

LAMBDA LEGAL | UPDATE

CIVIL RIGHTS NEWS

Equality Sweeps the Nation



Inside:

MARRIAGE HITS THE
HEARTLAND

A WOMAN BATTLES
HER HOMOPHOBIC
DOCTORS

LGBT RIGHTS ARE
CIVIL RIGHTS

HIV AND THE
AMERICAN FAMILY



Lambda
LEGAL

ON THE JOB

As this issue of the *Update* goes to press, Lambda Legal is gearing up to launch a new workplace-discrimination lawsuit. Our client Robert Hickman is an HIV-positive man who worked as a store manager at a Subway restaurant in Nevada. He was in the process of applying for health insurance after finishing his 90-day trial period — during which time he received praise from his supervisors and an immediate merit raise — when he disclosed his HIV status. Although his supervisors assured him the disclosure wouldn't hurt his job, he was fired the next day.

It's hard to believe that in 2006, with more than two decades of medical and scientific research showing that employees with HIV can work without posing a risk to themselves or others, highly qualified people are still being fired because they have HIV. But at Lambda Legal we hear about this far too often. Just months ago, we won a successful settlement for Joey Saavedra, a skilled auto-glass installer who, like Robert, performed his job well and received the praise of his supervisors but was fired because of people's fears and misperceptions about HIV.

Lambda Legal's goal is to push *all* employers to provide equal treatment and we intend to make dramatic progress on that front in 2006.

Cases like these are vital to Lambda Legal's "Blow the Whistle on Workplace Discrimination" campaign because they highlight the kind of discrimination people with HIV still face in the workplace. They also remind us that people in low-paying jobs like those in the service industry are often especially vulnerable to discrimination.

Many low-income and service-industry employees work in places that have no legal protections for lesbian, gay, bisexual and transgender employees — currently there is no federal law that protects employees from being fired because of their sexual orientation. Only 17 states prohibit sexual orientation discrimination in private employment while only five prohibit discrimination based on gender identity. Although there is a federal law (the Americans with Disabilities Act) that is supposed to protect people with HIV from discrimination, it is sometimes ignored by employers and other times eviscerated by conservative courts.

At Lambda Legal, we believe it's our job to make sure the laws that do exist are enforced, and that the fight for expanded protections moves forward in places without laws covering LGBT and HIV-affected employees. While many corporations have made impressive strides in fair treatment for their employees, Lambda Legal's goal is to push all employers to provide equal treatment. We intend to make dramatic progress on that front in 2006.



Photo by Lisa Ross

Kevin M. Cathcart
Executive Director

Lambda Legal Online

At www.lambdalegal.org, you'll find numerous resources, plus the latest news on what's going on in the courts — and in your state. You can also get information about Lambda Legal's Help Desks or make a secure online donation. Check out our website today.

Get Connected

Log on to www.lambdalegal.org/subscribe to join Lambda Legal's online community, where you can sign up to receive our monthly eNewsletter, Action Alerts and breaking-news items.

In-Depth

As part of our Proyecto Igualdad campaign, Lambda Legal aims to inform LGBT and



HIV-affected Latinos about their legal rights and how to enforce them. We provide bilingual educational materials, host community events and trainings and offer legal assistance through our Help Desks around the country. To find out more about Proyecto

Igualdad, visit www.lambdalegal.org/proyecto to download a copy of our brochure, *Proyecto Igualdad: "Todos Somos Familias,"* or watch Lambda Legal's 2005 video in Spanish.

Insight

Lambda Legal Executive Director Kevin Cathcart has added a new title to his profile: monthly columnist for 365Gay.com.

Kevin's first piece, published last December, focused on HIV and its especially pronounced impact in disadvantaged communities, and in January he responded to the Ku Klux Klan's promise to protest our new marriage case in Iowa. Visit www.365Gay.com the first week of every month to read Kevin's column.

Cover: Lambda Legal clients Chuck Swaggerty and Jason Morgan are fighting for marriage equality in Lambda Legal's new case in Iowa.

Photo by Lambda Legal

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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.

Marriage *Hits* the Heartland

Lambda Legal makes the case for *equality* in Iowa on behalf of six couples.

Kate Varnum and Trish Hyde have been together for nearly five years. They live six blocks away from Varnum's childhood home in Cedar Rapids, Iowa, and go to the church she grew up attending. They share many of the core values that their Midwest city was founded upon and are loved and respected by their families and in their community. They know theirs isn't the life that everybody wants, but it's perfect for them.

But unlike other couples in Cedar Rapids, they cannot marry. This causes confusion when they're filling out official forms and can't accurately check either the "single" or "married" box. But much worse is the way it makes them feel. "Without marriage," Varnum says, "there is no way for me to declare who Trish is in my life."

