Welcome to Gender Issues in the Law! This course section is designed to give students an introductory look at American law as it pertains to gender. Upon completion, students should be able to: understand basic legal vocabulary and the operation of the judicial system; trace the evolution of the legal rights of women in the United States; think and write critically about historical and contemporary legal issues which affect women's lives; comprehend the connections among law, public policy and social action. We will study topics such as suffrage, contraception, abortion, marriage, divorce, family law, criminal law, equal access to education, sexual harassment, and workplace discrimination. Please be sure that you have satisfied the University’s prerequisites for enrollment. The required text for this course is:

The Law of Sex Discrimination
Fourth Edition
Authors: Lindgren, Taub, Wolfson, Palumbo
Publisher: Thomson/Wadsworth

I. COURSE ASSIGNMENTS

Course assignments will be drawn largely from the required text. You are responsible for the readings and being prepared to talk about several court decisions. The textbook often incorporates an abbreviated version of the full written decision. If you want to read a full decision, you may do so by utilizing Lexis/Nexis through the Melville Library. All of you have the ability to access Lexis/Nexis, for free, through the Melville Library’s on-line course catalog. Your NetID allows you access to Lexis/Nexis. Follow this procedure to download cases:

- Go to the Melville Library site, from the SUNYSB website.
- Under “Online Resources,” click on “Research Websites.”
- Click on “Legal Resources.”
- Under “Reference,” click on “Research Data.”
- Click on “Research Data” again. It is hard to see- it’s directly above “Stony Brook University Libraries.”
- Click on Lexis-Nexis Academic Universe. It will ask you for your NetID, and password.

Occasionally, I will post additional readings/viewings on Blackboard or provide the class with handouts. The content of these resources may be incorporated into your exams.

Case Briefing

During many classes, we will discuss, or “brief” cases I asked you to review prior to class. Every student must be prepared to orally brief the cases scheduled to be reviewed. For each class, I will randomly call on students to brief cases and answer questions. You are free to read off your notes, and should never be afraid to brief a case in class. I do not expect undergraduates to understand and discuss every nuance of a case. We’re really talking big picture here. My vocal students, normally the students who get the most out of the class, so speak up.
A sample case brief is on the last page of this syllabus and your textbook also includes directions on how to approach briefing case (Appendix D).

II. ATTENDANCE

Attendance is mandatory and will be taken each class. If you are ill or have a family emergency, and cannot attend class, please contact me via e-mail as soon as possible. You will not be penalized for an excused absence, but you may be tested on material you missed, so be sure to keep up with the coursework.

III. EXAMS/GRADING

You will have two non-cumulative exams as denoted in the syllabus below. I will also assign two brief (3-page) reflection/reaction papers. Class participation (including attendance) is worth ten percent of your grade; essays are worth 30 percent, each exam is 40 percent of your grade.

IV. STATEMENT ON ACADEMIC INTEGRITY:

Each student must pursue his or her academic goals honestly and be personally accountable for all submitted work. Representing another person's work as your own is always wrong. Any suspected instance of academic dishonesty will be reported to the Academic Judiciary. You are all charged with understanding the code of academic honesty. For more comprehensive information on academic integrity, including categories of academic dishonesty, please refer to the academic judiciary website at http://www.stonybrook.edu/uaa/academicjudiciary/.

V. STUDENTS WITH DISABILITIES

If you have a physical, psychological, medical or learning disability that may impact your course work, please contact Disability Support Services, 128 ECC Building (631) 632-6748. They will determine with you what accommodations are necessary and appropriate. All information and documentation is confidential. Students who require assistance during emergency evacuation are encouraged to discuss their needs with their professors and Disability Support Services. For procedures and information to the following web site:http://www.ehs.sunysb.edu.

VI. ASSIGNMENTS

August 28: SUFFRAGE

Course introduction; the structure of the courts; briefing cases; the Constitution and the Bill of Rights. References are included in the appendices of your text.

Read Chapter One
Reflect on the Study Questions following The Declaration of Sentiments

Brief: Minor v. Happersett, 88 U.S. 130 (1872)

Read pages 71-76. Be prepared to discuss the Equal Rights Amendment.

September 4: CRIMINAL LAW

Brief:  
*People v. Liberta*, 64 N.Y.2d 152 (1984)

Discussion: What is rape shield, and do we want it? The impact gender has in the criminal justice system. The issue of domestic violence in New York Courts and society. Feel free to ask relevant questions.

