

**Private Actions—Public Responsibilities:
Reflections on *West v. Atkins* (1988)**

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ABSTRACT

This dissertation explores the pragmatic implications of judicial rhetoric found in a 1988 Supreme Court decision, i.e., this is a dissertation about public administration using constitutional law to illuminate an administrative question. My viewpoint is a legal/constitutional one which uses the law as pedagogue to inform public administration and to offer a useful message for the public administration practitioner. That message deals with a legal/constitutional distinction between publicness and privateness and the implications of that distinction.

Quincy West was sentenced to prison in 1973 for armed robbery. While in prison he suffered a torn Achilles tendon for which he received inadequate medical care. After numerous attempts to obtain medical care, West filed suit against the prison physician contractor in federal courts for cruel and unusual punishment. This dissertation uses the story of West's legal efforts and the Supreme Court's decision in his case to discuss the broad implications of that decision for the public administration practitioner and government contractors. The lens is a constitutional one. The framework is John Rohr's schema for understanding a Supreme Court case: viewing that case from the institutional, concrete, dialectical, and pertinent perspectives.

The specifics of West's allegations against his physician invite discussions of bioethical topics such as informed consent and medical legal topics such as malpractice and patient abandonment. The Court's determination of state action in *West v. Atkins* (1988) requires discussion of the administrative areas of contracts and grants administration as well as risk management. The complex responsibilities of the public administration practitioner are examined, as is his or her need to follow and independently learn from the messages included in the courts' interpretation of the law.

This historic story illustrates that there is no bright line between law and policy. The Court's dialogue with itself is not merely interpretation and development of the law—it is policy reformulation. For this reason, among others, the conscientious administrator must monitor the Court's ongoing dialogue and listen attentively to its messages of import for our field and our practice.