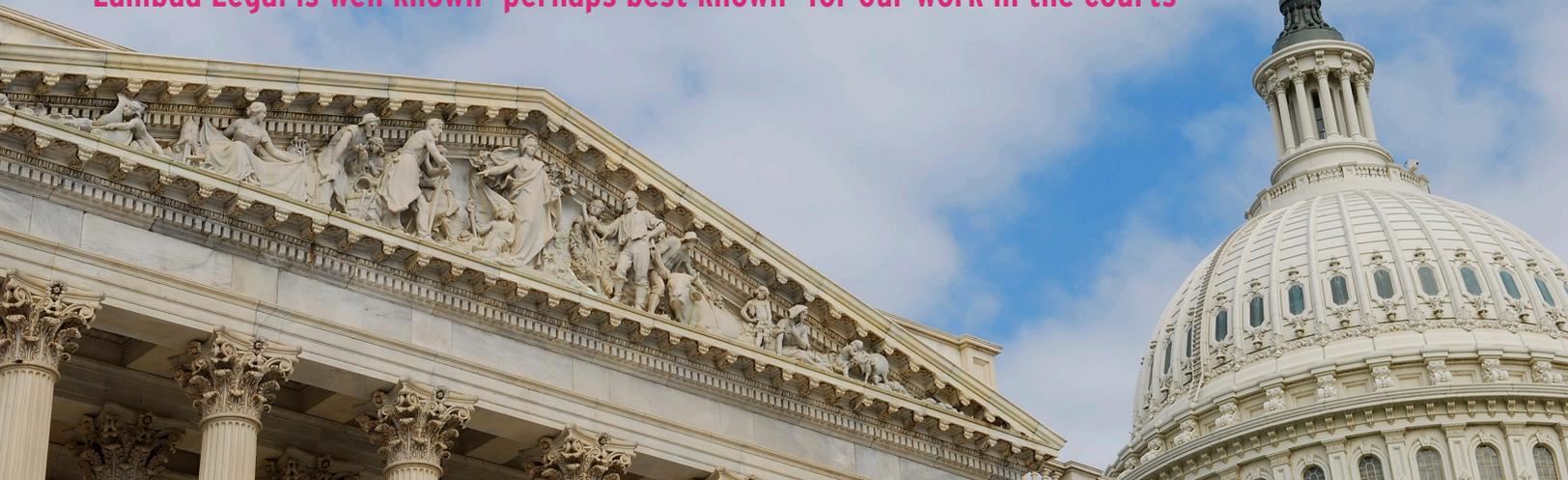


ONE-TWO PUNCH: LITIGATION + POLICY

Lambda Legal is well known—perhaps best known—for our work in the courts



Since we began in 1973, we've won several landmark LGBTQ+ cases all the way up to the Supreme Court, including those that banned discrimination against people with HIV, defending local LGBTQ+ antidiscrimination ordinances, striking down sodomy laws, and extending marriage equality nationwide. Plus, we've also argued, and continue to argue, countless cases of LGBTQ+ rights in the lower courts that seldom make it on to the national radar.

But there's more to advancing LGBTQ+ rights than litigating cases. There's public education about our legal rights and the issues that affect our lives, which we do. And there's the slow, painstaking, and often under-the-radar work of public policy—working, often in coalition with local, state, and other national groups, to either advance laws that protect and expand LGBTQ+ rights, or to beat back or weaken those that aim to hurt us. That's a big part of what we do here—and it's the main reason why, last year, we brought on attorney and progressive policy veteran Kristine Kippins as our deputy legal director for policy—to focus solely on guiding this crucial work from our Washington office.

“Legal advocacy isn't defined solely through litigation,” says Kippins, whose previous policy roles have been at the Constitutional Accountability Center and the Center for Reproductive Rights. “Effective policy advocacy can lead to long-lasting societal change. Litigation and policy are two sides of the same coin. Lambda Legal's work to enact laws that protect and advance our civil rights, and to defeat efforts to further marginalize us, is especially important now that the judiciary has been stacked by the Trump administration with far too many judges who are hostile to our issues.”

She's echoed by Sharon McGowan, Lambda Legal's chief strategy officer and legal director. “Policy work is often not as visible as litigation,” she says, “but it's about the equally important work of trying to prevent bad laws from being enacted in the first place. With our expertise and unique perspective, we can work effectively behind the scenes by providing analysis to legislators and bolstering arguments made by other stakeholders.”

