

ASSOCIATION OF AMERICAN LAW SCHOOLS
SECTION ON SEXUAL ORIENTATION AND GENDER IDENTITY ISSUES

SOGII NEWSLETTER

FALL 2008 — SPECIAL AALS HIRING CONFERENCE ISSUE

SECTION HOSPITALITY SUITE AT AALS HIRING CONFERENCE

The AALS Section on Sexual Orientation and Gender Identity Issues wishes all AALS candidates well during the hiring conference. We extend a special welcome to LGBT candidates who are interviewing for faculty positions and to our section members who have come to interview candidates.

The AALS has again set up a special hospitality suite for our section, which you are invited to visit. The hospitality suite provides a central location where faculty candidates can discuss “coming out” on a resume or during a job interview, how to ask about a law school’s domestic partnership policies, and what to ask schools about the measures they take to ameliorate the negative effects of the Solomon Amendment. Conversations have also helped candidates to focus their scholarship on issues involving sexual orientation and gender identity.

The hospitality suite (in the Harding Suite on the Mezzanine Level) will be open from **10:00 a.m. to 4:00 p.m. on Friday, November 7 (with a Question and Answer Session at 3:00 p.m.** led by Professor Greg Johnson of Vermont Law School and D’Arcy Kemnitz of the National Lesbian and Gay Law Association). The suite will also be open on Saturday from **9:00 a.m. to noon.**

FULL-DAY SECTION PROGRAM AT ANNUAL MEETING IN SAN DIEGO

At the AALS Annual Meeting in San Diego, the Section will hold a full day of programming to consider LGBT issues across the law school curriculum. The full program and breakout sessions are on the next pages. The program will be on Wednesday, January 7, 2009, from 8:45 a.m. to 5:15 p.m. That same day we’ll also have a section luncheon and an evening business meeting at which we’ll elect new officers and discuss opportunities for section members.



WHAT WE’LL DISCUSS AT THE ANNUAL MEETING IN SAN DIEGO

- *California Proposition 8, the AALS, and the Manchester Grand Hyatt Boycott*
- *Same-Sex Marriage Updates*
- *Breakout Sessions on Subjects Across the Curriculum (See the full list inside this newsletter)*
- *Transgender 101*
- *SOGII Section Luncheon*
- *Does Amelioration Ameliorate? What Should Law Schools Be Doing About the Solomon Amendment?*
- *SOGI Section Business Meeting*

LGBT ISSUES ACROSS THE CURRICULUM — SECTION TO HOLD ITS FIRST ALL-DAY PROGRAM AT THE AALS ANNUAL MEETING IN SAN DIEGO, JANUARY 7, 2009

Morning Plenary Sessions

8:45 to 9:10 a.m.

Solana, South Tower/Level 1, San Diego Marriott Hotel

Why We Are Not Meeting at The Manchester Grand Hyatt – Did the AALS Win a Gold Medal by Moving to the Marriott?

Ruth Anne Robbins, Legal Writing Institute President

Hazel Weiser, Society of American Law Teachers

Mark E. Wojcik, SOGII Section Chair

9:10 to 10:30 a.m.

Solana, South Tower/Level 1, San Diego Marriott Hotel

Same-Sex Marriage and Beyond – Recent Developments in Sexual Orientation and Gender Identity Issues

William N. Eskridge, Jr., Yale Law School

Holning Lau, Hofstra Law School

Nan D. Hunter, Georgetown University Law Center

Arthur S. Leonard, New York Law School

Adele M. Morrison, Northern Ill. Univ. College of Law

Kellye Y. Testy, Seattle University School of Law

Mark E. Wojcik (Moderator)

Morning Breakout Sessions

(Concurrent)

10:45 a.m. to 12:15 p.m.

Breakout Session 1.

Family Law, International Law, and Immigration

Solana, South Tower/Level 1, San Diego Marriott

Same-sex marriage, civil unions, and domestic partnership arrangements have fundamentally changed how we teach family law and domestic relations. Other issues to be covered include developments in adoption law, immigration status for same-sex partners, and other foreign and international law developments.

Ian Curry-Sumner, Utrecht Univ. Faculty of Law

Nancy Maxwell, Washburn University School of Law

Jeffrey Redding, St. Louis University School of Law

Clifford Rosky, S.J. Quinney College of Law, Univ. of Utah

Debra Poggrund Stark, The John Marshall Law School-Chicago

Breakout Session 2.

