

Impact

FALL 2015

KNOW YOUR RIGHTS!
LIVING WITH HIV P. 15



FIGHTING FOR
EQUALITY... P. 3

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Fast Forward

At Lambda Legal, we're moving forward and we're moving fast. Our progress has created backlash and resistance from opponents around the country who don't think we deserve justice, but we won't let that slow us down.

LGBT people need explicit, comprehensive federal protections against discrimination, and Lambda Legal is pursuing a powerful strategy to achieve that goal. We continue to lead the way with impact litigation and have joined others advocating for legislation that will affirm and strengthen such protections.

We have argued in several cases that bans against sex discrimination include discrimination on the basis of sexual orientation, particularly in Title VII of the Civil Rights Act. The federal Equal Employment Opportunity Commission (EEOC) has agreed that it does, and that it also covers gender identity discrimination. The sexual orientation argument could move ahead very soon in a current case that Lambda Legal just argued at the U.S. 7th Circuit Court of Appeals involving an Indiana teacher who was fired for being a lesbian after 14 years of glowing reviews (see page 5).

Lambda Legal is also supporting the Equality Act, a bill introduced in Congress this summer that will confirm the EEOC's analysis by putting prohibitions against sexual orientation and gender identity discrimination explicitly alongside race, color, religion, sex and national origin in the 1964 Civil Rights Act and other federal laws (see page 3). Lambda Legal provided research and drafting for the bill, especially in the areas of employment and public accommodations.

Here's what else we're doing:

- * We're working hard to make sure that states don't resist implementing the new law of the land following our big Supreme Court marriage victory this summer in *Obergefell v. Hodges*. Retirement benefits, survivor benefits and the right to include both spouses' names on a child's birth certificate are essential and we have victory after victory to report (see pages 6 and 7).
- * Workplace discrimination remains a problem also for people living with HIV, including a Missouri helicopter paramedic who lost his job just because he is HIV positive. Lambda Legal has sued on his behalf (see page 6).
- * Lambda Legal helped a Minnesota transgender teen named Kyle to secure a federal investigation when his high school refused to allow him to use the boys' bathroom (see page 8).
- * And we're shaping major policy changes on the federal level regarding both health care and immigration detention affecting transgender people (see pages 13 and 14).
- * Lambda Legal has two new online "Know Your Rights" guides: one about being in court and the other about HIV disclosure, criminalization, asylum and more (see page 15 or lambdalegal.org/know-your-rights).

Our movement is progressing in leaps and bounds. Lambda Legal's vision and long-term strategies have brought us to this point and equip us to keep moving ahead even as our opponents develop new strategies to try and hold us back. At Lambda Legal, with the support of so many friends and supporters around the country, we are moving fast forward.

EXECUTIVE DIRECTOR

LAMBDA LEGAL'S VISION AND LONG-TERM STRATEGIES HAVE BROUGHT US TO THIS POINT AND EQUIP US TO KEEP MOVING AHEAD EVEN AS OUR OPPONENTS DEVELOP NEW STRATEGIES TO TRY AND HOLD US BACK.

EQUALITY



Lambda Legal’s Jenny Pizer and Greg Nevins discuss the litigation strategy already making civil rights history by protecting LGBT workers—and our role in supporting the Equality Act now before Congress

Q: WHAT’S THE STATUS OF LGBT WORKPLACE RIGHTS LAW AND WHERE DOES LAMBDA LEGAL FIT IN?

Greg Nevins, Employment Fairness Program Strategist: In July, the Equal Employment Opportunity Commission (EEOC) ruled in *Baldwin v. Foxx* that Title VII of the 1964 Civil Rights Act covers sexual orientation discrimination. *Baldwin* is important because it definitively provides a Title VII remedy to almost all

federal workers who endure sexual orientation discrimination; moreover, it should help other employees when they go to court.

Jenny Pizer, Law and Public Policy Director: The work that Greg in particular has been doing now for a number of years was very helpful to the EEOC, as it has been to trial-level courts. The timing of these matters inspires excitement and hope that the court in *Hively vs. Ivy Tech Community College*, which Lambda Legal just argued in September (see “Now in Court” on page 5) will be persuaded by *Baldwin’s* logic and the decisions it cites, and that the court will take the important step of saying its past decisions were mistaken and what the EEOC did is correct.

The EEOC is influential because it’s charged to interpret, administer and enforce the law. The courts are not bound by what the EEOC does, but they’re supposed to give deference to the EEOC’s approach.

Nevins: If you put the *Baldwin* decision up against Lambda Legal’s arguments in *Hively*, you’d find an awful lot of similarity. Especially the points that we made about why it’s sex discrimination when a woman is fired because she’s attracted to women or is dating women—but that doesn’t happen to men at the workplace who are also dating women.

Q: WHAT EXACTLY IS THE EQUALITY ACT?

Jenny Pizer: The Equality Act, submitted to Congress in July, would amend existing federal civil rights protections in employment, housing, public accommodations, education, access to credit, programs receiving federal funding and jury

ON THE COVER

The cover of Impact magazine features the word "EQUALITY" in large, bold, multi-colored letters. Each letter is a different color and contains a small photo of a person. The background is a collage of various images. Text on the cover includes "Impact", "KNOW YOUR RIGHTS! LIVING WITH HIV P. 15", "FIGHTING FOR EQUALITY... P. 3", and the Lambda Legal logo.

From top left: Indiana teacher Kimberly Hively with Lambda Legal’s Greg Nevins (see page 5); Deborah Leliaert and Paula Woolworth in Texas (see page 6); Lambda Legal’s Hayley Gorenberg in Puerto Rico with Maritza López Avilés and Iris Delia Rivera Rivera; Lambda Legal’s Holiday Simmons with Georgia activist Raquel Willis (photo Patrick Saunders)



JENNY PIZER

service—to include sexual orientation and gender identity. It is a different approach from the Employment Non-Discrimination Act (ENDA), an LGBT rights bill that had been languishing in Congress in one form or another for 40 years.

Q: WHAT WAS WRONG WITH ENDA THAT WE NOW ARE SUPPORTING THE EQUALITY ACT INSTEAD?

Pizer: The religious exemption in ENDA was too broad and the bill as a whole had become outdated, especially in its focus only on workplace discrimination. It was time to step back, start fresh and recognize that our community is also discriminated against in housing, public accommodations and a range of other areas.

