

# Serving up Justice with a Side of Grit

## Celebrating Lambda Legal's 10 Years in the Southern Region

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It's been 10 years *already*? Fighting for the civil rights of LGBT people and those living with HIV is an uphill battle anywhere. In the South, it is yeoman's duty. Yet despite the challenges, Lambda Legal has secured enormous victories that have considerably advanced the individual rights and liberties of LGBT and HIV-positive people across the Southern region.

As former and current regional directors of the Southern Regional Office (SRO) in Atlanta, we are thrilled to celebrate a decade's worth of progress. We've seen our office grow from a staff of three people with one telephone (and a cranky old typewriter that Jane brought from home!) to an office with 10 full-time staff and a proud history of groundbreaking legal work and community education. Throughout the years of growth, staff transitions, and the occasional shift of perspective, two constants underscore our commitment to Lambda Legal's mission: the top-quality legal and educational work

that is our hallmark, and the compelling personal stories of our courageous plaintiffs.

### Sodomy Laws

When the SRO's doors opened in Atlanta in 1997, the law of the land held that states were free to criminalize same-sex sexual activity. Ten states across the South had sodomy laws in place. The 1986 U.S. Supreme Court case *Bowers v. Hardwick*, which involved a Georgia police officer walking in on two men engaged in private, consensual sex, had upheld Georgia's statute criminalizing sodomy. Sodomy statutes not only branded gay and lesbian people as criminals, but also were being used as a basis for denying employment, parenting and housing rights for LGBT people.

Robin Shahar was one of the SRO's first clients and a victim of the broad shadow cast by sodomy laws. Her choice to hold a commitment ceremony with her partner cost her a job opportunity with the Georgia Attorney General's office — one that had been offered to her after an exemplary work record with the office. We participated in this case,

ultimately suffering defeat. The courts cited the sodomy law once again, this time ruling that the attorney general was within his right to withdraw the job offer in part because Shahar's commitment ceremony presented a conflict with the attorney general's interpretation of Georgia's sodomy statutes. In other words, her commitment to her partner was seen as compromising her ability to do her job.

A year later, Lambda Legal participated in a case that successfully overturned the Georgia sodomy statutes, winning a monumental ruling from the Georgia Supreme Court. Yet despite this victory, the U.S. Supreme Court's holding in the *Bowers* case still stood. It remained legal for other states to continue banning gay and lesbian sexual activity and to undermine basic civil liberties through the use of sodomy laws.

Finally, in 2003, the shadow lifted as Lambda Legal won an unprecedented victory. *Lawrence v. Texas* reversed the U.S. Supreme Court's 1986 decision and held that lesbians and gay men share the same fundamental right to private sexual intimacy that heterosexuals have. A new era for LGBT

## A DECADE OF PROGRESS

[1997]

**City of Atlanta v. Morgan:** Georgia Supreme Court upholds Atlanta domestic partnership benefits ordinance.

[1998]

The SRO holds inaugural reception on June 25 at the Carter Presidential Center.

[2000]

**Jacoby v. Jacoby:** Florida appellate court rules that neither a mother's sexual orientation nor societal prejudice against gays and lesbians can be considered in a custody determination without demonstrating an impact on the child.

**Powell v. State:** Georgia Supreme Court strikes down state sodomy statute.

Lambda Legal files ethics complaint against Alabama Chief Justice Roy Moore following his homophobic and religiously based opinion rejecting a lesbian mother's appeal to remove her children from the custody of their abusive father.

[2002]

rights in the South had begun. The court not only struck down all sodomy laws across the country in one fell swoop, but also removed the legal rationale used for decades by state and federal courts to permit discrimination against our clients and other members of the LGBT community. Case closed.

**Progress through Education**

In addition to our efforts battling sodomy laws, we have helped our clients stand up for their rights in all other aspects of their lives. We have secured increased rights for workers, and we've fought for expanded relationship recognition and insurance benefits for same-sex couples. We have stood up for fair courts, and we've gained legal advances for gay, lesbian and HIV-positive parents.

