

SEXUALITY LAW

REVISED SECOND EDITION

2012 CASE SUPPLEMENT

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INTRODUCTION TO SUPPLEMENT

This supplement was prepared during June 2012. The main text of the casebook was closed to new cases at the end of May 2009, so this supplement updates the materials with more than three years' worth of new cases, legislation and other developments. In some cases, decisions in the bound textbook were reversed by higher courts, with reversals noted and (usually) the newer decisions found in this supplement.

This is a field of law in which rapid changes are occurring. This is especially true in the area of relationship recognition at the state level. See the new chart summarizing status recognition of couples at the state level in Appendix B of this Supplement. There are also significant changes at the federal level with the repeal of "Don't Ask, Don't Tell" the Obama administration's conclusion that the Defense of Marriage Act is unconstitutional and the President's endorsement of same-sex marriage. In addition, as of June 2012, it appeared likely that the Supreme Court would consider two important cases dealing with same-sex marriage during its October 2012 term. Those cases are *Perry v. Brown* (9th Circuit holding that California's constitutional ban on same-sex marriage, Proposition 8, violates the federal constitution) and *Massachusetts v. U.S. Dept. Health and Human Services* (1st Circuit ruling in two consolidated cases that DOMA is unconstitutional). Edited versions of these two cases are included in this Supplement.

Our focus has been on the "big changes" that have occurred since 2009 because those are the changes that can affect how law teachers present the material in this book. At the same time, we recognize that many of these changes are not "final" and so we have not included every lower or mid-level appellate court opinion on issues that are still in litigation. It is not our intent to provide a treatise on the current state of the substantive law. Thus, where possible we have kept the great cases from the 2009 edition that we believe produce the best teaching material and we have carefully added new material in the notes that will enable teachers and students to view these cases in the context of these changing times.

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