I. INTRODUCTION

Academics from various disciplines have written at length about the war on drugs, stressing how it has contributed to the United States having the world’s highest incarceration rate, imposed resource burdens at all levels of the government, created extensive collateral consequences for individuals and their families, and had devastating impacts on communities of color and persons of socio-economic disadvantage. However, few classes in the typical law school curriculum specifically focus on either basic legal doctrines or broader scholarship in this field. Some faculty may discuss issues relating to drug enforcement in first-year criminal law classes or in upper level classes on health law or “race and the law,” but sustained and systematic classroom exploration of the enforcement of drug laws and policy criticism thereof seem to be a rarity.

This gap in the law-school curriculum is especially problematic given the shifts in the landscape of legalized cannabis and hemp, and legal and policy responses to the recent opioid crisis. Law schools, especially law schools in states that have legalized cannabis for either medical or adult use, can reasonably be criticized for being slow to adapt or adopt courses that will help prepare the next generation of lawyers to work in this challenging and ever-shifting legal and policy environment.

To better understand how law schools are approaching these issues and how drug policy and law could be better incorporated into law school curriculum, we conducted two surveys of all accredited law schools in the U.S. to identify what courses have been developed and taught in the arena of drug law and policy – the first in the summer of 2018 and the second in summer of 2019. In addition to the surveys, we also convened a one-day workshop in spring of 2019, which brought together law scholars who either teach or have an interest in teaching a course on various aspects of drug policy and law to discuss ways to incorporate these topics into law school curriculum. In the following pages we report on results from law school curriculum surveys, as well as on ideas collected from the April 2019 workshop.

II. LAW SCHOOL CURRICULUM SURVEY

We began by compiling a list of 201 accredited law schools identified in the 2018 U.S. News and World Report Best Law School list to explore what courses are being developed and taught in the arena of drug law and policy. The first survey, conducted between June and August 2018, involved online individual searches on search-engines, each law school’s website, and course catalogs using key words “cannabis”, “marijuana”, and “drugs.” When a course was identified through the simple keyword search, the researcher then made an effort to locate a written course description to be included in the overall database of courses and to verify that the topic of drug policy or law was included in the course. Samples of findings were cross-checked by other team members to ensure consistent results.

The second survey took place between June and August of 2019. Given our experience from the previous year and feedback we received at the 2019 workshop, we wanted to create a more robust methodology including additional search terms and contacting all individual law schools’ registrar offices to give them an opportunity to confirm or correct information that was found in their online catalogue. The search terms used during the second survey were as follows: “cannabis”, “marijuana”, “weed”, “cannabiz”, “opioid”, “overdose”, “drug induced”, “drug-induced”, “drugs”, “war on drugs”, “intoxicant” and “vice”. Once we completed our online search, individual emails were sent to the generic email addresses of the law schools’ registrar offices, as well as specific registrar personnel if their contact information was available online. The follow up emails were sent in August and we continued to receive responses through mid-September 2019.

Results from both surveys are presented in summary form below and in an accompanying spreadsheet in Appendix A with information including the names/terms of course offerings, names of teaching faculty and course description when available and identification of state as either medical or adult-use state where applicable. A distinction was also made between course offerings on drug laws and policies more generally and those
specifically focused on cannabis/marijuana law. The ranking information of all law schools was updated with new 2020 ranking of schools in April 2019.

While we worked to identify as much information as possible concerning law school offerings, several issues and limitations may have affected the accuracy and completeness of our results in both surveys. The first limitation is the lack of up-to-date and comprehensive curriculum information on individual law school websites. While each law school course catalog was searched individually, not all courses might be reflected in such lists and not all sites had complete information available about all their offerings. Additionally, not all courses listed on school websites had detailed enough description to identify whether drug policy and law were significantly covered in courses with very general names. This was especially true for the non-cannabis related topics that might be covered in courses given general headings like advanced criminal law or health law. While we tried to address these two issues in the second survey by reaching out to each individual law school, we did not receive responses from all of them thus leaving a possibility that some courses might have been missed. Lastly, an important aspect of drug policy and law of growing concern and interest was omitted during our first survey, as we did not look for courses and topics specifically focused on the opioid crisis. This oversight was corrected in the second survey to help us trace course developments in this evolving space.

A. Cannabis Specific Courses

The wave of cannabis legalization which began with California approving medical use in 1996 and with Colorado and Washington approving adult-use cannabis in 2012, continues to grow. As of summer 2019, eleven states plus the District of Columbia have legalized cannabis for adult-use and an additional 22 states have legalized cannabis for broad medical uses. Following the legalization of adult-use cannabis regimes in Colorado and Washington in 2012, a few law schools started to develop cannabis-specific courses. In Fall 2013, The Ohio State University offered for the first time a seminar titled “Marijuana Law, Policy, and Reform”, followed by the University of Denver starting to offer “Representing the Marijuana Client” and Vanderbilt University offering “Marijuana Law and Policy.”

But despite these early adopters and despite the rapid growth of the cannabis industry, the vast majority of law schools have not incorporated cannabis law classes into their curriculum. During the academic year 2018/2019, only 21 law schools out of the 201 accredited schools offered 23 cannabis-specific courses to their students. This number grew to 32 schools offering 34 courses the following academic year 2019/2020, which represents a significant increase even though it still leaves 6 out of 7 schools without a course on cannabis law. The paucity of offerings becomes even more surprising if we take a closer look at states that have legalized adult-use or medical-use of cannabis. Of the 12 entities that have legalized adult-use of cannabis (11 states plus District of Columbia), four did not have any law schools that offered courses on cannabis law during the two-year period (AK [no law school], DC, ME, and NV), and additional three states only offering a cannabis course in one of the two-year period. Of the 33 states plus the District of Columbia DC, 16 states and the District of Columbia have had no law schools offering any courses on cannabis law over the two-year period (AK, AR, DC, DE, HI, LA, ME, MD, MT, ND, NV, NH, NM, OK, RI, UT and WV), with additional seven states only offering a cannabis course in one of the two-year period.1

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1 In 2018/2019 the following states with a medical or an adult-use regime did not have any law schools offering courses on cannabis law but had one law school offering a course in 2019/2020: AZ, CT, MI, MO, NJ and VT. In 2019/2020 MN and OR did not have any law schools offering cannabis courses but had one law school offering a course the previous academic year.
In other words, half of states that have legalized medical marijuana have no law schools that offer courses on cannabis law. ²

Looking at it through yet another lens, of the 56 law schools located in states with adult use cannabis regimes, only 13 offered cannabis law courses in 2018/2019, which increased slightly to 16 in 2019/2020. Similarly, of the 84 law schools located in medical marijuana states, only 6 offered cannabis courses in 2018/2019, with a more significant increase to 14 school in 2019/2020. Given the growth of the industry as well as the complicated nature of the laws and regulations that are unique to each state, this might be viewed as an important omission in the overall training of future legal professionals.

