

GLAD Briefs



A crowd at the Boston Women's March, January 21, 2017

Every One of Us Can Do Something

My husband Adam's great-grandfather owned a chocolate factory in Germany in the early 20th century. He traveled frequently, and gained a sophisticated perspective on what was happening in his own country. He came to believe that it wasn't normal and that it was not safe for him, his wife and his child, who were Jewish. They escaped to Argentina, where Adam's grandmother and mother grew up. Most of the rest of their family did not survive World War II.

Adam's family history has always made him feel responsible to have an awareness of injustice, prejudice, and violence in the world. It has spurred him to humanitarian action as a doctor. One of his favorite quotes, by Dostoevsky, is engraved in the entry hall of the International Red Cross and Red Crescent Museum in Geneva:

Everyone is responsible to everyone for everything.

I've thought about this quote a lot post-election, when people of good faith are concerned

about our country's future, and about the most vulnerable people among us. Yet, the scope and scale of what lies ahead can feel overwhelming. How much activism is enough? How much should we give? What can we possibly do that is useful?

It is easy—and understandable—to feel overwhelmed right now. But we do have power, and we're obliged to resist. We can rest and restore when we need to—but we cannot retreat. To use another favorite quote of Adam's, this time by Rabbi Tarfon:

It is not your responsibility to finish the work of perfecting the world, but you are not free to desist from it either.

While no one can do everything, everyone must do something. What is your "something"? It helps to look at the tools we have at hand: elections; courts and the law; direct action; communication; and philanthropy.

Elections matter, and there are elections in our immediate future—mid-term congressional elections, state level elections, and local elections—that will make a difference in our

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From the Executive Director

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Colin Kegler with the GLAD contingent at the Boston Women's March, January 21, 2017

lives. Making our voices heard by voting and communicating with our elected officials is key to our democracy. There are ballot questions that will demand our attention, such as the attempt to repeal the hard-won Massachusetts transgender public accommodations bill in 2018.

Courts have tremendous power to protect us and advance our rights, especially when legislatures are failing. Congress may be unlikely to pass affirmative LGBTQ protections, but we can continue to make progress in federal court—and in many state courts. Who sits on our courts matters, and we cannot stand by silently as they are packed with judges who do not interpret our laws and our Constitution to extend equal justice for all.

There is a **direct action** through line from the suffragists chaining themselves to the White House fence, to Selma, ACT UP, and Black Lives Matter. Direct action can show those targeted they are not alone, as well as push our allies to do the right thing when there are competing forces.

None of these tools are effective without **communication and dialogue**. It is only when we do the hard work of having face-to-face, nonjudgmental, empathetic conversations with reasonable people who disagree, that we help perfect our society.

Finally, **philanthropy** is the fuel that allows non-profit organizations like GLAD to run at full speed. Adam and I recently reached our goal of giving 10% of our income to organizations whose missions and work we support, inspired by the Jewish concept of tithing. It wasn't easy, it took some time, and it was a priority. These times call on all of us to determine what we are able to give to support the many organizations on the front lines in the fight ahead.

We can't do everything, but every one of us can do something. This is the way we take care of each other, and guard our future. Choose your something.

Towards Justice,

Janson Wu
Executive Director

Photo: InfinityPortraitDesign.com



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Landmark Syringe Access Case Goes Before the MA SJC

Clean needles save lives, but the town of Barnstable, MA wants to stop their distribution. This is what Ben Klein, GLAD's AIDS Law Project Director, will argue February 9 before the Massachusetts Supreme Judicial Court in a landmark syringe access case. GLAD is representing the AIDS Support Group of Cape Cod (ASGCC), which is fighting to keep its completely legal syringe access program open and operating in the face of the town's opposition.

GLAD and AIDS Action Committee represent ASGCC, and have already won a very strong decision in Barnstable Superior Court in December 2015. The judge agreed that the ASGCC program meets a critical public health need, and noted of the people it serves: "They aren't just any people. They are extremely vulnerable people. They are men and women, young and old, people from all places and all stations. They are our brothers and our sisters."

"The judge agreed with us: Massachusetts law is very clear that there are no restrictions

on an individual or organization providing free access to clean needles," says Klein. "The town of Barnstable's recalcitrance in the face of HIV, spiking Hepatitis C rates, and an unprecedented opioid crisis—not to mention the law—is stunning."

At issue is the interpretation of a 2006 law passed by the Massachusetts legislature, in which it lifted all previous restrictions on the distribution of syringes in the Commonwealth. "What animated the legislature in 2006 was the desire to save lives," adds Klein. "They were responding to two rising crises: HIV and Hepatitis C."

The case originated in September 2015 when Barnstable's director of public health hand-delivered to ASGCC a "cease and desist" order, demanding that the group shut down the program. In addition to distributing clean syringes, the program collects syringes, educates clients about addiction and recovery options, and makes referrals to treatment. Crucially, the program also distributes Narcan, which reverses overdoses.

