Legal Studies R1B: Legal Rights, Science and Society

Course Syllabus
Spring 2014

Instructor: Dr. Hillary Berk
Office: Legal Studies Bldg. (2240 Piedmont Ave.), Room 114
Email: hberk@berkeley.edu
Office Hours: Tuesday 11:00 - 1 (following class) *or by appointment*

I. Course Description and Objectives:

This reading and composition course will explore the relationship between law, science and society, with a focus on fundamental constitutional rights. Core legal principles like privacy, consent, bodily integrity, and identity will be closely examined in the context of three contemporary case studies: the use of human cells in medical research, reproductive technology and surrogacy, and exoneration of criminals through DNA testing. We will read historic narrative, memoir, cases and scholarly essay in order to thoughtfully consider areas of tension between technological developments and legal rights. Public policy debates concerning appropriate regulation of these practices, including expert testimony presented to courts, will supplement personal accounts. They will also serve as models to assist the class in developing critical reading, analysis, and writing skills. A central focus of the course will be investigating the research process.

Legal Studies R1B is a University required, thematic composition course that emphasizes expository and argumentative writing. We will review paragraph and essay organization, build on writing strategies, as well as discover approaches for academic writing and research. Additionally, we will engage in critical thinking and discussion over provocative selections of reading. We will also review documentation for research writing. The vital skills you gain from this class will help you move through your college career and beyond.

Note that I will lecture during part of our class meetings. However, most of our time together will be spent in *interactive, engaged group discussion and activities*. Therefore, it is crucial that you come to class having carefully read the material and prepared to participate. Your own experience depends, of course, on a personal motivation to learn and discuss the themes of this course. I am most interested in supporting your curiosity for the subject matter, your insights, and critical thoughts about it. I assure you that I strive to bring to the classroom my utmost openness, enthusiasm, commitment, and sensitivity. I would like the relationship to be reciprocal. Thus, I encourage students to share their perspectives with the class provided they are informed, supported, and respectful of views different from your own.

II. Required Materials

The Immortal Life of Henrietta Lacks, by Rebecca Skloot

Surviving Justice: America's Wrongfully Convicted and Exonerated, by Lola Vollen and Dave Eggers

A Writer's Reference, 7th Edition, by Diana Hacker

The Craft of Research, by Wayne Booth, Gregory Colomb and Joseph Williams

Course reader, available at Copy Central

III. Course Assessment and Grading

Assignment 1 (2 page letter)	5%
Assignment 2 (3-5 page paper)	10%
Assignment 3 (4-6 page paper)	15%
Reading Reflections on Web Forum	15%
Participation and Attendance	20%
Research Paper (8-10 page paper, prospectus and annotated bibliography; class presentation)	35%
Journal	Extra Credit

Attendance and participation are required and rewarded, and vastly increase the quality and the overall enjoyment of the course!

Attendance is required; participation is rewarded through grading, and vastly increases the quality and the overall experience of the class! To do so, it is important we all arrive on time. Since our time together is limited, arriving to class more than 10 minutes late constitutes an *unexcused* absence. You will be permitted not more than 3 unexcused absences throughout the semester. Everyone deserves a couple of days off, as needed, during the semester. However, after your third unexcused absence, each additional unexcused absence will result in a drop of your final assessment by one full letter grade.

Therefore, as a guide, attendance sets the following limits on your participation grade:

Unexcused Absences	Highest Possible Grade
0-3	A
4	B
5	C
6	D

"Excused absences" - if you have a medical or other emergent concern that comes up during the course that may prevent you from satisfying these requirements, please speak with me immediately so we can work together to discuss your options. This may include a request for medical documentation.

