

**LAW AND BIOTECHNOLOGY**  
**LAW 857-512**  
**SPRING 2018 – 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 2018 semester are Tuesdays and Thursdays from 3:30 to 4:45 p.m. Please let me know in advance via email if you plan to stop by during office hours.

I am also 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 you see me in my office. If I have time, I would be happy to speak 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 6:15 to 7:30 p.m. We are currently scheduled to meet in Room 402, but *please double check this room assignment* before our first class, as rooms tend to get shuffled around as the term begins.

**Course description.** This course examines the impact of advancements in the biosciences on a variety of legal and policy issues. The course will engage with new challenges, such as intellectual property in the body, human subjects research, and the medical and forensic uses of genetic information. A background in biotechnology is not necessary for course.

**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.

*Law and Biotechnology, Spring 2018*

**Student learning outcomes.** By the end of the semester, a successful student will be able to: (1) identify and explain some arguments for and against covered biotechnologies (e.g., surrogacy, gene patents, physician-assisted suicide); (2) assess the strength of arguments for and against the biotechnologies; (3) construct arguments using the facts and course materials provided about whether (or how) the use of a particular biotechnology should be permitted to proceed; (4) build coherent arguments in short writing assignments that display mastery of basic grammatical and syntax rules.

**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 Cancellation.** If there is inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule. In addition, should I need to cancel a class meeting, I will inform you either in a prior class meeting, by email, or both.

**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.

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.

Finally, students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or the School of Law. Violations of academic integrity include, but are not limited to: cheating; plagiarism; misuse of library materials; use of another's book or study materials without consent; unapproved multiple submissions; material misrepresentation of one's academic history or standing; misrepresentation of any academic matter; intentionally giving another student false or inaccurate information about class requirements; inappropriate discussion of exams; and misrepresenting or falsifying class attendance reports. See School of Law Honor Code, [https://law.ubalt.edu/academics/policiesandprocedures/honor\\_code/index.cfm](https://law.ubalt.edu/academics/policiesandprocedures/honor_code/index.cfm).

**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, 1" margins) 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 are 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.

**Title IX Sexual Harassment and Sexual Misconduct Policy.** The University of Baltimore's Sexual Harassment and Sexual Misconduct policies are compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the University any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB's nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

**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=WAQHuaaa4W0>)

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)