

VICTORY IN NEW JERSEY!
PLUS OTHER MARRIAGE NEWS *p. 4*

"EX-GAY" THERAPY IS OUT
CALIFORNIA COURT AFFIRMS BAN *p. 11*

Impact

FALL 2013



FLYING SOLO

A TRANSGENDER WIDOW FIGHTS FOR
HER SOCIAL SECURITY CHECK *p. 3*

40 YEARS



Lambda Legal
making the case for equality

Kevin M. Cathcart, Executive Director
Frances J. Goldstein, Deputy Director

LAMBDA LEGAL BOARD OF DIRECTORS

CO-CHAIRS Robbin Burr*, *Rockford, IL*
Brad Seiling, *Los Angeles*
TREASURER Eric Nilson*, *Cleveland*
SECRETARY Lisa Linsky*, *Sleepy Hollow, NY*
MEMBERS Marcus Boggs, *Chicago*; Laura Brill, *Los Angeles*; Marla Butler*, *New York*; Roberta A. Conroy, *Santa Monica, CA*; Trayton M. Davis, *Montclair, NJ*; Bruce Deming, *San Francisco*; Karen K. Dixon*, *Washington, D.C.*; Martin Farach-Colton, *New York*; Tracey Guyot-Wallace, *Dallas*; Laurie Hasencamp, *Los Angeles*; Vincent Jones, *Los Angeles*; Anne Krook, *Seattle*; Robert W. Kuhn, *Ft. Lauderdale, FL*; Suzanne LeVan, *New York*; Laura Maechlein, *San Francisco*; Gail H. Morse, *Chicago*; Dena Narbaitz, *San Francisco*; Thao Ngo, *San Francisco*; Michelle Peak*, *Mansfield, TX*; John R. Richards, *Washington, DC*; Vadim Schiott, *Washington, D.C.*; Todd G. Sears, *New York, NY*; Elliott Sernel, *Palm Springs*; Daniel K. Slaughter, *San Francisco*; Lynn Slaughter, *Seattle*; Jillian T. Weiss, *New York*; Steve Winters, *Chicago*
(*denotes Executive Committee member)

NATIONAL LEADERSHIP COUNCIL

CHAIR Jamie Pedersen, *Seattle*
MEMBERS G. Ross Allen, *Palo Alto, CA*; Neil Bagadiiong, *Indianapolis*; Debra R. Bernard, *Chicago*; Matthew P. Bissinger, *San Francisco*; Sheri Bonstelle, *Los Angeles*; Dr. Dan Bowers, *New York*; Susan Bozorgi, *Miami*; Mark Braun, *Chicago*; William Candelaria, *New York*; Sam Castic, *Seattle*; Martin S. Checovec, *San Francisco*; Daniel C. Cochran, *New York*; Paul H. Coluzzi, *M.D., Irvine, CA*; R. Sue Connolly, *Chicago*; MaryKay Czerviec, *Chicago*; David de Figueiredo, *Berkeley, CA*; Beth Davis, *Atlanta*; Mitchell Draizin, *New York*; Melinda Dunker, *Chicago*; Daniel S. Ebner, *Chicago*; Ruth Eisenberg, *Washington, DC*; C. Douglas Ferguson, *Chicago*; William P. Flanagan, *Washington, DC*; Michael Foncannon, *Summit, NJ*; Kendall E. French, *San Diego, CA*; Michael H. Gluck, *Skillman, NJ*; Michael I. Gottfried, *Los Angeles*; Kathryn G. Graham, *New York*; Jennifer Guyot-Wallace, *Dallas*; Natasha F. Haase, *Princeton, NJ*; Donald J. Hayden, *Miami*; Cynthia Homan, *Chicago*; Steven C. Huffines, *Chicago*; Lewis P. Janowsky, *Santa Ana, CA*; Eric D. Johnson, *Dallas*; F. Curt Kirschner, *San Francisco*; Kate Kleba, *Philadelphia*; B. Birgit Koelbe, *San Diego, CA*; Charles V. Loring, *Ft. Lauderdale, FL*; Yery Marrero, *Miami*; Brian T. May, *Los Angeles*; Gregory S. McCurdy, *Washington, DC*; John McGowan, *Chicago*; Gina Menicucci, *Dallas*; Andrew T. Mitchell-Namdar, *Stamford, CT*; Matthew L. Moore, *Salt Lake City, UT*; Kelly Moser, *Hillsborough, NC*; Robert W. Ollis, *Chicago*; James Owens, *Los Angeles*; Kathy Paspalis, *Culver City, CA*; Peter Pileski, *Ft. Lauderdale, FL*; Mike Ponto, *Minneapolis*; Jason Pucci, *Summit, NJ*; Greg Rae, *New York*; Jennifer L. Rexford, *Princeton, NJ*; Laura Ricketts, *Chicago*; Edward H. Sadtler, *New York*; Mark Scott, *Miami*; P. Watson Seaman, *Richmond, VA*; Todd G. Sears, *New York, NY*; Richard M. Segal, *San Diego*; Beverlee E. Silva, *Atlanta*; Norman C. Simon, *New York*; Paul Smith, *Washington, DC*; Michael D. Soileau, *Philadelphia*; Charles M. Spiegel, *San Francisco*; John F. Stafstrom, *Bridgeport, CT*; Christopher W. Stuart, *San Francisco*; Blaine Templeman, *New York*; Tony Timiraos, *Ft. Lauderdale, FL*; Jeffrey C. Torres, *Waukegan, IL*; Lawrence Trachtenberg, *Scottsdale, AZ*; George D. Tuttle, *Sebasopol, CA*; Lauren Verdich, *Chicago*; Eric Webber, *Los Angeles*; Marcy Wilder, *Washington, DC*; Peter S. Wilson, *New York*; Nora Winsberg, *Chicago*; George R. Zuber, *Ft. Lauderdale, FL*; Mark Zumwalt, *New York*
(Last updated October 10, 2013)

IMPACT MAGAZINE STAFF

Director of Education and Public Affairs
Leslie Gabel-Brett
Deputy Director of Education and Public Affairs—Communications
Lisa Hardaway
Content and Editorial Director
Angelo Ragaza
Consulting Editor
Sally Chew
Creative Manager
Carolina Jucksch Paula

Equality's Next Steps



THERE'S NO DOUBT WE'RE STILL FEELING THE POSITIVE REVERBERATIONS OF JUNE 26TH. Since the Supreme Court's momentous ruling striking down Section 3 of the Defense of Marriage Act (DOMA), same-sex couples across the country are exploring and taking advantage of exciting new options, benefits and responsibilities. Unfortunately, the rights, protections and dignity of many families still hang in the balance in most of the United States—36 states, including 31 states with constitutional amendments, still bar same-sex couples from marriage. And in a majority of states, LGBT people still have no explicit legal protections against discrimination by private employers, landlords or businesses. We still have a lot of work to do.

