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 28TH ANNIVERSARY GALA DINNER DANCE

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Our Love Will Prevail

by Kate Kendall, Esq.



Kate Kendall emcees jubilant one-year anniversary celebration under the rotunda of San Francisco City Hall

Photo: Virginia Morgan

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 Legal Director
 Shannon Minter**

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On February 12, I had the thrill and honor of standing in front of 3,000 invitees to an anniversary celebration at San Francisco's City Hall. The guests in attendance were couples who had been married in San Francisco during what some have dubbed our "Winter of Love." It was a raucous, wonderful, exhilarating, emotional celebration and reminder of what an amazing time that was here in San Francisco, and of the ongoing work ahead to make the promise of those heady days real for all in our community. I know that many are dispirited and anxious about our future and what lies ahead for the rights and lives of lesbian, gay, bisexual and transgender folks in this country. Let me be plain: we are going to prevail and we will leave no one behind.

There have been numerous conversations among my colleagues at national, state and local organizations regarding the challenges and opposition we face. We know that we must be smart even as we push our agenda for justice forward; we know we must be strategic even as we forge ahead in our quest for equality. Perhaps most of all we know we must work collaboratively and in coalition with others committed to a vision of true social justice if we are to succeed and sustain our victories.

I was honored to have NCLR sign on to the "Unity

Statement," drafted and joined by many of us who care so deeply about this work and our collective future success (read it at www.NCLRrights.org). The statement reiterates many of the priorities for our movement and makes clear that retreat and retrenchment are not an option. As we work long and hard to win marriage rights for all, we also understand that marriage may not be the preferred option for many to protect their families and may be legally foreclosed in many states for some years to come. Because we are mindful of these facts, we will also work aggressively to win civil union and domestic partner protections. For 28 years we have tirelessly dedicated ourselves to winning recognition, protections and security for your relationship and family. We will be here for the next 28 if that is what it takes.

While our family and relationship advocacy has dominated the headlines, it is important to note that our work on behalf of queer youth, those seeking asylum and immigration advocacy, elder LGBT folks and the eradication of homophobia in the sports world have continued and expanded. I marvel at what we have accomplished and the depth of what we continue to do every day. Our dedicated staff and your committed support make our ability to change the world possible. Together we WILL achieve our dream.

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LEGALLY SPEAKING.

An Interview with Shannon Minter, Esq. Legal Director



Photo: Jan E. Watson

On February 12, 2005, NCLR's Shannon Minter received Equality California's "Equality Advocate" Award for his tireless advocacy on behalf of LGBT individuals, couples and families. The award recognized Shannon's "brilliant legal work" as lead attorney in a lawsuit challenging the constitutionality of California marriage laws, where he represents 12 same-sex couples seeking the right to marry.

Shannon Minter has served as NCLR's Legal Director since 1996. He is widely recognized as one of the nation's leading legal minds in the complex arena of LGBT family law, transgender law and second-parent adoption. Over the past 12 years, Shannon has litigated numerous groundbreaking impact cases across the United States. The editor sat down with Shannon recently to get his perspective on NCLR's role on the national LGBT legal stage.

What is the most significant legal challenge facing the LGBT community right now? Our most significant legal challenge is to secure basic legal protections for our families. This includes an enormous range of issues, and takes different forms in different states. In some states, we are fighting for the freedom to marry. In others, we have not yet won the right to keep custody of our own children or the ability to adopt children. NCLR is uniquely positioned to meet these challenges. Since NCLR was founded in 1977, our primary focus has been on family law, including projects that focus specifically on LGBT immigrants, youth, and elders.

Lately, NCLR's work in California has generated headlines nationwide in the battle for LGBT equality. How does that work fit into NCLR's national scope? NCLR's current work in California is a microcosm of many of the issues we are fighting nationally. In California, NCLR worked with Equality California to draft the Religious Freedom and Civil Marriage Protection Act, and we are leading the litigation on behalf of same-sex couples seeking to marry. At the same time, NCLR is partnering with our colleagues to defend California's domestic partnership law, which is under attack by extreme rightwing groups, and to urge the California Supreme Court to protect children born to same-sex couples, regardless of whether those couples are married or registered domestic partners. Both in California and nationwide, NCLR is not only fighting for marriage equality, but also fighting to ensure that all families and children are protected.

Marriage equality is a hot issue right now. How would winning the right to marry further the rights of LGBT people in this country? NCLR is committed to winning marriage equality because doing so is essential to securing full equality and human dignity for our community. As long as the government discriminates against LGBT people by barring us from such a basic civil and human right, we will not be seen – or treated – as equal citizens of this country. Marriage is certainly not the only issue for our community, but our exclusion from marriage impedes our progress in every area, because it allows the government to brand us as inferior and undeserving of equal rights.

Looking back at the last ten years, what significant changes have you seen in the legal landscape for LGBT people? Ten years ago, I would not have predicted that by 2005, so many states and localities would have enacted laws protecting transgender people against discrimination, that same-sex couples would have won the right to marry anywhere in this country, or that the United States Supreme Court would have so resoundingly affirmed our right to enter into intimate relationships, as it did in the Lawrence v. Texas decision of 2004. We must not take these victories

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LEADERSHIP IN ACTION

NCLR Welcomes a New Member of the Board of Directors

Angela Brown, Esq.

Angela is an experienced litigator with 30 years' experience working for the District Attorney's Office in the City and County of San Francisco. As a Principal Trial Attorney, she handles jury trial litigation of narcotic felony offenses. Angela brings a wealth of experience volunteering for numerous community organizations. She is currently a Board Member and past Vice President of the NIA Collective, which seeks to create and provide a safe and healthy environment for the growth and empowerment of lesbians of African descent; her work with the NIA Collective spans nearly a decade. She is also a Past President and Board Member of the Iris Center Women's Counseling Center and has served as Past Board Secretary of the Black Adoption Placement & Research Center. She received her BS in Biology from the University of San Francisco and her JD from San Francisco Law School.

