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**690 Bioethics
Fall Semester 2008**

**UNM School of Law
Final Examination
Three Credits**

**Professor C. Suzuki
Monday, Dec. 15, 2008
9:00-12:00 p.m. (3 hrs.)**

**Examination Format
Essay Answers**

Bluebooks for writing: write on every-other line and only on the front page of each sheet. On the front of bluebook record the class name, professor's name, date of exam, and your examination number. Make sure to number each bluebook in order. **DO NOT WRITE YOUR NAME ON BLUEBOOKS.**

Laptop (Typing) Exam:

1. Log off **all** programs that you are currently running or have opened!
2. Make sure you are connected to Lobo-Sec and have authenticated (entered your NetID and password).
3. Start the Exam4 program.
4. Make sure "Prepare to start new exam" is marked and click, "Next."
5. Enter your "Exam ID" number and confirm it.
6. Click the drop box next to "Course" and select "*(Insert info. from IT)*" and confirm. Click, "Next".
7. Optional choices screen: If you choose to change these options please do so. If not, click "Next".
8. Check the box marked "Got it" and click, "Next".
9. Type "Closed" for exam mode, check the box below that to confirm and click, "Next"
10. At this point Exam4 will indicate "**Wait!**" in the lower right side of the screen.
WAIT!
11. The proctor will tell you when to click "Begin Exam."
12. A "Security Check" to scan your computer will run. Please be patient. It should disappear within a short period of time. If not, please exit the room and see a proctor.
13. When beginning the exam, **TYPE THE NAME OF THE SUBJECT AND THE PROFESSOR'S NAME AT THE TOP OF THE PAGE** and proceed with your answer.
14. **WHEN STARTING A NEW EXAM TOPIC, go to the Tools menu above and select "insert answer divider" for a page break. Again, type in the name of the subject and the professor's name and proceed with your answer.**
15. Repeat number 13 of this process for each new exam topic.

ALL EXAM TAKERS

A five-minute warning will be given prior to the conclusion of the examination. When time is called, "**stop**" immediately.

Bluebook (Writers): At this point immediately stop writing, close all blue books, gather up any materials, and proceed to the check-in table in the Forum.

Laptop (Typers): At this point immediately stop typing and proceed to save the exam. Select **End Exam, End Exam Now** from the menu bar. Confirm that you want to end the exam. Select **Submit Electronically**.

- If the electronic submittal is **not successful**, close the window with the Red X and select File and Save Options. Select Exit (don't worry...the completed exam is saved to your hard drive).

In either case, exit the exam by selecting **File and Save Options, Exit**. If your exam was saved on the server, gather up any materials and proceed to the check-in table in the forum.

- *If the exam did not submit electronically*, reconnect to the Lobo-Sec network, making sure you authenticate (open a browser and put in your NetID).
- Start Exam4 again. Your exam is listed; choose **Select existing exam**, highlight the exam name, and click **Submit Electronically**. Click OK to accept the default Start Code. If the exam still did not submit electronically, contact an IT proctor.

Scantron (Bubble Sheet) Instructions Multiple Choice or True/False Questions

All answers must be marked on the answer sheet provided. Mark your answer using a pencil provided by the proctor. Use side one of the answer sheet. Mark your examination number on your answer sheet in the manner shown in the example below. Do not use the sample examination number!

BIRTHDATE			IDENTIFICATION NUMBER										SPECIAL CODES					
MO.	DAY	YR.	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Jan. <input type="radio"/>																		
Feb. <input type="radio"/>																		
Mar. <input type="radio"/>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Apr. <input type="radio"/>	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
May <input type="radio"/>	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Jun. <input type="radio"/>	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Jul. <input type="radio"/>	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Aug. <input type="radio"/>	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
Sep. <input type="radio"/>	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
Oct. <input type="radio"/>	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7
Nov. <input type="radio"/>	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8
Dec. <input type="radio"/>	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9

A **five-minute warning** will be given prior to the conclusion of the examination. When time is called, stop immediately. If you are handwriting, lay down your pen & close bluebook immediately. If using a laptop, save & exit the program.

Go to the exam check-in table at the conclusion of the exam & turn in you completed examination receipt.

Professor's Instructions Follow on Next Page

Bioethics -- Course # 690-001
Fall 2008
Professor Suzuki

Professor's Instructions

This exam consists of two essay questions and 12 multiple choice questions. It is recommended that you spend 60 minutes on the first question; 60 minutes on the second question; and 40 minutes on the multiple choice questions. The unallocated time may allow you more time to review your work. Point values for the examination will be apportioned roughly equal to the recommended time allotments. Please take a moment to ensure that your exam consists of two essay and twelve multiple choice questions.

Limited open book and materials: You may bring only the course book, class handouts, and notes that you have prepared.

Honor code: Students are governed by the law school's Student Code of Conduct.