Reading Reflections Web Forum:

This semester I am creating an ***Online Reading Reflections Forum on bSpace***. Not only is regular engagement with the material crucial to your educational experience, but also for a class like *Legal Rights, Science and Society*, being responsive to each other's perspectives and those of the authors' we read is, I believe, essential. (Go to: https://bspace.berkeley.edu/portal)

Each week by **Sunday at midnight**, two or three students will be assigned the **role of "starter"/ "moderator,"** and the rest of the class will be **"contributors"** for that week. You only need to play this role twice the entire semester. The role of the starter/moderator is to initiate a discussion about that week's reading assignment by posting a comment (about one short paragraph) and an open question posed to your classmates. It may include a theme from lecture, something from the news, or a personal experience – but it MUST ALSO include a reference to one of the reading assignments for the week!!!

Any student may contribute any week to the forum, but only assigned starters/moderators should *initiate* the discussion thread. bSpace is a more "informal" setting than a formal, typed paper – and is intended to be so – but do take a moment to consider your writing before you post. You have the freedom to write about any issues raised by the authors that stirred your curiosity, angered you, or caused some other reaction. Perhaps it was an issue recorded in your journal? Regardless, I am looking for postings that meaningfully demonstrate you have read and reflected on the readings and that you can relate them to each other, where appropriate. *You should aim to post as a "contributor" several times during the semester.*

Extra Credit Journal: You may receive extra credit towards your final grade by keeping a journal this semester. The goal of the journal is to record your personal responses to the readings, your thoughts about the topics we explore, and any impressions or perceptions that occur to you as a result of your engagement in this course. You can record these responses in any manner you choose – freewriting, personal notes, outlines, drawing pictures, composing a song or poem, or writing a letter to congress. Satisfactory completion of the journal may result in a half-step grade increase at the end of the quarter. If your final grade falls closely between a B+ and an A-, having completed the extra credit journal will get you an A-.

Conferences: You are required to attend my office hours at least TWO times this semester, which provides us with an opportunity to conference about your writing and/or graded assignments. It is best to plan one visit during or after assignment 2, and a second visit during or after assignment 3.

Policy and Thoughts on Assignments and Grading: Good readers make good writers, thinkers, and professionals. Thus, you will have a decent amount of reading to complete for this course. All of the assigned readings are mandatory unless specified below as "optional." While the optional readings may be used for reference when drafting your papers, they need not be the only sources you use. The readings form the basis for the assignments you are asked to complete, demonstrating that you have read and thoughtfully considered the material.

More importantly, however, is your personal motivation to learn and discuss the concepts and themes of this course. I am most interested in your exhibiting curiosity for the subject matter, critical thoughts about it, and how you relate to it – positively or negatively. The readings assigned should not seem burdensome to you for a reading and composition course. If you are lured to the park on a sunny day, by all means enjoy! *But*, may I suggest you bring your books and a pen along with you?

Written assignments are due before or on the due date referenced in the schedule, and when class begins. If a personal matter prevents you from meeting this deadline, you must speak with me sufficiently in advance of the deadline, except in the case of a genuine medical or other emergency. I accept late papers with very rare exception. Should I allow you to turn in a late paper, expect a full downgrade and/or point deductions for each day of lateness (from A to B, B to C, C to D etc.).

IV. Course Schedule and Reading Assignments

Note: The schedule and assignments below are subject to modification.

