

## SEXUAL ORIENTATION, GENDER IDENTITY AND EXPRESSION AND THE LAW

Western State College of Law  
Professor Stacey Sobel (she/her/hers)  
Spring Semester 2025

### Course Information

Online Course Materials: TWEN and H2O, sign up by January 23, 2024  
Email: [ssobel@wsulaw.edu](mailto:ssobel@wsulaw.edu)

**Office hours:** Office hours will be held in-person on: Thursdays, 11:30 AM – 12:30 PM and 5:30-6:15. Office hours after 5:00 are intended for evening students only. Office hours will also be hold on Zoom on Mondays, 11:00 AM – 1:30 PM. **The Zoom meeting number is 344-446-2334.** Once I've completed the previous zoom meeting, you will be admitted from the waiting room. Meetings during office hours should be scheduled via TWEN sign-up sheets. If you cannot make an appointment during regular office hours or there are no available time slots, please email me to schedule a meeting. Meetings should be scheduled at least 24 hours in advance. If they are made less than 24 hours in advance, I may make alternative plans and might not be available to meet. If you need to cancel a meeting or if you will be late, please remove your name from the sign-up sheet. I may schedule additional office hours at particular times during the semester. You will be notified in class and/or via TWEN of when those hours will occur.

### Required Text

Online materials as assigned (via H2O and TWEN). The textbook can be found at <https://opencasebook.org/casebooks/11069-sexual-orientation-gender-identity-and-expression-and-the-law/>.

The text for this course is an H2O open casebook. Anybody with an internet connection can read an H2O casebook. Anybody who wants to author, remix, or take notes on a casebook will need to create an account. If your email address ends in .edu or .gov, you can create an account on the H2O [Sign Up page](#). If you have trouble, please email H2O at [info@opencasebook.org](mailto:info@opencasebook.org).

You can read your casebook directly on the H2O platform. The table of contents in any H2O casebook is a list of clickable links to different sections of the book, and you can use the arrows on either side of your screen to navigate between resources. You may also export an H2O casebook to Word. From there, you may convert your casebook to a PDF and read it in a PDF reader, or you can print your casebook to read in print. Note that the Export button works for the entire casebook, individual sections, and individual resources, allowing you to choose which part of the book to Export for printing or conversion.

**I do not recommend commercial briefs and they are not permitted in class.**

**Ethics** – Ethics are an important part of the practice of law. All students should be familiar with WSCL's Honor Code. Any violation of law school rules and regulations relating to cheating, plagiarism, or other ethical matters addressed in the Honor Code will be vigorously enforced.

**Reading and Class Participation** – The two defining characteristics of a seminar are the writing requirement and extensive class discussion. All students are expected to participate frequently in the class discussion, including presenting weekly LGBTQ+ legal updates as assigned. Participation is key to making this class enjoyable, so I expect everyone to complete the assigned reading prior to class and be prepared to intelligently discuss and critically evaluate that day’s assignment. We will be discussing some potentially controversial topics in class. Everyone is expected to engage in professional discussion of the materials and subject matter and to be respectful of each other’s opinions. **You should engage in approximately four hours of course preparation per week. Students may not record the class discussion without the professor’s approval.**

**Attendance** – The WSCL policy on required attendance at all classes will be followed: students enrolled in 90-minute classes may be absent no more than four (4) classes. Students who miss more classes than permitted may be dismissed from the class, thus receiving a “0” for the course absent extenuating circumstances. See the WSCL Attendance Policy, reprinted in the Student Handbook. Students are expected to be in class at the time the course begins. Students who are late may be considered absent at the discretion of the professor. Students who know that they will be late or absent should email me prior to class if possible.

