On June 5, 1981 the U.S. Centers for Disease Control and Prevention’s Morbidity and Mortality Weekly Report published a report on five previously healthy gay men in Los Angeles who had all been diagnosed with the same very rare form of pneumonia. Two of the men were already dead. It was the first documentation in medical literature of the disease we now know as AIDS.

GLAD’s earliest HIV/AIDS cases reflected fear, uncertainty about how HIV was transmitted and the urgency of a life-threatening crisis. For example, in 1983 GLAD and AIDS Action Committee convinced Beth Israel Hospital to abandon its policy of placing all patients identified as being “high risk” for AIDS on blood and bodily secretion precautions – a policy that singled out gay men, Haitians, intravenous drug users and hemophiliacs who came to the hospital even for reasons unrelated to AIDS. In 1985, we brought one of the first employment discrimination cases in Massachusetts against a company that refused a gay man’s return to work after a period of sick leave because his co-workers feared he had AIDS.

The AIDS crisis also highlighted the utter lack of legal protections for same-sex couples. In 1987, before Jon Reilly succumbed to AIDS he asked that his partner, Kevin Clarke, cremate him and store his ashes in his favorite piece of Rose Fiestaware. The hospital, however, turned John’s body over to his estranged mother, who refused to abide by his son’s wishes. GLAD and cooperating attorney Gary Buseck, now GLAD’s legal director, filed suit and won the return of Jon’s ashes to Kevin.

In 1994, Sydney Abbott’s dentist in Maine refused to treat her because of her HIV status. With AIDS Law Project Director Ben Klein as lead counsel, GLAD fought for Sydney’s right to treatment all the way to a U.S. Supreme Court victory in 1998, a trailblazing lawsuit that marked the first time the high court heard an HIV/AIDS case. The Supreme Court’s Bragdon v. Abbott ruling established nationwide protection against discrimination under the Americans with Disabilities Act for all people with HIV.

Thirty years on, an HIV diagnosis no longer equals a rapid decline and painful death. Medical advances have enabled people to lead healthy, productive and long lives. Legal advances ensure that they do so with dignity and privacy, and GLAD is proud to have played a part in bringing about those changes.

Until there is a cure, however, we remain vigilant. “Medical progress has given rise to new legal issues,” Klein observes. “Many of the cases we are seeing

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From the Acting Executive Director
Gary Buseck

Well, it’s kind of déjà vu for me at GLAD. I thought I left the world of Executive Director behind when I stopped being GLAD’s ED on January 1, 2004. But here I am filling in for Lee Swislow for seven months as she hikes the Appalachian Trail. I’m three months in – and it’s been fine. For me, much better than hiking the Trail!

Thinking back to early 2004, a lot has changed and some has stayed the same. For example, the saga of Janet Miller-Jenkins’ legal efforts to see her daughter Isabella was already underway in 2004; and it continues today (see an update on page 8). We are still building on the foundation of the Goodridge decision from November 2003 – with marriage equality now in four of the New England states (and with two more to come!) – and with GLAD’s groundbreaking challenges to DOMA working their way through New England courts and sparking activity elsewhere, including Congress.

GLAD formally committed itself to transgender equality in 1998, and today there is so much new, exciting and challenging transgender-related work at GLAD in the courts, in the legislatures and in the arena of education – both with the general public and within the legal community.

Which reminds me of how far we have come with the legal community. I have been around GLAD long enough to clearly remember the days in 1986 when we could not convince a single major Boston law firm to assist us to challenge then-Governor Dukakis’ decision to pull two boys from a foster home with a gay male couple. (And we will never forget that Tony Doniger of Sugarman Rogers did join us and made our ultimate victory possible.)

Today, GLAD receives a great deal of support from many New England law firms (in fact, too many to attempt to list them all here) and, equally important, from many small firms and solo practitioners who are doing yeoman’s work in helping GLAD and directly representing members of the LGBT community. You can read about one such lawyer, Jeffrey Neil Young, on page 6.

Here at the 30th anniversary of HIV/AIDS and GLAD’s AIDS Law Project, it is a good time to rededicate ourselves to the eradication of this horrible disease, and to our vigilance in protecting the legal rights of people living with HIV.

And we at GLAD are also dedicating ourselves to putting new resources and new energy into the work of making sure our LGBT young people and their allies live in a world where they are safe and respected and free to pursue their lives without fear of discrimination.

I can’t think of a better sign of how different the world is – even since early 2004 – than the fact that this October 21st GLAD will be presenting our Spirit of Justice Award to the Patrick Family – a family that is teaching our Commonwealth and our country how wonderful a truly inclusive world will be. See page 10 for an intimate conversation with Katherine, her sister Sarah and their mother Diane – and mark your calendar to come celebrate with us!

And thank you for everything you do for GLAD! You sustain us. Our work is your work.

