

Inspiring a Medico-Legal Revolution

Essays In Honour of Sheila McLean

Edited by

PAMELA R. FERGUSON and GRAEME T. LAURIE



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Inspiring A Medico Legal Revolution Essays In Honour Of Sheila Mclean

Christopher Hodges



Inspiring A Medico Legal Revolution Essays In Honour Of Sheila Mclean:

Inspiring a Medico-Legal Revolution Pamela R. Ferguson, Graeme T. Laurie, 2016-03-09 This book marks the retirement of Professor Sheila McLean whose contribution to the discipline of medical law has been truly ground breaking As one of the pioneers of the discipline Sheila McLean inspired a revolution in the ways in which lawyers doctors courts and patients perceive the relationship between medicine and the law The first International Bar Association Professor of Law and Ethics in Medicine she has worked tirelessly to champion the importance of law s role in regulating medicine and protecting patients rights The span in content of this book reflects the range of contributions that Professor McLean has herself made Her work gave direction and shape to a new field of study at a time when few questioned the authority of medicine or thought much about the plight of the patient This collection brings together 21 leading scholars in healthcare law and ethics to honour the depth and significance of her contribution Including authors from the US Australia Canada and New Zealand the contributions cover areas as diverse as start and end of life reproductive rights and termination of pregnancy autonomy of patients the protection of vulnerable patient groups and the challenges posed by new technologies Inspiring a

Medico-Legal Revolution Pamela R. Ferguson, Graeme T. Laurie, 2016-03-09 This book marks the retirement of Professor Sheila McLean whose contribution to the discipline of medical law has been truly ground breaking As one of the pioneers of the discipline Sheila McLean inspired a revolution in the ways in which lawyers doctors courts and patients perceive the relationship between medicine and the law The first International Bar Association Professor of Law and Ethics in Medicine she has worked tirelessly to champion the importance of law s role in regulating medicine and protecting patients rights The span in content of this book reflects the range of contributions that Professor McLean has herself made Her work gave direction and shape to a new field of study at a time when few questioned the authority of medicine or thought much about the plight of the patient This collection brings together 21 leading scholars in healthcare law and ethics to honour the depth and significance of her contribution Including authors from the US Australia Canada and New Zealand the contributions cover areas as diverse as start and end of life reproductive rights and termination of pregnancy autonomy of patients the protection of vulnerable patient groups and the challenges posed by new technologies **Medical Treatment of Children**

and the Law Jo Bridgeman, 2020-11-19 The high profile cases of Charlie Gard Alfie Evans and Tafida Raqeeb raised the questions as to why the state intrudes into the exercise of parental responsibility concerning the medical treatment of children and why parents may not be permitted to decide what is in the best interests of their child This book answers these questions It argues for a reframing of the law concerned with the medical treatment of children to one which better protects the welfare of the individual child within the context of family relationships recognising the duties which professionals have to care for the child and that the welfare of children is a matter of public interest protected through the intervention of the state This book undertakes a rigorous critical analysis of the case law concerned with the provision of medical treatment to

children since the first reported cases over forty years ago It argues that understanding of the cases only as disputes over the best interests of the child and judicial resolution thereof fails to recognise professional duties and public responsibilities for the welfare and protection of children that exist alongside parental responsibilities and which justify public or state intervention into family life and parental decision making Whilst the principles and approach of the court established in the early cases endure the nature and balance of these responsibilities to children in their care need to be understood in the changing social legal and political context in which they are exercised and enforced by the court The book will be a valuable resource for academics students and practitioners of Medical Law Healthcare Law Family Law Social Work Medicine

Nursing and Bioethics *Law and Legacy in Medical Jurisprudence* Edward S. Dove, Niamh Nic Shuibhne, 2022-03-10

Introduction and investigation of the concept and utility of legacy in the field of medical jurisprudence **Mason and McCall Smith's Law and Medical Ethics** Graeme T. Laurie, Shawn Harmon, John Kenyon Mason, Gerard Porter, Alexander McCall Smith, 2016 This classic textbook has provided students of medical law and ethics with a framework for exploring this fascinating subject for over 30 years This book provides extensive coverage and insight into recent judicial decisions and statutory developments across the United Kingdom alongside the authors own opinion on current debates and controversies to help you to formulate your own views and arguments The tenth edition has evolved to reflect changes in the law and shifting ethical opinions In setting the UK context it continues to take a comparative approach including reference to the Scottish position where relevant A specific chapter on the European dimension in health care and the particular importance attached to this shift in influence from transatlantic jurisdictions to those of the EU is included Mason McCall Smith's Law Medical Ethics is essential reading for any serious medical law student or practitioner Book jacket **No-Fault**

