

## Message from the Committee Chair

In committee news, the Transgender Name Change Task Force continues to do great work. A final product from the subcommittee is expected shortly. Once that product is received, we will be recruiting other sections and committees in the Pennsylvania Bar Association to co-sponsor a resolution to be drafted adopting the recommendation of the subcommittee.

Additionally, this publication would not be possible without Martricia McLaughlin and Mária Nucci. Both work tirelessly to ensure this publication is put out periodically and on time (despite authors such as me being late with their work product – sorry M1 and M2). The committee owes them a debt of gratitude for their hard work, so please shoot them an email thanking them.

In national news, our community received a surprise from the current administration. On Feb. 19, 2019, the administration announced that they were pursuing the decriminalization of homosexuality on a worldwide scale. While this is and was a surprise, it appears to have been short-lived, as shortly after the announcement, President Trump appeared to be unaware of the worldwide push. In addition, positions against our community continue to be pushed by the administration. Specifically, on Jan. 4, 2019, the U.S. Court of Appeals for the DC Circuit upheld President Trump's ban on transgender men and women serving in the military. While this is a horrible blow to the community, it appears for now that



*Jerry Shoemaker, Esq.*

the military is not taking any action in this regard, with the Department of Defense deferring to other courts which have determined that the ban is unconstitutional.

At the intersection of our community and religion lies the United Methodist Church's consideration regarding permitting LGBTQA persons serve as clergy members and validating marriage equality. Unfortunately, the church voted against both issues at its recent conference. While I am not a member of the church, I know many people who are. Apparently, the church is represented worldwide, and the vote was comprised of that same cross-section of individuals. From what I understand, the U.S. delegates would have overwhelmingly permitted LGBTQA folks

to serve as clergy and would have further permitted marriage equality within the church.

On a good-news front, one of the two candidates remaining to be Chicago mayor is an out-lesbian, hopefully adding to our community representation. In addition, a court in Iowa recently ruled that that transgender man

was discriminated against, in violation of the Iowa Civil Rights Act which bars discrimination based upon gender identity. The man at the center of the matter is a corrections officer, and his employer refused him use of the men's restrooms and locker-rooms at work. And, in our own Lansdale, the recent Drag Queen Story Hour was a huge success, with many coming out to show their support and to counter any protestors of the event. 🏳️‍🌈



# All They Seek Is To Serve Their Nation: Transgender Troops' Fight for Equality

By *Mária Zulick Nucci*

**O**n Jan. 22, 2019, the U.S. Supreme Court, by a 5-4 vote, issued orders staying two preliminary injunctions against the Trump administration's actions on transgender troops and denying certiorari in a third case. Some in the general and LGBTQ media characterized these orders as upholding what has been termed the administration's ban on transgender persons serving in the military, a characterization suggesting that the court's action was a ruling favorable to the administration on the merits of the substantive issues involved. The reality is more complex, as the orders arose out of several lawsuits, filed in 2017, which themselves arose out of a more complex administrative and policy history dating to President Obama's administration. Those orders, and that reality, affect the lives and careers of 14,700 transgender servicemen and women (<https://thehill.com/regulation/court-battles/426377-supreme-court-allows-transgender-military-ban-to-be-enforced>).

In addition, the nature of the 5-4 vote might be seen as the proverbial tea leaves predicting how the court will rule on an appeal on the merits regarding the administration's actions – actions that create the irony of men and women wanting to serve their nation, the government of which, at least in one of its branches, rejects them.

Policy history is important. In August 2014, the Department of Defense (DOD) amended its physical disability policy to remove language on “mandatory exclusion based on gender and identity disorders.” (<https://notransmilitaryban.org/wp-content/uploads/2018/09/stockman-v-trump-order-denying-dissolution-of-injunction-9-18-18.pdf>) In June 2015, then-Secretary of Defense Ashton Carter announced that regulations relating to transgender persons in the military were “an outdated, confusing, inconsistent approach that's contrary to our value of service and individual merit causing uncertainty that distracts commanders from our core missions.” [Statement by Secretary of Defense Ashton Carter on (DOD) Transgender Policy, July 13, 2015].

He formed a working group to study “the policy and readiness implications of welcoming transgender persons to



serve openly.” This group included Armed Forces leadership, the Joint Chiefs of Staff, the service secretaries and diverse specialists from across DOD. After a year-long study, the group concluded that “[o]pen service by transgender service members would not impose any significant burdens on readiness, deployability, or unit cohesion.”

On June 30, 2016, Secretary Carter issued a memorandum rescinding the policy of discriminating against men and women who are transgender: “no otherwise qualified Service member may be involuntarily separated, discharged or denied reenlistment or continuation of service, solely on the basis of their gender identity,” but would be “subject to the same standards as any other Service member of the same gender.” Medical conditions were to be treated “in a manner consistent with a Service member whose ability to serve is similarly affected for reasons unrelated to gender identity or gender transition,” including transition treatment while serving. Individuals wishing to join the military would not be excluded solely because they were transgender, although additional medical requirements, solely to ensure fitness for duty, would apply. (For an extensive review of Secretary Carter's actions, *see Stone v. Trump*, 280 F.Supp.3<sup>rd</sup> 747, 752-753 (D.Md. 2017).) In June 2016, President Obama formally lifted the prior regulations on service by transgender individuals, allowing them to serve openly.

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On July 26, 2017, President Trump, via three tweets, stated that he would reverse this and “not accept or allow Transgender individuals to serve in any capacity in the U.S. Military,” citing, in part, the “tremendous medical costs” of gender-corrective surgery. No one in the administration knew whether tweets could legally constitute formal policy. Moreover, former Secretary of the Navy Raymond Mabus Jr. noted the careful thought that had been put into developing the Obama administration policy, “with consensus at the highest levels of military leadership.” On July 27, the Joint Chiefs of Staff announced that there would be “no modification” of existing policy until formal guidance from the White House. The “medical costs” statement appeared to trace to certain House conservatives, who had threatened to withhold funding for the proposed border wall between the United States of America and the United Mexican States unless the military stopped covering the costs of gender-corrective surgery, which was noted as less than 10 percent of its annual payments for erectile dysfunction (ED) treatment. (See Matt Thompson, “[How to Spark Panic and Confusion in Three Tweets](#),” *The Atlantic*, Jan. 13, 2019).

On Aug. 25, 2017, President Trump signed a memorandum barring transgender persons from enlisting, stating that policy would return to what it was before June 2016. Taken together, his tweets and memorandum raised questions of how his actions affected those already in the service (<https://www.documentcloud.org/documents/3964535-Trump-Transgender-Military-Memo.html>).

