



MAKING THE CASE FOR EQUALITY

LAMBDA LEGAL
ANNUAL REPORT 2010



Lambda Legal
making the case for equality

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.

FROM THE BOARD CO-CHAIRS



2010 was another impressive year for Lambda Legal. In our 37th year, Lambda Legal continued to lead the fight to strengthen and defend the rights of lesbian, gay, bisexual and transgender people and people with HIV through impact litigation, education and public policy work. We feel privileged and proud to be a part of this organization.

Lambda Legal made the case for equality in court and out of court and won protections for same-sex parents, transgender workers, lesbian and gay state employees, people with

HIV, and members of LGBT families who find themselves or a loved one seeking medical care in a hospital. The impact of Lambda Legal's work can be felt in the lives of so many people, every day.

And when our country took big steps forward, the historic and strategic work of Lambda Legal helped make it possible. We were thrilled when Congress finally voted to end "Don't Ask, Don't Tell" (DADT) after years of protest and advocacy by so many LGBT and allied people and groups. Long before DADT was enacted, Lambda Legal brought the first legal challenge against discrimination by the military in 1975, and later successfully represented Col. Margarethe Cammermeyer, who was discharged because she is a lesbian. Sometimes it takes years to right a wrong and achieve justice—and

we know that Lambda Legal is in it for the long haul.

Every person who supports and contributes to Lambda Legal owns a piece of the history that Lambda Legal makes. Each contribution strengthens our capacity to fight for equality, safeguard our freedom and protect our families.

We are very grateful to our members and donors around the country, and we are very grateful to the enormously talented and hard-working staff of Lambda Legal. Together we have accomplished a great deal, and together we can achieve much more.

**BEVERLEE SILVA AND
BRUCE DEMING**
Co-chairs, Lambda Legal Board
of Directors

FROM THE EXECUTIVE DIRECTOR



At Lambda Legal, we are always disappointed when we lose a case, but sometimes a setback in court can lead to greater gains than anyone might have imagined.

Take the case of Janice Langbehn. A Miami hospital kept Janice's family apart for eight hours as her partner, Lisa Pond, slipped from semi-consciousness into a coma. Tragically, Lisa was pronounced brain dead not long after, before her Janice and their three children could say goodbye. Lambda Legal sued the hospital on Janice's behalf, but the court dismissed the case.

We kept fighting anyway. Our community education and public visibility campaign was so effective that President Obama called Janice personally from Air Force One to express his sympathies and to tell her that he had ordered the Department of Health and Human Services to issue new rules on hospital visitation. Now that the new rules are in place, hospitals that receive federal funds must

honor the wishes of patients about who may visit them, and make health care decisions.

We lost a court battle, but we won the war. The President's memo had a far wider reach than a single court decision in Florida would have had, and proves that Lambda Legal's strategy of combining high-impact litigation, education and policy work is powerful for making change.

We made enormous progress in 2010, and won many victories, thanks to the steadfast support from donors and members around the country. Here is some of what we achieved together this year:

- The Atlanta Police Department learned that it can't stage a raid on a gay bar and harass and intimidate patrons—without warrant or motive—and get away with it.
- Arizona gay and lesbian state employees still have domestic partnership benefits, even as we fight in court against an unfair law that would rescind them.
- Antigay groups in Wisconsin and Ohio discovered they can't take away our domestic partnership rights.

• Health care providers in Wisconsin found out they can't refuse necessary treatment to patients just because they have HIV.

• Georgia State Assembly officials learned they can't fire a transgender employee just because she announced she would be presenting as a woman at work.

• Michigan prosecutors discovered they can't file bioterrorism charges against a man living with HIV who allegedly bit his neighbor during an altercation.

• An assisted living facility in Arkansas found out it can't eject a resident just because he lives with HIV.

As you'll see from this Annual Report, we achieved all this and a great deal more. Whatever challenges may come, we'll forge ahead, and if we face setbacks, we'll keep fighting for bigger victories in the future. Your investment, commitment and passion strengthen our resolve as we continue to make the case for equality.

KEVIN CATHCART
Executive Director

VICTORIES FROM COAST TO COAST

LAMBDA LEGAL'S MAJOR 2010 ACHIEVEMENTS AT A GLANCE

CALIFORNIA CASE LAUNCHED

Lambda Legal filed a federal action against the U.S. Office of Personnel Management, which has continued to defy court orders to allow spousal health insurance for federal court employee Karen Golinski.

VICTORY

In 2009, Lambda Legal sent a warning letter to SkyWest Airlines when it denied spousal travel benefits to a baggage agent who married his spouse before Proposition 8 passed. In March, SkyWest amended its employee spousal travel benefits policy to include same-sex spouses.

ARIZONA VICTORY

After the Arizona legislature eliminated state workers' domestic partner health benefits, we sued on behalf of 10 state employees with a same-sex life partner. In July, the federal court agreed that the U.S. Constitution requires equal benefits for same-sex partners while our lawsuit proceeds.

NATIONAL VICTORY

IN NOVEMBER, THE DEPARTMENT OF HEALTH AND HUMAN SERVICES ISSUED NEW REGULATIONS REQUIRING NEARLY ALL HOSPITALS TO RESPECT THE VISITATION WISHES OF LGBT PATIENTS. THIS FOLLOWED A MEMO FROM PRESIDENT OBAMA AFTER HE LEARNED ABOUT JANICE LANGBEHN, A LAMBDA LEGAL PLAINTIFF KEPT FROM HER PARTNER, LISA POND, AS POND LAY DYING.

LOUISIANA VICTORY

We convinced a three-judge panel on a federal court of appeals to unanimously uphold an earlier ruling in favor of Oren Adar and Mickey Ray Smith. Louisiana still refuses to issue a birth certificate for their adopted son that lists Adar and Smith as parents. The state sought rehearing.

HAWAI'I CASE LAUNCHED

In July, Lambda Legal and co-counsel sued the state of Hawai'i for equal legal rights and responsibilities on behalf of six couples after then-Governor Linda Lingle vetoed a bill that would have allowed couples to enter civil unions. (In January 2011, civil unions were enacted by the legislature and new governor.)

2010 BY THE NUMBERS

6,300

INQUIRIES RECEIVED
BY LAMBDA LEGAL'S
HELP DESK

34

NUMBER OF CASES
LAMBDA LEGAL
WAS INVOLVED IN
WHICH HAD POSITIVE
OUTCOMES IN 2010

4,017
MEDIA CITATIONS
OF LAMBDA LEGAL



44

NUMBER OF PRIDE
EVENTS IN WHICH
LAMBDA LEGAL
PARTICIPATED

WISCONSIN

VICTORY

In December, Lambda Legal achieved a satisfactory result in its case on behalf of Melody Rose, who was denied routine gallbladder surgery because she has HIV. The court agreed that the surgeon's denial was based on prejudice rather than science.

VICTORY

In 2005, Wisconsin passed a law barring prison doctors from offering medically necessary health care to transgender people in prison. Lambda Legal and the ACLU quickly sued to challenge the law in court. This year, a federal court struck down the law.

