I. Introduction

Welcome to Genetics & the Law! This semester, we will discuss a number of areas in which genetic technology intersects with the law. Specifically, the course will cover how genetic science relates to:

(1) Patent Law
(2) Public Health Law
(3) Criminal Law
(4) Family Law
(5) Privacy Law
(6) Antidiscrimination Law

I’m very excited to be your professor this term. As I want the class to be as engaging and as useful as possible, I encourage questions and welcome feedback. Please feel free to contact me with questions regarding the readings, your assignments, or just the course in general. I look forward to spending the semester with you!

II. Logistics

Required Text

Class Hours
We will meet Tuesdays and Thursdays, from 10:30 AM-11:50 AM, in Room BLB 3.

Office Hours
I will hold office hours in my office on Mondays from 10:00 AM-11:30 AM and by appointment. You may also email me your questions.

1 All additional reading assignments will be posted on Blackboard.
Course Policies

Accommodation:

If you have a disability and require an accommodation, I encourage you to contact the Center for Students with Disabilities and to forward the Center all required documentation if you’ve not done so already. I encourage you to speak to me as well. All students should let me know what I can do to maximize your learning potential, participation, and general access during this course. I want to make the course material accessible, and I want you to succeed as a student. If any aspects of the course or the assignments pose accessibility problems, we can discuss alternatives.

Attendance:

You are expected to attend all class sessions. Please see “Attendance and Preparedness” under the “Course Requirements” section. I will circulate a sign-in sheet every class. It is your responsibility to sign in. Falsifying attendance violates the Law Center’s Honor Code and is, therefore, grounds for disciplinary action.

Seating Assignments:

After the first week of class, I will create a seating chart. You must sit in your assigned seat the remainder of the semester.

Course Website:

Please check Blackboard regularly for any updates related to our class. You can log on through the UH website (http://www.uh.edu/blackboard/).

III. Course Requirements

This course has four key requirements: (1) preparing for and attending class sessions; (2) participating in at least four discussion panels; (3) three brief response papers (graded for completion); and (4) a take-home exam. Failing to complete any of these four requirements will make you ineligible for an A in the course and could otherwise result in a further reduction in your grade.

(1) Attendance and Preparedness. You are expected to arrive on time and prepared for all of our class sessions. Pursuant to the Law Center’s policy, you must attend at least 80% of all class meetings; however, you should strive to attend 100%. In other words, you can miss no more than five classes. Missing more than five classes will result in your being dropped from the course.

(2) Class Participation. To facilitate our class discussion, we will use discussion panels in lieu of an on-call system. You must sign up for at least four discussion panels.

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2 By allowing you to choose when you are on-call, you can select topics that are of particular interest to you, as well as the timing that best suits your needs. For example, those of you who do not like speaking in class might choose to schedule your discussion panels for earlier in the semester to get them out of the way. Please choose your panels carefully because once the panels are set, they cannot be changed.
You will sign up for your panels using an on-line tool called “Sign Up Genius.” Before the first week of class, you should receive an email invitation to sign up. The web address is: http://www.signupgenius.com/go/10c0945a4a82ea5f58-discussion1. Please let me know if you don’t have access. If you do not sign up for the required number of panels by Friday, September 5, I will randomly assign you to under-enrolled panels. On the days of your panels, you should have prepared extensively for class and should expect to be called on. I will email the class a list of the panel members and a series of four to six discussion questions the day before our class meeting. Members of the discussion panel will be my “go-to” people for that day; however, I reserve the right to call on any member of the class. Students with outstanding participation will be eligible for an upward adjustment of a partial letter grade (e.g., from a B to a B+, or from a B+ to an A-).

