Course Materials

- **Casebook**

- **Additional Required Materials**
  Additional materials that students will be responsible for, including, but not limited to, this syllabus, the separately posted listing of readings and other assignments, and the midterm, will be posted on the TWEN page for the course from time to time. All students are expected to sign up for and very regularly check the TWEN page for the course.

Student Learning Objectives

Students who successfully complete this course will:

- Understand the substantive fundamentals of medical malpractice law;
- Appreciate and be able to articulate the policy issues underlying medical malpractice law; and
- Identify and correctly analyze medical malpractice law issues using the IRAC (Issue, Rule, Analysis, Conclusion) method.

Class Preparation Expectations

The readings vary in length, as you will note from the list of reading assignments posted separately on TWEN. If you have questions about what to read for the next class, please refer to that list, and if questions remain after doing so, please ask one of the instructors. The material covered in class will require multiple readings, and we strongly recommend that you exert the time and effort that it takes to brief the cases covered to ensure that you understand them and are prepared to discuss them in class in an in-depth manner that demonstrates mastery. You will note that the textbook includes problems and questions throughout the assigned readings. You should devote time and attention to reviewing and working those problems and answering those questions, as you should be able to discuss them in detail. We will cover problems and questions from the textbook’s assigned readings in class, as time allows. Moreover, these materials serve as excellent tools for you to reinforce and self-assess your understanding of the legal principles covered in the readings. You are expected to carefully read all of the assigned readings and to do all of the other assignments. In so doing, you are also expected to put in the necessary time and effort to achieve facility with the materials and to produce reflective, detail-oriented, professional-level work products.

The American Bar Association (ABA) standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310(b)(1), “a ‘credit hour’ is an amount of work that reasonably approximates: ... not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks.” This is a three-credit-hour course, meaning that we will spend 150 minutes (or two-and-a-half hours) of in-class time together each week on Wednesday afternoons. The assignments and other out-of-class preparations, including, but not limited to, reading and re-reading assigned readings, working problems and questions in the assigned materials, briefing cases, completing the WAC/midterm/practice exam, outlining, reviewing materials, etc., should take you no less than six hours each week. In total, you should budget your time accordingly, as you will need to spend no less than nine hours per week on this course, including both in-classroom and out-of-classroom time. Some weeks the amount of time required will exceed this minimum.
Grading

- **Take-home Midterm/Practice Exam/WAC—Pass/Fail; MANDATORY**
  
  There will be a short, take-home writing assignment that will constitute the midterm assignment, which is a practice exam and also fulfills the writing across the curriculum (WAC) requirement for the course. This assignment will help test your knowledge of the materials covered in class by presenting you with a fact pattern and requiring you to correctly identify the medical malpractice law issues presented and properly apply and analyze the relevant law and policy. This assignment prepares you for the final at the end of the semester, and you will receive substantial and constructive feedback on the assignment, including instructor comments on your paper and an in-class review of the assignment following completion.

  The assignment is mandatory and will be graded on a pass/fail basis. The assignment must be turned in hard copy—with two (2) copies turned in to the Professors at the start of the designated class (4:00 p.m.). LATE ASSIGNMENTS ARE NOT ACCEPTED. The assignment must also be submitted via email to Dr. Ryan prior to class on the same date. (See the readings and assignments listing on TWEN.)

  As with all written course deliverables, the midterm is expected to be professionally drafted (i.e., typed, feature proper formatting (headings, page numbers, etc.), use proper grammar and spelling, employ a formal writing style, be carefully proofread and spell checked, include properly formatted legal citations (where needed), etc.). All instructions provided herein and in the assignment must be followed.

- **Final Examination—100%—December 12, 2016, at 8:15 a.m. (as scheduled by the Registrar)**
  
  The final exam will be a two-hour, closed-book, closed-notes essay exam to be written in a formal final examination environment. It will be graded on demonstrated knowledge, analysis, and application of the relevant legal principles and public policies underpinning medical malpractice law—based on the given fact pattern and questions provided on the exam. It will constitute 100% of the class grade. (For the finals schedule, see: [http://www.law.siu.edu/_common/documents/calendar/fa16-exam.pdf](http://www.law.siu.edu/_common/documents/calendar/fa16-exam.pdf)) This course follows SIU Law’s grading policy, and, as such, is subject to mandatory medians, grading curves, and the like.

- **Potential Participation Bonus**
  
  Each student has the potential to earn a participation bonus of up to 0.2, which is added to the final grade. The bonus, if any, is based on particularly high-quality, consistent, voluntary, analytical, thoughtful, and meaningful class participation that is relevant to class materials and discussion. Such high-quality participation includes (but is not limited to): regularly volunteering in class to clearly, succinctly, and correctly discuss/brief cases and assigned materials in a manner demonstrating that the student has carefully and thoroughly read and understands the assigned materials; and thoughtfully and analytically answering questions posed about policy issues, ethical matters, legal questions, and other matters raised by the subject matter being studied. Such participation does NOT include sharing personal stories or anecdotes. Moreover, being present, on time, attentive, and engaged during class sessions are imperative to this portion of the course assessment, as a baseline. Determinations and decisions about student participation are made by the instructors at the end of the semester during the grading period.