September 11:  
**DIVORCE, & RIGHTS OF GRANDPARENTS**

Read Chapter 6  
*Baker v. State of Vermont*, 81 A.L.R.5th 627  
*Lawrence v. Texas*, 156 L.Ed.2d 508

Copies of the following cases will be provided on Blackboard:


Discussion: You mean I have to share my child with my mother-in-law? Even if I hate her?

Additional materials will be posted.

September 18:  
**SAME SEX MARRIAGE**

Additional materials will be posted, but you are required to review the material contained in Chapter 6 relative to this topic prior to class.

September 25:  
**THE RIGHT TO PRIVACY**

Read Chapter 7  
Brief: *Buck v. Bell*, 274 U.S. 200 (1927) (case will be posted on Blackboard)  
*Griswold v. Connecticut*, 318 U.S. 479 (1965)  

Discussion topic: I read the Constitution and I cannot find the “Right to Privacy.” Where is it?

*Planned Parenthood of Southeastern Penn. v. Casey*, (1992)

Discussion: What if Roe fell?
October 2:  **FAMILY LAW**

**Review Chapter 6**


   *Adoptions of BLVB and ELVB*, Supreme Court of Vermont, 1993

   *In the Matter of Baby M.* 573 A.2d 1127 (1988) NJ

October 9:  **Exam**

October 16:  **EQUAL ACCESS TO EDUCATION**

**Read Chapter 5**


October 23:  **SEXUAL DISCRIMINATION**

**Read Chapter 3**

Brief:  *Nichols v. Azteca Restaurant Enterprises, Inc.* 256 F.3d 864 (9th Cir., 2001)

   *EEOC v. Brown & Root*, 688 F.2d 338 (5th Cir)


October 30:  **SEXUAL DISCRIMINATION**

**Read Chapter 3 (continued)**


   *Healey v. Southwood Psych*, 78 F.3d 128 (3rd Cir., 1996)

November 6:  **WORKING CONDITIONS/SEXUAL HARASSMENT**

**Read Chapter 4**

Brief:  *Tomkins v. PSE&G*, 568 F.2d 1044 (3rd Cir., 1977)


November 13: WORKING CONDITIONS/SEXUAL HARASSMENT

Read Chapter 4 (continued)


Grutter v. Bollinger

November 27: EXAM

December 4: TWENTY-FIRST CENTURY ISSUES

Read Chapter 9

Discussion: So how 'bout the ERA? Still viable? Necessary?

BRIEFING CASES

Each brief must contain these five elements:

- The Case
- The Facts
- The Question
- The Decision
- The Rationale.

The case name and citation (numbers after the case name).

The facts are pretty self-explanatory and can be gleaned from the first page or two of the Court case. Usually, the Supreme Court lays out in gritty detail what the facts at bar are. If you have any problems in getting the facts from any of the cases—let me know immediately. I will be happy to help.

The question is actually the issue that the Court is considering. The issue will almost always concern a constitutional matter or some other Federal question of substance. Typically, you will find the question stated by the Court immediately following the factual description.

The decision is usually found toward the end of the case. Most decisions will list the author of the majority opinion and the names of the Justices who joined in that opinion. Not all decisions are unanimous.

The rationale is critical. This is your version of the reasoning used by the majority in reaching its decision. I have found that if you read these case through once, wait a bit, then read through again, that it becomes easier to understand what the Court based its decision upon.

Sample Brief:

*Minor v. Happersett*, 88 U.S. 130 (1872)
**Facts:** Virginia Minor was barred from voting in 1872. She argued that the state of Missouri had violated her rights under the 14th Amendment entitled to the privileges and immunities of citizenship by barring her from voting.

**Issue:** Is the right to vote a privilege and immunity of citizenship for all citizens protected by the 14th amendment? Are all citizens necessarily voters?

**Holding:** No, no.

**Reasoning:** the CJ wrote the opinion for the court, raising the following points:

1. Constitution doesn’t define the privileges & immunities of citizens; 14th didn’t add to those P & I, simply added an additional guarantee to already existing privileges and immunities
2. If such a change had been intended, it would have been expressly declared
3. Record shows that states entered the Union with laws declaring rules for suffrage (21, male, freeman), and that this never presented any difficulty
4. States could take away suffrage from women, and this also presented no difficulties
5. Therefore, if any question can be taken to be settled, this is one: “For nearly ninety years…”.

“Our province is to decide what the law is, not to declare what it should be.”