Gary Buseck
Acting Executive Director
Parents Fight to Protect Transgender Daughter from Bullying

Kelly and Wayne Maines are the parents of Nicole, who was a transgender student at Asa Adams Elementary in Orono, Maine. Nicole, who was assigned the sex of male at birth, had always identified as a girl. From a very young age, including in her earliest years in elementary school, other students and teachers treated her as every other girl at the school despite her having originally been enrolled with her male birth name. Over time, Kelly and Wayne worked out a plan with the school to ensure that she would be fully respected as a girl, and initially things went well. That is, until a male student, at the instigation of his grandfather, began to make Nicole's life at school a living hell. For starters, this other student followed Kelly into the girls' bathroom and objected to her use of it. That was the start of a long period of unhappiness and distress for Nicole, as the student sustained a campaign of harassment and bullying which lasted over two school years. Not only did the school not stop the bullying, it exacerbated it by limiting Nicole's use of school facilities and restricting her participation in school activities – rather than disciplining the bully who had targeted her.

From October 2007 through June 2009, this boy followed Nicole, stared her down, threatened her, and called her “faggot.” Kelly and Wayne continually informed the school of a variety of incidents, and asked the school to remove the boy from Nicole's classroom. Despite acknowledging that the boy posed a danger to Nicole, and despite the fact that Nicole sometimes would not go to school because she was afraid, the school would not remove him. Instead, the administration appointed staff people to follow Nicole around — what they called an “eyes on” policy — which had the effect of singling her out and ostracizing her from her classmates. The school also withdrew its permission for Nicole to use the girls’ room and even, on multiple occasions, singled her out among a group of her girlfriends for exclusion from school facilities.

The Maineses took heroic measures to protect their kids — both Nicole and her twin brother. Kelly and Wayne withdrew their children from the Orono system and moved them to another part of the state where they could go to school quietly and safely. To make that possible, Kelly quit her job and Wayne had to stay behind in Orono to hold his job and to deal with the sale of the family home. They also filed a complaint with the Maine Human Rights Commission, and ultimately filed a lawsuit.

“We would like others to know that we are an average family, with the same concerns and hopes that other parents have for their children. We want them to be safe and happy and grow to be productive members of society. But we went from having a daughter who was happy, healthy and enjoying school life to having a child who was experiencing serious emotional trauma and real danger,” says Wayne. And yet, “Throughout this process we continue to be proud of our children.”

Jennifer Levi, Bennett Klein, and Janson Wu of GLAD are now representing the Maines family in court, along with Lewiston attorney Jodi L. Nofsinger of Berman & Simmons, P.A. In early May, GLAD filed a complaint in Penobscot Superior Court outlining counts of discrimination in education and public accommodation, harassment, and infliction of emotional distress. The named defendants are the Superintendent of the Orono Schools Department, the Orono Schools Department, School Union 87, and Riverside Regional Schools Unit.

Levi says, “This is without a doubt one of the most loving and courageous families we’ve worked with. Wayne and Kelly have kept their focus on what’s best for their kids, while Nicole and her brother have handled their ordeals with dignity far beyond their years. Like them, I hope that this lawsuit can encourage the Orono school system and others throughout Maine to create and sustain a safe learning environment for all of its students, and generate understanding of and compassion for transgender students.”

GLAD now awaits a response from the defendants.
February brought an unexpected development in our two federal lawsuits challenging Section 3 of the federal Defense of Marriage Act (DOMA), when the Obama Administration announced it would no longer defend the discriminatory law in court on the grounds that it is unconstitutional and that it is violative of Equal Protection. More information about the implications of this change is available at www.glad.org/doma

That announcement was accompanied by an Administration notice to Congress and triggered an opportunity for either the House or the Senate to seek to pick up the defense of the constitutionality of DOMA. And that is exactly what the Republican-controlled House of Representatives, under the leadership of Speaker John Boehner, has done.

All of these changes have temporarily halted the movement of both Gill v. OPM, our Massachusetts lawsuit that is now on appeal in the First Circuit, and Pedersen v. OPM, our case in federal court in Connecticut. However, we are anticipating that shortly after June 1st we will have a new briefing schedule for Gill in the First Circuit. We also have a new schedule for Pedersen, and we are moving forward even as you read this.

In the meantime, on March 18 Gill plaintiffs Nancy Gill and her wife Marcelle Letourneau of Bridgewater, MA, took center stage at a press conference in Washington, D.C., where Congressman Jerrold Nadler of New York announced he was re-introducing the Respect for Marriage Act, his bill to repeal DOMA and replace the federal definition of marriage with a provision that would provide for federal benefits for those who have lawfully married.

After a warm introduction from our very own Mary L. Bonauto (whom Nadler called “a pioneering lawyer, a spectacular legal mind”), Nancy and Marcelle shared their story of how DOMA upended their plans for Marcelle to be a stay-at-home parent after they got married. As a federal postal employee, DOMA prevents Nancy from covering Marcelle on her employee health insurance plan. “We know that not all families can afford it, but we were willing to sacrifice my income to do what was best for our family,” Marcelle told the crowd. “Because of DOMA, we couldn’t take this extra step to care for our children. I had to remain in the workforce in order to have access to health insurance.”

If you know Nancy and Marcelle, you know they’re devoted to their two children above all else. (They even took them along on their honeymoon to Cape Cod after they got married in 2004.) They did a fantastic job articulating the emotional and financial toll that DOMA takes on real, hardworking families.