Lambda Legal is working to change that. In December we filed a lawsuit on behalf of Varnum and Hyde and five other couples across the state who seek the right to marry (see sidebar). The lawsuit argues that, under the equal protection and due process guarantees in the Iowa Constitution, it is unlawful to bar same-sex couples from marrying. Since the case is based on state law, the Iowa Supreme Court will have the final word on its outcome.

"Same-sex couples all over Iowa are devoted to each other and love each other, and since marriage is the way the government provides protection, support and respect, it is only fair that these couples be able to marry," says Camilla Taylor, Staff Attorney in Lambda Legal's Midwest Regional Office in Chicago, who is working on the case. Dennis Johnson, former Solicitor General of Iowa, currently with Dorsey & Whitney in Des Moines, has signed on as a cooperating attorney.

Iowa is now the fifth state where Lambda Legal has marriage litigation. The other states are: New Jersey, New York, Washington (with the Northwest Women's Law Center) and California (with lead counsel NCLR and the ACLU). But unlike these other cases, the Iowa lawsuit for the first time moves the battle for marriage equality into the middle of America — what some people call the heartland. Iowa, after all, is a state that frequently totters on the line between blue and red.

Less known, however, is that Iowa also has a distinguished history of commitment to civil rights. The University of Iowa, according to its website, was the first public university to admit men and women on an equal basis and was one of the first in the United States to grant a law degree to a woman (1873) and to an African American man (1879). And in 1970 the university was the first in the country to recognize a gay and lesbian student organization. In 1977, Iowa City added sexual orientation to its human rights code, before such cities as San Francisco, New York and Chicago.

"Iowans are fair-minded people," says Taylor, "so we expected that the couples in the lawsuit would be treated with respect. Still we've been overwhelmed by the support they've received in the papers and from their communities."

Letters to the editor advocating the right to marry for same-sex couples have poured in to newspapers from people in all corners of the state. And editorial boards at newspapers large and small have weighed in favorably. For example, The *Des Moines Register* declared: "The desire for



Photo top: Jen and Dawn BarbouRoske with Breeanna and McKinley
Photo above: Larry Hoch and David Twombly

people to enter legally recognized unions will only gain momentum, as have the other civil rights struggles in this country's history. These six couples are simply part of another struggle. Treating them equally would keep faith with inherent principles that make this country great." And the Davenport-based *Quad-City Times*, after wondering what about marriage for same-sex couples is so threatening, remarked that "a pretty good argument could be made that allowing gay marriages would strengthen marriage, since it would allow partners who have already shown years of devotion to one another to take part."

In addition to using education strategies to touch the hearts and minds of Iowa residents with this case, Lambda Legal will build on its previous successful legal work before the Iowa Supreme Court. In June, the court rejected claims by antigay activists that they had a right to intervene in legal proceedings and oppose the civil union dissolution between two Sioux City women. The court held that "simply having an opinion" is not enough to interfere in the personal matters of other people and declined to consider the challengers' legal claims, letting the civil union dissolution stand.

Of course, there has been the predictable opposition, including threats and the promise of protest from the Ku Klux Klan. But whether the Klan rallies or not, it's clear that marriage equality has struck a chord in the heartland — and that Lambda Legal's case stands a very good chance of success. ■

Meet the plaintiffs



Kate Varnum, 31, and Trish Hyde, 40, of Cedar Rapids, live six blocks away from Kate's childhood home and go to the church Kate grew up attending.

David Twombly, 64, and Larry Hoch, 63, of Urbandale, are both retired teachers and are active in their respective churches.

Dawn and Jen BarbouRoske, 37 and 35 respectively, of Iowa City, have been together for more than 15 years and have two children, McKinley, 7, and Breeanna, 3. Together, they formed a playgroup for gay and lesbian families called Proud Families.



Ingrid Olson, 27, and Reva Evans, 31, of Council Bluffs, have been together for nearly eight years and live in a house that has been in Reva's family since it was built in 1918.

Jason Morgan, 35, and Chuck Swaggerty, 33, of Sioux City, have been together for eight years. They enjoy restoring their house, where they someday hope to hold their wedding.



Bill Musser, 47, and Otter Dreaming, 48, of Decorah, have been together for more than four years. Bill plays in a Scandinavian old-time dance band and

Otter is an organist. They are licensed foster parents and hope to someday adopt a child.

