



LGBTQ+ Individuals in Family & Juvenile Courts

WESLEY D. BIZZELL, ESQ.

PRESIDENT

*NATIONAL LGBTQ+ BAR
ASSOCIATION*

He/Him/His

**THE LGBTQ
BAR**



INCLUSION

RESPECT

The word "RESPECT" is displayed on a corkboard. Each letter is cut out from a different colored piece of paper and pinned to the corkboard with a pushpin of the same color. The letters are: 'R' (blue on white paper, yellow pin), 'E' (white on orange paper, red pin), 'S' (orange on white paper, green pin), 'P' (red on white paper, white pin), 'e' (purple on white paper, red pin), 'C' (red on white paper, blue pin), and 'T' (white on black paper, red pin).



EXPERIENCE OF LGTQ+ PEOPLE

- 2012 Survey by Lambda Legal of parties, jurors, witnesses, and attorneys:
- 19% heard a judge, attorney, or other court employee make negative comments about a person's sexual orientation, gender identity, or gender expression
 - 66% of trans women reported comments
 - 53% of trans or gender non-conforming people of color reported comments
 - 33% of trans or gender non-conforming individuals of all races reported comments
- 6% heard negative comments about a person's HIV status



THE FUTURE IS NOW



	LGBT	Queer	Total
Millennials	10%	16%	26%
Total Pop.	7%	8%	15%

THE FUTURE IS NOW

Sexual orientation by age group

	18-34	35-51	52-71	72+
Strictly heterosexual	84%	91%	94%	98%
Bisexual	6%	4%	2%	1%
Asexual	4%	1%	1%	>0.5%
Strictly gay/lesbian	3%	3%	2%	>0.5%
Pansexual	2%	1%	1%	1%
Unsure/questioning	1%	-	>0.5%	-
Queer	-	-	-	-

Gender identity by age group

	18-34	35-51	52-71	72+
Cisgender	88%	94%	97%	97%
Agender	3%	>0.5%	>0.5%	1%
Gender fluid	3%	1%	-	-
Transgender	2%	1%	>0.5%	-
Unsure/questioning	2%	3%	2%	2%
Bigender	1%	>0.5%	1%	-
Genderqueer	1%	1%	-	-

Source: GLAAD, Accelerating Acceptance 2017 - A Harris Poll survey of Americans' acceptance of LGBTQ people

START FROM THE VERY BEGINNING:

Terminology

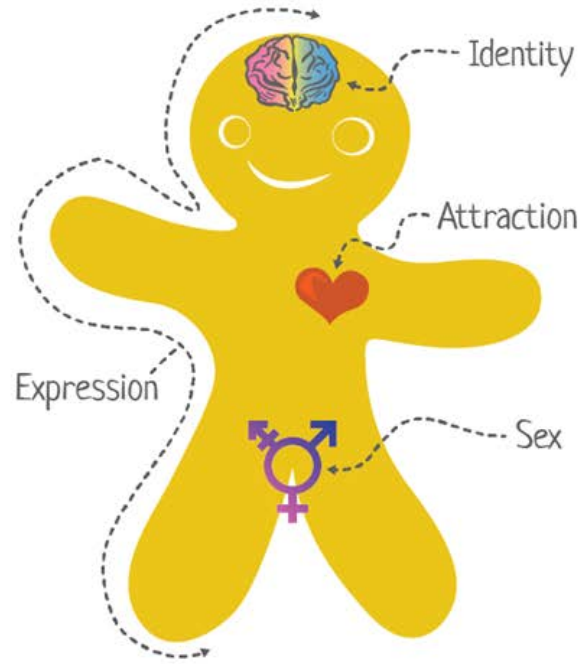
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- **Sexual Orientation**
 - **Gender Identity**
 - **Gender Expression**

TERMINOLOGY

- **Sexual Orientation:** Describes an individual's emotional, physical, and/or romantic attraction to another person.
- **Gender Identity:** A person's deeply held internal sense of being male, female, or somewhere else on the gender spectrum.
- **Gender Expression:** How a person chooses to communicate their gender identity to others through clothing, hair, styles, grooming habits, mannerisms, and social interactions that are perceived as masculine, feminine or somewhere else on the spectrum.
- **SOGIE:** Sexual Orientation, Gender Identity, & Gender Expression.

