COURSE SYLLABUS AND GENERAL READING LIST

GENETICS AND LAW
(LAW 5397-Spring, 2008)
UNIVERSITY OF HOUSTON LAW CENTER

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Office Hours:
Tuesday 11 a.m. -12
Thursday 5 – 6 pm.
(or by appointment)

Class time:
Tuesday, Thursday
9:00 a.m. – 10:30 a.m.

Course Materials:

Required readings:
2) Supplemental Readings—to be announced

Course Requirements:

Attendance: You are expected to attend at least 80% of the overall classes consistent with the Law Center’s 80% attendance rule.

For all classes, please try to arrive on time. If circumstances force you to arrive late or if you anticipate a need to depart early, you are welcome to join the class but should minimize disturbance to other class members by quietly taking a seat near the door or back of class.

Otherwise, please sit in your assigned seat (seating chart will be distributed and filled out in one of the beginning classes).

I reserve the right to adjust a student's final course grade downward for poor attendance (including missing or being unprepared for class) or habitual lateness.

Class Preparation and Participation: Preparation and participation are expected, and make the class more enjoyable for everyone. At my discretion, the final course grade may be adjusted (upward or downward) by one notch (e.g., from B to B+, or from B- to C+) for preparation and participation.
**Final Examination:** Other than any adjustments for class preparation and participation (see above), the course grade will be based on a written final examination. The examination will be “open-book” and will be based on the assigned readings and materials discussed in class. The exam will consist of essays and possibly a few short-answer questions and multiple choice. More details on the examination format will be discussed in class as the examination date approaches.

**Grading:** This class is subject to the official Law Center grading curve.

**Specific Reading Assignments/ Handouts**

A roadmap of topics we plan to cover follows on p. 3. I will try to announce or post a more detailed list of reading assignments, on average, 1-2 weeks in advance for students who want to plan accordingly. Please note that an advance posting or announcement will not always completely track what we are able to cover in class on a specific day, as inevitable delays can occur in the course progression. Therefore, you must come to class and pay attention to find out where we are in the readings and to keep abreast of any adjustments to the earlier assigned readings as necessary. If you are unable to attend class for any reason, you are responsible for finding out where the class is in the readings. Also, supplemental materials may be distributed or announced in class. If you are unable to attend class for any reason, you are responsible for determining what specific assignments were announced and/or handouts distributed.

**Cell Phones, Pagers, Computers**

I understand why carrying these devices in class may be necessary. Please, however, *turn all pagers and cell phones (and anything else that makes noise) to vibrate/silent mode only.* Similarly, computers in class should be used for taking notes or viewing documents directly relevant to what is then going on in the classroom, not for otherwise distracting you or your classmates. Sanctions for violation of these rules are at my complete discretion.

**Feedback for Me:**

I welcome any comments or suggestions that you may have regarding teaching style, topic coverage, class presentation, or any other subject. Please feel free to provide me with any comments during the semester that you think will improve the overall course.
GENERAL READING LIST
(Specific Timing of Readings Will be Announced Periodically)

“AMR” = Andrews, Mehlman, Rothstein Casebook

I. INTRODUCTION TO GENETICS AND LAW
(Class 1, Jan 15)

II. BASIC OVERVIEW OF SCIENTIFIC CONCEPTS & TYPES OF TESTS

It is not the goal of this course to be a science course. However, certain basic scientific concepts are indispensable to understand the legal, ethical, and policy issues we will be discussing. Many of the tough policy issues in genetics arise because of uncertainties in genetic information (and the inferences that can be drawn from genetic testing). Our aim is to move quickly through a basic scientific overview in two-three sessions. These sessions will use primarily a lecture format so that we can push through this material and get on to the many interesting policy issues in genetics and law.

1. Basic Scientific Overview
Read AMR, Chapter 2, p. 16 – 43 (read prior to class Jan 17)

2. Overview of Uses of Genetic Tests
Read AMR p. 296–300 (Section I. Genetic Testing Technology); Read AMR p. 311-315, 342-343 (Read Section III. Prenatal Screening, through to the start of Sec. C. Read Section IV. Reproductive Technology & Genetics, Sec. A); Read AMR p. 371-384 (Ch. 7, Sec I, Newborn Screening); Read AMR p. 412-421 (Ch. 8, Sec. 1)

Note: There are many excellent glossaries and summaries of genetics available on the web, and you may wish to search for one that best suits your needs. See, e.g., Graphic Tour of the Basics http://gslc.genetics.utah.edu/units/basics/tour/ At the bottom of this webpage, there is a link that takes you to the older version of this Tour of the Basics, which has a good section “What is mitosis/meiosis?” which is not in the more recent version.
III. BENEFITS & BURDENS OF TESTING

3. Genetic Exceptionalism. Read AMR p. 749-761 (Starting with Rothstein excerpt, ending at start of Whalen); Read 776-782.

