Law, Neuroethics and Brain Policies  
UH Law Center 
Health Law and Policy Institute 
Course Syllabus – Fall 2013

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Class Schedule: Tuesdays, 4:00-6:00 pm in Room 209 BLB.

Course Description:

This course will address recent legal and ethical issues concerning brain injury, brain and behavior, brain functioning, and brain imaging. Topics include:

- Mild, moderate and severe brain injury  
- Disorders of consciousness, such as vegetative states and minimal consciousness  
- Recent controversies concerning sports injuries, such as concussions, chronic traumatic encephalopathy (CTE), etc.  
- Brain injury or defect and behavior related to criminal and moral responsibility  
- Brain treatments such as psychosurgery or deep brain stimulation, and brain research  
- Competence, Autonomy and Refusal of Treatment  
- Pedophilia  
- Brain death policies

Texts:

- All readings other than case material will be provided on Blackboard

Requirements:

Seminar paper of at least 35 pages exclusive of footnotes is required. There will also be a required oral presentation in class of your seminar paper. Details of the presentation will be discussed later. The papers may be based on legal cases, statutes or regulations. You may also assess current or proposed brain policies and practices in treatment or research. Interdisciplinary research on specific issues connecting law, ethics and brain policies is encouraged.
Class Schedule:

August 27: Traumatic Brain Injury

- Documentary: Battered Brains (To be shown in class)
- Glannon, W., “Our Brains Are Not Us”

September 3: Vegetative and Minimally Conscious States

- Laureys, S. “Eyes Open, Brain Shut”
- Address of John Paul II to the Participants in the international congress on “Life-sustaining treatments and vegetative state: Scientific advances and ethical dilemmas”
- “Conservatorship of Robert Wendland”, 26 Cal. 4th 519 (2001)
- Annas G., “Culture of Life” Politics at the Bedside – The case of Terri Schiavo
- Goodnough, A., Schiavo “Autopsy Says Brain Withered Was Untreatable”

September 10: Loss of Consciousness and Recovery

- Glannon, W., “Brain Injury and Survival”
- Owen, A.M., “Detecting Awareness in the Vegetative State and Comments”
- Groopman, J., “Silent Minds”
- Boggan, S., “Reborn”

September 17: Sports Injuries

- Blum, D., “Will Science Take the Field?”
- Winslade, W. and Goldberg, D., “The protection of athletes becoming an ethical issue”
- Schwarz, A., “Teaching Young Players a Safer Way to Tackle”
- Powell, J.W. and Barber-Foss, K.D., “Traumatic Brain Injury In High School Athletes”
- Gladwell, M., “Offensive Play”
- Goldberg, D., “Concussions, Professional Sports, and Conflicts of Interest: Why the National Football League’s Current Policies are Bad for Its (Players’) Health”

September 24: Crime, the Brain and Legal Responsibility

- Glannon, W. “What Neuroscience Can (and Cannot) Tell Us about Criminal Responsibility”
- Satel, S. and Lilienfeld, S., “My Amygdala Made Me Do It: The Trials of Neurolaw”
- Aronson, J., “The Law and Use of Brain Evidence”
• Giridharadas, A., “India’s Novel Use of Brain Scans in Courts is Debated”
• Tancredi, L., “Bad without Conscience”
• Winslade, W.J., “The Criminal Brain: A View from the Beach”

October 1: *Crime, Moral Responsibility and the Law*

• Glannon, W., “Neuroscience, Free Will, and Moral Responsibility”
• Goldberg, E., “Social Maturity, Morality, Law and the Frontal Lobes”
• Winslade, W.J., “The Legal Column: Traumatic brain injury and criminal responsibility”

October 8: *Competence, Autonomy and Refusal of Treatment*

• Dax Cowart (documentary to be shown in class)
• Winslade, W.J., “Humanistic Problem Solving: The Case of Mr. T”
• Directive to Physicians and Medical Power of Attorney

October 15: *Brain Treatment and Research*

• Winslade, W.J., “Electroconvulsive Therapy: Legal Regulations, Ethical Concerns”
• Mashour, G.A, et al., “Psychosurgery: past, present, and future”
• Kenneally, C., “The Deepest Cut”
• Kaimowitz v. Dept. of Mental Health for the State of Michigan, Civil Action, #73-19434-law (Michigan 1973)
• Fins, J.J, et al., “Neuroimaging and Disorders of Consciousness: Envisioning an Ethical Research Agenda”

October 22: *Pedophilia*

• The Castration Cure (BBC documentary)
• Winslade, J.W., et al., SMU Law Review.

October 29: *Dying, Death and Brain Death*

• Laureys, S., “Death, unconsciousness and the brain”
• Winslade, W., and Goldberg, D., “Dying in America: Legal Decisions, Ethical Conflicts and the Kinetics of Cultural Change”
• Wolff, M., “A Life Worth Ending”
• Morales, N., “’Dead’ man recovering after ATV accident”
November 5, November 12, November 19, November 26: *Seminar Paper Presentations*

- Drafts are due on the date of your presentation.
- Final papers are due on ________________.

*Note: No classes December 3rd*