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Impact

WINTER 2015



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Lambda Legal
making the case for equality

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A Vision for Our Future



Change is all around us. At Lambda Legal, we are very proud of the progress we made in 2014 and prepared to do even more in the year ahead.

Sometimes it's hard to believe how quickly things are moving ahead: Was it only in October that the Supreme Court allowed four appeals court victories to stand and then marriage became legal in 17 new states, bringing the total to 36? Since our last issue of *Impact* magazine, Lambda Legal attorneys and other staff worked day and night to secure marriage equality in Arizona, Nevada, South Carolina and West Virginia, and we still have vital cases pending in Georgia, Louisiana, North Dakota, Ohio and Puerto Rico.

Now the Supreme Court will at last squarely take up the issue of the freedom to marry for same-sex couples, having announced that it would hear appeals in a Lambda Legal case and five others. A ruling is expected by June (see page 4).

At Lambda Legal, we have a clear vision of what comes after that exciting day because we are busy implementing longstanding strategies and developing new ones in order to achieve our mission of full equality for all LGBT people and people living with HIV.

What's our vision? Lambda Legal's Board of Directors and staff just completed a new four-year strategic plan (page 6) under which we'll increase our focus on southern states and other regions of the country where LGBT people and people with HIV face discrimination with fewer legal protections than elsewhere. Lambda Legal has had regional offices operating in Atlanta and Dallas for more than 10 years, and we are well positioned to strengthen and expand our work.

Our vision for the future also includes ensuring that the formal legal victories we win in court are translated into genuine equality and dignity in the lived experiences of the communities we represent. For 2015, we have expanded our Latino project, *Proyecto Igualdad*, to include other racial, ethnic and low-income communities through our new Racial Justice and Low-Income Advocacy priority area, and also added Immigrants' Rights to our existing priorities: Relationships and Families, Employment, Children, Teens and Young Adults, Transgender Rights, HIV, Healthcare, Seniors, Criminal Justice and Police Misconduct, and Fair Courts (page 8).

In this issue, you will also read about Lambda Legal's work on behalf of Passion Star, a transgender woman who has faced terrible abuse and sexual assault in a Texas prison, and on behalf of the surviving same-sex spouses of a Texas lesbian and a gay man from Arkansas who were each denied Social Security benefits.

We've accomplished so much, but we are far from done. We believe enormous progress will be made in the years ahead and that, with your support, Lambda Legal will play a leading role in moving our country forward.

EXECUTIVE DIRECTOR

OUR VISION FOR THE FUTURE INCLUDES ENSURING THAT THE FORMAL LEGAL VICTORIES WE WIN IN COURT ARE TRANSLATED INTO GENUINE EQUALITY AND DIGNITY.

TEXAS

Lambda Legal Fights to Protect Transgender Woman Against Sexual Violence in Prison

A NEW CASE HIGHLIGHTS “DELIBERATE INDIFFERENCE”

THE LATEST ATTACK AGAINST PASSION STAR BEHIND BARS REQUIRED 36 STITCHES. The 31-year-old has endured years of sexual assaults and other violence in five different men’s prisons—and filed dozens of complaints and requests for protection.

On October 23, Lambda Legal filed a federal lawsuit on her behalf, accusing Texas Department of Criminal Justice (TDCJ) officials of “deliberate indifference” to the ongoing danger she faces.

It shouldn't have to be this way. The Prison Rape Elimination Act (PREA), a federal law signed by former President George W. Bush, was meant to address cases like Star's. But Texas is one of just a handful of states that refuse to comply with PREA—even though it has one of the highest rates of prison rape in the nation.

Last March, Texas Gov. Rick Perry dismissed the PREA standards as “ill-conceived” and passed up funding that the Department of Justice had earmarked for preventing sexual assault in Texas detention facilities.

Lambda Legal’s lawsuit names TDCJ Executive Director Brad Livingston as a defendant, along with wardens and corrections officers who failed to protect Star from her tormentors—and advised her, after she reported rapes and other assaults, to “suck dick,” “fight” and stop “acting gay.”

Star has turned to Lambda Legal and a federal lawsuit to assert her right not to endure daily threats to her safety. “Somebody, somehow, needs to shed light on what is taking place here in Texas prisons,” said Star.



Self-portrait by Passion Star; color treatment by Kathryn Davenel.

SIGN THE PETITION STOP PRISON RAPE IN TEXAS!

LAMBDA LEGAL HAS LAUNCHED A PETITION TO URGE NEWLY ELECTED TEXAS GOVERNOR GREG ABBOTT TO IMPLEMENT THE PREA STANDARDS. VISIT LAMBDALEGAL.ORG/PETITION/STOP-PRISON-RAPE-IN-TX TO ADD YOUR NAME TO THE LIST AND SEND A NOTE OF SUPPORT TO PASSION STAR.

ON THE COVER

20 HISTORY-MAKING LAMBDA LEGAL CLIENTS AND FRIENDS



(left to right, from the top):

Dave Williams and Carl Allen, Arkansas; Josefina Ahumada, Arizona; Julia Frost, California; Justin Murdock and Will Glavaris, West Virginia; Joe Vitale and Rob Talmas with Cooper, Ohio; Donisha McShan, Illinois; Maria and Arianna Lint, Florida; Christopher Inniss and Shelton Stroman with Jonathan, Georgia; John East, Louisiana; Theodore Small and Antioco Carrillo, Nevada; Dorothy Calvani and Dava Weinstein, New York; Nancy Michael and Jane Fenton with Drew, West Virginia; Beverly Sevcik and Mary Baranovich, Nevada; Pam and Nicole Yorksmith with their children, Ohio; Rayshawn and Avery Chandler, Georgia; Debbie Harris, Alaska; Cori McCreery, South Dakota

MARRIAGE: NEXT STOP U.S. SUPREME COURT

By Jon W. Davidson, Lambda Legal Legal Director and Eden/Rushing Chair

Lambda Legal is headed to the U.S. Supreme Court to argue for the freedom to marry!

