COLUMBIA LAW SCHOOL SEXUALITY AND GENDER LAW CLINIC
SIXTH-YEAR REPORT

The Columbia Law School Sexuality and Gender Law Clinic is pleased to present this Annual Report to share the Clinic's philosophy and educational goals and to highlight the Clinic's wide range of local, national and global contributions during the past academic year.

Executive Summary:

During the Clinic's sixth year, students once again dedicated thousands of hours of top-level work on behalf of clients and project partners in the widest variety yet of sexuality and gender legal issues. As the Clinic has now done for many years, students filed high-level amicus briefs, drafted and helped pass legislation, represented an individual asylum seeker, and much more. Through these experiences, Clinic students sharpen their skills as advocates, making the most of all available resources to challenge discrimination and violence targeted at women and gay, lesbian, bisexual, and transgender individuals and people with HIV/AIDS.

With six years of experience, the Clinic's reputation for excellence continues both in the U.S. and abroad. Requests come from around the country and the world for our students to work on projects and develop resources, and the students have consistently impressed our project partners and clients with the quality and quantity of that work. Although students are forewarned that the Clinic demands a significant commitment of time and effort, spots in the Clinic continue to be in high demand, with many more applicants than can be admitted for the eight slots that were offered this past year. Notably, too, Clinic students from the previous year remained active participants in our work and that continuing group both produced their own substantial work and acted as mentors for the new Clinic students. In one other exciting development this year, Rose Saxe, senior staff attorney for the ACLU’s LGBT & AIDS Project, joined the Clinic as a lecturer in law. It is no exaggeration to say that students were thrilled to have the chance to learn with one of the foremost lawyers in the LGBT legal advocacy world.

As another productive academic year comes to a close, we are already looking forward to new and continuing projects in the 2012-13 academic year.
The Report in Full

The Clinic’s mission:

The Sexuality and Gender Law Clinic is an intensive learning and working environment that offers students a unique opportunity to hone lawyering and advocacy skills while working directly on cutting edge sexuality and gender law issues. The Clinic provides vital assistance to lawyers and organizations throughout the country and the world that advocate for the equality and safety of women and lesbians, gay men, bisexuals, and transgender individuals.

The Clinic emphasizes multidimensional lawyering - a practice of being strategic, smart and creative in identifying and deploying resources to advocate for social change. Our projects encompass all forms of advocacy, including litigation, public policy development, legislative drafting, training, organizing, public education, and media outreach.

The Clinic’s emphasis on reflective, theoretical inquiry complements this practical strategic training. Students in the Clinic have the important experience of reflecting on the role of the social change lawyer and on specific issues in the area of sexuality and gender law at the same time as they are in the midst of actually participating in the process of lawyering for social change.

The Clinic’s projects during the 2011-12 academic year:

The Clinic has made tremendous contributions in the field of sexuality and gender law during its sixth year at Columbia Law School. The sampling here helps illustrate the important role the Clinic plays as a resource for organizations around the country working to secure the rights of women and lesbians, gay men, bisexuals, and transgender (LGBT) individuals.

- Domestic Labor Trafficking: At the request of a lawyer who had read the Clinic’s earlier report on trafficking - Sent Away: The Trafficking of Young Girls and Women within the Family Unit, the Clinic filed a major amicus curiae brief with the federal court of appeals for the Second Circuit in the case of Velez v. Sanchez. The brief highlights the serious problem of family members trafficking young relatives into domestic labor, often as barely-paid servants in relatives’ homes, and argues that the practice violates both international and U.S. law.

- International Family Law: The Clinic filed a brief amicus curiae in the first-ever sexual-orientation discrimination case to go before the Inter-American
Court of Human Rights. The Clinic’s brief, filed on behalf of 60 global experts in sexual orientation, gender, and family law, argued that that the Chilean Supreme Court violated the American Convention on Human Rights when it ordered Karen Atala, a lesbian mother, to relinquish custody of her three children because of her sexual orientation. Happily, the Court agreed, and in March 2012, issued a decision holding that the Chilean high court’s decision violated the American Convention on Human Rights.

- **Domestic Partnership:** The Clinic played an instrumental role in drafting and analyzing two domestic partner benefit ordinances this past year. Local governments in Broward County and the City of Key West now require all companies doing business with them to offer employees with domestic partners benefits the same benefits that the companies provide to employees with spouses. As Clinic student Hillary Schneller ’12 explained, “The goal of an equal benefits ordinance is to ensure equal pay for equal work.”

- **Marriage:** Clinic students did extensive research and drafting regarding the risk of a broad faith-based exemption to a marriage law being considered by a state legislature. After that legislation passed, without the exemption, the students have continued work on the issue and plan to publicize their analysis through an article that is currently in progress.

- **Immigration and Asylum:** The Clinic prepared an extensive asylum application and advocated at an asylum interview for a lesbian who fled Peru after being persecuted because of her sexual orientation. Peru is a particularly dangerous country for lesbians and gay men, who are regularly endangered in their communities and then denied protection by the police.

  In exciting news that arrived after last year’s annual report, the Department of Homeland Security granted the Clinic’s asylum application on behalf of a gay man from Mauritania, who fled his home country after being targeted – including on “wanted” posters – because he is gay. In previous years, the Clinic has also won asylum for clients from Brazil, Jamaica, the Ivory Coast, Mexico, Turkmenistan, and Uzbekistan.

