

# Fortuitously Present at the Creation

Arthur S. Leonard

During the Association of American Law Schools' annual meeting in Cincinnati, Ohio, early in January 1983, a tightly packed room of meeting attendees in the Cincinnati Convention Center agreed to petition the executive committee of the association for formal recognition of a section devoted to legal issues faced by the lesbian and gay community. The call for the meeting was issued by Professors Rhonda Rivera, then of Ohio State University and since retired to emeritus status, and Joshua Dressler, then of Wayne State University but now a member of the Ohio State faculty. Professor Rivera's name would then have been immediately recognizable to anybody interested in this field of law because of her article *Our Straight-Laced Judges: The Legal Position of Homosexual Persons in the United States*,<sup>1</sup> which was one of the first law review articles to provide an overview of the various ways that gay men and lesbians were dealt with in and by the legal system. The article was, during the 1980s, probably the most frequently cited law review article<sup>2</sup> on lesbian and gay issues because it had something to say about almost every area of law!

My presence at this January 1983 meeting was entirely fortuitous. I had just completed my first semester as a full-time law teacher at New York Law School and was attending my first AALS meeting. I had not heard anything about this proposal to form a "gay section" before arriving in Cincinnati, but I had just finished a tumultuous first semester at New York Law School during which I had started "coming out" to colleagues. At the same time the school was coping with the issues of (1) whether to ban military recruiters from our career services office because of the Defense Department's anti-gay recruitment

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1. 30 HASTINGS L.J. 799 (1979).
2. Comment, *Homosexuals' Right to Marry: A Constitutional Test and a Legislative Solution*, 128 U. PA. L. REV. 193, n.3 (Nov. 1979) (one of the earliest citations). The article was reprinted by HASTINGS LAW JOURNAL in 1999 as part of the 50th anniversary issue of the journal because it had received the fifth highest number of citations of all articles HASTINGS had ever printed up to that time, according to Prof. Rivera's accompanying piece: Rhonda R. Rivera, *Our Straight-Laced Judges: Twenty Years Later*, 50 HASTINGS L.J. 1179 (April 1999). Other leading articles include Laurence H. Tribe, *The Puzzling Persistence of Process-Based Constitutional Theories*, 89 YALE L.J. 1063, 1065 n.61 (1980); Richard Delgado, *Inequality "from the Top": Applying an Ancient Prohibition to an Emerging Problem of Distributive Justice*, 32 UCLA L. REV. 100, 121 n.141 (1984); Lynn D. Wardle, *The Impact of the Proposed Equal Rights Amendment upon Family Law*, 23 J. FAM. L. 477, 489 n.14 (1985); Kenneth Lasson, *Civil Liberties for Homosexuals: The Law in Limbo*, 10 U. DAYTON L. REV. 645, 664 n.180 (1985).

policies, and (2) whether to pressure the law school's trustees to remove our incumbent Dean, who had apparently lost the confidence of many members of the faculty through a series of decisions culminating in a proposal, opposed by most of the faculty, to erect a new building on the law school's parking lot.

I had tentatively put a toe out of the closet while a student at Harvard Law School when I took the momentous step (or so it seemed to me) of going to a meeting of the Harvard-Radcliffe Gay Students Association at the beginning of my 3L year in the fall semester of 1976; but I confined my organizational activities on gay issues to that university group, which met far from the law school's campus. I was one of a handful of law students who attended those periodic meetings, and I was frightened at the prospect of coming out at the law school, which lacked a gay law student organization, openly gay faculty members (although rumors abounded), and any formal antidiscrimination policy protecting gay people. I assumed then that being openly gay would hinder my ability to gain legal employment, and I was unaware that the New York Court of Appeals had ruled in July 1973 in *In re Kimball's* that being gay was not an impediment to being admitted to legal practice in New York (overruling a contrary decision by the Appellate Division, First Department), the jurisdiction where I hoped to work. At that time, Harvard Law School did not have any course that would have brought this development to my attention. Indeed, the only mention of gay issues heard as a law student was Professor Paul Bator's devotion of a few minutes in Federal Courts class to inveighing against the Supreme Court's 1976 decision in *Doe v. Commonwealth's Attorney for City of Richmond*. The Court summarily affirmed a district court 2-1 ruling rejecting a Fourteenth Amendment challenge to Virginia's sodomy law.<sup>4</sup> The passion with which Professor Bator spoke about this "evasion of responsibility" by the Supreme Court caused the handful of gay students in the class to exchange alarmed glances.<sup>5</sup> I don't recall any discussion about anti-gay discrimination in the employment discrimination course that I took. It certainly was not a topic covered in the casebook.