WHICH CASES WERE CHOSEN?

OHIO: *Obergefell v. Hodges* and *Henry v. Hodges*, litigated by Lambda Legal, the ACLU and private counsel at Gerhardstein & Branch.

MICHIGAN: *DeBoer v. Snyder*, litigated by GLAD and private counsel.

TENNESSEE: *Tanco v. Haslam*, litigated by NCLR and private counsel.

KENTUCKY: *Bourke v. Beshear* and *Love v. Beshear*, litigated by the ACLU and private counsel.

Having all of these cases together before the Court means that we have an amazing array of family stories illustrating why having access to marriage is so important to same-sex couples—from cradle to grave.

WHAT DID THE COURT SAY?

The Court order said that all of the cases above are consolidated and that we should brief the following questions:

- 1) Does the 14th Amendment require a state to license a marriage between two people of the same sex?
- 2) Does the 14th Amendment require a state to recognize a marriage between two people of the same sex when their marriage was lawfully licensed and performed out-of-state?

The 14th Amendment protects individuals against unwarranted restrictions on their liberty and equal treatment, the core arguments we have been making and prevailing on in our marriage cases. The briefing from both sides will be concluded by April 17. We don't yet know when arguments will be held, but it likely will be soon after the briefing is over.

WHAT HAPPENS IF WE WIN?

We will finally have the freedom to marry for same-sex couples all across the country—a goal we have been seeking to achieve for decades. Another important part of the victory will be having the Supreme Court rule—again—that the U.S. Constitution protects the rights of lesbians, gay men and bisexuals, and that laws that harm us or treat us unfairly because of who we are or whom we love can no longer stand.

WHAT IF WE LOSE?

If the Supreme Court were to rule that the U.S. Constitution does not protect same-sex couples' right to marry and does not require states to respect marriages same-sex couples have entered lawfully in other jurisdictions, a number of issues would arise.

With respect to same-sex couples who already have legally married, Lambda Legal strongly believes that those marriages will remain valid and will need to continue to be respected by the states in which those marriages were entered. In January, a federal district court in Michigan ruled along the same lines with respect to the marriages 300 same-sex couples entered in that state before the 6th Circuit's adverse ruling in November. Nonetheless, the validity of same-sex couples' marriages may be challenged and those couples may want to take additional steps (such as executing wills and durable health care powers of attorney and securing second-parent adoptions) to provide them and their families extra peace of mind and security.

With respect to whether same-sex couples would be able to marry and would have their marriages respected in other states, that would vary from state to state. States in which marriage equality was achieved by a ruling under the state's constitution, by legislative reform or at the ballot box would be unaffected.

Unmarried same-sex couples in Kentucky, Michigan, Ohio and Tennessee (the states whose marriage laws the Supreme Court just



Ohio marriage plaintiffs Joe Vitale and Rob Talmas live in New York City with their adopted son Cooper, who was born in Ohio. Their case will be decided by the U.S. Supreme Court.

agreed to review) and in any state that manages to overturn an existing federal ruling would need to turn to the political process.

States in which a final judgment has been obtained in federal court would be required to continue to allow same-sex couples to marry and to respect such out-of-state marriages unless and until someone with standing makes a motion to reopen the judgment and that motion is granted (unless stays are properly obtained before then). In some states, there may be no one with standing interested in seeking to set aside the existing judgment.

Same-sex couples in states in which a judgment is on appeal or can still be appealed, where the judgment has not been stayed, should be able to continue to marry and to have their out-of-state marriages honored by the state unless and until the existing judgment is stayed or reversed. Depending on how the Supreme Court rules, there may be other arguments that can be advanced to defend these judgments.

There's no question that it would be a mess. This is yet another, powerful reason why the Supreme Court should reverse the 6th Circuit's aberrant decision and hold that same-sex couples, like all other couples, share the fundamental right to marry and that it violates federal guarantees of equality and liberty to refuse to allow them to marry or to deny recognition to the marriages they lawfully have entered in other states.

WILL WE WIN?

Until we have the Court's decision—likely in June—nothing is certain. But the case law that we and our partner legal organizations at the ACLU, GLAD and NCLR, with the private bar, have built over the years is very solid, and the wind is at our backs.

It is a very sweet moment—all our amazing plaintiff couples and families and all of the national LGBT legal organizations and private bar partners will be carrying these cases to the Supreme Court together. The lawyers on these cases have been working for this moment for decades and it is wonderful to know that we will be seeing through what we hope will be the last chapter of this particular battle together.

Even a victory, however, will not be the end of our work. In states where same-sex couples already may marry, we have needed to fight unequal treatment of our families and efforts to pass overly broad, dangerous laws licensing businesses to discriminate against same-sex couples. Moreover, much critical work still remains to be accomplished to bring full equality, liberty and dignity to all LGBT people and people living with HIV—in schools, at work, in health care, and in the youth in out-of-home care, senior care, immigration and criminal justice systems. The road remains long, but the path ahead is lit like never before.