Approaches in the NHS Sonia Macleod, Christopher Hodges, 2023-01-12 This book explores how concerns can be raised about the NHS why raising concerns hasn't always improved standards and how a no fault open culture approach could drive improvements The book describes a wide range of mechanisms for raising concerns about the NHS including complaints the ombudsman litigation HSIB and the major inquiries since 2000 across the various UK jurisdictions The NHS approach is contextualised within the broader societal developments in dispute resolution accountability and regulation The authors take a holistic view and outline practical solutions for reforming how the NHS responds to problems These should improve the situation for those raising concerns and for those working within the NHS as well as providing cost savings The no fault approaches proposed in the book provide long term sustainable solutions to systemic problems which are particularly timely given the impact of the COVID 19 pandemic on the NHS The book will be of interest to academics researchers ADR

practitioners practising lawyers and policy makers **The Oxford Handbook of Law, Regulation and Technology** Roger Brownsword, Eloise Scotford, Karen Yeung, 2017 The variety pace and power of technological innovations that have emerged in the 21st Century have been breathtaking These technological developments which include advances in networked

information and communications biotechnology neurotechnology nanotechnology robotics and environmental engineering technology have raised a number of vital and complex questions Although these technologies have the potential to generate positive transformation and help address grand societal challenges the novelty associated with technological innovation has also been accompanied by anxieties about their risks and destabilizing effects Is there a potential harm to human health or the environment What are the ethical implications Do this innovations erode of antagonize values such as human dignity privacy democracy or other norms underpinning existing bodies of law and regulation These technological developments have therefore spawned a nascent but growing body of law and technology scholarship broadly concerned with exploring the legal social and ethical dimensions of technological innovation This handbook collates the many and varied strands of this scholarship focusing broadly across a range of new and emerging technology and a vast array of social and policy sectors through which leading scholars in the field interrogate the interfaces between law emerging technology and regulation Structured in five parts the handbook I establishes the collection of essays within existing scholarship concerned with law and technology as well as regulatory governance II explores the relationship between technology development by focusing on core concepts and values which technological developments implicate III studies the challenges for law in responding to the emergence of new technologies examining how legal norms doctrine and institutions have been shaped challenged and destabilized by technology and even how technologies have been shaped by legal regimes IV provides a critical exploration of the implications of technological innovation examining the ways in which technological innovation has generated challenges for regulators in the governance of technological development and the implications of employing new technologies as an instrument of regulatory governance V explores various interfaces between law regulatory governance and new technologies across a range of key social domains

Ethics and Governance of Biomedical Research

Daniel Strech, Marcel Mertz, 2016-05-09 In this book scholars with different disciplinary and national backgrounds argue for possible answers and analyse case studies on current issues of governance in biomedical research These issues comprise among others the research care distinction risk evaluation in early human trials handling of incidental findings nocebo effects cluster randomized trials publication bias or consent in biobank research This book demonstrates how new technologies and research possibilities multiply or intensify already known governance challenges leaving room for ethical analysis and complex moral choices Clinical researchers research ethics committee members and research ethicists have all to deal with such challenges on a daily basis While general reflection on core concepts of research ethics is seldom pointless those confronted with hard moral choices do need more practical and contextualized reflection on the said issues This book particularly provides such contextualized reflections and aims to inform all those who study conduct regulate fund or participate in biomedical research

Medicine, patients and the law Margaret Brazier, Emma Cave, 2016-10-07 Embryo research cloning assisted conception neonatal care saviour siblings organ transplants drug trials modern developments have

transformed the field of medicine almost beyond recognition in recent decades and the law struggles to keep up In this highly acclaimed and very accessible book now in its sixth edition Margaret Brazier and Emma Cave provide an incisive survey of the legal situation in areas as diverse as fertility treatment patient consent assisted dying malpractice and medical privacy The book has been fully revised and updated to cover the latest cases from assisted dying to informed consent legislative reform of the NHS professional regulation and redress European regulations on data protection and clinical trials and legislation and policy reforms on organ donation assisted conception and mental capacity Essential reading for healthcare professionals lecturers medical and law students this book is of relevance to all whose perusal of the daily news causes wonder hope and consternation at the advances and limitations of medicine patients and the law