The importance of the SJC clearly interpreting the law is not only for the good of ASGCC's clients, but for people who inject drugs all across the state. Every city and town in Massachusetts has been touched by the opioid crisis. Shutting down a program that works—this year alone, AIDS Support Group of Cape Cod helped reverse nearly 300 overdoses—recklessly and needlessly put

the public at risk. It is well documented that syringe distribution programs are effective interventions that help lower transmission rates of HIV and Hepatitis C. Since the establishment of needle access programs in Massachusetts, the prevalence of HIV among residents who inject drugs has dropped by 92 percent.

Medical and public health organizations have filed a powerful friend-of-the-court brief with the SJC, reviewing the public health benefits of syringe distribution programs, and documenting the painful but preventable human suffering caused by intravenous drug use. It tells the personal stories of people who inject drugs, their families, and the professionals who work to save their lives. Signed by groups including Partners Healthcare System, UMASS Memorial Health Care, Blue Cross Blue Shield of Massachusetts, Harvard Pilgrim Healthcare, the Massachusetts Infectious Disease Society, and the Massachusetts Public Health Association, the brief argues, "An erosion—to say nothing of a reversal—of two decades of success in reducing HIV transmission rates among people who inject drugs would greatly harm the public health."

"In many ways, it's disheartening to be fighting a battle that should have been concluded long ago," says Klein. "We hope with this case to settle this once and for all—at least in Massachusetts—and enable groups like ASGCC to go on saving lives." ■

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"Massachusetts law is very clear that there are no restrictions on an individual or organization providing free access to clean needles. What animated the legislature in 2006 was the desire to save lives."

– Ben Klein, GLAD AIDS Law Project Director

Ropes & Gray Transforms Lives Through *Pro Bono* Legal Services

When GLAD was founded in 1978, not one major law firm was willing to help a non-profit fight for LGBTQ rights in court.

Times have changed greatly.

Today, GLAD benefits from the *pro bono* assistance of many major firms that generously provide resources and expertise by advising, writing amicus briefs, serving as co-counsel in litigation, making donations, and providing space for meetings and events.

One such firm that stands out in its commitment is Ropes & Gray.

The attorneys at Ropes & Gray have been steadfast in their support of GLAD, and the entire LGBTQ community. Civil Rights Project Director Mary Bonauto formed a high-profile litigation team with Ropes & Gray's appellate & Supreme Court partner Douglas Hallward-Dreimeier. Together they successfully argued the landmark marriage equality case *Obergefell v. Hodges* at the U.S. Supreme Court in 2015, which guaranteed marriage rights under the law for all couples. Ropes & Gray has also authored supporting amicus briefs in two recent cases: *Partanen v. Gallagher* (see page 7) and *Barber v. Bryant* (see page 14).

Through its fellowship program, Ropes & Gray also provided GLAD with outstanding attorneys for three years running, each of whom served on GLAD's DOMA team, and one of whom, Liz Monnin-Browder, co-edited the book *Transgender Family Law*, along with Jennifer Levi, director of the Transgender Rights Project.

In late 2016 Ropes & Gray stepped up in a significant way, partnering with GLAD and the Massachusetts Transgender Political Coalition (MTPC) to create a Pop-Up Transgender ID Project. GLAD's Levi envisioned a rapid-response project to provide legal representation to transgender people needing a legal name change and corrections to Social Security cards, U.S. passports, driver's licenses or other state-issued identification cards, birth certificates, and other identification documents—all reflecting the client's proper name and gender.

In November 2016, Ropes & Gray quickly recruited attorneys to participate in the project and created a legal training model to ensure participating attorneys understood how to

provide the highest level of service. The Ropes & Gray team is being led by two partners and a core team of counsel, associates and senior paralegals, who volunteered to organize recruitment, training, matching clients with attorneys, information sharing, and advising.

Over 100 Ropes & Gray attorneys have signed up to participate within the first month of the project. The volunteers ranged from first-year associates to partners, and represent offices all over the world—Boston, Chicago, Hong Kong, London, New York, San Francisco, Silicon Valley, Washington, D.C., and Shanghai. “I was humbled by the response,” says Ropes & Gray associate Emily Oldshue, “but not surprised. Pro bono work is deeply ingrained here.”

Ropes & Gray corporate paralegal coordinator Tim Percival, a transgender man, who transitioned while working for the firm, has been a key player in ensuring that cultural competency was central to training: “Seeing that transgender clients are treated respectfully is central to providing good representation,” he says. Percival also set up a database for volunteer attorneys to access documents and share information with each other.

GLAD Answers, GLAD's legal information service, is the first point of contact for clients, where the requests are reviewed to determine specific needs, and then sent to Ropes & Gray. Each person is matched with an attorney, who guides them through either one process—say, getting a driver's license—or many—including everything from a new birth certificate to a corrected passport. As of this writing, roughly 200 transgender people across New England have signed up for the project and are receiving legal help. A scholarship fund set up by MTPC enables those without means to pay the government fees charged for new documents.