National Advisory Board Makes Cross-Country Strides



Lesley Weaver, Esq. NAB Chair

The National Advisory Board (NAB) has continued its groundbreaking work in expanding NCLR's reach into different regions of the country. In the space of just one year, the NAB hosted events in Florida, Colorado,

Utah, Texas, Minnesota, New York and California. Thanks to the NAB, three new events added to the growing list - in Denver, Los Angeles and Brooklyn, NY - with two more new events slated for the coming year, including NCLR's first-ever appearance at Dinah Shore in Palm Springs, California on March 26, 2005. For the first time ever, NCLR had a presence at the Empire State Pride Agenda annual dinner in New York City, where Kate introduced Kimberly Guilfoyle as the guest of honor. NCLR is forging new relationships with other organizations across the country, including Equality Florida and the LGBT Center in Salt Lake City. Of equal importance, NAB members have continued to reach out to diverse communities across the country, spreading the gospel that LGBT persons of all backgrounds and experience deserve a seat at the table - and that NCLR will fight for them.

We are also pleased to announce the addition of four new, spectacular members to the NAB, each of whom brings power and excitement of her own to the mix.



Fiona Martin Denver, CO

Fiona works for Oracle Corporation in corporate marketing. Prior to joining Oracle, she was employed as the Director of CEO Communications for NorthPoint. She has previously served on the Board for the Mile-High Youth Corps and the HRC Board of Governors. Fiona moved to Denver from the Bay Area with her partner, Amanda Lewis. They have two children.



Ligaya Amojedo New York, NY

Ligaya is currently a merchant control analyst with Ross with retail expertise in supply chain, planning and distribution management. Ligaya's involvement with nonprofit organizations began with the Youth Foundation. She has served as a teaching pro for the United States Tennis Association, Youth Tennis Association and National Junior Tennis League focusing on youth, education, sportsmanship, and women athletes. Ligaya has been involved with NCLR for the past three years.



Surina Khan Long Beach, CA

A longtime progressive activist and writer, Surina currently works as a consultant to numerous social justice organizations and foundations. Her previous positions include working as the executive director of the International Gay & Lesbian Human Rights Commission and as a research analyst for Political Research Associates.



Yesi Leon Miami Beach, FL

Yesi began her career in event production more than seven years ago with the creation of Pandora events, producing a women's event once a month in different venues all over Miami. In 2001, Yesi stepped into the club ring with three co-producers to produce some of the largest women's events in the country. She also volunteers for numerous non-profit organization boards and committees including: Aqua Girl, the White Party, Winter Party, the Miami Gay and Lesbian Film Festival, Save Dade, and The Miami Dade Gay and Lesbian Chamber of Commerce.

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NCLR thanks Heller Ehrman White & McAuliffe LLP and Orrick, Herrington & Sutcliffe LLP for their generous support of our law clerks in 2005.

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The Impact of NCLR— Beyond the Docket

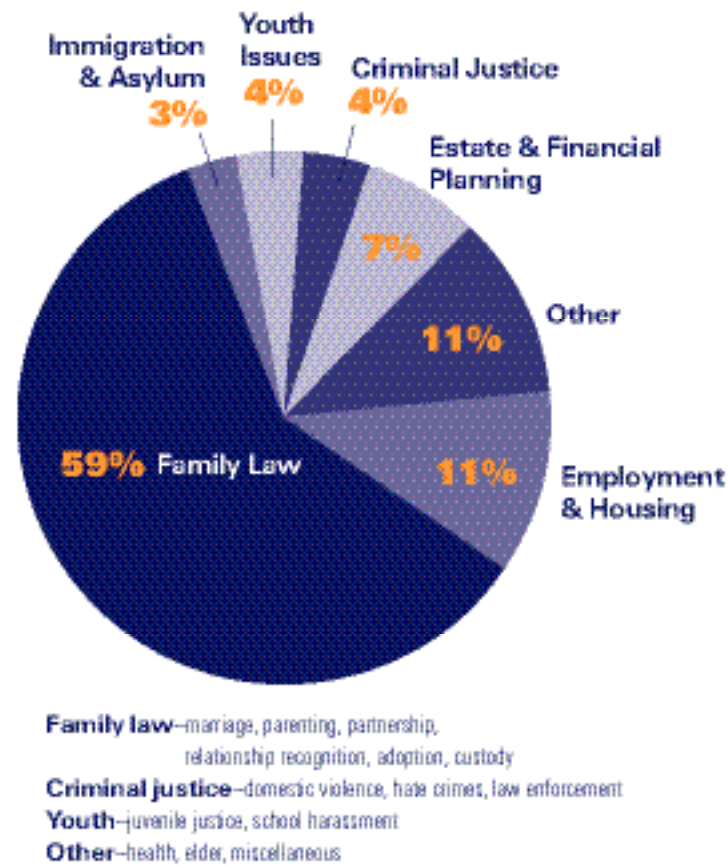
Direct Services

Empowering individuals to assert their rights and protect their families is an integral component of our mission. Since our inception in 1977, NCLR has answered e-mails and phone calls from tens of thousands of individuals from every part of the country. In 2004 we served more than 4,500 clients.

Three out of five requests for assistance (59%) pertained to family law, which includes marriage, parenting (adoption and custody), and relationship recognition. Eleven percent (11%) related to employment and housing discrimination.

In addition to litigating the cases on our legal docket, NCLR creates a powerful impact on our clients, the legal community, and the mainstream culture:

1. We provide direct service free of charge to more than 4,500 clients each year in all 50 states through our advice and counseling hotline, and to thousands more through conference presentations.
2. We provide significant legal advocacy outside the courtroom by advising other attorneys throughout the country, helping write key policies and legislation, and convening practice-area experts nationwide to strengthen the work of lawyers around the country on LGBT issues.
3. We collaborate with numerous progressive and mainstream organizations to create far-reaching national and state policy changes that increase legal protections for all LGBT people and move our society's major institutions toward greater inclusion of LGBT people.



