

**Women, the Law, and Litigating for Social Change II**  
GOVT 580.01  
**TENTATIVE SYLLABUS**

Karen O' Connor  
Ward 214

x6237  
x2903

This class will provide an in depth analysis of the law in two areas: reproductive rights and family law as it affects women. Through reading and discussing case law, and hearing from experts in the field, this class will provide you with a thorough understanding of the state of the law and how the courts have come to interpret state and federal laws as they pertain to sexual interaction within the family.

The class will consist of extensive reading of case law, in class discussions of the law, several mock trials involving students as lawyers and justices, team brief writing and arguing cases before a mock bench. Each student will write a short paper about the Supreme Court justice, play that justice during mock trials, participate as a lawyer to argue from a brief written by the student, and submit a final paper, which will be written as a Supreme Court opinion.

Students will visit the Supreme Court, hear oral arguments, and meet with Justice Sandra Day O'Connor. Students also will hear from lawyers who have argued major cases before the Supreme Court and interest groups that lobby and litigate in these areas of the law.

Readings: Kay and West, *Sex-Based Discrimination*, 4<sup>th</sup> ed. (1996)  
Other readings online

Grading: Class participation (includes in-class assignments, participation, etc.)	10%
Justice Paper and Justice Participation	20%
Group Project Brief	

Schedule

Wednesday, January 2

9:00	<b>Introductions</b> Justices Assignments (Instruction sheet attached)
10:30	Break
10:45	<b>The Marriage Contract: Traditional Marriage and Its Consequences</b> <i>Reading:</i> Blake, Book Review of Witte, "The History and Evolution of Marriage from Sacrament to Contract: Marriage, religion and the Law in the Western Tradition," 1999 <i>BYU Law Review</i> 847 (in packet) Kay, "From the Second Sex to Joint Venture: An Overview of Women's Rights and Family Law in the U.S. During the Twentieth Century," 88 <i>Calif. L.R.</i> 2017 Film
12:30	Lunch
1:30	<b>Age at Marriage, Names, and Domicile</b> <i>Reading:</i> Kay & West, pp. 186-233 <i>Forbush v. Wallace</i> , 341 F. Supp. 217, affirmed by the Supreme Court
2:30	Break

2:45           **How to Brief a Case: Kirchberg v. Feenstra**  
Readings: Kay & West, pp. 230-233

4:00           Begin readings and briefs

### **Assignment for Wednesday Night**

In addition to the Thursday readings (and case briefs), you must begin to familiarize yourself with your Justice.

### **Thursday, January 3**

9:00           **Commonwealth vs. Community Property States**  
Reading: Kay & West, pp. 234-264

10:30          **Same Sex Marriage**  
Reading: Kay & West, pp. 265-288  
“Same Sex Partners after September 11,” [www.aclu.org/congress/1112601a.html](http://www.aclu.org/congress/1112601a.html)  
“Defense of Marriage Act,” [www.hrc.org/issues/marriage/index.asp](http://www.hrc.org/issues/marriage/index.asp)

12:00          Speaker (Human Rights Campaign, invited)

1:30           **Marriage Contracts**  
Reading: Adams, “Getting married: Premarital Agreements,” *J. Contemp. Legal Issues*  
121, 1997

2:30           Break

2:45           **Dissolution of Marriage**  
Readings: Kay & West, pp. 288-318  
Williams, “Do Wives Own Half? Winning for Wives after *Wendt*,” 32 *Conn. L. Rev.* 249

3:45           Break

4:00           **Marriage Contract Writing Exercise**  
(In groups working on marriage contracts)

### **Assignment for Thursday night**

Finish your Justice assignment. Complete Assigned Readings

### **Friday, January 4**

9:00           **Cohabitation**  
Kay & West, pp. 425-444  
Dubler, “Wifely Behavior: A Legal History of Acting Married,” 100 *Columbia Law Review* 957, May 2000.

10:00          Break

- 10:15           **Child Custody**  
 Readings: Kay & West, pp. 319-356  
 Ronner, "Women Who Dance the Professional Track: Custody and the red Shoes," 23  
*Harvard Women's Law Journal* 174, Spring 2000
- 11:30           Lunch
- 1:00             Speaker: National Partnership of Women and Families, invited
- 2:00             work on hypothetical - *Lofton v. Kearney* - the Defense of Marriage Act

**Weekend Assignments:**

In groups, prepare family law hypothetical. Read assigned readings

**Monday, January 7**

- 9:00             Hypothetical argued
- 11:00           **Family Planning**  
 Reading: Kay & West, pp. 444-457
- 12:00           **Medical Insurance and Contraception**  
 Read: <http://www.pill4us.org>  
 Speaker: National Women's Law Center, invited
- 2:00             **Abortion**  
 Readings: Kay & West, pp. 477-488 (*Roe v. Wade*)  
*Akron v. Akron Center for Reproductive Rights* (O'Connor dissent)  
 Download chronology of abortion cases at  
<http://www.naral.org/mediaresources/fact/decisions.html>  
*Webster v. Reproductive Health Services*  
*Planned Parenthood v. Casey* (Kay & West, pp. 488-532)

**Tuesday, January 8**

- 9:00             Meet at Court at (time)  
 Dress Code for the Day: Nice clothes.  
 Wear comfortable shoes; we will be walking a lot.
- 2:30             Visit to **National and Reproductive Rights Action League**  
 1156 15<sup>th</sup> Street
- 4:00             Visit to **Feminists for Life**  
 733 15<sup>th</sup> Street

### **Wednesday, January 9**

- 9:00            **Issues of Clinic Violence**  
Film or Speaker  
Readings: Kay & West, pp. 544-569 (Bray/ add new cases)
- 11:00            TBA
- 12:00            Lunch
- 1:00             **The Politics of RU-486**
- 3:30             Exercise
- 5:30             Dinner at KOC's house

### **Thursday, January 10**

- 9:00             **Statutory Rape**  
Readings: Kay & West, pp. 1131-1149
- 10:30           **Forcible Rape**  
Readings: Kay & West, pp. 1150-1168
- 12:00            Lunch speaker

### **Friday, January 11**

Final moot court – all day. We may end early.