² In 2019/2020, 17 states had at least one law school offering cannabis specific courses, with CA leading with seven law schools offering courses, followed by FL, PA and MA with three law schools each.
This reality of limited offering is even more pronounced if we focus on those law schools ranked in the top ten, top 25 and top 100 according the U.S. News. Of the 12 schools ranked in the top ten, only two schools offered cannabis courses in both years; of the top 25 schools only three offered courses in 2018/2019 and four offered courses in 2019/2020; and finally of the top 100 ranked schools 12 schools offered cannabis specific courses in 2018/2019 and 20 of the top ranked 100 schools offered cannabis courses in 2019/2020.
<table>
<thead>
<tr>
<th>School Name</th>
<th>Ranking (US News 2019)</th>
<th>State</th>
<th>Cannabis regime</th>
<th>Class title</th>
<th>Class title</th>
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Stetson University 104 FL Medical Comparative Analysis of Global Marijuana Laws

Lewis & Clark College (Northwestern) 104 OR Adult-use Cannabis Law and Policy

Albany Law School 115 NY Medical Marijuana Law

Seattle University 122 WA Adult-use Cannabis Law and Policy

Quinnipiac University 126 CT Medical Symposium: Marijuana Law

University of Toledo 126 OH Medical Marijuana Law and Policy

Vermont Law School 136 VT Adult-use Narcotics Law and Politics Seminar

Suffolk University 143 MA Adult-use Cannabis Law Seminar Cannabis Law Seminar

Southwestern Law School 146-192 CA Adult-use Evolution of Cannabis Law Evolution of Cannabis Law

California Western School of Law 146-192 CA Adult-use Marijuana and the Law Marijuana and the Law

Florida A&M University 146-192 FL Medical Marijuana Law and Policy Marijuana Law and Policy

New England Law Boston 146-192 MA Adult-use Marijuana Law and Policy Marijuana Law and Policy

Mitchell Hamline School of Law 146-192 MN Medical Medical Marijuana Law

Arizona Summit Law School 1 NR AZ Medical Cannabis Law and Policy

Thomas Jefferson School of Law NR CA Adult-use Marijuana Law and Policy

B. General Drug Law Courses

Criminal Law is a classic introductory course taught by nearly all law schools in the first-year curriculum, and some instructors regularly include materials on drug enforcement and policy in these courses. But sustained specialty courses focused on drug laws and policies are rare. (We excluded here the standard upper-level law school courses on “Food and Drug Law” which typically will give some attention to prescription drugs laws while examining federal and state regulation of food and other legal consumer products.) Where specialty courses are offered in the area of drug policy, they are almost exclusively focused on the criminal law aspect of drug enforcement and policy, often exploring the history, law, impacts, and current issues of the so-called “war on drugs.” Given the outsize impact of past and current drug policies on our society, the fact that in the 2018/2019 academic year only 15 of the 201 schools teach specialized courses in the area also is notable and perhaps worrisome. In 2019/2020, this number increased only slightly to 18. At the same time, in this arena, it appears that higher ranked schools are not shying away from this subject. Of the 15 courses offered in 2018/2019 that we identified, 11 were taught in the top 100 schools as ranked by the U.S. News, and 13 were taught in the top 100 schools in 2019/2020. In our survey, we identified only three courses that considered drug law and policy from non-criminal point of view, namely from the health law perspective connected to the opioid crisis.
<table>
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<th>School Name</th>
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<td>Contemporary Developments: Criminal Justice Enforcement</td>
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</table>
C. Discussion

The area of drug policy and law has seen sustained and rapid change over the last decade, both in respect to cannabis and general drug policy issues. Yet, our survey indicates that law schools across the country are not responding swiftly to these developments and are still offering only limited coverage of these fast-evolving areas. This short summary of our preliminary findings is just that – a summary of imperfect data with important limitations. It is highly probable that our research has undercounted classes being offered, and we are eager to supplement this analysis with additional information. Nevertheless, the information that we were able to collect still suggests that even law schools ought to consider the need for, and potential value from, giving considerably more attention to this important area of law.

The findings from our initial survey contributed to our view that we should begin a conversation with both experienced and newer law school faculty about the opportunities and challenges for expanded law-school teaching in this space. The Drug Enforcement and Policy Center decided to plan an initial one-day workshop on these topics, with an eye toward continued study of curriculum trends and possibly building resources and making recommendations to drive continued engagement.

III. WORKSHOP REPORT

The Teaching Drugs: Incorporating Drug Law into Law School Curriculum took place on April 19, 2019 at The Ohio State University. A few dozen legal scholars were invited to participate, with 21 ultimately attending the one-day workshop. (For a list of participating scholars, please see appendix B.) The list of invitees was put together by a planning committee, consisting of professors Douglas Berman (The Ohio State University), Sam Kamin (University of Denver), Robert Mikos (Vanderbilt University) and Alex Kreit (Thomas Jefferson School of Law). The invitees were selected based on their previous experience with teaching drug law/policy specific courses or for their interest and commitment to incorporating drug law/policy into their teaching.

Over the course of the day, the group was asked to discuss three main areas: the value and challenges associated with teaching drug policy/law in law school setting; how can drug law/policy be incorporated into core law curriculum and specialized courses; and lastly what out-of-the-classroom opportunities existed for exposing the future leaders of the legal profession to the practice of drug law and policy. Each of these topics is discussed in its separate section below.
A. Value of Teaching Drug Policy/Law

In the first session of the day attendees were asked to identify values associated with teaching drug law/policy in law school setting. Each attendee was asked to write down the top value propositions on papers that were later collected and transcribed. In general, the attendees identified five main areas of value: general pedagogical value, value to students, value to professors, value to law schools and value to the community at large.

1. General pedagogical value

There was a broad consensus among the workshop participants that teaching in the area of drug law and policy has a broad pedagogical value, both for cannabis-specific courses as well as for general drug law/policy topics. Namely they identified the following values:

- **Opportunity to introduce broader societal issues and their intersection with the justice system**
  Several workshop attendees discussed the opportunity of introducing students to broader societal issues and their intersection with the justice system. Specifically, drug law and policy provides a way to bring race and poverty issues into the classroom to show how legal doctrine and individual outcomes of criminal justice encounters are often shaped by these factors. The workshop attendees expressed belief that making students aware of the context in which drug laws were created and enforced is valuable even for students who do not plan to practice in the area of criminal law, as other areas of law practice are also affected by these issues.

- **Opportunity for students to grapple with complex and evolving area of law**
  The area of drug law and policy, whether cannabis-specific or general, is incredibly complex and continuously evolving, thus providing students an opportunity to engage in sophisticated analysis and thinking in respect to a myriad of issues, including business law, employment law, health law, intellectual property law, criminal law, constitutional law, sentencing policy and others. The workshop attendees stated repeatedly that drug law and policy allows students to revisit concepts and questions covered in their first-year core courses and address them in holistic fashion. Because of the complexity and the number of legal doctrines it touches, drug law and policy lend itself well to a capstone course design, giving students an opportunity to apply what they have learned throughout their legal education.

2. Specific value to Students

The workshop participants identified five areas of benefits that students can gain by taking a course in the area of drug policy and law.

- **Employment opportunities in a growing and evolving field**
  The legal cannabis industry is growing at an incredible rate, with more and more states creating medical and adult-use cannabis programs. Because of the relative novelty of this industry and its complicated regulatory environment, students who are familiar with various drug laws have special career opportunities in a dynamic and interesting field. Additionally, because of the newness of this area, recent graduates may have special advancement opportunities in law firms that are short on people familiar with this industry.