***Everyone has a Sexual Orientation,
Gender Identity, and Gender Expression***

The Genderbread Person v4 by its pronounced METROsexual.com



⊖ means a lack of what's on the right side.

Gender Identity

-  Woman-ness
-  Man-ness

Gender Expression

-  Femininity
-  Masculinity



Anatomical Sex

-  Female-ness
-  Male-ness



Identity ≠ Expression ≠ Sex
Gender ≠ Sexual Orientation

Sex Assigned At Birth
 Female Intersex Male

Sexually Attracted to... and/or (a/o)

-  Women a/o Feminine a/o Female People
-  Men a/o Masculine a/o Male People

Romantically Attracted to...

-  Women a/o Feminine a/o Female People
-  Men a/o Masculine a/o Male People

TERMINOLOGY: One Warning



TERMINOLOGY: Sexual Orientation

Sexual Orientation: Describes an individual's emotional, physical, and/or romantic attraction to another person.

- **Heterosexual**
- **Homosexual (LGBQ+)**
 - **Lesbian**
 - **Gay**
 - **Bisexual**
 - **Queer**
 - **+**
 - **Intersex**
 - **Asexual**
 - **Pansexual**
 - **Two-Spirit**



TERMINOLOGY: Words Matter

Avoid

- Homosexual
- Sexual Preference
- Gay/Homosexual Lifestyle
- Admitted/Avowed Homosexual

Acceptable

- LGBTQ+
- Sexual Orientation
- Openly LGBTQ+
- Out

TERMINOLOGY: Gender Identity

Gender Identity: A person's deeply held, internal sense of being female, male, or somewhere else on the gender spectrum.



- **Cisgender**
- **Transgender**
 - **MTF & FTM**
 - **MAAB & FAAB**
- **Agender**
- **Non-Binary**
- **Gender Fluid**
- **Gender Queer**

TERMINOLOGY: Transgender & Gender Transition

- **Transgender:** An umbrella term that can be used to describe people whose gender expression is non-conforming and/or whose gender identity is different from their sex assigned at birth.
- **Gender Transition:** Refers to the process through which an individual begins living as the sex consistent with their gender identity rather than the sex assigned at birth. May (or may not) include:
 - **Medical Transition**
 - There is no one “transgender surgery”
 - Can include a variety of treatments such as:
 - Hormone therapy
 - Mental health services
 - Electrolysis and laser hair removal
 - Gender Confirming/Affirming Surgeries
 - Extent to which someone has had medical or surgical treatment has no bearing on their gender
 - **Social Transition**
 - Coming out to family, friends, and co-workers
 - Using new name and/or pronouns
 - Changing clothing, hairstyle, and mannerisms
 - Often the most important transition
 - **Legal Transition**
 - Changing name and/or sex on ID documents
 - Changing benefits, employment documentation, etc.

TERMINOLOGY: Words Matter

Avoid

- Transgenders (noun)
- A Transgender
- Transgendered (verb)
- Sex Change Operation
- Biological Male/Female
- A Person's Deadname
- Preferred Pronouns
- When You Were a Woman/Man

