Dazzling Gala Marks 28 Years of NCLR Excellence

It was the hottest ticket in town and one of the Bay Area’s most important nights of the year. On May 14, 2005, bolstered by a sell-out crowd of 2,400 strong, The National Center for Lesbian Rights celebrated 28 years of pivotal and precedent-setting legal milestones for the entire LGBT community. For the seventh year in a row, the Moscone Center and stellar Emcee, Kate Clinton, set the stage for another NCLR unforgettable gala filled with electric words, inspiring activism, and packed dance-floor!

Special tribute was paid to actress Glenn Close, for her 1995 portrayal of Col. Margarette “Geehee” Cammermeyer, in the award-winning film, Serving in Silence: The Margarette Cammermeyer Story. On hand to present Close with the award, Cammermeyer applauded her friend’s courage: “Glenn Close, at a very risky time in America, decided to play an ostracized colonel who was challenging the military, which one did not. She took on that challenge and became our voice.”

Executive Director, Kate Kendell, took the stage to a thunderous ovation from the crowd.

“It is clear to me,” she proclaimed, “that our work has never been more transformative, or more important. As we beat back the forces that would deny us liberty,” she continued, “we have a vision, and it is nothing less than full dignity, protection and security for our lives and our relationships.”

The evening’s additional awardees included:

• Guinevere Turner, actor and writer for the movie Go Fish, and the L-Word, was presented with the Community Empowerment Award by film expert Jenni Olson.

• NCLR’s Legal Director, Shannon Price Minter, presented San Francisco City Attorney, Dennis Herrera with the Equality Champion Award.

• Dallas County Sheriff, Lupe Valdez, received the Visibility Award from San Francisco Deputy Policy Chief, Mendy Pendy.

• NCLR Board Member Betsy Allen and NCLR Asylum Project staff Noemi Calonje and Lena Ayoub presented NCLR Asylum Clients Shingerele, Vanessa, Luis, Mariella and Edit with the Justice Award.

NCLR wishes to thank once again the Gold Presenting Sponsor of the 2005 Gala including: AAA, The Dorton Fund, and Wells Fargo. Presenting Sponsors included Bisner & Bisner, LLP; Elizabeth J. Cabraser, Lieff Cabraser Heimann & Bernstein LLP; Lesbian Equity Foundation, Kathy Levinson; and Jan Zivic.

On the Docket—Current NCLR Cases Page 8

College basketball coaches would be hard pressed to find a more desirable recruit than Jennifer Harris. She graduated in 2003 from her Harrisburg, Pennsylvania high school as its leading scorer and most highly decorated basketball player ever. A four year National Honor-Society and President’s Academic Achievement recipient, the 6-foot guard was also named a McDonald’s, WBCA, Nike, USA Today and Blue Chip All American. Upon arriving at Penn State University in 2003, Harris became one of the team’s most outstanding assets. By the end of her sophomore season, she was among team leaders in scoring, assists and steals.

Despite her exceptional performance on the court, Harris was subject to continuous and humiliating harassment from head women’s basketball coach Rene Portland because of Harris’ race, gender, and perceived sexual orientation. Portland repeatedly questioned Harris about her sexual orientation, pressured her to be “more feminine,” and instructed other players not to associate with her. After Harris told Portland that she was a strong black woman and was unwilling to change her appearance, the harassment intensified. At the end of the 2004 season, Portland terminated Harris and two other African American players from the team.

NCLR is representing Harris, along with the law firm of Dangly Aronchick Segal & Pudlin. They have filed a complaint against Coach Portland, Athletic Director Timothy Curley and Penn State with the Pennsylvania Human Rights Commission. Karen Doering is NCLR’s lead attorney on the case.

“No Alcohol, No Drugs, No Lesbians”
- Penn State Coach Rene Portland to the Chicago Sun Times, 1986

For Penn State to step up and put a stop to this overtly illegal activity once and for all,” Doering explained that the complaint to the Commission is a prerequisite in Pennsylvania to taking legal action. When the Commission rules, it will either force Penn State to take action against Portland, or give Harris the right to file suit in the courts.

Accusations against Portland for being anti-gay are not new. In 1986, Portland told The Chicago Sun Times that she didn’t allow lesbians on her team. And, according to Sports Illustrated, “Before the University adopted a policy in the early ’90s that prohibits discrimination based on sexual orientation, Portland had gone on record about having a no-lesbian policy.” Over the years, many of the players Portland has targeted for being gay were also African American, revealing a disturbing and multi-layered pattern of discrimination.

According to Harris and other players who have contacted NCLR, Portland created a demeaning, hostile and intimidating environment for Harris and her African American teammates.
WE STAND TOGETHER.

As I reflect on the past year, I’m reminded of the extraordinary people with whom I work. You’ll meet some of them in this newsletter: courageous women and men, fighting for your rights, for your families and for the belief that everyone deserves to be treated equally. Inspired by their talent, foresight, and perseverance, I am proud to stand beside them. I urge you, as a supporter of NCLR, to stand with us as well.

Stand with college basketball star, Jennifer Harris, as she takes on the women’s basketball coach and administration of Penn State University for perpetuating a “no-lesbian” policy. For more than twenty years, this reprehensible behavior has never been formally challenged, and 21-year old Jennifer – with the help of NCLR – is saying “no more.”

Stand with Shannon Price Minter, NCLR’s Legal Director, as he champions the rights, safety, and visibility of transgender people. By fusing stellar legal advocacy with fearless activism, Shannon has helped incorporate the legal issues of the transgender community into the LGBT civil rights struggle.

Stand with Emily B., who, represented by NCLR, took her case before the state Supreme Court to ensure that all children of same-sex parents in California will be granted the same rights and protections as children with straight parents.

And stand with NCLR supporters and LGBT icons, Del Martin and Phyllis Lyon, who became the first couple in California to legally marry. A historic moment in time – even though their marriage and those of 1,200 other couples were later voided by California’s Supreme Court. Currently, NCLR is lead counsel in Woo v. Lockyer, representing Del and Phyllis, along with 11 other same-sex couples. Equality California, and our Family Coalition, seeking to end marriage discrimination in California.

This coming year, the LGBT movement sits at a critical juncture. To be sure, we’ve made enormous strides. More of us than ever before enjoy some measure of legal protection, security, and recognition. More of us than ever before are living our lives with personal integrity and authenticity. More of us than ever before have discarded the yoke of internalized homophobia and feel real power, pride, and joy in who we are. But the road ahead will bring new challenges. Pending in California are two proposed constitutional amendments which would not only deny lesbian and gay couples any right to legally marry, but also would repeal our hard-won domestic-partner protections. Additionally, several states are considering legislation to bar LGBT people from adopting, and there are more anti-gay marriage constitutional amendments on the way in other states.