In addition to the confusion within the federal government, several lawsuits followed the tweets and subsequent memorandum. Those suits, as of this writing, have not been decided on the merits. They challenge the Trump administration's actions on equal protection and Fifth Amendment due process grounds and were brought in the federal district courts in California, the District of Columbia, Maryland and Washington.

In *Stockman v. Trump*, No. 5:17-cv-01799-JGB-KKx (C.D.Cal. 2017), the district court, on Dec. 22, 2017, denied dismissal and granted a preliminary injunction against implementation of the new policy. The court gave an



extensive history of DOD policy on transgender service and its changes over time, from President Obama's to the current administration (<http://www.ncrlrights.org/wp-content/uploads/2017/08/CA-Order-Trans-Ban.pdf>).

After further litigation, that court, on Sept. 18, 2018, denied the defendants' motion to dissolve the injunction. It again reviewed the history of transgender service, back to DOD's 2014 disability policy amendment, DOD's study and Secretary Carter's 2016 Memorandum (<https://notransmilitaryban.org/wp-content/uploads/2018/09/stockman-v-trump-order-denying-dissolution-of-injunction-9-18-18.pdf>). The government appealed the district court's action to the Court of Appeals for the Ninth Circuit (No. 18-56539).

A similar result was had in *Karnoski v. Trump*, No. 2:17-cv-01297-MJP (W.D.Wash. 2017), filed in August 2017. In December 2017, the district court granted a preliminary injunction preventing implementation of the administration's policy. The Department of Justice (DOJ) did not then appeal. After the administration, in 2018, released its revised implementation plan (also termed “the Mattis plan,” see below), the court reaffirmed the preliminary injunction. The government appealed to the Ninth Circuit (No. 18-35347); argument was held on Oct. 10, 2018. Significantly, several retired military officers and former national security officers filed an amicus brief in support of Karnoski and the other plaintiffs-appellees. <http://cdn.ca9.uscourts.gov/datastore/general/2018/07/19/18-35347-retired%20military%20officers%20amicus%20brief.pdf>. The appellate court created a dedicated page for the case on its

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website, due to the amount of interest in it ([https://www.ca9.uscourts.gov/content/view.php?pk\\_id=0000000945](https://www.ca9.uscourts.gov/content/view.php?pk_id=0000000945)).

The District Court for the District of Columbia, in *Doe 1 v. Trump*, 275 F.Supp.3<sup>rd</sup> 167 (D.D.C. 2017), also granted a preliminary injunction against the presidential memorandum. It thereafter denied a partial stay regarding indefinitely extending the prohibition on transgender persons entering the military. *Doe 1 v. Trump*, No. 17-1597, 2017 WL 6816476 (D.D.C., Dec. 11, 2017). The government's emergency motion to the Court of Appeals for the District of Columbia Circuit was also denied. Significantly and poignantly, the Circuit Court concluded, "all Plaintiffs seek during this litigation is to serve their Nation with honor and dignity, volunteering to face extreme hardships, to endure lengthy deployments and separation from family and friends, and to willingly make the ultimate sacrifice of their lives if necessary to protect the nation, the people of the United States, and the Constitution against all who would attack them." *Doe 1 v. Trump*, No. 17-5267, 2017 WL 6553389 (D.C.Cir., Dec. 22, 2017), slip op. p. 5 (<https://law.justia.com/cases/federal/appellate-courts/cadc/17-5267/17-5267-2017-12-22.html>).

Following further litigation in the district court and a further appeal on Jan. 4, 2019, the circuit court, in *Jane Doe 2 v. Shanahan*, No. 18-5257 (D.C.Cir. 2019), reversed the district court's denial of the government's motion to dissolve the preliminary injunction and vacated the injunction without prejudice. In part, it found that the district court had erred in finding what it termed the Mattis Plan equivalent to a blanket ban on transgender service (<https://notransmilitaryban.org/wp-content/uploads/2019/01/doe-v-trump-dc-circuit-ruling-1-4-19.pdf>).

The court in *Stone v. Trump*, 280 F.Supp.3d 747 (D.Md. 2017), likewise enjoined enforcement of the August 2017 presidential memorandum. The district court's decision also provides a good history of federal policy and actions on transgender military personnel and of the plaintiffs in the case before it (<https://www.leagle.com/decision/infdc020171122f47>). A unanimous panel of the Fourth Circuit denied the government's request for a stay of the injunction; in January 2019, the Department of Justice again sought stay.

Adding to the complexity arising from the several suits and their varying statuses, in February 2018 then-Defense Secretary James Mattis issued a 44-page report on transgender persons serving, with a cover memorandum to the president concluding, "I ... respectfully recommend you revoke your memorandum of Aug. 25, 2017," to allow Secretary Mattis and the Secretary of Homeland Security (with respect to the Coast Guard) to implement "appropriate policies." (<https://media.defense.gov/2018/Mar/23/2001894037/-1/-1/0/MILITARY-SERVICE-BY-TRANSGENDER-INDIVIDUALS.PDF>) Secretary Mattis summarized the results of the study: transgender persons would be disqualified from service if they had a history or diagnosis of gender dysphoria, unless they were "stable" for 36 months in their biological sex, did not require gender change and were currently serving since the Obama administration's policy took effect; they could continue service and receive treatment. Persons would be disqualified if they required or already underwent treatment. However, if they had no history or diagnosis of gender dysphoria and were otherwise qualified, they could serve. The president approved the new policy, sometimes referred to as the Mattis Plan, in March 2018. (Regarding treatment issues, one of the administration's arguments for a transgender ban, as noted, is medical costs. The former secretaries of the Air Force, Army and Navy and Air Force and Coast Guard instructors announced that current Pentagon officials "deceived" Congress in recent testimony about medical treatment for transgender troops and ignored the military's contrary data (<https://www.politico.com/story/2019/03/05/pentagon-congress-transgender-troops-1236518>). DOD data indicates that \$8 million has been spent on treatment of transgender troops since 2016, against an annual military healthcare budget of \$50 million (<https://www.apnews.com/5edfee54946f4fcf905f9f546325d209>). Presuming three years (2016-2018), this is 5.33 percent of the military's healthcare budget over that entire time. Regarding House conservatives' position on covering transgender treatment in relation to border wall funding, keep in mind, too, the billions estimated to be needed for the wall and the repeated call-and-response statements during then-candidate Trump's campaign that Mexico would pay for it.

