



**MASSACHUSETTS LESBIAN &
GAY BAR ASSOCIATION**

www.mlgba.org

P.O. Box 9072 Boston, MA 02114

LEGAL BRIEFS

FEBRUARY 2010

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MESSAGE FROM THE CO-CHAIRS:

Here we are in the middle of winter and midway through the MLGBA activity year and it's time to take stock of what we have done. We've celebrated a new group of law students and partnered often with our colleagues in the Affinity Bar Associations on social and educational events. We've celebrated the holidays with two well-attended parties in Boston and Northampton, and we've welcomed new members from across the Commonwealth. We've even "Walked to the Hill" to protect civil legal aid funding. Our By-laws Subcommittee is completing its work on updating the association's by-laws and the Dinner Committee – well, suffice it to say that the 25th Anniversary Gala Dinner is going to be *the* event this spring that you will not want to miss. Without saying too much, we'll just say it's going to be a special night for the MLGBA.

Finally, we would like to comment on the election of Scott Brown to the U.S. Senate. We know Brown to have been one of the more vocal opponents of marriage equality when the state legislature was debating the issue post-*Goodridge*. Now that he represents all of Massachusetts' citizens, we hope and expect that he will represent us knowing that we live in a state where marriage equality is the law, and work in Congress for the repeal of the Defense of Marriage Act, which has a palpably negative impact on Massachusetts taxpayers.

Best Regards,

David Eppley (deppley@rackemann.com)

Jane Rothchild (jane558@yahoo.com)

MLGBA Co-Chairs

Save the Date!

MASSACHUSETTS LESBIAN & GAY BAR ASSOCIATION

25TH ANNIVERSARY DINNER

Friday, May 7, 2010

Westin Copley Place
10 Huntington Avenue, Boston
Directions at: www.westin.com

Continue to check www.mlgb.org for additional information!

MEMBERS ON THE MOVE

Joyce Kauffman Named to *Lawyer's Weekly* 2009 Lawyers of the Year

Congratulations to MLGBA's own Joyce Kauffman on being named as one of the ten *Massachusetts Lawyer's Weekly* 2009 Lawyers of the Year! Below is an excerpt of the article from *Massachusetts Lawyer's Weekly* written about our colleague:

Joyce Kauffman came to the practice late, turning 40 during her first year of law school after stints as a psychotherapist, a counselor at an alternative high school and a teacher at a day care center. But after graduating in 1992, she wasted no time rocketing to the front lines of family law when she helped write the plaintiffs' brief in *Adoption of Tammy*, a 1993 case that established the right of a same-sex couple in Massachusetts to adopt a child.

Since then, Kauffman has carved out a niche that focuses on nontraditional families, with a special concentration on lesbian and gay issues. In *Adoption of Galen*, she helped convince the Supreme Judicial Court in 1997 to allow a lesbian couple to adopt a child without being subjected to a home study of their living arrangements, and in 2000, she persuaded a Probate & Family Court judge in *Knoll, et al. v. Beth Israel Deaconess Medical Center* that two women in a lesbian relationship were the legal parents of their child. The judge ordered that both plaintiffs be named the child's mother on the birth certificate - a first in the state.

Kauffman's interest in gay and lesbian family law is personal: She is the lesbian mother of a daughter who was conceived with sperm from a known donor and raised by Kauffman and her now-ex partner. Kauffman's daughter was legally adopted by all three parties when she turned 18. Hers is one of the few three-parent adoptions ever to be granted in Massachusetts.

More recently, Kauffman, whose work often involves sperm banks, was the lawyer for New England Cryogenic Center, which in 2006 was sued by a woman who wanted to learn the identity of her sperm donor so that she could collect child support. In a motion to dismiss, Kauffman and her associate, Patience W. Crozier, argued that granting the woman's request would end sperm donation as it exists today in Massachusetts.

After their motion to dismiss was partially granted in the Probate & Family Court, the plaintiff attempted to appeal the matter. Last September, Judge James F. McHugh dismissed the appeal, noting that the issue was one of first impression that potentially had broad ramifications. The suit, *Doe v. XYZ Company Inc., et al.*, will likely return to the Probate Court. If the plaintiff succeeds, "it would significantly impact the reproductive technology system," Kauffman says. "I think that people would not donate, which would be a tragedy."

