

## UNIVERSITY OF WASHINGTON SCHOOL OF LAW

### Genetics and the Law PHG 523/LAW H520 (3 Credits) Winter, 2010

#### GENERAL INFORMATION AND COURSE SYLLABUS

Instructor: Professor Patricia C. Kuszler, MD, JD William H. Gates Hall 421 Phone: 206/685-0511 E-mail: <a href="mailto:kuszler@u.washington.edu">kuszler@u.washington.edu</a> Office Hours: Contact Vickie Parker for appointment ( <a href="mailto:parkervt@u.washington.edu">parkervt@u.washington.edu</a> )	Teaching Assistant: Catharine Riley, MPH Health Sciences F363 Phone: 206.616.4879 E-mail: <a href="mailto:rileyc@u.washington.edu">rileyc@u.washington.edu</a> Office Hours: By appointment
---	--

**Course Description:** This class extends the discussion of issues originating in PHG 512 (Legal, Ethical and Social Issues in Public Health Genetics) by examining in greater depth the legal consequences of genetic technologies and information. This class explores the legal, policy and ethical consequences of genetic technologies and information. It will begin with an overview of genetic science, the recent explosion of knowledge about the human genome, and an introduction to law and public health. The course then examines the concepts of privacy and confidentiality and their application to genetic information.

The course continues by considering genetic information and its use in the workplace, its role in access to insurance and health care coverage. We will then explore the use, abuse and occurrence of medical mistakes in genetic testing, first focusing on reproductive decision-making, parenting, and domestic relations and then on testing on the broader clinical context. Our attention then turns to exploring the use of DNA in the courtroom, forensics, behavioral genetics, and use of genetic evidence in the civil and criminal context. We will then move on to look at the movement of genetics from bench science to the marketplace, including patenting, with a focus on genetically modified agriculture. The overarching context for the course will be to address the response of the law and legal system to advances in genetic information and technologies and posit what the response should be in the future.

This course will be taught and conducted in a seminar style. We will be engaged in our exploration of the topics covered through shared learning. Each member of the class will participate in and contribute the learning that occurs. Such collaborative learning will be reflected in the way that the course is structured and your work is evaluated.

**Course Materials:** The text for the course will be *Genetic Technologies and the Law* (Carolina Academic Press 2007). In addition, there may be articles, cases and news pieces included in the readings. These will be available on the course website.

For those students seeking additional background reading on the law and legal systems, there is a general introductory text, *Introduction to the Law and Legal System in the United States* (3d ed. 1998 American Casebook series), available in the Gallagher Law Library.

**Class Meetings:** The course meets on Mondays and every other Wednesday, 3:30 – 5:20 p.m. There will be no class on the Martin Luther King and Presidents Day holidays. In order to make up the lost time, we will extend class to 6:00 PM on February 3 and March 1, 2010.

Wednesday sessions will meet every other week, alternating with the Public Health Genetics Seminar Series.

Attendance is essential. I expect students to arrive on time for class, as late-comers and stragglers can be very disruptive. Please turn off all cell phones and pagers before the start of class. I urge you to share notes, outlines, and insights with your classmates. Our class will consist of both law students and public health students. I particularly believe that our learning will be greatly enhanced the more interaction we are able to have among students from different backgrounds and disciplines. It is important that we take advantage of the interdisciplinary nature of the class. In the event that there is a guest lecturer, you will be responsible for the material covered by these lecturers.

**Course Grade:** This course is designed to engender active discussion of the issue and simultaneously provide an opportunity for students to build critical skills in writing and analysis. There will be two short writing assignments and one longer paper due at the end of the term. Each of the short writing assignments will be 25% of your grade and the longer paper will comprise the other 50% of your grade

For the two short writing assignments, we will provide you with overarching study questions and/or hypothetical scenarios. We will try to make them "meaty" enough to generate a thoughtful response. In most cases, there will be multiple questions; in certain cases, when the question is long or a complex hypothetical, you will be required to answer only one question. By the second week of classes, students are expected to have signed up for the dates they would like to turn in their two writing assignments. All students should come prepared to discuss the readings and questions every week; however those that write for a given week will be expected to be active discussants in class.

Each writing assignment should be 5-10 pages long and should focus on the question(s) and/or hypothetical scenarios assigned for that week. The reading assignments for each week should be sufficient material to answer the questions or respond to a hypothetical scenario. There is no need to do extensive research for the paper, however you may feel free to supplement your knowledge with some targeted research specific to the topic.

The longer paper can be on any genetics and law issue that intrigues you. The expectation is that the paper will be 12-15 pages in length. Unlike the writing assignments, this paper will require research beyond what we cover in class. This paper is due the last day of the term (March 19, 2010).

Please turn in all writing assignments and papers by 5:00 PM on the due date. You should email them to both Professor Kuszler ([kuszler@uw.edu](mailto:kuszler@uw.edu)) and Catharine Riley ([rileyc@uw.edu](mailto:rileyc@uw.edu)). Please also copy our assistant, Vickie Parker ([parkervt@uw.edu](mailto:parkervt@uw.edu))

**Disability-Related Needs:** To request academic accommodations due to a disability, please contact Disability Resources for Students, 448 Schmitz, (206) 543-8924 (V/TTY).