In November 2018, appeals to the Supreme Court were taken in *Stockman*, *Karnoski* and *Jane Doe 2*; the petitions,

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which detail the factual, policy and legal history issues at length, are available at:

*Stockman*: [https://www.justice.gov/sites/default/files/briefs/2018/11/23/trump\\_v\\_stockman\\_pet.pdf](https://www.justice.gov/sites/default/files/briefs/2018/11/23/trump_v_stockman_pet.pdf)

*Karnoski*: [https://www.justice.gov/sites/default/files/briefs/2018/11/23/trump\\_v\\_karnoski\\_pet.pdf](https://www.justice.gov/sites/default/files/briefs/2018/11/23/trump_v_karnoski_pet.pdf); and

*Jane Doe 2*: [https://www.justice.gov/sites/default/files/briefs/2018/11/23/trump\\_v\\_doe\\_pet.pdf](https://www.justice.gov/sites/default/files/briefs/2018/11/23/trump_v_doe_pet.pdf)

On Jan. 22, 2019, the Supreme Court, by the 5-4 vote, denied DOJ's petitions for review of the preliminary injunctions but granted stays of those in *Karnoski* and *Stockman*, pending resolution of the appeals to the Ninth Circuit and any petition for certiorari. Chief Justice Roberts and Justices Thomas, Alito, Gorsuch and Kavanaugh voted for stay; Justices Ginsburg, Breyer, Sotomayor and Kagan would have denied the applications for stays. The court denied certiorari in *Jane Doe 2 v. Trump*, where the District of Columbia Circuit had dissolved the preliminary injunction ([https://www.supremecourt.gov/orders/courtorders/012219zor\\_8759.pdf](https://www.supremecourt.gov/orders/courtorders/012219zor_8759.pdf)).

In *Stone*, the case out of Maryland, the preliminary injunction had remained in effect, as noted, where the solicitor general did not then seek stay, but the government's challenge to it was pending. It was thus the only nationwide injunction still in effect. However, on March 7, District Judge George Russell granted stay in light of the Supreme Court's orders in *Stockman* and *Karnoski* ([http://cdn.cnn.com/cnn/2019/images/03/07/stone\\_et\\_al\\_v\\_trump\\_et\\_al\\_mddce-17-02459\\_0249.0.pdf](http://cdn.cnn.com/cnn/2019/images/03/07/stone_et_al_v_trump_et_al_mddce-17-02459_0249.0.pdf)).

The Pentagon is working with DOJ on the pending lawsuits.

Thus, the Supreme Court's orders did not uphold on the merits any total ban on transgender persons serving in the military, but only stayed two preliminary injunctions because of the ongoing litigation of the constitutional issues raised and denied review in the third, where the Court of Appeals had already acted.

On Feb. 27, 2019, DOD officials and transgender servicepersons testified for over two hours before the House Armed Services Subcommittee on Military Personnel. The servicepersons discussed their service and achievements,

and the testimony informed the subcommittee that a serviceperson's transition period does not affect military readiness nor deployments. Retired Air Force General James N. Stewart defended the current policy, *i.e.*, as promulgated by former Secretary Mattis and approved by the president, as not a ban on transgender service ([https://www.c-span.org/video/?458284-1/transgender-military-service-members-testify-capitol-hill&response\\_type=embed](https://www.c-span.org/video/?458284-1/transgender-military-service-members-testify-capitol-hill&response_type=embed)). By comparison, last year military chiefs testified to Congress that transgender persons in the service created no problems with morale or unit cohesion ([https://www.washingtonpost.com/national/health-science/transgender-troops-tell-congress-they-excel-in-military/2019/02/27/78772e62-3afa-11e9-b10b-f05a22e75865\\_story.html?utm\\_term=.829506361134](https://www.washingtonpost.com/national/health-science/transgender-troops-tell-congress-they-excel-in-military/2019/02/27/78772e62-3afa-11e9-b10b-f05a22e75865_story.html?utm_term=.829506361134)). Of note, DOD, on Sept. 30, 2016, following President Obama's lifting of the prior ban, published *Transgender Service in the U.S. Military: An Implementation Handbook*, which remains available on DOD's website [https://dod.defense.gov/Portals/1/features/2016/0616\\_policy/DoDTGHandbook\\_093016.pdf](https://dod.defense.gov/Portals/1/features/2016/0616_policy/DoDTGHandbook_093016.pdf). This could arguably suggest an ongoing disparity between the White House's and the military's positions on transgender service and a disconnect between the president's position as commander-in-chief and that of DOD and the Pentagon and, in turn, possible internal inconsistency within the military, where the Pentagon is working with DOJ on the current litigation.

As detailed in this issue's Hear Ye! Hear Ye! section, bipartisan legislation is proposed in both the Senate and the House of Representatives to end adverse action against transgender persons serving in the military. This should not be surprising, as Congress has been following this issue since it began. On Oct. 10, 2017, shortly after the August 2017 presidential memorandum and more than a year before the 2018 midterm elections changed its political makeup, more than 100 members of the House sent a letter to then-Secretary Mattis, requesting copies of all communications between the White House and the Pentagon regarding the transgender policy (<https://mceachin.house.gov/sites/mceachin.house.gov/files/documents/2017-10-09%20Transgender%20Servicemember%20Ban%20Letter%20to%20Mattis.pdf>).

Hopefully, substantive resolution of the several lawsuits on their merits will affirm the Constitutional rights asserted therein, and any purported Supreme Court tea leaves seen to sprout from this January's vote will not change that,

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although any further change to the court's composition during the current administration could foreseeably raise such considerations. Transgender servicepersons embrace their duty to serve (<https://www.lambdalegal.org/blog/ll-and-outserve-sldn-dont-breathe-life-into-trans-military-ban>). As Sen. Susan Collins (R-Maine) stated, regarding the proposed Senate bill, "If individuals are willing to put on the uniform of our country and risk their lives for our freedoms, then we should be expressing our gratitude to them, not trying to kick them out of the military." (<https://thehill.com/policy/defense/428996-gillibrand-introduces-bipartisan-bill-to-allow-transgender-military-service>) Instead, and in addition to the rights asserted

in the suits challenging the administration, as in prior cases recognizing and upholding penumbra rights not expressly stated in the Constitution, and as the District of Columbia Circuit observed in *Doe 1*, the right of transgender persons to serve their nation and perhaps to make the ultimate sacrifice will be upheld. 🏳️‍🌈



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## Transgender Name Change Practices

*By Ellen S. Fischer, Esq. and Erica N. Briant, Esq.*

**T**here are 67 counties in Pennsylvania, and each county has its own rules for deciding when and whether it is appropriate to waive the publication requirement when filing a Petition for Name Change.

The law is clear. Anyone can change his or her name provided it is not done for fraudulent reasons.

To show that the name change is not for fraudulent reasons, the law requires that notice of the filing of the petition be published in two general circulation newspapers. This is notice to the world, i.e., to creditors mostly, that any claim against the petitioner could be lost if action is not taken forthwith.

Importantly, when the law was adopted, there was an affirmative acknowledgement that publication could result in harm to the petitioner. Because of this, the law specifically allows for waiver of the publication. Under 54 Pa.C.S. §701(a.1)(3)(iii), the court has the authority to waive publication "If the court finds that the notice required in subparagraph (ii) would jeopardize the safety of the person seeking the name change ..."



