AIDS and HIV: The Legal Dimension: A Selective Bibliography

Bonnie L. Koneski-White

Follow this and additional works at: http://engagedscholarship.csuohio.edu/jlh

Part of the Health Law and Policy Commons

How does access to this work benefit you? Let us know!

Recommended Citation

This Article is brought to you for free and open access by the Law Journals at EngagedScholarship@CSU. It has been accepted for inclusion in Journal of Law and Health by an authorized administrator of EngagedScholarship@CSU. For more information, please contact library.es@csuohio.edu.
AIDS AND HIV: THE LEGAL DIMENSION:
A SELECTIVE BIBLIOGRAPHY

Compiled by
BONNIE L. KONESKI-WHITE*

I. INTRODUCTION .................................................131
II. SYMPOSIA AND SPECIAL ISSUES .............................132
III. BIBLIOGRAPHIES ................................................133
IV. ARTICLES .........................................................134
   A. General ....................................................134
   B. Public Health Law and Policy ............................140
   C. Public Policy ..............................................141
   D. Discrimination ..........................................142
   E. AIDS and the Workplace ................................145
   F. Confidentiality ..........................................148
   G. Prisons ....................................................150
   H. Family Law ...............................................152
   I. Children ...................................................153
   J. Immigration ...............................................153
   K. Insurance ................................................154
   L. Legislation ...............................................155
   M. Torts ......................................................157
   N. Testing ....................................................160
   O. Quarantine ...............................................162
   P. Schools ...................................................163
   Q. AIDS as a Handicap .....................................164
   R. Constitutional Law .......................................164
   S. Criminal Law .............................................165
   T. Practice of Medicine ....................................166
   U. Health Care ................................................168
   V. Litigation ................................................169
   W. Estate Planning ..........................................171
   X. Pharmaceuticals ........................................171
   Y. Women .....................................................173
   Z. Courts .....................................................173

I. INTRODUCTION

June 1991 marked the tenth anniversary of the "discover"y of the AIDS disease. It seemed a propitious time to contemplate the problems faced by individuals who have the disease and by those who have the HIV virus. This bibliography provides a selective listing focusing on the legal aspects of AIDS and HIV and is composed primarily of citations to periodical literature. Concentration is on "legal" periodicals but medical journals and newspaper articles should not be overlooked if the researcher would like a fuller picture.
For the most part articles over two pages in length from journals were included. Editorials and articles from national and legal newspapers generally are not included. Although some articles are listed from foreign periodicals, most of the entries focus on the United States.

Listings in one category can cover some aspects of other categories. An attempt was made to include the article in the category which best covered the subject matter of the majority of the article. An asterisk (*) indicates that the article is contained in one of the symposia or special issues listed in the "Symposia and Special Issues" section of this bibliography.

Articles from HASTINGS CENTER REPORT are not covered extensively, however this resource is invaluable in that it contains many columns, articles, and features dealing with all aspects of the disease. Comprehensive inclusion of materials contained in the MENTAL & PHYSICAL DISABILITY LAW REPORTER was not possible. The REPORTER, although sometimes precursory in its coverage, is an excellent current awareness tool. Another source not covered in this bibliography, but helpful to those researching this issue is BIO LAW, composed of a print treatise and primary documents in microfiche.

Since legal periodical literature on this subject continues to proliferate, the researcher can keep up to date by monitoring the standard periodical indexes.

II. SYMPOSIA AND SPECIAL ISSUES

Includes: Bolan, Paper on moral and religious aspects of AIDS; Lucid, Paper on moral and religious aspects and services for AIDS patients; Morris, Paper on moral and religious aspects of AIDS and discrimination; and Questions and Answers.

The Challenge AIDS Poses to the Courts, 29 JUDGES' J. 2 (Spring 1990).
Drugs, Alcohol and AIDS, 14 CONTEMP. DRUG PROBS. 367 (1987).
Professional Conference on AIDS, Delaware, April 16, 1988, 7 DEL. LAW. 4 (Summer 1988).
Special Issue on AIDS, 4 NEW ENG. J. PUB. POLY 5 (Winter/Spring 1988).
Symposia on AIDS, 4 ISSUES L. & MED. (Articles Sections) (Fall and Winter 1988).
A Symposium on AIDS, Part 1, 14 LAW MED. & HEALTH CARE 225 (1986);
[Great Britain].
Testing Democracy: AIDS in America, 14 HUM. RTS. 16 (Summer 1987).

III. BIBLIOGRAPHIES


### IV. Articles

#### A. General


A SELECTIVE BIBLIOGRAPHY


Dennis L. Breo, Confronting AIDS; Blunt Facts About an Insidious Killer - and What You Need to Know to Protect Yourself, 34 MED. TRIAL TECH. Q. 137 (1989).


*Michael N. Castle, Remarks by Governor Michael N. Castle, 7 DEL. LAW. 4 (Summer 1988).


