Many of the assigned readings are contained in the course reader that will be available from the duplicating office. However, material that has an asterisk* is not included in the reader, but should be accessed by you electronically. Depending upon the item, you may find electronic versions of the reading on the course blackboard site, from a site specified in the assignment itself, or (for some reported cases that I have not edited) from Lexis or Westlaw.

I attempt in this syllabus to set out the dates on which particular readings will be discussed. But these are predictions only. Depending upon the pace of the discussion, we may get ahead or behind. At the end of each class session, we will confirm the readings scheduled for the session that follows.

Special class assignments. In addition to a paper presentation, each student will be expected to volunteer for a special role in class discussion at some point during the semester. The volunteer opportunities are indicated below in the syllabus. Please be prepared to indicate your choice of assignment at the beginning of the second class session on January 27. Have a second choice available as well in case your first choice is oversubscribed.

Class discussion generally. I will post on the class blackboard site questions to think about in connection with the reading assignment for each class. In general, those questions should be posted on the site by Friday morning before each Tuesday class. Regular class attendance and participation is expected. The instructor reserves the right to drop any student who misses more than two class sessions.

Paper Topics: I will also be available after class on the 20th and the 27th for further discussion. I will also be available specifically for members of this class on Thursday afternoon on the 22nd and 29th, for further discussion of paper topics—but please let me know that you plan to come, and about when, so that I can be sure to be here and available. Please note that paper proposals are due in class on February 3. These proposals should contain a paragraph or two describing the subject of the paper, and a preliminary bibliography of sources you intend to consult.

Tuesday, January 20

Introductory session. Discussion of paper topics. See handout.
Tuesday, January 27

Child Support and Paternity

1. Where do Child Support Guidelines Come From?


2. Are we collecting from the right people?


Murphy v. Meyers

*County of San Luis Obispo v. Nathaniel J.*

*Straub v. Todd*

*C.O. v. W.S.*

*Budnick v. Silverman*

*Fla. Stat. § 724.14*

3. Some reflections on the basis of the support obligation


Tuesday, February 3

PAPER TOPICS DUE IN CLASS ON FEBRUARY 3. Please submit a paragraph describing the topic, and a brief bibliography (three sources are sufficient).

Child Support, continued

4. More on identifying the legal father: Biology or something else?

A. The constitutional basics (*Lehr, Michael H.*, and their fellow travelers)


B. A different approach: Iowa as a case study.

*Callender v. Skiles*, 591 N.W. 182 (Iowa 1999); *Callender v. Skiles*, 623 N.W.2d 852, 855 (Iowa 2001); *Huisman V. Miedema*, 644 N.W.2d 321 (Iowa 2002). (These cases are assigned but not reprinted in the reader. Please obtain them from Westlaw or Lexis.)
C. Non-biological fatherhood by intent.


Tuesday February 10

Child Custody: the Issue of Relocation. Some context: Burgess, a 1996 decision of the California Supreme Court, has been influential nationally on the issue of the custodial parent’s relocation. The California Supreme Court recently indicated in interest in revisiting that decision, and argument will occur in February on the new case it took for this purpose, LaMusga. Armies of amici have lined up on each side. The material below includes an overview of the issue and the debate, the Burgess opinion, Bryant, a divided appeals court decision applying Burgess, the appeals court decision in LaMusga, the new case the court will hear, a brief from each side of that case, a puzzling new statute enacted by the California legislature, and an alternative approach adopted by Wisconsin:

a. Pages 1-8 of Braver, Ellman and Fabricius*
b. Burgess opinion in the California Supreme Court (913 P.2d 473)*
c. Bryant opinion, California Court of Appeals*
d. LaMusga opinion in the California court of appeals*
e. Amici brief for Tanke/Wallerstein, California Supreme Court, in LaMusga
f. Amici brief, Warshak, California Supreme Court, in LaMusga.*
g. New California statute*
h. Not assigned, but available on Blackboard for the curious: Arizona relocation statute and the most recent case construing it.

Volunteer Opportunity (four students): Two students should select the father’s side in Burgess, and two should select the mother’s side. Present arguments in class.

Tuesday February 17

Marriage and Marriage Reform Proposals

1. Is marriage really changing? Is it a matter of social concern if it is?
   b. Robert Putnam, Bowling Alone, Pp. 194-203

2. The current effort to encourage marriage
   a. Bush Plans $1.5 Billion Drive for Promotion of Marriage, New York Times, January 14, 2004.* (as Bush Marriage Plan)

Volunteer Opportunity (two to four students): Should government attempt to influence the marriage rate? One student to argue no, or at least not in the way the Bush Administration plans; the other to argue yes, whether in accord with the Bush administration plans or some other developed approach. Or, two students on each side.

Tuesday, February 24

Same-Sex Marriage: the Current Debate
Bowers v. Hardwick and notes following, pages 1004-1018 of Ellman, Kurtz and Scott
From Eskridge and Hunter, status of anti-sodomy laws on the eve of Lawrence
Lawrence v. Texas*
Sunstein, What Did Lawrence Hold?, forthcoming in The Supreme Court Review.*
Goodridge
Two Fathers, With One Happy to Stay at Home, New York Times, January 21, 2004*
Arizona poll on constitutional amendment*
Standhardt v. Superior Ct., 77 P.3d 451 (Ariz.App. 2003). Obtain from Lexis or Westlaw. Review of this decision is currently being sought in the Arizona Supreme Court.

Volunteer Opportunity (two students): One to lead discussion of Sunstein article, a second to lead the discussion of the Hull article.
Volunteer Opportunity (two to four students): One to argue the pro same-sex marriage position in the pending Arizona case, and the second to take the anti same-sex marriage position. Or, two students on each side.

Tuesday, March 2 and Tuesday, March 9

Evolutionary Biology, Gender Relations, and Family

1. Selections from:
Wright, THE MORAL ANIMAL
Buss, THE EVOLUTION OF DESIRE

2. Science News: Human, Monkey Shyness Varies by Gender
Buss, Evolutionary Psychology: A New Paradigm for Social Science

A Possible Application: Women in Combat
Selections from Eskridge and Hunter
Tuesday March 16
  Spring Break

Tuesday, March 23
  Transgender Issues
  Selections from Hunter and Eskridge (this material will be provided later).

Tuesday, March 30, April 6, April 13, April 20

  Student presentations