OHIO

VICTORY

Lambda Legal persuaded an appeals court to reject an attempt to use Ohio's antigay constitutional amendment to avoid shared custody between Rita Goodman and her former partner of the two sons they raised since birth.

NEW YORK

VICTORY

We convinced all seven judges on the state's highest court to rule that our client Debra H. is a legal parent, entitled to seek custody and visitation. The court ruled that a Vermont civil union that Debra H. and her former partner entered prior to the birth of their son was the basis for parental rights.

VICTORY

Lambda Legal reached a settlement with Countrywide Financial for a lesbian couple faced with the prospect of a foreclosure action because Countrywide said they couldn't place both names on their home's deed. Fannie Mae, the nation's largest mortgage-buyer, changed its policies after Lambda Legal filed suit.

NEW JERSEY

CASE REACTIVATED

After the state senate failed to pass a marriage equality law in January, we filed a motion to reactivate our original *Lewis v. Harris* lawsuit, in which the New Jersey Supreme Court in 2006 ordered equality for same-sex couples. The court denied our motion, leading to our decision to prepare new litigation.

TENNESSEE

VICTORY

Lambda Legal took action when Johnson City police, contrary to usual practice, issued a press release that included photos of 40 men arrested in a public sex sting operation. This year, the police department agreed to update its policies, practices and training.

VICTORY

Cole Goforth was sent home from Greenbrier High School for wearing a T-shirt that said, "I ♥ Lady Gay Gay." After Lambda Legal stepped in, school officials agreed to stop censoring Goforth and to train staff on antidiscrimination and antibullying policies.

GEORGIA

VICTORY

Lambda Legal fought for Atlanta gay bar customers who were subjected to unlawful and abusive police treatment in September 2009. Atlanta police announced they would overhaul their policies, and the city of Atlanta would pay \$1,025,000 in damages, expenses and attorney fees.

VICTORY

We persuaded a federal court to rule that the Georgia General Assembly discriminated against our client, Vandy Beth Glenn, who was fired from her job as legislative editor after she told her supervisor she planned to transition from male to female.

ARKANSAS

VICTORY

In this suit launched in 2009, we reached a settlement with Parkstone Living Center, an assisted-living facility, on behalf of Dr. Robert Franke, a retired university provost and minister whom Parkstone evicted when they learned he had HIV.

58

CASES IN WHICH
LAMBDA LEGAL IS
CURRENTLY ACTIVE AS
COUNSEL OR AMICUS*

286,030

UNIQUE SITE VISITORS



20% GROWTH
IN UNIQUE VISITORS OVER 2009

50,749

FACEBOOK FANS



952%

GROWTH IN FACEBOOK
FANS OVER 2009*

*as of December 31, 2010

www.lambdalegal.org 3

2010: THE YEAR IN REVIEW

FROM "DON'T ASK, DON'T TELL" TO HEALTH CARE FAIRNESS TO BULLYING, LAMBDA LEGAL WAS MAKING THE CASE FOR EQUALITY.

JANUARY

4 The ban on travel or immigration to the U.S. by non-U.S. citizens living with HIV officially ends.

7 The New Jersey Senate fails to pass a bill opening marriage to same-sex couples. Lambda Legal prepares lawsuit.

20 Lambda Legal files a federal lawsuit on behalf of judicial attorney Karen Golinski, demanding that the U.S. Office of Personnel Management award spousal health insurance benefits to Karen's wife, Amy Cunninghis.

27 The U.S. House of Representatives introduces the Student Non-Discrimination Act, prohibiting students from being harassed or excluded from any federally assisted educational program on the basis of actual or perceived sexual orientation or gender identity.

FEBRUARY

3 Lambda Legal and the National Center for Lesbian Rights file a friend-of-the-court brief in *Perry v. Schwarzenegger*.

4 Lambda Legal releases first nationwide survey examining health care discrimination experienced by LGBT people and people living with HIV. More than half of LGBT and HIV-positive respondents report discrimination.

18 In a case brought by Lambda Legal, the Fifth Circuit Court of Appeals rules that the Louisiana Registrar of Vital Statistics must respect a New York adoption of a Louisiana-born child by a same-sex couple.

24 Maryland joins New York in recognizing out-of-state marriages of same-sex couples.

MARCH

3 Marriage equality takes effect in D.C. Our nation's capital joins Massachusetts, Iowa, New Hampshire, Connecticut and Vermont in ending the exclusion of lesbian and gay couples from civil marriage.

8 Following a letter sent by Lambda Legal, SkyWest Airlines changes policy to offer equal travel benefits to gay and lesbian employees.

18 Lambda Legal returns to the New Jersey Supreme Court, filing a motion seeking marriage equality on behalf of the plaintiffs in the original *Lewis v. Harris* lawsuit.



SUPREME JUSTICE

This year, Lambda Legal weighed in on two U.S. Supreme Court cases of critical importance to the LGBT community.

DOE V. REED: In 2009, Washington state voters rejected Referendum 71, an attempt backed by antigay groups to topple the state's domestic partnership law. In most states, the signatures of people who sign a petition to put referenda on the ballot are a matter of public record and nothing in Washington law precluded their being made public. While seeking to strip protections from same-sex couples, Referendum 71's backers claimed to be the targets of intimidation and harassment themselves. They turned to the courts to block the release of the petitions that supporters had signed, claiming disclosure would violate the signers' First Amendment rights to free speech.

Lambda Legal joined Gay & Lesbian Advocates & Defenders (GLAD) and the National Center for Lesbian Rights (NCLR) in writing a friend-of-the-court brief. We vigorously refuted the claims that supporters of antigay measures have been subjected to systematic intimidation by the LGBT community. On June 24, the U.S. Supreme Court, in an 8-1 ruling, rejected the claims of Referendum 71's supporters. In its decision, the Supreme Court rejected the argument that the release of referendum petitions was inherently unconstitutional. It also concluded that there is a strong government interest in determining whether measures have properly qualified for the ballot, which generally justifies making such petitions public. "The antigay backers of Referendum 71 are trying to make a few hostile whispers or glares sound like an ongoing campaign of intimidation by the LGBT community," said Lambda Legal Legal Director Jon Davidson. "We know who the real victims are here, however—the members of our community who are subjected on a daily basis to bullying, discrimination and even violence."

CHRISTIAN LEGAL SOCIETY V. MARTINEZ: The University of California's Hastings Law School has long barred groups that receive the law school's financial and other support from discriminating on the basis of race, religion, sexual orientation or other status or belief. However in 2004, the Christian Legal Society (CLS) sought such support while refusing to agree to allow LGB students to become members of the group. The school rejected CLS' application, and the group sued. In 2006, the U.S. District Court ruled in favor of Hastings. After an appeal by CLS, the U.S. Ninth Circuit Court of Appeals upheld Hastings' policy.