For the text of the full article, visit the *Massachusetts Lawyers Weekly* Web site at http://www.masslawyersweekly.com/index.cfm/page/static/content/specialFeature/sf_id/9/detail_id/452383.

NEWSWORTHY

Tax Court Holds Treatments for GID are Deductible Medical Expenses

On February 2, 2010, the United States Tax Court issued its decision in *O'Donnabhain v. Commissioner of Internal Revenue*, holding that Gender Identity Disorder ("GID") is a disease within the meaning of the Internal Revenue Code and that treatments for the disease are deductible expenses for medical care. The Tax Court recognized that "Petitioner's hormone therapy and sex reassignment surgery were essential elements of a widely accepted treatment protocol for severe GID." Rejecting the IRS's argument that O'Donnabhain's treatment was cosmetic, the Tax Court characterized that argument as "at best a superficial characterization of the circumstances that is thoroughly rebutted by the medical evidence."

Superior Court Implements Discovery Pilot Project

Superior Court Chief Justice Barbara J. Rouse has announced that the Superior Court's Business Litigation Session (BLS) will implement a Discovery Pilot Project beginning January 4, 2010. The BLS Pilot Project was developed as a result of a joint effort of the BLS judges (currently Margaret R. Hinkle, Stephen E. Neel, and Judith Fabricant) and the BLS Advisory Committee to address the increasing burden and cost of civil pretrial discovery, particularly electronic discovery. The Pilot Project will be available on a volunteer basis for all new cases in the BLS and cases that have not previously had an initial case management conference.

Help Secure Civil Rights for Transgender People in Massachusetts

MLGBA Members, we need your help to advance An Act Relative to Gender-Based Discrimination and Hate Crimes (H1728/S1687), which is currently pending in the Massachusetts Legislature. Whether you have one hour, one evening, or a full day of time to donate, there are multiple ways you can help ensure that our entire community is explicitly protected by our state's civil rights laws. We are looking for volunteers to participate in: Phone Banking for Transgender Rights; Phone Banking from home (or another state) for Transgender Rights; Canvassing for Transgender Equality; and Postcard Collecting.

Please go to <http://www.massequality.org/>, www.masstpc.org, or www.mlgba.org for more information.

To see details and more Info and News, visit the MLGBA Web site at www.mlgba.org.

ACTION ITEMS

Sign Up Now for The Legal Food Frenzy!

The MLGBA is proud to announce our partnership with the office of the Massachusetts Attorney General on behalf of the first annual Massachusetts “Legal Food Frenzy” to be held from March 1, 2010 – March 12, 2010.

The “Legal Food Frenzy” is a benevolent competition within the legal community to raise funds and collect food for food pantries, soup kitchens, and shelters during a traditionally slow time for donations. All of the funds and food collected will go to the Greater Boston Food Bank (GBFB), the largest hunger-relief organization in New England. Each year, the GBFB distributes more than 30 million pounds of food and grocery products to nearly 600 hunger-relief agencies throughout eastern Massachusetts in a dedicated partnership to end hunger in our region.

Why in March?

In these tough financial times, the role of the GBFB has become even more crucial as more and more of our residents are seeking help to put food on the table. The spring is the time of year when contributions are typically at their lowest.

MLGBA’s goal for the 2010 “Legal Food Frenzy” is to help bring in 500,000 pounds of food (or its equivalent in monetary donations) during the two-week campaign.

Please go to www.mass.gov/ago/legalfoodfrenzy or contact Mary Sullivan at Mary.T.Sullivan@state.ma.us or 617-963-2313 for more information.

CALENDAR

Special Events:

**ACS Boston Lawyer Chapter
The Guantanamo Lawyers: Inside a Prison, Outside the Law
Tuesday, February 23, 2010, 12 PM, Boston**

This event is free of charge and is cosponsored by the American Civil Liberties Union of Massachusetts, the National Lawyers Guild Suffolk University Law School Chapter, the American Constitution Society Suffolk University Law School Chapter, the Suffolk University Law School ACLU and NYU Press. RSVP and find more information on the event at: <http://www.acslaw.org/node/15239>.

