This seminar provides a broad overview of assisted reproductive technology (ART); the constitutional right to procreate and avoid procreation; and special concerns regarding ART issues for same-sex couples and underrepresented populations. The objective of this seminar is to provide: 1) a collaborative environment to learn and discuss these issues; 2) a context for scholarly writing; and 3) a starting point for future exploration of these issues and other ART issues we will not have time to cover here.

You do not need to purchase a text or course packet for this course. Reading materials for each day are posted on TWEN, available on Westlaw or available for pick-up outside my office door. If you will not be on campus in December and you need me to send materials please let me know so I can send them to you. You are required to read the primary reading prior to each class. Please choose at least one case or article from the secondary reading and come prepared to discuss it with the class keeping in mind that we may not get to everybody every day.

The class format consists of 3 sections: 1) a PowerPoint presentation, which I will post on TWEN prior to the class meeting; 2) a guest speaker or film on the class topic; or a hypothetical using the information from the PowerPoint and primary reading; and 3) group discussion of secondary reading.

I will base your grades on your class participation and your final paper. For class participation I will look for good questions and answers during the PowerPoint presentations and hypothetical and thoughtful discussions of secondary reading materials. Note that I am looking for questions and answers. This means that I am looking for collaboration and how well the class learns from each other. The final paper will be an academic research or comment paper consisting of no more than 10 double-spaced pages. You will be required to make an effort to use BlueBook citation rules in doing your paper. You will receive additional information on the paper format on the first day of class.

My contact information:

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I am on campus every day. For quick questions please stop by my office. For longer questions please call ahead for an appointment. I also check my email several times a day so that it is an excellent way to communicate and ask questions.
**Class Topics**

**Class 1 - Monday, January 7, 2008:**
Introduction to Assisted Reproductive Technology (ART)
- Introduction
- Assisted reproduction as a fundamental right
- Nature and status of the human embryo

**Class 2 - Tuesday, January 8, 2008:**
Legal Issues in ART
- Guest speaker Steven H. Snyder
- The Business of ART
- Legal Issues in ART

**Class 3 - Wednesday, January 9, 2008:**
The right to avoid procreation
- Contraception
- Abortion

**Class 4 - Thursday, January 10, 2008:**
Special issues for:
- Underrepresented groups
- Same-sex couples

**Reading for Each Class**

**Class 1 Reading:**

Introduction to Assisted Reproductive Technology (ART):

- **Primary Reading:** Please read prior to class
    - Read Sections I – VI and IX
    - Read Concurrence by Friedmann
  - *Davis v. Davis*, 842 S.W.2d 588 (Tenn. 1992)
    [available outside my office door Law/Grad 230E]
Secondary Reading: Please choose at least one of the following for class discussion or find an article on your own to discuss with the class. There is a "systems error" with TWEN so that links to news articles will not hyperlink directly to West as the law review articles and cases do. Therefore most of the non-linking articles are listed separately under course materials or have a link in the left-hand sidebar on TWEN. You can also cut and paste the cite into the 'find' box on West Law.

- Elizabeth A. Trainor, Right of Husband, Wife, or Other Party to Custody of Frozen Embryo, Pre–embryo, or Pre–zygote in Event of Divorce, Death, or Other Circumstances, 87 A.L.R.5th 253 (2001).


- Changing Realities of Parenthood: The Law's Response to the Evolving American Family and Emerging Reproductive Technologies, 116 Harv. L. Rev. 2052


- From “Donor 48QAH” to Dad, by Tamara Audi, USA TODAY, June 15, 2006. Available on Westlaw at 2006 WLNR 10282710


- Don’t Tell Me What to do with My Embryos, by Pamela Madsen, BOSTON GLOBE, December 4, 2005 Available on Westlaw at 2005 WLNR 19580285

- Son is “Dead” Again – Kin Denied His Sperm, by Dareh Gregorian, NEW YORK POST, November 3, 2006. Available on Westlaw at 2006 WLNR 19108989


- **We Should be Asking Seniors to Put the Baby’s Interests First**, by Ana Veciana-Suarez, *Fort Worth Star-Telegram*, July 23, 2006. Available on Westlaw at 2006 WLNR 12658704

**Class 2 Reading:**

Legal and Business Issues in ART:

- **Primary Reading:** Please read prior to class:
  

  - Chen May Yee, Josephine Marcotty, *Miracles for Sale: With rising competition, some IVF clinics are offering money-back guarantees and going farther afield to look for patients*, *Star Tribune*, October 23, 2007, at 1A. Available on Westlaw at 2007 WLNR 21133005. Also please visit www.startribune.com/infertility and read the other articles in this series - link on TWEN.

- **Secondary Reading:** Please choose at least one of the following for class discussion or find an article on your own to discuss with the class. There is a "systems error" with TWEN so that links to news articles will not hyperlink directly to West as the law review articles and cases do. Therefore most of the non-linking articles are listed separately under course materials. You can also cut and paste the cite into the 'find' box on Westlaw.


Couple Sues Clinic Over Ruined Embryos, by Maura Lerner, DULUTH NEWS TRIBUNE, September 16, 2006. Available on Westlaw at 2006 WLNR 16136373

Ruined Sperm Samples Crushed Some Dreams, by Carolyn Susman, PALM BEACH POST, September 13, 2006. Available on Westlaw at 2006 WLNR 16017742


Class 3 Reading

Avoiding procreation

- **Primary Reading:** Please read the following prior to class.
  - *Roe v. Wade*, 410 U.S. 113 (1973) [excerpt available outside my office]

- **Secondary Reading:** Please go the link on TWEN that says "Roberts Court Shows its Cards." Scroll down to the media reports and choose at least one media report that sounds interesting to you and come prepared to discuss it with the class.

Class 4 Reading

Special concerns for same-sex couples and underrepresented populations

**Primary Reading:** Please read the following prior to class.


*People v. Sorenson*, 437 P.2d 495 (Cal. 1968)

**Secondary Reading:** We will use the time for discussion of secondary reading to discuss paper topics. Those of you who choose to present your topic for discussion will have an opportunity to do so during Class 4.