Undeterred, CLS appealed to the Supreme Court. They argued that Hastings' policy violated their First Amendment rights. CLS also claimed that their own policy of excluding those who would engage in same-sex sexual activity "without remorse" did not constitute discrimination against LGB students as such, only against their "behavior." In an amicus brief, Lambda Legal and GLAD argued that there is no difference between sexual orientation discrimination and discrimination against those who guiltlessly engage in same-sex sexual activity. The court agreed. In June, the Court ruled 5-4 in favor of Hastings.

APRIL

1 Following a challenge filed by Lambda Legal and the ACLU to a discriminatory law, the U.S. District Court for the Eastern District of Wisconsin strikes down a law barring transgender people from receiving medical care while incarcerated.

3 Iowans celebrate one year of marriage equality on the first anniversary of the Iowa Supreme Court's unanimous decision in Lambda Legal's landmark victory *Varnum v. Brien*.

15 President Obama directs the Department of Health and Human Services to address health care discrimination affecting LGBT families. He calls Lambda Legal client Janice Langbehn to express his sympathies for the tragic loss of her partner, Lisa Pond, and to announce that he sent a memo directing the Department of Health and Human Services to make new rules on hospital visitation to better protect LGBT people.

16 In a case led by the ACLU, a judge overturns an Arkansas law, the result of a 2008 voter referendum, which banned unmarried couples living together from adopting or fostering children.

30 Lambda Legal condemns S.B 1070, the immigration law passed in Arizona, and calls upon Congress to enact comprehensive immigration reform that provides decent and fair treatment for LGBT and all immigrants.

30 In a down-to-the-wire vote, Hawai'i lawmakers enact civil unions for the state's unmarried gay and straight couples, but Governor Linda Lingle vetoes it. Lambda Legal and the ACLU of Hawai'i prepare a lawsuit.

MAY

4 New York State's highest court rules that a Vermont civil union establishes parental rights of a non-biological mother represented by Lambda Legal.

24 Congressman Luis Guterrez, the sponsor of the Comprehensive Immigration Reform for America's Security and Prosperity Act, announces his support for including same-sex couples and their families in the bill.



BAR PATRONS GET JUSTICE

In December, Atlanta gay bar customers subjected to unlawful police treatment were vindicated when the Atlanta Police Department announced it would overhaul search and seizure and arrest policies, and the city of Atlanta would pay \$1,025,000 in damages.

The settlement was the result of *Calhoun v. Pennington*, a suit which Lambda Legal pursued with co-counsel Dan Grossman and the Southern Center for Human Rights against the city of Atlanta and 35 police personnel. Officers had forced customers to lie on the floor, some in spilled beer and broken glass, while they searched them, conducted background checks and hurled antigay slurs during an unwarranted raid in which no one was arrested or charged.

"It made me feel dehumanized," said plaintiff Mark Danak, an IT specialist. "To have them come in and humiliate us like that for no reason was just wrong. It made us feel like second-class citizens."

A federal judge found that the plaintiffs were unlawfully searched, detained and arrested during the raid and that none was personally suspected of any criminal activity.

"Because our clients stood up against the injustice done to them, the Atlanta Police Department will be a better force for good in the community," said Supervising Senior Staff Attorney Greg Nevins. "Nobody should have to endure the inexcusable law enforcement conduct that occurred at the Atlanta Eagle."

Danak hopes the victory sends a message to law enforcement throughout the country: "Don't target any group just because they're different. And treat people with respect."



JUNE

2 The Obama administration issues presidential memorandum offering some benefits to the partners of gay and lesbian federal employees.

2 Department of Defense names Col. Margarethe Cammermeyer, a decorated officer and former Lambda Legal plaintiff who challenged sexual orientation discrimination in the military, to the Defense Advisory Committee on Women in the Services.

3 Lambda Legal files a friend-of-the-court brief in a case in a Michigan circuit court, which then decides to drop a bioterrorism charge against a man based on his alleged HIV status.

21 Jon Davidson, Legal Director for Lambda Legal, receives the Dan Bradley Award, the National LGBT Bar Association's highest honor.

23 New York Senate passes the Dignity for All Students Act prohibiting bullying, including harassment and discrimination based on sexual orientation or gender identity and expression in the state's public schools. Gov. David Patterson signs it into law in September.

JULY

6 A U.S. District Court rules that the Georgia General Assembly discriminated against Lambda Legal client Vandy Beth Glenn, a transgender woman fired from her job as legislative editor after she told her supervisor she planned to transition from male to female.

8 A district court in Massachusetts rules that the so-called Defense of Marriage Act is unconstitutional, in a case brought by Gay & Lesbian Advocates & Defenders.

13 The Obama administration releases a five-year plan to combat the HIV/AIDS epidemic in the United States, the first national strategy in the fight against HIV/AIDS.

15 Lambda Legal joins a coalition of organizations and leaders from the LGBT, immigrants' rights, civil rights and faith communities to urge Congress to pass the Uniting American Families Act and end discrimination against LGBT binational families.

26 The New Jersey Supreme Court denies a motion to hear Lambda Legal's marriage equality case. Lambda Legal decides to prepare new litigation.

29 Lambda Legal and the ACLU of Hawai'i announce a lawsuit seeking civil unions in the state of Hawai'i.

AUGUST

4 In a historic decision, U.S. District Court Judge Vaughn Walker rules Proposition 8 violates the equal protection and due process rights of California's lesbian and gay couples in *Perry v. Schwarzenegger*.

5 Elena Kagan is confirmed as U.S. Supreme Court Justice, marking the first time three women serve simultaneously on the Court.

7 Lambda Legal board co-chair Paul Smith, who argued *Lawrence v. Texas* before the Supreme Court, receives the Thurgood Marshall Award from the American Bar Association.

20 The Federal National Mortgage Association, known as Fannie Mae, announces policy changes allowing homeowners to add their domestic partners to their home's deed without penalty, following a settlement in a lawsuit led by Lambda Legal on behalf of a lesbian couple.

Col. Cammermeyer, once discharged by the military, now advises it.





CIVIL UNIONS FOR ILLINOIS

At the end of November, couples and advocates throughout Illinois celebrated as their state joined the growing list of jurisdictions extending broad legal protections to same-sex couples.

"We have a chance here, as leaders have had in previous generations, to correct injustice and to move us down the path toward liberty," said Rep. Greg Harris, who introduced the bill, during an emotional debate that led to the Illinois House passing it by a vote of 61-52, followed by a Senate vote of 32-24. Governor Pat Quinn signed the bill in January.

After the new law goes into effect on June 1, 2011, couples in an Illinois civil union will have access to rights, benefits and responsibilities that married couples have, including hospital visitation, health care decision-making rights, the spousal presumption of parentage for families rearing children and joint filing of state income taxes.

Lambda Legal's Midwest Regional Office provided extensive legal analysis and drafting assistance for the Act as well as public education and legislative advocacy. Immediately after its passage, Lambda Legal published an FAQ for couples considering entering a civil union in Illinois. In 2011, Lambda Legal also launched the Illinois Civil Union Tracker, a campaign to monitor the progress of civil unions in the state.

