well as impact the underlying determinants of health. Students will analyze different legal strategies that can be used to guide public health such as governmental nudges through funding, criminal and civil prohibitions, data collection and privacy, marketing restrictions, and taxation.

**Representing Life Sciences Companies: Biotechnology, Pharmaceuticals and Medical Devices (S) (LAW JD 907)** is taught by Professor Ghassab. Biotechnology and Pharmaceuticals are two of the fastest growing industries in the U.S., and the legal issues that arise in connection with representing them are complex and evolving. This seminar focuses on the transactional, intellectual property, and regulatory legal issues that challenge lawyers working with clients in these industries. It begins with an overview of these industries, including a basic review of the sciences underpinning them (intended for non-scientists). It then delves into complex legal issues such as licensing, collaborations, and consortium building; academic-industry interactions; the drug and biologic regulatory approval process; issues arising in clinical trials; and legal issues arising in the manufacture and distribution of life sciences products. If time permits, it examines the medical device industry and the ways in which that industry differs from the biopharmaceutical industry.

**Reproductive Rights (LAW JD 775)** is taught by Professor Ahmed. In the United States and around the world, many people still suffer from basic lack of access to sexual and reproductive health services. This course explores the role of law in understanding the distribution of access to such health care services. We will draw on various theoretical and doctrinal tools including critical legal theory, critical race theory, sociology of science, human

rights, feminist theory, and a range of public health methods to understand the current state of the law and the possibilities and limitations of legal reforms. The course will foreground issues of race and reproduction as well as the politics of public health law (including the role of scientific evidence and medical expertise in courts). We will examine various sites of lawmaking including courts and legislatures and we will pay attention to the legal reforms offered by social movements both for and against greater access to services and care.

**Whistleblower Law and Practice (S) (LAW JD 919)** is taught by Professor Thomas. Whistleblowing has become a frequent topic in the news around law and politics. What exactly is it, and what laws govern it? Who represents whistleblowers, and what is there to know about lawyering in this space? This course examines federal (and some state) laws that protect and incentivize whistleblowers to provide information and assist in the enforcement of laws prohibiting fraud and misfeasance in both the public and private sectors. It covers both the substantive law as well as the practical aspects of lawyering in this field. There are two types of whistleblower laws, and the seminar covers both: 1) laws that protect whistleblowers inside and outside of government from retaliation by their employers for having engaged in protected activity, and 2) laws that provide financial incentives to whistleblowers for reporting fraud against the government, or fraud in the securities and commodities markets. Each student writes a paper based on a whistleblower case and is encouraged to interview one or more whistleblowers who have gone through the experience and/or whistleblower attorneys who have a substantial practice in this area.

**Youth and the Law (LAW JD 895)**, taught by Professor Silbaugh, considers the way the law responds to the transition from childhood to adulthood across a variety of legal topics. We will consider the ways numeric age and conceptions of maturity influence responses to a range of issues. Topics may include: the treatment of youth in the criminal justice system; the rights of youth to familial or state support in obtaining housing and other material goods; the relationship between youth and commercial actors or other third parties ranging from the infancy doctrine to social media platforms; parental authority and responsibilities in healthcare and educational decision-making; the civic spheres of military service, voting, and jury duty; protective laws such as labor laws; and ages of privilege such as driving and access to alcohol, tobacco, and cannabis.

**(iii) Advanced experiential courses.**

**Compassionate Release Practicum (LAW JD 685).** In April of 2018, Massachusetts joined 44 states and the federal government in providing a statutory mechanism by which terminally ill and/or permanently incapacitated inmates could be released on so-called medical parole. The new statute was a result of ongoing compromises as part of the omnibus criminal justice reform bill, and pending constitutional litigation that became moot. To date only one person has been released. The intent of the practicum is to engage students both in direct representation of inmates not otherwise entitled to counsel and in brainstorming and developing solutions in this new and rapidly developing area of law. Students will learn about legislative history and lobbying, about statutory construction, FOIA, and about the constitutional underpinnings of compassionate release.



**Compliance Policy Clinic (S) (LAW JD 729)**, taught by Professor Pelfrey Duryea, is designed to develop core skills and capacities that are transferable across compliance practice contexts and substantive areas of law. Clinic students hone research, analysis, writing, fact investigation, interviewing, presentation, counseling, project management, and interprofessional collaboration skills while deeply engaging issues of ethics, culture, risk management, and enforcement.

**Health Care Transactions (LAW JD 998)** is taught by Professor McCarthy. Partners, associates, and general counsel from leading firms will discuss the deals they were personally involved in. After an introduction to the regulatory context of health care and health care transactional theory, the course turns to case studies of eight complex health care transactions, drawing on actual documents and the experience of practitioners who worked on the deals. The transactions include hospital M&A, joint ventures, clinical affiliations, and others. Students analyze the deal and present conclusions to the class. Case law related to the legal issues presented by the transaction will be presented and discussed. Students complete two assignments: one considering the fiduciary obligations of a non-profit board of directors, and one writing exercise drawn from class materials. The course also reviews and discusses a term sheet for the acquisition of a home health agency by a hospital system.

