

**A Publication of the American Bar Association
Special Committee on Bioethics and the Law**

2007 Annual Meeting Guide to Bioethics Related Programs

San Francisco, CA • August 9-14

**THE AMERICAN BAR ASSOCIATION
Special Committee on Bioethics and the Law**

presents a FREE CLE program

I BOUGHT MY TICKET, WHY CAN'T I FLY? PUBLIC SAFETY VERSUS PERSONAL FREEDOM

Saturday, August 11

10:30am to 12:00pm

City Room, Second Floor, Westin San Francisco

Please join the Special Committee on Bioethics and the Law at a panel including I. Michael Greenberger, J.D., the Director of the Center for Health and Homeland Security at the University of Maryland and a Professor at the School of Law, Anthony B. Iton, M.D., J.D., M.P.H., Alameda County, California Health Officer, and Lane Porter, J.D., M.P.H., Law and Human Rights Advisor at Constella Futures. The program will examine emerging issues related to the intersection of public health and emergency response law. The recent tuberculosis case, involving international travel, highlights the difficulties of quarantine as well as the interdisciplinary nature of effectively managing public health emergencies and the importance of early communication and clear mandates and guidelines in assessing threats of global pandemics, bioterror or other such public health emergencies.

Panelists:

I. Michael Greenberger, J.D., Washington, DC
Anthony B. Iton, M.D., J.D., M.P.H., Oakland, CA
Lane Porter, J.D., M.P.H., Washington, DC

Additional Sponsors:

Health Law Section
Section of Individual Rights and Responsibilities
Section of International Law

Thursday, August 9

2:00 p.m. to 3:30 p.m.

**Historical Trial: Terror in San Francisco:
The 1916 Preparedness Day Bombing Trial**
Room 2006, 2nd Floor, Moscone Center West

Sponsor: General Practice, Solo and Small Firm Division

On the eve of U.S. involvement in World War I, the largest parade in San Francisco history was rocked by an explosion that killed 10 bystanders and wounded 40 more. Labor leaders Thomas Mooney and Warren Billings were tried, convicted and sentenced to death. But were they really innocent? You be the jury when trial lawyers David Weinberg and Shain Khoshbin team with forensics experts Professor James Starrs, Dr. Duayne Dillon, and Dr. Darlene Shelton in a twenty-first century trial of twentieth-century terrorism.

Speakers:

Darlene Shelton, Guilford, CT
James Starrs, Washington, DC
David Weinberg, Guilford, CT

> **Ticket Price:** \$75, Judges: \$35, Govt Atty: \$35, Young Lawyers: \$75

Friday, August 10

8:30 a.m. to 9:30 a.m.

**Best Practices Under the Americans with
Disabilities Act for Legal Employers**

Sea Cliff, 2nd Floor, Palace Hotel

Sponsor: Young Lawyers Division

The program will consist of a one hour panel presentation concerning the application of the Americans with Disabilities Act to legal employers. Panel members include members of the private bar, as well the EEOC. This program will: *provide an overview of the employment provisions of the ADA *cover requirements concerning "reasonable accommodation" for persons with disabilities *include measures that legal employers can take to ensure compliance with the ADA *highlight legal opportunities for individuals with disabilities.

Moderator:

Alexander P. Ryan, Washington, DC

Speakers:

Scott C. LaBarre, Denver, CO
Kathi J. Pugh, San Francisco, CA
William R. Tamayo, San Francisco, CA

Additional Sponsors:

Section of Labor and Employment Law
Commission on Mental and Physical Disability Law

8:30 a.m. to 10:00 a.m.

**Are Advanced Directives Directive
Enough? A Discussion of the Law's Role in
End-of-Life Decision Making**

Room 2010, 2nd Floor, Moscone Center West

Sponsor: American Bar Foundation

Decisions about care and medical treatment at the end of life can be the most difficult and profound choices we make. This is especially so when loved ones must make those choices for us when we are incapacitated. But do the legal tools available really help our fiduciaries make these choices on our behalf? From living wills to durable powers of attorney, law offers varied mechanisms that allow people to exercise their autonomy rights and specify their values and preferences about medical treatment in the face of incapacitating illness. But these tools are not always readily available and oftentimes don't help. Frequently, the people who need advanced directives do not have them, surrogate decision-makers have difficulty following them, and physicians face ethical dilemmas. Focusing on current American Bar Foundation research observing end-of-life decision-making in the neurological intensive care unit of a large urban hospital, panelists will explore the various minefields we must navigate, as lawyers, as patients, as surrogates and as care-givers, when trying to honor the wishes of those who can no longer speak for themselves.

