

## 2019 TLI: TRANS LEGAL ADVOCACY AT A CROSSROADS

### Program Agenda

- 9-9:15 Check-in & Welcome Remarks
- 9:15 -10:45 StoneWall at 50: Trans Advocacy Across the Generations (1.5 CLE Credit Hours)
- 11-12:30 Fighting for Our Lives: What the Trans Military Ban Means for the Broader Trans Rights Movement (1.5 CLE Credit Hours)
- 12:30 - 1:30 Lunch
- 1:30-2:45 Trans Name & Gender Changes 2.0 (Joint FLI/TLI Panel) (1.5 CLE Credit Hours)
- 3:00-4:15 Intersex & Nonbinary Considerations in Law & Policy (1.5 CLE Credit Hours)
- 4:15-5:15 Breakout Sessions (1 CLE Credit Hours)
  - Dissecting a Case: Trans Legal Advocacy from Soup to Nuts
  - Making the Case for Equality under Title VII and Title IX
  - Expanding Healthcare Access for Trans and Non-Binary Individuals
- 5:15-5:30 Closing Remarks

**Total CLE Credit: 7 CLE Credit Hours**

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### Plenary Sessions (1.5 CLE Credits Each)

#### 1. **StoneWall at 50: Trans Advocacy Across the Generations (1.5 CLE credits)**

##### **Description:**

This Plenary Discussion will examine the evolution of the trans advocacy movement over the past 50 years -- examining flashpoints for the movement, the battles that have been waged in and out of court, the victories and successes that advocates have been able to achieve, and the work that remains in securing the dignity and rights of the broader transgender community. The panelists are all notable advocates within the trans community who will contribute inter-generational perspectives as well as legal expertise.

##### **Speakers:**

**Shannon Minter** is the Legal Director of the National Center for Lesbian Rights (NCLR), one of the nation's leading advocacy organizations for lesbian, gay, bisexual, and transgender people.

Minter was lead counsel for same-sex couples in the landmark California marriage equality case which held that same-sex couples have the fundamental right to marry and that laws that discriminate based on sexual orientation are inherently discriminatory and subject to the highest level of constitutional scrutiny.

Minter was also NCLR's lead attorney in *Christian Legal Society v. Martinez*, a U.S. Supreme Court decision upholding student group policies prohibiting discrimination based on sexual orientation and gender identity, and rejecting the argument that such policies violated a student group's rights to freedom of speech, religion, and association. NCLR represented Hastings Outlaw, an LGBT student group who intervened to help defend the nondiscrimination policy.

In 2009, Minter was named a California Lawyer of the Year by California Lawyer. In 2008, he was named among six Lawyers of the Year by Lawyers USA and among California's Top 100 Lawyers by the legal publication The Daily Journal. He also received the 2008 Dan Bradley Award from the National Gay and Lesbian Bar Association for outstanding work in marriage cases and was the recipient of the Cornell Law School Exemplary Public Service Award. In 2005, Minter was one of 18 people to receive the Ford Foundation's "Leadership for a Changing World" award. In 2004, he was awarded an Honorary Degree from the City University of New York School of Law for his advocacy on behalf of same-sex couples and their families. Shannon has also received the Anderson Prize Foundation's Creating Change Award by the National Gay and Lesbian Task Force and the Distinguished National Service Award from GAYLAW, the bar association for LGBT lawyers, law students, and legal professionals in Washington, D.C., Cornell Law School's Exemplary Public Service Award, the Unity

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Award from Bay Area Lawyers for Individual Freedom, the Advocacy Award from the San Francisco Bar Association, and the Justice Award from Equality California.

Minter serves on the boards of Faith in America and the Transgender Law & Policy Institute. He has previously served on the American Bar Association Commission on Sexual Orientation and Gender Identity. Minter received his J.D. from Cornell Law School in 1993. He is originally from Texas.

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**Jillian Weiss** is Of Counsel to Outten & Golden LLP, and a member of the firm's Lesbian, Gay, Bisexual, Transgender & Queer Workplace Rights (LGBTQ) Practice Group. Prior to joining the firm in 2019, Dr. Weiss was Executive Director of the Transgender Legal Defense & Education Fund, a Professor of Law & Society at Ramapo College, and in private law practice. She received her B.A. from Yeshiva University in 1983, her J.D. from Seton Hall University in 1986, and her Ph.D. (Law & Society) from Northeastern University in 2004.

Dr. Weiss co-litigated the first transgender employment rights cases with the U.S. Equal Employment Opportunity Commission and the U.S. Department of Justice. She has published several law review articles on transgender legal issues, was the first transgender member of the Board of Directors of Lambda Legal, and is a member of the Committee on Labor & Employment for the Association of the Bar of the City of New York.