That's why Lambda Legal is keeping up the fight—and expanding our reach. We just won a tremendous marriage equality victory in New Jersey, where we battled in the courts for more than a decade. This is the first big state victory since the Supreme Court's DOMA ruling and we are thrilled that New Jersey is now the 14th state where same-sex couples have the freedom to marry.

Lambda Legal is also accelerating efforts in federal court to win the freedom to marry with new cases in West Virginia and Virginia and continued work in Nevada (see pages 4 and 5). And we are pressing forward in our fight in Illinois (as we go to press, the legislature is poised to begin the veto session and the next opportunity to pass a marriage bill). We won't stop until we win marriage equality throughout the entire country.

It's an exciting time, and the momentum is with us. Yet there are all too frequent reminders that our opponents—who have been busy marshalling money, misinformation and hate—aren't going away, even in states where same-sex couples have the freedom to marry:

Courts are locking up HIV-positive people because lawmakers and judges don't understand how HIV is transmitted or how best to prevent its spread. In Iowa, a Court of Appeals affirmed the conviction of Lambda Legal client Nick Rhoades under the draconian and inhumane HIV criminalization law in Iowa, one of 33 states that have HIV-specific criminal statutes or that have brought HIV-related criminal charges (see page 6).

Government agencies are disregarding gender identity on legal documents. The Social Security Administration turned down Lambda Legal client Robina Asti for survivor benefits—claiming she was “legally male” when she married in 2004 even though she transitioned more than three decades ago and soon thereafter updated her federal identity documents (see page 3).

Employers are firing dedicated, high-performing employees just because they decide to transition. Lambda Legal recently won a \$50,000 settlement for transgender South Dakota grocery store worker Cori McCreery (see page 6).

Whether it's marriage rights, the workplace, housing or schools, we have a lot of work ahead of us.

We need and appreciate your support, every step of the way.

EXECUTIVE DIRECTOR

THE MOMENTUM IS WITH US. YET THERE ARE FREQUENT REMINDERS THAT OUR OPPONENTS—MARSHALLING MONEY, MISINFORMATION AND HATE—AREN'T GOING AWAY, EVEN IN STATES WHERE SAME-SEX COUPLES HAVE THE FREEDOM TO MARRY.

Flying Solo

After 35 years living as a woman, transgender WWII pilot Robina Asti wants to be treated like any other widow. So Lambda Legal is helping her fight the Social Security Administration's decision to deny her survivor benefits.

WHEN ROBINA ASTI WAS TURNED DOWN IN APRIL FOR SOCIAL SECURITY SURVIVOR BENEFITS

on the grounds that she had been “legally male” when she married her late husband, she was more surprised than angry. “I never even considered that anyone would consider me anything but a woman,” says the transgender pilot, now 92, who has lived as a woman for decades and has long been recognized as female by the federal government itself.

Lambda Legal is representing Asti in her appeal of the Social Security Administration (SSA) decision, which was seemingly based on the fact that while Asti updated a range of documents in the years following her 1977 transition, she never changed the gender on her birth certificate.

Asti grew up in New York City's Greenwich Village and learned to fly at 15. During World War II, she piloted planes over the Pacific with the Navy and pioneered new communications technologies. She married, had three kids, divorced and began living as a woman.

In 1981, four years after undergoing sex reassignment surgery, Asti officially changed her name and updated every identity document that she could to reflect her new name and gender marker. This included her New York State driver's license and all of her federal identity documents, including her Federal Aviation Administration identification, Veterans Affairs identification, U.S. passport and Society Security card. She was unable to change her New York City birth certificate to female because the law did not provide for that at the time.

But despite recognizing her as female in their own records, the SSA denied her claim for widow's benefits because they claimed that Asti did not change her “legal” gender. Therefore, the SSA claimed, her 2004 marriage to longtime sweetheart Norwood Patton was void because New York State did not allow same-sex couples to marry at the time.

The SSA's stance has been a surprise not just to Asti but to transgender rights advocates as well, because it comes amid a trend in the federal government and many states toward greater respect for and recognition of trans peoples' gender identity. (For more about that, see Lambda Legal's “Know Your Rights” FAQ about identity documents, at lambdalegal.org/know-your-rights/transgender) The SSA itself recently revised its policies, making it easier for transgender people to update their gender markers.



Robina Asti, 92, was denied Social Security survivor benefits after the death of her husband (who painted this portrait of Asti, a lifelong pilot).

Recent marriage equality successes around the country (and in the Supreme Court) also suggest this sort of discrimination will soon end. “Our marriage equality work will solve these types of problems because it will make gender irrelevant for purposes of marriage,” says Dru Levasseur, Director of Lambda Legal's Transgender Rights Project, “but in the meantime, a person's gender identity reflects who that person is and should be respected.”

Asti, who says “Almost everybody I know accepts me as a woman,” is deeply concerned about the unfairness of the SSA denial. “My family left me [over my transition], but eventually I was able to resolve all those problems—and then to have Social Security do this to me!”

