

# LRC Research Training

## Professor Fox's Health Law & Reproduction Seminar Spring 2023

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# What we will cover

- Picking a paper topic
- Literature review
  - Books & articles
  - Law and other disciplines
- Note-taking tools and techniques



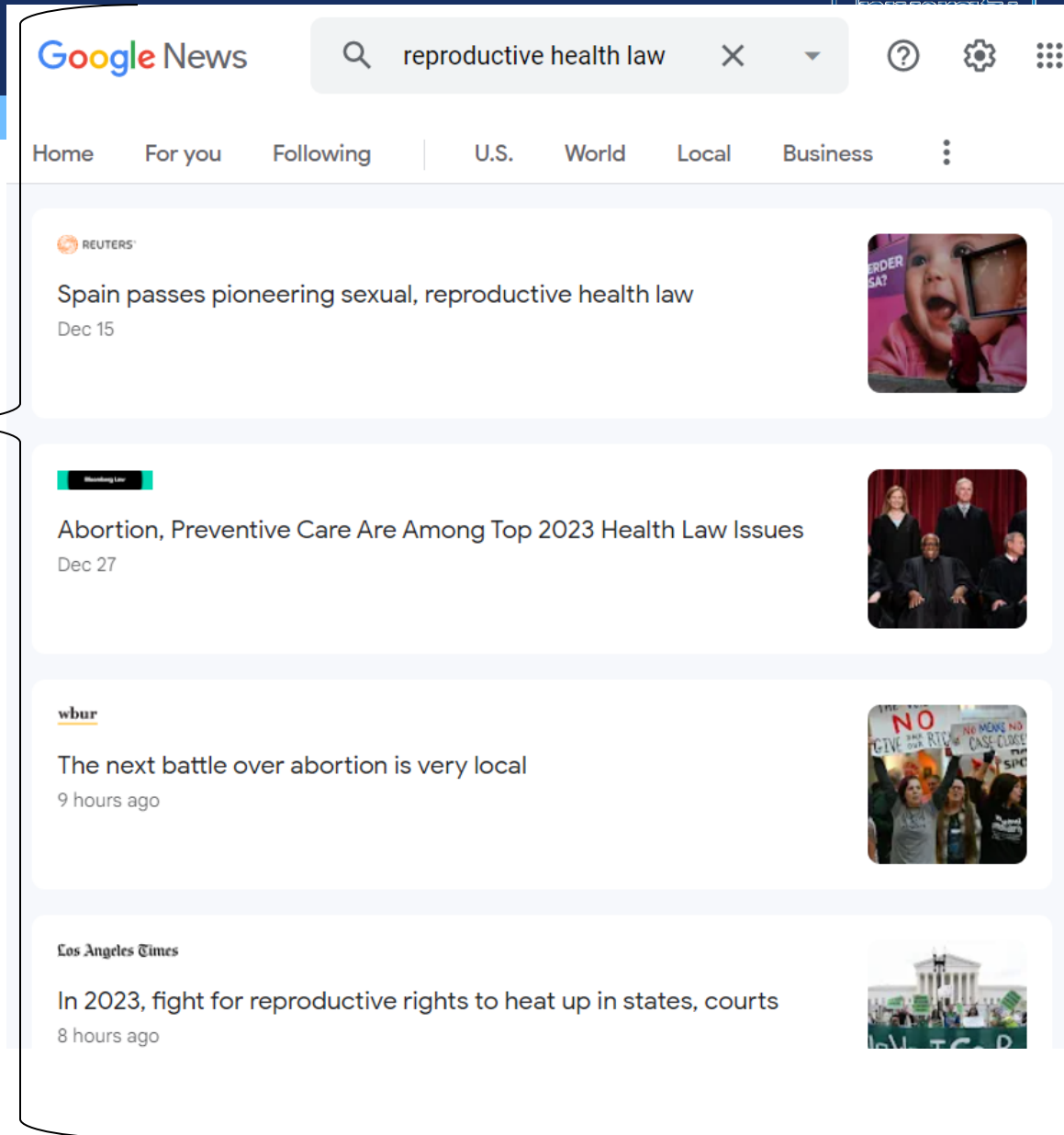
# PICKING A PAPER TOPIC

# News



[news.google.com](https://news.google.com)

