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Introduction

MJLST at 5 Years, the Consortium at 10

Susan M. Wolf*

This volume marks the 5th anniversary of the *Minnesota Journal of Law, Science & Technology (MJLST)*. In 2004-05 the *Minnesota Intellectual Property Review* became *MJLST*, broadening the scope and disciplinary reach of articles published. In the ensuing five years, *MJLST* has become a highly ranked venue for work on a wide range of issues in law, science, and technology. *MJLST* is a multidisciplinary journal that publishes articles on intellectual property, technology policy and innovation, bioethics, and law and science. Authors include lawyers, scientists, health care professionals, policymakers, and bioethicists. To encourage this interdisciplinary range, we use an innovative approach: the journal is edited by students as well as faculty from across the University of Minnesota, including from the Law School; Medical School; Nursing School; School of Public Health; College of Veterinary Medicine; College of Agricultural, Food & Environmental Sciences; Humphrey Institute of Public Affairs; College of Liberal Arts; and Center for Bioethics. *MJLST* is based in the Law School and staffed by law students, but is overseen and managed by the University-wide Consortium on Law and Values in Health, Environment & the Life Sciences (www.lifesci.consortium.umn.edu).

The Consortium has just celebrated its own 10th

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anniversary. Founded in 2000, the Consortium links 18 University centers and programs that address the societal implications of biomedicine and the life sciences. Member centers cross nearly all colleges at this large, public, land-grant research university. Those centers include the Biomedical Genomics Center; Institute of Human Genetics; Microbial & Plant Genomics Institute; Stem Cell Institute; Center for Infectious Disease Research & Policy; Center for Animal Health and Food Safety; National Center for Food Protection and Defense; Center for Cognitive Sciences; Center for Neurobehavioral Development; Institute on the Environment; Center for Environment & Health Policy; Water Resources Center; Health Foods, Healthy Lives Institute; Center for Bioethics; Center for Spirituality & Healing; Center for Science, Technology & Public Policy; and International Science & Technology Practice & Policy Center; as well as our student training program for those combining a law degree with a degree in the sciences, the Joint Degree Program in Law, Health & the Life Sciences (www.jointdgr.umn.edu).

The Consortium catalyzes work across campus on the societal implications of the life sciences, sponsors numerous events each year bringing to campus the leading thinkers and scholars across the country, and secures grant funding for original research. Recent projects funded by the National Institutes of Health (NIH) address managing incidental findings in human subjects research (#1R01HG003178-01A1), managing incidental findings and research results in genomic biobanks and archives (#2R01HG003178-03), and building research ethics and oversight for nanodiagnosics and nanotherapeutics (#1RC1HG005338-01). The National Science Foundation (NSF) has been funding our work to develop oversight models for active nanostructures and nanosystems (#SES-0608791). Awards from The Greenwall Foundation, the MacArthur Foundation's Project on Law & Neuroscience, and the Law School's Robina Fund have supported work on neurogenomics, the role of neuroscience in criminal law, and reprogenomics.

The Consortium oversees the journal, but *MJLST* remains editorially independent. The journal is free to accept or reject articles submitted by Consortium speakers and scholars, and to decide independently whether to publish Consortium symposia. The journal is also free to publish symposia from other sources

and has done so in the past. Conversely, Consortium projects and scholars may decide to publish in other journals, depending on the project and optimal audience.

Each year, the website for Washington and Lee University School of Law ranks law journals (<http://lawlib.wlu.edu/LJ/>). *MJLST* ranked in the top-5 to top-13 in key topic areas for 2009:

- Health, Medicine, Psychology, and Psychiatry: #5 out of 66
- Science, Technology & Computing: #8 out of 41
- Environment, Natural Resources & Land Use: #11 out of 75
- Intellectual Property: #13 out of 55.