She was the longtime Chair of the annual Transgender Law Symposium, and founding Executive Director of the National Transgender Bar Association. Dr. Weiss has also consulted with major corporations, public agencies and educational institutions regarding gender identity policies, including Harvard University, Boeing and New York City. She has received several awards for her advocacy for the LGBTQ community, including the New York State LGBT Bar Association's Community Vision Award and the Arthur Leonard Award for Service from the LGBT Rights Committee of the New York City Bar Association.

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**Jennifer L. Levi** is the director of GLBTQ Legal Advocates & Defenders (GLAD)'s Transgender Rights Project and a nationally recognized expert on transgender legal issues. She is one of two transgender attorneys leading the legal fight against President Trump's transgender military ban in both *Doe v. Trump* and *Stockman v. Trump*.

Levi's precedent-setting transgender rights cases include: *O'Donnabhain v. Commissioner of Internal Revenue* (2010), which established that medical care relating to gender transition qualifies for a medical tax deduction; *Adams v. Bureau of Prisons* (2011), which successfully challenged a federal prison policy excluding medical care for

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transgender inmates who came into the system without a transition-related medical plan; and *Doe v. Clenchy* (2014), in which the first state high court ruled that a transgender girl must be fully integrated into her public elementary school as a girl, including having full and equal access to restrooms.

In *Doe v. MA DOC*, Levi currently represents an incarcerated transgender woman seeking to be transferred to a women's correctional facility who is challenging the exclusion of transgender people from the protections of the American with Disabilities Act.

Levi was co-counsel in two landmark marriage equality cases, winning the freedom to marry for same-sex couples in Massachusetts (*Goodridge v. Department of Public Health*, 2003) and Connecticut (*Kerrigan v. Department of Public Health*, 2008), and recently secured a groundbreaking child-centered parentage ruling at the Vermont Supreme Court in *Sinnott v. Peck* (2017).

Levi is a law professor at Western New England University, co-editor of *Transgender Family Law: A Guide to Effective Advocacy* (2012), and serves on the Legal Committee of the World Professional Association for Transgender Health. She is a graduate of the University of Chicago Law School and a former law clerk to the Honorable Judge Michael Boudin at the U.S. Court of Appeals for the First Circuit.

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**Diana Flynn** is the Litigation Director of Lambda Legal, the country's largest and oldest legal organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and individuals living with HIV.

Ms. Flynn is a long-time director of highly-regarded national litigation and legal counsel programs and has achieved great success in both the federal and non-profit sectors. An experienced lawyer and federally-qualified Senior Executive, Ms. Flynn has led the litigation efforts on cases that have helped lay the legal foundation for some of the most important principles of constitutional and civil rights law.

Ms. Flynn was appointed Litigation Director at Lambda Legal in the Spring of 2018. In that role, she directs and manages all the organization's litigation efforts across the nation and leads the attorneys and support staff responsible for those activities. In addition to her leadership of the program, Ms. Flynn serves personally as counsel on the litigation teams of some of Lambda's most significant cases, including the challenge to the Trump Administration's military trans ban, and the efforts to secure fair and equal treatment for trans students in the Drew Adams case.

Prior to her arrival at Lambda in the Spring of 2018, Ms. Flynn served for many years as the Chief of the Appellate Section of the U.S. Department of Justice's Civil Rights Division. Under her leadership, the Section established the Division records for appellate

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success and productivity. She led the Section in its filing of more than 2,500 briefs, and its litigation success rate of well over eighty percent.

While at DOJ, Flynn personally led the legal counsel project that laid the groundwork for the Holder Justice Department's application of sex discrimination laws to prohibit discrimination based on transgender status. She also managed the Civil Rights Division's efforts in connection with the Defense of Marriage Act litigation and worked with the Office of the Solicitor General and the Civil Division on the Windsor, Proposition 8 and Obergefell cases in the Supreme Court.

Ms. Flynn's successful leadership in the fields of litigation, legal counsel, and civil rights has been frequently documented and recognized. Among the many awards that she has received are the Attorney General's John Marshall Award for Providing Legal Advice, the highest award given by the Department of Justice for this function; the Attorney General's Distinguished Service Award for exceptional work in connection with the United States' successful effort to achieve marriage equality; the Assistant Attorney General's Award for Distinguished Service in the Civil Rights Division; and the DOJ Pride's James R. Douglass Award for contributions to the work-life environment of the Justice Department's LGBTQ employees. (She is the only person in the history of the Douglass award to receive it more than once.) Finally, she has received the American Bar Association's prestigious Stonewall Award for achievement in the advancement of LGBTQ rights.