Each year NCLR provides free assistance to more than 5,000 individuals seeking legal help. We do this in the face of an incredibly well-funded right wing campaign that is working overtime to roll back our lives and families. Toward that end, their legal and public relations machine outspends that of the LGBT movement by a margin of ten to one.

In order to continue our fight – your fight – for justice, it is critical that we are armed with the necessary financial resources. So today, I urge you to:

DONATE TODAY — to support NCLR’s legal work.

Calla Devlin
Communications Director
NCLR is pleased to announce that Calla Devlin has been named Communications Director. Calla comes to NCLR with more than a decade of expertise as a high level public relations and media strategist. She has secured extensive visibility for clients in top market venues such as: The Washington Post, The New York Times, USA Today; National Public Radio, The Today Show, Oprah, Politically Incorrect and CNN News.

Until recently, Devlin served as a Senior Account Executive with Landis Communications where she designed communication plans for nonprofit, arts, education and consumer clients including Stanford University and the California State Parks Foundation. She has also crafted news-driven media campaigns, successfully positioning and targeting clients to comment on breaking news and trends.

As Senior Publicist for Chronicle Books, Devlin designed marketing campaigns for sixty new products annually – including We Do: A Celebration of Gay and Lesbian Marriage and a book by U.S. Senator Barbara Boxer. As the Associate Director of Marketing and Publicity at HarperCollins, Devlin secured expansive media coverage for authors such as John Shelby Spong, civil rights champion for LGBT people of faith.

A published writer, Devlin’s work has been included in many literary journals and magazines, most recently the Harrington Lesbian Fiction Quarterly. Her memoir about lesbian parenting, Don’t Call Me Daddy: A Lesbian’s Journey as the Other Mother, is forthcoming in fall 2006 from Seal Press.

New Staff News
Our Staff Continues to Grow! Please join us in welcoming...

Calla Devlin
Communications Director

Leanna Blankenship
Development Assistant

Leanna Blankenship joined NCLR’s Development department in July, and assists with all fundraising endeavors. Leanna received her degree in art in art and sociology at UC Berkeley in 2001. After a brief stint in urban design and planning, Leanna spent several years working for Precita Eyes Mural and Visitor’s Center in San Francisco, where she ran their volunteer and membership program and their children’s art workshops. She is also a muralist and has directed several public murals with young people and participated in large scale public art pieces throughout the Bay Area. Leanna has volunteered extensively as a listener with the LWYT Youth Talkline (now the GLBT National Help Center’s Youth Talkline).

Tracy Powell
Executive Assistant, Florida

Tracy Powell joined NCLR’s Florida Office in February, where she works with Karen Doering, Florida Regional Counsel. Tracy graduated from Tiffin University in Ohio in 1994 with a Bachelors in Business Administration, with a focus in Sports Management. From there, she went on to work for a non-profit organization that provides services to mentally retarded and developmentally disabled individuals, and then spent several years at a large marketing company. Tracy relocated to Florida in 2002.

Liz Terry, Legal Assistant

Lezzy Terry joined NCLR’s staff in June, as a Legal Assistant. Liz works closely with the attorneys and law clerks to support NCLR’s legal work. Prior to NCLR, Liz worked at DSD, a small nonprofit consulting firm, and as the Sports Information Director and Compliance Coordinator at Mills College. Originally from western Massachusetts, Liz graduated from Brown University in 2002 with a degree in math. Liz is an avid sports fan and plays for the national champion Berkeley All women’s rugby team.

Abby Rubenfeld, Esq., TN

Eleanor Palacios, CA

Fiona Martin, CO

Lesley Weaver, Esq., CA

Surina Khan, CA

Leslie Weaver, Esq., CA

Karen Doering, Esq.

Ligaya Amojedo, NY

Jody Marksamer, Esq.

Noemi Calonje

Lena Ayoub, Esq.

Carol Alpert

Elizabeth G. Odelius

Robert Achtenberg, Esq., CA

Jody Marksamer, Esq.

Ruthann Robson, Esq.

Jody Marksamer, Esq.

Gail Sabin

Abby Rubenfeld, Esq.

Ruthann Robson, Esq.

Leslie Weaver, Esq., CA

Ruthann Robson, Esq.

L格雅 A. Marquardt, Esq.

Robert Achtenberg, Esq., CA

Lena Ayoub, Esq.

Jody Marksamer, Esq.

Lena Ayoub, Esq.

Ruthann Robson, Esq.

Robert Achtenberg, Esq., CA

Ruthann Robson, Esq.

Lena Ayoub, Esq.

Ruthann Robson, Esq.

Lena Ayoub, Esq.
Shannon Minter assists transgender people who have lost custody of their children, lost their jobs, or been assaulted because of their transgender status. Every day, transgender people confront bias in virtually every aspect of their lives, from employment and family relations, to the health care, criminal justice, and schools systems. Although the numbers are growing, only a small number of state and local jurisdictions and employers require respectful and nondiscriminatory treatment of transgender people.

“As a transsexual person,” says Minter, “I cannot imagine taking family relations, to the health care, criminal justice, and schools policies address such issues such as locker-room privacy, dress codes, and anti-harassment procedures. Another partnership, with Legal Services for Children, created model guidelines for the treatment of LGBT youth in foster care and juvenile-justice facilities. As legal director of NCLR, Minter appreciates “the enormous flexibility, support, and resources” he receives to do his work—which is far from complete. For the immediate future, he remains committed to his work at NCLR and especially to expanding NCLR’s ability to protect LGBT people who face multiple forms of discrimination. “Many LGBT people experience discrimination because of their gender and race, as well as their sexual orientation,” notes Minter. “In the coming years, NCLR will help lead the way in developing legal strategies that recognize the intersection of sexism, racism, and homophobia.”

Minter sees strong connections between transgender and lesbian issues. “NCLR always has been a feminist as well as a lesbian organization,” notes Minter. “Because of that strong feminist perspective, NCLR recognizes that we cannot fully protect lesbians unless we also confront sexism and gender stereotyping in all its forms, including discrimination against transgender people.”

In addition to his work on behalf of transgender people, Minter also oversees NCLR’s advocacy on behalf of lesbian, gay, and bisexual people. He is NCLR’s lead counsel on Waw v. Lederer, the California marriage equality case. Minter also represented Sharon Smith in her groundbreaking wrongful death suit on behalf of her deceased partner, Diane Whipple. Minter has been instrumental in creating new legal protections for same-sex parents, and in 2004, received an honorary degree from the New York City University School of Law for his advocacy on behalf of lesbian, gay, bisexual, and transgender people.

Minter’s belief in coalition-building led to the creation of an important collaboration. NCLR has partnered with the Gay/Straight Alliance Network, the Transgender Law Center, and the San Francisco Unified School District to draft and implement the country’s first official school-district policy which expressly includes transgender students. The policies address such issues such as locker-room privacy, dress codes, and anti-harassment procedures. Another partnership, with Legal Services for Children, created model guidelines for the treatment of LGBT youth in foster care and juvenile-justice facilities.

