Sexual Orientation /  
Gender Identification Law   
  
a Law school outline *by* corbin dodge  
  
Got Outlines?   
 [corbin-dodge.com](http://www.corbin-dodge.com)  
  
Spring 2014 | Professor Nechman | South Texas College of Law

Table of Contents

ABOUT THIS OUTLINE 2

Spring 2014 Calendar 3

Syllabus 4

I. INTRODUCTION 4

II. COURSE REQUIREMENTS AND GRADING 5

III. PAPERS, OUTLINES, PRESENTATIONS, COMMENTARIES 5

A. Basic Requirements for the Papers and Presentations (see more detailed rules below) 5

IV. ADDITIONAL REQUIREMENTS FOR PAPERS/PRESENTATIONS 7

OVerview 9

Immigration 10

POST DOMA 1996-2012 10

Quality Control; Licensing 12

Discipline 12

TX Medical Practice Act 12

PAPER Tips 13

Section 1.01 Health Law Survey 13

Index 14

ABOUT THIS OUTLINE

**A Note About this Outline**

* My outlines utilize the styles feature in Microsoft Word. An investment of your time in learning how to use the styles feature will allow you to use some of Microsoft Words most powerful features. But be warned, styles can be tricky. The styles that are used in this document are demonstrated below. The Table of Contents can be dynamically updated because it is based on these styles. To learn more about the benefits of using styles, as well as tips and tricks, visit\_\_\_\_\_. For more outlines, visit [www.corbin-dodge.com](http://www.corbin-dodge.com).

**FAQs**

* **How do I apply a different font to any style?**   
  On the main menu, select Format/Style. Highlight the style that you would like to modify. Select modify. Choose your font. Make sure that the option to “Automatically update style” is not checked. Click Apply.
* **How do I update the Table of Contents?**
* Right-click and select “Update Field.” Choose the option to update all page numbers.

H1 (optimized for Helvetica, 16 pt)

H2

* **List paragraph (+Bold) (Optimized for Helvetica 9pt)**
  + List paragraph
    - List paragraph (+ indent)
      * List paragraph (+ indent)
        + etc.

H3

* **List paragraph (+Bold)**
  + List paragraph
    - List paragraph (+ indent)
      * List paragraph (+ indent)
        + etc.

Spring 2014 Calendar

**Seminar: Sexual Orientation/Gender Identification Law**

**Spring Semester 2014**

***Instructor may provide additional reading assignments in class or post them to you via e-mail. The calendar below is subject to change. You are responsible for reading any materials sent via STANLEY and/or posted online before class!***

D: Discussion H: Homework **\*\*\***: **Something due at start of class**

1/16: D: Introduction to the Class and SOGI Law

1/23: D: History of GLBT Movement/Law

In Class: Students draw lots to determine order of paper presentations

H: Prepare proposed topic for paper and send to me via e-mail before the next class

1/30: **\*\*\*Student Questionnaire and Acknowledgement of Receipt and Agreement to Syllabus \*\*\*Proposed topics for papers must be sent to me via e-mail before the start of class**

D: Identity Issues (Growing Up/Social Political Life)

2/6: D: Sodomy Laws/Privacy/Liberty

2/13: D: Coupling

2/20: D: Coupling II

2/27: D: Families/Parenting

3/6: D: The Workplace

3/13: D: Transgender/Intersex Issues

3/20: SPRING BREAK: No Class

3/27: D: Immigration

3/29: D: Miscellaneous Topics: Criminal Issues/Military Issues

4/3: D: The Later Years: Elder Law

4/10 **\*\*\*Outlines for 4/14 presenters must be e-mailed to me by this date**

In-Class: One-on-One Assistance with Papers/Presentations (Optional)

