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Institute of Medicine, Law & Bioethics (IMLAB)

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1. Introduction

The Institute of Medicine, Law & Bioethics (IMLAB) was established with the support of the National Health Service in 1995 and is a unique collaborative venture between the universities across the North West (incorporating Liverpool, Manchester, Keele, Lancaster and Central Lancashire) and based at Liverpool Law School.

IMLAB at Liverpool is nationally and internationally recognized for excellent research and teaching across a range of medical law and health law areas. Members draw on a range of legal and interdisciplinary perspectives, such as bioethics, common law analysis, feminist legal theory, comparative and international law and political philosophy to illuminate substantive areas of law. Teaching and research are fully integrated at IMLAB. Members draw on their research expertise in teaching on the LLM in Law and Medical Ethics and in supervising PhD students. The Institute has funded a number of PhD studentships over the last five years.

2. Aims of IMLAB

The Institute of Medicine, Law and Bioethics aims to consolidate its national and international profile as an authoritative body on medico-legal and bioethical issues. It is designed to encourage multidisciplinary research across the collaborating universities and in partnership with external partners. IMLAB's core aims are to establish and promote programmes of research and education to enhance the quality and effectiveness of healthcare delivery throughout the UK through the promotion of safe, ethical and cost-effective practice and, in doing so, to reflect the technological innovations attendant to medical practice.

3. Key Outputs of IMLAB

The Institute organises regular workshops and seminars on current topics on medical law and ethics. It has also hosted major conferences in this area with the support of the Economic and Social Research Council (ESRC), Wellcome Trust and the Modern Law Review. IMLAB is pleased to announce an Annual Lecture series, which is to be inaugurated next year with an address on 5 March 2008 from the distinguished moral philosopher Baroness Onora O'Neill, President of the British Academy. This promises to be a highlight in IMLAB's annual calendar of events.

On 21 November 2007, IMLAB will be hosting a workshop on 'Ethics and the Making of Medical Law' and it is expected that papers will be delivered by David Gurnham, Manchester University; José Miola, Leicester University; and Kenneth Veitch, Sussex University.

An ESRC funded two-day seminar is scheduled for 15 and 16 November 2007 entitled 'Global Health and Human Rights – Practice' to be held at the Heriot-Watt University, Edinburgh. The seminar is part of a series designed to bring together researchers from across a range of disciplines to critically interrogate the development of rights based approaches to health. This is the second in a series aimed at deepening existing theoretical and practical perceptions of rights-based approaches to health. The first seminar was held at IMLAB, Liverpool in April of this year. Focussing on

current theories of human rights, it was addressed by leading scholars of law and ethics, including Professor Paul Hunt, UN Special Rapporteur on the Right to Health. The second seminar will focus on the processes by which rights to health are invoked or thwarted; and the third, and final seminar, will focus on rights based approaches to contemporary global health issues such as tobacco, severe acute respiratory syndrome, World Trade Organisation agreements governing trade in intellectual property and services and poverty alleviation. Speakers and participants come from the UK and abroad and will be a mix of academics, policy makers and practitioners.

In addition, IMLAB are happy to welcome visiting scholars who are generally self-funding through schemes such as the Marie-Curie Fellowships, the British Academy, or the Leverhulme Trust awards. In 2007 we had two visiting scholars:

- Guillermo Diaz Pintos is an assistant Professor of Law at the University of Castilla-LaMancha, Spain. His research focuses on the right to live from the perspective of moral philosophy and constitutional theory. He is also developing a theoretical project on negotiation in health care settings. His stay at the IMLAB is supported by an award from the Spanish Ministry of Science and Education.
- Frida Fuchs Simonstein teaches healthcare ethics at Yezreel Valley College in Israel. Trained as a biologist, she completed a PhD on ethics and reproductive choice at the University of Manchester. In 2006 she was a Senior Fellow at the World Health Organisation and her research at IMLAB focuses upon access to reproductive technology in Israel and the ethical implications of current developments in stem cell therapy.

The following sections outline the research interests and expertise of IMLAB members.