Greg Nevins: With ENDA, we were given second-class status. There isn't any other group that's only protected for employment. Under ENDA, sexual orientation and gender identity would not be treated the same as the categories protected under the Civil Rights Act of 1964: race, color, sex, national origin and religion.

It became clear that we should be using the framework already



GREG NEVINS

Pizer: Also, ENDA's track record showed that when a bill is specific to LGBT people, it is very hard for Congress to resist adding overly broad religious exceptions.

Q: WHAT WAS LAMBDA LEGAL'S ROLE IN DRAFTING THE EQUALITY ACT?

Pizer: Members of Congress are the authors, of course, but they requested research and drafting support from LGBT rights advocates, and Lambda Legal played a central role—especially in the employment and public accommodations areas.

Among other things, we focused on ensuring that the bill would codify *existing* law—existing protections that the courts and EEOC and other federal agencies have recognized already exist for LGBT people.

Nevins: One of the ways that Congress looked to us in that process was as litigators in many employment discrimination cases. We know how key terms have been interpreted in court cases and that informed our language choices.

Last year, Lambda Legal got three favorable rulings from amicus briefs we submitted about Title VII's coverage of sexual orientation discrimination.

This year, the big court case could be *Hively* (see page 5), where we are appealing the dismissal of a sexual orientation discrimination claim by a lesbian instructor. The trial court threw her case out, but now we are before the Seventh Circuit itself, which can change its law, and we're hoping it will.

This could be one of the first, if not the first, federal appellate cases to rule on whether Title VII covers sexual orientation discrimination since *Baldwin*.

Q: WHAT IS LAMBDA LEGAL'S OVERALL STRATEGY NOW?

Nevins: I look at it as a strategy to use every means available for achieving the protections we're looking for, including impact litigation and legislation. We want to be working on all tracks. And I think if we win more court decisions, it might create a sense of inevitability in Congress.

But we cannot do everything through litigation. For instance, we need legislation to secure public accommodations protection. This is because our winning argument about employment and housing is that sex discrimination includes sexual orientation and gender identity discrimination. But sex is not a protected category in the



"IT'S OVERDUE—MANY, MANY PEOPLE IN OUR SOCIETY ARE SURPRISED TO LEARN THAT FULL PROTECTIONS ARE NOT ALREADY THERE."

—PIZER

in place, rather than setting up separate standards. There are 50 years' worth of case law, regulations and established practices that lawyers and employers are familiar with. So the Equality Act would simply amend the Civil Rights Act and other federal laws to make explicit that discrimination based on sexual orientation or gender identity is unlawful.

FAQ QUESTIONS ABOUT THE EQUALITY ACT?

Check out "Equality Act: Frequently Asked Questions" at lambdalegal.org/equalityactfaq

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federal public accommodations law. So, we will need legislation to cover that.

But it will transform the landscape if we can get multiple appellate courts to realize that when you discriminate based on sexual orientation, you are basing that in part on the gender of the person. That will provide protection for LGBT people in employment and housing and other areas and will do so without waiting for the Equality Act to pass.

Q: WHAT ARE THE EQUALITY ACT'S CHANCES OF PASSING SOON?

Pizer: The Equality Act had almost 40 Senate cosponsors and more than 165 cosponsors in the House soon after introduction. That's a very strong start. It's not surprising given public support for nondiscrimination, but it's a clear indication that this bill already has legs. And as long as the bill is pending before Congress, we will be able to educate the country about the harms of discrimination, and the necessary remedies.

I think our society is moving forward and recognizing more and more that discrimination against LGBT people is harmful and wrong. The marriage victory will encourage more people to come out to their extended families, neighbors and coworkers, and that accelerates the process.

It's been a core American principle going back 50 years that no one should be turned away from public places or job opportunities just because of who they are. Whatever people may think about how others live their lives and whatever religious views they have, most Americans do hold to the basic idea that everyone should have fair access to the marketplace.

But there has been a disconnect for some time now between strong support in the American public for protections against discrimination for LGBT people and attitudes in Congress. I think too many members of Congress are hostile to LGBT people in ways that are out of sync with public opinion.

It's important that we be ambitious and optimistic in our expectations of Congress and that the conversations about this bill stress that this should have been done decades ago. It's overdue—many, many people in our society are surprised to learn that full protections are not already there.

Q: WHAT ARE LAMBDA LEGAL'S NEXT STEPS IN TERMS OF LITIGATION?

Nevins: Lambda Legal is pursuing a lot of other matters that could raise the issue of whether Title VII covers sexual orientation, and we continue to be active as well in gender identity discrimination cases under Title VII. The EEOC has actually done more on the gender identity front in the past few years than the courts have. The two big court decisions on that were *Smith v. City of Salem* back in 2004 and then our *Glenn v. Brumby* case in 2011. But we continue to look for ways to bring the nondiscrimination protections of Title VII to the entire LGBT community.

We have eyes open for cases that might have been dismissed but that we believe could be strong on appeal. You just don't know which case is going to bring a breakthrough. We want to either prepare those cases or assist the people who are bringing them so that they make the best possible arguments and we can make the best progress going forward.

NOW IN COURT

LAMBDA LEGAL BACKS INDIANA TEACHER ALLEGING ANTI-LESBIAN FIRING

On September 30, Lambda Legal urged the U.S. Seventh Circuit Court of Appeals to allow Indiana teacher Kimberly Hively to present a case alleging workplace discrimination by Ivy Tech Community College. Hively says the school repeatedly denied her full-time employment and promotions and eventually fired her—just because she is a lesbian.

Lambda Legal argued that several court rulings and a recent decision by the Equal Employment Opportunity Commission (EEOC) support Hively's contention that sexual orientation discrimination is sex discrimination under Title VII and that the dismissal should be reversed.

"Just this past July, in *Baldwin v. Fox*, the EEOC stated quite plainly that sexual orientation discrimination 'necessarily' is sex discrimination," said Lambda Legal Counsel Greg Nevins, disputing Ivy Tech's argument that Hively's claims have no legal authority.



Lambda Legal plaintiff and Texas state employee Deborah Leliaert (left) is finally allowed to enroll her wife, Paula Woolworth, in her health plan.

TEXAS

Health Insurance Victory for Same-Sex Spouses

The Supreme Court's momentous June marriage ruling dissolved many barriers that same-sex couples faced in court at the state level.

