

Bioethics and the Law (LAW 724; CCFM 1407)
Course Requirements & Tentative Assignments, Spring 2009

COURSE INFORMATION

Professor: Leslie Bender

Guest Professor: Dr. Kathy Faber-Langendoen

Texts:

1. Casebook: **Furrow, Greaney, Johnson, Jost & Schwartz, Bioethics: Health Care Law and Ethics** (6th ed., West Paperback, 2008).
2. Materials on our Bioethics & Law class Blackboard website (blackboard.syr.edu), [LAW.724.M001.SPRING09.BIOETHICS AND THE LAW](http://LAW.724.M001.SPRING09.BIOETHICS.AND.THE.LAW).

Class Times: Tuesdays, 4:30 – 7:30 p.m.

Classroom: Room 201, MacNaughton Hall, College of Law

Bender's Office: Room 220, E.I. White Bldg
College of Law, Syracuse University

Office Hours: By appointment.

To make an appointment, contact me directly by email. It is most helpful to me if your email has a subject line that includes your name, the course, and the specific subject. For example: Smith, B&L, appointment request for Thurs. or Fri. 1/17 or 1/18

Email: lbender@law.syr.edu

Administrative Support: Ms. Chris Ramsdell, ceramsde@law.syr.edu, Suite 244,
College of Law.

OVERVIEW and GOALS

Bioethics and Law is a 3-credit, interdisciplinary course devoted to thoughtful, vigorous class discussions of the assigned materials, which raise issues at the intersection of law, medicine, public policy, and ethics. We meet once a week for a 3 hour seminar. The course requires one 10 minute in-class case presentation (with appropriate updates and research into scholarship on the case) followed by 5 minutes of facilitating class discussion, one written paper (approximately 8-10 pages, plus bibliography), other miscellaneous writing/research assignments/exercises (one-to-two page reflections or exercises on issues raised in class materials), and class preparation and participation. **There is no final exam** and the course is not graded on the upper level grading curve.

The goals of this course include:

1. To introduce students to basic bioethical issues and theories.
2. To provide students an opportunity to examine and discuss medical, legal and general public policy perspectives on bioethical issues
3. To stimulate critical thinking on classic and new issues of bioethics and law.
4. To familiarize students with major cases, new cases, statutory responses, and scholarly thinking related to bioethical issues.
5. To enable students to speak knowledgeably and insightfully with others about bioethical issues.
6. To encourage thoughtful and broad-based participation by all class members.
7. To help students become comfortable with web-based available resources on bioethics and how to keep up with cutting edge issues
8. To give students an opportunity to reflect carefully on course materials/issues through short, but regular, reflective writings/research updates, one writing/research paper, and one class presentation of a case.

Bioethics and the Law (LAW 724; CCFM 1407)
Course Requirements & Tentative Assignments, Spring 2009

9. *[Ideally, to create a lifelong interest in these issues for as many students as possible]*

COURSE REQUIREMENTS

1. **Class preparation requirements.** Students are expected to read all the case materials and assigned readings before the beginning of the class for which they are assigned. This class will be taught based on an assumption that students have read and understood the materials. If you do not understand any of the assigned materials, please bring specific questions to class. Questions may also be raised on the Blackboard discussion forums prior or after class (preferred method), sent to me via email, or discussed in person (it is very easy to make an appointment to see me by sending me an email). Students should write out abstracts or briefs of all cases and take written notes on the articles in order to be properly prepared for class.

There also may be written exercises/worksheets/reflection pieces (see below) to help focus your thinking for class. These exercises are intended to complement your readings notes, not to serve as substitutes for your basic preparation. Students are responsible for all assigned materials (there is a lot of information on Blackboard that is not assigned, but has been made available to you, if you want to follow up further on a subject we're studying). In some assignments will you be given options about what portion of the materials to read. In those cases, you are only responsible for the materials within the option you've chosen. Class assignments are subject to constant revision. ***Students must keep apprised of all announcements and assignment changes posted on the Blackboard. You are required to check the Blackboard website and discussion groups regularly.***

2. **Attendance policy:** Students are expected to attend every class. Class starts promptly at 4:30 p.m., so please make sure you are in your seats and ready to begin at that time. Since class meets only once a week, ***students may not miss more than one and a half classes without it negatively affecting their grades.*** Attendance will be taken at the beginning of each class. If you come after the attendance sheet has made its round, you will only be credited with attendance for half the class. ***Students missing three full classes will be required to withdraw from the course and will not get credit.***

3. **Grading policy:** Students will be graded based on one written paper (40%), a case presentation with research (40%), and several written exercises combined with meaningful class participation (20%) (NB: your final grade can be affected by attendance, see above).