"Same-sex couples in Illinois, many together for decades, will finally have the legal protections to take care of each other and their children," said Jim Bennett, Regional Director of Lambda Legal's Midwest Regional Office. "While all couples deserve the right to marry, all of us in the Land of Lincoln can be proud of this important step forward."

SEPTEMBER

9 Billy Lucas, a 15-year-old freshman at Greensburg High School in Indiana, hangs himself as a result of bullying. His death is followed by three other teen suicides (Seth Walsh, 13; Asher Brown, 13; and Tyler Clementi, 18), sparking a national debate and public awareness campaign against antigay youth bullying and discrimination. See our resource for parents and educators at www.lambdalegal.org/out-safe-respected-admin

9 Lambda Legal, ACLU and HIV & AIDS Legal Services Alliance send a letter to the California Department of Health Care Services, demanding an explanation for the unauthorized disclosure of the confidential identifying information of approximately 5,000 Medi-Cal recipients living with HIV.

OCTOBER

1 In a unanimous decision, the Court of Appeals of Ohio upholds Cleveland's domestic partner registry, citing Lambda Legal's friend-of-the-court brief defending the registry in its decision.

21 Lambda Legal releases a guide for tax professionals and California's registered domestic partners explaining new federal tax policy that domestic partners are subject to the same community property rules as married couples. Available at www.lambdalegal.org/ttp-community-property

NOVEMBER

3 Three Iowa Supreme Court justices lose retention elections after they are targeted by vicious campaigns led by antigay groups, in response to the Court's 2009 unanimous decision to uphold marriage equality in Lambda Legal's landmark lawsuit *Varnum v. Brien*.

DECEMBER

6 The L.A. Gay & Lesbian Center and Lambda Legal host a free viewing of the televised proceedings at the Ninth Circuit Court of Appeals in *Perry v. Schwarzenegger*, the federal case seeking to strike down Prop 8.

8 As a result of Lambda Legal's lawsuit against the city of Atlanta, the Atlanta Police Department rewrites unconstitutional policies regarding arrest, search and seizure, and makes other changes to protect the public from police misconduct. The city of is also required to pay a \$1,025,000 settlement.

18 The U.S. Senate votes to end "Don't Ask, Don't Tell" (DADT), the military's 17-year-old discriminatory policy barring gays and lesbians from serving openly in the armed forces. Under DADT, 14,000 service members were discharged.

22 New York Governor-Elect Andrew Cuomo names former Lambda Legal staff attorney Alphonso David as Deputy Secretary for Civil Rights.

In August, Elena Kagan was confirmed to the U.S. Supreme Court.



Same-Sex Relationships

In 2010, Lambda Legal continued its fight for full equality for same-sex couples and their families. Some examples of our work included:

YOUNG V. LINGLE

In July 2010, Hawai'i Gov. Linda Lingle denied unmarried couples, including same-sex partners, the chance to have greater legal protections when she vetoed a civil union bill. Just three weeks later, Lambda Legal and co-counsel ACLU of Hawai'i sued the governor and the state on behalf of six same-sex couples seeking civil unions that would provide comprehensive rights and responsibilities. (Marriage cannot currently be pursued through the state courts in Hawai'i because of the constitutional amendment and statute passed while a marriage equality suit led by Lambda Legal, *Baehr v. Lewin*, was on appeal.) In February 2011, the state legislature passed a civil union bill which newly elected Gov. Neil Abercrombie signed. It takes effect in 2012.

APPLING V. DOYLE

Antigay groups sued the state of Wisconsin for a second time, arguing once again that the state's domestic partnership law violates Wisconsin's antigay constitutional

amendment barring marriage equality. In September 2010, Lambda Legal sought to intervene in the case on behalf of five couples and the statewide LGBT advocacy group Fair Wisconsin. The court granted permission in December.

ILLINOIS CIVIL UNIONS

At the end of November 2010, residents of Illinois celebrated when the state legislature passed a civil union bill, making that state one of three in the country that offers civil unions. Gov. Pat Quinn signed the bill in January 2011, and the law will take effect June 1. Lambda Legal's staff provided extensive legal analysis and drafting assistance for the bill, as well as public education and legislative advocacy pressing for its passage. Lambda Legal also published an FAQ for couples considering entering a civil union in Illinois, and in 2011, launched the Illinois Civil Union Tracker, a campaign to monitor the progress of civil unions in the state. (See page 7.)

FREEDOM TO MARRY

For nearly a decade, as part of our community education efforts, Lambda Legal's Midwestern Regional Office has organized and hosted the "Freedom to Marry" reception in February to support marriage equality. This Chicago-based event has become larger and more diverse each year. Free and open to the public, Freedom to Marry draws approximately 400 attendees and is supported by approximately 50 partner organizations at the state and local levels.

"IT'S A VERY STRANGE AND PAINFUL EXPERIENCE TO GO FROM A PLACE WHERE YOU ARE MARRIED, TO THEN GOING HOME TO THE PLACE THAT YOU LOVE AND FEEL MOST A PART OF, AND THEN BE STRIPPED OF YOUR MARRIAGE."

—*Young v. Lingle* plaintiff Linda Hamilton Krieger in the *Honolulu Star Advertiser* on moving to Hawai'i after marrying her partner in Massachusetts



Hawai'i plaintiffs Jill (left) and Pauline Guillermo-Togawa, with daughter Carmel.

40%

PERCENTAGE OF U.S. POPULATION LIVING IN AREAS WHICH OFFER LEGAL PROTECTIONS FOR SAME-SEX COUPLES

Parents and Families

Family and relationship cases together comprise half of Lambda Legal's current case docket. Highlights of our work in 2010 included:

IN RE S.J.L. AND J.K.L.

After their 10-year relationship ended, Rita Goodman's ex-partner, Siobhan LaPiana, began to restrict Goodman's access to their two sons, whom they parented together from birth. Despite the couple signing a parenting agreement, LaPiana's lawyers invoked Ohio's antigay constitutional amendment, arguing that shared custody would violate it. With Lambda Legal's help, Goodman fought back. In August 2010, the court upheld her award of permanent shared custody of her children.

DEBRA H. V. JANICE R.

In May 2010, New York State's highest court unanimously ruled that Debra H., a non-biological mother represented by Lambda Legal, is a legal parent and entitled to seek custody and visitation based on a Vermont civil union that she and her former partner entered prior to the birth of their son.

ADAR V. SMITH

In New York, Oren Adar and Mickey Smith adopted a baby boy born in Louisiana. When they applied for a birth certificate that listed them as parents, the Louisiana state registrar refused, citing the state's law barring adoption by unmarried couples. Lambda Legal took action, winning a judgment in favor of Oren and Mickey in December 2008. The Louisiana attorney general appealed, and in February 2010, a three-judge panel unanimously affirmed the earlier ruling. Undeterred, the attorney general filed for a rehearing by the full Fifth Circuit Court, which heard our case in January 2011.