Suffolk University Law School
120 Tremont Street
Boston, MA

**Legal Food Frenzy
Kickoff Event
Tuesday, February 23, 2010, 3 PM – 4 PM, Boston**

Legal Food Frenzy Kickoff will commence the First Annual Massachusetts Legal Food Frenzy on Tuesday, February 23, 2010, 3-4 PM, at The Greater Boston Food Bank in Boston. They cordially invite all participating bar associations, law firm coordinators and law school coordinators to their kickoff event to fight hunger in the Commonwealth. Light refreshments to be provided by the Greater Boston Food Bank. Please RSVP by February 18, 2010 to Mary Sullivan at 617-963-2313 or Mary.T.Sullivan@state.ma.us. Please also see "Action Items" on page 6 of this newsletter for more information regarding this event.

The Greater Boston Food Bank
70 South Bay Avenue
Boston, MA

**SpeakOUT
Upcoming Events
Wednesday, February 24, 2010, Boston**

There are a lot of great things happening over the next couple of months at SpeakOUT. Read on for all the fabulous activities available to socialize, get fit, become a speaker, see a show, and do your part to help end homo-bi-trans-phobia.

- ◆ SpeakOUT Running Team (SPORT) Meeting - Wednesday, February 24, 2010
- ◆ SpeakOUT Speaker Training Weekend, March 27, 2010 – March 28, 2010
- ◆ April SpeakOUTing, Young Frankenstein - Wednesday, April 21, 2010

Visit http://www.speakoutboston.org/news_events/whatshot.html for more information.

**LGBT Immigration Seminar
A Community Forum on Queer Immigrants' Rights
Monday, March 1, 2010 6 PM - 9 PM, Boston**

Join us for a panel discussion about LGBT immigrants' rights. Confirmed speakers include Attorney Anita Sharma with the Political Asylum/Immigration Representation (PAIR) Project; Attorney Richard Landoli with Landoli and Desai, P.C.; and Ben de Guzman, Co-Director of the National Queer Asian and Pacific Islander Alliance (NQAPIA), Washington, DC. The event will be moderated by Attorney Nima Eshghi from Gay & Lesbian Advocates & Defenders (GLAD).

Topics will include Comprehensive Immigration Reform, Gender, & Sexual Orientation; Asylum, Detention, Deportation Family Reunification & Legalization; Immigration Concerns for Binational Couples and Same Sex Marriage; and The 2010 Census, Immigrants and LGBT Families.

Come at 6 PM for networking and refreshments. The event begins at 7 PM. For more information or to RSVP, please contact Noreen Giga at ngiga@glad.org.

Northeastern University
Raytheon Amphitheater - Eagan Center
120 Forsyth Street
Boston, MA

**Women's Bar Foundation
The Family Law Project for Battered Women
Monday, March 15, 2010 and Tuesday, March 16, 2010 4 PM - 8 PM, Boston**

The Family Law Project for Battered Women (FLP) serves domestic violence victims in family law cases throughout the Commonwealth. The FLP recruits, trains, and mentors attorneys and collaborates with legal and social services agencies to provide high quality representation and assistance to domestic abuse survivors. No prior family law or litigation experience is required. For more information on The Family Law Project for Battered Women, go to <http://www.womensbar.org/WBF/flpbm.aspx>. To register for training, click <http://survey.womensbar.org/TakeSurvey.aspx?SurveyID=72KM5I7>.

Suffolk University Law School
120 Tremont Street
Boston, MA

**Stonewall Communities Lifelong Learning Institute & Wheelock College
"Sex & Gender in the City: From Lesbian Feminists in the 70's to LBTQs Today"
A Dialogue Across Generations
Saturday, March 20, 2010, 9:30 AM - 4:30 PM, Brookline**

We invite you to join us in exploring how two dynamic and independent-minded generations have confronted issues of identity and oppression. The conference will be the first of its kind in engaging both lesbians of the 70's and 80's with LBTQQI's of the 21st Century. We will begin to bridge the current generational gap using film, presentations, performance, structured cross-generational conversations and small break out groups. Fee: \$45, \$15 for students or the

unemployed (includes refreshments, lunch and a reception). Scholarships available. Volunteers needed. Questions? 617-369-9090 or akrevolin@stonewallcommunities.org. For more information, visit: <http://sites.stonewallcommunities.org/www/Home/Sex-and-Gender-in-the-City>.

