



## OPTIMISM AND PRAGMATISM.

They are what got us through four years of relentless attacks by the Trump administration, whether by tweet, publication of a rule denying the LGBTQ community equal protection, or appointment of federal judges with long records of anti-LGBTQ bias. Fast forward to 2021, and these same traits enabled Lambda Legal to have a busy and successful year in our litigation and policy efforts.

**L**ike so many, Lambda Legal has been operating remotely for more than a year, but we are still relentless in our pursuit of justice and equality. For our attorneys, this has meant virtual depositions, court appearances and conferences with clients. For our supporters, we re-imagined how to reach you and provide the excellent events and programmatic updates you've come to expect from us. Our *One Lambda Legal* campaign was a week-long online celebration of our work and values, with wall-to-wall online programming featuring distinguished speakers and entertainment.

Pragmatism helped us choose our battles with care and precision, litigating in jurisdictions where we stood our best chance of victory and identifying

allies on the state and local levels to move policies and legislation. Optimism propelled us forward and allowed us to explore new ways of reaching you to share our work.

Lambda Legal confronts a unique moment. Because elections have consequences, we have a two-year window of opportunity, along with friends and allies in the White House. We're hard at work, determined to maximize this opportunity. We're working with the new administration to undo the damage of the previous four years, and we're moving confidently ahead to carve out new paths to equality, pushing back on anti-LGBTQ extremists and their narrow, hateful agendas.

***We're sharing with you some of our most important work from this past year - and with your continued support, we are optimistic about next year and beyond.***

## 5 YEAR STRATEGIC PLAN

The previous administration wrought lasting damage to the federal judiciary by packing it with extremists who oppose LGBTQ rights, reproductive rights, and civil rights more broadly. Nearly one-third of federal appellate judges are Trump appointees, and forty percent of them have records that demonstrated hostility towards the LGBTQ community.

While this seems daunting, the truth is that Lambda Legal has faced this challenge before - and we know what to do. Our legal team has a nearly fifty year track record of advancing our case for equality when the federal courts, or court of public opinion seemed unfriendly to our rights.

Our resolve is as strong as our record. We are moving ahead with our new Strategic Plan, which identified five goals to guide our work and strengthen Lambda Legal for the years to come.

- **1** Cement ourselves as leaders in securing legal equality for our community.
- **2** Advance legal reform through litigation and policy advocacy on a prioritized set of issues.
- **3** Embed diversity, equality, and inclusion - particularly racial and transgender/gender non-conforming equality - into every aspect of Lambda Legal's work and organizational culture.
- **4** Secure our long-term financial health.
- **5** Make Lambda Legal a household name to those who care about equality for LGBTQ people and everyone living with HIV.

### STANDING UP FOR TRANSGENDER, NON-BINARY, AND GENDER NON-CONFORMING YOUTH AND ADULTS

**State legislation targeting transgender and nonbinary people for discrimination exploded this year.** We saw proposals to bar or criminalize healthcare for transgender youth, prohibit access to gender-appropriate facilities like restrooms, restrict transgender students' ability to fully participate in school and sports, or put more roadblocks in place for transgender people seeking identity documents with their name and gender. This legislation targets and harms the most vulnerable among our LGBTQ community. By excluding transgender youth from participating in school athletics and denying transgender youth life-saving medical care and school support, they're sending a clear and hateful message that transgender youth do not belong in our schools, our communities, or our homes. Those kinds of messages hinder transgender youth from becoming confident, thriving adults. **| We won't let that happen.**

Kids like Becky Pepper-Jackson and Luc Esquivel need our support. Becky is a transgender girl from a family of runners, and she wanted to try out for and run with her West Virginia school's track club. And Luc is a 14-year-old in Tennessee who wanted to play on the boy's golf team. Enter transphobia: both states had enacted legislation to ban transgender students from participating in school sports. Lambda Legal went to court for both teens. We won in West Virginia when a federal court blocked the law. We're in court now in Tennessee hoping for the same result. **| Our message: Play fair!**

When West Virginia and North Carolina excluded gender-affirming health care in their state employee health insurance plans, we went to court. We won in Alaska,

too, on behalf of our librarian client when a federal district court ruled that AlaskaCare's blanket exclusion of medically necessary transition-related surgical treatment was unlawful sex discrimination that violated federal law. **| Our message: Everyone deserves life-saving quality healthcare.**

And we challenged the Trump administration's health care discrimination rule that would have carved out LGBTQ people and other vulnerable populations from protections guaranteed in the Affordable Care Act, which among other important elements, prohibits discrimination on the basis of sex. **| Not on our watch!**