Ms. Flynn is currently serving a second term as Commissioner of the American Bar Association's Commission on Sexual Orientation and Gender Identity, an appointment made by the ABA's President.

Flynn is a graduate of the Yale Law School and a summa cum laude graduate of the University of Rochester.

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**Kylar W. Broadus** is Founder of the Trans People of Color Coalition and an advocate whose advocacy work spans decades. Broadus was formerly a tenured Professor of Business Law at Lincoln University in Missouri with over 20 years' experience, and ran his own law practice in Columbia Missouri since 1997, serving all kinds of clients, including transgender, lesbian, gay and bisexual clients. He previously served as Senior Policy Counsel at the National LGBTQ Task Force, Operations Manager at the Transgender Legal Defense and Education Fund, and Director of the Transgender Civil Rights Project from 2013 to 2015. In 2012, Broadus made history as the first openly transgender person to testify before the U.S. Senate, speaking in support of the Employment Non-Discrimination Act (ENDA).

He currently serves on the board of Freedom for All Americans, an appointment he has held since 2016. He previously served on the National Black Justice Coalition Board, and served as board chair from 2007 to 2010. In 2013 he was featured in OUT Magazine and was recently featured in the documentary "The Trans List" appearing on HBO. Broadus

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has worked for decades on behalf of people of color and LGBT people for justice and fairness. His goal and mission is that all people be treated fairly and equally.

Broadus is a graduate of Central Methodist University where he obtained a B.S. in Business Administration. He then obtained his law degree from the University of Missouri Columbia School of Law. He wrote the first of its kind article on employment discrimination in 2006, “The Evolution of Employment Discrimination Protections for Transgender People,” which is used in gender and women’s studies classes throughout the country. He currently serves on the William’s Institute Faculty Advisory Counsel. He is well quoted in the media on issues involving transgender rights and speaks regularly on these issues across the country.

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**Zahara Green** is a noted community advocate and Founder of TRANScending Barriers, a Georgia-based, trans-led, non-profit organization whose mission is to empower the transgender and gender non-conforming community through community organizing with leadership building, advocacy, and direct services so that lives can be changed and a community uplifted. Zahara successfully sued the Georgia Department of Corrections after she became a victim of sexual assault by a guard. Zahara is also an active participant in the LGBT Criminal Justice Working Group.

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### 2. **Fighting for Our Lives: What the Trans Military Ban Means for the Broader Trans Rights Movement (1.5 CLE credits)**

#### **Description:**

This Plenary will discuss the challenges to the Trump Administration’s ban on transgender military service that is currently pending in the federal courts and the broader implications they pose for trans communities across the country. The Panel will delve into the history of the trans military ban, how it writes animus into law, and how, in a dangerous turn of events, the Trump Administration has embraced the use of conversion therapy for trans individuals. The Panelists who are all experts in the field will discuss the legal arguments and strategies currently being used to challenge the policy and will discuss the road ahead.

#### **Speakers:**

**Gabriel Arkles** is a senior staff attorney with the ACLU's LGBT and HIV Project.

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His work includes protecting transgender people from discrimination and fighting the criminalization of HIV. While at the ACLU, Gabriel has brought challenges to an anti-trans ballot initiative in Montana; defended trans youth in Maryland and Oregon when anti-trans advocates challenged school policies that gave trans students equal access to facilities; and challenged state policies that denied trans people equal access to identity documents in Alabama and Ohio. He is also on the team representing Aimee Stephens, a transgender woman fired from her job as a funeral director because of her sex.

Gabriel has authored many pieces about gender, race, and disability, especially in the context of prisons and the military. His articles have appeared in NYU Law Review, Northeastern Law Journal, NYU Journal of Legislation and Public Policy, Seattle Journal for Social Justice, CUNY Law Review Footnote Forum, Southwestern Law Review, Temple Political and Civil Rights Law Review, NYU Journal of Law and Social Change, Scholar and Feminist Online, The Writing Instructor, Sexuality Research and Social Policy, and Signs. His news analysis and opinion pieces have appeared in TruthOut and CBS. His essays also appear in books, including *The Unfinished Queer Agenda After Marriage Equality*; *Affirmative Psychological Practice with Transgender and Gender Nonconforming Clients*; *Socially Just Generalist Practice: Putting Theory Into Action*; *LGBT America Encyclopedia*; *Trans Bodies, Trans Selves*; and *Voices of Resistance: Muslim Women on War, Faith, and Sexuality*.

Gabriel received the Dukeminier Award for best sexual orientation law review article in 2009 and the Sylvia Rivera Law Project Award for outstanding pro bono service in 2010.

