

# Dean's Column



BY GUEST COLUMNIST PROF. ANNE R. TRAUM

## SERVING AND LEARNING FROM LGBT CLIENTS

Understanding your clients, and having their trust, is essential to effective advocacy. For student attorneys in the Thomas & Mack Legal Clinic representing lesbian, gay, bisexual or transgender (LGBT) clients, establishing that rapport is a critical first step toward a successful attorney-client relationship. These students are coming of age as lawyers during a period of astounding advancement and awareness for LGBT rights. Many of our students welcome these changes, and discover that working with an LGBT client can be an eye-opening experience that carries its own lasting lessons.

This past year, students in the Immigration Clinic and Family Justice Clinic grappled with these issues in very different contexts. The Family Justice Clinic, directed by Associate Professor Elizabeth MacDowell, focuses on representing low-income families, for whom legal services are typically unavailable, and recently litigated a same-sex maternity case on behalf of an undocumented immigrant client.

The Immigration Clinic, co-directed by associate professors Fatma Marouf and Michael Kagan, represents clients in immigration courts and with the U.S. Citizenship and Immigration Service, and recently handled an asylum claim by a gay African man fleeing homophobic violence. In both contexts, student attorneys had to earn the clients' trust, and examine the many forces that shaped their clients' identities and their legal concerns.

Working with the LGBT community on cutting-edge issues and cases is an essential part of the Family Justice Clinic's work in family law. Many LGBT individuals also face legal barriers and social stigmas due to poverty, criminal convictions and immigration status. For them, being gay, lesbian or transgender adds another dimension of complexity. For students, recognizing these layers of identity, and the related legal implications, presents a unique and challenging learning opportunity.

Ekaterina (Katie) Derjavina (J.D., 2015), winner of the Clinical Legal Education Award, and her clinic colleagues, represented an undocumented client seeking to establish maternity of her child with her lesbian partner. Derjavina found that the law and law-related stigma disadvantaged her client in several ways. First, "only one person in an unmarried couple could legally adopt a child," so the client's status as an unwed parent limited her rights from the start. Second, was "the belief that revealing any information about a same-sex partner would negatively affect the chances of being able to foster and adopt a child." This "made it harder

for us to prove our client's role as a mother to the child," because there was scant evidence of her involvement as a parent. Finally, the client's status as an undocumented immigrant meant that she lived in the shadows, and being poor, lacked access to legal advice during the adoption process.

Derjavina realized how much immigration status, family law and social factors, including stigma and fear, hobbled her client's ability to gain recognition as the mother of the child she had co-parented.

In the Immigration Clinic, student attorneys Geordan Logan (J.D., 2015), and Keely Perdue (J.D., 2015), recently represented an LGBT client who sought asylum in the United States, based on a well-founded fear of persecution in his home country. Asylum cases are intensive by nature, as claimants must demonstrate a credible fear of persecution if returned to their home countries. Student attorneys are tasked with the difficult job of excavating the client's most traumatic experiences in order to develop a viable claim for asylum or similar relief from deportation. The client closely guarded his sexuality, which he had only discussed with a handful of people in his entire life, and was reluctant to reveal much to his student attorneys.

Within weeks of getting the case, same-sex marriage was legalized in Nevada and that fact transformed the students' interactions with the client. That day, the students brought their client a copy of the Las Vegas Review Journal, with the large headline, "Gay Marriage Legalized in Nevada!" When the client read the article, he visibly

relaxed. He kept the newspaper, and began opening up about the violence that he had survived, and which led him to seek asylum in the United States. The experience illustrated to the student attorneys the important role that the communication of tolerance and acceptance plays in building trust with the client.

Representing transgender clients requires a much deeper understanding of the dynamic complexities of sexual and gender identities and the legal problems that manifest from them. To build awareness and capacity in serving LGBT clients, sexual and gender identity awareness is a regular part of the curriculum in these two clinics.

For student attorneys, getting to know and understand their LGBT clients is essential to their advocacy, and is also a transferrable skill. To serve the client well, students must appreciate, fully, how the client's gender and sexual identity, along with other factors, impacts legal reality and the client's claims. But the lessons students learn are not limited to one kind of client or claim. In truth, all of us exist in a complex web of status, culture and identity, which the law can reinforce or ameliorate. For student attorneys, the opportunity to serve LGBT clients provides experiences that are historic for our times, but also universal for all time. That's what we call a teaching moment. **NL**

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