

GLADBRIEFS

WINTER '14

GAY & LESBIAN ADVOCATES & DEFENDERS

Not Just a Phrase Carved in Granite

After a Year of Tremendous Progress, We Must Remain Vigilant to Ensure that *Equal Justice Under Law* Becomes a Reality for All



Chief Justice Margaret H. Marshall (with Civil Rights Project Director Mary Bonauto) called on attendees of the 2013 Spirit of Justice Award dinner to stay vigilant that “equality under law remains the defining gene of the DNA of the United States of America.” See page 8 for more.



Photo: InfinityPortraitDesign.com

There is no doubt that this past year has seen tremendous progress in our movement. As 2013 comes to a close we have marriage equality in 16 states — including all 6 New England states — plus the District of Columbia. And with the end of DOMA, the bar to federal recognition of the marriages and families of same-sex couples is gone. Perhaps most promising, public support for both marriage equality and the belief that LGBT people are deserving of equal rights is steadily on the rise across the United States.

Never has our country's respect for our community been greater, and GLAD is proud to have played a pivotal role in each of these advances. But we cannot — we must not — declare victory and go home.

Instead, we must seize this historic moment and challenge our community and our country to tackle the critical areas where injustice persists for LGBT and HIV+ people. We must ensure that America embraces every member of our community so that

“equal justice under law” is not just a phrase carved in granite on the front of the Supreme Court.

New England may be a “marriage equality zone” but even here the law has not fully caught up to the way we form families. We must continue to fight for secure ties between parents and children, as we are currently doing on behalf of a New Hampshire non-birth mother who hasn’t seen her daughter in over 9 months (see page 5).

Across New England we have laws in place barring discrimination based on sexual orientation in employment, housing, credit and public accommodations. But our work is far from done when transgender people still confront regular discrimination in Massachusetts’ public

places like restaurants, shops, shelters and city sidewalks — and have no explicit legal protections at all in New Hampshire.

Even with DOMA gone, the lack of federal employment discrimination protections means that some still cannot put their federally recognized spouse on their health insurance plan. We know that LGBT people still face discrimination, harassment and insecurity in the workplace and in job searches every day. We can't stop fighting until we have full federal and state level employment protections for all of our community, and until every LGBT person is empowered to advocate on their own behalf when confronting mistreatment (see page 6).

This year we celebrated fifteen years since GLAD’s landmark Supreme Court ruling establishing protections for HIV+ people under the Americans with Disabilities Act. But when the U.S. Centers for Disease Control estimates

From the Executive Director

Lee Swislow



Photo: InfinityPortraitDesign.com

Lit is tremendously difficult to write this letter to you, my last as the executive director of GLAD. For eight years I have been privileged to work alongside some of the smartest and most passionate and successful advocates for LGBT people and people living with HIV ever to work in our movement. I am proud of the many tangible differences we have made in the lives of people in New England and beyond. This has been some of the most rewarding and exciting work of my career.

I feel incredibly conflicted about leaving this organization. GLAD means so much to me, personally and professionally. Yet I am also excited about the prospect of beginning a new chapter of my life. I know there are adventures and challenges ahead of me, which will take shape with the time and space in my life that retirement will afford. My only hope is that they will be as exciting and fulfilling as my work at GLAD.

Leaving is made a little easier knowing that GLAD is, and will remain, a strong organization with an unending commitment to, and passion for, all of the work that remains to be done. I am deeply thankful to each of you — the many, many people who have supported GLAD over the past eight years: our generous donors, our dedicated volunteers, our hardworking staff, and everyone who has talked up our organization and our work out in the community. I owe a tremendous debt of gratitude to our infinitely talented and committed Board of Directors, which puts in countless hours to ensure that GLAD can continue to grow and thrive. Our victories can't happen without every one of you.

Best wishes for continued success. ■

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Living with Lipodystrophy: I Don't Want Anybody to See Me

John Wallace only leaves his home to buy groceries or pick up his medications. The once outgoing Vietnam-era Marine veteran now passes most of his days alone, watching TV in his South Boston apartment. He has not dated or had a romantic relationship since his partner of 15 years passed away a decade ago.