Photos left, top: Kate Varnum and Trish Hyde
Middle: Ingrid Olson and Reva Evans
Bottom: Bill Musser and Otter Dreaming

In My Own Words



In the summer of 2000, Lambda Legal client Guadalupe “Lupita” Benitez was denied infertility treatment by the North Coast Women’s Care Medical Group because she is a lesbian. Her former doctors are conservative Christians who claim their religious beliefs give them a right to withhold care from Benitez. For five years, Benitez has been fighting this injustice. Most recently, the California Court of Appeal vacated its own decision in favor of the doctors and has agreed to rehear the case — a highly unusual move. Lambda Legal will file new briefs with the court. Benitez describes how this case has affected her life and why it remains important.

I am fortunate in that I have three children, my son Gabriel and my twin newborn daughters, Sophia and Shane. Sometimes, when people see my family, they say to me, “You have your kids. What else do you want?” But I was discriminated against by the doctors of the North Coast Women’s Care Medical Group and mistreated before I ever became pregnant, and I don’t want these people to think that they can get away with it. I’m doing this for other people, to make sure that what happened to me never happens to anyone else.

I live in a small town in California, and there are a lot of conservative Christians here. Everyone knows everyone, and everyone reads the paper. When my family and I go out to dinner, there have been times when people have recognized me, and sometimes they make faces and stare at us. No one has ever openly confronted me in public, but I’ve faced the whispers at work and dirty looks at my son’s day care center.

What these doctors did to me is wrong. They may think they have the power to say who they will and will not treat, but they *cannot* be allowed to discriminate against me because of my sexual orientation.

I’ve also had some positive responses from people. I was approached recently by an older Mexican man who recognized me and said, “I’m so proud of you. Just the fact that you’re Hispanic and you’re standing up and voicing your opinion — I’m so proud of you.” You see, in my experience, a lot of Hispanic people are afraid to talk and to voice our feelings, especially with doctors. And when this happened to me, I was stunned and hurt, and at first I didn’t think there was anything I could do. But my partner, Joanne [Clark] was a great source of support for me. We decided we had to do something.

Lambda Legal came into the picture after my case was thrown out of court at the trial level. I didn’t know what to do, but Joanne had heard about Lambda Legal while reading some gay and lesbian magazines. We called the Help Desk and explained my situation. Lambda Legal then contacted my lawyer and we took it from there.

Photo above: Guadalupe “Lupita” Benitez
Photo opposite: Benitez and her partner, Joanne Clark

There have been a lot of ups and down with this case, but I only ever thought I would quit once. It was a couple of years ago, right before I knew there was going to be a lot of press on the case, and I was afraid. I wasn't out at work, and the day that the story broke, I felt like going in with a bag over my head. It was hard because I'd heard my coworkers say ignorant things about gay people in the past, before they knew I was gay. When they did that, I would say things like, "Who are you to judge gay people?" But after seeing the press, they knew I was gay, and I was afraid. But that didn't stop me. I went to work that day, and the day after that.

Life right now is really good: I have Joanne, I have my children, and even my family in Mexico and here in the United States are supportive. The bottom line is that what these doctors did to me is wrong. They may think they have the power to say who they will and will not treat, but they cannot be allowed to discriminate against me because of my sexual orientation — or because I'm "unmarried," as they are claiming now.

Frankly, I could have lied to them. I brought in my friend as the donor, and I could have said, "This is my husband." But I was open and honest about who I am, and it is shameful that these people punished me for that. It is the court's job to make sure that people are treated fairly before the law. And I will do whatever it takes to see this through to the end.

This case has made me a stronger, better person. And while that whole coming out experience was scary, afterwards I said to Joanne, "I feel like I can breathe." It was such a huge weight off my shoulders. This case has been a long-term struggle, but I'm not going to let what happened to me hold me down. I've taken this negative, and with Lambda Legal's help, I'm turning it into a positive. ■

fairness



Snapshots of Lambda Legal's Work Toward Equality *Every Day*

From state to state, Lambda Legal is winning the battles that *change* our lives.



Safeguarding domestic partnership benefits

Same-sex couples in New Orleans received an early holiday present when an appeals court upheld a lower court ruling protecting the city's domestic partnership registry and health insurance benefits for domestic partners of municipal employees. The registry had been under attack by the antigay Alliance Defense Fund, which claimed that the city's program violated antigay citizens' rights. Lambda Legal argued that nobody's rights were violated when elected officials provide health coverage to the families of gay and lesbian city employees — and the court agreed. Unfortunately, that hasn't stopped the Alliance Defense Fund from continuing their campaign against domestic partnership benefits elsewhere. ADF recently sued Miami University in Ohio, claiming that the university's domestic partner benefits program violates Ohio's constitutional amendment limiting marriage to a man and a woman. Lambda Legal has moved to intervene and launched a series of banner ads online to raise awareness about the case. *Brian Chase was the attorney for Lambda Legal in New Orleans. Camilla Taylor and Jim Madigan are the attorneys for Lambda Legal in Ohio.*



