

PROTECTING

FAIR COURTS



“[T]he fact that the governing majority in a State has traditionally viewed a particular practice as immoral is not a sufficient reason for upholding a law prohibiting the practice.’...[Those who ratified the Constitution] knew times can blind us to certain truths and later generations can see that laws once thought necessary and proper in fact serve only to oppress. As the Constitution endures, persons in every generation can invoke its principles in their own search for greater freedom.”

Lawrence v. Texas, 539 U.S. 558, 577, 579 (2003) (quoting *Bowers v. Hardwick*, 478 U.S. 186, 216 (1986) (Stevens, J., dissenting)).

On Monday, October 5, the U.S. Supreme Court began a new term. “First Monday,” as it is called, has been a celebrated tradition in the legal community for years. This year marked a momentous occasion as the Court welcomed its newest associate justice, the Honorable Sonia Sotomayor, as the third woman and first Latina in its history.

When Justice Sotomayor was nominated this summer, Lambda Legal’s Fair Courts Project set to work to analyze all of her decisions, speeches and writings to help us determine if she met our criteria for a fair and impartial justice — one who would uphold the Constitution’s principles of equality for all people, including LGBT people and those with HIV. We’d been laying the groundwork for months. Early this year, we met with White House and Senate officials and sent a letter to President Obama, outlining the legal principles that we expect any appointee to be willing and able to follow. And even further back, we provided information to the Obama-Biden Administration Transition Team with a list of many potential issues that the federal courts will be adjudicating over the course of President Obama’s term in office. We now have an administration that has pledged its willingness to sit down and hear the LGBT community’s concerns. We are in a good position to start regaining balance on the federal level after years of Bush-Cheney administration appointees, many of whom can’t always be counted upon to protect civil rights.

We closely watched and analyzed Justice Sotomayor’s Senate Judiciary confirmation hearings and written responses to questions, during which she stated: “The Constitution promotes and requires the equal protection

of law of all citizens in its 14th Amendment.” We couldn’t agree more. There is no “gay exception” to this protection, and Lambda Legal’s Fair Courts Project is here to help remind our community to stand up for fair courts, so that they can stand up for us.

Though our work at the Supreme Court level is prominent and often headline-grabbing, there is equally important work we do at the state level. Much of our work is done on the state level because we need fair and impartial judges at every level of the judiciary. In recent years, we have witnessed unprecedented, organized attacks on our courts — jeopardizing the integrity of the judicial system and its ability to protect the constitutional rights of minorities against the political whims of the majority. State judiciaries continue to be attacked for decisions rightfully made to protect LGBT rights — such as ruling in favor of gay parents on a second-parent adoption decree, ending the exclusion of same-sex couples from marriage or protecting transgender people from being fired based solely on gender identity. It is the mission of the Fair Courts Project to make sure these courts can be as insulated as possible from the harmful effects of political strong-arming. We do so, in part, by speaking on panels, at forums, at community centers, law schools and bar association meetings across the country. We talk about the dangers of relying on a court system when the court system can’t rely on the people to remain vigilant and involved. To that end, through our website and educational materials, we advise community advocates on how they can take action if they hear of threats to the proper role of courts, like attempts to impeach a judge following a controversial ruling or

BY HILARY MEYER ,
FAIR COURTS PROJECT MANAGER

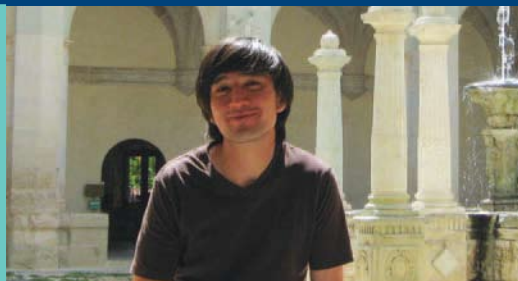
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a legislative proposal to limit a court's jurisdiction to hear cases involving an LGBT-specific issue. We've produced a toolkit that we provide at no cost to advocates who would like to learn more [<http://www.lambdalegal.org/fair-courts-toolkit>]. Additionally, 39 states hold some form of elections for their judges. So the Fair Courts Project publishes a Judicial Elections Guide online [www.lambdalegal.org/fair-courts-project] to help inform our communities about the judicial candidates running in upcoming elections. If state voters are deciding which judicial candidates will eventually sit on those all-important benches, we are keenly aware of how crucial it is to make sure voters are informed about these candidates.

We can't do all of this alone, however. Ally groups across the country consistently work with us to spread the message that fair courts are vital to everyone, no matter what your opinion on the social debate of the day. One of these organizations is the Justice at Stake Campaign [www.justiceatstake.org], a nonpartisan, nonprofit organization dedicated to improving and maintaining access to fair and impartial courts for everyone. Justice at Stake brings together groups who have a variety of specialized interests but who have at least one thing in common: a commitment to working together to keep the U.S. justice system in proper working order. When we convene and strategize, Lambda Legal is often the only LGBT organization voice at the table, but a voice that's welcomed in the process of reaching a common goal.

From researching federal court nominees to training community advocates on ways to protect the critical third branch of government, the Fair Courts Project covers much ground. We are a watchdog, an educator and an activist for fair courts in the states and nationwide. Most importantly, though, we need the LGBT and ally communities' involvement to help us to react swiftly and to empower every person who cares about an impartial, effective judiciary to be prepared to take action. **L**

A CLOSER LOOK



MATTHEW ROJAS,
MEMBERSHIP
DIRECTOR

Describe your role at Lambda Legal.

The job of the member services department is to make the work Lambda Legal does accessible to current and potential members. It is imperative to us that anyone who makes a gift of any size knows that they have made an impact. We always make sure our members have easy access to our materials, that they can easily understand our legal work, and on a practical level, that they receive the highest level of customer service if and when they call, email or write to us.

In what ways can becoming and continuing to be a member help in the fight for equality?

Plain and simple: Without the support of our members, Lambda Legal would not be able to accomplish our current level of work. We receive no government funding, we don't charge our plaintiffs and the work we do limits the number of foundations and corporations that are willing to assist us. Our lawyers and public educators rely greatly on individual contributions for the funds necessary to take the cases that will make lives better for all LGBT people and those with HIV. That's what our members are doing when they write a check — changing lives. All of us at Lambda Legal are aware of the impact our members make and we hope they know too.

How are we working to get new people interested in joining Lambda Legal's fight for equality?

We work closely with every department at Lambda Legal to make sure that we are making the connection between our work and the financial support of individuals. Once people get a taste of what we do — whether they signed a petition, took an action, or ordered some material — they are much more likely to understand its value and join. We have spent considerable time in the last few years building our email and online fundraising presence and turning our mail pieces into informative and engaging material that moves people to join and educates them about their rights. Our current members are also a great source of new members. From registering their weddings, birthdays and anniversaries to passing out membership brochures, our current members put a unique face on the organization. **L**