"I don't want anybody to see me," says the 64-year-old.

What John doesn't want people to see is how badly he has been disfigured by lipodystrophy, a metabolic complication of his HIV medications that creates abnormal fat distribution in his body, restricting his physical functioning and profoundly affecting his emotional well being.

GLAD is working hard to pass H. 986, An Act Relative to HIV-Associated Lipodystrophy Treatment, which would ensure that John and others living with lipodystrophy in Massachusetts can receive treatment covered by their health insurance providers. Right now, most health insurers refuse to cover treatment for lipodystrophy on the grounds that it is cosmetic and thus not medically necessary, despite the condition's debilitating effects.

We expect to have a hearing on H.986, which was authored by AIDS Law Project Director Ben Klein and sponsored by state Rep. Carl Sciortino, before the Joint Committee on Healthcare Finance in February. The hearing will give lawmakers the opportunity to hear from healthcare providers, advocates and people living with HIV-related lipodystrophy about its devastating effects and the need for accessible treatment.

In addition to hearing preparation, the Treat Lipodystrophy Coalition (TLC), a group of health care providers, consumers, and LGBT and HIV advocates that GLAD organized to work for passage of H. 986, continues to recruit supporters of the legislation. Most recently, UMASS Memorial Health Care, the largest

health care system in Central and Western Massachusetts, endorsed the bill, a significant show of support. Earlier this year, we secured the endorsement of Partners HealthCare, one of the largest health care providers in Greater Boston.

Such support is critical to the passage of this bill and alleviating the suffering of people like John, who was denied coverage for lipodystrophy treatment by MassHealth, despite the severity of his condition. Lipodystrophy has caused an excessive accumulation of fat on his upper back (commonly known as a "buffalo hump"), which he tries to conceal by wearing his hair long. His neck is engulfed by fat that hangs down to his chest, making his head appear abnormally large. There is a disproportionate accumulation of fat in his torso, effectively making his body lopsided, which throws off John's balance and restricts his ability to do even basic housecleaning chores.

Feeling hopeless about his condition, it's often a struggle for John to get through the day, despite taking medication for depression. He has contemplated suicide, but decided against it because it violates the teachings of his Catholic faith and would devastate his sister, who lives in an adjacent apartment.

Occasionally John forgets about how he looks, until he glimpses himself in a mirror or notices a child staring. He once broke down at the Registry of Motor Vehicles after being photographed for a new driver's license. "I looked at the picture and I started crying right there in the middle of the Registry," he recalls. "It's horrible."

You can help by asking your legislators to learn more about lipodystrophy and how devastating it can be. ■

Find out more about Lipodystrophy, the Treat Lipodystrophy Coalition (TLC) and MA H.986 at www.glad.org/TLC

Not Just a Phrase Carved in Granite

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roughly a thousand teenagers a month are becoming infected, and when those living with HIV still cannot access necessary healthcare (see above), we know the fight to end HIV, and to eradicate the stigma still associated with it, is far from over.

A spotlight has been shone on anti-LGBTQ bullying in schools, and students may have more support for coming out in their own time than ever before. But too many LGBTQ young people are still forced to live on the streets because their parents have rejected them, or are treated horribly when they seek relief at a shelter because there are no policies in place to prevent gender identity discrimination. Transgender students, like our client Nicole Maines in whose case we await a ruling from the Maine Supreme Court, still face disruptive discrimination and harassment in school.

LGBT elders, many who fought on the front lines for some of the earliest victories in our movement, often feel the need to return to the closet in the face of lacking anti-discrimination policies and failures to educate staff at assisted living and long-term care facilities.

And as we each live our daily lives, we increasingly encounter discrimination masked as "religious expression" and built into legislation that impedes the full membership of LGBT and HIV-positive people in our society.

After 35 years and some incredible progress, our work is still not done. GLAD is committed to achieving a world where equal justice under law is truly a reality for all.

