The State Of LGBTQ Rights: A Year In Review Since Obergefell v. Hodges

BY AIVI NGUYEN • JUNE 26, 2016

June 26 is a particularly important date for the LGBTQ community.

June 26, 2003 is the day that Lawrence v. Texas was decided, which struck down the sodomy laws in Texas and, by extension, sodomy laws in 13 other states.

June 26, 2013 is the day that United States v. Windsor was decided, which struck down Section 3 of the Defense of Marriage Act.

June 26, 2015 is the day the Obergefell v. Hodges decision came down, which declared same-sex marriage legal throughout the United States.

Even the Stonewall Riots that launched the LGBTQ rights movement back in 1969 can be celebrated on June 26 (the riots actually happened on June 28, 1969 – close enough).

So what has happened in the past year, since Obergefell, in the LGBTQ community? Like all stories of social change and progress, there have been highs and lows this past year. Here are some highlights.

Things started off a little rocky because of a woman from Kentucky named Kim Davis. Kim Davis was a court clerk who refused to issue marriage licenses to same-sex couples, arguing that it was against her religion. The vast divide in public opinion over whether Kim Davis was a villain or a hero was indicative of the tension created by Obergefell.

But, in July, the Equal Employment Opportunity Commission decided that workplace discrimination against gay, lesbian, and/or bisexual people constitutes gender discrimination under Title VII. A win for the LGBTQ community.

Then in August, the Social Security Administration decided that it would apply Obergefell retroactively to previously filed claims of gay and lesbian spouses for benefits, who resided in states that did not recognize the validity of their marriages. Another seeming win for the LGBTQ community, but there have been delays in receiving benefits. On February 16, the SSA finally issued a policy.

Then in September, Kim Davis was thrown in jail for five days for contempt of court for her refusal to issue marriage licenses to same-sex couples. Another win.

In September, a Massachusetts court granted a de facto parent (someone who is not the biological parent but does all

©2026 Bowditch & Dewey LLP. All Rights Reserved.

the things a parent does for a child) joint legal and joint physical custody with the legal parent of a child, meaning that a gay person who is not the legal parent of a child has rights. The legal parent appealed and oral arguments were heard in April. The appeal is still pending.

In stark contrast to Massachusetts, in January, Alabama's chief justice issued an order proclaiming that all Alabama Probate Judges have a duty NOT to issue marriage licenses to same-sex couples. In May, the Alabama Judicial Inquiry Commission issued a complaint against the judge. An automatic suspension comes with that complaint. The judge is in the process of responding to the allegations against him.

In contrast to the Alabama court, a California federal court determined that Title IX's ban on sex discrimination includes a ban on discrimination based on a person's sexual orientation. The case is still ongoing.

Also in January, the EEOC made it clear that its position was that calling a transgender employee by his/her original name or birth gender is employment discrimination, and that employers should allow transgender individuals to use bathrooms that match their gender identities.

In March, a Mississippi judge ruled that the state's ban on allowing same-sex couples to adopt violates the Equal Protection Clause of the US Constitution. However, the legislature of Mississippi passed a so-called "Religious Freedom Bill," allowing businesses and religious groups to deny members of the LGBTQ community services such as counseling and adoption support and protecting those groups from punishment if their actions are due to "religious belief or moral conviction." The bill goes into effect on July 1.

Also in March, North Carolina enacted HB2, a bill that negated any anti-discrimination measures put in place by municipalities to protect LGBTQ individuals, and requires transgender individuals to use bathrooms that match the gender on their birth certificates, not the gender with which they identify.

In April, a court in Puerto Rico ruled that the Commonwealth must recognize validly married same-sex couples and guarantee that they have the same right as opposite-sex couples, declaring laws that say otherwise as unconstitutional.

Also in April, Louisiana's governor signed an executive order providing employment protections for state employees and employees of state contractors on the basis of sexual orientation and gender identity.

But, perhaps the biggest setback since Obergefell is not one that has to do with the law, but is one that addresses humanity. On Saturday, June 11, one individual opened fire at Pulse, a gay club in Orlando, killing 49 and injuring 53. The tragedy left the LGBTQ community and its advocates reeling.

Like any time of social change, it feels as if with every 2 steps forward, we take 1 step back. But, in the long run, we are still gaining progress despite the setbacks.

Happy June 26, everyone!

©2026 Bowditch & Dewey LLP. All Rights Reserved.