Once the court makes the determination that safety is an issue, "... the notice required shall be waived by order of the court ... and the court shall seal the file."

Safety is a major issue for transgender people. The National Center for Transgender Equality released [a report](#) in 2015 showing the results of a national poll of 28,000 transgender people. Nearly one in 10 respondents said they were physically attacked in the last

year because of being transgender, and transgender women of color were four times as likely as other transgender people to have been attacked with a gun.

More recently, according to [a report from the Human Rights Campaign](#), in 2017 more transgender people were killed than in any year in at least a decade, and 2018 saw an uncomfortable uptick in violence against trans people. It is likely that the 2018 murder rate of trans people, and trans women of color in particular, will exceed that of 2017. In September 2018, Shantee Tucker, a black transgender woman, was murdered in Philadelphia, becoming the 21st known transgender person killed in the United States in

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2018. (*Philadelphia Inquirer*, article by Anna Orso, 9/26/18) Sadly, Shantee was the third black trans woman murdered in the U.S. that week.

The Transgender Legal Defense & Education Fund Inc., in its [Name Change Project Attorney Handbook for Allegheny County, PA](#), suggests that a waiver petition include information “based on objective evidence that transgender individuals generally are vulnerable to high rates of violence, harassment, and abuse ... and that the client may experience discrimination based on his or her transgender identity in housing and employment in the future ... [T]o support the fact that transgender individuals are subject to high rates of violence and abuse, we have relied on (and attached to the motion) the following studies: (i) Rebecca L. Stotzer, *Violence against transgender people: A review of United States data, Aggression and Violent Behavior* 14 (2009) 170-7939; and (ii) the Executive Summary of the 2015 U.S. Transgender Survey, released on Dec. 8, 2016, which is the largest survey ever devoted to the lives and experiences almost 28,000 respondents.”

Unfortunately, many of our judges fail to give weight to this disproportionate violence against transgender people as compared to the rights of creditors and refuse to waive publication. According to one judge, waiver is an issue because trans people are just as likely to have credit issues as anyone else. This ignores the other side of the balancing test: trans people may be just as likely to have credit issues, but they are dramatically more likely to be the victims of interpersonal violence, as detailed above.

To the extent possible, it is important for petitioners to detail whatever harassment or threats of violence they have been personally subjected to in their petitions. When clients say they have been fortunate and have not experienced harassment or harm, urge them to think very hard about this. Perhaps the client was with a trans friend who experienced harassment and/or violence. Perhaps the client heard a story that causes considerable concern. In other

words, any fact that can be personalized to the petitioner may be helpful.

## Our Experiences in Southeastern PA

We work in the five county Southeastern Pennsylvania area, which includes Philadelphia, Montgomery, Bucks, Chester and Delaware counties. We want to share what we have learned about each county’s transgender name change practices based on our own experiences.

Montgomery County is likely the least friendly county. For several years, minor name change petitions were denied as a matter of course, even if both parents agreed. For additional coverage of a past name change denial, see the *Philadelphia Gay News*, “[Judge denies name change for trans youth](#)” (Mar 2, 2016). Although [more recently](#), it has been more likely that the waiver and name change will be granted, Ellen continues to experience challenges. Just over a year or so ago, Ellen presented a minor’s name change petition and waiver request. A minor client, his divorced parents, both

sets of grandparents, his sibling and therapist all came to court. Before the start of the hearing, Ellen was called into chambers. The judge told Ellen he was not inclined to grant the request and suggested that the hearing be delayed pending the client’s puberty! When she explained that the client was on medication to prevent puberty, he tried to find another reason. She finally told the judge that he was being discriminatory and that she would appeal if the petition was not granted. The petition was granted, but this goes to show the complete lack of understanding in many court systems.

Name changes for trans adults in Montgomery County are very challenging. Once the petition and waiver are filed, a hearing solely on the waiver petition is held. We have heard horror stories about abuse and harassment suffered by clients whose waiver request has been denied. One petitioner with a present protection from abuse order had her waiver petition denied. Some clients may choose to withdraw their name change petition after this denial of waiver.

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Philadelphia is a much friendlier county. The petitions and waivers are filed simultaneously and are almost routinely granted. One waiver petition was denied because the client testified that he had absolutely no concerns about publication.

Bucks County will likely agree to waiver but may first require a full hearing in open court where the judge may want a recounting of the reasons for waiver and the reasons for the name change. It can be a bit uncomfortable. The petitions are filed together and are heard simultaneously. Lawyers who have shared their experiences have told me they are not aware of any petitions being denied but always make sure their clients are well prepared to testify to the need for waiver and the reasons for the name change. Petitioners are responsible for providing judgement searches from the recorder of deeds and clerk of courts. Contact the recorder of deeds well before the hearing so the search is ready on the morning of the hearing. The clerk of courts search can be completed before the hearing without advance notice.

In Chester County, name change and waiver petitions are filed together. Occasionally waiver petitions are granted without a hearing, especially if there is a PFA or other documented history of abuse. If a hearing is required on the waiver, that hearing is in addition to and before the hearing on the name change petition itself. Because name change and waiver hearings are frequently scheduled with the miscellaneous civil and PFA lists, the courtroom is often full. Consider including more detail in the initial petitions – doing so may allow the judge to decide on the petitions without subjecting the petitioner to testifying about deeply personal and potentially traumatic events before a large audience. Petitioners are responsible for providing judgement searches from the recorder of deeds, clerk of courts, Orphan's Court and register of wills. All can be picked up on the morning of the hearing, but the recorder of deeds must be contacted in advance of the hearing to ensure the search is prepared.



In Delaware County, name change and waiver petitions are generally filed and heard together, with the name change granted at the hearing as long as the waiver petition is first granted. If the waiver petition is denied, a second hearing will be scheduled to allow the petitioner to publish if they choose to proceed with the name change. In recent months, name change hearings in Delaware County have been scheduled along with the adoption list, and each case is heard one at a time, allowing for a calmer and less stressful experience.

The name change process can be onerous and stressful, especially for petitioners who fear for their own safety. If you are interested in learning more about how to represent clients throughout the name change process, consider volunteering for your [local](#)

[Legal Services organization](#). It is a particularly rewarding opportunity; clients are frequently incredibly happy and relieved at the end. 🏳️‍🌈

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### Hear Ye! Hear Ye!

