



The Legal Landscape

In most of Lambda Legal's lawsuits, we represent those people who are parties to the case, that is, those who filed the litigation, those who were sued or those who later intervened in the lawsuit. But throughout Lambda Legal's history, we have also helped achieve tremendous civil rights gains for the LGBT communities and those living with HIV by submitting *amicus curiae* (literally, "friend-of-the-court") briefs in cases filed by others.

By filing these briefs, we bring the expertise related to LGBT and HIV-associated legal issues that we have developed in our nearly 35 years of existence. We are also able to provide perspectives different from those who are parties in the litigation, who may be more focused on winning than on the impact of their lawsuit on LGBT and HIV-affected people.

Our *amicus* work makes a difference in a number of ways. Our experience and past successes can lend credence to briefs we file in later cases.

For example, we submitted *amicus* briefs in two pending appeals challenging the military's "Don't Ask, Don't Tell" policy. We showed why the government has no authority to discharge service members when it learns they are in relationships with same-sex partners by pointing to the Supreme Court's ruling in *Lawrence v. Texas* — that every person, regardless of sexual orientation, has a constitutional right to establish an intimate relationship with another consenting adult. Because Lambda Legal won *Lawrence*, our explanation of that decision's import will likely carry extra weight with the judges deciding those cases.

Another way *amicus* briefs can serve our communities' interests is by bringing relevant social science, medical and economic information to the attention of courts. By documenting expert consensus that gender reassignment is medically necessary for some transgender people, we have supported efforts to obtain

crucial treatment for youth in out-of-home care and those dependent on Medicaid. By presenting the findings of experts like the American Academy of Pediatrics, we have helped dispel myths about lesbian, gay and bisexual parents in numerous custody disputes. And by analyzing the experience of employers providing health insurance to employees' domestic partners, we have made sure that courts appreciate that the costs of providing those benefits is small and their beneficial effects on the workplace large.

Over the years, we have submitted dozens of *amicus* briefs to the U.S. Supreme Court alone. Some cases have directly addressed sexual orientation, gender identity or HIV issues, but in others we have supported allies whose cases are likely to have legal "spillover" effects on the rights of LGBT people or those with HIV. That is why we have submitted or joined *amicus* briefs to the Supreme Court in "nongay" cases addressing the free speech rights of students, reproductive freedom, disability rights and the proper application of federal sex discrimination law.

A recent study asked 70 former Supreme Court law clerks if the *amicus* briefs of any particular groups are considered more carefully than others. In addition to briefs filed by the U.S. Solicitor General, state and local governments, and professional associations, the polled clerks named the briefs of eight organizations as the most carefully considered, including the ACLU, the NAACP, the AFL-CIO and ... Lambda Legal. It's gratifying to know that we are making a huge impact, even in cases we did not file. In a way, that's what *amici* (that is, "friends") are for.

A handwritten signature in blue ink that reads "Jon W. Davidson".

JON W. DAVIDSON
LEGAL DIRECTOR