Chapter 1

Representing LGBT Clients

Representing lesbian, gay, bisexual, and transgender (LGBT) clients continues to present challenges to their lawyers. Rather than resolving issues, the recent changes have created more complications for LGBT individuals, couples, and their families.

A. The Bandwagon

Since June 26, 2013, there has been a surge of interest from the mainstream legal community in LGBT legal issues. It appears representing LGBT clients is now acceptable. Unfortunately, many of the lawyers advertising to LGBT clients have limited knowledge, understanding, and appreciation of the myriad legal issues facing LGBT individuals and couples.

Many LGBT people do not know how to find a lawyer or how to identify one who will understand and be familiar with the unique legal issues they face. They often do not know what questions to ask and are, therefore, susceptible to suggestion.

Rita and Eleanor have been in a committed relationship for 15 years. In 2009, they sought legal advice from a local lawyer. They wanted to protect their relationship and their assets by executing the appropriate estate documents. This lawyer had no experience working with a same-sex couple. He advised them to form a limited liability company and place all their assets into that entity. He helped them create the LLC and transferred everything, including their personal residence, into the company. The couple did not discover how inappropriate that was until they tried to refinance their mortgage. The bank informed them they were ineligible for the low interest rates because the company owned the house. It took considerable time, effort, and expense to dissolve the corporation and transfer the assets back into their names. During that time, the interest rate increased, resulting in increased mortgage payments. All of this could have been avoided had the lawyer reached out to a lawyer with experience dealing with LGBT clients. Or, he could have bought this book. Instead, he did a disservice to his clients.

This situation is not unusual. Too many lawyers are jumping on the LGBT legal bandwagon. Most have never represented a LGBT client or expressed any interest in doing so. They are inclined to provide the same advice to a
same-sex couple as they do to a heterosexual couple and are unfamiliar with the potential ramifications of their advice.

Some lawyers are engaging in a self-indulgent and ill-prepared effort to make a name for themselves. They fail to notice the work that has been and is being done by people with more experience and a better understanding of the issues. The lawyers’ failure to consult with LGBT national organizations before embarking on litigation is inexcusable. Lambda Legal Defense and Education Fund (Lambda), the American Civil Liberties Union (ACLU), and the National Center for Lesbian Rights (NCLR) have the experience and the ability to assist lawyers who want to work with the LGBT community. This failure to consult often results in bad law that further damages the clients. The lawyers, however, are usually not adversely affected by the outcome.

LGBT clients, whether individuals, couples, or families, require experienced legal counsel to represent them. This is not an area designed for beginners.

Many experienced LGBT lawyers are finding it necessary to fix the problems created by lawyers who did not know what to do. Many of these lawyers meant well, but failed to understand this area of law requires more than a passing acquaintance.

Unfortunately, it is only a matter of time before the malpractice lawsuits begin. Perhaps it is time for lawyers to adopt the medical profession’s promise: First, do no harm.

So, for lawyers thinking about jumping into the deep end—take a breath first and learn about the LGBT community and the issues it faces. Collaborate with more experienced LGBT lawyers, join the National Lesbian and Gay Bar Association, and attend the annual Lavender Law Conference, sponsored by the LGBT Bar. These are important steps because one size does not fit all.

That being said, there is a need for experienced lawyers to provide legal assistance to LGBT individuals, couples, and their families.

**B. Branching Out into a LGBT Law Practice**

Lawyers continue to see the value in marketing to the LGBT community. For some it will be a niche market; for others, it is the primary focus of their practice.

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2. [https://www.aclu.org/lgbt-rights](https://www.aclu.org/lgbt-rights).
In 2004, when this book was first published, Massachusetts was the only state that recognized marriage equality for lesbians and gay men. When the second edition came out in 2012, that number had increased to six states and the District of Columbia.

On June 26, 2015, the United States Supreme Court issued its decision in *Obergefell v. Hodges.* In a 5-4 decision, the Court ruled that bans on marriage between same-sex couples are unconstitutional: “The Fourteenth Amendment requires a State to license a marriage between two people of the same sex and to recognize a marriage between two people of the same sex when their marriage was lawfully licensed and performed out of State.”

Marriage is no longer restricted to one man and one woman in the United States. Lesbian and gay couples are free to marry throughout the country. There are issues that still require resolution, but the question of marriage equality has been definitively answered.

The Court reiterated its existing position that marriage is a fundamental right protected by the U.S. Constitution.