Moderator:

Allan T. Hikoyeda, San Jose, CA

Speakers:

Carl Schneider, Ann Arbor, MI
Susan Shapiro, Ph.D., Chicago, IL
Chauncey Stillman, Ann Arbor, MI

> This is a complimentary CLE program.

2:00 p.m. to 3:30 p.m.

**Life Sciences & the Law — Hit Fast
Forward: Think You Won't Have a
Humanoid Robot as a Law Partner When
You're 100? Think Again!**

Room 2024, 2nd Floor, Moscone Center West

Sponsor: Section of Science and Technology Law

This mind-expanding session features internationally acclaimed scientists discussing the legal implications of scientific breakthroughs in robotics and neuroscience. Imagine introducing sentient, empathetic android robots into the world to perform a range of tasks from serving as companions for humans to knowledge workers. Professor Hiroshi Ishiguro from the Graduate School of Engineering at Osaka University and the Department of Adaptive Machine Systems will present the capabilities of his "android" twin and Repliee, the female robot, who mimics and vocalizes. Professor Hank Greely, Stanford's Professor of Law and Genetics, will opine on the ethical and legal

implications of medical research that may offer neuroassistive relief to Alzheimer's sufferers and those paralyzed.

Moderator:

Christine Grant, Princeton, NJ

Speakers:

Henry "Hank" Greely, Ph.D., Stanford, CA
Hiroshi Ishiguro, Ph.D., Suita, Osaka, Japan
Gilbert Whittemore, Jr., Boston, MA

Additional Sponsors:

Section of Environment, Energy and Resources
Health Law Section
Section of Public Contract Law

2:30 p.m. to 4:00 p.m.

**Contemporary Issues in Assisted
Reproduction**

*Golden Gate Hall C1, B2 Level, San Francisco
Marriott*

Sponsor: Section of Family Law

This program will educate attendees on significant issues relating to the increase of assisted reproduction to procreate children. These issues are among those raised by the proposed Model Code on Assisted Reproductive Technologies, which was approved by the Family Law Section in February 2007. Among the topics to be covered are domestic relations, estate planning, torts, medical liability, insurance and mental health counseling, donation or transfer of unused embryos, resolution of divorce disputes over embryo disposition, parentage of children conceived by these technologies, posthumous conception, compensation of gamete or embryo donors, commercialization of embryo provision, health insurance and damages, and other fields of practice.

Speakers:

Nidhi Desai, Chicago, IL
Nanette Elster, Chicago, IL
Charles P. Kindregan, Jr., Boston, MA
Steve Lazarus, Los Angeles, CA
Steven H. Snyder, Maple Grove, MN
Elizabeth Swire Falker, New Rochelle, NY
Bruce Wilder, M.D., J.D., Pittsburgh, PA

> **Ticket Price:** \$75, Judges: \$35, Govt Atty: \$35, Young Lawyers: \$75

3:45 p.m. to 5:15 p.m.

**The Role of the Legal Profession in the
Responsible Developments of
Nanotechnology**

Room 2024, 2nd Floor, Moscone Center West

Sponsor: Section of Environment, Energy and Resources

The panelists will discuss the opportunities and challenges lawyers are facing in counseling clients on emerging nanotechnologies, the legal, regulatory, ethical, and transactional issues that are arising in the area of nanotechnologies, and the opportunities for education,

outreach and innovative collaborations with stakeholders to ensure that technology develops responsibly.

Moderator:

Lynn L. Bergeson, Washington, DC

Speakers:

Scott W. Cummings, Alexandria, VA
Mark N. Duvall, Midland, MI
Tom Kalil, Berkeley, CA
Christine Peterson, Palo Alto, CA

Additional Sponsors:

Section of Science and Technology Law
Standing Committee on Environmental Law

> **Ticket Price:** \$75, Judges: \$35, Govt Atty: \$35, Young Lawyers: \$75

Saturday, August 11

9:30 a.m. to 11:30 a.m.