We hope you'll join us. ■



Hear GLAD Legal Director Gary Buseck's call to action to win full equality for all at bit.ly/equaljustice

There's Still A Lot of Work Out There To Be Done



Michael Manthei and Benjamin Manthei know firsthand that despite the LGBT movement's tremendous advances in recent years, much more work remains to fully implement our legal and legislative victories and shift cultural attitudes toward greater acceptance of LGBT people. When they married at the Boston Public Library last August, many of Ben's family members skipped the festivities, a likely reflection of their conservative religious beliefs.

"Things are way better than they used to be [for LGBT people]," Michael observes, "but the notion that we've achieved an endpoint is really just misguided." That's why Michael, a partner at the law firm Holland & Knight LLP, and Ben, a fashion designer and art school student, continue to financially support GLAD. Michael has been donating to GLAD since 2003, and when he and Ben got together three years ago, they began giving as a couple, including sponsoring our New York fundraiser and serving as table hosts at our annual Spirit of Justice Award dinner.

Both men are concerned about creeping apathy and fatigue within the LGBT community as we continue the long push for full legal and social equality. Ben believes that continuing advancement of LGBT rights on the U.S. coasts provides an opportunity for less LGBT-friendly areas of the country to see that treating LGBT people equally does not harm society, hopefully encouraging them to enact similar laws and policies.

"I am a huge supporter of all of the work that's going on," says Ben. "And I look forward to supporting much more."

Michael points out that securing legal protections, like the ability to marry, through courts and legislatures is just half the battle — they must also be properly implemented and enforced.

"As we can see — even recently with the goings on in the Texas National Guard — you have states that are defying the federal government and depriving people of their constitutional and federal rights," Michael says, referring to Texas' refusal to allow gay and lesbian national guardsmen to register their spouses for military benefits in accordance with the Supreme Court's striking down of DOMA.

"I guess it's fine to take a deep breath and pat yourself on the back, but you don't want to break your arm doing that," adds Michael, who serves on the board of the national Gay, Lesbian and Straight Education Network (GLSEN). "I still feel there's a lot of work out there to be done."

Ben was born in Syracuse, NY, but spent his formative years in North Carolina and Michigan. Michael grew up in Newburgh, NY, — something he has in common with GLAD Civil Rights Project Director Mary Bonauto. In fact, Michael has fond memories of Jean Bonauto, Mary's mother. "Mrs. Bonauto was my kindergarten teacher," he chuckles.

Ben and Michael divide their time between Boston and Ogunquit, ME, where they recently purchased a home. "It's such a serene community," says Ben, who laments that people miss out on the beauty of Southern Maine's coast because they prefer Cape Cod. "Literally, no matter what season it is, there's beauty in the landscape."

Michael and Ben support GLAD because of the organization's track record of results. "I think GLAD's work is fundamental to the ongoing gay rights movement," says Michael. "GLAD is responsible for breaking so many different barriers in 30 years that I don't feel there's another legal and civil rights organization out there at all, and certainly not within the GLBT nonprofit world, that gives you greater return on your charitable investment." ■

Fairness for All Families

New England is rightfully seen as a beacon of fairness and equality for LGBT people across the nation. Unfortunately, there remain times when GLAD must fight for fairness for our families in places where the law hasn't caught up with the reality of our lives.

Attorney Janson Wu will soon be arguing before the New Hampshire Supreme Court on behalf of Susan B., a non-birth mother from the Granite State whose ex-partner Melissa D. has kept her from seeing their 11-year-old daughter Madelyn B. for the last nine months. Susan and Melissa raised Madelyn together from her birth in 2002 until age six, and then co-parented her for over five years after they split up. At the time of Madelyn's birth, Susan and Melissa could not marry or adopt — both of which would have established Susan's legal parentage. As a result, a guardianship was the only way for Melissa and Susan to establish Susan's legal relationship with Madelyn.