*This feature provides up-to-date, brief bulletins that address LGBTQ issues and might be relevant to readers' lives or practices. Contributions from committee members and allies are welcome. Send the editors an item or an alert to the item.*



#### Proposed Legislation Protecting Transgender Servicemembers

In light of the Supreme Court granting the Trump administration a green light, at least temporarily, to ban transgender persons from military service, Sen. Kristin Gillibrand introduced Senate Bill 373: A bill to provide for the retention and service of transgender individuals in the Armed Forces. Senate Armed Services Committee ranking



member Jack Reed (D-R.I.) and Sen. Susan Collins (R-Maine) co-sponsored the proposal. The bill would prohibit the Pentagon from discharging any current member of the military solely on the basis of gender identity and prohibit denying entry into the military solely based a recruit's gender identity.

“There are thousands of transgender Americans serving in our Armed Forces today with courage, honor and distinction,” Reed said in a statement. “We must not allow bigotry to impede our military’s critical mission.”

In her own statement, Collins added that “if individuals are willing to put on the uniform of our country and risk their lives for our freedoms, then we should be expressing our gratitude to them, not trying to kick them out of the military.”

A companion bill was introduced in the House (H.R. 1032) by Rep. Jackie Speier (D-Calif.) with Representatives Joseph Kennedy (D-Mass.), John Katko (R-N.Y.), Susan Davis (D-Calif.) and Anthony Brown (D-Md.) co-sponsoring the measure.

The legislation is unlikely to go anywhere in the Republican-controlled Senate but could get traction in the Democratic-controlled House.

On Feb. 11, 2019, Rep. Joseph P. Kennedy III (D-Mass) also introduced a resolution (H. Res. 124: Expressing opposition to banning service in the Armed Services by openly transgender individuals.)

None of the above legislative efforts have proceeded to vote.

#### Downtown Soup Kitchen dba Downtown Hope Center v. Municipality of Anchorage

In February 2018, Samantha Coyle, a transgender woman, filed a complaint with the City of Anchorage Equal Rights Commission, alleging that Hope Center, a homeless shelter, twice denied her services on the basis of sex and gender identity. The commission filed a complaint against Hope Center under Anchorage’s nondiscrimination ordinance, which includes sex and gender identity. Hope Center responded that it did not deny her services because of her transgender status, but that she was intoxicated and injured when she came to its facility and that it therefore provided her with a cab ride to a local hospital. It filed a complaint in federal court, claiming that the commission’s action violated its right to free exercise of religion as a “Christian” facility. Hope Center’s complaint is available at <https://thinkprogress.org/wp-content/uploads/2018/09/1-main.pdf>.

In January 2019, at a hearing before U.S. District Judge Sharon Gleason, on its request for a preliminary injunction against the city and the Equal Rights Commission, Hope Center claimed that enforcing the anti-discrimination law against it would violate its religious freedom. Hope Center’s supporting memorandum is available at <http://www.adfmedia.org/files/DowntownHopeCenterMotionBriefPI.pdf>. “All Americans should be free to live out their faith and serve their neighbors — including the battered and homeless — without being targeted or harassed by the government,” attorney David Cortman, representing Hope Center, said in a statement. Hope Center argued that

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homeless shelters should be exempt from Anchorage's anti-discrimination law and that the Equal Rights Commission's investigation of the center has been "irrelevant, overreaching and harassing." Hope Center also argued that sleeping alongside a transgender woman would traumatize many of the shelter's overnight guests who were born female biologically or anatomically, many of whom are victims of domestic and sexual abuse. (The shelter provides mattress-quality mats lined up in rows on the floor of a large open area in its facility.) In response, the city asked the court to refrain from deciding until the Equal Rights Commission concludes its investigation. The city noted that Hope Center has refused to provide information about its public funding, which would help determine whether it is a place of public accommodation subject to the anti-discrimination law.

Hope Center is represented by the Alliance Defending Freedom (ADF), a nonprofit organization that supports litigation and advocacy to further its mission to "defend religious liberty, the sanctity of life, and marriage and family in America and around the world" and cites a "Christian" history and basis (<https://www.adflegal.org/>) ADF receives some of its funding from part of the proceeds of state sales of a specialty Arizona license plate, which it designed, containing the phrase "In God We Trust." It represented Jack Phillips and his Masterpiece Cakeshop in the "wedding cake" case and now represents them in an action arising out of Mr. Phillips' refusal to make a cake to celebrate a transgender woman's natural birthday and coming-out anniversary. (See *Masterpiece Cakeshop v. Elenis*, below.)

Regarding Ms. Coyle's and Anchorage's complaints against Hope Center, Masen Davis, CEO of the advocacy group Freedom for All Americans, has asserted that "transgender women aren't men — they are women who value safety and privacy like everyone else." He further noted, "As always, it's illegal to enter any space with the intent of harming or harassing someone else, and anyone who does so will be held accountable."

Homelessness is a major issue for transgender Americans. One in five transgender individuals have experienced homelessness at some point in their lives, according to the National Center for Transgender Equality. Transgender people also face increased risk for violence and victimization. Since

2013, the Human Rights Campaign has documented at least 128 cases where transgender people were victims of fatal violence. Nearly nine in 10 victims were transgender women. (See Recommended Reading, below.)

The Hope Center case should be followed as another case in the growing and evolving area of transgender rights that could foreseeably come before the U.S. Supreme Court.

## May an Employee Be Fired for Being Transgender?

The Alliance Defending Freedom (ADF, see above) is also representing a business employer in *R.G. & G.R. Harris Funeral Homes Inc. v. Equal Employment Opportunity Commission*, currently before the U.S. Supreme Court (SCOTUS), No. 18-107, <https://www.scotusblog.com/case-files/cases/r-g-g-r-harris-funeral-homes-inc-v-equal-opportunity-employment-commission/>, an appeal from the 6<sup>th</sup> Circuit, 884 F.3d 560 (6<sup>th</sup> Cir. 2018), <http://www.opn.ca6.uscourts.gov/opinions.pdf/18a0045p-06.pdf>.

Aimee Stephens, a transgender woman, presented as a man while working as a funeral director at Harris Funeral Homes (the Funeral Homes), a closely-held, for-profit corporation. She was terminated by its owner-operator shortly after informing him that she intended to transition from male to female and so would present herself and dress as a woman while at work. She filed a complaint with the Equal Employment Opportunity Commission (EEOC) alleging unlawful sex discrimination. During its investigation, EEOC learned that the Funeral Homes provided male public-facing employees with clothing that complied with the company's dress code, but female public-facing employees were not provided with such clothing. The EEOC sued the Funeral Homes, charging it with violating Title VII of the Civil Rights Act of 1964 (Title VII) by (1) terminating Ms. Stephens' employment on the basis of her transgender or transitioning status and her refusal to conform to sex-based stereotypes; and (2) administering a discriminatory clothing-allowance policy. Both parties moved for summary judgment. The EEOC argued that it was entitled to judgment as a matter of law on both of its claims. The Funeral Homes argued that it did not violate Title VII by requiring its employees to adhere to a gender stereotypical dress code and, in the alternative, that Title VII should not be enforced against the Funeral Homes because requiring it to continue to employ Ms. Stephens while she

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dressed and represented herself as a woman would constitute an unjustified substantial burden upon it, and thereby upon its sincerely held religious beliefs, in violation of the federal Religious Freedom Restoration Act (RFRA), 42 U.S.C. §§2000bb et seq.