(3) **Brief Responses.** You will write three brief responses of one to two pages, due at roughly five-week intervals throughout the semester. (Please consult the syllabus for specific dates.) Each response should relate to one of the topics discussed in the preceding five weeks of class. While you should indicate when you reference the ideas of others by including author names and source titles, you do not need to footnote or bluebook these papers. Please bring a hard copy of your response with you to class the day it is due. Failure to turn in one of the three brief responses will result in a reduction of a partial letter grade (e.g., from a B to a B-, or from an A- to a B+). I will not accept late work, so if you have to miss class, please make other arrangements for turning in your response to ensure you receive credit. The brief responses should build off the reading and/or class discussion. A good response will raise a new insight or point out a complication in the law that warrants further inquiry. As with class participation, students who write outstanding brief responses will be eligible for an upward adjustment of a partial letter grade (e.g., from a B to a B+, or from a B+ to an A-).

(4) **Take-Home Exam.** Finally, you will complete a take-home exam, distributed on our last day of class and due to the Law Library by 5:00 PM on Friday, December 5. The exam will consist of a brief section of multiple choice and/or true-false-explain questions (or a combination of the two) and three brief essays. (Given the diversity of the subject matter we cover, I will give you five prompts from which to choose.) Please use your exam number and not your name. During the exam you may consult three things: (1) your casebook, (2) any additional course reading, and (3) your outline and notes. Please do not do outside research. Collaboration is strictly forbidden and will result in disciplinary action. More details regarding the exam format and content will be discussed as the exam date approaches.

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3 The brief responses are graded for completion, not for substance. However, if you turn in a brief response on time that fails to qualify for the completion credit, I will give you the opportunity to revise it.
IV. Course Reading

These reading assignments are subject to change based on the pace of our discussion. I will announce any changes in class, over email, and on Blackboard.

I. Historical & Scientific Background of Genetics

Week One—Introduction to Course Concepts

August 26
Syllabus
Introduction, CB pp. 1-14
Dialogue Between Parent and Daughter, Excerpt from BRUCE ACKERMAN, SOCIAL JUSTICE IN THE LIBERAL STATE (1980)
Sandra Soo-Jinn Lee, American DNA: The Politics of Potentiality in a Genomic Age, 54 CURRENT ANTHROPOLOGY S77 (Supp. 2013)
Unlocking the Code (in class)

August 28
Scientific Background, CB pp. 15-40
Guest Lecture: Amy McGuire, Professor of Biomedical Ethics and Director of the Center for Medical Ethics and Health Policy at Baylor College of Medicine

II. Genetics & Patent Law

Week Two—Should Genetic Information be Patentable?

September 2
Introduction to Gene Patents, CB pp. 194-205
Concerns, CB pp. 250-60

September 4
Ass’n for Molecular Pathology v. Myriad Genetics, 569 U.S. ___ (2013) (excerpt)
Ass’n for Molecular Pathology v. PTO, 689 F.3d 1303 (Fed. Cir. 2012) (excerpt)
Letter from Sen. Patrick Leahy to Dr. Francis Collins, July 12, 2013
Courtenay C. Brinckerhoff, A Look at the Myriad Gene Patent Claims and the USPTO Memo to Examiners on Myriad, PHARMAPATENTS, June 17, 2013 (optional)
Guest Lecture: Christopher Quan, Patent Attorney and IP Counsel for Biotechnology and Medical Device Companies
Week Three—Effect of Gene Patents

September 9
Effect on Patients, CB pp. 283-99

September 11
Effect on Research, CB pp. 243-50

III. Genetics & Public Health Law

Week Four—Public Health Genetics Past and Present

September 16
Public Health Genetics, CB pp. 565-69

September 18
History of Eugenics, CB pp. 47-67, 74-80
Matthew Burns, *Hundreds of Eugenics Victims Lose Initial Compensation Bid*, WRAL.COM, Aug. 8, 2014
David Carlson et al., *Devaluing People with Disabilities*, NAT’L DISABILITY RTS NETWORK REPORT 42 (2012)
*War on the Weak* (in class)

September 19 (Friday Make-Up)
Newborn Screening, CB pp. 381-408
Newborn Screening Saves Lives Act

