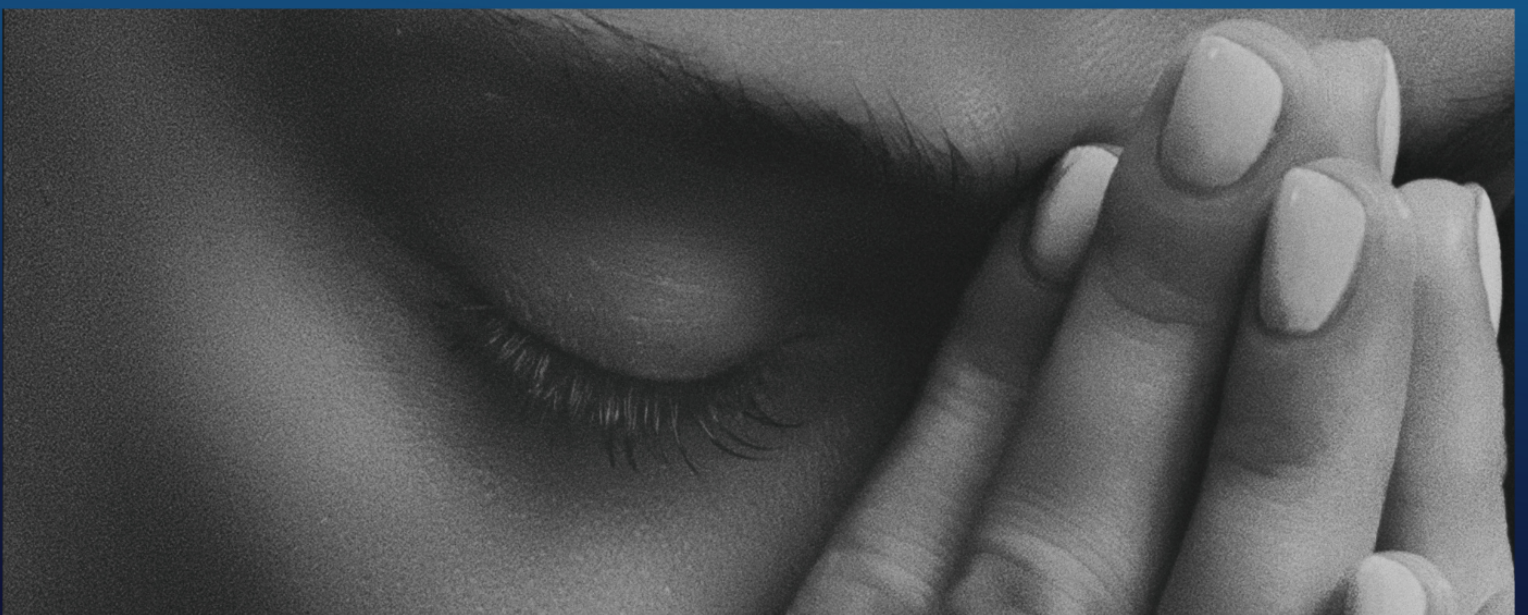


UNDER PRESSURE:

*Legal and Systemic
Responses
to the
Psychological Trauma
Associated with COVID-19*

2022 NOVA LAW REVIEW SYMPOSIUM



2022 NOVA LAW REVIEW SYMPOSIUM UNDER PRESSURE: LEGAL AND SYSTEMIC RESPONSES TO THE PSYCHOLOGICAL TRAUMA ASSOCIATED WITH COVID-19

Since January 2020, COVID-19 has ravaged the United States' population physically, economically, and psychologically. Caused by the novel coronavirus SARS-CoV-2 ("COVID-19"), the pandemic simultaneously decimated the population, shuttered businesses, and traumatized those experiencing its effects. In early 2021, just as the country believed that it had survived the worst of the pandemic, the Delta variant caused a surge of cases worse than the first.

Consequently, increased prevalence of mental, neurological, and substance use disorders already has and will continue to present the legal system with challenges of previously unknown proportions. As mental health professionals substantiate and address the negative impacts of uncertainty, fear, isolation, and economic hardship, legal issues are multiplying. This symposium will explore a range of those legal issues and is intended to foster study and discussion of mental health and ways the legal system can improve it.

