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
Brian Moulton: briankmoulton@gmail.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 7: 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 14: Privacy, Regulation of different-sex sexual activity.
   CB pgs. 4-29
   Stanley v. Georgia (available on TWEN)

January 21: Privacy, regulation of same-sex sexual activity.
   CB pgs. 30-33
   CB pgs. 37-53
   CB pgs. 97-114
   CB pgs. 197-221

January 28: Marriage, Part I
   CB pgs. 311-314
   CB pgs. 369-373
   Additional readings on TWEN

February 4: 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 11: 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 19: 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 25: Identity, Viewpoint and Separation of Church and State, Part I
March 4: 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 11: Spring break, University closed

March 18: 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

March 25: Work Place
CB pg. 622-631
CB pg. 645-660
CB pg. 570-583

April 1: Transgender Rights
CB. pgs. 54-63
CB. pgs. 631-642
CB pgs. 871-873
CB. supp. Pgs. 58-69

April 8: 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 16: International LGBT issues
Yogyakarta principles (available on TWEN)
Additional readings on TWEN
Review for final

Friday, April 24 - Friday, May 11 – Examinations.