Philip H. Corboy, The AIDS Crisis: Legal Implications, 16 BRIEF 40 (Fall 1986).


Harold L. Hirsh, *AIDS Updated: A Review - Part I*, 31 Trauma 85 (Dec. 1989); *AIDS Updated: A Review - Part II*, 31 Trauma 65 (Feb. 1990). *Harold L. Hirsh, *A Visitation with AIDS, Part I*, 36 MED. TRIAL TECH. Q. 1 (1989) [general]; Part II, Major Clinical Manifestations and Syndromes, Id. at 151; Part III, Further Major Clinical Manifestations and Syndromes, 36 MED. TRIAL TECH. Q. 281 (1990); Part IV, Minor Clinical Manifestations and Syndromes, 36 MED. TRIAL TECH. Q. 321 (1990); Part V, Management, Id. at 450; Part VI, Medical Dilemma, Legal & Ethical Quagmire, Id. at 464; Part VII, Medical Dilemma, Legal & Ethical Quagmire, 37 MED. TRIAL TECH. Q. 1 (1990); Part VIII, Medical Dilemma, Legal & Ethical Quagmire (continued), Id. at 46; Part IX, Medical Dilemma, Legal & Ethical Quagmire (continued), 37 MED. TRIAL TECH. Q. 273 (1991); Part XI, Medical Dilemma, Legal & Ethical Quagmire (continued), 38 MED. TRIAL TECH. Q. 1 (1991); Part XII, Medical Dilemma, Legal & Ethical Quagmire (continued), 38 MED. TRIAL TECH. Q. 154 (1991).*


J. Jeffrey Mayhook, *Crimes from the Heart*, 17 HUM. RTS. 46 (Spring 1990).


*People with AIDS Speak Out . . .*, 29 JUDGES’ J. 52 (Spring 1990). [Interview].


LuAnn A. Polito, Note, Containing the AIDS Virus ... Testing ... Reporting ... Confidentiality ... Quarantine ... Constitutional Considerations, 37 CLEV. ST. L. REV. 369 (1989).


Vicki Quade, A Lawyer with AIDS, 14 HUM. RTS. 22 (Summer 1987). [Interview].

Vicki Quade, Treating AIDS With Due Process, 16 BARRISTER 10 (Spring 1989). [Interview].

David E. Raskin, Psychiatric and Psychological Aspects of AIDS, 7 DEL. LAW. 38 (Summer 1988).


Paul Reidinger, A Question of Balance: Policing the AIDS Epidemic, 73 A.B.A. J. 69 (June 1, 1987).

Craig Reinarman, Editor's Introduction: Drugs, Alcohol, and AIDS, 14 CONTEMP. DRUG PROBS. 367 (1987).


Victor Schachter, Preventive Medicine: AIDS Education for Law Enforcement, 3 CRIM. JUST. 2 (Fall 1988).


B. Public Health Law and Policy

*The AIDS Project: Creating a Public Health Policy-Rights and Obliga-
Mark Barnes et al., The HIV-Infected Health Care Professional: Employ-
ment Policies and Public Health, 18 Law Med. & Health Care 311
*Ronald Bayer, Between Past and Future: AIDS Policy in International
*Lisa Bloom, AIDS and Moral Theory: An Inadequate Response from the


**Scott Burris, Rationality Review and the Politics of Public Health, 34 VILL. L. REV. 933 (1989).**


Patricia Evans, Note, Medically Necessary Treatment Provided at Public Expense, 6 COOLEY L. REV. 345 (1989).

**Theodore C. Falk, AIDS Public Health Law, 9 J. LEGAL MED. 529 (1988).**

**Gunter Frankenberg, “In the Beginning of All the World Was America”: AIDS Policy and Law in West Germany, 23 N.Y.U. J. INT'L L. & POL. 1079 (1991).**


**Larry Gostin, The Nucleus of a Public Health Strategy to Combat AIDS, 14 LAW MED. & HEALTH CARE 226 (1986).**


**Ann N. James et al., AIDS: A Plague on Institutional Health Policy Development, 10 J. LEGAL MED. 65 (1989).**


**Charles Konigsberg, Jr. & Martha F. Barerra, Local Public Health Perspectives on the Acquired Immune Deficiency Syndrome (AIDS) Epidemic, 12 NOVA L. REV. 1141 (1988).**


**David I. Schulman, AIDS, the Law and Society: Fact vs. Fear, 11 L.A. LAW. 18 (Sept. 1988).**


---

**C. Public Policy**

D. Discrimination


A SELECTIVE BIBLIOGRAPHY

Michael S. Cecere, *Working with AIDS; Answers for Worried Employers*, 16 Brief 6 (Summer 1987).


*Michael L. Closen et al., AIDS in America: Death, Privacy and the Law, 14 Hum. RTS. 26 (Summer 1987).*


A SELECTIVE BIBLIOGRAPHY


E. AIDS and the Workplace
(See Also Discrimination)


F. Confidentiality


Larry Gostin, Hospitals, Health Care Professionals, and AIDS: The “Right to Know” the Health Status of Professionals and Patients, 48 Md. L. Rev. 12 (1989).