Friday, March 11, 2022

9:00 AM - 9:10 AM

[Welcome & Introduction](#)

Tracy Garcia
Editor-in-Chief
Nova Law Review

José R. (Beto) Juárez Jr.
Dean & Professor of Law
NSU | Shepard Broad College of Law

9:10 AM - 9:30 AM

[Opening Remarks](#)

Dr. Johannes W. Vieweg
Founding Dean & Professor of Surgery
NSU | Dr. Kiran C. Patel College of Allopathic Medicine

9:30 AM - 11:00 AM

[IMPACT ANALYSIS: FOCUSING ON GROUPS ESPECIALLY HIT HARD](#)

If COVID-19 taught us any one thing in the United States, it taught us that we must do a better job of recognizing and treating mental health issues. The virus impacted mental health within certain vulnerable populations to a greater extent than it might otherwise have because of existing social conditions and upheaval creating conditions ripe for anxiety and depression. For example, the COVID-19 pandemic overlapped in a traumatic way with media coverage of police brutality against persons of color and the Black Lives Matter movement. Moreover, because COVID-19 first crossed from animals to humans in China, Asian Americans and Pacific Islanders were hard hit by others' reactions to the pandemic as well as the pandemic itself. And finally, elderly residents in nursing homes have traditionally been seen as an extremely vulnerable group, and this pandemic emphasized that fact.



NOVA LAW REVIEW

NOVA SOUTHEASTERN UNIVERSITY

Moderator:

Kathy Cerminara

Professor of Law

NSU | Shepard Broad College of Law

Loneliness and Despair in Long-Term Care
Facilities in Florida: Using Therapeutic
Jurisprudence to Assure Better Care During the
Next Pandemic

Alina M. Perez

Professor of the Health Care Sciences Department

NSU | Dr. Kiran C. Patel College of Allopathic Medicine

Addressing the Mental Health
Needs of the Asian and Pacific Islander (AAPI)
Community:

Oliver J. Kim

Professor of Law

University of Pittsburgh

Striving for the Mountaintop: Focusing on the
Psychological Impacts of Racism and Inequity
During Covid-19

Gwendolyn Roberts Majette

Associate Professor of Law

Georgia State University School of Law

11:00 AM - 11:15 AM

Break

11:15 AM - 12:45 PM

LESSONS FROM THE WORKPLACE: NEW DIRECTIONS IN WORKPLACE MENTAL HEALTH

Workplaces served as the source of multiple stressors during the COVID-19 pandemic. Not only were both employers and employees concerned about health status and transmission, but they both faced economic hardship for a variety of reasons, including but not limited to loss of income from public health measures such as lockdowns and quarantines. This panel explores issues arising within the workplace and proposes that employees with mental health care needs, as demonstrated through COVID, can and should be protected more robustly.

Moderator:

Florence Shu-Acquaye

Professor of Law

NSU | Shepard Broad College of Law

Reframing Disability in the Post-Pandemic
Workplace

Elizabeth Pendo

Professor of Law

St. Louis University School of Law

Matthew Saleh

Research Associate

Yang-Tan Institute of Employment and Disability

COVID-19 Workplace Mental Health, and the
ADA "Regarded As" Prong: A Hypothetical Case
Study

Jacquelyn Thomas

Attorney

Litigation and Dispute Resolution Practice Group at
Holland & Knight LLP



COVID-19 Widens Disparities for
Workers of Color

Jamillah Bowman Williams
Associate Professor of Law
Georgetown Law

12:45 PM - 1:45 PM

Lunch

1:45 PM - 3:00PM

REFORMING THE LAW TO ACHIEVE BETTER MENTAL HEALTH OUTCOMES

COVID-19's effects on mental health, including most especially substance and alcohol use disorder, were substantial. As the United States moves beyond the pandemic, and even as it surfs the pandemic's intense waves, this panel will set the stage for creating a better mental health care system in the future through attention to legal language, federal provider regulation, and structural reform.

