

WRS: Reproductive Rights and Justice
7336/20623
Spring 2026 – Room TBD
Face-to-Face Instruction
Professor Laura Portuondo

Course Schedule: Tuesdays & Thursdays 1:00-2:20 pm. Room TBD.

Office Hours: By appointment (on [Calendly](#)) Thursdays 10:30 am-12:00 pm (Office 342L). If you are unable to make these times, please contact Professor Portuondo by email and we can arrange an alternate time.

Contact Information: lportuondo@uh.edu (preferred), 713-743-7046

Course Objectives: In the wake of *Dobbs*, which overruled *Roe v. Wade*, the question of whether and how the government should regulate reproduction is more pressing than ever. This course will provide students with the tools to answer this question by exploring the law and theory of reproductive regulation in the United States. Students will learn both historical and contemporary approaches—including reproductive rights and reproductive justice frameworks—equipping them to understand how the law reached this point and how it could change going forward. This course will not focus on abortion alone, but will instead address a broad range of reproductive issues including the regulation of pregnancy, birth, families, assisted reproductive technologies, and more.

Learning Objectives: Students will learn about a broad range of reproductive rights and justice issues from multiple theoretical and doctrinal perspectives. They will practice reading and analyzing case law, primary sources, and secondary sources, as well as gain tools to critically evaluate these sources. Students will learn how to identify the strengths and weaknesses of arguments and to engage with opposing viewpoints. Students will, through a comprehensive writing project, hone their substantive research skills, acquire extensive knowledge and expertise about a topic relevant to this course, and produce a high-quality scholarly research paper.

Required Texts: There are no books to purchase. All readings will be posted on the class site. Please be sure to download the readings directly from the class site (rather than Google) because many have been shortened or excerpted.

Grading and Assessment: Your grade in this class will be based on three things: class participation (10%), a final paper (75%), and an in-class presentation of your paper idea (15%). See below for more details:

Participation: I expect all students to read assigned materials in advance of each class meeting and be prepared to discuss them. Students can earn full participation points by: coming to class prepared, contributing readily to the conversation but not dominating it, making thoughtful contributions based on the readings that advance the conversation,

showing an interest in and respect for others' contributions, and participating actively in small group discussions.

Final paper: Each student must write a paper for this seminar about some legal topic related to reproductive rights and justice. Papers must be at least 10,000 words (including footnotes) and no more than 12,000 words. In order to help you structure your writing process, there are five important deadlines:

1. **February 6 (by 5pm):** Deadline to submit one paragraph describing paper topic and thesis.
2. **February 20:** Deadline to have met with Professor Portuondo to discuss paper topic and thesis.
3. **March 6 (by 5 pm):** Deadline to submit a 5-page (single-spaced) summary of your paper and list of sources.
4. **March 27 (by 5pm):** First draft due (minimum 5000 words).
5. **April 24 (by 5pm):** Final draft due.

Failure to meet these deadlines or complete these assignments will result in a reduction in the final paper grade.

In-class presentation: During the final four classes of the semester, students will present the major findings of their papers to the class. Presentations should be 10-15 minutes long, and we'll have class discussion following each.

Attendance: As a requirement for accreditation of law schools by the American Bar Association, regular and punctual class attendance is necessary. To fulfill this burden and foster a uniform and fair standard, UHLC requires that students must be present for 80% of the regularly scheduled sessions. UHLC professors have no discretion to waive this requirement. Please contact Professor Portuondo if you anticipate you will be absent from class.

Honor Code: The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.

AI Generated Text and Work Product: The software technology known as artificial intelligence has recently expanded its capability to generate text (AI Generated Text). Examples of the technology include what are known as "generative" large language models (LLMs), and a specific implementation what is well known in the general public is ChatGPT. These systems can generate text in response to prompts and/or input of other text/documents/code/images. The output, the AI Generated Text, appears to have human-mimicking "intelligence" and is thus potentially usable as a substitute for written material one might generate themselves. AI Generated Text can include computer code or programs as well as human language content.