Gerald R. Lucey & Gabriela B. Georgi, Privacy in the Workplace: Health and Liability, 14 Hum. RTS. 45 (Summer 1987).


G. Prisons


**H. Family Law**


I. Children

(See Also Schools)


J. Immigration


*Mark Barnes, AIDS and Mr. Korematsu: Minorities at Times of Crisis*, 7 St. Louis U. Pub. L. Rev. 35 (1988).


K. Insurance


How AIDS Affects the Property and Casualty Industry, 65 J. AM. INS. 22 (First Quarter 1989).


Paul Reidinger, Paying for AIDS; Government's Role Grows, 76 A.B.A. J. 94 (Jan. 1990). [Cases: Valdiviez v. United States, 884 F.2d 196 (5th Cir. 1989); Weaver v. Reagen, 886 F.2d 194 (8th Cir. 1989)].


Benjamin Schatz, The Crisis in AIDS and Health Insurance, 16 BARRISTER 45 (Spring 1989).


L. Legislation


Amy B. Berge, Case Note, Administrative Law - Policy Guidelines Promulgated by the State Board of Education through the Commissioner of Education Concerning Admission to School of Children with AIDS/ARC or HTLV-III Antibody Without Compliance with the Administrative Procedure Act are Null and Void. BOARD OF EDUC. OF


Barbara A. Breen, AIDS - An Acquired Community Problem, 32 MED. TRIAL TECH. Q. 249 (1986).


*Barry R. Furrow, AIDS: Designing a Balanced Legislative Response, 7 DEL. LAW 51 (Summer 1988).


Jeffrey S. Koeze, North Carolina's Communicable-Disease Laws and Regulations Amended in Response to AIDS, 19 SCH. L. BULL. 13 (Fall 1988).


*David J. Lyons, The Legislative Posture, 7 DEL. LAw. 79 (Summer 1988).


M. Torts


N. Testing


John G. Kruchko, Private Rights v. Public Protection; Drug Testing in the Working Place, 3 COMPLEAT LAW. 7 (Summer 1986).


*Cyril H. Wecht, Considerations and Potential Pitfalls in AIDS Lab Testing, 9 J. LEGAL MED. 623 (1988); also in 7 DEL. LAW. 27 (Summer 1988).


O. Quarantine


*Crisis in the Classroom; School Segregation of AIDS Victims*, 16 BRIEF 44 (Fall 1986).


Q. AIDS as a Handicap


*Martin H. Gerry, Section 504 of the Rehabilitation Act, HIV and AIDS: Legal Implications, 4 ISSUES L. & MED. 175 (1988).


Thomas P. Sotelo, AIDS: Handicap or Not?, 17 COLONIAL LAW. 1 (Fall 1988).


R. Constitutional Law


A SELECTIVE BIBLIOGRAPHY


S. Criminal Law


Marvin E. Schechter, AIDS: How the Disease is Being Criminalized, 3 CRIM. JUST. 6 (Fall 1988).

T. Practice Of Medicine


Katherine Benesch & Theresa Homisak, The Duty to Treat AIDS Patients; Does It Exist?, 24 TRIAL 22 (May 1988).


*John W. Burnside, AIDS and Medical Education, 10 J. LEGAL MED. 19 (1989).


Ethical Issues Involved in the Growing AIDS Crisis, 259 JAMA 1360 (Mar. 4, 1988).


*Harrison L. Rogers, Jr., The Medical Profession and AIDS, 10 J. LEGAL MED. 1 (1989).


U. Health Care

*Henry R. Adams, Financial Problems Inherent in the Admission of AIDS Patients into Long Term Care Facilities, 10 J. LEGAL MED. 89 (1989).


*Gerald Cioffi, Early Detection: The Role of the Dentist, 7 DEL. LAW. 10 (Summer 1988).


Abigail Zuger, Professional Responsibilities in the AIDS Generation: AIDS on the Wards; A Residency in Medical Ethics, 17 HASTINGS CENTER REP. 16 (June 1987).

V. Litigation


Richard L. Berkman, Bad Blood; Defending AIDS Cases, 15 BRIEF 39 (Summer 1986).


Jan Lewis, Herpes and AIDS Litigation, 26 TRIAL 84 (July 1990).


**W. Estate Planning**


**X. Pharmaceuticals**


*Robert R. Redfield, The Researcher's Initiative, 7 DEL. LAw. 16 (Summer 1988).


Robert C. Waters, Obtaining Experimental Drugs for Severely Ill Clients: The Dilemma Caused by AIDS, 63 FLA. B.J. 7 (May 1989).


Y. Women


Z. Courts


*C.C. Tolbert, Jr., The Challenge AIDS Poses to the Courts, 29 JUDGES’ J. 2 (Spring 1990).

*Associate Law Librarian, Western New England College School of Law.