“Our partnership provides a critical legal service and practical resource to the transgender community free of charge,” says Ropes & Gray's Jane Goldstein, who co-chairs the firm's mergers & acquisitions practice. “It's of paramount importance for transgender individuals to ensure their documentation is consistent, and the demand for our services is greater than we could have ever imagined.” Clients range in age, life experience, and

socio-economic status and have requested assistance with documents issued by dozens of states. With so many different documents and so many different states involved, many attorneys have developed sub-specialties, and have even formed mini practice groups focused on different geographies or sub-groups—for example, minors, whose parents have accessed the project on their behalf. Kristi Jobson, an associate in Ropes & Gray's litigation practice, has worked with ten families so far, and says, “Some of the best days I've had in the last couple of months have been meeting parents and their children in probate court and submitting a name change. It's a big day for the kids; they sometimes bring siblings and other family members. It's a real privilege to be there on such an exciting and affirming day in the family's life.”

Such personal client contact and the impact that can be made for clients are two of the immediate benefits that Ropes & Gray attorneys get from the project. “There's a high level of gratification in being able to work as a team across offices to provide quick and tailored help to individuals seeking corrected identification documents,” says Oldshue, “providing support and a legal backstop as they navigate the process.”

While helping individuals, the project has also already had an impact on probate court. “We discovered that one probate court really wasn't moving at all on name changes,” says Jobson. “We worked with GLAD attorneys to nudge that court to move more quickly.”

Ropes & Gray hopes the knowledge base its attorneys are developing through the Pop-Up Transgender ID Project will be of continued use to GLAD and to the LGBTQ community in the months and years ahead. ■



Telling LGBTQ Youth They Are OK Just As They Are: Working to Ban Conversion Therapy Across New England

With a deeply homophobic administration assuming power in Washington, the imperative for LGBTQ-affirming legislation at the state level has only intensified. Bans on conversion therapy for minors will take center stage in New England legislatures over the coming year, and GLAD will be in the thick of the fight.

Conversion therapy is the practice of attempting to change a person's sexual orientation or gender identity. It has been solidly discredited as ineffective and unethical by medical and mental health organizations such as the American Medical Association and the American Psychological Association, not least because it is profoundly damaging to the youth subjected to it.

"There is still a deep-seated belief that being lesbian, gay, bisexual or transgender is abnormal—it is not accepted on the same level as being straight or being cisgender," says GLAD Senior Attorney Ben Klein. "These laws not only protect young people from serious harm, they send a strong message from the government that there is nothing to change about their sexual orientation or gender identity because being LGBTQ is perfectly okay. That's extremely important right now."

Legislation focuses on minors for a few reasons. While adults are free to make decisions (misguided or not) about their sexual orientation or gender identity, young people are subject to the wishes of their parents or guardians. The law needs to protect them from this form of abuse. And in the years when a person is learning about and coming to terms with their identity, strong messages that they are not okay just as they are can cause extreme emotional distress with lifelong consequences.

Last year, Vermont became the first New England state to ban conversion therapy, joining California, New Jersey, New York, Oregon, Illinois and Washington, DC. This year bills will go forward in Massachusetts, Rhode Island, Maine, New Hampshire, and Connecticut. Massachusetts legislators have tried twice before to pass a ban. Last session, the bill made it out of committee in the House, and came close to a vote. The current bill is sponsored by Rep. Kay Khan and Senator Mark Montigny. "We're hopeful this will be the year the legislation passes," says Klein.

A strong coalition is coming together in Connecticut around a bill, including the ACLU, Planned Parenthood, the Connecticut Women's Education and Legal Fund, and True Colors. "We believe the bill has a serious chance," says Jennifer Levi, who is working with Connecticut allies.

Rhode Island's bill has also been introduced several times, never moving out of committee. It will be reintroduced this session, as will a New Hampshire bill. Advocates in Maine are in the beginning stages of preparing a bill as well. GLAD is working with local and state partners across these states.

It's important that the language in these bills is carefully crafted. "One key role GLAD plays in these statewide coalitions," says Klein, "is drafting legislation to ensure it is strongly worded and legally sound, and that baseless legal concerns from our opponents are rebutted." With luck and hard work, New England could take an important stance in opposition to the new federal administration and become a region completely free of conversion therapy. ■

New Hampshire Momentum for Transgender Protections

Momentum is building for transgender rights in New Hampshire, with town after town passing non-discrimination ordinances—and, in December, with Representative Ed Butler introducing legislation to update the state's existing civil rights laws to provide fully inclusive protections for transgender individuals.

New Hampshire's largely Republican political landscape is not discouraging, says GLAD ED Janson Wu, who plays a key role in the Freedom New Hampshire coalition supporting the bill. "New Hampshire was the first state to figure out a Republican strategy for protecting marriage equality," he says. "The non-discrimination bill has bi-partisan sponsorship, and we'll be working hard at educating all legislators as well as the public about transgender lives and the importance of these protections. Equality and fairness aren't partisan issues."