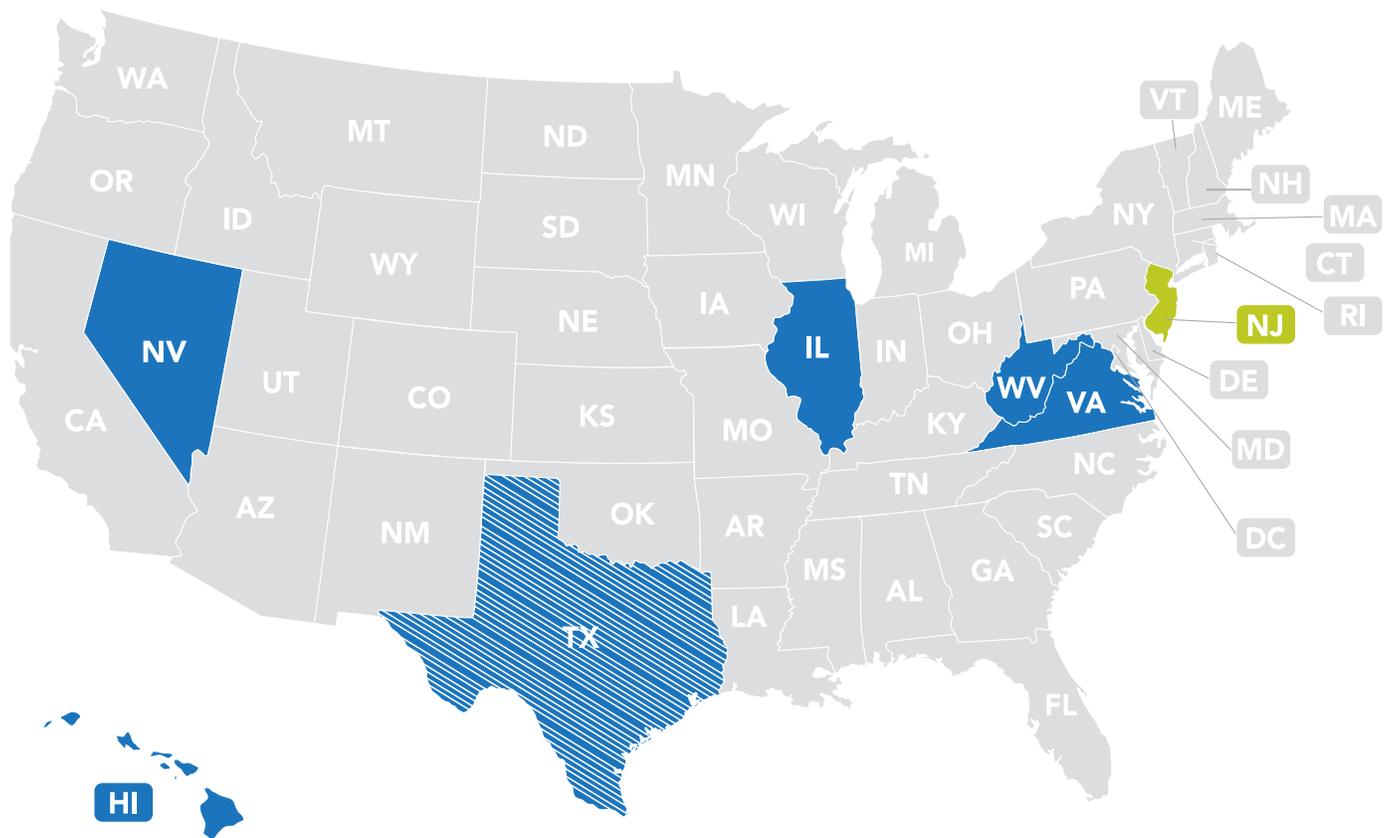
“What's important is that some other person doesn't get caught in this situation,” says Asti, an extremely active nonagerian who still teaches flying, reads books to blind New Yorkers as a volunteer and likes to tinker with a stock-trading program she developed herself on the computer. “There have got to be a lot of people in this situation.”

As for Norwood, whose paintings surround Asti on the walls of the Manhattan apartment where she has lived since 1958: “He would be right behind me!”

Marriage on the Map

Lambda Legal is making the case for marriage throughout the country.

The U.S. Supreme Court's decision in *United States v. Windsor* last June, striking down Section 3 of the federal Defense of Marriage Act (DOMA), was a watershed moment in the fight for equality for LGBT couples and their families. Now Lambda Legal has launched major lawsuits in two more states—Virginia and West Virginia—and demanded swift action on a range of open cases. “These days, if you blink, you could miss something—we’re making such fast progress,” said Camilla Taylor, Lambda Legal’s Marriage Project Director. Here’s what Lambda Legal has been up to:



HAWAII

As this issue of *Impact* went to press, Hawai'i legislators were gathering in a special session to consider a bill ending the exclusion of same-sex couples from marriage. Lambda Legal collaborated with state advocates and officials to shape the legislation. If the bill fails, Court of Appeals arguments will proceed in a federal case that contests that exclusion.

In 1993, the Hawai'i Supreme Court found the exclusion appeared to be sex discrimination and required a trial, which Lambda Legal won. But a voter referendum blocked that litigation and retained for the legislature the power to decide who can marry.

NEVADA

On October 18th, Lambda Legal filed an opening brief in its appeal before the Ninth Circuit Court of Appeals in the Nevada case known as *Sevcik v. Sandoval*.

The lawsuit argues that Nevada's constitutional ban on marriage equality violates the Due Process and Equal Protection Clauses of the U.S. Constitution. The state, it argues, does not have even a rational reason to deny same-sex couples the honored designation of marriage while providing them all the rights and responsibilities of spouses through domestic partnership.

TEXAS (DIVORCE)

Lambda Legal and the ACLU of Texas filed a friend-of-the-court brief on September 3 asking the Texas Supreme Court to overturn a ruling that prevented two married same-sex couples from getting divorced.

The couples were legally married in Massachusetts and later moved to Texas. The state claims that the couples cannot get divorced because marriage for same-sex couples is barred in Texas under both statutory restrictions and an amendment to the state constitution—even though neither ban mentions divorce. Oral arguments in *In re Marriage of J.B. and H.B.* and *State of Texas v. Naylor* are set to take place at the Texas Supreme Court on Nov 5.

NEW JERSEY

Victory! On October 21, the State of New Jersey abandoned efforts to stop same-sex couples from marrying after Lambda Legal's 11-year legal battle for equality. Wedding bells started to ring less than a month after the New Jersey Superior Court ruled in Lambda Legal's case that same-sex couples in New Jersey must be allowed to marry.

The New Jersey Supreme Court unanimously rejected the governor's motion to "stay" the decision during appeal, writing, "Because State law offers same-sex couples civil unions but not the option of marriage, same-sex couples in New Jersey are now being deprived of the full rights and benefits the State Constitution guarantees." Following the strong opinion of the Court regarding the stay, New Jersey promptly dropped its appeal.

In 2006, the New Jersey Supreme Court ruled in the Lambda Legal case *Lewis v. Harris* that same-sex couples must be provided all the benefits

and responsibilities of marriage. The New Jersey legislature passed a civil union law, but Lambda Legal argued in *Garden State Equality v. Dow* that barring same-sex couples from marriage relegates them to a second-class status and prevents the couples and their families from accessing many federal benefits.

