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Condon Hall 412  
Telephone: 616-1756  
Office Hours: Wednesday 3:00 - 5:00 & By Appointment

Summary of Course

This seminar course deals with issues arising from the interface and relationship between law and medicine. During the Winter term and the first few weeks of the Spring term, the seminar will concentrate on three areas of controversy in medicine and health care, spending roughly three to four weeks on each area of concentration. First, we will consider the increasing confusion in law and medicine regarding the use of human organs, tissues and cells. Second, we will study the law=s approach to the controversial issues of recovered memories and multiple personality disorder. Finally, in the third segment, we will consider legal issues arising in the context of medical research, especially with respect to use of human subjects in such research. During the Winter term, each student will be researching and preparing a presentation on a similarly controversial topic of their choice. The last several weeks of spring term will be devoted to student presentations of their research and class discussion of these topics.

Required Texts

The Course Materials include several recent cases, articles, excerpts from texts, and legislative/regulatory materials. They are organized into three sets - one dedicated to each of the three areas of concentration. Set I is available for purchase at RAMS Copy Center, 4144 University Way N.E. (phone 632-6630). The Cost is 14.85 plus tax. Sets II and III will be available later in the term.

Class Participation

In a seminar course of this type, active participation by all of the parties is integral. While I will moderate and focus the seminar as necessary, I anticipate that the subject material will generate spontaneous and vigorous discussion. It will be imperative that you are prepared for the class, having read the materials and thought about the issues.

Course Grade
Your course grade will be based upon a research paper and 40 minute presentation of same to the class. Although the topic may be one of your choice, it must be approved by the professor. You must submit a prospectus describing your research topic on or before January 23, 1996. You must also submit a first draft of your paper no later than one month before you are scheduled to present your paper to the class; I will meet with you regarding any suggestions for revisions well before you are scheduled to present. Date of presentation will be on the basis of lottery drawing on the first day of class. The final version of your research paper is due on June 7, 1996.

Course Syllabus

January 2, 1996

Introduction: This class session will be devoted to an overview of the course and its requirements.

January 9, 16, 23, & 30, 1996

I. Organs, Tissues and Cells: Whose Life Is It, Anyway?

A. Organ Procurement and Allocation

Reading Assignment:


BNA Health Care Daily, Regulate Prices Paid for Organs to Avoid Profiteering, Researcher Says, July 9, 1993.


BNA Health Law Reporter, HHS Issues Organ Procurement, Transplantation, Procurement Rules, Sept. 15, 1994,


Organ Procurement Coordinator; 'Procurers are the Last Heroes of the Transplant World, Chicago Tribune, Oct. 3, 1993, at C33.


_in re_ T.A.C.P., 609 So.2d 588 (Fla. 1992).


B. Commercial Use of Tissues and Cells
Reading Assignment:


Miles, Inc. v. Scripps Clinic & Research Found., 810 F.Supp. 1091 (S.D.Cal. 1993)


C. Ownership and Rights to Preembryos
Reading Assignment:

Costigan, Scores Seek to Mother 2 Embryos, Wash. Post, June 20, 1984 at A1


Davis v. Davis, 842 S.W.2d 588 (Tenn. 1992).


February 5*, 12*, 20, & 27, 1996

II. Repressed Memory, Multiple Personality Disorder & the Law

* Note that class will be on Mondays on February 5 and 12, instead of on Tuesday

Reading Assignment:


Michael D. Yapko, Suggestibility and Repressed Memories

Jeffrey G. Schneider, Legal Issues Involving Repressed Memory of Childhood Sexual Abuse, 5 Psychologists Legal Update, August 1994.

State of New Hampshire v. Hungerford, ____________________________


Tyson v. Tyson, 727 P.2d 226 (Wash. 1986)

Wash Rev. Code Ann. '4.16. 430


C.P. Rattigan, Try to Remember: Allegations of Decades-Old Sex Abuse Based on Repressed Memories Lead Some to Wonder Whether the Accused Are the Real Victims, Mass. Lawyers Weekly, Mar. 6, 1995 At B1.


Harvard Law Review Article - To Be Distributed Later
March 5, March 26 and April 2, 1996

III. **Medical Research: Use and Misuse of Human Subjects**

Reading Assignment:


Robert J. Levine, Ethics and Regulation of Clinical Research, Chapter One: Basic Concepts and Definitions (2d ed. 1986)


The Nuremberg Code

Declarations of Helsinki, Recommendations Guiding Doctors in Clinical Research, Declarations I -IV.

The Belmont Report

Robert J. Levine, Ethics and Regulation of Clinical Research, Chapter Four: Selection of Subjects (2d ed. 1986)

Fed Regs on Consent rules for Desert Storm

U.S. Army Document Regarding Use of Experimental Vaccines and Medications

J. Foreman, Ethicists Assail Plan to Give Troops Unapproved
Vaccine, Boston Globe, Jan 9, 1991 at 1D


Robert J. Levine, Ethics and Regulation of Clinical Research, Chapter Eight: Randomized Clinical Trials (2d ed. 1986)


Kenneth J. Rothman & Karin B. Michels, The Continuing Unethical Use of Placebo Controls, 331 N.E.J.M. 394 (Aug. 11, 1994); The Use of Placebo Controls (Correspondence), 332 N.E.J.M. 60 (Jan 5, 1995).

April 9, 1996 - May 21, 1996

   Student Presentations