

## **MEMORANDUM**

TO: Arthur Fama, GLBT Section Board Liaison  
Fred Thrasher, Deputy Director, NALP

FROM: Carlos Dávila-Caballero, GLBT Section Chair

CC: Gihan Fernando, President, NALP

DATE: July 2, 2007

RE: GLBT Section Quarterly Report

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### **Summary**

The report contains the developments of the GLBT Section during the months of April through June.

### **I. Conference Call – June 1, 2007**

The Section conducted its first conference call on June 1, 2007. The group discussed current projects and developments in the industry relevant to NALP and the GLBT Section. The progress and discussions covered during the call are highlighted within the relevant sections of the present report. The next conference call will take place in the fall.

### **II. RFPs Toronto**

The GLBT Section received confirmation that two of its RFPs received approval for presentation at next year's NALP Annual Conference in Toronto. The two programs are the following.

A. Solomon Amendment: Continuing the dialogue in light of amended regulations, enhanced amelioration initiatives, and support of GLBT rights outside of the military. Presenters – Carlos Dávila-Caballero (Tulane University Law School), Angie Dalfen (Golden Gate University Law School), and Gary Greener (Southwestern University School of Law).

B. Strengthening GLBT Recruiting at Law Firms: Developing partnerships between law schools and legal employers to increase law GLBT recruitment in

the profession. Presenters Eric Stern (University of California Law School-Berkeley) and Michelle Mohr Vodenik (Chicago-Kent College of Law).

### **III. Bulletin Articles**

The Section will maintain its active involvement regarding publication of articles related to GLBT matters in our profession. Alex Mareiniss, at Hunton & Williams, will coordinate the efforts. The articles slated for publication as of the deadline include the following.

A. *Human Rights Campaign Foundation, 2008 Corporate Equality Index (CEI)*, NALP Now!, May 3, 2007, by Skip Horne at Latham & Watkins.

B. *Lavender Law 2007*, November 2007, by Carlos Dávila-Caballero at Tulane University Law School.

C. *Successful GLBT Initiatives at Law Schools*, January 2008, by Eric Stern at George Washington.

D. *Transgender Developments*, March 2008, by Shawn Beem at Capital University.

### **IV. Environmental Scanning**

The following communications and updates were disseminated through the discussion list.

A. June 15, 2007: Article *A Way to Keep Domestic Partner Benefits*, published in Inside Higher Education and communicated to the Section by James Leipold, Executive Director, NALP.

Synopsis: Michigan State University employs new approach to extend employee benefits to same-sex domestic partners through a classification of "other eligible individuals."

Web link: <http://insidehighered.com/news/2007/06/15/benefits>

B. June 15, 2007: Article *Gay Marriages to Remain Legal in MA*, published in the New York Times, and communicated to the Section by James Leipold, Executive Director, NALP.

Synopsis: MA legislators defeat constitutional amendment to repeal same sex marriages.

Web link:

<http://www.nytimes.com/2007/06/15/us/15gay.html?ex=1183521600&en=7b15ccd8bb7a113&ei=5070>

C. June 12, 2007: Article appearing in the Chicago Tribune and communicated to the Section by James Leipold, Executive Director, NALP.

Synopsis: James Leipold writes "a good article on the increase in out GLBT lawyers from last week's Chicago Tribune."

D. May 23, 2007: Article appearing in the New York Times and communicated to the Section by James Leipold, Executive Director, NALP.

Synopsis: Article presents the stability and success of GLBT servicemen within the UK military.

Web link:

<http://select.nytimes.com/gst/abstract.html?res=F50A10F635550C728EDDAC0894DF404482>

E. May 17, 2007: Commentary from Shawn Beem at Capital University regarding the inclusion of sexual orientation protection in government hiring in the state of Ohio.

Shawn Beem commentary:

*I thought I would share a little good news from Ohio: our governor will sign an executive order protecting sexual orientation and gender identity in state government hiring.*

*You may also note the leader of the Ohio anti-gay rights movement, Phil Burress, has a few comments to make. (Some interesting background on Mr. Burress: in 2004, he was instrumental in pushing through the marriage amendment because Ohio needed to protect the sanctity of marriage ([note] he is twice divorced)).*

F. May 17, 2007: Article, *Gay Youths Find Place to Call Home in Specialty Shelters*, published in the New York Times and communicated to the group by James Leipold, Executive Director, NALP.

Synopsis: GLBT youth can now find support, shelter, and acceptance at specialty shelters focusing on GLBT support.

Web link:

<http://select.nytimes.com/gst/abstract.html?res=F10B17FC3B550C748DDDAC0894DF404482>

G. May 8, 2007: News item published online at Inside Higher Education and communicated to the Section by James Leipold, Executive Director, NALP.

News Item:

- The Department of Defense on Monday [published proposed federal regulations](#) governing exactly how colleges and universities must provide access to military recruiters, [in the wake of the Supreme Court's decision last year](#) that upheld the federal law requiring such access. The proposed guidelines, which carry out a 2004 law, mandate that colleges must give military recruiters "the same access to campus and students provided by the school to the nonmilitary recruiter receiving the most favorable access," which is how the Pentagon interpreted the court's finding that colleges give military recruiters access "equal in quality and scope" to that of other recruiters. The proposed regulations also say that campus officials can give military recruiters directory information about their students without violating federal privacy laws, and that colleges can withhold information about students who "opt out" of providing their information, but only if the students opt out of providing such information to all recruiters. Members of the public have until July 6 to comment on the proposed rules, which carry out provisions of the National Defense Authorization Act of 2005.

