AMERICAN JOURNAL OF LAW & MEDICINE

Volume 51, Number 1 • 2025

ARTICLES

- 1 A BRIDGE TOO FAR: Practice Guidelines in the New ALI Medical Malpractice Restatement Larry S. Stewart and Robert S. Peck
- 27 Doctors Playing Lawyers: Lessons for Professional Regulation in Crisis Rebecca Haw Allensworth and Cathal T. Gallagher
- 69 Meat, The Future: The Role Of Regulators In The Lab-Grown Revolution Joseph B. DaVault and Michael S. Sinha
- 100 Yes, Abused Children are at Risk in Open Dependency Courts: A Rebuttal to Witkin William Wesley Patton
- 125 Centering the Auxiliary: An Alternative in the Hospital Tax-Exemption
 Debate Ellen E. Farwell
- 166 Deanda v. Becerra: The Implications of the New Legal Attack on Longstanding Title X Policy Elizabeth Tobin-Tyler and Aidea Downie

A Journal of the American Society of Law, Medicine & Ethics www.aslme.org



Published by the American Society of Law, Medicine & Ethics and Boston University School of Law. Copyright held by the Trustees of Boston University.





The American Journal of Law & Medicine (AJLM) is North America's leading health law journal devoted exclusively to the analysis of issues at the nexus of law and medicine. Its broad editorial scope includes health law and policy; updates on significant legal decisions and developments affecting health care; legal, ethical and economic aspects of medical practice, research and education; book reviews; and much more. The editors invite the submission of original manuscripts on medicolegal topics. For details, see the inside back cover.

The American Journal of Law & Medicine is published by Cambridge University Press on behalf of the Trustees of Boston University and the American Society of Law, Medicine & Ethics.

ISSN: 0098-8588

E-ISSN: 2375-835X

Copyright © 2025 by Trustees of Boston University. All rights reserved. No portion of the contents may be reproduced in any form without written permission from the publisher.

Printed in the USA by The Sheridan Group

Editorial Office

American Journal of Law & Medicine, 765 Commonwealth Avenue, Suite 1702, Boston, MA 02215 USA

E-mail: ajlm@bu.edu

Submission Guidelines: For submission guidelines, please contact the editorial office at ajlm@bu.edu or go to cambridge.org/ajlm/submit

Subscribe or Recommend a Subscription to your Librarian: Go to cambridge.org/ajlm/subscribe or email subscriptions_newyork@cambridge.org (in the USA, Canada or Mexico) or journals@cambridge.org (elsewhere).

Copyright and Permissions: To request permission for republishing, reproducing, or distributing material from this journal, please visit the desired article at cambridge.org/ajlm and click "Rights & Permissions." For additional information, please see cambridge.org/about-us/rights-permissions.

Advertising and Reprints: Contact ad_sales@cambridge.org. Acceptance of advertising in this journal in no way implies endorsement of the advertised product or service by Cambridge University Press, the Trustees of Boston University, American Society of Law, Medicine & Ethics or the journal editor(s). We reserve the right to reject any advertising it deems as inappropriate for this journal.

Member Subscription Information: American Society of Law, Medicine & Ethics member inquiries, change of address, back issues, claims, and membership renewal requests should be addressed to Membership Director, American Society of Law, Medicine & Ethics, 765 Commonwealth Avenue, Suite 1704, Boston, MA 02215; telephone: (617) 262-4990 ext. 15. Requests for replacement issues should be made within six months of the missing or damaged issue. Beyond six months and at the request of the American Society of Law, Medicine & Ethics, the publisher will supply replacement issues when losses have been sustained in transit and when the reserve stock permits.

Claims or Change of Address for Non-Members: Should be directed to subscriptions_newyork@ cambridge.org (in the USA, Canada or Mexico) or journals@cambridge.org (elsewhere).

Discover the Entire AJLM Back Archive: cambridge.org/ajlm/read

ADMINISTRATIVE OFFICERS OF BOSTON UNIVERSITY SCHOOL OF LAW

ROBERT A. BROWN, Ph.D., PRESIDENT

ANGELA ONWUACHI-WILLIG, J.D., M.Phil., Ph.D., Dean; Professor of Law

FREDERICK TUNG, J.D., ASSOCIATE DEAN FOR ACADEMIC AFFAIRS; HOWARD ZHANG FACULTY RESEARCH JAMES E. FLEMING, J.D., Ph.D., ASSOCIATE DEAN FOR RESEARCH AND INTELLECTUAL LIFE AND PROFESSOR OF LAW

KRISTIN COLLINS, J.D., ASSOCIATE DEAN FOR INTELLECTUAL LIFE; PETER PAUL CAREER DEVELOPMENT PROFESSOR; PROFESSOR OF LAW

MARGARET MAISEL, J.D., ASSOCIATE DEAN FOR EXPERIENTIAL EDUCATION, CLINICAL PROFESSOR OF LAW

OFFICERS OF THE AMERICAN SOCIETY OF LAW, MEDICINE & ETHICS JAIME S. KING, J.D., Ph.D., President LINDSAY F. WILEY, J.D., M.P.H., IMMEDIATE PAST PRESIDENT ELLIOT L. SAGALL, M.D. (DEC.), FOUNDER AND FIRST PRESIDENT

LAW & MEDICINE

Volume 51, Number 1 • 2025

BOARD OF EDITORS

Faculty Advisors

Nicole Huberfeld, J.D.
Kevin Outterson, J.D., LL.M.
Christopher Robertson, M.A., J.D., Ph.D.
Laura Stephens, J.D.
Kathryn Zeiler, M.S., J.D., Ph.D.
Boston University School of Law

Faculty Editor-in-Chief Emerita

Frances H. Miller, J.D.