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- [Law360](#)
  - Practice area: [Health](#)
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# Blogs & Current Awareness

- [Reproductive Rights Prof Blog](#)
- [Bioethics.com – Reproductive Ethics](#)
- [Harvard Law's Bill of Health blog](#)
- [Bioethics Today – Reproductive Ethics](#)
- [RepoHealthLaw Blog](#)
- [Topic finding tools from Bloomberg Law](#)
  - Circuit Splits Chart
  - Supreme Court Today Tracker
  - United States Law Week

# Research Institutes & Advocacy Organizations



- [Guttmacher Institute](#)
- [Hastings Center – Children & Families](#)
- [Center for Reproductive Rights](#)
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- [ACLU – Reproductive Freedom](#)
- [National Women’s Law Center – Health Care & Reproductive Rights](#)
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## Health Law

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Focus: Reproductive Health Law

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### Introduction



Reproductive health law and reproductive rights are very relevant to research right now, as some states have recently passed restrictive laws on abortion and as the country awaits the Supreme Court's review of Texas's new law, which has caused a lot of controversy and uproar. When researching reproductive rights, it is of course important to keep up with the most current news since there are constantly new developments.

### Legislation

ACLU has compiled a helpful list of important case law regarding reproductive rights from 1965 to now. That can be found [here](#).

Guttmacher Institute has compiled an article with state policy trends around reproductive health (abortion, pregnancy care, etc.) for the year of 2020. That can be found [here](#).

Westlaw and Lexis do not have pages dedicated to reproductive health law, but you can find the most relevant legislation and case law by searching with terms like "reproductive health law" and "reproductive rights".

### Books

Some books and practice guides about reproductive health law which are available through USD libraries are listed below:

 **Ask a law librarian!**

[lawlibguides.sandiego.edu/healthlaw](http://lawlibguides.sandiego.edu/healthlaw)



# LITERATURE REVIEW

# Literature Review

- A survey of books, scholarly articles, and any other sources relevant to a particular issue, area of research, or theory
- Helps you formulate your thesis and locate your arguments within the larger field of study

# Reliable sources

- Evaluate sources for:
  - **Authority** – author is identified, reputable, credentialed
  - **Objectivity** – fairness, lack of bias
  - **Accuracy** – provides references to sources, verifiable
  - **Scope** – relevant to your topic and argument
  - **Currency** – may vary by topic, but make sure you know the current state of thinking in your field (even if it's rooted in older writings)

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## Health Analysis

### Amgen's 'genus claims' get slew of supporters for Supreme Court patent fight

WESTLAW Intellectual Property Daily Briefing

Amgen Inc., which recently persuaded the U.S. Supreme Court to agree to clarify patent law's enablement requirement, has garnered support from a wide variety of organizations criticizing the standard for evaluating "genus claims."

### Offensive and defensive IP for AI in health care

Practitioner Insights Commentaries

Jason Johnson and Blaze D. Waleski of Moses Singer explore intellectual property protections and strategies that businesses may consider for AI in health care, for products and the underlying data.

### Will Binance class action over Terra collapse be forced into arbitration?

Alison Frankel's On The Case

## Tools

[Health Policy Tracking Service](#)[News](#)[Patient Protection and Affordable Care Act](#)[Regulatory Guidance Summaries](#)[Drafting Assistant Essential](#)[Mobile Applications \(Emerging Areas of Practice Series\)](#)[Westlaw Today](#)

## Featured Publications

[Health Law Practice Guide](#)[Food & Drug Administration, Fourth Edition](#)[Health Care & Antitrust Law](#)



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## STATE

 *Ex: Delaware*

## Legal Analysis

### BNA PORTFOLIOS

[Federal Self-Referral Law](#)

[Health Care M&A: The Transactional Perspective](#)

[Health Care Joint Ventures](#)