H: Review 4/14 outlines and prepare commentaries for 4/14 presentations

4/17: **Class presentations (in-class)**

**\*\*\*Outlines for 4/21 presenters must be e-mailed by this date**

H: Review 4/21 outlines and prepare commentaries for 4/21 presentations

4/24: **Class presentations (in-class)**

H: Final revisions on paper

5/12: **FINAL DRAFT OF PAPER DUE VIA E-MAIL AT OR BEFORE 11:59:59 PM!**

Syllabus

**Seminar: Sexual Orientation/Gender Identification Law**

Spring Semester 2014Course No. 20141

**Class:** Thursdays, 7:45 pm to 9:45 pm

**Room 3038**

**Instructor: John A. Nechman**

[jnechman@stcl.edu](mailto:jnechman@stcl.edu)

**Katine & Nechman L.L.P.**

**1834 Southmore Blvd**

**Houston, Texas 77004**

**713-808-1000 (Office) / Fax: 713-808-1107 / Cell: 832-837-9880**

[jnechman@lawkn.com](mailto:nechlaw@yahoo.com)

**STCL Office:** 739

**Office Hours:** By appointment and from 7:00 to 7:45 pm, Thursdays

I can also meet by appointment at my law office (address above)

I. INTRODUCTION

This seminar will explore the relationship between sexual orientation/gender identification issues and the law. Often, faulty information, prejudice, and fear impact discussions on issues affecting gays, lesbians, bisexuals, transgender, and intersex people (“GLBTI’s”) and persons with AIDS (PWA’s) or HIV. We will attempt to sift through this misinformation and discuss arguments from all sides to reach a better understanding of the important legal issues raised. We will examine various legal principles (particularly constitutional doctrines such as equal protection, due process, and privacy) and how courts have used these principles to reach decisions in cases affecting critical aspects of the lives of GLBTI’s/PWA’s. In addition to surveying the historical development of SOGI jurisprudence, we will also review major federal, state, and local SOGI-related legislative trends as well as how politics, religion, culture, science, and public opinion have shaped the development of SOGI-related law. Also, whenever possible, I will pass on to you practical information and advice on the topics being discussed. Class discussion will focus on readings/handouts, weblinks or articles sent via e-mail, videos, guest speaker presentations, and optional excursions.

The seminar will require each of you to research, write and present to your peers a substantial, scholarly paper (20 to 30 pages) on a topic of your own choosing (with my input and approval). Successful completion of the course results in the award of 2 semester hours of credit, and this seminar fulfills the college’s “substantial writing requirement.”

Text: Materials will be available on the online website for the class (in the STANLEY system). I may also assign cases from an online casebook: [www.danpinello.com](http://www.danpinello.com)

A. First Phase of the Seminar (1/16—4/3)

During the first phase of the semester, the assigned readings and our class discussions will cover a range of issues that have piqued my interest and attracted the attention of courts and legislators. I will also strive to include other topics that interest you.

Also during this time period, you will begin to research and draft the paper that you will submit on or before the due date, and you will begin to prepare a presentation that you will make to the class during the second phase of the semester. I will schedule at least one class where I will be available to work with you one-on-one on your papers.

B. Second Phase of the Seminar (4/3—4/24)

During this phase of the course, you will make a presentation to the class on a topic of your choosing (with my approval). At least one week before the day of your presentation, you must distribute to me and all other students in our class via e-mail (using STANLEY) an outline of the topic that you expect to cover during the presentation. During the presentations, the class will ask questions and attempt to provide the presenters with additional suggestions that could be incorporated into the final draft of the papers. More details about the papers and presentations appear below.

II. COURSE REQUIREMENTS AND GRADING

As stated above, during the first part of the semester, I will expect each of you to complete all of the reading assignments and come to the seminar prepared to discuss those materials. In the second part of the semester, I will expect each of you to prepare an outline, make a presentation to the class, and write a 20-30 page paper on a topic related to the class content.

