**STUDENT-BASED RESPONSES TO LATIMER CASE**

*In each circumstance on your test, make sure you 1) State what that legal theory is* ***AND*** *2) Apply it as best you can (EVEN BEING THE JUDGE/LEGISLATOR IF NEED BE)*

***Legal Formalism – Ryan, Megan, Sean, Robbie***

*A legal formalist judge in this case would have no standpoint at all, because there is no current law regarding cloning/stem cells in Canada. Legal formalists follow the law very strictly, almost treating the law like a formula. Therefore, because there is no law on this issue, a legal formalist would have no ruling. They would have to wait for a legislature to develop a law regarding the issue, and from there a legal formalist would simply follow the law to the letter.*

***Legal Realism – Emma, Jami, Alex, Brandon***

*Since there is no set law on the issue, a legal realist judge would have to interpret each case individually. They would consider previous cases that are similar in genetic issues. In the end, a realist judge would use their own judgment, morals, and background to decide the outcome. If I were in this particular position as a judge, I would side with the research/development side, because I believe in the advancement/betterment of human health. I have no moral/cultural/political/social dilemma with stem cell research and see it as an area within the health care system with great promise.*

***Critical Legal Studies (CLS) – Saayd, Becca, Ashley, Amber, Cassidy***

*According to the Critical Legal Studies theory, laws are made and exist for supporting the people in power. There is currently no law in place that either supports or condemns cloning in Canada. Since the Conservative Party is in power, there is little chance of them supporting the cell cloning idea because the majority of their voters are elderly, and they have traditional views. They adhere to a traditional value/custom basis and would most certainly oppose laws that would go against their values/ The Conservative Party, therefore, would be against cloning as it is both against their values and would most certainly cost them votes.*

***Feminist Judisprudence – Dan & CREW (NO NAMES)***

*A judge ruling under Feminist Judisprudence might have a couple of different opinions on the concept of cloning human cells in Canada. On the one hand, this sort of thing is considered fairly taboo to people in Canada as a result the judge might support it. This is because supporters of feminist judisprudence believe most laws are made with a male bias and therefore tend to support things that may be considered unconventional by lawmakers. On the other hand however, a judge ruling under feminist judisprudence may be against this idea as it takes power away from women. If everyone in society is cloning, this would take away an area of society where women have a predominant role: child bearing. Overall, it is most likely that they would support cloning as it gives women more choice in the medical world, and anytime a law gives women choice with their bodies, the school of feminist judisprudence would support it.*

***Law Based on Economics – RJ, Mark, Wes, Rich, Geoff***

*A judge who subscribes to the ideology of law based on economics would question the consequences of stem-cell research on the economy. They would consider the cost of producing and endorsing the research. One major factor in the decision making process would be a fixed-cost analysis of the project; in essence, looking at the expenses of research, doctors, facilities, equipment, etc., and compare it to the money spent on the norm; standardized health care. Another factor is the flow of the economy, meaning, would doctors be moved or hired, where would the resources come from, would it cause unemployment or stock drops in pharmaceutical companies or health insurance companies? These factors are very important, however, the largest influence on this judge would be the concept of resource allocation. This idea suggests that providing stem-cell research publicly may cause inappropriate distribution of resources to the lower classes. The idea of allocating resources to the public is in actuality allocating power to the public, causing socio-economic and political instability taking power from the upper classes of society. Due to these principles, a judge focusing on law based on economics would not likely support stem-cell research.*