"IT IS A VERY SWEET MOMENT—ALL OUR AMAZING PLAINTIFF COUPLES AND FAMILIES AND ALL OF THE NATIONAL LGBT LEGAL ORGANIZATIONS AND PRIVATE BAR PARTNERS WILL BE CARRYING THESE CASES TO THE SUPREME COURT TOGETHER."

SOCIAL SECURITY

Denied Benefits After the Death of a Spouse, These Survivors Are Fighting Back

Lambda Legal filed two lawsuits last fall against the federal Social Security Administration (SSA) on behalf of a widow in Texas and a widower from Arkansas. Both were denied federal spousal benefits because they lived in states that don't recognize the marriages of same-sex couples.

The lawsuits cite the 2013 Supreme Court decision in *United States v. Windsor* that ushered in federal marriage benefits for same-sex couples.

"SSA should not be telling widowed lesbians and gay men already grieving the loss of a spouse, 'You live in the wrong state so you don't get Social Security spousal benefits,'" said Susan Sommer, Director of Constitutional Litigation at Lambda Legal, which was joined in the Texas case by plaintiff the National Committee to Preserve Social Security and Medicare.

The Texas widow, Kathy Murphy, was married in Massachusetts to Sara Baker, her partner of 31 years. Baker later died of cancer. Dave Williams, who now lives in Chicago, was married to Carl Allen in California and lived in Arkansas at the time of Mr. Allen's death in 2010.

Williams' SSA claim was denied even after Arkansas's Circuit Court ruled in 2014 that the state's marriage ban was unconstitutional. He said, "Knowing the state of Arkansas and the federal government have not recognized and respected our marriage—this is something that seems so unfair to me and to [Allen's] memory."



Dave Williams (left) was unable to receive federal spousal benefits because he and his late husband Carl Allen lived in Arkansas.

READY FOR THE FUTURE

Excerpts from a conversation about Lambda Legal's new four-year strategic plan with Board of Directors Co-Chairs Karen Dixon and Brad Seiling

Q: WHAT IS THE VALUE OF LOOKING AHEAD LIKE THIS IN A STRATEGIC PLAN?



Karen Dixon: It's not coincidental that Lambda Legal is leading the movement; it's not coincidental that we have, at any given time, 80 to 100 cases across the country in state and federal courts. It's planned for. We have implemented several strategic plans over the years that have led to growth and increased success. The question is how

do we ensure that this organization has the resources it needs to continue and expand our fight? Because that's what it is, a fight: We've got to arm our troops. They need new humvees. They need protective gear. We are in it for the long haul.



Q: WHAT BELONGS ON LAMBDA LEGAL'S AGENDA RIGHT AWAY?

Brad Seiling: There are some significant challenges ahead that people aren't talking about as much—but that Lambda Legal is already fighting. For instance, so-called religious exemptions, which is the leading

edge of the backlash that we're going to see once marriage becomes a reality in all 50 states, and that we've started seeing. The attitude is, 'You can have your marriages, but because of my religious beliefs, I don't want to do business with you.' But you can't use religion as a shield for discrimination. We are already experts in those areas, and we will focus on them even more.

We also need to talk about political realities. We have made some great advancements in Congress and in legislatures throughout the country, but I'm not confident that we're going to continue to do that following the results of the midterm elections. So Lambda Legal's focus on the courts and on impact litigation is going to be more important than ever—continuing to pry open some doors that are still tightly closed and double locked.

Q: WHAT DO YOU TELL PEOPLE WHO ASSUME THAT ONCE EVERYONE HAS ACCESS TO MARRIAGE, LAMBDA LEGAL'S WORK IS DONE?

Dixon: I tell them, 'No, it's not mission accomplished yet.' Lambda Legal has never just been about marriage; it's about a full range of program priorities that involve equality for LGBT people and people with HIV.

We also need to challenge this notion that everything will be rosy in the post-marriage world. Perhaps we need to take a page out of the reproductive rights movement: We thought we had the right to choose, and now it's been eroded. So, our work is not just securing these rights, it's protecting and defending them and also ensuring

OUR VISION FOR THE FUTURE INCLUDES

"...increasing our focus on southern states and other regions of the country where LGBT people and people with HIV face discrimination and violence with fewer legal protections."

that people have access to them and they're implemented.

In Iowa, for instance, seven years of Lambda Legal work got us marriage rights—but then we had to go back to court to get both parents' names on childrens' birth certificates and death certificates.

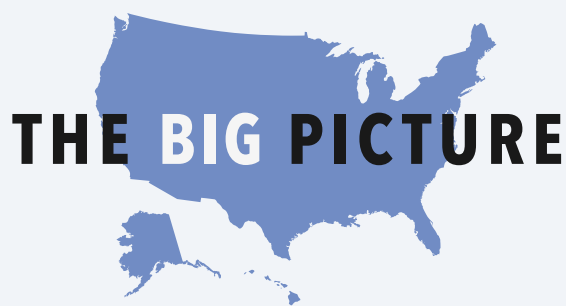
People say, 'Oh, wow, isn't it amazing how fast this is happening!' Well, actually it's about 40 years in, if you're talking impact litigation. Lambda Legal's early work against sodomy laws and around relationship recognition and employment, etc. is what allows us to be at this point. Whenever the marriage wave is over, we know that Lambda Legal will still be there in the trenches working in all those other areas that don't touch on marriage.

Seiling: Frankly, a lot of people have flooded into the marriage space because it's gotten so much attention and publicity, and that's fine. It's an important fight and the more people in the fight the better. I'm just not so sure that many private lawyers are going to be continuing to fight the hardest battles, like defending the rights of a transgender worker in Mississippi who gets fired from his or her job—but that's Lambda Legal's mission. ■



OUR VISION FOR THE FUTURE INCLUDES

"...thinking broadly and comprehensively about the needs of our community and setting big, ambitious goals."



