Greetings! Welcome to *The Equalizer*, the newsletter of the American Bar Association's Commission on Sexual Orientation and Gender Identity (SOGI)!

It has been a trying six months since our last newsletter. We are living in a new America. In just half a year we have seen the removal of protections for transgender students, the reversal of the Department of Justice's interpretation of Title VII's coverage of discrimination based upon sexual orientation, and the unfounded announcement that our transgender brothers and sisters will no longer be allowed to serve in the armed forces. Times are uncertain for the LGBT community. But there is hope, and now more than ever all lawyers must step up to the plate and defend the rights and freedoms of all people to live free of bias and discrimination.

The SOGI Commission remains dedicated to effectuating change on behalf of the LGBT community through the rule of law. In the past, this newsletter has given you a glimpse of the important work of the Commission. However, now is a time of celebration for the SOGI Commission. At the start of the 2017-2018 bar year the SOGI Commission will be turning 10 years old! It is a milestone for sure and one that the Commission plans to celebrate and use as an opportunity to renew our work as well.

In this newsletter, you will find a collection of essays from past and present SOGI Commissioners, liaisons, and special friends, that talk about their personal experiences with the SOGI Commission. We hope to give you a glimpse of what it is like to be a part of the SOGI family and maybe, just maybe, one of the personal stories will inspire you to get involved.

We on the SOGI Commission continue to work hard on behalf of the LGBT community. If you are interested in being a part of this very exciting and essential work, please do not hesitate to contact me, or any member of the Commission, our liaisons, or our outstanding staff.

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**Editor**

LIZ OCHOA
Section of Litigation hosts
Inaugural ABA LGBT Forum

The Section of Litigation made ABA history this past May in San Francisco when it hosted the Inaugural ABA LGBT Forum. The Section leaders began planning the Forum and then realized that this would be an ABA first. “We learned that no entity in the ABA had ever had an open enrollment welcome-all-comers conference focused on LGBTQ lawyers or issues, says Laurence Pulgram, Section Chair 2016-2017. “The genesis of this event was a desire to reach out to, connect with, and to include, in a public and uninhibited way, the Lesbian, Gay, Transgender, Bisexual or Questioning members of our profession. Diversity truly is core to what we do at the Section of Litigation.”

The ABA LGBT Forum had a wide range of programming from CLE breakouts such as “LGBT Employees 101: A Practical Guide to Creating an Inclusive Workplace” and “Post-Obergefell: The New LGBT Cases after Marriage Equality.” The plenary addressed the “Views from the Corner Office: Tips from Managing Partners and Senior In-House Counsel” and “How to Handle a Hostile Political Environment: Advice and Tips from Official on How Attorneys Can Position Themselves to Navigate Hostile Laws Impacting the LGBT Community.”

The Keynote Luncheon “LGBT Politics and Justice featured Tina Tchen, Assistant to President Obama and Chief of Staff to First Lady Michelle Obama and Hon. Therese M. Steward, California Court of Appeal Justice.

“The Forum sought to provide the skills, the network, and the inspiration for LGBT lawyers and allies to be the best they could be,” Pulgram says. “We feel it succeeded on all fronts. With 260 registrants, remarkable esprit de corps, and a dozen energetic, packed programs on all kinds of timely topics, this was real value to attendees. Forum Co-Chairs Zesara Chan, Dalton Courson and Helen Casale did an amazing job. Above all, through the Forum the ABA reached out to the LGBT world, in its symbolic center of San Francisco, saying this particular part of the struggle matters to us, not just as another color in the kaleidoscope of diversity that is our profession, but as a specific and defined set of issues we embrace and fully support.”

SOGI Commissioner, Ghenete Wright Muir, who also serves on the Diversity and Inclusion Committee for the Section of Litigation moderated the CLE panel: “In Transition: The Fast Evolving Law on Transgender Rights in Governmental Spaces.” The panel included SOGI Commissioner, Shannon Minter of the National Center for Lesbian Rights as well as Ilona Turner of the Transgender Law Center, Scott Wilkens of Jenner & Block LLP and Elizabeth Gill of ACLU of Northern California.

