

Equality from Coast to Coast

Lambda Legal's Impact in 2010

Lambda Legal is the leading national legal organization dedicated to achieving full civil rights for LGBT people and people with HIV. Our high-impact cases and educational programs continue to secure new and expanded legal protections and amplify our message about equality. Below are highlights of our accomplishments this year.

ARIZONA Safeguarding Partner Benefits

In the summer of 2009, Arizona state lawmakers included a provision stripping domestic partner health benefits from state employees in a last-minute budget deal, while retaining spousal health benefits for heterosexual workers. Lambda Legal sued on behalf of 10 government employees to block enforcement of this law, and to restore fair treatment for the state's lesbian and gay workers. In July 2010, a federal judge issued a preliminary order requiring that the state maintain family benefits for all lesbian and gay state employees during the case, and allowing Lambda Legal's equality claim to go forward.

NATIONWIDE Making the Case for Equality Before the U.S. Supreme Court

In July 2010, the U.S. Supreme Court rejected a claim by backers of an antigay referendum in Washington State. The plaintiffs sought to prevent the release of the names of people who had signed the petition to put Referendum 71 (which would have repealed the state's domestic partnership law) before voters, claiming that the signers would be subject to harassment and intimidation. Lambda Legal and four other LGBT legal and political organizations submitted a friend-of-the-court brief refuting the allegations of harassment and pointing out that such claims are a diversionary tactic by antigay groups.

Also in July, the Court ruled against the Christian Legal Society (CLS), which bars membership to students who engage in "unrepentant homosexual conduct." The CLS sued Hastings Law School at the University of California for revoking the club's official recognition because CLS was in violation of the school's nondiscrimination policy. Lambda Legal and Gay and Lesbian Advocates and Defenders filed a friend-of-the-court brief, which was cited in the Court's majority opinion, written by Justice Ruth Bader Ginsburg.

WISCONSIN Defending Domestic Partnerships

Lambda Legal and the ACLU stepped in to intervene on behalf of Wisconsin same-sex couples to prevent an antigay group from attempting to strip away important domestic partner benefits signed into law in June 2006. The group claims that domestic partnerships violate Wisconsin's constitutional amendment barring marriage equality. In court papers filed October 2010, Lambda Legal argued that domestic partnerships, while inferior to marriage, are still important and currently provide over 15,000 same-sex couple across the state with vital protection during times of illness and crisis.

NATIONWIDE: Historic Presidential Directive on Hospital Visitation

In 2010, Lambda Legal led the fight to change the way hospitals treat same-sex couples and their families. Our work will have an impact on the lives of hundreds of thousands of people throughout the country.

It all started in 2007. Janice Langbehn and Lisa Pond, her partner of 18 years, were about to go on a cruise with their three children when Pond collapsed and was rushed to Miami's Jackson Memorial Hospital. For eight hours, hospital staff blocked Langbehn's efforts to see Pond, even though she held Pond's durable health care power of attorney. Pond fell into a coma from which she never recovered while Langbehn remained in a waiting room with their kids, having only been allowed to see her for five minutes as a priest administered last rites.

In 2008, Lambda Legal filed suit against Jackson Memorial Hospital on behalf of Langbehn and her three children. The suit was dismissed in September 2009 because the court concluded that no law required such visits. Lambda Legal and Langbehn kept the story alive and kept fighting for justice—and our fight made a difference.

In April 2010, President Obama took inspiration from Langbehn's ordeal to direct the Department of Health and Human Services (HHS) to ensure that hospitals participating in Medicaid and Medicare respect the rights of patients to designate visitors and to require that participating hospitals not deny visitation privileges on the basis of sexual orientation or gender identity. The President called Langbehn from Air Force One to tell her about the memo and express his sympathy for how she and her family had been treated by the Miami hospital. In August 2010, Lambda Legal submitted a letter to HHS on behalf of our organization, the Gay & Lesbian Medical Center and the National Health Law Program, detailing recommendations for improving these proposed new rules, which are slated to be published in January 2011.

WISCONSIN Defeating HIV Stigma

In February 2009, Lambda Legal and AIDS Resource Center of Wisconsin (ARCW) sued on behalf of Melody Rose, a 35-year-old incarcerated woman who was denied gallbladder surgery because she is HIV-positive. In the suit, we alleged that those who were asked to provide health care to Rose—Dr. Steven Cahee, the Fond du Lac Regional Clinic and Agnesian HealthCare—violated both federal and state law by refusing to do so based on her HIV status. In July 2010, a federal court rejected attempts by the defendants to have the case dismissed on summary judgment and instead allowed Lambda Legal and ARCWR to proceed toward trial.