The bill has already received strong support from across the political spectrum, as well as from law enforcement, civic, faith and business leaders throughout the Granite State. A hearing will be held in January or February. "Our community is going to need state and local victories in the coming period," says Wu. "I'm hopeful that New Hampshire will be one of them." ■



The Huckman family shares why clear non-discrimination protections matter to them at www.freedomnh.org/category/voices

Transgender Students and the Right to Education



Aryana, with her mom's help, stood up for her right to attend school as herself, without harassment.

Every young person is entitled by law to an education. When school environments are hostile to any student—because of race, gender, religion, sexual orientation, disability, or gender identity—we fail in our responsibility to provide that education.

“A transgender student must be able to bring his or her whole self to school in order to learn,” says Jennifer Levi, director of GLAD’s Transgender Rights Project. “When we advocate for transgender students to be called by the correct name, to be free from bullying and harassment, or to have access to bathrooms and locker rooms according to their gender, we do so because these are essential components of an effective learning environment.”

Levi is helping to shepherd five different amicus briefs filed in support of Gavin Grimm, the high school student in the ACLU case *G.G. v. Gloucester County School Board*, which will be heard before the U.S. Supreme Court in March. Grimm’s education is being disrupted by his school’s refusal to let him use the proper bathroom.

One brief is being written on behalf of the World Professional Association for Transgender Health, the Pediatric Endocrine Society, the nation’s leading clinics specializing in serving transgender youth, Dr. Norman Spack of Boston Children’s Hospital, and a number of other prominent doctors and medical and policy organizations with expertise in adolescent and transgender health issues. It closely examines research on child development of identity, and the role of schools in advancing—or thwarting—healthy development. “The brief makes the case that being able to use the same bathroom as other students at school is critical for the healthy development of transgender adolescents—

It’s every child’s right to learn, and to learn while being themselves.

as it is for all adolescents—and therefore central to an effective educational environment,” says Levi.

GLAD also recently worked with Colby Patrie, a student at Northern Essex Community College (NECC) in Massachusetts, to make the campus a more welcoming place for transgender students. “Community colleges offer open access to affordable academic and workforce training programs,” says senior staff attorney Polly Crozier. “It is critical that these community institutions are inclusive to all, including transgender students.”

The college’s policy did not allow all transgender women to use the women’s facilities and all transgender men to use the men’s facilities. And with no all-gender bathrooms on the classroom side of campus, students had to choose between going to the bathroom and going to class. The alternative was using a bathroom where they felt uncomfortable or unsafe.

“The facilities policy caused confusion, fear, and shame on campus,” says Colby. “I really felt it needed to change, to let transgender students know that the school respects, values and includes us.”

GLAD worked to bring NECC in line with state and federal law, sending a demand letter to the school which read in part, “NECC’s current policy is out of step with virtually every other entity in the Commonwealth of Massachusetts...[including] elementary schools, middle schools, high schools, employers, landlords...hospitals, gyms, homeless shelters and swimming pools.”

Following the demand letter, NECC changed this policy—and another policy affecting transgender students and their ability to use the correct name in school records.

Transgender students of color can experience multiple forms of discrimination that exacerbate their isolation and mistreatment in school. In search of a better education for her children, Hartford, Connecticut mom Shabree enrolled her child Aryana in the South Windsor Public Schools through the Open Choice program. But nearly as soon as Aryana stepped in the door of her new school, she was subjected to disproportionate discipline and overt racial and gender bias.

The South Windsor public schools’ mission statement calls for an emotionally and physically safe environment. Shabree’s repeated attempts to work with the school administration to address the escalating problems were futile. Aryana, she says, “despised going to school every day.”

With Greater Hartford Legal Aid, GLAD helped the family file a complaint with the Connecticut Human Rights Commission, and tell their story to the local media. Even though Aryana ended up leaving South Windsor, her case brought to light systemic problems in the school, and empowered both Aryana and Shabree. “Life is way too short to settle, to just conform to what society wants you to be,” says Shabree. Aryana agrees: “Don’t be the person inside the box. Step outside, and be yourself.”

It’s every child’s right to learn, and to learn while being themselves. ■

Who is a Parent? Catching the Law Up with Families

There has never been a single way to form families, despite the 1950s image of a married mother and father with two biological children who were born after marriage.

There have always been single parents, adoptive parents, and parents who do not marry, as well as other family formations. But until recently the law has formally recognized as “parents” only those whose bonds to their children were formed by marriage, biology, or adoption. That has left some children without full legal protections and the emotional security that comes with that—especially (but not exclusively) for those with LGBTQ parents. With recent cases in Massachusetts, Rhode Island, and Vermont, GLAD is ensuring that no children are penalized and all families are recognized no matter how their families were formed.

In October 2016, the Massachusetts Supreme Judicial Court issued a decision in GLAD’s case

Partanen v. Gallagher, declaring that Karen Partanen, a non-birth mother, can be a full legal “parent” to the two children she raised with her former partner Julie Gallagher.