I spent my practice years in the closet at the New York firm of Kelley Drye & Warren (1977-78) and the New York office of Chicago-based Seyfarth Shaw Fairweather & Geraldson (1979-1982), practicing management-side labor law. Although I was not "out" in these positions, I was writing about gay legal issues in the local gay press (under a pseudonym), and I had joined New York City's "gay synagogue," Congregation Beth Simchat Torah. At the synagogue I met a handful of other gay lawyers and law students, some of whom joined me in starting an informal social group early in 1978 that we called the New

3. 347 N.E.2d 436 (1973).

4. 403 F. Supp. 1199 (E.D. Va. 1975), *summarily aff'd without opinion*, 425 U.S. 901, *reh'g denied*, 425 U.S. 985 (1976) (holding statute was valid over contentions that the same deprived adult males, engaging in regular homosexual relations consensually and in private, of their constitutional rights of due process, freedom of expression and privacy).

5. Alarm, as something nobody would talk about in public was being talked about in public by a highly respected professor in very passionate terms in front of a large class.

York Law Group. We met in people's homes once a month for socializing and "networking." It seemed possible in New York to keep my professional and personal lives separate, although starting the law group threatened to break down the barrier between the two.

When I decided to seek a law teaching job, I said nothing about this part of my background. The curriculum vitae I sent to New York-area law schools early in 1982 emphasized my undergraduate major in industrial and labor relations from Cornell, my practice experience in labor relations law, and an article on collective bargaining in the public sector that I had pending publication in the *Buffalo Law Review*.<sup>6</sup> I totally omitted that I was the coordinator for the activities of a "gay lawyers association" that by mid-1982 had several hundred members on its mailing list, or that I was the writer of a monthly newsletter that summarized recent gay-related legal decisions that went to everybody on that mailing list. I left off my list of activities that I had served by designation of Lambda Legal Defense Fund to be the gay community's member of the Independent Democratic Judicial Screening Panel for Manhattan and the Bronx during the summer of 1980, and that I was writing on gay legal issues for the local gay press.

When I arrived at New York Law School in July 1982, the epidemic of AIDS was becoming a great concern; several members of our gay synagogue had been diagnosed and one had died. That summer I responded to a request from Lambda Legal to represent one of its AIDS-discrimination clients, who had filed a charge against his former employer with the New York City Human Rights Commission; later I would draft a chapter for Lambda's first AIDS Legal Guide and write one of the first law review articles to be published on AIDS-related discrimination (*Employment Discrimination Against Persons with AIDS*).<sup>7</sup> Thus, by the time classes started in August 1982, I was immersed in legal issues generated by the AIDS epidemic.

On the first day of the semester, I learned that one of my new colleagues, Professor James P. Kibbey, a commercial law teacher whom I had met briefly during the summer at a faculty committee meeting, had been rushed to the hospital under mysterious circumstances after meeting his first class. A friend in practice had suggested to me that NYLS might have some gay faculty members, and Jim Kibbey's name had come up, so I immediately assumed the worst, and when it became possible to do so I went to Lenox Hill Hospital to visit him. In those early days of the AIDS epidemic, visiting somebody in the hospital required putting on a surgical gown and mask and taking elaborate steps to avoid any physical contact (mainly to avoid worsening the patient's condition due to his compromised immune system). But we had a good conversation and he gave me great teaching tips! I was one of the few members of the faculty who visited Jim Kibbey periodically over the course of

6. Arthur S. Leonard, *Collective Bargaining on Issues of Health and Safety in the Public Sector: The Experience Under New York's Taylor Law*, 31 BUFF. L. REV. 165 (1982).

