

Impact

6 PROTECTIONS
LGBT
SENIORS
NEED NOW

LIFE AFTER
"DON'T
ASK,
DON'T
TELL"

SHOULD YOU
ADOPT?

TRANSFORMING INJUSTICE

A VICTORY FOR TRANSGENDER
RIGHTS IN THE WORKPLACE

Lambda Legal client
Vandy Beth Glenn



PLUS:
KEVIN CATHCART
ON 20 YEARS AS
EXECUTIVE DIRECTOR

 **Lambda Legal**
making the case for equality

A LEGACY OF LEADERSHIP



ROBBIN BURR

WISDOM . . . CONSISTENCY . . . RELIABILITY . . . those are the words that come to mind when I think of Lambda Legal and of its leader, Kevin.

Kevin Cathcart came into my life more than 15 years ago when I was a founding member of the American Airlines “Rainbow Marketing TeAAm.” I worked as a part of the team to establish and implement an American Airlines sponsorship for Lambda Legal (a sponsorship that continues to this day). Back then we were confident in what continues to play out. Lambda Legal would maintain a strong march towards the Equality Finish Line with strategic, well-managed and highly professional work.

When I retired from American Airlines and went on to spend a few years as the first executive director of Chicago’s Center on Halsted (LGBT Community Center) my profound respect for Kevin

Cathcart deepened. Kevin is viewed by others as a leader *among* leaders. He generously contributes to the success of other leaders as a founder and leader of the LGBT Executive Directors Institute held yearly in Southern California. Kevin gives so much in his day-to-day work at Lambda Legal, but also takes time to mentor others, making a difference on the front line *and* behind the scenes.

Kevin, congratulations on twenty years at Lambda Legal! Through your work you’ve made an indelible mark to better the lives of LGBT individuals, people living with HIV and their families. Thank you. I’m proud you are our Executive Director and wish you many more years of success.

ROBBIN BURR
LAMBDA LEGAL BOARD CO-CHAIR
Rockford, IL



BRUCE DEMING

UNLESS YOU’RE A BOTTLE OF FINE BORDEAUX, getting better with age is no easy feat. Kevin Cathcart has managed that task with grace. His insight, drive and focus have served the LGBT community for decades and over that period of time his contributions have only grown in scope and significance.

I first met Kevin in 1991 when I was a third year law student at Harvard and Kevin was executive director of Boston’s Gay & Lesbian Advocates & Defenders (GLAD). I interviewed Kevin for a law review article about the passage of the Massachusetts civil rights bill for gay and lesbian people. I was struck by his understanding of, and his commitment to, our movement for full equality. Since that initial meeting, I have been witness to Kevin’s remarkable string of accomplishments on behalf of the LGBT community.

Lambda Legal has flourished under Kevin’s guidance over the last 20 years. With five offices across the country, over two dozen legal staff, and the support of many of the leading global law firms, Lambda Legal has successfully navigated a dizzying array of political, social and economic

challenges and established itself as a fundamental force for good in the LGBT civil rights movement.

Not only has Lambda Legal thrived, but our community has benefited directly and tangibly from Kevin’s work and Lambda Legal’s success. No longer can LGBT people be jailed for private consensual sexual behavior, because of Lambda Legal’s historic Supreme Court victory in *Lawrence v. Texas*. Kevin guided our organization and our movement to that moment that changed the legal landscape forever. And there are so many other successes: In most states, no longer can children be removed from their parents simply because of their sexual orientation. No longer can schools ignore bullying of LGBT teens. No longer can same-sex couples be deprived of the right to marry in a small but growing number of states.

Thank you Kevin. I can’t wait to see what you do over the next 20 years.

BRUCE DEMING
LAMBDA LEGAL BOARD CO-CHAIR
San Francisco

Kevin M. Cathcart, Executive Director
Frances J. Goldstein, Deputy Director

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ON THE COVER

Four years ago, Lambda Legal client Vandy Beth Glenn was fired for being transgender. **PAGE 7**

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Lambda Legal is a national organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and those with HIV through impact litigation, education and public policy work.

HAWAII

B&B & BIAS

Imagine booking a Hawaii trip and being turned away because you're lesbians.

It happened to Diane Cervelli and Taeko Buford, a California couple who were planning a trip to Honolulu to be near a friend who had just given birth. The friend suggested nearby lodging, the Aloha Bed & Breakfast. Cervelli called to make a reservation, and when she provided the names of who would be staying in the room, the business owner asked if they were lesbians. Cervelli answered truthfully, and the owner refused to rent the room.

"In my past experiences in Hawaii, people have been so friendly," Cervelli told the Associated Press. "It was just hurtful. It made me feel we weren't good enough."

Lambda Legal is suing Aloha Bed & Breakfast on the couple's behalf, claiming it violated Hawaii's public accommodation law, which prohibits discrimination based on sexual orientation. In addition, the Hawaii Civil Rights Commission has moved to join the lawsuit in order to protect and enforce the state antidiscrimination law. The B&B is represented by the antigay legal group Alliance Defense Fund.

"When you open the doors of your business to the public, Hawaii law absolutely forbids you from discriminating against your customers," said Lambda Legal Staff Attorney Peter Renn. "You can't roll up the welcome mat when you see a lesbian or gay couple, just as you can't refuse to do business with Jewish customers, African-American customers, or disabled customers."



Buford and Cervelli, rejected by a bed-and-breakfast owner, are fighting back.

Save the Date

FEBRUARY
12 Ladies & Lambda Legal Reception San Francisco, CA

MARCH
25 Lambda Legal in Fort Lauderdale Ft. Lauderdale, FL
26 Jeffrey Fashion Cares New York, NY

APRIL
20 Lambda Legal's San Francisco Soiree San Francisco, CA
25 Bon Foster Civil Rights Celebration Chicago, IL

MAY
7 Liberty Awards National Dinner New York, NY

JUNE
14 West Coast Liberty Awards Los Angeles, CA
22 Lawrence Celebration Breakfast Houston, TX

FOR MORE INFORMATION ON LAMBDA LEGAL EVENTS, VISIT
www.lambdalegal.org/events

MARYLAND

ROAD TO EQUALITY

A string of recent victories in Maryland is helping the state edge closer to full legal recognition of the marriages of same-sex couples.

Lambda Legal represented Margaret Selby and Juanika Ballard, two Baltimore County police officers who were denied health benefits for their same-sex spouses. In November, an arbitrator ruled that the county violated the terms of their union contract by denying benefits.

Previously, Lambda Legal had represented Stacy Pipkin, an administrator with Anne Arundel County Public Schools who sought health coverage for her wife and was turned down. Following a complaint on Pipkin's behalf to the Maryland Commission on Human Relations, the school system changed its policy last July and made spousal benefits available to same-sex couples.

On the heels of these victories, Baltimore County announced that beginning January 2012 it would extend spousal benefits to all married county employees on an equal basis.

"Sometimes, getting a fair deal for a couple of people opens the door to justice for many more," said Susan Sommer, Lambda Legal's Director of Constitutional Litigation.

FIND OUT WHAT THE LAW IS IN YOUR STATE
Go to www.lambdalegal.org/states-regions

PHOTOS: AP PHOTO/ERIC RISBERG (BUFORD AND CERVELLI)

TREATMENT PLAN

As the U.S. Supreme Court prepares to hear challenges to the health care reform law, Lambda Legal weighed in by explaining to the Court how the legislation helps correct many of the failures in the current health care system for people living with HIV.

Congress enacted the Patient Protection and Affordable Care

Act (ACA) in 2010, bringing critical reforms to the private health insurance industry and expanding access to health insurance for millions of Americans. Challenges to this landmark law's constitutionality immediately were filed in federal courts.

