

Jay M. Kohorn



As a child and young adult, Jay Kohorn's favorite form of creative expression was music. He was an exceptionally talented pianist who performed for audiences and competed in talent shows. His parents must have been very pleased to read favorable reviews of his performances in newspapers – and there were many.

After entering college, Jay displayed his talents in other ways. Writing was one of them. He eventually took an interest in the law as form of creative expression – a way to help others through legal research, education, and advocacy. His legal knowledge and skills were honed at the University of California School of Law in Los Angeles where he graduated in 1974.

Jay was not “out” as a gay man in law school. He came out after he took the bar exam. But once that happened, his sexual orientation was not just a matter of personal relationships. Jay became an advocate for justice and equal rights for those who found themselves victims of oppression or discrimination because of their sexual orientation.

In the early years of his law practice, Jay sometimes represented men who had been arrested on lewd conduct charges by undercover police officers. These charges involved consenting adult sex in situations where the men thought that no one was looking or would be offended. Jay and other gay defense attorneys, such as Thomas F. Coleman, would sometimes cross paths in courtrooms in Long Beach or Los Angeles. Jay and Tom soon became friends as well as colleagues. Both lawyers regularly challenged the constitutionality of California Penal Code Section 647(a) which prohibited soliciting or engaging in lewd or dissolute conduct.

Tom was co-chair of the National Committee for Sexual Civil Liberties, a select group of lawyers, scholars, and other professionals from throughout the nation whose mission was to decriminalize consenting adult sex through education, litigation, and lobbying. When Jay was introduced to the committee, his talents and passion for justice were so evident that he was immediately invited to join the group. At the time, Tom was publishing the Sexual Law Reporter, a periodical focusing on all aspects of sexuality and the law. Jay accepted Tom's invitation to participate and became the editor.

When the California Supreme Court granted review in a Section 647(a) case in 1977, Jay filed a major amicus curiae brief challenging the law's constitutionality. Tom represented the defendant. The two lawyers celebrated in 1979 when the court invalidated the

solicitation portion of the statute on First Amendment grounds and interpreted the lewd conduct portion of the statute to require proof that the defendant knew or should have known that persons were present who may be offended by such conduct. As a result of this ruling, arrests and prosecutions under this law dropped by about 90% in California.

A few years later, Jay won a victory in the California Supreme Court that took the sting out of the lewd conduct law by removing the prospect of sex registration. Defendants were generally unwilling to take a case to trial because they feared that if convicted, they would have to register as a sex offender for the rest of their lives – just like rapists and child molesters. Not willing to take that risk, the defendants generally entered into a plea bargain to a lesser offense. Jay convinced the Supreme Court that mandatory sex registration for consenting adult sexual behavior, a misdemeanor, was cruel and unusual punishment.

In the 1980s, Jay filed amicus curiae briefs in other important legal cases that would have an impact on the LGBT community. These cases included the filing of briefs in the United States Supreme Court in a New York sexual privacy case in 1984 and another U.S. Supreme Court case involving a challenge to an anti-gay teacher law arising out of Oklahoma in 1985. Both cases had results favorable to the LGBT community. He also filed a brief in a case before the New York Court of Appeals in 1988 that resulted in the court accepting the use of an expanded definition of family in rent control housing cases. The implications of unmarried couples being considered to be a family were far-reaching.

Jay wrote a masterful executive summary of a report issued in 1982 by the Governor's Commission on Personal Privacy in California. He took a 500-page report covering a wide range of issues involving the privacy rights of gays and lesbians, unmarried couples, seniors, people with disabilities, consumers, and others and made the issues and the recommendations understandable to the general public in a very condensed summary.

In the mid-1980s, Jay's love of appellate law landed him a full-time position as Assistant Director to the California Appellate Project in Los Angeles. The staff lawyers as well as the hundreds of cooperating attorneys would benefit from Jay's keen intellect as well as his managerial skills for several decades. He is still in that position today.

Along the way, Jay met a law student named Zeke Zeidler. They fell in love and became life partners. The two officially married in 2008. Zeke eventually became a judge of the Los Angeles Superior Court. For many years, Zeke and Jay have hosted an annual social event for LGBT students who attend law schools in Southern California.

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