1. Hard question of law: is $50,000 to a charity of one's choice "valuable consideration" within the meaning of § 301 of NOLIA? 

Here, I have chosen $x to reflect the payment made for each donation and $y to match the statute's language. The reason to consider the $50,000 valuable consideration is looking at the intentionality. Here, we have a record of the hearing.

Each senator would support finding $50,000 as valuable consideration.

A would see a bargain with the charity selection - the control each side has supports this. B would see financial or pecuniary gain.

Even though the money does not go to the donor, the donor could still have pecuniary gain from tax savings from charitable credit.

C would also see valuable consideration. Finding $50,000 to be valuable consideration may also be supported by textualism - as A pointed out when referring to contracts. Further, it would be difficult
to put valuable $5000 into any of the exceptions. Alternatively, we have purposivist reasons for finding it is not valuable consideration within §301. The statute was in response to a shortage of compatible kidneys. In that sense, the purpose would be supported by not finding $5000 to be valuable consideration and thus not criminalizing the program. This question would apply to HIV and program participants as both are involved. We may ask if the law is acquiescing, receiving, or transferring (4) within §301 by setting up this system (5). This would most likely be a straightforward yes.

Kidney Club: Here, our question is: Is "a database that facilitates future exchange for current participation" a "paired donation" within §301? This question would also affect both. Normatively, we could ask if a long-term and wide-spread kidney donation system should be given exemption from the statute’s criminal penalties. Here, there
are strong reasons to find it is a paired donation. First, the exemption was put in to emphasize that these donations, regardless of financial profit (which many argued is always absent) should be explicitly protected. Intentionalism looking, it would seem KC would be a paired donation and thus exempt. Intentionalism purposively, that position is also supported because the statute seeks to increase donations and this may help facilitate that. Textually we may have an issue.

"Paired" typically involves two; its ordinary meaning would support that KC is not a paired donation. Not only are there more than two participants, there is no initial matching. Indeed, even with a broader reading of paired as supporting multiple "pairs" of participants, entering into the database wouldn't qualify. One can enter into the database
and later back out. While they are expelled at that time, they may have already received the benefit; thus, there was no true exchange. That "escape clause" may also go against purposivist intertemporal ideas, because they are not bound so it may not facilitate an increase. Utilitarianism would support finding a "paid donation" includes the KC theory. Arguably, there is a great deal of happiness in receiving a kidney to avoid dialysis and to receive a paired one. Economic analysis would support this as well as a cost-saver that is Radner-Hicks efficient. Although the to pain and suffering that may make donor worse off, society as a whole is better off. We cannot solely rest on this. We know that dialysis is $400,000 and the donation is $275,000 - a $125,000 cost savings. But the market
Clearing price is $300000 if a free market arose - still a $100000 savings. So, we cannot rely solely on economics. Ultimately, it would probably be a close call, but there is also ex-post support here. Rauls would say that, because KC is entered into when members have healthy kidneys, they are rules proposed by free and equal persons. Nozick's libertarianism would support this idea as well as exempting KC because it allows for individual choice - the opt-out ensures there will never be a forced donation. I think it is likely that under § 301 of NOLRA, the KC would be a "qualified exemptor donation" and thus exempted from criminal penalties.

B. KC Gold. Here, we have multiple questions. First, transmitter is operating a forum that allows for...
payments among third parties for organ donation (x) "transfer(ing) any human organ for valuable consideration" (y) within $5000? I think it would be "Textually, we may be inclined to say "oh, $5000 is definitely valuable consideration" because of the monetary sum. Putting it into perspective may be a strong reason not to find it so, however, because it is \( \frac{1}{100} \) of the market price - thus it may be nominal. Intentionally may support finding it to be valuable consideration as an intention was to avoid for profit burdens on the poor. While initially we may think of this as the poor having to pay an exorbitant fee, we can now see monetary coercion that would disproportionately affect the poor. Pains would say not all entities are free and equal persons because of tried and how is facilitating an unjust and exploitative
system. Thus, ex post normative reasoning and
positivist intentionalism would find it to be "valuable consideration."

Notice may also take issue with the idea of the payment as
coercion. Utilitarianism would support a normative exception for
this system as payments are donations but increase the social
surplus in terms of happiness. I think that a court
probably would find that it was valuable consideration
because of implicit coercion against involving the poor and
the straightforward sum participants would face two
questions: 1) $3000 (X) valuable consideration (y) within §301?
2) Is the anonymous bargaining and any monetary transfer (x)
"valuable consideration" (y) within §301? Finally, \( x_3 \) into ¥

Gold program (\( x_3 \)) a "pure donation" (\( y_3 \)) within §301? We
have largely addressed *1 above. *2 8000 would probably be a


Yes through intentionalism - we established A's "bargain for exculpation." A trade form would seem to fit that. The financial gain involved would suggest B's intentions are supported. Proposition suggests that the statute's purpose was to prevent a market for human organs, which is what K-C gold has essentially created. We have the same normative reasons regarding poverty as play here - with an even greater potential for coercion. On the other hand, intentionalism may suggest this could be valuable consideration, because the market idea was targeted more at "organ brokers" per the committee report. Certainly, one would not consider these individuals to be organ brokers (perhaps we could see HIV that way). Overall, I think the court would find valuable consideration under § 301 here.