It was an exciting day in D.C., best summed up by Nancy during the cab ride from the airport to the U.S. Capitol: “Yesterday I was at home making cupcakes, and today I’m speaking at a press conference in Washington!”
Lawsuit Results in Good
Denny’s Bathroom Policy for Transgender Patrons

Realty Resources Hospitality, which operates six Denny’s restaurants throughout Maine, and GLAD’s Transgender Rights Project (TRP) are pleased to announce an agreement resolving a lawsuit brought by Brianna Freeman, a transgender woman who was denied access to the women’s restroom at the Denny’s Restaurant in Auburn, Maine. “The bottom line for me and other transgender patrons is that Denny’s has welcomed us to use the restroom that is consistent with how we live our lives. That makes good sense. Any other rule is just unworkable for everyone,” said Brianna Freeman following the resolution of the case.

“We recognize and support Ms. Freeman’s gender transition over the last 3 ½ years,” said Brian Mesley, a spokesperson for Realty Resources Hospitality. “Her transition and this lawsuit presented a new issue for us. It has been an educational process, and we reaffirm our commitment to provide top-notch services to all of our customers. We believe the resolution of this case will work well for all of our customers and preserve the dignity and safety of all.”

In the agreement, which brought to a conclusion a suit that GLAD filed in Androscoggin Superior Court in October 2009 on behalf of Ms. Freeman, Realty Resources Hospitality agrees that at all of the restaurants it operates, all transgender individuals, including Ms. Freeman, will be given access to the restroom consistent with their stated gender identity.

“GLAD is pleased with the results of this case,” said GLAD Attorney Janson Wu. “We’re happy to have had the opportunity to work with business leaders to make Maine business establishments open and welcoming to all potential customers.” GLAD filed this case on October 20, 2009 after Ms. Freeman had been told by the manager of a local Denny’s that she could not use the women’s restroom. GLAD defeated a motion to dismiss by the defendants on May 27, 2010 in a critical, first-of-its-kind ruling from the Maine Superior Court that Maine’s law protecting transgender persons from discrimination includes ensuring appropriate access to restrooms. And then, on February 22, 2011 GLAD argued for summary judgment in the case, seeking a final order allowing Brianna – and other transgender Maine residents – fair and equal access to the appropriate restroom. Both parties reached agreement before the issuance of any decision regarding summary judgment.

Ms. Freeman was also represented by GLAD’s Jennifer Levi and Bennett Klein, as well as local attorney Jeffrey Neil Young of the Topsham, ME law firm McTeague Higbee.

A complete history of the case, along with legal documents, can be found at www.glad.org.

The Right Local Partner

Jeffrey Neil Young, Local Counsel in Freeman v. Denny’s

GLAD has the experience, expertise and legal strategy to fight discrimination against LGBT and HIV+ people in courts across New England, but having the right local partner on a case can make a substantial difference in the outcome. In GLAD’s recent suit on behalf of Brianna Freeman against a Denny’s restaurant in Auburn, Maine, that local partner was attorney Jeffrey Neil Young. “As our local counsel, Jeffrey was instrumental in getting the best possible outcome for Brianna,” says GLAD Staff Attorney Janson Wu. “His expertise in Maine law and his willingness to devote his time and resources pro bono to ensuring that our client received justice were invaluable.”

A partner for over 20 years at McTeague Higbee, a firm dedicated to protecting the rights of people in Maine, Jeffrey Neil Young has spent his professional life fighting for workers and civil rights. After graduating from Brown University, he worked as an organizer with the Service Employees International Union. But a long family history in the legal profession, and the fact that he “always liked to argue,” eventually led him to Case Western Reserve University for law school.

Jeffrey cites the influence of his father, a pension lawyer, in leading him to both law and his passion for fighting discrimination. “My father was a strong civil libertarian,” he says. “He would talk to anyone. He wanted to find out about people’s lives. He was a very tolerant man, very interested in people’s differences. The greatest lesson I learned from my dad is to just appreciate people as people.”

After several years representing unions in Washington, D.C., Jeffrey moved with his wife, a New England native, to Maine. Joining McTeague Higbee, his practice began to focus on disability and, eventually, other forms of discrimination law. He was named the...
Jodi Picoult was working on her latest novel, Sing You Home, when her teenage son Kyle told her he is gay. Though she and her husband weren’t surprised by Kyle’s revelation, it was a happy coincidence since Sing You Home revolves around a same-sex couple, Zoe and Vanessa, who unexpectedly fall in love and then must confront the forces of the religious right in a most personal way when they decide to start a family. Picoult has never shied from tackling thorny social issues in her mega-selling novels and had long wanted to do a gay storyline, but Kyle’s coming out changed her sense of purpose in writing the book.

“It wasn’t just a theoretical journey anymore,” Picoult explains. “It was really, for me, a mom’s mission: how do I make the world a better place so that when Kyle’s coming out, when any of their kids want to come out, it’s okay. It’s safe.”

“I want people to feel like they can open the book, feel like they belong, feel like they are normal. I want them to have a happy ending because that’s what we all want.”

“Change is happening,” she says. “Is it fast enough? No. But when I look back at the end of my career, I hope that attitudes will have changed to the point of full inclusion of LGBT people.”