“The Forum really focused on the substantive law for litigators but also focused a lot on mentoring and networking which I think is desperately needed for young LGBT lawyers. The outcome was very positive,” says Helen Casale, Forum Co-Chair. “We heard noth-
What inspired me to be co-chair? Well, Nan Joesten asked me that’s probably the short answer! The ABA had never done anything like the Forum before so that clearly intrigued me. I was proud to organize this national effort for the ABA focused on LGBT rights. I was one of three co-chairs along with Dalton Courson and Zesara Chan. Zesara was really our “nose to the ground” person since she lived and worked in San Francisco. All three of us though really shared the labor. It was awesome to work with them. Nan kept us very organized along with the ABA staff (who was amazing!).

We raised money through sponsorships, coordinated and planned the programming, and got the word out. It was really exciting to be a part of all of it.

HELEN CASALE
LGBT FORUM AND SECTION CONFERENCE CO-CHAIR

legal, and emotional needs of every gender identity.

So the fact that the LGBT Forum and the Section Annual Conference do not merely abut, but conjoin at this luncheon, is itself symbolic.
LGBTQ issues do not belong to some subset of our members, any more than racial diversity issues belong to some different subset, to be observed, or even endorsed, from a distance. Diversity, in all its dimensions, is everyone’s issues. LGBT issues are all of our issues. They involve fundamental questions of civil rights, personal autonomy, justice, and fairness. And today, in San Francisco, we embrace those issues as another key aspect of what we, as a Section and profession, adhere to, in our quest to Defend Liberty and Pursue Justice.

After the fact thoughts: “The Forum sought to provide the skills, the network, and the inspiration for LGBT lawyers and allies to be the best they could be. We feel it succeeded on all fronts. With 260 registrants, remarkable esprit de corps, and a dozen energetic, packed programs on all kinds of timely topics, this was real value to attendees. Conference co-chairs Zesara Chan (San Francisco) Dalton Courson (New Orleans) and Helen Casale (Philadelphia) did an amazing job. Above all, through the Forum the ABA reached out to the LGBT world, in its symbolic center of San Francisco, saying this particular part of the struggle matters to us, not just as another color in the kaleidoscope of diversity that is our profession, but as a specific and defined set of issues we embrace and fully support.”

I was so happy that I sort of got in blindly to this project. I wasn’t sure what impact it would have on the ABA and others but at the end I saw it as an amazingly positive venture. I think it brought a lot of exposure to the Section of Litigation and show cased some incredible speakers and extremely important topics. The Forum really focused on the substantive law for litigators but also focused a lot on mentoring and networking, which I think is desperately needed for young LGBT lawyers.

The outcome was very positive. We heard nothing but good things and those in attendance seemed to just want more! I am hoping the ABA Section of Litigation will now make this, at least, an every other year event!

GHENETE WRIGHT MUIR
SOGI Commissioner
I became involved with SOGI soon after its start (2007). I served as a liaison from TIPS, was a commissioner and then had the honor to chair the Commission from 2012 – 2015. Looking back on that time, I am amazed at how much we accomplished.

A couple of favorite memories with SOGI:

