

Lambda Legal Year in Review 2011

From coast to coast, Lambda Legal fought and won many key victories for LGBT people, people living with HIV, and their families (**click headlines to read more about each case**):

CALIFORNIA/NATIONAL: Challenging DOMA

Lambda Legal is challenging the constitutionality of the so-called Defense of Marriage Act (DOMA) by representing Karen Golinski, a lesbian federal court employee denied spousal health coverage for her wife. In an historic development in February, the President and U.S. Attorney General concluded that DOMA cannot withstand heightened constitutional review, and the U.S. Department of Justice (DOJ) filed a powerful brief describing the government's role in a long, painful history of discrimination against gay people. The law is still being defended by legal counsel hired by the leadership of the House of Representatives.

WISCONSIN: A Historic Victory for Transgender Health Care Access

In 2005, Wisconsin passed the draconian and inhumane "Inmate Sex Change Prevention Act," which prohibited prison doctors from providing transgender inmates with medically necessary hormone treatment or sex reassignment surgery. Lambda Legal, along with the American Civil Liberties Union and the ACLU of Wisconsin, led a challenge to the law, and in August 2011, the U.S. Court of Appeals for the Seventh Circuit upheld the right of transgender people to receive medical care while incarcerated. The court wrote that the law served "no valid penological purpose" and "amounts to torture."

ARIZONA: Fighting for Family Health Care Coverage

In the summer of 2009, the state of Arizona enacted a mean-spirited law to strip lesbian and gay state employees of domestic partner benefits, subjecting them to unequal treatment and denying their families urgently needed health care coverage. Lambda Legal sued on behalf of several lesbian and gay state employees, and this September, the U.S. Ninth Circuit Court of Appeals upheld an injunction that temporarily maintains the provision of family health coverage until a court issues a final decision in the case.

NATIONAL: Hospital Visitation Rights Become a Reality

In January, federal guidelines requiring most hospitals to allow patients to choose their own visitors finally took effect. This groundbreaking change resulted from a 2008 lawsuit which Lambda Legal brought on behalf of Janice Langbehn, who, with her children, was kept from visiting her partner, Lisa Pond, when she collapsed on a family vacation and died in the hospital. Langbehn went to the White House in October to receive the 2011 Presidential Citizens Medal, one of the nation's highest civilian honors.

ILLINOIS: Supporting Couples with Civil Unions

Earlier this year, Lambda Legal and Equality Illinois launched the online Civil Union Tracker, to offer information to Illinois couples and to assist them if they are not treated equally under the law. In January, Governor Pat Quinn signed civil unions into law. Unmarried couples (whether LGBT or not) can now have the responsibilities, protections, and benefits available to married couples under state law, and out-of-state marriages of same-sex couples will be respected automatically as civil unions. The new law offers some protections to same-sex couples as we continue to seek marriage equality.

NEW JERSEY: Demanding Equal Rights and Respect

New Jersey law prohibits same sex couples from marrying. But civil union—the highest legal status which the state's same-sex couples can enter—falls far short of marriage, whether it comes to being respected by hospitals or car insurance providers. In June, Lambda Legal sued to challenge New Jersey's civil union law on behalf of seven same-sex couples and their children, as well as Garden State Equality. We're arguing that - excluding lesbians and gay men from marriage and shunting them to a separate status violates both the New Jersey Constitution and the Fourteenth Amendment of the federal Constitution and deprives families and children of equal rights, protections and dignity.

TEXAS: Fighting Workplace Discrimination

In 2009, Tarrant County College hired Jackie Gill to teach on a one-year contract. She received high praise from colleagues, superiors, parents and teachers. But she alone of the contract teachers hired with her was not permitted even to interview for the positions when they were made permanent. A college official made disparaging comments to her about “homosexuality.” Lambda Legal sued on Gill’s behalf in September, arguing that Tarrant County College officials violated the U.S. Constitution by preventing a qualified candidate from interviewing for a teaching position because of their belief that she is a lesbian.

NEW YORK: Standing Up to Harassment

Lambda Legal is representing Liza Friedlander, who was violently attacked while trying to dine with friends at her favorite breakfast spot, a Sizzler Restaurant in Forest Hills, Queens. The manager shoved and kicked Friedlander while yelling at her to get out and calling her a “fucking dyke.” Sizzler patrons spewed homophobic and hate-filled epithets, with one man threatening to sexually assault her. Lambda Legal filed a discrimination lawsuit in July in Queens County Supreme Court. This case is the first test of the bias crime law passed in August 2010 to hold individuals accountable for anti-LGBT violence and intimidation.

OREGON: Demanding Transgender Health Care

In 2001, Alec Esquivel, an Oregon state employee, was diagnosed with Gender Identity Disorder (GID). In 2010, his doctor recommended a hysterectomy as part of his GID treatment and because he was at heightened risk for uterine and ovarian cancer. But Esquivel’s insurance plan categorically excludes transition-related health care. This past June, Lambda Legal filed a lawsuit on his behalf. Our case against the state of Oregon and the Public Employees’ Benefit Board argues that Oregon’s antidiscrimination law prohibits a public employer from denying insurance coverage on the basis of gender identity.

NATIONAL: Farewell, Don’t Ask Don’t Tell

Lambda Legal’s fight against discrimination in the military dates back to 1975, well before DADT was imposed. Our victories include a 1994 federal court ruling that the pre-DADT ban on gays in the military was unconstitutional, resulting in the reinstatement of Col. (Ret.) Margarethe Cammermeyer, a 27-year service member and Vietnam veteran. After numerous legal and political challenges, DADT finally ended this summer, following its repeal by Congress. However, Lambda Legal is speaking out on behalf of the servicemembers that DADT has harmed. Many

received less than honorable discharges or have records noting that their discharge was based on DADT, outing them and adversely affecting their job opportunities.

WISCONSIN: Defending Couples

In Wisconsin, a local antigay group called Wisconsin Family Action had sued to end the state’s Domestic Partner Registry. The law creating the registry took effect in 2009, granting limited but important legal protections to same-sex couples, including hospital visitation and the ability to take family medical leave to care for a sick or injured partner. Lambda Legal successfully moved to intervene in the lawsuit on behalf of Fair Wisconsin and five same-sex couples. In June 2011, the circuit court upheld the Domestic Partner Registry as constitutional. The case is now being reviewed by the Wisconsin Court of Appeals.

NEW YORK: Victory for Marriage Equality

Lambda Legal has long played a central role in the fight for marriage equality in New York. We won legal battles to establish the recognition of out-of-state marriages and, in 2004, led a marriage equality lawsuit, *Hernandez v. Robles*, that was successful in the lower court but was later overturned. In June, New York’s state legislature voted in favor of marriage equality, and Lambda Legal was proud to witness the marriages of three of its original plaintiff couples. Two months later, the office of Governor Andrew Cuomo recognized Lambda Legal for its longstanding work on behalf of marriage equality and presented the organization with a pen used to sign the bill.

To learn more about and support our work, visit www.lambdalegal.org.