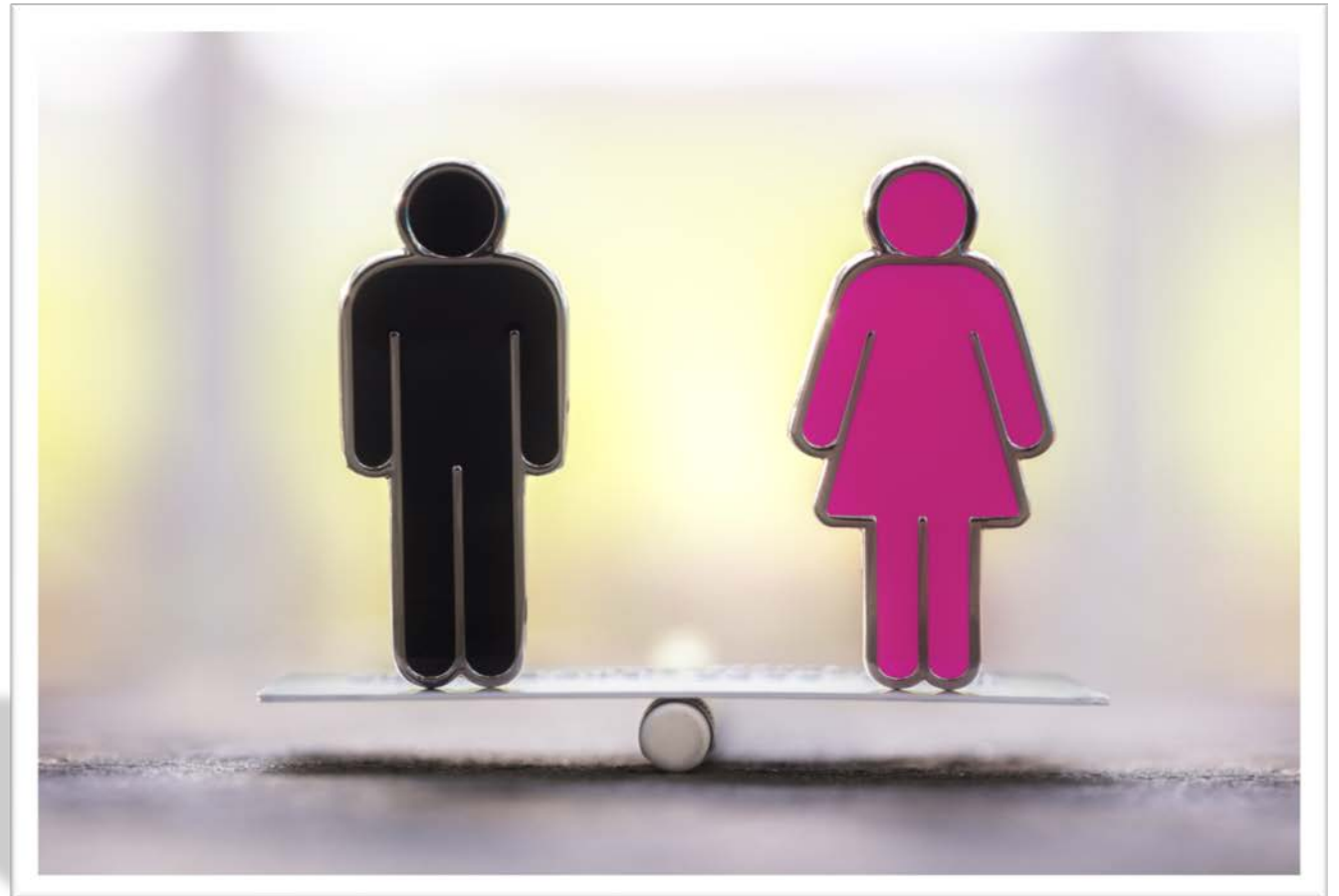
Acceptable

- Transgender People
- A Transgender Person
- Trans
- Transgender
- Transition
- Sex Assigned at Birth
- Pronouns
- Before Your Transition