Some key goals from our new 2015-2018 Strategic Plan

LAMBDA LEGAL WILL FIGHT...

- For full marriage equality nationwide and increased protections for unmarried **same-sex couples**.
- Against efforts to craft overly broad loopholes or "**exemptions**" to antidiscrimination protections at the federal, state and local levels;
- To end anti-LGBTQ bullying and discrimination in **schools** and youth services;
- For the rights of **seniors** who face discrimination and denial of government benefits;
- To remove **transgender** exclusions from public and private insurance health care coverage and denials of necessary transition-related care;
- For improved treatment of LGBT and HIV-positive people by **law enforcement** authorities and in the criminal and juvenile justice systems;
- For more robust strategies for respecting and meeting the needs of those with **non-binary sexual orientations and gender identities**;
- More effective translation of formal equality into lived equality and to more fully address the needs of LGBT and HIV-positive **communities of color** and the effects of racial and economic inequality;
- For **state and federal laws** barring discrimination in employment, housing, education and public accommodations based on sexual orientation and gender identity and expression;
- For recognition that the **goals of the LGBT and HIV rights movement** go beyond equality to include justice, dignity, free expression and fair treatment—whether at work, in school, in access to health care and in how the government deals with LGBT and HIV-positive people.

READY FOR THE FUTURE

LAMBDA LEGAL'S 2015 PROGRAM PRIORITIES:

MARRIAGE EQUALITY AND SAME-SEX
RELATIONSHIP PROTECTIONS

PARENTS AND CHILDREN

EMPLOYMENT FAIRNESS

HIV

TRANSGENDER RIGHTS

YOUNG ADULTS, TEENS & CHILDREN

SENIORS

HEALTH CARE FAIRNESS

CRIMINAL JUSTICE & POLICE
MISCONDUCT

RACIAL JUSTICE & LOW-INCOME
ADVOCACY

IMMIGRANTS' RIGHTS

FAIR COURTS



OUR PRIORITIES FOR 2015

Lambda Legal Adds Focus on Immigrants' Rights, Racial Justice and Low-Income Advocacy

Every year, Lambda Legal's two program departments—Legal and Education and Public Affairs (EPA)—propose to the Board of Directors a set of goals and strategies for the year to come, for their approval. In 2014, the Board agreed to reshape our work with Latino communities into an expanded Racial Justice and Low-Income Advocacy priority area and to further develop our work on Criminal Justice and Police Misconduct, and Young Adults, Teens and Children.

During 2014, while the organization as a whole was working on a new four-year Strategic Plan (see page 6), Legal and EPA looked ahead to 2015 by studying data from the 7,500 people who called our Legal Help Desk during 2014—as we do every year. We also reached out for input to members of the Lambda Legal staff, colleagues in the many communities we serve and leaders of ally organizations.

We asked ourselves how Lambda Legal could strengthen the kind of work we have done best while at the same time reach into new areas that affect the lives of LGBT people and people living with HIV.

We agreed that in order to fulfill Lambda Legal's mission of "achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and those with HIV through impact litigation, education and public policy work," we needed to consider not just the "formal" equality achieved by winning judicial precedents and helping achieve legislative and administrative reforms, but also how to increase our efforts to translate these reforms into "lived equality" for all in our community, which means understanding the complexity of people's lives.

EPA and the Legal Department also agreed that the work of Lambda Legal needs to reflect the way that many people experience multiple types of discrimination and disadvantages at the same time, and that these overlap and interact—and often cannot be disentangled.

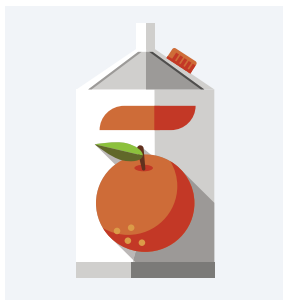
TO READ MORE OF THE STRATEGIC PLAN, VISIT lambdalegal.org/strategic-plan

OUR VISION FOR THE FUTURE INCLUDES

"...ensuring that the formal legal victories we win in court are translated into genuine equality and dignity in the lived experiences of the communities we represent."

GEORGIA

Lambda Legal Joins HIV Discrimination Case against Juice Maker



On November 3, Lambda Legal joined a federal HIV workplace discrimination lawsuit filed by the EEOC (Equal Employment Opportunity Commission) on behalf of Chanse Cox, who was fired from his job assembling orange juice shipping cartons at Suncup Gregory Packaging, Inc. after disclosing that he is living with HIV.

The case invokes the federal Americans With Disabilities Act (ADA), which protects employees from being dismissed on the basis of their HIV status when, as is almost always the case, the diagnosis has no effect at all on a worker's ability to do a job and the employee poses no risk to themselves or others.

Lambda Legal Counsel and Employment Fairness Strategist Greg Nevins described the firing as "preposterous," saying, "It is based not on sound science or rational concern for other employees, but on ignorance."

Cox was let go from the Suncup plant outside Atlanta in 2012 after he decided to put an end to rumors about his health by informing his plant manager that he was indeed HIV-positive. A supervisor made it clear to Cox that he was being fired solely because of his HIV status.

With assistance from Lambda Legal, Cox, 32, filed a charge with the Equal Employment Opportunity Commission (EEOC), which investigated his allegations, found probable cause to believe the ADA had been violated, and in September 2014 filed the case that Lambda Legal has now joined.