A. Grading Criteria

Quality of your in-class presentation: 15%

Your feedback on the presentations of your colleagues 5%

Daily class participation 10%

Final paper 70%

B. Attendance Policy and Class Participation

I expect all of you to attend each session of the seminar and participate regularly. The interest and instructiveness of the seminar will depend on your participation. In a class of this nature, students who are unprepared, do not show up, or fail to prepare adequately for their presentations hurt the educational experience of their classmates. ***For these reasons, attendance is mandatory, and class preparation and participation will count in your final grade.*** **THE MAXIMUM NUMBER OF ABSENCES IN THIS CLASS IS TWO.** Three absences will result in my dropping you from the class.

I often pass out handouts in class, and if you are absent, I will not save handouts for you. Also, I may assign cases on which I will expect you to be able to lead the class discussion. Consistent failure to contribute to discussions or adhere to assignments or deadlines will impact your daily class participation grade.

III. PAPERS, OUTLINES, PRESENTATIONS, COMMENTARIES

A. Basic Requirements for the Papers and Presentations (see more detailed rules below)

Each student in the seminar will make a presentation and research and write a paper on a topic related to SOGI/HIV issues and the law. The final version of your paper must be between 20 and 30 pages of double-spaced text, including footnotes (see rules below).

You need not worry about making your topic sufficiently "legal." Of course, a paper that calls for a legal analysis of statutes and case law is appropriate. A topic that examines a legal issue from a different perspective (such as from a social science perspective) might be appropriate. Whichever topic you choose, all of you should find it helpful and necessary to look beyond purely legal resources for information valuable to your analyses.

When choosing a topic, be sure that:

\* You are really interested in it. If you are not, your fellow students and I will not be, either.

\* You do not choose a topic that is too broad for a 20-30 page paper.

\* Do not write a paper that only reports what others have said before--you must choose a topic that allows you to present your own original view on the issue you explore.

\* Your paper is not a recycled version of research you did previously for another course, a journal, a job, or any other purpose. It must entail substantial fresh research and thought.

Great Resources: Fajans, Elizabeth, et. al., ***Scholarly Writing for Law Students: Seminar Papers, Law Review Notes and Law Review Competition Papers*** (West).

Strunk and White, ***The Elements of Style***

B. Outlines

Prior to making your presentation, each of you must submit to me via e-mail an outline of your paper (this does not have to be comprehensive, and 1 page is sufficient) not later than one week prior to your scheduled presentation. I will then send all the outlines to the class via e-mail so we will have sufficient time to consider the outline prior to your presentation. Each of you must read each others' outlines and come to the “presentation seminars” prepared to ask questions and provide comments on the chosen topics (see below).

The outline should give a clear understanding of the topic and your tentative analysis. The better your outline, the better the comments you will receive from your colleagues, and (one expects) the better your final paper will be due to the input. Your outline may be as detailed as you wish; a simple or disorganized outline that does not provide enough details or insight to allow your colleagues or me to come up with potentially helpful comments will negatively impact your presentation grade.

C. Presentations

Approach the presentation as you would an oral argument. Give an introduction with historical background and set forth your thesis, then present evidence. Use handouts and visuals as needed (let me know in advance of any technical needs, such as Power Point). Time yourself carefully and be prepared for questions. DO NOT READ YOUR PRESENTATION—you should be comfortable enough to lead a class discussion on the topic.

I will create a schedule with up to 10 presentations per class. Each presenter will have no more than 10 minutes, but you MUST save at least 3 minutes for questions and comments, so your presentation must be timed to end within 7 minutes. **All presentations will be scheduled for one of 2 weeks in the second phase of the class (a lottery will determine the order of presentations—see below).**

* + He’ll time then so you dont go over
  + No extra pts for ppt

D. Commentaries

All non-presenters must serve as commentators on presentations. All non-presenters must review the outline submissions of the presenters before the presentations and be prepared with questions and comments (non-presenters may have to do some minimal research for topics with which they have little familiarity). Comments should expand on aspects of the paper that may need further development. One could, for example, push the counter argument in an effort to encourage the presenter to more effectively cover an issue, or perhaps suggest a closely-related but not-fully-developed theme that could help strengthen an argument. Failure to engage in any discussion at all with the presenter may lead me to conclude that the silence results from not preparing for the presentation, and this will have a negative impact on that student’s overall grade. In determining the “commentator grade,” I will, of course, take into consideration poorly-developed outlines that fail to provide proper commentary opportunities.