- **Opportunity to explore interesting and dynamic legal questions**
  The cannabis and broader drug field presents an ever-evolving legal environment where federal, state and local laws and regulations are not always in agreement. Workshop attendees frequently mentioned the excitement among students when taking their cannabis law course, in part because of how changing laws bring new light to classic legal issues. By grappling with new legal questions related to the emerging cannabis industry or new approaches to law enforcement, students were able to better understand the intersection of complex legal doctrines that can seem abstract or opaque.

- **Opportunity to engage with professionals outside of law school**
The ultimate goal of nearly all law students is to secure a job upon graduation. And while grades are important, academic achievement should be accompanied by networking with professionals in the area of law students want to enter. Workshop attendees emphasized that, because of the novelty of this cannabis industry, and because of drug law’s complex regulatory structure, courses in this space foster a setting to host a number of legal and government professionals to discuss a specific aspect of the industry or regulatory environment. This gives students an excellent opportunity to engage with professionals and grow their networks.

- **Providing means to bridge the gap between law school teaching and practice of law**
  
The law school curriculum is filled with abstract concepts that can be hard to grasp without practical application. Course materials that seem removed from the practice of law lead some student to feel a gap between education received in a classroom and real-world applications. Workshop attendees stated that the area of cannabis law, as well as other drug law and policy aspects, provide a bridge between law school teachings and practice of law by presenting practical and understandable application for complex legal questions. Students often feel familiar with the cannabis industry and the legal questions facing the field, which in turn makes it easier to apply what they have learned in the classroom to these problems.

- **Opportunity to influence policy by engaging with an evolving topic**
  
  Students often seek to make a difference in the communities around them and the area of drug law and policy offers great opportunities here. Policy debates are robust and enduring for cannabis law in particular and drug law generally, offering numerous ways for students to be active participants in impactful policy advocacy. As states grapple with how to best regulate an emerging industry and how to address past harms of the war on drugs, students can be directly involved in seeking to change existing policies to achieve a more equitable and less harmful system for all.

3. **Specific value to law schools**

   The workshop attendees identified several direct benefits to law schools offering courses in this field:

   - **Student interest and engagement**
     
     A number of workshop attendees who are currently teaching cannabis law courses mentioned that the interest in their class among the student body is very strong, with many classes having waiting lists. Given the competition among law schools for highly qualified students, schools can benefit from offering courses that enjoy high level of demand and interest among students. Additionally, the stronger the sense of engagement among students, the stronger their ties to their law schools.

   - **Opportunity to engage alumni**
     
     Drug law and policy courses, and especially cannabis law courses, offer law schools a great opportunity to engage alumni by bringing them back to campus as guest speakers or for events in this area (including Continuing Legal Education courses). By creating a sense of value of continuous engagement among alumni, law schools stand to benefit from better fundraising opportunities. Additionally, the communication departments in law schools are always eager to promote stories about innovative and interesting law school developments; cannabis law and any activities in this space can garner a lot of attention for alumni and prospective students.

   - **Financial resources – grants and CLE fees**
     
     The area of drug law and policy attracts a lot of attention from grant-making entities, including government agencies funding research in the opioid space, private foundations funding criminal justice reform research, and some emerging private companies in the cannabis law space. Additional financial resources can be gained from CLE courses focused on the new area of cannabis law, which are in high demand yet short supply.

   - **Keeping curriculum current**
Because law is an evolving field of study, law schools strive to keep their curriculum current. The area of cannabis law is a new area of practice, yet clearly one that is growing, and law schools should consider incorporating cannabis law into their curriculum to maintain up-to-date course offering. Additionally, given the specialized nature of cannabis law, it is an area that is well suited for being taught by adjunct professors, thus potentially creating significant cost savings for the college.

- **Opportunity to distinguish themselves**
  As we have seen in our survey of law school courses in the summer of 2018, the number of schools that offer cannabis law courses is still small. Thus, law schools who do offer such courses can distinguish themselves from others, especially in states that have moved forward with medical and/or recreational cannabis programs. (I think hemp will start getting covered in the Food/Drug Law class.)

4. **Specific value to professors**
The workshop attendees also articulated specific professional benefits to faculty that teach and conduct research in the area of drug law and policy.

- **Opportunity to explore new research avenues in an evolving area of law**
  Many workshop attendees mentioned the intrinsic value of exploring an evolving area of law and the research possibilities it can open. Unlike other, more established areas of law, drug policy and law offer an evolving field with no shortage of interesting research questions, many of which have not yet been adequately explored in the traditional legal literature.

- **Grant opportunities**
  This area of law also offers numerous grant opportunities, from both government and private sector entities. As noted above, drug law and policy is a topic that is of interest to various funders and individual faculty members have opportunities to secure funding for their research as well as participate in multidisciplinary grant proposals in partnership with other units around the university.

- **Student engagement**
  As one attendee put it “it is just nice to have students come to class excited about the subject matter, especially students in the upper level cohorts.” Faculty members thrive in an environment where students are engaged and interested in what is being taught. The area of drug law and policy generally attracts students who, for various reasons, are vested in the subject and are eager to engage with both faculty and guest speakers.

5. **General value to community**
The last category is value to the community – whether the general public or the legal community. The issues of drug policy and law, whether in the criminal justice space with illicit drugs, or the business and regulatory space with cannabis, are of great importance to the society at large. Thus, law schools that provide students with an opportunity to learn and explore these topics generate value to the community by producing well-rounded and well-informed students. Furthermore, states that have legalized medical or adult-use cannabis have a great need for lawyers and legal experts who have sophisticated understanding of the issues involved from both legislative and regulatory expertise, as well as business expertise.

B. **Challenges to Teaching Drug Policy/Law**
In the second session of the day attendees were asked to identify challenges associated with teaching drug law/policy in law school setting. Each attendee was asked to write down the top challenges they encountered or were anticipating encountering. The challenge statements could be categorized into two larger groupings – challenges to teaching and institutional obstacles.
1. Teaching Obstacles

- Lack of teaching resources
Lack of teaching resources was mentioned especially in connection to cannabis law courses. Given the newness of this topic, available teaching resources are scarce, whether it is case problems for legal-writing courses, or materials to cover the various aspects of cannabis law. One participant mentioned that the typical law school casebook does not lend itself great to cannabis law courses as the breadth of topic is generally greater than in other arenas. According to this attendee, a modular teaching resource that professors could pick and choose from depending on the focus of their course would be better suited to this environment.

- Ever changing environment requires constant upkeep of curriculum
Relatedly, attendees stated that the ever-evolving nature of cannabis law in particular and drug law more generally makes teaching a course on this subject challenging, as course materials need to be constantly updated unlike materials in other, more settled areas of law. Attendees said that this is particularly difficult for junior academics whose time often need to be focused especially on traditional scholarship needed to help them secure tenure. Constant adjustments to novel courses present a persistent challenge, and one that some faculty will not wish to take on given other demand son, and priorities for, their professional time.

- Encompasses wide array of topic requiring a wide set of skills
An additional challenge connected with teaching cannabis courses mentioned by attendees is the breadth of area of expertise necessary for teaching in this space and the difficulty of deciding which areas should be covered given the number of possibilities. Because cannabis law touches on a number of varied areas, it requires knowledge of disparate topics such as criminal law, intellectual property, business law and so on. Attendees felt that while they were often comfortable teaching in one or two areas, they were less confident in their ability to cover areas out of their expertise.

