

Celebrating Diversity and Inclusion: Insights from Lavender Law 2023

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It was an incredible honor to represent McGlinchey Stafford at the LGBTQ+ Bar Association's Lavender Law Conference earlier this month, serving as our first delegate to the event in our firm's history. This momentous event celebrated diversity, inclusion, and advancements in LGBTQ+ rights within the legal profession, bringing lawyers, judges, law students, and other legal professionals from across the country to learn and network together. Participating in such an empowering gathering, surrounded by passionate individuals dedicated to fostering equality, was truly inspiring. I felt a deep pride in representing my firm and contributing to the dialogue on important legal issues affecting the LGBTQ+ community.

Attending the conference proved to be not just empowering but an incredibly educational experience, highlighting changes to LGBTQ+ rights at the state and federal levels. The conference provided a platform for legal experts, scholars, and activists to share their insights and expertise on the evolving landscape of LGBTQ+ rights across the United States, as 2023 has already seen a record-breaking 600+ bills passed that diminish rights and/or penalize LGBTQ+ expression.

Through engaging panel discussions, workshops, and keynote speeches, attendees gained valuable knowledge about the recent legal developments, landmark cases, and legislative initiatives impacting the LGBTQ+ community from coast to coast. The conference not only deepened our understanding of the challenges faced by LGBTQ+ individuals but also illuminated the progress made in securing equal rights and protections in certain jurisdictions. This knowledge will help contribute to the advice my colleagues and I provide to our clients as we help them navigate a changing statutory and regulatory framework at the state and federal levels.

Some key takeaways included:

- **Decreased Protections for Trans Individuals**

As a general theme, the conference focused on the increased scrutiny of trans individuals across the country as states have implemented laws and regulations that target and criminalize trans expression and identification. Much of the conversation surrounded bills that target access to medically-necessary health care, like Medicaid, for transgender people and how employers and lawyers alike can assist with obtaining access to the health care they need. Speakers noted that many of these bills ban affirming care for trans youth and can create criminal penalties for providing this care. Other bills block funding to medical centers that offer gender-affirming care or block insurance coverage of health care for transgender people.

Another important highlight was the renewed movement to limit the ability to update gender information on IDs and records, such as birth certificates and driver's licenses for trans or gender nonconforming individuals. These laws put transgender people at risk of losing jobs, facing harassment, and other harms. The conference highlighted why trans, intersex, and non-binary people need IDs that accurately reflect who they are to travel, apply for jobs, and enter public establishments without risk of harassment or harm. They provided recommendations to employers and lawyers to help navigate these state law challenges and obtain federal identification if they live in a state where updated gender information on government documents is prohibited.

In all, nearly 150 bills have been introduced in 2023 which would limit access to health care and appropriate identification for trans individuals, presenting challenges to trans folks both in the workplace and accessing basic health care needs.

- **The Intersection of Religious Freedom and the LGBTQ+ Community**

Following the June 30, 2023, Supreme Court ruling in [303 Creative LLC v. Elenis](#), where the Court found that the First Amendment prohibits a state from forcing a designer to express messages contrary to her closely held religious beliefs. States across the country have capitalized on the new case law to implement statutes which protect business owners from having to perform services for LGBTQ+ individuals when providing those services would violate their religious beliefs.

Speakers highlighted many states that have enacted laws preventing cities and other local government entities from passing nondiscrimination protections that are more expansive than the protections offered at the state level, including protections for LGBTQ+ people. This poses challenges for employers and officials as they navigate a complex municipal, state, and federal landscape that continues to become more clouded as case law, municipal code, and state statutes are in conflict.

While the conference highlighted that these newly enacted state laws provide additional protections for business owners with strongly held religious beliefs, employers and businesses should remain aware of the potential legal consequences of refusing to provide services to members of any protected class, as the decision in *303 Collective* was fairly narrow to a creative form of speech which would be in contrast with the designer's religious beliefs.

- **Changing Trends Towards LGBTQ+ Individuals in the United States**

The takeaways from the conference were not all gloomy, however. Over the years, the United States has witnessed a remarkable shift in social attitudes, with more people embracing and accepting LGBTQ+ individuals. Despite all of the state and municipal laws that strip away rights from LGBTQ+ individuals, the conference highlighted that nearly 8 in 10 Americans [support non-discrimination protections](#) for LGBTQ+ individuals.

This growing acceptance can be seen in various aspects of society, including the legal profession. Today, more lawyers than ever before [openly identify as LGBTQ+](#). This increased representation within the legal field not only reflects the progress made in the fight for equality but also serves as a powerful testament to the inclusivity and diversity that our society is gradually embracing. By having more LGBTQ+ lawyers, the legal system becomes

better equipped to understand and address the unique challenges faced by the LGBTQ+ community, fostering a more equitable and just society for all.

Representing McGlinchey at the LGBTQ+ Bar Association's Lavender Law Conference was an immense honor that profoundly impacted my professional journey. The conference, alongside the invaluable work of the LGBTQ+ Bar Association, plays a pivotal role in shaping the legal profession by fostering inclusivity, awareness, and advocacy for LGBTQ+ rights. The opportunity to connect with over 2,000 fellow legal professionals, engage in enlightening discussions, and learn from the experiences of LGBTQ+ trailblazers was truly transformative. The conference and the LGBTQ+ Bar Association serve as beacons of progress, reminding us of the importance of creating a more just and equal society for all. I am grateful for the experience and inspired to continue championing LGBTQ+ rights within the legal profession and beyond.

To learn more about how to get involved with the important work of the LGBTQ+ Bar Association, please feel free to reach out to Taylor Bennington at tbennington@mcglinchey.com.

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