



LGBT

SideBar

Spring 2016

A Newsletter From VISHNICK McGOVERN MILIZIO LLP
Specifically for the Lesbian-Gay-Bisexual-Transgender Community

New York State Adopts Regulations Protecting Transgender New Yorkers From Discrimination and Harassment

By Joseph G. Milizio, Esq.

In a press release issued January 20, 2016, Governor Andrew M. Cuomo announced that the New York State Division of Human Rights has adopted new regulations that ban discrimination and harassment against transgender people. The regulations are effective immediately, and affirm that transgender individuals are protected under the state's Human Rights Law. According to the press release, "All public and private employers, housing providers, businesses, creditors and others should know that discrimination against transgender persons is unlawful and will not be tolerated anywhere in the state of New York."

New York State's Human Rights Law, enacted in 1945, prohibits discriminatory practices on grounds such as "sexual orientation" and "sex" among others, including "disability." Anyone recognized under these terms cannot legally be subject to discrimination in opportunities for employment, education, public accommodation" or with reference



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Joseph Trotti

Who Needs a Prenup? You Do

By Joseph Trotti, Esq.

As reported in the Los Angeles Times on November 6, 2015, "About 96,000 gay unions have taken place in the U.S. since June, when the nation's highest court ruled that same-sex couples have a constitutionally guaranteed right to marry."

With a great many couples taking the marriage plunge, it's time for partners to consider the need for a prenuptial agreement. Same-sex

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Celebrating Marriage Equality...Yet We Have A Way To Go

By Joseph G. Milizio, Esq.

Vishnick McGovern Milizio LLP was delighted to host more than 50 guests at our Celebration of Marriage Equality on July 8, 2015, in recognition of the monumental Supreme Court decision of June 26, 2015 in the case of Obergefell v. Hodges and three related cases.

“No longer may this liberty be denied,” Justice Anthony M. Kennedy wrote for the majority in the historic decision. “No union is more profound than marriage, for it embodies the highest ideals of love, fidelity, devotion, sacrifice and family. In forming a marital union, two people become something greater than once they were.”

We marked the occasion with champagne, an array of hors d'oeuvres and rousing musical entertainment by the Long Island Pride Chorus, led by Cindy Quart. It truly was a glorious night. As I remarked to the crowd, “We’ve gone so far, but we definitely have a way to go on a number of issues right in the foreground.” These include:

- Employment discrimination
- Family law issues
- Adoption
- Cross boundaries and cross states recognizing people who have had babies through different means of birth

- Cross country issues
- Estate planning
- Transgender issues
- And so many issues within the issues.

Vishnick McGovern Milizio LLP established our trailblazing LGBT Representation Practice Group in 2006. It’s remarkable how the environment has changed in these past ten years; and not surprising, how much still remains to be done as the LGBT community has planted roots in the mainstream. The days of “my two moms” and two dads pushing a stroller attracting ridicule and a multitude of stares are largely over, and not just in large, cosmopolitan areas.

Laws that directly and indirectly affect the LGBT community change frequently. No matter what issues you are facing, we are here to provide the compassionate, experienced and personalized legal advocacy that you need every step of the way.

Managing Partner Joseph G. Milizio practices in the firm’s Business and Transactional Law, Exit Planning for Business Owners, Real Estate Law and LGBT Representation Groups. He can be reached at JMilizio@vmmlegal.com / 516.437.4385 x 108.

Shining A Light On The Long Island Gay And Lesbian Film Festival



VMM had the pleasure of interviewing **Jim Stewart**, 2015 executive director of the **Long Island Gay and Lesbian Film Festival**, publicized as “five days of GLBTQ movies, art, music, great food and community.” Held at the Cinema Arts Centre in Huntington, the most recent festival ran from November 12 – 16, 2015.

VMM: *Please tell our readers about the history of the Long Island Gay and Lesbian Film Festival.*

JS: The Long Island Gay and Lesbian Film Festival began 18 years ago as part of the Community House of Long Island (CHOLI). Within three years, the LIGLFF found a permanent home at the Cinema Arts Centre in Huntington. The beginning years were met with backlash against the Centre, but only strengthened the resolve of festival director Steve Flynn and Cinema Arts Centre directors Vic Skolnick and Charlotte Sky. The LIGLFF has continued to expand through the years, incorporating a monthly series “Out at The Movies” and including other artistic mediums.

VMM: *The festival is strongly associated with the Cinema Arts Centre. How did that relationship develop?*

JS: The Cinema Arts Centre has been unwaveringly supportive of the LIGLFF. Current directors, Charlotte Sky and Dylan Skolnick, provide accessibility to their whole staff, and provide added support by allowing the LIGLFF to run fundraising short events and plays there.

VMM: *What kind of crowd does the festival draw? Have you seen more diversity in recent years, in terms of age groups, ethnicity, gay/straight and others who frequent the Cinema Arts Centre?*

JS: The LIGLFF attracts mostly an LGBT crowd, but has always tried to expand into a ‘welcome to all’ venue. We are constantly trying to break into a younger market, which is always a challenge with the bombardment of social media on today’s generation. We have also worked with Hofstra University, Stony Brook University and local high schools for involvement.

VMM: *Is the festival a draw for those from New York City and beyond?*

JS: The LIGLFF is a draw mainly for Long Island residents. With the incorporation of personal appearances by film makers, New York City radio personality Tym Moss and “Broadway Sings for Pride” under the direction of Neal Bennington, we do see an interest beyond the bridges.