4. Regulation of Genetic Testing Products and Services. Read AMR p. 300 – 311 (Ch. 6, Sec. II Regulation of Genetic Testing Products & Services)

- Read, p. 6-8, “Characteristics of Genetic Tests and Implications for Oversight”
- Read, p. 15-20, “Issue 1—What criteria should be used to assess benefits and risks of genetic tests?

In class: Hand-out—FDA vs. CLIA regulation of genetic tests.

See, also, Writing Genetic Testing Guidelines Complex Endeavor, Oncology News International, Vol. 6, No. 6 (June, 1997) http://www.cancernetwork.com/journals/oncnews/n9706u.htm

5. Insurance discrimination. Read AMR 815-820 (Chabner) and AMR 800-803 (Katsee). Read AMR p. 783- 788 (stop at start of Sec. B). Read AMR 789 -792 (Mark Hall excerpt); AMR 793-799; AMR 806-812 (Pokorski, Zick excerpts).

6. Employment Discrimination. Read AMR 834-863 (to start of Sec. II); 885-890.


See: National Human Genome Research Institute, Statement on Cases of Genetic Discrimination http://www.genome.gov/12513976

7. Over-the-counter genetic testing. Read AMR 462-476 (Home genetic testing). Optional Class Reports: The Pro and Con of Restricting OTC Sale

IV. GENETICS AND IDENTITY: Individual and Family Identity


V. GENETICS AND IDENTITY: Cultural, Historical, and Group Identity

10. Read AMR p. 139-156, 438 – 441 (King excerpt)

11. Optional Class Reports

Nature Genetics, Special Supplemental Issue, November 2004, Vol. 36, No. 11s
http://www.nature.com/ng/journal/v36/n11s/index.html:

A. Read: Royal & Dunston, pp. s5-s7 (Changing the paradigm)
B. Read: Keita et al. pp. s17-s20 (Conceptualizing Human Variation)
C. Read: Jorde & Wooding pp. s28 – s33 (Genetic variation, classification…)


E. BBC News: Kennewick Man controversy. Scan these to get the flow of the controversy over the years:

VI. GENETICS & IDENTITY: Personal Identity and Forensic Use of DNA

12. Read AMR p. 662-711 (Ch. 11)

13. Optional Class Reports

A. FBI CODIS webpage http://www.fbi.gov/hq/lab/codis/index1.htm
The science behind DNA profiling:
http://www.ipn.uni-kiel.de/eibe/UNIT02EN.PDF

B. Nature Genetics, Special Supplemental Issue, November 2004, Vol. 36, No. 11s http://www.nature.com/ng/journal/v36/n11s/index.html
Read: Cho & Sankar, pp. s8-s12 (Forensic Genetics)

C. Kaye, Smith, and Imwinkelried, Is a DNA Identification Database in Your Future, Criminal Justice (Fall, 2001), at:
http://homepages.law.asu.edu/~kayed/pubs/genlaw/01-CJ.htm

The following three items are in the Harvard Criminal Justice Symposium Papers,
available at: http://www.ksg.harvard.edu/dnabook/

D. David Lazer Introduction: DNA and the Criminal Justice System

E. Amitai Etzioni Individual Rights and the Common Good

F. Troy Duster The Inexorable Expansion of the DNA Forensic Database and the Looming Specter of an Early 21st Century Phrenology

VII. CLONING AND STEM CELL RESEARCH

14. Read: AMR p. 355-360 (Section V. Human Cloning); AMR p. 161-180 (Section VII. Embryonic Stem Cell Research).


VIII. TISSUE BANKING AND RESEARCH WITH TISSUE SPECIMENS


17. Class Hand-out

IX. COMMERCIALIZATION OF GENETIC TECHNOLOGY


19. Read: AMR p. 249-290

X. REGULATORY RESTRUCTURING FOR NOVEL TECHNOLOGIES


21. Pharmacogenomics. Read: AMR p. 526-559 and Class Hand-out


23. Behavioral Genetics. Reading to be arranged.