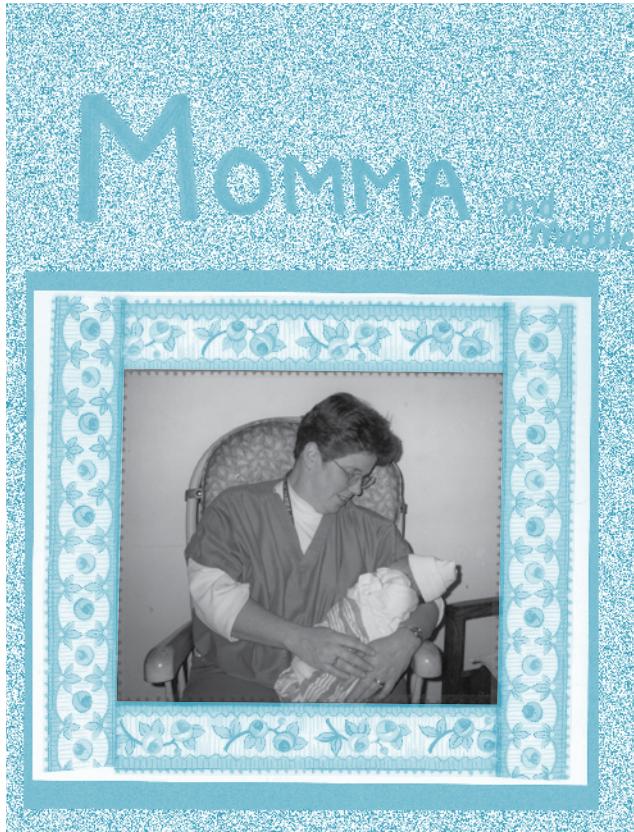
Earlier this year, Melissa terminated that guardianship in family court, cut off contact between them, and began proceedings for her new husband, Eugene, to adopt Madelyn — essentially attempting to erase Susan from her daughter's life. Desperate for help, Susan contacted GLAD Answers.

Ironically, in happier days, it was Melissa who meticulously documented the family's life in voluminous scrapbooks. Her entries chronicle their 1998 commitment ceremony and their successful fight to have Melissa's health insurer cover fertility treatments. A photo of the three of them at the hospital after Madelyn's birth is captioned "Our First Family Picture." There is a card from Melissa to Susan with the greeting, "For my wife, on the birth of our baby." Inside she wrote, "We now begin our life as a family — there is no one else I would want to share this journey with."

Melissa also amended her will so that Susan would have legal guardianship of Madelyn if Melissa were to pass away.

GLAD and co-counsel Kysa M. Crusco of Crusco Law Office are helping Susan do everything she can legally to see her daughter again: opposing the termination of the guardianship, filing a petition to establish her parental rights, and seeking to intervene in the adoption proceeding.

"Melissa, Susan, and Madelyn shared six years living as an intact



In happier days, Melissa meticulously documented the family's life. This photo of Susan and baby Madelyn is taken from one of the many scrapbooks she put together.

family, and then another five years promoting the continuation of their family life even after their separation," says Janson. "Melissa should not be allowed to now end the only family Madelyn has ever known, simply because she has found someone else she would rather be Madelyn's parent. Instead, we hope the Court affirms the importance of all families, regardless of how those families are formed."

In addition to filing our brief on Susan's behalf, GLAD coordinated two *amicus* briefs that have been submitted to the New Hampshire Supreme Court: a brief filed by 19 family law professors from across the country supporting Susan's legal position, and a brief by LGBT and Assisted Reproductive Technology (ART) organizations explaining the importance of protecting families created through ART.

The phenomenon of same-sex partners exploiting the lack of legal protections for LGBT families

is nothing new, unfortunately. For decades, GLAD and other LGBT organizations have been waging battles on behalf of LGBT parents whose former partners use laws that exclude our families to try to cut them out of their children's lives. That's why, back in 1999, we created the document "Protecting Families: Standards for LGBT Families" (www.glad.org/protecting-families) in conjunction with other LGBT legal advocates and practitioners. The standards call on the members of our community — and their lawyers — to fight fairly and do their best to avoid damaging custody disputes. ■

Protecting Families: Standards for LGBT Families

Read the standards and sign the pledge to uphold them as a parent, attorney or other practitioner at www.glad.org/protecting-families

Know Your Rights

GLAD Answers: Employment

Although all six New England states have anti-discrimination protections for sexual orientation and disability (which includes anyone who is or is perceived to be HIV+) and, with the exception of New Hampshire, have explicit protections for discrimination based on gender identity or expression, GLAD Answers still receives hundreds of employment discrimination or harassment complaints every year.