2. Institutional obstacles

- Lack of support among colleagues and perceived stigma
When it comes to teaching cannabis law courses, several attendees mentioned that they have felt a lack of support and interest among their colleagues, often encountering remarks that minimize the legitimacy of this area of law. They also stated that assumptions are often made by their colleagues and other legal professionals about their stance in regard to cannabis legalization. They also stated that some colleagues still perceive this area of law as stigmatizing and advise their students against taking this course because, in their eyes, it might negatively affect their chances of employment, especially federal clerkships.

- Crowded curriculum emphasizing bar exam passage
One challenge mentioned by all concerning all specialized drug law and policy courses involved a crowded curriculum, especially in schools that emphasize the importance of courses focused on “bar subjects.” Given the importance often placed on bar exam passage rates, some law school administrations are more hesitant to allow or encourage courses covering materials that will not appear on bar exams. In school with heavy emphasis on “bar prep,” professors thus face an extra challenge of showing that drug law and policy is relevant to students, their grasp of important legal concepts, and contributes to their ability to retain knowledge relevant to bar exams.

C. Incorporating Drugs into Traditional Core and Specialized Curriculum

The third session of the workshop focused on how can drug law/policy be incorporated into core law curriculum and specialized courses. There seemed to be a general agreement that while the topics of drug law and policy are distinct and warrant specialized courses, they are also fundamental for other areas of law and should be incorporated into core course being taught to first year students. There was particular discussion of how classic
courses like Criminal Law and Torts could include various topic of general drug policy and law, and attendees shared several recommendations on how to incorporate them into core curriculum.

According to the attendees, the most obvious setting in which to cover drug topics is with criminal law, both the first-year introductory course and upper-level procedure courses, due to the impact the war on drugs has had on our so many aspects of criminal justice system and incarceration rate. The topics that were most often mentioned as key to cover were criminal procedure, sentencing and mandatory minimums, prosecutorial decisions and ethics, the context and history of drug laws and impact on communities of color. Other topics included the intersection of state and federal law in respect to drug policy, theories of punishment in criminal law, possession crimes, impact of drug enforcement on search and seizure procedures and a discussion of unintended consequences of policies that are implemented without considerations for their impact on other areas of policy, such as public health and public safety. For instance, one attendee mentioned the recent developments with charging people who have shared drugs with drug induced homicide and the unintended effect of creating disincentives for people to call for help if they are witnessing a potential overdose.

While criminal law was the most frequently mentioned, other areas were discussed as well including constitutional law, torts and undertheorizing intent in respect to drugs, property law, professional responsibility course in respect to representing cannabis businesses, IP, family law, product liability and incorporation of drug themed cases into writing courses as students seem to be interested in this topic and thus more likely to engage with it at a deeper level than topics that are more removed and abstract.

Connecting back to the general discussion of a lack of teaching resources in this space, some attendees suggested that faculty might be more inclined and better able to work these topics into traditional courses if there were a set of thoughtful teaching materials that could enable supplementing traditional texts in the classroom. The creation of convenient modules or other curated user-friendly resources could make it considerably easier and more likely to give special attention to drug policy and law topics in a traditional first-year or upper-level course.

D. Non-Traditional Teaching Innovations in the Drug Law and Policy

The last session of the one-day workshop focused on non-traditional ways to give students opportunities to engage with drug policy and law. While traditional course work will always be the cornerstone of legal education, there are other ways that students can get more in-depth experience with drug policy and law. The workshop attendees suggested the following ways to engage students:

- **Projects offering practical experience**
  Projects offering students practical experience with writing or analyzing existing laws and policies can be invaluable as they prepare to enter employment. Some examples mentioned redrafting or summarizing state regulations to make them more accessible to people without legal degrees and even assisting home universities draft concerning medical or recreational use of cannabis given the federal prohibition and possible repercussions of cannabis research. Attendees also felt students could benefit from drafting model policies and regulations for states and localities in respect to decriminalizing some drug activity, regulating the cannabis industry, developing social equity programs, and operationalizing sentencing and criminal justice reforms.

- **Student exchange**
  While the majority of states in the U.S. now have some form of medical cannabis regime, only ten states have a full access for adults and many states have not yet enacted significant cannabis reform. Workshop participants felt that one way to get students exposed to cannabis law is to organize “student exchanges” where students can travel to schools where cannabis law is being taught to learn from their faculty and their students. These exchanges could also be organized to include faculty now teaching cannabis law, so students can benefit from learning about other states’ rules and regulations, and how cannabis law is being taught at other universities.
• **Interdisciplinary course**
The opioid crisis and the evolution of cannabis law has given rise to an area that is brimming with opportunities for interdisciplinary research and teaching. The workshop attendees discussed the importance of having law students interact with students from other professions to mimic the reality of drug law and policy and to be exposed to other viewpoints around cannabis and illegal drugs. For instance, having law students discuss prevention and addiction with students from public health and the medical field will create a deeper understanding of the issues and will give them a different, non-criminal justice focused perspective of drugs laws and policies.

• **Writing competitions and moot court experiences**
Given the level of interest among students as well as the evolving nature of the drug policy and law space, attendees felt that a writing competition or a moot court experience could be a great way not only to engage students with a complex area of law but also to get engagement from the media and policy makers. Writing competitions could take various forms here: authoring traditional scholarly papers or drafting of a ballot initiative or developing a proposal for a new business could all provide students with hands-on experience (and exposure to prospective employers). For instance, in Spring 2019, The Ohio State University organized its inaugural Cannabis Innovation Sprint aiming to bring students from various disciplines together to create a business plan for a new cannabis industry venture.

• **Student paper series**
Because of the relative novelty of marijuana reforms and the emerging cannabis industry, not much has been written about it by established legal scholars. This creates an opportunity for students who are interested in writing about this subject area, or other evolving areas of drug policy and law, to write innovative papers and contribute substantially to this fast-moving area of law. For instance, the Drug Enforcement and Policy Center at The Ohio State University started a student paper series that publishes best student papers coming from their cannabis law courses as well as other papers relevant to drug law and policy. Giving students an opportunity to publish their work, even if not in a traditional law journal format, creates additional motivation and sense of purpose among students already interested in this area of law.

• **Speaker series**
Bringing speakers to college campuses is not a particularly new, yet, it remains an effective way of exposing students to new topics or different viewpoints about a given topic. The workshop attendees felt that it is important to expose students to speakers from other countries to introduce them to the different approaches countries have employed to deal with the issue of substance abuse and drug enforcement. Similarly, attendees felt that it was important to bring speakers who have been affected either by the war on drugs or substance abuse to put a human face on an abstract drug policy. This is especially important for students who are interested in pursuing careers as prosecutors and can create a platform for well-rounded prosecutors who are aware of the historical context and human impact of drug laws and policies.

E. **Recommendations, possible action items, and conclusion**

The workshop attendees came up with a number of recommendations for increasing interest in teaching drug law and policy among faculty and law school administrations, and these recommendations suggest various possible action items. Most recommendations are dispersed throughout the report, but in closing we wanted to summarize the most fundamental ones for each area, and some action items which may be usefully pursued in the coming months.

