

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:

- Phillip Wilkinson, *The Legal Implications of Sexual Orientation-Detecting Facial Recognition Technology*, 20 DUKEMINIER AWARDS J. ____ (2021).

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 *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 decisions (including *Lawrence*, *Windsor*, *Obergefell*, *Masterpiece Cakeshop*, and *Bostock*, to name a few) we've witnessed in that time.

The topics covered by this year's prize winners reflect that continuum—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 everyone finds these winning articles to be as compelling and provocative as we did.

Luis A. Vasquez
Arnold D. Kassoy Scholar of Law
The Williams Institute
UCLA School of Law
May 2021

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 orientation 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 *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 consideration of *Bostock v. Clayton County* likely would have not made the cut, but an article that included an in-depth discussion of *Bostock* and its possible implications would have.

In addition to an open call for nominations on our website, we solicited 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.