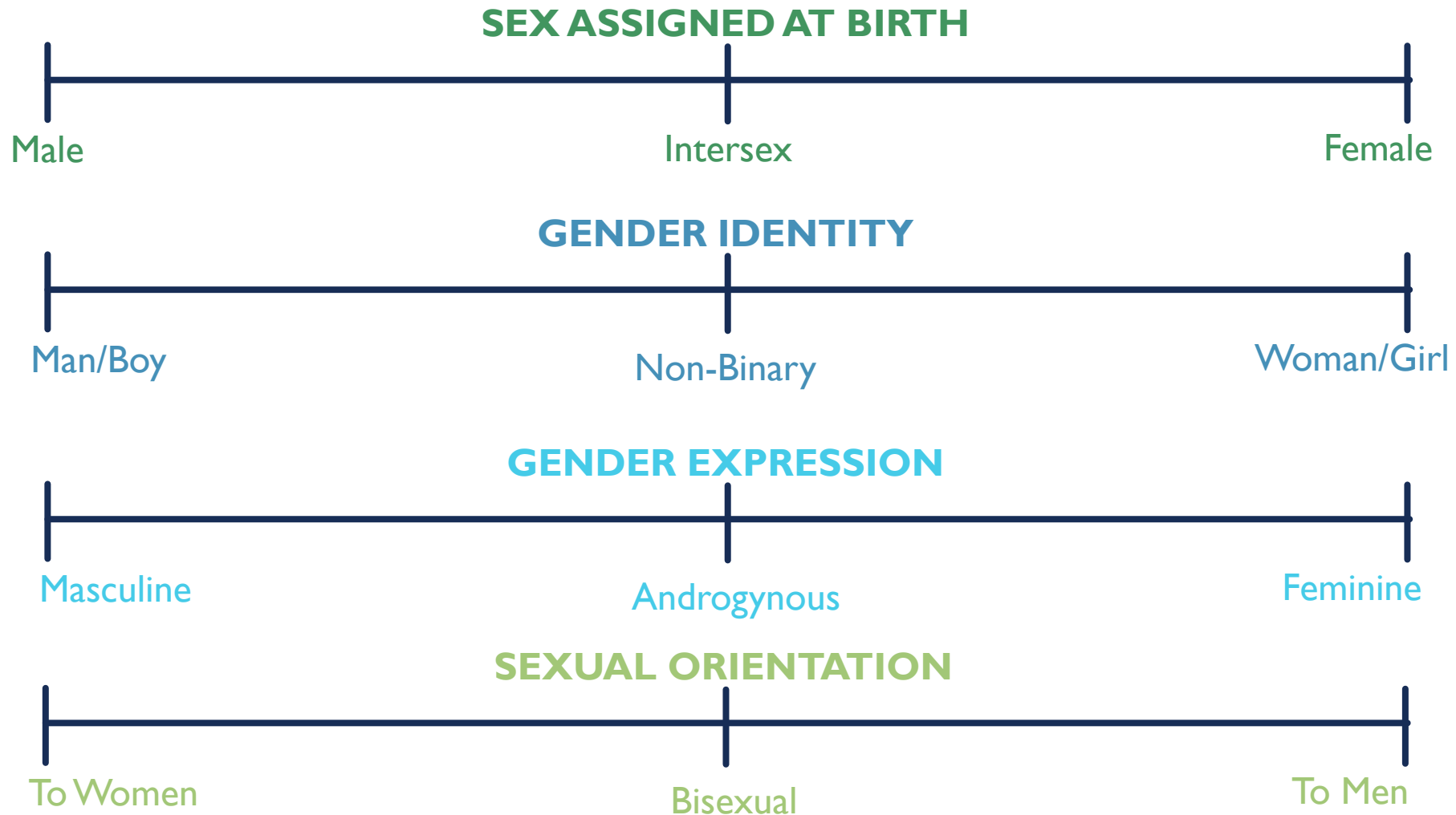
TERMINOLOGY: Gender Expression

Gender Expression: How a person chooses to communicate their gender identity to others through clothing, hairstyles, make-up, mannerisms, and social interactions that are perceived as masculine, feminine, or somewhere else on the spectrum.