- a. **Paper (40 %).** Students must write one paper, due at the beginning of class on **April 14, 2009**. Late papers will not be accepted. This paper gives students an opportunity to think more deeply about one of the course topics than we are able to do in a single class. The paper is a **combination reflection and research paper**. We suggest that you explore one or two major issues, themes, a pending case, or hypothetical problem that ties together materials on your topic (topics should be related to one of the issues covered in class) and reflect/analyze the ethical, legal and medical problems they raise. In addition the paper will require some research to indicate that you have delved more deeply into the topic than we could in class.

1. **Topic approval:** The topic for your paper must be ***approved before Spring break*** (even if we have not yet covered the materials on that topic). It is your responsibility to discover possible topics of interest to you and get a single topic, its scope and proposed paper methodology approved in a timely fashion. [For your information, it often takes students several tries before a manageable and relevant topic is negotiated with the professor, so start this early.]

2. **Reflection/critique/analysis.** Your paper should describe, analyze and apply the ideas in the assigned readings/materials on the topic you select. I am interested in your

Bioethics and the Law (LAW 724; CCFM 1407)
Course Requirements & Tentative Assignments, Spring 2009

understandings, reflections and critiques of the assigned materials and your ability to recognize legitimate points of ethical, legal and/or medical debate within them. I would like to see that you have developed a clear working knowledge of the topic and that you have thought about it critically and deeply.

3. **Research.** While extensive background research on your topic is not required, you should research and review new interdisciplinary materials that have been published in the last year (2007+)(e.g., journal articles in law, medicine, natural and social sciences, and humanities; news items in newspapers, magazines or online; recent books or useful websites; recent legal or medical cases not yet in our book or class materials, etc.) Your paper must include a bibliography of the new relevant materials in a proper citation form. You do not need to read them all, but you should have skimmed any resource you cite. You may want to asterisk or star the items in the bibliography that you found most useful or that you actually read. [*From current materials, you can usually get a picture of the respected earlier scholarship on the subject. You are not required to read these earlier works for your paper. They are mentioned here because if you develop an interest, this paper may become the preliminary thinking for a more substantial paper that you write as an independent study or for publication at a future time. For the later paper, you would need to read those earlier works, but you will have the advantage of having the relevant sources already available through footnotes and bibliographies in the materials you collected for this research*].
 4. Your paper must be 8-10 pages, typed in a 11 or 12-point font and double-spaced with one-inch margins on 8-1/2 x 11" paper. Pages should have a running header including your name, B&L09, and your general topic in the header (e.g. Smith, B&L09, death and dying paper) and a running footer with the page numbers and date (e.g., 4/12/09, Page X of Y) (where X is the specific page and Y is the total number of pages). The bibliography of sources should follow and be attached to the paper (but the pages should be numbered separately) and may be single spaced with an extra line between each reference, to conserve paper.
 5. **Turning in your papers (hard and electronic copies) and Plagiarism Software.** You are required to bring a hard copy of your paper to class on the due date and to submit an electronic copy to Ms. Ramsdell, ceramsde@law.syr.edu, before you come to class that day. Your electronic copy will be checked against plagiarism software.
- b. Oral case presentation (40 %).** Each student (possibly working in pairs if two cases are assigned for the same class) will give a brief (10 minute) oral presentation of an assigned case/opinion or assigned statutory scheme during the semester. Students should present, as appropriate, the facts of the case, the court's findings and rationale, concurrences or dissents, information about the precedent or relevant statutes that controlled the decision, and then explain the continuing relevance/importance in bioethics of the assigned materials. The students should also identify and discuss at least one other relevant scholarly paper/article dealing with the bioethical issues raised in the assigned case or statute. After a student's presentation, that student will facilitate a 5-minute follow-up class discussion to answer student questions or to engage in discussion of a relevant question that the materials raised. A one-page, single-sided handout summarizing this information should be brought to class and distributed to classmates and professor at the presentation. [PowerPoint slide presentations should not be used, although images, if relevant, may be shown]. You will have an opportunity to sign up for a date for your presentation during the second class, so think about when that might work best for your schedule.
- c. Exercises, participation, preparation, and attendance grade (20 %).** Your grade will also be based on your exercises/worksheets/reflections, your attendance, your level of class preparation, and your thoughtful and engaged participation in class (and on our online discussions).