Securing respect for LGBT families

When Anne Magro and Heather Finstuen, with their seven-year-old twin girls born to Magro and adopted by Finstuen, decided to move to Oklahoma in July of 2000, they never expected that their family would be “invalidated” — but that's exactly what happened. Last winter, Oklahoma passed one of the most extreme antigay adoption laws in the country. It states that Oklahoma “shall not recognize an adoption by more than one individual of the same sex from any other state or foreign jurisdiction.” In December, Lambda Legal filed papers to fast track our legal challenge in the United States District Court. We hope the court will strike down this extreme law, which has the potential to make children adopted by same-sex couples in other states legal orphans when they are in Oklahoma. *Ken Upton and Brian Chase are the attorneys for Lambda Legal.*



Advancing the case for marriage in New York

After a favorable trial court ruling last February, Lambda Legal's historic marriage case suffered a setback this fall when a midlevel appeals court overturned the lower court's ruling 2-1 and stated that limiting marriage to people of different sexes is in the state's interest. Lambda Legal is appealing the case to the state's highest court. The dissenting opinion by Justice David Saxe said that denying the rights and benefits of marriage to New York State's gay and lesbian “residents is contrary to the basic principles underlying our constitution, our legal system and our concepts of liberty and justice.” Lambda Legal filed this lawsuit against New York City in March 2004; it was the first of its kind to be filed in New York after the Massachusetts high court ruled that same-sex



WORK



FAMILY



YOUTH



HOME



COMMUNITY



HIV/AIDS

couples are entitled to full marriage under that state's constitution. *Susan Sommer, David Buckel and Alphonso David are the attorneys for Lambda Legal.*



Championing civil rights at this year's Gay Games

Lambda Legal, a proud sponsor of the 2006 Gay Games, salutes clients Matthew Cusick, B. Birgit Koebke and Kendall French, who will be honored as Champions at this year's sports and cultural festival in Chicago. Gymnast Cusick, with representation from Lambda Legal, secured the largest settlement of its kind in an HIV discrimination case against his former employer Cirque du Soleil after he was fired because he has HIV. Koebke and French sued their California golf club for denying them full membership privileges because they were not legally married. Lambda Legal won their case at the California Supreme Court, which ruled that businesses in California that provide benefits to married couples must also extend them on equal terms to registered domestic partners. As part of our partnership with Gay Games, Lambda Legal members will receive \$25 off the registration fee for this year's events. Visit www.lambdalegal.org for more details.