Lambda Legal was thrilled to witness the joyous weddings of couples it had represented in both lawsuits, as New Jersey became the 14th state in the nation with the freedom to marry.

VIRGINIA

On September 30, Lambda Legal, the American Civil Liberties Union and the ACLU of Virginia filed a motion for summary judgment in a federal class action lawsuit filed August 1. The case, known as *Harris v. McDonnell*, seeks the freedom to marry for all same-sex couples in the state as well as an end to Virginia's refusal to recognize marriages that same-sex couples have legally entered elsewhere.

WEST VIRGINIA

On October 1, Lambda Legal filed a federal lawsuit in West Virginia on behalf of three same-sex couples and the child of one of the couples seeking access to the privileges and protections of marriage. The suit, *McGee v. Cole*, argues that barring same-sex couples from marriage violates the U.S. Constitution's guarantee of equal protection and due process and sends a message that same-sex couples and their children are second-class citizens.

Plaintiff Nancy Michael, a lifelong West Virginian, said of her partner Jane and son, Drew, "We have done everything we can to protect and take responsibility for our family but we worry all the time that it isn't enough. We need the protection that marriage affords."

ILLINOIS

On Sept. 27, a judge in Illinois green-lighted lawsuits brought in 2012 by Lambda Legal and the American Civil Liberties Union that seek the freedom to marry for same-sex couples. The lawsuits (*Darby v. Orr* and *Lazaro v. Orr*) argue that the state's civil unions law marks same-sex couples as different and less worthy than other couples. The court's decision to allow the cases to move forward came in response to an attempt by an antigay legal group to have the cases dismissed.

BENEFITS OF MARRIAGE

FEDERAL GOVERNMENT BEGINS ROLLING OUT THE WELCOME MAT FOR MARRIED SAME-SEX COUPLES

The federal government has issued several updated policies in the wake of the Supreme Court's historic *United States v. Windsor* decision in a case brought by the ACLU. Two of the most important announcements include new federal tax guidelines recognizing married same-sex couples even in states that ban such marriages, and extending veteran benefits to some couples.

The tax news came on August 29, when the U.S. Treasury and the Internal Revenue Service announced that all legally married same-sex couples are recognized as married for all federal tax purposes—respecting a couple's "place of celebration" no matter which state they call home.

Then on September 4, Attorney General Eric Holder said in a letter to Congressional leaders that the Justice Department would not enforce a provision within federal law that prohibited veterans' same-sex spouses from receiving military benefits if they live in a jurisdiction that recognizes their marriage.

"This is a major step to open benefits for veterans and their families," said Susan Sommer, Lambda Legal's Director of Constitutional Litigation. "We look forward to the Administration's quick implementation of its decision so that these families can receive critical protections."

The exciting announcements coincided, however, with unrelated reports of local efforts to delay some military personnel from applying for federal benefits now available to same-sex couples.

In Texas, for instance, Alicia Butler, the wife of 1st Lt. Judith Chedville, a female member of the Army National Guard who served in Iraq and Kuwait, was denied access to the federal Defense Enrollment Eligibility Reporting System in Austin, even after presenting a valid marriage license. She was told to travel to a federal facility; the closest one is a three-hour round-trip.

Lambda Legal called attention to the incident in a September 13 letter to the commanding general of the Texas Military Forces, urging him to reconsider.

IOWA

Lambda Legal Fights Unjust HIV Conviction

On October 22, Lambda Legal went back to court on behalf of Nick Rhoades to appeal the Iowa Court of Appeals decision three weeks earlier to affirm his 2009 conviction under Iowa's statute governing the criminal transmission of HIV. Lambda Legal argues that the law requires the intent to expose another to an infectious bodily fluid and that Rhoades' use of a condom shows he did not have such an intent.

"A person who uses a condom and engages in safe sex, as Nick did, does not have the intent required to support a conviction under Iowa's law addressing exposure to HIV," said Scott Schoettes, HIV Project Director for Lambda Legal.

The Rhoades case stems from a sexual encounter with Adam Plendl in June 2008 in which the two men used a condom and Plendl did not contract HIV. Nevertheless, after Plendl learned of Rhoades's HIV status, Rhoades was prosecuted under the state's HIV criminalization statute. Any conviction under this statute is considered a felony in Iowa, with penalties comparable to those for manslaughter, kidnapping or robbery. Rhoades pled guilty to the crime after receiving ineffective assistance from his then defense counsel.

Rhoades was sentenced to 25 years in prison, though his sentence was later reconsidered by the court in response to an international letter-writing campaign. Nonetheless, Rhoades remains a convicted felon, is currently on probation and is required to register as a sex offender—impediments that would all be eliminated if his conviction is set aside.

The Rhoades ruling came just weeks after an important decision in another HIV criminalization case, this one in Minnesota. In *Minnesota v. Rick*, in which Lambda Legal filed a friend-of-the-court brief, the state high court ruled in August that an HIV-positive man could not be prosecuted under the provision of the state's "knowing transfer of a communicable disease" statute applying to medical donations, because the conduct at issue was sexual intercourse.

SOUTH DAKOTA

Transgender Woman Settles Workplace Discrimination Suit



Cori McCreery was working as a grocery clerk when she was fired for being transgender. Lambda Legal helped her win a landmark settlement.

On September 16, a young transgender woman who was fired from a South Dakota grocery store for announcing her transition won a landmark settlement through the federal Equal Employment Opportunity Commission (EEOC). Cori McCreery, 29, was awarded \$50,000 as part of an agreement she struck with her former employer that also includes commitments to workplace policy changes.

"This comprehensive settlement makes a strong statement about the EEOC's commitment to ending discrimination against transgender workers," said Dru Levasseur, Transgender Rights Project Director for Lambda Legal. "But what would be even better is for transgender people to not be fired in the first place—which is why we need Congress to send a clear message to employers by passing the Employment Non-Discrimination Act."

In 2010, McCreery was working as a clerk at Don's Valley Market, a grocery chain in Rapid Valley, when she announced she would be transitioning from male to female. Her boss, who had just promoted her, swiftly fired her, telling her she was "making other employees uncomfortable" and he had a "\$7 million investment to protect."