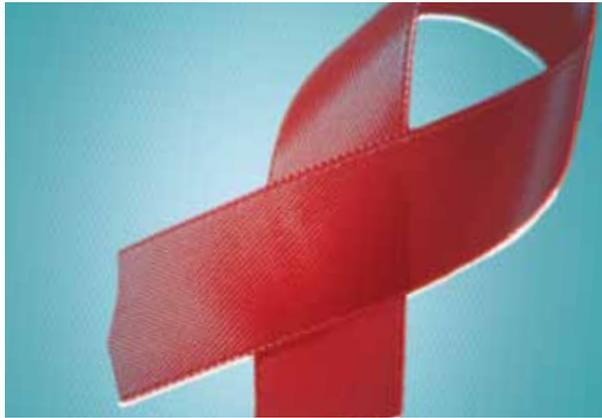
Lambda Legal, with co-counsel Ropes & Gray, filed a friend-of-the-court brief on behalf of 16 national HIV advocacy organizations. The brief supports the Obama administration's position regarding what is perhaps the ACA's most contentious feature, the minimum coverage requirement (also known as the individual mandate). Lambda Legal attorneys have an answer for those who question whether the government can require people without health insurance to purchase it:

"The ACA's interconnected reforms—including expanded Medicaid coverage, elimination of pre-existing condition exclusions, and the minimum coverage requirement—are a proper exercise of Congress's power to address a broken national health care finance system," said Susan Sommer, Lambda Legal's Director of Constitutional Litigation.

Better access to care leads to higher levels of HIV testing and prevention. After Massachusetts enacted health care reform in 2006 similar to that subsequently enacted nationally, the HIV transmission rate dropped 37%, while the national rate rose 8%. In Florida, which is challenging the ACA, 21% are uninsured, compared with 5.6% in Massachusetts. And Florida's HIV infection rate is *five times* that of Massachusetts and the highest in the nation.

"The reforms of the ACA are a crucial bridge between the current state of the domestic epidemic and a future free from AIDS," said Lambda Legal HIV Project Director Scott Schoettes.

The Court is scheduled to hear oral argument in March.



More access to health care is needed in the fight against HIV.



Franke with daughter Sara Bowling Franke.

IN MEMORIAM

DR. ROBERT FRANKE (1933–2011)

Lambda Legal mourns the passing of Dr. Robert Franke, plaintiff in our 2009 lawsuit against an Arkansas assisted living facility that evicted him when staff found out he had HIV. The case was settled in 2010.

A Unitarian-Universalist minister and retired university provost, Dr. Franke was recognized for his contributions in the battle against HIV stigma and discrimination at a 2010 White House conference on HIV and aging.

"Dr. Franke was an educator through and through," said Scott Schoettes, Lambda Legal HIV

Project Director. "He never had any desire to draw attention to himself—or his medical condition—but he was willing to do whatever was necessary to make his terrible experience a 'teachable moment,' to help ensure that no other senior living with HIV suffered the kind of discrimination he did."



LAMBDA LEGAL HONORS AMERICAN AIRLINES

In recognition for their valued support and leadership in advancing LGBT rights, Lambda Legal is pleased to present American Airlines with a National Liberty Award at our annual gala dinner on May 7th, 2012 at New York City's Chelsea Piers. American Airlines, the official airline of Lambda Legal, has been a pioneer in progressive values regarding the LGBT community for nearly two decades. The first major airline to implement same-sex domestic partner benefits as well as the first to introduce protections for sexual orientation and gender identity to their workplace nondiscrimination policies, American Airlines is approaching their 9th anniversary as a National Sponsor of Lambda Legal.

Betty Young, Manager of Diversity Markets for American Airlines, said: "We are honored to receive the National Liberty Award from one of our nation's strongest advocates for equal rights. We will keep working every day to deserve this recognition."

For more information on American's commitment to diversity, visit AA.com/diversity

Ask Lambda Legal

Our attorneys field your questions on the issues that matter to you most. **By Staff Attorney Beth Littrell**

Q My partner and I have been together for some time and are considering having a family. Is it legal for us to adopt in any state? Are there other important legal considerations we should bear in mind?

A Courts increasingly recognize that the sexual orientation of parents has no bearing on the well-being of children. However, because adoption has yet to be recognized as a constitutional right, the ability for LGBT people and couples to adopt can vary from state to state.

JOINT ADOPTION. For couples who are not having a child biologically, joint adoption might be an option. While some states expressly allow joint adoptions by same-sex couples and a few states do not, most state laws are unclear as to whether judges may grant a joint adoption to an unmarried or same-sex couple. It is important to involve a family-law attorney throughout this process, not only to help formalize your parental relationship with your child, but also to explain any risks and to plan a parenting and custody agreement in the event you break up.

PARENTAL PRESUMPTION: If you and your partner are married, in a civil union or registered as domestic partners and a child is born who is biologically related to one of you, your state may automatically and legally recognize the parental rights of the non-biological partner (called a presumption of parenthood—reinforced recently in Iowa in a case led by Lambda Legal, *Gartner v. Newton*). However, because other states have laws barring same-sex couples from marriage, problems can arise where legal parentage is only gained through presumption of parenthood. We suggest non-biological parents also adopt their children through a second-parent or step-parent adoption.

SECOND-PARENT ADOPTION: This process allows a non-biological parent to adopt while preserving the parental rights of the biological parent. If you and your partner are not



Couples should take legal steps to protect their parental rights.

married, in a civil union or registered as domestic partners, and one of you has a child, second-parent adoption is an important tool to make sure you're both legally recognized as parents. Many states require the biological parent to terminate his or her parental rights before another, unmarried adult can adopt. This, Lambda Legal has repeatedly argued, would lead to the absurd result of denying many children of same-sex parents two legal parents. Such children would also be vulnerable to losing their non-biological parent in the event of a break-up or the death of their biological parent. Whether judges in your state will grant a second-parent adoption, and whether it would be upheld if challenged, are state-specific questions that, unfortunately, cannot always be answered with certainty based on the evolving law in this area in many states. Although some state courts have ruled that second-parent adoptions are not available to same-sex couples, many state courts (and every other child welfare organization) have agreed with Lambda Legal that adoption laws should be construed to protect the best interest of the child.

As with joint adoptions, it's important to hire a family-law attorney to help you and your partner petition for the adoption and draw up an agreement, or help you get a court order, that sets out parenting and custodial rights in the event that you split up. As in several recent custody-dispute cases involving same-sex couples, an ex-partner may move to a state whose laws discriminate against same-sex couples or otherwise move to invalidate the other partner's rights. These actions create harmful precedent that hurts our community for years. We encourage everyone to protect the best interests of their children and show respect for LGBT families—even through

the dissolution of their adult relationships—by avoiding litigation that seeks to deny their children a relationship with their other parent.

INTERSTATE INVALIDITY: In addition to the possibility of a breakup and custody dispute, disparities in state law can come into play if same-sex parents travel or move to other states where their parental rights are less clear. Non-biological parents should seek to formalize their parental relationship to their child through any means available, even if the state where they live recognizes their parental relationship as a result of their relationship to each other. Options include adoption, court orders (e.g. establishing parentage or joint custody) and agreements regarding parental status. Protections for LGBT families remain a state-by-state battle, and Lambda Legal is fighting for families in all states. **L**



IF YOU NEED FURTHER INFORMATION or encounter discrimination in your efforts to adopt or formalize parental rights: call Lambda Legal's Legal Help Desk at 866-542-8336 or visit www.lambdalegal.org/help-form

Transforming Injustice

Lambda Legal and client **Vandy Beth Glenn** score a historic victory for transgender rights in the workplace.