"I COULDN'T GIVE UP, BECAUSE I LOVE THESE KIDS AND THEY MATTER TO ME AND I KNOW THAT I MATTER TO THEM. I SIMPLY WAS NOT WILLING TO SAY I'M NO LONGER A PARENT. I WASN'T GOING TO JUST TURN MY BACK ON MY KIDS."

—Lambda Legal client Rita Goodman (right)



24%

PERCENTAGE OF LAMBDA LEGAL CASES DEALING WITH LGBT PARENTING ISSUES.



Health Care Fairness

In 2010, Lambda Legal continued to fight for nondiscriminatory, culturally competent health care. Highlights of our work this year included:

NEW HOSPITAL VISITATION REGULATIONS

The U.S. Department of Health and Human Services recently enacted new rules governing the rights of all patients including LGBT patients and their families in hospitals receiving federal funding. President Obama issued a memo ordering the new rules after hearing about the tragic ordeal of Lambda Legal client Janice Langbehn, who was barred by hospital staff from seeing her partner of 18 years, Lisa Pond, as Pond was dying. Although Langbehn's case was dismissed because the laws in Florida did not offer adequate protection, Lambda Legal continued to work with her to educate others and to fight for justice. In April 2010, the president called Langbehn from Air Force One to apologize for her suffering and to tell her about his memo. In January 2011, the new rules took effect in hospitals across the nation.

ROSE V. CAHEE ET AL.

Lambda Legal and the AIDS Resource Center of Wisconsin sued a doctor, clinic and health care institution on behalf of Melody Rose, a woman who was unfairly denied gallbladder surgery because she has HIV. After obtaining a favorable ruling on summary judgment in July 2010, Lambda Legal attorneys settled the case to Rose's satisfaction prior to trial.

WHEN HEALTH CARE ISN'T CARING

In 2010, Lambda Legal published fact sheets exploring results from our national Health Care Fairness Survey (available at lambdalegal.org/health-care-fairness), taking a closer look at the discrimination in health care settings experienced by people living with HIV, low-income and uninsured people, transgender and gender-nonconforming people, women, and people of color.

"IT WAS VERY REWARDING TO HEAR 'I'M SORRY' FROM THE PRESIDENT, BECAUSE THAT'S WHAT I HAVE WANTED TO HEAR FROM JACKSON MEMORIAL SINCE THE NIGHT LISA DIED. I HOPE THAT TAKING THESE STEPS MAKES SURE THAT NO FAMILY EVER HAS TO EXPERIENCE THE NIGHTMARE THAT MY FAMILY HAS GONE THROUGH."

—Lambda Legal client Janice Langbehn after President Obama called her to tell her he was ordering new hospital visitation regulations.

56%

THE PERCENTAGE OF GAY, LESBIAN AND BISEXUAL RESPONDENTS IN LAMBDA LEGAL'S NATIONAL HEALTH CARE FAIRNESS SURVEY WHO REPORTED EXPERIENCING DISCRIMINATION IN HEALTH CARE SETTINGS.

(Left to right): Lambda Legal Staff Attorney Beth Littrell and plaintiff Janice Langbehn confer with HHS Secretary Kathleen Sebelius on hospital visitation rights.

Lambda Legal client Melody Rose was denied surgery because of her HIV status.



HIV

Three decades into the epidemic, Lambda Legal remains on the front lines of the fight against HIV discrimination. Highlights of our work in 2010 included:

FRANKE V. PARKSTONE LIVING CENTER INC.

Dr. Robert Franke, a retired minister and university provost, was ejected from an Arkansas assisted-living facility when staff learned he had HIV. In 2009, Lambda Legal sued the facility on behalf of Dr. Franke and his daughter, Sara Bowling. As the case neared its August 2010 trial date, the parties reached a settlement agreeable to all sides. In November, Franke, Bowling and Lambda Legal HIV Project Director Scott Schoettes were invited to a White House conference on HIV and aging, where Schoettes spoke regarding discrimination in the long-term care setting.

CALIFORNIA PRIVACY BREACH

Lambda Legal continues to demand assurances from state officials to prevent another drastic breach of privacy by the state of California. In 2009–2010, a state agency illegally released confidential information identifying approximately 5,000 Californians living with HIV to a third-party provider. In September 2010, Lambda Legal, the ACLU of Northern California, and the HIV & AIDS Legal Services Alliance demanded that the agency act immediately to protect patient confidentiality or face further steps that may include legal action.

STIGMA REPORT

On World AIDS Day 2010, Lambda Legal released *HIV Stigma and Discrimination in the U.S.: An Evidence-Based Report*. The report, aimed at advocates, educators and policy makers, documents the stigma and misconceptions that people with HIV continue to face, even as treatment and health outcomes have improved.

"I RECEIVED AN EMAIL FROM A FRIEND WHO WORKS AT AN INDEPENDENT LIVING FACILITY IN TOWN. SHE TOLD ME THE STAFF WAS BEING EDUCATED AND TRAINED ABOUT HIV AND THAT OUR CASE WAS DESCRIBED TO THE STAFF. I CAN'T TELL YOU HOW HAPPY THIS NEWS HAS MADE MY FATHER AND ME."

—Lambda Legal client Sara Bowling, whose father, Dr. Robert Franke, was evicted from an assisted living facility because he has HIV.

THE NUMBER OF NEW INFECTIONS AMONG YOUNG AFRICAN AMERICAN MEN IS

NEARLY TWICE

THAT OF YOUNG WHITE MEN AND MORE THAN TWICE THAT OF YOUNG LATINO MEN.

(2006, CDC)

Dr. Robert Franke and daughter Sara Bowling



Workplace Fairness

Approximately one out of every five calls to Lambda Legal's Help Desk is about workplace discrimination. In 2010, we had several active cases on our docket, including:

GOLINSKI V. U.S. OFFICE OF PERSONNEL MANAGEMENT

Lambda Legal is suing the federal government on behalf of Karen Golinski, an employee of the Ninth Circuit Court of Appeals who seeks the same health insurance for her wife that heterosexual workers receive for their spouses. The U.S. Office of Personnel Management has continued to blatantly defy court orders—which Lambda Legal also secured—to approve the benefits. In December 2010, a federal court heard oral arguments in the case, which may have major implications for the so-called Defense of Marriage Act.

COLLINS V. BREWER

In 2009, the state of Arizona callously stripped domestic partner benefits from gay and lesbian state employees. In a lawsuit to block the government's action Lambda Legal represents 10 state employees, who face the stress of serious health risks for their life partner and financial hardship if they lose partner health insurance. In July 2010, a federal judge issued an injunction to maintain family health coverage for all state lesbian and gay employees during the case, and allowed Lambda Legal's equality claim to go forward.

ARIZONA'S GAY EMPLOYEES CLOCK IN AT THE SAME JOBS, PERFORM THE SAME VALUABLE SERVICE, AND DESERVE THE SAME COMPENSATION."