Because we know how important accurate identity documents are to transgender, non-binary and gender non-conforming folks, we won't stop pursuing justice until the last barrier falls. We're proud that our client Dana Zzyym, a non-binary and intersex veteran, finally obtained a U.S. passport with an "X" gender marker after six difficult years in court. And we reached an agreement with New York State on behalf of our client Sander Saba and a commitment that the State will update its legacy computer system to be able to issue state ID cards and official driver's licenses with X gender markers by May 24, 2022. **| We're determined to strike down all remaining barriers to accurate identity documents!**

Finally (yes, finally!), The Trump administration's ban on military service by transgender people is no more! Thanks to our relentless advocacy, the new administration rescinded this discriminatory ban. **| We salute all those who stood with us in this fight.**

# DOUBLE JUSTICE!

This year brought final resolution in a pair of Lambda Legal cases seeking to end Social Security's denial of benefits to surviving same-sex partners or spouses who were barred from marriage until it was too late.

We pursued these cases for more than three years, with the federal government fighting us at every turn, including appealing our lower court victories. Finally, on November 1st, the Justice Department and Social Security Administration dismissed their appeals, allowing our victories to stand.

These are significant victories, impacting thousands of surviving partners and spouses for whom the 2015 Obergefell marriage equality ruling came too late. Ending their exclusion from survivor's benefits, when they could not legally be married for the required nine months, corrects a painful legacy of discriminatory treatment of same-sex relationships. And because these cases were certified as class actions, survivors across the country will be able to access these benefits, which can have a life-changing impact on their financial stability.

## Ely v. Saul



In this case, we represented Michael Ely (left), who married his partner of 43 years, James "Spider" Taylor as soon as it was legally possible in Arizona.

Tragically, Spider died six months later. The Social Security Administration denied Michael's application for survivor's benefits because he and Spider didn't meet an impossible requirement of having been married for at least nine months - despite being together for more than four decades.

## Thornton v. Saul



In this case, we represented Helen Thornton (right, with her partner the late Marge Brown) from Washington State.

Though it was legally impossible for Helen to meet the marriage-related requirements for survivor's benefits, Social Security denied her application.

With these victories, surviving same-sex partners and spouses cannot be categorically denied benefits solely because they were not married for at least nine months. All survivors can now submit new benefits applications or ask to reopen claims that were previously denied and will have the chance to provide evidence that they would have met the marriage requirements if there had been no marriage ban.

For answers to FAQs on this case: [lambdalegal.org/ssa](https://lambdalegal.org/ssa)



**WE'RE HERE** *The Lambda Legal Help Desk*

Each year, Lambda Legal receives nearly five thousand calls to the Help Desk across a broad range of issues. At the beginning of 2021, we published *The United States of Discrimination: Trends in Bias Against LGBTQ People and People Living with HIV* a report providing an important snapshot of the alarming scope and scale of anti-LGBTQ discrimination.

For years, we received calls to our Help Desk from folks who experienced discrimination like Michael and Helen. We're thrilled that our victories in their cases can begin to right these wrongs. Our team has proactively reached out to those who called on this issue in the past, letting them know that these victories may finally make them eligible for the equal treatment they deserve.

When we stop to catch our breath, we see that we've made real movement and progress. But our pragmatism dictates we acknowledge the enormity of the work still before us and the relatively short time frame during which we will have the wind at our back. So much is left to be done - tamping down proposed religious exemptions, progress on The Equality Act, ensuring the rights of LGBTQ individuals and couples to grow their families through foster care or adoption, fighting attempts to narrow marriage equality - and those are the battles we can anticipate. Those who oppose our equality and their legislative supporters surely have some new ideas that will compel us to adapt and act - and we must be ready!

We are grateful for your continued commitment to our work. We are cautiously optimistic about what the next few years will bring. No doubt we will face serious challenges: nothing will magically wipe away discrimination or HIV, or the fact

that the judges we often face will be extremist appointees of the prior administration.

Every day, we remember that there are unsung heroes across the nation: a transgender teenager in South Carolina who wants to use the school restroom appropriate to his gender, a married lesbian couple in Texas who want to foster a young refugee child, a teacher in California who suffered discrimination as an out lesbian and advisor to her school's Gay-Straight Alliance Club, and two husbands in Maryland who know that their daughter deserves American citizenship. They are our clients and members of our LGBTQ community. We are committed to expanding equality on their behalf. And we cannot do this without your support. **LL**

Learn more. Support the fight.  
Visit [LambdaLegal.org](http://LambdaLegal.org)

We are proud to have had our work recognized by LGBTQ Nation and Chevrolet and to be a featured LGBTQ organization in their **Authentic Voices of Pride Campaign**.



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AUTHENTIC VOICES OF  
**PRIDE**

PRESENTED BY



Through the end of December, Chevrolet will match donations made to Lambda Legal up to **\$25,000**.

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[lgbtqnation.com/authentic-voices-of-pride](http://lgbtqnation.com/authentic-voices-of-pride)