H. May 7, 2007: E-mail from James Leipold Executive Director, NALP, regarding proposed rules on military recruiters.

E-Mail: Comments from James Leipold below.

*There are apparently new proposed rules that have been released by the Pentagon on the implementation of the Solomon Amendment. These proposed regs are now out for comment. A quick read suggests that among other things they try to codify "campus access" as "access that is at least equal to the access other recruiters received..." I was not aware that these were in the works, but a reporter brought them to my attention today.*

*See the link below.*

*Jim*

<http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/E7-8662.htm>

I. May 3, 2007: Article, *Sexual Orientation Gets 'Hate Crime' Protection* published by David Stout and communicated to the group by Beth Kirch at the University of Georgia.

Synopsis: The House of Representatives voted today to extend hate crime protection to people who are victimized because of their sexuality.

J. May 1, 2007: E-mail from Andrew Chapin at Fordham containing an invitation to a New York City Bar Association reception and cocktail party celebrating lesbian, gay, bisexual, and transgender Pride Week 2007 to take place on June 21, 2007. Invitation extended to all law students across the US.

K. April 30, 2007: Article, *Top 10 GLBT Places to Work*, published in Diversity Inc. and communicated to the Section by Eric Stern at George Washington.

Web link: <http://diversityinc.com/public/1758.cfm>

L. April 30, 2007: Article, *Gay Lawmakers Have Impact on Gaining Rights* published online and communicated to the group by Eric Stern at George Washington.

Synopsis: Connecticut gay lawmaker, and others, play key role in passage of friendly GLBT legislation.

Web link:

<http://www.detnews.com/apps/pbcs.dll/article?AID=/20070430/OPINION03/704300310>

## **V. Solomon Amelioration Work Group**

Angela Dalfen at Golden Gate University and Vice-Chair of the Section continues to lead the completion efforts of the Best Practices Guide along with the assistance of D'Arcy Kennitz, Executive Director at NLGLA, and Gary Greener at Southwestern University School of Law. Final draft is expected for completion next month.

## **VI. Drafting Committee on Proposed Regulations**

NALP's Board agreed to establish a drafting committee and submit comments in response to the proposed federal regulations by the Department of Defense seeking "the same access to campus and students provided by the school to the nonmilitary recruiter receiving the most favorable access."

Over the past two months, NALP members Gihan Fernando, Terry Galligan, Arthur Fama, and Carlos Dávila-Caballero in conjunction with Jim Leipold discussed and drafted NALP's comments. Jim Leipold will present the final draft to the Board to be submitted to the Department of Defense by July 6, 2007.

## **VII. Lavender Law Outreach Work Group**

[Lavender Law and the Career Fair](#) will be held September 6, 2007. Currently, Carlos Dávila-Caballero is the outgoing NLGLA Board Liaison for NALP, and is coordinating the career program the NALP GLBT Section will conduct prior to the beginning of the Career Fair. Starting in the fall, Sandra Magliozzi, Santa Clara University School of Law, will become NALP's NLGLA Board Liaison.

D'Arcy Kenmitz, Executive Director of NLGLA, Sandra Magliozzi, and Carlos Dávila-Caballero conducted a conference call on Wednesday, June 27, 2007 to monitor the progress related to the career program, the career counseling initiative, and the conference.

A. Career Program at Lavender Law: Carlos Dávila-Caballero will deliver welcome remarks and introduce the moderator, Skip Horne. Panelists include Mindy Baggish (UC Davis School of Law), Tom Grewe (Carlton Fields), and Mary Kator (Rainbow Law Center).

B. Career Counseling: The following NALP members are slated as volunteers for the career counseling sessions during the Career Fair at Lavender Law.

- Skip Horne                      - Eric Stern
- Shawn Beem                 - Carlos Dávila-Caballero
- Bill Chamberlain         - Karl Riehl
- Tony Waller                - Vicki Jordan
- Arthur Fama               - Andrew Chapin
- Tom Grewe

C. Survey: D'Arcy Kenmitz is exploring the option of expanding the NLGLA survey to solicit data from law students about their background, level of response at the Career Fair, and interests. The idea is to collect the data from students through a short form to be completed by the students before/during/after the career fair. The volunteers may encourage students to complete the forms as well.

## **VIII. Web Resources Update Work Group**

Andrew Chaping, at Fordham Law School, is coordinating the efforts to update the content within NALP's Web site related to the GLBT Section. Progress continues, and several sections have already been updated, e.g., GLBT Ambassadors for NALP, contact list.

## **IX. Additional Work Groups**

The Section did not mention interest in the formation of additional work groups.

## **X. Diversity Reception**

Andrew Chapin and Carlos Dávila-Caballero discussed with Marcy Cox, Chair of the Diversity Section, options for next conference's diversity reception. The goal is to maximize attendance, and streamline the event. In the past, the transition from reception-keynote speaker-reception has minimized the value of the event. Current ideas include: short presentation, longer reception; exhibit/display, reception; and speaker to discuss a comparative analysis of diversity in Canada.

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