Moderator:

Marilyn Uzdavines
Professor of Law
NSU | Shepard Broad College of Law

On Florida Law, Language, and Alcohol Use
Disorder

Stacey A. Tovino
Professor of Law
University of Oklahoma College of Law

The Compound Trauma of COVID-19: Remediating
Inadequate Acute Care for People with Substance
Use Disorder Through Structural Reform

Kelly Dineen
Professor of Law
Creighton University of Law

3:00PM - 3:15 PM

CLOSING REMARKS

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CLE Credits

General	4.0
Mental Illness	4.0

Certification Credits

Labor and Employment Law	3.5
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**The Florida Bar Certificate of Accreditation
for Continuing Legal Education**

Reference No.:	Pending
Title:	Nova Law Review Symposium
Level:	Intermediate

The Nova Law Review Welcomes You!

As the Editor-in-Chief and on behalf of the Executive Board of the Nova Law Review, I would like to welcome you to the 2022 Nova Law Review Symposium, Under Pressure: Legal and Systemic Responses to the Psychological Trauma Associated with COVID-19. This year's Symposium will afford legal and health care scholars the opportunity to discuss the worldwide psychological implications of the COVID-19 pandemic on all legal spectrums. The overarching topics will include, business and employment matters, systemic considerations, social injustices, and the mental health effects of isolation. But more specifically, the scholars will discuss the psychological impact of media coverage relating to racial inequities in the Asian American Pacific Islander ("AAPI") and People of Color communities, social isolation in nursing homes, therapeutic jurisprudence, economic hardships faced by employees and employers, workplace inequities and disparities, substance abuse, and law reformation.

This year's esteemed and distinguished panelists include scholars from all over the country and different practice areas. Attendees will have an opportunity to learn from attorneys and professors from Georgetown Law, University of Pittsburgh, Cornell University, St. Louis University School of Law, Creighton University School of Law, University of Oklahoma School of Law, Georgia State University School of Law, Nova Southeastern University College of Health Sciences, and Nova Southeastern University Shepard Broad College of Law. The objective of this Symposium is to raise awareness and discuss the impacts and consequences of the COVID-19 pandemic on the daily lives of individuals that are rooted in the health industry and within the legal field.

Thank you so much for your attendance and for supporting the Nova Law Review, Volume 46. We hope you enjoy these thoughtful legal discussions.



Tracy Garcia,
Juris Doctor Candidate | 2022
Nova Law Review | Editor-in-Chief, Vol. 46
Nova Southeastern University | Shepard Broad College of Law



Tracy Garcia,
Nova Law Review
Editor-in-Chief, Vol. 46

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Speaker Bio

José Roberto (Beto) Juárez Jr.



José Roberto (Beto) Juárez Jr., is dean of NSU Shepard Broad College of Law. Dean Juárez serves as the chief academic and administrative officer of the college of law. Prior to joining NSU Law in 2020, Dean Juárez was a tenured professor of law and director of the Lawyering in Spanish program at the University of Denver Sturm College of Law. He served as dean of Denver Law from 2006 to 2009. Prior to 2006, Dean Juárez was associate dean for academic and student affairs and professor of law at St. Mary's University School of Law in San Antonio, Texas. He has taught courses in Civil Procedure, Employment Discrimination, Civil Rights, Conflict of Laws, Federal Courts, Professional Responsibility, and Remedies, as well as a seminar on Language Rights. His research interests include employment discrimination, language rights, legal history, race, and religion and the law, and he has published extensively, presenting his work throughout the United States and Mexico.

Dean Juárez earned an A.B. degree in History from Stanford University and a J.D. from the University of Texas School of Law in 1981. Dean Juárez co-founded the Deans' Diversity Council and the non-profit organization spun off from the Council: The Center for Legal Inclusiveness. He also chaired the Board of Directors of the Journal of Law and Religion, and its successor, the Council on Religion and the Law, and served on these boards from 2002 - 2020. He also served two terms as Co-President of the Society of American Law Teachers (SALT), one of the largest organizations of law professors in the United States.