VANDY BETH GLENN, A LEGISLATIVE EDITOR BASED IN Atlanta, is still haunted by the day four years ago when she went into the office of her supervisor, Georgia General Assembly Legislative Counsel Sewell Brumby, and told him she planned to transition from male to female. Glenn had worked in Brumby's department for two years and loved her job. But he fired her on the spot.

"Not a day goes by that I don't think about that moment," she said. "Every day I revisit the anger, the humiliation and the despair that I felt."

On December 6, Glenn was vindicated when the Eleventh Circuit Court of Appeals upheld a District Court ruling that the Georgia General Assembly had discriminated against her. The three-judge panel's decision was unanimous. "An individual cannot be punished because of his or her perceived gender-nonconformity," wrote Judge Rosemary Barkett in the court's decision. "Because these protections are afforded to everyone, they cannot be denied to a transgender individual."

Lambda Legal Supervising Senior Staff Attorney Greg Nevins argued the appeal just days before. The lower court victory and the rigor of the judges' questioning during the argument had shored up Glenn's confidence in the outcome. Still, when the decision came down, her first emotion was shock. "We had been led to believe several months would be a relatively short timeframe for a ruling from the 11th Circuit," she said. "To get an answer from the court in only five days really bowled me over. It was a powerful comment on the strength of our case."

"The court could not have been more clear: It is unfair and illegal to fire transgender employees because their appearance or behavior transgress gender stereotypes," said Nevins.

The Glenn decision built on the ruling in *Smith v. Salem*, from the Sixth Circuit Court of Appeals in 2004, which declared it discriminatory and illegal to fire an employee because of her gender transition. The *Smith* ruling focused primarily on the plaintiff's Title VII sex discrimination claim. The *Glenn* ruling, based on the Constitution's Equal Protection guarantee, establishes another crucial precedent in the battle for transgender rights as well as for protections for all LGBT employees in the workplace.

"My attorneys devised a brilliant legal strategy," Glenn said. "Everyone at Lambda Legal has been amazingly supportive and dedicated throughout this whole process."

Three days after the ruling, she returned to work. "It's been a bit of an adjustment," said Glenn, who has been away from the office for four years, although she had her salary restored in July 2010 as a result of the District Court ruling. "But I'm quickly getting my feet back under me."

Glenn has also worked with Lambda Legal to further the organization's educational efforts. "I hope my relationship with Lambda Legal can continue beyond the end of the lawsuit," she said.



Vandy Beth Glenn, twice triumphant in court, is back on the job.

"TO GET AN ANSWER FROM THE COURT IN ONLY FIVE DAYS REALLY BOWLED ME OVER. IT WAS A POWERFUL COMMENT ON THE STRENGTH OF OUR CASE."

As for other transgender employees struggling to integrate their identities with their professional lives, she wishes she could promise them outcomes as positive as hers has been. Until a federal law like ENDA is passed to outlaw anti-LGBT discrimination in the workplace, the fight isn't over. "We are definitely on the right track though," she said. "The more people come out and assert their identities, the better it will be for all of us. The world gets better for us every day." **L**



FOR MORE INFORMATION, check out our Workplace Rights & Wrongs factsheet at www.lambdalegal.org/trans-toolkit

Into the Future

Kevin Cathcart looks back on 20 years of leadership as executive director of Lambda Legal, and forward to the challenges that lie ahead.

WHEN KEVIN CATHCART ARRIVED AT Lambda Legal in 1992 to take on the job of executive director, he had already shepherded groundbreaking lawsuits and civil rights campaigns for eight years at New England's Gay & Lesbian Advocates & Defenders (GLAD). But he was ready to go national, as he says in this interview. Since then, Lambda Legal has made history, tackling a massive roster of groundbreaking cases, including lawsuits seeking marriage equality, challenging anti-sodomy laws and "Don't Ask, Don't Tell," and addressing adoption, custody, hospital visitation, school harassment, workplace fairness and more. Twenty years into his tenure, Cathcart reflects on the landmark achievements of the organization and the broader movement—and the significant work that remains to be done. »



In all the years I've been doing this, I have never felt like there was **more opportunity than there is right now.**

STARTING SMALL, STAYING LOCAL

WHAT WAS GOING ON AT LAMBDA LEGAL IN 1992 THAT PIQUED YOUR INTEREST?

I had seen first-hand during my years in New England what a local or regionally based organization could do. One of the things that was very exciting about the idea of coming to Lambda Legal from GLAD was that here was a larger national organization that was committed to expanding its footprint nationwide, beyond New York and Los Angeles.

For legal defense organizations, it's not just about how cases get done. It's about giving people a sense of ownership, of access. Will people come to you with their problems? Will you have connections to the local LGBT or civil rights communities? Now, our regional offices in Los Angeles, Chicago, Atlanta and Dallas are jumping-off points so that our attorneys, community educators and other staff can be on the ground and involved in a lot of communities.

HOW EXACTLY HAS THAT REGIONAL STRATEGY BORNE FRUIT?

I think the Iowa marriage case, which we won in 2009, is a good example. It made a big difference that people from Chicago could go to Iowa readily, develop relationships with the community there and work one-on-one with our plaintiffs—not just over speaker phone and email.

In cases like that, we also work to help move public opinion and on the other pieces that go into helping to win in the first place and making legal victories real for people so the opinions don't just end up on a shelf in a law library. For instance: What does this decision about marriage, custody or adoption mean for you living here? What should you do to protect your family? That's another way that Lambda Legal has grown a lot during my tenure—not only do we have far more lawyers and a much bigger docket, but we added our Education and Public Affairs department.

LAMBDA LEGAL HAS STARTED SMALL AT TIMES TO GRADUALLY BUILD TOWARD THE NATIONAL LEVEL, RIGHT?

Yes—in *Lawrence v. Texas*, for instance, in which the U.S. Supreme Court overturned its prior *Bowers v. Hardwick* decision. *Bowers*, which upheld the constitutionality of Georgia's anti-sodomy law, came down in 1986 and was a real blot on American jurisprudence as well as a serious problem for lesbian and gay people across the country.

For the next 17 years, Lambda Legal worked to overturn that decision by litigating in the states where sodomy laws were vulnerable under state constitutions and, one by one, picking off state sodomy laws. So we were able to go back to the Court with a clear trend towards decriminalization.

WHAT ABOUT OUTSIDE OF COURT? DO VICTORIES IN PUBLIC OPINION COUNT AS MUCH AS LEGAL VICTORIES?

Oh yes. Take the example of Janice Langbehn's case in Florida, in which she was denied the right to visit her dying partner in the hospital. We lost in court—not because she didn't suffer an outrageous harm, but because Florida law is bad on what hospitals are required to do. But we were able to keep the issue alive in part because in Janice we had a plaintiff who was willing to be very public with her story.

And because we were now structured to do that kind of work, we kept the issue alive—which led to a big *New York Times* story and the President becoming aware of it, which led to his issuing a directive to the Department of Health and Human Services to adopt new regulations for hospitals, as well as the President calling Janice directly from Air Force One—and most recently to Janice receiving a Presidential Citizens Medal at the White House.

MATT COLES

Deputy National Legal Director, ACLU



Speaking truth to power—no one does that better than Kevin Cathcart. Shortly after I started at the ACLU LGBT Project, I went to my first (maybe only) meeting with a member of the Cabinet of the United States. I listened as Community Leaders fell all over themselves thanking Janet Reno for coming. Kevin then gave a short, polite “thank you,” said that a meeting wasn't an accomplishment (several old D.C. hands went into shock), and that we had real work to do. Which we then began.