One such case involved a family nearly broken apart due to ignorance and prejudice directed at people living with HIV. Keri Rowell, a mother of three, was living in Mississippi and wanted to live with her sister, Tanya Watkins, who is HIV-positive. In a custody hearing, a judge granted temporary custody of the children to Rowell under the explicit order she keep her children away from their aunt. Watkins was very closely involved in the lives of her sister's children and this decision, based on fear and misinformation, threatened to break their bond. In 2005, Lambda Legal filed a brief on behalf of Rowell that advised the court of accurate information on the transmission of HIV. Five days later, the court reversed the custody restriction.

Our legal work commonly makes use of expertise from the medical community and other trusted independent sources in order

to make our case for equality. This naturally dovetails into public education campaigns that take those messages into the larger community, including advocating for respectful and fair treatment for people living with HIV. Lambda Legal has always relied heavily upon public education and outreach to support our mission. We credit our community education team for creating initiatives that have built support, visibility and mobilization in our region. For instance, our workplace discrimination suit on behalf of Kevin Dunbar against Foot Locker led to a major campaign — “Blow the Whistle on Workplace Discrimination.” Community meetings held in Dunbar's hometown of Columbia, South Carolina, stirred up passionate community involvement in securing fair on-the-job treatment of LGBT workers.

**The Next Decade**

Certainly, many challenges remain. Lambda Legal continues to keep a watchful eye on our courts to help keep the bench filled with fair, unbiased judges who will decide cases based on fact rather than ideology. We also continue to battle negative stereotyping of LGBT people, their relationships and their families throughout the South. Florida has an extreme law on the books banning those engaging in “homosexual activity” from adopting children, and other states join Florida in denying second-parent adoptions that would provide greater security for their children. Relationship recognition presents particular challenges in the SRO states, some of which have enacted so-called “defense of marriage” laws, and seven (AL, GA, KY, MS,

SC, TN and VA) have gone even further, passing constitutional amendments purporting to ban marriages and/or other legally recognized unions for same-sex partners.

Nevertheless, we are seeing steady, sure progress on the road to equality. It has been an immense honor and joy to build relationships and do meaningful work in partnership with individuals and organizations across the region. We thank you — our donors, our cooperating attorneys, our volunteers, our community partners, and most of all, our plaintiffs — for being committed to our mission and for contributing to Lambda Legal's growth in the Southern region and across the country. We look forward to the next 10 years with cautious optimism, living and working for the day when all lesbians, gay men, bisexuals, transgender people and people living with HIV gain full equality under the laws across the nation. **L**

*Jane Morrison served as the SRO's first Regional Director from 1997 through 2000, and has been a member of Lambda Legal's national Board of Directors since 2004. Hector Vargas came on board as Regional Director from 2001 to 2006, and is now the Deputy Director of the Education and Public Affairs Department. Judi O'Kelley was a cooperating attorney in 1999 and 2000. She joined Lambda Legal's staff as Regional Director in the summer of 2006.*

**Lawrence v. Texas:** Landmark U.S. Supreme Court case upholds the constitutional right to privacy in cases involving consensual sexual conduct and strikes down all remaining sodomy laws in the nation.

**Dunbar v. Footlocker:** Lambda Legal settles antigay harassment, discrimination and termination case of South Carolina employee of Foot Locker; settlement includes implementing a discrimination training policy by company.

**Miller-Jenkins v. Miller-Jenkins:** Lambda Legal wins visitation rights in the Virginia appellate courts for a lesbian mother and the daughter she raised with a former partner while in a Vermont civil union.

[2003]

[2004]

[2006]

[2007]

**Perdue v. Mississippi State Board of Health:** Trial court grants recognition of an adoption of a newborn from Mississippi to a Vermont lesbian couple.

**In re Vickee Gatloff:** Lambda Legal wins case seeking name change for transgender woman in Augusta, Georgia.

**Pelala v. Mike and Katy's Causeway Café:** Lambda Legal successfully settles a lawsuit by a North Carolina man who was fired from his job as a cook because he had HIV.