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National LGBT Bar Association
1301 K Street NW Suite 1100, East Tower
Washington, DC 20005
Nominations@LGBTbar.org

Re: Nomination of **Craig Konnoth** as one of the Best LGBT Attorneys Under 40

June 3, 2013

To the National LGBT Bar Association:

It is a great pleasure to support the nomination of Craig Konnoth as one of the Best LGBT Attorneys Under 40. I have known Craig for many years, and I worked closely with him while I was an attorney at Lambda Legal. Craig has already contributed enormously to the movement for lesbian, gay, bisexual, and transgender equality in numerous ways, and I am confident that he will continue to make important contributions to the LGBT-equality movement for years to come. As a former recipient of the “Best LGBT Attorneys Under 40” honor, I support his nomination strongly and without hesitation.¹

I was impressed by Craig the very first time I met him. Many years ago, before Craig even began law school, we both happened to attend a conference at Yale Law School on marriage equality for same-sex couples. While engaging me in conversation on several of the topics being discussed by conference attendees, Craig demonstrated such a nuanced understanding of various constitutional issues and precedents that I remember being quite startled—and almost incredulous—when I learned that he had not yet even begun law school. I recall thinking that his obvious, genuine excitement about joining the legal movement for LGBT equality was both refreshing and inspiring.

As his résumé makes abundantly clear, Craig’s enthusiasm and determination to make a positive contribution have not dwindled in the slightest. And having myself worked more closely with him since our meeting years ago, I am confident not only in his passion and dedication, but also in his intellectual ability and work ethic.

As a participant in Yale Law School’s LGBT Litigation Group, Craig provided invaluable assistance to me when I worked at Lambda Legal Defense and Education Fund, where I served as a Liman Fellow (2007-2009) and Affiliated Attorney (2009-2010).

Most of Craig’s assistance focused on two rather complex matters involving numerous students facing various forms of anti-LGBT mistreatment—including harassment and censorship—at their

¹ Craig is one of two people whom I am supporting for the award this year. (The other is Aaron Morris from Immigration Equality.) I have no qualms about supporting both Craig and Aaron, as they have both done outstanding work for LGBT equality for many years.

public schools. One of those projects involved a matter that remains confidential, but this does not preclude me from describing—and praising—Craig’s contribution to our work. The other project culminated in a highly publicized lawsuit filed in the Northern District of New York in 2009. The latter suit, which survived a motion to dismiss, *see Pratt v. Indian River Cent. Sch. Dist.*, 803 F. Supp. 2d 135 (N.D.N.Y. 2011), remains pending.

In connection with these matters, Craig prepared various memoranda and supervised other students’ memoranda, and in each instance his work helped shape our thinking, strategy and approach to the matters at hand. For one of the matters, for example, Craig prepared a memorandum regarding the various methods by which a high school student could prove unlawful discrimination in education on the basis of sexual orientation based on primarily circumstantial evidence. Unsurprisingly, those who discriminate rarely admit to a discriminatory motive in blatant, explicit terms; courts have therefore developed various frameworks through which plaintiffs can attempt to demonstrate discriminatory intent through circumstantial evidence. Courts have developed these frameworks, however, principally in the context of federal statutes prohibiting employment discrimination based on race and sex—not education cases involving constitutional claims brought by LGBT students. Thus, Craig’s difficult task was to analyze whether and how the frameworks developed in employment contexts could be adapted to the education and sexual-orientation context. With great efficiency, Craig produced an insightful summary of the most relevant cases, identifying the weaknesses in some of their analyses, and explaining how the cases might be deployed or interpreted in a case involving discrimination against an LGBT student.

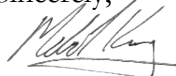
This is only one example of Craig’s many useful contributions to Lambda Legal’s work through his participation in Yale’s LGBT Litigation Group. As both a researcher and as a supervisor to other students assisting with Lambda Legal’s youth cases, Craig helped me navigate a variety of complex legal issues, including the relationship of overlapping federal protections for free speech; the complicated connections between discrimination based on sex and discrimination based on sexual orientation; whether and how nondiscrimination statutes bar discrimination based on mere perceptions of homosexuality; and the extent to which the Constitution imposes affirmative duties on schools to protect students in their care.

It is worth noting, moreover, that the amount of official academic credit Yale offered for all of this work was not commensurate with the extraordinary amount of time and effort required to complete it. Quite clearly, Craig made time for these contributions because he cared about the cause and about the clients.

I have kept in touch with Craig over the years, and I have not been surprised to see him excel in a variety of impressive and valuable roles. As you can see from the other materials submitted with this nomination, he continues to take on projects of crucial importance to the movement for LGBT equality.

Given Craig’s unquestionable work ethic, powerful intellect, warm heart and consistently top-notch work, it is a pleasure to support him as one of the Best LGBT Attorneys Under 40 for 2013.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael Kavey", written over a horizontal line.

Michael Kavey