- The inaugural LGBT Advocacy Day in Washington, DC. I remember the planning sessions and the incredible enthusiasm of all of the participants. We had a briefing at the White House, ran around the Capitol speaking to members of Congress and their staff and a couple of really remarkable (and crowded) receptions. We proved that anything and everything is possible with a dedicated group of people who care;
- CLE programs and webinars on DOMA and Prop 8, Implicit Bias, Ethical Implications of LGBT Bias, Transgender Rights, Employment Rights for LGBT. We had groups of informative and inspiring attorneys and LGBT leaders and allies willing to jump in and help and inform and lead the discussion on these very important topics;
- “Out and About: The LGBT Experience in the Legal Profession” – a book edited and by the SOGI Commission with the National LGBT Bar Association, allowing LGBT attorneys the opportunity to tell their own stories about their contributions, struggles and successes;
- The Anti-Bullying Roundtables across the country, coinciding with ABA Annual and Midyear meetings. It was absolutely inspirational to hear from students, parents, teachers, administrators and legislative leaders all willing to make a difference for our next generation. We never put these roundtables on the schedule for the ABA Meeting, wanting to keep the focus on the students, their families and those who cared. But, somehow, word got out and I was forever amazed at the leadership and support of the ABA for this project;
- Resolutions before the House of Delegates on elimination of DOMA and conversion therapy, detainee rights and ABA governance. It was not merely that the House of Delegates passed every one of our resolutions, but that the entire membership, from state delegations, to sections, the Board of Governors and individual Delegates took up our cause;
- The Stonewall Awards. Meeting and honoring leaders, LGBT and allies, who have made such a difference for our community. Each of the receptions were spectacular and became the “go to” event at the Midyear meeting. Maybe it was the champagne that got people there. But, I think it was the opportunity to meet the honorees. Every time, the room was packed;
- Cementing long-lasting relationships with allies throughout the Association, the profession and the world. It meant so much when the all levels of support were there for us. All of the ABA Presidents took the time to learn, care and make a difference for the LGBT community. They did not merely “fly by” for a visit. Each sat with us, listened to us and joined in the conversation. I am also keenly aware that our Presidents found a way to make things happen for us. I am not sure what we could have done without their support. We also had the support of the other Goal III Commissions. Even though we were the “new kid on the block,” the leaders, members and staffs of the other Goal III entities were there for us. And, the members of the ABA who wanted to show that they cared and were part of our family. I remember multiple presentations to the Board of Governors, numerous meetings and presentations to almost every section and division of the Association. And, every time, I was greeted as a colleague and a friend and never lacked for support for me, the SOGI Commission or the LGBT community.
- Although I note there is an opportunity to remember some funny nights out during some of our meetings. However, I think it best that some things that happen in New Orleans, Nashville, Dallas, New York, Chicago, Denver, San Francisco, Houston, etc., stay there (but forever with a smile and a laugh in my minds!).

But, the greatest memories came from sharing and achieving continued on page 7
I joined the SOGI Commission in 2013. I had long been an active leader in the Section of Civil Rights & Social Justice (CRSJ) and was involved in its SOGI committee long before the ABA created the SOGI Commission. But upon joining the SOGI Commission, I quickly learned that the Goal III diversity commissions have a lot of influence in the ABA and that SOGI was eager and willing to use that power for the good of the profession.

I am a civil rights lawyer. I have endured and witnessed a lot of discrimination in and by the legal profession. Such discrimination is a stain on the profession and it erodes public confidence in the law. The ABA has prepared reports and provided education about the existence and harm of discrimination, but I wanted to see the ABA do something that would create consequences for lawyers who engage in such behaviors. I knew that the District of Columbia and some states had ethical rules against discrimination, but that the ABA did not. I wanted to change that. I wanted the ABA to do more than just talk a good game.

I first talked to CRSJ leaders Myles Lynk and Jodi Levine (a former SOGI commissioner) about my idea. They suggested that I use the power and influence of the SOGI Commission to move the ball forward. I raised the issue with then SOGI chair Jim Holmes and SOGI director Skip Holmes. They eagerly supported the idea, so I raised it with the Commission as a whole. They quickly jumped on board and decided that SOGI should spearhead the project with the goal of convincing the ABA to adopt a Model Rule of Professional Conduct against discrimination.

The SOGI Commission reached out to the other Goal III commissions to gain their support. We created an alliance with the commissions and the Section of Civil Rights and Social Justice to urge the ABA’s Standing Committee on Ethics and Professional Responsibility (SCEPR) to take up the issue. SOGI took the lead in studying the idea and preparing the formal request to SCEPR. By 2014, CRSJ leader Myles Lynk was the SCEPR chair and was open and supportive of our efforts. SOGI prepared testimony and offered sample language. SOGI commissioners lobbied their ABA circles to gain support and served on advisory committees. SOGI kept the pressure on SCEPR to not only recommend a rule but to recommend one with teeth. Each time SOGI had a chance to comment, it did so, and did so in a strong voice.

When SCEPR recommended a final rule in 2016, SOGI and its alliance worked tirelessly to advance the rule. Although we ultimately had to make some compromises in language, ABA Model Rule 8.4(g) was adopted by the ABA House of Delegates at the August 2016 annual meeting. The SOGI Commission took the lead to make this rule happen. I was proud to be part of the effort.

I congratulate SOGI on its 10th anniversary and encourage all SOGI commissioners to find a project that enables SOGI to use its power and influence for the good of the profession.