Your continuing enrollment in this course obligates you to not knowingly prompt, generate, or use any AI Generated Text in relation to any activity or assessment in this course. This applies to AI Generated Text from yourself or others. This obligation includes that your assessment materials in the course is without any contribution from AI Generated Text. This obligation specifically extends to not plagiarize any writing required of you for assessment in the course: AI Generated Text will be treated as from another/others in applying the plagiarism policy to this course. The term “assessment” means any material generated for this course that is submitted to the instructor or presented in a class session, regardless whether it is graded content or not. Assessments include mid-terms and final exams. AI Generated Text may not be used in the development or drafting of any assessments created by you in a non-proctored environment.

Syllabus Changes: Please note that I may need to make modifications to the course syllabus. I will give notice of such changes as early as possible via announcement in email or in class.

Additional Information and Resources: Please see the end of this syllabus (after “Course Topics and Assignments”) for additional information and resources related to this class.

Course Topics and Assignments (subject to change)

Week 1

Class 1 (Jan 20) – Introduction

1. Syllabus
2. *Madrigal v. Quilligan*, No. CV 75-2057-JWC (C.D. Cal. 1978)

Class 2 (Jan 22) – Reproductive Choice, Reproductive Justice

1. ANGELA Y. DAVIS, *WOMEN, RACE, AND CLASS* (1981)
2. Andrea Smith, *Better Dead Than Pregnant* in *CONQUEST* (2015)
3. WHPA Section 4(a), pp. 17-19 only
4. *Dobbs v. Jackson Women’s Health Organization*, 142 S. Ct. 2228 (2022) (Breyer, Kagan, and Sotomayor, dissenting)

Week 2

Class 3 (Jan 27) – Regulating Conduct During Pregnancy

1. *Johnson v. State*, 602 So. 2d 1288 (Fla. 1992)
2. *Whitner v. State*, 492 S.E.2d 777 (S.C. 1997)
3. Center for Reproductive Rights, *Punishing Women for Their Behavior During Pregnancy*, Sept. 2000
4. New York Times Editorial Board, *Slandering the Unborn*, NEW YORK TIMES (Dec. 28, 2018)

Class 4 (Jan 29) – Regulating Pregnancy Loss

1. “Living Infants Fairness and Equality (LIFE) Act,” Georgia H.B. 481 (2020)
2. *Dobbs v. Jackson Women’s Health Organization*, 142 S. Ct. 2228 (2022), pp. 30-32

3. Maria Sole Campinoti et al, *A Woman Who Had a Miscarriage Is Now Charged with Abusing a Corpse as Stricter Abortion Laws Play Out Nationwide*, CNN (Dec. 19, 2023)
4. Dahlia Lithwick & Mark Joseph Stern, *Sued for Offering Friendship*, SLATE (March 15, 2023)
5. Greer Donley & Jill Wieber Lens, *Abortion, Pregnancy Loss, & Subjective Fetal Personhood*, 75 VAND. L. REV. 1649 (2022), 1649-50, 1690-96, 1704-11

Week 3

Class 5 (Feb 3) – Regulating Birth

1. *In re Madyun*, Misc. No. 189-86 (D.C. July 26, 1986)
2. *Burton v. Florida* (Dist. Ct. Fla. 2010)
3. *In re AC* (D.C. App. 1987)
4. Manny Fernandez, *Suing to End Life Support for Woman and Fetus* (2014)
5. Anne Drapkin Lyerly, *Statutory Restrictions on Advance Care Planning and Pregnancy* (2019)

Class 6 (Feb 5) – Regulating Birth at the Margins

1. *Clifton v. Eubank*, 418 F. Supp. 2d 1243 (2006)
2. *Villegas v. Metro. Gov't of Nashville*, 709 F.3d 563 (6th Cir. 2013)
3. Alexa Richardson, *Shackling of Pregnant Prisoners Is Ongoing*
4. Amy Growcock & Krish Gundu, *Giving Birth in Jail Often Comes With Medical Neglect, Texas Jail Project Finds*, TEEN VOGUE (Apr. 18, 2023)

February 6 (by 5 pm): Deadline to submit one paragraph describing paper topic and thesis.