Often we assist callers in first trying to find an internal resolution. However, if that fails, every New England state has a process for filing a discrimination or harassment complaint against your employer. This process is free, and you don't need an attorney.

Want to know more? Contact GLAD Answers.

Now that Section 3 of the Defense of Marriage Act (DOMA) has been ruled unconstitutional, there have been significant positive changes for same-sex married couples when one spouse is on the health plan of the other spouse's employer.

While DOMA was in effect, this meant that the employee was taxed by the IRS on the "fair market value" (called imputed income) of the spouse's part of the health insurance premium. Medicare and Social Security taxes were also assessed on the imputed income. The demise of DOMA removed all this extra federal taxation.

In addition, the IRS allows amendments of tax returns up to three years back, so provided you were married as far back as 2010, you may now file amended married tax returns for 2010, 2011 and 2012 and deduct from those years the imputed income (the spouse's portion of the premium). The employer can also file with the IRS to recover the Medicare and Social Security taxes that were assessed.

Want to know more? Contact GLAD Answers.

What is coming as a surprise to many same-sex married couples is that even with the demise of DOMA, it still may not be possible to get your spouse on your employer's health plan.

There are two types of health plans — insured and self-insured.

If the health plan is insured — meaning the employer pays fixed premiums to an insurance company — then the insurance law of the state where the owner of the plan is situated governs the plan. If the owner is situated in a state that doesn't recognize the marriages of same-sex couples, the plan is allowed, but is NOT required, to discriminate against same-sex spouses.

If the plan is self-insured — meaning the employer directly pays the health care costs incurred under the plan — then the plan is governed by federal law. Because the federal employment anti-discrimination law does not have protections for "sexual orientation," the employer is allowed, but is NOT required, to discriminate against same-sex spouses. One possible hope for removing this discrimination is passage of the federal Employment Non-Discrimination Act (ENDA).

Want to know more? Contact GLAD Answers. ■

If you have a legal issue or question about your rights, GLAD Answers can help. GLAD Answers is free, confidential and staffed by highly trained and compassionate volunteers. Contact us by email or live chat at www.GLADAnswers.org or by phone from 1:30-4:30 p.m. Monday-Friday at 800-455-GLAD.

From the Frontlines: Interviews with GLAD Answers Volunteers

"**K**nowledge is power, and helping others know their rights, and giving them that power, is profoundly rewarding," says Charlie, a newly-trained volunteer for GLAD Answers, GLAD's legal information and referral service.

In October, GLAD hosted a training for 23 volunteers to learn how to navigate the legal system for the LGBTQ community and for people living with HIV.

"As a law student, I wanted a hands-on way to engage with the material outside of the library, because that is the best way to learn," says Charlie, who is in her first year of school at Suffolk Law. "Volunteering for GLAD Answers makes me feel like all of my work in law school will pay off and benefit somebody."

Zach, who has been involved with GLAD since 2006, says, "I was active in the marriage movement in 2003, picketing the statehouse and attending rallies. I wanted a way to keep giving back to my community, so I volunteer with GLAD Answers in my spare time."

The volunteers sit in a brightly painted room in the GLAD office, with a towering shelf full of resources and materials to help answer caller's questions.

"One time I got a call and I think the guy just needed someone to talk to. So, even if I can't directly help a person's legal situation, it feels good to be there as an outlet," says Charlie.

Another volunteer, Mark, who just graduated from Northeastern says GLAD Answers has piqued his interest in law. "It can be depressing hearing the discrimination people face, and sometimes I can't believe this stuff still happens. But it makes me think, wow I need to do something."

GLAD Answers receives more than 2,000 inquiries annually from LGBT people and people living with HIV from across the country, ranging in topic from workplace discrimination, to marriage and adoption, to social security and DOMA, immigration, HIV discrimination, and more.