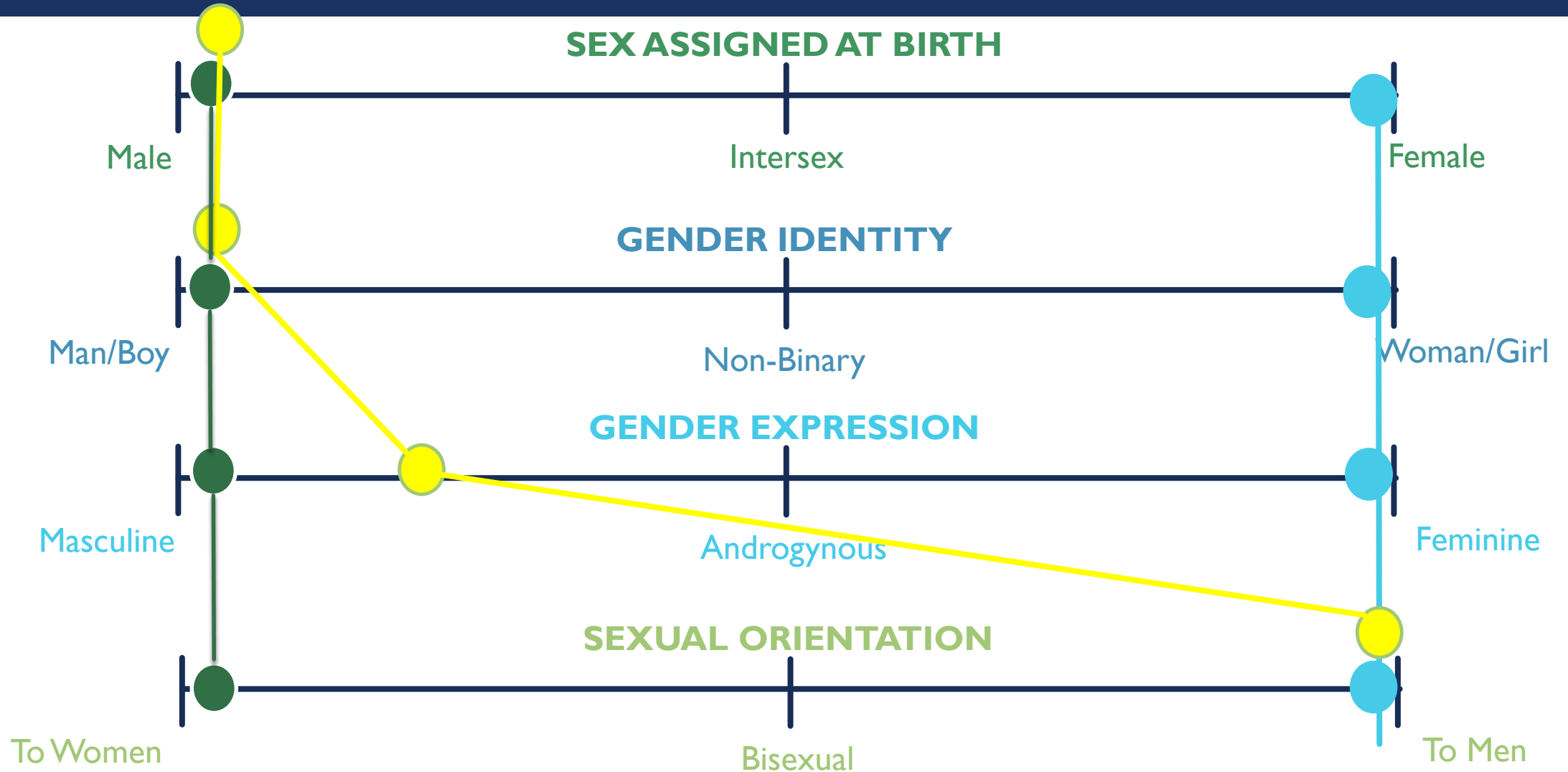
- **Gender Conforming**
- **Gender Non-Conforming (GNC)**



