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Hello All,

Thank you for registering for today's webinar. Attached is some information for you to look over.

See you in a few minutes.

Bryan



Transgender 101 for Legal Professionals

Persons who are transgender have become far more visible, which is reflective of greater societal acceptance. Still, of the letters in the "LGBTQ+ alphabet" (lesbian, gay, bisexual, transgender, queer and other), the "Ts" (transgender people) more often face unique challenges relative to personal relationships, public interactions, and many other things that non-transgender persons (the technical phrase is "cisgender") take for granted.

What does it mean to be "trans" in America? What should legal professionals (lawyers, support colleagues, guardian ad litem, and those within the court system, including judges and their clerks) do or not do relative to making a transgender person feel welcomed and accepted? What underlying challenges exist with trans people and their families who interact with the legal system?

I transitioned from male to female in 2009 when I was a nearly 30-year civil trial lawyer with my own firm in Cedar Rapids, Iowa. With this presentation, I offer some thoughts and perspectives for your consideration.

1. Trans People: The Basic Basics

- "Gender identity" vs. "Gender Expression" vs. "Transitioning Genders."
- The spectrum of gender: "Transwoman" "Transman" "Gender Queer" "Gender Non-Conforming." Gender is on a spectrum, just like sexuality.
- "Gender dysphoria:" feeling that one's emotional/psychological identity as male or female is opposite to one's biological sex.
- Society is now encountering "Gender Correctors" "Trans Kids" and "Nonbinary humans" (persons who don't identify in either gender).
- A society that only knows and enforces traditional gender roles ("binary"—male or female assigned at birth and nothing else).
- Religion and religious leaders who are empowering or crushing.
- The "ugly cousin" in the LGBTQ+ alphabet—bias sometimes exists with gays and lesbians (but this is diminishing).
- The highest incidence of suicide attempts, suicides, depression, addictive behaviors, homelessness and joblessness within the LGBTQ+ alphabet.
- Trans people are fully legally protected in only 23 states (plus Washington, D.C.), which limits education, career and living options.
- "Cisgender"—people who aren't transgender.

2. Gender Correctors

- Can occur at any age—even as late as someone in their 70's. (It's not a "phase"—the need to live authentically won't ever leave you alone until you live as your true self.)
- Compartmentalization—most transgender persons engage in major compartmentalizing in the trade-off between having something for themselves (brain) and adhering to society's birth gender demands (body). (Again, the technical phrase for brain-body incongruity is "gender dysphoria.")
- Self-hatred, displacement, bargaining, depression and addictions accompany fighting oneself (e.g., one's brain disagreeing with one's body). For some trans persons, suicide is the only option.
- "Gut tugs/pulls" are the consistent modality. (Don't mistake it for OCD.)
- Incrementalism (advances and retreats) is the consistent methodology.
- Self-acceptance is the first and most difficult step; incrementally understanding that one's gender identity isn't a "choice."
- Family and friend rejection—because they believe it's a "choice."
- **Fear** is a huge factor; so too is a lack of emotional support.
- More fear: being assaulted or killed/being alone/losing key people/losing a job or a place to live if one "comes out" as transgender.
- **Losses**: loved ones, friends, employment, church, medical professionals.
- **Authenticity**—it's real, life-changing, and worth the losses.

3. Trans Kids/Youth

- Empowered by the internet and very proactive parents.
- Not a fad or phase (in most cases). The critical factor is consistent gender identification over time (there's that gut tug/pull thing again).
- Watch out for data relative to number of trans kids who consistently identify into adulthood (there are conflicting data and controversial researchers).
- Trans kids/youth are at great risk of hidden agendas by professionals (therapists, doctors, teachers, etc.).
- Bathroom and sports issues.
- Bullying.
- Conversion therapy—scary stuff.
- The landscape for trans kids/youth was improving; with our current patchwork of discriminatory state laws, things have gone backward dramatically. One possible result: an increase in trans youth suicides. ☹

4. Gender Queers/Gender Nonconforming/Nonbinary Humans

- Identify as neither gender; may be very ambiguous in appearance.
- Prefer pronouns such as "they" or "them" or "ze" or "hir."
- Make cisgender humans uncomfortable because "they" can't be categorized or labelled.
- Are showing up more frequently but society, particularly the legal profession, isn't prepared.