Tracy Garcia



Tracy Garcia is currently a Juris Doctor Candidate for May 2022 at Nova Southeastern University ("NSU"), Shepard Broad College of Law. Tracy is the Editor-in-Chief of Nova Law Review, Volume 46. She is currently co-authoring an article on Judicial Review with Professor James Wilets and Stephanie Rodriguez, Lead Technical Editor of Volume 46. During her time at NSU, Tracy has been nominated for her work and service at the school. This year she was nominated to receive the Stephanie Aleong Award, and the STUEY Student of the Year Award. Tracy also serves as a member and the Senior Competitions Coordinator of the Nova Southeastern University Trial Association, and a pupil for the Craig S. Barnard American Inns of Court. She currently works at Greenspoon Marder LLP after being hired on as a Summer Associate in the summer of 2021. She is also a judicial intern for Judge Mariya Weekes, in the Seventeenth Judicial Circuit.

Tracy earned her bachelor's degree from Western University, where she completed an honors double major in Philosophy and Criminology. Before law school, Tracy worked as a Liaison Officer for the Enrollment Services at King's University College at Western University. During her time as an undergraduate student, she was the Founder and President of a not-for-profit organization, King's Helping Hands. This organization aims to help homeless populations including youth offenders and refugees to re-establish and re-integrate themselves into society in the city of London, Ontario, Canada. She also served as the Vice President of Operations and Event Coordinator for Rebuilding Health in Rwanda, an organization that aimed to fund scholarships for medical students in Rwanda.

Johannes W. Vieweg, M.D.

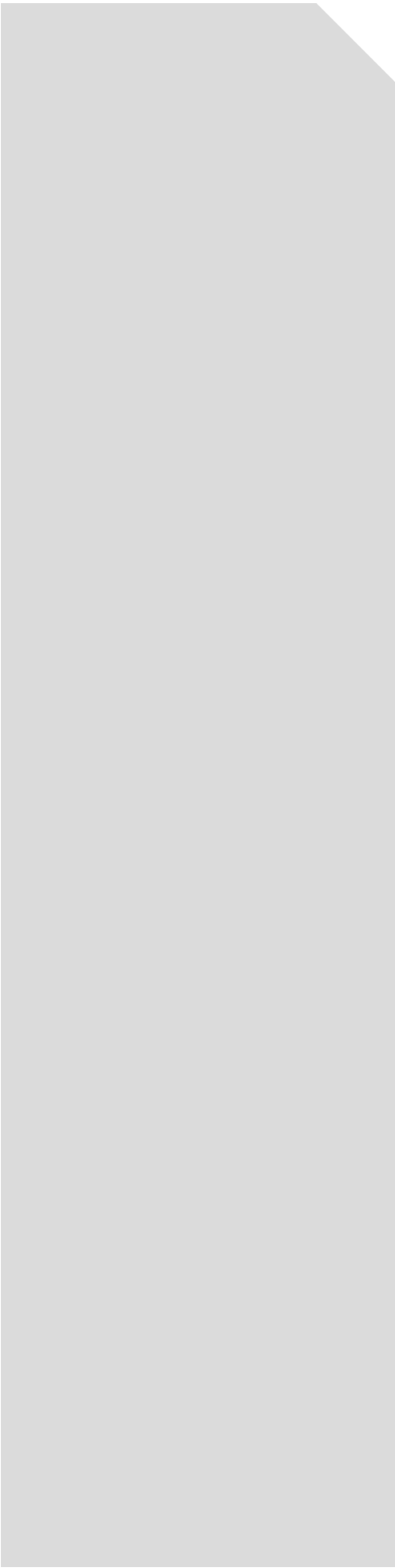


Dr. Johannes Vieweg has a distinguished 25-year career in academic medicine and higher education. As the first in his family to achieve a college degree, he is passionate about improving educational and healthcare access for all, developing cutting-edge innovations, and driving data-driven system change.

Since 2016, he has served as the Founding Dean and Chief Academic Officer of Nova Southeastern University's (NSU) Dr. Kiran C. Patel College of Allopathic Medicine. The new College has received national attention through its innovative, case-based, system-sequenced curriculum and through a unique business model utilizing deliberate cost reductions and re-investments to constantly refine program quality, thus increasing the overall value of the medical school in lockstep with university goals.