Wheelock College, Brookline Campus
43 Hawes Street
Brookline, MA

To see details and more Upcoming Events, go to the MLGBA Web site at www.mlgb.org.

SAVE-THE-DATES:

MLGBA Boston-Area Happy Hours

Come join your friends and colleagues for Happy Hour on the dates below at Parris Lounge at Ned Devine's, conveniently located on the second floor of the Quincy Market Building near Faneuil Hall. Please take the interior stairs near Ned Devine's. For directions, visit <http://www.parrisboston.com/parris/directions/index.htm>.

- ◆ Wednesday, February 24, 2010, 5:30 PM
- ◆ Wednesday, March 24, 2010, 5:30 PM
- ◆ Wednesday, April 28, 2010, 5:30 PM

MLGBA 25th Anniversary Dinner

Come join us on Friday, May 7, 2010, to celebrate 25 years of the MLGBA working to provide a visible LGBT presence within the Massachusetts legal community!

Westin Copley Place
10 Huntington Avenue, Boston
Directions at www.westin.com

Continue to check www.mlgba.org for additional information.

If you have a news item or photos to share of your own success or milestone or the success or milestone of another MLGBA member, please send them to cec29us@gmail.com and we will consider them for the next publication.

COMMITTEE UPDATE:

We strongly encourage both law students and attorneys to become involved in the important work of the MLGBA. The Chairs of the various committees of the MLGBA have provided updates on the activities of the various committees below. If you would like to become involved with one or more of these committees, please feel free to contact the respective chair at the e-mail address provided. They look forward to hearing from you!

The Membership Committee

A very sincere thanks to those of you who have renewed; we appreciate your membership. In tough economic times, membership in a voluntary bar association may seem like a luxury, so we are thankful to all of you who continue to renew your membership. It is through its members that the MLGBA gains its strength. Your continued support is appreciated!

Lisa Wilson, Chair
wilson@wmblawfirm.com

MLGBA BENEFITS CORNER

Do not let the ravages of a long-term illness or injury devastate your personal finances. Consider a prudent purchase of legal professional liability, disability and long term care insurance to protect you and your loved ones. MLGBA offers discounted legal liability insurance from Verdix, Long Term Care Insurance from John Hancock to MLGBA members, their spouses/partners, and parents and discounted disability insurance from Guardian to protect your income or business expenses. To contact Stuart Armstrong, CFP(R), CLTC about these valuable benefits, call him at 617-424-0005 or email him at sharmstrong@jhnetwork.com or click here: <http://www.mlgba.org/pages/Coverage.php>.

VOLUNTEER AND CAREER OPPORTUNITIES

Adler Pollock & Sheehan P.C. Litigation Associate

Boston office is seeking a litigation associate with 3-5 years experience in business litigation, insurance coverage, professional liability, and construction law. Candidates should possess strong research and writing skills. Resumes should be submitted to *Bostonhr@apslaw.com*.

Massachusetts Academy of Trial Attorneys Executive Director

Massachusetts Academy of Trial Attorneys (MATA), the largest statewide plaintiff's attorney association, seeks an Executive Director. Responsibilities include: Operational supervision of office personnel, and HR management. Supervise: budget, financials, membership recruitment, legislative efforts, donor development, grass-roots programs, public education efforts, meetings, event organization, IT planning & implementation.

Qualified applicants, send a one page cover letter with your salary requirement and a resume of no longer than two pages to (no telephone calls accepted): Chris A. Milne, MATA President @ *executivedirectorposition@massacademy.com*.