5. What it Means to "Transition" Genders

- The lead-up to transitioning is an incremental process; it may take years or decades. Some trans persons don't ever transition.
- Two types of transitioning: "transitioning socially"; "transitioning surgically."
- Medical and therapeutic gatekeepers in many parts of the United States inhibit social transitioning.
- Hormones: estrogen for M2F (male to female); testosterone for F2M (female to male).
- Social transitioning (with hormones) may mean an abrupt change in appearance (genetic men transitioning to women's clothing; genetic females developing beard growth and deeper voices through hormones).
- Approximately 30% of trans people transition surgically. Medical standards (WPATH—World Professional Association for Transgender Health) apply to surgical transitioning (e.g., no "bottom surgery" for trans women or trans men younger than 18).
- Insurance and money barriers.
- Name changes for many important documents—birth certificate, driver's license, social security card, professional licenses, life and car insurance, even utilities—which invite strangers into your life (some of whom may be judgmental or ignorant).
- Hormones also produce intense emotional changes; for me, "peace" from estrogen.
- "Male privilege" vs. "female disenfranchisement." The rippling from those changes can be endless.
- Family, friends and co-workers "transition" as well via pronouns, bathroom issues, emotionally, social acceptance.
- The concept of "passing"—the extent to which a stranger wouldn't know that the trans person was assigned a different gender at birth.
- Passing isn't always important to the trans person, but it may greatly influence those he/she interacts with and their employability.
- Transmen pass more easily than Transwomen.
- Contemporary transgender role models (e.g., Janet Mock and Laverne Cox) aren't representative of most M2F trans people.
- Ellie's voice influences how well she passes. (In some locales, her voice also puts her at personal risk.)
- Law enforcement targeting.

6. Specific Challenges Facing Transgender Children and Youth in 2025 in the US

- Understand that not all families and parents are accepting of a trans or nonbinary youth's true gender identity. As a result, trans/nonbinary teens and young adults risk homelessness and housing instability to a greater degree than cisgender youth. (See this study re: LGBTQ+ youth are 120% more likely to experience homelessness: https://truecolorsunited.org/our-issue/?gclid=Cj0KCQjwpeaYBhDXARIsAEzItbEGktHhKFb9HPKAvWoZQJWqp8vc0sL5z4H9tZhN2ub3PSrikSAXHocaApZMEALw_wcB)

- Additionally, there are grave misconceptions about what it means for a transgender child or youth to transition genders. One of the worst misconceptions is that even young children are undergoing gender confirmation or other surgery. Not true—in part because surgeons won't accept a parent's consent for anyone under 18. (There are some surgeons willing to do "top surgery" on trans boys ages 15 and above.) Because of these misconceptions, 26 states (as of early 2025) have enacted laws prohibiting medical and therapeutic professionals from providing gender affirming care to anyone younger than 18 (it's age 19 in Alabama, with a 10-year felony charge for any surgeon who performs such surgery).
- Then there are the 25 states that prohibit trans children/youth (primarily transgender girls) from engaging in sports in public education K-University senior—see this: https://www.lgbtmap.org/equality-maps/sports_participation_bans
- In 2023, more than 400 anti-transgender bills targeting children and youth were introduced in 45 state legislatures. <https://www.tracktranslegislation.com/>
- We also have Texas child protection agents being called upon to investigate families that allow their children to transition genders.
- Federal government targeting of transgender youth and adults has reached persecutorial levels, with the Trump Administration declaring that there are only two genders (male and female) and working to erase "transgender" from government webpages, national monuments, and social media.
- Certainly, the families of trans children and youth in general are well aware of what's happening in America. It fosters a sense of fear (which can be overwhelming) and at a minimum, a feeling of grave insecurity. One is left with the question, "How can this happen in America?"
- Watch out for child welfare experts and family law mediators with anti-trans agendas. They exist and they will muck up everything.
- The emotional toll of these laws and federal/state actions on trans children/youth and their families is beyond calculation. Many people are hurting. Greatly. For legal professionals, this translates to a fear that you, too, will seek to marginalize trans persons, or that you won't really have your heart in advocating for them.