As legal director of NCLR, Minter appreciates “the enormous flexibility, support, and resources” he receives to do his work—which is far from complete. For the immediate future, he remains committed to his work at NCLR and especially to expanding NCLR’s ability to protect LGBT people who face multiple forms of discrimination. “Many LGBT people experience discrimination because of their gender and race, as well as their sexual orientation,” notes Minter. “In the coming years, NCLR will help lead the way in developing legal strategies that recognize the intersection of sexism, racism, and homophobia.”

Stay on top of your civil rights! Get email updates and announcements about our legal programs and nation-wide events:

[www.nclr.org](http://www.nclr.org) and click on ‘Get Email Updates’

Ford Foundation Honors Shannon Minter’s Tireless Advocacy

Prestigious Leadership for a Changing World Award

Shannon Price Minter wears many hats. Spouse, parent, law professor, and NCLR Legal Director, he is also one of this country’s most preeminent lawyers, whose tenacious work has changed the civil rights landscape for lesbian, gay, bisexual, and transgender people around the world.

In October 2005, the Ford Foundation named Minter as one of their 2005 winners of the prestigious Leadership for a Changing World Awards. The 17 awardees, chosen by a national selection committee from a pool of nearly 1,000 nominations, are individuals and leadership teams tackling some of the nation’s most entrenched social, economic and environmental challenges. Each honor’s organization receives a $100,000 award for “working against great odds to make a difference.”

Long before transgender issues were included in the agenda of the lesbian and gay rights struggle, Minter was a visible and vocal advocate for the community. Liz Seaton, General Counsel for the Human Rights Campaigns, remarks: “Frankly, it is hard to find a transgender law or policy project—large or small—anywhere in the country that he has not been involved in, advised on, or influenced through his scholarship, education, or advocacy effort.”

At NCLR, Minter assists transgender people who have lost custody of their children, lost their jobs, or been assaulted because of their transgender status. Every day, transgender people confront bias in virtually every aspect of their lives, from employment and family relations, to the health care, criminal justice, and schools systems. Although the numbers are growing, only a small number of state and local jurisdictions and employers require respectful and nondiscriminatory treatment of transgender people.

“As a transsexual person,” says Minter, “I cannot imagine taking these things—being a parent, being married, having a job, being safe—for granted. I am motivated by knowing that the work I do is making it possible for more transgender people to step out of self-hatred and fear and to come into their own.”

As a teenager growing up in rural east Texas, and identifying as a lesbian, Minter knew he was different. So did others, including students who slashed his tires. After his transition in 1996, his family had trouble accepting him as a transgender person. “But last year,” Minter reported, “I finally summoned the courage to go back home. One of the best moments of my life was being able to hug my parents and my 92-year-old grandmother again and seeing the love and acceptance in her eyes. I know that love and compassion can prevail over fear and shame.”

Recently, civil rights groups and gay and lesbian activists have begun to more fully recognize the issue of transgender people’s rights—in large part due to Minter’s advocacy. Serving as lead counsel on cutting edge civil rights cases, Minter represented transgender father Michael Kortinas in a highly publicized 2003 custody case that was televised on Court TV. The case exposed millions of viewers, many for the first time, to accurate information about transgender people and the process of sex-reassignment.

In 1995, Minter founded NCLR’s Youth Project, the first legal-advocacy group to address the needs of lesbians, gay, bisexual, and transgender (LGBT) youth. He now helps to coordinate NCLR’s Safe Homes Project, staffed by NCLR attorney Jody Marksamer, which helps LGBT youth facing discrimination and problems in foster care, group homes, or the juvenile-justice system and which has developed some of the nation’s first-ever resource materials on the appropriate treatment of transgender youth in group homes and juvenile-justice facilities.

Minter sees strong connections between transgender and lesbian issues. “NCLR always has been a feminist as well as a lesbian organization,” notes Minter. “Because of that strong feminist perspective, NCLR recognizes that we cannot fully protect lesbians unless we also confront sexism and gender stereotyping in all its forms, including discrimination against transgender people.”

In addition to his work on behalf of transgender people, Minter also oversees NCLR’s advocacy on behalf of lesbian, gay, and bisexual people. He is NCLR’s lead counsel on Waw v. Lederer, the California marriage equality case. Minter also represented Sharon Smith in her groundbreaking wrongful death suit on behalf of her deceased partner, Diane Whipple. Minter has been instrumental in creating new legal protections for same-sex parents, and in 2004, received an honorary degree from the New York City University School of Law for his advocacy on behalf of lesbian, gay, bisexual, and transgender people.

Minter’s belief in coalition-building led to the creation of an important collaboration. NCLR has partnered with the Gay/Straight Alliance Network, the Transgender Law Center, and the San Francisco Unified School District to draft and implement the country’s first official school-district policy which expressly includes transgender students. The policies address such issues such as locker-room privacy, dress codes, and anti-harassment procedures. Another partnership, with Legal Services for Children, created model guidelines for the treatment of LGBT youth in foster care and juvenile-justice facilities.

As legal director of NCLR, Minter appreciates “the enormous flexibility, support, and resources” he receives to do his work—which is far from complete. For the immediate future, he remains committed to his work at NCLR and especially to expanding NCLR’s ability to protect LGBT people who face multiple forms of discrimination. “Many LGBT people experience discrimination because of their gender and race, as well as their sexual orientation,” notes Minter. “In the coming years, NCLR will help lead the way in developing legal strategies that recognize the intersection of sexism, racism, and homophobia.”

Stay on top of your civil rights! Get email updates and announcements about our legal programs and nation-wide events:

[www.nclr.org](http://www.nclr.org) and click on ‘Get Email Updates’

NCLR Receives $100,000 Lead Gift from Kathy Levinson and Naomi Fine

NCLR is honored to announce that Kathy Levinson and Naomi Fine have made a $100,000 leadership challenge gift to this year’s Major Gifts Campaign. Their generous gift comes at a time when NCLR is leading the way in LGBT rights nationally – seeing NCLR’s leadership and the many LGBT legal battles on NCLR’s docket make it clear to Levinson and Fine that the time to give a gift of this magnitude and impact is now.

A group of generous donors have joined Levinson and Fine to create a $170,000 matching fund to encourage first time and higher giving.

All new and increased 2005 major gifts* given or pledged by December 31, 2005 will be matched up to $170,000 by the following members of the NCLR family:

Cindy Brooks & Judith Thompson
Roanne Simo
Sharon & Michelle Erlowsmith
Renato Sax & Judy Miles
Kathy Levinson & Naomi Fine
Kara Swisher & Megan Smith
Angela Padilla & Amy Silverstein
Jan Zivic

With the boost and support of these generous lead donors, and more than 30 volunteer solicitors, the 2005 Major Gifts Campaign will undoubtedly be NCLR’s most successful yet. Co-chaired by Rhett Currier and Jan Zivic, this year’s campaign goal is $1.3 million — a little more than twice the 2004 goal. We are in the fight of our lives; defeating the right wing forces who deny us and our loved ones our fundamental rights demands a significant commitment from our entire community. The largest single anti-gay group in the country has an annual budget of $130 million. The combined annual budgets of the leading twelve national LGBT organizations, including NCLR, barely break $50 million.