**U.S. – China Dialogue on Rule of Law
Foundations for Global Product Safety and
Health**

*Golden Gate Hall C1, B2 Level, San Francisco
Marriott*

Sponsor: Rule of Law Initiative

The ABA, through its Rule of Law Initiative, World Justice Project, and Section of International Law, is a leader in promoting broad social dialogue on the rule of law and its contribution to worldwide prosperity, justice, freedom and human flourishing. This program engages legal and regulatory professionals from the U.S. and China — two countries with different legal cultures, historical paths and institutions — in a conversation about the role of "rule of law" fundamentals such as transparency, accountability, accessibility to the legal system and even application of the laws, as we seek to address growing concerns over global food and product safety and public health. What experiences and concerns in each country should inform action to promote international rule of law and transnational coordination in these areas? Which rule of law fundamentals are prerequisites to transnational or bilateral initiatives in these areas? Where do opportunities exist to develop more effective U.S.-China cooperation in strengthening international food and product safety, whether through market soft power approaches, regulatory approaches, or otherwise? Which approaches present the most promising path forward?

Additional Sponsor:

Section of International Law

10:30 a.m. to 12:00 p.m.

I Bought My Ticket, Why Can't I Fly?

Public Safety Versus Personal Freedom
City, 2nd Floor, Westin San Francisco (formerly Argent)

Sponsor: Special Committee on Bioethics and the Law
Please join the Special Committee on Bioethics and the Law at a panel including I. Michael Greenberger, J.D., the Director of the Center for Health and Homeland Security at the University of Maryland and a Professor at the School of Law, Anthony B. Iton, M.D., J.D., M.P.H., Alameda County, California Health Officer, and Lane Porter, J.D., M.P.H., Law and Human Rights Advisor at Constella Futures. The program will examine emerging issues related to the intersection of public health and emergency response law. The recent tuberculosis case involving international travel highlights the difficulties of quarantine as well as the interdisciplinary nature of effectively managing public health emergencies and the importance of early communication and clear mandates and guidelines in assessing threats of global pandemics, bioterror or other such public health emergencies.

Panelists:

I. Michael Greenberger, Washington, DC
Anthony B. Iton, Oakland, CA
Lane Porter, Washington, DC

Additional Sponsors:

Health Law Section
Section of Individual Rights and Responsibilities
Section of International Law

>This is a complimentary CLE program.

10:30 a.m. to 2:30 p.m.

The Emergence of and Issues Facing Retail Health Care and Employer-Based Health Care

California/Powell, California Street Level, InterContinental Mark Hopkins

Sponsor: Section of Business Law

Program will address the emergence of retail health care clinics and employer based (on-site) health clinics by presenting a comprehensive overview of the retail health care industry, an examination of the different business models used, and an analysis of those confronting retail health care providers and their hosts, as well as the legal issues confronting on-site health care providers and their employers' sponsors. In addition, industry experts will discuss their experiences as a host of retail health care clinics and on-site health care clinic providers. Presented by: Health Law and Health Law Section

Co-chairs:

Elizabeth Bauer, Brookings, OR
Andres J. Gallegos, Chicago, IL

Moderator:

Robert Rappel, Vero Beach, FL

Speakers:

Phyllis C. Borzi, Washington, DC

Sara R. Crate, Cleveland, OH

Mary Kate Scott, Marina del Ray, CA

Robert Stevenson, Bentonville, AK

> **Ticket Price:** \$75, Judges: \$35, Govt Atty: \$35, Young Lawyers: \$75

2:00 p.m. to 3:30 p.m.

Elder Law 2007 — Changes in the Law and Expanding an Elder Law Practice

Room 2005, 2nd Floor, Moscone Center West

Sponsor: General Practice, Solo and Small Firm Division
Medicaid Law changes in 2006: Protect yourself from inaccurate advice and malpractice. Getting referrals from other professionals. The aftermath of the Terry Schiavo case and Living Wills. Forms you can use. Email newsletters. How to get more referrals and repeat business. How to manage telephone conversations with your clients. Marketing with written fee agreements. Ethics and marketing without violating the Rules of Professional Conduct.