McCreery filed a lawsuit with the EEOC in March 2012, claiming sex-based discrimination under Title VII. The next month, the EEOC ruled in the historic *Macy v. Holder* that Title VII protects transgender employees from discrimination on the basis of sex because sex stereotyping is illegal. The *Macy* decision relied heavily upon Lambda Legal's 2008 victory on behalf of Vandy Beth Glenn in Georgia.

McCreery's settlement includes public notice on the EEOC website and the workplace bulletin board; mandatory workplace protections; all-staff mandatory trainings about workplace protections for three years; a letter of apology and a letter of recommendation for McCreery—who now works at a major airline with transgender-supportive workplace policies.

"This gives me hope," McCreery said of her settlement. "The day I was fired, I had no idea what I would do. I now feel a sense of closure and can focus on my future. No one should be fired just because of who they are."



FOR MORE INFORMATION ABOUT THE RIGHTS OF TRANSGENDER PEOPLE, VISIT:
lambdalegal.org/know-your-rights/transgender

**THE
GUARDIAN
SOCIETY**
UPDATE

CHARITABLE GIFT ANNUITIES (CGA)

MAKE THE MOST OF YOUR RETIREMENT FUNDS WHILE LEAVING A LEGACY GIFT TO EQUALITY

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

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

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

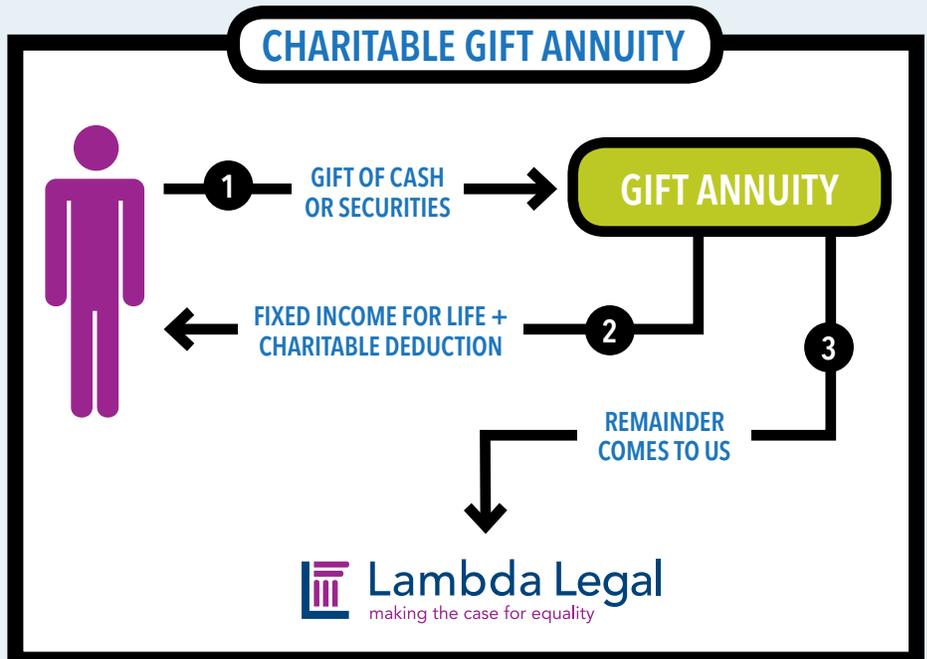
It is important that you consult with your attorney, accountant and/or financial advisor to determine the planned giving options that are best for you. Lambda Legal is a 501(c)(3) and gifts to us are tax deductible to the fullest extent allowed by law. Our legal name is Lambda Legal Defense and Education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

A **charitable gift annuity (CGA)** is a great planned giving vehicle. A CGA is a contract under which Lambda Legal agrees to make fixed payments for life to you or your designated beneficiary in exchange for an irrevocable gift of \$10,000 or more. If you are 55 or older, consider establishing a CGA that will support Lambda Legal's vital work while providing retirement income to you or a loved one. CGA payments can begin when the beneficiary reaches the age of 60.

CGAs often provide returns greater than those of money market accounts, CDs, commercial annuities or stock dividends.

SOME ADVANTAGES OF CGAS

- A reliable, partially tax-free stream of income beginning as early as age 60 to supplement retirement.
- An immediate charitable income tax deduction based on Lambda Legal's remainder interest in the annuity (calculated based on the age of the beneficiary[ies]).
- Deferment of capital gains taxes when the CGA is funded with appreciated securities.



HOW A CGA CAN WORK FOR YOU – AND FOR EQUALITY

LAMBDA LEGAL OFFERS 3 TYPES OF CGAS:

1 ONE-LIFE CGA:
Only you or your designated beneficiary (minimum age of 60) will receive income from your contributions. The rate of return is greater than if two people are designated to receive income.

FOR INSTANCE*

George is 77 and retired. He has income from a pension and Social Security as well as some interest income from a savings account. George wants to increase the income from his money market but is fearful of a high risk investment. He purchases a \$20,000 CGA from Lambda Legal. Under the current rate of 6.2%, George is guaranteed an annual income of \$1,240, paid in quarterly installments of \$310. George receives an immediate tax deduction of \$9,175.80 and \$974.64 of his annual income is tax-free for 11.1 years. In addition to the income and tax benefits, George enjoys the satisfaction of making a major contribution to Lambda Legal's work.

2 TWO-LIFE CGA:
You can provide income for you and a designated second, successive beneficiary. The age of both will be used to calculate your rate of return and the tax deductible portion.

FOR INSTANCE

MJ, age 62, and Lori, age 65, raised a family with MJ as the stay-at-home parent. The couple currently lives in Athens, GA and Lori is planning for their retirement income. Lori chooses to establish a two-life CGA with Lambda Legal with \$151,870 in appreciated stock, which she originally purchased for \$50,000. Lori receives an immediate tax deduction of \$21,972.55. Instead of paying all the capital gains tax in the year she creates the annuity, the capital gains tax obligation is spread out over her and MJ's life expectancy. MJ and Lori now receive an annual payment of \$6,378.56. For 19.9 years, \$636.65 of that income is tax free; \$4,376.90 is capital gains income; and \$1,365.01 is ordinary income. If either passes away, the other will continue to receive the income for life. They both enjoy the security of the guaranteed income and the fact that they are providing for equality.

3 DEFERRED CGA:
Ideal for younger donors or those who have not yet retired. It can be purchased at age 55 or older. You can defer receipt of payments on your one-life or two-life CGA until after you (and/or your designated beneficiary) reach age 60.

