

PERSISTENCE + PERSERVERANCE:

Lambda Legal's Plan for the Fight Ahead

The results of this year's elections feel like a huge step backwards in our fight for equality. And while the future is never certain, Lambda Legal has been an unstoppable force towards a future of greater freedom and equality for LGBTQ+ people and everyone living with HIV for more than 50 years – and we're not stopping now.

Here's what we know:

Donald Trump has been elected as the 47th president of the United States and the Republican Party has won majority control of both houses of the United States Congress. In the years ahead, we can expect attempts to enact the anti-LGBTQ+ elements of Project 2025, the appointment of judges hostile to our equality goals and must expect the potential of unjust laws that undermine our progress making their way into law.

There were historic firsts in this election that we should celebrate: Sarah McBride from Delaware was elected as the first openly transgender member of the United States Congress. Equality had victories across the country – going three for three on ballot measures that affirm marriage equality, and the State of New York passed its very own Equal Rights Amendment. Though these wins may feel small in the face of other setbacks, it is critical that we celebrate when we can – moments of joy and solidarity will allow us to persevere through the next four years.

We will give everything we've got to defend our community.

During the last Trump administration, Lambda Legal opened our Washington D.C. office and worked in coalition

with sibling organizations to hold the line when LGBTQ+ rights were attacked. In those four years, we filed fourteen challenges to policies that attacked our community and filed nine amicus briefs in support of other lawsuits. Between 2017 and 2020, we raised the alarm consistently over Trump's judicial appointments and we issued a report this year detailing how those appointments have impacted civil rights. Read our report: [The Alarming Impact of Trump's Anti-LGBTQ+ Federal Judges](#). Lambda Legal stood as the last line of defense for the LGBTQ+ community and everyone living with HIV, and we are prepared to do it again.

The good news is that Lambda Legal wins.

We won in twelve of our lawsuits against Trump's anti-LGBTQ+ actions – that's an 86%-win rate. This year, in 2024, we've seen more than 500 anti-LGBTQ+ bills introduced in state legislatures across the country. Of those that passed, Lambda Legal challenged twelve in court and we won injunctions to block ten of them. That's a more than 80% success rate in front of judges whose records are not always friendly to our cause.

WHAT'S NEXT: HOW WE WIN THE FIGHT AHEAD

Lambda Legal has been in the fight for civil rights for LGBTQ+ people and everyone living with HIV for the last 51 years. As we face the challenges of the next four years, we will persist, and we will persevere. On Tuesday November 12th Lambda Legal held a post-election update on [The Fight Ahead](#). The call began with a reminder of our history - and that we have prepared and are ready for the increase in anti-equality attacks from the new Trump administration.

During the call we shared our four-point plan — the framework for our efforts through the next four years.

OUR FOUR-POINT PLAN:

1

DEFEND WHAT WE'VE GAINED.

Drawing on our past successes, we will execute a policy and litigation strategy to defend the civil rights advances made before and during the Biden administration and in many states. We will not give up the ground we have gained.

2

BUILD PRO-EQUALITY SAFE ZONES

Work with pro-equality governors, attorneys general, state agencies, and local government leaders to defend LGBTQ+ rights nationally by helping states challenge federal overreach, expand LGBTQ+ protections within their borders, provide refuge for LGBTQ+ people and people living with HIV from hostile states, and continue to build models of sensible, affirming public policy.

3

LEVERAGE THE COURTS AS A LAST LINE OF DEFENSE.

With the executive and legislative branches of the federal government in anti-equality hands, the courts often will be our only hope of stopping a substantial rollback of our rights. Our victory is never guaranteed, but the judicial branch can be our best path in the current political landscape.

4

EDUCATE AMERICA TO LAY THE GROUNDWORK FOR THE FUTURE.

While we address immediate threats and capitalize on opportunities as they arise, we must keep our eyes on long-term systematic change and shift culture. We will work to humanize LGBTQ+ people – particularly trans and non-binary Americans – and everyone living with HIV to build support for equality.

We are grateful for you.

In 2024, Lambda Legal fought hard for the LGBTQ+ community and people living with HIV. You are a part of that fight, and we will always be grateful for what your support allows us to accomplish for our communities.



Isaiah Wilkins, Lambda Legal client in *Wilkins v. Austin*

This year saw Lambda Legal securing a landmark victory for everyone living with HIV. This ruling affirmed modern science and struck down a policy preventing our client, Isaiah Wilkins, and others living with HIV from joining the U.S. military. Lambda Legal pursued this victory for years, with

Gregory Nevins, Senior Counsel and Employment Fairness Project Director saying “Americans living with HIV no longer face categorical barriers to service careers – discharge, bans on commissioning, bans on deployment and finally bans on enlisting.”