In Texas, for instance, the Employee Retirement System of Texas (ERS) agreed just days after the decision to permit Lambda Legal client Deborah Leliaert to enroll her wife, Paula Woolworth, in the spousal health insurance plan offered to state employees.

Lambda Legal had sued ERS in June on behalf of Leliaert for denying the coverage to same-sex spouses, arguing that Texas was violating her constitutional rights.

Leliaert has been an employee of the University of North Texas for nearly 24 years. She and Woolworth were married in California in 2008, a union that was not recognized at home in Texas because of the state's ban.

"It is beautiful to see the barriers to equality continue to fall in the wake of the U.S. Supreme Court's historic ruling striking down discriminatory state marriage bans," said Lambda Legal Senior Counsel Kenneth D. Upton Jr.

Said Leliaert, "It is a tremendous relief to have enrolled Paula in the health plan, and I hear from colleagues with same-sex spouses that they, too, are now enrolling their spouses in the family health care plan."



MISSOURI

Lambda Legal Sues After Helicopter Paramedic Living With HIV Loses His Job

On September 10, Lambda Legal filed a federal lawsuit in Missouri on behalf of Clinton Moore, who was removed from his job as a flight paramedic with Air Evac Lifeteam (AEL) and demoted to a lower-paying post in the company dispatch center after informing company management that he had been diagnosed with HIV.

AEL, which transports patients to medical facilities, told Moore after his 2013 diagnosis that he would need to petition the medical board in each of the five states where he flew missions or face removal from his job. Knowing that his job did not include tasks that would put the health or safety of his patients or coworkers at risk—and that the suggested petition process was unnecessary—Moore refused. That's when he was demoted to a lower-paying post in the company dispatch center.

In its lawsuit, Lambda Legal cites the American with Disabilities Act, the Rehabilitation Act of 1973 and the Missouri Human Rights Act.

"AEL and other employers in the health care industry need to get up to speed and stop discriminating against people living with HIV based on outdated science and misconceptions," said Kyle Palazzolo, HIV Project Staff Attorney at Lambda Legal.

IMMIGRATION

HIV-Positive Mexican Man Wins Asylum



Staff Attorney Omar
Gonzalez-Pagan

In Mexico, gay men are so disproportionately affected by HIV that some people assume an HIV-positive man must be gay and persecute him for his sexual orientation. That was the argument that, on June 25, led the U.S. Board of Immigration Appeals to grant asylum to Roberto Santin, who is living with HIV.

“We are thrilled by the Board’s decision,” said Omar Gonzalez-

Pagan, Staff Attorney at Lambda Legal, which submitted a friend-of-the-court brief in the case. “It is not only a life-saving victory for Roberto, but also a big victory for LGBT immigrants and immigrants living with HIV. This opinion establishes that relief from deportation is available for people living with HIV from Mexico who are likely to face persecution there based on their perceived sexual orientation or gender identity. It could be used by other immigrants facing similar kinds of persecution in their home countries.”

Santin came into immigration custody just months after receiving his life-changing HIV diagnosis. He remained in U.S. detention for more than two years while fighting for asylum with legal assistance from Heartland Alliance’s National Immigrant Justice Center and amicus support from Lambda Legal and the HIV Law Project.

TEXAS & WISCONSIN

Lambda Legal Fights for Accurate Birth Certificates



Around the country, same-sex married couples have run into trouble getting hospitals to issue birth certificates for their children that include both parents’ names. Lambda Legal had been planning to file a birth certificate lawsuit against

Texas authorities on behalf of Susan Leigh and Robin Bass Jorgeson.

But in light of the U.S. Supreme Court’s June marriage decision in *Obergefell*, Lambda Legal Senior Counsel Kenneth Upton sent a letter on August 7 urging a U.S. District Judge in San Antonio, Texas to hold the state attorney general and Department of State Health Services commissioner in contempt. They had not only refused to issue accurate death certificates to the surviving spouse of a same-sex couple, he pointed out, but continued to deny two-parent birth certificates as well.

Within days, the attorney general relented and Health Services updated its policy.

“Same-sex couples who rear children rely on accurate two-parent birth certificates in a variety of situations that affect the safety and well-being of their children. This problem has vexed parents in Texas for years. We are happy to finally see it resolved,” said Upton.

Lambda Legal is also advocating in court on behalf of a lesbian couple denied an accurate birth certificate for their child in Wisconsin.

MARRIAGE EQUALITY

Social Security Will Respect Marriages of Same-Sex Spouses

On August 20, Lambda Legal clients Dave Williams and Kathy Murphy were among those welcoming an announcement regarding Social Security: Surviving spouses living in states that did not recognize their marriages at the time of their spouses’ deaths and have claims still pending will finally have access to benefits.

The Department of Justice announcement means that the Social Security Administration (SSA) will apply the U.S. Supreme Court’s June marriage ruling retroactively.

“We are hopeful that widows, widowers and retirees, wherever they lived, who need Social Security spousal benefits earned through years of hard work will soon be able to receive them,” said Lambda Legal National Director of Constitutional Litigation Susan Sommer.

Lambda Legal filed cases on behalf of Williams and Murphy last year. Williams had been denied benefits after the 2010 Arkansas death of his husband, Carl Allen, whom he’d married in California in 2008. Murphy applied after the 2012 death of her wife, Sara Barker. They had married in Massachusetts in 2010 after three decades together, but because they lived in Texas, the SSA rejected Murphy’s application.



Dave Williams (left) is now in line to receive standard federal benefits after the death of spouse Carl Allen.



AMERICAN AIRLINES IS THE OFFICIAL AIRLINE OF LAMBDA LEGAL.

American Airlines has been a national sponsor of Lambda Legal and a travel partner since 2004. As a Lambda Legal member, you can help support Lambda Legal every time you travel on American Airlines, at no cost to you! It is very simple. When making a reservation on www.AA.com/rainbow or through a travel agent, all you need to do is provide Lambda Legal's unique Business ExtrAA Account number and you will help earn valuable points for Lambda Legal. The best part is that you still earn your own AAdvantage Miles! When booking on www.AA.com/rainbow, simply enter **541544** at the bottom of the Enter Passenger Details section, in the field for Business ExtrAA Account Number.

