

Caroline Heller:

This is Caroline Heller, chair of Greenberg Traurig's Global Pro Bono program, and litigation shareholder in the New York office. I'd like to welcome you to Greenberg Traurig's pro bono podcast, Good in Practice, because everyone has a story. June is Pride Month, and in honor of Pride Month, I wanted to highlight some of the legal work that Greenberg Traurig performs to support the LGBTQ+ community. Greenberg Traurig attorneys do a wide variety of legal work in this area. They do everything from transactional work with nonprofits that address the needs of the LGBTQ+ community, to representing asylum seekers who are persecuted because of their sexual orientation or gender expression, to legal work to support the right of gay parents to adopt.

Caroline Heller:

A few years ago, I learned that there was an associate, Andrew Smith, in our Atlanta office who was assisting transgender individuals legally change their name. There are a lot of reasons why name change is important. For example, there have been studies performed that demonstrate that legal gender affirmation was significantly associated with lower reports of depression, anxiety, and distress, and upsetting responses to gender-based mistreatment. Now, you can read about studies all day long, but to truly understand the impact of a legal name change, it's important to hear from the person who legally changed their name, their story, and how it affected their life.

Caroline Heller:

So in the next two episodes, I interview Andrew Smith and his client, Lauren Duncan. In the first episode, you'll hear about the legal, practical, and emotional aspects of Lauren's decision to legally change her name. And in the second episode, you'll hear from Lauren and Andrew again about the difference between name change and changing gender markers on identifications, and medical care for trans individuals, as well as the importance of trans visibility. Andrew, Lauren, thank you so much for being here. Would you both introduce yourself to the audience?

Andrew Smith:

Yeah, I'll go first. Thanks for having me, Caroline. I'm Andrew Smith. I am a fourth-year associate at the law firm Greenberg Traurig here in our Atlanta office. I focus primarily on two areas of law, commercial litigation, then the other half I moonlight as a product liability lawyer. So I'm sort of learning the ropes in the litigation space, and excited to be here and talk a little bit more about some of the work that we're doing over here in Atlanta.

Caroline Heller:

Thanks. And Lauren, can you introduce yourself?

Lauren Duncan:

Of course. My name's Lauren. Lauren Duncan. I live in Atlanta, Georgia. Andrew helped me legally change my name to Lauren creeping up on two and a half years ago now. I work as an operation manager at a contact center. And yeah, I'm never good at the, "Tell me about yourself," type stuff.

Caroline Heller:

Well, I hope you tell us a little bit more about yourself now. You mentioned how Andrew helped you change your name. Can you tell us a little bit about that journey?

Lauren Duncan:

I was referred to Andrew by a mutual friend of ours. He had helped another trans woman, a friend of mine, change her name to her now legal name. And she was like, "Oh, hey. Talk to this person. Trust me. He's super nice, he's super friendly. Send him an email." And I was like, "Sure." And at first, I was unsure. Correct me if I'm wrong, Andrew, I think it was around August or somewhere around there. I think I had emailed you just kind of asking about it. And then maybe a month or two later, I was like, "You know what? I know I said I was going to wait, but let's do this." And we began that process.

Andrew Smith:

Yeah, that's how I remember it. Caroline, typically when I first meet any of our clients that are interested in changing their name, I try to go to lunch or grab a drink with them just so I can kind of understand their story, because I think it's so cool when you talk with folks that are interested in going through the process of changing their legal name, how they got there. And so Lauren, I think we grabbed lunch right by my office.

Lauren Duncan:

Yeah. It was that Italian restaurant, right?

Andrew Smith:

That's right. And we had a glass of wine and just talked about Lauren's life and about where she was at and what her goals and hopes were, and just a little bit about how the name change process works here in Georgia.

Caroline Heller:

And Lauren, would you feel comfortable sharing a little bit about your background and how you got to the point where you decided to reach out to Andrew for the name change?

Lauren Duncan:

Of course. So I've been trans my entire life. And people sometimes think, "Oh, they're transitioning now, so now they're trans." No, I've been trans my whole life. I made the determination that it was time to transition towards the beginning of 2018. And I went on hormone therapy that May, and then later that year, that's when Andrew started to help me spin the wheels of getting my name changed. And it was just kind of the next step in a long process for me.

Caroline Heller:

And can you tell me a little bit about how you chose the name Lauren?

Lauren Duncan:

Yeah. I actually couldn't decide my name at all. Andrew, did I tell you this story?

Andrew Smith:

I don't think you did tell me that. When Caroline asked the question, I was like, "I don't remember."