Suffolk University Law School 2010 ACS Constance Baker Motley National Moot Court Competition Volunteer Judges

ACS seeks volunteers to judge oral arguments for our fifth annual Constance Baker Motley National Moot Court Competition in Constitutional Law to be held at Suffolk University Law School. The competition will consist of preliminary Regional Competition rounds at Stanford Law School (March 6-7) and Suffolk University School of Law (March 27-28), with the finals to be held at the ACS National Convention in June 2010.

We invite all Boston-area attorneys to volunteer to judge the competition on Saturday, March 27, 2010. This is a great opportunity to meet ACS student members and share your expertise. Judging involves a commitment of approximately three hours. Please sign up here.

The topic for 2010 involves fundamental questions about our national security and the basic rights guaranteed by the Constitution to persons lawfully residing in the United States.

For more details about our competition, please visit the competition website, or contact the ACS Moot Court Team by email at *moot_court@acslaw.org*.

**The Judge David L. Bazelon Center for Mental Health Law
Proposal Writer / Institutional Researcher**

The Judge David L. Bazelon Center for Mental Health Law, located in Washington, D.C., is looking for an enthusiastic and dedicated professional writer to join our team.

The Center has an opening for a proven professional to research, create and write grant proposals to fund our initiatives. He/she will be responsible for handling all aspects of developing successful grant proposals and reports, coordinating input across the organization as needed. A successful candidate will be flexible, work well under pressure, and meet tight deadlines while handling multiple assignments. Visit <http://www.bazelon.org/about/employment/Proposalwriter.htm> for detailed information.

Interested candidates should send a resume, writing samples, cover letter and salary requirements to: Human Resources, Bazelon Center, 1101 15th Street, NW, Suite 1212, Washington, DC 20005. Fax: 202.233.0409 or email search2@bazelon.org. This is an in-house position. No headhunters and no consultants. NO CALLS.

The Bazelon Center is an Equal Opportunity Employer. We offer a competitive salary based on experience and have a generous benefits package.

**The Experimental College at Tufts University
Part-time Instructors**

The Experimental College at Tufts University is seeking part-time instructors for the Fall 2010 semester to teach small, discussion-based courses that promote active learning and engage Tufts undergraduates in an exploration of ideas and experiences shaping the world today. Classes that offer critical contexts for thinking about cultural studies, current affairs, technology, film, television, law, social issues, world religions, advertising and marketing, business, health care, and ethics have all been well received. Twenty courses will be chosen from a very competitive pool. Classes meet in the evening, will begin Tuesday, September 7, 2010, and will run for thirteen weeks.

For more information and an application packet, go to <http://www.excollege.tufts.edu/>, call 617-627-3384, or email us at excollege@tufts.edu. Deadline to apply: Friday, March 12, 2010.

**National Center for Lesbian Rights
Senior Federal Policy Attorney**

The National Center for Lesbian Rights (NCLR) seeks a Senior Attorney for Federal Policy for a two-year position in its Washington, D.C. Regional Office.

Visit http://www.mlgb.org/upload/files/Federal%20Policy%20Attorney_doc.htm to see the complete job posting.

**Seyfarth Shaw LLP
Labor & Employment Associate**

The Boston office of Seyfarth Shaw LLP seeks a labor & employment associate with 3-5 years experience with a significant emphasis on traditional labor work. Case handling experience required. Excellent academic credentials, analytical skills and verbal and written communication skills required. We offer a collegial environment and an excellent opportunity to continue to develop strong skills and grow with a nationally renowned labor & employment practice. EOE. Candidates should submit their resumes to Jennifer Carrion, Legal Recruiting Coordinator, at jcarrion@seyfarth.com.

**Pathways to Wellness
Executive Director**

Pathways to Wellness, one of the largest providers of complementary medicine in the U.S., is seeking a highly experienced, strategic thinking, entrepreneurial, and visionary leader who will guide Pathways into its next level of development.

The new Executive Director will provide leadership for a fiscally stable, innovative organization well positioned in the integrative medicine movement and ready to further expand its services. At least 10 years of senior nonprofit management and proven track record of successful organizational growth initiatives is preferred. The ideal candidate will have experience in health care management, marketing, and working with diverse communities; is committed to working within a participatory team management model; and has excellent facilitative skills. Candidates of color are encouraged to apply.