Those absent from a presentation or who do not provide any comments during any presentation or who feel their in-class comments were weak may provide additional comments via e-mail. Such comments must be sent to the entire class via STANLEY within 24 hours of a presentation. I will consider these comments when determining the “commentator grade,” but I will hold them to a higher standard than comments shared during the presentations.

In addition to the feedback you receive from the class at the time of your presentation, I will provide comments to each presenter via e-mail immediately after the presentations with suggestions on additional materials or ideas you might want to consider or incorporate into your final paper.

IV. ADDITIONAL REQUIREMENTS FOR PAPERS/PRESENTATIONS

A. Choosing Paper Topics/Topic Choice Due Date

You may choose your own paper topic, but I must approve your choice. The number of possible topics is huge, and presumably, you have a particular interest that led you to take the course.

You must submit a short description of your paper topic to me via e-mail by our **third class meeting**. A one-to-three paragraph typed description or short outline will suffice. You may submit this earlier than the topic due date, and I should then be able to let you know if I have approved the topic before the due date.

B. Date/Time of Presentations to Be Set by Lottery

On **the second class meeting**, I will draw lots to determine the order of presentations.

I will prepare a list of all approved topics and dates for each presentation and post it to STANLEY.

C. Rules for Papers

* **SUBMIT THE PAPER TO ME VIA EMAIL BEFORE THE DEADLINE**
* The paper must be 20—30 pages in length, including footnotes.
* The paper must be double-spaced with 11-point or 12-point type and reasonable margins
* Footnotes (publication quality, *Bluebook* citation form) are required (not endnotes)
* You must have a cover page, table of contents, an introduction, and bibliography. I also suggest Appendices, but I do not require them.
* **WITHOUT EXCEPTION, any paper submitted after the deadline as shown on the syllabus will suffer a one letter grade reduction and an additional letter grade reduction for every forty-eight hours thereafter that the paper is late. You are required to make sure that I have received the paper, and I will e-mail you with notice of same AFTER I have received the paper. If you have not received this notification, you must assume that I have not yet personally received your paper, and you are responsible for following up to determine why. KEEP A COPY OF YOUR PAPER AND PROOF OF E-MAILING IT IN CASE THE ORIGINAL IS LOST!! If you wait to submit your paper at the last minute, you assume the risk and consequences of it being lost in cyberspace.**
* Students may cite the lecture notes, interviews, guest speakers, and the Internet
* I expect extensive research. Use a variety of sources, including magazines, newspapers, the Internet, and journals from disciplines other than law. Of course, I also expect citation to traditional legal resources
* You may make an appointment to view/use materials in my office (see address, first page)

**The final draft of your paper is due IN MY STCL E-MAIL ACCOUNT (YOU SHOULD MAIL IT TO BOTH MY E-ADDRESSES) ON OR BEFORE 11:59:59 PM, MAY 12, 2014.**

Welcome to the SOGI Law class! I look forward to exploring this fascinating and important area of the law with you over the course of the semester.

