

**Public Health Legal Clinic  
LAW 2527  
Northeastern University School of Law**

**Spring Quarter 2010  
Fridays, 10:00 - 12:00**

**INSTRUCTOR INFORMATION**

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**Office hours:** Fridays, 12:00 - 2:00 (e-mail me at least 24 hours in advance to reserve a spot)

**Course materials will be distributed in class or will be available for download during the quarter.**

**\*\*READING FOR FIRST CLASS\*\***

You must come prepared for our first class meeting on Friday, March 5 by reading the Class 1 materials that have been e-mailed to you. If you did not receive them, please e-mail me right away: [sdguardino@yahoo.com](mailto:sdguardino@yahoo.com).

If you are on the course waitlist and hope to gain admission to the class, you must complete the reading assignment and attend the first class. If you have a scheduling conflict, please inform me in advance via e-mail.

**OVERVIEW**

The clinic is run in conjunction with the Public Health Advocacy Institute (PHAI). Student projects will benefit this organization's advocacy efforts. Through these projects, students will gain real experience in public interest law, health law, and the use of litigation to effect changes in public health policy. The clinic's primary focus will be on tobacco control and on the emerging issue of obesity-related litigation and policy. Other public health-related topics such as the pharmaceutical industry and climate change are explored as well.

This is an intensive research and writing clinic. In addition to completing class readings and written assignments and participating in class discussions, each student is expected to work on a major research project throughout the quarter and to produce a substantial legal memorandum summarizing his/her research by the end of the quarter. I will act as your mentor and supervisor throughout the project. You must meet with your PHAI attorney client on a regular basis.

## **COURSE REQUIREMENTS**

### **CLASS READINGS AND ASSIGNMENTS:**

You should prepare for class sessions as you would for a seminar; class time is designed for sharing ideas and asking questions. You should come to class each week fully prepared to discuss the assigned materials for that session. Additionally, I may give you research and writing assignments throughout the quarter.

### **RESEARCH MEMORANDUM :**

You are required to research and complete a major research memorandum or paper (25+ pages) as assigned by your PHAI attorney client on a course-related topic. This may be adjusted if the need arises; for example, if the client requires two smaller memoranda instead of one larger paper. I will act as your mentor and supervisor throughout the project and you can meet with me as needed during my weekly office hours (noted on p. 1) or during other hours by special arrangement. During the week of May 10 you will meet with me for one hour to go over your final memorandum draft (the meeting time will be scheduled later in the quarter). For immediate questions or concerns, please e-mail or call me.

In addition to conducting extensive independent research on your assigned topic, you must hand in three major research project-related assignments throughout the quarter: (1) a detailed research outline; (2) a final memo draft; and (3) a final memorandum. At one of our two final class meetings, you will present your project orally to the rest of the class. The date of your presentation will be assigned randomly.

The requirements for each of these assignments will be discussed further in class. However, please note the key final memorandum requirements and deadlines below.

### **Final Memorandum Basic Requirements**

Your research memorandum must be written in Times New Roman 12-point font, double-spaced, with 1-inch margins on all sides. Citations must appear in footnotes (not endnotes) in Times New Roman 10-point font, single-spaced. Your memorandum must include a cover page and page numbers and it must be proofread thoroughly for grammar and spelling errors. Citations and other format matters must conform to the standards set out for **legal memoranda** in THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION. Please let me know if you have any questions about proper citation.

### **Deadlines/Important Dates**

Please email the assignments below that are due to me (sdguardino@yahoo.com) and your attorney client by the noted time on the due date. I will e-mail you a confirmation of receipt as soon as possible. If you do not receive confirmation within a few hours, you must assume that I did not receive your assignment. In this case, please call me to discuss. Although you may submit assignments before the due date, please note that you may not receive an e-mail confirmation until the due date.