Scott Schoettes, Lambda Legal's HIV Project Director, said Lambda Legal gets phone calls about similar stories all the time. "We've come a long way since the beginning of this epidemic, but in 2014, people like Chanse still face irrational discrimination all across the country."



Chanse Cox was fired for being HIV-positive.

FAIR COURTS

Judicial Independence Is Not for Sale in Florida



On December 24, Lambda Legal and six other groups filed a friend-of-the-court brief with the U.S. Supreme Court opposing an effort by a Florida judicial candidate to strike down a campaign rule that helps keep courts impartial.

The case stems from a letter that Lanell Williams-Yulee signed in 2009 seeking campaign contributions in her

unsuccessful run for Hillsborough County Judge. The Florida Supreme Court found this to be a violation of the Florida Code of Judicial Conduct, which prohibits the personal solicitation of funds.

Spending in judicial elections is skyrocketing nationwide, with more than \$54 million spent during the 2011-12 election cycle alone. Thirty-nine states use elections to select judges and 30 states have a similar rule barring judicial candidates from directly requesting campaign contributions.

"States must be able to place reasonable restrictions on how judges and judicial candidates raise money in order to guard against a perception among the public that justice is for sale," said Eric Lesh, Lambda Legal's Fair Courts Project Manager.

The Fair Courts Project works to expand access to justice in the courts for LGBT and HIV-affected communities and to encourage people to take action to support judicial independence and diversity.

NEW YORK

Lambda Legal Pushes for Justice In Transgender Murder Case



Lateisha Green was killed in upstate New York in 2008.

On November 24, the New York State Court of Appeals announced a possible second chance to try the case of Lateisha Green, a young transgender woman who was murdered in Syracuse, New York in 2008.

Lambda Legal submitted an amicus brief in the case in 2013, joined by a range of other organizations, which called upon the Court to reinstate the "manslaughter in the first degree as a hate crime" conviction in the case of Dwight DeLee, who had been released due to a technicality.

The November decision means prosecutors will be able to resubmit the charge to a new grand jury.

Lambda's 2013 brief drew attention to the rampant violence that transgender women of color in particular face and called upon the court to ensure that justice is upheld for Green.

"We are glad that we could help raise the issue of the epidemic of violence that transgender women of color are facing," said Dru Levasseur, Director of Lambda Legal's Transgender Rights Project after the November announcement, "but justice has not yet been served in this case. Lateisha Green's life matters and she deserves justice."

IMMIGRATION

Obama's New Immigration Plan Overlooks Many LGBT Families

President Obama's November 20 policy announcement improving the country's broken immigration system immediately raised concerns at Lambda Legal: "The problem with the President's plan is that it didn't go far enough, especially with respect to including LGBT communities," said Lambda Legal's Director of Diversity, Inclusion and Proyecto Igualdad, Francisco Dueñas, who urged Congress to step into the breach and pass comprehensive immigration reform.

While the President's changes mark a step in the right direction, they mostly fail to account for the 267,000-plus undocumented LGBT immigrants in the U.S. The program includes some changes that will benefit LGBT immigrants, but its central element—protection from deportation—is only for parents of U.S. citizens or lawful permanent residents (LPRs). Because of anti-gay adoption laws and prohibitions on marriage for same-sex couples in some states, many LGBT immigrants will be left out.

Also, the plan's eligibility requirements around prior criminal convictions further disfavor a community that faces such high levels of discrimination that many turn to survival crimes such as sex work to secure their basic necessities.

Lambda Legal is advocating for a plan that better recognizes community ties and longtime residency because this would more accurately assess the contributions of LGBT undocumented immigrants. "The fact is that undocumented immigrants, including LGBT people, are making their lives in the U.S.," says Dueñas. "We need a way to make it legal."



POLICE MISCONDUCT

Lambda Legal Responds to Deaths of Michael Brown and Eric Garner

As protests surged this winter following the failure to bring indictments in the police killings of Michael Brown in Missouri and Eric Garner in New York City, Lambda Legal joined the national conversation.

Our statement read, in part: "We mourn Eric Garner, Michael Brown, and every victim of police violence by continuing to work for justice—for better policing and fairer laws. As an organization fighting for the rights of LGBT people and people living with HIV, we know that bias and prejudice can lead to injustice. We believe that these issues must be addressed in a systemic way and that regardless of one decision, all of us must be active participants in holding law enforcement agencies accountable for ending the unchecked assault on the lives of all of our communities that are marginalized and criminalized—whether on the basis of race, sexual orientation, gender identity, gender expression or economic status."

On December 4, Lambda Legal also signed a letter along with more than a dozen New York City-based LGBT rights groups.

The statement read, in part, "We stand in solidarity with Communities United for Police Reform, people of color, and LGBTQ people of color throughout New York City in condemning NYPD practices that disproportionately affect communities of color, and that led directly to the tragic, premature, and ultimately preventable death of Eric Garner."

The LGBT groups also endorsed the proposed Right to Know Act, which would require NYPD officers to inform anyone they stop on the street that they can't be searched without their consent if there is no evidence of criminal behavior.



NEW CAMPAIGN

Lambda Legal Launches “Don’t Erase Us” Schools Campaign



On December 1, Lambda Legal launched “Don’t Erase Us,” a social media campaign aimed at eliminating laws that restrict the discussion of LGBT issues in the classroom.

Eight states have such laws—informally known as “no promo homo” laws (to highlight the myth that inclusive school curricula somehow promote homosexuality). They include Alabama, Arizona, Louisiana, Mississippi, Oklahoma, South Carolina, Texas and Utah. Arizona prohibits instruction that portrays being gay in a “positive” light in certain curricula, whereas Alabama and Texas require or encourage teaching students that being gay “is not a lifestyle acceptable to the general public.”