7. Arthur S. Leonard, *Employment Discrimination Against Persons with AIDS*, 10 U. DAYTON L. REV. 681 (1985).

that semester. He went in and out of the hospital, trying various unsuccessful experimental treatments. Through his case and some others, I witnessed the awful suffering of early AIDS patients before there was any effective treatment. Eventually I obtained the assistance of a law group member who did trusts and estates work to visit Jim in the hospital to prepare what turned out to be a deathbed will. Word came that Jim Kibbey had died shortly after our NYLS contingent arrived in Cincinnati for the AALS meeting. He was on my mind throughout that first semester, and his death weighed heavily on me in Cincinnati. In those days before there was any "AIDS test," as the virus implicated in AIDS had not yet been discovered, any gay man who was following the news was troubled at the possibility that he might be infected and unknowingly incubating the disease.

On the agenda for the first faculty meeting of the fall 1982 semester was a proposal that the law school hold a student referendum on the question of military recruitment. The previous year an ad hoc group of student protesters had picketed the military recruiters and had presented a demand to the administration that employers with anti-gay discriminatory policies be barred from recruiting at NYLS. That group had coalesced into the school's first gay student organization. I was immediately opposed to the idea of asking the student body to vote on whether discriminatory employers could recruit, since I thought it was an institutional decision that should be made by the faculty and administration and students should not be put in the position of voting on whether to limit their job opportunities. As I spoke about this issue with my faculty colleagues I was able to discover the other gay people among them: another new faculty member, George M. Armstrong, Jr., and a visiting professor from England, Jeffrey Price. Another colleague, James Brook, who was a close friend of Jim Kibbey's and had been visiting him in the hospital, also joined us as we plotted strategy at the Square Diner across the street from the controversial law school parking lot. We decided to ask the faculty to refer this matter to a faculty committee for further study, and I asked to be appointed to the relevant committee. We each did some lobbying of colleagues before the meeting, and our motion passed. I joined the committee and proposed that the faculty adopt a nondiscrimination policy for the law school that would apply to employers wishing to use our placement services and that would, for the first time, include sexual orientation as a prohibited ground for discrimination. This issue was pending as we left for Cincinnati.

I should not return to the story of the Cincinnati AALS meeting without mentioning another point of turmoil at NYLS that fall. A small group of faculty members was convinced that the Dean should be replaced and contacted the new faculty members to brief us on the situation from their perspective. They let us know that our hiring had been the result of a faculty demand to the administration during the previous academic year, responding to a "leak" of a letter the Dean had received from the American Bar Association's Legal Education Consultant, suggesting that the school's student-faculty ratio was so badly skewed that our accreditation might be in danger when the next

reaccreditation inspection took place. These faculty members were convinced that the Dean had deliberately expanded the size of entering classes without enlarging the faculty in order to raise money for a new building. The faculty had obtained a commitment by the Dean to hire enough new faculty members over the next two academic years so that the school's student-faculty ratio would comply with ABA norms<sup>8</sup> by the next ABA/AALS inspection, and I was one of a large group of new faculty members hired during the spring of 1982 in the effort to achieve this goal. This hiring commitment, together with the Dean's grandiose plans for a new building that the dissenting faculty members believed the school could not afford, led to plotting ways to remove the Dean. This matter became more urgent when the school's board of trustees voted to put the building proposal out to bids. As we prepared to go to Cincinnati, this matter was also hanging over our heads.

I was overjoyed when I heard about the meeting that Professors Rivera and Dressler had organized, and I immediately decided to attend. They had strategically planned the meeting for an after-hours time when very little else would be happening at the convention center, making it possible for people who were not "out" at their schools to attend without blowing their covers. They had underestimated the likely turnout, so the small meeting room was quite crowded. It seemed that there was pent-up demand for something like this in legal education, and there was no problem getting up a list of people to serve as potential officers of the new section. Those present were a mix of lesbian and gay academics and nongay academics with a strong interest in showing their support. I volunteered to be part of the founding section council. I also contributed the proposal for a section name, which I adapted from the name of the gay and lesbian student organization that had been formed at Harvard Law after I graduated: the Section on Gay and Lesbian Legal Issues. The idea was to select a name that would accommodate both gay and nongay members, the unifying feature being an interest in gay legal issues.