Making a Difference

Letters like these make it all worthwhile.

We are both strong, proud and successful business women who are finding the current political climate rather intimidating. Just knowing your team is out there fighting on our behalf is somewhat soothing. Please know that our spirit has been squelched a bit, but not totally discouraged. This is due to organizations such as yours, who are willing to continue the good fight! Thank you for your relentlessness!

I cannot thank you enough for the time that you spent with me on the phone during my "emotional meltdown." I felt so alone, and had no idea where to turn ... Although there is a road ahead of me in this matter, I feel more optimistic. Although it may have seemed small to you, your help that day was enormous. It's nice to find that there are still caring people in this world.

Thank you to everyone who has supported me in all my battles. Every kind thought sent my way carried me through the tough times and continues to sustain me. The work you do for all of us touches many lives and is amazing.

Advocacy and Collaboration with Mainstream Organizations

The American Bar Association

The ABA is the most influential legal organization in the country. With NCLR's assistance, the ABA adopted a resolution opposing attempts to amend the federal constitution to prohibit same-sex couples from marrying.

Legal Services for Children Family Builders by Adoption

In collaboration with top youth advocates, NCLR created the nation's first model standards of care to improve the lives of LGBT youth in the foster care and juvenile justice systems. We are now advocating with key service providers throughout the state of California to better address the harassment of LGBT youth in foster care.

Women's Sports Foundation U.S. Olympic Committee Black Women's Coaches Association

Top officials at the U.S. Olympics are using materials developed by NCLR and the Women's Sports Foundation in their programs to address homophobia. For the first time at their national conference, the Black Women's Coaches Association addressed the links between racism and homophobia. NCLR and the Women's Sports Foundation organized and led this discussion.

American Society on Aging National Council on Aging American Geriatrics Society

NCLR was a lead player in developing the first-ever programming, with the American Society on Aging's LGBT group, at various national conferences of these premier organizations of mainstream elder service providers. We continue to advocate for inclusiveness at the national, regional, and local levels.

American University Washington College of Law

For the first time ever, we convened 25 of the nation's foremost LGBT family law attorneys to share new legal strategies that are proving most effective in their states. This group has created a network to communicate throughout the year.

LEGALLY SPEAKING. cont. from page 2

for granted, or let any of them be taken away from us through our own failure to demand – and work for – full equality.

What do you see as the role of state groups in the LGBT movement? In the past, our community often has been more successful at building national LGBT groups than at building a strong network of state-based LGBT groups. But that is changing rapidly. As a national organization, NCLR is strongly committed to supporting state leaders and to building strong state-based groups. In addition to supporting NCLR and other national organizations, it is critically important that people also give money and support to their state and local LGBT group.

How does being grounded in a lesbian feminist perspective affect NCLR's approach to its legal work? NCLR serves all people in our community – lesbians, gay men, bisexual people, and transgender people. Having a lesbian feminist perspective shapes our work in many ways. We strive to work collaboratively and to help other organizations grow stronger. We focus on the connections between sexism, racism, and homophobia. And we try to prioritize the issues with the most immediate impact on people's lives – whether that be helping parents keep custody of their children, helping LGBT people who are seeking asylum or trying to stay in this country to be with their life partners, helping youth who are being harassed or abused in schools or juvenile detention facilities, helping LGBT elders who are being discriminated against in retirement facilities, or helping LGBT prisoners who are not permitted to hug their partners on visiting days.

From where do you draw inspiration? I am most inspired by the ability of LGBT people to build community and to care for our partners and our children in the face of tremendous hostility on the part of the courts and the government. With few exceptions, even when the law does everything within its power to tear our families apart, we do not give up on each other or our children.

Who are your heroes? My heroes are activists like Del Martin and Phyllis Lyon, who had the courage to speak out on behalf of lesbians and gay men in the 1950s, during an extremely conservative and punitive era. We need more of that courage today.



NCLR is a national, lesbian-feminist, non-profit law firm with headquarters in San Francisco, and regional offices in St. Petersburg, Florida and Washington, D.C. Our mission is to create a world in which every lesbian can live fully, free from discrimination. Through impact litigation, public policy advocacy, public education, collaboration with other social justice organizations and activists, and direct legal services, we advance the legal and human rights of lesbians, gay men, and bisexual and transgender individuals across the United States. Each year we serve more than 4,500 clients in all fifty states. NCLR prioritizes serving those who historically have been marginalized: lesbians, immigrants, low-income people, lesbians of color, youth, elders, and transgender individuals.

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Project Updates

Homophobia in Sports Project



World-class athletes participate with NCLR at a panel, sponsored by Olivia Cruises and Resorts, discussing the advances of women and lesbians in sport: (l-r): Jenny McNaulty (pro football), Rosie Casals (pro tennis), Diana Nyad (Olympic record holder, distance swimmer), Natalie Williams (Olympic Gold Medalist, pro basketball), Rosie Jones (pro golf), Helen Carroll (NCLR Sports Project Coordinator).

A top priority of NCLR's Sports Project is to help create inclusive policies in professional, amateur, and collegiate sports of all kinds. To that end, staff members from NCLR, the Women's Sports Foundation, and the National Collegiate Athletic Association are serving on a committee that is advocating with the Ladies' Professional Golf Association and the Professional Golf Association to allow transsexual golfers to participate in tournaments in the United States. Model policies now exist in Australia, with the British Ladies' Golf Union, and on the European Professional Women's Golf Tour. Mianne Bagger is the first transsexual athlete to be invited to participate in all of these countries, and NCLR is in close touch with her.