Transgender 101: A Beginner's Guide to Transgender Issues

Newport Beach, South Tower/Level 4, San Diego Marriott

Transgender issues can arise in almost any subject in law school.

This session provides a background on the medical issues of transgendered persons and an overview of the more common legal issues that can arise in law school classrooms.

David B. Cruz, University of Southern California

Taylor Flynn, Western New England College School of Law

Julie Greenberg, Thomas Jefferson School of Law

Dean Spade, Seattle University School of Law

Breakout Session 3.

Employment Law, Employment Discrimination, and Clinical Legal Education

Irvine, South Tower/Level 4, San Diego Marriott

There is still no federal anti-discrimination law to ban discrimination on the basis of sexual orientation, but state and local laws do include such prohibitions. What do we need to be teaching our students about these state and local discrimination laws?

Erin E. Buzuvis, Western New England School of Law

Elizabeth M. Glazer, Hofstra University School of Law

Suzanne B. Goldberg, Columbia University School of Law

Zachary A. Kramer, The Pennsylvania State University

Breakout Session 4.

Legal Research, Legal Writing, and Moot Court: Pink Ink and Beyond

Warner Center, South Tower/Level 4, San Diego Marriott

The session will discuss using sexual orientation and gender identity issues in legal writing problems, and examine specific topics (such as criminal and civil actions for hate crimes) that have made for particularly effective legal writing assignments. The session will also provide information on the sexual orientation moot court competition, and on using past problems from that competition as the basis for future moot court problems and legal writing assignments.

James G. Durham, Touro College Law Center

Greg Johnson, Vermont Law School

Lyonette Louis-Jacques, The University of Chicago

Anthony S. Niedwiecki, Nova Southeastern University

Robert Bradley Sears, *Williams Institute on Sexual Orientation Law and Public Policy*, Los Angeles, California
 Robert Volk, Boston University School of Law
 Nancy A. Wanderer, University of Maine School of Law

Section Luncheon

12:15 p.m. to 1:30 p.m. (Ticketed Event, buy tickets by January 6, 2009 at 9:00 p.m.)

Afternoon Breakout Sessions

(Concurrent)

2:00 to 3:30 p.m.

Breakout Session 5

Constitutional Law, Criminal Law, and Evidence

Solana, South Tower/Level 1, San Diego Marriott
The constitutional and criminal law landscape was fundamentally changed by decisions such as Lawrence v. Texas and Roemer v. Evans. How have federal and state courts adapted to the new landscape, and what changes may still go unnoticed in classrooms where we teach constitutional law and criminal law. Additionally, new issues continue to arise relating to criminal procedure, civil procedure, and evidence, including whether the spousal testimonial privilege and the marital confidence privileges apply to same-sex marriages, domestic partnerships, and civil unions.

Bennett Capers, Hofstra University School of Law
 Taylor Flynn, Western New England College School of Law
 Jean C. Love, Santa Clara University School of Law
 Ellen S. Podgor, Stetson University College of Law
 Corey Yung, The John Marshall Law School—Chicago

Breakout Session 6

Torts, Contracts, and Professional Responsibility

Newport Beach, South Tower/Level 4, San Diego Marriott

What particular torts issues affecting sexual orientation and gender identity might be covered in basic courses such as torts, contracts, and professional responsibility? How are same-sex partners recognized in torts and contracts law? What is the status on defamation and privacy? How should we teach about changes to state rules of professional responsibility that prohibit discrimination based on sexual orientation and gender identity?

Lawrence C. Levine, University of the Pacific, McGeorge School of Law
 Martha Ertman, University of Maryland School of Law
 Mark E. Wojcik, The John Marshall Law School-Chicago

Breakout Session 7

Property, Conflict of Laws, Income Tax, and Employee Benefits

Irvine, South Tower/Level 4, San Diego Marriott

Same-sex marriage, civil unions, and domestic partnerships frequently conflict with state constitutional amendments and statutes that deny recognition to same-sex partnerships. How should we teach concurrent ownership interests between unmarried couples where interstate issues are involved? What advice should lawyers give to same-sex couples who were lawfully married in Massachusetts but whose marriage will not be recognized by the federal government or another state? Federal and state tax law often builds upon the recognition of property rights under state law. What issues arise when states recognize some form of same-sex relationships, each carrying significant property rights? And in California and Washington, what is the status of community income and community property law? This session will also discuss developments in income tax, bankruptcy, and employee benefits.