7. Family Law Issues for the Cisgender Spouse—Anger, Loss, Grief, and Non-Acceptance (Partially Based on Personal Experience...Ugh)

- Divorce due to a spouse transitioning genders is analogous to discovering infidelity—often, the transgender spouse has kept their gender identity issues secret/hidden. This then comes as a shock to the cisgender spouse.
- Cisgender spouse will believe they have been deceived/cheated out of a "normal" marriage and the rewards of investing in another person. Feelings of anger, loss, grief, and fear of being alone forever may arise.
- In other instances, the cisgender spouse may have grudgingly accepted that their spouse had "gender issues" during the marriage but believed they would stay contained. When the transitioning spouse needs to feel "whole" by coming out to the world, the cisgender spouse may be hating

themselves for “going along” with their partner’s gender issues in the first place. In other words, feelings on top of feelings.

- Cisgender spouse and their support network may believe that transitioning spouse is simply “choosing” to be trans. This may prove to be the biggest hurdle to working out issues—how do you prove that it wasn’t a “choice”?
- Cisgender spouse may pressure you to use transitioning spouse’s old identity as a weapon in court filings/proceedings—for example, by intentionally misgendering or misnaming the transitioning spouse. **DO NOT DO THAT.**
- Insist on the cisgender spouse obtaining therapy; it would be best if the therapist specialized in gender identity issues (see Resources below). (Note, speak to opposing counsel and insist that the transitioning spouse get therapy too, if they’ve not already done so.)
- Cisgender spouse may insist on “rules”—that the transitioning spouse can’t dress in conformity to their gender identity during parenting time/when around the children or that they can’t talk about being transgender to the kids. This rule-imposing will only increase friction and prolong everyone’s agony.
- Watch out for experts and mediators with anti-trans agendas. You need to push back against this stuff.
- Religion/spiritual affiliation (“that transitioning genders goes against God’s plan”) may complicate things—again, the cisgender spouse needs to see a therapist.
- Transitioning spouse may appear elated by their new life/ability to live whole and authentically; this may result in enhancing the cisgender spouse’s anger, jealousy, and non-acceptance.
- Age is a huge factor—older couples (where the cisgender spouse may feel they don’t have a chance for a new partner) may have enhanced difficulty/cisgender spouse bitterness.
- There are far more transgender people than anyone realizes; this will become a more frequent occurrence in family law cases.

8. Family Law Issues with the Non-Accepting Parent (That is, the Parent Who Doesn’t Accept a Transgender or Nonbinary Child)

- Non-accepting parent may believe their child/youth is going through a “phase” and thus, won’t agree to the child/youth undergoing therapy, hormone blockers, or other gender-affirming care.
- The rule is **consistent gender identification over time**—if the child/youth who was assigned a male gender at birth (based on genitalia) has been saying, “I’m a girl” consistently from ages three to nine, then that’s “consistent gender identification.” The child/youth is transgender and failing to affirm their identity may result in irreparable harm.
- The failure to accept is the non-accepting parent’s problem; do all that you can to keep from drawing the trans child/youth into the dispute.
- Ensure that the trans/nonbinary child/youth has a therapist—this is critical. It’s also important that they have a support group (see Resources below—Reclaim or CentraCare conduct support groups, as do many other organizations). PFLAG (below) is also a good resource for parents.

- If a GAL has been appointed, understand that they may have an agenda—so you need to vet/advocate for a new GAL if you think the GAL is biased against or willingly ignorant of transgender humans. Similarly, the GAL may be unfamiliar or uncomfortable with what it means to be trans—if so, get a new GAL.
- In some instances, you may need a court order requiring supervised parenting time for the non-accepting parent. In other instances, the non-accepting parent may simply decide to cut off contact with their trans child/youth.
- In Minnesota, the MN Department of Education requires MN schools to allow children access to facilities based on their gender identity. However, that's not the case now in many states, and you may be in brand new territory re: how a transgender child/youth can be legally marginalized. The non-accepting parent may try to capitalize on that and muscle what the transgender child does at school/extracurricular activities/sports—try not to allow that to happen, although you may now have your hands largely tied. Ugh.
- Most of all, know that this is all incredibly corrosive to the wellbeing of the transgender child/youth. They may be scarred for the rest of their life from this.