Marriage equality, however, will not be the determining factor for the LGBT community. The issues facing LGBT clients are often unique and not easily resolved. Any resolution requires creative thinking by the lawyers involved.

Lawyers who are considering adding this area to their practice must become familiar with the law of not only their home state but also adjoining states. They must become familiar with the differences between the rights granted under federal law and state law as they apply to lesbian and gay married couples as well as unmarried members of the LGBT community.

Estate-planning issues that concern LGBT clients may not be the same as those faced by heterosexual clients. It is necessary to listen to the clients and understand their concerns in order to prepare appropriate documents and advise the clients on how current law affects their relationship.

LGBT clients will ask questions involving their estate but also want to know what their rights are in myriad other areas. Lawyers practicing in this area must be able to answer those questions or know where to go for the answers.

Civil unions or domestic partnerships are not synonymous with marriage. The 2013 U.S. Supreme Court decision in *United States v. Windsor* dealt only with same-sex marriage and the federal Defense of Marriage Act. That decision does not apply to these types of legally recognized relationships.

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6. *Id.* (syllabus).
Clients who entered into those relationships may have state recognition but there are no federal rights attached to them. It is necessary to address that formal recognition when drafting a client’s estate-planning documents. Further, some LGBT clients may have previous legally recognized relationships with someone other than their current partner. And, those relationships may not have been formally terminated.

Even with the rapid change in the marriage equality landscape, lawyers representing LGBT clients must remain alert because the law as it relates to LGBT rights will remain unsettled for some time to come.

**C. Continued Market Growth**

Married lesbian and gay couples are not the only clients seeking assistance. The LGBT community includes individuals, seniors, and transgender persons. They require legal assistance in a variety of areas. The lawyers who are familiar with their needs and are able to provide assistance will be in demand.

Preparing an estate plan for LGBT individuals and couples entails more than just drafting basic wills or trusts. Many LGBT individuals and couples are raising children, but not all of the parents are legally recognized. There are states that do not permit second-parent adoption or legal recognition of the nonbiological parent. These clients will require more sophisticated and comprehensive legal documents.

Life planning for LGBT clients also involves more than financial issues. Even with the growing number of marriage equality jurisdictions, LGBT couples need to continue to document and protect their relationships. Nothing can be taken for granted.

**D. Preliminary Considerations**

Consider your own comfort level before deciding whether to represent LGBT clients. This is about more than tolerance; it is about acceptance. You will be using your skills and talents to represent clients many people find morally objectionable.

Representing LGBT clients could have an adverse effect on your practice. Sometimes people vote with their feet. They will not want you to represent them because you represent LGBT clients. This is a legitimate consideration.

Not long ago I received a call from a man seeking new wills and estate plan documents for himself and his wife. We had several conversations about
the process, their goals, and their intentions. He called several days after our last conversation because he checked my website and learned I represented “gay people.” And, he had a problem with that because of his religious beliefs. He told me, “Well, those people are just something our religion doesn’t accept.” He also thought I would want to represent him because of his religious beliefs. This man did not want me for his attorney because I represented lesbians and gay men.

Like that prospective client, you must decide whether you are comfortable working with LGBT clients. Be aware of your own feelings about gay men, lesbians, and transgender persons. If the client senses hostility on your part there is no chance of a productive attorney-client relationship.

If you have concerns about how you will be perceived by your staff, your existing clients, or in the community, do everyone a favor and refer the LGBT clients to someone else.

Few LGBT people go through life without experiencing discrimination and social ostracism. This can result in a prospective client being reluctant to approach a professional for fear of the consequences.

All lawyers want an open and honest relationship with their clients. That is impossible if the attorney has issues with the client’s sexual orientation.

Estate planning is intensely personal. Our clients trust us with information and confidences that they keep from most other people. Our clients are entitled to trust us and be comfortable with us. Estate planning is more than figuring out what will happen after death. It also involves life planning. We owe our clients our best efforts, our trust, and our attention.

I learned this when meeting with new clients Janet and Barbara, who have been together for over 40 years. They have never told anyone about their relationship. Instead, they introduce each other as “sisters.” That started after Barbara was hospitalized and near death. Janet was not allowed in to see her nor was she consulted about her care—in spite of the fact they had advance directives naming each other as the decision-maker. The doctor told Janet, “I need to call her children. I cannot talk to you. You are not her family.” When we sat down at the dining room table Janet, who is 68, looked at her 80-year-old partner and told me, “We are very nervous. You see, you’re the first person we have ever told about our relationship. We’ve been hiding it for 42 years.” To be trusted by two elderly women that way is a humbling experience. And those kinds of experiences do not come along very often.