1. **Increasing Interest Among Faculty**
   - The individual recommendations below are listed as distinct, but they are all interconnected and dependent on each other. *Create a resource library*
One of the most frequently noted challenges for teaching in this space, besides the rate of legal change, was the dearth of teaching resources readily available to faculty interested in putting together a full course or specialize unit on drug law and policy. Numerous participants mentioned that having a dedicated resource library that would list suggested readings, syllabi, cases for writing courses, and other resources. An interesting suggestion mentioned by one of the workshop attendees was that, rather than focus on developing traditional casebook for cannabis law or drug policy, he would like to see a modular case book or like resources that would allow faculty to pick and choose among the numerous topics encompassed under these areas of law.

POSSIBLE ACTION ITEM: Create a dedicated website to assemble and organize teaching materials (e.g., curated readings, sample syllabi and other resources) for various possible uses in the law school curriculum.

• **Increase legitimacy of the field**
As illustrated by comments throughout the workshop, the space of drug policy and law, especially cannabis law, faces some legitimacy issues among colleagues and school administrations. While most faculty were not too concerned with various attempts at humor from their colleagues, they all agreed that in order to increase interest among faculty and dissipate concerns about the potential negative impact on students’ placement with federal clerkships and other employment opportunities, enhancing the legitimacy of the field is key. One discussed idea is the creation of an AALS section focused on drug law and policy to increase visibility among colleagues at conferences and also to create opportunities to highlight scholarships in this area. Also discussed was the importance of leveraging respected academic centers focused on this area, highlighting opportunities for affiliation for junior faculty or visiting positions.

POSSIBLE ACTION ITEM(S): Create a new AALS section on Drug Law with a broad membership and with programming that highlights the scholarly rigor and dynamic importance of this area of law and policy; create an SSRN eJournal that collects scholarly work in this space.

• **Create a network of academics interested in this drug law and policy**
Creating a network of academics was mentioned on multiple occasions throughout the workshop. Having a network who are interested and active in the area of drug law and policy was seen as a great way not only to increase visibility and legitimacy, but also as a resource for faculty who might be new to this area of law.

POSSIBLE ACTION ITEM: Encourage the officers and members of a new AALS section on Drug Law to invest heavily in networking with interested faculty; explore ways to create additional programming that enhances community-building among interested faculty (e.g., informal gatherings at larger events, workshop series, etc.).

2. **Increasing Interest Among Law Schools**
Besides increasing interest among faculty members, it was recognized that it is also important to increase awareness and interest among law school administrators. While each school is different, and much can depend on whether a state has a legal cannabis industry or other distinctive local interests, the presumption is that doing the following can be helpful in convincing deans:

• **Document student demand**
As is mentioned throughout the report, student interest in cannabis law is particularly strong. Workshop attendees mentioned the value that can come from documenting student interest, whether by keeping records of enrollment numbers and waiting lists or by encouraging individual students to express their interest in these topics to administrators. Student organizations are also a good source of demonstrating interest whether in the area of general drug law and policy, or cannabis law specifically.
POSSIBLE ACTION ITEM(S): As part of future surveys of existing course offerings, there may be ways to seek to document enrollments in these courses to highlight strong student interest in this kind of curriculum no matter where and how it is being offered.

• *Create a “buzz”*
We are in the age of fierce competition for students among law schools created by an overall drop in graduate studies enrollment. Additionally, law schools are increasingly competing with other causes for attention and donations from their alumni and community partners. Several workshop attendees stated that the arena of drug law and policy, specifically cannabis law, can help schools differentiate themselves from others and increase its visibility by highlighting teaching in a new and exciting industry, innovative student projects, as well as inviting legislators and well known speakers who can discuss cannabis reform and its impact. It can also help schools forge closer relationships with alumni by inviting them to speak to students or participate in events around these topics.

POSSIBLE ACTION ITEM(S): Assemble a list of foundations, government entities and other grant-offering institutions that has a history of supporting research and teaching in the drug policy space.

The one-day workshop and last summer’s effort to map out existing teaching practices in the arena of drug law and policy were both motivated by our desire to find out how is drug law and policy being taught across accredited law schools and what, if anything, can be done to encourage a greater adoption of courses in this area.

This initial “Teaching Drugs” research and programming was mostly descriptive, was focused just on teaching in the law school arena, and was only directly engaged with traditional law school faculty. We envision this broad project to be on-going and enduring, and other possible projects and associated events may include: (1) examining normatively which particular drug policy topics and sub-topics merit the most attention in the law school classroom, (2) exploring how drug topics are covered in other part of higher education including both undergraduate and graduate programs, (3) engaging with law students and legal employers and other law-school constituencies to further explore what kinds of teaching and related programming in this space could have the greatest impact and import.
Appendix A: Courses – 2018/2019 Academic Year
Appendix B: List of Workshop Attendees

Daniel Abrahamson
Lecturer
University of Virginia School of Law

Shima Baughman
Professor
University of Utah

Valena Beety
Professor
West Virginia University College of Law

Douglas Berman
Newton D. Baker-Baker & Hostetler Chair in Law
The Ohio State University Moritz College of Law

Karen Boxx
Professor
University of Washington School of Law

Howard Bromberg
Clinical Professor of Law
University of Michigan Law School

Teneille Brown
Professor
The University of Utah S.J. Quinney College of Law

Donald Dripps
Warren Distinguished Professor of Law
University of San Diego School of Law

Taleed El-Sabawi
Assistant Professor
Elon University

Jelani Jefferson Exum
Professor
University of Toledo College of Law

Julie Hill
Alton C. and Cecile Cunningham Professor of Law
The University of Alabama School of Law

Sam Kamin
Vicente Sederberg Professor of Marijuana Law and Policy
University of Denver

Alex Kreit
Professor
Thomas Jefferson School of Law

Mona Lynch
Professor; Chair of the Department of Criminology, Law and Society.
UC Irvine

Robert Mikos
Professor
Vanderbilt University Law School

Jennifer D. Oliva
Associate Professor Law and Public Health
West Virginia University

Mark Osbeck
Clinical Professor of Law
University of Michigan Law School

Mark Osler
Robert and Marion Short Professor of Law
Univ. of St. Thomas Law School

Alison Siegler
Clinical Professor of Law & Director of the Federal Criminal Justice Clinic
University of Chicago Law School

Franklin Snyder
Professor
Texas A&M University School of Law

Nicolas Terry
Hall Render Professor of Law & Executive Director, Hall Center for Law and Health
Indiana University McKinney School of Law

Tamar Todd
Lecturer
U.C. Berkeley School of Law and U.C. Davis School of Law

Patricia Zettler
Associate Professor
Georgia State University College of Law
Appendix C: Value Discussion Notes