Julie and Karen planned together to start a family. Julie gave birth to both children, who were conceived through assisted reproductive technology (ART) with the consent of both women. They were in Florida for much of their relationship with few protections available, but they raised their children together and presented themselves to teachers, doctors, and family, as parents. They split up after 13 years together, and agreed to co-parent. But soon Julie sought to sever Karen’s relationship with the children because Karen was not related to the children through birth, marriage or adoption.

Massachusetts “paternity” law enables children who are born to an unmarried couple to have a determination of who their legal parents are, ensuring that both parents support

their children (when able), and that custody and parenting time are based on the children’s best interests. Julie argued that those laws applied only to genetic parents and not to someone like Karen.

Although the paternity law uses gendered terms, the SJC ruling unanimously stated that its provisions may be read in a gender-neutral manner, to apply where a child is “born to [two people], is received into their joint home, and is held out by both as their own child.” The Court emphasized that the existing law “appl[ies] to same-sex couples, even though at least one member of the couple may well lack biological ties to the children.”

“This decision is a major victory for families, and especially for children, who should not be deprived of a ‘parent’ because the adults did not marry or used assisted reproduction,” says GLAD Civil Rights Project Director Mary Bonauto, who argued the case. Following this landmark ruling for children, achieved with MA family law attorneys Patience Crozier (who has since joined GLAD’s legal staff), Elizabeth Roberts, Teresa Harkins La Vita, and Joyce Kauffman, GLAD is working to adjust court and vital record forms to include all families.

Bryce Helie and Cara Millett, a Rhode Island couple, faced a different challenge in establishing their family’s legal status, and their fight has resulted in a breakthrough in Rhode Island law, establishing a path to parenthood that does not rely on biology, marriage or adoption.

Cara and Bryce had carefully researched the legal and medical issues involved in having children. They decided to use ART, and their first daughter was born to Cara in August 2010. “We were ecstatic, and so happy to be a family,” says Bryce. The couple established Bryce’s parentage through a second-parent adoption in Rhode Island.

Cara and Bryce chose to have a second child, this time with Bryce becoming pregnant. In June 2013, Bryce and Cara welcomed their second daughter into their family.

When the couple filed a second-parent adoption to solidify Cara’s legal relationship with their daughter, the family court required them to post a newspaper advertisement in Fairfax, Virginia, to alert the anonymous sperm donor about the adoption. “At first we couldn’t



Bryce Helie and Cara Millett’s fight to secure their legal relationship with their children has opened a path to parenthood in Rhode Island that does not rely on biology, marriage, or adoption.

Thank You

GLAD thrives due to the support of volunteers, donors and in-kind contributors. We extend our thanks to the following individuals and organizations who worked with us in the past year toward achieving a more just world. We apologize if we have omitted anyone.

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Welcome New Staff

James Barden, Public Affairs Assistant Prior to joining GLAD, James worked on anti-homelessness initiatives at Breaking Ground in New York City and served in AmeriCorps VISTA in Massachusetts, where he conducted anti-hunger outreach after college. James has a B.A. in Political Science from the University of Massachusetts, Amherst and an A.A. from Bard College at Simon's Rock. He is currently a part-time graduate student at Harvard University.

Patience Crozier, Senior Staff Attorney Polly came to GLAD from private practice where her work focused on LGBTQ probate and family law. She has partnered with GLAD on important precedent-setting family law cases including *Hunter v. Rose*, where she served as trial counsel and co-counsel on appeal, and *Partanen v. Gallagher*, where she worked on the appellate team. Polly is a graduate of Yale University and Boston College Law School, and served as a law clerk to the Honorable Irma S. Raker of the Maryland Court of Appeals and to the Justices of the Massachusetts Probate and Family Court.

Erica Larocque, Events Manager Prior to joining GLAD, Erica worked in Human Resources for Oxfam America, as a Legal Fellow for Senator Jeanne Shaheen, and as a Law Clerk for the U.S. Copyright Office. Erica holds a J.D. from the University of New Hampshire School of Law, a dual M.F.A./M.B.A. in Theatre Management from California State University—Long Beach, and a B.A. in Drama from San Francisco State University.

Elaine McGrath, Operations Assistant Elaine has been a hearing officer and Assistant General Counsel for the Mass. Department of Public Utilities, a community activist advocating on environmental justice issues in Chelsea, MA, an inmate advocate, a program coordinator for Marblehead's Abbot Library, and most recently, Executive Assistant at the Conservation Law Foundation.

Aria Pierce, Development Assistant Aria previously worked in Boston and New York City libraries and bookstores. While in New York, she helped create For the Birds, a feminist collective. Aria studied Literature with a minor in Women's Studies at SUNY Purchase and has a Master's in Library and Information Science from Pratt Institute.

Alex Weinstein, Legal Assistant Alex joined GLAD after graduating from Dartmouth College with a B.A. in Government, focusing in political theory and constitutional law. He has interned for the New Hampshire Public Defender and the New York Civil Liberties Union in Long Island. As president of the Gender-Inclusive Greek Council, he led reforms of the Council's non-discrimination and financial aid policies.