Week 4

Class 7 (Feb 10) – The Right to Be a Parent

1. *Stanley v. Illinois*, 405 U.S. 645 (1972)
2. *Lehr v. Robertson*, 463 U.S. 248 (1983)
3. *Adoption of Baby Boy A. v. Catholic Social Servs. of Harrisburg*, 517 A.2d 1244 (Pa. 1986)
4. Matt Lavietes, *A Lesbian Lost Her Son to His Sperm Donor. Should Other Gay Parents Be Concerned?*, NBC NEWS (April 5, 2023)
5. Courtney G. Joslin & Douglas NeJaime, *How Parenthood Functions*, 123 COLUM. L. REV. 319, 321-23 (2023)

Class 8 (Feb 12) – The Right to Stay a Parent

1. *DeShaney v. Winnebago County*, 489 U.S. 189 (1989)
2. Larissa MacFarquhar, *When Should a Child be Taken from His Parents?*, THE NEW YORKER (Aug. 7, 2017)
3. Dorothy Roberts, *Child Welfare and Civil Rights*, 2003 U. ILL. L. REV. 171

Week 5

Class 9 (Feb 17) – Legal and Theoretical Bases of the Right to Abortion – Liberty’s Promise

1. *Griswold v. Connecticut*, 381 U.S. 479 (1965)
2. *Roe v. Wade*, 410 U.S. 113 (1973)
3. *Planned Parenthood of S.E. Pennsylvania v. Casey*, 505 U.S. 833 (1992), up to p. 2808

Class 10 (Feb 19) – Legal and Theoretical Bases of the Right to Abortion – Liberty’s Limits

1. *Planned Parenthood of S.E. Pennsylvania v. Casey*, 505 U.S. 833 (1992), pp. 2816-21
2. *Harris v. McRae*, 448 U.S. 297 (1980)
3. *Sojourner A. v. N.J. Dept. of Human Servs.*, 828 A.2d 306 (N.J. 2003)
4. Dorothy Roberts, *Whom Liberty Leaves Out* in *KILLING THE BLACK BODY* (1997)

Sept 20: Deadline to meet with Professor Portuondo to discuss paper topic and thesis.

Week 6

Class 11 (Feb 24) – Legal and Theoretical Bases of the Right to Abortion – Equality’s Promise

1. *Planned Parenthood of S.E. Pennsylvania v. Casey*, 505 U.S. 833 (1992), excerpts
2. Brief of Equal Protection Scholars, *Dobbs v. Jackson Women’s Health Organization*
3. Fact Sheet, *The Harms of Denying a Woman a Wanted Abortion Findings from the Turnaway Study*, UCSF
4. Katy Backes Kozhimannil, *Abortion Access as a Racial Justice Issue*, NEJM (Oct. 27, 2022)

Class 12 (Feb 26) – Legal and Theoretical Bases of the Right to Abortion – Equality’s Limits

1. *Geduldig v. Aiello*, 417 U.S. 484 (1974), **pay special attention to footnote 20**
2. Chase Strangio, *Can Reproductive Trans Bodies Exist?*, 19 CUNY L. REV. 223 (2016)
3. Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581 (1990)

Week 7

Class 13 (Mar 3) – *Dobbs*

1. *Dobbs v. Jackson Women’s Health Org.*, 142 S. Ct. 2228 (2022), excerpts from majority opinion

Class 14 (Mar 5) – Critiques of *Dobbs*

1. *Dobbs v. Jackson Women’s Health Org.*, 142 S. Ct. 2228 (2022), excerpts from dissent

March 6 (by 5 pm): Deadline to submit 5-page (single-spaced) summary of paper and list of sources.

