

Press Release

Akerman Joins Suit Defending Against N.Y. Photographer Who Rejects Same-Sex Couple Clients; Attorneys Fight for Equal Access for all New York State Couples

May 23, 2022

Akerman LLP, the national law firm, has filed a “friend of the court” brief in the appeal of a lawsuit filed by a New York State wedding photographer seeking to discriminate against same-sex couples, the firm announced today.

Partnering with the New York City Bar Association, through its Lesbian, Gay, Bisexual, Transgender and Queer Rights Committee, the Lesbian and Gay Law Association of Greater New York (LeGal), and the NEW Pride Agenda as *amici curiae* in the case of *Carpenter v. James*, Akerman and its clients argue in favor of upholding anti-discrimination laws which protect the rights of same-sex couples—and others—statewide. The plaintiff-appellant, Emilee Carpenter, is an upstate New York wedding photographer who seeks to decline business from same-sex couples because of her religious beliefs.

Under the leadership of Akerman partner and veteran litigator Donald David, based in New York, the pro bono team, including associate Alexander Newman, submitted its *amicus* brief on Monday, May 16th, to the U.S. Court of Appeals for the Second Circuit in Manhattan. New York State Attorney General Letitia James and other government officials won the case in a lower court decision issued by

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Judge Frank P. Geraci, Jr. of the U.S. District Court for the Western District of New York in Rochester.

“The New York State Human Rights Law is clear,” said Akerman partner Donald David. “If you offer a service to the public, you must extend that service to the *entire* public; that includes people of every race, creed, national origin, sexual orientation, and gender. Our clients are seeking justice and fairness for couples from throughout the state to make sure they have equal access to public accommodations, which the court correctly interpreted to include commercial services like wedding photography.”

“We hope the appellate court will confirm Judge Geraci’s well-reasoned opinion preventing Ms. Carpenter from creating a loophole in the law that would allow her to turn away loving couples from celebrating and documenting their marriages,” David added. “Merchants, whether they are photographers or other businesses, simply aren’t permitted to draw lines of exclusion between different kinds of clients.”

Newman, based in New York, is active in the LGBTQ Rights Committee of the New York City Bar Association. “This is a matter of justice that will affect not only LGBTQ people, but all other groups protected by the State’s anti-discrimination law. Creating an exception here would set a dangerous precedent that could chip away at protections based on race, religion, sex, and more.”

David is a litigator with experience in real estate, entertainment, estates, close corporations and partnerships, intellectual property, and financing disputes. His clients include the estate of an internationally known rap artist, the widow of the owner of one of the nation’s premier horse stables, numerous nationally known real estate developers, authors, banks, telecommunications companies, and others. He has been quoted in national media outlets such as *New York Magazine*, *Forbes*, *People*, and *Hollywood Reporter*.

About Akerman

Akerman LLP is a top 100 U.S. law firm recognized among the most forward-thinking firms in the industry by Financial Times. Its more than 700 lawyers and business professionals collaborate with the world's most successful enterprises and entrepreneurs to navigate change, seize opportunities, and help drive innovation and growth.

Akerman is committed to fostering a diverse and inclusive environment for everyone. The firm was ranked among the “Best Places to Work for LGBT Equality” by Corporate Equality Index, ranked among the Top 10 Large Law Firms for Diversity by Law360, and ranked among the top firms on the Diversity Scorecard by The American Lawyer. Akerman participates in a number of important equality and inclusion initiatives focused on bringing about meaningful change, including the Florida Businesses for a Competitive Workforce Coalition and the American Bar Association's Judicial Intern Opportunity Program. In 2020, the firm also launched the Akerman Racial Justice Initiative to address systemic causes and defenders of racial inequalities in the U.S. justice system. Akerman's Pro Bono Initiative is committed to helping close the justice gap, providing free legal services to support civil rights and people in need across our many communities.