

LGBTQ people in the Texas Justice Courts

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**Who is in your
courtroom?**
Tools for Judges

What the data show about LGBT people
in Texas and the US

What fraction of the U.S. population identifies as gay, lesbian, or bisexual?

- a. 1.6 percent
- b. 4.5 percent
- c. 10 percent
- d. 24.2 percent

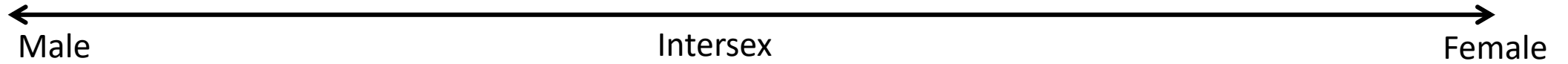
Which state(s) rank among the top ten in the proportion of same-sex couples who are raising children?

- a. California
- b. Kansas
- c. Mississippi
- d. Oklahoma

**Tools for Creating Access
for Trans and
Gender Nonconforming
People**

Terminology and info

Biological Sex/Sex Assigned at Birth



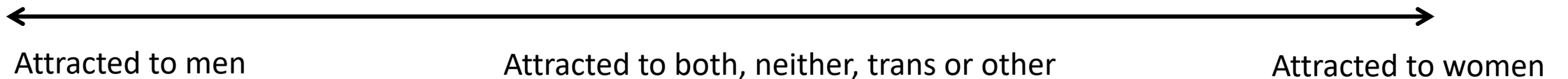
Gender Identity



Gender Expression




Sexual Orientation

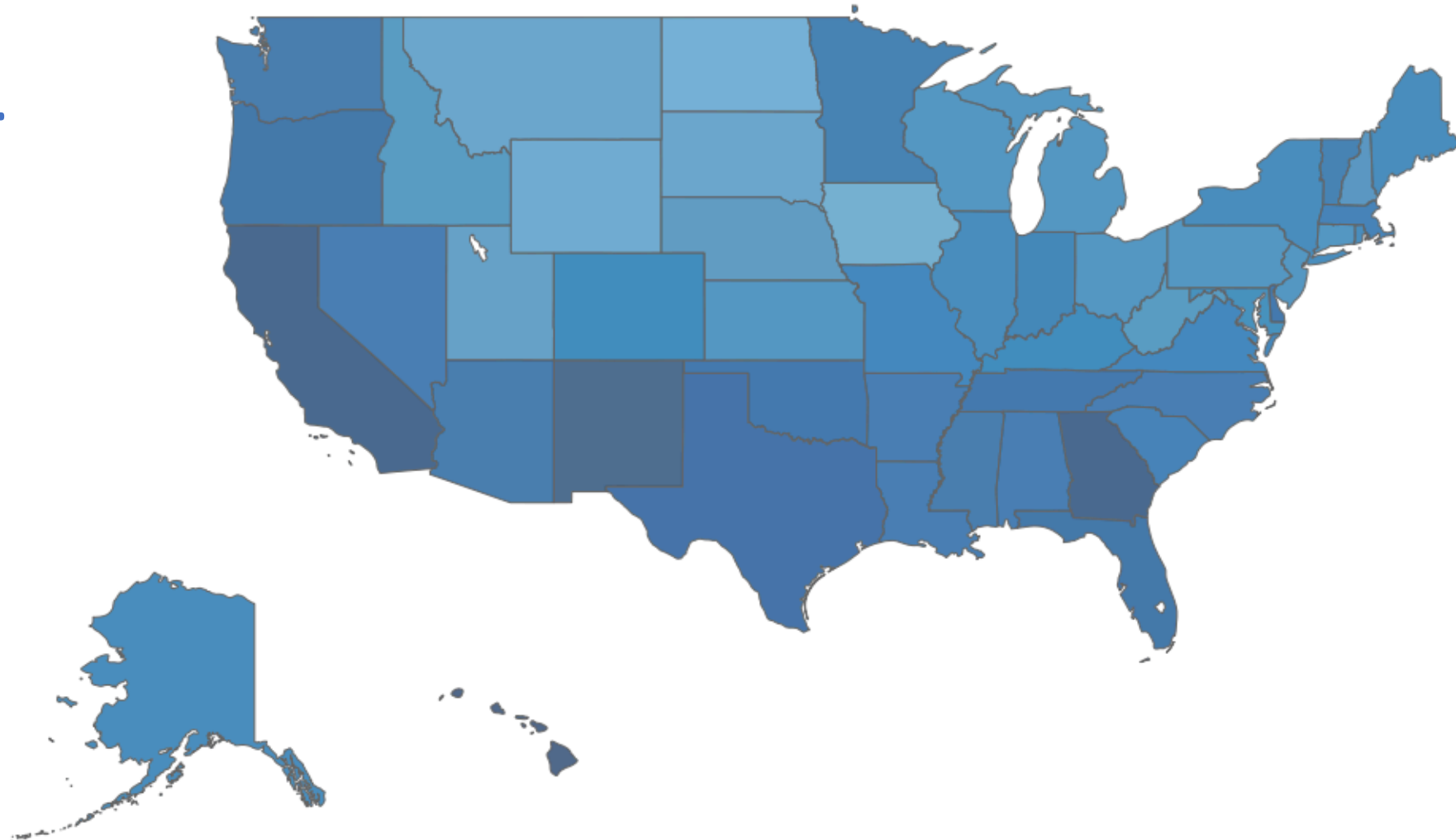


- Lesbian
- Gay
- Bisexual
- Transgender ~~Transsexual~~
- Trans
- Cisgender
- Gender Non-Binary
- Gender Non-Conforming
- Transition (MTF or FTM)
- Gender Confirmation Surgery / Gender Reassignment Surgery / ~~Gender Change Surgery~~

How many trans people are there?

Percent of adults identifying as transgender in the U.S.
0.00%  0.78%

1.4 million adult U.S.
Population (0.6%)



Suggestions and tools

Starting points

- Trans/GNC court users not fundamentally different from others
- Same need for respect, effective interactions, and prompt and efficient court services
- Often, their challenges come from others' discomfort with them
- Previous experience with mistreatment leads some to fear being visible in court
- You may need to overcome these barriers to provide effective access to justice.

Discussion Scenario 1

Your clerk calls the case of Lawrence Thompson. A self-represented litigant appears in your courtroom with a feminine hairstyle and wearing a dress, high heels, and lipstick.

- a. What do you do?
- b. What if that person says their name is Laura Thompson?
- c. What if the opposing lawyer refers to the person as “Lawrence” and “him?”

Question: How do you address people you don't know?

- Consider asking them or their attorney:
 - “What would you like me to call you?”
 - “How should I address you?”
- Consider not referring to people with gender-specific titles like “Sir” or “Ma’am”
- Consider identifying people by role (“the minor” “the witness” “the defendant”) or by articles of clothing instead of using gendered language. *e.g.*, the “person in the blue shirt” instead of the “lady in front”

Names and Pronouns

- Respect how people identify
 - If you are having a hard time switching to correct names/pronouns, or
 - If you make a mistake – apologize, move on and keep working on it.

Increasing access

- Trans and gender nonbinary court users, especially youth, are particularly attuned to how people perceive and talk about them