9. The Rural-Urban Divide re: Litigation

- Understand that acceptance of transgender/nonbinary lawyers and clients by judges and jurors will be far easier in urban areas compared to rural settings.
- If the attorney or client passes, there will likely be less issues. However, in the case of jury trials, prudence dictates filing a motion in limine to preclude opposing counsel from bringing up the attorney's or witness's gender identity in front of the jury, regardless of whether they pass.
- If the attorney or client does not pass, then you need to be strategic. I recommend dealing with the issue head-on in voir dire, and then asking the prospectives if they are biased against trans people. In a perfect world, you get the panel to agree that they won't use the person's transgender identity against them. After that, it's a roll of the dice. (However, note there are far, far more families with LGBTQ+ family members than anyone knows, and there is a likelihood that someone on the jury may be sympathetic.)
- Finding acceptance/neutrality by judges may be more of a crapshoot. If you get a biased result, I don't know if you will be able to rectify it in front of some appeals courts.

10. Criminal Law

- See the above Rural-Urban divide discussion and translate to law enforcement, particularly in rural areas. There is nearly a zero chance that most rural peace officers have been trained on how to positively interact with transgender persons relative to stops, arrests and custody. Some urban law enforcement agencies may have conducted such training.
- **At a minimum, understand that you may be in a life-or-death situation for a transgender person in custody, with the risks of bodily harm being**

exceedingly high in rural settings. Your role as an advocate is to protect the life of your client and this may mean advocating for solitary/isolation or a medical bed. Do everything you can to prevent a trans person from being placed in a male general lock-up.

- Be familiar with PREA (Prison Rape Elimination Act) standards in general, and determine if your state has accepted those standards in full.
- Don't hesitate to get other advocacy organizations involved, such as the state's ACLU chapter, and the press. Apply as much pressure as possible to protect your client.
- County Attorney and City Attorney offices should be arranging to train their offices/local law enforcement on how to positively interact with transgender/nonbinary humans.

11. What Community Professionals and Ordinary Humans Can Do

- Pronouns are critical. Being pronoun proper may take work and involve risk—don't worry, you and others will get through this!
- Visualize clothing: feminine clothing usually connotes female pronouns; masculine clothing, male pronouns. But note not so with nonbinary humans (whom you need to ask re: pronouns).
- Recognize your personal disconnect over how well this human “passes.”
- Intentional pronouns can either be gifts or weapons (most trans persons forgive innocent mistakes; we're all human).
- **Good intent matters greatly.** If you don't know, ask: “Which pronouns would you prefer?” Or better yet, identify yourself and give your pronouns.
- Completely off limits: inquiries or comments about hormones, surgery, or sexual anatomy, unless the inquiry is invited.
- Not all transgender persons want to share about their journey; know personal boundaries.
- Understand that trans people will likely have preconceived impressions about governmental entities not being fair or accepting: we're back to fear and mistrust.
- Don't judge; trans people are sensitized to being judged. (Gender Correctors have been judging themselves for years.)
- You may need to be a trans person's champion.
- Please do not think that transitioning genders is a “choice.” Living authentically is never a “choice” for anyone, whether that's related to gender or sexuality, or one's need to write, or sing, or make music.

12. Particular Challenges for Government Entities, Courts and Lawyers

- Far less acceptance/greater potential personal risk in “non-legal” states like ND, SD, Nebraska, Texas or Florida. Take this into account for legal professionals who might have to travel to those states—and they may be entirely afraid to tell you that they don't want to go.
- The Court's role as a gatekeeper and its responsibility to ensure proceedings free of bias. Judges and Clerks set the tone and create/sustain culture that can be welcoming or suffocating.
- Be alert for bias, ignorance, and hidden agendas among colleagues and other professionals.