CLASS #	DATE	TOPIC	ASSIGNMENT
1	Tu 1/21	The intersection of law, science and technology	Introductory Meet and Greet
2 **UNIT 1 BEGINS**	Th 1/23	**Meeting Henrietta: the Use of Human Cells in Research** Fundamental Constitutional Rights	**DUE: Assignment #1** *Henrietta Lacks*, Prologue + pages 13-41 U.S. Constitution (Preamble, Articles, and Amendments) from Cornell Legal Information Institute link: http://www.law.cornell.edu/constitution/
3	Tu 1/28	Treating Henrietta *The prewriting process*	*Henrietta Lacks,* pages 42-86 *A Writer's Reference*, C1 "Planning" (3-13) Trimble, Ch 1: "Thinking Well" (3-12)
4	Th 1/30	Identity and Consent *Thesis statements*	*Henrietta Lacks*, pages 89-136 *A Writer's Reference*, C2 "Drafting" (14-18) Optional: Trimble, Ch 2: "Getting Launched" (13-24)
5	Tu 2/4	Risk, Privacy and Property	*Henrietta Lacks,* pages 137-198 Charo, "Body of Research" (1517-1519)
6	Th 2/6	Mock Trial: *Moore* v. *UC Regents* (1990) *Voice and audience*	*Henrietta Lacks,* pages 199-249 *The Craft of Research*, "Thinking in Print" and "Connecting with Your Reader" (9-25) Optional: Trimble, Chapter 7: "Readability" (64-81)
7	Tu 2/11	Peer Review Workshop!	**DUE: Rough Draft of Assignment #2 (+ 3 copies to class!)** Straub, "Responding – Really Responding – to Other Students' Writing" (136-146)
8	Th 2/13	Closure – for whom?	*Henrietta Lacks,* pages 250-310 and Afterward
9 **UNIT 2 BEGINS**	Tu 2/18	**From cells to embryos: Assisted Reproductive Technology (ART)** *I heart writing! Revision, Editing, and Proofreading*	**DUE: Assignment #2** Daar, "Human Reproduction: Natural and Assisted Methods of Conception" (1-11; 25-29; 35-44) *A Writer's Reference,* C3 "Revising" (18-23) *The Craft of Research*, "Revising Your Organization and Argument" (203-212)

CLASS #	DATE	TOPIC	ASSIGNMENT
10	Th 2/20	Who is the "mother"?	*In the Matter of Baby M.* (NJ 1988) *Johnson* v. *Calvert* (CA 1993) Kindregan and McBrien, "Surrogacy" (151-158) <u>Optional</u>: *In Re Marriage of Buzzanca* (Cal App 4th 1998)
11	Tu 2/25	Scholarly debates on surrogacy: Commodity or compassion?	Ertman, "What's wrong with a parenthood market?" (299-307) Roberts, "Race and the new reproduction" (308-318) Field, "Exploiting women...commercializing childbearing"(25-32) <u>Optional</u>: Kindregan and McBrien, "The Evolution of the Family" (4-18) Shanley, "'Surrogate Motherhood: the limits of contractual freedom" (103-123)
12	Th 2/27	Film: *Made In India* *Formulating arguments, supporting your position*	Gostin, "A Civil Liberties Analysis of Surrogacy Arrangements" (432-449) *A Writer's Reference,* A2 "Constructing reasonable arguments" (67-84) <u>Optional</u>: *The Craft of Research,* "Ch 7: Making Good Arguments" and "Ch 8: Making Claims" (108-129)
13	Tu 3/4	In their own words: surrogate mothers *Selecting a research topic*	MacPhee, "The Chinese Mafia" (51-66) Ali and Kelley, "The Curious Lives of …Military" (1-8) Explore and read "Surromoms Online" website, especially "About Us," "Message Boards – Surrogacy," and "Classifieds" at: http://www.surromomsonline.com *The Craft of Research*, "Ch 3: From Topics to Questions" (35-50)
14	Th 3/6	In their own words: parents through surrogacy	Kuczynski, "Her Body, My Baby" (1-13) Collier and Collier, *Getting to Baby*, Chapter 7 (133-185) Daar, "Building families in same-sex relationships" (501-504) *The Craft of Research,* "Ch 4: From Questions to a Problem" (51-67)
15	Tu 3/11	Library Workshop	**DUE: Single Paragraph Proposal (uploaded by Monday 3/10 to bSpace by 5 p.m.)** Explore the *Intro to Legal Studies Research* – Online Library Guide: http://www.lib.berkeley.edu/alacarte/subject-guides *A Writer's Reference,* R "Researching" (317-352)