Welcome New Board Leadership

GLAD's board of directors has new leadership: Richard J. Yurko is now President, Joyce Kauffman is Vice President, Darian M. Butcher is Clerk, and David Hayter is Treasurer. Yurko succeeds Dianne Phillips, who served as board president for the past five years, and who will remain on the board. "I'm thrilled to have board leadership transfer to Rich's capable and experienced hands," says Phillips.

Yurko previously served as Vice President and has been on the board since 2009. He is the founder and former Managing Shareholder of Yurko, Salvesen & Remz, P.C. A graduate of Dartmouth College, he received his J.D. from Harvard Law School, where he was Senior Projects Editor for the Harvard Civil Rights-Civil Liberties Law Review.

"I'm honored and humbled to become board president at this important time for our community and for GLAD," says Yurko. "The priorities laid out by our new strategic plan—racial and economic justice, state level public policy, and access to justice—speak to this historic moment. Our work is more critical than ever before."

Kauffman is a graduate of Northeastern University School of Law. She is a founding member of the National Family Law Advisory Council, a member of the Family Equality Emeritus Board, and a frequent speaker and writer on LGBTQ family law. Kauffman has been on GLAD's board since 2012.

Butcher is an Associate at Day Pitney LLP, representing financial institutions in the defense of claims by borrowers. She also represents individual and corporate clients in probate matters. Butcher earned her J.D. from Boston University School of Law and clerked for Massachusetts Appeals Court Justice Malcolm Graham (ret). She has been on GLAD's board since 2014.

David Hayter has held executive and finance positions at Liberty Mutual, Hospitals of Ontario Pension Plan, and Manulife/John Hancock. At Liberty Mutual, he was the founding co-executive sponsor of the company's first LGBT Employee Resource Group. He holds an MBA from Wilfrid Laurier University in Canada. ■

Thank you, Dianne!

Dianne Phillips, a partner at Holland and Knight, joined GLAD's board in 2006 and served as board president from 2011-2016. She oversaw two strategic plans, the search for an executive director, a name change, and unprecedented fundraising. Dianne was at the Supreme Court to hear DOMA arguments in 2013, and to see GLAD's Mary Bonauto argue successfully for nationwide marriage equality in 2015. Both board and staff are grateful for Dianne's generous spirit and steady hand during her tenure.



Dianne Phillips and Janson Wu

Photo: InfinityPortraitDesign.com

GLAD Answers Meets the Need

GLAD Answers, GLAD's legal information service, has always provided a window on the concerns of the LGBTQ and HIV+ community. Never has that been more true than in the weeks leading up to and following November's Presidential election.

Daniel Weiss manages GLAD Answers and supervises its team of highly-trained volunteers. Before November 8, says Daniel, the general anxiety caused by the campaign's inflammatory rhetoric meant slightly higher call volume, with a definite increase in the intensity of the calls. "People sometimes contact us not with a specific legal issue, but just to voice their distress," Daniel says.

After November 8, however, the floodgates broke. Calls and emails poured into GLAD Answers from people worried about everything from their immigration status, to the security of their marriages and parental bonds, to health care access. The number of calls increased to six times the number GLAD Answers would typically handle.

"Our immediate role was to provide information, and where we could, reassurance," says Weiss. GLAD produced FAQ's to address the most common subjects, brought in additional volunteers to work the phones, and just plain worked overtime.

Led by Transgender Rights Project Director Jennifer Levi, GLAD Answers also devised a Pop-Up Transgender ID Project, to help transgender

people get proper identity documents before any changes that might come with a new federal administration. Working with the law firm Ropes & Gray LLP, who have trained 100 attorneys to assist with Social Security cards and passports, as well as state-based documents like birth certificates, drivers licenses, and state ID's, GLAD Answers has assisted nearly 200 transgender people as of this writing.

"The most encouraging thing has been calls from people wanting to know how to get involved," says Weiss. "I'm also relieved by what we have not been seeing, which is reports of violence."

Call volume came down to a more normal level about 5 weeks after the election, though Weiss does anticipate another escalation as the new administration begins to make policy. "Most likely rhetoric will heat

up again. We will also start to see the reality of whatever new policies and laws are coming our way: what will happen to the Affordable Care Act, immigration, protections for transgender students."

Information that comes in through GLAD Answers enables GLAD to advocate for the community, even as GLAD Answers is providing a service. That two-way connection will be more vital than ever in the coming years. ■

GLAD Answers is available Monday through Friday, 1:30 – 4:30 pm at 800-455-GLAD or via email anytime at www.gladanswers.org



GLAD Answers volunteers Charles Studen, Cris Zubizarreta, and Michael DiCaprio

Who is a Parent?

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understand what he was asking," says Cara. "It made no sense to notify an anonymous sperm donor of the fact that we were asking the Court to formally recognize Bryce and my legal parentage."

GLAD's Jennifer Levi represented Cara and Bryce along with attorney Katherine Kohm, an associate in the Providence, Rhode Island office of Pierce Atwood. They asked the court to withdraw the adoption requirement of notice to the sperm donor or, in the alternative, to simply issue an order recognizing the two women as full, legal parents, without having to comply with the adoption requirements.