Lambda Legal has always done this work, stresses McGowan. “But now with Kristine, we have more firepower to do the one-two punch of litigation plus advocacy—to stop or minimize the damage from bad bills and to make noise in the public sphere about the harms they pose.”

To enhance our work and expand our reach, Lambda Legal recently started using a program called FiscalNote, which can track bills in multiple states as they are introduced and move through the legislative process. “The program lets us reach out to legislators and their staffers in a new and efficient way,” says McGowan, “as well as reach out to LGBTQ+ folks and allies who want to be engaged in these legislative fights, even in places where they once did but may no longer call home.”

Take the onslaught of bills in several states to prevent transgender kids from playing on the school sports teams that match their gender—or the laws attempting

to criminalize giving transgender kids gender-affirming healthcare such as puberty blockers. Such a medical bill became law in Alabama this year. Lambda Legal worked to try and keep this from crossing the finish line and will now support all legal efforts to strike this hateful law down.

In other places, Lambda Legal and its partners have had outright policy wins. Last year, Lambda Legal was part of a coalition that pushed Illinois to become the first state in decades to completely repeal its law criminalizing people with HIV for not disclosing their status to sexual partners (even when they were on medication and hence unable to transmit the virus, or in cases where transmission did not occur). Also last year, in New York, Lambda Legal was part of the advocacy team that worked successfully to abolish the notorious “walking while trans” law, which often led to the arrest of transgender women on charges of sex work when they were merely walking in public.

In Texas recently, legislators had sought to pass a whopping nearly 80 bills hostile to LGBTQ+ people and those living with HIV. Lambda’s policy work there against the deluge included meeting with legislators and their staff, providing analyses of the bills’ projected harms, sending letters on the legal implications of the bills, and testifying before the legislature.

Shelly Skeen, Senior Staff Attorney
outside the Texas State Capitol



The result? “Our tireless work there prevented all but one of the bad bills from passing,” says Shelly Skeen, Lambda Legal senior attorney. “I was honored to work among my Lambda Legal colleagues and our coalition partners to stop these attempts to harm our everyday lives.”

Last year, Lambda

partnered with local groups in Oklahoma to block a proposed anti-trans athlete bill, as well as one that would have banned government entities from engaging in diversity trainings about gender identity, sexual orientation, and issues facing LGBTQ+ people of color.. That bill also would have blocked mental health workers and school counselors from providing services that recognized such identities.

In a letter to Skeen after the bills were blocked, Allie Shinn, former head of LGBTQ+ group Freedom

Oklahoma, wrote: “I cannot properly articulate to you what a crucial role [Lambda] played in that effort. Your legal analysis was a key component of our efforts...We used absolutely everything you sent us. Every word of it...Queer and trans kids are safer because of the work you did on this front.”

And in Arizona last year, Lambda Legal’s Youth in Out-of-Home Care Project worked with a work group of advocates, providers, youth with lived experience in foster care, and other child welfare professionals to advocate for and inform a nondiscrimination policy released by Arizona’s child welfare agency in December. The policy protects children and families from discrimination on the basis of sexual orientation and gender identity as well as other protected classes, such as race and religion. This policy came about because of our ongoing collaboration with Children’s Action Alliance Arizona, Arizona’s statewide child advocacy organization. The combination of their ability to convene local stakeholders with day-to-day experience working with LGBTQ+ youth in care and our policy expertise helped secure these important protections.

These are just some of the ways that Lambda Legal is working hard not only in the courts, but in legislatures and local communities—which are courts of public opinion, after all—to protect LGBTQ+ folks and those living with HIV. “This isn’t just side work,” McGowan says of Lambda Legal’s policy efforts. “It’s an equally important component of our legal advocacy, and just as necessary to achieving lasting legal reform.”

