

Special Topics in Discrimination Law:
Sexual Orientation
Prof. Christopher Bacon
Spring 2015

Introduction: In this course we will explore the relationship between sexual orientation (and/or identity) and the law. We will examine the manner in which the state regulates sexuality, gender, gender roles, and sexual orientation, in a variety of substantive legal areas. We will explore how the law is influenced by theories or myths regarding homosexuality and sexual identity as well as prevailing styles of judicial reasoning. The doctrinal discussions will focus both on the substantive law and a number of larger themes: the nature/nurture debate and its legal ramifications; the public/private distinction as exhibited in the legal conflicts between free expression and “coming out” and the right to be let alone; the reason/desire distinction, as manifested through sexual status versus sexual conduct; and the equality/diversity distinction which arises in the context of assimilation versus difference.

Instructor: Professor Bacon may be reached at (713) 758-1148 or at CBACON@VELAW.COM. Feel free to call me at my office.

Text: The text of this course is William B. Rubenstein’s Sexual Orientation and the Law (5th edition 2014). Supplementary materials will be distributed in class.

Evaluation: Your grade will be based entirely on a written two hour closed book final examination on May 12, 2015.

Attendance: Attendance is required and you will be dropped for excessive absences. (Missing more than four hours of class time either because of absences or late arrivals or early departures will be considered excessive).

Syllabus/Reading Assignments

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| Jan. 20: | Text: pp. 1-37, 68-73 |
| Jan. 27: | Text: pp. 79-107
Text: pp 113-114 (sample statutes), 129-138, 146-174 |
| Feb. 3: | Text: pp. 174-178, 191-206, 219-235
Supplementary materials: <i>Lee v. State of Texas</i> , 1997 WL 418516 (Tex. App. – Dallas 1997, no writ). |
| Feb. 10: | Text: pp. 237-260, 272-293, 297-328 |

Feb. 17: Text: pp. 341-382
Supplementary Materials: *Nabozny v. Podlesny*, 92 F.2d 446 (7th Cir. 1997).

Feb. 24: Text: pp. 392-421, 429-450; 453-463

Mar. 3: Text: pp. 465-527

Mar. 10: Text: pp. 528-576

Mar. 24: Text: pp. 576-595, 599-606, 608-641

Mar. 31: Text: pp. 647-661, 668-702

Apr. 7: Text: pp. 702-761

Apr. 14: Text: pp. 762-794
Supplementary Materials:

Apr. 21: Text: pp. 813-869

Apr. 28: Text: pp. 879-933; 941-966

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