— Lambda Legal Staff Attorney Tara Borelli on *Collins v. Brewer*

SKYWEST AIRLINES

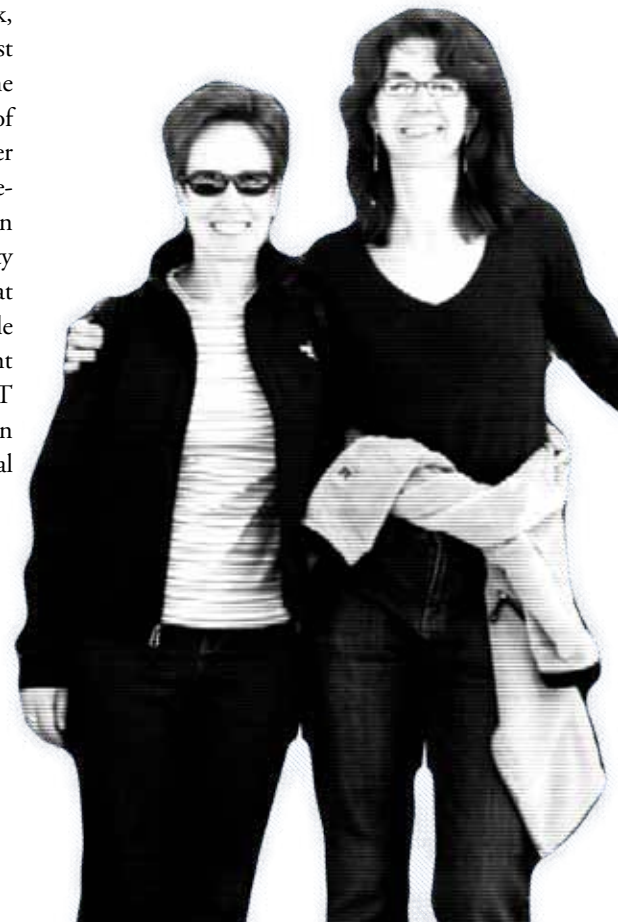
A baggage agent who married his partner in California before Proposition 8 passed asked for our help because SkyWest Airlines refused to provide travel benefits for his spouse on the same terms offered to heterosexual employees. Lambda Legal sent a warning letter and negotiated on the agent's behalf. In March 2010, SkyWest announced that it had amended its policy to make travel benefits available to all same-sex spouses.

"DON'T ASK, DON'T TELL"

In December 2010, President Obama signed a law that would repeal the military's ban on lesbian, gay and bisexual Americans serving openly in the armed forces. Lambda Legal's work in this area predates "Don't Ask, Don't Tell" (DADT), including the first antidiscrimination lawsuit filed against the military, in 1975, and the suit on behalf of Col. Margarethe Cammermeyer. In October 2010, Lambda Legal filed a friend-of-the-court brief in a case brought by Log Cabin Republicans challenging the constitutionality of DADT. The brief explained the harm that DADT inflicts upon lesbian and gay people in the military, who have to live in constant fear of being discovered. In addition, DADT sends a message to society, and to youth in particular, about the acceptability of sexual orientation discrimination.

14,000

GAY, LESBIAN AND BISEXUAL SERVICE MEMBERS DISCHARGED UNDER "DON'T ASK, DON'T TELL." THE MILITARY IS THE NATION'S LARGEST EMPLOYER.



The federal government is denying federal employee and Lambda Legal client Karen Golinski (right) spousal benefits for her wife, Amy Cunninghis

Transgender Rights

Fighting discrimination against transgender individuals is one of Lambda Legal's priorities. In 2010, we had several active cases on our docket, including:

GLENN V. BRUMBY

In July 2010, a federal court ruled that the Georgia General Assembly discriminated against Lambda Legal client Vandy Beth Glenn, a transgender woman fired from her job as legislative editor after she told her supervisor that she planned to transition from male to female. Her boss had admitted he feared the transition would make Glenn's coworkers "uncomfortable." In August, the court ordered Glenn reinstated in her job. The state of Georgia has appealed.

FIELDS V. SMITH

In 2006, the state of Wisconsin cruelly barred transgender people from receiving medically necessary care while they are incarcerated. Lambda Legal and the ACLU brought a challenge to the law in federal court on behalf of transgender prisoners, some of whom had been receiving hormones in Wisconsin prisons for years prior to the passage of the law. In March 2010, the court struck down the law as unconstitutional. The state appealed the case to the Seventh Circuit Court of Appeals.

"THIS IS A MAJOR VICTORY FOR ALL TRANSGENDER PEOPLE ACROSS THE COUNTRY, AND I HOPE THAT A FEDERAL ANTI-DISCRIMINATION LAW WILL FOLLOW IN ITS WAKE"

—Lambda Legal client Vandy Beth Glenn

TRANSGENDER RIGHTS TOOLKIT

In 2010, Lambda Legal published the first two important factsheets from its upcoming guide to transgender rights, covering access to public restrooms and health coverage of transition-related care. Both are available at www.lambdalegal.org/trans-toolkit.



13

STATES WITH
ANTIDISCRIMINATION LAWS THAT
INCLUDE GENDER IDENTITY AND
EXPRESSION.

Government Misconduct

In 2010, Lambda Legal expanded its priority areas to include government misconduct and support of discrimination. Some of the active cases on our docket in 2010 included:

CALHOUN V. PENNINGTON

In 2009, Lambda Legal, private attorney Dan Grossman and the Southern Center for Human Rights sued on behalf of 28 plaintiffs following an unwarranted and illegal raid on the Atlanta Eagle bar. In December 2010, a settlement agreement was reached in the suit against the city of Atlanta and 35 Atlanta police officers. It will force the Atlanta Police Department to make changes to protect the public from police misconduct, including rewriting unconstitutional policies regarding arrests, searches and seizures. (*See page 6.*)

"IT MADE ME FEEL DEHUMANIZED. TO HAVE THEM COME IN AND HUMILIATE US LIKE THAT FOR NO REASON WAS JUST WRONG. IT MADE US FEEL LIKE SECOND-CLASS CITIZENS."

—Lambda Legal plaintiff Mark Danak on the police mistreatment that prompted Lambda Legal's *Calhoun v. Pennington* suit.

GILES V. JOHNSON CITY

In 2007, contrary to usual police procedure, police in Johnson City, Tenn., publicized the names and pictures of men arrested in a public sex sting operation. Lambda Legal sued the police department on behalf of one of the men, who lost his job because of the publicity surrounding his arrest. The case was resolved in January 2010, and the Johnson City Police Department implemented a new nondiscrimination policy and instituted staff training to prevent a similar situation in the future.