The discussion focused on what purposes the section would serve. Attendees generally agreed that the mere existence of such a section would send an important message within legal education, encouraging efforts to get schools to adopt nondiscrimination policies, to get faculties to recognize the legitimacy of scholarship on lesbian and gay issues, and to encourage the addition of courses on lesbian and gay issues and the incorporation of such issues, where relevant, throughout the regular curriculum. At the time, no published casebooks existed on lesbian and gay issues, and only a handful of schools offered courses. (Among them, as it happened, was New York Law School, taught by an adjunct faculty member, E. Carrington Boggan, an attorney who had been active as co-founder of Lambda Legal. As a leader in the ABA's

8. AM. B. ASS'N, APPROVAL OF LAW SCHOOLS: AMERICAN BAR ASSOCIATION STANDARDS AND RULES OF PROCEDURE, AS AMENDED II (1983) (Standard 402 addresses the minimum number of faculty a law school should have, "with due consideration for (i) the size of the student body . . .").

Individual Rights and Responsibilities Section, he had been recruited by the Dean several years earlier after the Dean heard that New York University was planning to offer the first law school course on lesbian and gay issues. I knew Cary Boggan slightly from my contact with Lambda Legal while in practice, but when I was applying to law schools I had no idea that he was teaching a course on gay rights at NYLS under the title "Sexual Privacy Law," and I don't recall knowing about it at the time of the Cincinnati meeting.) There was also talk of starting a section newsletter to bring attention to scholarship on lesbian and gay issues and to provide a means of communication among section members in those days before e-mail and the Internet.

After the Cincinnati meeting things moved very quickly. The AALS Executive Committee approved the formation of the section, and planning began for our first program to be held at the 1984 AALS annual meeting. At that 1984 meeting I was elected secretary and newsletter editor for the new section; this was a natural function, as my newsletter for the New York Law Group would soon expand with the incorporation of that group as a bar association, under the new title *Lesbian/Gay Law Notes*. Each issue of *Law Notes* included a bibliography of new law journal articles, which I then consolidated for each semester newsletter of the section. (I continued as newsletter editor for the section for four years.) Since many people who signed up for the section mailing list did not want their names to be given to AALS, I collected names for the list by circulating a pad at the annual meeting, and I mailed out the newsletter from New York Law School.

I served as chair-elect of the section in 1985, and chair in 1986. In that capacity, in 1986, I put together the section's annual meeting program, which was sponsored jointly with other sections, to focus on the rapidly expanding field of AIDS-related law. For many years, the section tried to present two programs at each annual meeting, one focusing on lesbian and gay issues and the other on AIDS issues. We also emphasized co-sponsoring annual programs with other sections of the association, both to promote the visibility of our section and to stimulate discussion with nongay scholars who had expertise in the subjects of the programs. The Family Law Section was probably our most frequent co-sponsor.

The section undertook various projects in those early years of the 1980s; among those were staffing an information room during the AALS New Law Teachers summer conferences and during the annual meeting; planning programs for every annual meeting, usually in collaboration with other sections; and joining in the effort to get the AALS to amend its bylaws to add sexual orientation to the nondiscrimination policy required of all law schools. Ironically, it was not the Section on Gay and Lesbian Legal Issues that put the nondiscrimination policy on the association's agenda, as we had been biding our time.<sup>9</sup> When the issue was announced for the 1990 annual

9. In 1985, the AALS Executive Committee authorized the creation of a Special Committee to Review the Requirements of Membership. Memorandum 88-92 from Betsy Levin, Exec. Dir., Ass'n of Am. L. Schs., to Deans and Members of House of Representatives,

meeting agenda, I asked my Dean to appoint me to be the NYLS delegate to the AALS House of Representatives so that I could participate personally in that debate. In the event, it turned out that the main point of controversy during the House of Representatives meeting was not whether to add sexual orientation to the association's nondiscrimination bylaws, but rather whether to add age. I ended up being caught up in a debate on the floor of the House with then-Dean Guido Calabresi of Yale, who argued that adding age would make it difficult for law schools to keep their faculties "fresh" by requiring older professors to retire. But he lost the argument, and age was added to the policy. I have served in that capacity of representing NYLS in the AALS House continuously since then.