KRISTEN GALLES
Liaison for Civil Rights and Social Justice

SOGI, A Path to Reconnection

I became a SOGI commissioner following my participation on an ABA/SOGI panel in the fall of 2014 on the topic of Russia’s outrageous and targeted discrimination against LGBT’s, which became internationally noted around the time of the planning for the then upcoming winter Olympics.

I was recruited by former SOGI commissioner and law professor Mark Wojcik of the John Marshall Law school in Chicago. At the time, I was teaching at the time at Northern Illinois University. Following the panel I was asked if I would be interested in coming on as a commissioner, since I had years of experience writing and researching on the subjects of gender sexuality and the law.

It has been a great opportunity to pursue LGBTQ activism among bright, committed, interesting, and enthusiastic interested lawyers and judges! A highlight activity involved the Stonewall award reception, where I was able to re-connect briefly with the amazing lawyers with whom I had volunteered back in the 1980s as a young civil rights attorney in New York City at that little project called Lambda LDEF!

Re-connecting with Lambda’s first director, Abby Rubenfeld, and Evan Wolfson (who can be credited with the organized movement for marriage equality) and seeing my former student now Lambda LDEF L. A., attorney Jenny Pizer, were moments of sheer delight for me.

Now in retirement as a law professor Emeritus, I have enjoyed bringing important issues to SOGI that address the intersectional aspects of one’s gender and sex identity. I look forward to advancing further the topic of the discriminatory impact on LGBT migrants who petition for asylum and whom too often, face horrific treatment when they are placed in US immigration detention centers operated by for-profit prison companies.

ELVIA ROSALES ARRIOLA
SOGI Commissioner

A Look Back...
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our goals for the LGBT community through the members, staff and liaisons of the SOGI Commission. It was this group of people that led the way for the SOGI Commission to do all that it did. As I write this, I can see everyone’s face and remember both time of humor, leadership, support and responsibility. Each of these people made the SOGI Commission what is was and was meant to be – the voice, heart and soul of the LGBT community in the ABA, the profession and the world. I am truly humbled to have been part of such an amazing group of people who cared and were willing to more (and ever more) to make a difference.

Thanks for all that the ABA and SOGI Commission has done and will do for the LGBT Community.

JAMES J. S. HOLMES
SOGI Chair, 2012-2015

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ABA
Commission on
Sexual Orientation
and Gender Identity
was thrilled to be appointed to SOGI last year on my first try for an appointment. I must say, SOGI makes you feel right at home and quickly finds you an assignment! I’ve been involved in the D&I space for decades. I formerly chaired the Business Law Section’s Diversity Committee. During that time I added an LGBT Subcommittee, and actively worked on the successful inclusion of LGBT lawyers in Business Law’s Fellows Program. I also previously served on the Commission on Racial and Ethnic Diversity in the Profession and the Commission on Women in the Profession. Given that background, I volunteered right away to be SOGI’s representative to the Pathways to the Profession Project, which grew out of the ABA Diversity and Inclusion 360 Commission. From there, I was appointed Chair of the Metric-Driven Bias Interrupters Project for LGBT Lawyers and Lawyers with Disabilities. This is a multi-year, groundbreaking study, conducted by the Burton Blatt Institute, and it’s already been an education for me. I will be so pleased when this work is done and adds LGBT and disability to the research on bias interruption that has already been done on gender, race and ethnicity. I’m also excited about the Ally Toolkit revamp. I think it is so important to have solid training for Allies. In fact, I was just a panelist on a Verizon program for our first National Pride event, where I touted the SOGI Ally Toolkit and generated a great deal of interest from our senior management on Ally training. It’s great when my ABA and work worlds come together.

Happy 10th Anniversary, SOGI! So glad to be here!

MEG MILROY
SOGI Commissioner

Jumping in Head First!

**TRANSGENDER PERSONS AND THE LAW, 2ND EDITION**
BY ALLY WINDSOR HOWELL, LL.M.

*Transgender Persons and the Law, 2nd Edition* further solidifies the ABA’s position as the forerunner and champion of combatting transgender discrimination and safeguarding the legal rights of all transgender individuals. This new edition is an excellent resource for lawyers as well as lay-activists engaged in transgender human and civil rights in the courts or in legislative lobbying.

