



**LAW AND HEALTH SCIENCES SEMINAR**  
**Fall 2011**  
Tuesdays, 3:30 PM to 5:40 PM  
198 Building, Room M120

**Professor Sarah Hooper**  
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**Course Description**

Lawyers, scientists and healthcare professionals interact at many critical junctures. From resolving bioethical issues, to serving as expert witnesses, to protecting rights in medical inventions, to reforming the health care system, doctors, lawyers, and scientists must navigate many treacherous waters together. What should health science professionals know about interacting with the legal system? What should lawyers know about interacting with the world of science? This course is intended as an introductory and interdisciplinary survey of these and other issues at the intersection of law and science, with special emphasis on the biomedical sciences and healthcare policy.

Students will examine: 1) the ways that lawyers, research scientists and physicians interact; and 2) how they can help each other to resolve challenges within the practices of law, basic science, and medicine. Students will also learn technical language, practice methods, and general skills necessary to improve interaction among the disciplines.

This course is required for Hastings students in the Law and Health Sciences Concentration and UCSF students completing the Certificate Program of the UCSF/Hastings Law, Science & Health Policy Consortium. It is intended to introduce students to the basic issues arising at the intersection of law and science and should serve to assist students in choosing among other courses in the Concentration/Consortium program.

**Course Requirements**

Readings and Preparation for Class

Students are expected to keep up with all readings throughout the semester. The readings for this course will be provided in hard copy or by email from the instructor.

*Weekly Thought Piece:* Before the start of each class, students must email me ([hoopers@uchastings.edu](mailto:hoopers@uchastings.edu)) a 1-2 page thought piece reflecting on the readings. These are intended to be open-ended and allow for freedom of thought, analysis, and creativity. Please do not simply summarize the materials. You can compare and contrast the readings, analyze them using the themes of the course, reference/analyze current events in the news or other articles you have read, discuss how the readings fit with your career goals or personal views, or even submit

a piece of creative writing. These thought pieces are included in your participation grade for the course.

*Questions:* In addition, students should come up with 5 questions for the speaker and email them to me along with your weekly thought piece (in the same email). Be prepared to ask at least one question during class. These will also be included in your participation grade.

### Final Paper

Students enrolled in the course will complete a paper of approximately 25 pages in length. A written topic proposal will be due by September 13<sup>th</sup>, and a “work in progress” must be submitted by October 11<sup>th</sup>. The final paper will be due by December 12<sup>th</sup>. We will discuss these requirements in more depth as the dates approach.

### Grading

Final grades will be calculated on the basis of the paper (70%) and class attendance and participation (30%). As noted above, class preparation (thought pieces and questions) will be taken into consideration in final grading.

## **Course Outline**

### Intro Week: August 23, 2011

#### Conceptualizing the Field

This class will provide an introduction to Law and Health Sciences at UC Hastings, including resources and programs of the UCSF/UC Hastings Consortium on Law, Science & Health Policy. Students will discuss their interest in the course, and goals or expectations for the course or careers more generally. We will then examine the field itself, and attempt to provide a framework for conceptualizing “health law” and “law and health sciences.” What do professionals and academics do in this field? What do they care about and what connects them? We will discuss potential themes that will provide an analytical framework throughout the course.

### Week 1: August 30, 2011

#### A Day in the Life of a Hospital – Medical Perspective

What are the ways that doctors and lawyers interact? How can they help each other? What are the things they need to know to be most helpful in this interaction? This class will give an overview of the U.S. health care system and all of the different ways that law and medicine interact. This discussion will be facilitated by “A Day in the Life of a Hospital” hypothetical that explores all of the events that occur each day. The goal is to acquaint legal students with medical terminology, the complexity of modern medical practice and the inner workings and hierarchy of a teaching hospital.

Outside Speaker: Josh Adler, M.D., Chief Medical Officer of UCSF Medical Center and UCSF Children's Hospital and Medical Director of UCSF Ambulatory Care.

Week 2: September 6, 2011

Providing Care for Indigent Patients

This class will explore the ways that law and medicine often interact in the care of indigent individuals. Topics include identifying and interacting with public and private social service organizations and managing the non-medical needs that impact medical care and quality of life for indigent patients.

Outside Speaker: Sharad Jain, M.D., Associate Professor of Clinical Medicine at UCSF, San Francisco General Hospital

Week 3: September 13, 2011

A Day in the Life of a Hospital – Legal Perspective

We will return to the A Day in the Life of a Hospital as a means to discuss the various interactions the legal system has with modern medical practice. Medical students will be introduced to legal terminology and different areas of legal practice (torts, intellectual property, real property, HIPAA, contracts etc.) that impact medical care.

Outside Speaker: Ann Sparkman, Esq., Deputy Campus Counsel for Health Affairs at UCSF

Week 4: September 20, 2011

Protecting & Capitalizing Ideas

This class will focus on how to protect an invention, including the basic, relevant concepts of Trade Secret, Patent, and Copyright Law. We will then explore how to capitalize an idea, including consideration of the academic/industrial relationship, technology transfer, and venture capital financing.