If you have a question about your legal rights, contact www.GLADAnswers.org and you can talk to one of our wonderful volunteers! ■



Fighting Discrimination Against A Gay Domestic Violence Survivor

GLAD attorneys Ben Klein and Jennifer Levi have been working with the GLBTQ Domestic Violence Project (GLBTQ-DVP) on behalf of a gay male survivor of domestic violence who was denied access to facial reconstruction surgery by The R.O.S.E. Fund, a non-profit that connects survivors with institutions that have agreed to provide free or low-cost surgery.

The man in question had suffered severe injuries at the hands of his abusive partner, including broken bones in the face and broken teeth. R.O.S.E., however, denied his request for assistance because he is a man. He then filed a complaint with the Massachusetts Commission Against Discrimination (MCAD), which made a probable cause finding in July 2012.

"Our client is precisely the person to whom R.O.S.E. provides services, but for his sex: he was injured as a result of domestic violence and he was in financial need," says Ben Klein, Senior Attorney at GLAD. "There is nothing

R.O.S.E. needed to do differently to refer a man as opposed to a woman. Denying our client these services was straightforward discrimination."

GLAD and GLBTQ-DVP filed briefs with the MCAD in October, and also organized a supporting *amicus* brief which was signed by numerous women's and domestic violence organizations. The brief was written by attorneys Anna M. Martignetti, Jeffrey J. Pyle, Joseph Edwards and Darren Braham of the firm Prince Lobel.

In addition to the briefs, a letter of support was submitted to the MCAD jointly by Massachusetts Secretary of Public Safety Andrea Cabral and Sheridan Haines, Executive Director of the Governor's Council to Address Sexual & Domestic Violence. The GLBT Domestic Violence Coalition, The Network/La Red, Jane Doe Inc., REACH Beyond Domestic Violence, and Transition House also submitted supportive letters. ■

New Website for LGBTQ Youth

Legal information can be complicated and intimidating no matter what your age. To help young LGBTQ and HIV+ people in New England learn more about their rights in school, GSAs, work, foster care, the juvenile justice system and more, GLAD launched www.glad.org/youth in September.

"Our goal is to make this information approachable and useable for both young people and the adults who can advocate with them," says Vickie Henry, Senior Staff Attorney at GLAD, and director of GLAD's Youth Initiative.

The lively, easy-to-navigate, mobile-friendly design has information organized by subject, and features interactive tools such as quizzes, videos, and profiles of young people GLAD has helped.

The site is not only an educational tool for LGBTQ and HIV positive youth, but is also helpful for parents, teachers, school administrators, and youth workers. In addition, www.glad.org/youth provides links to local youth programs and services in each New England state.

"We host hundreds of on-the-ground trainings and workshops with youth and their advocates, and this new website helps GLAD's resources reach an even broader audience," says Staff Attorney Allison Wright.

While the information on the website is not legal advice, it is meant to equip youth and their supporters with enough information about the specific laws in their state to advocate for themselves.

Please share your thoughts and opinions about the website in our brief survey: www.glad.org/youth/survey. We appreciate your feedback! ■

**Know Your Rights!
Information for LGBTQ Youth.**



Staff Attorney
Allison Wright

Visit www.glad.org/youth to learn more about the rights of LGBTQ youth in school, GSAs, work, foster care, the juvenile justice system and more.

14th Annual Spirit of Justice Award Dinner

Honoring Chief Justice Margaret H. Marshall

October 25, 2013

Our 14th annual Spirit of Justice Award Dinner honored Chief Justice Margaret H. Marshall, author of the landmark Massachusetts *Goodridge* marriage equality ruling, for a lifetime dedicated to the ideals of justice and equality under law.

Chief Justice Marshall graced us with a truly inspiring speech, calling on each of us to stay vigilant that “equality under law remains the defining gene of the DNA of the United States of America.”

Thank you to all who joined us for our biggest Spirit of Justice Award Dinner yet, and for your generous support of our ongoing work for full equality for LGBT people and people living with HIV.