Depression Charles Foster, Jonathan Herring, 2017-09-08 Depression is amorphous It defies easy generalization and eludes medical and legal categories Is it part of the self or its predator Can a sufferer be held responsible for their actions This edited collection provides a holistic study of a protean illness If the law is to regulate the lives of those who suffer from depression it is vital that lawyers understand the condition Drawing upon a wide ranging expertise this volume looks at depression from four viewpoints that of the sufferer the clinician the ethicist and the lawyer Topics covered include the cultural history of depression causes epidemiology and diagnosis the autonomy debate criminal responsibility public health law depression in the workplace depression and children and assisted suicide First hand accounts from sufferers are followed by contributions from clinicians who say what depression is outline its demography and therapeutic options and indicate the legal and ethical problems that trouble them the most The essays then go on to explore legal and ethical questions in depth This collection is essential reading for lawyers seeking a broader understanding of depression and non lawyers seeking an insight into the difficulty law has engaging with the condition

Biopsychosocial Factors in Obstetrics and Gynaecology Leroy C. Edozien, P. M. Shaughn O'Brien, 2017-08-24 This text covers the wide spectrum of biopsychosocial factors integral to all aspects of obstetrics gynaecology and women s health

Medical Law Emily Jackson, 2019 Providing a clear and accessible guide to medical law this work contains extracts from a wide variety of academic materials so that students can acquire a good understanding of a range of different perspectives

Health Law Anne-Maree Farrell, John Devereux, Isabel Karpin, Penelope Weller, 2017-05-25 Drawing upon a range of disciplinary perspectives Health Law Frameworks and Context adopts a theoretically informed and principles based approach to examining health law Appealing to students and academic scholars alike the text moves beyond traditional medical law frameworks to provide a broader contextual understanding of the way in which law intersects with health A clear and accessible style of writing combined with a sophisticated and nuanced approach takes this rich and challenging field to a new level of analysis Written by respected academics within the field Health Law Frameworks and Context is an essential text for scholars and students looking to grasp the fundamental concepts of this rapidly expanding area of law as well as those who wish to deepen their knowledge and understanding of

health law in Australia and internationally *Delivering Dispute Resolution* Christopher Hodges, 2019-10-17 This book reviews the techniques mechanisms and architectures of the way disputes are processed in England and Wales Adopting a comparative approach it evaluates the current state of the main different types of dispute resolution systems including business consumer personal injury family property employment and claims against the state It provides a holistic overview of the whole system and suggests both systemic and detailed reforms Examining dispute resolution pathways from users perspectives the book highlights options such as ombudsmen regulators tribunals and courts as well as mediation and other ADR and ODR approaches It maps numerous sectoral developments to see if learning might be spread to other sectors Several recurrent themes arise including the diversification in the use of techniques adoption of digital online and artificial technology cost and funding constraints the emergence of new intermediaries the need to focus accessibility arrangements for people and businesses that need help with their problems and identifying effective ways for achieving behavioural change This timely study analyses the shift from adversarial legalism to softer means of resolving social problems and points to a major opportunity to devise an imaginative and holistic strategic vision for the jurisdiction This title is included in Bloomsbury Professional's International Arbitration online service [Law, Technology and Governance](#) Roger Brownsword, 2025-09-23 This book argues that law regulation and technology can be understood as particular kinds of governance projects and their credentials assessed according to an overarching concept of good governance The book introduces the ideas of governance by law and governance by regulation as particular types of projects within a constellation of governance projects some normative some non normative and some hybrid As such legal and regulatory projects can be differentiated from each other as well as from other normative governance projects such as ethics They can also be contrasted with various kinds of non normative technological projects and more importantly they can be compared with governance projects that are hybrids such as rule and tool projects Based on this account of governance the limitations and imperfections of legal and regulatory governance relative to an overarching concept of good governance become readily apparent Focusing on governance projects governance problems and governance prospects the book thereby offers an insightful and original analysis of the current and future intersection of law technology and governance This book will be of interest to legal researchers and postgraduates in the burgeoning field of law regulation and technology as well as others with more general interests in issues of law and governance *Medicine, patients and the law* Emma Cave, Margaret Brazier, Rob Heywood, 2023-06-06 Embryo research cloning assisted conception neonatal care pandemic vaccine development saviour siblings organ transplants drug trials modern developments have transformed the field of medicine almost beyond recognition in recent decades and the law struggles to keep up In this highly acclaimed and very accessible book Margaret Brazier Emma Cave and Rob Heywood provide an incisive survey of the legal situation in areas as diverse as fertility treatment patient consent assisted dying malpractice and medical privacy The seventh edition of this book has been fully