We also provide legal representation to athletes and coaches. For example, NCLR recently received a call from Merry Stephens, a high school basketball coach in the tiny rural town of Bloomburg, Texas. She was fired from her job based on her sexual orientation despite a stellar record as a coach. NCLR attorneys are now representing her in court. In San Jose, California, we are helping Alicia Perzarro, a 13-year-old girl who was removed from the local softball club team by the coach because she was perceived to be a lesbian. We are also urging the Amateur Softball Association to adopt non-discrimination policies. The ASA governs not only club teams, but also universities and the U.S. Olympics, so a victory here would have far-reaching implications.

Immigration Project

Since the inception of our Immigration Project in 1994, NCLR has provided free legal assistance to thousands of LGBT immigrants nationwide, and has helped many to obtain visas or to win asylum. Because federal law still does not recognize bi-national couples for immigration purposes, many of our clients are desperate to find a way to stay in this country to remain with their partners. Through our national advice and counseling service, as well as through free monthly clinics in the San Francisco Bay Area, we help LGBT immigrants understand visas, asylum claims, the HIV exclusion, and legal and practical strategies for bi-national couples.

NCLR also provides direct representation to LGBT immigrants in impact cases, as well as providing assistance to private attorneys representing LGBT immigrants in proceedings before the Immigration Court, Board of Immigration Appeals, and Federal Court of Appeals. NCLR's Immigration Project is staffed by attorney Lena Ayoub, who has extensive experience in the areas of immigration law and international human rights law, and Project Director Noemi Calonje, who has more than ten years' experience as an advocate for LGBT immigrants. For asylum seekers and asylees in the San Francisco Bay Area, NCLR also accompanies clients to state and non-profit agencies that help them obtain food stamps, medical care, and job training, often providing much-needed Spanish translation services.

Youth Project

NCLR is taking a national leadership role in changing the system that discriminates against LGBT foster youth. We helped pass a new California law to give LGBT foster youth legal rights – the first such law in the country. We are now collaborating with the California Youth Connection and the Out of Home Youth Advocacy Council to train providers across the state to make sure it is enforced. With our help, LGBT foster youth are breaking the silence for the first time about how they are mistreated by staff, denied services, put in isolation, and beaten up by other youth. NCLR is bringing their voices to the policymakers who have the power to make the changes now required by law.



Remy, Danielle, Kira, Captain, & Daryn—former or current LGBT foster youth speaking out for their rights

On the national front, we continue to work closely with Legal Services for Children to implement model standards of care for LGBT youth in state care. As part of this effort, we are also working closely with the Child Welfare League of America, the largest and most respected child advocacy organization in the country. Negotiations are underway with CWLA to publish the standards in their "Best Practice Guidelines" series. This publication will provide concrete guidance and tools that will enable child welfare and juvenile justice agencies around the country to serve LGBT youth and families respectfully, competently, and fairly.

Elder Law Project

Calling all lesbian boomers: Join the NCLR Elder Law Project to fight the privatization of Social Security! The facts: women over 75 already have the highest poverty level of any group in the U.S.; the average monthly benefit for women is \$775 (as compared with \$1,080 for men); receiving Social Security benefits is a prerequisite to be eligible to receive Medicare – the primary source of health insurance for those 65 and older. We must stand strong and raise our voices now to preserve the social safety net that has existed since the New Deal. We must expose the myth that Social Security is bankrupt. NCLR is collaborating with the National Committee to Preserve Social Security, the LGBT group of the American Society on Aging, the National Gay and Lesbian Task Force, Senior Action in a Gay Environment, and many other organizations to educate and mobilize our community. We are organizing to have an LGBT delegate at the fall White House Conference on Aging where this will be a top issue. Please see the Elder Law Project pages of NCLR's web site (www.NCLRrights.org/projects/elderlaw.htm) for education tools and links to other organizations.

Noticias de Nuestros Proyectos

Proyecto Contra la Homofobia en los Deportes

Atletas mundiales participan con el NCLR (Centro Nacional de Derechos Lésbicos) en talleres patrocinados por Olivia Cruises para combatir la homofobia: (de izquierda a derecha) Jenny McNaulty (a favor del fútbol Americano profesional), Rosie Casals (a favor del tenis profesional); Diana Nyad (Record Olímpico Actual de natación a distancia); Natalie Williams (Medalla de Oro Olímpica de baloncesto profesional); Rosie Jones (a favor del golf profesional); Helen Carroll (Coordinadora del Proyecto de Deportes de NCLR).

Una prioridad primordial del Proyecto de Deportes de NCLR es asistir en la creación de una reglamentación general para todas las categorías en los deportes, ya sea profesional, aficionado o colegial. Para lograr ese fin, el personal del NCLR, del Women Sports Foundation (Fundación de las Mujeres en Deportes) y del National Collegiate Athletic Association (Asociación Nacional Atlética Colegial) están participando en un comité con The Ladies Professional Golf Association (Asociación Profesional del Golf de Damas) y el Professional Golf Association (Asociación Profesional de Golf) referente a la participación de golfistas transexuales en torneos en los Estados Unidos. Cabe mencionar que modelos de reglamentos ejemplares existen en Australia con la British Ladies Golf Union (Unión de Damas Británicas en Golf) y también en el European Professional Women Golf Tour (Gira Europea de Golf Profesional de Mujeres). Mianne Bagger es la primera atleta transexual que ha sido invitada a participar en todos estos países y NCLR se mantiene en contacto con ella.

También proporcionamos representación legal a los atletas y entrenadores. Por ejemplo, Merry Stephens se comunicó con el NCLR recientemente. Merry es una entrenadora de baloncesto en la escuela de secundaria del pequeño pueblo de Boomburg, en Texas. A ella la habían despedido de su trabajo debido a su orientación sexual a pesar de su expediente excepcionalmente bueno como entrenadora. Los abogados del NCLR la representaron en la corte. En San José, California, estamos ayudando a Alicia Perzarro, una muchacha de 13 años de edad, quien fue expulsada de su equipo local de softball por uno de los entrenadores por ser percibida como lesbiana. También estamos recomendando firmemente a la Amateur Softball Association (Asociación de Softball No-Profesional) que adopte una reglamentación anti-discriminatoria. La ASA gobierna no solamente a los equipos, sino también a las universidades y las olimpiadas en los Estados Unidos por lo cual una victoria aquí tendría implicaciones que abarcan mucho más.