Week 8

Class 15 (Mar 10) – The Wake of *Dobbs*

1. TEXAS HEALTH & SAFETY CODE § 170A.002
2. Eleanor Klibanoff & Rebecca Schneid, *Tearfully Testifying Against Texas' Abortion Ban, Three Women Describe Medical Care Delayed*, TEX. TRIBUNE (July 19, 2023)
3. *Texas v. Zurawski*, 690 S.W.3d 644 (Tex. 2024)
4. Ballot Tracker: Status of Abortion-Related State Constitutional Amendment Measures for the 2024 Election, <https://www.kff.org/womens-health-policy/dashboard/ballot-tracker-status-of-abortion-related-state-constitutional-amendment-measures/>

Class 16 (Mar 12) – State Interests in Regulating Reproduction: Protecting Women

1. Amicus Curiae Brief of 3,348 Women Harmed by Abortion
2. *Gonzales v. Carhart*, 550 U.S. 124 (2007)
3. *Whole Woman's Health v. Hellerstedt*, 579 U.S. 582 (2016)
4. Mary Ziegler, *Anti-Abortion Groups Once Portrayed Women as Victims. That's Changing.*, N.Y. TIMES (March 9, 2022)
5. Munira Z. Gunja et al., *The U.S. Maternal Mortality Crisis Continues to Worsen: An International Comparison* (Dec. 1, 2022)

Mar 16-20: SPRING BREAK – NO CLASS

Week 9

Class 17 (Mar 24) – State Interests in Regulating Reproduction: Protecting Life

1. Natalie M. Hejran, *Arkansas Ranks First on Americans United for Life's Annual "Life List" for Third Straight Year*, AUL (Jan. 5, 2023)
2. Emily Badger et al., *States With Abortion Bans Are Among Least Supportive for Mothers and Children*, N.Y. TIMES (July 28, 2022)
3. Reva Siegel, Serena Mayeri, & Melissa Murray, *Equal Protection in Dobbs and Beyond: How States Protect Life Inside and Outside of the Abortion Context*, 43 COLUM. J. GENDER & LAW 67 (2022)
4. María Méndez, *IVF Treatment Can Continue Under Texas' Current Abortion Law*, TEXAS TRIBUNE (July 13, 2022)

Class 18 (Mar 26) – State Interests in Regulating Reproduction: Preventing Race/Sex Discrimination

1. *Box v. Planned Parenthood of Indiana & Kentucky, Inc.*, 139 S. Ct. 1780 (2019) (Thomas concurrence)
2. Melissa Murray, *Race-ing Roe*, 134 HARV. L. REV. 2025 (2021)
3. Kimmy Yam, *Asian Tropes in Sex-Selective Abortion Bans Have Advocates Worried About What's To Come*, NBC NEWS (May 9, 2022)

March 27 (by 5pm): First draft due (minimum 5000 words).

Week 10

Class 19 (Mar 31) – State Interests in Regulating Reproduction: Preventing Disability Discrimination

1. *Buck v. Bell*, 274 U.S. 200 (1927)
2. *In re Guardianship of Moe*, 960 N.E.2d 350 (Mass. App. Ct. 2012)
3. Robyn M. Powell, *Disability Reproductive Justice*, 170 U. PA. L. REV. 1851 (2022)

Class 20 (Apr 2) – Assisted Reproductive Technologies (ART)

1. Dorothy Roberts, KILLING THE BLACK BODY, 247-56, 285-93 (1997)
2. Clara Moskowitz, *An L.G.B.T.Q. Pregnancy, From D.I.Y. to I.V.F.*, N.Y. TIMES (Apr. 15, 2020) (2 pp)
3. Olga Khazan, *The New Question Haunting Adoption*, THE ATLANTIC (Oct. 19, 2021) (3 pp)

Week 11

Class 21 (Apr 7) – Surrogacy

1. *In re Baby M*, 537 A.2d 1227 (N.J. 1988)
2. *Johnson v. Calvert*, 851 P.2d 776 (Cal. 1993)
3. Christina Caron, *Surrogacy Is Complicated. Just Ask New York.*, N.Y. TIMES (April 18, 2020)
4. Khushboo Srivastava, *Empowerment and Subjugation: Re-Conceiving Commercial Surrogacy as Work-Labor in India*, 27 ASIAN J. OF WOMEN'S STUDS. 575 (Nov. 15, 2021)

Class 22 (Apr 9) – Religious Freedom and Reproductive Rights

1. *Harris v. McRae*, 448 U.S. 297 (1980) (2pp)
1. *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682 (2014) (7 pp)
2. Elizabeth Sepper, *The Free Exercise of Abortion*, 49 BYU L. REV. 177 (2023)

Week 12 + 13

Class 23, 24, 25, 26 (Apr 14, 16, 21, 23) – Presentations

April 24 (by 5pm): Final paper due.