- **Medicare Discrimination:** The Clinic worked closely with the ACLU’s LGBT and AIDS project to challenge discrimination by Medicare against individuals in same-sex partnerships. In this case, Medicare told a 65-year old woman that she could not defer paying premiums for Medicare Part B even though she has health coverage from her registered domestic partner’s employer and Medicare allows 65-year olds with coverage from their spouses’ employer to defer the premium payments. Adding insult to injury, Medicare then calculated her premium based in part on her domestic partner’s income. Clinic students did extensive research and analysis to develop the case and have been active participants in drafting submissions for the ACLU’s client.
• Intersex Advocacy: Together with Advocates for Informed Choice, an intersex advocacy organization, the Clinic is developing a lawsuit on behalf of a young child who underwent unnecessary, damaging sex “assignment” surgery by state surgeons while she was a toddler in foster care. In addition to developing the litigation, the Clinic is also developing publications to inform parents of their rights in decision-making regarding surgery for intersex children.

• Youth: In partnership with the ACLU’s LGBT and AIDS project, the Clinic worked on a wide range of projects to protect young people subjected to censorship, harassment, and biased sex education in schools throughout the United States. In one of these projects, the Clinic prepared extensive research and analysis to support the ACLU’s challenge to a Camdenton, Missouri public school’s web filter that allowed students to access antigay material but barred gay-positive material from view. After a federal district court judge ordered the school district not to block pro-gay websites, the case settled.

• Elderlaw: At the request of Equality Florida, a statewide advocacy organization, the Clinic prepared an extensive analysis of legal protections available for LGBT seniors and an array of suggestions for policy change to provide greater protection. Equality Florida’s executive director was so impressed with the Clinic’s work that she included the Clinic in Equality Florida’s contingent at the first-ever White House Conference on LGBT Aging in Miami, Florida in May 2012.

• Criminal Law: The Clinic’s work challenging the New York City Police Department’s treatment of condoms as evidence of prostitution remains ongoing. This work stems from complaints made during the past several years by gay, lesbian, and transgender young people of color. These youth report that they are being targeted for prostitution arrests because of their race and sexual orientation or gender identity, and that, when arrested, any condoms in their possession are treated as evidence of prostitution. Their experiences are particularly troubling, given the need for condom use to prevent the spread of HIV, and ironic, given that New York City itself distributes condoms with the City’s logo to support public health efforts to stop HIV transmission. Since last year, the Clinic has worked on this and related issues with colleagues at the Sex Workers Project, the Anti-Violence Project, and Lambda Legal. This year, the Clinic’s work drew additional attention from the highest levels of the Manhattan District Attorney’s Office and the Clinic remains involved in advocacy efforts to bring about change.
The Clinic’s Students:

The Clinic has had the benefit of eleven outstanding 2L, 3L and LLM students during this academic year, with several of those students already committed to carrying on their work in the next academic year. All told, the students will have put in well over 2500 hours of Clinic work by the end of the Spring 2012 semester.

The Clinic’s Faculty:

Professor Suzanne B. Goldberg directs the Clinic. Prior to joining the Columbia faculty (where she also teaches civil procedure), Professor Goldberg directed the Women’s Rights Litigation Clinic at Rutgers-Newark Law School. Through the 1990s, Professor Goldberg was a leading lawyer with Lambda Legal, a national organization devoted to challenging discrimination based on sexual orientation and HIV. While at Lambda, Professor Goldberg served as counsel in many cases, including two that eventually became cornerstone gay rights victories before the U.S. Supreme Court – Lawrence v. Texas, which invalidated Texas’s sodomy law, and Romer v. Evans, which struck down an anti-gay Colorado constitutional amendment.

Professor Goldberg was named the recipient of the Columbia University Willis L.M. Reese Prize for Excellence in Teaching in 2009 and the Columbia Law School Public Interest Faculty Member of the Year in 2008. Goldberg also received the Community Vision Award from the LeGal, the Lesbian, Gay, Bisexual and Transgender Law Association of Greater New York in 2011 and the M. Ashley Dickerson Diversity Award from the National Association of Women Lawyers in 2008. Her scholarship has also won several awards, including two Dukeminier Awards from the Williams Institute at the UCLA Law School for the best sexual orientation law review articles in recent years. Professor Goldberg graduated with honors from Brown University and Harvard Law School, and clerked for Justice Marie Garibaldi of the New Jersey Supreme Court.

Rose Saxe, Senior Staff Attorney with the ACLU’s LGBT & AIDS Project, joined the Clinic’s faculty this year as a Lecturer in Law after having worked closely with Clinic students for the past several years. At the ACLU, Ms. Saxe’s work focuses on ensuring equal treatment of lesbians, gay men, bisexuals and transgender people, and people living with HIV. Issues she works on include: employment and public accommodation discrimination and the denial of emergency medical care based on perceived HIV status and sexual orientation, family law issues, and the intersection of civil rights for LGBT people and religious freedom and expression. She has also worked extensively on HIV policy at the state and federal levels. Previously, Rose worked for Rosen Preminger & Bloom LLP in New York, where she specialized in plaintiffs’ employee benefits law. Rose clerked for Judge Sonia Sotomayor of the Second Circuit and Judge Janet Bond Arterton of the U.S. District Court for the District of Connecticut. Rose received her B.A. from Georgetown University and her J.D. from Yale Law School.