Federal Government Investigates Discrimination Against Transgender Teen



On August 12, the U.S. Department of Education's Office for Civil Rights agreed in response to a Lambda Legal complaint to investigate a transgender teenager's mistreatment by his Minnesota high school.

The incident took place last winter, when Kyle (not his real name) noticed a Tweet from a classmate that read "Just saw a girl in the boys' bathroom. #notacceptable #endtransgender." He knew the message was about him.

When Kyle complained to school administrators, however, they said he could not use the boys' bathroom because he made other students "uncomfortable."

"The first emotion I felt was outrage," said Kyle. "The second was sadness, because I knew I was trying to graduate and couldn't get in trouble. Right after I left the principal's office I burst into tears."

Title IX protects students from sex discrimination, which covers gender identity and expression, but in violation of the law, schools still routinely ban transgender students from using the bathroom that matches their gender identity.

"We pay special attention to the challenges faced by students like Kyle," said Lambda Legal Staff and Transgender Rights Project Attorney Demoya Gordon. "But the students themselves do much of the work every day as they navigate difficult and sometimes hostile environments."

Lambda Legal Supports Planned Parenthood



Reproductive rights are under attack around the country and in Congress, and Lambda Legal is speaking up against efforts to defund the Planned Parenthood Federation of America (PPFA).

In July, Lambda Legal joined a letter to members of Congress, signed by dozens of groups, that read, "We strongly condemn the distorted and fraudulent campaign against PPFA, a critical provider of vital health services to low-income women and women of color."

Leslie Gabel-Brett, Lambda Legal's Director of Education and Public Affairs, said of the letter, "Seeking to reduce or eliminate safe and affordable reproductive health care is an assault... on the sexual and reproductive liberty of us all."

FAIR COURTS

Lambda Legal Takes on "Judicial Activism" Charge

Lambda Legal quickly responded this summer when two key Supreme Court victories were criticized in the U.S. Senate by opponents of marriage equality and the Affordable Care Act as "judicial activism." The charges came during a July 22 subcommittee hearing called by Sen. Ted Cruz.

"Sadly, we have seen the term 'judicial activism' become a weapon used repeatedly to attack a court when the speaker disagrees with a decision," said Lambda Legal Fair Courts Project Manager Eric Lesh.

During the hearing, which was called "With Prejudice: Supreme Court Activism and Possible Solutions," Cruz invited witnesses to condemn the Court's decisions.

One witness, Ed Whelan, stated in written testimony, "In the flagrancy and magnitude of its errors in overriding, and cutting short, the democratic processes, *Obergefell v. Hodges* is rivaled in Supreme Court history only by *Dred Scott v. Sandford* (1857) and *Roe v. Wade* (1973)."

Lambda Legal's Lesh warned, "An attack against LGBT equality disguised as a legislative hearing against 'judicial activism' is a dangerous threat to the public's confidence in our democratic institutions."

GUARDIAN SOCIETY PROFILE

JOHN T. BARHAM (RIGHT, 1924-2013) AND RICHARD B. AUER (1916-2000)

Lambda Legal is the beneficiary of a special gift from two extraordinary men, John Barham and Dick Auer, whose legacy and generosity will propel our movement forward. For years, John and Dick were dedicated members of Lambda Legal. They stood up for fairness and equality so that the world might be a better place, and it is entirely because of people like them that the LGBT movement has reached this historic turning point.

The couple's support of Lambda Legal started in 1990. Their investments in Lambda Legal certainly helped to gain and protect their own rights as gay men, but John and Dick were especially aware of how their support could help other LGBT people, especially those less fortunate.

In that spirit, and to honor John and Dick's legacy, their estate has made an extraordinary \$1,250,000 challenge to Lambda Legal, matching dollar for dollar any gift made explicitly to this campaign.

Additionally, the estate seeks to inspire others to create their own legacies for equality. **If you name Lambda Legal as a bequest beneficiary through your will, retirement account or life insurance policy, John and Dick's estate will make a matching cash contribution equaling 10%—up to \$10,000—of your future commitment.**

John and Dick's story is one not just of generosity but also love and commitment. Born in Virginia, John was a pilot during World War II and made his way to New York City shortly after the war. One fateful day in 1954, John met Dick, an agricultural scientist, at the Plaza Hotel's fabled Oak Room. The couple fell in love



soon after they met. It was still 15 years until the Stonewall Riots would break out.

Dick's employer eventually asked him to move to South America—and John followed. After years abroad, the couple returned to the U.S. to settle in the Hamptons. They had been together for 45 years when Dick passed away in 2000, three years before Lambda Legal's Supreme Court victory in *Lawrence v. Texas*, which legalized the intimate lives of same-sex couples. John passed away 13 years later, on June 22, 2013—four days before the Supreme Court's big marriage decision in *U.S. v. Windsor* started the dominoes falling and led to the Supreme Court ruling on *Obergefell v. Hodges* this past June.

A good friend, Barry Skovgaard, recalled that when some states had legalized marriage for same-sex couples, John wondered whether he might have proposed and Dick accepted: "He looked around at the room filled with our gay friends, work colleagues and family members and

understood that marriage and marriage equality mattered. John's eyes twinkled more brightly than usual that night, and I hope he was thinking at least once: He might have been able to propose, and Dick's answer might have been YES."

But John and Dick's support of Lambda Legal was bigger than marriage equality. They also supported Lambda Legal to protect LGBT youth from bullying at school, to secure housing and affordable and culturally competent medical care for LGBT seniors and seniors living with HIV—and to address all of the prejudice and discrimination that lie between youth and old age.

Now, this matching gift challenge will carry that commitment forward. Please help us continue the fight, beyond marriage, to create full equality for all. **Make your most generous gift today and safeguard your legacy for equality with Lambda Legal.**

THE GUARDIAN SOCIETY

THE GUARDIAN SOCIETY

UPDATE

When you support Lambda Legal with a legacy gift or charitable gift annuity (CGA), you become a member of the Guardian Society, a growing group of more than 1,000 individuals who have taken the extra initiative for the future of equality by including us in their estate plans. It's simple: Just make Lambda Legal a beneficiary of your will, retirement plan, life insurance, trusts or other estate planning vehicles, or establish a charitable gift annuity.

As a member of the Guardian Society, you will be recognized each year with a listing in the Lambda Legal Annual Report.