VMM: *Tell us a bit about the vetting process for films that make it into the festival.*

JS: The vetting process of films can begin as early as March. We begin early to find the best and newest of films, not only for the festival, but for the “Out at the Movies” series. With the growing market of DVDs and Netflix, we need to be as timely as we can be in getting a film into the theater. With that being said, we sincerely believe the ‘art of film’ can only truly be appreciated in a theater setting. This year our programmers screened 320 films, including long and short format. These films are balanced by requests for entries and personal submissions.

VMM: *Narrowing it down to several dozen films, including short subjects, must have been daunting.*

JS: This year was a true challenge; there was a more serious tone to the LGBT films. The 17 films this year are as diverse as we have ever had, from documentaries (“Alex & Ali”) to comedy (“S&M Sally”) to drama (“Drown”). Film always has been a front runner in civil rights, which truly is reflected in transgender-orientated films. Normally, we have to do a thorough search to find two highly rated films. This year we saw a greater increase in films and expanded our yearly screening from two to four transgender features. Our entertainment is just as diverse as our films. We have longtime supporters Lydia Sabosto and “Broadway Sings for Pride,” mixed in with a Flamenco guitarist, a poet, bands, opera singers and music videos.

VMM: *Finally, your group puts everything they’ve got into this endeavor. What does it mean to Long Islanders to have such a significant LGBT event in our region?*

JS: Even with the increase of acceptance and mainstream films geared towards the LGBT community, there are many great works that would be overlooked and not available to the Long Island community if it wasn’t for the festival. Every person on staff works as a volunteer and receives no monetary compensation in any form. The volunteers find their greatest reward at the receptions following the films, when people actually sit and discuss what they’ve viewed and socialize outside their normal social groups. It really is a labor of love for every member of the staff.

Remembering

Marla Krolikowski

The attorneys and staff of Vishnick McGovern Milizio LLP sadly mark the passing of transgender teacher Marla Krolikowski at the age of 62 on September 20, 2015 following a sudden collapse.

VMM attorney Andrew A. Kimler represented Krolikowski in her 2012 lawsuit against St. Francis Preparatory School in Fresh Meadows, Queens where “Mr. K.” taught for three decades before a lone parent complained in 2011 about his feminine appear-

ance. Krolikowski was fired from her job as a teacher at the Roman Catholic high school for insubordination after acknowledging in 2011 that she was transgender.

In response to the school’s position that Krolikowski was fired for insubordination, Justice Duane A. Hart, who was hearing the case in State Supreme Court in Queens, appeared skeptical and urged the parties to settle. “Insubordination after 32 years of teaching?” the judge asked. “And

the insubordination seems to coincide with the expression of being transgender?” The well-publicized lawsuit ended in a confidential settlement.

After leaving St. Francis, Krolikowski was employed by Estée Lauder training new employees. She retired just weeks before her death. Andrew Kimler states, “Marla started off as a client and we ended as friends. She was one of the kindest human beings I have had the honor of representing and I miss her terribly.”



Protecting Transgender New Yorkers *(Cont'd from Page 1)*

to “the ownership, use and occupancy of housing accommodations and commercial space.” Specifically, the law acknowledges “unwelcome sexual advances” and sexual harassment toward domestic workers as unlawful.

According to The Empire State Pride Agenda, these very areas continue to be a stumbling block for transgender people. For instance, even with some local protections in place 75% of transgender people have suffered workplace harassment in New York. With respect to spaces of public accommodations and services, 53% of transgender New Yorkers have been either harassed or discriminated against. Additionally, since the majority of counties in New York do not have protections in place, transgender people could be legally discriminated against in most of the state. Governor Cuomo’s initiative has recognized the demand for legal action on these fronts and broadens the specific scope of protections granted by the law so that it may include transgender New Yorkers.

Drawing on the GENDA bill, which has been stalled in the state Senate, Cuomo’s rules establish “gender identity” and “the status of being transgender” as unlawful grounds for discrimination. The regulations incorporate “gender identity” and “the status of being transgender” into the term “sex”, wherever it appears in the Human Rights Law. This particularly includes any section within the text which addresses harassment or discrimination by virtue of “sex”, or “sex” as a “protected category.” Similarly, gender dysphoria, as a known medical condition will now qualify wherever the term “disability” functions in the text. Discrimination or harassment pertaining to such a condition will now be considered a violation of disability restrictions.

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Who Needs A Prenup? You Do *(Cont'd from Page 1)*

couples often come into the marriage having lived together and having likely accumulated assets prior to marriage, running the gamut from property ownership to jointly held savings and investment accounts to artwork, antiques and other valuables. And then children may be part of the picture.

Rather than looking at a prenup as the harbinger of a divorce to come, it’s wise to recognize that a prenup allows for the creation of an agreed-upon foundation for their future financial life. A prenup allows the spouses – not the court – to determine their own rights and responsibilities in the event of a breakdown in a relationship. This can minimize legal fees and prevent a long, drawn-out legal battle. Prenups also play an important role in the event of the death of one of the spouses.

It’s undeniable that a prenup changes the dynamics should a divorce take place and that’s good for both parties. Premarital bliss aside, some of the issues for LGBT couples to take into consideration prior to marriage include:

- Division of properties, income, businesses, investments, inheritances, and other assets
- Spousal support under New York State Maintenance Guidelines Law (revised 10/25/2015)
- Estate planning
- Children from a previous relationship
- Debts of either party coming into the marriage

For those who may have opted against a premarital agreement, it is not too late to define each spouse’s financial rights and responsibilities. A couple can achieve similar results by entering into a post-marital agreement after they marry.

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