Kevin will tell you that he isn't really a lawyer, just an administrator. This is the only thing he says that you shouldn't believe. I've seen him reshape the movement's legal strategy with a few well-chosen words on everything from HIV to parenting. And any fan/supporter of Lambda Legal knows it is Kevin who built it and made it into the deeply respected legal powerhouse it is today.

MARJORIE J. HILL, Ph.D.

CEO, Gay Men's Health Crisis (GMHC)



Kevin is a superb strategic thinker and one of the most generous and wise leaders in the community today. He's honest, side-splittingly funny and amazingly compassionate.

Last spring, during a particularly challenging period for me, Kevin and I were having breakfast, as we often do. As we ate, I shared about my distress. All of a sudden, he started drawing diagrams on paper napkins. Ten minutes later, I was laughing hysterically. While I don't remember fully what the diagrams were meant to illustrate, I do remember how much better I felt. This was not the first or the last time that Kevin had my back and held my hand.

I am proud to know Kevin and to partner with him in the fight against injustice—and even prouder to call him my friend.

LORRI JEAN

CEO, L.A. Gay and Lesbian Center;
former Executive Director, National Gay
and Lesbian Task Force (NGLTF); former
Lambda Legal board co-chair



I have so many great memories with Kevin, including from the very beginning when, as a Lambda Legal board member, I served on his hiring committee. Kevin has never let me live down how annoying I was as I essentially transcribed his interview onto my laptop. He began speaking and I started typing. He stopped; I stopped...for the entire interview.

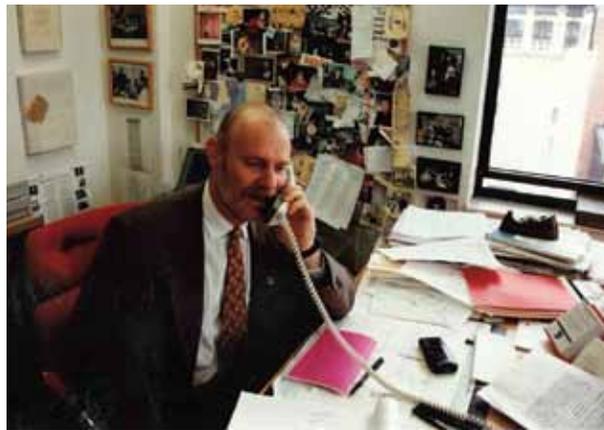
That fateful Lambda Legal hiring committee had no idea we were choosing the person who would become the single most enduring and effective national leader in our movement for LGBT civil rights and in the fight to stop discrimination against people with HIV/AIDS. Under Kevin's extraordinarily competent and inspired leadership, Lambda Legal has accomplished more in the last 20 years to advance our cause than any other national LGBT organization. I'm proud to have played a role in his hiring, and even more proud to be his friend.

KATE KENDELL

Executive Director, National Center
for Lesbian Rights (NCLR)



I know when many people think of Kevin Cathcart they think of an accomplished, tenacious and revered legal advocate and movement leader. That is all true and well deserved, but as those lucky enough to spend any time with him know, Kevin is wickedly witty and knows how to have a great time. He is also one of the most deeply caring people I know. You can't be in this work for over 20 years without a genuine passion for justice and for righting wrongs and restoring the dignity of the most vulnerable. A huge reason I love my job is because Kevin is a dear and esteemed partner with me in this work.



Cathcart at Lambda Legal in the early 1990s.

TWENTY YEARS LATER

SO MUCH HAS CHANGED IN THE WORLD DURING YOUR 20 YEARS AT LAMBDA LEGAL. DO HIV CASES STILL BELONG ON LAMBDA LEGAL'S DOCKET?

One of the things that's been a challenge is the way that the HIV and LGBT movements have drawn apart. I do think that in the world at large there's been a bit of a separation: Now when people talk about LGBT issues they're more likely to be thinking about marriage or ENDA. But that shift is quite problematic because the epidemic continues to spread tragically among men who have sex with men, whether they identify as gay or bisexual or not. And homophobia contributes to the public health crisis.

HIV is not going away as a civil rights issue in this country. Employment discrimination is still a huge issue, for example. Criminalization is an issue as well. But it's been challenging for Lambda Legal because so much of what's needed in HIV is adequate funding for care and treatment, as well as ensuring the availability of certain types of harm reduction and prevention measures, and we have never really found good legal hooks for that. But there are pieces of it—about sex education or what you can talk about in schools that we can work on, as well as protecting confidentiality and continuing to combat discrimination in employment and access to health care. We continue to be very committed to HIV-related work.

ARE YOU SURPRISED ABOUT THE DIRECTIONS THAT LAMBDA LEGAL HAS ENDED UP TAKING?

Actually, one of the things that's fascinating to me is that when I look back at the work that Lambda Legal did at its very beginning, most of the categories remain the same.

For instance, we were always doing custody work—although in those days the custody cases almost invariably involved a lesbian mother, or sometimes a gay father, coming out of a heterosexual marriage. Now it tends to be lesbian or gay breakups or divorces.

We were always doing schools-related cases but in those days it was about the right of students to organize at the college level. Now—in large part because of Lambda Legal's work on both school violence and the right of students to organize gay straight alliances, the battles are about high schools and junior high schools.

Some issues are resolved in some states, but there is a lot of work yet to do in many states and at the national level. You know what else hasn't changed much? How relatively small and underfunded almost all of our movement organizations are. Studies show that less than five percent of LGBT people in this country contribute financially to local or national LGBT organizations, and there's concern about what might happen with people for whom marriage seems to be the only issue. Once they can get married, will they step back?

This is frustrating for us and other LGBT organizations, because we have incredible opportunities right now to make more change as we move the law and public opinion steadily in our favor.



Cathcart with Col. Margarethe Cammermeyer and executive producer Barbra Streisand at the premiere of *Serving in Silence*, 1995.

GENERATION NEXT

DO YOU THINK THAT THE IDEA OF LGBT RIGHTS IS ON ITS WAY OUT—WITH YOUNGER GENERATIONS REJECTING SUCH LABELS AND WITH MANY LGBT PEOPLE BEING MORE AND MORE IN THE MAINSTREAM?

I wish I could believe the idea of LGBT rights was soon going to fade because we had ended all the discrimination. We have made amazing progress in these last 20 years, no question about that. But we don't even have a federal law that provides protection in employment, let alone broader civil rights protections. And a significant number of states don't have and are unlikely to pass such laws in the imaginable future. Forty-four states don't allow same sex couples to get married. Teenage suicide linked to harassment and bullying in schools continues to be a huge issue.

I am very aware that I live in a bubble. I live in New York City, and I work at Lambda Legal. There are lots of LGBT people or people with HIV in this country who live in places where they still don't have even basic civil rights protections, or where their rights aren't respected.

Yes, times are different. The range of people and organizations who now routinely help Lambda Legal with amicus briefs, for example, has expanded so much. However, there is an enormous amount of discrimination and violence in the world. There is an out-of-control HIV epidemic that the government won't put enough money into. And homophobia and transphobia are still all around.

WHAT DO YOU SEE AS THE MAIN LEGAL FRONTIERS IN LAMBDA LEGAL'S NEAR FUTURE?

The biggest issue right now continues to be marriage work, particularly the DOMA challenges and then winning access to marriage in the many states where it doesn't exist. That is going to be a huge undertaking because there are so many states that have constitutional amendments prohibiting equal marriage rights. I am not optimistic about getting a huge win from the U.S. Supreme Court at a time when a majority of the states have state constitutional amendments barring marriage by same-sex couples and only six states have full marriage equality.