OVerview

* [*Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston*](http://en.wikipedia.org/wiki/Hurley_v._Irish-American_Gay,_Lesbian,_and_Bisexual_Group_of_Boston)
* [Boy Scouts of America v. Dale](http://en.wikipedia.org/wiki/Boy_Scouts_of_America_v._Dale) - A private organization is allowed, under certain criteria, to exclude a person from membership through their First Amendment right to freedom of association in spite of state antidiscrimination laws.
  + **TX:** Has deviant sexual intercourse laws (that list from family law) Penal Code 21.06 found unconstitutional, class c misd
  + In 61 most states had sodomy laws, but by Lawrence it was only 13 states
* *Griswald v. Conneticut,* ’65 struck down a CT law that prohibited contraceptives in married couples
* *Loving v. VA,* ’67 struck down laws against interracial marriage
* *Eisenstadt v. Baird,* extended the right to privacy established in *Griswald*, by allowing contraceptive in unmarried couples
* *Roe v. Wade,* extended right to privacy to fundamental decisions “regarding ones destiny”
* *Moore v. Cleveland,* plurality decision, there’s a private realm of family life in your home, that the state has no business entering
* *Casey v. Population Services International*, said the DP clause protects personal decisions we make as individuals
* *Bowers v. Hardwick,* when state determines that a punishment is appropriate that is to promote morality and decency is protected. [so basically a circular argument that its ok to make sodomy illegal b/c it prevents crime]
  + At a bar, came out with a beer and PD followed him home, walked into his bedroom and found him having sex with another man
* *Baker v. Wade,* TX Ct had struck down…so they basically argued that….EP clause
* *Romer v. Evans*
* *Windsor*
* *Lawrence v. TX*

Immigration

* Almighty God created the races white, black, yellow, malay and red, and he placed them on separate continents. And but for the interference with his arrangement there would be no cause for such marriages. The fact that he separated the races shows that he did not intend for the races to mix.

Trial Judge Leon M. Bazile, [*Loving v. VA*](http://en.wikipedia.org/wiki/Loving_v._Virginia)

* **Immigration Act of 1917:** Barred homosexuals from entering U.S.
* **Art. I § 21.06. Homosexual Conduct (TX)**
  + (a) A person commits an offense if he engages in [deviate sexual intercourse](http://www.sodomy.org/laws/texas/definitions.html#deviate) with another individual of the same sex.
  + (b) An offense under this section is a [Class C misdemeanor](http://www.sodomy.org/laws/texas/misdemeanor.html).
  + [**Adams v. Howerton**,](http://en.wikipedia.org/wiki/Adams_v._Howerton) 673 F.2d 1036 (9th Cir. 1982), *cert. denied*, 458 U.S. 1111 (1982) is a decision from the U.S. Court of Appeals for the Ninth Circuit that held that the term "spouse" refers to an opposite-sex partner for the purposes of immigration law and that this definition meets rational basis review. It was the first U.S. lawsuit to seek recognition of a same-sex marriage by the federal government.
    - The petition was initially denied, with a letter stating that "[Adams and Sullivan] have failed to establish that a bona fide marital relationship can exist between two faggots."
    - Letter was from the Department of Justice
* [***Bowers v. Hardwick***](https://en.wikipedia.org/wiki/Bowers_v._hardwick), 478 [U.S.](https://en.wikipedia.org/wiki/United_States_Reports) [186](http://supreme.justia.com/us/478/186/case.html)(1986), is a [United States Supreme Court](https://en.wikipedia.org/wiki/Supreme_Court_of_the_United_States) decision, overturned in 2003, that upheld, in a 5-4 ruling, the constitutionality of a [Georgia](https://en.wikipedia.org/wiki/Georgia_(U.S._state)) [sodomy law](https://en.wikipedia.org/wiki/Sodomy_law) criminalizing [oral](https://en.wikipedia.org/wiki/Oral_sex) and [anal sex](https://en.wikipedia.org/wiki/Anal_sex) in private between consenting adults when applied to homosexuals.[[1]](https://en.wikipedia.org/wiki/Bowers_v._hardwick#cite_note-decision-1)
  + \*The constitution does not confer a fundamental right to engage sodomy
* **1987** US Public Health Service officially added AIDS to the list of dangerous contagious diseases that barred alien from entering the US, and Congress passed the HIV travel ban in December 87’
* **1989** Denmark becomes 1st country to recognize GLBT relationship
* **1990** Immigration Act – finally removed the old one
* **1993**
  + President Clinton signs legislation codifying the exclusion of HIV-positive aliens
  + Immigration service started to recognize foreign partners on B-2 toursit visas
  + [***Baehr v. Miike***](https://en.wikipedia.org/wiki/Baehr_v._Miike)(originally *Baehr v. Lewin*) was a lawsuit in which three same-sex couples argued that Hawaii's prohibition of same-sex marriage violated the [state constitution](https://en.wikipedia.org/wiki/Constitution_of_Hawaii). Initiated in 1990, as the case moved through the state courts, the passage of an amendment to the state constitution in 1998 led to the dismissal of the case in 1999. In the intervening years, the possibility that the courts might invalidate Hawaii's marriage eligibility requirements, as appeared possible following the [Supreme Court of Hawaii](https://en.wikipedia.org/wiki/Supreme_Court_of_Hawaii)'s 1993 decision in this case, provided an impetus for the enactment of the federal [Defense of Marriage Act](https://en.wikipedia.org/wiki/Defense_of_Marriage_Act) (DOMA) in 1996and dozens of statutes and [constitutional amendments banning same-sex unions](https://en.wikipedia.org/wiki/U.S._state_constitutional_amendments_banning_same-sex_unions) at the state level.[[2]](https://en.wikipedia.org/wiki/Baehr_v._Miike#cite_note-2)
* **1994** 
  + Atty Gen Janet Reno declared *Matter of Toboso-Alfonso* to be binding precedent; homosexuals could qualify as a particular social group eligible for asylum