Two of the plaintiffs in Calhoun v. Pennington, Thom Hayes and Mark Danak

LGBTQ Youth

The year 2010 brought a wave of publicity around teen suicides—tragic reminders of how far we still have to go to protect LGBTQ youth. Lambda Legal continued to fight vigorously on behalf of young people, as it has for decades. Some highlights of our work this year include:

PRATT V. INDIAN RIVER SCHOOL DISTRICT

Charlie Pratt endured years of relentless harassment and intimidation in school, often in front of teachers who refused to intervene. The principal at the time dismissed his complaints, telling him he should “tone it down.” Charlie’s parents withdrew him from school at age 15 for his own protection. When Charlie’s sister Ashley Petranчук sought permission to form a gay-straight alliance (GSA) at the same school, the principal turned her down. After Lambda Legal filed a lawsuit on behalf of Charlie for school officials’ inadequate and

discriminatory responses to that harassment, and for denying Ashley permission to form a GSA, the school announced it would finally allow the GSA to meet. In August 2010, the U.S. Department of Justice took the rare step of seeking to file a friend-of-the-court brief supporting Lambda Legal’s discrimination claims against the school. The court granted permission in December.

YOUTH IN OUT-OF-HOME CARE

Lambda Legal’s Youth in Out-of-Home Care Project continues to raise awareness and advance reform on behalf of LGBTQ youth in child welfare, juvenile justice and

homeless systems of care. In 2010 we began settlement discussions in our case involving a transgender girl who endured physical and verbal abuse while in the custody of Philadelphia’s Youth Study Center. We also filed a friend-of-the-court brief in support of the ACLU’s challenge to an Arkansas ballot initiative barring unmarried cohabiting people from becoming foster or adoptive parents. We led train-the-trainer sessions and facilitated workshops in conferences nationwide. And we worked with federal officials to prepare guidelines for working with LGBTQ youth in out-of-home care.

“SCHOOL OFFICIALS HAVE A LEGAL DUTY TO PROTECT THEIR STUDENTS, AND IT’S TIME FOR THEM TO LIVE UP TO THAT RESPONSIBILITY.”

—Lambda Legal Senior Staff Attorney Thomas W. Ude Jr. on *Pratt v. Indian River School District*



90%

PERCENTAGE OF LGBT STUDENTS AGED 13 TO 18 WHO REPORT BEING BULLIED WITHIN THE PAST YEAR, ACCORDING TO A 2005 POLL BY HARRIS INTERACTIVE AND GLSEN

Lambda Legal clients Charlie Pratt and sister Ashley Petranчук, plaintiffs in Pratt v. Indian River School District.

Proyecto Igualdad and Fair Courts Project

FAIR COURTS PROJECT

In our democracy, we rely on the courts to uphold the Constitution and fair application of the laws for everyone. Through Lambda Legal's Fair Courts Project, we advocate for a fair and impartial judicial system. Here are highlights of our outreach and education efforts in 2010:

- Conducted training and education campaigns to challenge extremist attacks against the judiciary with a particular focus on continuing battles in Iowa.
- Created a comprehensive online guide to judicial elections and sent 30 e-mails to alert constituents in states where such elections were taking place.
- Served on a task force convened by Justice at Stake to increase judicial diversity, including the number of out LGBT judges.
- Monitored and conducted research about state and federal judicial nominees, including the nomination of Elena Kagan to the U.S. Supreme Court, and advocated for nominees that are not only fair-minded, but also reflect the diversity of our nation.
- Collaborated with the Mexican American Legal Defense and Education Fund to publish an educational resource about fair courts in Spanish, *Vivan los tribunales justos!*

Proyecto Igualdad launched an awareness campaign in the LGBT Latino magazine *Adelante* (left). Proyecto and the Fair Courts Project collaborated with the Mexican American Legal Defense and Education Fund to publish *¡Vivan los tribunales justos!*, the Spanish version of our Fair Courts Matter educational book (right).

PROYECTO IGUALDAD

Established in 2004, *Proyecto Igualdad* is Lambda Legal's outreach project to the Latino community. This year *Proyecto Igualdad* provided information, resources and support, including:

- Partnering with the Hispanic National Bar Association's LGBT section to organize oral and written testimony on Latino LGBT communities for the national hearings of the American Bar Association's Commission on Hispanic Legal Rights and Responsibilities.
- Advocacy work on behalf of LGBT immigrants, including supporting LGBT-inclusive comprehensive immigration reform and coming out against Arizona's anti-immigrant law SB1070 including an op-ed in *The Advocate* and educational panels.

- Connecting with Puerto Rico's LGBT community at local prides, policy summits and by supporting local LGBT activists, including a petition to establish better communication links with Puerto Rico's police and Department of Justice.
- Outreach to Latino communities across the country through informational booths at community fairs like *Fiesta Broadway*, the largest Latino community festival in the U.S., and by organizing queer contingencies at Latino cultural parades, like Los Angeles' Mexican and Central American Independence Day parades.
- Spanish translations of Lambda Legal know-your-rights publications like our Health Care Fairness Report; *Getting Down to Basics*, our publication for child welfare professionals; as well as the second annual edition of Lambda Legal's magazine in Spanish, *Impacto*.



Help Desk

During 2010, Lambda Legal received **6,300 inquiries** to our Help Desk, a 5 percent increase over 2009 and a reflection of both Lambda Legal's increasing visibility and the continued needs of the LGBT community and people living with HIV.

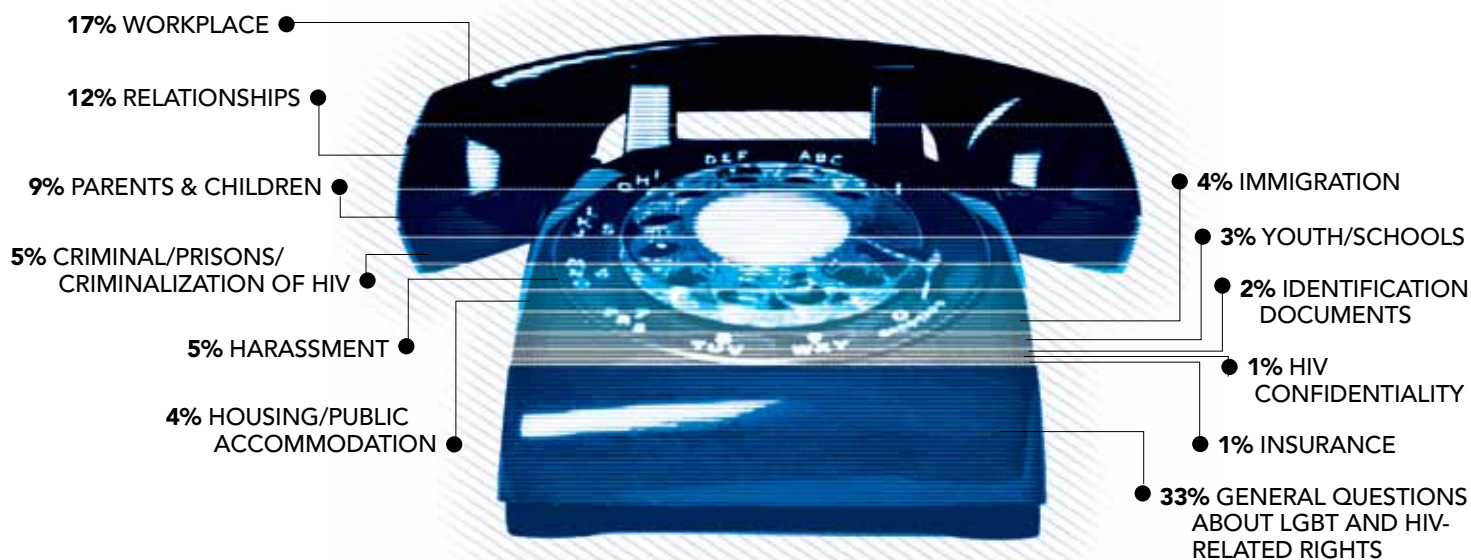
Sexual orientation legal concerns remained the area about which callers most frequently requested information and assistance (58 percent of all calls), followed by transgender issues (10 percent) and HIV concerns (8 percent).