Caroline Heller:

I was just going to say, I'm asking because I love to hear name stories. Because the story about how I chose my son's name is extremely personal and meaningful, and he may decide he doesn't like it in the future, he wants to change it, but I think name change stories are ... what your name is is your identity. And most of us don't choose our names, our parents use it for us, and we either become comfortable or we don't, but to be able to pick your name, I'm so interested in hearing about how you made that decision about what the name should be.

Lauren Duncan:

You guys are going to laugh because it sounds very trivial coming off the Hills of that speech. I Googled baby names 1992, the year I was born. And my deadname was the eighth-most popular male name in 1992, so I'm like, "Okay, I'm just going to take the eighth-most popular female name of 1992," and that name was Lauren. So that's how I came to that name.

Caroline Heller:

That is not at all trivial. Just knowing parents, some of them have chosen their child's name, it's a cinch. It's been that. For me, it was different, but everybody has their story, and that's actually a really great story. You used an expression that I know I just recently learned, and I would be pretty certain most people listening to this podcast are not familiar with, which is deadname. Can you describe what that means?

Lauren Duncan:

The quick two second elevator description is basically the name a trans person had that they are no longer. It's the name I had before Lauren. A lot of people will sometimes get curious about it and be like, "Oh, are you going to tell me your name and something?" And they'll get varying responses. Some people will be like, "Yeah, sure." Some people will be very bothered to hear it. It doesn't particularly bother me, but I make it a point not to share it because it's called the deadname. It's dead. And we don't worry about any other previous aliases anyone else ever has, and so it's very much something that's in the past for me. It's just not something that I think about, and so that's why it's called a deadname. It's not just a former name, it's a deadname.

Caroline Heller:

That's pretty powerful. I think that's important for people to hear. Andrew, can you tell us a little bit about the legal process? Because Lauren mentioned it was somewhat long and arduous, I think she was referring to the legal process, and I'd love for you to be able to describe what it entails for someone to change their name legally.

Andrew Smith:

Yeah. I'm happy to do that. So I can speak to you how it works in Georgia. I think this is probably the case in most states. So it may vary a little bit based on where you live, but in Georgia, you essentially have to file what is called a petition to change your name, have to do it in a state court in which you've lived in for at least six months. And when you do that, you essentially ask the court, just say, "Hey, here's my current name, that's my legal name, and I'd like to change it to this other name." And when you do that, you also have to file a notice, which is then run in a legal digest or a newspaper that runs legal information in that county. For four consecutive weeks, they post a notice that this individual wants to change their name from X to Y.

Andrew Smith:

After that period's done, you get what's called a publisher's affidavit. You submit that to the court that shows proof that I've met a statutory requirement to run my name in the legal digest, and then you get a hearing. And so in Georgia, you're required to actually go to court. A judge or an attorney will ask you a couple of questions. They're mostly geared towards making sure that someone's not changing their name for some nefarious reason, to get around a creditor or sort of dodge legal process. And then after that, the judge will sign an order that authorizes your legal name to be changed.

Andrew Smith:

Oftentimes, we make sure that we include that you can change your birth certificate name, and then that stamped certified document, I try to get six or seven copies with our clients, they can take to social security and to the DMV and to the places you need to go to get your name changed legally, and show them that you have a court order that allowed you to have that process done. In total, it takes, and Lauren can correct me if I'm wrong, I think hers took a little while because you have to wait for a hearing. I think the fastest you could probably get it done is probably six weeks, maybe five weeks. You're kind of at the mercy of whatever courthouse you're in because they have to do that hearing process, and it may take a little while to get in front of a judge. You can actually have the hearing that's required under a Georgia statute.

Lauren Duncan:

I think we started spinning the wheels on it in October, if I recall correctly. And November, we spent the four weeks getting the publisher affidavit taken care of. And then I think you and I had to wait a little bit longer because we were waiting for court date over the holidays, right?

Andrew Smith:

That's right. I think your hearing was in January, so we were running into Thanksgiving and the Christmas holidays, the December holidays, and so I think that's what pushed us over into the new year.

Caroline Heller:

Was this in 2019?

Lauren Duncan:

Yeah. I had my name changed on January 11th, 2019.

Caroline Heller:

And Lauren, can you tell us, what was it like to be at that hearing and answer the judge's questions?

Lauren Duncan:

It was really nerve-racking. The actual court proceeding itself was not that intimidating, partially because Andrew did a really great job at making all the expectations there, knowing how it was going to play out, or the ramifications of it. For example, I chose to not come out at work until I had my legal name change and then you're kind of forced to, and that was something I did on purpose was to kind of give myself that kind of kick off into the water, push myself into the swimming pool, so to speak. And so the ramifications of thinking, "I'm going to have to, for payroll purposes, obviously update my name at

work," and et cetera. "This is it. I'm coming out to the world now." It's a very crystal clear before and after moment of my life.

