

Lawyer becomes top stem-cell advocate

By Regan Morris

Bernard Siegel gave up his law practice of 30 years to create the Genetics Policy Institute, the stem-cell advocacy group behind the lobbying effort in the United Nations to block a ban on human cloning for research. LawCrossing speaks with the attorney about his role as a cloning attorney with no clients.

Remember the Raelians? The "UFO-related" group that claimed to have cloned a baby? The Raelians fooled the world media at a press conference in Hollywood in 2002 and outraged and inspired many with their claim to have cloned the dead child of a West Virginia couple, giving them a new lease on life.

Florida attorney Bernard Siegel, who had handled many family law cases early in his career, was among the outraged. Clonaid, the Raelian's alleged company, was supposedly keeping the cloned baby in hiding, moving it around the world.

For Mr. Siegel, 55, that baby was no different than the missing children on milk cartons, and he had represented parents of those missing children in the past. He filed a lawsuit to get a temporary guardian appointed for the baby. The baby and Clonaid turned out to be hoaxes.

"I chose to file this case as a matter of legal principle," Siegel said. "I thought I'd make a footnote in some law journal, the first case to protect the rights of a cloned human being."

He didn't realize that case was the beginning of a journey into cloning.

"The upshot of the case was we showed Clonaid was nothing more than a sham. It lacked a street address, it lacked a board of directors, and it had taken half a million dollars from a West Virginia couple to clone their deceased child," he said.

The case brought Mr. Siegel in contact with dozens of legitimate scientists interested in cloning, including Ian Wilmut, the lead scientist behind the team who cloned Dolly the sheep.

"Ian and some of the other scientists were very pleased that someone had stood up against folks that they considered charlatans," Mr. Siegel said. "So with that encouragement, I spent quite a bit of time meeting the stakeholders in this cloning, stem-cell debate. I met Leon Kass, the head of the President's Council on Bioethics. I met leaders of biotech. I met leaders of patient-advocacy organizations. And also ordinary folks who were just interested in this subject."

A temporary leave of absence from his law practice turned into a career change. In March 2003, Mr. Siegel created the Genetics Policy Institute, a nonprofit organization to educate the public about cloning and to seek a legal framework to advance scientific research to cure diseases.

Since then, he has become an international spokesman and advocate for stem-cell research and has lobbied the United Nations not to ban therapeutic cloning. Mr. Siegel, like most every scientist and government in the world, is against reproductive cloning, or cloning cells with the intent of creating a baby. So-called therapeutic cloning involves the creation of human embryos in a lab by taking genetic material from a cell in an adult's body and fusing it with an empty egg cell. It does not involve cloning a carbon copy of a person.

The new cell develops into an embryo, and scientists then mine for embryonic stem cells, which are master cells and have the potential to develop into any type of cell in the body. The hope is that scientists will one day be able to replace damaged tissue in the body from, for example, heart disease. Some hope that eventually stem cells will be used to grow into entirely new organs.

Critics say the process creates life to destroy life and that even discarded embryos from IVF treatments should not be used to harvest stem cells. President Bush is one of the more prominent critics of creating new stem-cell lines from cloned embryos.

Mr. Siegel thinks more people will support therapeutic cloning in the future.



"I think of course when there are clinical breakthroughs or applications that we see from this research, I think a lot of the concerns will evaporate, he said.

He also thinks more states will emulate California, which just passed Proposition 71, a \$3-billion funding of stem-cell research.

"When you have bans (on research) to take away hope, what you have is essentially a huge citizens revolt," he said of the California vote. "And the result is we have this colossal proposition that's passed that has made stem-cell research a fundamental right, which is absolutely extraordinary."

He said his Genetic Policy Institute filled a void in the stem-cell debate.

"What was unique about this was it seemed to be fulfilling a niche, which no one else was doing. Essentially, in a facetious way, I would say I am the only cloning lawyer in the world; unfortunately there are no clients," he said. "There was no one out there really connecting the dots between the stakeholders and trying to put all of this into a legal context necessarily."

Mr. Siegel, who started his own practice right after graduating from the University of Miami, said he has always been cause driven and that in his practice he often took cases no one else wanted.

He said the institute has had its greatest success when the United Nations shelved proposals in November to ban therapeutic cloning in a worldwide treaty. The U.N. General Assembly plans to discuss the matter again in February, but a treaty is unlikely.

Costa Rica initiated the plan to ban all forms of human cloning, and the initiative was backed by President Bush.

"The Genetics Policy Institute staged a science conference for the United Nations on these issues to illuminate the difference between reproductive cloning, which was unethical and a form of human experimentation, and therapeutic cloning, which offers the hope of cures for millions of people who have Alzheimer's, diabetes, and other afflictions," Mr. Siegel said.

He started the institute alone and has since hired an associate director, a quadriplegic woman he met at the University of Miami during a conference on curing paralysis. Mr. Siegel worked briefly with Christopher Reeve on patient advocacy and played a videotaped appeal after the paralyzed Superman star died October.

"I'm doubly motivated not only to be a voice for scientists and scientific research for cures, but also from the standpoint as a voice for patients as well," he said. "I don't envision at this time taking anything to court over this, but you never know. Certainly if there was an issue to litigate, we would be prepared to do so. I think right now it's more of a question of education. We want to make sure that the general population, the key decision makers, and the media understand these issues. That's what we need to do at the moment, and we're doing a good job."

Mr. Siegel, who had a wide-ranging practice covering personal injury and some sports and entertainment law, said all of his experiences have helped him create the institute. He said he became an attorney because he was very idealistic and felt a law degree would help him change the world.

"I thought I could actually change a few things in the world if I got that law degree," he said. "I've essentially been a solo practitioner my entire career. I hung out my shingle when I got out of school. I suppose I was a bit of an entrepreneur. And I liked doing my own thing."

He said it would be hard to advise attorneys interested in stem-cell law because there really isn't a field of stem-cell law...yet.

"I think that it's very important for young attorneys to have the broadest experience they can get. If they don't think they're a trial attorney, try a case anyway. Learn as much as you can as early as you can and get the hands-on experience, because you don't know unless you try those things," he said. "And by all means, get inspired. That law degree is so powerful, and it can advance you in all sorts of ways you wouldn't expect. It's still respected in society despite all the lawyer jokes that you might hear. There's so much potential good that a lawyer can do."