**Learning Goals** – After completion of this course, students should be able to:

- Make policy-based arguments, including the ability to identify the underlying public policies of a law and their implications.
- Evaluate legal arguments, including the ability to evaluate the strengths and weaknesses of particular rules and policies.
- Acknowledge the existence of diverse ideological viewpoints when considering SOGIE issues.
- Advocate, in both oral and written formats, the legal, economic, and social strengths and weaknesses of a rule or policy and use case law, statutes, and policy to persuade others.
- Recognize ethical, social, and other issues inherent in the way certain legal policies affect members of the LGBTQ+ communities and their families and how those individuals affect and shape society and the greater community.

**Grading and Paper Requirements** – This class is designed to satisfy the Western State College of Law (WSCL) upper-level writing requirement (ULWR), which is based on guidelines established by the American Bar Association. Your final grade will be based on class participation (25%) including a paper topic presentation, and a 15-20 page research paper, including an outline (75%).

You will work on the research paper throughout the semester. In a WSCL ULRW course, you must earn a 2.0 or higher on the research paper to obtain ULRW credit.

Paper Requirements: Written assignments must conform to the following requirements:

- (1) Typewritten, double-spaced, Times New Roman 12-point font, with footnotes in 10-point font.
- (2) One-inch margins for the top, bottom, left and right margins. Note that if you are using Microsoft Word, you must set the margins to one-inch each, as the default setting for the left and right margins is 1.25 inches.
- (3) Each page must contain your name and page number in either the header or footer.
- (4) The final version of your paper must contain citations that conform to the ALWD 4th edition or to the Bluebook 19th edition format. Footnotes are required. No endnotes.

Unless otherwise instructed, all assignments are to be submitted at the start of class. Your final paper must be uploaded to the TWEN course site, as well as emailed to me at [ssobel@wsulaw.edu](mailto:ssobel@wsulaw.edu). As a professional, you are responsible for submitting all assignments on time. A late assignment is one handed in any time after it is due, even if it is late by one minute. Penalties for lateness are as follows: (1) submitted within 24 hours after deadline: 10% grade reduction; (2) after the first 24 hours, an additional 20% grade reduction for each additional 24 hour time period in which the assignment is past due. For example, if the assignment is due on Wednesday at 6:30 p.m., then your grade on the assignment would be reduced by 30% if submitted at any time between Thursday at 6:31 p.m. and Friday at 6:30 p.m. The same assignment would be reduced by 50% if submitted at any time between Friday at 6:31 p.m. and Saturday at 6:30 p.m. Any requests for an extension of time to file your paper must be submitted prior to the date that the paper is due.

**Accommodations** – Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law. To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Students Services Suite. Dean Espinoza’s phone number and email address are: (714) 459-1117; [despinoza@wsulaw.edu](mailto:despinoza@wsulaw.edu). When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodation. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Dean Marisa Cianciarulo at [mcianciarulo@wsulaw.edu](mailto:mcianciarulo@wsulaw.edu) or (714) 459-1168. Complaints will be handled in accordance with the College of Law’s “Policy against Discrimination and Harassment.”

## **COURSE READING**

We will discuss the class reading in more detail in our first class. Due to the small size of the course, students will have significant input into the topics covered within the course.

Please read all materials in H20 Chapter 1 Introduction, Chapter 2 and Chapter 3 for the first week of class held on January 16. Remember to click on the arrows to expand the chapters and access the individual reading materials.

Important course dates include:

March 6	Outlines Due
March 13	Spring Break
March 20	Paper Conferences
April 10	Class Presentations
April 29	Papers Due

## **Western State College of Law – Programmatic Learning Outcomes**

Western State College of Law’s curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

### **1. Doctrinal Knowledge**

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

### **2. Practice Skills**

Students will demonstrate the development of other law practice skills. Each student’s chosen outcomes within this category will be varied based on the student’s particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

### **3. Legal Analysis**

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

### **4. Legal Research**

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

### **5. Communication**

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker’s ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author’s ideas).

### **Advocacy of Legal Argument**

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

#### **6. Client Sensitivity and Cultural Competency**

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

#### **7. Legal Ethics**

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.