Caroline Heller:

And so, after got the name changed and went through the process of, I guess getting a new social security card issued, birth certificate, ID, driver's license, passport, all the things that your name is on, how did things change for you? Or did they change for you?

Lauren Duncan:

So things did change and didn't change. So I was still Lauren before my legal name updated. I am me, not some piece of paper, but it got rid of any obstacles of getting people to know that I was Lauren, for example. And some places were easier than others to get the name updated at. Not going to mention any names, but flight carrier was kind of simple, my bank was kind of simple, then there were some places where they wanted to mail a copy and do all this, and it's just varying levels of burdensome. My landlord at the time actually was one of the most difficult to get my name updated with, which that was slightly frustrating because your lease is a proof of residency. And my proof of residency was not in my legal name, which that would be something to deal with.

Lauren Duncan:

And I kept on basically begging them over and over to update the name on the lease, because it affects anything that you need proof of residency for, basically. And they just wouldn't. I lived in a tax credit apartment, and they were doing the notice that the rent was going up due to, I guess the tax changing or something like that. And after constant communications in my deadname, they sent the one that was like, "Hey, deadname. Your rent's going to go up by this amount on this date, and this is our required 60 days' notice." And I put it a little cheekily, I was like, "I think you guys sent this to the wrong person. There's no one by this name here." And this is actually kind of funny, it is so ridiculously petty. 24 hours later posted to my door was, "Dear deadname and all other residents." Right? Right? It's awkward-

Caroline Heller:

Wow.

Lauren Duncan:

... but it's actually kind of just like, "Dude, you're really dying on this hill."

Caroline Heller:

That's a little passive-aggressive.

Lauren Duncan:

Yeah. So that's one of my favorite little stories that's just like ... it's still really annoying. Just to give you an example, I remember having to rent a car and I was having to show ... okay, so if you do it with a debit card, you have to show them two proof of residencies and all that. I'm like, "The name of either of these doesn't match, but here's this court order. And I swear, I'm not running a scam here. This is me." And then you're having to out yourself, and it's a whole thing, which ... yeah.

Andrew Smith:

Caroline, if it's okay for me to interject-

Caroline Heller:

Please.

Andrew Smith:

... I think that what Lauren's describing too is important for people to think about, because I've had other clients that have gone through the name change process who were looking for employment, for example, and I think you think you can imagine showing up, you've filled out a job application, you've listed your name is Lisa, they've decided to take you on for an interview. They want more information. They want a copy of your driver's license, but it says Jacob on your driver's license. And that sort of process of having to go through and explain at the very beginning of your employment [inaudible 00:15:33] your sort of story and your identity, I think people take for granted.

Andrew Smith:

And Lauren's talking to you about her lease and about getting a car, stuff that we do sort of willy-nilly, or we just sort of do as a matter of course, isn't so easy for folks who want to have their personal-professional identity and be something other than their deadname or the name that their parents gave them. And it's a challenge. So that's a huge hurdle to sort of just the everyday living that we all do, and I think it's so important why folks who are thinking about opportunities to do pro bono work, for the lawyers that are listening, these cases matter. And they matter in these really sort of small micro ways that we sort of take for granted that are actually huge because it's the way that you live your life and the way that you sort of just enjoy the space that you're living.

Andrew Smith:

So that's why I'm so excited that we're getting to talk to Lauren because I think it can share those stories and those opportunities where I think people may sort of take for granted the sort of niceties of just the everyday living that we have.

Caroline Heller:

Yeah. I think that's right. It is one of the things I think is difficult for cisgender individuals to understand is because we do take it for granted. My name is Caroline. I don't love my middle name. I've accepted it, but I'm Caroline. I don't know what it's like to put Caroline on an application and then hand over an ID that says somebody else. I have no idea what that experience is like. And it's somewhat jarring to try to put myself in that situation and think how upsetting that would be. As you said, you know who you've been your whole life.

Caroline Heller:

And one of the most important things for any person is to be loved and accepted for who they are, and to not have other people know who you are because of something as simple as ... well, it's not that simple, but because of a name. It must have been a really difficult experience for you at times.

Lauren Duncan:

Yeah. It's not easy having a dual life, basically. And I think that's something a lot of members of the LGBTQ+ community will be able to relate to. You're juggling a list of people that you're out to versus the

people that you're not out to, and you're trying to make sure there's not overlap. I remember in scenarios where there would be overlap where before I was out to everyone, someone would know that I was queer and someone would not know that, and I'm like, "Hey, they can't know this." And they're like, "Oh, okay." And I'm like, "They can't." That's a whole thing. And it's really, really, really stressful.