IDENTITY SPECTRUM



IDENTITY SPECTRUM





Coming out



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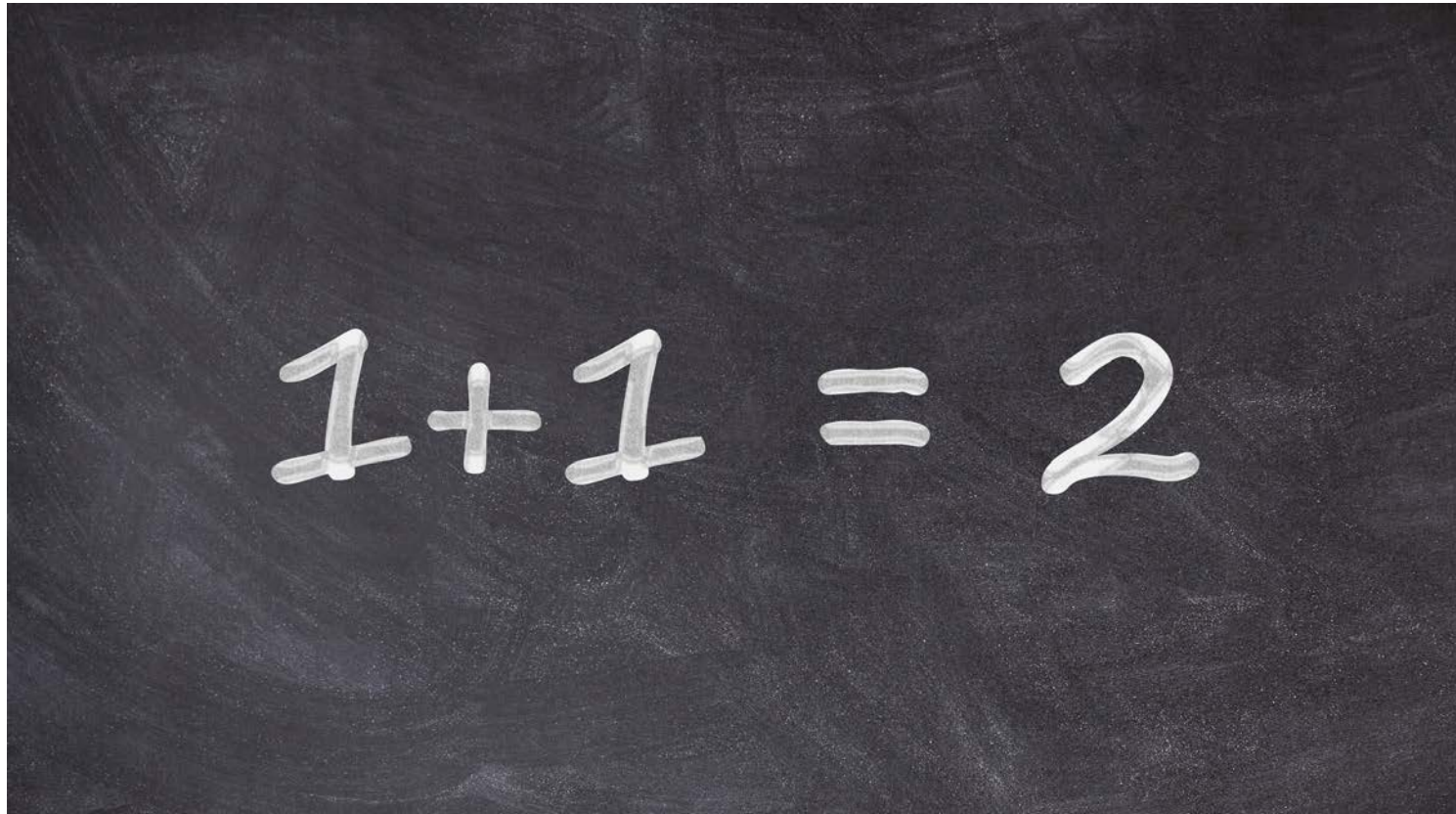
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SHIF

IT'S SIMPLE

Ask one question: What is the experience for an LGBTQ+ person in the courthouse, from the first interaction with security, staff, or a judge, through the end of the case?



THE IMPORTANCE OF PRONOUNS

- Using an individual's correct pronouns is affirming the person's gender identity
- Signal inclusivity: Introduce yourself with your own pronouns
- Pronouns are not a preference

Personal Gender Pronoun (PGP):

- Jo uses He/Him/His as the pronouns that HE identifies with.
Example: HIS favorite color is purple.
- Juno, a gender non-conforming person, uses They/Them/Theirs pronouns.
Example: THEY love to go bike riding with friends.
- John, a queer person, uses Ze/Zir/Zirs pronouns.
Example: John loves to go bike riding, and ZE went riding with friends yesterday.

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

OBERGEFELL ET AL. v. HODGES, DIRECTOR, OHIO DEPARTMENT OF HEALTH, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

No. 14–556. Argued April 28, 2015—Decided June 26, 2015*

Michigan, Kentucky, Ohio, and Tennessee define marriage as a union between one man and one woman. The petitioners, 14 same-sex couples and two men whose same-sex partners are in Federal District Courts in their home States, contend that state officials violate the Fourteenth Amendment by denying them the right to marry or to have marriages in another State given full recognition. Each District Court ruled in the petitioners' favor, but the Sixth Circuit consolidated the cases and reversed.