The following areas of the law are thoroughly explained in the book: What is transgendered? • Identification documents • Public facilities • Housing concerns • Military and veterans issues • Family law • School matters • Health care • Personal safety concerns • Keeping and securing employment • Criminal imprisonment disputes and more!

As a BONUS, the book includes a link to an online database that features a complete set of legal forms for all fifty states and the District of Columbia for name changes and for those jurisdictions that allow it, changes to birth certificates.
When the Board of Governors created the Commission in 2007, it was both a recognition of the progress we had made in bringing LGBT rights into the mainstream of the ABA, and an acknowledgment that there was still much work to be done to achieve full inclusion for LGBT lawyers, law students, and legal professionals.

When I joined the effort as a young lawyer some 30 years ago, this was still an uncomfortable subject for many in our Association. From the beginning, we had devoted friends and allies who stood with us, but there were far fewer who were willing to embrace our cause than there are today. We lost many battles before we began to prevail.

In those early days, our home within the ABA was the Section of Individual Rights and Responsibilities, and I was among the leaders of its Committee on the Rights of Gay People, as it was then known. (The section has since been renamed the Section of Civil Rights and Social Justice, and after several iterations, the committee is now the Committee on Sexual Orientation and Gender Identity.)

Over time, the culture of the Association evolved, and many others took up the cause. This was in no small part due to the advancement of women and members of racial and ethnic minorities within the House of Delegates and the leadership. Eventually, acrimonious debates gave way to more thoughtful engagement with our concerns. We introduced, and the House adopted, a long series of policies on such issues as discrimination in employment, housing, and public accommodations, military service, marriage and domestic partnerships, adoption, child custody and visitation, hate crimes, and HIV and AIDS. ABA leaders testified in support of those policies on Capitol Hill, and we filed influential briefs in each of the leading Supreme Court cases on LGBT rights.

Most of those achievements were outward-looking. But we also turned our attention to creating a more inclusive environment for LGBT people within the profession. We began with a resolution urging the House to broaden the coverage of Goal III to include diversity and inclusion based on sexual orientation and gender identity. Once that was accomplished, we asked the Board of Governors to create a fourth Goal III commission “to promote full and equal participation in the legal profession by persons of differing sexual orientations and gender identities.”

It is a measure of our progress that, when I presented the proposal to the Board of Governors, it had the support of the president and a united ABA leadership. I do not recall any opposition.

For the first few years of the commission’s existence, I was honored to serve as its special adviser, and I have been gratified to watch it become a vital and dynamic part of the fabric of our Association.

I salute the Commission on this anniversary, and wish it continued success as it begins its second decade.

MARK AGRAST
Past SOGI Special Advisor

Past SOGI Chair James Holmes with the inaugural Stonewall Award Recipients Matt Nosanchuk, Mary L. Bonauto, and Mia Frances Yamamoto.
SOGI Commission’s 10 Year Anniversary

I was one of the inaugural SOGI commissioners and recall feeling a bit overawed by being included in the same group as some of my heroes among prominent LGBT lawyers. We had a lot on our plate in the first couple of years, but one accomplishment I recall most poignantly was a half-day hearing we organized in Chicago during the 2009 ABA Annual Meeting. We featured personal testimonies by attorneys, including a transgender lawyer, who spoke of the obstacles they faced in coming out and achieving professional success in practice environments that were unwelcoming or even hostile. Their stories really helped drive home to our audience members how dispiriting it can be to face professional animosity for reasons completely unrelated to one’s skills or abilities. The hearings also covered best practice tips for employers and recommendations to bar associations on how to promote change, and the personal and touching accounts from our opening panelists were a captivating prelude to those discussions.

PATRICK MCGLONE
President of the District of Columbia Bar


The SOGI Commission also wishes to recognize and thank our donors for their generous financial contributions and support. We commend all our donors’ efforts to help achieve full and equal participation in the legal profession by persons of differing sexual orientations and gender identities and applaud their commitment to diversity and inclusion.
Reflections From the SOGI Board of Governor Liaison

I walked into my first SOGI meeting anticipating great things. As a new member of the Board of Governors, we each were asked which groups we chose to become a liaison. Luckily for me, SOGI was available and Judge Jodi Levine and I both lobbied for me to become SOGI’s liaison. With the powerhouse support of Judge Levine, I served as SOGI’s liaison to the BOG for 3 years.