**Health Justice Practicum (LAW JD 893)**, taught by Professors D. Freitas and C. Freitas, is a one-semester, two-credit course enrolling a maximum of six students. Students collaborate with frontline health care providers who serve marginalized populations on projects that require legal and problem-solving skills and where providers and/or patients have identified a systemic problem affecting patients' health and wellbeing. The Practicum collaborates with Project RESPECT, an integrated obstetrics, addiction medicine, and behavioral health clinic at Boston Medical Center that serves low-income pregnant and parenting people recovering from substance use disorders (SUDs), especially opioid use disorders (OUDs). Project RESPECT providers have identified a problem in Massachusetts law that significantly harms low-income parents recovering from SUDs and their children, disproportionately harming Black, Indigenous, or other people of color (BIPOC) families. Children born to women in evidence-based medication-assisted recovery (e.g., methadone treatment) must be reported at birth to the Department of Children and Families as if the mother were actively using drugs. Children born to BIPOC mothers are more likely than children born to white mothers both to be reported to child protection authorities and to be separated from their families as a result. The trauma of custody disruption has demonstrated serious effects on both recovering parents and child health and development. The Practicum explores and advocates for possible legal and policy advocacy solutions to these issues--for example, changes in mandatory reporting laws and reformed child protection agency practices to eliminate discriminatory decisionmaking.

**Health Law Externship (LAW JD 764)**, taught by Professor McCarthy, is the companion academic component for students enrolled in the Health Law Externship: Fieldwork course. The one-hour weekly seminar examines various health law issues as well as the challenges of working in a health care environment. The seminar requires students to write a paper and make a class presentation. In addition, each student submits reflective memoranda chronicling their educational experience and reactions to the practice of law observed at field placements.

**Health Sector Consulting (QST HM 840).** This applied consulting project course, taught by Professor Powell at the Questrom School of Business, aims to develop reflexive practitioners who can elicit client requirements, translate requirements into a problem statement and develop actionable solutions that meet client needs. The course uses a mix of case studies, individual memos, and team project deliverables to systematically apply skills developed over the course of the MBA to solve real-world health sector problems. Students work on the consulting assignment in teams of up to four students based on having a shared interest in a prospective consulting project. These projects are curated in partnership with sponsor organizations to be executable within the framework of an academic semester. Projects in the past have ranged from improving the departmental revenue cycle within an academic medical center, developing an international pricing strategy for the introduction of a new product by a pharmaceutical company, to improving safety culture at a large hospital. These projects all have active involvement of the project sponsors who provide access to their organizations and provide ongoing feedback over the lifecycle of the consulting engagement.

**Mental Health Litigation Practicum: Civil Commitment (LAW JD 772)** Faculty supervise BU Law students as they represent clients being held involuntarily at a local psychiatric hospital where the hospital has petitioned to have the client involuntarily committed for up to 6 months or recommitted for up to one year. Through reading assignments and class discussions, students develop a thorough understanding of the rules of evidence, the Mental Health Statute, and the case law that governs civil commitments and involuntary treatment. In addition, students hone their trial advocacy skills by preparing a defense and defending their clients at bench trials. In preparation for trial, students conduct client interviews, review medical records, identify their case theory driven by the client's story, prepare a defense, and engage expert witnesses to assist with their client's defense. At the bench trial, students litigate motions, cross-examine the hospital's witnesses, direct-examine defense witnesses, and argue in closing that the hospital failed to meet their burden beyond a reasonable doubt.

**BU/MIT Student Innovations Law Clinic: Privacy, Security & Health Seminar (LAW JD 866),** taught by Professors Sellars and Conley, introduces students to the lawyering skills relevant to a modern technology law practice, including effective counseling of innovation clients. The seminar also introduces a variety of legal issues that arise in research and innovation environments, including advanced topics in intellectual property, computer crimes, and data privacy.

**Transaction Simulation: Pharma/Biotech Collaboration for Drug Development (LAW JD 812)** is taught by Professor Burlingame. Collaborative activity is essential to the biopharmaceutical industry due to the high costs and risks associated with drug development. In this course, students learn how to read, draft, and negotiate collaboration agreements for new drug research, development and commercialization partnerships between biopharmaceutical companies. The course begins with a brief introductory overview of (i) the biotechnology industry, with a focus on the importance of partnering for successful drug development and commercialization; and (ii) different forms of partnering agreements to develop a general understanding of the structure of such contracts. For the duration of the course, students are assigned to teams to review, revise and negotiate the terms of a collaboration agreement for their clients, either a large pharmaceutical company or a smaller biotechnology company. Students

learn to think critically about whether certain provisions favor one party or the other, and ways to modify such elements through drafting changes. At the conclusion of the course, each team is asked to present the key terms of the proposed collaboration agreement to their client's board of directors. Through regular out-of-class assignments, including substantial drafting assignments involving marking up term sheets, preparing issues lists, revising key sections of the collaboration agreement that will be negotiated and finalized by the student teams, and delivering board presentations, the course builds contract analysis, drafting, negotiation and strategic thinking skills students will need as they enter transactional law practice. The course also addresses various ethical issues that may arise in connection with these types of transactions and in transactional practice generally.

**Semester in Practice (LAW JD 740).** We offer many different health-law-related options for a Semester in Practice, ranging from federal agencies to multinational NGOs to in-house roles in hospitals or biotech firms. Our Director of Externship Programs organizes these opportunities.