

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.

Caroline Heller:

This is the second part of a two part episode where I interview Andrew Smith, a Litigation Associate in the Atlanta office, about his work assisting transgender individuals legally change their name, and one of his clients, Lauren Dunkin.

Caroline Heller:

In part one, you heard about the legal, practical, and emotional aspects of Lauren's decision to legally change her name. Today, you're going to hear from Andrew and Lauren about the differences between name change and changing gender markers on identification, medical care for transgender individuals, and the importance of having visibility in media.

Andrew Smith:

I think something kind of important people don't think about and, Lauren, you made me think of this. Getting a name change isn't the same as changing your gender marker on your driver's license. Just because you get your name changed does not necessarily mean that your listed sex on your driver's license matches the gender that you prescribe to. Lauren, I don't know if you want to talk a little bit about, and we've talked about this before, a little bit about what you have to do in the state of Georgia, and this varies state to state, to have your gender marker changed here.

Lauren Dunkin:

Yeah, absolutely. In the state of Georgia, and this isn't nationwide, but a lot of states do adhere to this, and there's a lot of countries that adhere to this, you're not getting your gender marker changed until you have bottom surgery, and that's on your license. You can get your passport updated if you have a care provider that basically writes something that is like, "Hey, in our eyes, Lauren has completed successful transition steps to XYZ gender." It's weird and you can get the passport updated, but when you get to license those transition steps actually get defined.

Lauren Dunkin:

You have to have bottom surgery. Not all trans people get bottom surgery. It's not very viable for a lot of people. Maybe for health reasons. It can be for financial. It's no secret that it can be difficult to get health insurance to cover it, even though it's defined as medically necessary. It's a very, it's an intense procedure, it's a huge recovery and not all trans people are going to be able to get that surgery. Right?

Lauren Dunkin:

When you're requiring that, one, that's just a whole lot of trans people that are going to have to out themselves because they're not going to get that, but it's also technically forced sterilization, right? That sounds melodramatic and war crimey, but that's also literally what it is, it's literally what it is.

Lauren Dunkin:

So that's a thing and some people might make the decision, "Hey, I don't want to" it might be an "I don't want to do this yet" because maybe I want to have kids one day and maybe, I can't invest in depositing into a sperm bank, for example, these are all very real concerns that are part of trans people. The gender marker definitely introduces its own set of problems, 'cause otherwise, it's an important thing as far as like, "Hey, I need this to match." You know, I don't want to, I don't want to get outed every time I get ID'd for alcohol. Right?

Lauren Dunkin:

But there's also other things like we can talk about like all your gender marker effects, what insurance does and doesn't cover. Like people that had, how would you say it? A testosterone based puberty when they were a teenager, are at higher risk of prostate cancer. People going through a hormone replacement therapy for male and female or a higher risk of breast cancer.

Lauren Dunkin:

If my gender marker is male, I can get stuff related to me. Prostate issues covered, but not breast related. If my gender marker's female I can get things related to breast covered, but not anything related to any prostate issues. Not that I'm having any health problems, but these are some of the things, only certain procedures get covered with sort of gender marker and I think a lot of people miss that, that you're giving up some coverage and getting some coverage when you get the marker changed.

Caroline Heller:

Yeah, I think that's a really important point that people don't think about as much. And I don't think that cisgender folks often think about transgender men wanting to get pregnant. I was reading an article the other day about how there's a complete dearth of comprehension about medical care and compassionate care for trans men who give birth to babies, because that's not something that is, it doesn't happen as frequently and it's not something the medical community has caught up to in terms of standard of care.

Andrew Smith:

Lauren, you were talking about visibility and earlier, Caroline, Lauren and I were talking about this really interesting documentary called Disclosure, which I think is on Netflix. And it's talks about the way that the transgender community is portrayed in the media. And Lauren, if you don't mind kind of re-sharing, we talked a little bit about oddly enough, a cartoon and just about the way that young, 1992 born Lauren sort of saw trans people depicted in the media. And if you could share kind of like that sort of journey and thought piece, I think it'd be interesting for people to hear.

Lauren Dunkin:

Yeah, definitely. I think it's important to hear. So Disclosure is a documentary basically kind of chronicles transgender representation through about the last a hundred years or so. And that sounds really cool. It's like, oh, I'd love to learn about the history.

