

Law and Human Genetics
Spring 2009

Professor Kahn

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Goals and Objectives: Developments in biotechnology and the life sciences have thrown into question existing legal approaches and instruments for dealing with such critical issues as discrimination, intellectual property, reproduction, health, drug development, informed consent and privacy. They are reconstituting concepts of the legal rights and obligations of people in relation to their governing institutions. Focusing in particular on new genetic technologies, this course seeks to have students to identify and explore important ethical, legal and policy issues associated with these developments.

Readings:

The casebook for the course is: Andrews, Mehlman, and Rothstein, *Genetics: Ethics, Law and Policy, 2d edition* (West 2006). All page references in the syllabus assignments are to this book, unless otherwise noted.

Resources:

This is a hybrid course, covering a variety of substantive areas of law. Some of the best background resources for providing context or clarification of terms and issues are available on the web. Some helpful web sites to start with include:

National Human Genome Research Institute, <http://www.genome.gov/>; Department of Energy, Human Genome Information, <http://www.doegenomes.org/>;

DOE, Ethical, Legal and Social Issues in the Human Genome Project,

http://www.ornl.gov/sci/techresources/Human_Genome/research/elsi.shtml;

Genetic Alliance, <http://www.geneticalliance.org/>; Council for Responsible Genetics,

<http://www.gene-watch.org/>

Class Participation: The course is organized around fostering student discussion of the cases we read each class, therefore your regular attendance is essential. Every student will be responsible for presenting at least one case or set of readings in class. These cases will be assigned in advance.

Classroom Etiquette: The classroom environment must be conducive to learning for all students. Proper conduct in the classroom is intended to encourage everyone to participate in, to derive benefit from, and ultimately to enjoy the class. It is perfectly acceptable and indeed professionally required that you demand professional behavior of your classmates in and out of class.

Technological devices, in particular, can be distracting to your classmates and me and thus undermine that goal. Accordingly, during class, in addition to usual courtesies, refrain from text-messaging and email; using cell phones, pagers, or any other

communication device; refrain from displaying wallpaper, screen savers, or other material on your laptop computer screen that can reasonably be expected to offend or distract your classmates.

- Behavior which interferes with the learning ability of your classmates will be sanctioned accordingly.

Attendance Policy: Attendance is important and required by the ABA and Hamline University School of Law. If a student is absent (for any reason) more than 2 times this semester, it is **his or her responsibility** to contact the professor to determine whether the work can be made up or whether some other arrangement such as a grade change or withdrawal from the course is more appropriate. Failure to consult with the professor promptly about make-up work or other alternatives after a third (3) absence may constitute grounds for withdrawal from the course.

Grading: Your course grade will be derived primarily from your final paper. Class participation may count as a “plus” factor in cases where grades are on a particular borderline. Failure to participate in class will *not* count against you so long as you each make a good faith effort in your assigned class case presentations.

Term Paper: Each student will be responsible for writing a 15-20 page term paper. The paper will be **due at the Registrar’s Office by 4:00 p.m. on Tuesday, May 5.** It will involve analysis of a particular legal, ethical and/or policy issue raised by genetics and biotechnology. The paper may be based primarily on materials from the course Case Book, but will likely require some additional outside research. The substance and focused of the paper will be discussed generally in class and specifically with each student individually.

Grading: Your course grade will be derived primarily from the term paper. Class participation may count as a “plus” factor in cases where grades are on a particular borderline. Failure to participate in class will *not* count against you so long as you each make a good faith effort in your assigned class case presentations.

Policy on Late Papers. Late papers will be marked down one-third of a grade for each day they are late. In exceptional circumstances, extensions may be granted, but such requests must typically be received (by e-mail) at least twenty-four hours before the assignment is due. Only hard copies of assignments will be accepted (no e-mail).

**Plagiarism.* All your written work is expected to be your own. I encourage you to discuss the assignments with your classmates but you must write your papers on your own and they must express your own ideas and conclusions. Provide proper citations for all quotations or paraphrases. When referring to course readings you can simply put “Andrews et al.” with the appropriate page number(s). When referring to outside sources list the author, title, source (journal or publisher) and date of publication. If you have any questions about proper citation or appropriate use of other ideas, please do not hesitate to ask me.

THIS SYLLABUS IS SUBJECT TO REVISION

SECTION I: Background

Assignment 1: Introduction, Scientific Overview.
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Assignment 2: Eugenics
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SECTION II: Research

Assignment 3: Genetics Research
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Assignment 4: Commercialization of Genetic Research -I
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Assignment 5: Commercialization of Genetic Research -II
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SECTION III: Medical Applications of Genetics

Assignment 6: Genetic Testing and Reproduction –I
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Assignment 7: Genetic Testing and Reproduction –II
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Assignment 8: Genetic Testing and Screening.
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Assignment 9: Genetic Counseling
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Assignment 10: Gene Therapy
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Assignment 11: Pharmacogenetics, and Enhancement
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SECTION IV: Non-Medical Applications of Genetics

Assignment 12: Parentage and Family Law

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Assignment 13: Forensic Genetic Testing for Identification
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Assignment 14: Behavioral Genetics
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