The sexual orientation bylaws amendment was approved, generating a new issue for AALS: How could the amended Executive Committee Regulation 6.17<sup>10</sup> be enforced when several member schools had religious affiliations or state university affiliations that brought into play the negative views of some religious bodies and state legislators about homosexuality? I served on a working group to advise the executive committee on implementation of the antidiscrimination regulation during the 1992-93 academic year. The working group included representatives from religious schools, state university schools, and private nonsectarian schools, producing an elaborate compromise setting forth conditions under which AALS would encourage all schools to embrace nondiscrimination policies but not unduly pressure those schools whose religious or state governing bodies would not allow such policies to be implemented. AALS Executive Director Carl Monk played a key role in mediating the discussion and leading the participants to a negotiated result. In the end, most schools were able to comply with the new regulation, and soon all but a handful of AALS member schools had formally banned sexual orientation discrimination.

With the AALS regulation having galvanized most of the legal academy to adopt the new nondiscrimination policy and to bar military recruiters,

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on Report of the Special Committee to Review the Requirements of Membership in the AALS (Nov. 17, 1988), ASS'N OF AM. L. SCHS., 1989 PROC. 103. The Special Committee's Report mentions diversity and "invidious discrimination" but does not specifically refer to sexual orientation. *Id.* at 115. The report was scheduled for discussion at the Jan. 6, 1989 House of Representatives meeting and the Executive Committee requested comments thereafter. *Id.* at 106. The Executive Committee anticipated further discussion and action at the Jan. 1990 meeting. *Id.* After reviewing submitted comments, the Executive Committee revised the proposed amendment to section 6-4 (equality of opportunity), changing its title to "Diversity: Non-Discrimination and Affirmative Action" and adding "handicap or disability, or sexual orientation" to the list of prohibited grounds of discrimination. Memorandum 89-88 from Betsy Levin, Exec. Dir., Ass'n of Am. L. Schs., to Deans and Members of House of Representatives (Nov. 20, 1989), ASS'N OF AM. L. SCHS., 1990 PROC. 128, 136-37. Discussion on the amendments proposed by the Executive Committee occurred on Jan. 6, 1990, concluding with an affirmative vote by the members of the House of Delegates. *Id.* at 196-203.

10. ASS'N OF AM. L. SCHS., ASSOCIATION HANDBOOK 38 (1990) (Executive Committee Regulation 6.17).

Congress responded with the infamous Solomon Amendment, under which law schools were threatened with the loss of federal funding (including, potentially, federally guaranteed loans for students). The AALS Executive Committee appointed a task force on the Solomon Amendment on which I served during the 1994-95 academic year. The task force established a requirement of “amelioration” for schools that had decided to allow military recruiters on campus in order to avoid losing federal funding. The amelioration obligation required that schools communicate within their institutions that the military policy was not in compliance with the school’s policy, and that the school was allowing military recruiters on campus because of compulsion from the federal government. The section took a lead role in writing reports about amelioration efforts and making recommendations to law schools about how to respond to the Solomon Amendment. (A more detailed account of this issue can be found in the article by Francisco Valdes,<sup>11</sup> who was a leader in the section during the relevant years.)

