If you carried a gene associated with colon or breast cancer, would you want to know? What if that information kept you or your children from getting health or life insurance? Who owns genetic information, and how should we exploit the new genetic technology?

Although not easily answered, these questions provided a backdrop for three colloquia that tackled the medical and legal complexities surrounding the Human Genome Project.

The colloquia, held at Anheuser-Busch Hall in the spring of 2002, served as part of the yearlong “Law and the Human Genome Project: Research, Medicine, and Commerce” sponsored by the School of Law’s Center for Interdisciplinary Studies and the School of Medicine. Earlier programs, including the initial January conference, provided the science behind the project and brought together experts from many different disciplines to share their perspectives.

Susan Frelich Appleton, associate dean of faculty and the Lemma Barkeloo & Phoebe Couzins Professor of Law, led the first colloquium on “Professional, Ethical, Legal, and Social Challenges for Genetic Counseling and Testing,” held March 22. Panelists explored many issues surrounding genetic testing, ranging from how information outside of the medical community could potentially be misused to whether a spouse should be informed if a patient tests positive for a genetic disease.

Speakers in the March 22 colloquium were Garland E. Allan, Washington University; Michael Bérubé, Pennsylvania State University; Alexander Morgan Capron, University of Southern California; Jennifer Ivanovich, Siteman Cancer Center and Washington University; Pauline Kim, Washington University; Kimberly A. Martin, Washington University; Dorothy E. Roberts, Northwestern University; Karen H. Rothenberg, University of Maryland; and Barbara Katz Rothman, Baruch College and City University of New York Graduate School.
The April 5 colloquium, “Germ Line Interventions and Human Research Ethics,” was led by Rebecca S. Dresser, the Daniel Noyes Kirby Professor of Law and professor of ethics in medicine. Panelists discussed research on germ line gene therapy. Is it ethical to change the germ line genetic makeup of human embryos, since these changes will last for generations to come, even if these changes will save the life of a child? Is this research safe? Should it be used to alter intelligence?

Speakers in the April 5 colloquium were Anne M. Bowcock, Washington University; Mark S. Frankel, American Association for the Advancement of Science; Nancy M. P. King, University of North Carolina at Chapel Hill; Pilar Ossorio, University of Wisconsin at Madison; and Daniel B. Williams, Washington University.

To integrate this program into the School of Law’s curriculum, Dresser also taught a related course that allowed students to further explore various legal implications.

The final colloquium, held April 12–13, on “Patenting Genetic Products,” explored intellectual property rights. Leading this colloquium were F. Scott Kieff, associate professor of law at Washington University and the John M. Olin Senior Research Fellow in Law, Economics, and Business at Harvard University, and Charles R. M cm anis, professor of law and director of the graduate program in intellectual property/technology law at Washington University. Focusing on legal and business issues that surround patenting of DNA, this colloquium covered intellectual property rights, licensing, and patent protection in the public interest.

The keynote speaker for the April 12–13 colloquium was Robin Jacob, high court judge of England and Wales and judge of the Patents Court of England and Wales. In addition to Kieff and M cm anis, presenters included Michael Abramowicz, George Mason University; Dan Burk, University of Minnesota; James Boyle, Duke University; Ananda Chakrabarty, University of Illinois; Iain Cockburn, Boston University; Rebecca S. Eisenberg, University of Michigan; Richard A. Epstein, University of Chicago; Horace Freeland Judson, George Washington University; Mark Lemley, University of California at Berkeley; Michael Meer, Boston University; Jerome Reichman, Duke University; and Joseph Straus, Max Planck-Institute for Foreign and International Patent, Copyright, and Competition Law. Distinguished panels of commentators and discussants came from the General Counsel Office for Human Genome Science, the United States Court of Appeals for the Federal Circuit, the Office of the Commissioner of Patents, several United States district courts, IP firms, and numerous universities.

Support from the Whitaker Foundation for the yearlong program helped the School of Law and the School of Medicine bring outstanding speakers, including scholars, physicians, and scientists, some of whom came from outside the United States. The audience—including students, professors of law and medicine, the general public, health care workers, and members of the bar—was diverse as well.

Organizers’ goals included opening discussion among those attending the conference and colloquia, as well as publishing papers presented in a comprehensive, interdisciplinary written body of work.

“The colloquia worked well on a number of levels,” says Appleton. “We enabled people to consider the many legal, ethical, and social issues and to see that these questions reach well beyond highly publicized topics such as cloning. We all have a stake in these scientific developments, and yet so many of the basic assumptions, values, and consequences remain contested.”

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