But I do not want to sound pessimistic. In all the years I've been doing this, I have never felt like there was more opportunity than there is right now. Just recently, the first

openly gay Federal District Court judge and only the second openly lesbian judge at that level were voted in by the Senate. And now openly gay people can serve in the U.S. military—even though openly gay people can still be fired by private employers in most states with no recourse. The military is the country's largest employer and this will lead to further progress.

WHAT MAKES YOU ESPECIALLY PROUD AMONG LAMBDA LEGAL'S RECENT SUCCESSSES?

I'm very proud of our role in the administration's decision to stop defending DOMA in the courts. The first brief the government filed after that was in our *Golinski* case, which is Lambda Legal's DOMA challenge in the Ninth Circuit in California. And when I read this brief, it was breathtaking because it read like briefs that Lambda Legal and our sister organizations have been filing for years.

It's an amazing thing. It's much bigger than DOMA or marriage recognition. It's about having the federal government owning and acknowledging the history of anti-gay discrimination and its own role in it.

It's also a reminder that as a community or in terms of Lambda Legal as an institution, we have helped create a different world. Of course, we're nowhere near done. But there's all this opportunity and there's all this change that is possible, and it's possible right now. That's evident in our recent win in *Glenn v. Brumby* [see "Transforming Injustice" on page 7], a case in which the chief legal counsel for the Georgia General Assembly fired a legislative editor when she told him she was transitioning from male to female. After Lambda Legal filed suit on Vandy Beth Glenn's behalf, the District Court ruled that the legal counsel had violated the Equal Protection Clause of the Constitution. This past December, a three-judge panel in the Eleventh Circuit, covering Georgia, Florida and Alabama, unanimously upheld the ruling. This decision has enormous ramifications for both transgender rights as well as the rights of all LGBT people in the workplace. Would this have been possible twenty years ago? No. Yet as groundbreaking as this decision is, our community and our families still need many more like it. **L**

There are lots of LGBT people or people with HIV who live in places where they still don't have even basic civil rights protections, or where their rights aren't respected

URVASHI VAID

Former Executive Director, National Gay & Lesbian Task Force (NGLTF); author; activist



I remember in 2000, Kevin, my partner Kate Clinton and I traveled to India with two other close friends.

We had an amazing three weeks, traveling throughout the country, visiting with my family and (of course) meeting with the local queer community. When we talked to local activists, they described the urgent need to eliminate the anti-gay sodomy laws in India. Kevin was so encouraging. Well, two years ago, after nearly two decades of fighting for it, the court case that the Indian queer legal movement brought did succeed.

It's that kind of optimism which is the currency of activism. And it is that determined and resilient faith in social justice that Kevin embodies. Congratulations, dear Kevin.

EVAN WOLFSON

President, Freedom to Marry



One of my earliest memories of Kevin as the new leader of Lambda Legal, while I was on staff there, came shortly after he arrived. Kevin gave a keynote speech at the Lavender Law conference that electrified the group with powerful and instructive insights that I've remembered ever since.

This was a pretty contentious time within the movement: The pain and stresses of battling AIDS, pervasive discrimination and a hostile government and culture were further exacerbated by divisions among activists. Those favoring "outsider" direct action wrangled with those devoted to "insider" work; service-providers and advocates bristled over resources; and we endured endless debates between "liberationists" and "assimilationists." Sometimes these divides were intensified by characterizations invoking age and generation, sex, class, and race.

With confidence, Kevin built his call to action around the rising sense of entitlement among young people, but framed this entitlement not as a pejorative, but as an accomplishment and as a source of energy and renewal for our movement. He embraced the divisions as a testament to, and even a source of, our strength—and thus kept Lambda Legal and movement veterans like him and me youthful, inclusive and future-facing.



Serving Out Loud

Kevin Cathcart catches up with **Col. Margarethe Cammermeyer (Ret.)**, discussing the end of “Don’t Ask, Don’t Tell” years after the groundbreaking suit Lambda Legal led on her behalf, as well as the critical work that remains to establish full equality in the military.

KEVIN CATHCART: This may sound like a silly question, but I guess I would just ask how you feel about the end of “Don’t Ask, Don’t Tell” and the beginning of open service?

COL. MARGARETHE CAMMERMEYER: Well, what took them so long? In 1989, when I sought help from you at Lambda Legal, it seemed like we would just fight it, then it would change and it would all go away. Instead, it’s been years of struggle for lesbian, gay and bisexual service members. To see it all come to an end is a little unbelievable. But at the same time, it’s tragic too, because of all the careers sacrificed in the process of getting to this point.

CATHCART: Discrimination is never good, but when the government discriminates, it’s worse. The military is the country’s largest employer. To have the largest employer make this policy change, that automatically affects an incredible number of people. Organizations like Lambda Legal,

Servicemembers Legal Defense Network and Log Cabin Republicans toiled for years to see this day. I hope repeal will have an impact down the road on other employers, because if the military can finally end outright discrimination, then what’s the rationale for any other employer to continue to discriminate?

Because this policy had been in effect for so long, some people think that the ban started with “Don’t Ask, Don’t Tell.” People have lost sight that this policy replaced other policies, which replaced other policies, and none of them were good.

CAMMERMEYER: I don’t think any time that you have a policy—especially a government policy—that discriminates against one group of people, it’s ever good. The military thought they were doing gay people a favor when they banned us from serving after World War II because, before that, many who served ended up in jail for violating the military’s sodomy law or were committed to a psychiatric hospital. It certainly perpetuated the notion that

“IF THE MILITARY CAN END OUTRIGHT DISCRIMINATION, WHAT’S THE RATIONAL FOR ANY OTHER EMPLOYER TO CONTINUE TO DISCRIMINATE?”

there was something wrong with being homosexual. It wasn’t until the ’70s that people started thinking that maybe there’s nothing wrong with being gay.

I was discharged prior to “Don’t Ask, Don’t Tell,” but there’s a long history of sacrifice—people who came before and fought, even though they didn’t have the legal support that I ended up getting. Without them, we wouldn’t be here.

CATHCART: Yes, but on the other hand, a lot of people didn't fight back. A lot of people took the hit, and thousands were discharged. You chose to stand up and fight, which really made a difference. You played an enormous role, putting a human face on this policy. How did you decide to fight back?

CAMMERMEYER: I think what might have made a difference in my case was that I had already served for 25 years. All of those statements about why it was so dangerous for someone to be gay and serve in the military made no sense. Not only had I served in Vietnam, I had a family, I had kids, and I was your regular old grandmother. How dangerous could I be?

And then the fact that Barbara Streisand and Glenn Close became involved and wanted to tell the story of a service member and I happened to be it. That allowed for a picture of what our lives were like and what it meant to be dedicated to the American military and want to serve this country and the cost of pushing us out.

When I first came out, it was part of a top-secret security investigation because I wanted to go to the war college and be a general. Then six months later, I was told that they were going to be discharging me because of my honest statement. I felt that that was unfair, and I was not going to stand for it if there was any option.

It was very frightening, because I didn't have money to hire a legal team. I was ecstatic and felt such relief when Lambda Legal accepted my case. We fought the law, we fought my discharge. I lost in the military court, but because of Lambda Legal, and with the collaborative efforts of the Northwest Women's Law Center (now Legal Voice) and the Military Law Task Force, we won in federal court. And I was able to go back in the military. It would not have happened had it not been for Lambda Legal.

That's how it all began and, over these past 17 years, there have been remarkable opportunities to speak out on behalf of those who continued to serve and had to do so in silence.

CATHCART: What a change for them and for people coming in. Now, just recently, in 2010, you were appointed to the Defense Advisory Committee on Women in the Services, right?

