

The Public's Health and the Law in the 21st Century
5th Annual Partnership Conference

Concurrent Session

**Saying "I'm Sorry": The Role of Apology in Public Health
Law and Practice**

Wednesday, June 14, 2006
10:30-12:00 pm

Moderator: Charity Scott, JD, Professor of Law, Director, Center for Law, Health & Society, Georgia State University, College of Law, Atlanta, GA

Panel: Michal Alberstein, LLB, SJD, Lecturer in law, Bar-Ilan University, Israel, Visiting Associate Professor of Law, Fordham University School of Law, New York, NY

Nadav Davidovitch, MD, MPH, PhD., Lecturer, Division of Public Health, Ben Gurion University; Israel Fulbright Scholar at the Center for the History and Ethics of Public Health, Department of Sociomedical Sciences, Mailman School of Public Health, Columbia University, New York, NY

Paul Lombardo, PhD, JD, Director, Program in Law & Medicine, University of Virginia Center for Biomedical Ethics, Charlottesville, VA

Session Purpose:

This session will explore the role of apology in public health law and practice in both national and international contexts. Trust in the health system can be broken when medical errors occur and health care providers do not openly acknowledge their responsibility for resulting harm to patients. Similarly, confidence in the public health system may be eroded when legally sanctioned medical initiatives undertaken in the name of the public's health result in harm to their intended targets, but are not officially acknowledged. Recovering the history of such events as the Tuskegee Syphilis Study or state compulsory sterilization eugenics laws has led to official apologies. An apology -- whether made privately between individuals, or publicly via government officials -- can be an important step in the healing process for individuals and communities. This session will include case studies on apology in public health in the United States and Israel, exploring differing cultural understandings of apology, and the role of apology as a potential alternative dispute resolution mechanism in promoting the public's health.

Learning Objectives:

By the close of this session, conference participants will be able to:

- Identify different circumstances in which public apology may be effective in promoting public health;

- Describe how different cultural understandings in different countries may affect the role of apology in public health law and practice; and
- Describe the role of apology as a potential alternative dispute resolution mechanism in promoting the public's health

Session Convener:

The Center for Law, Health & Society, Georgia State University, College of Law

Resource Materials:

"Forgiving Dr. Mengele," a film by Bob Hercules and Cheri Pugh.
www.frif.com/new2006/meng.html