Dr. Vieweg started his career as faculty member at Duke University in 1998, rising from Instructor to Associate Professor with tenure, to Vice Chair of Research in the Duke Department of Urology. At Duke, much of his scientific activities have centered on developing cell- and gene-based active immunotherapy approaches in a team science setting. Contributions included the discovery and clinical testing of genetically engineered dendritic cells, the evaluation of universal tumor antigens, the modulation of regulatory T cells and myeloid cells. This work established the foundation for a highly productive NIH-funded clinical trial pipeline conducted through FDA-approved investigator-sponsored new drug applications.

In 2006, he joined the University of Florida (UF), a land grant public university system, as Professor and Chairman of the Department of Urology. Dr. Vieweg's recruitment was facilitated by the Florida Board of Governors' 21st Century World Class Scholar's program, which recognizes nationally distinguished faculty in biomedical research. Other positions held by Dr. Vieweg during his 10-year tenure at UF included: The Wayne & Marti Huizenga Endowed Research Scholar Chair,



Executive Director of the UF Prostate Disease Center, Chairman of the Florida Prostate Cancer Advisory Council and Vice President of the UF Clinical Practice Association.

In 2015, Dr. Vieweg was awarded a prestigious Jefferson Science Fellowship by the National Academy of Sciences. This program engages distinguished scientists from across the U.S. as Special Advisors to the U.S. Department of State to provide scientific expertise in foreign policy development. In this position, Dr. Vieweg frequently participated in diplomatic meetings with foreign governments to advance partnerships and implement foreign policy for the United States of America.

Dr. Vieweg is an active member of his community, serving on multiple boards and commissions, including the Greater Fort Lauderdale Alliance, the Broward Medical Association, the Florida Association of Medical Schools Deans, and the American/ Florida Medical Associations.

In line with his lifelong commitment to gender, equity, diversity, and inclusion, he has a strong focus on developing diverse talent pipelines through affiliations with either regional or historically black colleges and universities to enable pathways into the health professions. In 2019, he received the American Medical Women's Association's Dr. Larry Zaroff Man of Good Conscience Award, for promoting women's careers in science and medicine.

Dr. Vieweg received his MD degree from the Technical University of Munich/Germany following the completion of a thesis focused on myocardial phosphodiesterase-III blockade in patients with chronic heart failure.

Impact Analysis: Focusing on Groups Especially Hit Hard

Kathy Cerminara



Professor Kathy Cerminara is a Professor of Law at the Nova Southeastern University Shepard Broad College of Law. She is also an affiliate faculty member at NSU's Dr. Kiran C. Patel College of Allopathic Medicine. Professor Cerminara received her Juris Doctor (J.D.) degree from the University of Pittsburgh and her LL.M. and J.S.D. from Columbia University. She teaches Torts, Health Policy, Bioethics & Quality of Care, Administrative Law, Civil Procedure, Bioethics, and other health-law-related courses. She also created and was the initial director of the online Master of Science in the Health Law program for non-lawyers.

Professor Cerminara bridges the medical and legal professions with her work on patients' rights in the end-of-life decision-making arena. She co-authors the nationally known treatise, *The Right to Die: The Law of End-of-Life Decisionmaking* and is a reviewer for several medical and medical-legal journals. Since 2012, Professor Cerminara has been a member of the International Scientific Committee for the International Academy of Law & Mental Health. Her scholarship most recently has focused on the intersection between end-of-life care, palliative care, and health care coverage policy.

Alina M. Perez



Alina M. Perez is a Professor of the Health Care Sciences Department at NSU, Dr. Pallavi Patel College of Health Care Sciences. She holds a Juris Doctor (J.D.) degree from the University of Miami, a Master's in Public Health (MPH) from the University of South Florida, and a Master's in Social Work from Barry University. Professor Perez is a licensed clinical social worker (LCSW) and certified qualified supervisor for social work interns for the State of Florida. She also completed the Heritage Health Policy Fellowship by the American Osteopathic Association in 2006.

Professor Perez has practiced as a medical social worker in the areas of inpatient and outpatient mental health, oncology, ER medicine and hospice care, and as an attorney in the areas of worker's compensation, personal injury and family law. Professor's Perez's public health scholarship and community involvement has focused extensively in addressing issues of the minority aging population. Her scholarly work includes presentations at several local, national and international conferences. She has several publications including a book, a book chapter and various journal articles on aging, culture and health, end-of-life issues, and mental health and the law.