Teachers, students and school communities hoping to change these laws and support a more inclusive curriculum across the country can join “Don’t Erase Us” by going to www.lambdalegal.org/dont-erase-us. The website includes Lambda Legal answers to common questions you may have about these laws.

For more information, follow Lambda Legal on Facebook and Twitter or look for #DontEraseUs.

GOVERNMENT MISCONDUCT

Lambda Legal Reports to the U.N. on Police, Prison and School Abuses



Lambda Legal told the United Nations last fall that excessive policing, detention and incarceration of LGBT Americans and Americans living with HIV amounted to “rampant” human rights violations.

The comments were submitted to a U.N. panel assessing the human rights records of all 193 U.N. member countries in 2015.

The report highlighted the discriminatory treatment of transgender women, especially women of color, who are often profiled as sex workers based on appearance alone. The report also detailed the harmfulness of the criminalization of HIV in many states.

Lambda Legal also criticized the handling by school administrators of bullying and faulted them for punishing LGBT students disproportionately, helping foster a cycle of violence and school dropout that can lead LGBT youth into the “school-to-prison pipeline.”

Once imprisoned, LGBT people are far more vulnerable to abuse and discrimination; Lambda Legal’s comments cited a 2012 Justice Department study which found that rates of abuse were 10 times higher for LGBT inmates than for straight men. “When LGBT people are imprisoned, risk of harm skyrockets,” Lambda Legal told the panel.

In addition, officials overuse solitary confinement for LGBT people—whether as a punishment or as a misguided “safety measure”—and deny transgender inmates necessary medical care. Upon release, halfway houses fail to provide necessary services for LGBT people, and staff discrimination and assaults are common.

REQUEST A COPY OF OUR “TRANSGENDER RIGHTS TOOLKIT” AT lambdalegal.org/publications/trans-toolkit VISIT “KNOW YOUR RIGHTS” AT lambdalegal.org/know-your-rights/transgender

STAFF NEWS

Scott Schoettes Appointed to President’s HIV Panel



Lambda Legal HIV Project Director Scott Schoettes has been appointed to the Presidential Advisory Council on HIV/AIDS (PACHA), a prestigious position on a 25-member panel that advises the Secretary of Health and Human Services about HIV prevention and research.

The appointment came in recognition of Schoettes’s powerful work with Lambda

Legal—which will continue apace during the three-year PACHA term.

Most recently, Schoettes helped prevent a health insurance crisis in Louisiana by filing a federal class action lawsuit against Blue Cross Blue Shield of Louisiana, which had announced it would stop accepting the federal subsidies that allow lower-income people with HIV to purchase health insurance. Schoettes also helped secure a groundbreaking ruling in the Iowa Supreme Court setting aside the conviction of an HIV-positive man for failing to disclose his status in a sexual encounter during which a condom was used and HIV was not transmitted.

Schoettes said, “This appointment will provide a new platform from which to ensure that improving the lives of people living with HIV—and reducing the stigma and discrimination they face—remain central to efforts to end the epidemic.”

American Airlines 

AMERICAN AIRLINES IS THE OFFICIAL AIRLINE OF LAMBDA LEGAL.

American Airlines has been a national sponsor of Lambda Legal and a travel partner since 2004. As a Lambda Legal member, you can help support Lambda Legal every time you travel on American Airlines, at no cost to you! It is very simple. When making a reservation on www.AA.com/rainbow or through a travel agent, all you need to do is provide Lambda Legal's unique Business ExtrAA Account number and you will help earn valuable points for Lambda Legal. The best part is that you still earn your own AAdvantage Miles! When booking on www.AA.com/rainbow, simply enter **541544** at the bottom of the Enter Passenger Details section, in the field for Business ExtrAA Account Number.



SAFE SCHOOLS

This Is What "Educational Justice" Looks Like

The 2014 National Safe Schools Roundtable opened in New Orleans on November 4 with a theatrical twist from keynote speaker Holiday Simmons, Lambda Legal's Director of Community Education and Advocacy, who asked participants at the annual event to improvise skits about "educational justice."

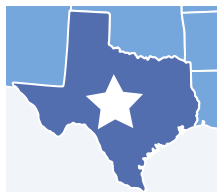
"Lambda Legal has been taking the conversation on safe schools a step further, moving from education equality into education justice," Simmons said later. The Roundtable, which brought together individuals and groups around the U.S. who are working to make schools safer and more welcoming for LGBTQ youth, was a great place to brainstorm about that strategy, he said.

During his keynote, Simmons divided participants into five groups and asked them to visualize what justice might look like in the future—specifically around race, education, economics, sexual orientation, gender identity and food—and then bring their ideas to life through five short skits.

One of the main topics was racial justice. "When we talk about racial equity, we refer to legal protections such as Title VI and Affirmative Action," Simmons explained, "whereas the idea of racial justice encompasses making everyone accountable for closing the gap in public education—staff, faculty, students and the surrounding community."

TEXAS

Lambda Legal Provides Training in Lone Star State About LGBTQ Youth



Throughout 2014, Lambda Legal Community Educator Omar Narvaéz conducted 22 day-long trainings for Child Protective Services (CPS) staff working throughout Texas with LGBTQ youth in out-of-home care.

The Lambda Legal-CPS collaboration took Narvaéz from Abilene to the Rio Grande Valley—and is now headed into its second year.