Jeffrey Neil Young, Local Counsel in Freeman v. Denny’s

Disability Rights Center’s Lawyer of the Year in 2007 and has been named a Super Lawyer for Plaintiffs – Employment Discrimination. He and his wife live with their three children in Cumberland, where his commitment to equal rights for all led him to work on the No On 1 campaign in 2009.

When Janson approached Jeffrey about getting involved in Brianna’s suit, it didn’t take him long to say yes. “I’m fortunate to have the liberty at my firm to decide what I want to take on as pro bono work,” he says. “This was an opportunity to expand my horizons and to work with an organization I had always heard good things about.” He also believed from the start that the law was on Brianna’s side: “There are protections in Maine law for transgender people. The restaurant’s position was simply unworkable.”

Jeffrey describes his role in the case as providing the local steering necessary to ensure things went smoothly. “It’s like acting as the pilot for a ship coming into a Maine harbor,” he says. “GLAD has the expertise to navigate across the ocean of anti-transgender discrimination, but may not always know the local waters. That’s where I came in.”

Jeffrey sees the law as a powerful force for change, in the workplace and — as in Brianna’s case — in the wider community. “Unfortunately people carry with them prejudices and stereotypes, and sometimes they act on them,” he says. “But the law can absolutely be an instrument of social change. The passage of laws and requirements for training in the business setting can go a long way toward seeing that people are treated equally.”

“Change is happening,” he says. “Is it fast enough? No. But when I look back at the end of my career, I hope that attitudes will have changed to the point of full inclusion of LGBT people.”

GLAD will honor Picoult with the Community Award at our 29th annual Summer Party in Provincetown for bringing a nuanced tale of the joys and challenges of being an LGBT family to a wide swath of readers who might otherwise be uninterested in, or unsympathetic to, the subject (Sing You Home topped both the New York Times’ and USA Today’s best-seller lists). The celebration, which Picoult will attend with her family, takes place July 30 at the Pilgrim Monument and Provincetown Museum.

Much of the action in Sing You Home takes place in a Rhode Island courtroom, where Zoe and Vanessa battle with Zoe’s ex-husband Max, a born-again Christian, for access to frozen embryos that Zoe and Max created when they were married. And who better to represent the couple than the fiery, fictional GLAD attorney Angela Moretti?

Picoult credits her close friend Lise Iwon, the openly lesbian president of the Rhode Island Bar Association and a longtime GLAD collaborator and supporter, for tipping her off to GLAD’s expertise in LGBT family law and encouraging her to create the Moretti character, a brassy advocate with a mass of black curls who resembles “Tinker Bell on speed — tiny, talking a mile a minute.”

“She told me about GLAD and she told me about some of the lawyers that she’s met and it seemed to make perfect sense,” says Picoult. “Especially in fiction, if you have the opportunity to highlight something that is honest and real that a lot of people don’t know about but that could help them, it’s a wonderful gift. So it really was my pleasure to be able to say the world is not a perfect place right now for LGBT people but hey, here’s this organization that’s going to go to bat for you.”

Despite great reviews and brisk sales, Picoult admits she’s heard from some evangelical Christians who take issue with characters like Pastor Clive Lincoln, a fire-breathing homophobe who exploits Max to further his anti-LGBT agenda, accusing her of portraying Christians as stupid or intolerant. But the author makes no excuses for her characterizations.

“It’s pretty clear if you read the book that it’s not meant to represent all Christians. I went out of my way to make sure that was said,” Picoult says, noting continued on page 8
A Break in *Miller-Jenkins* Case?

On April 18, the FBI arrested Timothy David Miller, a Christian missionary from Tennessee, in connection with one of GLAD’s high-profile custody cases, *Miller-Jenkins v. Miller-Jenkins*. Timothy Miller was arraigned in a federal court in Burlington, Vermont on April 25 and charged with aiding an international parental kidnapping. He is accused of helping Lisa Miller (the two are not known to be related) flee the U.S. to Nicaragua, through Canada, with Isabella, the daughter Lisa had together with GLAD’s client, Janet Jenkins.

GLAD has represented Janet Jenkins, Isabella’s non-biological mother, at the appellate level in Vermont throughout her long fight to have regular visitation with her daughter after the dissolution of her Vermont civil union with Lisa. In 2009, frustrated by Lisa’s persistent refusal to cooperate with court visitation orders, the Vermont Family Court awarded Janet full custody of Isabella with liberal visitation for Lisa, who became an “ex-gay” evangelical Christian after she split with Janet. Perhaps anticipating that ruling, we now know that in September 2009 Lisa disappeared with Isabella, who is now 9, and Janet has tragically had no contact with her daughter since, despite public appeals for Isabella’s return.

Janet hopes that Timothy Miller’s arrest means she’ll soon reunite with Isabella. “I’m grateful to everyone in law enforcement for working so hard on finding my daughter, as well as to my attorney,” Sarah Star, says. “I know very little at this point, but I really hope that this means that Isabella is safe and well. I am looking forward to having my daughter home safe with me very soon.”

Sarah Starr is based in Middlebury, Vermont, and has represented Janet (picking up after many years of work by Ted Parisi) in the Vermont family court in her fight to maintain her relationship with Isabella, which involved courts in Vermont and Virginia (where our colleagues at Lambda Legal served as her appellate counsel). Sarah has been doggedly persistent in her efforts to help bring Isabella home.