CAMMERMEYER: Yes—that committee helps evaluate the status of women in the military. We celebrated its 60th anniversary the same week "Don't Ask, Don't Tell" was repealed. The appointment has

"FOR THOSE SERVING IN THE MILITARY CURRENTLY, THEY ARE NOT NECESSARILY GOING TO TRUST THE PROCESS."

culminated my career in the military. When I first started, women couldn't be married, they couldn't have children, they had to wear dresses. This organization that I am now a part of is continuing to look at issues for women in the service and working to make that a better and more egalitarian work opportunity. I am the lowest ranking officer on that committee, as a retired colonel. It is made up of four general officers plus undersecretaries and movers and shakers committed to equality for women throughout the country. It's exciting, because that's what got me into trouble to begin with, wanting to be a general.

**13,000+
SERVICE
MEMBERS
WERE DISCHARGED FROM
THE MILITARY UNDER DADT**

CATHCART: Is there anything that you would want to say to lesbian, gay and bisexual people who are currently serving in the military or who are just starting their careers?

CAMMERMEYER: First, I would like to thank Lambda Legal for all of the work you did on my behalf and all of the other cases that you have taken on.

For those serving in the military currently, they are not necessarily going to trust the process, that people will still love them even though they now know that they are gay—because that internalized homophobia has been part of their military career all along. But what they *will* have is the relief not to worry about whether or not they are going to lose their careers because of their sexual orientation. It is a wonderful opportunity for them to move on with their careers and excel, and for us in America not to lose service members just because they happen to be gay. And for those coming in, they are going to be the movers and shakers, and society will continue to change and get better because of them.

CATHCART: The people who join the services this year and in years ahead, in many cases, are

going to be joining as out people, and they are never going to have to worry. It is the irony of our movement that it's designed to ensure that people younger than us, who are just coming up in the world, will never even have to think about the things that we had to think about.

Of course, there are still plenty of loose ends that need to be dealt with—benefit issues, partner issues. The government has not yet taken steps to address the widespread and lasting harm that DADT continues to inflict upon previously-discharged service members—including a disproportionate number of African-American women who were discharged at three times the rate at which they are represented in the armed services. Many received less-than-honorable discharges or have records noting that their discharge was based on DADT, outing them and adversely affecting their job opportunities. And we still need to address discrimination on the basis of gender identity and expression, as well as HIV.

CAMMERMEYER: If DOMA (the so-called Defense of Marriage Act) were repealed, the military would be forced to provide fully equal benefits for lesbian, gay and bisexual servicemembers who are married.

CATHCART: That's something Lambda Legal has been working on. We have the *Golinski* case in the federal district court in California that's a challenge to DOMA. The Justice Department filed a brief in the case, the first brief after the Attorney General announced that the administration was no longer going to defend DOMA. It reads like the sort of brief Lambda Legal has been filing for years. That's how strong the arguments are as to why DOMA is unconstitutional.

It's a multi-pronged effort. There are efforts in Congress to repeal DOMA, and there are efforts in the courts by Lambda Legal and all our sister legal organizations, and I will say I'm more confident about the courts than I am about Congress right now. I think the courts will find it unconstitutional first. But whether it happens legislatively, or in our case, or in another case, it will be an enormous moment to celebrate, just like the end of "Don't Ask, Don't Tell." **L**

The Case That Changed History

By 1998, multiple efforts to end sodomy laws had hit a wall. As this excerpt from *Flagrant Conduct: The Story of Lawrence v. Texas* by Dale Carpenter, makes clear, attorneys at Lambda Legal saw an unprecedented opportunity in the case. But little was certain, and for a vast community victimized by the laws, a great deal was at stake.

AT THE WALLISVILLE SUBSTATION TWO MILES from John Lawrence's apartment, Lawrence and Tyron Garner were shackled to a bench along with the evening's other alleged criminals. After being processed at the substation, they were taken to the Harris County jail in downtown Houston and given standard orange jail jumpsuits to wear. Lawrence was so bruised and sore from his encounter with the police that he could not carry his mattress.

The next day, September 18, 1998, Lawrence and Garner were taken to an initial arraignment. The hearing officer called Lawrence to the bench and the D.A. announced the charge of "homosexual conduct" against him. The D.A. then read the short affidavit from Deputy Joseph R. Quinn of the Harris County Sheriff's Office stating that officers had observed Lawrence and Garner having anal sex. The hearing officer, Carol Carrier, acting as a judge, asked Lawrence how he would plead. "Not guilty," Lawrence responded. Garner also pleaded not guilty. Carrier scheduled another arraignment in the court of Justice of the Peace Mike Parrot for October 5, just over two weeks away. The men were taken back to their cells to stay until their release date that night, after midnight.

Over the next few days, Lawrence began receiving telephone calls and mail from attorneys

14 STATES STILL HAD SODOMY LAWS ON THE BOOKS BEFORE THE LAWRENCE RULING

wanting to represent him. He ignored the calls, knowing that the attorneys had gotten his name and phone number from the public arrest records and were simply looking to collect fees. Having recently been released from the county jail, still tired and bruised, Lawrence remained angry about the

wanting to represent him. He ignored the calls, knowing that the attorneys had gotten his name and phone number from the public arrest records



Paul Smith, who argued *Lawrence* before the Supreme Court, faces the press with then-Lambda Legal Director Ruth Harlow in 2003.

arrest. He was also concerned, as countless gay men facing criminal charges for sexual conduct had been before him, that he might lose his job because of it.

Lane Lewis, a bartender at Pacific Street, a local gay bar, and a longtime activist and organizer, learned about the arrests and called Garner. There was no answer. He next called Lawrence. "I am not a lawyer," Lewis explained in the message. "I am a gay activist and I would like to talk to you." For Lawrence, something about Lewis's message made his call stand out from the others. "I think it was the sincerity in Lane's voice. And he wasn't an attorney. And so I knew he was not out to make a buck," he said.

Lewis offered to get Lawrence an attorney who would represent him free of charge and suggested that his case could lead to a Supreme Court decision that would get rid of sodomy laws across the country. He then called Mitchell Katine, who worked on HIV and AIDS issues in the Houston area, both as a lawyer and as a volunteer visiting the AIDS floors of local hospitals. Katine could hardly believe what Lewis told him about Lawrence and Garner's case. But Katine was still wary of taking it on because he wasn't a criminal-defense lawyer.

As word seeped out, several local gay attorneys urged Katine to drop the case. They argued that it was not the right time to challenge the Texas

sodomy law in court. The state and federal courts, they opined, were still too conservative. And the Supreme Court was far from a sure bet. They worried that the case might end up making more “bad law,” setting new antigay precedents that would reverberate throughout the legal system and be used as a basis for yet more discrimination against gay men and lesbians. That is exactly what had happened just twelve years before in *Bowers v. Hardwick*, when the Supreme Court upheld Georgia’s sodomy law. Undaunted, Katine contacted Suzanne Goldberg, a senior staff attorney for Lambda Legal in New York.

From the beginning, *Lawrence* was about more than constitutional theories and doctrines. It was about lives. Nobody could better understand how important it was to be rid of sodomy laws than a gay person who had lived through the consequences of being criminalized. Lambda Legal combined the rich legal talent and personal commitment Katine thought would be needed.