As the year comes to a close, our team remains actively engaged against anti-LGBTQ+ laws in **twenty-eight states and the District of Columbia**. When it comes to laws that attack our transgender family and community members, we are working in **sixteen of these states** that restrict access to healthcare for transgender youth.

We are an organization with a history of persistence and perseverance, and we will continue to defend our community as we always have. We're in this together, and we have each other.



THE FIGHT CONTINUES:

United States v. Skrametti at the Supreme Court

On December 4, the U.S. Supreme Court will hear oral argument in *United States v. Skrametti*, a case challenging the State of Tennessee's ban on medically necessary healthcare for transgender youth.

The ban in Tennessee was enacted in March of 2023, and we quickly filed a lawsuit to block it with partners from the American Civil Liberties Union, the ACLU of Tennessee and Akin Gump Strauss Hauer & Feld LLP.

We successfully won a preliminary injunction preventing the enforcement of the ban. The judge issued a thoughtful decision agreeing with our arguments that the ban violates parents' fundamental constitutional right to support their children's medical needs without ignorance-based government interference. The judge also ruled that the law violates the constitutional guarantee of equal protection because the types of care being denied to trans youth is still legal and provided to non-trans youth with other health needs. This is a trend we've seen when winning these cases: when lower court judges hear the evidence and expert testimony, the unjustifiable discrimination and harm is clear, and we win.

Unfortunately, the higher court reversed the injunction, and the ban went into effect. Lambda Legal and our allies simply couldn't let this precedent stand. We asked the Supreme Court to review the ruling by the Court of Appeals, and the

High Court agreed in June to take the case. With our partners at the ACLU, we've spent the last six months preparing for the arguments on December 4, 2024.

United States v. Skrametti is the first transgender youth health care ban to go before the Supreme Court. In this current moment when transgender people and especially transgender youth are being targeted by state legislators across the country, it will likely not be the last case of this type to come to the Court. This case shows the full range of harm to young people and the solid consensus among the medical community and scientists with all the best scholarly presentation.

Once again, Lambda Legal is at the forefront in the fight to protect our communities. We have prevailed in landmark cases before the Supreme Court before, and we are now called upon to advocate there again, this time in defense of transgender youth, their families and their health care providers. Like everyone else, trans youth deserve access to the care they need so they can live happy, healthy lives. As hostile state leaders double-down on their cruel, cynical and discriminatory attacks on transgender youth, the Court has the opportunity and duty to apply the law fairly, which means returning medical decisions to where they rightfully belong - to parents, their children, and their doctors.

MEET THE PLAINTIFFS:

Samantha and Brian Williams

of Nashville and their 15-year-old transgender daughter, **L.W.**, two other plaintiff families filing anonymously, and Memphis-based medical doctor **Dr. Susan Lacy**.

MEET THE LAMBDA LEGAL ATTORNEYS:

Tara Borelli

Senior Counsel

Tara Borelli is counsel in Lambda Legal's Atlanta office. Tara's work centers on bringing test cases to advance equality and liberty for all LGBTQ+ people, with a particular focus on issues of discrimination involving transgender people. She worked on our case challenging the Trump administration's ban on military service by transgender people, other cases seeking equal access to medical care for transgender people, several cases securing marriage equality, and much more!

Sasha Buchert

Director of the Non-Binary and Transgender Rights Project

Sasha Buchert is a Counsel in Lambda Legal's Washington D.C. office. During her time at Lambda Legal, Sasha has been involved in extensive federal and state legislative and litigation initiatives on a wide range of issues including judicial nominations, criminal justice reform policy and health care initiatives.





FREEDOM TO BE OURSELVES RALLY

Wednesday, December 4, 2024 | 10:00 AM
United States Supreme Court

As part of the efforts surrounding the case and its oral arguments, Lambda Legal and our partners at the ACLU will rally on the steps of the Supreme Court on Wednesday December 4 at 10 am to urge the Court to defend the rights of transgender people. We encourage those who can to [pledge now](#) and join us on this historic day and help make our voices heard!

If you can't attend the rally, we encourage you to listen to the audio livestream of the arguments as they happen in the Court, follow us @LambdaLegal on Instagram and other social media for on the ground updates from the rally, and read and share our FAQ on the case!



LAMBDA LEGAL

EMERGENCY RESPONSE FUND

Lambda Legal succeeded in 12 of the 14 lawsuits we filed against the first Trump administration. We've been here before. We are prepared to defend LGBTQ+ people and everyone living with HIV.

Join us in Persistence and Perseverance and donate to our Emergency Response Fund to bolster our resources and ensure that Lambda Legal's team can respond to anti-equality attacks. Help us meet our initial goal to raise \$1 Million in new funds by December 31, 2024.

Donate today

INITIAL GOAL: \$1 MILLION