Proyecto de Inmigración

Desde el inicio de nuestro Proyecto de Inmigración en 1994, NCLR (El Centro Nacional de Derechos Lésbicos) ha proporcionado una ayuda legal gratuita a nivel nacional a miles de inmigrantes de la comunidad LGBT y ha asistido a muchos en la obtención de visas y asilos. Debido a que la ley federal todavía no reconoce a las parejas bi-nacionales (bi-nacionales) para propósitos de inmigración, muchos de nuestros clientes están desesperados por encontrar una manera de permanecer en este país para continuar con sus parejas. Por medio de nuestra línea nacional de asistencia y consultas y nuestras clínicas mensuales gratuitas en el Área de la Bahía de San Francisco, asistimos a que inmigrantes LGBT entiendan sus visas, las aplicaciones de asilo, la exclusión del VIH, las estrategias y prácticas legales para las parejas bi-nacionales. NCLR también provee representación directa de inmigrantes LGBT en casos de impacto positivo para toda la comunidad. También asistimos a abogados privados que están representando inmigrantes LGBT en procedimiento frente a la Corte de Inmigración, El Tribunal de Apelaciones de Inmigración y la Corte Federal de Apelaciones. El proyecto de inmigración esta compuesto de Lena Ayoub, abogada de experiencia amplia en el área de inmigración y derechos

humanos internacionales, y Noemi Calonje, quien tiene más de diez años de experiencia como activista defensora de los inmigrantes LGBT. Para todos aquellos que buscan asilo o que ya son asilados en el Área de la Bahía de San Francisco, el NCLR acompaña a sus clientes a las agencias estatales y agencias no lucrativas las cuales les ayudan a obtener diferentes recursos como estampillas de comida, asistencia médica y entrenamiento para obtener trabajo, proporcionando muy a menudo servicios de interprete (Ingles-Español) lo que es extremadamente necesario en estos casos.

Proyecto Juvenil

NCLR (El Centro Nacional de Derechos Lésbicos) esta tomando un liderazgo nacional en los esfuerzos para cambiar el sistema discriminatorio hacia la juventud LGBT en adopción temporal (foster care). Hace poco apoyamos en la promulgación de una nueva ley en California que provee a la juventud LGBT en adopción temporal ciertos derechos legales – la primera ley de este tipo en todo el país. Estamos colaborando con el California Youth Connection (Conexión Juvenil de California) y el Out of Home Youth Advocacy Council (Concilio de Apoyo para Jóvenes Fuera de Casa) para entrenar a los proveedores a través del estado para cerciorarnos de que esta nueva ley se cumpla. Con nuestra ayuda, la juventud LGBT en adopción temporal esta rompiendo el silencio por primera vez. Ellos han empezado a hablar sobre el maltrato que reciben a manos de los empleados, de los servicios que se les niegan, sobre como los encierran y las golpizas que reciben a mano de otros jóvenes. Estamos llevando sus voces a todos aquellos quienes son responsables por formular nuevas reglas y quienes tienen el poder para implementar los cambios requeridos por la ley.

En el frente nacional, continuamos trabajando directamente con el Legal Services for Children (Servicios Legales para los Niños) para implementar los modelos estandarizados para el cuidado de la juventud LGBT en el sistema estatal. Como parte de este esfuerzo, también estamos trabajando en asociación con el Child Welfare League of America (Asociación Americana del Bienestar Infantil) la organización más grande y respetada que trabaja para defender la niñez de este país. Con la ayuda de CWLA deseamos publicar los estándares en su serie de "Guía de las Mejores Practicas". Esta publicación proporcionará dirección concreta y las herramientas necesarias que permitirán que las agencias de justicia juvenil y organizaciones que trabajan para el bienestar del niño en todo el país sirvan a la juventud LGBT y sus familias de una manera respetuosa, competente y justa.

Proyecto de Legislación para Personas de la Tercera Edad

Llamado a todas las lesbianas boomers (personas nacidas entre 1946 y 1964): ¡Únase al Proyecto de Legislación de Personas de Tercera Edad del NCLR (Centro Nacional de Derechos Lésbicos) para luchar contra la privatización del Seguro Social! Hechos: Las mujeres mayores de 75 años de edad evidencian el nivel más alto de pobreza que cualquier otro grupo en los Estados Unidos; el promedio mensual de beneficios para las mujeres es de \$775 (comparado a los \$1,080 que ostentan los hombres); recibir los beneficios del Seguro Social es un requisito previo para recibir el Medicare – la fuente principal de seguro de salud para personas mayores de 65 años de edad. Debemos luchar y levantar nuestras voces ahora mismo para preservar la red de seguridad social que ha existido desde el New Deal (programas culturales establecidos por la presidencia de Franklin Delano Roosevelt). Debemos revelar y aclarar el mito de que el Seguro Social esta en bancarrota. NCLR esta colaborando con el National Committee to Preserve Social Security (Comité Nacional para la Preservación del Seguro Social) y el grupo LGBT de la American Society on Aging (Sociedad Estadounidense sobre el Envejecimiento), el National Gay and Lesbian Task Force (Coalición Nacional Lésbica/Gay), el Senior Action in a Gay Environment (Personas de la Tercera Edad Activas en un Medio Ambiente Gay) y muchas otras organizaciones para informar y movilizar a nuestra comunidad. Estamos organizándonos para enviar a un representante LGBT a la Conferencia sobre el Envejecimiento de la Casa Blanca que tomara lugar este otoño. Este tema tendrá alta prioridad en esta conferencia. Por favor revise las páginas del Proyecto de Legalización de Personas de Edad Avanzada en la página web de NCLR (<http://www.nclrights.org/projects/elderlaw.htm>) donde podrá obtener materiales educativos y enlaces de otras organizaciones.