**Clinical Rotation (Optional)**

Approved students are eligible to sign up for a one-credit-hour clinical rotation for S/U (pass-fail) credit. **Sign up for the clinical rotation will occur at the end of the first class meeting.** The clinical rotation students are required to spend approximately 36 hours during the course of the semester in approved clinical settings and submit a short journal documenting their hours and experiences, referencing how the legal concepts and policies they have learned apply in the daily practice of medicine. (See the TWEN page for a document related to the clinical rotation journal.)
Reading Assignments in Textbook
Reading assignments for class will be posted in a separate document on TWEN. (See the “Class Preparation Expectations” section of this syllabus, supra.)

Use of TWEN
Students are expected to check all relevant sections of the TWEN page for the course prior to each class.

Attendance
This course meets on Wednesdays from 4:00 p.m. to 6:30 p.m. Class starts promptly at the designated time, so please be on time, in your assigned seat, and ready to go! As specified in the Rules of the Southern Illinois University School of Law, “[r]egular attendance to class meetings in all courses is expected and required of all students…. Attendance will be taken in class and attendance records will be kept. Violation of this rule shall subject the student to penalties…. It is the student’s responsibility to ensure that he or she signs the attendance sheet during class. Students also need to note that the School of Law Honor Code states that it is academic misconduct to “sign[] another[ ] student’s] name to an attendance sheet for a class [that other student] did not attend,” or to “sign his or her [own] name to an attendance sheet for a class he or she did not attend.” Such Honor Code violations carry severe penalties.

We will also be attending the Ryan Bioethicist in Residence Lecture, slated for Tuesday, October 18, in the early evening at the Law School. Details will follow during the semester on this event.

Students may have no more than a maximum of three absences (partial or total)—for ANY reason (other than documented jury duty, the student’s documented hospitalization, or a documented death in the student’s immediate family. Documentation must be submitted to and deemed acceptable by the Professors.). Students with more than three absences will be referred to the Associate Dean and will be given the lowest possible grade—a failing grade—for the course. Furthermore, students will be called on in class and are expected to be prepared. Being “prepared” means being ready and able to intelligently discuss all facets of the assigned materials. Students may NOT “Note Out” of this class. Students found to be unprepared by the Professors will be marked absent for the day.

Accessibility

Dr. and Professor Ryan: Dr. Ryan is available by email and phone for both questions and to make an in-person appointment directly prior to class to discuss matters related to the class. You can email Dr. Ryan at marshagryan@gmail.com.

Professor Mekel: Professor Mekel is available by email for both questions and to make an in-person appointment directly prior to or after class to discuss matters related to the class. You can email Professor Mekel via the course TWEN page.

Communication Devices and In-class Use of Laptops
Cell phones and similar communication devices must be turned off during class. Laptops and tablets are allowed for note-taking purposes only. Students found to be using their computing devices for non-class-related activities during class will lose the privilege of using their computer during class for the remainder of the semester. (See also Kevin Yamamoto, Banning Laptops in the Classroom: Is It Worth the Hassles? 57 J. LEG. EDUC. 477 (2007).) Moreover, you are encouraged to considered taking notes with pen and paper in class, as studies have shown that students who take handwritten notes often retain and process information better than those who type their notes. Robert Lee Hotz, The Power of Handwriting, WALL ST. J. D1 (Apr. 5, 2016).

Notice of Recording Policy
Classes and lectures are not, will not be recorded, and are not to be recorded by students. Pursuant to the Honor Code, given this prohibition on recording, any student who “accesses, creates or disseminates audio or visual recording of a class session or assigned course-related activity[,] … when the instructor has prohibited such recording[,]” “shall be guilty of an Honor Code violation.” Honor Code I.E.1.g.
**Accommodations for Students with Disabilities**

Disability Support Services (DSS) provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must go to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. See: [http://disabilityservices.siu.edu/](http://disabilityservices.siu.edu/). Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations.

**Saluki Cares**

The purpose of Saluki Cares is to develop, facilitate, and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students, and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: 618.453-5714, siucares@siu.edu, or [http://salukicares.siu.edu/index.html](http://salukicares.siu.edu/index.html). At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is judiray@siu.edu, and her phone number is 618.453-3135.

**Emergency Procedures**

Southern Illinois University-Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT's website at www.bert.siu.edu, Department of Safety’s website www.dps.siu.edu (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. **It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency.** The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.