

IMPACT REPORT



We are your lawyers and we will never stop fighting for you. This has been true for 45 years and it still is today. In 1973, Lambda Legal launched the first sustained resistance to fight laws and policies that harm lesbian, gay, bisexual, transgender people (LGBT), their families and everyone living with HIV. Now, with anti-LGBT prejudice trumpeted from the White House, Congress and many state legislatures, our communities face unprecedented threat. Yet whatever venom lights up Twitter or parades through Congress, it is no match for the U.S. Constitution, established legal precedents and unfolding case law—much of it forged by Lambda Legal. We *will* fight back; we will *not* give up.



In the past year, Lambda Legal has been the first line of defense for LGBT people and everyone living with HIV. Your support has allowed us to defend and advance equality on many fronts.

Far-right religious extremists argue that respecting LGBT people in the public square violates their religious beliefs; therefore, they should not only be *exempted* from non-discrimination laws, but also granted a *license to discriminate* against LGBT people.

Two dozen or more state legislatures have granted license to discriminate or are considering such legislation. **We're fighting back:**

- Lambda Legal's attorneys helped state-based advocates fight various "hate-masquerading-as-religious-liberty" bills pending in Alabama, Arkansas, Colorado, Florida, Kentucky, Illinois, Oklahoma, South Dakota and Texas.
- Our attorneys are in federal court fighting a Mississippi law that permits government employees and businesses to refuse to serve same-sex couples, transgender people, and anyone who has sex outside of marriage.

- Our Atlanta Regional Director, a former member of the Georgia legislature, is a trusted advisor to Governor Deal. She convinced him to veto Georgia HB 757, a dangerous "religious exemptions" bill, last year and to condemn a similar bill right upon introduction this year.



Lambda Legal submitted a "friend-of-the-court" (amicus) brief in the *Masterpiece Cakeshop* case, which the Supreme Court heard in early December. The petitioner—a baker who refused to sell a wedding cake to a Denver gay couple—wants the high court to exempt businesses like his from laws prohibiting discrimination, arguing that such laws violate his religion and force him to express a message of acceptance with which he disagrees, all in violation of the First Amendment. If he wins, the decision will roll back protections for LGBT people and encroach on their freedom to marry.

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Lambda Legal plaintiff Jameka Evans with attorney Greg Nevins

OUT AT WORK

Everyone deserves the right to a job with dignity, free from discrimination based on who they love or who they are as a person. Lambda Legal has been fighting for the rights of LGBT and HIV-positive workers for decades, and Senior Staff Attorney Greg Nevins is a national expert on LGBT employment law.

- In April 2017, the full Seventh Circuit Court of Appeals held that Title VII of the Civil Rights Act does indeed

cover sexual orientation. This was a landmark ruling in our case on behalf of Kim Hively, an Indiana math teacher fired from her job.

- However, the Eleventh Circuit Court of Appeals has ruled differently. Unfortunately, the Supreme Court has declined to hear our recent appeal on behalf of Jameka Evans, who was forced out of her job because she is a lesbian.

By declining to hear this case, the Supreme Court is delaying the inevitable, leaving a split in the circuits that will cause confusion across the country. However, this was not a “no” but a “not yet,” and Lambda Legal will continue the fight, circuit by circuit as necessary, to establish that the Civil Rights Act prohibits sexual orientation discrimination.

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DESPITE THE LANDMARK OBERGEFELL MARRIAGE EQUALITY DECISION TWO YEARS AGO...

MANY STATES

STILL REFUSE

TO RECOGNIZE

MARRIAGE

EQUALITY.

Through litigation and advocacy over the past year, Lambda Legal fought and preserved full recognition of same-sex marriages in Wisconsin, South Carolina and Florida.

Even the Supreme Court has reiterated the *Obergefell* ruling and told Arkansas it must recognize all marriages equally. (Trump’s newest Justice, Neil Gorsuch dissented)

Days after that decision, the high court of Texas still refused to follow it. As a result, Lambda Legal represents several Texas

couples seeking respect for their marriages from the City of Houston. While the court dismissed our case, its decision made clear that Houston is obligated under *Obergefell* to provide equal spousal benefits to same-sex couples.

Despite Neil Gorsuch’s opinion, and the many attempts to undermine the marriage victory, Lambda Legal considers marriage equality under threat and **we’ll never stop defending it.**

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Advancing both impact litigation and public policy reforms nationwide, Lambda Legal’s HIV Project works to reduce both the stigma and discrimination experienced by people impacted by HIV.