Since LGBT clients need more creative estate planning, explaining your limited experience in LGBT issues is a benefit for the client. The client’s needs are of paramount importance and any reservations must be addressed.
Prejudice does not need to be overt. It can be reflected in the tone of voice, a reluctant handshake, or a refusal to make eye contact. All of us have prejudices—we learn them as we grow up. The challenge is recognizing and overcoming them. It ain’t easy, but nothing worthwhile ever is.

**E. Questions from Prospective Clients**

Be prepared to respond to these types of questions: Do you have experience working with LGBT clients? Have you represented clients with sexual orientation or gender identity issues? Do you have any personal doubts about or issues with equal rights for LGBT clients? Are you familiar with the current situation involving LGBT legal issues? You can preempt some questions by including LGBT information in your waiting room or on your website. This can benefit your practice because social media is often where clients will find you.

Not all LGBT clients will be open about their sexual orientation. In family law practices, for example, the sexual orientation of one of the spouses may be the basis for a divorce or custody dispute. Looking beyond the obvious can save you time and your client money, and help you better prepare the case.

**F. LGBT Clients**

LGBT individuals and couples look for lawyers who understand their needs and are able to address matters where sexual orientation or gender identity are at issue.

Although the legal landscape concerning marriage is changing, most states continue their inequitable treatment of lesbians, gay men, and transgender persons in other ways. This includes being excluded from intestate succession statutes, adoptions, employment, family law, and public accommodations.

Florida is a prime example of how things are changing. In 2004, when this book was first published, Florida law prohibited adoption by lesbians and gay men. By 2010, a Florida appellate court\(^8\) concluded there was no rational basis for the prohibition. The state did not appeal the case and today, lesbians and gay men are able to adopt and obtain second-parent adoptions in Florida.

In November 2013, the Florida Supreme Court issued a landmark decision\(^9\) concerning a lesbian couple in a custody dispute. The court

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declared the state statute concerning artificial reproductive technology and parenage determination unconstitutional as applied to this couple. One woman donated her egg; the other was the gestational surrogate. The court decided that both women had legal parental rights to the child. This gives you one sample of how the legal landscape is shifting.

On the surface, the legal issues appear similar to those faced by unmarried heterosexual couples. The major difference is this: with a couple of “I dos” and a signature on a piece of paper, that heterosexual couple automatically and immediately gains access to all the legal benefits and protections marriage has to offer—including parenting rights to children born during the marriage. In most states, gay men and lesbians do not enjoy the same option.

When it comes to family law matters, lawyers are addressing myriad issues involving lesbian and gay parents. In many cases, the courts have not addressed the issues being presented. This allows lawyers the opportunity to practice law and not merely repeat what has gone before.

G. Joint Representation

Joint representation in estate planning is common. Most couples, straight and gay, ask the attorney to provide services to both. Rarely does a couple want to hire separate counsel to prepare their estate documents. Joint representation is an ongoing matter of concern for lawyers representing lesbian and gay couples.

ABA Model Rule 1.7 Conflict of Interest: Current Clients addresses this issue. Rule 1.7(b) states:

Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), a lawyer may represent a client if: (1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client; (2) the representation is not prohibited by law; (3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and (4) each affected client gives informed consent, confirmed in writing.10

According to the American Bar Association, California is the only state that does not have professional rules that follow the ABA format.11 The issue

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10. Model Rules of Prof’l Conduct r. 1.7.
of joint representation is an ongoing debate within the LGBT legal community. In most cases, the clients will not seek separate counsel. Therefore, we must have the language in our retainer agreement and discuss the matter with clients.

Using a joint representation agreement allows the lawyer to represent the couple in developing their estate plan. This agreement can be used to meet the Model Rule requirements. Having both clients sign the agreement constitutes informed, written consent. Including a clause that allows the attorney to withdraw from representation if a conflict arises helps if either party determines that a conflict exists.

This is the first step in establishing the attorney-client relationship. The clients need to be comfortable with the lawyer. Discussing potential conflicts and how you would respond to them is important. The clients make the decision about whether they will both work with you to develop the estate plan. While there may be no obvious conflicts at the beginning, that may change as you get into the estate plan.