- Deal with the question of whether your new hire or your new client “passes”—do what you need in order to feel comfortable with this person, and educate others around the bumpiness they feel. Remember, sex stereotyping about what a “woman” or “man” should look or act like is illegal under Title VII. (*Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989) and *Bostock v. Clayton Co.* GA, 140 S. Ct. 1731 (2020).)
- Frontline staff need to be educated on how to be welcoming to transgender persons—Do you know what's happening at your Front Counter?
- The current environment in our nation is dramatically changing, which is further challenging transgender people in a variety of ways. However, know this: there are far more transgender people than anyone believes, and many families have someone who is trans or nonbinary.
- Still much law to be made, particularly with the schools and private organizations.
- There is no national, federal law protecting LGBTQ+ people. The fact that we have same-sex marriage doesn't prevent LGBTQ+ folks from facing legal discrimination—employment, housing, health care—in the majority of states. (But not so in Minnesota due to the Human Rights Act, MN Stats. Sec. 363A, et al.)
- Watch for intolerance by colleagues within your legal employer setting. **Do not allow an intolerant lawyer to represent a transgender/nonbinary client. I can't imagine a worst scenario, and it's one that will only end badly for the client and your firm/workplace. The same goes with an intolerant lawyer mentoring to a transgender or nonbinary associate.**
- The need for a formal Gender Transition Policy; team members must also be taught on how to be welcoming—please use a trainer who is transgender for this!
- The biggest stumbling blocks: fear of “Other,” religious objections, and the idea that being transgender or nonbinary is a “choice.”

13. Community Resources (Sorry, most of these are MN-based; however, many of your clients may be moving to “gender refuge states” like MN given the national political climate.)

- Transgender Suicide Prevention “Warm” Line: Trans Lifeline (877-565-8860) <http://www.translifeline.org/>
- Suicide Prevention for LGBTQ+ youth (with an emphasis on trans youth): The Trevor Project (www.thetrevorproject.org); Trevor Lifeline 866-488-7386.
- Transgender rights organizations:
The National Center for Transgender Equality <http://transequality.org/>
National Center for Lesbian Rights <http://www.nclrights.org/>
- Human Rights Campaign <http://www.hrc.org/issues/transgender> (best practices relative to transgender employees).
- MN blog and email support for parents/relatives of transgender children/youth and adults: Transparenthood.net <http://transparenthood.net/>
- Support group for MN families of transgender children and youth: Transforming Families <https://transformingfamiliesminnesota.org/>

- Be familiar with local mental health resources and advocacy groups:
Reclaim (Minneapolis) <http://reclaim.care/>
OutFront Minnesota <http://www.outfront.org/home>
- University of Minnesota Program in Human Sexuality (provides counseling and gender transition services) <http://www.sexualhealth.umn.edu>
- Mayo Clinic, Rochester MN <http://www.mayoclinic.org/medical-professionals/clinical-updates/psychiatry-psychology/mayo-provides-integrated-care-for-people-with-gender-dysphoria>
- Family Tree Clinic: <http://www.familytreeclinic.org/services/trans-health-services/>
- Greater MN resource: CentraCare, St. Cloud <https://www.centracare.com/services/gender-medicine/>
- Minneapolis Public Schools Comprehensive GSA (Gender and Sexuality Alliance) Resources: <https://engagement.mpls.k12.mn.us/out4good>
- PFLAG—support group for parents and friends of LGBTQ+ humans; no Twin Cities chapters, but four chapters in the state: <https://pflag.org/> They operate virtually and in person.

Personal Contact/Consulting Information

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Bluesky: @elliekrug.blksy.social (feel free to Follow me)

Facebook: Ellen Krug Minnesota (feel free to Friend me)

LinkedIn: Ellen (Ellie) Krug (feel free to Connect with me)

Sign up for my newsletter, *The Ripple*, by clicking on "Newsletters/Media" at www.elliekrug.com

Listen to podcasts from my AM950 radio show, "The Illegal Trans Woman" with this link: <https://www.am950radio.com/category/podcasts/itw/>

My Standing Offer: any human can contact me relative to gender or sexual identity or anything else related to surviving the Human Condition. I'm a good listener and willing to meet with anyone in a public place or speak on the telephone/Zoom for up to an hour.
My email: elliekrug@gmail.com

Please have compassion for yourself and for others!

ellie

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Transgender 101 for Legal Professionals—Practical Tips

Here are some practical tips on how to be welcoming to transgender and nonbinary clients, colleagues, and those with whom you may interact day to day.