Prior to joining the ACLU, Gabriel worked at the Sylvia Rivera Law Project for six years. While there, he represented low-income trans and gender nonconforming people of color on many issues, particularly prison conditions. He also taught legal skills to law students for seven years, first at NYU School of Law and then at Northeastern School of Law.

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**Andy Blevins** is the Executive Director of OutServe-SLDN (Servicemembers Legal Defense Network), the nation's leading association for the lesbian, gay, bisexual, transgender, and queer (LGBTQ) military and veteran communities. A key member of the organization's staff for the past several years, Andy originally joined the organization as the founding Chapter Leader for Guam and the Marianas Islands before working with the national conference and legal departments.

Prior to joining OutServe-SLDN, Andy served as a law clerk for Military Disability Lawyer, LLC and the child advocacy section of Oregon's Justice Department. He also had the opportunity to work as the First Lady's scheduling and advance associate under the Obama White House. A Navy veteran, Andy spent most of his career working as a cryptologic technician in Guam, where he would ultimately end up reaching out to OutServe-SLDN for assistance while being investigated under the now-defunct "Don't

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Ask, Don't Tell" military law. Andy studied law and business administration at Willamette University's College of Law and Atkinson Graduate School of Management, as well as writing, with an emphasis in community-based pedagogy, at the University of Colorado.

While in graduate school, Andy helped to found, and eventually serve as the Editor-in-Chief, for the Pacific Northwest's first law journal focuses exclusively on social justice and equity issues. He also had the honor of being named the first runner-up for the National LGBT Bar Association's 2017 Student Leadership Award, a Shepherd Scholar through OGALLA: The LGBT Bar Association of Oregon, and the Atkinson Graduate School of Management's first ReachingOut MBA Scholar.

In his free time, Andy likes to spend as much time as possible with his partner, Kai, and their fur-child, a dachshund and basset hound mix aptly named "Sir Reginald, the Earl of Puppydom." Ever proud of his partner's Army career, he can't help but ALWAYS root for Navy!

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**Aaron Belkin** is Director of the Palm Center and an advocate who, since 1999, has served as founding director of the Palm Center, which the Advocate named as one of the most effective LGBT rights organizations in the United States. He designed and implemented much of the public education campaign responsible for helping end the military's "don't ask, don't tell" policy in 2011. Aaron summarized the keys to successful advocacy in the book, *How We Won: Progressive Lessons from the Repeal of "Don't Ask, Don't Tell,"* which Arianna Huffington praised as a "best practices guide for civil rights fights." Research by Aaron and the Palm Center has been covered by the New York Times, Washington Post, Los Angeles Times, Associated Press and others, as well as by television and radio stations across the world. Aaron has written and edited more than thirty scholarly articles, chapters and books, the most recent of which is a study of military masculinity published by Oxford University Press.

### 3. **TLI/FLI Panel: Trans Name & Gender Changes 2.0: Strategies for Achieving Full Legal Recognition**

**Description:**



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The panel will explore legal obstacles faced by transgender persons filing for a legal name change. For the adult population, courts routinely deny petitions that seek to waive the publication requirement and not all states permit gender marker change. For the young population, there are many judges who refuse to grant the name change on the basis that it is not in a child's best interest.

Once a name is changed and a person has transitioned, new legal issues arise in terms of his/her/their identify in a Will and other estate documents. If a beneficiary is designated as "my daughter", but that daughter has transitioned, what happens?

Come learn how to be a good advocate. Hear all of the details about the successful outcome by one of our panelists who fought for the rights of trans adults and children to change his/her/their names and won.

### Speakers:

**Ellen S. Fischer** is a Partner at Fenningham, Dempster & Coval LLP where she proudly helps family law clients through a philosophy of amicable settlement, collaboration and mediation, and trial advocacy where needed. Ellen handles all areas of family law including divorce, custody, relocation, spousal support, child support, alimony, property settlement agreements, pre-nuptial agreements, adoption, cohabitation agreements, name change, domestic abuse, paternity, post-divorce issues, grandparent and third party custody and issues related to high net worth divorce matters. Ellen has also spent her entire career advocating for and supporting the LGBTQ community. Ellen is a proud member of the Family Law Institute of the National LGBT Bar Association, a select group of international attorneys dedicated to pursuing the rights of LGBTQ individuals and families.

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**Josh Langdon** is an attorney at Josh Langdon, LLC where his practice focuses on advocating for LGBTQ clients in Ohio and Kentucky. Josh is known for his candid representation and unique strategies to help clients through the legal process. Josh also serves as a guardian of estates, a guardian ad litem in private custody cases, and a mediator when requested by a party. Josh is a graduate of the University of Cincinnati School of Law and the College of Charleston, South Carolina.