4. Law and Biotechnology

Developments in medical law and health law more generally are driven by progress in the natural sciences. Genetics has been an area of particular growth in the last couple of decades. Amanda Warren-Jones researches on the legal and ethical implications of developments in biotechnology. She has a particular expertise in the area of intellectual property law, writing on the patenting of DNA, genetic screening and human tissue retention. She works closely with colleagues in medicine and the biosciences and has produced an internationally referenced text entitled 'Patenting DNA: Human and Animal Biotechnology in the UK and Europe', which provides key insights into the law and science for both beginners, as well as those already well-versed in the area. In 2006 she hosted a conference on 'Research Ethics Committees: The New Regime', supported by the Wellcome Trust. She is currently working on a number of projects: the regulation of pharmaceuticals implicated in self-poisonings; American and European regulation of embryonic stem cells; the application of patent morality to biotechnology; and problems associated with licensing biotechnology. Core research activities otherwise include participating in a new synthetic biology network and implementing a major outreach proposal for the biotech sector. Amanda's research interests feed into both her undergraduate and postgraduate teaching and are the basis for her innovative postgraduate module on 'Owning the Human Body and its Parts in the Context of Medicine', the only one of its kind in Europe.

4.1 Mental Health Law

Mental health law has been an area of intense activity in Britain in recent years. Repeated attempts to rewrite the Mental Health Act 1983 have foundered and the work of reform is ongoing. Nicola Glover Thomas has written on this process in many articles in law and ethics journals. Her research monograph 'Reconstructing Mental Health Law and Policy' was published in the prestigious Law in Context series by Butterworths in 2002. Her work has focussed not just on the legal rules in this area, but also on the wider social setting of the law. She has collaborated with members of the Charity Law Unit at Liverpool on empirical work into housing provision for the mentally vulnerable in England.

4.2 Medical Malpractice – Compensation and Liability

Liverpool has long been known as a centre for research and teaching on medical malpractice law. Michael Jones is a leading authority on tort and professional negligence in English law. He has published three editions of 'Medical Negligence', the leading textbook in the field. He is a frequent contributor to negligence and medical law periodicals and is a general editor of Clerk & Lindsell on Torts. He has given evidence to the House of Commons Constitutional Affairs Committee on compensation culture.

Paula Case has recently published a path-breaking monograph with Cambridge University Press entitled 'Compensating Abuse in England and Wales'. She has published widely on civil liability and professional regulation and on trust and confidence in health care.

4.3 Medical Law and Ethics – Feminist Perspectives

Ethics is inextricably linked to contemporary medical law. Among those IMLAB members with a particular interest, Samantha Halliday has published on legal and ethical controversies at the beginning and end of life. Drawing on linguistic and legal training, her work is strongly comparative. She has written on euthanasia and the right to die in British, Dutch, German and Belgian law, and is currently completing a monograph for Routledge-Cavendish entitled 'A Comparative Approach to Reproductive Ethics and the Law'. This work is the basis for her innovative taught module on Comparative Medical Ethics. Sam has hosted major conferences on these issues at IMLAB with support from the Wellcome Trust and the Modern Law Review.

Anne Morris has also written extensively on issues at the beginning and end of life: wrongful life, wrongful birth, withdrawal of treatment and assisted suicide. Her work on this and on questions of consent and capacity in medical law has been consistently informed by a feminist perspective. In 2002 she co-edited (with Sue Nott of Liverpool Law School) 'Well Women: The Gendered Nature of Health Care Provision', a key point of reference for all interested in the connections between feminist theory and medical law.

4.4 Global Health Law

Social theory and medical law at Liverpool has a growing focus on international issues. John Harrington's work on global health law has been published in medical law, social science and Africanist journals. He teaches a module on Global Health Law, the first of its kind in the UK, which draws together issues in world trade law, cross-border liability and global ethics as they concern access to care and the promotion of health. He is joint-organizer of an ESRC supported seminar series on Global Health and Human Rights. John's work is informed by social scientific perspectives and has a particular concern with the connections between political economy and law. He is completing a monograph on the history of English medical law from this perspective entitled 'The Common Law and Medical Knowledge' to appear with Hart Publishing.