

defending him in the ethics proceedings. The commission asked the court to reprimand Wilkerson publicly and fine him \$150 for violating the code. Since early 2002, judges specifically have been ordered to avoid "expressions of bias or prejudice," including demeaning remarks based on "sexual orientation."

In recent years, a handful of states have reprimanded judges for anti-gay bias. The only other censure of a Southern judge related to sexual orientation occurred several years ago in Texas. Judges in Alabama, Illinois, Michigan and Delaware also have faced complaints of anti-gay bias in recent years.

KENTUCKY

A federal appeals court has dismissed an effort by a Louisville gynecologist to strike down a local ordinance making it illegal to discriminate on the basis of sexual orientation and gender identity. The court found that the statute did not affect the religious practices of J. Barrett Hyman, a Baptist represented by Pat Robertson's American Center for Law and Justice, and that therefore his lawsuit was baseless.

"This case was never about Dr. Hyman's religious liberties," attorney Leslie Cooper said. "It was an attempt to tear down important civil rights protections."

Hyman claimed his religious rights were violated by the anti-discrimination ordinance because it made it illegal for him to bar gay and trans people from working in his medical office. A federal district court allowed him to bring the suit but dismissed all his claims under the U.S. Constitution and the Kentucky Constitution—including freedom of speech, religion and association claims.

Hyman appealed the lower court's decision to the U.S. Court of Appeals for the Sixth Circuit. The court didn't find it necessary to address the merits of his claims but found instead that he didn't have the right to bring the lawsuit in the first place because the ordinance didn't affect his religious practices.

PENNSYLVANIA

A three-judge panel of the Pennsylvania Superior Court unanimously affirmed a trial court ruling ordering a nonbiological co-parent to pay child support for the five kids she jointly brought into the world and raised with her former partner. The ruling in *L.S.K. vs. H.A.N.* is one of the first appellate decisions in the county addressing child support issues for kids born to same-sex parents.

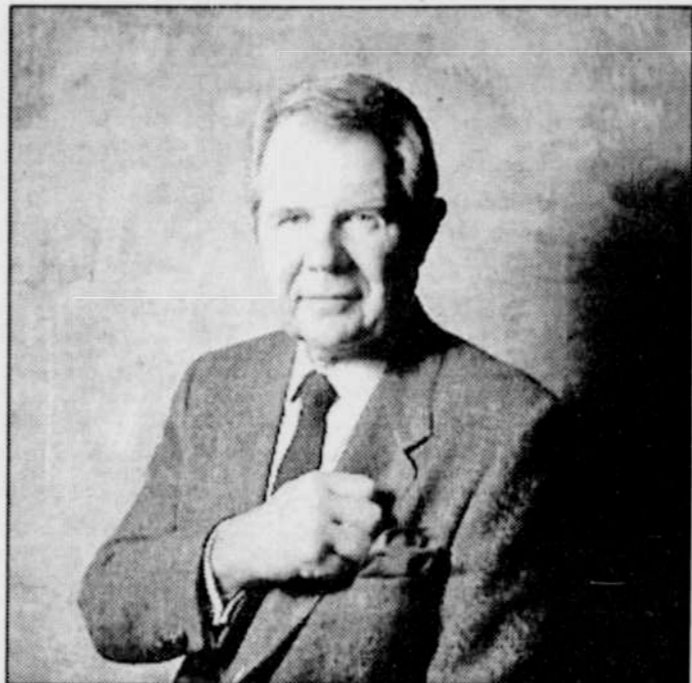
L.S.K. and her former partner H.A.N. were in a relationship for more than 10 years. During this time, the couple decided to raise a family together.

Using anonymous donor insemination, L.S.K. gave birth to their first child in 1990. In 1993, again using anonymous donor insemination, L.S.K. gave birth to quadruplets.

From the moment the babies were born, both women shared in all child-rearing responsibilities until their separation in 1997. H.A.N. then sought and was awarded joint legal custody of the kids.

In 1998, L.S.K. successfully sued H.A.N. for child support. Judges affirmed that decision Dec. 17, holding that because "H.A.N. acted as a co-parent with Mother in all areas concerning the children's conception, care and support," she was barred from claiming she owed no duty of support.

"This case is about fairness to children," said



Televangelist Pat Robertson's law center supported an anti-gay lawsuit that was dismissed in Kentucky

Shannon Minter, National Center for Lesbian Rights legal director. "The court recognized that children of same-sex parents must be given the same rights as other children, including the right to financial support from both parents."

COLORADO

A federal lawsuit filed Dec. 12 in Denver alleges that Belle Bonfils Memorial Blood Center violated the Americans with Disabilities Act by engaging in employment discrimination.

Attorney Eric Maxfield asserts that the nonprofit illegally fired a donor technician on the basis of his HIV-positive status. The complaint also alleges that the termination violated Section 504 of the United States Rehabilitation Act as well as the Colorado Anti-Discrimination Act.

"Bonfils' action violated the ADA because the employee's health status posed no danger to potential blood donors," Maxfield said. "This act is all the more egregious in that it is perpetrated by a well-known blood center that had, in the past, worked to dispel the myths surrounding the safety of Colorado's blood supply. Bonfils should have known better."

MINNESOTA

The Minneapolis City Council approved a measure Dec. 13 requiring large contractors with the city to offer equal benefits to all employees. The legislation, modeled on ordinances passed in seven municipalities throughout the country, will go into effect Jan. 1, 2004.

San Francisco passed the first such measure in 1997, according to OutFront Minnesota public policy director Monica Meyer. A pending ordinance in New York City will increase the number of businesses providing parity

in benefits to their employees. Meyer pointed out that such benefits typically cost no more than covering employees' spouses and have minimal fiscal impact. Moreover, the measure exempts small businesses and religious entities and permits contractors that do not offer equal benefits to comply by simply certifying that they would do so if asked by an employee eligible to receive them.

"We believe this ordinance is business-friendly while also advancing the interests of the city and workers," said Ann M. DeGroot, OutFront Minnesota executive director. "Overall, it is a strong statement about the positive values of this community." □

Compiled by News Editor JIM RADOSTA, who can be reached at jim@justout.com.

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