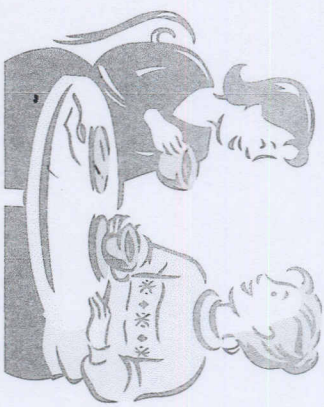


Being

Edith Bunker

By Jennifer J. Rose



Darkness fell early that winter afternoon some 25 years ago as I ended a conference with a divorce client, an ordinary, overweight, frazzled, 30-something schoolteacher; the mother of two small children. Rising from the chair to leave, she pulled on her coat, and then abruptly sat down again, stammering, "Remember how you told me to tell you the truth about everything?"

"Well, yeah." I was in a hurry to close up the office, but her language and nervousness told me that this appointment wasn't going to end as I'd planned.

"Valerie and I are in a relationship."
I reached for a Marlboro, forgetting that business about not smoking in front of nonsmoking clients. Her husband's lawyer was the meanest, toughest lawyer in the valley; the kind who took no prisoners, custody was in issue, these were prominent people in the community, and now I had

this to deal with. I tried to remain cool, but she had to know that the news came as a surprise to me. The look on my face told it all. Theory and rights were one thing, interesting intellectual exercises and debating points, but this was real. No matter how much I considered myself the very incarnation of Maude Finley, in reality, I was her cousin Edith Bunker.

We tried the case, and sexual orientation never came up. No one cared. It just wasn't an issue. Despite preparation for every contingency, I was anxious, more nervous than my client was.

Flash forward a few years, and another divorce client came to the office, asking that I draft a will leaving everything to her best friend. The next week the client's best friend came in, and asked that I draft a similar will, leaving everything to her best friend. Not until a year or so later, when

the two came to the office together about a joint business venture, telling me they were more than just best friends and business partners, did I put it all together. Sometimes I can be so naive. I could have served those clients better had they not left it up to me to intuit their real relationship.

As I approach Edith Bunker's age, I know that I am she. When I've used "alternative lifestyle" and "sexual preference" to address sexual orientation, thinking I'm using a polite or acceptable term, I've been set straight by those in the know that sexual orientation is neither an alternative nor a preference. And I still depend upon gay and lesbian friends—and particularly those I've met through the ABA—to clue me in.

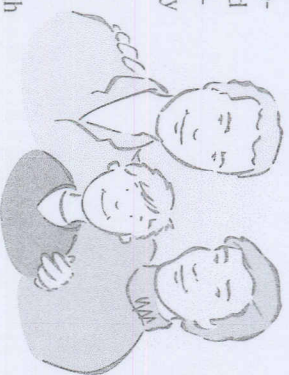
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Representing Same-Sex Adoption Clients

By Jennifer S. Fairfax

Helping gay or lesbian clients reach the goal of being joint parents through adoption is both enriching and rewarding. Here are a few practice tips:

Know the law. Be sure you're familiar with adoption laws in your state and local jurisdiction. "Second-parent adoption" generally is the term used when same-sex parents adopt a partner's child, but learn the correct terminology used in your state. Although a state may not specifically allow or preclude second-parent adoptions, some will let them proceed as joint or stepparent adoptions, and some counties are more favorable than others when it comes to granting adoptions to same-sex couples.



Identify the type of adoption. At the consult, be sure you identify the type of adoption being sought. Your client may (a) be the birth or adoptive parent who wants the partner to adopt the child; (b) want to adopt a child now so a partner can adopt the child later; or (c) want to adopt the partner's child.

resent. Gay and lesbian clients often seek legal advice as a couple. The potential for conflict exists with second-parent adoptions because the legal

be "yes" under the Constitution's Full Faith and Credit Clause, it's unclear whether every state will recognize two legal parents of the same sex. Advise your clients to investigate parental rights laws before relocating to another state. You should also be familiar with the tax benefits and consequences of adoption. You need not be an expert on tax law, but know the state and federal tax benefits to the adopting parent and advise your client to seek tax advice regarding dependents, filing status, and exemptions.

Network with experienced lawyers. Representing gay and lesbian adoption clients requires a lot of attention to detail, so it's helpful to reach out to others with similar legal experience in this area to help with the process.

Know the legal impact on your client. Discuss what rights your client is giving up or gaining by adopting a child. Gay and lesbian clients often ask if the adoption will be recognized in other states. While the answer should

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