Multiple choice questions: Credit for multiple choice questions will be given only for answers properly marked on the Scantron (bubble) answer sheet. Only one answer is correct for each question. If there appears to be more than one correct answer, choose the best answer. If there is any ambiguity in a question, please mark that question with a large circled star and explain your answer in the margin beside the question.

Essay questions: If there are any ambiguities as to law or fact, please state what you would need to know and your reasonable assumptions and proceed with your analysis. You may cite relevant law and case law of jurisdictions outside of the jurisdiction in which the question is set. You will be evaluated in the thoroughness of your answers. The conclusions you reach are less important than the strength of your analysis.

Bluebooks: If you use bluebooks, please use a separate bluebook for each question. The questions may have subparts. Different subparts of the same question can be answered in the same bluebook. Use as many bluebooks as you need to answer a question.

Essay Question 1:

Assume all parties reside in and events occurred in the state of Freedonia, USA. The state of Freedonia, the fifty-first state, has not yet developed much common law. The Freedonia Supreme Court has announced that on each newly considered issue the State will adopt the best rule among those currently used by other states.

Freedonia is in the process of revising its laws regarding fertility treatment. It has a fairly robust privately-run fertility treatment industry. The Human Fertilization and Embryology Authority (HFEA) regulates fertility treatment in Freedonia. HFEA has a duty to keep a record of all registrations, treatments and outcomes resulting from assisted reproduction techniques. The collection of records is known as "the Register."

The aim of the Register is to give people conceived through donation an opportunity to learn about their genetic background and to help avoid biological relatives inadvertently marrying or having children. Currently, people donating sperm, eggs or embryos can remain anonymous. They are asked to provide some non-identifying information which could be given to people choosing a donor for treatment, and to any person conceived using their donation (when they reach the age of 18).

There has been an increasing awareness that some donor-conceived people would find even the smallest pieces of information about their donors of great value. Over time, the volume of non-identifying information collected has grown. Non-identifying information that has been collected includes: physical description of donor (height, weight, eye and hair color, skin color); year and country of the donor's birth; donor's and donor's parents' ethnic group(s); whether the donor had any children; whether the donor was adopted; donor's marital status; details of donor screening tests and medical history; a goodwill message; and any other details the donor may have chosen to provide, such as occupation, religion, interests and skills.

With a growing awareness of how important it would be for some donor-conceived people to find out more about their genetic origins, a Freedonia state legislator has drafted legislation which would lift anonymity for donors. This would mean that anyone born using donated sperm, eggs or embryos will be allowed to ask the HFEA for identifying information about the donor when he or she reaches the age of 18.

This legislation would allow a donor-conceived person to ask for the following identifying information about a donor, as well as the non-identifying information currently gathered for the Register: the donor's name; date and place of donor's birth; and last known address. The law would apply prospectively, to donations received after the law's effective date.

Should Freedonia adopt this law? What might be the legal consequences of adopting this law? Discuss the legal, ethical, and other considerations regarding this proposed law.

Essay Question 2:

Acquired Immune Deficiency Syndrome (AIDS) is caused by the Human Immunodeficiency Virus (HIV). By killing or damaging cells of the body's immune system, HIV progressively destroys the body's ability to fight infections and certain cancers. The most common ways that HIV is transmitted from one person to another are by having sex with an HIV-infected person; by sharing needles or injection equipment with a person who is infected with HIV; and from HIV-infected women to their babies before or during birth, or through breast feeding. The Centers for Disease Control estimates that about 1 million people in the United States are living with HIV or AIDS. About one quarter of these people do not know that they are infected.

Scientists have developed lifesaving drugs that can inhibit the disease, but there is no vaccine to prevent or treat HIV infection. Scientists have focused on drugs to fight the disease within an infected person's body because they have been proving effective. In developed countries, AIDS has become manageable, rather than fatal, because of the drugs. A therapeutic vaccine would be a key step in fighting the virus. A therapeutic vaccine would be given to people who are already infected, in order to lessen the impact of the disease. A preventive vaccine would protect people from HIV.

Assume that a vaccine is discovered and it poses a very small but real risk of harm to its recipients. The vaccine is given in three shots over six months. Of the sixteen million doses of the vaccine administered, there have been ten thousand reports of problems, including fainting, paralysis, and twenty deaths. There has been no direct link found yet between the vaccine and the reported problems, although patients are advised to wait fifteen minutes after vaccination before standing and walking. Furthermore, the vaccine is both a therapeutic vaccine and a preventive vaccine.

Discuss whether a state could or should mandate an HIV vaccination law and program. What would the law and program address? Include in your discussion what facts a state should consider in making its decision; whether a state's compelling interest in preventing the spread of HIV justify vaccination regulations which target certain vulnerable groups; whether seroprevalence of HIV within a particular group of people to be vaccinated and rate of infection within a state are relevant; whether a therapeutic vaccine could or should be required for those who are already infected with HIV. Could or should a state require vaccination of students attending school? If it were mandated, at what level of education?