GEORGIA & NATIONWIDE Fighting Transgender Discrimination at Work

In July 2010, a federal court ruled that the Georgia General Assembly discriminated against Lambda Legal client Vandy Beth Glenn, a transgender woman who was fired from her job as Legislative Editor after she told her supervisor that she planned to transition from male to female. In August, the court ordered that Glenn be reinstated in her job. U.S. District Court Judge Richard Story wrote: "...avoiding the anticipated negative reactions of others cannot serve as a sufficient basis for discrimination and does not constitute an important government interest." The parties have agreed that, until the Eleventh Circuit decides the appeal, Glenn will receive full salary and benefits in lieu of returning to work. While there is currently no federal law prohibiting employment discrimination on the basis of gender identity, many courts have held that transgender employees are protected under sex discrimination laws. This case marks a major victory for all transgender people across the country, but the fact that this discrimination occurred in the first place—and was defended as being perfectly legal—highlights the need for a federal law specifically prohibiting gender identity discrimination.

NEW YORK Protecting Parental Rights

In May 2010, New York State's highest court ruled that a non-biological mother is a legal parent and entitled to seek custody and visitation based on a Vermont civil union that she and her former partner entered into prior to the birth of their son. Lambda Legal represented Debra H. in her effort to continue to parent the son she and her former partner planned together. After the couple's relationship ended, Debra's former partner refused further contact with their son and Debra filed for emergency joint custody and restoration of parental access. Lambda Legal entered the case in early 2009. With this victory, Debra is now able to proceed in trial court, where a judge will ultimately rule on what is in the best interest of the child.

MARYLAND Extending Marriage Recognition

In February 2010, Maryland Attorney General Douglas F. Gansler issued an opinion saying that recognition of out-of-state marriages between same-sex couples is consistent with state law. Lambda Legal has worked to secure marriage recognition in New York, establishing important precedent for Maryland to follow. As a resource to the

Maryland Attorney General's Office, Lambda Legal provided detailed analysis of Maryland legal principles calling for marriage recognition. Lambda Legal also provided testimony to the Maryland legislature against proposed legislation to block recognition of out-of-state marriages. That bill was successfully opposed.

MICHIGAN Fighting the Criminalization of HIV

In 2009, Daniel Allen was involved in an altercation in which he allegedly bit his neighbor. Allen faced assault charges as a result of the incident, but he also was charged with violating a Michigan bioterrorism statute based on the allegation he has HIV. Lambda Legal filed a friend-of-the-court brief explaining that the realities of HIV transmission do not support a bioterrorism charge and that this charge leads to public misunderstanding of how HIV is transmitted, contributes to stigmatizing people with HIV and undermines important public health goals. In June 2010, the court dismissed the bioterrorism charge against Allen.

CALIFORNIA Fighting to Restore Marriage Equality

The August 2010 ruling in *Perry v. Schwarzenegger*, overturning California's Proposition 8, was a resounding victory for marriage equality. The decision in the case brought by attorneys Ted Olson and David Boies adds to the expanding conclusion in courts and legislatures across the country that there are no good reasons for excluding same-sex couples from marriage. Drawing from Lambda Legal's marriage victory in Iowa, we provided substantial consultation to the *Perry* legal team, providing the analytical framework for the expert witness presentations that helped to prove withholding marriage harms same-sex couples and their families, while aiding no one. Lambda Legal also submitted friend-of-the-court briefs in support of the plaintiffs, together with our colleagues at the ACLU and NCLR, explaining why Prop 8 should be held unconstitutional. Arguments in federal appeals court are set for December 2010. Lambda Legal will continue to provide assistance as new legal issues emerge, as well as to educate the public about this important case.

HAWAII Pressing for Equality

In July 2010 following Gov. Linda Lingle's veto of a civil union bill, Lambda Legal, along with the ACLU of Hawai'i, sued the state for violating its own constitution by denying same-sex couples important rights and protections available to heterosexual couples through marriage. Currently, we cannot sue for marriage equality as a result of an amendment to the state's constitution that allows the legislature to limit marriage to heterosexual couples. Hawai'i's current "reciprocal beneficiaries" system not only fails to provide many basic rights but also sends a message that the state views same-sex couples as unworthy of full rights, protections and responsibilities.