For free and confidential information about CGAs or other legacy giving opportunities, or to let us know you have already included Lambda Legal in your estate plans, please contact Thai Pham, Senior Director of Legacy Giving, at tpham@lambdalegal.org, or call at 212-809-8585, ext. 214. You can also complete the enclosed form and return it to us.

It is important that you consult with your attorney, accountant and/or financial advisor to determine the planned giving options that are best for you. Lambda Legal is a 501(c)(3) and gifts to us are tax deductible to the fullest extent allowed by law. Our legal name is Lambda Legal Defense and Education Fund. Our taxpayer ID is 23-7395681.

BEQUESTS

Use your will to make a charitable bequest to Lambda Legal.

Including Lambda Legal in your will (making a bequest) allows you to make a meaningful impact on the fight for equality without having to give up crucial assets needed during your lifetime.

HOW IT WORKS: A charitable bequest to Lambda Legal made in your will can take many forms:

- You can designate a percentage of your estate.
- You can designate a specific sum of money.
- You can leave an asset, such as real estate, securities or other property.
- You can leave the remainder of your estate after other beneficiaries receive the portions you designate.
- You can make Lambda Legal the contingent beneficiary of your estate if your spouse/partner or other beneficiaries pass away before you.
- You can also create a charitable trust in your will to benefit Lambda Legal.

With all of these methods of bequests, you can designate exactly how you want the funds to be used or you can make an unrestricted bequest, which allows Lambda Legal to use your contribution wherever it is needed most.

For bequests conveyed to Lambda Legal through a will, you receive no tax benefits during your lifetime, but when you die the value of the bequest may be deducted from your taxable estate, relieving your loved ones of possible added estate tax burdens. Our full name and Tax ID number, respectively, are Lambda Legal Defense and Education Fund, Inc., 23-7395681.

RETIREMENT ASSETS

Make sure that the beneficiary designations for your retirement assets include Lambda Legal as a beneficiary.

You worked hard to save money for your retirement. Donating to Lambda Legal is a way to make sure that the remaining funds in your retirement account will help support the issues you care about. Retirement assets left to anyone but a married spouse can be subject to high estate taxes. When left to Lambda Legal, the full value of your remaining retirement assets will go directly to the organization. That's why many donors name Lambda Legal as the beneficiary of their retirement plans.

HOW IT WORKS: To make a gift of retirement assets, such as a 401(k), 403(b), IRA, or pension fund, you can simply name Lambda Legal as the beneficiary or contingent beneficiary of all or part of your retirement account, at least for those in plans that allow you to name beneficiaries. When you die or if your primary beneficiary does not survive you, the remaining assets will go to Lambda Legal.

Please note that there are significant taxes associated with leaving retirement assets to individuals. Depending on the type and amount of retirement assets you own, the estate taxes could cut those assets nearly in half, and income taxes on the proceeds to your beneficiary could then cut the leftover amount even more! But retirement assets left to a nonprofit organization are not taxed at all.

Please note that this general information is not intended to be legal or tax advice. Prospective donors should consult a tax practitioner or financial advisor for specifics about their particular situation.

LIFE INSURANCE

Include Lambda Legal as the beneficiary of your life insurance policy.

For many people, life insurance policies are less important later in life, when financial obligations like the cost of raising and educating children and paying a mortgage tend to decrease. This makes a gift of life insurance an excellent planned giving vehicle. It enables supporters to leverage relatively modest premium payments into a significant contribution toward Lambda Legal's fight for equality. In short, this tool helps you get the most value for your money.

HOW IT WORKS: There are a number of ways to make a gift of life insurance to Lambda Legal. You can name Lambda Legal as the beneficiary of all or a portion of the proceeds of your policy, or you can transfer ownership of the policy to Lambda Legal outright. You can also name Lambda Legal as the contingent beneficiary of your policy.

- When you donate your life insurance policy to Lambda Legal, you can claim an immediate income tax deduction for the current value of the policy and your future premium payments are also deductible.
- If your beneficiary is also an heir to your estate, estate taxes could reduce the proceeds he or she receives by as much as half. If you own a substantial life insurance policy and want the proceeds to pass to your beneficiaries tax-free, then you may need an Irrevocable Life Insurance Trust (ILIT). An ILIT is a trust that owns life insurance policies and thus removes the insurance proceeds from your taxable estate, as long as certain conditions are met.

CHARITABLE TRUSTS

If you have significant assets, establish a charitable trust to provide for your loved ones while they are alive and have the remainder in the trust go to Lambda Legal.

Charitable trusts offer supporters a way to provide for their loved ones while also supporting Lambda Legal—either immediately through a “charitable lead trust,” or after a period of time through a “charitable remainder trust.”

HOW IT WORKS: Charitable remainder trusts are created by transferring assets into a trust, which provides income to your spouse/partner, children, a friend or even to yourself over a period of time. After a period of time passes, the principal transfers to Lambda Legal. A charitable lead trust functions like a mirror image of a charitable remainder trust. You create a charitable lead trust by transferring assets into the trust. The trust then pays Lambda Legal an annual income for a fixed number of years, after which the principal held in the trust reverts to either you, your spouse/partner, children or any other beneficiaries you name.

When you create a lifetime charitable trust, you will receive an immediate tax deduction based on Lambda Legal's remainder interest in the trust and avoid estate taxes. If you create a lifetime charitable trust with an appreciated asset, you also defer capital gains taxes.

CHARITABLE GIFT ANNUITIES

Establish a charitable gift annuity (CGA) with Lambda Legal to provide you or your beneficiary income during your or their lifetime, with the remaining balance transferred to Lambda Legal upon the beneficiary's death.

An important concern for many retirees is living income. Finding the right investments and uses for cash, securities and other property that you may have accumulated during your working years is an important part of a solid retirement strategy. When left to loved ones other than a spouse, these assets may be subject to high estate taxes. That's why it's important to use your assets to generate income so that you and your spouse/partner can enjoy them during your lifetime—before the government takes a sizable bite out of them.

HOW IT WORKS: Lambda Legal's CGA program offers supporters starting at age 55 a way to generate income in retirement, while helping us make the case for equality on behalf of LGBT people and those living with HIV. You can establish a CGA with an irrevocable gift of \$10,000 or more to Lambda Legal. Depending on your age and the size of your gift, you will receive guaranteed fixed payments for life at rates that are often higher than you might receive on another investment.