According to an FBI affidavit, Timothy Miller is associated with Christian Aid Ministries, an Anabaptist Mennonite affiliate. He was released on bond following his arraignment. His May 10 probable cause hearing was postponed; a new date had yet to be scheduled as we went to press.

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**A Mom’s Mission**

*continued from page 7*

her intent was to portray the “very vocal minority” of religious conservatives who are using their political influence to anti-LGBT ends. Picoult is happy to engage her critics and set them straight about the inspiration for characters like Pastor Clive.

“This morning I wrote this woman back and I said, what you need to know is that every single word that came out of Pastor Clive’s mouth came verbatim from a six-hour interview I did with Focus on the Family, so don’t shoot the messenger,” she says. “I’m not the one giving Christians a bad name. It’s Christians giving Christians a bad name.”

Picoult is brimming with pride that *Sing You Home* is having the impact she intended. “It has changed a lot of minds and I know it has because I get the emails from people who say so,” she says. “If you can change even one mind, it’s worth writing the story. To know I’ve done that multiple times is a wonderful thing.” The award from GLAD, she adds, makes her success that much sweeter.

“To be honored for doing something that I just felt was the right thing to do,” says Picoult, “is icing on the cake.”

To purchase tickets to the Summer Party visit [www.glad.org/events](http://www.glad.org/events)
Increasing Legal and Cultural Competency for Family Law Attorneys Representing Transgender Clients

GLAD works to advance legal rights and protections for transgender people through the courts, legislatures, and by advocating change in public policy. GLAD’s Transgender Rights Project has launched a major new initiative spearheaded by Staff Attorney Liz Monnin-Browder – including live and online seminars and a forthcoming book – to ensure that when transgender people need legal representation in the family law context, lawyers are available who have a solid understanding of their specific legal needs.

“Our goal is to expand the legal resources available to transgender people who face family law issues,” says Monnin-Browder. “It can be difficult for transgender clients to find representation. Many transgender people simply can’t find an attorney willing to take their case, or, when they do, the attorney may not have the background or knowledge necessary to provide effective and culturally competent representation.”

This spring, GLAD presented a live seminar in Boston and a webinar to a national audience that provided training and resources to family law attorneys. These two programs covered topics including how to make your office respectful and welcoming to transgender clients, the process for legal changes of name and gender, and the best ways to protect transgender parents’ and transgender children’s rights in family dissolution cases.

“We’ve chosen to focus on family law in this training series because it is an area where clients are dealing with deeply personal issues,” says Monnin-Browder. “This can be uniquely challenging for transgender clients, who unfortunately already face extreme vulnerability in the legal system because of pervasive bias and misunderstanding.”

Over 40 attorneys and law students attended a live seminar co-sponsored by the Massachusetts LGBTQ Bar Association and held at the Boston Bar Association May 2. The event included presentations from Massachusetts attorneys with exceptional expertise and experience in family law and representing transgender clients: Laura Langley (Bingham McCutchen), Elizabeth Roberts (Todd & Weld), Astrid Tsang (WilmerHale), Barusch (Law Office of Joyce Kauffman), and GLAD’s Jennifer Levi. Attendees also had the opportunity to hear a judge’s perspective on these matters from the Honorable Angela M. Ordoñez, First Justice of Norfolk Probate and Family Court.

Another 45 attorneys from across the country participated in the webinar on May 4, with material presented by leading national experts including Shannon Minter (National Center for Lesbian Rights), Jennifer Levi (GLAD), Patience Crozier (Law Office of Joyce Kauffman) and Benjamin Jerner (Jerner & Palmer P.C.). The webinar, now available at www.glad.org, was co-sponsored by the American Bar Association’s Commission on Sexual Orientation and Gender Identity; the National LGBT Bar Association; the American Bar Association’s Family Law Section; and the American Bar Association’s Section of Individual Rights and Responsibilities.

Later this year, GLAD will release a groundbreaking publication on representing transgender clients in family law. With contributions from national experts in family law and advocacy for transgender clients, the book will serve as a must-have resource and practical guide for attorneys and law students on a broad range of family law topics.

According to Jennifer Levi, director of the Transgender Rights Project, the enthusiastic response to the material so far demonstrates the need for this information and makes her optimistic about improving the legal resources available for transgender people. “I’m thrilled with the response to the seminar and the webinar, as well as the interest we’re already getting about the forthcoming book. We’re seeing a real desire on the part of family law practitioners to increase their ability to provide quality representation to transgender clients.”

Sign up to be notified of the release of Representing Transgender Clients in Family Law: www.glad.org/representing-transgender-clients
We’re All in This Together  The Patrick Family
2011 Spirit of Justice Award Honorees

When Katherine Patrick matter-of-factly declares of her family, “We’re a team,” she’s really not kidding. On the evening Gov. Deval Patrick’s out lesbian daughter called GLAD to chat about our annual Spirit of Justice Award Dinner, we were under the impression she’d be the only member of the Commonwealth’s First Family on the line. Instead, Katherine announced that her mom, First Lady Diane Patrick; her sister Sarah and Sarah’s fiancé Marco Morgese (who joined the conversation from Rome via Skype); and her aunt Lynn Prime, who was visiting from Atlanta, were all on the call to lend her some moral support.