The agreement must spell out the limitations and terms of the representation. Discuss the parameters under which you are operating as the attorney. Include a provision that specifies both clients are waiving any conflicts that may exist by having one lawyer represent both in the process. What is the scope of the work the attorney will perform? What is the fee? Specify the clients’ responsibilities regarding cooperation and providing information and documents. And determine under what circumstances the agreement is deemed completed.

Review the agreement with the client at the earliest point. Each one must understand that, if a conflict comes up, you will withdraw and cannot represent either party. Have both partners and the lawyer sign the letter and give copies of the letter to each one.

Document all calls, e-mails, or other communications you have with the clients. Communicate with both simultaneously. Do not meet with either individually. Tell them that you cannot keep secrets from the other. Whatever one tells you, the other will know.

Joint representation is not recommended when prenuptials are involved. If the couple wants the agreement, they must have separate counsel.

**H. Necessary Changes in Your Practice**

Since the Windsor decision, a number of software programs have begun to address LGBT estate-planning issues. They are not perfect, but they are a start.
Many estate-planning software programs continue to treat LGBT couples as “unmarried persons.” It is important to carefully review the software before deciding whether it works with LGBT clients. Whatever program you use may not be written to include same-sex married and unmarried couples.

Until the situation is remedied, it may be necessary to adapt your standard estate plan documents to reflect the couple’s relationship status.

Document assembly software, like HotDocs, can be used to prepare templates for use in your practice. Most document assembly programs, including HotDocs, do not work with Macs so it would be necessary to install Parallels and Windows 7 or 8 to run Windows-based software on an Apple computer.

Adobe Acrobat provides a viable alternative because the software allows you to create forms from any electronic format. The American Bar Association has two publications, *The Lawyer’s Guide to Adobe Acrobat* (3d ed.) and *Adobe Acrobat in One Hour for Lawyers*, that can help you learn to make better use of Acrobat in your practice.

Using the customary cut-and-paste format can work but is tedious and creates opportunities for mistakes. Developing templates that can be used with LGBT clients is a better option.

The estate documents used for LGBT clients stand as a unified statement of the client’s intent. Interconnecting the documents serves the client’s desire to ensure the estate plan will be honored. It may also discourage legal challenges by family members.

**Office Setup**

While reorganizing your document assembly, reconsider everything else in the office. Your office forms, questionnaires, staff attitude, décor, and waiting room publications all become a factor. Reviewing everything allows you to use your office environment as part of your marketing strategy.

A prospective client will be sensitive to your office policies. Take the initiative and include “sexual orientation” and “gender identity” in your firm’s nondiscrimination policy. It is good business, and clients will notice. (I look for that language when I consider doing business with a new company or continuing with an existing vendor.)

Post that policy in a conspicuous place, including on your firm’s website. Solo practitioners do not always have staff, so they will need to take other steps. This can include a statement on a website or advertising in a local gay publication.

Review your form letters, questionnaires, and standard mailings. Make your form letters, intake sheets, retainer agreements, and the like gender
neutral. This can be accomplished by inserting non-gender-specific pronouns, “the client,” and “you.” It is an inexpensive and subtle way to market your firm. Include “partner” and “spouse” in the relationship category.

**Staff Considerations**

A law office’s staff is an essential part of the practice. Anyone considering expanding a practice to include estate and life planning for LGBT clients must include the staff in that process.

Find out how your staff feels about marketing to the LGBT community. Each person is responsible for his or her attitude toward clients, but negative perceptions are often due to ignorance rather than malice. These discussions are important and staff opposition is one more factor to consider.

Few things shatter an attorney-client relationship faster than an inhospitable staff. If any staff member is uncomfortable serving gay and lesbian clients, you may have difficulty attracting and retaining clients. The word will get out to avoid you—no matter how persuasive your marketing may be.

However, a welcoming atmosphere can result in a long-term client relationship and word-of-mouth marketing that no amount of money can buy.

I. Marketing to the LGBT Community

It can take some effort to market to the LGBT community. Many lesbians and gay men are living openly gay lives; however, that is not true across the board. LGBT elders and transgender persons may not be as open. This can make marketing a more difficult.

**Finding Clients**

Forty-six percent of respondents to a 2011 ABA-sponsored poll stated that if they needed a lawyer, they would seek a referral from someone they knew—a family member, colleague, or friend. Respondents also seek referrals from the Internet.

The ABA report found that people like lawyer websites that allow them to ask questions. This is not surprising since many people see the Internet as the source of free information—and legal advice is another type of information. If you offer that option on your website it is important to clearly state that no attorney-client relationship is created.