Outside Speaker: Joel B. Kirschbaum, PhD., Director of the UCSF Office of Technology Transfer

Week 5: September 27, 2011

Representing Health Care Institutions and Providers

This class will focus on a traditional application of law to the health sciences: legal representation of health care institutions and providers. We will examine the legal and ethical issues presented in this type of practice.

Outside Speaker: Gerry Hinkley, J.D., Co-Chair, Health Care Industry Team, Pillsbury Winthrop Shaw Pittman LLP

Week 6: October 4, 2011

Experts in the Courtroom

This section will examine the use of medical evidence in the courtroom from the perspective of the medical expert. We will examine the legal framework within which this evidence is introduced (evidentiary standards, procedure) and will compare this to the scientific framework within which the expert normally operates.

Outside Speaker: Shannon Thyne, MD, Associate Clinical Professor, UCSF Department of Pediatrics, Medical Director, Pediatric Asthma Clinic at San Francisco General Hospital

Week 7: October 11, 2011

Medical Malpractice

Physicians often interact with lawyers in the context of medical malpractice litigation, either as defendants or more commonly as expert witnesses. This section will explore through use of a case study the standard of care in medical practice from both the legal and medical perspective; what a plaintiff must prove in a medical malpractice case; and why testimony from an expert witness is necessary. In addition, we will discuss the current state of our medical malpractice system and the potential for reform.

Outside Speaker: Susan Penney, Esq., Director of Risk Management for UCSF, including the UCSF Medical Center (UCSF Parnassus and Mt. Zion), the UCSF Medical Group and associated professional liability programs, San Francisco General Hospital and UCSF Fresno.

Week 8: October 18, 2011

Overview of the American Health Care System

This class will examine the U.S. health care system as a whole from three major vantage points: cost, quality and access. The cost section will consider how much we pay for health care, whether we get good value for our money and what factors drive the cost of health care in the U.S. The quality section will engage medical and legal students in a discussion of what constitutes quality medical care, how can we improve medical error rates, and what kinds of incentives are needed to improve the quality of care? Finally, the access section will analyze the variety of ways that Americans access health care – private employer based insurance, individual insurance, public programs like Medicare and Medicaid, and out of pocket expenses. The class will also discuss the ways the law and regulation may be used to create positive and negative incentives in health care.

Outside Speaker: Steve Schroeder, M.D., Distinguished Professor of Health and Health Care, Division of General Internal Medicine, Department of Medicine, UCSF,

Week 9: October 25, 2011

Forensic Science

In this section, students will learn about Behavioral Health Courts as a unique example of the intersection of health science and criminal law. What is the relationship between mental illness and crime? Is the traditional criminal justice system appropriate for these defendants, and do alternative programs, such as the Behavioral Health Court, improve penal and health outcomes? We will examine the theory behind these courts, as well as some empirical findings as to their efficacy.

Outside Speaker: Dale McNeil, PhD, Professor of Psychiatry; Director, Psychological Assessment Unit, Langley Porter Psychiatric Hospital and Clinics

Week 10: November 1, 2011

Health and the Attorney-Client Relationship: Capacity Issues

In this section, students will examine the impact of health on client representation. A fundamental tenet of the attorney-client relationship is that the client's interests, as defined by the client, must be maximized to their fullest extent. But what if the attorney suspects the client is not competent to make rational choices, or is otherwise impaired in their decision-making? While diminished capacity exists in all age groups, the elderly are particularly at risk for this issue. This class will examine standards of capacity (competence) for decision making and implications to client representation.

**\*\*Special class:** This class will be held at the San Francisco Veterans Administration, located at 4150 Clement Street. The class will begin at 4:00pm in order to allow for transportation time. More details to follow by email before this class. If students are unable to attend this class, contact Professor Hooper for an alternate assignment.

Outside Speakers: Eric Widera, MD, Assistant Professor of Medicine at UCSF, Director, Hospice & Palliative Care Service at the VA, and Staff Physician at the VA.  
Rebecca Sudore, MD, Assistant Professor of Medicine at UCSF, Staff Physician at the VA.

Week 11: November 8, 2011

Bioethics

This section will introduce the field of bioethics generally and then focus on the clinical context. We will explore the four driving principles of bioethics: autonomy, beneficence, nonmaleficence, and justice. Students will examine both the substance of each individual principle and then analyze challenges that arise when these principles conflict. Particular attention will be paid to bioethics issues in end of life decision making.

Week 12: November 15, 2011  
Legal Interpretations of Science

This section will focus on the role that science does or does not play in legal decision making, whether that be judicial, legislative, or regulatory decision making. How often is scientific information considered? If so, how (and why) is science brought to the table and how is it interpreted? We will look at abortion law and policy to illustrate ways in which science intersects with legal decision making.

Outside Speaker: Tracy Weitz, PhD, MPA, Director of UCSF's Advancing New Standards in Reproductive Health

**Final Paper due December 12, 2011**