POST DOMA 1996-2012

* **1996**
  + IIRAIRA – Judges no longer have discretion to waive deportation based on humanitarian discretion
  + Legacy INS published a memo declaring that HIV positive individuals can constitute a particular social group for purposes of asylum
  + Defense of Marriage Act – signed by President Bill Clinton
  + ***United States v. Windsor***, [570 U.S. \_\_\_](https://en.wikipedia.org/wiki/United_States_Reports)(2013) (Docket No. [12-307](http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/12-307.htm)), is a [landmark](https://en.wikipedia.org/wiki/List_of_landmark_court_decisions_in_the_United_States) case[[1]](https://en.wikipedia.org/wiki/United_States_v._Windsor#cite_note-NBCNews20130627-4)[[2]](https://en.wikipedia.org/wiki/United_States_v._Windsor#cite_note-NYT20130627-5)[[3]](https://en.wikipedia.org/wiki/United_States_v._Windsor#cite_note-Mears20130627-6) in which the [United States Supreme Court](https://en.wikipedia.org/wiki/Supreme_Court_of_the_United_States) held that restricting U.S. federal interpretation of "marriage" and "spouse" to apply only to [heterosexual](https://en.wikipedia.org/wiki/Heterosexual) unions, by Section 3 of the [Defense of Marriage Act](https://en.wikipedia.org/wiki/Defense_of_Marriage_Act) (DOMA), is unconstitutional under the [Due Process Clause](https://en.wikipedia.org/wiki/Due_Process_Clause) of the [Fifth Amendment](https://en.wikipedia.org/wiki/Fifth_Amendment_to_the_United_States_Constitution), because doing so "disparage[s] and ... injure[s] those whom the State, by its marriage laws, sought to protect in personhood and dignity."
* **1999** *Littleton*
* **2000**
  + *Permanent Partners Immigration Act (United Families Immigration Act)* was proposed & prof was involved, but it did not pass.
  + Civil Union Act in Vermont – Governer Howard Dean makes an announcement that Vermont recognizes civil unions
    - Couples rush to Vermont to get a civil union so that partner could stay in US b/c of civil union. Prof said they warned them not to do it, you’ll get deported. And that's what happened…the cases were denied by the state and they were referred to immigration and deported.
* **2001**
  + Netherlands becomes the 1st country in the world to recognize same-sex marriage
* **2003** 
  + [***Lawrence v. Texas***](http://en.wikipedia.org/wiki/Lawrence_v._Texas), [539 U.S. 558](http://en.wikipedia.org/wiki/Case_citation) (2003),[[1]](http://en.wikipedia.org/wiki/Lawrence_v._Texas#cite_note-1)is a [landmark decision](http://en.wikipedia.org/wiki/List_of_landmark_court_decisions_in_the_United_States) by the [United States Supreme Court](http://en.wikipedia.org/wiki/Supreme_Court_of_the_United_States). In the 6–3 ruling, the Court struck down the [sodomy law](http://en.wikipedia.org/wiki/Sodomy_law) in [Texas](http://en.wikipedia.org/wiki/Texas) and, by extension, invalidated [sodomy laws in thirteen other states](http://en.wikipedia.org/wiki/Sodomy_laws_in_the_United_States), making same-sex sexual activity legal in every U.S. state and territory. The Court overturned its previous ruling on the same issue in the 1986 case [*Bowers v. Hardwick*](http://en.wikipedia.org/wiki/Bowers_v._Hardwick), where it upheld a challenged [Georgia](http://en.wikipedia.org/wiki/Georgia_(U.S._state)) statute and did not find a [constitutional](http://en.wikipedia.org/wiki/United_States_Constitution) protection of sexual privacy.