LAMBDA LEGAL REPORTS:

A KEY PART OF LAMBDA LEGAL'S POLICY WORK IS THE RELEASE OF REPORTS THAT HELP GUIDE LEGISLATORS, ADVOCATES AND OTHER THOUGHT LEADERS ON LGBTQ+ ISSUES. RECENT REPORTS HAVE INCLUDED:

- One on LGBTQ+ progress thus far in the Biden administration. The report praised the administration for such actions as clarifying the scope of sex discrimination protections in federal law and undoing the ban on open service by transgender people currently in the military. But it also said that the administration needed to work harder to ensure that all programs funded by federal dollars are operated in a nondiscriminatory manner, even when services are provided by third parties.
- Another calling for President Biden to appoint more LGBTQ+ judges to the federal judiciary. The report found that, compared to the 5.6% of Americans who identify as LGBTQ+, only 1.6% of the federal judiciary openly identifies as such. As of January 2022, there were only 11 openly lesbian or gay federal district court judges and three openly lesbian or gay judges in the federal circuit courts. And only five of the Biden administration's 81 nominees were openly gay or lesbian—while none were openly transgender, nonbinary, or bisexual.



“ Having openly LGBTQ+ judges on the bench doesn't guarantee any particular outcome, but every judge brings their life experience to cases, and when that life experience is limited, it makes the courts less credible. - Sharon McGowan ”



A report Lambda Legal will release this summer will focus on the experience of LGBTQ+ people in the justice system.

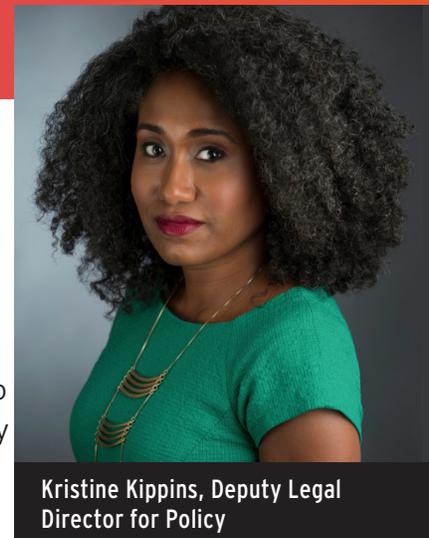
ABORTION ACCESS IS AN LGBTQ ISSUE

As you read this, the nation awaits Supreme Court decisions in two hugely important abortion cases. One of them challenges a Texas law passed last year that bans nearly all abortions in the state. The other challenges Mississippi's 2018 ban on abortion after 15 weeks of pregnancy. And if the Mississippi challenge fails, as many legal experts believe it will due to the new conservative majority on the court, it could effectively overturn the landmark 1973 *Roe v. Wade* decision that made abortion a constitutional right nationwide. If this happens, people who need abortions won't have access in about half of all states—particularly poor and conservative ones in the midwest and the south.

Did you notice we said “people who need abortions,” not “women”? That's because, for the LGBTQ+

community, it's not just cisgender women who may need abortions—but also transgender men and nonbinary-identifying folks. “People across the gender spectrum need to be able to manage their bodies as they see fit, including the ability to end a pregnancy,” says Kristine Kippins, Lambda's new deputy legal director for policy.

Further, overturning *Roe v. Wade* could set into motion the undoing of our legal victories from the past several decades. The movements for LGBTQ civil rights and reproductive justice are inextricably



Kristine Kippins, Deputy Legal Director for Policy

intertwined, because at their core, these rights – whether or not to be pregnant, who to be sexually intimate with, or whether to physically align our body with our gender identity– are about personal autonomy and self-determination. Without legal victories for access to abortion such as *Roe v. Wade* and for contraception such as *Griswold v. Connecticut*, there would be no *Lawrence v. Texas* which decriminalized private consensual sexual intimacy or the Supreme Court rulings (*Windsor*, *Obergefell*) that made marriage equality the law of the land. Make no mistake – restricting reproductive rights by reversing *Roe v. Wade* will signal that the conservative majority on the court is ready and willing to toss precedent out the window and roll back the progress we've made for LGBTQ+ rights. **LL**

WHAT CAN YOU DO?



Start by learning where your state stands and how you can get involved. Then, ask your U.S. senators to pass the Women's Health Protection Act, a pending federal bill that protects the right to an abortion for everyone everywhere.

Learn more. Support the fight. Visit LambdaLegal.org

WE'RE HERE

Lambda Legal is here to win new protections for the most vulnerable in our community and defend the hard won victories that we've achieved over the last forty nine years.

AND WE'RE JUST GETTING STARTED.



We're returning to in-person events and Pride celebrations near you. Join us:

Visit lambdalegal.org/withpride

 **Lambda Legal**
making the case for equality