You will receive an immediate tax deduction based on Lambda Legal's remainder interest in the annuity, and part of your annuity income will be tax-free. If you fund an annuity with appreciated securities, you can defer capital gains taxes as well.

Please note: This is not legal advice. Any prospective donor should seek the advice of a qualified estate and/or tax professional to determine the consequences of his or her gift.

TAKE A STAND.

DEFEND EQUALITY NOW AND FOREVER.

By naming Lambda Legal a beneficiary of your estate, you can establish an enduring legacy for equality for all LGBT people and those with HIV—*and* make a tangible impact to the community today.

Include Lambda Legal in your estate plans and the estate of John Barham and Dick Auer will generously make a cash matching contribution to Lambda Legal, up to \$10,000, while matching funds last.

For bequest language to include in your will and for information on other gifts that qualify for John and Dick's challenge, visit lambdalegal.org/legacy or call us at (212) 809-8585.



LEAVE A LEGACY OF EQUALITY.
MAKE A COMMITMENT TODAY.

 **Lambda Legal**
making the case for equality



On September 3 in Brooklyn, protestors denounced the arrests of Rentboy staff and called for the decriminalization of sex work.

Lambda Legal Calls for the Decriminalization of Sex Work

In August, Lambda Legal spoke in favor of decriminalizing sex work, first by demanding human rights for sex workers around the globe and then by condemning a federal raid on the mostly gay escort advertising service Rentboy.com.

On August 20, Lambda Legal and four other national LGBT rights organizations issued a joint statement supporting Amnesty International's new resolution on sex workers' rights.

"For many LGBT people, participation in street economies is often critical to survival," the statement said, "particularly for LGBT youth and transgender women of color who face all-too-common family

rejection and vastly disproportionate rates of violence, homelessness and discrimination in employment, housing and education. And when LGBT people are prosecuted for sex work, they face alarmingly high rates of harassment and physical and sexual abuse behind bars."

Then, on August 27, Lambda Legal Deputy Legal Director Hayley Gorenberg spoke out against the federal raid that week on the New York City-based Rentboy.com.

For years, the website gave sex workers "an additional measure of safety, allowing them to screen potential customers," Gorenberg told *The Daily Beast*. In an MSNBC.com column with Harper Jean Tobin of the National Center for Transgender Equality, Gorenberg wrote, "No one's life has been improved by the raid...and thousands of lives—a great many of them LGBTQ—are ruined by the criminalization of sex work every day."

Historic HHS Stand on Transgender Health Care Discrimination

The U.S. Department of Health and Human Services (HHS) proposed in September to issue a powerful new clarification of the law by affirming that transgender people are protected from health care discrimination by the Affordable Care Act.

Lambda Legal had been urging the HHS to issue just such an announcement and immediately submitted comments in support.

"The proposed rules could drastically change the landscape for a population that faces extreme health disparities, bias and discrimination in health care settings and in coverage," said M. Dru Levasseur, National Director of Lambda Legal's Transgender Rights Project.

The new rules would specify that under the ACA, no one can be denied health care or insurance coverage based on their sex, including their gender identity.

Any insurance that "categorically" excludes transition-related care is "facially discriminatory," according to the proposed rules, which also assert that a person's gender identity may not in any way limit their ability to access public facilities of any kind.

In September 2013, Lambda Legal submitted comments calling upon HHS to make this move. We are also urging HHS to extend protections on the basis of sexual orientation by interpreting the ACA's sex discrimination protections as including all LGBT people, and to strengthen inclusions of HIV meds.



Transgender Rights Project National Director
M. Dru Levasseur

**WELLS
FARGO**

CORPORATE SPOTLIGHT: WELLS FARGO

Working Together for the LGBT Community

Wells Fargo has supported Lambda Legal for nearly 20 years and has been a national sponsor since 2003. Last year, we were deeply honored when Lambda Legal presented us with a prestigious Liberty Award at their annual awards ceremony in New York.

While this recognition is meaningful, even more important is the impact that is possible when we work together to help meet the needs of the LGBT community. We've been proud to stand with Lambda Legal in their efforts to change the legal landscape and improve the lives of LGBT individuals and families across the country.

As laws change, so do the opportunities and challenges faced by our LGBT customers. From starting a family to growing a business, Wells Fargo is committed to providing all of our customers the financial guidance needed to help navigate a changing landscape.

In addition to Lambda Legal, we proudly support many organizations focused on the well-being of LGBT youth—including GLSEN, The Trevor Project and Point Foundation. Wells Fargo is also a presenting sponsor of GLAAD's Spirit Day campaign and invite you to join us in "going purple" every October 15 to show solidarity with bullied LGBT youth.

Working together, small efforts can create big changes. Learn more about our support for the LGBT community at www.wellsfargo.com/lgbt.



Lambda Legal Protests Voting Rights Attacks

Lambda Legal supports the Voting Rights Advancement Act of 2015, a bill introduced in Congress in June that would prevent efforts to restrict voting access. In August, Lambda Legal joined dozens of other LGBTQ organizations in signing a letter supporting the bill.

"Voting rights are an LGBTQ issue," reads the letter, because "members of the LGBTQ community are far more likely to identify as people of color, to have a disability, to live in poverty, to experience homelessness, or to come into contact with the criminal justice system. Moreover...transgender and gender-nonconforming people are far more likely to lack valid photo ID."

New Rules for Transgender Immigration Detention "Have No Teeth"



U.S. Immigration and Customs Enforcement (ICE) issued new guidelines in June on the treatment of transgender people in immigration detention. Lambda Legal welcomed their guidance on health care, mental health services and respectful treatment of transgender immigrants during the intake process, but immediately criticized them as not being strong enough.

"We are troubled that these guidelines do not include any mechanisms for enforcement... which are critical to being able to hold the government and privately run facilities accountable," said a Lambda Legal statement signed by Staff Attorney and Immigrant Rights Strategist Carmina Ocampo and Transgender Rights Project National Director M. Dru Levasseur. "Without enforcement provisions, the guidelines have no teeth."

Also missing are instructions for responding to sexual assaults in detention and protecting victims from retaliation when they report such incidents.

The guidelines also leave open the possibility that transgender people can be put in solitary confinement, "which is unacceptable given the documented serious harms caused by the use of solitary," wrote Lambda Legal.

The 18-page ICE memo focuses on a range of issues affecting transgender detainees' physical and mental health, among other needs, and is the product of a six-month investigation into longstanding problems for transgender immigrants in such facilities.