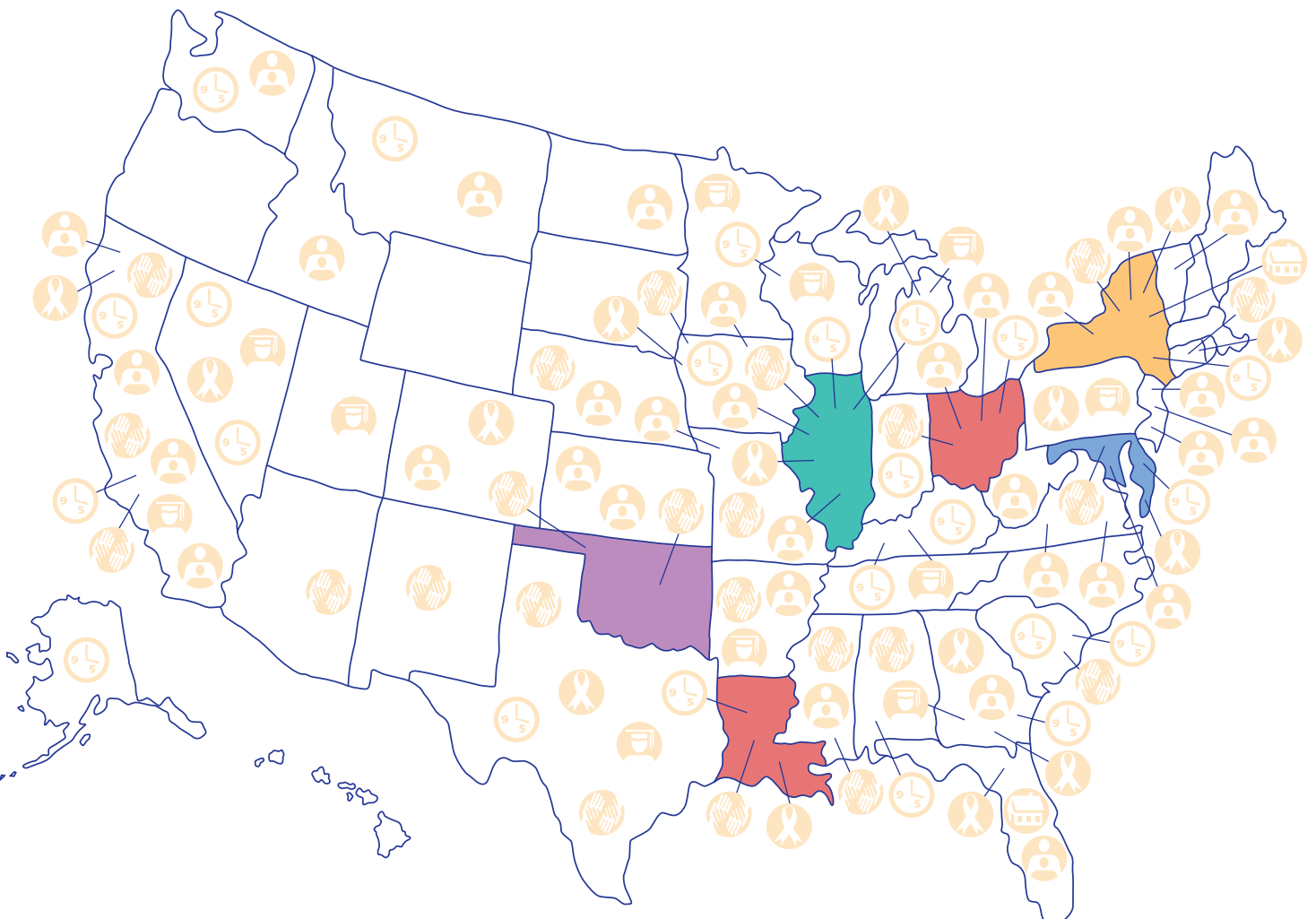
Demanding fairness at the Supreme Court

When Samuel Alito was nominated to replace swing vote Sandra Day O'Connor on the U.S. Supreme Court, Lambda Legal set out to determine if a commitment to equality for all Americans, including LGBT people and those with HIV, was part of his judicial philosophy. After closely scrutinizing his record, our analysis revealed that Alito has quite a different agenda: advancing a conservative political ideology. Lambda Legal concluded that Alito's ideology is paramount and too often leads him to write judicial decisions where the results conform to his politics, rather than to justice and the law. As part of our "Courting Justice" campaign, Lambda Legal members sent more than 3,000 letters to senators urging them to vote no on the Alito nomination and to help keep our courts fair and independent.



Samuel Alito at his Senate confirmation hearings in January

Tim Sloan/AFP/Getty Image



THIS MAP IS A PARTIAL REPRESENTATION OF LAMBDA LEGAL'S GROUNDBREAKING WORK.

Bridging the Gaps



Kevin Cathcart, Executive Director of Lambda Legal, and Wade Henderson, Executive Director of the Leadership Conference on Civil Rights, discuss civil rights, *coalition building* and the battle for the courts.

“We have to be careful not to assume that when the right wing moves on to what looks like a new issue, they’ve changed their political goals. They’ve just learned to be better marketers.”

— Kevin Cathcart

Kevin Cathcart: One of the things that I like about the Leadership Conference on Civil Rights (LCCR) is that it defines itself as a “civil rights coalition for the 21st century.” I think that explains why Lambda Legal needs to be there, and why we recently became a member, because you can’t have a civil rights coalition for this century without addressing LGBT issues.

Wade Henderson: You and I are fortunate enough to have lived to see the country transform around issues of sexual orientation. When LCCR was founded in 1950, the world was beginning a post–World War II transformation, emphasizing civil rights and human rights. We saw the Civil Rights Act of 1964, the Voting Rights Act of 1965 and a whole plethora of legislation that helped turn the civil rights movement into the most significant movement of the 20th century. Today, we are challenged to extend the movement beyond issues of race, ethnicity and gender.

KC: LGBT issues are now solidly in the mainstream civil rights movement, in a way that they certainly were not when I started doing this work. That’s the positive side. The unfortunate thing that’s also happened is that the politics of the country and the courts have changed. I came of age in the sixties and seventies and went to law school because the courts were the leaders in the civil rights movement. But we would be crazy to think of the courts as leaders in civil rights today in the way that it was reasonable to think of them a couple of decades ago. I think all civil rights work has become harder because of the way the politics of the country have drifted rightward.

WH: The political right is attempting to divide the country around sexual orientation by arguing that discrimination based on sexual orientation is different from discrimination based on other categories, and less worthy of the respect and protection of the law. The power of the term “civil rights” when applied to those problems is a source of concern for these groups, so they characterize those rights as “special rights.” I think people who argue that civil rights are “special rights” ignore the tenets of the founding fathers of this country, who recognized that the rights of minorities — whether they are racial, political or religious minorities — deserve equal protection under the law.

