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COURT AFFIRMS RIGHT OF TRANSGENDERED PLAINTIFF TO SUE

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In a precedent setting decision with major implications for the business community, a federal appeals court confirmed that sex discrimination laws reach situations where individuals are discriminated against because of how they are dressed. In a case brought by Gay & Lesbian Advocates & Defenders (GLAD), the United States Court of Appeals for the First Circuit decided yesterday that federal law prohibiting sex discrimination in lending protects a loan applicant, in this case a feminine-appearing man, who was told to go home and change to appear more traditionally masculine.

GLAD Staff Attorney, Jennifer Levi, who argued the case on behalf of Rosa commented, "Today's decision puts the business community on notice that it cannot exclude any person from employment, credit or services simply because of stereotypical beliefs about how real men and women should look or act. We know that many people face discrimination, including gay, lesbian and transgendered people, because they do not meet sex stereotypes. Unfortunately, some courts have carved out an exception that excludes such people from coverage. This decision recognizes that federal law prohibits different treatment because of sex, including when it is different treatment of transgendered or gay people."

The decision reinstated a lawsuit brought by Lucas Rosa who was denied the opportunity to apply for a bank loan from Park West Bank. Rosa is transgendered, a biological male who dresses and appears female. On July 21, 1998, Rosa visited the bank and, upon request, presented three pieces of identification, all of which contained photographs. Rather than continuing to process the application based on the identification, the loan officer told Rosa to go and change to look like one of the more traditionally masculine appearing photographs. Because of Park West Bank's refusal to process the loan application, Rosa brought a sex discrimination case against the bank under the federal Equal Credit Opportunity Act.

In October, 1999, a federal district court dismissed the case stating that the federal law did not prohibit the bank from telling someone how to dress, even if in a sex-specific way, when applying for a loan. The appeals court reversed the district court decision remanding the case for trial.

"I am ecstatic that the appeals court reinstated the case. It was a humiliating experience to be told to change how I look in order to apply for a loan. No one should have to go through what I did simply to receive a routine service from a bank," remarked Rosa.

Founded in 1978, Gay & Lesbian Advocates & Defenders (GLAD) is New England's leading legal rights organization for lesbians, gay men, bisexuals and people with HIV. GLAD's mission is to achieve full equality and justice for all individuals in these groups, primarily through impact litigation and education.

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