In May 2017, Lambda Legal’s HIV Project Director Scott Schoettes resigned—along with several others—from the Presidential Advisory Council on HIV/AIDS, which had worked effectively with both the Bush and Obama Administrations. Mr. Schoettes’ resignation immediately grabbed headlines and called attention to the dearth of leadership from the Trump White House to end the HIV epidemic

Fortunately, there is leadership on this issue at the state level. In California, Lambda Legal helped craft SB 239 - one of the most comprehensive and cutting-edge HIV modernization bills ever adopted in the U.S. For Lambda legal, a criminal prosecution should never hinge solely on a person’s HIV status, absent any intent to harm another. Governor Jerry Brown signed SB 239 into law in October. With California leading the way, the HIV Project will press for similar laws in Florida, Illinois and other states in 2018.

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Following the 2016 election, Lambda Legal opened an office in Washington, DC, and hired Sharon McGowan, formerly a top attorney in the Civil Rights Division of the Department of Justice. Over the summer, the DC office welcomed attorney Sasha Buchert, a transgender Marine veteran formerly with the Transgender Law Center.

Immediately upon opening in DC, Sharon and our team facilitated a formal briefing for the members of the Congressional Equality Caucus, which is co-chaired by six openly-LGBT members of Congress and includes diverse Congressional allies—all committed to LGBT equality under law.

With boots on the ground in Washington, DC, Lambda Legal can continuously assist friendly members of Congress, educate key allies in government, lobby elected official as needed, and steer regulatory conversations and committee hearings away from discrimination whenever possible.

Our goal is to stop every anti-LGBT move or threat made in DC. What we cannot stop, we will slow down; what we cannot slow down, we will publicly highlight and mobilize opposition to defeat it.



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Fair and impartial courts are a cornerstone of American democracy. The appointment of judges with records of racist, homophobic and misogynistic bias—especially to life-time appointments on the federal bench—threatens the integrity and fairness of the courts.

Lambda Legal’s Fair Courts Project calls out these threats to judicial fairness and mobilizes the grassroots support to help fight these unqualified and often hostile nominees.



When the White House announced Neil Gorsuch as a nominee to the Supreme Court, Lambda Legal was prepared. We immediately posted a dossier about Gorsuch—the judge who ruled that Hobby Lobby, as a corporation, has a religious right to discriminate against LGBT people and other groups deemed “spiritually unclean.” Lambda Legal’s research prompted an unprecedented wave of traffic to our website and helped change the national conversation about Gorsuch and his record. Within days, media discourse shifted from referring to Gorsuch as an experienced jurist “with gay friends” to unmasking him as a frightening ideologue.

Lambda Legal has pressed for judicial independence for years. Our work has shifted established narrative and our framing of the issues is now regularly reflected in *New York Times*’ coverage.

A TWEET IS NOT A POLICY

SUED

Photo: Gage Skidmore

Three times in ten months, the White House considered hateful and illegal actions targeting LGBT people. Each time, our attorneys predicted the assault and prepared a meaningful legal response. The first two instances involved leaked executive orders—one in February and the other in May. In response to both threats, our attorneys worked around the clock to: confirm plaintiffs; recruit *pro bono* counsel; prepare complaint filings; and, ramp up a public education and publicity plan. In both instances, the administration backed off, never issuing the threatened executive orders. Far-right religious groups blamed this White House impotence on pressure from “gay activists”—**meaning Lambda Legal.**

Then, in July 2017, Trump declared by tweet that transgender people may no longer serve in the military—seemingly unaware of the Pentagon’s previous two years of intense effort to understand, incorporate and support the thousands of active transgender service members. Because a tweet is not a policy, Lambda Legal prepared our case while the White House pulled together its official directive to the Pentagon; then we sued in federal court along with OutServe-SLDN, which represents LGBT service members.

Lambda Legal filed in court with an assembly of extraordinary plaintiffs including active military officers, the Gender Justice League, American Military Partners Association and the Human Rights Campaign (HRC). In October, the State of Washington joined our challenge.

In early December, a federal court in Seattle ordered an immediate halt to the ban while our case proceeds. This is the third preliminary injunction issued by a district court, and the first in the Ninth Circuit. It’s also the first to consider an argument that the ban violates transgender service members’ First Amendment rights.

With yet another court ruling that the President has engaged in unlawful discrimination, the policy’s days are clearly numbered, and its final demise can’t come fast enough for those whose military careers hang in the balance.

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Thank you! Your support has allowed Lambda Legal’s attorneys to advance these cases, advocate for equality and repond to the needs of LGBT people and everyone living with HIV.



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Each year, Lambda Legal’s national Help Desk addresses more than 7,000 inquiries from across the nation. Through our Help Desk line and confidential web portal, thousands of people turn to Lambda Legal because they face discrimination, harassment, or even violence. Many reach out to clarify and exercise their legal rights.

Lambda Legal’s Help Desk team documents deeply personal stories and legal questions, providing critical information and resources. This year, our callers’ most frequently expressed concerns involved employment discrimination, relationship recognition/family law, and criminal justice issues. Most importantly, the Help Desk provides Lambda Legal with an important survey of the legal landscape and challenges faced by our community. It is an essential guide to our litigation strategies and has initiated many of our groundbreaking victories.