

TRANSGENDER ISSUES – THE “T” IN LGBT

Tim Cordes, Past Chair of the LGBTQA Law Section of the Michigan State Bar

My Background

- Family Law attorney since 2005
- Solo practice in Southfield



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- Family Law attorney since 2005
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- Extensive pro-bono work on LGBT issues
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LGBTQA LAW SECTION

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- Enjoys sailing, and has the most photogenic dog EVER



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Initialism

- LGBT as an initialism has been around for more than 20 years, replacing the earlier “gay community” appellation
- Initialism controversies – for most purposes, LGBT+ will probably suffice
- LGBTTQQIAAP (lesbian, gay, bisexual, transgender, transsexual, queer, questioning, intersex, asexual, ally, pansexual)
- LGBTQA Law Section (lesbian, gay, bisexual, transgender, questioning, allies)

Language, please!

- Cis vs Trans
- Trans men and Trans women (or, as I like to say “men and women”)
- Intersex
- Gender Identity
- Gender dysphoria, or gender identity disorder (GID)
- Gender Marker
- Pronoun questions

What do transgender people call themselves?

- Transgender 65%
- Trans 56%
- Trans woman (MTF, male to female) 32%
- Trans man (FTM, female to male) 31%
- Non-binary 31%
- Genderqueer 29%
- Gender non-conforming or gender variant 27%
- Gender fluid/fluid 20%
- Androgynous 18%
- Transsexual 18%
- Agender 14%
- Two-spirit 7%
- Bi-gender 6%

2015 National Transgender Survey

- <http://www.ustranssurvey.org/>
- Conducted by the National Center for Transgender Equality
- 27,715 respondents nationwide, 894 were Michigan residents

Transitioning

- 1952 – Christine Jorgensen
- Sex reassignment therapy
 - World Professional Association For Transgender Health (WPATH), 7th edition of “Standards of Care for the Health of Transsexual, Transgender, and Gender-Nonconforming People.”
 - Genital surgery is only recommended after patients “have lived continuously for at least 12 months in the gender role that is congruent with their gender identity.”
 - Hormone therapy to masculinize or feminize the body
 - Hair removal through electrolysis, laser treatment, or waxing
 - Voice and communication therapy
- Sex reassignment surgery
 - Cosmetic surgery, such as tracheal shaving to reduce the prominence of the “Adam’s apple,” body contouring, breast removal or implants, or facial masculinization/feminization.
 - Medical or surgical intervention will be safe or appropriate for any given transgender individual.
 - It is not really possible to try to neatly separate people into “pre-operative” or “post-operative” categories.

Discrimination

- Bathroom issues
- Trans men and women in prison populations
- Michigan Civil Rights Commission – LGBT housing & employment discrimination
- Michigan SOS Sex Designation Form implemented November 2019
 - No birth certificate, passport or court order to get a corrected identification
- EEOC v. Harris Funeral Homes – US Sixth Circuit Court ruling
 - Is stereotyping based upon gender identity sex discrimination under Title VII

Other Issues

- “TERF” (Trans Exclusionary Radical Feminist)
 - Michigan Womyn's Music Festival 1975-2015
 - “A Gathering of Mothers and Daughters for Womyn-Born Womyn”
- Women’s and girls’ sports
 - Caster Semanya – Switzerland's federal supreme court suspends IAAF rule
 - GLSEN (Gay, Lesbian & Straight Education Network) 2016 policy on high school sports
 - On February 12, 2020, Selina Soule, Chelsea Mitchell, Alanna Smith filed a lawsuit alleging the Connecticut Interscholastic Athletic Conference's (CIAC) policy is a violation of the Title IX act

Transgender Day of Remembrance

- The Transgender Day of Remembrance, observed annually on November 20
- A day to memorialize those who have been murdered as a result of transphobia
- Intended to draw attention to the continued violence endured by transgender people worldwide

Resources

- transgendermichigan.org
- aclumich.org/key-issues/lgbt-rights
- glaad.org/transgender
- transequality.org
- LGBTQA Law Section of the State Bar of Michigan