The impromptu group interview perfectly illustrates why GLAD is so proud this year to honor the entire Patrick family with our Spirit of Justice Award. Time and again, the Patricks have set a significant and inspiring example of a family that practices what some have called “a perfect combination of leadership and love,” and in so doing they have done more to advance equality for LGBT people than any other political family in the history of our state and our nation.

The family will accept the award together at our 12th annual Spirit of Justice Award Dinner on Oct. 21 at the Boston Marriott Copley Hotel.

Katherine says the family “is incredibly honored” to be receiving the Spirit of Justice Award, which was created to honor people whose work and achievements reflect GLAD’s ideal of a just society. “A lot of the time we sort of get invited as ‘the Governor and guest,’ or ‘the Governor and family,’ and GLAD has done such an extraordinary job to really let us know that each one of us in our own right has done a lot to put a hand into this movement. I think as a family, as a team, it’s just an incredible honor to know that we’ve done so much to help this cause.”

Indeed, the family became international role models after Katherine shared her coming out story in a 2008 Bay Windows interview that revealed the family lovingly embraced and supported Katherine, who was just 18 at the time. The story quickly went global; praise and well-wishes poured in from near and far; and the Patrick family received a thunderous reception along the Boston Pride parade route days later.

Having a supportive family made “a world of difference” when she came out, Katherine says. “It’s really hard no matter who you are or where you come from,” she says. “It’s a really hard time in your life and to do that alone, it’s scary. I’ve always had a family by me that is not only willing to say that they support me and that they love me, but will fight tooth and nail to advocate for me. It makes a world of difference just to know that you have people who have your back and you have people who will fight for you when you can’t sometimes.” In turn that support has empowered Katherine to become an advocate in her own right, be it by interning at MassEquality or heading up student and LGBT organizing for her father’s re-election campaign last year.

The family could not be prouder when talk turns to the Governor’s unwavering political leadership on LGBT equality, a record that stretches back to his days as an assistant attorney general in the U.S. Department of Justice Civil Rights Division during the Clinton Administration, when he opposed Clinton’s signing of the Defense of Marriage Act (DOMA). He was the first U.S. gubernatorial candidate to actively support marriage equality during his campaign and was pivotal in protecting the right of same-sex couples to
Standing Up to NOM in Court and the Congress

In late April, GLAD submitted to Congress detailed written comments refuting the testimony of the National Organization for Marriage (NOM)'s Maggie Gallagher, which she delivered at an April 15 Congressional subcommittee hearing on “Defending Marriage.” GLAD's testimony, complete with exhibits, reveals that NOM's tired talking points about procreation, Catholic Charities and persecution of religious believers are fictitious. Furthermore, even if one imagined these points were true, they utterly fail to provide an excuse for the federal government's singling out of married same-sex couples and their families for different treatment by denying them all federal marital benefits and responsibilities. You can read GLAD's full rebuttal at www.glad.org/doma.

Elsewhere GLAD is standing up for state laws requiring financial disclosures in political contexts against First Amendment challenges by NOM in two different friend-of-the-court briefs filed at the First Circuit Court of Appeals in Boston.

Far from preventing NOM from spending money or from speaking, Maine’s and Rhode Island’s disclosure laws are a crucial tool for informing the electorate about who is actually financing different speakers and messages. The Maine case (NOM v. McKee) involves spending on ballot questions, particularly the 2009 marriage campaign. The Rhode Island case (NOM v. Daluz) involves NOM's expenditures on behalf of candidates in the 2010 state legislative elections.

In McKee, NOM challenged the state law requiring anyone who receives or spends at least $5,000 to promote or defeat a ballot question to register and report contributions of over $100. NOM was the largest donor to the campaign to repeal Maine’s marriage law, spending at least $1.9 million. There were relatively few identified Maine donors to the Yes campaign, but thanks to NOM, it had the resources to run many of the same attack ads as the Prop 8 proponents in California, and then some.

NOM sued when the State Ethics Commission began an investigation as to why NOM had not registered as a “ballot question committee” or disclosed its contributors. The federal District Court in Maine has repeatedly rejected NOM's First Amendment claims. GLAD's amicus brief argues that the burden on First Amendment interests is justified by the strong state and voter interests in an informed electorate, especially where the disclosure requirements do not prevent anyone from speaking. (GLAD filed as a ballot question committee in the 2009 Maine campaign.)

In the Daluz case, NOM cited the First Amendment to challenge Rhode Island’s requirement that it report independent expenditures of more than $100 in support or on behalf of candidates for the state legislature. The amici brief submitted by GLAD and Common Cause Rhode Island pointed to a wealth of precedent in the law that justifies disclosure, because disclosure lets the public know who spends money to support candidates for public office. NOM’s proposed ads (TV, radio and print) claimed that “legalizing gay marriage” will have “consequences for kids.” After warning that “Kids have enough to deal with already, without pushing gay marriage on them,” the ads then identify a candidate, and ask the viewer to call and thank the candidate “for standing up for marriage,” or to tell the candidate “we don’t have time to push gay marriage on Rhode Island families.”