Photos: InfinityPortraitDesign.com



Featured speaker Molly Girton (second from left) with her moms Lynn Girton and Pat Freedman and her sister Jennifer Freedman



Mike Carpentier, Dana Carpentier and Kathleen Brill



Goodridge plaintiffs share a moment with Chief Justice Marshall and Attorney Mary Bonauto. Watch our video on the legacy of this landmark marriage victory: Goodridge at 10 at bit.ly/goodridge10video



Elizabeth Roberts and Liz Doherty



Sandra Buja and Justin Fabella

Bob Rivers, Maxwell Ng, Mason Dunn and
DJ O'Donoghue



Ibrahim Sundiata, Peter Epstein
and Gary Bailey



Ilina Rosoklja and Board
member Keplin Allwaters



Board members Alix Ritchie
and Marcy Feller



John Pitfield, Attorney Janson Wu and Paul Lynch



Andrew (left) and Samuel Pang with Chief Justice Marshall

Welcome New Staff

Kate Haffner, Annual Fund Officer Kate joined GLAD in September 2013 as Annual Fund Officer. Prior to joining the staff, Kate conducted a successful call campaign for GLAD immediately following the fall of DOMA at the U.S. Supreme Court. A member of GLAD's Spirit of Justice Dinner Committee for the past four years, she has also served as a GLAD Answers volunteer. Kate practiced law as a Commercial Finance Associate for eight years at Bingham McCutchen and Brown Rudnick, and was the city-wide Co-Chair for Greater Boston Legal Services Associates Fund Drive—a drive designed to raise funds for the Family Law Unit of GBLS, saving the lives of battered women and children. Kate utilized her sales skills from years in Silicon Valley as a Major Accounts Manager and New Business Development Manager for Oracle Corporation and Silicon Graphics where she worked prior to law school. She holds a J.D. from Northeastern University School of Law, a Masters in Engineering from Dartmouth College, and a Bachelor of Arts from Dartmouth College. In her free time, Kate enjoys hiking in the White Mountains, spending time at her cottage on an island in the Upper Peninsula of Michigan, enjoying the beach in Newburyport, and wining and dining in fine restaurants in Boston.

Thomas Leavitt, Director of Development Tom joined GLAD in December of 2013. A magna cum laude graduate and Commonwealth Scholar of the University of Massachusetts Honors program in Amherst, Tom first worked in Washington, DC for the late Honorable Gerry E. Studds. Upon returning to Massachusetts, he entered the printing industry as a small business owner and, in 1989, founded Arcadia Press — a full service print, graphics, and fulfillment company designed to serve the not-for-profit communities of greater Boston. Since becoming a full time development professional more than 12 years ago, Tom has held senior executive leadership and development roles with Fenway Health, Atlanta Gay Men's Chorus, Woodruff Arts Centre's Alliance Theater, Brain Tumor Society, and other area nonprofits. Tom has served on the boards of Boston Ballet Overseers, Freedom House, Fenway Health, Massachusetts College of Art and Design Foundation, Greater Boston Business Council, Copley Society, Horizons for Youth, and was a co-founder of the Harbor to the Bay Ride and a previous Boston Pride Grand Marshall.

Zack Paakkonen, Staff Attorney Zack joined GLAD's Transgender Rights Project in 2013 after several years of advocating for the rights of the LGBTQ community through his private practice in Maine. Zack is from Bucksport, Maine, and is a 2005 graduate of Cornell Law School. He also holds a B.A. in Linguistics from the University of Southern Maine. In 2008, Zack co-founded a general practice law firm in Portland focusing on helping the LGBTQ community. His work included criminal defense, work with the foster care system, and work as a rostered Guardian ad Litem, as well as representing LGBTQ clients in matters of family law, discrimination, matters involving youth in a variety of contexts, and advocacy for transgender people

within the penal system and within state government. Zack contributed a chapter on legal protections for transgender youth to *Transgender Family Law: A Guide to Effective Advocacy*, which GLAD published in 2012. He is a member of the National LGBT Bar Association, the National LGBT Bar Association Family Law Institute, where he serves on the Executive Committee, and the National LGBT Bar Association Transgender Law Institute. He has also been a Board Advisor to the Trans Youth Equality Foundation.

Molly Paul, Development Assistant Molly joined GLAD in January 2013 as a Special Events Intern and was hired as Development Assistant in September 2013. She is a student at Northeastern University, pursuing a degree in Sociology and Jewish Studies, and will graduate in May 2014. When Molly is not at GLAD or in class, she plays rugby for Northeastern's women's rugby team and is a dormitory Resident Assistant. Molly is passionate about LGBTQ rights and eager to support GLAD's mission through her work.