Even though SOGI was the newest member of the Goal III entities, having been created in 2007, the last decade had been meaningful and important. I chaired the Presidential Advisory Council on Diversity (Pipeline Council) from 2006-2009. Robin Rone was our Pipeline Council’s Staff Director and when SOGI was created, Robin became their Director also. A small beginning with an entity that could not foresee the important decisions that would occur in the next decade that would change SOGI and its work forever.

SOGI was engaged and involved in all the decisions that were happening across the nation. In the Proposition 8 battle in California all the way to the Supreme Court, and all the other challenges to equality that called for SOGI’s expertise. SOGI committee members became a strong voice and organized subcommittees that enabled SOGI to have an impact in many different arenas.

In my 3 years as liaison, I watched this entity grow into a fully functioning and mature adult in its short life cycle. Upon hiring their first full-time Director, Skip Harsch, SOGI had the support and staffing to form a firm foundation. James Holmes was the Chair when I became their liaison. His enthusiasm and leadership started SOGI’s newsletter, SOGI’s Stonewall Award, and formed a strong committee structure. When Mark Johnson Roberts took over in 2015, the enthusiasm and commitment remained, and SOGI had another excellent Chair. I remember walking into an annual meeting and marveling at how many projects were ongoing. How could such a small committee do so much work. That’s what happens with a group of committed, passionate individuals no matter what the number.

With my time on the Board at an end, I will miss SOGI but will remain a strong supporter and voice for diversity, inclusion and equality. I will always have their back and applaud the part SOGI had in moving our nation forward. Although we have come a long way, there is still much to do. Thank you SOGI, especially Skip, Jim and Mark, for doing what you do and for your leadership for the LGBTQ community.

RUTHE CATOLICO ASHLEY
Board of Gov Liaison, 2014-2017
The Stonewall Award… A Short Story

In the fall of 2006, I was contacted by Mark Agrast to provide him names of individuals that would be forwarded to the ABA president elect for appointment to the new ABA Commission on Sexual Orientation and Gender Identity commencing after the annual meeting the summer of 2007. At the time, I was serving on the ABA Commission on Women in the profession, having been appointed by Karen J. Mathis, who was the first lesbian ABA president. This will come into play later in this story.

When the SOGI Commission was established, Pamela J. Roberts, who was Chair of the Commission on Women in the Profession, asked me to serve as liaison to SOGI. The intersection of my two passions, women’s and lgbt issues in the profession made accepting the position a ‘no brainer.’ I gladly put forth my efforts on both fronts. At the annual meeting in 2007, while sitting at the Margaret Brent Award luncheon, it occurred to me that SOGI should have an award uniquely aimed at individuals whose efforts have advanced lgbt acceptance through leadership, litigation, and activism. SOGI, as an organization, was in its infancy, struggling to find its way in the ABA organization. As time passed, I learned a lot about the politics of the ABA and how things get accomplished. The idea of a SOGI award became refined and focused.

In the spring of 2009, I was appointed to serve on SOGI at the conclusion of my three years of service on the CWP in August. In July 2009, the Chair of SOGI, Courtney Joslin, called me. We spoke about my interests and ideas I had for SOGI, like standing committees and, of course, my idea of a SOGI award. At the annual meeting that summer, I spoke on these two topics. Of the two, the structure issue of standing committees was the far easier to enact. On the topic of a SOGI award there was resistance, as many felt the ABA had too many awards. Nevertheless, over several commission meetings I persisted in formulating an acceptable overview of an award... though the name I originally used was the Mathis Award (after asking Karen about use of her name). Finally, a committee was established and serious consideration of establishing a SOGI award lead to approaching the Board of Governors with what is and was to be known as the ABA Stonewall Award. The criteria are now well known. The original awards were large glass-art vases of rainbow colors.

Each year since, I watch as awardees are announced, and, like seeing my children grow, I am proud of each of them and what I did in establishing the Stonewall Award to recognize their accomplishments.

ALYSON DODI MEISELMAN
Past SOGI Commissioner