Make your major gift today! Contact Dena Zaldúa Hilken, Manager of Annual Giving, at zaldua@nclrights.org or (415) 392-6257, x303.

* Major gifts begin at $1,500. New and increased contributions made to the major gifts campaign of $500 or more are eligible to be matched.
NCLR combate tres décadas de acoso anti-gay en la Universidad de Pennsylvania State

**“Alcohol No, Drogas No, Lesbianas No”**

- Entrenadora de Penn State Rene Portland, al Chicago Sun Times, 1986

---

**NCLR combate las tres décadas de acoso anti-gay en la Universidad de Pennsylvania State**

Sofía difícil para estudiantes universitarios debasketball encontrar una mejor ala que Jennifer Harris. En el 2001, Harris se graduó de su preparatoria en Harrisburg, Pennsylvania siendo también famosa y una universidad famosa, donde finalmente le fue concedido el “President’s Academic Award” por cuatro años, la escolta que mide una mejor atleta que Jennifer Harris. 

Harris, negándose a darle una carta de condonación del equipo a Portland, se graduó de la Universidad de Pennsylvania State y la dignidad de muchas otras jugadoras quienes, nosotros creemos, han experimentado discriminación similar por parte de Portland a traves de los últimos casi treinta años. Confiamos en que la verdad saldrá a la luz y no permitirán que Penn State que tome las acciones necesarias para terminar este comportamiento discriminador.

Respondiendo al caso Harris, La Asociación de Mujeres y Niñas en Deportes reiteró su oposición a la discriminación contra los afro-gays, advirtiendo que, “Este tipo de ambiente puede tener un efecto negativo en la salud mental y física de los afro-gays y puede interferir en el desempeño atlético.” Adversarios deportivos con prejuicio también pueden incremen-

A pesar de que la Simple Equity and redresion, alientando de sus compañeros de equipo, y/o de que se sientan obligados a presentar una imagen que se considere socialmente deseable.

Para Harris, no fue fácil la decisión de enfrentarse con una entrenadora tan famosa y una universidad poderosa. “Yo sabía si era mejor alejarme y tratar de olvidar lo que había pasado,” dijo. “Finalmente me di cuenta de que no podía dejar esta experiencia atrás mientras otros estudiantes estaban sufriendo el mismo tipo de humillación y discriminación que yo sufrió de parte de Portland. Al final, se quejó que había.”

Desde entonces, Harris se trasladó a James Madison University, en Virginia. Pero debido a que Penn State agredió su discriminación contra Harris, negándose a darle una carta de condonación del equipo al tiempo que, algo requerido por las reglas de transmedia del NCAA, ella tendría que esperar hasta la próxima temporada para ser elegible para jugar en el equipo de Penn State. 

“Aunque prefería estar en la cancha, Harris se quejó de que no se daba a conocer lo que había pasado,” dijo. “Finalmente me di cuenta de que no podía dejar esta experiencia atrás mientras otros estudiantes estaban sufriendo el mismo tipo de humillación y discriminación que yo sufrió de parte de Portland. Al final, se quejó que había.”

**Get a gift and help win the fight!**

When you buy this one-of-a-kind commemorative keepsake, you also contribute to NCLR!

For $25, you will receive this 3” diameter, full-color ceramic 2006 Commemorative NCLR Keepsake featuring Del & Phyllis in their historic moment.

(Buy 2006 keepsakes at: www.cafepress.com/nclr)

---
The National Center for Lesbian Rights works to achieve equality for lesbian, gay, bisexual, and transgender (LGBT) people and their families across the nation by litigating cases on issues of importance to LGBT people and their families. In addition to litigating cases, NCLR provides free public education and legal information to thousands of individuals with questions related to their sexual orientation or gender identity and provides assistance to attorneys to help them better serve their LGBT clients. Attorneys interested in providing pro bono assistance may contact NCLR staff attorney, Courtney Joslin, Esq.

FAMILY LAW/ PARENTING

B.F. v. T.D.

Kentucky

Appeal pending

B.F. and T.D., a lesbian couple, were in a committed relationship for seven years. When their attempts to get pregnant were unsuccessful, they decided to adopt. Because the availability of second parent adoptions is unclear in Kentucky, only T.D. adopted the child. For the next six years, the couple raised their child together. After the couple separated, however, T.D. cut off all contact between B.F. and the child, forcing B.F. to file for visitation. Although both the trial court and the Kentucky Court of Appeals held that B.F. has no standing to seek visitation, the Kentucky Supreme Court has agreed to review the case. B.F. is represented by NCLR and local counsel Bryan G. Gatewood.

Hedberg v. Detthow

Maryland

Victory!

The Maryland Court of Appeals ruled in favor of gay father Ulf Hedberg in June 2005, holding that he must be allowed an opportunity to challenge a custody restriction that prohibits him from living with his same-sex partner, Blaise Belahousaye. The Virginia order was based on Virginia’s sodomy law, which was struck down, along with 12 others nationwide, in a U.S. Supreme Court ruling in 2003.

Elisa B. v. Superior Court

California

Victory!

Elisa and Emily had twins together while they were in a committed relationship. One of the twins has Down Syndrome and requires round-the-clock medical care. After Elisa and Emily separated, Elisa, the non-biological mother, eventually stopped visiting the twins or providing any financial support. In August 2005, the California Supreme Court held that Elisa is a legal parent and must pay child support, stating that when a same-sex couple has a child through assisted reproduction, both partners are legal parents, regardless of their gender. Sexual orientation, or marital status. The California Supreme Court is the first state Supreme Court to reach this conclusion, and its decision in this case and the other two related cases that were decided the same day inevitably will influence courts in other states.

K.M. v. E.G.

California

Victory!

A lesbian couple, K.M. and E.G., had twins together through a reproductive technology known as ovum-sharing. An egg was removed from K.M., fertilized in vitro, and implanted in her partner E.G. After the twins were born, K.M. and E.G. raised them together for several years. When the couple separated, however, E.G. (the birth mother) refused to allow K.M. (the genetic mother) to see the children. In August 2005, the California Supreme Court held that both women are legal parents to their twin girls. NCLR, Lambda Legal and other LGBT organizations filed an amicus brief on K.M.’s behalf. K.M. is represented by the Hersh Family Law Practice.

Kristine H. v. Lisa R.

California

Victory!