Bioethics and the Law (LAW 724; CCFM 1407)
Course Requirements & Tentative Assignments, Spring 2009

1. **Participation and preparation.** This part of your grade is **NOT** based on quantity of participation. It is based on quality, thoughtfulness, and preparedness. We hope you will each be engaged in the materials and feel motivated to contribute to the discussions each week, based on your readings and knowledge. Students who are obviously unprepared during class discussions or who do not complete their written exercises seriously jeopardize this 20% of their grade. The attendance part of your grade was discussed above. This 20% of your grade also includes the series of exercises/assignments throughout the term, including small research tasks to be turned in.
 2. **Exercise/Writings.** There will be an undetermined (although probably around 5) number of short writings or research exercises due during the semester. These writings will be no more than 2 pages or completing a worksheet. I will evaluate them based on their thoughtfulness and the seriousness with which you approached them. Each exercise will receive one of four marks (check plus, check, check minus, and 0 if you did not turn in the exercise).
 3. **Timing--Exercises must be emailed to me (and may be posted on the BB discussion board forum for comment) by 11:00 a.m. of the day of class**, so prepare accordingly. This pre-class thinking and writing by students guarantees an increased quality of class discussions. When exercises are turned in by 10:00 a.m., I have an opportunity to skim through your thinking, understandings, and concerns in time to adapt our class accordingly.
 4. **Late exercises -- Late exercises (between 11:15 and class) will be accepted, but their lateness will affect the grade. Late exercises (submitted during or after the class for which it was assigned) will NOT be accepted and will receive a 0.** This is non-negotiable, because they are designed to help you think through issues and identify your concerns about those issues prior to class discussion or to have you find information to share with your classmates during class. The exercise is not useful to the rest of us if you prepare it after class.
4. Tape-recording of class without prior permission is not permitted.
 5. **Special needs.** If you have a disability or circumstances that may affect your performance in this course, please meet immediately with Dean Tomàs Gonzalez in Student Life on the 4th floor of the law school (during the first week of class). Dean Gonzalez will help us make the appropriate accommodations. If you have other problems or issues dealing with your life as a student while at the law school, the Office of Student Life is here to assist you. I encourage you to utilize its services.
 6. **Cell phones, pagers, PDAs, computers, etc.** The sound must be turned off on all cell phones, pagers, PDAs, computers, instant messaging, texting, email, and other communication devices during class. You are not permitted to use any of these devices or to be connected to the web during class. During class, laptops may **only** be used for work related to this course. If there is some pending emergency for which you need to be available by phone, page or IM, please notify me at the beginning of class, put your device on vibrate/silent, and then you may quietly leave the room to answer the phone/page/message.
 7. **Plagiarism**, or presenting another's work as your own without specific citation or use of quotation marks for direct quotes (whether excerpts from cases, law review articles, other journals, books, internet sources, papers prepared by others, etc.) is a violation of the academic honor code and will result in failing this course and being referred to the judicial board. If you have any question about what constitutes plagiarism or inappropriate copying of materials, please refer to the Code of

Bioethics and the Law (LAW 724; CCFM 1407)
Course Requirements & Tentative Assignments, Spring 2009

Student Conduct at the College of Law and ask your professor before you finish your paper, rather than risk a violation afterwards.

