

Transforming Injustice

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

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

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

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

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

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

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

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

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

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



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

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



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