Lauren Dunkin:

If you want to cry a lot, that's the documentary for you because 90% of that representation is like vices, people, and more specifically, a lot of really, really, really transphobic people. I think we're all familiar with that, I think it was ACE Ventura pet detective that's like big plot twist, "Oh my God, you have a

penis, that's disgusting, blah, blah, blah." And a lot of trans people, myself included growing up in the nineties. That was our exposure.

Lauren Dunkin:

If you would ask me in middle school what a trans person was, I wouldn't say it's this person that transitions to the gender that they feel comfortable with blah, blah, blah. I would have probably replied that it was like a drag queen that was like really bad for reasons I could describe. I grew up in North Georgia, so we all had to kind of shake some stereotypical cultural beliefs. And if you had asked me, "Hey, you want to be a woman?" I would say, if you can get me to be honest, I would say "absolutely." And I would see zero connection to the previous sentence.

Lauren Dunkin:

You know, that's what it was portrayed as. The first time I actually ever heard anything about like what it meant to be trans in actuality I think it was my senior year of high school. I don't even remember how we got there, but I was just browsing the internet and I was reading some blog and this was in the two. It wasn't like I graduated a long time ago. I graduated in 2010 and I was reading this blog that kind of talked about it. And then looking up the Wikipedia for it. The blog was like, "oh, there's people who feel that they were born the wrong gender and they feel a lot more comfortable, but this one" I'm like, "the fuck, she's talking about me." Pardon my language, but that's just my genuine reaction.

Caroline Heller:

I appreciate the genuine reaction.

Lauren Dunkin:

And went on to read about gender confirmation surgery back then it was sexual reassignment surgery, if I recall correctly, something like that.

Lauren Dunkin:

And that was the first time I had ever heard of that. And I'm just like, whoa. Well what the nineties taught me was that trans people were evil and et cetera. And I didn't even think to relate to it. Andrew had mentioned a cartoon, just as an example, of like how bad their representation was.

Lauren Dunkin:

One of my favorite cartoons growing up was Sailor Moon. I feel like a lot of nineties people will relate to this. Something a lot of people don't realize is that the original Japanese version, it actually had some pretty progressive, ahead of its time, transgender representation. They had in the cartoon, basically these ordinary high school girls would transform into these magical heroes basically. And there was a particular set of women that when they did their similar transformation actually became men. But they did not air that season at all in the United States because American audiences weren't ready for it.

Caroline Heller:

Wow.

Lauren Dunkin:

And we were ready for ACE Ventura Pet Detective. That was okay representation. We could digest that, but actual representation that doesn't show us as evil. No, no, no, we were still, in quotation marks, working on that. And it's always something I hear a lot, now in my mid-twenties, you know, if I ever were to lament or frustrate on how long it took me to strictly get to the transition, how long it took that journey of self-discovery, people will be like, "oh, you weren't ready yet or anything." I'm like, "yeah I was homie." Just information got hid for me. Nowadays, you were sharing a story with me earlier, Caroline, about the transgender children that you had interacted with and nowadays if you heard, "Hey, I want to have breasts. I'm want to be a woman."

Lauren Dunkin:

And you immediately knew what's up. Back then you could say the same thing and some people would be like, "bye, what are you talking about? You're a pervert." And little kids are getting the fear put into them that any self-actualization of that is perverted, or messed up, or bad. And it's just like, dudes they're kids. There is sometimes a little bit of a twinge of jealousy I sometimes feel because I'll see trans people that had the opportunity to transition at an early age.

Lauren Dunkin:

And they'll talk about, "oh, I'd known my whole life, and I remember saying when I was three, that I wanted to be a woman to my parents." I remember saying the exact same thing. I can tell you I was laying on the bed, watching Wheel of Fortune with my mom when I told her. And nothing against her, she was absolutely a wonderful person, but just the culture of media of the times, didn't tell us what that meant. So I'm just like, I said the exact same thing and I didn't get anywhere with that.

Lauren Dunkin:

I don't like for people to talk about "well you need all this time to figure it out." Tell me about it, and to have the representation that cishet people have, and then maybe I could figure it out as fast as a cishet person does.

