

LINKS TO RECENT SUPREME COURT LGBTQ CASES AND MATERIALS

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Cases to be decided in the October 2019 Term

Altitude Express v. Zarda

<https://www.scotusblog.com/case-files/cases/altitude-express-inc-v-zarda/>

Bostock v. Clayton County, GA

<https://www.scotusblog.com/case-files/cases/bostock-v-clayton-county-georgia/>

In *Altitude Express v. Zarda*, the Court will decide whether federal laws banning employment discrimination protect gay and lesbian employees. The petition for review was filed by a New York skydiving company, now known as Altitude Express. After the company fired Donald Zarda, who worked as an instructor for the company, Zarda went to federal court, where he contended that he was terminated because he was gay – a violation of Title VII of the Civil Rights Act of 1964, which bars discrimination “because of sex.”

Zarda is consolidated with *Bostock*. The petitioner in the case, Gerald Bostock, worked as a child-welfare-services coordinator in Clayton County, Georgia. Bostock argued that after the county learned that he was gay, it falsely accused him of mismanaging public money so that it could fire him – when it was in fact firing him because he was gay.

R.G. & G.R Harris Funeral Homes, Inc. v. EEOC

<https://www.scotusblog.com/case-files/cases/r-g-g-r-harris-funeral-homes-inc-v-equal-opportunity-employment-commission/>

In *R.G. & G.R. Harris Funeral Homes v. EEOC*, the justices will consider whether Title VII’s protections apply to transgender employees. The petition for review was filed by a small funeral home in Michigan, owned by Thomas Rost, who describes himself as a devout Christian. In 2007, the funeral home hired Aimee Stephens, whose employment records identified Stephens as a man. Six years later, Stephens told Rost that Stephens identified as a woman and wanted to wear women’s clothing to work. Rost fired Stephens, because Rost believed both that allowing Stephens to wear women’s clothes would violate the funeral home’s dress code and that he would be “violating God’s commands” by allowing Stephens to dress in women’s clothing. The U.S. Court of Appeals for the 6th Circuit ruled for the EEOC and Stephens. The Court granted the funeral home’s cert petition, agreeing to consider whether Title VII bars discrimination against transgender people based on either their status as transgender or sex stereotyping under the Supreme Court’s 1989 decision in *Price Waterhouse v. Hopkins*,

which indicates that a company can't discriminate based on stereotypes of how a man or woman should appear or behave. This case will be argued separately from *Bostock* and *Altitude Express*.

Links to decided cases

Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Comm'n, 584 US __ (2018)
https://www.supremecourt.gov/opinions/17pdf/16-111_i4el.pdf

follow up: <https://www.nationalreview.com/news/masterpiece-cakeshop-owner-sued-again-after-refusing-to-bake-gender-transition-cake/>

Pavan v. Smith, 582 U. S. ____ (2017)
https://www.supremecourt.gov/opinions/16pdf/16-992_868c.pdf

Obergefell v. Hodges, 576 U.S. ____ (2015)
https://www.supremecourt.gov/opinions/14pdf/14-556_3204.pdf