On the Docket

The National Center for Lesbian Rights works to achieve equality for lesbian, gay, bisexual, and transgender people in courts across the nation. Our advice and counseling service—providing free assistance to callers from across the country and technical assistance to attorneys—is a key component of NCLR’s litigation program. In addition to litigating impact cases through direct representation and amicus (friend of the court) briefs, NCLR joins in briefs on issues of importance to lesbians that are authored by other organizations, and serves as co-counsel with firms at both the trial and appellate levels. Attorneys interested in providing pro bono assistance may contact NCLR Executive Director, Kate Kendell, Esq.

MARRIAGE & RELATIONSHIP RECOGNITION

Woo v. Lockyer California Superior Court Case filed March 12, 2004 VICTORY!

On March 14, 2005, San Francisco Superior Court Judge Richard Kramer issued a favorable ruling in NCLR’s marriage equality case on behalf of Equality California, Our Family Coalition and 12 same-sex couples. Judge Kramer ruled that excluding same-sex couples from marriage unconstitutionally discriminates on the basis of gender, in violation of the equal protection clause of the California Constitution, and also unconstitutionally deprives lesbians and gay men of the fundamental right to marry. NCLR is lead counsel in the case. Our co-counsel are Lambda Legal; the ACLU; Stephen V. Bomse, Richard DeNatale, Chris Stoll, and Ryan Tacorda of Heller Ehrman White & McAuliffe LLP; David C. Codell of the Law Office of David C. Codell; and Clyde J. Wadsworth and Dena L. Narbaitz of Steefel, Levitt & Weiss. NCLR Legal Director Shannon Minter presented oral arguments to Judge Kramer on December 22 and 23, 2005. San Francisco City Attorney Dennis Herrera is also challenging California’s discriminatory marriage laws, in a case that has been consolidated with *Woo v. Lockyer*.

Higgs v. Kolhage Florida

NCLR is representing six same-sex couples and Equality Florida, a statewide LGBT education and advocacy organization, in a lawsuit seeking marriage equality for same-sex couples in Florida. All six couples were turned away by the Clerk of the Court’s office when they tried to apply for a marriage license. Local attorney Alan Eckstein is co-counsel in the suit.

Knight v. Davis Thomasson v. Davis California VICTORY! – Appeal pending

Shortly after AB 205—the California Domestic Partner Rights and Responsibilities Act of 2003—was signed by former Governor Davis, two extremist rightwing groups (the Proposition 22 Legal Defense and Education Fund and the Campaign for California Families) filed lawsuits seeking to prevent the law from going into effect. The rightwing groups claimed that AB 205 violates Proposition 22, a law that prevents California from honoring the marriages of same-sex couples from other jurisdictions. NCLR is helping to defend AB 205 on behalf of 12 same-sex couples and Equality California. Our co-counsel are David C. Codell of the Law Office of David C. Codell, the ACLU, and Lambda Legal. This case is currently before the California Court of Appeal. Oral argument is set for March 2005.

ELDER

Sheila Ortiz-Taylor and Joy Lewis v. Westminster Oaks Retirement Community Florida VICTORY! Settlement reached

NCLR clients Sheila Ortiz-Taylor and Joy Lewis reached a confidential settlement with Presbyterian Retirement Communities, Inc., a national chain of retirement communities. Joy and Sheila filed a lawsuit alleging that Westminster Oaks, the Presbyterian retirement community, discriminated against them based on their sexual orientation. Following the settlement, Joy and Sheila said that they were looking forward to being part of the Westminster Oaks community and were pleased that PRC has made clear that all qualified applicants have equal access to its facilities.



Joy Lewis and Sheila Ortiz-Taylor

PARENTING

Adoption.com California New case

Adoption.com, the largest adoption-related Internet business in the United States, refused to accept an application from Rich and Michael Butler, a same-sex couple who have been together eight years and who sought to post their profiles on one of Adoption.com’s websites. A company spokesperson told the Butlers that Adoption.com does not allow gay and lesbian couples to use their services.

Represented by NCLR and the law firm of Orrick, Herrington & Sutcliffe LLP, the Butlers filed a lawsuit challenging this discriminatory policy under California law, which prohibits businesses from discriminating on the basis of sexual orientation.

Elisa B. v. Superior Court California Appeal pending

Elisa and Emily were in a committed relationship for more than six years. In 1998, they had twins, using an anonymous sperm donor. One of the twins has Down’s syndrome and requires round-the-clock medical care. After the children were born, Emily stayed home and cared for them, and Elisa was the primary wage earner.

When Elisa and Emily separated, Elisa eventually cut off all financial assistance and contact with the twins, and Emily was forced to apply for public assistance. The County of El Dorado filed a child support action against Elisa, and a trial court found that Elisa is a legal parent and must pay child support.

NCLR now represents Emily before the California Supreme Court. Attorney General Bill Lockyer and the County of El Dorado are asking the court to hold that same-sex couples who have children together are both legal parents.

Angela G. California Appeal pending

Angela G. and Dindi W., a lesbian couple, had a child together in 1998. After the couple separated in 2000, Angela continued to have regular visitation and to provide child support. In 2003, after Dindi arbitrarily cut off all contact between Angela and the child, Angela filed for custody. The trial court denied Angela’s petition, holding that a lesbian co-parent does not have standing to request custody or visitation with a child that she jointly brought into the world and co-parented. NCLR is representing Angela in appealing that decision to the California Court of Appeal.