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**James Knapp** is Chair of TransOhio and has served as Board member since 2013. A lifelong activist, James first got involved in trans advocacy in 2002, when he spoke to the Akron Public School Board concerning its policy on gender-variant individuals, dress codes, and bullying. Since that time, he has been involved with a number of student, local, state, and national organizations. He continues to speak and educate others on the complex issues facing the LGBTQ communities, focusing on concerns specific to transgender and gender-variant individuals. He has spoken to students, teachers, guidance

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counselors, social workers, medical professionals, and attorneys, both at private training and conferences. James has a Bachelor of Arts in English and Philosophy from The University of Akron and a Juris Doctor from Cooley Law School.

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**Joan M. Burda** is a lawyer based in Lakewood, Ohio who is nationally recognized for her work in addressing legal issues affecting the LGBT community.

She is the author of the Award-winning book, *Estate Planning for Same-Sex Couples, Third Edition* (ABA 2015, 2012, 2004). She is also the author of *Gay, Lesbian and Transgender Clients: A Lawyer's Guide* (ABA 2008). She has written numerous articles on LGBT legal issues, and writes regularly for various publications and websites.

She is a frequent speaker on these issues to bar associations and other organizations domestically and internationally. Joan is a regular panelist at Lavender Law, the annual law conference sponsored by the National Lesbian and Gay Bar Association.

Joan is an Adjunct Professor of Law at Case Western Reserve University School of Law where she teaches Sexual Orientation and the Law. She also teaches Civil Procedure, Contracts and Administrative Law in the Legal Studies Program at Ursuline College in Pepper Pike, Ohio.

Joan graduated from Pepperdine University School of Law in Malibu, CA. She is licensed to practice law in Ohio. Joan is a member of the American Bar Association, Ohio State Bar Association, the National LGBT Bar Association and the American Society of Journalists and Authors.

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**Lauren Edwards** is an attorney based in South Carolina who almost exclusively advocates for LBGQTQ clients. Lauren grew up in Southern Virginia and attended the College of William and Mary in Williamsburg, Virginia. After graduating, Lauren taught multiple grade levels in both Virginia and South Carolina. After nearly fifteen years in the classroom, Lauren attended the University of South Carolina School of Law. In law school, she served as the President of C.A.L.S, Child Advocacy Law Society, and was the managing editor of the Journal of Law & Education. In addition to working as an attorney, Lauren serves as a Guardian ad litem for families represented by other attorneys.

#### 4. **Intersex & Nonbinary Considerations in Law & Policy (1.5 CLE credits)**

##### **Description:**

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This panel will take an in-depth look at legal advocacy for non-binary and intersex people, whose sex or gender is not strictly male or female--addressing strategy as well as ethics. We will talk about how the nonbinary movement elevates the level of discourse regarding discrimination on the basis of sex, explicit or expansion of laws and policies needed to protect intersex and nonbinary people, how to mobilize collaborative working groups to respect local leadership while providing for national consistency, strategies to ease judges and the public into understanding that both sex and gender can be nonbinary, and so much more.

### Speakers:

**Charlie Arrowood, Esq.** is Director of Name & Gender Recognition at Transcend Legal where they assist trans youth and adults with legal name and gender changes in New York. Charlie is a Long Island native and graduate of Tulane University (B.A. in History, 2009) and New York Law School (2013), where they focused on issues of employment discrimination and dispute resolution/mediation. Prior to joining Transcend Legal, Charlie was an associate at The Kurland Group, a boutique LGBTQ-owned general practice firm and has worked with clients on a variety of matters from estate planning to housing discrimination.

**J. Remy Green** is an attorney at Cohen & Green P.L.L.C where they specializes in civil rights, business, and intellectual property litigation. They also specialize in novel cases and untested legal theories (to the extent that isn't an inherent contradiction).

They were formerly an associate with a big law firm where their practice included real estate litigation, business tort litigation, and a wide variety of other matters. They have represented large and small companies in high stakes matters at all stages of litigation, from filing to judgment. Past matters have included direct representation of survivors of sexual assault seeking asylum in the United States and submission of amicus curiae briefs on behalf of transgender students in cases before Federal Courts of Appeals and the United States Supreme Court.

Mx. Green is a guest lecturer and adjunct professor with NYU and CUNY, where they teach courses that cover law and technology issues, as well as civil and constitutional rights.

Mx. Green is also a published author, with full-length articles appearing in the Syracuse Law Review, North Carolina Journal of Law and Technology, and the Rutgers Law Record, in addition to a wide variety of essays in various fora.

