

DePaul University College of Law

Fall 2009
Thursday
5:50 – 8:30 p.m.

Professor Donald H.J. Hermann
Office: Room 829
Phone: 312-362-8383

SEXUAL ORIENTATION AND THE LAW

Course Description

Legal developments involving sexuality and sexual orientation have been among the most dynamic and dramatic changes in American law in the last twenty-five years. Statutes and judicial opinions have mirrored changes in social attitudes toward gays and lesbians moving them from criminal class to a minority with recognized claims to rights and protection from discrimination. While significant areas of legal dispute continue, particularly regarding military service and the right to same sex marriage, other areas of legal rights and protection seem firmly established. This course will examine developments in sexual orientation law including constitutional, judicial and legislative. Underlying issues of sexual identity and social attitudes will be considered. Regulation of sexuality as well as bans on discrimination will provide a focus along with specific areas of study including same sex marriage, employment, education, and military service.

Methodology

This course will involve lecture, dialogue and classroom discussion of assigned reading. A paper will provide the principal basis for the course grade. The paper will involve research on a topic chosen by the student and approved by the instructor.

Required Materials

William Eskridge and Nan Hunter, Sexuality, Gender and the Law (Abridged Edition) FOUNDATION PRESS – THOMSON/WEST: New York (2006).

2009 Supplement to Sexuality, Gender and the Law. FOUNDATION PRESS – THOMSON/WEST: New York (2009).

Donald H.J. Hermann, "Legal Incorporation and Cinematic Reflections of Psychological Conceptions of Homosexuality," 70 UMKC LAW REVIEW, 495-544 (2002).

Evaluation

The grade for this course will be based in part upon participation in class discussion and on a written paper on a topic chosen by the student and approved by the instructor. The paper should be at least 25-30 pages, double spaced, with endnotes at the end of the text and not included in the page count.

1.	Aug. 27, 2009	Introduction	pp. 1-16
2.	Sept. 3, 2009	Film	<i>LEGAL Incorporation and Cinematic Reflections</i>
3.	Sept. 10, 2009	Sexual Privacy	52-74 Supp. 1-28
4.	Sept. 17, 2009	Sexual Discrimination	95-108 Supp. 29-44
5.	Oct. 1, 2009	Sexual Orientation Discrimination	108-148
6.	Oct. 8, 2009	No Class Meeting: (Prepare Outline)	
7.	Oct. 15, 2009	Sexual Privacy (Lawrence)	149-206
8.	Oct. 22, 2009	Same Sex Marriage	526-556 Supp. 44-76 and 123-156
9.	Oct. 29, 2009	Military Exclusion (Race & Women)	363-396 Supp. 93-115
10.	Nov. 5, 2009	Military (Gays)	397-426
11.	Nov. 12, 2009	Government Discrimination	427-471
12.	Nov. 19, 2009	Private Discrimination	471-486
13.	Nov. 27, 2009	NO CLASS	
14.	Dec. 3, 2009	Completion of Paper	

REQUIRED PAPER

Completed papers are due by December 10, 2009 by 4:00 p.m. C.S.T. (Papers should be submitted in an envelope which has been time stamped. The time stamp machine is located on the 1st floor at 25 E. Jackson Blvd. Lewis Center (LC) at the end of the hall next to the security guard's station.) Your completed paper should be placed inside of the Take Home Drop-Off Box located in the hallway of the 9th fl. LC which is directly outside the "Office of the Dean" suite doors.

SCHEDULE OF WRITING ASSIGNMENTS

Week 4	Sept. 17, 2009	Submit one paragraph Typed Statement of Topic
Week 7	Oct. 15, 2009	Submit Typed Tentative Outline of Paper
Week 15	Dec. 10, 2009	Submit completed paper of at least 25-30 double spaced typed pages with endnotes on additional pages.