CLASS #	DATE	TOPIC	ASSIGNMENT
16	Th 3/13	Peer Review Workshop	**DUE: Rough Draft of Assignment #3 (+ 3 copies to class!)** *The Craft of Research,* "Ch 4: From Questions to a Problem" (51-65)
17	Tu 3/18	Sources Workshop: *Developing a prospectus/ abstract and an annotated bibliography*	**DUE: Assignment #3** *The Craft of Research*, "Ch 6: Engaging Sources" (84-99) *A Writer's Reference,* APA/CMS Tab (familiarize yourself with section on formatting APA papers)
18 **UNIT 3 BEGINS**	Th 3/20	**Politics of Identification: DNA and Forensic Technology**	Lander, "DNA on the Witness Stand" (1-10) Garrett, "Exoneration" (213-240) Explore the DNA Initiative website on the history and basic biology of DNA and forensics: http://www.dna.gov/basics/analysishistory
	Tu 3/25 – Th 3/27		**SPRING RECESS – NO CLASS MEETINGS**
19	Tu 4/1	The Innocence Project	Examine and read the Innocence Project website, including: "Know the Cases – Browse the Profiles" + links at: http://www.innocenceproject.org/know/Browse-Profiles.php and "Access to Post-Conviction DNA Testing" + links at: http://www.innocenceproject.org/fix/DNA-Testing-Access.php *Surviving Justice,* "Introduction" (3-14)
20	Th 4/3	In their own words: criminality, science and exoneration	*Surviving Justice,* "Christopher Ochoa" (15-43) and "Calvin Willis" (133-157)
21	Tu 4/8	Serving time *Using quotations and evidence to support assertions*	**DUE: Working Bibliography** *Surviving Justice,* "David Pope" (249-283) "Peter Rose" (323-343) *The Craft of Research,* "Ch 9: Assembling Reasons and Evidenced" (130-135) and "Ch 10: Acknowledgements and Responses" (139-149)
22	Th 4/10	*Body Paragraphs/The Middle*	*Surviving Justice*, "Kevin Green" (347-379) Trimble, Ch 5: "Middles" (32-48)
23	Tu 4/15	Guest Speakers/Film	**DUE: Prospectus and Annotated Bibliography** *Surviving Justice*, "Appendix A: Causes of Wrongful Convictions," "Appendix B: The Prison Experience" and "Appendix C: Life After Exoneration" (401-433)

CLASS #	DATE	TOPIC	ASSIGNMENT
24	Th 4/17	Denying Justice, or Victims' Rights *Organization*	Chicago-Kent Law/Oyez Overview of *District Attorney's Office* v. *Osborne* (1-2) Liptak "Justices Reject Right to DNA Tests" (NYT 2009) (1) Berger, "Lessons from DNA: Restriking the Balance…" (111-122) SCOTUS Blog (Supreme Court of the U.S.) – peruse the Amicus Briefs online for *District Attorney's Office for the Third Judicial District* v. *Osborne* (U.S. Sup Ct. 2009) (Google search: Scotus and District Attorney v. Osborne) *The Craft of Research,* "Ch 13: Drafting Your Report" (187-202) and "Ch 14: Revising Your Organization and Argument" (203-212)
25	Tu 4/22	Paper presentations	Circulate abstracts Read your own source materials!
26	Th 4/24	Paper presentations	Circulate abstracts Read your own source materials!
27	Tu 4/29	Paper presentations	Circulate abstracts Read your own source materials!
28	Th 5/1	Paper presentations	Circulate abstracts Read your own source materials!
29	Tu 5/6	Finish paper presentations **FINAL CLASS MEETING**	Circulate abstracts **Extra Credit Journals Due** **Reading/Review/Recitation Week – no reading assignments**
			FINAL PAPER DUE WEDNESDAY, MAY 14 BY NOON **Deliver to my mailbox at 2240 Piedmont Ave.**

V. A Word About Papers and Academic Dishonesty

All papers are to be typed and should include a bibliography or works cited page of the readings used. You may include either footnotes or citation to the author and page number within the text of your paper or posting to the forum. For example: Some critics assert that pornography represents and thus perpetuates the subordination of women, even though the acts are pictorial (MacKinnon, 26-27). You may cite either the page number of the document as formatted by the reader, or use the original document's pagination.