Kristine and L.R. had a child together using alternative insemination. Before the child was born, Kristine and Lisa obtained a court judgment declaring both of them to be the child’s legal parents. When the couple separated a few years later, however, Kristine took the position that Lisa was not a legal parent and had no right to custody or visitation with their child. In August 2005, the California Supreme Court ruled that Kristine was barred from challenging the judgment and that both women are legal parents. NCLR, Lambda Legal, and other LGBT organizations filed an amicus brief on behalf of Lisa, the non-biological mother. Lisa is represented by Diane Goodman and Leslie Shaer of Los Angeles, California.

In re Parentage of L.B.

Washington

Victory!

Sue Ellen Carvin and her former partner Page Britain were in a committed relationship for 12 years. They had a child and raised her together for 6 years. Throughout that time, Carvin was the child’s primary caretaker. After the couple separated, Britain cut off all contact between Carvin and the child. In November 2005, the Washington Supreme Court held that Carvin is a parent and is entitled to seek custody or visitation. With this landmark decision, the Washington Supreme Court has now become the second state supreme court, following California earlier this year, to hold that same-sex couples who have and raise children together are both legally responsible as parents. Carvin was represented by the Northwest Women’s Law Center. NCLR, Lambda Legal, and Children of Lesbians and Gays Everywhere (COGAE) filed a brief supporting Carvin, with assistance from Kristin Boraas, Laura Clinton, and Jamie D. Pedersen of Preston Gates & Ellis LLP.

Adoption.com

California

Initial Victory!

NCLR is suing Adoption.com, the largest adoption-related website in the United States, on behalf Richard and Michael Butler, a same-sex couple who have been together eight years. Rich and Michael attempted to post a profile as potential adoptive parents on one of Adoption.com’s websites. A company spokesperson told the Butlers that the company does not allow gay and lesbian couples to use their services. Represented by NCLR and the law firm of Orrick, Herrington & Sutcliffe LLP, the Butlers are challenging this anti-gay policy under California law, which prohibits businesses from discriminating on the basis of sexual orientation. In an initial victory in May 2005, federal district court Judge Phyllis Hamilton held that Adoption.com must comply with California’s non-discrimination laws and that the Butlers’ case can proceed.

Wood v. Wood

Florida/Colorado

Victory!

NCLR represents Hannah Wood in a Florida child custody case against her former partner, Courtney Wood. Hannah and Courtney had a child together using alternative insemination. After the couple separated, a Colorado court granted Hannah visitation with the couple’s daughter. Courtney filed the state with their daughter and filed an action in Florida, seeking a ruling that Hannah has no parental rights. Represented by NCLR attorney Karen Doering, Hannah successfully argued that Colorado, not Florida, had jurisdiction over the case. NCLR cooperating attorney Kyle Velez is representing Hannah in the Colorado action.

Angela G. v. D.W.

California

Victory!

Angela G. and D.W., a lesbian couple, had a child together in 1998. After the couple separated, D.W. arbitrarily cut off all contact between Angela and the child, forcing Angela to file for custody. The trial court held that Angela was not a parent and had no right to any contact with the child. In June 2005, the California Court of Appeal reversed the trial court’s decision and held that Angela is a parent and has the right to seek custody. NCLR represented Angela in her appeal.

Jones v. Barlow

Utah

Appeal Pending

Keri Jones and Cheryl Barlow had a child together in Utah using alternative insemination. After they separated, Cheryl tried to prevent Keri from having any contact with their child. In 2004, a Utah trial court granted Keri visitation. Cheryl, who identifies as an “ex-lesbian” and is being represented by an anti-gay legal organization, appealed this decision to the Utah Supreme Court. NCLR is representing Keri on appeal with the assistance of local counsel Lauren R. Barros, P.C., who represented Keri at trial.

Katherine Anne Fisher

Davenport et al v. Deborah West Virginia

Victory!

The ACLU of Virginia sued on behalf of four children adopted by same-sex couples after the Virginia Department of Vital Records refused to issue new birth certificates listing both of the children’s adoptive parents. The children were born in Virginia, but adopted by same-sex couples in the District of Columbia and New York. NCLR assisted Professor Joan Hoolding, one of the nation’s foremost scholars on adoption law, in filing an amicus brief supporting the children’s right to obtain accurate birth certificates. In April 2005, the Virginia Supreme Court held that the Department of Vital Records must issue birth certificates listing both adoptive parents, regardless of whether the adopted parents are different-sex or same-sex.

Tina B. v. Paul S.

West Virginia

Victory!

Tina B. and Christine S., a lesbian couple, lived together for many years and had two children together. When Christine died, Christine’s parents tried to obtain custody of one of the children, over Tina’s strong objection. The West Virginia Supreme Court awarded Tina B. custody of the child. The National Center for Lesbian Rights and Lambda Legal filed an amicus brief supporting Tina, who is represented by James Wilson Douglas of Sutton, West Virginia.

Jones v. Boring

Pennsylvania

Victory!

Ellen Boring and Patricia Jones had twin children together in the context of a long-term committed relationship. When the couple separated, Boring tried to cut off Jones’ contact with the children. After hearing extensive evidence, a trial court awarded custody to Jones. Boring appealed, arguing that she automatically should be given custody because she is the birth mother. The appellate court rejected the argument that biology alone should determine custody, holding that the primary focus must always be on the best interests of the child. The National Center for Lesbian Rights represented Jones, along with Lambda Legal, The Center for Lesbian and Gay Civil Rights and local counsel...
brief, along with 24 other second-parent adoption of the older child in Florida, asking the Florida Court to enforce the parenting order issued by the California Court of Appeal. Kristina is being represented by an anti-gay organization.

Hayes v. Mohr
Florida Appeal Pending
Teresa Hayes and Mary Mohr were in a committed relationship for over 17 years, during which time Mohr adopted two children. To ensure that Hayes also would be recognized as a legal parent, in 1999 the couple obtained a parenting decree from a Colorado court acknowledging Teresa Hayes as the second legal parent of the couple’s two children. In 2005, after moving to Florida, the couple separated. Mohr began curtailling, and eventually terminated Hayes’ contact with the children. Hayes filed suit in Florida, asking the Florida Court to enforce the parenting order issued by Colorado. Mohr asked the Florida court to dismiss the case, claiming the Colorado order was invalid. The court granted Mohr’s motion to dismiss the action. NCLR represents Hayes on appeal.

Sharon S. v. Annette F.
California Appeal Pending
Sharon and Annette were in a committed relationship for many years and had two children together. Annette completed a second-parent adoption of the older child and was in the process of adopting the younger when the couple separated. Sharon, the birth mother, tried to block the adoption by arguing that second-parent adoptions are not permissible under California law. After several perilous years for thousands of families in California, in 2003, the California Supreme Court held that California permits second-parent adoptions and sent the case back to the trial court to determine whether the adoption should be granted in this case. In 2004, the trial court held that Annette should be permitted to complete the adoption to protect the best interests of the child. In November, 2005, the California Court of Appeal affirmed the trial court’s decision. NCLR represented Annette in the appeal.