Bioethics and the Law (LAW 724; CCFM 1407)
Course Requirements & Tentative Assignments, Spring 2009

TENTATIVE ASSIGNMENTS

Week 1. Jan. 13. Introduction and "Hot Topics"

Welcome to Bioethics and the Law. We are an interdisciplinary group with law students, medical students, and perhaps some other graduate students.

In our first class, I will introduce you to the course and course requirements, our Blackboard website, some bioethical resources/theories/approaches, and we will meet each other. In addition, we will discuss some recent "hot" issues in bioethics and law based on your completed Exercise #1.

Our text is Furrow, Greaney, Johnson, Jost & Schwartz, *Bioethics: Health Care Law and Ethics* (Thomson West, American Casebook Series, 6th ed., 2008). Your books are available from the SU bookstore in the Dome this week (or call the SU bookstore and ask them if you can pick them up there). If you don't have your book yet, that will not stop you from doing your assignment before class on Jan. 13. Your first assignment is all on our Blackboard Course. Your syllabus and course requirements are not yet completed, but I will email them to all students registered for the bioethics course soon. Medical students will be given an SU email address in order to access the Blackboard website and get the email announcements about the class.

1. First of all, please complete an electronic copy of the Background Questionnaire and email it to me at lbender@law.syr.edu by Tuesday, Jan. 13 at 10:00 a.m. (also bring a hard copy to class). The Questionnaire is available on this assignment webpage.

2. Do Exercise #1: In order to do Exercise #1, go to our class Blackboard website at <http://blackboard.syr.edu> and select class labeled: Law.724.M001.Spring09.Bioethics and the Law. [If you have trouble accessing the website, contact Ms. Chris Harrison at charri04@law.syr.edu]. On the left will you see a column of buttons. Click on the Assignments button. On the Assignments page, Click on Week 1 to open the assignment for our class for Jan. 13. Exercise #1 requires you to select a topic on this webpage. You will have to page down several times to see all the available topics. Please scan down this page at the available topics. Select one that is most interesting to you right now. Please read the materials listed (recent news and hot topics items) under the topic you selected (which can be any **one** of the topics/categories on this assignment page that interests you). Most topics contain a few news articles about current news on that topic -- the article titles are listed -- and a link to a "recent news and hot topics" folder. You do not have to read all the items at the linked folders -- only those articles listed under the topic on this page.. There are many topics to choose from. These materials will give you an idea about some of the topics we will cover throughout the term. You only need to choose one for the exercise, but you should feel free to read other things that interest you. A few of the topics ask you to do a little research to find a more recent article on the subject or to find out what happened later in a particular situation.

Exercise #1, a **two page written assignment**, is due for the first class. On the first page, write up a one page summary of the news and what kinds of bioethical/social policy/medical and/or legal issues that you see raised by the news issues. On the second page, write a paragraph or two sharing your initial thoughts on the materials/issues you read. Please label your two sheets as follows and staple them together:

Bioethics and the Law (LAW 724; CCFM 1407)
Course Requirements & Tentative Assignments, Spring 2009

Your Name, date, B&L09, Exercise #1 [Your Current News Topic]

Your Name, date, B&L09, Exercise #1 Reflections on Current News on [Your Topic]

Please send me your Exercise #1 by email to lbender@law.syr.edu, with a subject line, B&L09, Ex1, YourName. Send the assignment as soon as you have completed it.

3. Students will be asked to report to class on their summaries of what they read. Bring a hardcopy of your exercise to class to refresh your memory and help you report to the class. You will have to turn in your hard copies at the end of class.

4. This assignment page also includes materials for law students on medical terminology and for nonlaw students on legal terminology and case reading techniques. The materials for nonlaw students tell how to "brief" a case and explain legal process. These materials should help answer questions that may arise when you are reading cases for the first time. If the nonlaw students would like it, I will arrange an hour meeting for all of us where I will go over these materials with you. If, after you have looked over the provided materials, you are interested in that special meeting, please email me to request this option.

I'm looking forward to working with you this semester. See you on Tuesday at 4:30 in Room 201 at the College of Law.

Remainder of assignments will be available on our Blackboard website.