Calls to our Help Desk generate a small but important number of Lambda Legal's impact litigation cases. In addition, the Help Desk remains a key vehicle for helping and empowering LGBT communities and people with HIV, and an invaluable tool for assessing their legal needs across the country.

"BEING HIV-POSITIVE DOES NOT MAKE A PERSON A BIOTERRORIST. DISCRIMINATION AND STIGMA REMAIN PROBLEMS FOR PEOPLE LIVING WITH HIV BECAUSE OF THE MISINFORMATION ABOUT HIV. A COURT HAS TO MAKE DECISIONS, AS IT DID HERE, BASED ON FACTS NOT FEAR."

—Former Lambda Legal HIV Project Director Bebe Anderson, on *People v. Allen*, the case of a Michigan man living with HIV who was charged under a bioterrorism statute after he allegedly bit a neighbor during an altercation. **Lambda Legal agreed to take the case after a call to the Help Desk. The bioterrorism charges were eventually dropped.**

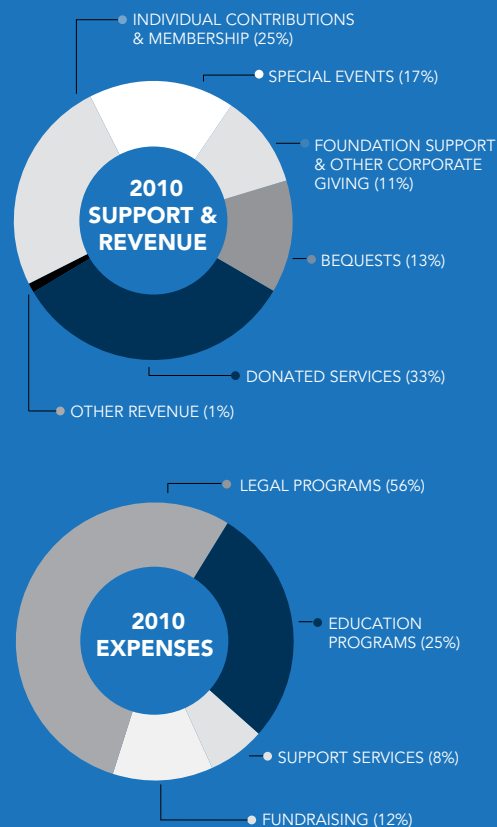
25%
OF HELP DESK CALLERS
FOUND US THROUGH
THE INTERNET



Financial Statements

LAMBDA LEGAL CONDENSED STATEMENT OF ACTIVITIES FOR YEAR ENDED OCTOBER 31, 2010

SUPPORT AND REVENUE	2010	%	2009 RESTATED*	%
Individual Contributions & Membership	\$4,390,125	25%	\$4,840,986	29%
Special Events Net Revenue	2,967,421	17%	2,913,149	17%
Foundations Support & Other Corporate Giving	1,889,050	11%	1,756,794	10%
Planned Giving	33,513	0%	92,461	1%
Bequests	2,253,705	13%	1,613,494	10%
Donated Services	5,847,162	33%	5,040,852	30%
Other Revenue	244,493	1%	552,512	3%
Total Support and Revenue	17,625,469	100%	16,810,248	100%
EXPENSES				
Legal Program	\$9,298,781	56%	\$8,431,888	54%
Education Program	4,137,357	25%	4,336,539	28%
Support Services	1,252,272	8%	1,066,262	7%
Fundraising	2,004,743	12%	1,796,902	11%
Total Expenses	16,693,153	100%	15,631,591	100%
Change in Net Assets	\$932,316		\$1,178,657	
Net assets - beginning of year, as previously reported	13,847,387		11,813,643	
Recognition of Beneficial Interest in Trusts*	-		855,087	
Net assets - end of year	\$14,779,703		\$13,847,387	



LAMBDA LEGAL CONDENSED STATEMENT OF FINANCIAL POSITION OCTOBER 31, 2010

ASSETS	2010	2009 RESTATED
Cash & Investments	\$6,168,506	\$4,448,588
Pledges & Grants Receivables and Prepaid Items	811,899	507,586
Bequest Receivable**	7,137,590	8,353,304
Property & Equipment, net	173,332	128,417
Assets held for Gift Annuities	1,170,502	1,093,241
Beneficial Interest in Trusts*	907,282	855,087
Total Assets	\$16,369,111	\$15,386,223
LIABILITIES		
Payables & Accrued Expenses	\$835,510	\$791,913
Other Liabilities	753,898	746,923
Total Liabilities	1,589,408	1,538,836
NET ASSETS	14,779,703	13,847,387
TOTAL LIABILITIES & NET ASSETS	\$16,369,111	\$15,386,223

* Lambda Legal has been notified by various trusts that they are named as a future beneficiary. Subsequent to the issuance of Lambda Legal's FY2009 financial statements, management became aware that an amount of an asset related to the present value of the beneficial interest in trusts was not recorded. As a result, an asset was established and temporarily restricted net assets were restated as of October 31, 2009, which is the first period in which complete information was available.

** During FY2008, Lambda Legal received final notification of the terms of a very generous bequest from the Estate of Ric Weiland. The bequest is being paid out in equal installments over an eight-year period, but generally accepted accounting principles required that the full amount of the gift be recognized as income in FY2008 and a receivable established for this amount. As payments are received each year, the receivable is reduced accordingly.

Lambda Legal's complete audited financials can be found on our website at www.lambdalegal.org under "About Us."

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Through March 1, 2011

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** Served on the NLC in 2010 prior to joining the Board

*** Former NLC member serving in 2010

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As of March 2011

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Natalie Chin, Staff Attorney
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Katy Tokieda, Legal Administrative Manager
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Jason Howe, Senior Public Information Officer
Stefan Johnson, Help Desk Attorney (national position)
Kimberlee Jones, California Major Gifts Officer
Huong Lam, Help Desk Specialist
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Holiday Simmons, Community Educator

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Kenneth D. Upton, Jr., Supervising Senior Staff Attorney

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