### **Outline of the Course and Reading Assignments – Winter, 2010:**

The following syllabus outlines the course, reading assignments and sets forth a preliminary timetable. It is possible that the timetable and reading assignments will be amended during the course. I will alert you to any changes and post them on the website.

January 4, 2009

**Introduction to Genetics, the Law and Public Health:**

**Course Overview, Introduction, Scientific, Legal and Public Health Overview**

Reading Assignment: Chapter 1: pages 1-31; Chapter 10: pages 898-899, 933-941, and 956-969.

Additional Web-based Readings: *Institute of Medicine Report on Genomics in Public Health*, pp. 32-54; *Genetics Primer* by Wylie Burke; *Strategies for Reading and Briefing Court Opinions* in *Expert Learning for Law Students*, by Michael Hunter Schwartz, pp. 83-122; *The Basis for Judicial Decisions* in Elements of Law, by Eva Hanks, Michael Herz and Steven Nemerson, pp. 34-64.

**For non-scientists, or those that did not take PHG 512**, please read the *Genetics Primer* by Wylie Burke posted on the web-site.

**For non-lawyers, or those interested in additional background on the law**, please read, *Strategies for Reading and Briefing Court Opinions* and *The Basis for Judicial Decisions* posted on the web-site.

January 6, 2009

**Prenatal Genetic Testing**

Reading Assignment: Chapter 7: pages 509-513, 517-540; Chapter 9: pages 969-979

January 11, 2009

**Newborn Genetic Screening**

Reading Assignment: Chapter 7: pages 604-636; Chapter 10: pages 979-996

January 13, 2009

**PHG Seminar**

January 18, 2009

**Martin Luther King Holiday**

January 20, 2009

**Genetics and Parenthood**

Reading Assignment: Chapter 7: pages 540- 603; Ruth Padawer, *Who Knew I Was Not the Father?*, *New York Times Magazine*, Nov. 22, 2009, at 38, available at <http://www.nytimes.com/2009/11/22/magazine/22Paternity-t.html>

January 25, 2009

**Carrier Testing, Diagnostic Testing Susceptibility Testing**

Reading Assignment: Chapter 7: pages 637-665; Chapter 9; pages 953-969

January 27, 2009

**PHG Seminar**

February 1, 2009

**Genetics and Privacy**

Reading Assignment: Chapter 2: pages 37-48, 59-64, 66-89

February 3, 2009 (Extended Session)

**Genetic Discrimination**

Genetics, Health Care Coverage and Insurance

Reading Assignment: Chapter 4: pages 149-193, 202-245;

Genetic Information and Nondiscrimination Act 2008, Preamble and Title I;  
Cari Tuna, Wellness Efforts Face Hurdle: Asking Workers About Family Health History  
Can Clash With U.S. Genetics Law, Feb. 1, 2010

Genetics and Employment Discrimination

Reading Assignment: Chapter 3: pages 91-97, 99-129, 134-147;  
Genetic Information and Nondiscrimination Act 2008, Title II

**February 8, 2009**

**Genetic Research: Products and Property**

Reading Assignment: Chapter 5: pages 263-348; Hogarth S, Javitt G, Melzer D., The  
current landscape for direct-to-consumer genetic testing: legal, ethical, and policy  
issues, Annu Rev Genomics Hum Genet. 2008;9:161-82

**February 10, 2009**

**PHG Seminar**

**February 15, 2009**

**Presidents Day Holiday**

**February 17, 2009**

**DNA, Patents and Intellectual Property – Guest Lecturer**

Reading Assignment: Chapter 6: pages 349-411, 452-469

**February 22, 2009**

**Biobanking and DNA Data banks**

Reading Assignment: Chapter 9: pages 831-853; Alex Spence, Times Law Panel  
welcomes ruling on DNA samples, The Times Online, Dec. 4, 2008, available at  
<http://business.timesonline.co.uk/tol/business/law/article5287593.ece>;

**February 24, 2009**

**PHG Seminar**

**March 1, 2009**

**Genetics and Criminal Law (Extended Session in Room 116, 5:30-6:30)**

Reading Assignment: Chapter 9: pages 767-805; Emiliano Feresin, Lighter  
sentence for murderer with 'bad genes': Italian court reduces jail term after tests  
identify genes linked to violent behaviour, NatureNews online, Oct. 30, 2009,  
available at <http://www.nature.com/news/2009/091030/full/news.2009.1050.html>

**Genetics and Exoneration: Guest Lecturer**

Reading Assignment: Chapter 9: pages 806-830

**March 3, 2009**

**Genetics and Food**

Reading Assignment: Chapter 8: 667-673, 689-715, skim 749-766

**March 8, 2009**

**Genetic Determination of Ancestry; Species Identification/Transgenic  
Animals, Chimeras, Endangered Species and Resuscitated Species**

Reading Assignment: Chapter 8: pages 716-733; Chapter 9: pages 879-896