



WOMEN & POLITICS INSTITUTE
SCHOOL of PUBLIC AFFAIRS

Women, the Law, and Litigating for Social Change I
GOVT 580.01
Spring 2003

Instructor: Karen O'Connor
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Meets: Ward 102

This class is an intensive women and the law class. In addition to focusing on the development of women's rights in the areas of constitutional law, we also will examine how women's rights have been expanded through judicial interpretation of the Civil Rights Act of 1964 and Title IX. Readings for this class will be very heavy. "Cases do not come to the Supreme Court like orphans in the night," as one political scientist has noted. Thus, we also will examine how the cases we study have arrived at the Court and examine those cases in the context of legal strategy and lawyer and plaintiff perspectives.

This will be a very fluid class. We will be discussing case law, but this discussion will be interspersed with group work on hypotheticals that will force you to apply the case law you have read to new situations. We will also view films about women's legal status and the political system.

This is tentative schedule and list of readings and assignments for the class. Weather, speaker availability, or the class process may result in some alterations. Reading case law is very slow and should take up much of any "free" time you think you may have during this period. Please make certain to read each case thoroughly. I expected you to come to class each day having read all of the assigned cases and readings with notes or briefs prepared for each assigned case. You make work with your teams to make certain that you have briefs with you for every case. This is why teams will be especially important.

Readings: Kay and West, *Sex Based Discrimination*, 5th edition (2002)
Other cases as indicated online.

Grading: Class Participation (includes in-class assignments (15%))
One page justice paper (15%)
Class briefs (10%)
Group Project Brief (35%)
Supreme Court opinion (25%) (due on February 10, 2000)

Preliminary Schedule

Thursday, January 2

9:00-10:45 **Introductions and Course Overview**

10:45-11:00 Break

11:00-12:00 **Women as Lawyers**

History of Women in the Law

Historical Role of Women Lawyers as Initiators of Legal Change

Readings: Text: pp. 1-23

12:00-2:00 **Lunch and reading time**

2:00- 5:00 **How to Read and Brief a Case through Understanding the Development of Equal Protection Analysis** : Here, we will focus on *Reed v. Reed*, *Frontiero v. Richardson & Craig v. Boren*
Readings: Text: pp. 22-60

Lawyer teams/ Justice roles announced

Friday, January 3

9:00 -12:00 **The Equal Rights Amendment**

Speaker: Bernice Sandier, Senior Scholar, Women's Research and Education Institute to speak on the ERA.

Reading: Mansbridge, *Why We Lost the ERA*, chap. 1 (in folder)
Guard v. Jackson (1997) (in folder)

The Equal Rights Amendment

www.equalrightsamendment.org

This is a comprehensive site that you should download (and read) the sections on history, strategy, and legislation.

12:00 Leave campus

2:00 Tour Sewall -Belmont House

3:00 Congress- Rep. Carolyn Maloney=s Office

Saturday, January 4

3:00 Draft of Justice Paper Due

Your Justice paper should be in the following format.

I. Biographical Sketch of Justice (about one page)

a. This should include education, work experience, family and job background.

- b. Information about appointment. Be sure to include who appointed him/her; ABA rating, groups for against nomination.
- II. General overview of the justice=s beliefs and record. Are they strict constructionist? Moderate? Liberal? Conservative? Do they tend to vote a certain way in particular cases?
- III. How does this justice feel about sex discrimination as viewed through his or her decisions? What is the legal reasoning for each decision?
- This should include a table of all of the sex discrimination cases that your justice has participated in, the vote of the Court, and your justices vote as well as reasoning if he or she wrote majority opinion, concurrence, or dissent.

Monday, January 6

- 9:00-12:00 **Identifying the Victims of Discrimination**
 Readings: Text: pp. 60-182
 Miller v. Albright (1998) (in packet)
 Nguyen v. INS (2001)
- 12:00-1:00 Lunch
- 1:00-2:30 **Women and Education**
 Readings: Text: pp. 960-1078; 845-872
 Gratz v. Bollinger (2002)
 Johnson v. Regents of the University of Georgia (2001)
- 2:30-2:45 Break
- 2:45-5:00 Work on Affirmative Action Hypothetical

Tuesday, January 7

- 9:00-12:00 **Women and Employment**
 Reading: Text: pp. 540-698
- 12:00-2:00 Lunch and Speaker
- 2:15 Break
- 2:30- 3:30 Readings continued
- 3:30-5:00 **The Family and Medical Leave Act**
 Readings: TBA
 Hypothetical: *Nevada Department of Human Resources v. Hibbs*
 (in packet)

5:00-6:00 Work in Groups on Moot Court Case Brief

Wednesday, January 8

9:00- 11:30 **Women and Employment: Sexual Harassment**

Reading: Text, pp.741-814
Burlington Industries v. Ellerth, 524 U.S. 742 (1998)
(in packet)
Faragher v. Boca Raton, 524 U.S. 775 (1998) (in packet)
Oncale v. Sundowner Offshore Services

11:30-12:30 Lunch

12:30-2:00 Panel, **AWomen, The Law, and Sexual Harassment@**

2:00-2:15 Break

2:15-3:15 **Film**

3:15-6:00 Work on Briefs

Thursday, January 9 Off Campus (Draft Briefs due)

Morning:

Meetings with Lawyers, Interest Groups
Lunch: On your own

1:30 Meet at Department of Justice

3:00 Meet with Justice Ginsburg at Supreme Court/Tour Court

5:30 Dinner at Karen O=Connor=s house

Friday, January 10

10:30 Draft Briefs Due

10:30- 12:00 TBD

12:00-1:00 Lunch

1:00 TBD

Saturday, January 11

5:00

Final Briefs Due