[Payments for Hospital Services Under Medicare Parts A and B](#)

[All Healthcare Portfolios](#)

### BNA MANUALS

[Health Care Program Compliance Guide](#)

### BOOKS AND TREATISES

[Opioid Prescribing: An AHLA 50 State Survey](#)

[E-Health, Privacy, and Security Law](#)

[Health Care Fraud and Abuse: Practical Perspectives](#)

[Federal Health Care Discrimination Law](#)

[Negotiations with Insurance Companies](#)

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## Dockets & Opinions

[Federal Health Law Opinions](#)

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[Federal False Claims Act Dockets](#)

## In Focus

[Abortion Law](#)

## Chart Builders

 [View all health law chart builders](#)

## News & Analysis

[Bloomberg Law Analysis](#)

[Health Law & Business News](#)

[Pharmaceutical & Life Sciences News](#)

## Trackers

[Federal Health Regulation Tracker](#)

[State Health Legislation & Regulation Tracker](#)

[State Health Care Legislative Alert \(Pre-2021 Archive\)](#)

[State Health Care Regulatory Alert \(Pre-2021 Archive\)](#)

## Analytics

[Health Care Fraud Analytics](#)

This tool provides comprehensive, easy-to-filter information and customizable visual analytics about significant civil settlements entered into between the government and health care entities in enforcement actions under the False Claims Act, 31 U.S.C. 3729 et seq., and related state laws.

[Litigation Analytics](#)

## Webinar

[Benefits & Covid-19: Options for Employers & Employees](#)

## In Focus

[Abortion Law](#)

[Coronavirus](#)

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## Laws & Regulations

[U.S.C. Title 21: Food and Drugs](#)

[U.S.C. Title 42: Public Health and Welfare](#)

[All U.S.C. Titles Related to Health Law](#)

[C.F.R. Title 21: Food and Drugs](#)

[C.F.R. Title 42: Public Health](#)

[C.F.R. Title 45: Public Welfare](#)

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[Federal Rulemaking Related to Health Law](#)

## Agency Materials

[U.S. Department of Health & Human Services](#)

[Office of Inspector General, HHS](#)

[Departmental Appeals Board, HHS](#)

[Office for Civil Rights, HHS](#)

[Benefits & Covid-19: Options for Employers & Employees](#)

## Federal Health Legislation

[American Rescue Plan Act of 2021](#)

[No Surprises Act](#)

[Consolidated Appropriations Act, 2021](#)

[Continuing Appropriations Act, 2021 and Other Extensions Act](#)

[Coronavirus Aid, Relief and Economic Security \(CARES\) Act](#)

[Families First Coronavirus Response Act](#)

[Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020](#)

### FEDERAL REGULATIONS

[Omnibus Covid-19 Health Care Staff Vaccination \(CMS Interim Final Rule\)](#)

[CY 2023 Home Health Prospective Payment System Rate \(CMS Final Rule\)](#)

[CY 2023 Physician Fee Schedule \(CMS Final Rule\)](#)

### HEALTH EXECUTIVE ACTIONS

[Executive Order on Covid Safety Protocols for Federal Contractors](#)

[Executive Order on Covid-19 Vaccination Requirement for Federal Employees](#)

[E.O. 14,009, Strengthening Medicaid and the ACA](#)

[E.O. 13,997, Access to Care and Treatments for COVID-19](#)

[Memo on Protecting Women's Health at Home & Abroad](#)

[Fact Sheet on New Actions to Expand & Improve Covid-19 Testing](#)

## Health Care Reform

[Health Care Reforms - Implications for Employee Benefit Plans](#)

# Legislative History & Current Legislative Materials



- Federal
  - [ProQuest Legislative Insight](#)
  - [Congress.gov](#)
- California
  - [LRC Guide to California Legislative History](#)
  - [California Legislative Information](#)
- Other states – talk to a reference librarian

# BOOKS

# Searching the catalogs

- USD's online catalog** find items located in the LRC and also in the Copley Library collection.
- Remember that the catalog can be used to find not just materials in our print collection, but it also provides direct access to materials in our subscription databases, and it also links to websites!
  - You can search [USD's online catalog](#) from LRC's homepage

