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 seventh 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 seven 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 remain active participants in our work and that continuing group both produced their own substantial work and acted as mentors for the new Clinic students. Rose Saxe, senior staff attorney for the ACLU’s LGBT & AIDS Project and one of the foremost lawyers in the LGBT advocacy world, also continued her work with the Clinic as a lecturer in law.

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 2012-13 academic year:

The Clinic has made tremendous contributions in the field of sexuality and gender law during its seventh 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.

**Sexual Assault in the US Military:** Working with the ACLU’s Women’s Rights Project, the Clinic prepared an in-depth analysis of the law, policies, and practices governing sexual assault within the US military. The team conducted extensive research and prepared a series of analytic memoranda and other documents addressing proposed legislation and hearings on the range of issues that are the focus of Congressional attention in this area.

**Marriage:** The Clinic filed two amicus briefs in the marriage cases in the U.S. Supreme Court. In the *Hollingsworth v. Perry* challenge to California’s Proposition 8, which denied marriage rights to same-sex couples in that state, the Clinic’s brief (with Professor Henry Monaghan of counsel) argued that the sponsors of Proposition 8 lacked standing to bring their case to the US Supreme Court. In *United States v. Windsor*, the challenge to the federal Defense of Marriage Act (DOMA), Professor Goldberg co-authored a brief (with Professor Nan Hunter of Georgetown Law School) on behalf of equality scholars that set out a context-sensitive framework for evaluating constitutional equal protection claims.
Immigration and Asylum: The Clinic prepared an extensive asylum application and advocated at an asylum interview for a gay man who fled Honduras after being persecuted and having his life threatened because of his sexual orientation. Our client’s application was granted in May! Lesbians and gay men face serious dangers throughout Honduras and, as our client experienced, are unable to obtain protection from the police. In previous years, the Clinic has won asylum cases for clients from Brazil, Jamaica, the Ivory Coast, Mauritania, Mexico, Peru, Turkmenistan, and Uzbekistan.

The Clinic also assisted with an expedited *amicus curiae* brief to the U.S. Court of Appeals for the Second Circuit in *Souratgar v. Fair*, a case involving a Malaysian woman who fled Singapore with her four-year-old child after surviving years of severe domestic violence perpetrated by her Iranian husband. The *amicus* brief focused on one among many methods of abuse employed by perpetrators of domestic violence to maintain power and control over domestic violence victims: the manipulation and exploitation of immigration and citizenship status.

Youth/Schools: In partnership with the ACLU’s LGBT and HIV/AIDS project, the Clinic worked on a several projects to protect young people subjected to censorship and harassment in schools throughout the United States. One of these cases involved a challenge to a Utah school district that restricted access to a children’s book in the school library about a family with two moms. The school took the position that having the book in the library violates the state’s sex-education law, which prohibits instructional materials containing “advocacy of homosexuality.” Clinic students also worked directly with a young gay student who was developing strategies to address severe harassment in his middle school in the midwest.

In addition, the Clinic drafted an amicus brief addressing school anti-bullying policies, with the ACLU of Michigan, for a federal district court in *Glowacki v. Howell Public School District*. In the case, a student argued that the school district’s anti-bullying policy had violated his constitutional rights. Rejecting that claim, the court cited our brief and concluded that “well-crafted anti-bullying policies are constitutionally permissible when they focus on preventing either substantial disruption of school activities or interference with the rights of other students.”

Religion and antidiscrimination laws: At the request of the Society of American Law Teachers (SALT), the Clinic prepared a policy paper and analysis of the law governing whether and how religiously-affiliated law schools recognize LGBT student organizations. The Clinic also surveyed students at those law schools to identify the
scope of LGBT-related student organizing. The Clinic’s paper will be the basis for future SALT efforts to provide legal information and support to law students at these schools.

**Sex Trafficking:** Working with the New York Anti-Trafficking Network, the Clinic created a major report and analysis of sex offender registration and community notification legislation for prostitution and trafficking-related offenses in the United States. Using a human rights framework, the report also identified alternatives to registration and community notification that would have fewer harmful implications for those who have been victimized by sex traffickers.

**Intersex Advocacy:** Clinic students continued work with Advocates for Informed Choice, an intersex advocacy organization, on 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 continuing to work on publications to inform parents of their rights in decision-making regarding surgery for intersex children.

**International advocacy:** The Clinic issued an open letter objecting to the selection of Brazil’s Human Rights and Minorities Commission president. The Commission, as part of one of the highest legislative authorities in Brazil, has the power to safeguard human rights and ensure equal treatment of minorities in the country, yet the new president has regularly and publicly made antigay and racially biased declarations, according to Brazilian and international media. Legal clinics at Cornell and the University of Miami Law Schools also signed onto the Clinic’s letter.

**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 during the school year.

**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 was on the faculty of Rutgers School of Law-Newark, where she taught a range of courses and also directed the Women’s Rights Litigation Clinic. 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 status. 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 received the Columbia Law School Willis L.M. Reese Award for Excellence in Teaching in 2009 and the Columbia Law School Public Interest Faculty Member of the Year Award in 2008. Goldberg also received the Community Vision Award from 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 and the Association of American Law Schools Outstanding Scholarly Paper Award. 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.