Oliver J. Kim

Oliver Kim is an adjunct professor of law with the University of Pittsburgh and the board chair of a national nonprofit focused on Asian American and Pacific Islander health. He has worked in health law and policy for nearly two decades, including a decade in the United States Senate.



Gwendolyn R. Majette

Gwendolyn Roberts Majette is an associate Professor of Law at Cleveland Marshall College of Law. She received a Juris Doctor (J.D.) degree from the George Washington University School of Law and an LL.M. in Global Health from Georgetown University Law Center. Professor Majette has taught numerous courses in the health law curriculum such as Health Care Law and Policy, Health Care Legislation, Human Rights and Public Health, and Law and Medicine. Professor Majette's scholarly work focuses on patients' rights, delivery system reform, global health, and health care reform. Her work has been relied on by the United States Commission for Civil Rights, the Department of Health and Human Services, and the World Health Organization, and is cited in one of the leading health law texts. Some of her recent articles include: Global Health Law Norms: A Coherent Framework to Understand PPACA's Approach to Eliminate Health Disparities and Address Implementation Challenges; Global Health Law Norms and the PPACA Framework to Eliminate Health Disparities; PPACA and Public Health: Creating a Framework to Focus on Prevention and Wellness and Improve the Public's Health; and From Concierge Medicine to Patient-Centered Medical Homes: International Lessons & the Search for a Better Way to Deliver Primary Health Care in the U.S.

Lessons from the Workplace: New Directions in the Workplace Mental Health

Florence Shu-Acquaye



Florence Shu-Acquaye is a professor of law and a faculty member of the Shepard Broad College of Law since 2000. She teaches Business Entities, Contracts, Legal Drafting, UCC: Sales, International Sales of Goods & Arbitration, Negotiable Instruments, and Comparative Corporate Governance. She also taught in the Master's in Health Law program, where she supervised over 80 student papers on various topics.

Professor Shu-Acquaye holds an LL.M from Harvard Law School, and a J.S.M and a J.S.D from Stanford Law School.

Professor Shu-Acquaye was a recipient of the In-Focus magazine's Quiet Storm Achievement Award for her work with the Society for Women and AIDS in Africa. This achievement was acknowledged and praised in a personal letter from the Supreme Court of Florida.

Professor Shu-Acquaye has several scholarly publications and has given presentations on a variety of topics at conferences and workshops locally and internationally.

Elizabeth Pendo



Elizabeth Pendo is the Joseph J. Simeone Professor of Law at Saint Louis University School of Law and a member of the Center for Health Law Studies and the William C. Wefel Center for Employment Law. Professor Pendo uses a disability justice framework to study the impact of health care and nondiscrimination laws on outcomes and experiences of people with disabilities in order to generate legal and policy solutions that promote health equity and social justice in our health care systems, workplaces, and communities. She has published law review articles, books, and other publications on issues in disability law and theory, health law and policy, and bioethics, and is one of the authors of a leading casebook, *Health Law: Cases, Materials and Problems*, 8th ed. (American Casebook Series, West).

Matthew Saleh



Matthew Saleh, J.D., Ph.D. is a research associate at Cornell University's Yang-Tan Institute on Employment and Disability, and a lecturer in Cornell's disability studies curriculum. Matt's research and teaching focuses on employment law and workforce development policy related to disability.



Jacquelyn Thomas

Jacquelyn Thomas is an attorney in Atlanta's Litigation and Dispute Resolution Practice Group at Holland & Knight LLP. She received her Juris Doctor (J.D.) degree from Florida State University College of Law and was Editor-in-Chief of the Law Review during her time there. Ms. Thomas handles complex commercial litigation matters in state and federal courts at the trial and appellate levels. She represents both plaintiffs and defendants, and her clients include corporations, limited liability companies, public utilities, and individuals.

Ms. Thomas focuses her practice on litigating high-stakes commercial contract disputes, including claims of breach of contract and breach of representations and warranties, as well as Uniform Commercial Code (UCC) matters. Ms. Thomas routinely litigates business torts, with particular experience involving claims of fraud, tortious interference, breach of fiduciary duty, misappropriation of trade secrets and civil conspiracy. She has also worked on matters outside of commercial litigation, including property disputes involving easement and mineral rights, probate and constitutional law.