The district court granted summary judgment in favor of the Funeral Homes on both claims. The Sixth Circuit reversed, holding that (1) the Funeral Homes engaged in unlawful discrimination against Ms. Stephens on the basis of her sex; (2) the Funeral Homes did not establish that applying Title VII's proscriptions against sex discrimination would substantially burden its free exercise of religion and therefore it was not entitled to a defense under RFRA; (3) even if the Funeral Homes' free exercise were substantially burdened, the EEOC has established that enforcing Title VII is the least restrictive means of furthering the government's compelling interest in eradicating workplace discrimination; and (4) the EEOC may bring a claim regarding the discriminatory clothing allowance because such an investigation was reasonably expected to grow out of the original charge of sex discrimination.

Issues noted on SCOTUS' website are: (1) Whether the word "sex" in Title VII's prohibition on discrimination "because of ... sex," 42 U.S.C. § 2000e-2(a)(1), means "gender identity" and included "transgender status" when Congress enacted Title VII in 1964; and (2) whether *Price Waterhouse v. Hopkins*, 490 U.S. 228, 109 S.Ct. 1775 (1989), prohibits employers from applying sex-specific policies according to their employees' sex rather than their gender identity. On Feb. 13, 2019, the Funeral Homes submitted a letter citing *Wittmer v. Phillips 66 Company*, 2019 WL 458405 (5<sup>th</sup> Cir., filed Feb. 6, 2019) (Title VII does not apply to transgender status), to show a split among the Circuits. That letter, and the Funeral Homes' petition for certiorari, have been distributed for conference. As of this writing, conference was scheduled for Feb. 22.

Amici in the case include the Jewish Coalition for Religious Freedom; the Foundation for Moral Law; the States of Nebraska, Alabama, Arkansas, Kansas, Louisiana, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, West Virginia and Wyoming and the Commonwealth of Kentucky; the Public Advocate of the United States; I

Belong Amen Ministries; David Arthur; Conservative Legal Defense and Education Fund; Restoring Liberty Action Committee; and the Center for Morality. The American Civil Liberties Union is representing Ms. Stephens. The EEOC is represented by Noel Francisco, counsel who has ties to ADF.

## **Masterpiece Cakeshop v. Elenis**

Autumn Scardina, a Colorado attorney, came out as a transgender woman on her birthday. For the seventh anniversary of her coming out, she wanted a birthday cake to celebrate both events. She went to Masterpiece Cakeshop and requested a birthday cake made of pink batter with blue frosting and told the owner, Jack Phillips, the purpose of the cake. He refused to make the cake. Ms. Scardina filed a complaint with the Colorado Civil Rights Division, which issued a probable cause determination.



Masterpiece Cakeshop and Mr. Phillips filed suit against the commission and numerous individual defendants (<https://www.courthousenews.com/wp-content/uploads/2018/08/Masterpiece-Cakeshop-II-COMPLAINT.pdf>).

The defendants moved to dismiss (<https://www.courthousenews.com/wp-content/uploads/2018/10/Masterpiece-Cakeshop-II-MTD.pdf>). In January 2019, Senior District Judge Wiley Y. Daniel, in a 53-page order, denied a motion to dismiss, but noted that several defendants were immune from civil suit (<http://www.adfmedia.org/files/MasterpieceCakeshopMTDdenial.pdf>).

Like *Downtown Soup Kitchen* and *Harris Family Funeral Homes*, this case should be followed as potentially more key litigation on transgender rights, particularly as they intersect with free-exercise claims.

## **Prison Cell Division**

On Jan. 19, 2019, two transgender women, one a minister, were arrested during the national Women's March segment in Chattanooga, Tennessee. Rev. Alaina Cobb and

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Maddie Boyd-Nix were taken to the Hamilton County Jail. Rev. Cobb was placed in the women's cell. Ms. Boyd-Nix was not searched and was placed in the "lobby," later clarified to mean an open seating area, in a secured area used for arrestees who will likely be released soon. She stated that other prisoners walked around, looking at her, as if wondering why she was getting "special treatment." The assistant county attorney and a sheriff's office spokesperson noted safety as an important factor in inmate placement. All agreed on the importance of safety and on the need for a policy regarding treatment of transgender arrestees and prisoners (<https://www.timesfreepress.com/news/local/story/2019/jan/22/two-women-arrested-during-womens-march-share/487219/>).



## Masterpiece Cakeshop and Colorado Civil Rights Commission Agree to Discontinue Actions

In *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, 584 U.S. \_\_\_\_ (2018), the U.S. Supreme Court, in a 7-2 vote, ruled that the Colorado Commission had not been religiously neutral in its handling of an administrative action over Mr. Phillips' refusal to bake a cake for a same-sex wedding because he claimed such action would violate his religious beliefs. (See "Living in a Post-Masterpiece World," [Open Court, Summer 2018](#).)

The Colorado Civil Right Commission and baker Jack Phillips became involved in a new dispute when Phillips refused a gender-transition celebration cake request. Autumn Scardina, a Colorado attorney, came out as a transgender woman on her birthday. For the seventh anniversary of her coming out, she wanted a birthday cake to celebrate both events. On June 26, 2017, the day the Supreme Court granted certiorari in the wedding-cake case, she went to Masterpiece Cakeshop and requested a birthday cake made of pink batter with blue frosting, and told Mr. Phillips the cake's purpose. He refused to make the cake. Ms. Scardina filed a complaint with the Colorado Civil Rights

Division, which issued a probable cause determination. Masterpiece Cakeshop and Mr. Phillips sued the commission and numerous individual defendants (<https://www.courthousenews.com/wp-content/uploads/2018/08/Masterpiece-Cakeshop-II-COMPLAINT.pdf>).

The defendants moved to dismiss (<https://www.courthousenews.com/wp-content/uploads/2018/10/Masterpiece-Cakeshop-II-MTD.pdf>). In January 2019, Senior District Judge Wiley Y. Daniel, in a 53-page order, granted in part and denied in part a motion to dismiss, noting that several defendants were immune from civil suit (<http://www.adfmedia.org/files/MasterpieceCakeshopMTDdenial.pdf>).

On March 5, 2019, Colorado and Mr. Phillips agreed to drop their respective actions against each other, with each party paying its own costs. The commission voted unanimously to approve that agreement. Attorney General Phil Weiser stated that it was "not in anyone's best interest" to continue them, although the underlying issues of free exercise and nondiscrimination will arise again (<https://coag.gov/press-room/press-releases/03-05-19>).