We are awaiting a decision in both appeals. GLAD thanks Pierce Atwood LLP, both in Portland, Maine and Providence, RI, for its work on these amici briefs.

marry upon taking office. In February, Governor Patrick signed an executive order banning anti-transgender discrimination in state employment. Not long afterward, he nominated Barbara Lenk, a respected jurist and out lesbian, to the Supreme Judicial Court. Lenk is the first openly gay person to serve on the SJC.

“Nothing that he does in this area has come to me as a surprise,” Mrs. Patrick says of her husband. When they first started dating, she recalls, the governor told her there were a few important people in his life, “and I knew that I had to pass their approval test.” One of them was Governor Patrick’s close friend Morgan, an openly gay man who lived with his partner in Boston. Prior to that Mrs. Patrick didn’t know any openly gay couples. But since getting married and having kids, she adds, “We’ve just had friends of all shapes, sizes and orientations, so it just hasn’t been something new or different."

While the First Lady, who practices labor and employment law at Ropes & Gray, is quick to heap praise on her husband, she fails to mention that she has played an active role in increasing her firm’s engagement with and giving to LGBT organizations.

Sarah, an NYU graduate and aspiring teacher, says she’s proud of her father for viewing LGBT equality in a broader human rights context, a worldview she also shares. “This is about all people and equality of all people and so I am proud of him not necessarily for having that belief, but for the fact that he can stand up and represent that belief with no political or personal agenda, but because that’s what he knows is correct and that’s what he knows is true,” she says.

As the interview winds down, Mrs. Patrick asks if we’d like to hear from her sister Lynn, the first adult family member to whom Katherine came out. Displaying some good-natured sibling rivalry, she says, “Maybe you want to get a quote from the aunt she first told, before she told her mother.”

Asked for her thoughts on the award GLAD will soon give her sister and her family, Lynn says, “Honoring my family is an honor to me. I’m going to try to be there, so I’ll be there supporting them and just as proud as ever. We’re all in this together. We’re a very close family.”

To purchase tickets to the Spirit of Justice Award Dinner visit www.glad.org/events
Welcome New Staff

Vickie Henry, Senior Staff Attorney
Vickie joined the legal team in January 2011, after a 20 year history supporting GLAD as a volunteer and co-counsel. A skilled litigator, she came to GLAD from Foley Hoag LLP, where she worked for 15 years, becoming a partner in 2002 and focusing her career on intellectual property and commercial litigation disputes. Prior to joining Foley Hoag, Vickie served as law clerk to the Honorable Denise R. Johnson of the Vermont Supreme Court. She is Chair of the 1,500-member Commercial Litigation Committee of DRI-The Voice of the Defense Bar, a former co-chair of the Massachusetts LGBTQ Bar Association and former member of the MassEquality Board of Directors. Vickie received the Massachusetts LGBTQ Bar Association Pioneering Spirit Award in 2008 and has been named a Massachusetts Super Lawyer since 2004. She earned her B.A. from Wellesley College and her J.D. from Boston University School of Law.

Andy Morgan, Front Desk and Financial/Operations Assistant
Andy joined GLAD in April 2011. He is a 2010 graduate of Wheaton College, where he studied public policy and sociology with a minor in legal studies, focusing on economic inequality. After receiving his B.A., Andy spent his summer working in Berkeley, CA as a College Admissions mentor for the “SMASH” Summer Math and Science Honors Academy, which prepares high-achieving, underrepresented students for study in science, technology, engineering and mathematics at top-tier colleges. He enjoyed connecting his thesis, “Going to College: Who Goes & Why?” to real-world experiences. When he’s not working, Andy can be found sailing, flying a kite or making his own beer (and learning to make wine). Andy brings to GLAD a passion for social justice and equality and will soon be playing the mentor role once again in the Big Brothers Big Sisters program and continuing his work with Habitat for Humanity.

Hana Tauber, Community Engagement Coordinator
Hana joined GLAD in May 2011. As Community Engagement Coordinator, she plays an important role in GLAD’s strategic efforts to find more effective ways to engage with LGBT and HIV+ communities and organizations. Based in the Public Affairs and Education Department, Hana also works closely with AIDS Law Project Director Ben Klein on outreach to HIV+ communities in New England. Fluent in English and Spanish, her prior work includes developing a national educational curriculum in Uruguay addressing HIV stigma and discrimination and creating a series of workshops for Latin American women immigrants and refugees in Toronto. Hana co-founded an organization that was based in the undocumented immigrant community in Rhode Island and was responsible for developing the curriculum for a “Know Your Rights” campaign that reached this community in Rhode Island and Massachusetts. She holds a B.A. degree from Brown University, a Master’s of Education from the University of Toronto and is working on a second Master’s degree from the Multiversidad Franciscana of Latin America in Uruguay.

30 Years and the Work Continues
continued from front cover

today are arising because people with HIV are now living long lives.”

Two prominent examples of this phenomenon came in 2001. GLAD successfully represented Belynda Dunn, a beloved AIDS activist who was dying from end-stage liver disease from Hepatitis C. Dunn was denied a liver transplant by her private HMO on the grounds the treatment was experimental because of her HIV status. Likewise, we successfully sued MassHealth, the state Medicaid agency, after it denied an anonymous client (“John Doe”) a liver transplant on the same grounds. Both Dunn and Doe received their transplants, and because of these cases, both public and private health insurers began covering transplants for HIV+ patients.