Suzanne Goldberg started at Lambda Legal in 1991, the year after graduating from Harvard Law School. She had a quick intelligence and an encyclopedic knowledge of the law, not to mention an instinct for tactical advantage. By September 1998, Goldberg had honed her skills on a handful

FROM THE BEGINNING, LAWRENCE WAS ABOUT MORE THAN CONSTITUTIONAL THEORIES AND DOCTRINES. IT WAS ABOUT LIVES.

of legal challenges to state sodomy laws, including cases in Montana, Tennessee and Arkansas. All these cases, however, had one defect in common: Nobody had actually been arrested for violating the state sodomy law.

Instead, in the cases Lambda Legal pressed, the plaintiffs were arguing that the very existence of sodomy laws inflicted collateral injury on them by making it harder to get jobs, complicated efforts to obtain custody of their children, and marked them as presumptive criminals in the eyes of the state and their fellow citizens. These were certainly real harms, but they were not the kind of direct injuries from the law that courts are generally willing to consider when being asked to hold a law unconstitutional. Someone had to be arrested for actually violating a sodomy law.

By the autumn of 1998, the progress against sodomy laws had almost ground to a halt. The

remaining states were resisting all legislative change to their statutes. Neither their courts nor their legislatures were very responsive to critiques of the laws. Then, Goldberg got the call from Mitchell Katine.

Goldberg walked three doors down to the office of Lambda Legal’s supervising attorney, Ruth Harlow. A graduate of Yale Law, Harlow came to Lambda Legal in 1996 as managing director in charge of supervising the half-dozen or so lawyers in the New York office. Harlow immediately realized the Houston arrests might end up in the Supreme Court, but she was also cautious. Many things could go wrong. They worried that there was still no guarantee that Lawrence and Garner would go through with a protracted legal battle. As Harlow remembered, there was always the possibility that “someone in Texas would come to their senses and drop the case.” The lawyers might make a technical mistake that would ruin their opportunity to make a head-on constitutional challenge.

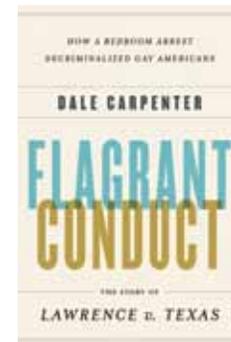
But for Harlow and for Lambda Legal more generally, the case was going to be about the state’s power to discriminate against gay people by interfering in their private lives. There was never any question Lambda Legal would take the case. This was the spark the gay-rights movement had been awaiting for more than a decade. **L**



Tyron Garner (left) and John Lawrence greet supporters in Houston after the Supreme Court victory in *Lawrence*.



FOR MORE ON THE CASE, visit www.lambdalegal.org/lawrence-v-texas.



Adapted from Flagrant Conduct: The Story of *Lawrence v. Texas* by Dale Carpenter. Copyright © 2011 by Dale Carpenter. With the permission of the publisher, W.W. Norton & Company.

REMEMBERING JOHN LAWRENCE (1943–2011)

On Sunday, November 20, 2011, John Lawrence—who, along with fellow defendant Tyron Garner, stepped forward to end state sodomy laws in the U.S.—died at the age of 68. Reared in Kountze, Texas, Lawrence had served in the Navy and worked as a medical technologist until his retirement in 2009. Convicted of violating Texas’s “Homosexual Conduct Law” in 1998, Lawrence and Garner (who passed away in 2006) decided to fight back. Lambda Legal was proud to represent them in what became the historic Supreme Court victory in *Lawrence v. Texas*, a case that laid the legal groundwork for so many of the LGBT community’s victories since then. Lawrence “was a quiet, unassuming and heroic man,” said Kevin Cathcart, executive director of Lambda Legal. “We honor him for his courage. He forever changed our march to equality.”

Aging With Dignity

LGBT older adults and older adults living with HIV face special challenges—but there are precautions they and their loved ones can take. **By Staff Attorney Natalie Chin**

JUDE PATTON, 71, AN LGBT ADVOCATE

in Washington State, considers himself lucky. A pioneer transgender activist, Patton is in excellent health and has the companionship of his wife, Carol, to whom he's been married for 24 years. "But many of us in the LGBT community close to my age have lost our parents and many of us have not had children," he said. "You do become more isolated." Trans seniors, in particular, can have serious worries about privacy issues. "At conferences and in my advocacy work, I certainly have heard some horror stories," Patton said, "including in assisted-living and nursing homes, where staff who had rigid religious beliefs prayed for transgender clients to die, because they thought they were an abomination to God."

If getting older weren't challenging enough physically, LGBT older adults also face not only ageism, but sexual orientation and gender identity/expression discrimination. In a recent survey spearheaded by the National Senior Citizens Law Center, *LGBT Older Adults in Long-Term Care Facilities: Stories From the Field*, several respondents provided telling accounts of discrimination in nursing homes and disrespect by medical providers. In Lambda Legal's 2009 national Health Care Fairness Survey (which had nearly 5,000 respondents overall), 33.8 percent of LGBT seniors reported that health care professionals had used harsh language towards them, and 35.5 percent of seniors living with HIV reported that health care professionals had refused to touch them. An astonishing 62.9 percent of transgender seniors said they felt health care professionals were unaware of their health needs. (To access this report, visit www.lambdalegal.org/health-care-fairness).

Moreover, LGBT seniors, like the rest of the rapidly growing population of Americans, face staggering financial challenges. Health care costs continue to skyrocket and increased life expectancy—not to mention a burgeoning senior population—are straining personal as well as national retirement resources.

Faced with both economic challenges and discriminatory treatment, LGBT older adults need

travel across state lines. LGBT seniors should seriously consider the following list of tools.

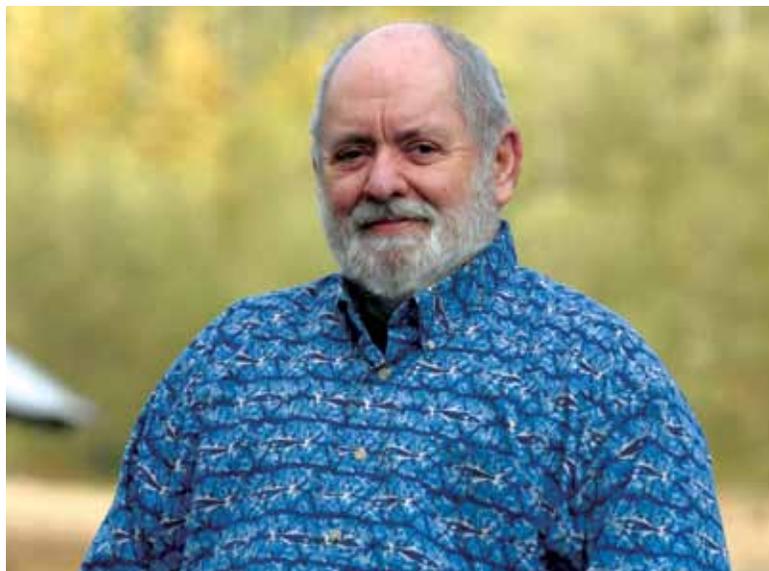
• **THE FEDERAL NURSING HOME REFORM ACT ("FNHRA")**

was enacted in 1987 by Congress after a study found that many nursing home residents were being neglected and abused. The FNHRA may offer LGBT seniors and seniors living with HIV protections against discrimination, abuse and neglect based on sexual orientation and gender identity/expression. Nursing homes, rehabilitation, and health-related care and services facilities that receive Medicaid or Medicare funding are prohibited, for instance, from isolating residents and required to treat all residents with dignity and respect. If you or a loved one are being discriminated against on the basis of sexual orientation, gender identity or expression or HIV status, call Lambda Legal's HelpDesk at 866-542-8336 or visit www.lambdalegal.org/help.

