

Acting for Public Health: Legal Work for a Better Future

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something happening

The paradigm is shifting The queen is dead. Long live the king!

*But what it is ain't exactly clear." *Buffalo Springfield, 19*67

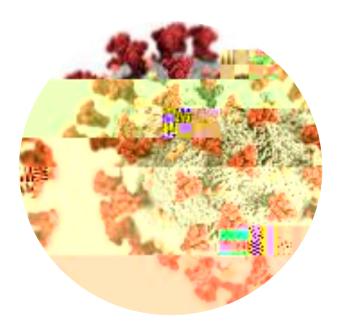
COVID

Lots happened related to law during COVID

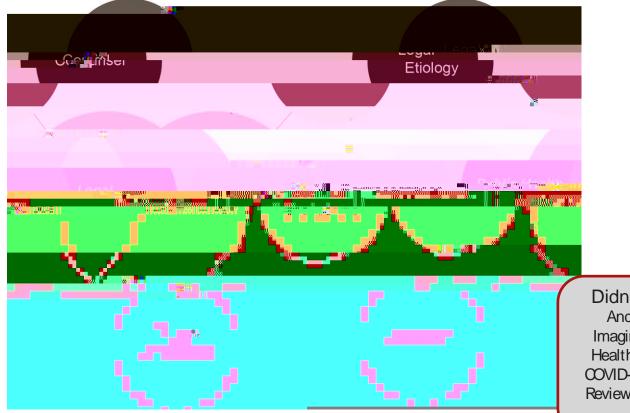
Mis – management Ideologically driven excess Changes in the Supreme Court Lots of lawmaking Lots of lawyering, better and worse (**See** Kelly)

Terrible health outcomes and disparities





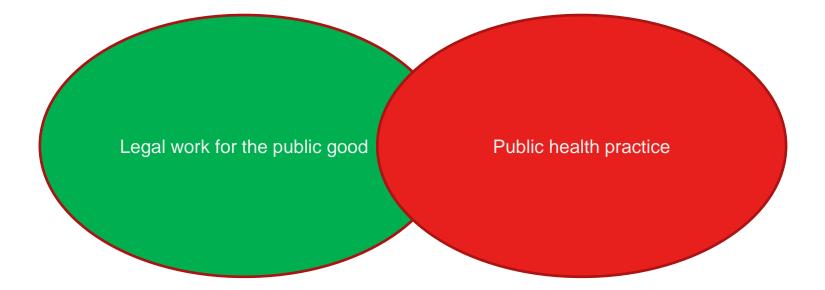
Approach



Didn't work too well: Anderson E, Burris S Imagining a Better Public Health (Law) Response to COVID-19. U Richmond Law Review. 2022;56:955-1005.

COVID raised basic questions about what public health law is all about





And its targets



Law that matters to health

Infrastructural health law (jurisdiction, authority)

What are we doing?



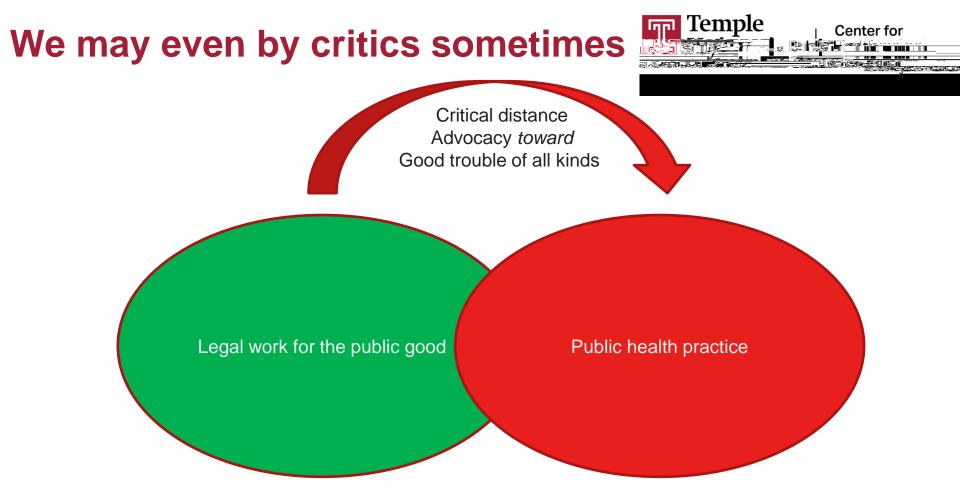
There is an easy list of things we are against (see Wendy, Sabrina, Dawn)