1. General pedagogical value:

- Trans-substantive
- Interdisciplinary
- It is a class that is policy oriented that need not have a clear democrat/republican divide.
- Course is necessary to provide a full picture of the criminal justice system
- Important topic for an Advanced Criminal Law Class – huge part of federal caseload, opioid crisis
- Important topic within international law and criminal law course
- MJ law is an important legal topic in the public arena
- Help people understand they are learning statutory, interpretation and health/criminal law/policy all in one course
- Drugs are a good vehicle to learn several areas of law – health, sentencing policy, criminal law, legislative skills
- Helps think through xxx of regulation
- Relevance to a number of issues
- Great way to apply 1st year topics/review
- Drug law/policy has a real life impact on real communities so it is important to educate students about the practical impact of these laws to open their eyes to how law really works (whether or not they will want to practice in this area, like my approach to criminal procedure)
- Like a capstone course
- Drug enforcement has shaped criminal and cc law for 50 years and it’s hard to make sense of the xx of doctrines without looking at it through drug policy lens
- Mass incarceration/racial disparities – drug law
- Drug laws are part of our lives – relevant to student lives
- Broad curriculum/pedagogical/interdisciplinary
- Challenging areas of law, policy, regulatory and legislative processes
- Good examination of misalignment of state and federal law and policy
- Stigma, vulnerable populations, underrepresented people
- Value of teaching drug policy includes an important opportunity to discuss criminal justice issues. The way our prosecutors, legislators and courts deal with, charge and punish drug conduct is inexcusably limited to race and racism. Our students need to understand this and grapple with it.
- Not enough teaching about race n general in law schools – this is an inroad.
- Indigence and poverty issues.
- Drug policy is an important social issue.
- Cannabis law combines leading-edge constitutional law, criminal law, international law, lawyering issues.
- Drug policy intersects with numerous other issues – employment, pregnancy, family law, health care, business law, trademark, environmental law but is often left out of these courses.
- Drug use and policy grounded in deep misperceptions by the public. Policy challenges students’ thinking – political attitudes toward taxation, regulation and DOJ enforcement.
- Showing racism and bias in criminal justice system and drug policy.
- Bridges various doctrinal areas of the law – health/FDA – business – criminal law – constitutional law
- Teaches students how to problem solve across these multiple doctrinal areas of the law in a constantly changing legal environment
- Deep impact area of law and policy
- Cannabis is unique because of its legal/illegal; duality, so my class focuses only on cannabis
- Capstone course – it touches on so many important legal questions and concepts

2. Value to students

- Vehicle for teaching students about important issue they may not otherwise encounter (e.g. tax law, equal protection…)
- Which translates into more jobs for students
- jobs – both in the legal cannabis space and the criminal law space
understanding of important policy issues
exposure to range of different topics in a single course
Marijuana law raises fascinating legal questions
Jobs
Getting in on the ground floor – most firms do not have anyone working in this space and young associates can ascend quicker than in other fields
Impact
Job opportunities – cannabis has more “business” jobs than just criminal justice reform
Students get a good cross section of law – shows them the many ways laws work together – efficient way for them to identify interests
Provides way to link student with professionals – guest speakers, etc.
Familiarize students with rapidly evolving new demands for legal services
Inform future opinion leaders about current issues and reform prospects
As long as MJ remains illegal federally, there will be a need for MJ lawyers
Tying real world to academia
Important for student who encounter this at work
All criminal law people encounter drugs
Way to close practical and law school gap
Student engagement – tangible nature of the question helps them engage with difficult legal questions like federalism, preemption, DCC
Jobs for students
Huge market/big business/public health impact
Engagement with current issues
Influence policy
mission work on destigmatizing addiction – seeing how exceptional drug policy is because of stigma – peripheral to traditional health care delivery/insurance
opening doors to employment (compliance, business development, health policy)
brings together lots of stakeholders to solve problems – valuable lesson in not trying to find non-existent silver bullet
enormous problem – don’t throw hands in the air and give up, chip away
Relevance to real-life criminal practice.
Cannabis is an emerging field and a unique opportunity for students to get in on the ground floor to shape and develop a new industry and practice area.
Empowering students to share knowledge with other young people.
Job preparedness
Area they will encounter in practice.
Equip students to be part of national dialogue.
Knowledge of problems = greater advocacy in policy realm.
Law in action – huge market and grant opportunities
The cannabis class gives students an opportunity to explore issues that they are enthusiastic about in an area that is raising numerous new, unanswered questions.
The class is a great way to connect students to the outside legal community who are now grappling with these issues.
Value to students – engagement with things that interest them, expertise to give them an edge with clients, engagement with other colleges
Bridge law school/law practice gap
Connect with cutting edge issues/real folks in policy and practice space

3. **Value to schools**

- Lots of student excitement about these topics (both cannabis law and illegal drug law)
- Potential for funding
- Course that can often be taught by adjuncts (from Assoc. Dean perspective)
- Student interest
- Publicity
- Student interest

- Interest from LLM – actual attorneys can lead to potential revenue streams for schools – extended education
- Big student demand/interest
- Student demand/interest
- Law school can distinguish itself
- Provide CLE - enhance school’s network and reputation
• Institutional values – meeting student demand/interest
• Leading in emerging areas of practice
• Interdisciplinary grants
• Centers/grants
• Student and faculty interest
• Keeping vertical curriculum up to date
• Alumni/practice/society – creating CLE/conferences, encouraging innovation in practice
• making connections with other departments (psychiatry, public health, internal medicine, sociology, social work
• grants available

4. **Value to professors**

• Discover new research avenues and grant opportunities
• Potential for funding
• To keep myself current on these issues and inform my research
• Professional – area of research, books
• Interdisciplinary grants
• Professional/personal – linking my scholarship on sentencing purpose to a field with action
• Centers/grants

5. **Value to community**

• Society needs more lawyers who are knowledgeable/trained in this field
• Many changes in law and narratives in this space, so it is important to keep community (legal [CLE] and non-legal) informed
• Importance of the issue to the larger society.
• Value to the wider community – legislative and regulatory expertise, public health agencies/other stakeholders often seek guidance/expertise from law schools on this issue
• More people died of OD last year in the US than in car crashes - #1 cause of accidental deaths in the country
• Create sophisticated legal consumers and producers
• Cannabis vs other drugs – differs greatly because there is consensus on most other substances

**Discussion notes on value:**

• Bring attention to the connection between racism and our criminal justice system
• It is important to teach students to problem solve in an evolving environment that touches a number of areas – cross-sectional and cross-disciplinary
• community engagement with guest lecturers from jails, public health, recovery community, legislators
• overlapping interests
• Level of student interest.
• Student demand and prospective students interest justifies the class. Students come in to the class with levels of sophistication on the subject (some with science background, other focusing on how cannabis relates to their area of law interest)
• Value to school – responding to student demand, MJ allows integration os various disciplines
• CLE for law schools

• Scholarly opportunities for faculty and students
• Value of teaching drug policy as a non-law professor- drug regulation offers a number of opportunities for exploring core sociological questions
• Student engagement with faculty/excitement, esp. among upper level students
• Deepen my own understanding of key issues and challenges for scholarship/service