FOR INSTANCE

Jim is 55 years old and beginning to think about his retirement at age 60. Jim establishes a deferred CGA with a contribution of \$35,000 and receives an immediate tax deduction of \$8,824.90 for his gift. In five years, Jim will collect guaranteed annual income of \$1,785, \$1,085.28 of which is tax-free and \$699.72 of which is ordinary income. He has elected to receive quarterly payments of \$446.25. After 24.1 years from the date the first payment is made, the payments become ordinary income.

**Examples are for illustration only.*

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

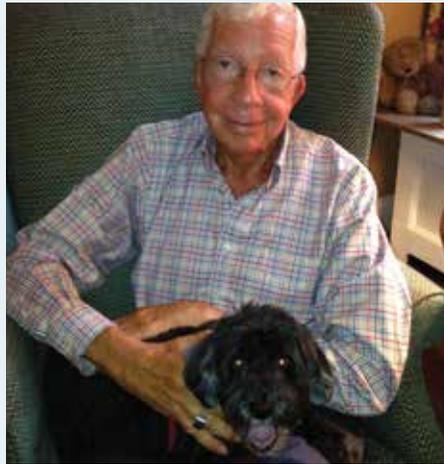
GUARDIAN SOCIETY PROFILE

Gilbert Parker

Gilbert Parker has always been a trailblazer. He was Wesleyan University’s first theater major and one of the first-ever male theater agents. When the Fire Island Pines celebrated its 60th anniversary this summer, Gilbert celebrated 60 years on the island as well, having been among the first wave of gay men to vacation there. Gilbert is also one of Lambda Legal’s longtime donors and Guardian Society members, choosing to leave a legacy for equality in his estate and through the Charitable Gift Annuity (CGA) program.

Born in 1927, Gilbert grew up in the suburbs of Philadelphia in a large close-knit family; everyone lived within walking distance of each other and vacationed together at the Jersey Shore. It was down at the Shore during Sunday morning hymn services and at his culturally active Quaker school that Gilbert developed a love for theater and music.

After Wesleyan, a brief stint in the Navy and a year acting at the Cleveland Playhouse, Gilbert moved to New York and received a Master’s degree from Fordham University. He landed a job as assistant to Audrey Wood, the world-famous agent who represented Tennessee Williams and other important playwrights. Soon he was climbing the ladder to become a top agent himself, launching a career that would eventually net his clients 12 Tonys and 3 Pulitzers.



Gilbert Parker, a longtime Lambda Legal donor, bought his first CGA in 2007

Gilbert also commandeered a highly successful joint venture by Broadway’s three big theaters (the first of its kind) to put on *The Grapes of Wrath*.

Yet, even in the early years of the New York theater crowd, Gilbert wasn’t allowed to be himself. “You always had to come to a party with a woman on your arm,” he says. “It just wasn’t smart professionally to be gay back then.” Gilbert reminisces about the “scene” at the bars like the Blue Parrot and the Golden Eagle and the trips to the Pines before electricity, listening to stories by candlelight. But he also recalls frequent bar raids by the police and having to have people pretend to be his family members to purchase his Fire Island properties on his behalf because the previous owner refused to sell to gays.

Gilbert learned about Lambda Legal soon after its founding in 1973, and made the decision to become a donor and, later, a member of the Liberty Circle. In 2001, he joined Lambda Legal’s legacy giving program, the Guardian Society; he continued his commitment in 2007 by purchasing his first CGA. Always modest even after years of supporting LGBT rights, Gilbert describes himself as a “nominal activist.” But he strongly believes his contributions to Lambda Legal will help bring about full recognition of the civil rights of LGBT people and those with HIV.

CHARITABLE GIFT ANNUITY (CGA) RATES

CHARITABLE GIFT ANNUITY (CGA) RATES VARY DEPENDING ON THE AGE OF THE BENEFICIARY. THE OLDER THE BENEFICIARY, THE GREATER THE ANNUITY RATE. HERE IS A SAMPLING OF THE RETURN YOU MIGHT RECEIVE ON YOUR ONE-LIFE LAMBDA LEGAL CGA:

*(AT TIME CGA ESTABLISHED)
RATES AS OF 7/1/13

AGE*	RATE
60	4.4%
65	4.7%
70	5.1%
75	5.8%
80	6.8%
85	7.8%
90+	9.0%



THE GUARDIAN SOCIETY

Formed in 2000, the Guardian Society is a growing group of individuals who have taken the extra initiative for the future of equality by including Lambda Legal in their wills, retirement plans, life insurance, trusts or other estate planning vehicles, or establishing a charitable gift annuity (CGA). For more information, please contact Thai Pham, Director of Legacy Giving, at 212-809-8585, ext. 214 or tpham@lambdalegal.org.

PLEASE SEND ME MORE INFORMATION ABOUT LEGACY GIVING. To request more information about how you can use planned giving vehicles to support the work of Lambda Legal, please return this form to our Legacy Giving Office, call 212-809-8585 or email tpham@lambdalegal.org.

YOUR NAME _____

ADDRESS _____

CITY _____

STATE _____

ZIP _____

DAYTIME PHONE _____

EVENING PHONE _____

EMAIL ADDRESS _____

IF YOU ARE CONSIDERING A CHARITABLE GIFT ANNUITY, PLEASE FILL IN THE INFORMATION BELOW:

I am considering a gift annuity in the amount of \$ _____ CASH SECURITIES

BENEFICIARY 1 _____

DATE OF BIRTH _____

BENEFICIARY 2 _____

DATE OF BIRTH _____

All information and inquiries will be held in strict confidence.