revised and updated to cover the latest cases Brexit related regulatory reform and COVID 19 pandemic measures Essential reading for healthcare professionals lecturers medical and law students this book is of relevance to all whose perusal of the daily news causes wonder hope and consternation at the advances and limitations of medicine patients and the law **Law, Technology and Society** Roger Brownsword, 2019-02-18 This book considers the implications of the regulatory burden being borne increasingly by technological management rather than by rules of law If crime is controlled if human health and safety are secured if the environment is protected not by rules but by measures of technological management designed into products processes places and so on what should we make of this transformation In an era of smart regulatory technologies how should we understand the regulatory environment and the complexion of its regulatory signals How does technological management sit with the Rule of Law and with the traditional ideals of legality legal coherence and respect for liberty human rights and human dignity What is the future for the rules of criminal law torts and contract law are they likely to be rendered redundant How are human informational interests to be specified and protected Can traditional rules of law survive not only the emergent use of technological management but also a risk management mentality that pervades the collective engagement with new technologies Even if technological management is effective is it acceptable Are we ready for rule by technology Undertaking a radical examination of the disruptive effects of technology on the law and the legal mind set Roger Brownsword calls for a triple act of re imagination first re imagining legal rules as one element of a larger regulatory environment of which technological management is also a part secondly re imagining the Rule of Law as a constraint on the arbitrary exercise of power whether exercised through rules or through technological measures and thirdly re imagining the future of traditional rules of criminal law tort law and contract law **Law, Regulation and Governance in the Information Society** Maurizio Borghi, Roger Brownsword, 2022-12-30 This edited collection seeks to map the landscape of contemporary informational interests to evaluate a range of recognised and putative rights and wrongs associated with modern information societies and to consider how law regulation and governance should be deployed in response New technologies and new applications constantly disrupt our values our framing of our world and our sense of where we are and who we are In our information societies we entertain mixed hopes and expectations as well as significant fears and concerns At the root of these there are a number of informational interests on the basis of which certain rights are claimed and particular wrongs denounced This book addresses these interests considering them as relating primarily to the integrity of the informational ecosystem to the accessibility accuracy and authenticity of public information and to our individual ability to control the outward and inward flows of information that relates directly to ourselves Covering a wide range of subjects the book's interrogation of our contemporary information society is oriented around two questions first whether the information society in which we live is the kind of society that we think it should be and second if not what we can reasonably expect law regulation and governance to do in providing the basis for improving it This book will be of considerable interest

to those working at the intersection of law and technology as well as others concerned with the legal political and social aspects of our information society *Unexpected Consequences of Compensation Law* Prue Vines,Arno Akkermans,2020-09-03 This book explores the performance of compensation law in addressing the needs of the injured Compensation procedure can be dangerous to your health and may fail to compensate without aggravation creating other problems This book takes a refreshing and insightful approach to the law of compensation considering from an interdisciplinary perspective the actual effect of compensation law on people seeking compensation Tort law workers compensation medical law industrial injury law and other schemes are examined and unintended consequences for injured people are considered These include ongoing physical and mental illness failure to rehabilitate the impact on social security entitlements medical care as well as the impact on those who serve the lawyers administrators medical practitioners etc All are explored in this timely and fascinating book The contributors include lawyers psychologists and medical practitioners from multiple jurisdictions including Australia the Netherlands Canada Italy and the UK **The Conscience Wars** Susanna Mancini,Michel Rosenfeld,2018-05-31 In this work Professors Rosenfeld and Mancini have brought together an impressive group of authors to provide a comprehensive analysis on the greater demand for religions exemptions to government mandates Traditional religious conscientious objection cases such as refusal to salute the flag or to serve in the military during war had a diffused effect throughout society In sharp contrast these authors argue that today s most notorious objections impinge on the rights of others targeting practices like abortion LGBTQ adoption and same sex marriage The dramatic expansion of conscientious objection claims have revolutionized the battle between religious traditionalists and secular civil libertarians raising novel political legal constitutional and philosophical challenges Highlighting the intersection between conscientious objections religious liberty and the equality of women and sexual minorities this volume showcases this political debate and the principal jurisprudence from different parts of the world and emphasizes the little known international social movements that compete globally to alter the debate s terms

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