Johnny Swinehart, Development Assistant Johnny joined GLAD in December 2013. His prior experience includes running a fundraising office for Planned Parenthood Federation of America and GOTV offices for Barack Obama in Denver and Elizabeth Warren in Worcester. Johnny has a degree in Government with a minor in Philosophy from Colby College in Waterville, Maine, where he was a member of both the Student Government Association and the football team. Originally from Englewood, Colorado, in his free time he enjoys the outdoors, watching sports and reading.



GLAD staff at the 2013 Spirit of Justice Award Dinner.

Photo: InfinityPortraitDesign.com

Removing Barriers to Transition-related Health Care

Photo: InfinityPortraitDesign.com



**Transgender Rights Project
Director Jennifer Levi.**

Denee Mallon is an Army veteran and former forensic investigator for a city police department who now lives a quiet life in the southwestern part of the country. Though she served her country and has always played by the rules, Mallon, who is in her seventies, cannot have her gender reassignment surgery covered under Medicare even though her doctors recommended the procedure to alleviate her severe gender dysphoria.

Medicare, the federal program that provides healthcare to Americans 65 or

older and younger people with disabilities, prohibits all forms of gender reassignment surgery regardless of an individual patient's diagnosis or serious medical need. The ban was instituted 30 years ago, when there was little research about the efficacy of gender reassignment surgery.

In a bid to ensure Mallon and all transgender Medicare recipients can receive necessary transition-related health care, GLAD has joined with the National Center for Lesbian Rights, the ACLU, and civil rights attorney Mary Lou Boelcke in filing an administrative challenge to the ban on gender reassignment surgery. The Department of Appeals Board (DAB) of the U.S. Department of Health and Human Services must now review the ban and determine if it is reasonable based on current standards of care, and reverse it if it is not.

This is just one piece of the critical work GLAD's Transgender Rights Project is doing as part of a national movement to remove barriers to transition-related health care for all transgender people.

In April, Vermont's Division of Insurance issued a bulletin making clear that under state law health insurance companies operating in Vermont must cover treatment related to a person's gender transition, including gender reassignment surgery. This bulletin is an important victory for Vermont's

transgender community and GLAD was proud to partner with local LGBT and health care advocates to educate insurance commissioners and encourage the Division of Insurance to clarify its policy. We are now partnering with advocates in Maine and Massachusetts to explore options in those states to ensure fair insurance coverage for transgender patients.

Advocating for incarcerated transgender people to receive medically necessary transition-related care is an important piece of this work both because of the horrific treatment transgender people face in prisons and also because of the broader impact such rulings have on the entire community. As we go to print, we are awaiting a decision in *Kosilek v. Spencer* from the 1st Circuit Court of Appeals. The case involves Michelle Kosilek, a transgender woman who successfully sued the Mass. Department of Corrections for medical treatment of her gender dysphoria in federal district court, a ruling the state has appealed.

Kosilek's longtime attorney, Frances S. Cohen, who expertly litigated this case for more than 10 years, recently departed her firm Bingham McCutcheon for a new job, so GLAD is taking a more active role in this case. We are now co-counsel with Joseph L. Sulman and David Brody of the Law Office of Joseph L. Sulman.

Thirty years after Medicare instituted its ban on transition-related surgeries, decades of extensive scientific and clinical research shows that gender reassignment surgery is safe and effective. The American Medical Association, the Endocrine Society and the American Psychological Association all support surgery as accepted medical care for transgender patients. As such, GLAD believes there is a strong case to be made for doing away with Medicare's outdated policy and ensuring Denee Mallon and other people have access to appropriate medical treatment for gender dysphoria.

"The medical data doesn't support excluding people from receiving transition-related care in any context," says Jennifer Levi, director of the Transgender Rights Project. "Whether in Medicare, the prison system or private insurance, we need fair policies that remove barriers to life-saving medical care." ■

TRANSGENDER FAMILY LAW A GUIDE TO EFFECTIVE ADVOCACY



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