May 2007

First Year Report of the Columbia Law School Sexuality and Gender Law Clinic

The Columbia Law School Sexuality and Gender Law Clinic is pleased to present this first year report to share the Clinic’s philosophy and educational goals and to highlight the wide range of local, national and global contributions we have made since the Clinic’s founding in September 2006.

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, which is the 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:

Since starting up in September 2006, the Clinic has been overflowing with interesting projects. Here’s a sampling:

• Marriage Equality: The Clinic contributed to an amicus brief to the Connecticut Supreme Court and is in the midst of drafting an amicus brief for the California Supreme Court on the issue of marriage rights for same-sex couples. Our partner organizations in these projects are Gay and Lesbian Advocates and Defenders and the National Center for Lesbian Rights. In addition, the Clinic has worked closely with the ACLU Lesbian, Gay, Bisexual, Transgender Rights Project, and advocates in Kansas to support the enactment of domestic partnership registries and limit the reach of a Kansas constitutional amendment banning marriage by same-sex couples. The Clinic also provided urgent research for the ACLU on the
history of the Maryland Equal Rights Amendment to support marriage equality litigation before the Maryland Supreme Court.

- **Violence Against Women And Girls**: The Clinic has been working on several projects in this area. We helped develop a brief with the *Global Justice Center* to advocate vigorous prosecution of rape as a war crime. The brief will be filed with the Iraqi Tribunal. In addition, we are working with *UNICEF* on the launch of a new initiative to raise the profile of violence against young women and girls and on the development of a UNICEF report on these issues. The first phase of this project, a large event during the March 2007 meetings of the Commission on the Status of Women, was a great success. We are also working with *Equality Now*, a women’s human rights organization, to develop a legal manual to support enforcement of the newly adopted African Protocols that provide specific protection against gender-based violence.

- **Reparative Therapy**: The Clinic prepared an extensive research memo for *Lambda Legal* identifying and analyzing legal theories for challenging the use of so-called reparative therapy, which aims to re-orient gay people toward heterosexuality. Our work also included the drafting of proposed legislation to limit the use of reparative therapy as well as initial development of a public education and advocacy strategy on the issue.

- **Attorneys General Advocacy**: The Clinic is working with *The National State Attorneys General Program* at Columbia Law School to develop strategies and a database to educate and assist advocacy organizations in working with state attorneys general on LGBT issues. This will be the first project ever to collect and analyze, on a national level, the opinions and advocacy of attorneys general regarding LGBT rights.

- **HIV Immigration Ban**: The Clinic is currently working on a legislative drafting project to limit the harmful effects of the U.S. immigration law’s ban on entry by people living with HIV. Our partner in this project is *Immigration Equality*, a national organization that advocates for immigration rights for LGBT and HIV-positive people.

- **Sexual Orientation-Based Asylum**: The Clinic prepared a successful asylum application for a lesbian who fled persecution in Turkmenistan and sought asylum in the United States based on a well-founded fear that she would be forced into marriage and persecuted for her sexual orientation and political opinions. We believe this is the first-ever asylum grant to a lesbian from Turkmenistan. In addition to winning our client’s case, we are leveraging our work by sharing our extensive documentation of conditions for lesbians and gay men in Turkmenistan with LGBT human rights organizations around the world. We continue to work on this project with Immigration Equality. We work with Immigration Equality, as well, on outreach to LGBT/HIV-positive individuals who have been detained.
for immigration violations.

• **Domestic partnership law and policy database:** The Clinic is developing the first fully comprehensive database of local and statewide laws and policies that recognize the relationships of same-sex couples. The database, which is being prepared for the ACLU LGBT rights project, will be invaluable as an advocacy tool for advocates around the country.

• **Organizational planning:** The Clinic is working with COLAGE, *Children of Lesbians and Gays Everywhere*, an advocacy and educational organization founded by children with LGBT parents, on legal issues related to the organization’s structure.

• **Violence and discrimination against transgender individuals:** The Clinic has had several projects in this area. We have worked directly with a transgender woman who was assaulted at a New York City fast food restaurant to prepare her complaint to the New York City Human Rights Commission. On this project, we partnered with the *Sylvia Rivera Law Project*, a New York-based transgender rights organization. This project has led the Clinic to develop a legal manual focused directly on assisting transgender individuals with filing complaints in the *New York City Human Rights Commission*. Our plan is to use this manual as a prototype for developing similar publications across the country.

• **Federal Identification Requirements and Their Consequences for Transgender People:** We are working on a litigation strategy memo for Lambda Legal to respond to numerous problems caused by increased focus on employee identification that has exposed disparities in the sex-identification records of transgender employees.

**The Clinic’s Students:**

The Clinic has had the benefit of eleven extraordinary 2L and 3L students in its first year. Five students joined the Clinic in the Fall semester. Three of those continued into the spring, together with six new students. All told, the students will have put in more than 4000 hours of Clinic work by the end of the Spring 2007 semester.

**The Clinic’s Faculty:**

Professor Suzanne 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. Throughout 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 US Supreme Court – *Lawrence v. Texas*, which invalidated Texas’ sodomy law, and *Romer v. Evans*, which struck down an anti-gay Colorado constitutional amendment.