**FIRST BRIEF RESPONSE DUE FRIDAY, SEPTEMBER 19, IN CLASS**

IV. Genetics & Criminal Law

Week Five—Introduction to Forensic Genetics & DNA Profile Warrants

September 23
Introduction to DNA Forensic Science, CB pp. 677-92
Arun Rath, *Is the CSI Effect Influencing Courtrooms?*, NPR, Feb. 5, 2011 (in class)
September 25
DNA Profile Warrants, CB pp. 692-96
John Doe Arrest Warrant
John Doe Complaint
Amended Complaint
TEX. CODE CRIM. PRO. Art. 12.01(1)(C)

Week Six—Collecting, Testing, and Storing DNA Evidence

September 30
DNA Dragnets, CB p. 696
DNA Bank Policy Issues, CB pp. 731-40

October 2
Guest Lecture: Roger Kahn, Forensic Genetics Laboratory Director, Harris County Institute of Forensic Sciences

Week Seven—Exculpatory DNA Evidence

October 7
NO CLASS

October 9
Post-Conviction DNA Testing, CB pp. 706-16
*Judge Says Texas Man Should Be Exonerated in Rape*, SALON, July 25, 2014
*60 Minutes: Freed from Wrongful Conviction* (in class)

V. Genetics & Family Law

Week Eight—Ethical and Legal Issues in Paternity

October 14
Unanticipated Misattributed Paternity, CB pp. 438-44
C.P. Schaaf et al., *Identification of Incestuous Parental Relationships by SNP-Based DNA Microarrays*, 377 THE LANCET 555 (2011)
Guest Lecture: Daryl Scott, Assistant Professor of Molecular and Human Genetics at Baylor College of Medicine
October 16
Determining Paternity, CB pp. 600-18
TEX. FAM. CODE § 161.005

Week Nine—Adoption and Sperm Donation

October 21
Adoption, CB pp. 651-69; 674-75 ns. 1-3

October 23
Reproductive Technology, CB pp. 349-62
Sperm Donor Profile
Pacific Reproductive Services Catalog
California Cryobank Catalog
Jacqueline Mroz, One Sperm Donor, 150 Offspring, N.Y. TIMES, Sept. 5, 2011
Sperm Donor: 74 Kids & More (in class)

Week Ten—Assisted Reproduction and Genetic Citizenship

October 28
Paternity & Assisted Reproduction, CB pp. 624-48

October 30
Immigration, CB pp. 848-51
Rod McGuirk, Australia Considers Intervening in Case of Down Syndrome Baby Abandoned to Thai Surrogate Mom, U.S. NEWS, Aug. 4, 2014

**SECOND BRIEF RESPONSE DUE THURSDAY, OCTOBER 30, IN CLASS**

VI. Privacy Law

Week Eleven—Protecting Privacy & Authorizing Disclosure

November 4
Genetic Privacy & Confidentiality, CB pp. 786-809
Privacy Survey Data (1998)
Public Opinion (2007)

November 6
Genetic Stalking, CB pp. 827-31
Martin Smith, Honey Trap Plot to Hire Beauty to Snatch a Lock of Hair from Harry, MAIL ON SUNDAY, Dec. 15, 2002, at 3
(reading continued on next page)
Sonia M. Suter, *From Sweaty Towels to Genetic Stats: Stalking Athletes for Their Genetic Information*, 6 Recent Patents on DNA & Gene Sequencing 189 (2012)


VII. Genetic-Information Discrimination & Review of Course Concepts

**Week Twelve—Introduction to Genetic Discrimination & Discrimination in Insurance**

**November 11**

Genetic Difference, CB pp. 825-27


**November 13**

Discrimination Handouts

Insurance, CB pp. 832-53

**Week Thirteen—Discrimination in Employment & Course Review**

**November 18**

Employment, CB pp. 895-909


**November 20**

Exam Review

Sample Exam

**Third Brief Response Due Thursday November 20, in Class**

**Week Fourteen—*Gattaca* as a Review of Course Themes & Take-Home Exam Distribution**

**November 25**

*Gattaca* (1997) (in class)

Take-Home Exam Distributed

**November 27**

NO CLASS (Thanksgiving Holiday)

**Take-Home Exam Due to Library Friday, December 5, at 5:00 PM**