I. **From the Transgender or Nonbinary Client's Perspective**

1. Welcoming the Client—Forms and Procedures

- Client intake forms:
 - For client-identifying information, request “pronouns that you desire for us to utilize” and “nickname, if any, that you prefer.”
 - Ask if the client prefers “Mr.” “Mrs.” “Ms.” or “Specify Other—such as ‘Mx.’” titles in correspondence.
- Retention letters/agreements:
 - Ensure that you use the client/contact nickname and pronouns (to the extent pronouns would be in that communication).
 - If the client has specified a desire to avoid titles, make sure that your internal systems can comply.
 - Perhaps you will decide to do away with all titles; thus, address correspondence (where the client hasn't specified a particular title) as “Dear Valued Client” or “We Greet You Warmly.”
- Remember the “escape chord” of asterisks/footnotes—they can provide an uncomplicated way to explain why it is that you are asking a particular question/seeking a particular preference. Some suggested language for a footnote: “Our firm prides itself on being inclusive and welcoming to everyone with whom we interact, especially people or organizations we represent. Thus, our goal is to ensure that we communicate with you in ways that are both respectful and consistent with your needs and identity. Certainly, please let us know if we have not asked the right question or sought the right information....”
- Similarly, if a document filing with a governmental agency or other party requires the use of “nontraditional” pronouns, utilize a footnote to explain why you are using that pronoun (or none at all).

2. Interacting with Firm Representatives

- Ensure that your reception team members are trained on positive interaction practices, including understanding how many transgender or

nonbinary humans do not entirely “pass.” The goal is to avoid a slip-up that makes the client (or prospective client) feel uncomfortable.

- Consider having in the reception area a representative symbol of the LGBTQIA2+ community—a decal, artwork, or small flag. The “All Are Welcome” signage would also suffice. Certainly, this would be something to also have in individual attorney offices/conference rooms where clients would be present.
- Ensure that your website has an easy-to-access page re: the firm’s commitment to diversity, equity and inclusion (DEI) and include on that page LGBTQIA2+ organizations that the firm supports—either financially or via pro bono.
- Do not assume that the transgender or nonbinary-identifying client wants to talk about their gender identity/status. Rather, they may not consider that relevant to your representation. As with any other client personal information (marriage status, children, parents, etc.), take the lead from the client.
- When you personally introduce yourself, include your pronouns. If the client or client representative doesn’t reciprocate with pronouns, let it pass. Assume that they are smart enough to share their pronouns if they so desire. Otherwise, if you ask for their pronoun, you are potentially asking them to out themselves.
- Ensure that intolerant team members are not allowed to represent or meaningfully interact with the transgender or nonbinary client/client representative. Otherwise, you may have a disaster in the making!
- Of course, put your pronouns in your email and correspondence signature blocks.

II. From the Transgender or Nonbinary Colleague’s Perspective

1. For the Transitioning Colleague

- Have a team member handbook section on gender transitioning/how the workplace will be supportive. (See sample policy for a governmental entity—easily modified to any workplace.)
- Talk about the policy when onboarding new team members—to normalize the fact that one transitioning genders is fully accepted.
- Ensure that you have at the ready a Gender Transition Plan (see sample). This is not the kind of form that you want to create on the fly. And make sure you follow the plan!
- Consider enlisting a transgender consultant (me or someone else) who can “speak transgender” to the transitioning team member; most cisgender persons don’t have the agency for honest conversations with the transitioning team member.
- Ensure that the transitioning team member drives the process—if they decide to stop everything/to not transition (even after the organization has devoted great time and resources to the process), then support the team member in that decision. Six months later, they may be back advising they’ve again made the decision to transition—support them on that too!
- Remember the “Jackie (or “Julie”) Robinson Rule”—that many people from marginalized communities who are the “only one” in the workplace

likely will not complain or share about being marginalized by coworkers. It's incumbent on leaders to build trust with that team member so that eventually, they'll hear about the marginalization and be able to deal with it. Utilize "knock on the door" repeatedly!

