

TO REPRESENT LGBT CLIENTS, A LAWYER NEEDS TO BE CULTURALLY COMPETENT

It's one thing to know the law; it's a different thing to understand the client. Without both, a lawyer cannot give accurate advice to a member of the lesbian, gay, bisexual and transgender (LGBT) community.

Last June, the U.S. Supreme Court decision in *U.S. v. Windsor*, 133 S. Ct. 2675 (2013) struck down section 3 of the Defense of Marriage Act leading to federal recognition of same-sex marriages. That decision triggered the federal government to reappraise hundreds of U.S. statutes controlling many aspects of life. The resulting rapid velocity of change challenges lawyers trying to keep pace.

Lawyers are also taking a look at marketing legal services to the LGBT community, possibly a source of business previously overlooked.

If an attorney seeks to represent members of the LGBT community, she needs to educate herself to understand how laws affect this different population. Counselling members of the LGBT community is not a simple variation on representing a heterosexual couple with the only difference the gender of the members of a couple.

The law governing the LGBT community is complicated. It varies significantly from state to state. In addition, the law is on a fast track of change rippling out to all segments of law and society.

Equally, if not more important, a lawyer aspiring to counsel LGBT clients needs to be culturally competent. Given the history of

discrimination and social isolation suffered by members of this community, it is not enough to just be sympathetic. One has to work to put these clients at ease. Without reaching a certain level of comfort, a client may withhold crucial information.

Is your law office ready to advise LGBT clients? Has your office adopted policies and staff training which will put a member of the LGBT community at ease and respected? Does your office reflect your firm's commitment to diversity? Are your intake forms open-ended enough to accommodate variations within the LGBT community?

One doesn't need to have a rainbow flag in the waiting room. But consider displaying a non-political poster stressing equality or putting a magazine of interest to this community or an annual report from a LGBT rights organization in the waiting room. These simple acts can make a potential client feel like she is in the right place to get the advice she needs.

Are you and your staff properly trained how to address these potential clients? Lawyers and staff need to show respect to same-sex couples. Will they know how to address a same-sex couple? Terms like "significant other" and "partner" are outdated and display a firm's lack of understanding of the significant changes that have taken place. Married same-sex couple should be called spouses and husbands and wives.

How will the lawyer and staff address a client who identifies as transgender? Do they know the difference between "transgender" and "transgendered" and why one of these terms is considered offensive? Will the staff know how to react if a person named Charles comes to the office for an appointment dressed in female attire? Staff and

attorney need to know that one uses personal pronouns which reflect how the person presents her or himself.

Are you aware that the term “opposite sex” couple is considered outdated and why? Consider checking out the GLAAD Media Reference Guide, 8th edition for a proper glossary of terms, including terms to avoid and defamatory language.

<http://www.glaad.org/reference>

Much more pronounced than in the non-gay world, there are significant generational differences within the LGBT community. Clients who grew up before the watershed Stonewall riot in 1969 have different issues and face different problems than younger LGBT clients who matured in a more tolerant age. Older members of the community are more likely to be single, childless, live alone and be estranged from her family of origin. Instead, she may rely on “chosen family.”

Having grown up in a time of repression, an older LGBT client may be reticent about divulging the true extent of her life to an attorney. This generation still carries scars from a time when they were forced to hide their identity. Others carry wounds from living through the AIDS holocaust of the 1980's and 1990's. Unless an attorney makes them feel comfortable, they may withhold key information and not receive crucial advice.

Serving this community will put a lawyer in the forefront of a developing area of the law. It also offers the reward of personal satisfaction by giving clients proper advice in an area of unsettled law. Get a solid grounding in the culture of the LGBT community and

educate yourself on the law so that you can make your LGBT client comfortable and provide the necessary legal advice.