Ms. Scardina may choose to file a direct action against Masterpiece Cakeshop and Mr. Phillips.

As Attorney General Weiser noted, the type of dispute involved in "Masterpiece Cakeshop II" can be expected again. As shown by *Downtown Soup Kitchen* and *Harris Family Funeral Homes*, potentially more key litigation on transgender rights, particularly as they intersect with free-exercise claims, is clearly foreseeable.

## Fayetteville, Arkansas: Transgender Sanctuary City

On Feb. 15, 2019, the City of Fayetteville and Parents, Families and Friends of Lesbians and Gays (PFLAG) asked the Arkansas Supreme Court to reconsider its decision overturning a ruling that the city could continue to enforce its ordinance barring discrimination on the basis of sexual orientation or gender identity, including discrimination against visitors to the city. The city is challenging a 2015 state law barring Arkansas counties and cities from enacting ordinances granting greater protections than contained in state law. Arkansas' state civil rights law does not include sexual orientation and gender identity. The court previously struck down the ordinance. *Protect Fayetteville v. City of Fayetteville*, 2017 Ark. 49, 510 S.W.3d 258 (2017).

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In the current case, PFLAG and other parties intend to challenge the constitutionality of the state law. The state and other opponents of Fayetteville's ordinance moved for a preliminary injunction to enjoin its enforcement, which motion the circuit court denied. The Supreme Court, noting its 2017 decision, reversed and dismissed the matter in its entirety (<https://opinions.arccourts.gov/ark/supremecourt/en/item/361858/index.do>).

In related litigation, advocates argued that state lawmakers and others should be required to testify regarding the state law. A Circuit Court ruled that lawmakers were protected only from testifying regarding speeches and debates conducted in either chamber of the state Legislature (<https://www.usnews.com/news/best-states/arkansas/articles/2019-01-17/court-asked-to-block-lawmaker-testimony-on-lgbt-rights-law>).

## Recommended Reading

- *The Judicial and Generational Dispute Over Transgender Rights*: A look at transgender rights through the lenses of judicial action and the more hopeful prism of student newspapers. Stern, Oehme, Stern, Urbach, Simonsen, & Garcia ([https://law.stanford.edu/wp-content/uploads/2018/03/29.1\\_Stern\\_159-182.pdf](https://law.stanford.edu/wp-content/uploads/2018/03/29.1_Stern_159-182.pdf)).
- *A National Epidemic: Fatal Anti-Transgender Violence in America in 2018*: The Human Rights Campaign (HRC) issued this troubling and moving document in November 2018 (<https://www.hrc.org/resources/a-national-epidemic-fatal-anti-transgender-violence-in-america-in-2018>).

“At least 128 transgender people – the vast majority transgender women of color – have been killed in the last five years,” said Jay Brown, acting senior vice president, HRC Foundation. “But most people can’t even name one victim – one human being who left behind family, friends and a future. We must do better. Solidarity means showing up, speaking out, saying their names and steadfastly working to change the realities that conspire to put transgender people at risk of violence. We can do better.” 



## Rainbeaux Arts and Culture

*This section adds a touch of the humanities, because the humanities civilize and inspire! Contributions from committee members and allies are welcome. Send the editors an item or an alert to the item.*

## Traveling History Exhibit

The LGBT Center of Central Pennsylvania has announced the opening of its project, “The Long Road to LGBTQ+ Equality in Pennsylvania.” There will be a ribbon-cutting and press conference featuring elected officials and community leaders in the East Wing Rotunda of the Capitol on Monday, March 18 at 10:00 a.m.

This oral history project is presented as the center marks the 50<sup>th</sup> anniversary of Stonewall, which is celebrated as a turning point in our LGBTQ+ movement for liberation led by trans women of color. The LGBT Center of Central Pennsylvania states:

In honor of this milestone, the LGBT History Project is proud to collaborate with partners across the state to launch The Long Road to LGBTQ+ Equality in Pennsylvania, a traveling history exhibit that chronicles the efforts that activists have undertaken in Pennsylvania to achieve full equality for LGBTQ+ people.

With the lack of success in passing statewide non-discrimination protections, activists have been working for more than five decades to obtain these protections one battle at a time, one municipality at a time. The exhibit uses case studies of Philadelphia, Harrisburg, Lancaster, York, Allentown and Montgomery County to highlight not just the political struggles, but the personal stories as well.

## Rainbeaux Arts and Culture

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### Books

*Confessions of the Fox*, by Jordy Rosenberg, his debut novel released in June 2018, will appeal to the ambitious reader. It was a *New York Times* Editors' Choice and described as "A mind-bending romp through a gender-fluid, 18th-century London ... a joyous mash-up of literary genres shot through with queer theory and awash in sex, crime, and revolution."

Jordy Rosenberg is an associate professor at the University of Massachusetts-Amherst, where he teaches 18<sup>th</sup>-century literature, gender and sexuality studies and critical theory. He is reluctant to describe the novel as "historical fiction" but as a novel "that, in part, came out of an obsession with a historical *question*. That question ... had to do with the representation of the criminalized body in the early eighteenth century in Britain ... In essence, the debates had to do with whether people convicted of property crimes should be executed ... [T]he debate ranged around the historical intersection of the body, land, imperialism, and the rise of the capitalist form of property: was the criminalized body of more use to the state as a form of scientific 'raw material' or was the criminalized body of more use as a form of exploitable indentured labor." (<https://socialtextjournal.org/jordan-alexander-stein-in-conversation-with-jordy-rosenberg/>)

Drawing comparisons to both Sarah Waters (*Fingersmith*) and Michael Faber (*The Crimson and the White*), this "dazzling tale" (*TIME*) is set in the Victorian underworld and features both erotic slang and academic references, so that it is a novel that can be appreciated on many levels.

### Film

Released worldwide in October 2018, *Colette*, directed by Wash Westmoreland and starring Kiera Knightly, explores the life of French writer Sidonie-Gabrielle Colette, a well-known figure in French society in the first decades of the 20<sup>th</sup> century. She wrote the novella *Gigi*, known to contemporary audiences from the stage production and film of the same name, and was nominated for the Nobel Prize in Literature in 1948. The script for *Colette* was cowritten by Westmoreland and his late husband, Richard Glatzer.

The film examines the lives of Colette and her associates through the lens of a "liberation" narrative. Frustrated and voiceless in a marriage to a dominating husband, Colette explores her total self in her artistic, social and sexual relationships. The film examines her long-term relationship with the Marquise de Belbeuf, or "Missy," played by Denise Gough.

