



NATIONAL CENTER FOR LESBIAN RIGHTS



## Tips for Legal Advocates Working with Lesbian, Gay, Bisexual, & Transgender Clients

---

- 1. Become comfortable with the issues.** Historically, society has been intolerant of lesbian, gay, bisexual, and transgender (LGBT) people and these negative attitudes may affect how we think about LGBT people. It is important for advocates to understand LGBT people and the issues they face. One can become a compassionate advocate by building relationships with local LGBT organizations and activists, attending trainings, visiting educational websites, and reading articles and books or watching movies with positive portrayals of LGBT people.
- 2. Make your office space friendly to LGBT people.** Often, LGBT people will assume that a lawyer's office is unfriendly to LGBT people until he or she receives a clear indication otherwise. Use visual cues to indicate that your office is a safe and welcoming space for LGBT people. Put up posters or stickers that have positive messages about LGBT people and make sure your resource display includes materials specifically for LGBT people. When possible, hire LGBT people as staff members in your organization.
- 3. With all clients, use language that does not implicitly assume the client's sexual orientation or gender.** Using inclusive language that does not assume the gender of your client or your client's significant other sends a message that it is safe for your client to talk to you about his or her sexual orientation or gender identity. It is important to use this inclusive language with all clients, not just the ones who you think may be LGBT. For example, ask "are you in a relationship?" instead of "do you have a boyfriend?"
- 4. Be aware of assumptions you may have based on a client's sexual orientation or gender identity.** We all make assumptions about others based on our own background and experience. The important thing is to be aware so that you do not unconsciously make decisions based on your assumptions about people who are LGBT rather than on your client's unique situation. For example, a gay male client does not necessarily appreciate sexual advances from other male coworkers, and he may have a sexual harassment claim.
- 5. Use the name and pronoun that conforms to the client's gender identity consistently in all your interactions with the client, as well as in all correspondence and court documents.** It is important to be respectful of your client's gender identity by using the name and pronoun that he or she prefers and by asking co-workers, opposing counsel, judges, and court staff to do so. If you are unsure what name or pronoun to use, ask. Court documents may need a footnote explaining that you will use to the client's current name and gender.
- 6. An LGBT client's legal problems may not be directly related to his or her sexual orientation or gender identity.** LGBT clients face the same types of legal problems that non-LGBT clients face. An LGBT client's legal problems will not inevitably involve sexual orientation or gender identity discrimination. For example, an LGBT client may come to the legal aid office because his or her landlord has failed to fix an unsafe condition, and that failure may be unrelated to the client's sexual orientation or gender identity.
- 7. Be prepared to address hostile attitudes and irrelevant arguments.** An LGBT client may face hostility from the legal system, even if the case does not relate directly to his or her sexual orientation or gender identity. For example, in a custody case between different-sex parents where one parent is LGBT, the other parent may argue that the LGBT parent shouldn't have custody because of his or her sexual orientation or gender identity.
- 8. Reach out to LGBT organizations and attorneys who have experience working with LGBT legal issues.** The laws affecting LGBT people are complicated and constantly changing. Organizations and attorneys experienced with LGBT legal issues can help you identify the most effective strategies and may be able to provide legal research and information on these issues.



NATIONAL CENTER FOR LESBIAN RIGHTS



## Low-Income Lesbian, Gay, Bisexual, & Transgender Families

---

Because children with same-sex parents often do not have a legal relationship to at least one of their parents, they can be denied government benefits or can end up in foster care if their legal parent dies or is incarcerated. For example, when 10-year-old A.W.'s non-biological mother became disabled, he was unable to get Social Security benefits because the Social Security Administration refused to recognize her as a legal parent. After A.W. found free legal help, he appealed and began receiving the benefits he needed.

Many people have heard the myth that all gay people are affluent. In fact, poverty is at least as prevalent in LGBT families as it is in the general population. On average, same-sex couples make less than married couples, are less likely to own a home, and are less likely to have a college degree.

**Same-sex couples are raising children.** Same-sex couples live in virtually every county in the United States, and 39% of same-sex couples in the United States are raising children under the age of 18.

### **Same-sex parents have fewer economic resources.**

- Same-sex parents earn on average almost \$11,000 less than different-sex married parents.
- 64% of same-sex parents own their homes while 76% of married different-sex parents own their homes.
- 23% of same-sex parents have a college degree, compared to 30% of married different-sex parents.

### **Same-sex parents of color are more likely to be raising children.**

- Black same-sex couples across the nation are twice as likely to be raising children as white same-sex couples.
- 70% of Latino/a and 55% of Asian/Pacific Islander same-sex couples in California are raising children.

**PROYECTO PODEROSO** is expanding civil rights enforcement on behalf of low-income LGBT people in rural California. The project is a joint effort by California Rural Legal Assistance and the National Center for Lesbian Rights. For more information, contact California Rural Legal Assistance's Salinas office at 831.757.5221.

**THE NATIONAL CENTER FOR LESBIAN RIGHTS** is a national legal organization committed to advancing the civil and human rights of lesbian, gay, bisexual, and transgender people and their families through litigation, public policy advocacy, and public education. [www.nclrights.org](http://www.nclrights.org)

**THE NATIONAL CENTER FOR LESBIAN RIGHTS FAMILY PROTECTION PROJECT** helps low-income LGBT parents find free and low-cost family law services and provides training and assistance to attorneys representing low-income LGBT parents. For more information about representing LGBT low-income families or for information about trainings, contact: Cathy Sakimura, Equal Justice Works Fellow, National Center for Lesbian Rights, 870 Market Street, Suite 370, San Francisco, CA 94102, 415.365.1329, [csakimura@nclrights.org](mailto:csakimura@nclrights.org).

Since 1965, **CALIFORNIA RURAL LEGAL ASSISTANCE** has advocated on behalf of the state's farmworkers and rural poor. CRLA provides direct legal services, community education, and advocacy. There are 21 CRLA offices from Marysville in Northern California to El Centro on the US-Mexican border.