- In a perfect world, workplace leaders will arrange to train team members on how to be welcoming to the transitioning colleague—this will include directives about equal restroom access, pronouns, how to be welcoming on the colleague's first day or week as their "true" self, questions or topics to avoid, etc.
- Remember that many team members may have a transgender or nonbinary person in their personal lives as a loved one or dear friend—what you do relative to respecting trans/nonbinary people in the workplace will overlap and build incredibly good will with those folks.
- Be alert to colleagues who are intolerant; deal with that person immediately before you have a major HR problem on your hands. Stress that your workplace is respectful of all humans, particularly those from marginalized communities. If you get a "religious objection," recite how state or local law (hopefully) requires accommodating transitioning team members.
- Do not let an intolerant team member mentor or supervise a trans or nonbinary person.
- For newly hired persons who have already transitioned or who identify as nonbinary, make sure that colleagues are aware of that person's pronouns and nickname (assuming that the newly hired team member has shared about those things).
- Ensure that your dress code is nonsexist and egalitarian—"team members may wear anything that is professional and appropriate for the workplace. We do not seek to be the clothing police, nor do we seek to enforce traditional gender roles in one's choice of apparel. On the other hand, a Ziggy Stardust tee probably isn't appropriate for a new client meeting or an agency appearance."
- Finally, continue to reinforce that being transgender or nonbinary isn't a "choice." One's gender identity is not something that a person "chooses."

III. Candidate Interviews from the Transgender or Nonbinary Candidate's Perspective

- Create a flyer or push card that identifies the firm as LGBTQIA2+ welcoming and which lists information from your website re: queer organizations that you support/pro bono work that you have engaged in.
- In a perfect world, you have a queer firm representative involved in the interviews—either outside the office, and certainly for second interviews/callbacks.
- Again, when welcoming the candidate, say both your name and pronouns. Again, if the candidate doesn't reciprocate with pronouns, let it just be.
- Be prepared with data re: firm demographics relative to percentages of team members from various marginalized groups and a representative list of clients that support the LGBTQIA2+ community.

- Be prepared to talk about how the firm encourages community involvement. Does the firm provide billable hours credit for volunteering in the community or for attending DEI-related seminars/speaking at seminars? If not, consider creating such a policy. (Many firms provide 25 or even 50 hours of credit.)
- Have one or two stories about how the firm has been supportive of team members or clients from marginalized communities—so that the candidate knows that the firm actually walks the walk.
- Make sure the interviewer is familiar with firm policies re: equal restroom access, dress codes, your gender transition policy, and whatever may be the hot topic of the day affecting queer humans, particularly younger queer humans.
- If it seems appropriate, talk about how the firm discourages “scrubbing” resumes of LGBTQIA2+ references, and instead, how the firm encourages every team member to bring their “whole, complete self” to the workplace.
- Make sure the interviewer follows up with any questions posed by the candidate that can't be answered on the spot.
- Tell the candidate that the firm has worked in the past with “Ellie Krug, a transgender lawyer, national speaker, and an American Bar Association Stonewall Award recipient.” Yes, that sounds egotistical coming from me, but why not strategically leverage the relationship? Just saying...

Resources

Proskauer For Good (a social responsibility and pro bono blog) on best practices for representing trans/nonbinary clients: <https://www.proskauerforgood.com/2021/09/top-7-best-practices-for-representing-transgender-and-nonbinary-pro-bono-clients/>

Nonbinary Wiki (re: titles): https://nonbinary.wiki/wiki/Gender_neutral_titles

Stay abreast of laws and rules affecting transgender and nonbinary humans across the U.S. by following Erin Reed, an incredible trans blogger and advocate: <https://www.erininthemorning.com/>

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