• Drug law has real impact of people’s life everyday and it is thus important to educate students about this even if they do not want to practice in this area – law in action piece
• Huge market (both legal and illegal and semi-legal) and huge part of our culture so it seems like a huge hole if we do not teach about it
• Grant opportunities, especially in the opioid space, law is a good connector for interdisciplinary grant proposals
• Opportunity for students to have careers in new area of law – you get to enter a field and develop it from the ground up – helping shape this area of law is exciting
• Drug law is related to social construct of deviance, social construction of law and regulations, it provides great lessons on this as well as institutional bias
• One big reason is that it is nice to teach a class that students are really excited about – you get general level of engagement from students that is hard to get, especially from 3L – they take other classes without really knowing why, but this one is different, it is a great exposure to the outside legal community who are anxious to come and talk to students about their practice.
• Plus you get a lot of engagement from external law professionals
• Great way to teach business law, it is a business that students understand in a way that they do not understand other businesses – it is very helpful to get them thinking about these issues
• Drug policy shapes seminal criminal and constitutional cases, and it’s hard to understand and develop in these areas without understanding drug policy and yet, it is no taught as much as they should be, it helps students to go through the things that they learned in first year classes and look at it through the drug policy lens
• If students want to make a difference, they need to know more about the policy making process and drug policy area is a great window
• It helps students take what they learn in crim law and look at it from the view point of drug policy
• You cannot get a comprehensive view of criminal justice law without substance policy, plus it is a growing market for legal services – but those two things are different. Marijuana has moved into this interesting space where you have to figure out how do you transpose typical business practices and principles to something that is operating in a very strange legal status. Meanwhile the criminal justice system keeps on grinding, but it is not clear how much these two areas have to do with each other.
• There is a disconnect between criminal justice approach and the growing market
• Helps incorporate race into curriculum as well as indigence and poverty. This area enables to discuss why so many people who are detained on drug charges are black but also the business aspect of it. The question I often hear at my law school is how do I bring race into my teaching and my answer is always, how can you teach criminal law without race and poverty being part of the conversation.
• Misalignment between state and federal law and policy, it is a very rich area to explore for students. Take students out of comfortable single narrow doctrinal areas and introduce them to complex problems that touch multiple areas. Broaden horizons of students – force them to address complex environment
• Alumni aspect – it is an opportunity to get alumni involved, through CLE, etc.
• Social change – exposing students – future prosecutors – to the reality on the ground – we need to educate them on what the reality is.
• UN drug convention – cannabis legalization – US seems to be withdrawing from many international agreements but it is entangled with the evolving UN drug convention.
• International law – international common law – it blows students minds that there are other countries that do other things than the US. There are very rich common law traditions that students can draw on.
• It can be valuable to challenge students on their political notions – we have bunch of students who say that industry is overregulated and we should forget about international treaties, and you can push back on what about human rights treaties and force them to grapple with the more complex aspect of ideology.
• Teaching different sources of law marijuana space seems to encompass a number of them
• Federal vs state law vs local law – interesting area, students are familiar with these issues in this space and they are more willing to engage in this space than with some abstract problem.
• Administrative folks do not engage in this space very often
• Drug democracy – how does it fit into our system, the threat of ballot initiatives – students can learn not only how to treat a legislature but also how do you convince people with money to support a ballot
initiative – these are all salient things for our students

- Huge demand among students – people come to me all the time asking if I am going to be teaching it again next semester.
- I also have some pushback from my colleagues because they know that my class is going to fill up, but that is not a “real” class and I only have 5 people signed up for my real class.
- This course can bridge law school and lawyer gap – bridge the teaching of law schools with actual practice of law.

- Almost a capstone because it touches on all the other stuff that is covered throughout law school – it touches on legal ethics, administrative law, business law, - it has a way of making things like administrative law real and tangible.
- Bringing in external speaker – great engagement with the school for politicians, practitioners and alumni
- It’s also an interesting marketing tool – communications departments are always looking for students doing interesting things
Appendix D: Challenges Discussion Notes

1. Teaching obstacles

- Complexity because of the extensive doctrinal cross over – always push back from states and big pharma
- Keeping it up-to-date without being overwhelmed
- What materials to use
- Lack of focus when too many guest speakers are used
- Teaching materials/corpus questions
- Deciding what should be in course and how to build out curriculum
- Only one seminar for all the students
- Prepping/expertise due to the cross-disciplinary nature – scope problem
- Keeping material up to date
- Connecting the dots – it touches so many areas of law
- Scoping

- I think the future is in teaching these topics in a more “case study” approach than in a monolithic way
- The area is fast moving, which can be hard to keep up to date class materials
- Sensitivity to students’ personal experiences
- How do you define limits of class?
- How do you structure it”
- Materials?
- Hard to become and stay knowledgeable about so many bodies of doctrine
- I do not think there are big challenges other than the work required by a faculty member to prep a class in a changing area of the law
- Because the course spans so many topics, you have to teach out of your depth sometimes
- Keeping up with the law
- Materials – breadth of topics-getting up to speed
- What to cover/core curriculum
- Student expectations
- Changes in law
- Rapidly changing

2. Institutional obstacles

- Nobody batted an eye at my law school but we are in CA
- People shy away because it’s not core topic and not on the bar exam
- People do not know what it will be or that it is important
- Lack of institutional support
- Push back from the school and faculty
- None – administration has been very supportive, clinic folks very supportive
- What are students supposed to get out of it that can fit an outcome-focused curriculum – usually judged by bar exam
- Perception that the course is pro-drug legalization
- Lack of ideological diversity among students taking the course
- Colleagues smirking and sneering at the mention of cannabis law

- Colleagues asking if we require students to be stoned while taking the cannabis law class
- Being denied full-fledged status as a course because it is not part of the core law curriculum
- Incorporating these issues into other classes without being the “weed” guy
- Skepticism from other faculty regarding the value of the class – I have to sell it as a real law class more than I would for another class
- Other faculty tell students they will hurt their employment prospects if cannabis shows up on their transcript
- Difficulty getting outside funding from industry because of the federal view of the industry
- State pushback, alums, state
- Convincing dean and other faculty of the rigor/importance of this area
• Weird culture of “there first” – newcomer has to pay respect to other who have been at the law school longer
• Reservations from faculty – shining new thing/Pandering to what is sexy
• Resistance to talking about issues that relate to practice/real world. Even as creating these connections is critical for student and makes the course far more meaningful and relevant.
• Meta stigma
• Skillset – do these areas attract shallow skills – i.e. I know a lot about Medicare, Medicaid and private insurance but would you want me to teach your students about criminal law or sentencing policy
• Crowded curriculum, often with increasing number of required courses
• Not a core course

• Help understand that it is a way to teach admin law, crim law, health law, statutory interpretation, public policy, state/local government, etc.
• Demonstrate its utility to colleagues
• Administration thinks law firms will look unfavorably on students who study MJ law
• Administration thinks that cannabis law is not part of the core curriculum that needs to be taught
• Other faculty don’t regard cannabis law as a fully legitimate area of study
• Faculties offer classes all the time in pet projects or with publicly unpopular tents
• Colleagues/administration who don’t take subject seriously
• Stigma – dean/colleagues
• The jokes – they are never funny
• Resources
• Taking away from other courses/interest