- Preventable morbidity and mortality
- Health disparities and inequities
- Racism, discrimination and the inequitable application of government
- power
- Systematic use of preemption to frustrate local efforts to act for local health and welfare
- Activist republican courts constraining elected officials' power





MORE than just supporting public health agencies or pursuing disease reductions





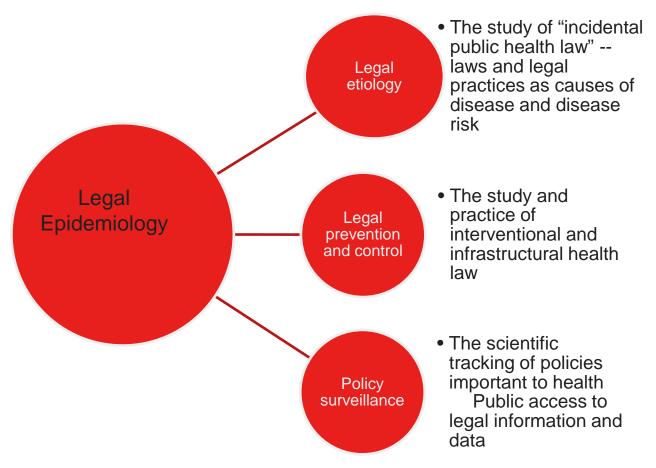


Fidelity to facts and evidence Reliance on scientific method to learn and combat bias Faith in the possibilities of concerted population-level action Trust in law and rule of law Altruism Love

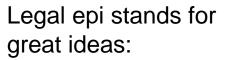
SO: Doubling down on legal epidemiology

What could be

glue of civic capital then a system that places policymakers firmly at the center of action they make the rules and solve the problems but lacks any robust or systematic evaluation of the effects of the solutions official problem solvers provide



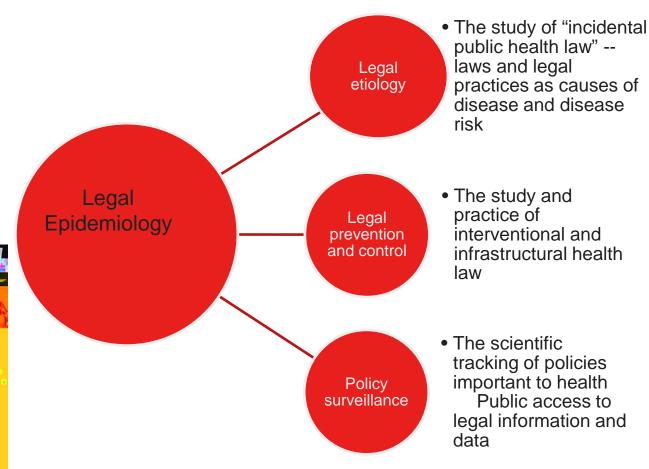
SO: Doubling down on legal epidemiology



- Laws can be effective
- Policymakers can be held accountable
- Innovation is good.
- Law is We Car is to spr solution

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Opportunity (big) (see bright spots)

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Law that matters to health

Infrastructural health law (jurisdiction, authority)

But more targets and allies bring challenges

Choosing

Defining goals Thinking through ideological and other biases Incorporating diverse perspectives and expertise Seeing new possibilities within robust strategies Implementing

- Coordination and cooperation
- Funding and institutional infrastructure
- Framing and messaging



See, e.g., Dawn: A new paradigm is not necessarily an equitable one

New target examples (challenging)

The "legal code" of wealth **CREATION** Procedural burdens and maintenance on innovation and (K. Pistor) effective action (N. **Bagley**) Law that matters to health

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Infrastructural health law (jurisdiction, authority)



goals, strategies and tactics We face some strong cultural headwinds

ourselves from the sickness of racism Huge resources are pitted against us In this cultural moment of tension, frustration, powerless and despair we must bring unquenchable optimism that our experiment in democracy can succeed, our fractious polity can cooperate, we are smart enough and altruistic enough and tough enough to solve the problems we face and deliver a healthy, happy and equitable society.

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