On October 26, 2016, the Chief Judge of the Rhode Island Family Court issued a decision acknowledging Cara as a parent, eliminating the need for an adoption, and thereby creating an alternative path to parentage for couples like Cara and Bryce through an "order of parentage." It's an important development, creating a route that is less costly than adoption and more closely tracks the reality of families.

According to the decision, an adult is

eligible to be declared a parent if they functioned as a parent to the child. "We are thrilled and relieved," says Bryce. "And we're happy that other Rhode Island parents and parents-to-be can now secure their families this way."

GLAD is also currently awaiting a decision in *Sinnott v. Peck*, a case argued by Levi before the Vermont Supreme Court in May 2016. Sarah Sinnott is seeking to establish her legal relationship to the children she and her former partner raised together for over ten years, including for three years after they split up. Sarah and her former partner, Jennifer Peck, had gotten together shortly after Jenny had adopted a daughter. Shortly after that, the couple jointly planned to adopt another child. Because it was an international adoption and they were concerned about not being able to adopt because of changes in international adoption laws, Jenny and Sarah decided that Jenny would be the only one to formally adopt their second child. Throughout their relationship, they both functioned as

parents to the two children they were raising. Notwithstanding, several years after they split up, Jenny began limiting the children's contact with Sarah.

When Sarah filed a Petition to Establish Parentage with the Vermont Superior Court's Family Division in August 2015, the court declined to accept her filing. The court said it was disinclined to hear parentage actions from "third parties" where there has been no adoption, marriage or civil union, ignoring the parent-child relationship established between Sarah and the two children.

A ruling in Sarah's favor would establish her right to be heard in family court, as a non-marital partner who jointly raised the children with her former partner. "Sarah is Mama to these children. No matter the label put on her by a court, she is a parent in their eyes," says Levi. "The court needs to protect children-parent relationships, like Sarah's, no matter the formal arrangements. Children's lives and hearts are at stake and courts need to step in to protect them." ■

Docket Update

Baker v. Diocese of Worcester

GLAD and the ACLU of Massachusetts submitted an amicus brief to the Massachusetts Commission Against Discrimination in this case involving the alleged sexual harassment of a college summer intern by a priest of the Roman Catholic Diocese of Worcester (MA) and a claim of retaliation in the investigation process by another priest of the Diocese. The Diocese and its priests claim they are exempt from certain types of damages on the basis of the “ministerial exception” in the law, and the MCAD agreed and went further and dismissed the claims in their entirety based on the exception. GLAD and the ACLU argue that the MCAD has both misconceived the nature of the claims asserted, and gone too far in applying the ministerial exception. We are currently awaiting an MCAD ruling.

Barber v. Bryant

GLAD filed an amicus brief in one of two cases challenging Mississippi’s so-called “Protecting Freedom of Conscience from Government Discrimination Act.” The unfair law—likely a harbinger of proposed laws to come in other states—would give a free pass to any individual, organization, or corporation choosing to discriminate in a wide variety of public and private settings based upon their asserted beliefs that marriage can only be between a man and a woman; that sex can only take place within such a marriage; and that one’s sex is determined at birth. GLAD’s brief, written with Ropes & Gray, addresses equal protection issues, arguing that the law cannot allow discrimination based on one’s beliefs about a class of people. We also state that this law goes far beyond what conscience-protecting laws have allowed in the past, and far beyond simple opposition to marriage equality. The National Center for Lesbian Rights (NCLR) and the ACLU also worked on the brief. The case will be argued soon in the U.S. Court of Appeals for the Fifth Circuit.

Blatt v. Cabela’s Retail Inc.

We are awaiting a ruling from the federal district court in the Eastern District of Pennsylvania in this case challenging the constitutionality of the exclusion of Gender Identity Disorder (GID) from the definition of disability in the federal Americans with Disabilities Act (ADA). A December 2015 hearing in the case marked the first opportunity for the constitutional arguments for striking the transgender exclusion written into the ADA to be fully laid out in court. GLAD submitted an amicus brief and is providing ongoing consultation.

Carcaño v. McCrory

GLAD joined with the Transgender Law Center and the National Center for Lesbian Rights on an amicus brief on behalf of school administrators from 20 states filed in the federal court challenge to North Carolina’s HB2. The brief addresses the signatories’ rationales for adopting, and experience in implementing, policies and practices that respect transgender students’ gender identity. The school board members, superintendents, principals and other school leaders represented in the brief all affirm that these accommodations are part of providing an optimal, welcoming learning environment for all students. *Carcaño v. McCrory* is brought by Lambda Legal and the ACLU.

Doe v. Mutual of Omaha Insurance Company

GLAD is pursuing a case in federal court charging that Mutual of Omaha Insurance Company discriminated when it denied a gay man long term care insurance because he is taking Truvada. Truvada, a form of PrEP or Pre-Exposure Prophylaxis, is a medication prescribed to HIV-negative people to prevent the transmission of HIV. This is the first lawsuit in the country challenging discrimination against a person on PrEP. The case is currently in the discovery phase.