"We've been training staff so they can better understand the needs and rights of LGBTQ youth and ways they can better protect LGBTQ youth under the care of CPS," explains Narvaéz, who uses Lambda Legal's *Moving the Margins* guide to conduct his trainings. Topics include how to intervene when youth are harassed, ways to support teens who come out as LGBTQ and how to implement programs and policies that address the issues of LGBTQ youth.

Now Lambda Legal is looking to help institutionalize these trainings by "training trainers" within CPS. Lambda Legal is also looking to other states where the demand for practical information about caring for LGBTQ youth is high and the successes of the Texas program might be replicated. Among the trainings planned for 2015 are sessions at Cenpatico, a youth agency that works with children in Texas and in neighboring states, and Texas CASA, which trains advocates to represent children in court and beyond.

"MOVING THE MARGINS" CAN BE DOWNLOADED IN ENGLISH AT lambdalegal.org/margins
AND EN ESPAÑOL AT lambdalegal.org/margen
VISIT "KNOW YOUR RIGHTS TEENS & YOUNG ADULTS" AT lambdalegal.org/know-your-rights/youth

Tools for Preparing Wills and Trusts

Tools for Protecting Your Health Care Wishes

Take the Power
Tools for Life and Financial Planning

Lambda Legal
making the case for equality

AFTER DOMA

An Updated Toolkit to Manage Your Legal and Financial Matters

The Supreme Court’s 2013 decision ending Section 3 of DOMA has led to the transformation of marriage laws throughout the country and put same-sex partners and their families in new territory on a range of financial issues, from taxes to health care.

That’s why Lambda Legal has updated one of its most popular publications, *Take the Power*, a guide to legal steps and other tools LGBT people and those living with HIV can use to protect themselves and their families.

The guide, which is available both online and in print, includes information on the following topics:

- Tools for Preparing Wills and Trusts
- Tools for Protecting Your Health Care Wishes
- Tools for Protecting Your Assets in Life
- Tools for Protecting Your Assets After You’re Gone
- Tools for Protecting Yourself in Your Relationship
- Tools for Protecting Your Children
- Tools for Protecting Your Wishes for Your Funeral
- Leaving a Legacy for Equality
- Tools for Selecting an Attorney
- Are You Prepared? A Life Planning Checklist

TO DOWNLOAD OR READ ANY OF THESE, VISIT lambdalegal.org/publications/take-the-power

WORKPLACE RIGHTS

A New Online Guide for Employers



Employers with questions about the rights of LGBT employees and employees living with HIV now have an online resource: Know Your Rights at Work: Employers (lambdalegal.org/work). There, employers can find information about LGBT and HIV rights in the workplace as well as best practices in hiring, working with and supporting employees. Know Your Rights at Work: Employers was launched in December, following the release of Lambda Legal’s workplace information for LGBT employees and employees with HIV.

The employer guide answers common questions, for instance, about whether health insurance should cover transition-related care and fertility treatment; which restroom transgender employees should be able to use; and what to do when an employee discloses potentially private information such as being LGBT or living with HIV.

Know Your Rights at Work: Employers also offers information about recent changes to Medicare; about why Title VII of the Civil Rights Act prohibits discrimination against LGBT people; and about President Obama’s 2014 Executive Order forbidding anti-LGBT discrimination against the employees of federal contractors.

This is the third of Lambda Legal’s online Know Your Rights guides, following one for LGBTQ teens and young adults and another focusing on the rights of transgender people and their advocates, all now available in English (lambdalegal.org/kyr) and Spanish (lambdalegal.org/es/conoce-tus-derechos).

VISIT lambdalegal.org/work FOR THE ENGLISH



NOW IN SPANISH! ¡EN ESPAÑOL!

All three of our *Know Your Rights* online guides are now live in Spanish at lambdalegal.org/es/ctd. Also check out our new Spanish transgender rights fact sheets about Aging (lambdalegal.org/es/trans_aging) and Identification Documents (lambdalegal.org/es/trans_id).



Each month, Lambda Legal’s lawyers and public educators work in the courts and in the court of public opinion fighting for the rights of LGBT people and those with HIV.

The most efficient way for you to support Lambda Legal’s ongoing work is to join the Justice Fund with a recurring monthly gift. With as little as \$10 per month, you will be providing the financial stability that our lawyers and public educators need to do their jobs in every corner of our country.

To join the Justice Fund fill out the information below and mail it in the enclosed envelope.

\$10.00 \$25.00 \$30.42 Other \$ _____

I have made a Justice Fund monthly contribution of at least \$25, please send me a Lambda Legal stainless-steel water bottle as a gift.***

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BILLING ADDRESS _____

SIGNATURE _____ DAYTIME NUMBER _____

TO JOIN THE JUSTICE FUND ONLINE, VISIT: lambdalegal.org/justice-fund

* information required to make gift by credit card. We won’t be able to process your gift if not complete.

** VISA/MC/Discover - 3 digits on the back of card; AmEx - 4 digits on front of card.

***Lambda Legal bottle is available with Justice Fund (monthly giving) memberships at the \$25 level or more. Bottle will be mailed after the second consecutive month of Justice Fund membership. Please allow 2 to 4 weeks for delivery. While supplies last. Lambda Legal | 120 Wall Street, 19th Floor | New York, NY 10005

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DONOR PROFILE

Nancy E. Kalina and Kim Davis

From the beginning of their 18½ year relationship—now a fully realized marriage made possible by Lambda Legal’s victorious efforts in Indiana and the Seventh Circuit Court of Appeals— Nancy E. Kalina and Kim Davis have demonstrated a great passion not just for each other, but for their community at large.