Held: The Fourteenth Amendment requires a State to license a marriage between two people of the same sex and to recognize such marriages between two people of the same sex when they are lawfully licensed and performed out-of-State. Pp. 3–28.

(a) Before turning to the governing principles of federalism, it is appropriate to note the history of the subject now before the Court. Pp. 3–10.

(1) The history of marriage as a union between one man and one woman on the opposite sex marks the beginning of these cases. For centuries, it would demean a timeless institution if married to same-sex couples. But the petitioners, far from seeking to devalue marriage, seek it for themselves because of their need—for its privileges and responsibilities, as illustrated in the cases below.

*Together with No. 14–562, *Tanco et al. v. Haslar et al.*, No. 14–571, *DeBoer et al. v. Snyder, et al.*, and No. 14–574, *Bourke et al. v. Beshear, et al.*, on certiorari to the same court.

Syllabus

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SUPREME COURT OF THE UNITED STATES

Syllabus

BOSTOCK v. CLAYTON COUNTY, GEORGIA

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

No. 17–1618. Argued October 8, 2019—Decided June 15, 2020*

In each of these cases, an employer allegedly fired a long-time employee simply for being homosexual or transgender. Clayton County, Georgia, fired Gerald Bostock for conduct “unbecoming” a county employee participating in a gay recreational softball team.

Mr. Bostock was fired for participating in a gay recreational softball team. R. Harris Funeral Homes fired Aimee Stepien, a transgender woman, after she announced she planned to “live and work full-time as a woman,” alleging sex discrimination under Title VII of 1964. The Eleventh Circuit held that the employers’ firing of these employees for being gay or transgender could be dismissed as a matter of law, but the Eleventh Circuit, however, allowed the claims of Mr. Bostock, respectively, to proceed.

As an individual merely for being gay or transgender, Title VII, Pp. 4–33.

... for an employer to fail or refuse to hire, promote, or otherwise to discriminate against an individual, or otherwise to discriminate against an individual, because of such individual’s race, color, religion, sex, or national origin.” 42 U. S. C. §2000e–2(a)(1). The Supreme Court’s interpretation of Title VII’s terms interpreted in accord with the precedents.

623. *Altitude Express, Inc., et al. v. Zarda et al.*, on certiorari to the Second Circuit, and No. 18–1601, *R. Harris Funeral Homes, Inc. v. Equal Employment Opportunity Commission*, on certiorari to the United States Court of Appeals for the Sixth Circuit.

"An employer who fires an individual merely for being gay or transgender defies the law."

- Justice Neil Gorsuch
Bostock v. Clayton County

GLSEN®



86%
of LGBTQ+
students
were harassed
or assaulted
at school

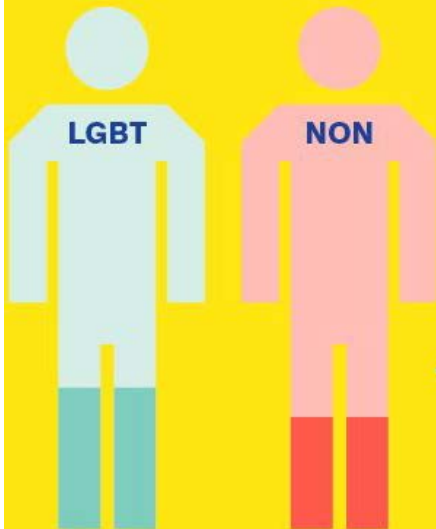
Source: 2019 National School Climate Survey
Learn more at [glsen.org/nscs](https://www.glsen.org/nscs)

GLSEN®



84%
of trans students
felt unsafe
at school
because of
their gender

Source: 2019 National School Climate Survey
Learn more at [glsen.org/nscs](https://www.glsen.org/nscs)



26% of LGBT youth say their biggest problems are not feeling accepted by their family, trouble at school/bullying, and a fear to be out/open. 22% of non-LGBT youth say their biggest problems are trouble with class, exams and grades.



www.hrc.org/youth

#LGBTYOUTH

LGBTQ+ YOUTH

- 40% of runaway & homeless youth identify as LGBTQ+
- 20% of children & youth in foster care system identify as LGBTQ+
- 15% of children & youth in juvenile justice system identify as LGBTQ+
- 39% of homeless LGBTQ+ youth report being involved in the juvenile justice or child welfare system
- 47% of LGBTQ+ youth report not “fitting in” in their community





LGBTQ+
FAMILIES

A NOTE ABOUT FORMS

- Mother/Father
vs.
Parent/Guardian
- Husband/Wife
vs.
Spouse/Spouse
- Male/Female
vs.
Male/Female/Non-Binary
- Request Pronouns



DO YOU NEED TO KNOW?