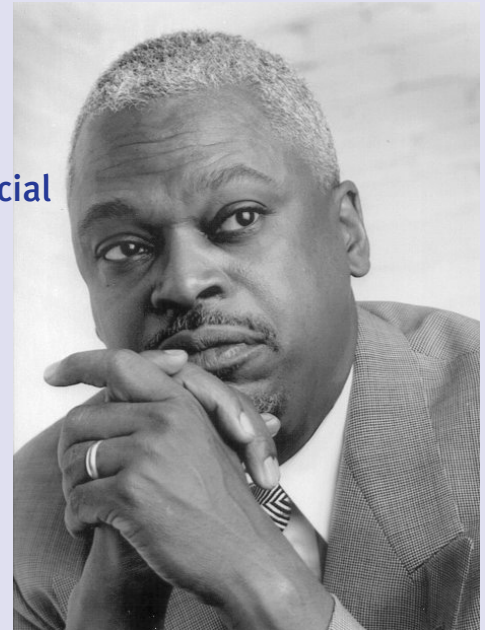
KC: There are also some people in what would be considered the more traditional civil rights movements, particularly movements for racial justice, who want to protect the term “civil rights.” In the LGBT movement, we have to be careful about making facile comparisons between our civil rights struggles and the African American civil rights movement, because those comparisons are not as simple or straightforward as some people would like them to be, and it offends people. At the same time, we also have to be clear that no one owns the phrase “civil rights.”

Photo above: Kevin Cathcart, Executive Director of Lambda Legal
Opposite page: Wade Henderson, Executive Director of the Leadership Conference on Civil Rights

Kevin Cathcart’s photo by Lisa Ross

**“If you want a friend, you have to be a friend.
If you really want to achieve lasting social
change, it requires a collaborative effort.”**

— Wade Henderson



WH: There is still some reluctance by some groups to apply the term “civil rights” to the problems of sexual orientation. I think you have to break that down, though, and recognize that there is a need for support on both sides of the equation. If you want a friend, you have to be a friend. If you really want to achieve lasting social change, it requires a collaborative effort. We may have different frames of interest, but we are bound together inextricably as citizens of this country.

KC: Coming back to our opposition, I think the right wing sometimes picks their issues, not because it is the thing that they care about the most at any given time, but because it is what they think will raise money or energize their base. For a long time, abortion was the big issue. And maybe it’s a sign of our success in the LGBT civil rights movement, but for some years now, we have supplanted abortion. But we have to be careful not to assume that when the right wing moves on to what looks like a new issue, they’ve changed their political goals. They’ve just learned to be better marketers. In truth, our opponents haven’t softened, grown up, become nice or moved on.

WH: And in order to avoid having individual groups — whether they be African Americans or gays or whomever — used as wedge issues in domestic politics, we must see ourselves, first and foremost, as part of a broader whole. When one element of our community is attacked, we are all attacked — and we have to respond in a collective way. Until we bridge the gaps between our groups through coalition work and build a basis of support and understanding across our communities, these attacks will be more successful than they should be.

KC: The focus of Lambda Legal’s coalition work with LCCR has been on judicial nominations. Sometimes when I talk about how important fair courts are, I’ll say, and only half-joking, that I think our country needs a refresher course in seventh grade civics, because that’s when you study the system of checks and balances, the three parts of government and the critical role that

an independent judiciary plays in our system. I guess a lot of people were out sick that week, because they don’t seem to remember. It’s either apathy or a lack of information about the role that the courts play, and it’s frightening.

WH: LCCR’s top priority right now is protecting the integrity of the federal courts. We are especially concerned about the judicial appointments just below the Supreme Court, at the 13 federal courts of appeals. The Supreme Court may hear 75 or 80 cases in a given term, but the courts of appeals consider 27,000 cases. These courts are largely the last stop in the federal system for some of the most important judicial questions facing the nation today — those that most directly impact people’s lives. The current president has committed to appointing judges in the mold of Justices Antonin Scalia and Clarence Thomas. That would mean not only moving the courts dramatically to the right, but fundamentally changing their character as they consider civil and human rights.

KC: We’ve also seen these issues at the state level, particularly with judges who’ve paid a high price for upholding their obligations and ruling fairly in cases involving LGBT civil rights. They’ve been subjected to recall petitions and other right-wing political organizing against them in their communities. We feel it’s important to energize people to stand up for the judges, so that there is a countervailing voice when the right is up to these tricks.

