



Best Practices for Working with Transgender Clients

Maryland Volunteer Lawyers Service is committed to providing quality legal assistance to all of our clients, especially marginalized and under-served populations in Maryland. One such population is the transgender community, who are disproportionately affected by poverty, incarceration, housing instability, and intimate partner violence, and who face significant societal stigma and barriers to accessing necessary services.

In an effort to help facilitate the best interactions between volunteer attorneys and transgender clients, here are **five things** to keep in mind when working with a transgender person:

1. A PERSON'S GENDER IDENTITY IS NOT THE SAME AS THEIR BIOLOGICAL SEX, SEXUAL ORIENTATION, OR GENDER EXPRESSION.

- **Biological sex** refers to a person's physical sex characteristics. **Gender identity** refers to a person's internal sense of being male, female, or neither. Some people identify as something other than a man or a woman, and some don't identify with any gender at all.
- Both biological sex and gender identity are different from **sexual orientation** (how a person experiences or doesn't experience sexual or romantic attraction) and **gender expression** (the way a person presents their gender based on actions, appearance, clothing, etc.).
- **Cisgender** refers to someone whose gender identity corresponds to the biological sex they were assigned at birth.

- **Transgender** refers to someone who identifies as a different gender from the one they were assigned at birth. They may identify as a man or a woman, or they may identify as something else outside of the categories of male and female, and may use words like **non-binary**, **gender fluid**, or **agender** to describe their identity. Both cisgender people and transgender people may be any sexual orientation, and may express their gender in many different ways.

- **Transgender** and **trans** are both acceptable terms to use to describe someone whose gender identity does not match the biological sex they were assigned at birth. Both terms should always be used as adjectives (a trans man, a transgender client), never as nouns.

2. USE THE CLIENT'S PREFERRED NAME AND PRONOUNS.

You should always use the pronouns that correspond to your client's gender identity (e.g. "she" and "her" for a client who has transitioned from male to female). If you are not sure which name or pronouns to use for your client, it's fine to ask them privately and politely how they would like to be addressed.

Your client may prefer to use gender neutral pronouns like "they" or "them." If you are unfamiliar with the pronouns your client uses, it's fine to ask for clarification, but you must respect your client's pronouns, even if they feel strange to you. You should always use your client's preferred name when addressing them, and your correspondence, documents, and case files within the office should reflect their preferred name. Depending on the case, it may be necessary for certain legal documents to reflect the client's legal name. This is the only time their legal name should be used.

3. DO NOT ASK IRRELEVANT OR INAPPROPRIATE QUESTIONS ABOUT A PERSON'S TRANSITION.

For most MVLS cases, you will most likely find that your client's transgender status is completely unrelated to their legal issue. While it is perfectly fine to ask someone's preferred name and pronouns, you should never ask your client about their transition unless it is relevant to the legal issue for which you are representing them.

You may think you're just being curious or just making conversation, but such questions are actually very intrusive. If your client's transgender status is relevant to the case, you should only ask for the information you need to know in order to represent them, and you should tell the client why you need to know that information.

4. DO NOT DISCLOSE INFORMATION ABOUT YOUR CLIENT'S TRANSGENDER STATUS WITHOUT THEIR PERMISSION.

Some transgender people may feel comfortable with other people knowing that they are transgender, but many do not. This information is personal, and the decision to disclose or not to disclose is a personal choice, and often a matter of safety.

"Outing" someone (revealing their transgender status or information about their transition without their permission) can make your client feel unsafe or like their attorney doesn't respect them. If the client's gender identity is not relevant to their case, it is almost never necessary to reveal their transgender status. If their gender identity is relevant, you should discuss with your client how to deal with any name and gender issues that may come up during the course of your representation.

5. MAKE SURE YOUR OFFICE IS A SAFE AND WELCOMING ENVIRONMENT FOR TRANSGENDER CLIENTS.

Your client might be apprehensive about working with an attorney because of past experiences with transphobia and discrimination. It's important that you take steps to ensure your client feels safe working with you. Any intake forms you use in your office should give clients the option to reveal or decline to reveal their transgender status.

At a minimum, they should include space for clients to provide their preferred name as well as their legal name. When asked to identify their sex, clients should be allowed to choose based on their gender identity, and should be given more options than just "male" or "female." If your office has gender-specific restrooms, clients should be allowed to use the restroom that corresponds with their gender identity, regardless of their biological sex. If possible, everyone in your office should receive basic cultural competency training on lesbian, gay, bi-sexual, transgender, and queer (LGBTQ) issues.

There are also ways you can identify your office as a safe and welcoming space the minute clients walk in the door. Consider posting a non-discrimination statement or an LGBTQ-friendly symbol or poster in a clearly visible spot in your office. This may seem like a small gesture, but it could mean a lot to your transgender client.

IT'S IMPORTANT TO REMEMBER:

While this might seem like confusing territory, it's important to remember that fundamentally, transgender MVLS clients are just like cisgender MVLS clients: They are people with legal issues in need of good representation who deserve to feel safe and respected while working with an attorney.

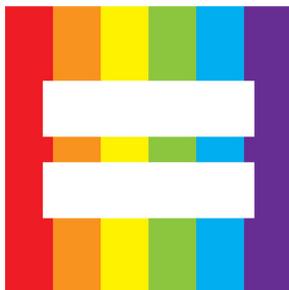
By following this guide and learning about transgender issues, you can help us make sure that our transgender clients get the culturally sensitive pro bono legal services they need.

As with all MVLS cases, if there are ever issues that you aren't sure how to address during your representation of an MVLS client, please feel free to reach out to your MVLS paralegal, Pro Bono Program Manager or Deputy Director. Our contact information is available at mvslaw.org/board-and-staff/.

OTHER RESOURCES

- **Transgender Rights Toolkit, Lambda**
Legal: lambdalegal.org/publications/trans-toolkit
- **National Center for Transgender Equality:** transequality.org
- **National LGBTQ Task Force:** thetaskforce.org
- **2015 U.S. Transgender Survey, Full Report:** ustranssurvey.org/reports
- **2015 U.S. Transgender Survey, MD State Report:** transequality.org/sites/default/files/USTS%20MD%20State%20Report.pdf

LGBTQ-FRIENDLY SYMBOLS



HUMAN
RIGHTS
CAMPAIGN
FOUNDATIONTM