Please send inquires and nominations to Dr. Judy Freiwirth, Transition Consultant at EDSearch@NonprofitSA.com.

**Diane Neumann & Associates
Staff Mediator & Administrator**

Diane Neumann & Associates; Divorce Mediation Services, Watertown, MA., has an opening for a full-time employment position as a Staff Mediator & Administrator. The hours include two evenings per week (with compensation time). Approximately 75% of time is divorce mediation, while the remaining 25% is administrative. The mediator component includes mediation sessions and substantial document drafting involving financial and tax calculations. The 25% administrative component is assistance with office management.

We seek a hard-working, diligent individual who is meticulous with drafting; someone able to work on his or her own, and yet is a team player. Requirements: Licensed Massachusetts attorney, divorce mediation experience, divorce mediation training, knowledge of divorce law, excellent writing skills, financial understanding -- knowledge of divorce related finances a plus, tax information -- again, knowledge of divorce-related taxes a plus, and understanding of interpersonal dynamics and child development.

Please e-mail detailed cover letter and resume to: dnaplicants@aol.com. No phone calls, please.

Volunteer Lawyers Project of the Boston Bar Association Executive Director

Volunteer Lawyers Project of the Boston Bar Association, a nonprofit organization providing pro bono legal assistance to low-income residents of Greater Boston, is seeking an outstanding attorney, administrator and community leader to succeed the long-time executive director who is retiring.

For more information, please see www.vlpnet.org. To apply, please send cover letter, resume and salary history to: segmont@egmontassociates.com. Egmont Associates, 85 East India Row #24F, Boston, MA 02110. Word documents as attachments only.

State Boards and Commissions Appointments Various Board Positions

At a recent meeting of the MLGBA Board of Directors, we were fortunate to be visited by Arthur Bernard, Senior Advisor to Governor Deval Patrick, and Alethea Pieters, Director of Boards & Commissions. The purpose of their visit was to encourage MLGBA members to apply for appointment to the multitude of state boards and commissions that need new members. They have launched a new Web site to make it easy to understand the responsibilities of being on a board or commission, to search for vacancies, and how to apply. We encourage you to take a look and to consider serving the Commonwealth in this way. The Web site is located at <http://appointments.state.ma.us>. We have also added a link to this from www.mlgba.org.

SpeakOUT Volunteer Speakers

SpeakOUT trains speakers of all ages how to use its proven format of telling stories and answering questions. Its speaker trainings offer youth and adults an intensive two-day preparation for conducting speaking engagements. SpeakOut educates its own volunteer speakers at this training and invites other organizations with speakers' bureaus to send its members to be trained. In the past, SpeakOut has trained members of Parents, Families and Friends of Lesbians and Gays (PFLAG), the Boston Alliance of Gay, Lesbian, Bisexual and Transgender Youth (BAGLY), Massachusetts Transgender Political Coalition, and many other area organizations.

For more information about how to become a trained speaker, email Marta at info@speakoutboston.org.

Request for Opportunities

In these difficult economic times, many MLGBA attorney members and law students are seeking volunteer and career opportunities. If you have an opportunity that you would like to share with the MLGBA community, please send them to *MLGBA.adminassistant@gmail.com* and we will consider them for the next publication.

MLGBA Involvement

Committees:

We strongly encourage both law students and attorneys to become involved in the important work of the MLGBA through participation with its committees. MLGBA committees include the Amicus Curiae, Communications, Large Firm, Membership, Technology, Transgender Inclusion, Outreach and Western Massachusetts Committees. If you would like to become involved with one or more of these committees, please feel free to contact the Administrative Assistant at *MLGBA.adminassistant@gmail.com* who will provide you with the contact information for the Chair of the respective committees.

Search for Law Student Representatives:

MLGBA has enthusiastic and wonderful student board representatives from Boston College Law School, Boston University School of Law, New England School of Law, Northeastern University and Suffolk University Law School. We are still looking for representatives from Harvard Law School and Western New England College School of Law. If you are interested, please contact Polly Crozier at *polly@kauffmanlaw.net* or 617-577-1505.

For additional career and volunteer opportunities, visit <http://www.mlgb.org/pages/opportunities.php>.