    - "*Bowers* was not correct when it was decided, and it is not correct today. It ought not to remain binding precedent. *Bowers v. Hardwick* should be and now is overruled."
  + *(Halpern v. City of Toronto****)*** [***Halpern v. Canada***,](http://en.wikipedia.org/wiki/Halpern_v._Canada_(Attorney_General)) [2003] O.J. No. 2268 is a notable June 10, 2003 decision of the [Court of Appeal for Ontario](http://en.wikipedia.org/wiki/Court_of_Appeal_for_Ontario) where the Court found that the [common law](http://en.wikipedia.org/wiki/Common_law) definition of [marriage](http://en.wikipedia.org/wiki/Marriage), which defined marriage as between one man and one woman, violated [section 15](http://en.wikipedia.org/wiki/Section_Fifteen_of_the_Canadian_Charter_of_Rights_and_Freedoms) of the [*Canadian Charter of Rights and Freedoms*](http://en.wikipedia.org/wiki/Canadian_Charter_of_Rights_and_Freedoms).
* **2004**
  + Massachusetts becomes the first state to issue marriage licenses to same-sex couples
  + PPIA became the *Uniting American Families Act*
  + Congress eliminated the HIV exclusion ground from the Immigration and Nationality Act
* **2008**
  + CA Supreme Court rules that same sex couples can not marry
* **2012** Blesch v. Holder
* If you live in Texas where same sex marriage is not allowed, you can still file in Immigration in the US and in any other country that allows it
* Profs firm has done more cases in this part of the country than any other part of the country

Criminal & Military ISSUES

* Utah DOMA decision – he’ll post
* Michigan DOMA decision

Criminal Matters

* **Types of Criminal Actions against LGBT-identified individuals**
  + Bullying
  + Discriminatory harassment (although not usually criminal)
  + Sex crimes
  + Entrapment/Enticement
  + Public Lewdness – Knowingly engages in an\_\_ act in a public place e.g., Activity at adult bookstores
  + Public e.g., Activity at adult bookstores
  + Indecent exposure
  + In the adult bookstore cases, they’ve had good results w/ trial—defending w/ recklessness
  + Failure to disclose HIV status can result in felony charges in certain states
  + Victimization of Inmates
    - Some county jails have a ‘gay floor’
    - Some have isolation (solitary confinement) options for TG
    - Access to meds
  + Trafficking cases
    - Involve boys, as well as girls
* **Film:** Dangerous Living: Coming Out in the Developing World

PAPER Tips

* **Room:** 4009, Library, 4th Floor, in the corner **Contact Info:**
* **Exam Format:**
* **Do:**

**Don’t:** Send to stcl and his office email

Papers due by email