• **HOSPITAL VISITATION REFORM:**

In January, new federal guidelines took effect, resulting from a 2008 lawsuit which Lambda Legal brought on behalf of Janice Langbehn, who, with her children, was kept from visiting her partner, Lisa Pond, when Pond collapsed on a family vacation and died in the hospital.

The case ultimately prompted President Obama to personally contact Langbehn and to issue a presidential memo urging changes in the law. National regulations now require hospitals participating in Medicaid and Medicare to have written policies and procedures regarding patients' visitation rights. Hospitals must inform patients, or an attending friend or family member, of the patient's rights to visitors



Advocate Jude Patton says LGBT seniors tend to be more isolated and vulnerable.

"I HAVE HEARD SOME HORROR STORIES, INCLUDING IN ASSISTED-LIVING AND NURSING HOMES, WHERE STAFF WHO HAD RIGID RELIGIOUS BELIEFS PRAYED FOR TRANSGENDER CLIENTS TO DIE."

to know their rights and protect themselves. If you're married, in a civil union or domestic partnership, you and your partner may benefit from protections associated with those legal statuses in the event either of you is incapacitated or dies. However, because recognition of the marriages, civil unions and domestic partnerships of same-sex couples aren't consistent from state to state, death-related protections may not

of his or her choosing. The policy also prohibits discrimination against visitors based on gender identity and sexual orientation.

- HEALTHCARE PROXY OR DURABLE POWER OF ATTORNEY:** This document enables you to legally designate someone you trust (an agent) to make health care decisions for you in the event you cannot make them for yourself. Hospitals, doctors and other health care providers must follow your agent's decisions as if they were your own. You can access the U.S. Living Will Registry at <http://uslwr.com/formslist.shtm>, to find free advance directive forms for each state. These forms sometimes change, so consult your local legal services organization or private attorney to ensure the forms are correct.
- A FINANCIAL POWER OF ATTORNEY:** This document allows you to legally designate an individual to handle your financial assets should you become unable to do so. Financial power of attorney is a critical tool to ensure that your everyday expenses are paid, taxes are filed and your government benefits such as Social Security and Medicare are collected. Without a financial

power of attorney, a court proceeding will likely occur to determine who will handle your finances.

- A WILL:** This document is a key component in your life-planning arsenal and often the only way to make sure the people you love are protected after your death. When you do not have a will, you die "intestate," which means state law dictates how your property will be distributed. A will allows you to decide what happens to your personal belongings after your death, including your home, cash, bank accounts, pets and other personal assets, like jewelry and family photographs. Martha Stark, former finance commissioner for New York City and a Lambda Legal supporter, said she prepared a will because her mother, who died at 46, did not. "I want to make sure my family is provided for when I die or become ill."
- FUNERAL ARRANGEMENTS:** You can create a separate, written document that conveys your wishes and provides instructions for funeral arrangements and for what should be done with your body. This information can be included in

your will, but a will may not be opened until the funeral is over, and if your wishes are not in writing, your loved ones may have no legal rights to make these decisions after you die. Since some funeral homes won't honor written funeral directives, it may be best for you to make funeral arrangements while you're alive.

LGBT seniors and seniors living with HIV are entitled to enjoy their older years free of harassment and discrimination. To learn more about the documents and legal protections in this article, call Lambda Legal at 212-809-8585 and request our Take the Power toolkit (you can also download it online at www.lambdalegal.org/takethepower). And if you or a loved one does encounter discrimination on the basis of sexual orientation, gender identity or expression or HIV status, call Lambda Legal's Help Desk at 866-542-8336 or visit www.lambdalegal.org/help.

TIP: For all documents, sign multiple copies so you have extra originals in case health care staff says a copy is insufficient. Sign in blue ink to reduce the chances that health care staff will claim it's not an original. **L**



\$1 A DAY *for* 365 DAYS EVERY DAY COUNTS

We're looking for 365 people to join our monthly giving program, the Justice Fund, during our **365 for 365 Campaign!** With your pledge of \$1 or \$2 per day (\$30.42 or \$60.84 per month)—or more—you are making a commitment to equality every day.

To become a Justice Fund member, fill out the information below and mail it back using the enclosed envelope, or visit www.lambdalegal.org/365for365.



Check the amount you want to give each month, complete the form and we'll take care of the rest!

\$30.42 \$60.84 \$91.26 Other \$_____

I have made a Justice Fund monthly contribution of at least \$30.42, please send me the Lambda Legal travel mug.***

I prefer to charge my: MasterCard Visa American Express Discover

_____ name on card _____ credit card number _____ exp. date* _____ security code**

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CHANGE AGENTS



JON W. DAVIDSON

IN THEIR BRIEF LIVES, PAULA ETTLEBRICK MADE ONE HELL OF A DIFFERENCE, AND ANTHONY COLÍN STOOD UP TO HELP CREATE A BETTER WORLD.

THERE ARE SOME PEOPLE WHO LIVE their lives embracing James Baldwin's quote, "The world is before you and you need not take it or leave it as it was when you came in." Paula Ettelbrick was the epitome of such a person, someone determined to change the world for the better. Paula—who became Lambda Legal's first staff attorney in 1986 and went on to become the organization's legal director from 1988 to 1993—left the world on October 7, 2011, having made it a more just and sweet one than when she came in.

Paula's life was one of service. After Lambda Legal, Paula became the policy director of the National Center for Lesbian Rights, legislative counsel of the Empire State Pride Agenda, director of family policy at the National Gay and Lesbian Task Force, executive director of the International Gay and Lesbian Human Rights Commission and executive director of the Stonewall Community Foundation. Paula also taught at the University of Michigan Law School, NYU School of Law, Columbia Law School, Wayne State University and Barnard College. In her brief 56 years in the world, she made one hell of a difference.

Paula fought to make sure that the LGBT organizations in which she was involved stay true to the teachings of lesbian feminism, that they seek justice for the full diversity that makes up our movement, and that we all understand that we are part of a global community. In a famous nationwide tour with the late Tom Stoddard, who was then Lambda Legal's executive director and her boss, she was a model of how leaders in our community can respectfully differ, as she and Tom publicly debated each other about the wisdom and consequences of pursuing the freedom to marry. And, in the life she built, she modeled that loving families come in many configurations: Paula and her partner Marianne Haggerty often vacationed with Paula's former partner, Suzanne Goldberg and her partner Mary Lou Kelley, together with Paula's and Suzanne's children Adam and Julia.

For those LGBT people whose health is protected by domestic partner benefits, who have retained child custody and visitation that previously would have been denied, who are living safer lives abroad, who are served by stronger and more inclusive public interest organizations, and who have learned how the law shapes and is shaped by society, Paula helped craft your world.

Another agent of change who was important to Lambda Legal recently passed away as well. On November 22, 2011, the world lost Anthony Colín at the tender age of 27. In 1999, when Anthony was only 15, he fought against his high school's refusal to allow him and his friends to form a gay-straight alliance. The decision that bears his name, *Colín v. Orange Unified School District*, established a precedent that has helped hundreds of GSAs overcome school administration opposition. That ruling made clear not only that schools cannot prohibit GSAs when they allow other non-curricular clubs to meet or force them to change their names to avoid the word "gay"; it also recognized, in the decision's words, that GSAs "may involve the protection of life itself" because of how they help contribute to the health and well-being of LGBT youth.

That decision happened because Anthony stood up to help create a better world than the one he entered. I remember so clearly hearing Anthony on the witness stand explaining why he opposed the school's effort to have the GSA renamed the Tolerance Club. "I don't want to be tolerated," he emphasized. "I want gay people to be *accepted*, just like anyone else."

Paula and Anthony, I profoundly miss you both. Thank you for the changed world you have left us.

Jon W. Davidson

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