Sexual Orientation, Gender Identity and the Law
COURSE SYLLABUS
Professors Sarah G. Warbelow and Cristina M. Finch
George Mason University School of Law
Spring 2014

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 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. It may be obtained any day, 9-5, during exam week but no later than 48 hours before the last day of exams. 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 8: Introduction to Sexual Orientation, Gender Identity and the Law: Course Overview. Where have we been, where are we going?

Review of applicable Constitutional theories
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 15: Privacy, Regulation of different-sex sexual activity.
CB pgs. 4-29
Stanley v. Georgia (available on TWEN)

January 22: Privacy, regulation of same-sex sexual activity.
CB pgs. 30-33
CB pgs. 37-53
CB pgs. 97-114
CB pgs. 197-221

January 29: Marriage, Part I
CB pgs. 311-314
CB pgs. 369-373
Additional readings on TWEN

February 5: Marriage, Part II
Dissent in Kerrigan v. CT, (available on TWEN)
CB pgs. 319-323
CB pgs. 337-365
Hernandez v. Robles (available on TWEN)
Littleton v. Prange (available on TWEN)

February 12: Marriage, Part III
CB. Supp. Pgs. 23-31
CB pgs. 330-336
CB pgs. 361-368
Federal Marriage Amendment (“FMA”) (available on TWEN)
Defense of Marriage Act (“DOMA”) (available on TWEN)

February 20: Marriage, Part IV
CB pgs. 585-595
CB. Supp. Pgs. 45-57
CB. Supp. Pgs. 69-75
Please note that we may also reserve time to continue discussion of earlier topics.

February 26: Identity, Viewpoint and Separation of Church and State, Part I
March 5:  Identity, Viewpoint and Separation of Church and State, Part II  
CB. pgs. 602-606  
CB. supp. Pgs. 1-12  
CB Supp. Pgs. 37-44  
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 12:  Spring break, University closed

March 19:  Adoption, Surrogacy and Parental Rights  
CB pgs. 767-780  
CB pgs. 785-797  
CB. pgs. 802-807  
CB pgs. 815-818  
CB. Pgs. 838-844

April 2:  Work Place  
CB pg. 622-631  
CB pg. 645-660  
CB pg. 570-583

March 26:  Transgender Rights  
CB. pgs. 54-63  
CB. pgs. 631-642  
CB pgs. 871-873  
CB. supp. Pgs. 58-69

April 9:  Military Policy and Hate Crimes  
CB pgs. 1038-1051  
CB pgs. 1057-1061  
CB pgs. 236-237  
CB pgs. 1075-1076  
Wisconsin v. Mitchell (Available on TWEN)  
Additional readings on TWEN

April 17:  International LGBT issues  
Yogyakarta principles (available on TWEN)  
Additional readings on TWEN  
Review for final

Friday, April 25 - Friday, May 12 – Examinations.