- Even unintended comments can affect them

Increasing access: **Transparency**

- Sometimes you need to use a court user's unchanged, legal name to transact court business
- If possible, be transparent as to why you need information and what it will be used for

E.g., "I need to match your name with the case records in order to...."

E.g., "Your ID lists a different name/gender than the one I have in the case file, can you help me understand this?"

Transitions

There are a number of pathways to transition:

- Social transition
- Surgical/medical/hormone treatment

Not just one surgery. There are numerous surgeries, and they are expensive

Others choose not to have them

- Cost, often not covered by insurance.
- Health concerns

Transition

Medical transition

- People's medical history or status is private.
- That includes any medical/surgical/hormonal transition

Discussion scenario 2

You have a case in your courtroom involving a loan taken out on December 1, 2015 by a “Dan Jones,” the defendant in the matter. The individual before you is dressed as a woman and has told you her name is Denise Jones. You are trying to resolve this inconsistency.

How do you do this? Do you ask:

- a. “Were you Dan Jones when you took out this loan?”
- b. “Is this your signature on this document?”
- c. “What was your name on December 1, 2015?”
- d. “Did you take out this loan?”

Consider why/what information you actually need

- Do you really need to know the name?
- Or do you need to know if this person signed/took out the loan?

If the name is important, can you be transparent about why it is important?

Consider being a bridge

- Bridge the gap between Trans (and LGB) court users and the court environment
- When people and their families appear in the court system, they are usually in crisis
- Judges, court staff, constables have a big impact on LGBT persons' lives because lower-level offenses, evictions, etc. disproportionately affect people with lower-incomes and housing insecurity

Texas Code of Judicial Conduct

Canon 3B Adjudicative Responsibilities

- (4) be patient, dignified and courteous to everyone in official capacity and require similar of others
- (5) perform judicial duties without bias or prejudice.
- (6) not manifest bias or prejudice, including sexual orientation in the performance of judicial duties, and not knowingly permit others to do so
- (7) require lawyers to not manifest bias or prejudice based on sexual orientation

For more information
please contact:

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[Link to LGBTQ Info on TX counties](https://williamsinstitute.law.ucla.edu/visualization/lgbt-stats/?topic=SS&area=48&showCounties=true#density)

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