Nancy, a certified life coach, works with clients across the globe through her own practice, called Safe Spacing Life Coaching, and Kim is a retired autism/early childhood consultant who worked with the Indiana Institute on Disability and Community (IIDC) for 34 years. “I have always loved helping people find their inner voice and discover the life that they were meant to live,” says Nancy. “I have supported some people with life coaching who are gay,

lesbian, bisexual or transgender as they come to terms with their identity.”

Nancy and Kim have also supported Lambda Legal for more than a decade.

The couple had some trouble at first, though, in getting their state to recognize their identity as partners. They married (or so they thought) on June 25, 2014 after the ban on same-sex marriage in Indiana was overturned. “We left for Zambia believing that we were married,” says Kim. “It became not only a birthday celebration for Nancy, but also our honeymoon.” However, when they returned in late September, they learned that the court decision allowing Indiana marriages had been stayed.

All that changed on October 6, 2014—a “glorious day!” according to Nancy. “On this day, we realized that the last word had been given and we are now officially married and recognized by the federal government and our home state.”

That day also came ten years after Nancy and Kim cemented their relationship with



Nancy E. Kalina (left) and Kim Davis

Lambda Legal by joining the Guardian Society, our legacy giving program, with the hope that their investment would continue to advance the fight for equality. The couple said in a joint statement: “If anyone desires equal rights for LGBT people and those living with HIV, then getting involved and supporting Lambda Legal makes the most sense.”

TO JOIN THE GUARDIAN SOCIETY, VISIT: lambdalegal.org/legacy/guardian-society



NEW YORK FALL LEGACY FOR EQUALITY LUNCHEON

Dana Levine with Liberty Circle member Barbara Lynn Pedersen and Lambda Legal member Grace Goodman at Humphrey in New York City on September 23, 2014.



SUMMER SENDOFF Event host and "40 and Under" Liberty Circle member Dorian Berger; Board member and Liberty Circle member Vincent Jones, actress, activist, and event speaker Calpernia Addams; and Board co-chair and District-level Liberty Circle member Brad Seiling in West Hollywood, CA, on September 20, 2014. Photo: Jason C.H. Burton



TRANS RIGHTS PROJECT HOUSE PARTY Event host, Board member, and Circuit-level Liberty Circle member Elliott Sernel with Board member and Liberty Circle member Jillian Weiss in New York City on October 6, 2014.



LIBATIONS & LITIGATION VI Event chair, National Leadership Council member, and Defender-level Liberty Circle member Natasha Haase with event attendee Rita Turner at National Sponsor Credit-Suisse in New York City on September 10, 2014.



LAMBDA LEGAL IN ATLANTA Liberty Circle member Bill Eure with Lambda Legal member David Plunkett, Liberty Circle member Michael Piazza, and South Central Regional Director and Liberty Circle member Roger Poindexter at the City Club of Buckhead in Atlanta, GA, on September 28, 2014. Photo: Sher Pruitt



CONNECTICUT CARES Michele Laveaux with her partner and Lambda Legal plaintiff Julia Frost, Executive Director and Amicus-level Liberty Circle member Kevin Cathcart, Board member and Amicus-level Liberty Circle member Michelle Waites, and Staff Attorney Omar Gonzalez-Pagan at Mitchell's of Westport in Westport, CT, on October 26, 2014.



INDIANA BENEFIT Major Gifts Officer and Lambda Legal member Bryant Dunbar; event co-chairs and Liberty Circle members Valita Fredland and Beth Meyerson; and Board member, event co-chair, and Amicus-level Liberty Circle member Steve Thornton at the Indianapolis Museum of Art on September 19, 2014. Photo: B. Havens



PALM SPRINGS PRIDE Board member and District-level Liberty Circle member Stephen Winters, Liberty Circle member David Freedman, Board Treasurer and District-level Liberty Circle member Roberta Conroy, Board co-chair and Supreme-level Liberty Circle member Karen Dixon, Liberty Circle member Barry Ward, Western Regional Director and Liberty Circle member Shedrick Davis, and Board member and Circuit-level Liberty Circle member Elliott Sernel at the Palm Springs Pride Parade in Palm Springs, CA, on November 8, 2014.



LAMBDA LEGAL IN PHILADELPHIA Event co-chairs and Liberty Circle members David A. Dubbeldam and David B. Devan; Jasmine Oglesby, Marne Castillo, and Erica Smith from event honoree The Adolescent Initiative at the Children's Hospital of Philadelphia; event co-chair, Liberty Circle member, and incoming Lambda Legal Director of Strategic Partner Programs Miriam Edelstein; and Senior Staff Attorney Karen Loewy at the Comcast Center in Philadelphia on October 23, 2014.



LIBERTY AWARDS

NATIONAL DINNER

May 4, 2015 | 6:00 PM – 11:00 PM
Chelsea Piers, New York, NY 10011

Enjoy the company of Lambda Legal staff, board and National Leadership Council members, as well as supporters from around the nation as we celebrate the march toward full equality and honor notable leaders who have made an impact in the lives of LGBT and HIV-affected Americans. lambdalegal.org/libertyawards

For more information on Lambda Legal's events nationwide, visit lambdalegal.org/events

LOOK INSIDE THIS ISSUE TO FIND OUT HOW LAMBDA LEGAL IS FIGHTING:

- > HIV discrimination in the workplace
- > for immigrants' rights
- > for safer schools with inclusive curricula

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lambdalegal.org/help

Lambda Legal is a national organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and those with HIV through impact litigation, education and public policy work.

Impact Magazine *is published three times a year.*

 **Lambda Legal**
making the case for equality