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### Reproductive Rights [electronic resource]

E-JOURNAL |

Available at Copley Internet see all

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Additional actions:



### Threats to reproductive rights in America : hearing before the Subcommittee on the Constitution, Civil Rights, and Civil Liberties of the Committee on the Judiciary, House of Representatives, One Hundred Sixteenth Congress, first session, June 4, 2019

United States. Congress. House. Committee on the Judiciary. Subcommittee on the Constitution, Civil Rights, and Civil Liberties, author

E-BOOK | 2020

Available at LRC Internet (KF27 .J8567 2019f ONLINE) see all

Additional actions:



→ Access this resource in HeinOnline Congressional Documents Library (USDOne login required)



### Producing reproductive rights : determining abortion policy worldwide / Udi Sommer, Tel-Aviv University; Aliza Forman-Rabinovici, Tel-Aviv University

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## Circuit Catalog:

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## KEYWORDS (1-50 of 1192)

### Most relevant titles entries 1-41

- 1 ☐ **Threats to reproductive rights in America : hearing before the Subcommittee on the Constitution, Civ**  
United States. Congress. House. Committee on the Judiciary. Subcommittee on the Constitution, Civil Rights, and Civil Liberties, author  
Washington : U.S. Government Publishing Office, 2020  
1 online resource (iii, 96 pages)



- 2 ☐ **Reproductive rights as human rights : women of color and the fight for reproductive justice**  
Luna, Zakiya T., author.  
New York : New York University Press, [2020]  
299 pages : illustrations ;



- 3 ☐ **Producing reproductive rights : determining abortion policy worldwide**  
Sommer, Udi, author  
Cambridge, United Kingdom ; New York, NY : Cambridge University Press, 2019  
xiv, 222 pages : illustrations ;



- 4 ☐ **Reproductive rights and justice stories**  
St. Paul, MN : Foundation Press, [2019]  
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- 5 ☐ **Producing reproductive rights : determining abortion policy worldwide**  
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# [PDF] Population Growth and **Reproductive Rights** in International Human Rights Law

DDM Babor - Conn. J. Int'l L., 1999 - HeinOnline

... CONNECTICUT JOURNAL OF INT'L **LAW** This article will explore how **reproductive rights** evolved in the context of approaches undertaken toward the problem of overpopulation. In ...

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[PDF] heinonline.org

# [PDF] International protection of women's **reproductive rights**

RJ Cook - NYUJ Int'l L. & Pol., 1991 - HeinOnline

... morbidity and enhance the dignity of women and their **right to reproductive** self-determination. This Article argues that if international human **rights law** is to be truly universal, it has to be ...

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# **Sexual but not reproductive:** exploring the junction and disjunction of sexual and **reproductive rights**

AM Miller - Health and human **Rights**, 2000 - JSTOR

... **rights with reproductive rights** has, by and large, caused sexual **rights** to be viewed as a subset of **reproductive rights**, ... The case **law on reproductive rights** arising in the regional human ...

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# Advancing **reproductive rights** beyond Cairo and Beijing

RJ Cook, MF Fathalla - International family planning Perspectives, 1996 - JSTOR

... **reproductive** health and self-determination (see Table 1, p. 116). National and international human **rights law** has yet to be adequately applied to **reproductive** ... human **rights law** can be ...

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## DIGNITY AND THE POLITICS OF PROTECTION: ABORTION RESTRICTIONS UNDER CASEY/CARHART

