M4 Senior Seminars
Landmark Legal Cases: how courts influence the practice of medicine
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Potential consultants and small group facilitators: Crockett, Greene, Longo, Spellman, Wrobel

Students in this elective will examine the judicial process by reviewing influential decisions such as Roe v. Wade, Cruzan v. Missouri, Tarasoff v. Board of Regents, and others. The lecture on day 1 will cover basic concepts such as how cases progress through the judicial system, what evidence judges examine in making their decisions, how advocacy groups participate in important cases, and how to read and interpret court opinions. Following the lecture, students will be assigned cases to review and prepare for presentation on the following day. They will meet with advisors who will assist them in distilling the central arguments for their assigned cases. On day 2, students will take turns describing the facts, legal principles, holdings and sequelae of the assigned cases. In this manner, students not only will gain an appreciation of the role of the judiciary in shaping medical practice and policy, but will also become acquainted with the facts and scope of some major decisions.

Objectives:

Knowledge: Review the basic structure and process of the judicial system. Know the roles of various parties in a court case. Evaluate the arguments on both sides of a case and assess their persuasiveness. Become familiar with the facts, central arguments and scope of historically significant court decisions.

Attitude: With an open mind, be willing to apply critical thinking skills to legal issues in medicine.

Skill: Read a court opinion and:
- identify the parties to the action
- identify the central arguments advanced on each party’s behalf
- state the ruling of the court
- explain the court’s rationale for its ruling
- recognize the limitations of the ruling (i.e., what it doesn’t say)

Minimum 6 students.
Maximum per small group: 12 students
Day 1
Lecture / Introduction:
  Basic vocabulary
  How a case moves through the courts
  How lawyers prepare their arguments
    Facts
    Relevant statutes & regulations
    Constitutional issues (infrequent)
    Case precedents
    Distinguishing the current case from others
    Public policy arguments
    Justice arguments
Small group:
  Facilitators field questions and explain process
  Facilitators assign cases to students (or students select cases of interest)
  Students receive packets containing materials appropriate to their cases
  Students review packets and prepare cases w/ help of facilitators

Day 2
  Students convene and draw numbers to determine order of presentation
    (alt: cases may be heard in chronologic order)
  Students present cases to class
  Small group members discuss implications of rulings

Potential cases:
Roe v. Wade or Carhart v. Gonzales (abortion)
Cruzan v. Missouri (proxy refusal of life sustaining tx)
McKay v. Bergstedt (refusal of vent by quadriplegic w/capacity)
Washington v. Glucksberg or Vacco v. Quill (physician assisted suicide)
Moore v. Regents (ownership of tissue)
Greenberg v. Miami Children’s (Canavan patent & commercialization)
Tarasoff v. Regents (duty to warn of threat)
Safer v. Pack, Pate v. Threlkel (duty to warn of hereditary risk)
Bragdon v. Abbott (ADA provisions applied to HIV+ dental treatment)
Hall v. Hilburn (locality standard)
Darlington v. Charleston Memorial Hospital (hospital’s standard of care)
Ybarra v. Spangard (res ipsa loquitur)
Ostrowski v. Azzara (comparative negligence / patient noncompliance & habit)
Dingle v. Belin (breach of contract re: resident performing surgery)
Canterbury v. Spence (informed consent)
Matter of Baby M (surrogacy & custody)
State v. McKnight (“homicide by child abuse” applied to prenatal cocaine use)
Douglas County v. Anaya, Spiering v. Heinemann (compulsory newborn screening)
Newmark v. Williams (Christian Scientist parents refusing tx for Burkitt’s)