WH: It’s a kind of “teachable moment,” if you will, where we should encourage our groups to think carefully about how they can lend support to others on matters of concern that may not appear to be in the direct interest of the communities in question. Coalition work is difficult work. But by looking beyond the boundaries of our immediate priorities, and conscientiously finding places of common interest and agreement, we will be stronger than we ever could be on our own — and that’s how we reach people and effect change. ■

Defending Families

Lambda Legal's HIV Project tackles an often overlooked area of parenting law to protect vulnerable members of the HIV-affected community.

Keri Rowell is the mother of three children in Mississippi. Her sister, Tanya Wilkins, is HIV-positive and has a close relationship with Rowell and her children. For several months, Rowell and her children stayed with Wilkins in her home in Hawaii, and Rowell intended to move her family to that state permanently to live with her sister. However, Rowell's ex-husband objected because of Wilkins's HIV status and sought to remove the children from Rowell's custody. The court awarded temporary custody to Rowell, but with one condition: The children could have no physical contact with their aunt.

“With so many HIV-affected families in every part of the country, it is vital that courts everywhere safeguard their rights. Ignorance and fear should never stand in the way of family.”

— Jon Givner,
Director of the HIV Project at
Lambda Legal

This restriction was based on the faulty assumption that the children were somehow endangered by Wilkins because she has HIV. Lambda Legal stepped in on Rowell's behalf, representing her at a court hearing in Mississippi and presenting a brief detailing the medical facts regarding the transmission of HIV. We also brought in an infectious disease specialist to testify and confirm the science behind our brief.

“We were hopeful that the court would conclude that the restriction was unnecessary once it was provided accurate information about HIV transmission. There is simply no risk of HIV transmission through casual contact in the home,” said Greg Nevins, Senior Staff Attorney in Lambda Legal's Southern Regional Office. Armed with sound science, the court agreed and the family was reunited.

Rowell's case sheds light on the intersection between HIV and family law, a growing issue as more people with HIV become parents. In a recent study published in the *American Journal of Public Health*, researchers found that 28 percent of HIV-positive adults in care were parents, with HIV-positive women three times more likely than HIV-positive men to have children. Parents also continue to have children after their diagnosis: 26 percent of the women studied under the age of 30 had conceived and given birth to their first child after learning they had HIV. These aren't just numbers — they highlight the needs of these parents and their children in the legal system, and underscore Lambda Legal's commitment to protecting this growing population from harmful bias.

Lambda Legal has been fighting in the courts on behalf of people with HIV since the beginning of the epidemic more than two decades ago. We won the first AIDS-discrimination case in the country, and since then we've demanded fair treatment in all aspects of life for people with HIV. Protecting families is an important part of that mission. “With so many HIV-affected families in every part of the country, it is vital that courts everywhere safeguard their rights,” says Jon Givner, Director of the HIV Project at Lambda Legal. “Ignorance and fear should never stand in the way of family.”

But that's exactly what happened to a father in Maryland, who found himself fighting with his late wife's mother for the custody of his three children. Following the death of his wife, the father

(identified as B.G. to protect his privacy) was temporarily disabled by an HIV-related illness. His mother-in-law then sought and received full custody of the children based on her unfounded and erroneous assertion that B.G. was unfit to care for his children because he has HIV.

When the case went up on appeal, Lambda Legal submitted a friend-of-the-court brief delineating the relevant facts. We provided information about the nature, course and treatment of HIV, and argued that the court had an obligation to respect the rights of legal parents, regardless of their HIV status.

The appeals court took the time to understand and explain the facts regarding HIV, quoting extensively from our brief in its reasoning. The appeals court even chastised the trial judge for relying on his personal biases in ruling for the grandmother. The case is now back before the trial court for reconsideration. Meanwhile, the appeals court decision provides a strong precedent for other HIV parenting cases by making clear that parents cannot lose custody of their children because of HIV (or other conditions) that may periodically disable them.

These cases show how families can find themselves ripped apart by irrational bias and misguided judgment when HIV enters the picture. And with HIV spreading fast among women, advances in antiretroviral therapies leading to longer life spans and effective treatments for pregnant women that decrease the chances of infection for their children, we are likely to see the number of families living with HIV increase in the coming years. Unfortunately, stigma and ignorance around HIV persist in society. Lambda Legal will keep educating the courts and policy makers in all areas of the law where people with HIV continue to face undue hardship. ■

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Corporate Giving: *Investing* in Equality

Deloitte Financial Advisory Services LLP Leads in Financial Services and Diversity

Collectively known as Deloitte, Deloitte Touche Tohmatsu is an organization of member firms around the world devoted to excellence in providing audit, tax, consulting and financial advisory services. With strategies executed in nearly 150 countries, Deloitte is recognized as an international leader in financial services.