STAY INFORMED & KNOW YOUR RIGHTS!

Lambda Legal has two new online legal guides about protecting your rights as someone who is LGBT or living with HIV: *Know Your Rights in Court* and *Know Your Rights about HIV*.



IS IT PROPER FOR A JUDGE TO REVEAL MY SEXUAL ORIENTATION?



A: You and your privacy should be respected at all times in a courtroom environment—even if the court itself is not covered by any particular antidiscrimination law.

Know Your Rights in Court answers that question and several more about what you need to know if you face discrimination in court based on your sexual orientation, gender identity, gender expression or HIV status.

The truth is that biased and discriminatory language and treatment are still common in U.S. courtrooms. One out of every five respondents to Lambda Legal's 2012 *Protected and Served?* survey reported hearing a judge, attorney or other court employee make negative comments about someone's sexual orientation, gender identity or gender expression.

Stay informed and know your rights. For more information, visit:

www.lambdalegal.org/know-your-rights/in-court



WHAT SHOULD I DO AS A PERSON LIVING WITH HIV IF MY EMPLOYER OR INSURANCE COMPANY WILL NO LONGER COVER MY HIV MEDS?



A: Collect as much information as possible about the change in policy—and then contact Lambda Legal. Insurers are allowed to provide coverage for some HIV medications and not others, but there are certain minimum requirements they must meet.

More information is available in *Know Your Rights about HIV*, which also answers questions about health insurance, HIV testing, disclosure, custody disputes, political asylum and more. In addition, our new guide has all you need to know about the laws that criminalize HIV and ongoing HIV-based prosecutions in several states.

Stay informed and know your rights. For more information, visit:

www.lambdalegal.org/know-your-rights/hiv



¡EL NUEVO BLOG DE LAMBDA LEGAL ES EN ESPAÑOL!

Check out Lambda Legal's new Spanish blog at www.lambdalegal.org/es/blog, which features vital information about changes in the law and government policy as well as special features like back-to-school tips for students facing anti-LGBTQ bullying.

You'll also find *Pregúntale a Lambda Legal* (Ask Lambda Legal), where staff attorneys answer a timely new question every month and readers are directed to resources on our website.

Lambda Legal is always working to expand its outreach and collaboration with the Hispanic and Latino communities. Please let Spanish-speaking friends and family know about the new blog and tell us what you think.



Pictured (left to right): Jorge Hernandez, who is in the film *El canto del colibrí*; Marco Castro-Bojorquez, producer, director (and Lambda Legal community educator); Katie Cruz, producer; Jose Alfaro, cinematographer and producer; and Liz Salinas, second camera unit and producer

A Film About Latino Family Acceptance

Much like the mysterious songs of hummingbirds, conversations between Latino immigrant fathers and their LGBTQ children about sexual orientation and gender identity are rarely heard. These are the subject of a new documentary by Lambda Legal Community Educator Marco Castro-Bojorquez.

El canto del colibrí (The Hummingbird's Song) pulls together stories of the kind that Castro-Bojorquez hears frequently during his travels to Spanish-speaking communities around the country, conducting workshops about family acceptance of LGBTQ youth on behalf of Lambda Legal.

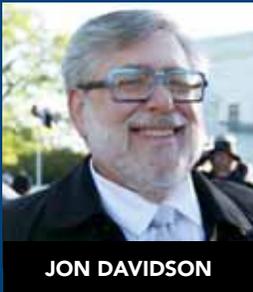
“The fathers in the film may not celebrate their children’s queerness right away,” says Castro-Bojorquez, “but they exhibit an incredible capacity to balance their values with their responsibilities as parents.”

Screenings of the new film began this summer, and Castro-Bojorquez has also begun showing parts of the film in his workshops. In August, he shared a few scenes at the Gender Odyssey conference in Seattle to highlight some of the issues faced by Latino families grappling with transgender and gender-nonconforming family members.

For more about the film, which Lambda Legal helped sponsor, visit: www.lambdalegal.org/colibri

LAMBDA LEGAL'S POST LIGHTS UP SOCIAL MEDIA

Jon Davidson, Lambda Legal's Legal Director, posted this quote on Facebook when Kentucky county clerk Kim Davis was jailed in September for refusing to issue marriage licenses:



"I have to wonder: just how many of those supporting Kentucky clerk Kim Davis' refusal to issue marriage licenses based on religious

objection to same-sex couples marrying would support a Quaker government official who refused to issue them gun permits based on a religious commitment to pacifism?"

The quote was posted on the Daily Kos and

**REPOSTED
40,000 TIMES.**

A COUPLE OF OUR FAVORITE COMMENTS:

"IT'S THOUGHT-PROVOKING IN A WAY THAT MIGHT COMPEL SOME AMERICANS TO SEE THIS RELIGIOUS LIBERTIES/RULE OF LAW CONFLICT IN A SOMEWHAT DIFFERENT LIGHT."

—EDITORIAL BOARD, PEORIA JOURNAL STAR

"I CHALLENGE GOVERNOR HUCKABEE AND ALL OF KIM DAVIS' SUPPORTERS TO THINK ABOUT THIS QUESTION THAT WAS POSED BY JON DAVIDSON OF LAMBDA LEGAL. HERE'S WHAT I KNOW FOR SURE—WHILE HISTORY IS NOT ALWAYS WRITTEN BY THE VICTORS, AND WHILE JUSTICE DELAYED IS JUSTICE DENIED, ONE OUTCOME IS ALWAYS CERTAIN: IN OUR DEMOCRACY, TOLERANCE WILL DEFEAT BIGOTRY, EQUALITY WILL OVERCOME INJUSTICE, AND LOVE WILL TRIUMPH OVER HATE."

—CALIFORNIA LT. GOVERNOR GAVIN NEWSOM



Each month, Lambda Legal's lawyers and public educators work in the courts and in the court of public opinion fighting for the rights of LGBT people and those with HIV.

The most efficient way for you to support Lambda Legal's ongoing work is to join the Justice Fund with a recurring monthly gift. With as little as \$10 per month, you will be providing the financial stability that our lawyers and public educators need to do their jobs in every corner of our country.

To join the Justice Fund fill out the information below and mail it in the enclosed envelope.