**Discussion notes on challenges:**

• Curriculum is slow to change but, in this space, it moves fast and you need to update it constantly, it is much more work. Also connecting the dots between the different aspects of the policy.
• Introduction to cannabis law and then changed it to Regulations as applied to cannabis - Fear from faculty that law firms will look down on students who took this course. That if they have cannabis on their transcript, they will never get federal clerkship. Student’s work with Leafly will ruin their career.
• You must sell it differently than others. It is reminiscent to other courses that are new. Unfamiliarity of a new course in general is sometimes an obstacle for any new course.
• Stigma attached to it and how it affects employment opportunities.
• Pushback from law school community
• Scoping challenge – there is so much in this space that could be included – really digging deep into what do you want students to walk away with.
• Skillsets – that they attract people with narrow skillsets – I know a lot about insurance and medicare, but I am not sure how much I can teach them about sentencing.
• Crowded curriculum – adding electives that will not help with bar passage is difficult
• Bar passage is central concern – adding cannabis course faces opposition as it is not covered on bar exam.
• Different places have different needs.
• Framing it as a capstone would be better
• Perception from colleagues and the public that if you teach a mj course, you are pro-legalization – got calls from Federalist Society that they have someone who opposes mj legalization and he wants to debate you – assumptions are made by external actors as well.
• Connection to real world is immediate – that is a challenge from the institutional side because faculty is not always in favor of that but it is a huge draw for students who find it more interesting
• In general, you should treat deans and profs as ration actors – they want seminars that will be well attended and where students will learn something. Sometimes we take the snide remarks as too big of an obstacle instead of just pushing through.
• Prepping new material because of changing law – dynamic area of law, one way I got over it is that at this point at least in the mmj side, there will really not be that much new stuff coming up – states have pretty much tried everything there is to try. They essentially end up in the same place. There is
change but you can cover all the basis with developments from other states.

- In my school there was no obstacle – usually when 50 students ask for a course, the administration has no problem offering it. And when you bring in a legislator or some other big names, make sure they get to meet the dean. Some of the resistance might just be jealousy.

- Students of color are more hesitant to take this course because of the stigma and worries about impact on employment.

- Teaching out of your comfort area but guest speakers can fill these gaps – public defenders, people representing businesses, in this area it makes a lot of sense to bring in people. There is a lot of great adjuncts in this space as well, which might be attractive to the deans as full-time faculty are usually needed to teach core courses.

- I would not advise a junior colleague to take this on as the work load is heavy due to the constant changes.
Appendix E: Notes on Incorporating Drugs into Core and Specialized Curriculum

Topics for inclusion in core curriculum

- Mandatory experiential education – if we can connect it controlled substances course that might be a way to infiltrate some of the core courses
- If you get cannabis law added to bar exam, that is another way to drive the change
- Sentencing needs to be part of criminal law, a day to talk about sentencing is appropriate, most professors do not do that
- Also, intoxication – not just talk about alcohol but also drugs
- Professional responsibility – we should incorporate a discussion about addiction
- Possession crimes – it is nuance with
- Crim law – pleading, charging, mandatory minimums/sentencing, race connection, disparities, prosecutorial ethics and discretion
- Theories of punishment in crim law – when discussing scope
- In criminal procedure – how histories of certain prohibitions affect what gets charged – alcohol during prohibition, marijuana after 1970s
- In crim law – it is important to teach state cases, not just supreme court cases, it’s important for students to see the dialectic exchange
- To actually recreate a drug raid, search – to give them content to understand why people make statements, how evidence is found, students are assigned roles to act it out
- Crim prof website – teaching materials, one of the other possible follow ups is to think about what we could share – units of materials
- Tell story behind the laws – societal norms form/frame our laws give them context to help them understand where these laws come from
- Teaching context behind law
- Crim law – doctrine of possession, search and seizure is the way it is because of drug law, in criminal procedure it has shaped things like search and seizure – con law – it is useful to incorporate drugs there too – it is a great way to show how doctrines are taught and applied – intersection between scope and commerce power – good way to crystalize different topics
- Policy barriers to effective implementation of other policies – possession might prevent people from calling for help, challenging the concept of continuation of care -
- Incorporate it into torts, telling the big picture story of why torts, they are ad hoc and flexible, crim law has a statute, torts do not have that, the big picture of what torts can provide when you have a field that does not have well developed norms and regulations, torts under theorize intent, and drugs is not different, role of drugs in intentional torts is undertheorized and could be an interesting research
- Crim law – why are drugs treated differently – challenging status que perception of drug addiction as a moral failing, it is not thought of as a disease, but you cannot think of another disease that is criminalized – challenging the status que in crim law
- Preemption with product liability – drug defect
- Professional responsibility class - helping marijuana businesses, using marijuana themselves and investigating marijuana businesses
- Crim law ad crim procedure, but also con law – 1l property – zoning and uses and professional responsibility, if you want a law license you probably should not be opening a pot shop
- Bringing marijuana into 1st year writing curriculum – constitutional law but with marijuana problem – high school free speech problem
- I got emails from many law schools and programs and they were all asking for materials and problems that they could use
- Using marijuana problem in a writing course - students are often interested in this topic, a lot of positive feedback from students
- Schools have a hard time finding interesting topics
- Provide resources – if they build it, they will come – if you have materials, people are more likely to teach the course
• Bank of materials that can be incorporated into different types of courses would be widely used.

**Upper class curriculum**

• When you argue that drugs should be included in all core classes you are running into a danger of arguing yourself out of having a specialized drug course. It belongs everywhere, thus it belongs nowhere.
• Drug issues are specific enough that they deserve their own course, at the same time, having materials available makes it easier for other people to incorporate drugs into their course. Materials that can be incorporated into different classes as well as specialized courses.
• Drug law and enforcement have been such a spectacular failure
• Having a bank of problems that junior professors can go to to use in their teaching is a low hanging fruit
• It’s not just about what the law is but also about how is it implemented
• IP issues students are very interested in and intersection of family law and drug policy, criminalization of pregnancy
• Representing marijuana business – the people who matter are very much willing to come and talk to students
• Standard law case book does not lend itself well to the marijuana space
• Modular casebook would be better – a book that would have 70-80 units that you can then choose from – health, IP, employment, professional responsibility, etc. - That would make teaching in this space very interesting and easy
• There is a new corporate recognition that there is drug policy and students need to have some familiarity with it
• Law firms are now looking for students knowledgeable about marijuana law and regulation
Appendix F: Non-Traditional Teaching Innovations in the Space of Drug Law and Policy

- Supporting people who have been personally touched by war on drugs – bring them to your classroom
- Student exchange between non-cannabis and cannabis states for the students to learn from others – just a weekend or 2-day trip
- Student project – non-substantial rewrite of regulations/rules to make them more accessible to non-lawyers
- Getting students involved in drafting rules and regulations
- Interdisciplinary and problem-solving courses – MD, JD, MPA – come up with a DEA petition to reschedule marijuana
- Interdisciplinary course
- Very informal course at UC Irvine – connecting law students and medical students – connecting empirical data to law and policy
- 24-hour projects – very intense interaction over short period of time – case competition like
- Give students practical experience – they can help their own universities develop new rules and regulations (HR, etc.)
- Marijuana regulations in nursing homes
- Getting a journal interested in a special issue on teaching in this space
- Legislative surveillance
- Leverage DEPC name – there should be a way for us to get credit from our deans for what we are doing
- Affiliated faculty with DEPC – it gives stature and prestige especially to junior faculty
- Encouraging people to teach in this space – first steps – creating a network of people
- Student paper series
- Impacting legislations – creating model bills
- Have a competition to draft an initiative
- Platform for progressive prosecutors
- Partnership with chief justice on a conference for justice professionals
- Inviting people from other countries with audience being justice professionals
- Collect syllabus from this place and put them up in crim and health law