I AM INTERESTED IN:

___ INCLUDING LAMBDA LEGAL IN MY ESTATE PLANS BY:

- MAKING A BEQUEST TO LAMBDA LEGAL
- MAKING A GIFT OF LIFE INSURANCE
- MAKING A GIFT OF REAL ESTATE
- ESTABLISHING A CHARITABLE TRUST
- MAKING LAMBDA LEGAL THE BENEFICIARY OF MY RETIREMENT ASSETS

___ ESTABLISHING A CHARITABLE GIFT ANNUITY WITH LAMBDA LEGAL:

- ONE-LIFE CGA
- TWO-LIFE CGA
- DEFERRED CGA

___ I HAVE ALREADY INCLUDED LAMBDA LEGAL IN MY ESTATE PLANS BY _____

PLEASE LIST ME/US IN THE GUARDIAN SOCIETY AS: _____

HOW TO INCLUDE LAMBDA LEGAL IN YOUR WILL

To make a bequest to Lambda Legal you will need to use the correct language in your will: "I hereby give and bequeath [cash amount, percentage amount, or property you are giving] to Lambda Legal Defense and Education Fund, Inc., New York, New York, for its general purposes." To ensure that your wishes are followed exactly, we suggest including Lambda Legal's full name and address in your will:

LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC.
120 WALL STREET, 19TH FLOOR, NEW YORK, NY 10005

501(C)(3) TAX ID NUMBER: 23-7395681

PLEASE RETURN THIS FORM TO: LAMBDA LEGAL | 120 WALL STREET, 19TH FLOOR | NEW YORK, NY 10005-3919

WISCONSIN

Lambda Legal Defends Domestic Partnership in Wisconsin Supreme Court

On October 23, Lambda Legal argued before the Wisconsin Supreme Court in defense of the constitutionality of the state's domestic partnership law on behalf of five same-sex couples and the LGBT advocacy group Fair Wisconsin.

At issue is the July 2009 lawsuit brought by Julaine Appling, president of the antigay group Wisconsin Family Action, challenging the state's then newly enacted domestic partnership law. Family Action contests the law and the 43 rights and benefits it provides couples—including hospital visitation and family medical leave—arguing that it violates the state's constitutional amendment barring marriage for same-sex couples and any legal status for same-sex couples that is substantially similar to marriage.

In December 2012, the Wisconsin Court of Appeals declared the domestic partnership law constitutional. Shortly thereafter, Wisconsin Family Action appealed to the Wisconsin Supreme Court.

"The domestic partnership law in Wisconsin is without question constitutional," said Lambda Legal Senior Staff Attorney Christopher Clark. "The limited protections provided by domestic partnerships are a far cry from the significant rights, benefits and responsibilities associated with marriage. To suggest that that the two types of relationships are impermissibly similar is an antigay stretch of the imagination."

CALIFORNIA

Court Upholds Ban on "Ex-Gay" Therapy

On August 29, a federal court in California upheld a groundbreaking state ban on using so-called conversion therapy or "ex-gay" therapy to try to change the sexual orientation or gender identity of minors. Lambda Legal co-sponsored the original state statute and, when it was challenged in court, also provided a friend-of-the-court brief on behalf of 13 regional and national organizations working with LGBTQ youth. The brief included accounts of psychological damage, self-harm and rifts in family relationships following conversion efforts.

Passed last year by the California legislature, the law specifically bars state-licensed therapists from conversion efforts on young people, since the so-called "treatments" have been rejected by leading medical and therapeutic professional organizations as ineffective and dangerous. But the statute was challenged in two separate lawsuits *Pickup v. Brown* and *Welch v. Brown*—on free-speech and parental rights grounds.

The August 29 ruling in the 9th U.S. Circuit Court of Appeals addressed both lawsuits, and was unanimous, with all three judges finding that the state had the right to bar such methods.

"With this ruling, LGBTQ youth across California are protected from the trauma of so-called 'ex-gay' therapy and the devastation these discredited methods cause young people and their families," said Lambda Legal Deputy Legal Director Hayley Gorenberg.

Lambda Legal was joined in sponsoring the original bill, SB 1172, by Equality California, the National Center for Lesbian Rights, Mental Health America of Northern California and Gaylesta.



American Airlines 

AMERICAN AIRLINES IS THE OFFICIAL AIRLINE OF LAMBDA LEGAL.

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

Lambda Legal Web Site Gets a Makeover

A new, more user-friendly Lambda Legal home page (lambdalegal.org) went live in August. The new look features:

- > A MOBILE-FRIENDLY DESIGN SO YOU CAN USE IT ON YOUR PHONE OR TABLET
- > A BLOG ROLL
- > AN INTERACTIVE STATE MAP
- > LARGER AND HIGHER-QUALITY PHOTOGRAPHY



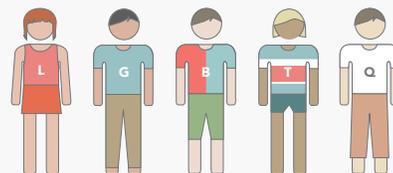
11 Tips to Deal with Bullying

Bullying is a serious reality for LGBTQ students, those perceived to be LGBTQ and the friends of LGBTQ students. **But that doesn't mean it can't be stopped.** Lambda Legal has put together an online list of 11 things you can do if you or any of your friends are bullied.

 PLEASE VISIT www.lambdalegal.org/bullying-info

WHAT TO DO IF YOU'RE LGBTQ and BULLIED

★ Protect yourself with these steps. ★



MEMBER PROFILE

Legally Wed

Twenty-five years ago, Nancy Conyers and Libby Costin met while working together at a small start-up in New York City. “Our relationship was the best thing to come out of that crazy place,” said Libby. Over the next decades Libby and Nancy would live together in nine cities on three continents, never hiding the nature of their relationship from the many people they met. “We have probably come out more than anyone we know,” said Nancy. “When we lived in Boston we were much more closeted about being Yankees fans than we were about being a couple.”

Although they felt married from the first day they met, Nancy and Libby decided five years ago that they would celebrate their 25th anniversary by getting legally married. The couple, who currently split their time between Italy and Santa Fe, New Mexico, wanted to be able to celebrate in a place that meant something to them. “Luckily New York cooperated,” said Nancy, referring to the New York Marriage Equality Act passed in 2012, “and we could be married in the place we first met.”

On August 12, 2013, Nancy and Libby were married overlooking New York Harbor with a view of the Statue of Liberty. “We incorporated the signing of the marriage license into the ceremony, and the Rabbi had everyone stand and referenced Lady Liberty behind us,” said Libby. “There wasn’t a dry eye in the house.”

“It wasn’t lost on us that Libby is the second generation of her family that had to cross a state line to get married,” said Nancy, referring to the marriage of Libby’s Chinese-American mother and Irish-American father, who had to drive from Arizona to California when they wed 53 years ago because of Arizona’s antimiscegenation law. Libby’s mother, who travelled from Spain for the occasion, was one of the 160 guests in attendance at the wedding.