GLAD is also combating insurers who routinely refuse coverage for treatment of lipodystrophy, a condition many experience as a disfiguring, debilitating side effect of the medications that are allowing people with HIV to live long, productive lives. In 2008, the Massachusetts Court of Appeals ruled in favor of our 15-year-old plaintiff Ashley Shaw in her fight to get MassHealth coverage for doctor-recommended surgery to alleviate a large fat pad from the back of her neck, a manifestation of lipodystrophy. In 2010, GLAD successfully represented Amit Dixit in his fight to get his HMO to cover liposuction surgery, after the insurer initially refused coverage on the grounds that it was merely cosmetic.

While the fear of HIV has abated, it hasn’t disappeared. In 2008, GLAD filed a lawsuit that allowed AIDS Services for the Monadnock Region (ASMR) to operate a group home for people with HIV in Gilsum, New Hampshire, without many of the onerous restrictions the town previously imposed, including restrictions on people with criminal convictions or histories of substance abuse.

“It’s clear,” says Klein, “that while the face of the epidemic has changed dramatically over the last 30 years, stigma about HIV remains too common and the need for strong legal protections is as critical as ever.”

And so, the work continues.
A.E.H. v. M.R
GLAD is serving as lead counsel in an appeal of a tremendous ruling by the Massachusetts Probate and Family Court finding that a non-birth mother whose child was born into a California registered domestic partnership (RDP) is an equal legal parent and awarding her primary physical custody. The legal question arose after the couple’s break up when the birth mother took the child to the West Coast under false pretenses and attempted to cut off all contact with our client, who was then in her third trimester of pregnancy with the couple’s second child. GLAD supported lead trial counsel, Patience Crozier, of the Law Office of Joyce Kauffman, in successfully persuading the trial court to respect the legal spousal status granted by the RDP and to recognize that, as with any spousal relationship, children born during its duration have two legal parents. The birth mother has appealed, and the case is now pending in the Appeals Court.

High School Gay Straight Alliance Intervention
GLAD’s Legal InfoLine received a call this spring from the mother of an East Machias, Maine high school student seeking help in negotiating the process for starting a Gay Straight Alliance (GSA) at the school. GLAD provided information about the school’s legal obligations under the Federal Equal Access Act, and coached the mother and students through a focused, on-point negotiation with the principal about the right to form a GSA, as well as the benefits to the school in allowing one. We are pleased to report the intervention was successful, and there is now a GSA in the last county in Maine to have been without one.

ASMR v. Gilsum
Some people just don’t learn a lesson when it comes to discrimination. Recall that in 2008 GLAD’s AIDS Law Project successfully sued the Town of Gilsum, New Hampshire on behalf of AIDS Services for the Monadnock Region (ASMR) after the Town placed illegal zoning restrictions on a group home for people with HIV and Hepatitis C. The selectmen never wanted people with HIV or Hepatitis C in the neighborhood. The settlement of that case removed discriminatory barriers to providing critical housing and support services to people who had been released from prison or had histories of substance abuse. Now, Gilsum is at it again. ASMR was a few days late filing an application for exemption from property taxes as a nonprofit and as of this July if the taxes aren’t paid, the Town can take the home. Well, it turns out that other nonprofits in Gilsum such as the Congregational Church and the American Legion have never filed this paperwork and yet the Town has granted them the exemption. We handle a lot of complex constitutional issues at GLAD, but this is a textbook violation of the constitution’s guarantee of equal protection. GLAD has demanded that the Town treat ASMR just as it treats other similar nonprofits. If they don’t do so, we will be back in court ensuring that ASMR can keep doing its good work.

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Equal Justice Council Spring Social
April 28, 2011

Photos: InfinityPortraitDesign.com

Judy Mencher, Nicole Polaski, Andrea Still Gray and Julie Gray

Bill Coady, Legal Director
Gary Buseck and Irfan Ali

GLAD Board members
Rick McCarthy and Sandy Anderson

Transgender Rights Project Founders Circle Social
May 4, 2011

Photos: InfinityPortraitDesign.com

Michelle Figueiredo and Rhiannon O’Donnabhain

Linda Rogers, Elizabeth Roberts and Barusch

Transgender Rights Project Director
Jennifer Levi with featured speaker
Tammy Serata
California: Making History, Changing Lives
May 15, 2011

Photos: StudioMoonPark.com

Clara Brock and Arlene Rusché

Host Kathy Levinson and Therese M. Stewart, San Francisco Chief Deputy City Attorney

Jim Baker and Paul Albert

GLADHour
May 25, 2011

Tyler Moulton, Arjun Ganguly, Andy Morgan, Erica-Lynn Marshall, Kate Wegrzyn

Michelle Lydenberg and Bo Nicholson

Hema Sarang-Sieminski, Beth Wolfson, Elisa Filman
Got LGBTQ Rights?
New Video Says Yes!
You Have Rights in School

GLAD collaborated with an incredible group of young actors from the Theater Offensive’s True Colors OUT Youth Theater to produce a short video on the rights of LGBTQ students. Take a look and share it widely with the students you know:
www.glad.org/got-lgbtq-rights