“Deloitte FAS’s support for Lambda Legal is consistent with our firm’s fundamental belief in hiring and promoting the best and the brightest regardless of background.”

— Deloitte FAS Partner and
Lambda Legal Board member
George Zuber

The organization’s outlook goes far beyond the financial services world, extending to a deep commitment to diversity and inclusion. Over a decade ago, the Deloitte U.S. firms launched the Initiative for the Retention and Advancement of Women — a bold move in the historically male-dominated world of financial services, and one that set a new standard for other corporations to follow.

A Lambda Legal National Sponsor since 2001, Deloitte Financial Advisory Services LLP (Deloitte FAS) shares that same commitment when it comes to the LGBT community. “Deloitte FAS’s support for Lambda Legal is consistent with our firm’s fundamental belief in hiring and promoting the best and the brightest regardless of background,” says Deloitte FAS Partner and Lambda Legal Board member George Zuber. “Not only is it good for business, it sends the right message to our employees and clients. Being socially aware and active — and supporting our LGBT employees — is simply the right thing to do.”

Deloitte FAS applies the same business acumen that earned it a reputation for excellence in financial services to its charitable giving decisions. “We choose the organizations that we support the same way we make investments,” says Zuber. “Lambda Legal is highly efficient in the use of its funds. It is very well run. And we believe that we receive an exceptional and diverse return on our commitment to Lambda Legal.”

Workplace Giving for Justice

Lambda Legal’s partnerships with the business community have played an integral role in our successes in the fight for equality. Among the many ways major corporate sponsors like Deloitte and thousands of companies nationwide help support our litigation, education and public policy work is through workplace giving programs.

Workplace giving programs make it easy to support Lambda Legal. If your employer offers this program, you can simply sign up to have a contribution deducted from your paycheck and sent to Lambda Legal on a regular basis. You will receive a deduction for your charitable contribution as well as the satisfaction of helping Lambda Legal remain on the frontlines in the fight for equality.

Some employers also offer matching gift programs, which can double or even triple the impact of your contribution. If you work for a company that offers a matching gift program, be sure to include a matching gift form (available from your employer) when you make your contribution to Lambda Legal.

To learn more about how you can participate in your workplace giving programs, check with your employer or contact Lambda Legal at 212-809-8585, ext. 334.

FOR THE NEXT GENERATION AND BEYOND

Recently, the mother of a gay high school student in Arkansas who was harassed by his peers for more than two years before Lambda Legal advocated on his behalf, wrote to us and said that, were it not for our help, she and her husband firmly believe their son “might not have survived.” We’re proud to be making that sort of difference in young people’s lives.

Much of our litigation around youth issues has demanded that schools provide equal protection to all students from harassment and violence, regardless of their sexual orientation or gender expression/identity. After we won a jury trial on behalf of Jamie Nabozny that resulted in close to a million dollar settlement and secured a pretrial settlement for Derek Henkle of almost a half million dollars that also mandated broad policy improvements, school districts across the country took notice and began to make changes. But, as our newest youth case on behalf of Nancy Wadington makes its way through discovery stages, we have learned that policies are only as good as their implementation and that our work is far from done.

Still, there has been progress. The *Henkle* case and the student club lawsuits we filed in Salt Lake City and Orange County, California (with allies at People For the American Way, the ACLU and NCLR) have vindicated the rights of lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth to be honest about who they are and to discuss issues of importance to them at school. Similarly, by disseminating information about gay-straight alliances nationally through our “Out, Safe & Respected” campaign, we have empowered young people to advocate for their rights.

Lambda Legal will continue to place youth issues among our *highest* priorities.

Lambda Legal’s Foster Care Project also continues to help the child welfare system meet the needs of LGBTQ youth. We recently renewed our multiyear national partnership with the Child Welfare League of America (CWLA) and are finalizing a report together on our Listening Forums, which took place in 13 cities across the country and demonstrate a national consensus that more needs to be done to address LGBTQ issues in foster care and offers specific recommendations. Planning is also underway for CWLA’s annual Best Practices conference, which will be dedicated entirely to LGBTQ concerns. Likewise, the country’s only peer-reviewed journal dedicated to child welfare matters is releasing a special issue focusing entirely on LGBTQ developments that will feature two articles coauthored by Lambda Legal Staff Attorney Rudy Estrada.

For far too many LGBTQ young people, growing up continues to be a battle. But Lambda Legal will continue to work intensely to address these problems, as we have for over a decade, and we will continue to place youth issues among our highest priorities.

Jon W. Davidson
Legal Director



Photo by Lisa Ross



equality

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