Speakers:

Joan Burda, Lakewood, OH
Jay Foonberg, Santa Monica, CA
Parag Patel, Iselin, NJ
Charles Sabatino, Washington, DC
Kenneth Vercaemmen, Edison, NJ

Additional Sponsors:

Senior Lawyers Division
Health Law Section
Law Practice Management Section
Commission on Law and Aging
National Lesbian and Gay Law Association

> **Ticket Price:** \$75, Judges: \$35, Govt Atty: \$35, Young Lawyers: \$75

3:00 p.m. to 4:30 p.m.

Scientific Evidence in the Courts: What's on the Horizon?

Golden Gate Hall C1, B2 Level, San Francisco Marriott

Sponsor: Judicial Division

Discussion on current issues involving the use of scientific evidence in the courtroom including admissibility issues, the CSI effect and the various approaches that courts can consider when faced with complex scientific disputes. We will present different perspectives on scientific evidence in the courtroom, including that of a judge, a scientist, a litigator and a juror.

Speakers:

Cynthia Cwik, San Diego, CA
Carol Henderson, St. Petersburg, FL
Dr. Henry C. Lee, Meriden, CT
Stephen J. Paterson, El Segundo, CA
Honorable Ronald Reinstein, Phoenix, AZ

Additional Sponsor:

Section of Science and Technology Law

3:45 p.m. to 5:15 p.m.

Sex, Drugs, and the Law: The ABA's Response to HIV/AIDS

Room 3024, 3rd Floor, Moscone Center West

Sponsor: Section of Individual Rights and Responsibilities

Marking the Committee's 20th anniversary, current and former Committee Chairs will review the evolution of AIDS-related legal and policy issues, examine their ever-growing impact on society, and discuss ways in which lawyers can help prevent the spread of HIV.

Speakers:

Honorable Richard Andrias, New York, NY
Shelley Hayes, Washington, DC
Robert E. Stein, Washington, DC
Barry Sullivan, Chicago, IL

Additional Sponsors:

Health Law Section
Section of International Law

Sunday, August 12

8:00 a.m. to 9:30 a.m.

Nanotechnology: Will Big Legal Problems Come in Very Small Packages?

Room 3016, 3rd Floor, Moscone Center West

Sponsor: Tort Trial and Insurance Practice Section

Nanotechnology is a term referring to a wide range of technologies that measure, manipulate, or incorporate materials or features with at least one dimension between approximately 1 and 100 nanometers (billionths of a meter or the equivalent of 1/100th the width of human hair). Such applications exploit the properties, distinct from macroscopic systems, of nanoscale components. Dealing with materials on such an incredibly tiny scale creates tremendous opportunities in industries as varied as computers, drugs, cosmetics, clothes and pharmaceuticals. But it also creates potential risks to health or the environment that have not yet been fully identified or managed. Government agencies are grappling with how to regulate nanotechnology so as to protect the public and the environment without stifling this promising technology. This eminent panel will discuss the scientific underpinnings of this nanotechnology, novel approaches to risk management, how government agencies have approached regulation of nanotechnology, policy issues such as end-of-life considerations, and potential legal challenges.

Moderator:

Stanley Goos, New York, NY

Speakers:

Dr. John Balbus, Washington, DC
Mark Duvall, Midland, MI
Paul Howard, Ph.D., Jefferson, AK
George A. Kimbrell, Washington, DC
John Pendergrass, Washington, DC

Additional Sponsor:

Section of Environment, Energy and Resources
> **Ticket Price:** \$75, Judges: \$35, Govt Atty: \$35, Young Lawyers: \$75

2:00 p.m. to 3:30 p.m.

Diagnosing Tomorrow: What You (and Your Clients) Need to Know About Emerging Trends in Health Law

Room 2005, 2nd Floor, Moscone Center West

Sponsor: Health Law Section

Advising healthcare clients has never been more challenging. New delivery systems, new policy concerns and new regulatory interpretations constantly push against the boundaries of established legal models. Lawyers who advise healthcare clients need a crystal ball to predict what developments and opportunities will face their clients and how the law will respond to them. Our outstanding panel of prognosticators will bring you up to date on the key trends facing healthcare industry players and give you practical advice on how to anticipate and address the legal challenges that will accompany those trends.