In re Parentage of L.B. Washington Appeal pending

Sue Ellen Carvin and her former partner, Page Britain, were in a committed relationship for 12 years. They had a child together in 1995 and raised her together for six years until they separated in 2001. Carvin was the child’s primary caretaker. After their separation, Britain cut off all contact between Carvin and the child. When repeated efforts to work out a voluntary settlement failed, Carvin brought a lawsuit to protect her relationship with the child. This case is currently before the Washington Supreme Court. Carvin is represented by the Northwest Women’s Law Center. NCLR and Lambda filed a friend-of-the-court brief, with the assistance of Seattle attorney Jamie D. Pedersen of Preston Gates & Ellis LLP.

Burch West Virginia Appeal pending

Tina Burch and Christine D. Smarr, a lesbian couple, lived together for many years and had two children together. When Christine died, Christine’s parents tried to obtain custody of one of the children, over Tina’s strong objection. The trial court rejected the grandparents’ attempt, but an appellate court reversed, holding that Tina had no right to custody, even though she has parented the child his entire life. NCLR and Lambda Legal filed an *amicus* brief in the case. Tina is represented by James Wilson Douglas of Sutton, West Virginia.

McGriff v. McGriff Idaho Partial victory

NCLR represented Theron McGriff, a gay father in Idaho who lost joint legal and physical custody of his two children because of his sexual orientation. Theron and his ex-wife shared custody of their children until Theron became involved with a male partner, at which point an Idaho trial court granted the mother’s request to give her sole custody. The trial court also held that Theron could not even visit with his children unless he and his partner lived in separate homes. The Idaho

Supreme Court, in its first decision involving a lesbian or gay parent, held that Idaho courts may not base child custody decisions on a parent’s sexual orientation but refused to overturn the trial court decision, stating that it could have been based on other factors. The court has allowed the children in this case to suffer by being deprived of contact with a loving and devoted father.

Lisa W. v. Carolyn W. Georgia Appeal pending

Lisa W. and Carolyn K. W. were in a committed relationship for eight years. In 1995, they had a child together using alternative insemination. After Lisa and Carolyn separated in 2002, Lisa visited the child on a regular basis. In 2003, however, Lisa was forced to file a lawsuit after Carolyn refused to permit Lisa to have any further contact with their child. NCLR and Lambda Legal filed an *amicus* brief arguing that Lisa must be permitted to preserve her relationship with the child.

Wood v. Wood Florida/Colorado VICTORY!

NCLR represents Hannah Wood in a Florida child custody case against her former partner, Courtney Wood. Hannah and Courtney had a child together using alternative insemination. After the couple separated, a Colorado court granted Hannah visitation with the couple’s daughter. Courtney fled the state with their daughter and filed an action in Florida, seeking a ruling that Hannah has no parental rights. Represented by NCLR attorney Karen Doering, Hannah successfully argued that Colorado, not Florida, had jurisdiction over the case. NCLR cooperating attorney Kyle Velte is representing Hannah in the Colorado action.

Hedberg v. Detthow Maryland Appeal pending

NCLR, Lambda, and Maryland attorney Susan Silber of Silber & Perlman represent Ulf Hedberg, a gay father in Maryland who is challenging a custody order, issued several years ago in Virginia, that prohibits him from living with his life partner, Blaise

Delahoussaye. The Virginia order was based on Virginia's sodomy law, which was struck down, along with 12 others nationwide, in a U.S. Supreme Court ruling in 2003. The case is currently before the Maryland Court of Special Appeals.



Ulf Hedberg

Jones v. Barlow

Utah
VICTORY!—Appeal pending

Keri Jones and Cheryl Barlow had a child together in Utah using alternative insemination. After they separated, Cheryl tried to prevent Keri from having any contact with their child. In December 2004, a Utah trial court granted Keri visitation. Cheryl has appealed this decision to the Utah Supreme Court and is being represented by an anti-gay legal organization. NCLR is representing Keri on appeal with the assistance of local counsel Lauren R. Barrows, of Lauren R. Barrows, P.C. Ms. Barrows also represented Keri at trial.

YOUTH

re: Austin W.

Illinois
VICTORY!

The Illinois Supreme Court reversed a trial



The Fontaine and Johnson family (left to right: Jarod, Austin, Rosemary Fontaine, Tammy Johnson, Owen)

court decision that had removed Austin, a young foster child, from his longtime lesbian foster parents, Rosemary Fontaine and her partner. The trial court removed Austin from Rosemary's home and awarded custody to his grandparents, even though the Department of Child and Family Services previously had found that the grandparents had physically abused him, fracturing his skull and his leg. With the assistance of Chicago attorney Richard A. Wilson, NCLR and Legal Services for Children filed an *amicus* brief arguing that the trial court could not disregard the prior finding of abuse. Rosemary Fontaine was represented by Michael Brody of Winston & Strawn LLP. Lambda Legal also provided assistance to Rosemary and filed an *amicus* brief.

Ramirez v. Los Angeles Unified School District

California
New case

On October 28, 2004, NCLR and the ACLU of Southern California filed suit against the Los Angeles Unified School District and Washington Preparatory High School for discriminating against students based on their sexual orientation. The students allege that administrators, teachers, and staff repeatedly called students derogatory anti-gay names and made anti-gay comments, threatened to out students to their families, and failed to protect students from anti-gay assaults. NCLR and the ACLU of Southern California are being assisted by the law firm of Milbank, Tweed, Hadley & McCloy LLP.

Kelli Davis v. Fleming High School

New case
Florida

NCLR represents Kelli Davis, a senior at Fleming High School, who was denied the opportunity to have her picture appear in her senior yearbook. NCLR successfully resolved a similar case on behalf of Nicki Youngblood last year. At her senior portrait sitting, the school materials indicated Kelli could choose between a tuxedo and a frilly, scoop-neck drape. Unlike the Youngblood case, the Fleming High school materials did

not specify that the clothing options were gender specific. When the principal learned that a female student had chosen to wear the tuxedo, he ordered the yearbook editor to pull her photo from the senior yearbook. The school superintendent agreed, and the school board refused to intervene. When the student editor of the yearbook refused to pull Kelli's portrait, she was fired as editor and kicked out of her journalism class. NCLR is investigating the case and will initiate appropriate legal action shortly.

