PERSPECTIVES ON SEXUAL ORIENTATION AND THE LAW SEMINAR
SUMMER 2015

Room
6:15-9:00pm Tuesday/Thursday
Professor Mark F. Scurti

Syllabus and Reading Assignments
(subject to change)

Required Material:


Additional materials will be distributed in class throughout the semester.

Course Requirements:

This class will require the completion of a paper of publishable quality on a contemporary issue involving sexual orientation and the law. The paper must be at least 25 pages in length and no more than 40 pages, exclusive of exhibits or notes. Final submitted papers represent 65% of students’ grade. Papers will be graded on originality/creativity (5%), quality of legal analysis (15%) and support (15%), spelling/grammar (5%), organization (10%) and overall quality of the writing (15%). You will be required to present your paper to the class in draft form and again in final form. Classmates will be encouraged to challenge and ask questions in order to assist you in fine tuning your paper for the final submission.

20% of students’ grades will be based on class preparation and 10% of participation throughout the semester, including the timeliness of submitting required drafts.

5% of students’ grades will be based on their written and oral comments on a classmate’s paper. These comments should constitute a meaningful and constructive critique of a classmates’ paper.

Structure of the Course:

Throughout the course students will learn general and specific legal concepts concerning sexual orientation in American jurisprudence. Assigned readings must be read in advance of each class in order to participate fully in each class. Class discussion will be based on readings assigned and current news events that impact lesbian, gay, bisexual and transgender individuals. Students will be encouraged to read outside the assigned reading to supplement class discussions on scheduled topics. A list of suggested additional reading will be provided in class. The class will focus on the study of sexual orientation law utilizing legal and non legal readings with a balance of theory and doctrine.
An outline of your paper will be due by May 26, 2015. After which, a short presentation will be given by each student in class for critique and comment by classmates to assist students in narrowing their topic and legal analysis. Drafts of papers will be due by June 18, 2015. Final papers are due by the last regularly scheduled class for the semester as this class will be devoted for final presentations. Students are permitted and encouraged to turn in as many drafts as they would like for review and comment, time permitting.

Class Participation:

This class will be very interactive given the class size. I reserve the right to alter and amend the reading assignments based on changes that take place during the semester in the law around the country and world. Flexibility will be important.

Course Outline and Assigned Readings: (subject to revision)

Class 1 5/19
What is Sexual Orientation/Gender?
Text pp. 1-14, 20-26, 91-97

Class 2: 5/21
Equal Protection & State and Federal Regulation & Lawrence/Romer/Dale
Text pp. 43-47, 114-164, 240-267, 366-375

Class 3: 5/26
Estate Planning
Outline of Paper due (hand in printed copy)

Class 4: 5/28
Adoption/surrogacy/creating families
[Guest speaker: Jennifer Fairfax, Esquire]
Text pp. 742-762, 766-804

Class 5: 6/2
Immigration: (Guest speaker: Jonathan Greene, Esq.)
Case: In re: Lova-loro:

Class 6: 6/4
Transgender Legal Issues [Guest Speaker: Miriam Sievers, Esquire]
Psychiatry (2006); In re: Jose Mauricio LOVO-Lara, 23 I&N Dec. 746 (BIA 2005). Electronic copies will be emailed as well.

Class 7: 6/9
LGBT Youth Issues [Guest speakers: Kate Bishop]

Class 8: 6/11
Civil Unions vs. Marriage

Class 9: 6/16
Divorce- Custody-Property Division- Mediation
Text pp. 711-740, 804-833

Class 10: 6/18
Employment- (guest speaker Andrew Scott, Esq.)
Text pp. 411-485

Class 11: 6/23
Criminal Issues-
Text pp. 53-60, 98-113, 200-205, 267-278

Class 12: 6/25
Class Wrap Up

Class 13: 6/30
Presentations

Class 14: 7/2
Presentations

Information
My phone number is: 410.371.9999 My email address is: mark.scurti@mdcourts.gov
I encourage you to contact me at any time with questions or assistance.