
Bioethics & Medical Malpractice

Fall 2021
Elisabeth Haub School of Law

Quick Class Facts

3 Credits

Tuesday/Thursday

9:30am - 10:55 am

Case Law Book, plus supplemental
online materials

Short Paper Option (12-15 pages)

Upper Level Writing Paper Option (25
pages)

Class Participation

Questions:

Email Prof. Lauren H Breslow at
lbreslow@law.pace.edu

Moral Instincts → Legal Reasoning and Policy

Personal Autonomy

When should a patient be allowed to decline treatment? What if young parent of children wishes to decline antibiotics?

Justice/Fairness

Should a person be able to sell their own blood? Sperm? Eggs? A Baby?

Coercion

Is a poor woman coerced into surrogacy if she is paid? Should this be a concern?

State Interest

Should parents be able to select their baby's gender? Does the state have a roll to play in this determination? What about in physician-assisted suicide?

Major Topics Covered

- ★ Informed Consent
 - ★ Right to Die
 - ★ Organ Transplant
 - ★ Reproductive Laws
 - ★ Genetics & Biotech
 - ★ Public Health (vaccines)
 - ★ Medical Malpractice
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Sample Cases

***In the Matter of Karen Quinlan*, 335 A.2d (N.J. 1976)**

Key Question: Can individual decline treatment?

***Moore v. Regents of the Univ. of Cal.*, 793 P.2d 479 (Cal. 1990), cert denied, 499 U.S. 936 (1991)**

Key Question: Can scientists profit from donated tissue without compensating the donor?

***R.R. v. M.H.*, N.E. 2d 790 (Mass. 1998)**

Key Question: Can a mother sign away legal rights to child she carries?

Growth Field

- ★ Vaccine Policies
- ★ Clinical trials (human subjects research)
- ★ Possible Human Genome Editing
- ★ Technological & Biotech Enhancements (at-home diagnostics)

Overlap with: constitutional law, tort law, contract law, family law, trust & estates, and, human rights law