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 tenth anniversary 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, worked on legislation, developed policy advocacy strategies, 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 a decade 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 consistently impress 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 Clinic also had the benefit of an additional lecturer to help guide our work this semester – Marie-Amelie George, who is a former Sexuality and Gender Law Clinic student and now an Associate-in-Law at Columbia Law School for the 2015-16 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 2015-16 academic year:

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

**Family Law – Surrogacy:** In a major project for the lawyers and judges on the New York State Court Administration’s Matrimonial Practice Advisory and Rules Committee, the Clinic prepared a comprehensive review of surrogacy law throughout the United States and a sampling of related law from numerous countries worldwide. Its report identified and analyzed central arguments on both sides of the highly charged debate over whether and how states should regulate surrogacy arrangements. The resulting report, to be published on the Clinic’s website, will serve all interested in and working on changes to existing surrogacy law throughout the country. Also included in the report is practical checklist and analysis of potential model provisions for regulating surrogacy in jurisdictions that contemplate legalization.

**Global Advocacy on the rights of sexual minorities:** The Clinic prepared a report for the Women’s Rights and Gender Unit of the United Nations Office of the High Commissioner for Human Rights (OHCHR) that explores the criminalization of conduct and identity related to same-sex sexual relationships and LGBT people around the globe. The paper will inform discussions for a planned OHCHR meeting in early 2017. That meeting will focus on devising strategies for governments and UN field workers advocating against these laws. The report features case studies based on research and interviews with activists in India, Jamaica, Malaysia, Mozambique, Russia, and Senegal. It emphasizes the role of cultural and religious norms in entrenching criminal laws, while analyzing tactics that activists are currently using to bring about decriminalization.

**Immigration and Asylum:** The Clinic prepared an extensive – and successful – application for asylum, withholding of removal, and relief under the Convention Against Torture for a lesbian
woman who fled Nigeria fearing persecution because of her sexual orientation. In addition to preparing the client’s affidavit, several witness statements, a legal brief, and a report on the rampant state-sponsored discrimination and violence against lesbians in Nigeria, clinic students represented the client during an extensive hearing in June 2016, after which the client was immediately granted asylum in the United States. The team worked on this project in collaboration with Immigration Equality, the largest national LGBTQ immigrant rights organization that provides free legal services and policy advocacy on behalf of LGBTQ and HIV-positive immigrants. In previous years, the Clinic has won asylum cases for clients from Brazil, Honduras, Jamaica, the Ivory Coast, Mauritania, Mexico, Peru, Turkmenistan, and Uzbekistan.

**Transgender Rights Advocacy:** The Clinic worked with the ACLU Lesbian, Gay, Bisexual, Transgender & AIDS Project to examine the rhetoric of contemporary opposition to transgender rights. As part of this project, the Clinic produced a report analyzing the arguments currently used by opponents of transgender equality and examining how the language of those arguments echoes that used by opponents of previous equality movements. This similarity in arguments demonstrates that these concerns are neither new nor specific to the transgender context; rather, opposition to transgender equality is rooted in the same fears and misconceptions that history has convincingly shown to be unfounded in prior contexts. The Clinic also wrote several memos addressing legal arguments against recently enacted anti-transgender legislation in Mississippi, focusing on Establishment Clause arguments.

**Family Law Advocacy – Functional Parenthood Amicus Brief:** The Clinic filed an amicus brief before the New York Court of Appeals on behalf of forty-five family law academics, representing every law school in New York State, urging the court to grant legal rights to "functional parents." The brief urged the state's highest court to grant custody and visitation rights to a woman who raised a child with her former partner, but is not the child's biological or adoptive parent. Courts around the country have implemented the functional parent standard, which protects the bonds of parents and children. The Court heard oral argument in *Brooke S.B. v. Elizabeth A. C.C.* on June 2, 2016.

**The Clinic’s Students:**

The Clinic has had the benefit of eight outstanding 2L, 3L and LLM students enrolled during the spring term of this academic year, representing a diverse array of backgrounds and legal interests. The Clinic also featured two Teaching Assistants this year, who participated in the Clinic last year as 2Ls and returned this year to provide weekly guidance and support for all of the Clinic’s projects. In addition, former clinic students also participated importantly in the Clinic’s work during the past year. All told, the students will have put in well over 2800 hours of Clinic work during the school year.
**The Clinic’s Faculty:**

Professor Suzanne B. Goldberg, the Herbert and Doris Clinical Professor of Law and co-Director of Columbia Law School’s Center for Gender & Sexuality Law, as well as Executive Vice President for University Life at Columbia, 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. Through the 1990s, Professor Goldberg was a leading lawyer with Lambda Legal, a national LGBT/HIV civil rights organization. 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 three 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.

Marie-Amélie George worked as a lecturer in law for the Clinic this year after being a member of the inaugural class of Sexuality and Gender Law Clinic students. She is an Associate in Law at Columbia Law School and a Ph.D. candidate in History at Yale University. Her doctoral dissertation, *Deviant Justice: The Transformation of Gay Rights in America*, analyzes how American law evolved from the criminalization of gay life in the 1960s to the recognition of marriage equality in 2015. Prior to Yale, Marie-Amélie worked as a litigation associate at Paul, Weiss, Rifkind, Wharton and Garrison, LLP, where her pro bono work included the successful representation of an asylum applicant based on fear of female genital mutilation. She also served as an Assistant State Attorney in Miami, prosecuting domestic violence cases. Marie-Amélie received her J.D. from Columbia Law School, where she was in the inaugural Sexuality and Gender Law Clinic class. Marie-Amélie also holds a Master’s degree in Women’s Studies from Oxford University.