Caroline Heller:

Yeah, I think it was less about you figuring it out and more about everybody else figuring it out. Part of when my son had the experience of someone sharing some feelings about who their sibling was with my son, he didn't bat an eyelash, but that's because I didn't bat an eyelash. Children are accepting it's parents and as they grow up, society, that says, no, this is wrong. Lauren, do you feel that representation of trans individuals has improved in the media, film, television, songwriting?

Lauren Dunkin:

It's definitely improved. Still a journeys to go. The thing that [inaudible 00:12:51] Andrew had also mentioned is there is a lot of representation that's very, very focused on the physical aspect. And it's usually, I think, what was that movie called that came out five or six years ago, Goal? Or something like that. And it was completely focused on the physical aspect. Like it had these melodramatic scenes of this trans check, sitting in front of the mirror, with an estrogen pill, very emotionally making the decision to take. Okay, first, every trans woman I've ever known, the first time they did it was "heck yeah, let's swallow this shit." After that it's just taking a medication, no different than if you've been taking a blood thinner or something, you just take it, you don't think about it.

Lauren Dunkin:

But it, it always felt like, and when they would show like someone recovering from surgery in the arduous journey that it felt like torture porn, for CIS people to go be like, "oh my God look how difficult it is" but there will never be a lick of information about like the actual social transition, the actual emotional hardships, and the difficulties of doing that in the marathon of coming out to so many people. It's something that for queer people, I think coming out gets depicted on TV as like flipping a switch. "Hey, I'm telling everyone now."

Lauren Dunkin:

And that's not really the case. It's this long process of telling people sometimes more than one at a time, but usually kind of one at a time until you do what I did and make the Facebook post that, okay, everyone catches that. Let me catch the rest here and then that's still not everyone. There's still, you'll occasionally run into... I'll give you an example.

Lauren Dunkin:

I had a colleague at work, who I hadn't interacted, you know big company, I hadn't interacted with her in about two years, so she didn't even realize that I had transitioned. So she just thought that this was a new person. It took me a bit to realize that she didn't know who I was, because I was trying to reference something we had worked on previously, I think. In my head I'm like, "Oh shit, I'm coming out again", I thought I was done with you. You know, it sneaks up on you.

Caroline Heller:

Andrew, I was wondering if you could just briefly tell us a little bit about, because it's really important for our attorneys to hear. I think Lauren's told us such an incredible story about how important it was for her to legally be Lauren. I know you've done this work for a number of other clients. How many transgender name changes have you done actually?

Andrew Smith:

Good question. I know that I've done at least 10. I should know the exact number, but give me just a moment.

Caroline Heller:

I know the practice you're in, it's an intense litigation practice. How do you juggle doing the pro bono work and the litigation and why do you juggle it? I mean, yes, pro bono is required at our firm and every attorney has an obligation to give back to their community on a pro bono basis, but sometimes folks wonder how am I going to do both? Or how do I find a passion for something? Can you tell us a little bit about your doing both things and why it's important to you to do this work?

Andrew Smith:

Yeah. I'm happy to talk about that. I think you're right. It's a time commitment because folks who worked for firms or in a job that requires a ton of your time, it's difficult to carve out opportunities to do work that is important to you. I mean, I'm a gay man, so I've been involved in Atlanta with a couple different organizations. One of which is Lambda legal that I sit on the Atlanta leadership council for.

Andrew Smith:

I had some friends that were involved in that space who were doing, that are attorneys, that were doing name changes. I was talking to them about, I was looking for opportunities to do work that I thought was meaningful. One of my friends who is actually an ally, who's very involved in trans name changes, got me connected with a network that refers individuals who were looking for attorneys to help with that process.

Andrew Smith:

She was super great. She gave me like all the forms and all the paperwork. She talked me through, kind of like how I talked to Lauren about the process. She got me up to speed. She was like, here are the questions you need to ask. Here's what you should do if this thing happens. Right? So she helped get me oriented and prepared to go down that journey.

Andrew Smith:

I'm the first person in my family to go to college. I'm the first person in my family to go onto graduate school. And I feel an immense amount of privilege and an immense amount of care and love for folks that sacrificed for me, my parents, for example, I never knew as a kid that we weren't, we weren't poor, I wasn't living in a mcmansion or anything.