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**Alesdair Ittleson** is Law & Policy Director of InterACT, an organization which advocates for intersex youth. Alesdair Ittleson fights for young people who expand

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societal ideas of what it means to be healthy. As Director of Law & Policy at interACT: Advocates for Intersex Youth, Alesdair and his team work to protect the rights of those born with variations in their sex characteristics, also known as intersex conditions. Alesdair began his career at the LGBT Rights Project of the Southern Poverty Law Center as the first ever openly transgender recipient of a Skadden Fellowship. A dedicated civil rights lawyer with over a decade of experience in legal advocacy on behalf of sex and gender-expansive individuals, Alesdair's work on the vanguard of LGBTQI issues includes the first case challenging "conversion therapy" as consumer fraud, representation of transgender youth in educational and institutional settings throughout the Deep South, and the first public case on behalf of an intersex person subjected to medically unnecessary "genital normalizing" surgery in infancy. Alesdair has advised on countless policies at the state and local level and his written guidance has influenced interpretations of federal and international human rights law, including by the United States Department of Health and Human Services and the United Nations. Alesdair's legal efforts have been covered nationally and internationally including by the Guardian, the New York Times, the Washington Post, the Atlantic, NPR, CNN, and Al Jazeera, among others.

Alesdair received their undergraduate degree, summa cum laude and Phi Beta Kappa, in Political Philosophy from Brandeis University. After a year spent cataloging evidence for Habeas Corpus petitions on behalf of indigent prisoners on death row, Alesdair went on to receive their law degree from UC Berkeley where they were a member of the California Law Review and published on the tax implications of gender affirming surgery for transgender individuals. Alesdair was selected to spend their final year at Harvard Law School where they received a Dean's Scholar award for their work in Disability and the Law.

### **Breakout Sessions (1 CLE Credit Each)**

#### **1. Anatomy of a Case: Trans Legal Advocacy from Soup to Nuts (1 CLE Credit Hour)**

##### **Description:**

This litigation workshop will take an indepth look at the ins and outs of a landmark trans rights advocacy case—analyzing strategy as pertains to legal argumentation, experts, motion practice, trial advocacy (or settlement strategy), and public outreach/messaging. The workshop will be led by the Legal Director of one of the nation's leading LGBT civil rights organizations, and participants will leave the workshop with a robust understanding of the considerations that factor into successful impact litigation.

##### **Speakers:**

**Sharon M. McGowan** is the Chief Strategy Officer and Legal Director of Lambda Legal, the country's largest and oldest legal organization committed to achieving full

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recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and individuals living with HIV. Relying on her litigation expertise and her experience in the Obama administration, Sharon leads the Legal Department's talented team of over thirty attorneys and paraprofessionals who advocate for our community in courtrooms, statehouses, and other venues throughout the country. As Legal Director, Sharon oversees Lambda Legal's efforts to resist any attempt by the Trump Administration – or any other opponent of LGBTQ equality – to thwart or roll back our community's progress toward full formal and lived equality. Sharon joined Lambda Legal in February 2017 as its Director of Strategy, and established Lambda Legal's Washington, D.C. office.

Previously, McGowan served as the Principal Deputy Chief of the Appellate Section of the Civil Rights Division in Department of Justice. In addition to supervising attorneys working on a broad range of civil rights appellate matters in the U.S. Supreme Court and federal courts of appeals, McGowan advised Department of Justice leadership on high-profile and sensitive litigation and policy matters relating to sexual orientation and gender identity, and served as co-chair of the Division's Lesbian, Gay Bisexual, Transgender and Intersex (LGBTI) Working Group.

McGowan was repeatedly recognized by the Attorney General for her efforts on LGBT issues, receiving awards for her role in convincing the Department of Justice to stop defending the so-called "Defense of Marriage Act" (DOMA), in developing the arguments advanced by the United States in support of nationwide marriage equality, and in guiding the Department of Justice to its position that discrimination on the basis of sex encompasses discrimination on the basis of gender identity.

As a political appointee in the Obama Administration, McGowan served as Acting General Counsel and as Deputy General Counsel for Policy at the U.S. Office of Personnel Management (OPM). As Acting General Counsel, McGowan ensured OPM's rapid and robust implementation of *United States v. Windsor*, resulting in married federal employees receiving health care and retirement benefits within days of the Supreme Court's decision, regardless of whether they lived in a state that recognized their marriage at the time. She also worked within the agency to lift the blanket ban on transition-related health care within the federal employee health insurance program.