MARRIAGE

Woo v. California
California Initial Victory! Appeal Pending
The National Center for Lesbian Rights is lead counsel in Woo v. California, a lawsuit seeking marriage equality on behalf of same-sex couples, Equality California, and Our Family Coalition. In April, 2005, San Francisco Superior Court Judge Richard A. Kramer ruled in favor of the couples, holding that California’s exclusion of same-sex couples from marriage discriminates on the basis of sex and violates the fundamental right to marry. Judge Kramer’s decision is now pending before the Court of Appeal in San Francisco. NCLR’s co-counsel in the case are Lambda Legal, the ACLU, Stephen V. Bomse, Christopher T. Stoll, Richard DeNatale, and Ryan Tocarcz of Heller Ehrman White & McAuliffe LLP. David C. Codell of the Law Office of David C. Codell, and Clyde J. Wadsworth of Shefel Levy & Weiss. Our co-counsel are David C. Codell of the Law Office of David C. Codell, the ACLU, and Lambda Legal. In September 2004, the Sacramento Superior Court upheld the validity of the law, and the California Court of Appeal upheld that decision.

Bowler v. Locker
California Victory!
The anti-gay group Campaign for California Families (CCF) submitted a proposed initiative to amend the California Constitution to permanently exclude same-sex couples from the right to marry and to eliminate rights and responsibilities provided to registered domestic partners. After the Attorney General issued its description of the proposed initiative and its effect, CCF filed a lawsuit challenging the Attorney General’s description. Sacramento Superior Court Judge Cadei resoundingly rejected CCF’s claims, holding that the Attorney General’s Title and Summary was accurate. The California Court of Appeal subsequently denied CCF’s request to review the trial court decision. NCLR, along with the law firm of Remcho Johansen and Purcell, and Lambda Legal and the ACLU represent Equality for All, Equality California, and two same-sex couples who intervened in the action to represent the interests of same-sex couples.

Florida Anti-Gay Ballot Initiative
Florida Trial Court Decision Pending
NCLR, the ACLU, and Equality Florida filed a brief in the Florida Supreme Court challenging a proposed anti-gay voter initiative. The measure, if passed, would block recognition of marriage for same-sex couples and legalize the current domestic partner protections that exist across the state. Filed on behalf of six same-sex couples, the brief argues that the initiative violates the single subject rule in the Florida Constitution by requiring voters to decide two separate issues at once: whether to prohibit same-sex couples from marrying and whether to prohibit the provision of other types of legal protections for same-sex couples.

Higgs v. Kolhage
Florida Trial Court Decision Pending
NCLR is representing six same-sex couples and Equality Florida, a statewide LGBT education and advocacy organization, in a lawsuit seeking marriage equality for same-sex couples in Florida. All six couples were turned away by the Clerk of the Court’s office when they tried to apply for a marriage license. Our co-counsel is Richard A. Kramer of the Law Office of David C. Codell, the ACLU, and Lambda Legal. In September 2004, the Sacramento Superior Court upheld the validity of the law, and the California Court of Appeal upheld that decision.

DOMESTIC PARTNERSHIP AND OTHER RELATIONSHIP PROTECTIONS

Knight v. Superior Court
Thomasson v. Schwarzenegger
California Victory!
Shortly after AB 205—the California Domestic Partner Rights and Responsibilities Act of 2003—was signed into law, two rightwing groups filed lawsuits seeking to prevent the law from going into effect. NCLR is defending AB 205 on behalf of 12 same-sex couples and Equality California. Our co-counsel are David C. Codell of the Law Office of David C. Codell, the ACLU, and Lambda Legal. In 2005, several counties filed a lawsuit challenging this rule. NCLR, Lambda Legal, and the law firm of Munger Tolles are representing California and similar protections in four other states. Filed on behalf of six same-sex couples and Equality Florida, the brief challenges the constitutionality of the law.

Strong v. BOE
California Trial Court Decision Pending
Under California law, when a spouse dies and the other spouse inherits the couple’s home, the other spouse inherits the couple’s home. STAND is representing plaintiffs in a lawsuit seeking to invalidate Dawn McKinley and Kathy Reynolds’ marriage. NCLR represents Dawn and Kathy McKinley and Reynolds on appeal. Dawn McKinley and Kathy Reynolds, who were married in Minnesota, are challenging the constitutionality of the law. In February 2003, the California Supreme Court held that the law violated the constitutional right to marry. In response to the supreme court’s decision, the Contractors State License Board (CSLB) issued a new regulation that would require the surviving partner to demonstrate their commitment to each other and to provide the surviving partner in the event of one partner’s death, including registering as domestic partners. During the time they were together, William worked for Owens Illinois as a warehouse crew leader for more than 35 years. Throughout William’s employment, he was never married and never lived with another male partner. In 2004, a participant under their Pension Plan. William was still working for Owens Illinois when he suddenly and unexpectedly passed away in March of 2005. Faced with the sudden and tragic loss of his life partner, Marvin submitted a claim for William’s Pension benefits. Despite their long and committed relationship, the company rejected Marvin’s claim. NCLR, with the assistance of attorney Teresa Renakar, filed an initial appeal letter, which the company also rejected. NCLR is now preparing an additional appeal on Marvin’s behalf.

TRANSGENDER ISSUES

Kantarav v. Kantaras
Florida Victory!
In June 2005, love, patience, and persistence, combined with a visionary judge and a little help from Dr. Phil, led to an historic settlement agreement between NCLR client Michael Kantaras and his former wife, Michael. Michael, a transsexual father, has been fighting for almost seven years to retain his parental rights to his two children, aged 16 and 13. This case first made national and international news in 2002, when Court TV aired the entire three-week trial. Michael’s former wife knew he was transsexual when they married, but when Michael filed for divorce, she attacked the validity of their ten-year marriage and Michael’s status as a legal parent to the couple’s two children - based solely on Michael’s gender status. In February 2003, Circuit Court Judge Gerard O’Brien issued a groundbreaking decision holding that Michael was legally male, affirming the validity of the case on appeal.
his show and encouraged them to medicate the case for the sake of the children. After two all-day mediation sessions, the parties reached a settlement in which Michael retains all of his parental rights and responsibilities and will continue to share legal custody with the children’s mother.

**In re Marriage of Simmons**

**Illinois**

NCLR assisted Sterling Simmons, a transgender father in Chicago. Sterling has lived his entire adult life as a male and has undergone medical treatment for sex-reassignment. He also had his birth certificate changed to reflect his male gender. Sterling married in 1985. He and his wife had a child together in 1992 through adoption. When Sterling filed for divorce in 1998, his wife counter-petitioned to have their marriage declared void and to terminate Sterling’s parental rights. All three therapists who evaluated the family found that the mother to be unstable and recommended that Sterling be given custody. Despite these recommendations, the trial court gave custody to Sterling’s ex-wife and held that Sterling is not a legal parent, solely because he is transgender. In 2005, the Illinois Court of Appeals affirmed the trial court judgment, and the Illinois Supreme Court denied Sterling’s request for further review.