Lake Weir High School

Florida
New case

NCLR and the ACLU of Florida represent several students seeking to start a Gay Straight Alliance (GSA) club at Lake Weir High School in Marion County, Florida. Although Lake Weir has many non-curricular student clubs, the school refused to allow a GSA club to meet. NCLR and the ACLU are assisting the students in challenging this blatantly unlawful discrimination.

Youngblood v. School Board of Hillsborough County et al

Florida
VICTORY!—Settlement reached

NCLR represented Robinson High School Senior Nikki Youngblood in a federal lawsuit against a Florida school district for requiring all female students to wear a revealing, scoop-neck drape for their senior portraits, while allowing male students to wear a jacket and tie. Despite repeated requests from Nikki and her mother to exempt Nikki from wearing the drape because she did not feel comfortable wearing stereotypically feminine attire, school officials would not let Nikki be in the yearbook unless she wore a drape. NCLR filed suit in federal court on Nikki's behalf, alleging violations of state and federal constitutional provisions and sex discrimination laws. While the case was pending before the Eleventh Circuit Court of Appeals, the school board agreed to modify its dress code policies to allow for exemptions from any sex-differentiated dress codes.

IMMIGRATION/ASYLUM

Asylum case

California
New case, trial court decision pending

In September 2003, a young woman left Nicaragua and fled to the United States after being physically attacked by her former boyfriend, who became violent and abusive because of her desire for independence and because he knew she was a lesbian. She was picked up by INS shortly after crossing the United States border. After she was detained, her friend connected her with the Lawyers Committee for Civil Rights, an organization that locates attorneys to represent individuals on political asylum cases pro bono. NCLR partnered with local attorney Betsy Allen and filed an asylum application on her behalf based on gender and sexual orientation. She is awaiting a hearing on her claim.

SPORTS

Koebke v. Bernardo Heights Country Club

California
Appeal pending

B. Birgit Koebke and Kendall E. French, a lesbian couple who have been domestic partners for 12 years, sued the Bernardo Heights Country Club for refusing to provide them with the same membership benefits given to different-sex couples and for allowing other members to harass and insult them because of their sexual orientation. Lambda Legal is representing Koebke and French on appeal to the California Supreme Court. NCLR, the Women's Sports Foundation, and the California Women's Law Center filed an *amicus* brief that discusses the history of discrimination against women by private golf

For the complete docket, see
www.NCLRights.org

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clubs and the ways that discrimination excludes women from important political, professional, and business connections.

EMPLOYMENT

Coyne v. Bel-Aire Investments, Inc. and Donald F. Winter, Sr.

Florida
New case

NCLR and cooperating attorneys Kendra Presswood and Margaret Laney represent Peter Coyne in a sexual harassment suit against his former employer. Peter alleges that Don Winter, the president and owner of Bel-Aire investments, began groping and touching Peter in a sexually offensive way shortly after he began working there. Throughout Peter's 14 months of employment, Winter bullied, manipulated, and denigrated Peter and subjected him to continued sexual harassment, including threatening to fire Peter if he refused Winter's sexual demands. When Peter finally did refuse any further sexual contact, he was constructively discharged and then harassed and stalked by Winter. Peter is seeking damages to compensate him for the lost wages and severe mental anguish and emotional distress he suffered as a result of Winter's unrelenting harassment.

TRANSGENDER

McGrath v. Toys 'R' Us

New York
VICTORY!

The plaintiffs in the case are three transgender women who were harassed and excluded while shopping at a Brooklyn Toys 'R' Us store in December of 2000. Represented by Thomas Shanahan of the law firm Shanahan & Associates, the plaintiffs sued under the New York City Human Rights law, a civil rights statute that prohibits discrimination in public accommodations. After a jury found that Toys 'R' Us had violated the plaintiffs' rights, lawyers for the three women were awarded \$193,551 by a federal district court judge. On appeal, New York's highest court affirmed the attorney fee award, holding that the case

had served an important public purpose by clarifying that transgender people are protected from discrimination under New York City law. NCLR filed an *amicus* brief in this case, coauthored by Craig Gurian of the Anti-Discrimination Center of Metro New York.

Kantaras v. Kantaras

Florida
On remand

On July 23, 2004, a Florida appeals court reversed an 800+ page trial court ruling which, after a careful review of the extensive medical evidence presented at trial, held that Michael Kantaras, a transgender man, is both medically and legally male, that his marriage to Linda Kantaras was valid, and that he is the legal father of the couple's two children, now ages 15 and 12. The trial in this case was televised on Court TV, and the trial court decision received nationwide acclaim for its thoughtfulness and humanity. NCLR staff attorney Karen Doering and NCLR Legal Director Shannon Minter argued the case, along with local counsel Collin Vause. Although the Florida Court of Appeal reversed the trial court's ruling on the validity of the marriage, it refused to strip Michael of his parental rights, sending the case back to the trial court to determine the legal status of the couple's two children.

In re Marriage of Simmons

Illinois
Appeal pending

NCLR is assisting Sterling Simmons, a transgender father in Chicago. Sterling has lived his entire adult life as a male and has undergone medical treatment for sex-reassignment. He also had his birth certificate changed to reflect his male gender. Sterling married in 1985. He and his wife had a child together in 1992 through alternative insemination. When Sterling filed for divorce in 1998, his wife counter-petitioned to have their marriage declared void and to terminate Sterling's parental rights. All three therapists who evaluated the family for the court found the mother to be unstable and recommended that Sterling be given custody. Despite these recommendations, the trial court gave custody to Sterling's ex-wife and held that Sterling is not a legal parent, solely because he is transgender. Sterling is seeking review by the Illinois Supreme Court.