Jamillah Williams

Jamillah Williams is an Associate Professor of Law at Georgetown University Law Center. Professor Williams teaches courses in Employment Discrimination, Employment Law, and Contemporary Bias and Law. She also serves as Faculty Director of the Georgetown Workers' Rights Institute and she has an affiliate appointment in the Georgetown University Department of Sociology. Professor Williams received her Juris Doctor (J.D.) degree from Stanford Law School and her Ph.D. in Sociology from Stanford.

Prior to joining the faculty at Georgetown University Law Center, Professor Williams worked as an associate in the Employment Law practice of Paul Hastings, LLP and was a National Science Foundation Fellow and Visiting Scholar at the American Bar Foundation in Chicago, Illinois. Her research focuses on contemporary bias, the effectiveness of antidiscrimination law, and the capacity of law to promote compliance and social change. Specifically, Professor Williams uses social psychological theory and empirical analysis to examine the impact of antidiscrimination law on the individuals it was intended to protect.

Reforming the Law to Achieve Better Mental Health Outcomes

Marilyn Uzdavines



Marilyn L. Uzdavines is a Professor of Law at Nova Southeastern University Shepard Broad College of Law. She received her Juris Doctor (J.D.) degree from the University of Florida Levin College of Law. Professor Uzdavines primarily teaches in the area of health care practice and regulation. She teaches J.D. courses in Health Care Compliance, Health Care Organizations, Regulations, and Access, Health Policy and Bioethics, Legal and Medical Interprofessionalism, and Disability Law. She also teaches Pharmaceutical Law, Legal Perspectives in Health Care Ethics, and Regulatory Compliance in the Nova Southeastern University Online Master of Science in Health Law program.

Her scholarship explores the regulation of developing areas of medical practice. Professor Uzdavines has spoken at numerous national academic conferences throughout the United States, including the Society of American Law Teacher's Conference and the Health Law Professors Conference.

Stacey Tovino



This presentation will identify and analyze the alcohol-related language used in Florida law and propose ways in which Florida statutory language may be improved from the perspective of individuals with alcohol use disorder (AUD). The first part of this presentation will identify illustrative Florida statutes that contain alcohol-related words and phrases that do not conform to professional language recommendations. The second part of this presentation makes several key findings relating to Florida's statutory language and proposes ways in which Florida lawmakers can improve these statutes. These proposals include using medically current and respectful statutory language in legislation introduced on a going-forward basis as well as amending outdated and stigmatizing language set forth in already-enacted legislation. A conclusion highlights the importance of encouraging individuals with AUD to seek, enter, and remain in treatment, including by diminishing structural (or law-based) sources of stigma associated with AUD.



Kelly Dineen

Kelly Dineen is an Associate Professor of Law and director of the Health Law Program at Creighton University. She teaches bioethics, health care law, public health law, drug policy, and food and drug law. Professor Dineen earned her Juris Doctor (J.D.) and certificate in health care law from SLU Law and earned her Ph.D. in Health Care Ethics in 2015 from Saint Louis University. Professor Dineen is also a nurse and has worked in a neurosurgical and organ transplant intensive care unit and later worked as a neurosurgical clinical and research nurse at an academic medical center. She has extensive clinical experience in caring for patients with implanted programmable neuromodulation devices and assisted in the development of one of the first centers in the Midwest to provide functional neurosurgery for patients with movement disorders and chronic intractable pain.

Her particular research interests include the intersection of ethics, law and policy in the treatment of disenfranchised populations (including people with chronic pain, addiction, serious mental illness and other neuropsychiatric conditions); end of life care; conflicts of interest in medicine, especially involving medical devices; health care provider decision making and moral development; and clinical research ethics.



Jonathan Perez

Jonathan Perez is a Juris Doctor candidate at Nova Southeastern University, expected to graduate in May 2022. He is the Goodwin & Alumni Relations Editor for the Nova Law Review and has been previously published for his work regarding the Florida Death Penalty. Upon graduating, Jonathan plans on pursuing a career in the criminal defense field.