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Since that report came out, social media and our dependence on it have exploded. Many people are finding lawyers through a variety of online sites. Lawyers may find more clients online than ever before.

There is a preference for personal referrals within the LGBT community because they want a lawyer who is a member of or sensitive to the community. People looking for a lawyer ask their friends and LGBT organizations. Few lawyers market their services directly to the LGBT community through LGBT publications or organizations, and that can be a mistake. This may be due to a lack of familiarity with or understanding of the community. Reaching out to local LGBT organizations or the LGBT community center may be a good first step for those interested in marketing to this community.

Before embarking on any marketing plan, it is important to educate yourself about the community, the legal issues, and the applicable laws before proceeding.

**Referral Sources**

For some professionals, the LGBT community presents an untapped, or at least underserved, market. Financial planners and insurance companies have begun to increase their outreach to the LGBT community. Those professionals look for lawyers who have experience with LGBT issues and can serve their clients’ legal needs.

Collaborating with other professionals can be mutually beneficial and rewarding. This situation does not involve fee sharing but it does provide opportunity to expand the client base.

Participating in LGBT organizations, like the National Lesbian and Gay Bar Association, the NCLR, and Lambda is another option. The NCLR and Lambda maintain a referral list of attorneys for people that call the organizations directly.

**Planning**

As with any marketing proposal, it is important to have a plan and set a benchmark against which to evaluate the success of the endeavor. Lawyers in some areas may find it is more difficult to market to the LGBT community. Sometimes practicing law takes courage of conviction as well as a good business plan and a comprehensive marketing strategy.

Estate planning is a promising field for developing a lesbian and gay client base. The last of the baby boomers are nearing 60 and many have yet to arrange their estate plan. Older lesbians and gay men have avoided making
arrangements because they do not know any safe lawyers. Younger lesbian and gay individuals and couples are also in need of competent legal assistance.

The time is ripe to develop and implement a marketing strategy that can put your name and experience before prospective clients. And, prepare to throw out a wide net.

Elements of a strategic marketing plan:

- Develop a mission statement to include your core beliefs, the purpose of your practice, and your vision for the law practice.
- Define the scope of services to be offered.
- Determine your targeted audience: lesbians, gay men, both.
- Define your referral sources (current clients, word of mouth, etc.).
- Describe what to include in your marketing materials.
- Decide how to market the practice.
- Determine the marketing model.
- Develop a website.
- Train your staff.

Suggested Reading

STEPHANIE L. KIMBRO, VIRTUAL LAW PRACTICE: HOW TO DELIVER LEGAL SERVICES ONLINE (ABA, 2d ed. 2015).

THEDA C. SNYDER, WOMEN RAINMAKERS’ BEST MARKETING TIPS (ABA, 3d ed. 2010).

ANN M. GUINN, MINDING YOUR OWN BUSINESS: THE SOLO AND SMALL FIRM LAWYER’S GUIDE TO A PROFITABLE PRACTICE (ABA, 2010).


Practice Tips

Develop and write down your strategic marketing plan:

- Define your target audience.
- Determine the relevant benefits you offer.
- Craft the benefits to appeal to the target audience.
- Incorporate contact strategies in the plan.
- Devise a media plan, including direct marketing and detailed advertising copy.

These ideas allow you to determine what you want to accomplish and the steps you need to take to realize your goal.
Representing LGBT Clients

A marketing plan requires focus. It is more effective when geared toward a targeted audience. Providing legal services to the LGBT community is a niche practice that targets a specific segment of the population. It allows you to get the good value by focusing your marketing budget.

Limiting the scope of the marketing effort allows you to focus on the type of law that most interests you and the structure that best suits your skills, talents, and interests. Develop a reputation in this area, and it can result in referrals from other attorneys.

Include your staff in developing a strategic marketing plan. This is particularly true for solo practitioners and small firms. Their contributions to the plan can build consensus concerning its focus. A professional, well-trained staff makes the marketing effort more productive because your staff is the first level of contact with clients.

Equip your staff with their own business cards because this adds to their professional appearance. Staff can use them so clients can contact them directly.

Lesbian and Gay Organizations

The National Lesbian and Gay Bar Association is a national association of lawyers, judges, and other legal professionals. The LGBT Bar sponsors an annual national conference that includes the Family Law Institute and the Transgender Law Institute. You must be an experienced lawyer to apply to participate in either Institute. But the benefits are significant. You will meet the lawyers who are on the leading edge of the law developing in this area.

