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Poway alumni were awarded a \$300,000 settlement for harassment they endured as students.

CALIFORNIA

Court Urged to Uphold Poway Decision

In papers submitted Nov. 21, Lambda Legal urged the California Court of Appeal to uphold a jury decision that found that former Poway High School students were subjected to relentless harassment because of their sexual orientation.

"All parents expect that their children will be safe and protected at school, and all schools in California are required to take effective measures to achieve that environment," said Brian Chase, lead attorney on the case. "Even after their mothers complained about their kids being harassed because they are gay and lesbian, the school district did little to nothing to protect [them], which is why the jury in the trial court ruled against the Poway Unified School District."

Joey Ramelli and Megan Donovan were students at Poway High, a school in northern San Diego County. During their junior year, other students relentlessly taunted them with anti-gay slurs, and Ramelli was physically assaulted and his car was vandalized. Both dropped out and completed studies toward their high school diploma at home.

Although Donovan and Ramelli reported the harassment to school officials, the jury in the trial court found that the officials took "minimal or no action at all" when they reported the incidents. Further, the jury found that the harassment the students suffered was so "severe and pervasive" that they awarded a combined \$300,000 to the students.

"I kept a log of the times when I was called 'fag' and other derogatory words and when I was physically assaulted or my life was threatened," Ramelli said. "Hardly a day went by that I didn't get shoved or called a name, so there was no way that anyone could question that what was happening to me was a serious, constant problem. I don't want future gay and lesbian students at Poway to suffer from the same harassment I went through."

Same-Sex Couples Appeal to Supreme Court

Attorneys representing same-sex couples, Equality California and Our Family Coalition asked the California Supreme Court on Nov. 13 to decide whether barring same-sex couples from marriage violates the state constitution.

In April 2005, San Francisco Superior Court Judge Richard A. Kramer ruled that barring same-sex couples from marriage unconstitutionally discriminates on the basis of sex and violates the fundamental right to marry. The California Court of Appeal overturned Kramer's ruling in a 2-1 decision Sept. 29, 2005, saying California may

continue to bar same-sex couples from marriage. The petition asks the California Supreme Court to reverse the Court of Appeal decision.

More than 250 religious and civil rights organizations, including the National Association for the Advancement of Colored People, Mexican American Legal Defense and Educational Fund, California Council of Churches, Asian Pacific American Legal Center and National Black Justice Coalition, filed amicus briefs supporting marriage equality for same-sex couples.

In 2005, the California Legislature passed Assembly Bill 849, the Religious Freedom and Civil Marriage Protection Act, which would have ensured equal treatment under the law by allowing same-sex couples to marry. Gov. Arnold Schwarzenegger vetoed it.

The California Supreme Court has 60 days to rule on the petition and may extend that period by up to 30 days.

FLORIDA

Miami University Employees Keep Benefits

In response to papers filed by Lambda Legal, the Butler County Court of Common Pleas dismissed a lawsuit Nov. 20 brought by a legislator seeking to take away the domestic partner benefits of employees of Miami University.

"The court has affirmed that Mr. Brinkman's daily life is unaffected when the domestic partners of lesbian and gay university employees have health insurance, and he therefore has no standing to bring a lawsuit," said attorney James P. Madigan. "Lesbian and gay employees and their families' health were at stake, and today the court has granted them freedom from being a pawn in politically motivated lawsuits."

In July, Lambda Legal filed briefs arguing that Brinkman had no standing to sue, because the university pays for its domestic partner benefits with privately donated funds, not with tax dollars or tuition. He also had not shown that he suffered any direct impact that would be corrected if Miami University took away the health and dental insurance it offers to the domestic partners of university employees.

In December 2005, Lambda Legal intervened on behalf of professors Jean Lynch and Yvonne Keller after the domestic partner benefits offered by Miami University came under attack by the anti-gay Alliance Defense Fund. The lawsuit claimed that the benefits violate the state's anti-gay constitutional amendment, which limits marriage to a man and a woman. Lambda Legal argued that the constitutional amendment does not apply to the university because it concerns only marriage and does not address the legality of domestic partnership benefits.

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