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. Property/Intellectual Property Law
2. Public Health Law
3. Privacy Law
4. Criminal Law
5. Family 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 10:30-11:50 AM, in 3 BLB.

Office Hours
I will hold office hours in my office on Thursday from 12:00 PM to 1:00 PM and by appointment. You may also email me your questions.

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

Accommodation and Psychological Services:
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.

Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the “Let’s Talk” program, a drop-in consultation service at convenient locations and hours around campus. http://www.uh.edu/caps/outreach/lets_talk.html.

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:
All non-casebook reading appears on Blackboard. I will also post supplemental materials and reviews. You can log on through the Access UH website (https://accessuh.uh.edu/login.php).

Learning Outcomes:
Over the course of the semester, students will: (1) familiarize themselves with the various areas of substantive law that intersect with genetic science; (2) engage in legal analysis and reasoning across those areas; (3) think critically about how new advances in genetic science will affect the law and identify the potential challenges those advances may create; (4) engage in creative problem-solving regarding how the law should best respond to those challenges.

III. Assessment Methods

This course has four key requirements: (1) preparing for and attending class sessions; (2) participating in at least three discussion panels; (3) three brief response papers (graded for completion); and (4) a take-home exam. Although your grade is based primarily on the 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 three discussion panels. You will sign up for your panels using an on-line tool called “Sign Up Genius.” Before our first class, you should receive an email invitation to sign up. The web address is: https://www.signupgenius.com/go/10c0945a4a82ea5f58-discussion5. Please let me know if you don’t have access. If you do not sign up for the required number of panels by **Friday, January 25**, 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 four-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 four 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. 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.

(4) **Take-Home Exam.** Finally, you will complete a take-home exam using Electronic Bluebook. The exam will consist of true-false-explain questions and two brief essays. (Given the diversity of the subject matter we cover, I will give you five essay prompts from which to choose.) During the exam you may consult three things: (1) your

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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, or if you know you will need to travel you can ensure you will not be called on those days. Please choose your panels carefully because once the panels are set, they cannot be changed.

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.
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.
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 & Genomics

Week One—Introduction to Course Concepts

January 15
Syllabus
Introduction, CB pp. 1-17
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)

January 17
Scientific and Historical Background, CB pp. 21-43
Guest Lecture: Stacey Pereira, Assistant Professor of Biomedical Ethics at Baylor College of Medicine

II. Genetics & Property Law

Week Two—Patenting Genetic Data

January 22
Introduction to the Law of Gene Patents, CB pp. 129-49

January 24
Duke v. Madey
Rebecca S. Eisenberg, Patents and the Progress of Science: Exclusive Rights and Experimental Use, 56 UNIV. CHI. L. REV. 1017, 1017-21, 1066-86 (1989)

Week Three—Owning Genetic Data

January 29
Individual Ownership Rights, CB pp. 158-78

January 31
Kristen V. Brown, How a Legal Brawl Between Two Rich Guys Could Change How We Think about DNA, GIZMODO, June 13, 2018
Peerenboom v. Perlmutter
Sonia M. Suter, Disentangling Privacy from Property: Toward a Deeper Understanding of Genetic Privacy, 72 GEO. WASH. L. REV. 737, 798-811 (2003)
III. Genetics & Public Health Law

Week Four—Public Health Genetics

February 5
Public Health Genetics, CB pp. 445-50
ALISON STEWART ET AL., GENETICS, HEALTH CARE, AND PUBLIC POLICY: AN INTRODUCTION TO PUBLIC HEALTH GENETICS 1-9 (2007)

February 7
Newborn Screening, CB pp. 451-79

**FIRST BRIEF RESPONSE DUE THURSDAY FEBRUARY 7, IN CLASS**

IV. Genetics & Privacy Law

Week Five—Genetic Privacy

February 12
Genetic Privacy & Confidentiality, CB pp. 671-79, 689-92
Cole v. Gene by Gene, Ltd.

February 14
Genetic Stalking, CB pp. 700-702, 704-708
Martin Smith, Honey Trap Plot to Hire Beauty to Snatch a Lock of Hair from Harry, MAIL ON SUNDAY, Dec. 15, 2002, at 3
Sonia M. Suter, From Sweaty Towels to Genetic Stats: Stalking Athletes for Their Genetic Information, 6 RECENT PATENTS ON DNA & GENE SEQUENCING 189 (2012)

V. Genetics & Criminal Law

Week Six—Introduction to DNA Forensics

February 19
Admissibility & Reliability of DNA Evidence, CB pp. 553-72
February 21
Constitutionality of DNA Databanks, CB pp. 591-607

Week Seven—Familial Databases

February 26
Standard Operating Procedures on Partial Matches and Familial Searches

February 28
Carpenter v. United States (syllabus)
Natalie Ram, *Rebuilding Privacy Practices*, pp. 39-54
*Guest Lecture: Natalie Ram (via Zoom), Assistant Professor of Law, University of Baltimore School of Law*

Week Eight—Innovations & Exoneration

March 5
*Guest Lecture: Roger Kahn, Crime Laboratory Director, Harris County Institute of Forensic Sciences*

March 7
Post-Conviction DNA Testing, CB pp. 581-91
*60 Minutes: Evidence of Innocence* (in class)

**SECOND BRIEF RESPONSE DUE THURSDAY MARCH 7, IN CLASS**

Week Nine—Spring Break

March 12
NO CLASS

March 14
NO CLASS

VI. Genetics & Family Law

Week Ten—Genetic Parenthood

March 19
Determining Paternity, CB pp. 515-33
TEX. FAM. CODE § 161.005
March 21
Unanticipated Misattributed Paternity, CB pp. 347-48, n. 3

March 22 (Friday Make-Up)
C.P. Schaaf et al., Identification of Incestuous Parental Relationships by SNP-Based DNA Microarrays, 377 The Lancet 555 (2011)
Guest Lecture: Daryl Scott, Associate Professor of Molecular and Human Genetics at Baylor College of Medicine

Week Eleven—Reproductive Technologies
March 26
Screening Donors, CB pp. 248-60
Sperm Donor Profile
Pacific Reproductive Services Catalog
California Cryobank Catalog
Sperm Donor: 74 Kids & More (in class)

March 28
Parenthood in Assisted Reproduction, CB pp. 260-72
In Re Marriage of Buzzanca
K.M. v. E.G.

VII. Genetics & Antidiscrimination Law

Week Twelve—Introduction to Genetic Discrimination
April 2
Eugenics, CB pp. 43-70
Matthew Burns, Hundreds of Eugenics Victims Lose Initial Compensation Bid, WRAL.com, Aug. 8, 2014
War on the Weak (in class)

April 4
Genetic Difference, CB pp. 702-704
Introduction to Genetic Discrimination, CB pp. 764-68
Week Thirteen—Genetic Information Nondiscrimination Act

April 9

Insurance, CB pp. 720-24
Employment, CB pp. 777-92

April 11

NO CLASS

Week Fourteen—Genetic Information Nondiscrimination Act (cont’d)

April 16


**THIRD BRIEF RESPONSE DUE TUESDAY APRIL 16, IN CLASS**

April 18

NO CLASS

VIII. Review of Course Concepts

Week Fifteen—Exam Review & Gattaca

April 23

Exam Review
Sample Exam

April 25

*Gattaca* (1997) (in class)

**TAKE-HOME EXAM DUE TUESDAY, MAY 7, AT 11:59 PM**