

08/08/2011

Dan Ruben  
Executive Director  
Equal Justice America  
Building II, Suite 204,  
13540 East Boundary Road  
Midlothian, VA 23112

Dear Dan Ruben,

I am writing to thank you and Equal Justice America for your generous support of my summer fellowship with the Gay and Lesbian Advocates and Defenders (GLAD) in Boston, MA. I completed the ten week project between 9<sup>th</sup> May and 22<sup>nd</sup> July, 2011. My time with GLAD was an extremely valuable experience, and one which will be of great benefit to me as I move forward with a career in LGBT rights law.

A considerable amount of my fellowship time was spent working with Jennifer Levi and the Transgender Rights Project. Having previously interned with MassEquality during its continuing efforts to pass transgender non-discrimination protections in Massachusetts, this is an area of law for which I have a particular interest. GLAD has one of the most active and successful transgender and intersex rights dockets in the country, both in terms of advocacy and policy work. Most recently, it was a part of the coalition which successfully passed non-discrimination legislation in Connecticut. During my placement, I worked on two transgender projects, both in the area of family law. In the first, where GLAD was providing direct legal services, I researched the type of information transgender individuals can be compelled to disclose during family court proceedings. The case was significant because of the obvious threat of attempting to intimidate individuals, or their partners, by forcing them to reveal personal details about their life pre-transition. The second project allowed me to work on GLAD's forthcoming publication detailing the national application of family law rules to transgender and intersex persons. In particular, I looked at transgender marriage and the circumstances in which courts have annulled such unions because they believe them to be fraudulent, i.e. the transgender spouse is said to have misrepresented their gender to the issuer of the marriage licence. My work with the Transgender Rights Project was extremely interesting, and will be of great value as I continue to expand my knowledge of this growing area of the law.

GLAD is perhaps best known for its efforts to ensure marriage equality in the six states of New England. Since 2003, the organisation has played a key role, either by way of litigation or outreach, in securing same sex marriage laws in Massachusetts, Vermont, New Hampshire and Connecticut. With this success, GLAD has now turned its attention to the Defence against Marriage Act (DOMA), bringing two challenge cases in the federal courts and supporting efforts to pass a Respect for Marriage Act in the United States Senate. During my fellowship, I worked with attorney Janson Wu, researching constitutional precedents in the Second Circuit for GLAD's submissions to the District of Connecticut. I had the chance to meet and talk with many of the lawyers, both inside and outside GLAD, who are currently fighting for marriage equality. Of particular interest was the opportunity to attend the deposition of an historian expert witness whose evidence has previously been cited in the *Perry*<sup>1</sup> case, and whose testimony is now being used by GLAD in both of its DOMA challenges. My work with marriage equality advocates was a really beneficial part of my summer work. It gave me a bird's eye view into the process of impact litigation, and more particularly, how it has and is being employed to further LGBT equality.

June 5<sup>th</sup>, 2011 marked the thirtieth anniversary of the first published report of HIV/AIDS in the United States. The last two decades have seen increasing efforts to provide legal protection for

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<sup>1</sup> 704 F.Supp.2d 921 (N.D. Cal. 2010)

individuals living with the virus, both at the federal level, through laws such as the Americans with Disabilities Act (ADA), and in individual states by way of non-discrimination provisions. Bennett Klein, senior attorney at GLAD, is one of the country's preeminent HIV/AIDS advocates and argued the leading case of *Bragdon v Abbott*<sup>2</sup> before the United States Supreme Court. During my fellowship, I got to work extensively with Ben on a case to protect a local HIV, AIDS and HCV service provider from unequal treatment by a town selectmen council. I researched arguments under the state and federal constitutions, the ADA, the Fair Housing Act, as well as under the doctrine of government estoppel, and I drew up the draft arguments for a motion seeking a preliminary injunction in state court. Ben involved me and kept me informed throughout the discussions with the local council, and I provided assistance by researching judicial and legislative procedural questions as the case progressed. The work was perhaps the most interesting experience of my ten weeks with GLAD. There was a tangible group of clients who were the clear victims of a discrimination based on nothing more than the fact that they were living with a virus. The level of animus, and the lengths to which the council was willing to go, was not something that I could have previously appreciated by studying equality and human rights law. Indeed, working with Ben was such an eye opening experience because, prior to my time at GLAD, I had been relatively ignorant of HIV/AIDS law. As a young gay male aged between eighteen and thirty-five, I belong to a group which has seen a recent, worrying spike in the numbers of infections. HIV/AIDS, its prevention and protection for those who are living with the virus, remains a serious concern for my generation. Working with Ben has inspired me to educate myself further about the legal issues which surround this problem.