Please make sure to use a readable font (ones used in advertisements and for most "design" type projects are typically not great for formal essays). Font size should be 12 point, in a professional font style. Papers are to be double-spaced, and should have 1-inch margins. All work is to be stapled, and no plastic covers or folders are necessary.

Since there are various components to the writing process, I'll expect that you take the time to revise and proofread your papers. These are separate tasks. Papers that contain numerous errors in proofreading will be returned to you without an evaluation. You will need to fix these errors and re-submit the paper to me.

You may not plagiarize under any circumstances. Plagiarism is stealing or passing off as one's own the ideas or words of another, or using a creative production by another person without properly citing its source. If you are unclear as to what constitutes plagiarism, you should speak to me about it, and immediately review *Academic Honesty: A Guide for Students*, prepared by the Office of Student Conduct, which provides information on academic integrity and social conduct at UC Berkeley.

You may access the Code of Student Conduct online at: http://students.berkeley.edu/uga/conduct.asp
Remember, ignorance of the law is no excuse!

VI. Office Hours

Office hours are a chance for us to get to know each other better and for you to ask questions about the readings that may not be clear from class or section, or to express concerns, insights, or challenges you are having in the class and your journey as a student of legal studies and other related majors.
You are more than welcome to come and visit me during office hours in pairs or small groups. If you cannot make my office hours, please contact me about scheduling an appointment.

VII. Grade Dispute Policy

If you wish to dispute grades on an assignment or exam, you must do so in writing, clearly identifying each issue that you dispute and your rationale for why the grade should be reconsidered. Grade disputes must be submitted to me in office hours. Please be aware that *I may lower*, as well as raise grades, after reviewing assignments and exam responses.

VIII. Email Policy and bSpace

Please reserve emails for urgent communications or administrative concerns. Please bring *substantive questions* to class meetings and office hours. Email is not an appropriate forum for substantive questions, which requires a *conversation*. I typically respond to emails within 24 hours.

I intend to send group announcements via email through bSpace. I may also post general announcements and add resources to bSpace, so please check our bSpace page twice a week to ensure you are up-to-speed on class communications. You will also use the Web Forum to post your moderator/contributor threads on and sometimes, to upload written assignments.

IX. Accommodation Policy

Please contact me as soon as possible if you need any special accommodation for this class. If you require accommodations, please provide me with a copy of your accommodation letter.

Some associated campus resources:

Disabled Students Program (DSP): http://dsp.berkeley.edu

Campus Access Guide: http://acads.chance.berkeley.edu/CAG

X. Courtesy, Participation, Etc.

Cell phones, texts, chatting online, and web surfing are annoying distractions. Please turn off all devices before entering class! Looking at PDF versions of the reading or taking notes in a word processing program are acceptable uses of the computer. Looking at sports scores, Facebook, or OK Cupid are not! *I will count you absent for the day if I observe you texting or using the computer for these inappropriate purposes*.

While I do not expect everyone to participate with equal vigor, I encourage everyone to make a contribution. This does not mean speaking simply for the sake of participating when you don't have something thoughtful to say. On the other hand, I embrace healthy group discussion, and I don't expect each comment to be earth-shattering.

Since I have professional background in conflict management, I realize that each of us has a unique communication style. Some of you may feel concerned or anxious about speaking in class in front of your professor or your peers. While I acknowledge this is a reality for you, I ask that you view participation as an opportunity to expose yourself to a different way of being – a way you are likely to regularly encounter after you complete your time as a student at Cal. Often shy students make insightful comments when they muster up the courage to speak.

Closing Comment: I maintain an "open-door" and an "open-email" policy; please feel free to come see me whenever you have a question, concern or just want to talk about either the course material or your experience as a student. Above all, I expect that you will keep open lines of communication with me if something serious arises which will affect your attendance or performance.

XI. Additional Writing Resources

Purdue Online Writing Lab (OWL) link: http://owl.english.purdue.edu/

UC Berkeley Student Learning Center link: http://slc.berkeley.edu/general/index.htm

The University of Wisconsin Madison Writer's Handbook link:
http://writing.wisc.edu/Handbook/index.html