Boston University School of Law

Interim Managing Editor

Nicole Gustas American Society of Law, Medicine $\mathfrak S$ Ethics

Founding Editor

John A. Norris, J.D., M.B.A. Health Discovery Corp.

EDITORS

Gail B. Agrawal, J.D., M.P.H. University of Iowa College of Law

Michael Baram, J.D.
Boston University School of Law

Charles H. Baron, LL.B., Ph.D. Boston College Law School

Jay A. Gold, M.D., J.D., M.P.H. MetaStar Inc., Madison

 $\begin{array}{c} \text{Ernest M. Haddad, J.D.} \\ \textit{Boston University School of Law} \end{array}$

Clark C. Havighurst, J.D. Duke University School of Law

Nathan Hershey, LL.B. University of Pittsburgh Graduate School of Public Health (Retired)

David A. Hyman, M.D., J.D.

University of Illinois College of Law

Sheila Jasanoff, J.D., Ph.D. Harvard University Kennedy School of Government

Timothy S. Jost, J.D. Washington and Lee University School of Law

 $\begin{array}{c} {\rm Stephen\; Latham,\; J.D.,\; Ph.D.} \\ {\it Yale\; University} \\ {\it Interdisciplinary\; Center\; for\; Bioethics} \end{array}$

Sylvia A. Law, J.D. New York University School of Law David T. Morris, J.D., M.B.A. *AbbVie, Chicago*

Joseph P. Newhouse, Ph.D. Harvard University

Irwin N. Perr, M.D., J.D. University of Washington School of Medicine

Harvey E. Pies, J.D., M.P.H. Blue Cross and Blue Shield of Florida

Arti K. Rai, J.D.

Duke University Law School

Philip R. Reilly, M.D., J.D. *Third Rock Ventures, LLC*

Marc A. Rodwin, J.D., Ph.D. Suffolk University Law School

Mark A. Rothstein, J.D. University of Louisville School of Medicine Institute for Bioethics, Health Policy and Law

> David S. Szabo, J.D. *Locke Lord*

> Linda V. Tiano, J.D. Healthfirst, Inc.

Sidney D. Watson, J.D. Saint Louis University School of Law

LAW & MEDICINE

INTERNATIONAL BOARD OF EDITORS

Koichi Bai

Director, Institute of Medical Humanities Kitasato University School of Medicine Japan

Erwin Deutsch

Faulty of Law University of Göttingen Germany

Bernard M. Dickens, Ph.D., LL.D.

Faculties of Law and Medicine
University of Toronto
CANADA

Honorable Justice Michael D. Kirby President, Court of Appeal Supreme Court of New South Wales

Australia

M.A.M. de Wachter Director, Institute of Bioethics

Director, Institute of Bioethic
The Netherlands

Christopher Newdick

Reader in Health Law University of Reading United Kingdom

Amos Shapira

Faculty of Law Tel Aviv University ISRAEL

Peter D.G. Skegg

Faculty of Law University of Otago NEW ZEALAND

LAW & MEDICINE

STUDENT BOARD OF EDITORS 2024-2025

Editor-in-Chief
Ruth Kachatorian

Senior Managing Editor Adi Caplan-Bricker Senior Articles Editor Anderson Riddick Executive Editor Hanna Cho

Managing Editors Marissa Hartz Taylor Hawkins Yelitza Montesino Articles Editors Mara Lynch Yixuan (Sherry) Pan Notes Editors Ariel Chen Christopher Durgham Abigail Pirron

Symposium Editor André Hanna Administrative Editor
Jasmine Noh

Staff Editors

Audrey Chu
Nancy Coe
Jack Dunn
Caitlin English
Julien Fenouil
C.J. Hill

Hamid Hoshmand Sarah Iglesias Haniyyah Javed Timothy Johnson Jacqueline Jordan Victoria Lee

Bilal Mubarack Kshithija Mulam Paloma Ryan Ellery Robinson Jacquelin Sheerin-Weissenberg Parisa Siddiqui Lauren Smith Giffin Werner

Faculty Advisors

Nicole Huberfeld Kevin Outterson Christopher Robertson Laura Stephens

Kathryn Zeiler

LAW & MEDICINE

Volume 51, Number 1 • 2025

ARTICLES

- 1 A BRIDGE TOO FAR: Practice Guidelines in the New ALI Medical Malpractice Restatement Larry S. Stewart and Robert S. Peck
- **27 Doctors Playing Lawyers: Lessons for Professional Regulation in Crisis** *Rebecca Haw Allensworth and Cathal T. Gallagher*
- 69 Meat, The Future: The Role Of Regulators In The Lab-Grown Revolution Joseph B. DaVault and Michael S. Sinha
- 100 Yes, Abused Children are at Risk in Open Dependency Courts: A Rebuttal to Witkin William Wesley Patton
- 125 Centering the Auxiliary: An Alternative in the Hospital Tax-Exemption Debate *Ellen E. Farwell*
- 166 Deanda v. Becerra: The Implications of the New Legal Attack on Longstanding Title X Policy Elizabeth Tobin-Tyler and Aidea Downie