BIOETHICS AND THE LAW
Law 598-3 §001
Spring 2013
Professor Michele Mekel & Professor/Dr. Marsha Ryan
Southern Illinois University School of Law

Course Materials

- **Casebook**

- **Additional Required Materials**
  Additional materials for which students will be responsible will be posted on the course TWEN site. Among these materials will be the core cases upon which the textbook provides background and analysis, as the assigned textbook is not a “traditional” casebook.

Course Objectives

Students who successfully complete this course will:

- Understand the fundamental history, theory, and concepts related to bioethics;
- Comprehend core legal concepts at the nexus of law and bioethics;
- Be able to identify bioethical and legal issues related to health care and emerging technologies;
- Gain exposure to key and current bioethics controversies;
- Appreciate the often-competing policy issues underlying bioethical issues and related law;
- Select, research, and write a scholarly, high-quality research and analytical paper on a specific bioethical and legal issue;
- Engage in civil, analytical debate on highly charged topics; and
- Participate in knowledge transfer by sharing their research and analysis on their selected bioethical and legal issue with the class.

Grading, Assignments and Due Dates

- **Participation**
  Because this is a seminar-style course, discussion is a key element. Therefore, high-quality, thoughtful class participation provides a basis for improving a student’s raw total score for the course by fifteen (15) points. Class participation not only includes traditional in-class participation, but it also includes identifying and bringing current bioethics-related news articles to class to share as “Relevant News of the Day” and attendance at/participation in experiential learning activities identified by the Professors.
Due to the very nature of the class, the topics addressed will be highly controversial. As a result, it is imperative that everyone is respectful of everyone else’s opinions so that everyone feels comfortable sharing his/her thoughts and so that meaningful dialogue is fostered.

As a matter of professionalism, students are expected to attend and be well prepared for each class session. Without such attendance and preparation, discussion will suffer, as will students’ learning. (See attendance policy, infra.)

In the event a student is late to class, he or she is expected to avoid disturbing the class in session by entering the classroom quietly (i.e., ensuring the door does not slam, etc.), and take a seat along the aisle (rather than proceeding to his or her assigned seat). As a matter of respect, when a guest speaker is expected to lecture (as noted in advance on TWEN), punctual class attendance is particularly important.

- **Paper Topic Selection**
  
  As a class that meets the senior writing requirement, this is a writing-intensive class. Topics must be approved by BOTH Professors at the onset; any topic changes must also be approved by BOTH Professors.

  When selecting a topic, it is critical to pick one (1) that has both bioethical and legal implications, and one (1) that you are very interested in and have clear feelings about. You have to “live with” this topic for a semester, and must invest much time, energy, and thought into researching and writing about it.

  The topic selection is due no later than 4:00 p.m. on MONDAY, JANUARY 28, 2013, and is to be turned in via email to BOTH Professors (via TWEN) AND by providing TWO (2) hardcopies to Bonnie Miller in the Center for Health Law and Policy. Unless excused in advance by the Professors, any student who turns in his or her assignment after this deadline will have his or her final raw score for the course reduced by five (5) points per day. Topic selection submissions shall include:

  ✓ the topic;

  ✓ why it is of interest and relevant;

  ✓ its legal implications;

  ✓ its bioethical implications; and

  ✓ the student’s approach/position.

  NO two (2) students will be allowed to select the same or directly related topics. Topics shall be approved on a first-come, first-served basis.
First Draft of Paper – 20% of Grade
The first draft is to be more than an outline or a rough draft of the final paper. The more complete the first draft is, the better the feedback the Professors will be able to provide, which will benefit the student in preparation of his or her final paper.

Additionally, the first draft should be formatted as the final draft will be formatted -- with 1.5 line spacing, 1-inch margins on all sides, and in 12-point Times Roman font. Page numbers should be inserted on all pages (at the bottom, center of page). Furthermore, the first draft should include a working title, as well as section and subsection headings as needed.

The first draft must include footnoted citations using the ALWD (taught in Legal Research and Writing at SIU Law School) or BlueBook citation format – at the student’s preference – and quote materials properly. This is particularly critical as plagiarism is a serious honor code violation, which will be strictly enforced and which carries severe penalties as detailed in the Southern Illinois University School of Law Honor Code, which expressly defines plagiarism as “incorporation of written work, either word for word or in substance from any work of another, unless the student writer credits the original author and identifies the original author's work with quotation marks, footnotes, or other appropriate written designation in such a way as to make clear the true author of the work.”

Students will receive individualized feedback on their draft in writing and during a conference with the Professors.

The first draft is due no later than 4:00 p.m. on MONDAY, MARCH 18, 2013, and is to be turned in via email to BOTH Professors (via TWEN) AND by providing TWO (2) hardcopies to Bonnie Miller in the Center for Health Law and Policy. Unless excused in advance by the Professors, any student who turns in his or her assignment after this deadline will have his or her final raw score for the course reduced by ten (10) points per day.

Presentation – 10% of Grade
Each student will lead a ten (10)-minute presentation, followed by a five (5)-minute class discussion on his or her selected topic. Presentations will commence after the first drafts of the papers are due; at that time, presentation dates will be assigned.

Students must prepare and use a PowerPoint or Prezi presentation, and are encouraged to utilize handouts and interactive activities during their presentation. An electronic copy of the PowerPoint or Prezi presentation and any other materials must be forwarded via email to BOTH Professors PRIOR to the class during which the student is assigned to present. A hardcopy of all such materials is also due to BOTH Professor at the start of
the class during which the student is presenting. The PowerPoint and all relevant materials should also include a citations section, as needed.

Grading will be based on accuracy, thoroughness, and mastery of the topic presented, as well as on the materials used and presentation style.

