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# Law in the Time of Cholera: Teaching Disaster Law as a Research Course

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# Law in the Time of Cholera: Teaching Disaster Law as a Research Course

## **Abstract**

Disaster law is fun to teach but it has a serious purpose. Emergencies will inevitably arise but how society responds to them will determine whether or not they become full-blown disasters. Training law students to adapt to dynamic situations will give them the skills they need in a world facing global warming, resource depletion, and a burgeoning population. By creating a more robust legal system, we can create a more resilient society.

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## **Disciplines**

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# Law in the Time of Cholera

## Teaching disaster law as a research course

By Neal R. Axton

In June of 2011, an epidemic sweeps through Peru leaving scores dead in its wake. A team sent by the World Health Organization (WHO) detects a new type of bird flu (H1N3). Despite efforts at containment, the virus soon spreads throughout South America and then to North America. By the first week of September, nearly 10 percent of U.S. citizens are sick with the virus. Hospitals are overwhelmed. By October 1, nearly 30,000 Americans have died from H1N3, with millions more infected. But by the end of October, the rate of infection slows and life begins to return to normal.

Then, in November, antibiotic resistant tuberculosis (TB) begins to spread like wildfire through the population. The Centers for Disease Control suggests that H1N3 weakened people's defenses to TB. The U.S. medical system begins to crumble under the strain of this second wave of illness, and the economy grinds to a halt as small businesses fold due to lack of consumers and employees.

### Pandemic Risks

This fictional scenario is drawn from recent headlines of public health officials warning about the risk of a pandemic, especially bird flu. Responding to fictional scenarios called "tabletop disaster exercises" is a common technique used by emergency management professionals to strategize about emergency response. See, for instance, the recent ARkStorm scenario in California: <http://bit.ly/ARkStorm2010>.

At William Mitchell, disaster law is taught as the research component of the "Government Service Pathway" directed at students interested in serving in government (<http://bit.ly/a51QAK>). In disaster law, I use tabletop disasters to explore how law-making bodies prepare for and respond to disasters, which stimulates student interest in research by providing a compelling context for questions of executive power

and administrative law at the local, state, and federal levels.

I use guest speakers to provide real world perspective on disaster prevention, response, and rebuilding. Last term, the Minnesota League of Cities discussed its pandemic policy development workshops for cities as well as how cities respond to more common emergencies like floods and blizzards. Students also learned about municipal law and the role of mayors and city councils in responding to emergencies. A retired member of the Judge Advocate General's Corps also discussed state and federal service by the National Guard during declared emergencies and how disaster response escalates, as well as federalism concerns.

I use guided research tutorials outside of class to expose students to administrative research in Minnesota and at the federal level. The guided tutorials lead students through the different resources. Students answer questions to ensure that they are following along. A sample tutorial is available at <http://bit.ly/tutorial-2011> or via Google Docs at <http://bit.ly/tutorial-dl>.

Professor Marcia R. Gelpe and I developed the guided tutorial format in 2007 to add a stronger research component to her administrative law class, and we have refined the process over the years to get students into the primary resources quickly and give them some confidence with these materials.

In disaster law, after students complete the tutorials, they are assigned to write a pandemic response plan for the law school. After reviewing the assignments, I share best practices and creative solutions with the class.

For the final project, I create a fictional Minnesota town and assign students to work for city departments or non-profits. Each group has a leader who has some prior relevant work history (based on reviewing student resumes). Each group writes a pandemic response plan collaboratively. Students are provided with a fictionalized emergency operations

plan and with human resources policies from actual cities as models.

Groups are required to conduct research into their roles as well as into pandemic response plans. Students submit a research plan and a research log in addition to their pandemic plan. Beyond the research and writing, I encourage students to consider the importance of leadership in disasters. Understanding the law is important, but responding to an unfolding disaster requires courage, compassion, and the ability to triage.

Students are forced to think across disciplines and break out of the mindset that a fact pattern implicates only one set of legal issues. The drama of the tabletop disaster creates a sense of urgency for the course, and the policy-writing exercise requires them to synthesize information from lectures and from the guest speakers and apply what they learned from their research.

Disaster law at Mitchell is taught as a stand-alone class but could easily be co-taught by a librarian and a faculty member. Disaster law implicates many other areas of law including insurance law, public health law, tort law, elder law, property law, criminal law, immigration law, animal law, and international humanitarian law.

Disaster law is fun to teach but it has a serious purpose. Emergencies will inevitably arise but how society responds to them will determine whether or not they become full-blown disasters. Training law students to adapt to dynamic situations will give them the skills they need in a world facing global warming, resource depletion, and a burgeoning population. By creating a more robust legal system, we can create a more resilient society. ■

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