Sexual Orientation, Gender Identity and the Law
COURSE SYLLABUS
Professors Sarah G. Warbelow and Cristina M. Finch
George Mason University School of Law
Spring 2012

COURSE DESCRIPTION
This course will cover developments in sexual orientation and gender identity law with an emphasis on current legislative developments. Topics to be discussed include employment discrimination, U.S. Military policy, marriage, and hate crimes. Participants will be encouraged to examine sexuality in the context of constitutional protections and limitations.

COURSE EVALUATION AND ASSIGNMENTS
The class will be conducted using a seminar format. Students will be expected to have completed the assigned readings prior to class and to participate in class discussions in a meaningful way. Quality of participation will be valued over quantity.

Grades will be based on participation and a take-home final exam.

Class participation account for 20% of your grade. Dissenting viewpoints and an open airing of diverse perspectives are strongly encouraged. No student will be penalized or advantaged on the basis of her or his political opinions. Attendance is mandatory and will factor into a student’s participation grade.

The final assignment for this course will be a comprehensive take-home final. Students will have 48 hours in which to complete the exam. Additional details will be provided closer to the exam period.

CONTACT INFORMATION
Cristina Finch: cfinch10@yahoo.com
Sarah Warbelow: swarbelow@gmail.com
Office Hours: We will not have set office hours but are available to meet with students at their request.

REQUIRED TEXTS

The Professors will use Westlaw’s TWEN to distribute additional assignments and other course information.

COURSE CONTENT AND ASSIGNMENTS
January 9: Introduction to Sexual Orientation, Gender Identity and the Law: Course Overview. Where have we been, where are we going?
Review Lambda Legal’s Fair Courts Project website found here: [http://www.lambdalegal.org/issues/fair-courts-project](http://www.lambdalegal.org/issues/fair-courts-project)
CB pgs. 618-33

January 16: MLK day, University closed.

January 23: Privacy, Regulation of different-sex sexual activity.
CB pgs. 3-8
CB pgs. 9-43

January 30: Privacy, regulation of same-sex sexual activity.
CB pgs. 44-74
CB pgs. 259-274
CB pgs. 74-98

February 6: Marriage, Part I
CB pgs. 166-169
CB pgs. 1097-1110
CB pgs. 298
CB pgs. 1065-1086
CB. pgs. 1462-1474

February 13: Marriage, Part II
*Kerrigan v. CT*, (available on TWEN)
CB pgs. 1553-1563
CB Supp. pgs. 44-76

February 20: Marriage Part III; interstate and federal.
CB Supp. pgs. 141-152
Federal Marriage Amendment (“FMA”) (available on TWEN)
Defense of Marriage Act (“DOMA”) (available on TWEN)
*Gill et al. v. Office of Personnel Management et al.* (available on TWEN)
*Smelt v. U.S.* (available on TWEN) Government’s first brief in Smelt
*Perry v. Schwarzenegger* (available on TWEN)

February 27: Separation of Church and State
CB pgs. 371-418
*Benitez v. North Coast Women’s Care Medical Group* (available on TWEN)
Provider Conscience Regulations (Available on TWEN)
Ocean Grove Camp Meetings Association (available on TWEN)
*Pedreira v. Kentucky Baptist Homes For Children, Inc.* (available on TWEN)
March 5: Adoption, Surrogacy and Parental Rights
CB pgs. 1156-1159
CB pgs.1164
CB. 1166 – 1181
CB Supp. pgs. 31-44
CB. pgs. 1198-1215
CB. 1228-1234

March 12: Spring break, University closed

March 19: Violence
Hate Crimes
CB pg.1310-1315
CB pg. 1317-1331
CB pg. 1490-1495
Testimony of Fred Lawrence, Dean of GW School of Law (available on TWEN)
Additional readings will be posted on TWEN

March 26: LGBT International Law framework
CB pgs. 218-222
CB pgs. 1391-1417
Yogyakarta principles (available on TWEN)
Additional readings will be available on TWEN

April 2: Work Place
CB pg. 600-607
CB pg. 823-829
CB pg. 840-869
CB pg. 204-207
CB Supp. pg. 107-115
CB Supp. 167-176
Problem 6-2 pg 822, problem 6-3 pg 864, problem 6-4 pg 869

April 9: Military, The Right to Serve
CB pg. 672-3
CB pg. 230-238
CB pg. 713-723
CB pg. 741-3
CB Supp. 93-99
CB Supp. 8-15
CB pg. 729-737
Log Cabin Republican case (available on TWEN)

April 16: Education
CB pg. 901-910
CB pg. 913-915
CB pg. 918-925 read note 1.
CB Supp. 117-122
CB Supp pg. 77-83
CLS v. Martinez (Available on Twen)
CB pg. 916-8

April 23: Transgender issues
CB. pgs. 1423-1457
CB. pgs. 1479-1490 (note: Ulane revisited, not reread)
Review for final

Friday, April 27 - Friday, May 15 – Examinations