- **Final Paper – 70% of Grade**
  Completed papers should be a **minimum of 18 pages** in length (excluding the cover page) and **maximum of 25 pages** in length (excluding cover page), with **1.5 line spacing, 1-inch margins on all sides, and in 12-point Times Roman font**. Additionally, each paper shall include **footnoted citations using the ALWD** (taught in Legal Research and Writing at SIU Law School) or **BlueBook citation format** – at the student’s preference. Papers should include a **minimum of 90 citations**. Papers should be prepared as though submitting to a law review or journal, using a **title and section headings and subheadings** as necessary. **Page numbers should be inserted on all pages** (at the bottom, center of the page).

An “A” paper is one that is of professional publication quality in terms of soundness of legal and policy analysis, topical importance/interest/relevance, novelty/creativity, readability, and accuracy (i.e., well written, error-free, etc.). (See grading rubric on TWEN.)

It goes without saying that plagiarism is a serious honor code violation, which will be strictly enforced and which carries severe penalties. The *Southern Illinois University School of Law Honor Code* expressly defines plagiarism as “incorporation of written work, either word for word or in substance from any work of another, unless the student writer credits the original author and identifies the original author’s work with quotation marks, footnotes, or other appropriate written designation in such a way as to make clear the true author of the work.” Additionally, all other SIU Law School rules, codes, provisions, protocols, and standards apply to this assignment – including the topic selection, first draft, presentation, and final draft. Each student is expected to write his or her assignment independently.

*The completed, final paper is due no later than 4:00 p.m. on FRIDAY, APRIL 26, 2013, and shall be turned in electronically via emailing BOTH Professors (via TWEN) AND by providing TWO (2) hardcopies to be turned in to Bonnie Miller in the Center for Health Law and Policy. Unless excused in advance by the Professors, any student who turns his or her assignment in after this deadline will have his or her grade for the final paper reduced by fifteen (15) points per day.*

**Course Outline/Overview and Reading Assignments**

- **General Course Outline/Overview**
  I. Introduction
II. Human Subjects Research
III. Patient-physician Relationship
IV. Eugenics
V. Genetic Discrimination
VI. Reproductive Technologies and Related Issues
VII. Death and Dying and Related Issues
VIII. Organ Donation and Related Issues
IX. Public Health vs. Individual Autonomy
X. Gene Patenting
XI. Human Enhancement
XII. Other Topics as Time Allows

*Note: This is a general outline/course overview, and is subject to modification throughout the course by the Professors.*

➢ Daily Reading Assignments

Daily reading assignments in the textbook, assigned cases, and other required readings will be posted in advance on the TWEN course page, and any adjustments will be made, if necessary, via TWEN after each class for the following class. Postings will typically be done on a weekly basis, with the posting being made by Saturday morning for the following week.

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

Attendance
This course meets on **Wednesdays from 4:00 p.m. to 6:30 p.m. in Room 204.** Class starts *promptly* at the designated time, so please be on time, in your assigned seat, and ready to go!

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.

As specified in the *Rules of the Southern Illinois University School of Law, Academic Year 2008-09,* “[r]egular attendance to class meetings in all courses is expected and required of all students in accordance with the rule to be announced by the professor at the beginning of each course. Attendance will be taken in class and attendance records will be kept. Violation of this rule shall subject the student to penalties…. Upon the recommendation of the professor involved, the Dean or Associate Dean may waive violation of this rule for extraordinary reasons.”
Given that this three-(3-)credit class meets once per week, **three (3) absences (partial or total)** – for ANY reason (other than the student’s hospitalization, jury duty, death in the student’s immediate family, or birth of the student’s child – any of which must be proven by documentation deemed acceptable by the Professors) – will be permitted during the semester. Students with more than three (3) absences will be referred to the Associate Dean and will be given the lowest possible grade – a failing grade – for the course.

**Accessibility**

**Professor Mekel** will hold Student Conference Hours in (office 256) are held on the following days and times:

- Mondays and Wednesdays* from 1:00 p.m. to 3:30 p.m.

In addition, appointments can be scheduled. (To set up an appointment, e-mail **mmekel@siu.edu**.) Professor Mekel does not entertain questions directly prior to class, as she reviews before class (just like you should) in order to be prepared. Additionally, Professor Mekel is responsive to e-mail questions that can be answered with brief responses. Questions that require more extensive answers should be asked in class, because all students can benefit from such responses.

**Professor Ryan** is available by appointment. To set up an appointment, email Professor Ryan at **mryan@siumed.edu**.

**Cell Phones/Blackberries/iPhones/PDAs & In-class Use of Laptops**

Cell phones, Blackberries, iPhones, PDAs, and similar communication devices **must** be turned **off** during class. Additionally, laptops are not needed for note taking, given the seminar nature of the class and the fact that it is a paper-based class, rather than an exam class; as a result, use of laptops is highly discouraged.

**Accommodations for Students with Disabilities**

Pursuant to the *Rules of the Southern Illinois University School of Law*, “[t]he Law School will make reasonable accommodations for students with disabilities. A student seeking such accommodation must make application to the Associate Dean in accordance with the Southern Illinois University School of Law Policy Concerning Applicants and Students with Disabilities. A student is required timely to submit appropriate documentation of the disability sufficient to allow the Associate Dean to determine the reasonableness of the accommodation requested. If the requested accommodation concerns examinations, the Associate Dean will decide whether to grant the accommodation after consultation with the appropriate faculty member(s). The Associate Dean and the faculty members involved will treat the identity of the student requesting accommodation as confidential, to the maximum extent practicable.”
**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](http://www.bert.siu.edu), Department of Safety’s website [www.dps.siu.edu](http://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.”