This workshop was held at the 2018 Equal Justice Conference in San Diego, California.

Title:

How To Start A Transgender Law Clinic In Today's Political Environment – What Went Right (And What Didn’t) From Some People Who Did It

Presenters:

Dannie Cesena, LGBT Center Orange County, Santa Ana, CA
Anna Strasburg Davis, University of California Irvine School of Law, Irvine, CA
Stephen T. Hicklin, The Hicklin Firm, Tustin, CA

The Transgender Law Clinic in Orange County, California began as a random conversation among colleagues who wanted to meet a need and turned into a collaboration of the private bar, the Orange County Superior Court's Self-Help Center, UC Irvine School of Law, and the LGBT Center OC. It hasn’t always been easy, but in two years it has assisted 300 clients, it has been adopted as a project template or a clinical offering by two more schools, and others are considering similar programs. We will talk about how to involve the community in pro bono programs, teach law students to love pro bono work, and develop a sustainable partnership to meet the needs of an insular client base, especially when the landscape seems inhospitable and money is scarce.
How To Start A Transgender Legal Clinic In Today’s Political Environment

LESSONS LEARNED FROM SOME PEOPLE WHO DID IT
Why Now Is The Right Time

Certainly the current administration in Washington D.C. is not friendly to LGBTQ issues - No, seriously!

There was a tipping point in 2015, but what drove it isn’t clear - Caitlyn Jenner, the Obama Administration’s emphasis, Janet Mock’s treatment by Piers Morgan, Laveme Cox? Who knows...

Serendipitously, we started developing our plan in February of 2015; Caitlyn Jenner’s interview in April of 2015 catalyzed the conversation

The spark caught - every fire needs kindling and we have one in the Trump/Pence administration

Pro bono projects are being embraced by students right now - there is a new sense of activism and dedication to public service
How To Get Started

- Start conversations about the issues faced by the transgender population
- Collect a core group of like-minded people willing to pitch in
  - This project began on one side by a simple conversation about a teenage girl who couldn’t get hands-on help to prepare and file a name change/gender marker change petition; she finally got that help at the Orange County Superior Court’s Self-Help Center, but that conversation was indicative of a bigger issue
  - On the other side, it began when two law students at UC Irvine SOL wanted to take on a project to assist transgender clients
- It all starts with a conversation!
  - Talk about these issues with like-minded people
  - Emphasize pro bono in your firms and law schools; talk to pro bono coordinators
  - Reach out to local LGBTQ support and legal service organizations
Collaborate and use the incredible resources developed by organizations who have been doing this work for decades

Transgender Law Center (transgenderlawcenter.org) in San Francisco, Lambda Legal (lambdalegal.org) in New York, Atlanta and L.A., and National Center for Transgender Equality (transequality.org) in Washington D.C., among others, have developed phenomenal free resources which are available online.

Don’t feel pressured to re-create the wheel.
Be Patient! Let The Project Develop

- We started planning in February of 2015
- Our first clinic took place in October of 2015, and that was really fast!
- There were several times when one of the constituent parts wanted to break off
- It is better to scale up one program to meet a need than to build two which compete
Name and gender marker changes are a great place to begin

- Having correct ID documents allows for travel, voting, etc.
- It can help reduce employment and housing discrimination, hate crimes, and violence
- Some barriers to petitioning for a legal name and gender marker include: misinformation about requirements, cost, and complexity – up to 70% of transgender people do not take this step
- Be aware of some of the barriers folks still face, even with updated laws in CA (still told folks are required to publish, etc.). You can help dismantle and overcome some of these barriers!

- We have added immigration one-on-ones and employment KYR sessions to what we offer
Make sure there is a need by doing a needs study – (we didn’t do this!)

- You don’t want to ask students and lawyers to donate their time and then give them nothing to do
- Best estimates are that there are 1.4 million transgender individuals in the country, but that number is going up fast!
- Kids and their parents are coming to the clinic in large numbers
- Generate interest by alerting doctors, medical clinics, and other providers of services to the transgender community that the service exists
Have A Community Partner!

- You MUST provide a safe environment for this population and for any insular population
  - You need a venue where the attorney/client privilege can be maintained
  - You need a safe space as it is not safe for this population everywhere
  - You need credibility - pick an organization with a track record of service to the transgender community

- There is still a serious problem with transphobia in the larger LGBTQ community that has to be faced head-on
Include Transpersons In The Planning

- Allies shouldn’t do this without including the people they are trying to help in the planning.
- Leaders in the transgender rights movement are feeling like they have lost control of their own movement.
- This isn’t being salty – it reflects the reality that someone who is cisgender can’t fully understand the issues the way someone who is transgender does.
Focus On The Mission

- Don’t let money dissuade you from starting a clinic
  - With a venue, expenses are pretty manageable - photocopying, printing, office supplies
  - Find a donor or two who would be willing to jump in on occasion
- Don’t Be Afraid To Give Credit Where Credit Is Due
  - There is nothing wrong with someone wanting to be acknowledged for their good works
  - We tend to compete for funding, kudos, jobs - that can harm the mission
Where we are headed...

- We began in Orange County, California (not the most receptive environment) in partnership with U.C. Irvine School Of Law
  - We have exported our format to San Diego in partnership with University of San Diego SOL and the San Diego LGBT Center
  - We have partnered with U.C. Davis SOL and The Sacramento LGBT Center to launch a clinical program in the fall of 2018
- We also want to expand what we do by creating a pro bono panel to take actual cases
- We are looking to clone what we do in Seattle, Boston, and San Francisco (anywhere, really) but we want to share!
You Are MUCH Stronger Than You Know

- This was a series of seemingly unconnected conversations that came together in a way we never anticipated.
- We are a bit gob-smacked by the way the project has been embraced.
- We have seen over 400 clients over 2.5 years.
- We wish we had some secret to how we did this, but the truth is we didn’t do anything others couldn’t do.
Who To Contact For More Information

Maria Livingston  
Orange Co. Superior Court  
Manager  
Self-Help Services  
mlivingston@occourts.org

Dannie Cesena  
LGBT Health Care & Transgender Services Coord.  
LGBT Center OC  
1605 N. Spurgeon St.  
Santa Ana, CA 92701  
(714) 953-5428, ext. 338  
dannie.cesena@lgbtcenteroc.org

Stephen T. Hicklin  
The Hicklin Firm  
440 W. First Street, Suite 205  
Tustin, CA 92780  
(949) 355-3969  
shicklin33@gmail.com

Anna Strasburg Davis  
Director of Pro Bono Programs  
UC Irvine School of Law  
adavis@law.uci.edu  
(949) 824-2026

Jordan Aiken  
Equal Justice Works Fellow Sponsored by Greenberg Traurig, LLP at BetTzedek  
3250 Wilshire Blvd., 13th Floor  
Los Angeles, CA 90010-1577  
(323) 549-5894/jaiken@bettzedek.org