

LAMBDA LEGAL FINDINGS

“Life Without Fair Courts”: WE HAVE A WINNER!

Last spring, Lambda Legal and Prism Comics collaborated to host a nationwide contest for a comic strip that would depict what life without fair courts might look like. Our panel of celebrity judges narrowed the field down to five finalists. Six months later, you — our readers and supporters — have spoken! Our winner, Greg Fox, received the majority of nearly 2,000 votes! We are proud to display his winning comic, “4 Reasons for Gays to be Grateful” in this issue of *Impact*.

Visit www.lambdalegal.org/lwfc-winner-feature.html to see our 2nd and 3rd place comics and to read more about our “Courting Justice” program through which we advocate for fair and impartial courts.



ON THE DOCKET

IN WORD AND DEED

When Adola DeWolf and Laura Watts decided to co-own a house, they expected the transition would come with all of life’s ups and downs. What the couple didn’t expect was to have to fight for the house itself. DeWolf’s mortgage company, Countrywide, the self-described “#1 home loan lender” in America, had provided instructions to the couple on how to go about adding Watts to DeWolf’s mortgage. They completed everything that was asked of them, which included changing the deed. Countrywide then told the couple that by changing the deed, they had breached their contract, and that Countrywide did not recognize domestic partners as family members. Furthermore, Countrywide said that if the almost \$80,000 balance on the mortgage was not paid within 30 days, they would be forced to foreclose on the house and they would lose their home. The couple had to scramble to refinance at a much higher rate in order to save the house. In May of 2007, Lambda Legal and our cooperating firm Shearman & Sterling filed a lawsuit on behalf of DeWolf and Watts. The case will proceed to a jury trial.

IMPACT: The distinction between marriage and domestic partnerships can have dire consequences for LGBT communities. We are pressing forward in this case to ensure that creditors do not discriminate against applicants based on their marital status, in addition to stressing the overall right to marriage equality for same-sex couples.



ABUSIVE AMENDMENT

Recent attempts to use Ohio’s antigay constitutional amendment to deny rights to victims of domestic violence illustrate how discrimination against LGBT communities affects the broader community. In 2004, Ohio voters passed an antigay constitutional amendment banning marriage for same-sex couples. This antigay amendment was then manipulated by those being prosecuted for domestic violence, who contended that their unmarried status insulated them from criminal prosecution. Lambda Legal filed friend-of-the-court briefs in six of these domestic violence cases, including the case decided by the Ohio Supreme Court, urging courts not to expand the harmful reach of the 2004 amendment. Lambda Legal lauds the Ohio Supreme Court’s decision, which states that the criminal domestic violence law is unaffected by the state’s antigay constitutional amendment.

IMPACT: While antigay amendments are presented as efforts to “protect heterosexual marriage,” once they are passed, it can turn into open hunting season on all rights for LGBT communities. In these cases, the court plainly ruled that the rights of unmarried people are unaffected by the discriminatory amendment, avoiding further manipulations that might hurt Ohio citizens.



By committing to support our work on a monthly basis, members of the Justice Fund provide vital financial security. And because Justice Fund gifts arrive without the expenses involved in other fundraising efforts, more of the contribution goes directly into making the case for equality. Become a member of the Justice Fund today at <http://www.lambdalegal.org/take-action/donate/justice-fund.html>, and let us stretch your dollar even further!

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You can help Lambda Legal every time you travel on American Airlines, at no cost to you! When making a reservation on www.AA.com/rainbow or through a travel agent, just provide Lambda Legal's Business ExtrAA Account number: 541544. Simply enter the number at the bottom of the *Enter Passenger Details* section in the field for Business ExtrAA Account Number. The best part is that you still earn your own AAdvantage Miles!

Lambda Legal on the **BIG SCREEN**

Lambda Legal talked to filmmaker Pilar Prassas about her new documentary, *In Sickness and In Health*, which portrays the struggle of three same-sex couples fighting for the right to marry in New Jersey. Diane Marini and Marilyn Maneely, plaintiffs in Lambda Legal's New Jersey marriage case, became the emotional epicenter of the film as two years into the project, Marilyn was diagnosed with ALS, or Lou Gehrig's disease, and passed away before the court ruling.

Q: Lambda Legal: What impact do you hope Marilyn and Diane's story will make with viewers?

A: Pilar Prassas: The story of Marilyn and Diane is a prime example of why same-sex couples are fighting for the right to marry. They not only need these protections in place

but they deserve these protections. Marilyn and Diane experienced the absolute worst thing that could ever happen to a couple. Marilyn was diagnosed with a life-threatening disease and she was told she only had a few months to live. I hope that by witnessing this in my documentary, people will begin to realize that this family is just like every other family. Diane and their five children came together to help Marilyn live her final days with dignity and purpose. My goal is to share this personal story with people in hopes of raising awareness about the larger social and political issue at hand.

Learn more about *In Sickness and In Health*: www.redstarproduction.com

UPS (FINALLY) DELIVERS

In our New Jersey marriage lawsuit, we won a historic ruling from the state supreme court that same-sex couples must be granted the rights and responsibilities of marriage. Unfortunately, the legislature opted for a civil union law to grant these rights, leaving the door open for discrimination by employers — who might, following the legislature's lead, draw a distinction between civil unions and marriage. When Tom Walton and Gabriel "Nickie" Brazier, two New Jersey United Parcel Service (UPS) drivers, attempted to add their respective long-term partners to their employee health care plans, they dealt with this very scenario. UPS denied spousal health insurance to the civil union couples. In July, Lambda Legal with local counsel Leslie Farber brought a legal challenge on behalf of both couples, and the company relented. It now provides benefits to employees' same-sex civil union partners and families.



IMPACT: Our action against UPS and the company's quick decision

to correct its policy led to an important breakthrough: People finally understood that the civil union law would not work. When a legislature creates a separate civil union status for same-sex couples, it essentially invites employers to discriminate against these couples as well. Only marriage offers a clear path to equality.



LAMBDA LEGAL 4 STUDENTS

Lambda Legal recently seized upon an opportunity to reaffirm First Amendment freedoms of LGBTQ students in a case that may seem, at first glance, to be unrelated to our work. In 2002, Joseph Frederick, an 18-year-old high school student in Juneau, Alaska, was suspended after he held up a banner reading "Bong Hits 4 Jesus" at a public parade off school grounds. Lambda Legal filed a friend-of-the-court brief because of the implications the decision to bar Frederick's speech might have for LGBTQ students in schools. On June 25, the U.S. Supreme Court held that a school can restrict student speech in certain instances — including those promoting illegal drug use. Fortunately, the court accepted the main argument advanced by Lambda Legal: A school may not prohibit students' expression of ideas simply because those ideas differ from school administrators' personal views.

IMPACT: The power to speak up against discrimination and freedom of expression are arguably even more crucial for LGBTQ youth, and Lambda Legal pledges to maintain these rights for students in their schools and in their communities.