**ABSTRACT.** This essay on the law and politics of abortion analyzes the constitutional principles governing new challenges to Roe. The essay situates the Court's recent decision in *Gonzales v. Carhart* in debates of the antiabortion movement over the reach and rationale of statutes designed to overturn Roe--exploring strategic considerations that lead advocates to favor incremental restrictions over bans, and to supplement fetal-protective justifications with woman-protective justifications for regulating abortion. The essay argues that a multi-faceted commitment to dignity links *Carhart* and the *Casey* decision on which it centrally relies. Dignity is a value that bridges communities divided in the abortion debate, as well as diverse bodies of constitutional and human rights law. *Carhart* invokes dignity as a reason for regulating abortion, while *Casey* invokes dignity as a reason for protecting women's abortion decisions from government regulation. This dignity-based analysis of *Casey/Carhart* offers principles for determining the constitutionality of woman-protective abortion restrictions that are grounded in a large body of substantive due process and equal protection case law. Protecting women can violate women's dignity if protection is based on stereotypical assumptions about women's capacities and women's roles, as many of the new woman-protective abortion restrictions are. Like old forms of gender paternalism, the new forms of gender paternalism remedy harm to women through the control of women. The new woman-protective abortion restrictions do not provide women in need what they need: they do not alleviate the social conditions that contribute to unwanted pregnancies, nor do they provide social resources to help women who choose to end pregnancies they otherwise might bring to term. The essay concludes by reflecting on alternative--and constitutional--modes of protecting women who are



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Brubaker L; Bibbins-Domingo K

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**Roe v Wade and the New Jane Crow: Reproductive Rights in the Age of Mass Incarceration.**

Paltrow, L. M.

 Academic Journal | American Journal of Public Health (AM J PUBLIC  
HEALTH), Sep2022; 112(9): 1313-1317. (5p)

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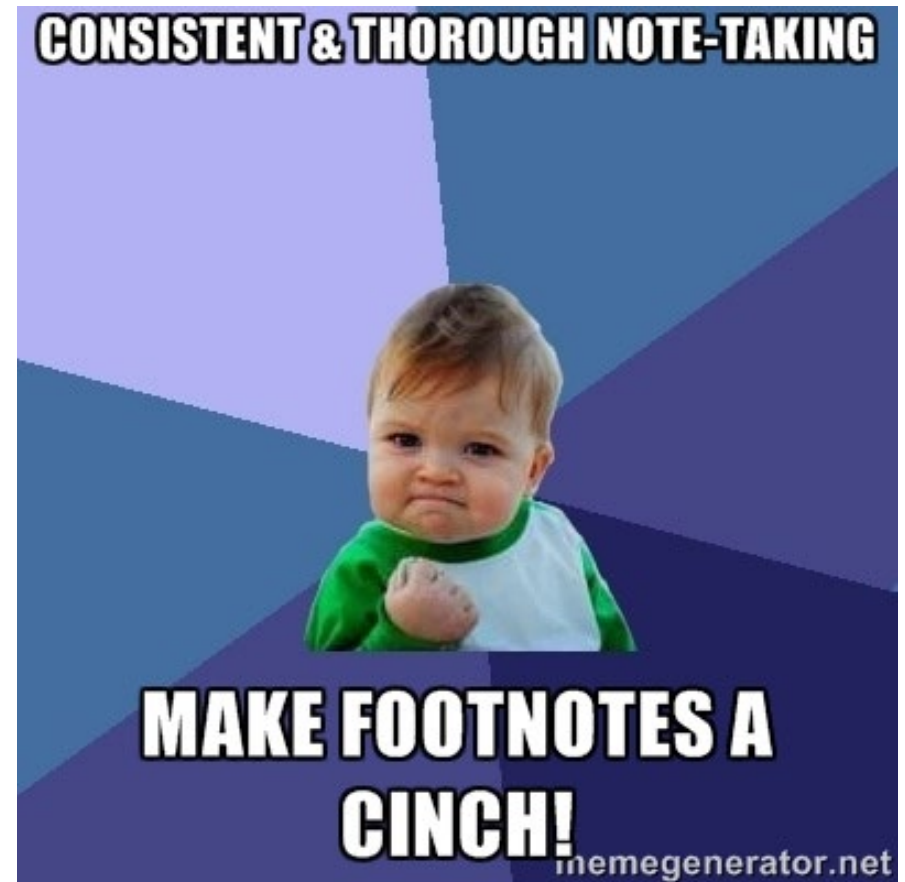
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