

# Making the Case for Women and Equality

January 2011



## **BENITEZ V. NORTH COAST WOMEN'S CARE MEDICAL GROUP**

Doctors at the North Coast Women's Care Medical Group denied Guadalupe "Lupita" Benitez infertility treatment because she is a lesbian. The physicians claimed their conservative Christian beliefs gave them a right to withhold care that they routinely provide to heterosexual patients. Lambda Legal fought this injustice all the way to the California Supreme Court, winning a unanimous, landmark decision that lesbians are entitled to the same treatment as other patients and that constitutional protections for religious liberty do not excuse unlawful discrimination.



## **GOLINSKI V. U.S. OFFICE OF PERSONNEL MANAGEMENT**

Lambda Legal represents Karen Golinski, who was denied spousal health benefits by her employer, the U.S. Ninth Circuit Court of Appeals in San Francisco. In January 2009, Chief Judge Alex Kozinski ruled that it violates the Ninth Circuit's employment policies to deny the legally married Golinski the same benefits for her wife that heterosexual court employees receive. The federal Office of Personal Management (OPM) responded that the law governing federal employees' health insurance and the so-called Defense of Marriage Act (DOMA) prevented granting that coverage and instructed Golinski's insurer not to enroll her wife. Lambda Legal is now suing the federal government, demanding that it to stop interfering with the orders of the federal appellate court's chief judge so that Golinski can get equal benefits for her wife, Amy Cunningham.



## **LANGBEHN V. JACKSON MEMORIAL HOSPITAL**

Janice Langbehn and Lisa Pond, together for 18 years, were about to depart on a family cruise with their three children when Lisa suddenly collapsed. From the moment Janice and the children arrived at Jackson Memorial Hospital, they encountered antigay prejudice and apathy. Even though Janice had Lisa's health care power of attorney, the hospital refused to accept information from Janice about Lisa's medical history and needs. Neither Janice nor any of the children were allowed to see Lisa until nearly eight hours after their arrival, by which time Lisa had fallen into a coma and soon died. After our lawsuit against the hospital was dismissed, we continued fighting for justice. President Obama, learning of the tragedy, called Janice from Air Force One (Janice and her family were also eventually invited to the White House). President Obama issued a memorandum directing the department of Health and Human Services to come up with rules to require hospitals receiving federal funds to respect the visitation wishes of all patients. On January 18, 2011, the new regulations took effect.



### **GLENN V. BRUMBY**

Vandy Beth Glenn worked in the Georgia General Assembly's Office of Legislative Counsel as an editor and proofreader. In 2007, Glenn informed her immediate supervisor, Beth Yinger, that she planned to proceed with her transition from male to female. Yinger passed the information on to Sewell Brumby, head of the office in which Glenn worked, and after confirming that she intended to transition, he fired her on the spot. On July 22, 2008, Lambda Legal brought a federal lawsuit against Georgia General Assembly officials. In July 2010, the court ruled in favor of Vandy Beth, and in August 2010, it ordered that she be reinstated in her job. It was agreed that during the appeal, Glenn will receive full salary and benefits in lieu of returning to work.



### **FINSTUEN V. EDMONSON**

In 2004, the Oklahoma Legislature enacted an extreme "Adoption Invalidation" law that left children adopted by same-sex couples in other states orphans in the eyes of Oklahoma law. Lambda Legal challenged the law on behalf of Heather Finstuen and Anne Magro, who had moved from New Jersey to Oklahoma with their twin daughters. We argued that the law violated the federal Constitution's guarantees of equality, liberty and the right to travel, and the rule that states must give "full faith and credit" to other states' judgments. The federal trial court agreed, but state officials appealed. In a first-of-its-kind ruling nationally, the federal appeals court ruled that adoption judgments must be respected and invalidated Oklahoma's antigay "invalidation" law.



### **VARNUM V. BRIEN**

Lambda Legal filed a lawsuit for Kate and Trish Varnum and five other same-sex couples who wished to marry in Iowa. We argued that the equal protection and due process guarantees of the Iowa Constitution required equal treatment of lesbian and gay couples under the state's marriage laws. On April 3, 2009, the Iowa Supreme Court broke new legal ground by ruling unanimously that same-sex couples must be treated equally, that the government's arguments about child welfare are illogical and lack any scientific basis, and that civil unions are inadequate.



### **MILLER-JENKINS V. MILLER-JENKINS**

Janet and Lisa Miller-Jenkins moved from Virginia to Vermont for the gay-friendly environment. They entered a civil union and were raising their daughter Isabelle together. After they broke up, Lisa asked a Vermont court to dissolve their civil union and decide child custody and support. She then took the child and moved back to Virginia. When the Vermont court said Janet should have visitation, Miller filed a new lawsuit in Virginia, successfully using that state's antigay marriage law to get herself declared Isabelle's only legal parent. Janet appealed to the Virginia Court of Appeals seeking respect for the Vermont order. The conflicting court orders — one from Vermont allowing Janet visitation with Isabelle, and the other from the Virginia court in saying Lisa is Isabelle's sole parent — led to a decision by the Virginia Supreme Court that the Vermont order must control despite Virginia's antigay family laws. After repeated violations of the court orders regarding visitation, the Vermont Court ordered that custody of Isabella be transferred to Janet on January 1, 2010. Lisa failed to comply with that order and has disappeared with Isabella.