Additional Information and Resources

Mental Health and Wellness Resources: The University of Houston has a number of resources to support students' mental health and overall wellness, including CoogsCARE and the UH Go App. UH Counseling and Psychological Services (CAPS) offers 24/7 mental health support for all students, addressing various concerns like stress, college adjustment and sadness. CAPS provides individual and couples counseling, group therapy, workshops and connections to other support services on and off-campus. For assistance visit uh.edu/caps, call 713-743-5454, or visit a Let's Talk location in-person or virtually. Let's Talk are daily, informal confidential consultations with CAPS therapists where no appointment or paperwork is needed.

The Student Health Center offers a Psychiatry Clinic for enrolled UH students. Call 713-743-5149 during clinic hours, Monday through Friday 8 a.m. - 4:30 p.m. to schedule an appointment.

The A.D. Bruce Religion Center offers spiritual support and a variety of programs centered on well-being.

Need Support Now? - If you or someone you know is struggling or in crisis, help is available. Call CAPS crisis support 24/7 at 713-743-5454, or the National Suicide and Crisis Lifeline: call or text 988, or chat 988lifeline.org.

Title IX/Sexual Misconduct: Per the UHS Sexual Misconduct Policy, your instructor is a "responsible employee" for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.

Reasonable Academic Adjustments/Auxiliary Aids: The University of Houston is committed to providing an academic environment and educational programs that are accessible for its students. Any student with a disability who is experiencing barriers to learning, assessment or participation is encouraged to contact the Justin Dart, Jr. Student Accessibility Center (Dart Center) to learn more about academic accommodations and support that may be available to them. Students seeking academic accommodations will need to register with the Dart Center as soon as possible to ensure timely implementation of approved accommodations. Please contact the Dart Center by visiting the website: <https://uh.edu/accessibility/> calling (713) 743-5400, or emailing jdcenter@Central.UH.EDU.

Recording of Class: Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Justin Dart, Jr. Student Accessibility Center. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

Resources for Online Learning: The University of Houston is committed to student success, and provides information to optimize the online learning experience through our Power-On website (<https://uh.edu/power-on/learning/>). Please visit this website for a comprehensive set of resources, tools, and tips including: obtaining access to the internet, AccessUH, Blackboard, and Canvas; using your smartphone as a webcam; and downloading Microsoft Office 365 at no cost. For questions or assistance contact UHOnline@uh.edu.

Security Escorts and Cougar Ride: UHPD continually works with the University community to make the campus a safe place to learn, work, and live. The security escort service is designed for the community members who have safety concerns and would like to have a Security Officer walk with them, for their safety, as they make their way across campus. Based on availability either a UHPD Security Officer or Police Officer will escort students, faculty, and staff to locations beginning and ending on campus. If you feel that you need a Security Officer to walk with you for your safety, please call 713-743-3333. Arrangements may be made for special needs.

Parking and Transportation Services also offers a late-night, on-demand shuttle service called “Cougar Ride” that provides rides to and from all on-campus shuttle stops, as well as the MD Anderson Library, Cougar Village/Moody Towers and the UH Technology Bridge. Rides can be requested through the UH Go app. Days and hours of operation can be found at <https://uh.edu/af-university-services/parking/cougar-ride/>.

Women and Gender Resource Center: The mission of the WGRC is to advance the University of Houston and promote the success of all students, faculty, and staff through educating, empowering, and supporting the UH community. The WGRC suite is open to you. Stop by the office for a study space, to take a break, grab a snack, or check out one of the WGRC programs or resources. Stop by Student Center South room B12 (Basement floor near Starbucks and down the hall from Creation Station) from 9 am to 5 pm Monday through Friday.