**Friday, April 9:** Substantial outline of your research project due to instructor and PHAI attorney client by noon

**Friday, May 7:** Complete draft memorandum due to instructor and PHAI client by noon

**Friday, May 7 & Friday, May 14:** Oral presentations in class

**Week of May 10:** One-hour meeting with instructor to review draft (time to be scheduled)

**Saturday, May 22:** Final memorandum due to instructor and PHAI client by 5:00 pm

## **POLICIES**

### **WORKLOAD/TIMELINESS:**

I realize that you have many different academic and personal obligations, including work to complete for other classes. However, this is a 6-credit clinical course and you should expect to devote a large portion of your time to it. You must hand in all assignments on time and I will enforce deadlines strictly. IT IS UNACCEPTABLE TO PASS IN LATE ASSIGNMENTS. I will grant extensions only for unforeseen emergencies and I will note late assignments in your course evaluation.

### **CLASS COMMUNICATION:**

I will ask you to provide me with your preferred e-mail address in the student questionnaire on the first day of class. You are required to check your e-mail on a regular basis. I will transmit important course information to students in this way, and failing to check your e-mail will not be an excuse for not receiving this information. If you have a question or concern about the class, please e-mail or call me. I will make every effort to respond to your e-mail or voicemail within 24 hours.

### **ATTENDANCE/MISSING CLASS:**

Because every lecture is important to the overall class, attendance is mandatory except if you have a legitimate excuse for being absent. Please let me know in advance if you plan to miss a class. You are responsible for obtaining notes and assignments from a classmate and finding out about any announcements or changes you may have missed. In addition, if you miss a class for any reason you must hand in an assignment based on the class you missed. I will give you more details as the need arises.

### **ACADEMIC DISHONESTY, INCLUDING PLAGIARISM:**

I will not tolerate academic dishonesty in any form (including plagiarism, copyright violations, cheating, and forgery) and will report any violations to the appropriate academic authorities. You are expected to know and to comply with law school policies regarding student behavior and responsibilities.

Plagiarism is a violation of academic integrity and will NOT be tolerated! Remember that when you use the exact same words as a source, you must enclose them in quotation marks and provide a citation, including page number. When you are summarizing a source in your own words, you must cite the source and make it clear which ideas come from that source. Law is a field in which you frequently will be referring to the ideas of others – judges, law review article authors, etc. – and it is critical that you be clear about the origin of the ideas you use. If you have any doubts, err on the side of over-citation or contact me with questions.

All assignments submitted in this class must be your own work. Having others do your assignments not only is dishonest to me and to your classmates but also ultimately will harm you because you will not develop the skills you need. It is appropriate to receive help as long as you do the writing and analysis on your own. In addition, you may not submit work that you prepared for another course.

### **CHANGES:**

Schedules and assignments are subject to change at the instructor's discretion.

## **COURSE SCHEDULE**

### **Week 1 – March 5**

Introduction to the course and to the concept of public health litigation

### **Week 2 – March 12**

The history of anti-tobacco litigation, including the The Master Settlement Agreement

### **Week 3 – March 19**

Current tobacco litigation and policy: RICO lawsuit, “light” cigarettes and smokefree laws

### **Week 4 – March 26**

Obesity: regulation and litigation (Part 1)

### **Week 5 – April 2**

Obesity: regulation and litigation (Part 2)

### **Week 6 – April 9**

Climate change and public health law

***OUTLINE DUE BY NOON TODAY***

### **Week 7 – April 16**

The automobile industry: The Pinto to the Prius

### **Week 8 – April 23**

The pharmaceutical industry & the FDA

### **Week 9 – April 30**

Advertising and counter-advertising in the tobacco, food, pharmaceutical and auto industries

Oral presentation guidelines

### **Week 10 – May 7**

Student oral presentations (Week 1)

***FINAL PAPER DRAFT DUE TO BY NOON TODAY***

### **Week 11 – May 14**

Student oral presentations (Week 2)

***WEEK OF MAY 10 – HOUR-LONG MEETINGS WITH INSTRUCTOR TO REVIEW  
FINAL DRAFT MEMORANDUM (TIME TO BE SCHEDULED)***

***SATURDAY, MAY 22 – FINAL MEMORANDUM DUE BY 5:00 PM***