Moderator:

David W. Hilgers, Austin, TX

Speakers:

Charles F. Hoyng, Menlo Park, CA
Shelley K. Hubner, San Francisco, CA
Howard T. Wall III, Franklin, TN

> **Ticket Price:** \$75, Judges: \$35, Govt Atty: \$35, Young Lawyers: \$75

2:00 p.m. to 3:30 p.m.

Who Owns Your Genes? How Gene Patents Are Trampling Individual Rights

Room 2002, 2nd floor, Moscone Center West

Sponsor: Section of Individual Rights and Responsibilities

Patents on the sequences of human genes significantly affect civil liberties, including guarantees of freedom of religion, freedom of expression and academic freedom, as well as reproductive liberty, privacy, and the right to informed consent. In some instances, gene patent holders have prevented people from learning their own genetic makeup or that of their fetus. In addition, patents of genes have had significant impact on the cost and quality of health care. The U.S. Patent and Trademark Office has granted tens of thousands of patents on human genes and genetic materials, and evidence is mounting that these human gene patents are inhibiting important biomedical research and interfering with patient care. This panel will explore gene patenting from a range of perspectives, and propose new legal and ethical frameworks for approaching these issues.

Moderator:

Susan Fogel, Van Nuys, CA

Speakers:

Lori Andrews, Chicago, IL
Michael Crichton, Los Angeles, CA
Michelle Goodwin, Chicago, IL

Additional Sponsors:

Law Student Division
Section of Administrative Law and Regulatory Practice
Section of Family Law
Section of Litigation

> **Ticket Price:** \$75, Judges: \$35, Govt Atty: \$35, Young Lawyers: \$75

2:00 p.m. to 5:00 p.m.

New Rules and New Issues in Biodefense and Contingency Support

California East, 2nd Floor, Westin St. Francis

Sponsor: Section of Public Contract Law

Panel One: The Government's Project BioShield initiative has encountered difficulty attracting industry participation. Long delays have hampered solicitation and award of critical vaccine development contracts, and certain key programs have ended short of successful delivery of effective and safe drug products to the Strategic National Stockpile. Last year Congress enacted new legislation in the hope of providing additional focus and organization to the government's biodefense and pandemic preparedness efforts, while also increasing the authority and flexibility for agency procurements involving high-risk drug development contracts. Emerging biodefense issues: Legislative, Contractual, and Risk Allocation *What does the new BARDA legislation promise for remedying the problems encountered under Project BioShield? *What are the contractual challenges for biotech start-ups and large pharmaceutical companies, given their unique business models and the inherent high risk of drug development? *What policies yield fair and efficient allocation of performance and payment risks under critical biodefense contracts? *How does P.L. 85-804 indemnification and

SAFETY Act coverage mitigate contractor liability for drug products and other countermeasures?

Panel Two: Utilization of contractors in the battle space has increased since the beginning of the war in Iraq and Afghanistan. Contractor employees may now be disciplined, including court-martialed, if they violate provisions of the Uniform Code of Military Justice (UCMJ) while deployed in support of contingency operations for DoD. We have assembled an expert panel to discuss the implications of this new law and how the military, contracting offices, and contractors are responding. Applying UCMJ Rules to Contractors Supporting Contingency Operations *How does the military justice system differ from the civilian justice system? *Will the expanded jurisdiction of the Military Extraterritorial Jurisdiction Act effectively apply the UCMJ to contractors? *Who now controls a contractor employee's performance while deployed in support of contingency operations, and what guidance will ground commanders receive? *How will the new law be implemented by DoD? How have contractors responded?

Moderators:

Michael K. Love, Falls Church, VA
Kevin P. Mullen, Washington, DC

Speakers, Panel One:

Daniel J. Barry, Washington, DC
I. Michael Greenberger, Baltimore, MD
Robert Housman, Washington, DC
Mark J. Robertson, Washington, DC
Piers Whitehead, South San Francisco, CA

Speakers, Panel Two:

Alan Chvotkin, Arlington, VA
Brigadier General David G. Ehrhart
Gregory S. Nixon, McLean, VA
Kara M. Sacilotto, Washington, DC

> **Ticket Price:** \$75, Judges: \$35, Govt Atty: \$35, Young Lawyers: \$75



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Ninth Floor
Washington, DC 20005

