This class provides a broad overview of assisted reproductive technology (ART); the constitutional right to procreate and avoid procreation; special concerns regarding ART issues for same-sex couples and underrepresented populations; and review and discussion of ART contracts and practice activities. The objective of this seminar is to provide: 1) a collaborative environment to learn and discuss these issues; 2) a context for scholarly writing; and 3) a practical introduction to the practice of ART law.

You need to purchase Assisted Reproductive Technology: A Lawyer's Guide to Emerging Law and Science, Charles P. Kindregan, Jr. & Maureen McBrien (2006) for this course. Reading materials for each day are as contained in this course syllabus. Additional readings may be assigned in each class for the following class. You are required to complete all assigned readings prior to each class.

I will base your grades on your class participation and your final paper. For class participation I will look for good questions and answers during class and thoughtful discussions of reading materials. Note that I am looking for questions and answers. This means that I am looking for collaboration and how well the class learns from each other. The final paper will be an academic research or comment paper. You will be required to use BlueBook citation rules in doing your paper. You will receive additional information on the paper topic, format, and length on the first day of class.

Students will be expected to attend class on a regular basis. Missing class will adversely affect your grade by reducing the class participation component. No computers will be used for internet searching during class. You may take notes on your computers as long as it does not adversely affect your class participation or otherwise meaningfully distract you from the discussion. Grade sanctions will be imposed on a case-by-case basis for improper use of computers during class.

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PLEASE PREPARE BY READING THE ASSIGNMENTS PRIOR TO THE CLASS MEETINGS.
Assignment:
- Read Chapter 1 in text
- In re: Baby M, 537 A.2d 1227 (N.J. 1988)
- Eliza B. v. Superior Court, 33 Cal. Rptr. 3d 46 (Cal. 2005)

Class 1 - Discussion of reproductive technology and the modern family
- Procreation and the nontraditional family
- Users of Assisted Reproduction
- Parentage and Assisted Reproduction
- The Uniform Parentage Act
- Lack of Legislation
- Proposed Model Code

Assignment:
- Review Proposed Model Code Governing Assisted Reproduction

Class 2 – Proposed Model Code Governing Assisted Reproduction
- Informed Consent
- Embryo transfer
- Disposition of surplus embryos
- Gestational Agreements
- Parentage
- Posthumous conception
- Compensation
- Health Insurance & Governmental Regulation

Assignment:
- Chapter 2 in text
- Review sperm donor contract
- Review Problem #1: The Sperm Provider

Class 3 – Intrauterine insemination
- The science of intrauterine insemination
- Procreating by intrauterine insemination
- Understanding the terminology
- Status of known versus anonymous sperm donors
- Sperm donor contracts
- Consent and support issues, including equitable estoppel and ratification theories
  - Problem #1
- Intrauterine insemination and persons under confinement
- Ownership and access to cryopreserved sperm
• Liability issues

Assignment:
• Chapter 3 in text
• Review Problem #2: The Egg Provider
• K.M. v. E.G., 33 Cal. Rptr. 61 (Cal. 2005).

Class 4 – In vitro fertilization
• The science of IVF
• Legal regulation of IVF
• Cryopreservation
• Clinic contracts
• Status of gamete donors – Problem #2
• Custody, visitation and support issues

Assignment:
• Chapter 4 in text
• Review Problem #5: Embryo Donation
• Evans v. United Kingdom, [2006] ECHR 6339/05
• Article 5 of the proposed Model Code
• Davis v. Davis, 842 S.W.2d 588 (Tenn. 1992).

Class 5 – Embryos
• “Adoption”/Donation – Problem #5
• Cryopreservation
• Surplus embryos
• Status in divorce cases
• Intended parent theory
• Embryo creation

Assignment:
• First half of Chapter 5 in text
• Review Surrogacy Contract
• Review Problem #3: Gestational Surrogacy
• Review Problem #7: Surrogacy and Parentage

Class 6 – Surrogacy [part 1]
• Traditional Surrogacy
• Gestational Surrogacy
• Establishing Parentage
• Problem #3
• Problem #7

Assignment:
• Second half of Chapter 5 in text
• Skim Chapter 10 in text
• Article 6 of Proposed Model Code
• Review Problem #4: Choice of Law

Class 7 – Surrogacy [part 2]
• State laws governing surrogacy
• International laws governing surrogacy
• Contract issues
• Problem #4

Assignment:
• Chapter 6 in text
• Fla. Health Science Ctr. Inc. v. Rock, 2006 U.S. Dist., LEXIS 80512
• Internal Revenue Service Release 5/2/2003, #200318017
• Articles 9-12 of proposed Model Code

Class 8 – Government Regulation of Assisted Reproduction
• Legal definition of infertility
• Insurance
• Reporting requirements
• Religious Exemptions
• Revelation of success rates
• Medical evaluation of gamete donors
• Related legal regulations
• Taxes

Assignment:
• First half of Chapter 7 in text
• Hecht v. Kane, 16 Cal. App. 4th 836 (Cal. App. 2nd Dist. 1993)
• Article 7 of proposed Model Code

Class 9 - Posthumous Reproduction [part 1]
• Inheritance rights of the posthumously conceived
• Inheritance considerations for donors, parents and children

Assignment:
• Second half of Chapter 7 in text
• Review Problem #6: Posthumous Reproduction

**Class 10** – Posthumous Reproduction [part 2]
• Uniform laws and posthumous parentage
• State laws governing posthumous inheritance rights
• Social security and posthumous children
• Problem #6

Assignment:
• Chapter 8 in text

**Class 11** – Cloning
• Reproductive Cloning
• Therapeutic Cloning
• Constitutionality Issues
• Public policy issues
• Chimeras

Assignment:
• Chapter 9 in text
• *Chambliss v. Health Services Foundation*, 626 S.E.2d 791 (N.C. 2006)
• Section 1201 of proposed Model Code

**Class 12** – Liability issues
• Wrongful life
• Wrongful birth
• Misappropriation of embryos
• Failure to warn
• Negligence

**Class 13**
• Paper discussions and presentations

**Class 14**
• Paper presentations
Class 15
  • Paper presentations