

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

SOGII NEWSLETTER

JANUARY 2009 — SAN DIEGO, CALIFORNIA — CONFERENCE ISSUE

OUR SECTION'S FIRST FULL-DAY PROGRAM

Sexual Orientation and Gender Identity Issues Across the Curriculum

The Section holds its first full-day program to examine the most important developments in legal issues relating to sexual orientation and gender identity across the curriculum. The

A morning plenary session will discuss same-sex marriage and other developments in same-sex marriage. Concurrent breakout sessions (four in the morning and four in the afternoon) will allow faculty members to consider how recent developments in same-sex marriage, civil unions, and other LGBT issues affect courses such as Family Law, Constitutional Law, Criminal Law, Evidence, Torts, Contracts, Professional Responsibility, Property, Conflicts, Tax, and other subjects across the curriculum.

We meet here in California where thousands of same-sex couples married following a decision from the California Supreme Court, which was then followed by a state constitutional amendment that ends further same-sex marriages and raises questions about how marriages conducted this year will be recognized in the future here and in other jurisdictions.

We will also have special sessions on gender identity, legal research and writing, moot court, career services, and other substantive law areas. Please join us for all or part of the day.

Mark E. Wojcik

*The John Marshall Law School—Chicago
Chair, Section on Sexual Orientation and Gender Identity Issues*



FULL-DAY PROGRAM Wednesday, January 7, 2009

8:45 a.m. to 9:10 a.m. Opening Plenary: California Proposition 8 and Why We Are Not Meeting at the Manchester Grand Hyatt

9:10 a.m. to 10:30 a.m. Plenary Session on Same-Sex Marriage and Other Important LGBT Developments

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

Morning Breakout Sessions (details on page 2)

- Family Law, International Law, and Immigration
- Transgender 101
- Employment Law, Employment Discrimination, and Clinical Legal Education
- Legal Research, Legal Writing, and Moot Court

12:15 to 1:45 p.m. Section Luncheon (Ticketed Event): Speaker Evan Wolfson, Freedom to Marry

2:00 to 3:30 p.m.

Afternoon Breakout Sessions (details on page 3)

- Constitutional Law, Criminal Law, and Evidence
- Torts, Contracts, and Professional Responsibility
- Property, Conflicts of Law, Income Tax, and Employee Benefits
- Admissions, Student Services, Student Development, and Career Services

3:45 to 5:15 p.m.

Closing Plenary: Solomon Amendment and Beyond: Does Amelioration Ameliorate?

5:15 p.m. Informal Lavender Law planning meeting (location to be announced at closing plenary session)

6:30 p.m.

Section Business Meeting — Election of officers and planning for next year's program in New Orleans

Sexual Orientation and Gender Identity Across the Curriculum: The Challenge of Keeping Law Schools Current with LGBT Issues

Morning Plenary Sessions (Jan. 7, 2009)

8:45 to 9:10 a.m.

Santa Rosa, 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, President, Legal Writing Institute

Hazel Weiser, Society of American Law Teachers

Mark E. Wojcik, AALS-SOGII Section Chair

9:10 to 10:30 a.m.

Santa Rosa, 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 Illinois Univ. College of Law

Kellye Y. Testy, Seattle University School of Law

Evan Wolfson, Freedom to Marry

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

Santa Rosa, South Tower/Level 1, San Diego Marriott Hotel

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.

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 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.

Kim D. Chanbonpin, The John Marshall Law School

(moderator)

Ronald Wheeler, Georgia State University College of Law

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: Speaker Evan Wolfson, Freedom to Marry

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

Santa Rosa, South Tower/Level 1, San Diego Marriott Hotel
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 and what changes may still go unnoticed in classrooms where we teach constitutional law and criminal law. New issues also 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? 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? Or whose marriages were declared void by "Prop 8"? 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 student services, recruiting, and development. Included among the topics are LGBT student organizations, student housing and medical care, safety and support issues, the Lavender Law Career Fair, and career services for LGBT students.

Andrew Chapin, Fordham Law School
 Michael A. Farley, Stetson University College of Law
 Beth Kransberger, Thomas Jefferson School of Law

CLOSING PLENARY

3:45 to 5:15 p.m.

Solomon Amendment and Beyond: Does Amelioration Ameliorate?

Santa Rosa, South Tower/Level 1

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 Goldberg, Columbia University School of Law
 (Moderator)



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Mandatory Disclaimer

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