- In court, before asking about an individual's sexual orientation, gender identity, or gender expression, consider:
 - Not everyone is comfortable being “out” & it may be unsafe for them.
 - Do you need to know? (Sometimes it's necessary)
 - Will asking “out” the individual?
 - How will you keep the information confidential?

In 2018, 46% of all LGBTQ+ employees were not out at work.

WHAT IF YOU NEED TO KNOW?

- Don't make assumptions!
- Send cues of inclusivity
 - Use affirming, appropriate terminology
 - “Please feel free to inform the court how to properly address you, including pronunciation of your name, pronouns you wish to share, etc.”
- If necessary, ask respectfully and with consideration for privacy
 - Use bench conference if necessary
- Use generic terms if you are unsure (juror number; petitioner; client; etc.)
- Keep questions gender neutral
 - “Do you have a spouse or partner?”
 - “What is the relationship between you and the respondent?”





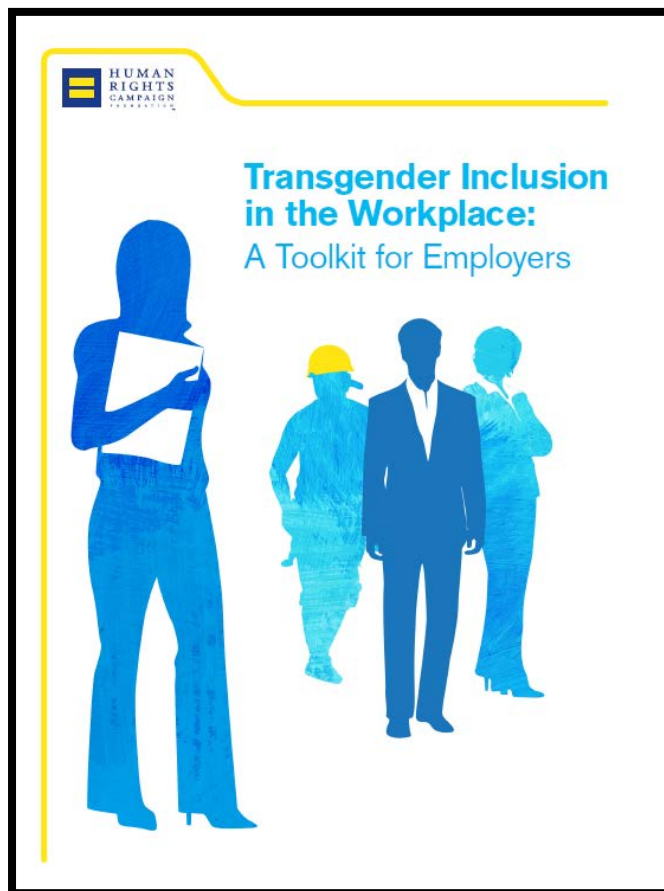
**ALL-GENDER
RESTROOMS**

A NOTE ABOUT BATHROOMS

WORKPLACE GENDER TRANSITION FRAMEWORK

WORKPLACE GENDER IDENTITY AND TRANSITION GUIDELINES

out&EQUAL
Workplace Advocates



Model Transgender Employment Policy *negotiating for inclusive workplaces*

 **Transgender Law Center**
Making Authentic Lives Possible



CONTACT INFORMATION

Wesley D. Bizzell, Esq.

President, National LGBTQ+ Bar Association

Senior Assistant General Counsel

Managing Director, Political Law & Ethics Programs

Altria Client Services LLC

(202) 354-1595

Wesley.Bizzell@Altria.com