Missy dresses in a masculine manner, and history describes her as a lesbian, but Colette refers to her using the masculine pronouns, suggesting that Missy could be viewed as a gender-fluid individual or, perhaps more appropriately for modern sensibilities, a transgender man.

Casting in the film is notable: although cisgender actors play transgender characters, transgender actors are also featured in cisgender roles, a casting tactic still rare in film (<http://www.windycitymediagroup.com/lgbt/New-movie-reclaims-voice-of-Colette/64230.html>).

### Television

GLADD's annual TV diversity report for the 2018-2019 season reveals record-breaking LGBTQ representation (<https://www.glaad.org/whereweareontv18>). With Ryan Murphy's new series *Pose* (FX) leading the way, GLADD counted 26 transgender characters on TV. A significant percentage of that progress was driven by *Pose*, which has five new transgender characters. Netflix leads in representation of LGBTQ characters, dominating outlets like Hulu and Amazon Prime. These characters include individuals of color. Additionally, the representations of LGBTQ+ characters subvert the historic negative tropes assigned to them, providing nuance and depth.

The reboot of *Queer Eye* on Netflix aired its second season, including an episode that featured Skyler Jay, *Sky's the Limit*. This episode was criticized in some quarters for being "Trans 101." But Jay expressed positive feelings towards the filming experience and especially for the ability to use the show to reach the "middle-American housewife." (<https://www.them.us/story/skyler-jay-reveals-his-true-feelings-on-queer-eyes-trans-makeover-episode>)

### Live Performance

The Kimmel Center in Philadelphia will present a special BYOB performance March 14-16, 2019, "Martha Graham Cracker in Lashed but Not Leashed," which premiered at the center in March 2017. The show, described as a "fever dream," features Ms. Cracker and a number of new and original songs. Its synopsis: "Trading glitter and glamour for pensive quiet and study, Martha decides to pursue a graduate degree in library science, but even amongst the stacks there is no escape from love." Starring Dito van Reigersberg and directed by Joanna Settle, "Lashed" also features Vince Federici, Eliza Hardy Jones and David Sweeny as "song crafters" and performers, Andrew Nelson on bass and Charlie Helm on drums. (<https://www.kimmelcenter.org/events-and-tickets/201819/kcp/lashed-but-not-leashed/>) 

## Getting to Know One of Our Members: Ellen S. Fischer

### **Please tell our readers about your background, education and employment as an attorney.**

I have been practicing family law for over 25 years through a philosophy of amicable settlement, collaboration and mediation. I take time when meeting a client to explain why staying out of court is in everyone's best interest, especially those of the children. Sometimes though, clients need to hear it from the judge. When necessary, I am a zealous and capable trial advocate. I practice in Montgomery, Bucks, Philadelphia and Chester counties.

I am a collaboratively trained attorney and a trained mediator. Thanks to Gov. Wolf, collaborative law is now a recognized alternative dispute resolution process, as provided in the August 2018 statute.

Since becoming a lawyer at the age of 40, I have been advocating for and supporting the LGBTQ community. I am still amazed at how things happen. I was a newbie lawyer in 1993 when a law school friend called, asking me to represent a transgender woman in a custody dispute in Bucks County. Our appellate court had just recognized that a lesbian mother had the right to parent her children, at least in terms of partial custody. The only transgender person I had ever heard about was Renee Richards, the tennis player. Meeting Frances and assuming her representation changed my life and taught me more than I thought was possible. We have stayed in contact, mostly just holiday cards now, but we are forever indebted to each other.

Several years ago, I was invited to become a member of the Family Law Institute of the National LGBT Bar Association, a select group of international attorneys dedicated to pursuing the rights of LGBTQ individuals and families. I had the pleasure of being a presenter on the benefits of collaborative law in the LGBTQ community at the 2018 Lavender Law Conference in NYC.

### **Where do you live and work?**

I live in Bucks County and have offices in Bucks and Montgomery counties. I have three young granddaughters who live 10 minutes from us and visit with us every weekend. I love where I live because I am so close to the girls.



### **How does your membership in the PBA GLBT Rights Committee dovetail with other professional or volunteer efforts or ventures?**

As mentioned above, I am a member of the National LGBT Bar Association and its Family Law Institute. I am also a member of the Philly LBGT Bar committee and have been a member of the Montgomery Bar LGBT committee, although I am currently a member of its Diversity Committee.

### **What's your favorite vacation spot?**

I prefer to be close to home, so spending the month of August in a house on the Jersey shore, where my friends and family visit, is my favorite getaway. And, our visitors understand when we tell them to not visit because we want alone time!

### **What is your favorite book and why?**

I usually love the last book I read. I am currently reading "Educated" and just finished "There There," which made me want to cancel my Thanksgiving festivities.

### **Do you have a favorite TV show?**

I don't watch much TV. I come home from work, turn on the news, watch that until Judge Judy, then Jeopardy and then get ready for bed in time for MSNBC.

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## Ellen S. Fischer

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### What about a favorite movie?

Nope!

### Tell us one thing we don't know about you.

I was Pennsylvania's first egg donor. It was 1988. There was no payment – I simply got reimbursed for my parking at Pennsylvania Hospital.

### Do you have a favorite band or type of music?

I still swoon over Frank Sinatra. (Am I sounding too old?)

### Do you have any pet peeves?

Anyone who supports President Trump.

### What do you do after a particularly challenging day?

Go home, put on sweats and pour myself a glass of wine. Maybe hop into a hot tub.

### Do you have any interesting object you keep on your desk?

I have a small frame with a saying from my daughter that says: "The only thing better than having you as my mom is my girls having you as their Bubbe."

### Is there any special photo or artwork in your office?

In 2005, I went with the Montgomery Bar Association to the United States Supreme Court to be sworn in. The highlight of the day was a private meeting for our group (many of whom are now judges) with Justice O'Connor. I have a photo of us on my wall.

### Do you have any pets?

We are cat lovers and had to put our precious Pecos down two weeks ago. We are working with a shelter right now and will adopt a cutie in the next couple of days. Stay tuned.

### If you were not a lawyer, you would be a \_\_\_\_\_.

I would be a journalist. I was an intern in the Harrisburg newsroom while a college student in 1976. I had the opportunity to write a story that appeared on the front page of the *Philadelphia Inquirer*.



## GLBT Rights Committee

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### Committee History:

The committee was formed in 2005. The committee's mission is to study matters pertaining to the recognition and protection of the legal rights of the gay, lesbian, bisexual and transgender (GLBT) community. The committee monitors and makes recommendations on issues and developments in the law impacting GLBT people in the public and the legal profession.

### Committee Membership:

The committee is open to GLBT lawyers and allies. The committee welcomes all members who are interested in promoting equal rights for the GLBT lawyers and the GLBT community at large.