INTRODUCTION

Twenty years ago, the Williams Institute was founded to conduct rigorous, independent research on sexual orientation and gender identity law and public policy. As a center at the UCLA School of Law, the Williams Institute has strived to provide educational opportunities to students through its work, including facilitating their critical engagement with this vibrant and ever-changing field of study.

It was in this spirit that, in 2002, a group of Williams Institute scholars and student editors from UCLA Law worked to publish Volume 1 of the Dukeminier Awards Journal, aiming to recognize outstanding achievements in recently published legal scholarship engaging with pressing sexual orientation and gender identity issues. Named in memory of UCLA Law professor Jesse J. Dukeminier, the Journal was created to collect and widely disseminate the visionary ideas and research contained in the winning articles—to judges, legislators and other policymakers, professors and other teachers and researchers, lawyers and other advocates, and the public—with the goal that these articles come to inform ongoing legal, political, and academic debates. With this release, we are pleased to publish Volume 20 of the Journal and recognize the following Dukeminier Prize winners:

• Courtney Megan Cahill, The New Maternity, 133 Harv. L. Rev. 2221 (2020);
• Marie-Amélie George, Framing Trans Rights, 114 NW. U. L. Rev. 555 (2019);
• Susan Hazeldean, Privacy as Pretext, 104 Cornell L. Rev. 1719 (2019); and
• Jeremiah A. Ho, Queer Sacrifice in Masterpiece Cakeshop, 31 Yale J.L. & Feminism 249 (2020).

In addition, each year the Dukeminier Awards Journal publishes the winner of the Williams Institute’s annual student writing competition. This year’s winner is:


As both the Institute and the Journal reach their twentieth milestones, we are presented with an opportunity to reflect on the evolution of this field of study and in turn, on some of the important issues impacting LGBTQ people. In many ways, the Journal’s catalog of past volumes reflects the continuum along which these issues lie: from those that once dominated our thinking but are now seen as long settled, to those that LGBTQ people in 2002 likely never imagined could be timely policy
issues in their lifetimes. The shifts we’ve documented throughout our
twenty volumes have at times come quickly—see for example the mere
three year gap between our recognizing Professor Hassel’s piece on the
use of criminal sodomy laws in civil legislation, and a group of articles
analyzing the Supreme Court’s then-recent invalidation of such laws in
\textit{Lawrence v. Texas}. But, some longstanding demands for progress continue
to persist—often those relevant to multiply-marginalized subpopulations
within the LGBTQ community—despite the numerous landmark deci-
sions (including \textit{Lawrence}, \textit{Windsor}, \textit{Obergefell}, \textit{Masterpiece Cakeshop},
and \textit{Bostock}, to name a few) we’ve witnessed in that time.

The topics covered by this year’s prize winners reflect that continu-
um—and those continued challenges—well. From looking back at major
decisions in and out of the courtroom that have impacted the lives and
rights of LGBTQ people, to anticipating the needs of LGBTQ people
within evolving legal and technological landscapes, we hope that every-
one finds these winning articles to be as compelling and provocative as
we did.

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\textit{About the Prize Winners}

Below, we offer additional information on the processes used to
select this year’s prize winners, and point you to the abstracts reproduced
at the beginning of each for complete summaries of the articles.

Eligible articles for this year’s Dukeminier Prizes were published
between September 1, 2019 and August 31, 2020; engage with sexual ori-
entation and gender identity law issues in a sustained way; and could
not have been written or published while the author was a law student.
In early September 2020, the student editors of the \textit{Journal} ran relevant
search terms in legal scholarship databases to cast a wide net for relevant
articles. The students then narrowed that large group to over 200 articles
that the students deemed eligible for this year’s awards. At this stage, the
students were not determining merit; instead, the students focused on
the degree of attention given to relevant issues, broadly understood. For
example, an article that merely noted the U.S. Supreme Court’s consider-
ation of \textit{Bostock v. Clayton County} likely would have not made the cut,
but an article that included an in-depth discussion of \textit{Bostock} and its pos-
sible implications would have.

In addition to an open call for nominations on our website, we solic-
ited nominations in the fall of 2020 from law professors who regularly
work on sexual orientation and gender identity issues, many of whom are themselves former winners of Dukeminier Prizes. We provided the professors with the students’ list of eligible articles, but did not limit nominations to articles appearing on that list. Numerous professors submitted nominations, as did the student editors. Professor Nancy Polikoff, a visiting scholar at the Williams Institute and Professor of Law Emerita at American University Washington College of Law, reviewed all of the eligible nominations received to create a list of 10 finalists.

We convened a committee to select the winners from among those finalists. The committee was comprised of Professor Polikoff, Jessica Clarke (a law professor and winner of one of last year’s Dukeminier Prizes), Christy Mallory (the Williams Institute’s Legal Director and Renberg Senior Scholar of Law), Luis Vasquez (the Williams Institute’s Arnold D. Kassoy Scholar of Law), and Nick Miller and Tiffany Sarchet (on behalf of the Journal’s student team). Each committee member reviewed the finalists over the course of five weeks, before meeting in early April 2021.

Each year, the prize committee members decide the precise selection criteria for that year, guided only by the goals of the Dukeminier Awards Journal noted above. This year, our criteria included scholarly contribution, originality, rigor, impact, timeliness, and quality of research and writing. The committee members also valued the idea of recognizing developing scholars, as well as works covering a broad range of issue areas and those doing so through an intersectional framework. We viewed each article holistically and extensively discussed the finalists in light of these criteria, and selected the above four articles for prizes this year.

For the student note competition, the student editors of the Journal, as well as Brad Sears (the Williams Institute’s Founding Executive Director and a founding advisor of the Journal), Christy Mallory, and Luis Vasquez, selected the winner among entries solicited in the fall of 2020. We are pleased to announce that, as of this year, the student note competition has been expanded to allow entries from students at any law school in the United States, regardless of degree track or progress. In selecting the winner, we focused largely on originality, scholarly contribution, academic rigor, and overall quality.