MJLST also ranked #1 in Science & Technology Law Review submissions for 2007 (<http://law.bepress.com/expresso/2007/subject.html>) and #1 in Environmental Law submissions for 2006 (<http://law.bepress.com/expresso/2006/top.html>) by ExpressO, the on-line submission service of the Berkeley Electronic Press. This means that more authors writing in those categories chose to submit through ExpressO to our journal than to any other.

The journal, which is published twice annually, is now available simultaneously on-line (www.mjlst.umn.edu) and in hard-copy. This is part of our ongoing effort to maximize access, readership, and impact.

In the last five years, *MJLST* has published a tremendous range of articles and authors. We have published interdisciplinary symposia on:

- obligations of U.S. universities to make intellectual property available in developing countries,
- recall of medical devices such as cardiac defibrillators,
- food safety and defense,
- creating stem cells by research cloning,
- legal implications of cognitive perspectives on self and other, and
- frontier issues in law, science, and technology.

Other articles have analyzed open-source biotechnology,

oversight of transgenic organisms, agricultural biotechnology, DNA identification, stem cell research, reproductive technology, FDA regulation of combination products, pharmaceutical trademarks, legal implications of neuroscience, bioethics and human rights, adaptive management and environmental regulation, plant patents, access to government-funded inventions, patent claim construction, patent remedies, media and telecommunication regulation, as well as broader articles on the relationship of law and science.

Student-written Notes have tackled access to patented research tools, peer-to-peer file sharing, critical habitats, renewable energy, access to Plan B emergency contraception, drug testing, implications of post-mortem conception for inheritance, ownership rights in user-modified videogames, e-mail privacy, digital copyright issues, Google in China, and intellectual property protection in Vietnam. Our Recent Developments pieces have explored emerging issues in transgenic crops, the implications of molecular genetics for endangered species, the fairness doctrine, third-party challenges to U.S. patents, the first-to-file patent system, e-discovery, metabolite labs and patentable subject matter, and oversight for nanobiotechnology.

Our roster of authors combines established scholars at the top of their field with new authors presenting fresh perspectives. Many of the students whose work we publish are training for careers at the intersection of law and science.

This issue of *MJLST* covers more territory than ever. Articles on neuroscience debate the implications of this fast-moving field for drug policy, criminal law, and legal concepts of responsibility and culpability. Articles on biology and genetics analyze how human biological materials are being stored and accessed for research and the interrelationship between the concept of the “gene” and genetic patents. Articles on health care and pharmaceuticals dissect the logic of health reform and the future potential of open-source drug development. Articles on information technology deal with fair use under the Anticybersquatting Consumer Protection Act and best practices for records management. A synthetic article on regulatory frontiers offers a vision for integrating social and ethical concerns into regulation of emerging technologies. An Essay offers a Burkean perspective on patent eligibility and a Recent Developments piece describes an important new program on

law and biomedicine, this one focused specifically on law and public health. Student Notes once again deal with cutting-edge issues at the intersection of law, science, and technology.

Several of the articles in this issue stem from Consortium-sponsored events, including our 10th anniversary conference in March 2009 on “What’s Next in Law, Health & the Life Sciences? Debating Openness, Access & Accountability.” That conference looked forward to explore what issues will emerge over the next 5-10 years from genomics research, neuroscience research, global health, and environmental research, in science oversight, and for university-based centers working on these issues. The roster of speakers included leading thinkers in each of these domains. Video of that conference, and most of our speakers’ presentations, are archived for free public access at <http://www.lifesci.consortium.umn.edu/video>.

As we mark the 5th anniversary of *MJLST*, we can celebrate a vibrant, flourishing journal and much more. The journal is one part of an innovative effort at the University of Minnesota to build a network of resources integrating grant-funded research groups, top thinkers and speakers, established and new authors, and students in training. We are producing print resources, web-based materials, and video archives, with wide dissemination. We are linking lawyers, policy analysts, scientists, clinicians, bioethicists, students, and others in a profoundly interdisciplinary effort to address some of the most complex and difficult issues of our time – how law, policy, and society should deal with the immense challenges posed by 21st century science and technology.