Andrew Smith:

My mom and dad, I knew in kindergarten that I was going to go to college, and my mom and dad sort of sacrificed and gave a ton, to make sure that I got to a place. I feel a little indebted to try to maybe do something similar. That's why I try to look for opportunities to give in this space. The cool part, and you mentioned this Caroline, is the firm will honor time that I do doing pro bono work for some of my billable hour requirement. The firm has done a really good job of creating a system where I can do that pro bono work and it's credited towards time spent that I would have to do otherwise for billable work. I think that's really the coolest thing. What's great about the firm and they're putting their money where their mouth is, right?

Andrew Smith:

They're giving you the space and the time to go after work that's meaningful for you. I sit in the Atlanta office I'm the Associate Pro Bono Chair. Part of my role is helping associates identify different opportunities to do pro bono work. I always tell them that it's a little bit like your choose your own adventure, right? Find something that's important to you. For me as a gay man, I took a hard look around. What are some issues that our community is facing. I think anyone who's sort of paying attention to the news right now knows that trans rights issues are kind of centerfold, right? There's the bathroom bill stuff, but now there's all these laws that are gearing up that relate to student athletes.

Andrew Smith:

It's interesting to see all that coming out. For me, I was like, how can I do some work that's impactful in the space? That's kind of, and I mean this lovingly, that's kind of the great thing about name changes is as an attorney who works on rather complicated cases, the name change process for an attorney is relatively simple. And I would encourage folks who are looking to get involved in that space to think about it and look me up on the internet. I'm happy to give you the resources, if you're in Georgia, to help you do the same, like my friend did for me.

Andrew Smith:

It's not so time consuming that I can't maintain the rest of my billable work still. I don't want to speak for everyone. The process though is impactful and it matters. I'm basically giving someone an opportunity to have their legal name match their personal and professional identity. I think that's important. If I can give the five to 10 hours, it takes to do that, I'm going to give it, because I think that it matters. I want my friends and I want my community to feel like they're accepted and to feel like they can be part of the world that we all live in.

Caroline Heller:

You mentioned this attack on transgender rights. I think one of the most painful things for me to see are the videos of trans children and they are babies. They are nine, 10, 11, standing up in front of legislatures to ask them to recognize them as human beings and to have that fall on those blank faces and deaf ears. Lauren, as, as we wrap this up, I'd like to know if there's anything that you would want to convey to anyone listening, who doesn't have the experience with transgender individuals who want to learn, come along on the journey to be an ally, and an advocate that you think it's important for people to hear.

Lauren Dunkin:

I think just from focusing on that, transition isn't just a set of medical procedures. It would, honestly, when you kind of think about it, wouldn't be that big of a deal if we can get rid of any and all of the stigma and biases, because it's kind of like, at the end of the day, you're just take hormones you're just, getting some surgery it's applicable, et cetera, et cetera, or you're just identifying in a certain way that you feel a lot more comfortable as.

Lauren Dunkin:

I do think one thing that companies in general, if there's any sort of feedback for people that want to be allies, we all see these companies that will have policies that say, "Hey, we don't discriminate upon gender identity." The big meme nowadays is you can look and see all these profile pictures that during the month of June have the rainbow stripes going across them.

Lauren Dunkin:

But what are they really doing? Are they, to quote Andrew earlier, are they putting their money where their mouth is? Are they actually willing to make financial investments on that? Are they willing to cover transgender healthcare or, as part of their insurance plan, are they willing to promote LGBTQ+ plus members to management, to hire senior roles? Not just their entry level stuff. That's something to just keep in mind that just because you're willing to paint a rainbow doesn't mean that it's progressive, right? Just something to keep in mind, that's about all I have.

Caroline Heller:

Yeah, no, I think the measure of a person's true colors, not to pawn off of the rainbow, or a company or an institution's true commitment to an issue is what they do when no one's looking. I think that there are a lot of industries that, like you say, they'll post the rainbow during pride month. They will say the right things during other months, but it's what you're doing when no one's looking.

Lauren Dunkin:

Exactly.

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Caroline Heller:

You mentioned a lot of great things that companies should be doing when no one is looking. I really appreciate you speaking today, Lauren. I'm honored that you were, that you agreed to do this podcast and that you were so open with something that is potentially very vulnerable. And so I'm really grateful and honored that you shared your story. Thank you.

Lauren Dunkin:

Absolutely, no problem. Thanks for having me and giving me a platform.

Caroline Heller:

You've been 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 one of his clients, Lauren Duncan. Thanks for joining us and I hope that you join us in two weeks for another pro bono story.