Completing my fellowship with GLAD this summer was an extremely important part of my academic and career development. It was the first time that I have worked with a specifically legally orientated LGBT rights organisation, and having concentrated my studies at Harvard on Law and Sexual Orientation, it was also the perfect practical compliment to the more theoretical class work. The support, supervision and feedback I received from all members of the GLAD staff, particularly the legal team was first class. As a result, I had the opportunity not only to increase my knowledge of LGBT issues but also to grow as an advocate, something that is not always easy in a ten week placement. One of the reasons I chose a fellowship with GLAD was the chance to remain in Boston and continue my work with the Massachusetts Transgender Legal Advocates (MTLA). In this respect, Janson Wu was extremely flexible and allowed me to alter my work hours where I needed to attend legal clinic or meet a client. During the summer, I worked on two cases for MTLA, one in the area of Immigration Law and the other a discrimination claim. None of this, either my work with GLAD or my continued involvement with MTLA, would have been possible without the support of Equal Justice America. Your grant allowed me to realise my fellowship goals, and I am extremely grateful for the academic and professional opportunities you have afforded me. As I begin a yearlong Kaufman Fellowship at the International Gay and Lesbian Human Rights Commission in New York, I have no doubt that I will soon be drawing upon the skills and knowledge I have acquired through my Equal Justice America Fellowship this summer.

Thank you so much once again.

Yours sincerely,

Peter Dunne  
Harvard Law School LL'M 11

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<sup>2</sup> 524 U.S. 624 (1998)



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Dear Dan Ruben,

I am writing with regard to Peter Dunne, Equal Justice America Summer Fellow 2011, who recently completed his internship with the Gay & Lesbian Advocates & Defenders (GLAD) in Boston, MA. I acted as Peter's supervisor for the duration of his placement with GLAD, and I am happy to provide you with this report of his fellowship.

GLAD is a New England-wide legal organization dedicated to ending discrimination based upon sexual orientation, gender identity and HIV status. Some of GLAD's key recent accomplishments include: successfully litigating cases for equal marriage rights for same-sex couples in Massachusetts and Connecticut, working successfully with state partners to pass marriage equality legislation in Vermont and New Hampshire, successfully litigating a case challenging the Internal Revenue Service's denial of a transgender woman's deduction of the costs of sex reassignment surgery as a medical deduction, and working successfully to pass anti-bullying protections for students in Massachusetts.

Peter worked with our organization throughout the summer months, from May 9 until July 24, 2011. During his time with GLAD, Peter completed projects and assignments across a wide variety of our organization's practice areas. Under my supervision, he completed research relating to GLAD's challenge to the Defense of Marriage Act (DOMA), which prohibits the federal government from recognizing marriages of same-sex couples. Peter also attended a number of legal meetings relating to the DOMA litigation and sat in on the deposition of one of our expert witnesses. He worked extensively with Jennifer Levi, Director of GLAD's Transgender Rights Project, assisting her on two family law related projects. The first assignment concerned an action in state court and the other concentrated on GLAD's forthcoming Transgender Family Law publication. For a number of weeks during his placement, Peter assisted senior GLAD attorney, Bennett Klein, on an equal protection action, defending the constitutional rights of a New England HIV/AIDS services provider. Having spoken with Peter, I know that he found this work particularly interesting and appreciated the opportunity to work with Bennett on the case. In addition, Peter was also exposed to a much wider spectrum of the work that GLAD undertakes. He attended a Massachusetts State House committee hearing with staff attorney, Ashley Dunn, and undertook training as part of our legal info-line program. Overall, Peter's fellowship offered him a strong insight into the varied work we undertake at GLAD, and I know he found the experience extremely valuable.

GLAD appreciates Equal Justice America's generous support for Peter's fellowship with us this summer. We understand how important your support was in allowing Peter to achieve his project goals. Should you have any further questions regarding Peter's work with GLAD, please do not hesitate to contact me at either [jwu@glad.org](mailto:jwu@glad.org) or 617.426.1350.

Yours sincerely,

  
Janson Wu