Hively v. Ivy Tech

We are awaiting a ruling from the full bench of the U.S. Court of Appeals for the Seventh Circuit on the question of whether Title VII includes protection against sexual orientation discrimination. Lambda Legal is representing Kimberly Hively, who charges that she was repeatedly passed over for full-time employment and was ultimately fired because she is a lesbian, in her claim against former employer Ivy Tech Community College. Following an initial panel ruling upholding the dismissal of the case based on existing circuit precedent, GLAD and the National Center for Lesbian Rights filed an amicus brief in support of Hively’s petition to have the full court rehear the case, arguing the Court should not be bound to follow the existing Circuit rule because it is unworkable and leads to inconsistent results. The Court heard argument en banc on November 30, 2016.

In Re Carol Boardman

GLAD, together with the ACLU of Maine, EqualityMaine, and Trans Youth Equality Foundation, submitted a friend-of-the-court brief to the Maine Supreme Judicial Court in support of an appellant who was denied a legal name change. The Probate Court denied Ms. Boardman’s petition on the ground that changing her surname to that of a friend would give a false impression that the two are married. The brief, which stresses the importance to the LGBT community of consistent application of the name change statute, argues that Ms. Boardman’s petition met all the requirements of the statute and that the Probate Court abused its discretion in denying it. The statute requires only that a name not be changed for fraudulent purposes, and there was no evidence of fraud in the record in Ms. Boardman’s case. Furthermore, the brief argues, the Court’s assertion that two unmarried individuals cannot share a surname undermines Maine public policy which both prohibits marital status discrimination and supports families in their many forms, both marital and nonmarital.

Missouri v. Johnson

GLAD joined a friend-of-the-court brief submitted by The Center for HIV Law and Policy and the Missouri ACLU on behalf of Michael Johnson, a former Missouri college student sentenced to more than 30 years for violating Missouri’s HIV transmission and exposure statute. In late December 2016, the Missouri Court of Appeals reversed Johnson’s conviction. While Johnson’s case was remanded pending a new trial, the reversal is a positive step in the fight against HIV criminalization.

LGBTQ Youth and the Juvenile Justice System

The health, safety and well-being of LGBTQ youth is at the forefront of GLAD's work. LGBTQ youth face a number of challenges, particularly those in the juvenile justice system, where they are disproportionately represented. We are currently working in Maine, following the tragic suicide of a young transgender man in November, to monitor the treatment of LGBTQ youth in the Long Creek Youth Development Center, Maine's juvenile detention facility. In collaboration with local, state and national groups, GLAD is working to ensure a thorough and transparent investigation into the death, to promote better conditions for LGBTQ youth in the facility, and to explore systemic issues in the hopes of supporting LGBTQ youth in their communities rather than incarcerating them.

LGBTQ Youth and Family Rejection

GLAD represents Kyle (not his real name), a teenage boy in rural Maine whose mother responded with hostility after he came out as gay. As a result of his mother's treatment—which included isolating him, making fun of him, and cutting him off from his support network—Kyle was hospitalized twice due to concerns of self-harm. Working with local counsel Kids Legal/Pinetree Legal Assistance and Teresa M. Cloutier, Esq., GLAD was able to secure an emergency temporary guardianship order for Kyle's step-grandmother. Since being out of his mother's home, Kyle is thriving and has reconnected with a local LGBTQ youth theater troupe. We are currently awaiting a hearing to finalize a permanent guardianship arrangement.

Settlement Announced in Walmart Spousal Insurance Class Action

GLAD's class action lawsuit filed on behalf of former Walmart associate Jacqueline Cote and her late wife Dee Smithson is drawing to a conclusion.

In December, the parties filed a motion (which was approved) asking the U.S. District Court for the District of Massachusetts to grant preliminary approval of a class action settlement in *Cote v. Wal-Mart Stores*. Cote had challenged Walmart's lack of health insurance benefits for same-sex spouses of Walmart associates prior to 2014.

In addition to Allison Wright and Gary Buseck of GLAD, Cote has been represented by the Washington Lawyer's Committee for Civil Rights & Urban Affairs, Outten & Golden LLP, and Arnold & Porter LLP.

"I'm pleased that Walmart was willing to resolve this issue for me and other associates who are married to someone of the same sex," says Cote. "It's a tremendous relief to bring this chapter of my life to a close."

The final step will be a fairness hearing, to take place in April 2017. The proposed settlement class is expected to include a few thousand current and former Walmart associates who worked for Walmart and were married during all or part of the calendar years 2011, 2012 and 2013. Anyone who believes they may be part of the class should contact Allison Wright at awright@glad.org or visit www.glad.org

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Joe Cabral, Oz Mondejar and Dani Monroe of Partners Healthcare with board members Deborah Heller (center) and George Hastie (right)



Tahirah Dean and Walter Gleason



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