As to 43, we shall evaluate if it's a paired donation.
Probably not. Textually, we face the same issues as before under KC. There is no true pay nor an actual exchange. We can see a selflessness intention through his reference to family members that is missing. Instead, you can pay someone to donate in your place and later secure the benefits. It also goes against ex post normative reasoning. We are not living in a Golden Rule or loving community by treating human parts as commodities. Our commitment duties are easily broken with payment. NGOs may bristle at the repayment + interest. Moreover, he would see an interference with human autonomy which would normatively reject finding these to be exempt. Economic analysis is once again need because of the aforementioned bar or a cost-cutting open
market. The only strong arguments may come from epistemology as recognizing that it would still likely increase transplants. Additionally, non-corporate utilitarianism may support this exception because of saved pain (fewer deaths with compatible matches) as well as a mutual gain of happiness overall: you get a kidney while I get payment and satisfaction. Still, I think it is stronger to look ex post and to intensionalism and find.

KC gold is not a "paired donation" under § 301.

Question 2) I think that the charity program would be the best to implement. First, we are creating positive externalities with the charity payments. We could also avoid information issues with P2 + P3. There may be adverse selection of people with a family history of
of kidney failure existed and those with more healthy backgrounds abstain. There is also moral hazard in that once promised a kidney should you need one and one is available, you have less incentive to be health conscious. Utility supports pt and that we can look at the benefits to all parties — donors get to feel fulfilled & charitable, donors get healthier & a better quality of life, and charities benefit. Economics support this as a good option (although not best) because there is still a cost saving of $750,000 per analysis. Ex-post normative support as well. It is free & equal without coercion per Raul. Killary see it as the least instrumentalist and offensive because voluntary organ donation already takes place as an
Ordinary expectation. Nozik would see this currently voluntary option as the most libertarian. And a Golden Rule of loving community is created here by more selflessly donating to benefit others. While there may be flaws, normative reasoning supports this implementation. The charity option is, thus, best and should be implemented.

1) Josefinas testimony relates to the "paired donation" element of NOTA. She has described the exact problem for which paired donation is exempt—to allow her willingness to donate to be put to best use while her intended recipient recovers the benefit of her sacrifice. Josefinas testimony supports the purpose of NOTA when she described her healthy brother: the compatible transplant, one of NOTA's purposes, seemingly took.

Committee
reports, should we consider them part of NOTA, are supported by her obligation to her brother. The intentions behind NOTA and the purpose to avoid discrepancies among those at lower income levels is reflected in her inability to pay in Santa Maria. Her testimony suggests that is only through this program the donation could take place. There is a possibility that Josefa's testimony shows that the transfer did not meet the purpose of reducing incompatible donation because it reveals other siblings that may have matched. Nonetheless, her donation to B supports it. If we impute an economic/cost-saving purpose, that may not be supported because Ricardo is in Santa Maria per her testimony and would not result in any saved dialysis costs. Again, this is a weak purpose to impute.
This is a tough question. Our realist doubts suggest it may be impossible to avoid an incorporation of normative and value judgments. Our natural law imaginations also support a value judgment as the law is grounded in principle. Moreover, we know that our decision making as humans is influenced not only by knowledge but also by character and integrity and our ability and skills. While our formalist conscience may try to reign the jury in valuably, it seems unlikely that is the best option.

I believe you should encourage the jury to take a holistic approach, in part because it does not seem that transborder donations were particularly considered by the legislature, so which matters because of cultural implications. You should tell the jury that there are many normative ways to approach this, and your own life experiences may shape your approach. It is important to be cognizant of that as
you make a value judgment. An economic analysis is likely to weigh your initial views. This is a case of statutory interpretation but at the heart of it, we can see echoes of society before its implementation. You may want to consider, among other tools, ideas of rights, fairness, and a loving or Golden rule community. You may want to consider the impact of poverty. And you may want to look at the externalities, both positive and negative, within this decision. "Just because a value-less judgment is hard is not a reason to exclude it. But here the complexity of the question makes it a hard one. From our values...

In many ways, this is not a jury of peers—neither HW's peers (it is an international organization) nor Josefina's (although the trial is not charging her). Nonetheless, it is multicultural, which may help with the complexities of this cross-cultural transaction. Ultimately, I do not think you should instruct them to exclusively rely on the English translation. Nuances of language may be improperly represented in translation. The three fluent jurors may be able to enhance their understanding, and
Louise, the other juror, of Josefine's testimony. Josefine is an outsider, and allowing a multiple Spanish interpretations may best examine this. Further, she has also been unwashed (possibly through testimony that may have left her feeling vulnerable). Margaret Montoya would say that we cannot (and should not) eliminate our cultural upbringing and our social roles—they are deep within us and influence our world views. We cannot unlearn them.

Statistics would probably agree. Hearing and considering the testimony in Spanish enhances the legal system at play here. Our acknowledgement of limited familiarity with Santan Maria's cultural norms and value judgments supports the idea that we should allow the Spanish testimony to be considered to best honor and respect these cultural differences for Josefine and the juries. There is the obvious opposition in terms of unequal testimony for all juries. But, appreciating the collaborative nature of a jury that must decide together, it stands no reason that four interpretations of one story are better than one. We may also see an issue because not all Spanish-speaking countries are alike. This is true and should be considered but, this ultimately, justice is best served by allowing the jurors to use the Spanish testimony.