

HB2 defense tops \$1.2 million

Court date delayed until SCOTUS decides similar case

by Maria Dominguez :: **qnotes** contributor

CHARLOTTE, N.C.—The North Carolina legislature, dominated by Republicans since 2011, has spent a considerable sum legally defending its own laws. *The Charlotte Observer* reported recently that of \$10.5 million, \$1.2 million has been spent defending HB2 in court. The GOP claims that this use of public funds is the fault of Attorney General Roy Cooper, who holds the lead in a contested election for the gubernatorial race against incumbent Pat McCrory.

Cooper's post as Attorney General obligates him to defend laws passed by the legislative majority. Although he spoke out against many of the controversial laws, he did defend them in court—except for HB2. Cooper spoke out against the law vehemently, and it may be the issue that wins him the governor's seat.

"Roy Cooper's refusal to do the job he was elected to do is the main reason the legislature has been forced to hire outside counsel," Senate majority leader Phil Berger's spokeswoman told *The Observer*.

Other sources disagree, citing an unusually large number of active cases. The North Carolina GOP's various laws have been hotly contested in court.

"There was no option but to get some outside help," said Sen. Bob Rucho. "They didn't have enough attorneys to meet the challenge."

Meanwhile, the federal court date to decide the fate of HB2 has been postponed until the summer of 2017. This decision, made in October, was influenced by the Supreme Court's announcement that it would hear the case of Gavin Grimm. Grimm, a Virginian transgender high school student, sued for access to the boy's bathroom of his high school. The Supreme Court's decision may establish an important precedent according to National Center for Lesbian Rights legal director Shannon Minter.

"[The decision] may ensure that transgender people are accepted and included as equal members of our society, or it may relegate them to outsiders for decades to come," Minter said.

However, it isn't just the bathroom provisions that make HB2 controversial. The law also limits non-discrimination protections and the ability to sue over discrimination at the state level. These less-publicized aspects of the bill may end up as collateral damage even if Cooper's election is secured and his administration prioritizes the HB2 repeal.

"We do not have a legislature that will repeal the law," said Amy Bright, ECU GLBT executive board member. "The really bad portions of the law that negatively impact everyone in the state, not just the LGBT community, are going to stand and that's the tragedy of the whole situation." ::

Your marriage will be fine

And other questions post-election

by Connie J. Vetter, Esq. :: guest contributor

LGBT people are understandably worried about what will happen when Donald Trump takes over the presidency. One concern is about our marriages. I believe they will be fine and so do the national LGBT legal organizations. For example, Shannon Minter, a highly respected attorney with National Center for Lesbian Rights (NCLR), said, "There is no realistic possibility that anyone's marriage will be invalidated. The law is very strong that if a marriage is valid when entered, it cannot be invalidated by any subsequent change in the law. So people who are already married should not be concerned that their marriages can be taken away. To the contrary, it is important that they continue to live their lives as married couples. If you or anyone you know encounters any problem with your marriage being fully respected, contact NCLR or another LGBT legal group immediately.

"For individuals who are not currently married but who may wish to marry in the future, it is also highly unlikely that the fundamental right of same-sex couples to marry will be challenged or that the Supreme Court would revisit its 2015 holding that same-sex couples have that fundamental right," said Minter.

Even if our marriages are safe, there are still things LGBT couples should do now. If you are married and have children then the non-biological or non-adoptive parent needs to get a confirmatory adoption for your children. This is because being on your children's birth certificate is a presumption of parentage but the only way to be a fully recognized legal parent in North Carolina (and most other states) is

to be biologically related to your children or to adopt them.

In addition, even if you are married you need to do your Will and Health Care legal documents to protect yourself and your loved ones. You especially need to do these legal documents if you are partnered but not married.

If you are partnered with someone who is not a U.S. citizen then consult an immigration attorney about marriage and immigration status for your particular situation.

For people who are transgender, get your ID documents updated. That includes getting or updating your Federal documents such as your passport and social security record with your correct name and gender marker (surgery is not required for these Federal documents). Even if you don't plan to travel you can use your passport as identification and again, you don't have to have surgery to get the gender marker changed.

Also, update state documents such as your birth certificate and driver's license with your correct name and gender marker (North Carolina law requires a doctor's letter saying you've had sex reassignment surgery to change a gender marker).

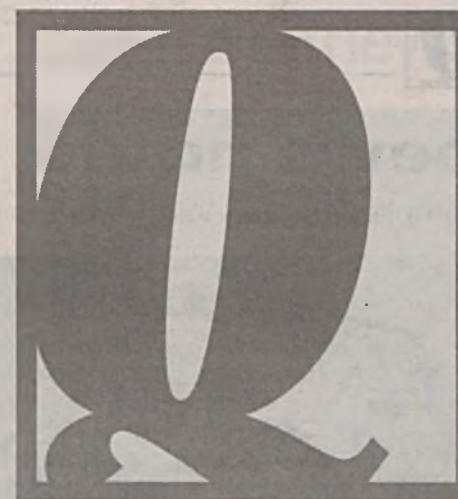
Finally, there are actions you can take now to help ensure your rights are respected. Donate to legal and activist organizations fighting for you. Volunteer with one or more of the organizations. Get involved in politics or support local, state, and national candidates who will fight for you. Educate others about your issues. Come out. Stand strong with other vulnerable populations. If you have been dis-

criminated against, fight for your rights. Finally, remember that Hillary Clinton actually received more votes than Donald Trump (he won due to the Electoral College) so know that we LGBT people still have many who support and accept us.

Below is a partial list of LGBTQ and advocacy organizations:

- ACLU: ACLU.org
- Campaign for Southern Equality: SouthernEquality.org
- Connie J. Vetter, Attorney at Law: CJVLaw.com
- Equality North Carolina: EqualityNC.org
- Family Equality Council: FamilyEquality.org
- Lambda Legal: LambdaLegal.org
- National Center for Lesbian Rights: NCLRights.org
- National Center for Transgender Equality: TransEquality.org
- National LGBTQ Task Force: TheTaskForce.org
- Southern Poverty Law Center: SPLCenter.org
- Transgender Law Center: TransgenderLawCenter.org
- Transgender Legal Defense and Education Fund: TransgenderLegal.org

— Attorney Connie J. Vetter has over 22 years' experience in LGBT legal issues. She practices in the Charlotte, N.C., area and accepts clients from across North Carolina. She can be contacted at 704-333-4000 or CJVLaw.com.



Dec. 2-15, 2016 Vol 31 No 16

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front page

Graphic Design by Matt Comer.

Photography/Illustration: Adobe Stock.

Mission:

The focus of **QNotes** is to serve the LGBT and straight ally communities of the Charlotte region, North Carolina and beyond, by featuring arts, entertainment, news and views content in print and online that directly enlightens, informs and engages the readers about LGBT life and social justice issues.

Pride Publishing & Typesetting, Inc., dba **QNotes**
P.O. Box 221841, Charlotte, NC 28222
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Publisher: Jim Yarbrough

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Printed on recycled paper.

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