



Two Penn Law Students Embody Interdisciplinary Health Law Program

[by Erica Winter]

Some students think that getting a J.D. is tough--and they're right. All law students work hard. Some students, however, never seem to get enough.

Holly Fernandez and Cobin Stoelberg could be said to be in the latter group. Both are second-year law students at the University of Pennsylvania, and both are concentrating in health law--an area of study that, at Penn Law, fosters multitasking.

Stoelberg has completed two years of medical school at the University of Utah. He has taken a leave of absence before he finishes his third year of med-school classroom work to get a J.D. from Penn Law and a master's degree in bioethics (MBE) as well.

Fernandez turned down Harvard Law to stay at Penn, her undergraduate alma mater, so she could also receive her MBE along with her J.D.

Fernandez and Stoelberg are not unusual at Penn Law, where students can take four elective courses at other parts of the university while in law school. Many who are focusing their study on health law like Fernandez and Stoelberg use these electives towards a joint degree, usually in bioethics, through the Bioethics Center, or in business, through the Wharton School of Business at Penn.

Among other issues, privacy is one legal question that draws Fernandez to bioethics, she says. While fulfilling Penn's pro bono service requirement, Fernandez worked with Dr. Art Kaplan, the head of Penn's Bioethics Center and an expert in the field. She assisted him in his work regarding genetic privacy issues. Her work with Dr. Kaplan led to her writing an article that will be published in the January/February issue of the *Hastings Center Report*, a leading bioethics journal.

Fernandez's article, "Genetic Privacy, Abandonment, and DNA Dragnets: Is Fourth Amendment Jurisprudence Adequate?" examines whether people can have a reasonable expectation of privacy for their own DNA and genetic material and whether material that is left behind can be considered "abandoned," and therefore not private.

This question is a "huge problem," says Fernandez. Because the issue has not been adjudicated, there is no reason now to expect privacy, and thus legislation would be needed to adequately address the issue, says Fernandez. "It is impossible to not leave DNA around" everywhere we go, but without the expectation of genetic privacy, people might end up wanting to walk around in some sort of bubble.

Fernandez applied to the bioethics program when she applied to Penn Law but did not start classes for the MBE until her second year. Many in the program apply during their first year in law school; the MBE takes two years to complete.

Despite some advice to choose Harvard Law, Fernandez says she "was really happy that I chose Penn in the end." Penn Law's integration of degrees and disciplines is "a really big plus here," she adds.

Because she would like to do regulatory work after graduation, this coming summer Fernandez will work at the Washington, DC, firm Hogan & Hartson. Regulatory work is the closest intersection of law and bioethics she would find at a law firm, says Fernandez.

Penn Law "makes it easy for law students to get their master's," says Stoelberg. The bioethics degree is "a wonderful program." Stoelberg was drawn to Penn Law and its joint degree program after discovering Art Kaplan's writing while a philosophy major at the University of Utah. "Seeing hurdles that doctors face in hospitals" while in medical school sealed his goals, he says.

Before starting at law school, Stoelberg says he "did not understand the depth and breadth" of the field of health law. It is not only healthcare fraud, payer issues, and malpractice lawsuits, but also regulation, intellectual property, and contracts issues, he says.

Doctors, says Stoelberg, confront many bioethical issues in their work, including death/end-of-life care; duty-to-treat issues, physician-assisted suicide; and access to healthcare for the uninsured.

This coming summer, Stoelberg is considering possibly working at the Department of Health and Human Services' Office of the Inspector General or one of the larger Philadelphia law firms. He would like to see what law firm life is like, yet his ultimate plan is to finish his medical degree. "I am more drawn to practicing medicine," he says.

With his joint degree from Penn, however, Stoelberg will choose a specialty (such as internal medicine or emergency medicine) that also allows him to have the time to help shape national healthcare policy.