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 education. 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 accounts 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?


Readings: Courting Justice, Gay Men and Lesbians v. the Supreme Court, Murdoch and Price, 2001 (available on TWEN) assigned reading: introduction, chapter 1, 6 & 7.

Review Lambda Legal’s Fair Courts Project website found here: http://www.lambdalegal.org/issues/fair-courts-project


January 16: Privacy, Regulation of different-sex sexual activity.

CB pgs. 3-8 (optional)
CB pgs. 9-43 (required)

January 23: Privacy, regulation of same-sex sexual activity.

CB pgs. 44-68
CB pgs. 259-274
CB pgs. 74-98

January 30: Marriage, Part I

CB pgs. 166-169
CB pgs. 1097-1105
CB pgs. 1105-1110
CB pgs. 298-313
CB pgs. 1065-1071

February 6: Marriage, Part II

Kerrigan v. CT, (available on TWEN)
CB pgs. 1553-1563
CB supplement pgs. 44-76

February 13: 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)
Perry v. Brown (available on TWEN)

February 20: Marriage IV

CB pgs. 1462-1474

Please note that we may also reserve time to continue discussion of earlier topics.
February 27: Identity, Viewpoint and 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)
   *Pedreira v. Kentucky Baptist Homes for Children* (available on TWEN)

March 6: Adoption, Surrogacy and Parental Rights
   CB pgs. 1156-1159
   CB pg.1164
   CB. 1166 – 1181
   CB Supp. pgs. 31-44
   CB. pgs. 1198-1210

March 13: Spring break, University closed

March 20: Work Place
   CB pg. 600-607
   CB pg. 840-864
   CB pg. 204-207
   CB Supp. pg. 107-115
   CB Supp. 167-176

March 27: Transgender issues
   CB. pgs. 1423-1457
   CB. pgs. 1479-1490 (note: *Ulane* revisited, not reread)

April 3: 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 10: Military Policy and Hate Crimes
   CB pg. 741-3
   CB Supp. 93-99
   CB Supp. 8-15
   CB pg. 729-737
   CB pg.1310-1315
   CB pg. 1317-1331
   *Wisconsin v. Mitchell* (Available on TWEN)
   Additional readings may be posted on TWEN
April 17: International LGBT issues
CB pgs. 1391-1400
Yogyakarta principles (available on TWEN)
Additional readings will be available on TWEN
Review for final

Friday, April 26 - Friday, May 14 – Examinations.