Lauren Duncan:

I am privileged enough that I have never had to worry about the name on my application I submitted. I've worked at the same place the entire time of my transition, so that's something I'm just pretty lucky about. But for example, juggling dual life, when I was in high school, I didn't fully realize I was a trans woman at the time, I thought I was a gay guy. And I remember even then having to balance that. And then as I went through the transition, I kind of came out to family one member at a time. It wasn't just like you have a big family dinner and I'm just like, "Hey, by the way, guys," it's a personal one-on-one conversation.

Lauren Duncan:

And then once I kind of got through all the people that I was having these one-on-one conversations with, that's when I finally kind of tied the bow after my legal name change and made a Facebook post that was like, "Hey, by the way, guys. Y'all should add me over here. Obviously that name's different, y'all know what this is. Blah, blah, blah, much happier. Anyways, I'm deactivating this profile in a week." So yeah.

Andrew Smith:

Lauren and I were talking earlier and I was sharing with her, I wasn't out in law school and I wasn't initially out with the firm. And I remember meeting folks and being worried about if I shook their hand, if they thought that my handshake was feminine, and, "Oh, no. I've now outed myself because I gave a," ... and I've used this term terribly, but a girly handshake. Or I would be around my gay friends and I would be on a work call, and they would be like, "I know you were on a work call. I just heard your voice drop 10 decibels to your straight work voice." And it's sort of this super taxing thing, and it's one of the things that I feel really grateful about Greenberg and the team here in Atlanta.

Andrew Smith:

I come to work every single day and I am gay fourth-year associate Andrew Smith, and I don't have to think and worry about anything other than being me. And it lets me focus on my work and hopefully be a good lawyer and give our clients good service, because I don't have to spend all of my energy and my time concerned about, "Oh my gosh, did he think I'm gay?" Or all the things that sort of come with that, and I think Lauren, in talking about the transgender piece, and I don't know if this came out clear, she had two separate Facebooks. She had a Facebook for her deadname and her Facebook for her now current legal name. And quite literally two separate lives, right?

Lauren Duncan:

Right.

Andrew Smith:

At least [crosstalk 00:20:47] people have to expel all this energy to try to be someone else to everyone else in a different setting on this sort of macro level. Your identity-based level.

Lauren Duncan:

Telling you earlier, my roommate at the time, I was not out to him. And on the Lauren Facebook profile, he pops up in my suggested friends. I'm like, "Oh, shit. Did he see this?" So I quickly go and block his profile and I'm thinking, "He hasn't said anything. I don't think he saw it." Little things like that. And I had gone ahead of the curb and I had blocked all my family members from the Lauren profile, and I'm trying to remember, I think I had to give it a different last name. I don't even remember what it was. And I said I was from New York, so I was like, "There's no way the algorithm's going to recommend anyone."

Lauren Duncan:

And I think after I had changed it to Duncan, that's when. Because the algorithm still didn't look at my actual ID-based location or whatever and say, "Hey, there's this person, 10 feet away from you, and let's recommend you to be friends with them." So there was that aspect to it.

Caroline Heller:

Since you changed your name legally, have you stopped living those two lives and just live who you are?

Lauren Duncan:

Yes and no, which is not a very clear answer whatsoever. So yeah, I am full-time Lauren now. There is no deadname. That all happened at the name change. As I said, that was my kind of before and after moment. Part of why I am doing this podcast, something that I was telling Andrew that I guess in the last few months I've become more comfortable with, is I'm trying to be more transparent, I guess. No pun intended. I truly did not mean to do that. But seriously though, I know what my voice sounds like. I know that people can kind of usually put the puzzle together if they spend enough time with me, but I kind of made the decision that I was going to not beat around the bush if it came up. It's not like I walked down the street yelling, "Hey, by the way, if anyone was wondering I'm transgender," but if it comes up, I don't beat around the bush or hide it.

Lauren Duncan:

And that's actually, for a while, there's a term called steps, which basically refers to a trans person trying to blend in post-transition as this. And I kind of realized, and what occurred to me was that there were some visibly trans people that kind of motivated me to be braver about my transition. I'm like, "You know, maybe I might be able to be that for someone else." Anyways, dual life was ... even as living full-time as a woman, there have still been people, the list of people I'm willing to [inaudible 00:23:53] meet my journey with versus the people I'm not, for example. And now it's just like, "Well, what do you want to know? As long as I'm not busy, I'm happy to tell you."

Caroline Heller:

Thanks for listening to Greenberg Traurig's pro bono podcast, Good in Practice. I'm your host, Caroline Heller, chair of Greenberg Traurig's Global Pro Bono program, and litigation shareholder in the New York office. On today's episode, you heard from Andrew Smith, a litigation associate in Greenberg Traurig's Atlanta office, and his client Lauren Duncan. Thanks for joining us, and I hope you join us next week for the continuation of this pro bono story.