At the same time, the section encouraged AALS to join with other higher education associations in lobbying for an interpretation of the Solomon Amendment that would cabin its impact by applying it only to the unit of a university that was excluding military recruiters. Furthermore, the section invited Congressman Barney Frank to participate in an annual meeting program in Washington at which a strategy was worked out to exclude student financial assistance from the funds at risk. Congressman Frank was successful in getting the Solomon Amendment modified in its next iteration to shelter financial aid. This compromise held for a few years, but Congress eventually toughened the Solomon Amendment, and it was only the repeal of the military Don’t Ask, Don’t Tell anti-gay policy in 2010, followed by a lifting of the ban on military service by gay people in the fall of 2011, that brought this long-running issue to an end—but only a partial end, since by then the issue of military exclusion of transgender people had heated up, and that issue has only recently been resolved administratively by the Obama administration.<sup>12</sup> A group of law schools opposed to the military policy had, in the meantime, joined together to challenge it as a violation of the law schools’ First Amendment rights, but the Supreme Court proved unsympathetic, reversing an interim victory achieved in the Third Circuit by a unanimous vote.<sup>13</sup>

Another important project undertaken by the section was to encourage the publication of casebooks on LGBT issues. At several of the annual meetings, the section organized workshops featuring the participation of casebook co-

11. Francisco Valdes, *Sexual Minorities in Legal Academia: A Retrospection on Community, Action, Remembrance, and Liberation*, 66 J. LEGAL EDUC. 510 (2017).

12. U.S. Department of Defense, Release No. NOR-246-16, “Secretary of Defense Ash Carter Announces Policy for Transgender Service Members,” reported in 2016 LGBT LAW NOTES 309-310 (Summer 2016).

13. *Forum for Acad. and Institutional Rights v. Rumsfeld*, 390 F.3d 219 (3d Cir. 2004), *rev’d*, 547 U.S. 47 (2006).

authors, as well as discussions about what should be taught in such a course and how to address particular issues.

Looking back at the goals articulated during the formative years of the section, it is gratifying to note how many of them have been achieved. Within a few years of the section's founding, the AALS agreed to expand the annual *Directory of Law Teachers* to include a section for those seeking to identify themselves as members of the LGBT community; the association amended its bylaws to require schools to have nondiscrimination policies (and the American Bar Association followed suit, voting to amend its Model Rules of Professional Responsibility to include sexual orientation as a prohibited ground of discrimination and amending its regulations for accreditation of law schools accordingly)<sup>14</sup>; the number of schools with openly gay faculty members and administrators expanded rapidly; by the 1990s there was an explosion of published LGBT-related scholarship in the law reviews and law-related academic press publications;<sup>15</sup> and most faculties had accepted the legitimacy of such scholarship as part of their process of promotion and tenure. Indeed, tenured scholars in the field were soon in demand as outside reviewers of LGBT-related scholarship by tenure candidates, as this writer can attest! Those teaching LGBT-related courses relied on sets of materials circulating among like-minded teachers, until William Rubenstein (then with the ACLU, subsequently joining the academy to head the Williams Center at UCLA, and now a tenured faculty member at Harvard) published the first sexual orientation law casebook with The New Press.<sup>16</sup> His book was joined by several other casebooks,<sup>17</sup> as every major legal education publisher wanted to have a "sexuality law" casebook on its list. When the AALS began sponsoring teaching conferences apart from the annual meeting to focus on particular areas of law, the section was included and the first LGBT law teaching conferences began to be held periodically during the 1990s.

14. The House of Delegates adopted a new paragraph to the Comments on Rule 8.4 stating: "A lawyer who, in the course of representing a client, knowingly manifests by words or conduct, bias or prejudice based on . . . sexual orientation . . . violates paragraph (d) when such actions are prejudicial to the administration of justice." 123-2 ANNUAL REPORT OF THE AMERICAN BAR ASSOCIATION 46 (1998).
15. Comparative count for the number of articles listed for the same month over a period of years kept by the author: LGBT LAW NOTES listings for law journal articles about or directly related to sexual orientation or gender identity issues—Jan. 1993, 2 articles; Jan. 1994, 10 articles; Jan. 1995, 15 articles; Jan. 1996, 21 articles.
16. LESBIANS, GAY MEN, AND THE LAW (William B. Rubenstein ed., 1993) (2d. ed retitled CASES AND MATERIALS ON SEXUAL ORIENTATION AND THE LAW (1996 West Publishing Co.).
17. See, e.g., WILLIAM N. ESKRIDGE, JR. & NAN D. HUNTER, SEXUALITY, GENDER, AND THE LAW (1997); ARTHUR S. LEONARD & PATRICIA A. CAIN, SEXUALITY LAW (2005); CATHERINE A. MACKINNON, SEXUAL EQUALITY: LESBIAN AND GAY RIGHTS (2003); SHANNON GILREATH, SEXUAL IDENTITY LAW IN CONTEXT: CASES AND MATERIALS (2007); PETER NICOLAS, SEXUAL ORIENTATION, GENDER IDENTITY, AND THE CONSTITUTION (2013).