The LGBT Bar is an American Bar Association affiliate that sponsors continuing legal education (CLE) sessions at ABA meetings and is represented in the ABA’s House of Delegates.

The American Bar Association has initiated the Commission on Sexual Orientation and Gender Identity to promote full and equal participation in the ABA, the legal profession, and the justice system.

The Lambda Legal Defense and Education Fund is the premier organization providing legal assistance to members of the LGBT community with offices in New York, Los Angeles, Chicago, Dallas, and Atlanta. Most of their work revolves around significant legal issues that are ground breaking in nature.

Lambda assists private attorneys who deal with lesbian and gay issues. That makes it an excellent resource for lawyers new to this niche practice area. Lambda seeks out volunteer lawyers to join their attorney referral list and assist in advocacy efforts.

The NCLR provides legal assistance to the lesbian community. Like Lambda, the NCLR maintains a list of private lawyers to whom prospective clients can be referred.

The key is that lesbians and gay men look to these organizations to locate attorneys who are willing and interested in representing them. They seek attorneys who are familiar with their needs and who will treat them with respect.

**Workshops**

Workshops on legal issues facing LGBT individuals and couples are an effective marketing tool. The workshops focus on the targeted audience. Estate planning is a natural way to encourage people to come to the seminar. And, it tends to be a nonthreatening issue.

More estate-planning seminars are addressing the needs of same-sex couples. Unfortunately, many of the presenters lump lesbian and gay clients into the same pot with everyone else, though the issues are often different. The presenters do not think about the differences. Many lesbians and gay men attend these seminars hoping to learn what they need to do to protect their interests, their assets, and their families.

Collaborating with a financial planner or insurance company to present a joint seminar provides an opportunity for an entrepreneurial attorney to expand her client base. Combining estate and financial planning is a popular venture in the LGBT community.

Arranging a seminar at the local LGBT community center allows lawyers to tap into the heart of a community. Advertising on the center’s website is another positive move. Providing handouts that include tips on steps a lesbian or gay couple should take to protect their assets and their families lets prospective clients take home your contact information.

Contact the local gay newspaper and offer to write a column addressing legal issues. Take questions and provide feedback. Most gay newspapers do not have this type of column and it will be of great interest to the readers.

Do not forget the lesbian and gay senior groups that meet in your area. They may be more difficult to find, but are worth the effort.
In addition, reach out to the transgender organizations in your area. It can be very difficult for a transgender individual to find competent and supportive legal representation.

**Technology**

Technology advances provide considerable tools that solo and small firm lawyers can use to expand a law practice. The effort begins with a website.

Think like a client. What makes your firm different? A website that provides information about the law—not about how wonderful you are—can result in an increase in traffic. Emphasize your experience rather than your biography.

Make the website easy to navigate. Do not clutter it up with buttons and pictures and similar stuff. Use links—and make sure they work.

Some lawyers have developed virtual law practices that allow them to provide legal services through a secure web portal. Stephanie Kimbro, author of *Virtual Law Practice: How to Deliver Legal Services Online*, is considered a national resource for lawyers interested in developing a virtual law practice.

**J. Benefits of a Niche Practice**

Adding this niche to an existing practice opens up a new client base. Lawyers providing competent legal services to the LGBT community will be well received. The legal issues presented will not be limited to estate planning, but advertising that service is a start.

A niche practice allows a lawyer to concentrate in an area and learn its many nuances. This is a rapidly changing field of law and it requires constant vigilance to be aware of changes. Sometimes, the changes seem to occur daily. And, clients are as confused as many lawyers.

**K. Conclusion**

Most state laws do not protect lesbian and gay relationships and their families. Marriage equality will not change that fact. And, state legislatures may be reluctant or outright hostile to providing any legal protections. There will also be blowback from those who have lost the marriage battle but continue to harbor deep-seated hostility to the LGBT community.

Protecting LGBT clients and their families takes creativity and innovation, and it is often necessary to move quickly.
Many lawyers wonder why they practice law. Most of us entered law school to help people. This is an area of practice where we can realize that long-ago goal. Winging it is not an option because too much is at stake.

The LGBT community is looking for lawyers who can meet their needs and protect their interests. This client base is underserved and often overlooked. A growing number of lawyers who know nothing about LGBT legal issues are marketing to the LGBT community. It is the post-*Windsor* bandwagon effect. Sound legal advice has never been so important. Creative lawyering has never been so necessary.