Earlier in her career, McGowan was a Staff Attorney with the ACLU's Lesbian Gay Bisexual Transgender & AIDS Project. While at the ACLU, McGowan was lead counsel in *Schroer v. Billington* (D.D.C.), which resulted in a landmark ruling that Title VII's prohibition on sex discrimination also protects individuals who are undertaking or have undertaken a gender transition. Prior to joining the ACLU, McGowan was an associate in the Washington, D.C., office of Jenner & Block, where she was part of the litigation team that worked with Lambda Legal on *Lawrence v. Texas*, which resulted in the U.S. Supreme Court striking down all remaining sodomy laws as unconstitutional.

McGowan served as a law clerk to the Honorable Norman H. Stahl, U.S. Court of Appeals for the First Circuit, and as a law clerk to the Honorable Helen G. Berrigan, U.S.

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District Court for the Eastern District of Louisiana. McGowan is a graduate of Harvard Law School and the University of Virginia.

In 2010, she published *Working With Clients to Develop Compatible Visions of What It Means to “Win” a Case: Reflections on Schroer v. Billington* (45 Harv. Civ. R.- Civ. L. L. Rev. 205), which was recognized for outstanding legal scholarship on sexual orientation and gender identity issues as the 2011 winner of the Dukeminier Award from the Williams Institute of UCLA School of Law. It is reprinted in *10 The Dukeminier Awards: Best Sexual Orientation and Gender Identity Law Review Articles of 2010* (2011) and also republished in *Gender Identity and Sexual Orientation Discrimination in the Workplace: A Practical Guide* (Duffy, et al., eds.) (BNA 2014).

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**Chinyere Ezie** is a nationally recognized civil rights lawyer and social justice activist who specializes in constitutional litigation and anti-discrimination work. In 2016, Chinyere was named one of the country's Best LGBT Lawyers Under 40.

Chinyere is a Staff Attorney at the Center for Constitutional Rights where she focuses on racial justice, gender justice, and LGBT rights work. Chinyere previously worked as a Staff Attorney at the Southern Poverty Law Center LGBT Rights Project, where she was lead counsel for transgender rights activist Ashley Diamond in her suit against the Georgia Department of Corrections. Chinyere also worked as a Trial Attorney at the U.S. Equal Employment Opportunity Commission where she successfully represented employees who had been subjected to discrimination—securing a \$5.1 million dollar trial verdict.

Chinyere has considerable expertise with respect to constitutional litigation and federal civil rights advocacy, including in the areas of education and employment. She has defended the rights of employees to be free from gender discrimination, sexual harassment, and religious coercion in the workplace; litigated cases regarding racially discriminatory law enforcement practices; and advocated against bills and ordinances that would subject LGBT persons to disparate treatment.

Chinyere is a frequent speaker at law conferences and social justice convenings across the country. Her advocacy has also been reported on by the New York Times, Washington Post, MSNBC, Al Jazeera, and NPR, among others.

Chinyere is a William J. Fulbright Scholar and a graduate of Yale University and Columbia Law School, where she served as President of Columbia Outlaws and Editor in Chief of the Columbia Journal of Gender and Law. She also clerked on the U.S. Court of Appeals for the Sixth Circuit and worked as an associate at Cleary, Gottlieb, Steen, and Hamilton LLP in New York City.

## 2. Making the Case for Equality under Title VII and Title IX (1 CLE Credit Hour)

### Description:

This Panel brings together two experts in sex discrimination law for a discussion on the strides — and setbacks — the trans community has faced in their fight for dignity and equality in schools, universities, and on the job. The panelists will discuss recent decisions interpreting the protections afforded to trans people by Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. The panelists will also discuss the limits to court and litigation-based strategies to advocating for trans students and trans employees.

### Speakers:

**Ezra Young** is a nationally recognized civil rights attorney based in New York City. Ezra's work centers on trans rights, with a focus on rights of recognition, employment protections, and health care and insurance coverage issues.

Ezra has represented trans clients in several ground-breaking Title VII cases, including, *Jamal v. Saks* (S.D. Tex.), *Chavez v. Credit Nation Auto Sales* (11th Cir.), *EEOC v. Lakeland Eye Clinic* (M.D. Fla.), *EEOC and Brittany Austin v. Deluxe Financial Services* (D. Minn.), *Schawe-Lane and Lane v. Amazon.com, KYDC LLC* (E.D.Ky.), *United States and Rachel Tudor v. Southeastern Oklahoma State University et al.* (W.D. Okla. and 10th Cir.), and *Texas et al. v. United States et al. and Rachel Tudor* (5th Cir.), and *Darin B. v. OPM* (EEOC 2017). In November 2017, Ezra served as lead trial counsel in the nation's first transgender sex discrimination federal jury trial, ultimately securing a historic \$1.165 damages award.