I shouldn't conclude this without following up on the various matters that were pending at New York Law School when I left for Cincinnati in January 1983 and attended that founding meeting of the section.

First, on the issue of military recruitment at NYLS, my proposed nondiscrimination policy approved by the faculty committee came before the full faculty for a secret-ballot vote and passed overwhelmingly in the fall of 1983, making NYLS one of a small group of law schools that had a sexual orientation nondiscrimination policy and barred military recruiters. Military recruiters were barred from our career services facilities for many years, although a stiffening of the Solomon Amendment led to the return of military recruiters earlier in this century. However, NYLS joined as a co-plaintiff in the *FAIR* lawsuit.

Second, the death of Jim Kibbey in January 1983, and my experience enlisting a friend to meet with him in the hospital to make a will, led to the formation of a pro bono AIDS panel as part of the New York Law Group, which then generated pressure to incorporate the law group as a bar association with a formal legal referral service in 1984. As the demand for legal assistance for people with HIV/AIDS increased sharply, we prevailed on Gay Men's Health Crisis, an AIDS-service organization, to take our pro bono AIDS panel in-house as a Legal Services department with paid staff and a large roster of volunteer attorneys. The Bar Association for Human Rights eventually became the LGBT Bar Association of Greater New York, and today is one of the most active of the special-interest bar associations in the city.<sup>18</sup> New York Law School memorialized Professor Kibbey with the establishment of a commencement prize for the student with the highest marks in commercial law, which is still being awarded annually more than thirty years later. Unfortunately, Jack Armstrong and Jeff Price, my gay "confederates" during the 1982-83 effort to enact a nondiscrimination policy, both succumbed to AIDS years later. Jack hoped to escape the epidemic by leaving New York and relocating to Louisiana State University Law School in Baton Rouge, but appears to have taken the virus with him. Jeff returned to King's College Faculty of Law after his New York Law School visit and played an important role in helping with efforts to combat AIDS-related discrimination in London, but couldn't escape the epidemic himself. New York Law School's losses were not limited to Jim Kibbey, either, as later in the 1980s one of our associate deans, Ira Berger, who had also served as President of Gay Men's Health Crisis, passed away, as did some of our gay alumni (including one New York City judge).

On the matter of the Dean's tenure, things blew up on a big scale during spring term 1983, when President Ronald Reagan appointed him to the board of the Legal Services Corporation; the nomination was aborted when a network television news broadcast reported on investigations by the state attorney

18. *History*, LGBT B. ASS'N OF GREATER N.Y., <http://le-gal.org/about-legal/history/> (last visited Dec. 19, 2016).

general's office of alleged financial improprieties,<sup>19</sup> resulting in a threatened faculty vote of no confidence that led the Dean to retire and an acting Dean to be elected by the faculty to take office. Our faculty hiring during the 1982-83 academic year yielded a bumper crop of new colleagues, and by the time of our next ABA/AALS inspection our student-faculty ratio had more than satisfied the standards. Of course, all this hiring meant that we seemed to be constantly attending group interviews and candidate presentations, making it a very busy year indeed.

Altogether, 1982-1983 was a turbulent year at NYLS for me, and for the school as a whole. But my crowning memory is of that exciting meeting in Cincinnati where the Section on Gay and Lesbian Legal Issues of the AALS was born.

19. Mary Thornton, *Legal Services Choice Says He Is Withdrawing*, WASH. POST, Feb. 2, 1983, at A1, 1983 WLNR 838380.