

**LAW AND BIOTECHNOLOGY**  
**LAW 857-511**  
**SPRING 2017 – PROF. RAM**

**SYLLABUS**

Welcome to Law and Biotechnology! This course explores the impact of advancements in the biosciences on a variety of legal and policy issues, including death and dying, organ allocation, human subjects research, intellectual property in the body, and the medical and forensic uses of genetic information. I look forward to discussing these topics with you and to learning from you this semester.

This syllabus will provide you with important information about our course meeting times, how to contact me, how the course will run and be graded, and a partial schedule of assignments. Please note that this syllabus and the included schedule are subject to change. I will do my best to notify you of any changes well in advance of their assigned date. If you have any questions about the syllabus or the course, please contact me.

**Reaching the instructor.** My office is Room 1010. My regular office hours during the Spring 2017 semester are Tuesdays and Thursdays from 4:30 to 5:30 p.m. Unless I announce otherwise, you can stop by at any time during these hours without an appointment.

I also am happy to meet with you at a mutually convenient time outside my posted office hours. Please email me (or my assistant) if you would like to schedule a time to meet. Or just drop by. If I have time, I would be happy to talk with you.

My office phone number is 410-837-5979 and my e-mail is [nram@ubalt.edu](mailto:nram@ubalt.edu). My assistant, Shavaun O'Brien, can be reached at 410-837-4635 and [sobrien@ubalt.edu](mailto:sobrien@ubalt.edu); her office is located in Room 1112.

**Class meetings.** Except as otherwise announced, we will meet every Tuesday and Thursday from 3:00 to 4:15 p.m. We are currently scheduled to meet in Room 802, but *please double check this room assignment* before our first class, as rooms tend to get shuffled around as the term begins.

**Required texts.** Leslie C. Griffin and Joan H Krause, *Practicing Bioethics Law* (2016).

In addition to material from Griffin & Krause, I will post materials to TWEN or provide links to videos or pdf files in your syllabus. Please sign up for the TWEN site for our course.

A partial list of reading assignments for the semester appears below. This schedule will be expanded and may be otherwise modified as the semester progresses.

**Class attendance policy.** Regular class attendance is required and necessary to succeed, particularly for a course like this one in which class participation and discussion is paramount. Please keep the following in mind with regard to attendance. Pursuant to ABA and School of Law policy, each student will be allowed a maximum of *five (5) absences* during the semester. Any student with more than five absences may be excluded from sitting for the final exam. Except as required by law or by School of Law or University policy, I will not excuse absences, regardless of the reason.

I will monitor attendance by means of a sign-in sheet circulated at the beginning of class each day. If you do not sign in, you will not be counted as present. If you have not signed in when the attendance sheet is collected, it may count as an absence. Late arrivals to class are disruptive and unprofessional. *Persistent late arrivals* to class may be counted as an absence at my discretion.

**Class Participation and Professionalism.** Learning cannot effectively take place in an environment that is unprofessional or uncivil. I expect that you will observe basic professional courtesies. Students should arrive on time and not leave the room other than in an emergency, turn off or silence cell phones, and stay off the internet during class. On the first day of class, I will ask you to complete a seating chart. Thereafter, students should sit in seats according to the seating chart. Among other things, this will help me learn your names.

In addition, I expect that you will come to class prepared to participate and that you will respect your classmates' viewpoints. Please keep in mind that the purpose of law school is to explore ideas, even if those ideas seem outrageous at first blush. This is particularly important in a class like this one, in which we will explore controversial and often emotionally charged topics. To that end, I expect that you will give due respect to your classmates and the thoughts they express in class. On the other hand, when speaking in class please attempt to make your comments thoughtful and keep them on-point.

Your class participation will weigh significantly in your final grade for the course.

**Grading.** Your final grade in this course will be based on three components: (a) five short response papers, (b) a final exam, and (c) class participation.

- **Response papers (50% of final grade):** We will discuss a wide variety of topics during the course of the semester. To prepare our discussion, I ask that you prepare five brief response papers (3-5 pages, double spaced, 12 pt. Times New Roman font) during the course of the semester.
  - Starting during our first week of class, you will find on TWEN prompts drawn from the corresponding topic(s) on our syllabus. Each paper should respond to one of those topics, engaging with the readings assigned for that topic and going beyond a mere summary of the readings. Papers should make an argument and take a side.

- These papers should be submitted to me by email ([nram@ubalt.edu](mailto:nram@ubalt.edu)) no later than one week after the class in which the relevant readings are discussed. That will enable you to reflect on and incorporate our class discussions into your response papers.
- The topics for which you prepare response papers is of your choosing.
- Each response paper will account for 10% of your final grade.
- **Final exam (40% of final grade):** The final exam will be a take-home written exam. More information will be made available about the final exam as the semester progresses.
- **Class participation (10% of final grade).** This course depends importantly on your participation in class discussions, particularly as we engage with new legal and ethical issues surrounding the various biotechnology topics we will cover. Accordingly, your participation in these class discussions will be a key component of your final grade.

**Disability accommodations.** If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Support, at 410-837-5623 or via email at [lmetzger@ubalt.edu](mailto:lmetzger@ubalt.edu).

### (Partial) Schedule of Assignments

#### INTRODUCTION

##### **Physician-assisted suicide**

Class 1: Griffin & Krause 86-99, 49-63, 72-85

Dax (<https://www.youtube.com/watch?v=WAQHuaa4W0>)

Brittany's Choice ([https://www.youtube.com/watch?v=Dy6QJsV60\\_k](https://www.youtube.com/watch?v=Dy6QJsV60_k))

(please watch the videos first, then do the readings)

Class 2: *Physician-assisted suicide, continued*

No additional readings

#### INFORMED CONSENT

##### **Informed consent in health care treatment**

Class 3: Griffin & Krause 115-123

McQuitty v. Spangler, 976 A.2d 1020 (Md. 2009) (TWEN)

Class 4: *Rethinking Informed Consent*

Peter Schuck, *Rethinking Informed Consent*, pp. 920-941 (TWEN)

Class 5: *Elective Surgery*

Annemarie Bridy, *Confounding Extremities* (TWEN)

Peter Brian Barry, *The Ethics of Voluntary Amputation* (TWEN)

Class 6: *Experimental therapy*

Griffin & Krause 195-208

Eugene Volokh, Medical Self-Defense (TWEN)

*Optional:* O. Carter Snead, Unenumerated Rights and the Limits of Analogy: A Critique of the Right to Medical Self-Defense (TWEN)

**Informed consent in medical research**

Class 7: Griffin & Krause 155-76

Common Rule NPRM Summary (TWEN)

Class 8: *New issues in genetic research*

Griffin & Krause 211-213

Tim Caulfield et al., Research Ethics Recommendations for Whole-Genome Research: Consensus Statement (TWEN)

Amy L. McGuire, Research Ethics and the Challenge of Whole-Genome Sequencing (TWEN)