Ezra has also represented transgender patients in insurance appeals cases, including *Lauderdale v. Unitedhealthcare* (HHS 2016), the first case in which the Medicare Appeals Council ordered a health plan to cover vaginal reconstruction surgery for a transgender woman.

Ezra currently serves on the board of the Jim Collins Foundation and was a founding board member and is an immediate past co-chair of the National Trans Bar Association.

Ezra received his BA in Philosophy from Cornell University and his JD from Columbia Law School. While a law student, Ezra served as Executive Managing Editor of the *Columbia Journal of Gender and Law* and Online & Consulting Editor of the *Columbia Journal of Race and Law*.

From 2012 to 2014, Ezra was a Post Doctoral Scholar at Columbia Law School, focusing on trans rights, Critical Race Theory, and intersectionality. Ezra's studies were supervised by renowned scholar Kimberlé Crenshaw. Concurrently, Ezra served as research director

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of the Columbia Center for Intersectionality and Social Policy Studies and legal director of the African American Policy Forum.

From 2014 to 2016, Ezra served as an associate at a small plaintiffs' side firm. From mid-2016 through mid-2017, Ezra served as director of impact litigation at the Transgender Legal Defense and Education Fund, Inc.

Ezra currently maintains a boutique private practice.

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**Shawn Thomas Meerkamper** is a Senior Staff Attorney at Transgender Law Center and identifies as a genderqueer, anti-racist, social justice lawyer. They re-joined TLC after a short stint at the ACLU of Nevada, where they worked on issues ranging from LGBT prisoners' rights to civil asset forfeiture. Previously, Shawn spent two years as a legal fellow at TLC where they were part of the team in *Norsworthy v. Beard* and *Quine v. Beard*—two cases that forced the California prison system to radically revise its policies regarding incarcerated transgender people—as well as *In Re Change of Birth Certificate*, which reduced barriers to gender-appropriate identity documents for rural transgender Indianans.

Shawn is a graduate of George Washington University and UCLA School of Law's Critical Race Studies program. In law school, they fought for formerly incarcerated people at A New Way of Life Reentry Project, undocumented workers at the National Day Laborers' Organizing Network, and homeless newspaper vendors at the ACLU of Tennessee. They are the author of *Contesting Sex Classification: The Need for Genderqueers as a Cognizable Class*, which was published in the 2012 edition of the *Dukeminier Awards Journal*.

### 3. Expanding Healthcare Access for Trans and Non-Binary Individuals (1 CLE Credit Hour)

#### Description:

This workshop features some of the nation's leading experts on transgender healthcare rights, who will be speaking about their experiences working to broaden healthcare coverage under public and private insurance plans across the country. The panelists will describe notable interventions they've made on behalf of past clients, the legal arguments they deployed, and the road that lies ahead to making trans-inclusive health insurance a reality nationwide.

#### Speakers:



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**Noah E. Lewis, Esq.** is the founder and executive director of Transcend Legal a national, New York City-based organization focused on eliminating barriers to insurance coverage for transgender-related health care.

Noah previously worked for the Transgender Law Center, the National LGBTQ Task Force, and served as the staff attorney at Transgender Legal Defense & Education Fund for five years. His work there included leading-edge impact litigation and policy work in areas such as identity documents, health care, and public accommodations. He went on to create and run a solo law practice serving transgender clients.

Noah is the Chair of the NYC Bar Association's LGBT Rights Committee and is a past recipient of the Committee's Arthur S. Leonard Award recognizing compelling commitment to LGBT equality through the law.

A native of Pittsburgh, Pennsylvania, Noah is a graduate of the University of Pittsburgh and was the first openly transgender student to graduate from Harvard Law School. There he was awarded the Dean's Award for Community Leadership and also worked successfully to eliminate trans health exclusions in student and staff health plans.

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**Luc Athayde-Rizzaro** is Policy Counsel at the National Center for Transgender Equality, where he advocates to ensure transgender people can access life-affirming, nondiscriminatory health care at the federal and state level. Prior to joining NCTE, Luc worked as a grant maker at the Open Society Foundations, and as a human rights specialist at the Inter-American Commission on Human Rights. He currently volunteers as a Steering Committee member of TransLAW, an organization supporting transgender people in the DC metro region to update their identification documents. A Brazilian native, Luc now calls Maryland home and is a proud human husband and cat parent. He received his Law degree from the Pontificia Universidade Catolica do Rio de Janeiro, and has an LL.M from American University Washington College of Law. Luc currently serves as consumer representative at the National Association of Insurance Commissioners (NAIC).