Members of Lambda Legal for decades, Nancy and Libby registered their wedding with Lambda Legal, so that family and friends could make gifts to the organization in honor of their marriage. “We value Lambda Legal and what they do. They’re not out there spending donations on marketing or trying to be sexy or glitzy, they’re just making real strides for all of us,” said Libby, adding that the donations were “the icing on top of our very tasty wedding cake!”



Nancy Conyers and Libby Costin are Yankee fans from Santa Fe, NM. They have been Lambda Legal members since 1996.



FOR MORE INFORMATION ABOUT REGISTERING A WEDDING WITH LAMBDA LEGAL, PLEASE VISIT www.lambdalegal.org/wedding or email us at members@lambdalegal.org.

UNCLE SAM WANTS YOU TO GIVE

Lambda Legal has once again been included in the Combined Federal Campaign (CFC)! If you’re eligible to give through the CFC, you have until **December 15** to designate where you want your employee contribution dollars to go.

Please use **CFC ID# 12482** to make your pledge and to designate Lambda Legal your beneficiary.

Visit lambdalegal.org/cfc for more information about the CFC.





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

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

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

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

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

I PREFER TO CHARGE MY: MASTERCARD VISA AMERICAN EXPRESS DISCOVER

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

BILLING ADDRESS _____

SIGNATURE _____ DAYTIME NUMBER _____

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

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

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

IM13FALJ

WHAT YOU'RE SAYING

A SAMPLING OF COMMENTS FROM OUR FACEBOOK PAGE

RE: NEW JERSEY MARRIAGE WIN

(See p. 4)

ROBYNE O'MARA: So very happy for everyone in New Jersey! Let's hope Illinois is next!

RE: THE AFFORDABLE CARE ACT AND HIV

TODD HALEY: The ACA is literally going to save my life. My state plan is in the process of dropping me because of budget cuts. Now just to find the money for my meds for three months.

RE: CHELSEA MANNING'S HEALTH CARE IN PRISON

LYNN COLE: I am concerned that in addition to denying Chelsea Manning treatment for a medical condition (gender dysphoria), the military has indicated that they will demean her by referring to her as "Bradley."



WEST COAST LIBERTY AWARDS Host Lance Bass ('N Sync, "Sirius XM Dirty Pop with Lance Bass") with celebrity guest Jai Rodriguez ("Queer Eye for the Straight Guy," "Malibu Country") at the London West Hollywood Hotel in Los Angeles on June 13, 2013.



LAMBDA LEGAL IN THE HAMPTONS Liberty Circle member William Zwart with Senior Staff Attorney Karen Loewy and guests Ken Greenstein and Joyce Whitby at the home of Defender-level Liberty Circle members Robert W. Taft and J. Philip Moloney, in Southampton, NY, on June 22, 2013.



LAMBDA LEGAL IN THE PINES Board member Dan Cochran with his spouse, Greg Sutphin, District-level donors and hosts of Lambda Legal's 35th Annual Pines brunch at their home on July 13, 2013.



INDIANA BENEFIT Jim Keller of Amicus-level law firm sponsor Keller & Keller; Wendy Keller; Randy Juergensen, also of Keller & Keller and Tony Warmus at the Indianapolis Museum of Art on September 20, 2013. Photo: Brenda Havens



NYC YOUNG PROFESSIONALS MIXER Lambda Legal members and host committee members Nima Daivari, Michael S. Lewis and Steve Merritt at the Leslie Lohman Museum of Gay and Lesbian Art in New York City on May 2, 2013.



LAMBDA LEGAL IN DC Board member, event co-chair and Liberty Circle member Vadim Schick; Liberty Circle member Letitia Gomez; Lambda Legal member Laura Flegel with her daughter, Naomi and Executive Director Kevin Cathcart at the Decatur House in Washington, DC, on June 11, 2013.



WEST COAST LIBERTY AWARDS Board member Vincent Jones with National Leadership Council members and West Coast Liberty Awards co-chairs Sheri Bonstelle and Michael Gottfried and Western Regional Director Shedrick Davis on the red carpet at the London West Hollywood Hotel in Los Angeles on June 13, 2013.



SEATTLE GARDEN PARTY National Leadership Council and Liberty Circle member Kelly Moser; National Leadership Council member, event co-chair and Liberty Circle member Sam Castic; Board member, event co-chair and Defender-level Liberty Circle member Anne Krook; National Leadership Council chair and Amicus-level Liberty Circle member Jamie Pedersen; Lambda Legal plaintiff Debbie Harris; and Lambda Legal National Marriage Project Director Camilla Taylor at the home of Defender-level Liberty Circle members Susan and Eric Benson in Seattle, WA, on August 1, 2013.



INTO THE WOODS Into the Woods event sponsor George Cheung with Amicus-level Liberty Circle member Jim McDonough and National Leadership Council and Liberty Circle member Cindy Homan at the home of Lambda Legal member Lauren Robishaw in Buchanan, MI, on August 24, 2013. Photo: Timmy Samuel, Starbelly Studios



— VISIT —
www.lambdalegal.org/EOY
TO GIVE TODAY

LOOK INSIDE THIS ISSUE TO FIND OUT HOW LAMBDA LEGAL IS FIGHTING:

HIV criminalization

Anti-transgender discrimination in the workplace and in eligibility for Social Security benefits

Marriage bans from coast to coast

"Anti-gay" therapy

Contact Lambda Legal

NATIONAL HEADQUARTERS

120 Wall Street
19th Floor
New York, NY 10005-3919
tel 212-809-8585
fax 212-809-0055

WESTERN REGIONAL OFFICE

3325 Wilshire Boulevard
Suite 1300
Los Angeles, CA 90010-1729
tel 213-382-7600
fax 213-351-6050

MIDWEST REGIONAL OFFICE

105 W. Adams
Suite 2600
Chicago, IL 60603-6256
tel 312-663-4413
fax 312-663-4307

SOUTHERN REGIONAL OFFICE

730 Peachtree Street, NE
Suite 1070
Atlanta, GA 30308-1210
tel 404-897-1880
fax 404-897-1884

SOUTH CENTRAL REGIONAL OFFICE

3500 Oak Lawn Avenue
Suite 500
Dallas, TX 75219-6722
tel 214-219-8585
fax 214-219-4455

lambdalegal.org

HELP DESK: 1-866-542-8336
lambdalegal.org/help

Lambda Legal is a national organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and those with HIV through impact litigation, education and public policy work.

Impact Magazine *is published three times a year.*