Patricia A. Cain, Santa Clara Law School
 Chuck Cohen, Capital University Law School
 Anthony C. Infanti, University of Pittsburgh School of Law
 Barry Kozak, The John Marshall Law School—Chicago
 Janice Kay McClendon, Stetson University College of Law

Breakout Session 8

Admissions, Student Services, Student Development, and Career Services

Warner Center, South Tower/Level 4, San Diego Marriott

This session will explore the full range of student services, recruiting, and development. Included among the topics are LGBT student organizations, issues with same-sex student housing and medical care, safety and support issues, the Lavender Law Career Fair, and career services for LGBT students who might still be in the closet.

Andrew Chapin, Fordham Law School
 Michael A. Farley, Stetson University College of Law

CLOSING PLENARY

3:45 to 5:15 p.m.

Solomon Amendment and Beyond: Does Amelioration Ameliorate?

Solana, South Tower/Level 1, San Diego Marriott

David A. Brennan, Association of American Law Schools
 Jose M. Gabilondo, Florida International University
 Jackie A. Gardina, Vermont Law School
 Tayyab Mahmud, Seattle University School of Law
 Mark E. Wojcik, The John Marshall Law School—Chicago
 Suzanne B. Goldberg, Columbia University School of Law
 (Moderator)



Section Leadership

Section Chair

Prof. Mark E. Wojcik
The John Marshall Law School
315 S. Plymouth Court
Chicago, IL 60604
Tel: (312) 987-2391
Fax: (312) 427-9974
Email: 7wojcik@jmls.edu

Section Chair-Elect

Prof. Suzanne B. Goldberg
Columbia Law School
435 W. 116th Street
New York, NY 10027
Tel: (212) 854-0411
Fax: (212) 854-7946
Email: suzanne.goldberg@law.columbia.edu

Secretary

Prof. Lawrence C. Levine
University of the Pacific McGeorge School of Law
3200 Fifth Avenue
Sacramento, CA 95817
Tel: (916) 739-7155
Fax: (916) 739-7272
Email: llevine@pacific.edu

Treasurer

Prof. Taylor Flynn
Western New England College of Law
1215 Wilbraham Road
Springfield, MA 01119-2684
Tel: (413) 782-1412
Email: tflynn@law.wnec.edu

Immediate Past Section Chair

Prof. Danielle Kie Hart
Southwestern Law School
Email: dhart@swlaw.edu

Mentor Coordinator

Dean Kellye Y. Testy
Seattle University School of Law
Email: ktesty@seattleu.edu

Newsletter

Prof. Mark E. Wojcik
The John Marshall Law School—Chicago
7wojcik@jmls.edu

Additional members of the Executive Committee

Noé Bernal
Villanova University School of Law
Email: bernal@law.villanova.edu

Prof. Erin Buzuvis
Western New England College of Law
Email: ebuzuvis@law.wnec.edu

Prof. Andrew Chapin
Fordham University Law School
Email: achapin@law.fordham.edu

Prof. Chuck Cohen
Capital University Law School
Email: ccohen@law.capital.edu

Prof. Victor Byers Flatt
University of Houston Law Center
Email: vflatt@central.uh.edu

Prof. Jackie A. Gardina
Vermont Law School
Email: jgardina@vermontlaw.edu

Prof. Julie A. Greenberg
Thomas Jefferson School of Law
Email: julieg@tjsl.edu

Prof. Holning S. Lau
Hofstra University School of Law
Email: Holning.lau@hofstra.edu

Prof. Nancy G. Maxwell
Washburn University School of Law
Email: nancy.maxwell@washburn.edu

Prof. Adele M. Morrison
Northern Illinois University College of Law
Email: amorrison@niu.edu

Prof. Ellen S. Podgor
Stetson University College of Law
Email: epodgor@law.stetson.edu

Prof. Joan Schaffner
George Washington University Law School
Email: jschaf@law.gwu.edu

Prof. Nancy A. Wanderer
University of Maine School of Law
Email: wanderer@usm.maine.edu

Mandatory Disclaimer

This newsletter is a forum for the exchange of points of view. Opinions expressed here are not necessarily those of the Section and do not necessarily represent the position of the Association of American Law Schools.