**Etsitty v. Utah Transit Authority**

**Tenth Circuit**

Appeal Pending

Despite having a spotless employment record, Krystal Etsitty, a transgender woman, was fired from her job as a public bus driver by the Utah Transit Authority (UTA), solely because UTA feared that members of the public might be offended by Etsitty’s transgender appearance. In federal district court in Utah dismissed Etsitty’s case, holding that federal laws prohibiting sex discrimination do not protect transgender people. Etsitty is appealing this decision to the Tenth Circuit. NCLR, Lambda Legal, and the ACLU filed an amicus brief supporting Etsitty’s claim.

**IMMIGRATION/ASYLUM**

**In re Shinegerele**

**(Mongolia)**

Victory!

In Mongolia, Shinegerele was arrested and detained by the Mongolian police because she is a lesbian. In custody, Shinegerele suffered severe physical abuse while being interrogated about her sexual orientation. She was told that if she admitted to being a lesbian, she would be sent to a psychiatric hospital, and that if she denied it, she would remain in prison. NCLR represented Shinegerele at her asylum office interview. She was granted asylum by the San Francisco Asylum Office on March 15, 2005.

**In re Luis**

**(Mexico)**

Victory!

Luis, a 24-year-old gay man from Mexico, suffered years of discrimination, harassment, ostracism, and exclusion from school, sports, his family, and peers because of his sexual orientation. Rather than protect him, police officers in Mexico physically assaulted Luis on numerous occasions. In August, 2003, Luis fled Mexico seeking safety in the United States. After months of unsuccessfully searching for legal representation, Luis turned to NCLR for assistance. NCLR contacted immigration attorney Kelly McCown who agreed to represent Luis pro bono with assistance from NCLR. On November 22, 2004, Luis was granted asylum by the San Francisco Asylum Office.

**In re Mariella & Edit**

**(Peru)**

Victory!

On October 13, 2003, Mariella, a transgender woman, and her wife, Edit, were attacked in broad daylight on the streets of Lima, Peru by a gang of youth who beat them with stones while yelling disparaging homophobic comments. Although Mariella and Edit were able to identify their attackers, government officials refused to prosecute them. After months of continued harassment and threats, the couple fled Peru seeking safety in the United States. Through the support of pro-bono counsel David Augustine and NCLR interpreter Noemi Calonje, Mariella and Edit were granted asylum on September 9, 2004.

**In re Vanessa**

**(Nicaragua)**

Victory!

In September 2003, Vanessa left Nicaragua and fled to the United States in search of safety. Vanessa has identified as a lesbian since she was 12. She grew up in Nicaragua, where being lesbian or gay is still a criminal offense. Because of Nicaragua’s strong social and religious aversion to LGBT people, she suffered harassment and ostracism by her family and peers. Vanessa learned she had no choice but to endure a heterosexual relationship and suppress her feelings toward women. Vanessa suffered repeated physical and emotional battering by her common law husband who abused her because of her desire for independence and because he knew she is a lesbian. NCLR partnered with local attorney Betsy Allen and filed an asylum application on her behalf based on her gender and sexual orientation. On May 10, 2005, Vanessa was granted asylum in San Francisco, California.

**Soto Vega v. Ashcroft**

**Ninth Circuit**

Appeal pending

On July 24, 2002, Jorge Soto Vega filed for asylum based on persecution he suffered in Mexico because of his sexual orientation.

As a child in Mexico, Jorge suffered abuse, harassment, and ridicule from family members and classmates because he was perceived to be gay. As a teenager, Jorge was severely beaten by officers of the Mexican police force upon suspicion that he was gay. The officers yelled derogatory slurs at Jorge as they threatened to kill him in order to “rid the streets of fags.” An immigration judge denied Jorge’s application for asylum, based on the Judge’s view that Jorge does not “look gay.” Lambda Legal is representing Jorge before the Ninth Circuit. NCLR and the ACLU filed an amicus brief on his behalf.

**YOUTH**

**Barriuer v. St. Johns County School Board**

**Florida**

Demand Letter Sent

NCLR represents High School senior Marissa Barriuer who, along with several other students, sought to start a Gay Straight Alliance (GSA) club at Pedro Menendez High School in St. Augustine, Florida. Although Menendez High School permits other non-curricular student clubs, including the Christian Club and the Red Cross/Key Club, to meet on campus, the school refused to allow a GSA club at the school. NCLR is assisting the students at Menendez High School in challenging this unlawful discrimination.

**Pinellas County Juvenile Welfare Board**

**Florida**

Victory!

On February 7, 2005, a member of the Pinellas County Juvenile Welfare Board issued a public statement clarifying that she had no choice but to endure a heterosexual relationship and suppress her feelings toward women. Vanessa suffered repeated physical and emotional battering by her common law husband who abused her because of her desire for independence and because he knew she is a lesbian. NCLR partnered with local attorney Betsy Allen and filed an asylum application on her behalf based on her gender and sexual orientation. On May 10, 2005, Vanessa was granted asylum in San Francisco, California.

**Davis v. Fleming High School**

**Florida**

Victory!

NCLR represented Kelli Davis, a senior at Fleming High School, who was denied the right to appear in her senior yearbook because she wore a tuxedo rather than stereotypically feminine clothing. After receiving a demand letter from NCLR and Equality Florida, the school agreed to change its senior portrait policy, add sexual orientation to its non-discrimination policy for both students and teachers, distribute a copy of the new non-discrimination policy to all secondary school students, provide annual non-discrimination training that includes sexual orientation to all faculty and staff, and provide diversity training that includes sexual orientation to all junior high and high school students in the district.

**SPORTS**

**Jennifer Harris**

Pennsylvania

Complaint Filed

NCLR sent a demand letter to Penn State University on behalf of former Penn State basketball star Jennifer Harris, alleging that for nearly three decades Lady Lion’s basketball coach, Rene Portland, has engaged in anti-gay harassment and discrimination against players she suspects are lesbian. NCLR, along with Sharon McKee of Hanley Aronchick Segal & Pudlin, also filed a complaint with the Pennsylvania Human Relations Commission on Harris’s behalf, alleging race, gender, and sexual-orientation discrimination. Despite Harris’s outstanding performance as a player during her two-year career at Penn State from 2003-2005, Coach Portland interrogated Harris about her sexual orientation, repeatedly told her to change her appearance to be more “feminine,” and eventually told Harris not to associate with Harris. In March 2005, Coach Portland terminated Harris and the two other African American players from the team. At the time she was dismissed, Harris was among the Lady Lions’ leaders in scoring, assists and steals. She has since transferred to James Madison University where, because of Penn State’s unlawful delay in giving her a release letter, as required by NCAA transfer rules, she must sit out the
Koebke v. Bernardo Heights Country Club California Victory!