\$10.00 \$25.00 \$30.42 Other \$ _____

I have made a Justice Fund monthly contribution of at least \$25, please send me a Lambda Legal stainless-steel water bottle as a gift.***

I PREFER TO CHARGE MY: MASTERCARD VISA AMERICAN EXPRESS DISCOVER

NAME ON CARD _____ CREDIT CARD NUMBER _____ EXP. DATE* _____ SECURITY CODE** _____

BILLING ADDRESS _____

SIGNATURE _____ DAYTIME NUMBER _____

TO JOIN THE JUSTICE FUND ONLINE, VISIT: lambdalegal.org/justice-fund

* information required to make gift by credit card. We won't be able to process your gift if not complete.

** VISA/MC/Discover - 3 digits on the back of card; AmEx - 4 digits on front of card.

***Lambda Legal bottle is available with Justice Fund (monthly giving) memberships at the \$25 level or more. Bottle will be mailed after the second consecutive month of Justice Fund membership. Please allow 2 to 4 weeks for delivery. While supplies last. Lambda Legal | 120 Wall Street, 19th Floor | New York, NY 10005

IM15FA

ATLANTA

**LAMBDA LEGAL SAYS
#BLACKTRANSLIVESMATTER**



Lambda Legal Director of Community Education and Advocacy Holiday Simmons chanting with local Atlanta activists Raquel Willis and Mickyel "Micky" Bradford at a #BlackTransLivesMatter rally in Atlanta on August 25. Photo by Patrick Saunders

SAN JUAN



In August, Lambda Legal Deputy Legal Director Hayley Gorenberg attended the joyful San Juan, Puerto Rico wedding of Maritza López Avilés and Iris Delia Rivera Rivera, plaintiffs in Lambda Legal's now settled marriage case.



DALLAS LANDMARK DINNER Amicus-level Liberty Circle member Michelle Peak, Senior Counsel and Law and Policy Project National Director Jenny Pizer and National Leadership Council and Amicus-level Liberty Circle member Lauren Mutti at the Adolphus Hotel in Dallas, TX on August 16, 2015.



LAMBDA LEGAL IN THE HAMPTONS Lambda Legal supporters, including C. L. Desselte, host and Liberty Circle member Martin Dagata, host committee members Matt Detmer and Lucy Fato, and Billy Wright in East Hampton, NY on August 22, 2015.



SEATTLE GARDEN PARTY Defender-level members Paula Boggs and Rande Fox in Seattle, WA on August 6, 2015. Photo: Rafael Soldi



LAMBDA LEGAL IN THE PINES Board member and Amicus-level Liberty Circle member Todd Sears with National Leadership Council member and Defender-level Liberty Circle member Dan Cochran and Liberty Circle member Jim Pepper in Fire Island Pines, NY on July 11, 2015.



LA WOMEN'S SUMMER SOIREE Board member, host and Defender-level Liberty Circle Member Laura Brill; members Wendy Hartmann and Lynn Harrill; and host and Defender-level Liberty Circle member Ellen Evans in Los Angeles on August 1, 2015.



LAMBDA LEGAL IN DC Event co-chair, National Leadership Council and Liberty Circle member Patrick Menasco; board member and Liberty Circle member Vadim Schick; board and event co-chair and Supreme-level Liberty Circle member Karen Dixon; and Executive Director Kevin Cathcart at the Newseum in Washington, DC on June 18, 2015. Photo: Jeff Malet



LAMBDA LEGAL IN DC U.S. Attorney General Loretta Lynch at the Newseum in Washington, DC on June 18, 2015. Photo: Jeff Malet



WEST COAST LIBERTY AWARDS Board member and District-level Liberty Circle member Brad Seiling; actor Daniel Franzese; Executive Director and Amicus-level Liberty Circle member Kevin Cathcart; honoree, National Leadership Council member and Amicus-level Liberty Circle member Laurie Hasencamp; board member and Amicus-level Liberty Circle member Wendy Chang; Legal Director and Eden/Rushing Chair Jon Davidson; board co-chair and Supreme-level Liberty Circle member Karen Dixon; Transgender Rights Project Director M. Dru Levasseur; Lambda Legal client Elliott Fuerst; event co-chair Randy Wright; board Treasurer and Circuit-level Liberty Circle member Roberta Conroy; National Major Gifts Officer Phillip Ozaki; board member and Circuit-level Liberty Circle member Elliott Sernel; board member, event co-chair and Liberty Circle member Sheri Bonstelle; Olympian and red carpet host Greg Louganis; Western Regional Director and Liberty Circle member Shedrick Davis; and actor Dan Bucatinsky at the Four Seasons Beverly Wilshire in Beverly Hills on June 11, 2015.



INTO THE WOODS Back: Defender-level Liberty Circle member Terry Vanden Hoek, Amicus-level Liberty Circle members Tim Sullivan and Mike Humphrey; Front: Partner Sponsor Ann Krsul, Amicus-level Liberty Circle members MK Czerwiec and Cindy Homan, Michael Richards, Amicus-level member Jim McDonough and Partner Sponsor Leslie Sullivan in Niles, MI on August 22, 2015.



WE ASKED, YOU ANSWERED— AND LAMBDA LEGAL HEARD YOU!

In May, Lambda Legal asked our membership about their concerns and priorities for the LGBT rights movement. More than 850 people in 47 states and the District of Columbia replied. (Next year we want to hear from you too, Alaska, Nevada and Wyoming!)

HERE'S WHAT MATTERS MOST TO OUR MEMBERS:

- ✓ Marriage equality and relationship recognition (and full enforcement of the law following our victory in *Obergefell v. Hodges*)
- ✓ Protection from anti-LGBT discrimination in the workplace
- ✓ Justice and equality throughout our lifetimes, including for LGBT youth and seniors
- ✓ Fighting overly broad “religious exemptions” in antidiscrimination policies

Thanks for participating in the survey! We're definitely listening. Please take a look inside this issue of *Impact* magazine to find out how we are fighting for your priorities, whether litigating in court, shaping public policy or educating the community.

**HELP US FIGHT THE BACKLASH AS WE CONTINUE
TO PROPEL OUR MOVEMENT FORWARD.**

*Make your year-end contribution
to Lambda Legal today!*

LAMBDALEGAL.ORG/RENEW

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lambdalegal.org/help

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.

Impact magazine is published three times a year.

 **Lambda Legal**
making the case for equality