

CASE #5: STUDENTS' LITTLE HELPER

Sara, a college junior, had watched others in her dorm pound their way through all-night paper writing sessions, jobs, and parties with the help of Ritalin, Adderall, and other drugs designed to keep them awake and focused. Some of the students had been diagnosed with ADHD and had been on the drugs for years.¹ Others bought them at street prices from students who were happy to share their prescriptions. Although an estimated 7% of students enrolled in US universities have used cognitive enhancement drugs, with up to 25% of students on some campuses reporting their use,² Sara believed that true success was the outcome of hard work and living a balanced life. She was sure that no drug could substitute for that. Her grades, when compared to those using the drugs, showed that her theory had merit. She had better grades than anyone she knew who was using cognitive enhancement drugs.

But, now she had a dilemma. Sara was preparing for the LSAT and had always had problems staying focused for those hours-long tests. Sara's mother, who was herself a lawyer, suggested that Sara talk to their family doctor about a prescription for Provigil. Her mother used Provigil sparingly, only when she was litigating tough cases and had to be sharp over long hours in the courtroom.³ The doctor, who had known Sara all her life, wanted to help Sara fulfill her lifelong dream of getting into a top law school and knew that Sara had under-performed on standardized tests in the past. Sara had the grades to get into a top school, but it was questionable if she would have the LSAT scores that she needed. The doctor occasionally did "off-label" prescribing of Provigil when she thought it was appropriate. Sara left the doctor's office with a prescription for 4 100 mg tablets of Provigil, more than she would ever need, and with reassurance that the drug, taken as prescribed, would not harm her.

Before going to her next LSAT prep course session, Sara took the drug. She moved along through the practice test, feeling focused and confident. "This is actually fun," she thought and realized that she wasn't experiencing the fatigue that normally hit at the start of the third test segment. Sara's score was significantly higher than it had been on past tests. She was ready for the LSAT.

That evening, she enthusiastically told two friends, Barbara and Nancy, about her experience. "Isn't using that drug cheating," Barbara wondered, "like athletes who use steroids?"⁴ She argued that only enhancements available to everyone – like caffeine -- should be allowed to be used. Nancy pointed out that not everyone could afford to take a LSAT prep course, and maybe the cognitive enhancement drug offered the same kind of boost. Nancy asked Sara if she could have one of the Provigil tablets that Sara would not be using.

¹ Gould, Benjamin, "Cognitive Enhancement on Campus: Taking Competition Seriously," *Bioethics Forum* (2009). <http://www.thehastingscenter.org/Bioethicsforum/Post.aspx?id=3142>.

² Greely, Henry, et.al., "Towards responsible use of cognitive-enhancing drugs by the healthy," *Nature*, v. 256, i. 11, pp. 702-872 (Dec., 2008).

³ Roache, R., "Enhancement and Cheating," *Expositions*, v. 2(2), p. 153 (2009). <http://oxford.academia.edu/RebeccaRoache/Papers/72962/Enhancement-and-Cheating>

⁴ Schermer, M., "On the argument that enhancement is 'cheating'," *Journal of Medical Ethics*, v. 34(2), pp. 85-88 (2008). <http://jme.bmj.com/cgi/content/abstract/34/2/85>.