Virgil Koebke and Kendall French, a lesbian couple who have been domestic partners for 12 years, sued the Bernardo Heights Country Club for refusing to provide them with the same membership benefits given to different-sex couples and for allowing other members to harass and insult them because of their sexual orientation. In August 2009, the California Supreme Court held that the state’s civil rights law requires businesses in California, including country clubs, to treat registered domestic partners the same as married couples. Lambda Legal represented Koebke and French. NCLR, the Women’s Sports Foundation, and the California Women’s Law Center filed an amicus brief describing the history of discrimination against women by private golf clubs.


NCLR and attorney Michael Shirk from the National Education Association/Texas State Teachers Association negotiated a settlement on behalf of Merry Stephens, an award-winning teacher and basketball coach with Bloomberg Independent School District in the small rural community of Bloomburg, Texas. Coach Stephens was honored as a “Teacher of the Year” in 2004 and named “Coach of the Year” in three of her five years as head coach of the Lady Wildcats basketball team. During her award-winning tenure, Coach Stephens led the team to the district, regional and semi-state championships, breaking several school district coaching records in the process. Stephens also received excellent teaching evaluations throughout her tenure with the Bloomburg Independent School District. In December 2004, the School Board initiated proceedings to terminate Coach Stephens. The school board president testified under oath that the board’s decision to terminate Coach Stephens was based on the personal anti-gay animosity of several school board members. In exchange for Coach Stephens’ agreement not to pursue further legal action, the district agreed to pay her the full value of her two-year contract.

EMPLOYMENT

Kooyne v. Bel-Aire Investments, Inc. Florida Trial Court Decision Pending

NLR and cooperating attorneys Kendra Presswood and Margaret Laney represent Peter Coyne in a sexual harassment suit against his former employer. Peter alleges that throughout his 14 months of employment, Don Winter, the President and owner of Bel-Aire investments, bullied, manipulated, and demigned Peter and subjected him to continued sexual harassment, including threatening to fire Peter if he refused Winter’s sexual demands. When Peter finally did refuse any further sexual contact, he was constructively discharged and then harassed and stalked by Winter. Peter is seeking damages to compensate him for the lost wages and severe mental anguish and emotional distress he suffered as a result of Winter’s unrelenting harassment.

Jespersen v. Harrah’s Casino Ninth Circuit Appeal Pending

NLR and the Transgender Law Center filed an amicus brief with the Ninth Circuit supporting Darlene Jespersen, who was fired by Harrah’s Casino after she refused to comply with a new policy requiring female employees to adopt a hyper-feminine appearance. Harrah’s new policy required all women to wear heavy makeup applied in exactly the same way every day, to match a photograph held by the supervisor. Jespersen is represented by Lambda Legal and Ken McKenna of Reno, Nevada.

FIRST AMENDMENT

Christian Legal Society v. Kane California Federal Court Trial Court Decision Pending

Like many public schools, the University of California – Hastings Law School permits law students to organize student groups that are eligible to apply for university funding for group-related events. To be recognized as an official student group, all student groups must abide by the Hastings’ policy on nondiscrimination. In 2004, the Christian Legal Society filed a lawsuit against Hastings alleging that the nondiscrimination policy violated the group’s First Amendment right to discriminate against gay and non-Christian students. Representing Outlaw, the LGBT student group at Hastings, NCLR and the law firm of Heller, Ehrman, White & McAuliffe intervened to defend the University’s policy. The University is represented by Ethan Schuman of Howard Rice Nemovski Canady Falk & Rabkin.

Dykes on Bikes Trademark Trial and Appeals Board Appeal pending

NCLR and the Brooke Oliver Law Group represent the San Francisco Women’s Motorcycle Contingent in an action to register the name “Dykes on Bikes” with the U.S. Trademark and Patent Office (USPTO). The USPTO initially rejected the application on the ground that the term “Dykes on Bikes” is disparaging to lesbian, gay, bisexual, and transgender people. NCLR and the Brooke Oliver Law Group then submitted extensive documentation from activists, community members, and scholars from across the country, demonstrating that the LGBT community considers the name “DYKES ON BIKES” to be a positive, empowering and affirming term. Despite this evidence, the USPTO again rejected the trademark application on the grounds that “the term dyke is considered vulgar, offensive and/or disparaging.” NCLR, the Brooke Oliver Law Group, and the law firm of Townsend and Crew LLP are appealing the decision to the Trademark Trial and Appeal Board.

FAIR v. Rumsfeld United States Supreme Court Appeal Pending

NCLR has filed an amicus brief challenging the Solomon Amendment with the United States Supreme Court. The Solomon Amendment is a federal law that denies federal funding to a university if the university denies the military access to recruit on campus, even if the university excludes other employers who discriminate on the basis of sexual orientation. The Forum for Academic and Institutional Rights (FAIR), the Society for American Law Teachers (SALT), numerous law schools, and several individuals have challenged the law. For more information about the FAIR litigation, including all of the case documents, see http://sallaw.org/spacerum/solomon/fa ircase.html.

For the complete docket, go to www.nclrights.org

REPRODUCTIVE RIGHTS

Benitez v. North Coast Women’s Care Medical Group California Appeal Pending

Lambda Legal represents Guadalupe “Lupita” Benitez who was denied infertility treatment by her Southern California health care providers because she is a lesbian. The trial court rejected the doctors’ claim that they should be exempt from California’s nondiscrimination statute because they have religious objections to serving lesbian patients. The California Court of Appeal is now reviewing that ruling. NCLR joined an amicus brief in support of Benitez, along with 15 other medical, civil rights, and community based organizations.

Ayotte v. Planned Parenthood of Northern New England United States Supreme Court Appeal Pending

Planned Parenthood of Northern New England sought a declaratory judgment that the New Hampshire Parental Notification Prior to Abortion Act is unconstitutional. The Act prohibits abortions for minors unless the parents have been notified. Both the trial court and the Court of Appeal held that the Act is unconstitutional. The case is now pending before the United States Supreme Court. The National Center for Lesbian Rights joined an amicus brief to the United States Supreme Court urging the Court to affirm the decision below. The brief was authored by Legal Momentum.

Scheidler v. NOW United States Supreme Court Appeal Pending

The National Organization for Women (NOW) filed a lawsuit alleging that anti-abortion protesters had engaged in a nationwide conspiracy to shut down abortion clinics through a “pattern of racketeering activity.” NCLR joined an amicus brief to the United States Supreme Court supporting NOW’s argument. The amicus brief was authored by NARAL Pro-Choice America and the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP.