

## Preface

To our knowledge, this is the first and only book of its kind in health law and bioethics. In it, leading health law scholars tell the stories behind thirteen landmark cases in the field. Each chapter provides insights and details from the parties, attorneys, and expert witnesses — details that frequently are missing from the public record. The authors also situate each case in the broader historical, political, and social context in which it unfolded. By placing these cases in context, the authors not only unpack the background, significance, and impact of each case, but they provide provocative and important new insights into health law and policy more generally.

This book includes renowned, highly influential, widely taught cases that have been drawn from the broad variety of subfields within health law and bioethics. It is divided into eleven chapters covering each of the major areas within the field, including the professional-patient relationship and the quality of care; death and dying; reproductive rights; organ transplants, medical futility, and presumed consent; public health; and regulatory, organizational, and business issues. While we believe that few scholars and teachers would agree on a *single* list of *definitive* cases in health law and bioethics, we have included cases that are widely taught and universally regarded as significant, maximizing the book's overall utility as a teaching tool and resource for research.

We believe the book will stimulate a lively and deeper discussion of the leading cases. For brevity's sake, most casebooks offer only highly edited versions of the cases. Compounding this, appellate opinions typically present a narrow, incomplete set of the "facts," glossing over much of what actually occurred and what the underlying litigation unearthed. These abridged facts represent but a small part of the full human drama and the rich, multi-layered context of each case. By contrast, this book presents more engaging personal narratives and provides essential background information that students can use to form a more nuanced understanding of health law and policy as well as the litigation process. The book is purposefully written in a readable and accessible style, with concise chapters and minimal endnotes.

For law school classes, *Health Law and Bioethics: Cases in Context* can be used to supplement any one of the popular casebooks because it contains many of the cases that appear in these texts. Because the coverage is broad, this book offers considerable flexibility in use, allowing teachers to pick and choose which areas to emphasize. The book's in-depth coverage also makes it well suited to serve as the primary text for law school seminars, courses in legal history, and advanced or specialty courses in health law and bioethics.

In medical schools, schools of public health, graduate health care administration programs, and undergraduate programs in health law, policy, and bioethics, this book can be used as a primary text for courses. It offers a more

accessible and intriguing means for exposing non-law students to concepts in health law and bioethics than the traditional law school casebook. The concise, readable, user-friendly format and the presentation of engaging personal narratives make the book well suited for interdisciplinary use. The supporting web site for the text includes the original judicial opinions, discussion questions for each chapter, and other materials useful to teacher and student alike.

Behind the stories presented here are interviews with and insights shared by the key figures in the litigation, their families and counsel, and scholars in the field. We are deeply grateful to them for helping us to put flesh on the skeletal record left behind by the courts. Their generosity and willingness to revisit what in many cases were painful times of their lives enriches this book as a teaching and learning opportunity. We are also immensely grateful to Aspen Publishers for believing in this project and to the anonymous reviewers for their candor and constructive suggestions.