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SENATE RESOLUTION

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WHEREAS, The Illinois Supreme Court administers the State's legal system, regulates the legal profession, and seeks to foster a diverse and inclusive legal system; and

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WHEREAS, Despite more and more LGBTQ+ people and people living with HIV who are living as their authentic selves, the Illinois Supreme Court does not have a formal education requirement for attorneys, judges, and courtroom staff to be aware of and meet the social and cultural needs of LGBTQ+ communities and people living with HIV; and

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WHEREAS, In 2023, more than 600 anti-LGBTQ+ bills were introduced in statehouses across the country, including initiatives to criminalize healthcare for trans individuals, to create licenses to discriminate against LGBTQ+ families, and to deny LGBTQ+ students the opportunity to experience the stories of people like themselves, and such anti-LGBTQ+ bills are contrary to the values of the State of Illinois; and

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WHEREAS, As LGBTQ+ people and families visit Illinois to access reproductive healthcare and gender-affirming care or move to Illinois in order to escape the oppression of cruel and harsh anti-LGBTQ+ regimes in other states, attorneys, judges, and courtroom staff in Illinois will more frequently come into

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1 contact with and represent LGBTQ+ people who need legal
2 services to defend their rights, freedom, and bodily autonomy;
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4 WHEREAS, The Movement Advancement Project's August 2016
5 report, entitled Unjust: How the Broken Criminal Justice
6 System Fails LGBT People of Color, wrote that "Discrimination
7 against LGBT people, particularly LGBT people of color, is
8 pervasive, and it infiltrates the halls of justice", and that
9 "Judges, prosecutors, and even defense attorneys tasked with
10 representing LGBT people often rely on misinformation,
11 stereotypes, and inflammatory language when interacting with
12 LGBT people"; for instance, "LGBT immigrants frequently
13 encounter judges who are unfamiliar with the challenges facing
14 LGBT people in other countries or who use incorrect language
15 to refer to transgender immigrants"; and

16 WHEREAS, Lambda Legal's Protected and Served? 2022 report
17 includes data from a national survey about the experiences of
18 LGBTQ+ people and people living with HIV when in courts and
19 courthouses; and

20 WHEREAS, Of survey participants who had appeared in court,
21 22.2% of those who identified as LGBTQ+, women, or individuals
22 living with HIV indicated that someone in the legal
23 profession, including judges, public defenders, prosecutors,

1 court clerks, court security, or other court employees, made
2 negative comments to or about them relating to sexual
3 orientation, gender identity or expression, or HIV status; and

4 WHEREAS, In that same report, 30.1% of transgender
5 participants had their gender identity inappropriately
6 revealed in court; in particular, transgender participants of
7 color were more likely to have their gender identity revealed
8 in court than were those who were white; specifically, 42.9%
9 of Indigenous trans people, 42.3% of Black trans people, 34.5%
10 of Latinx trans people, and 23.3% of white trans people
11 reported having their gender identity inappropriately revealed
12 in court; and

13 WHEREAS, The report additionally revealed that 25.0% of
14 people living with HIV said that their HIV status, which is
15 private health information, was inappropriately revealed in
16 court; and

17 WHEREAS, According to the 2015 US Trans Survey, 13% of
18 respondents reported negative experiences in a court or
19 courthouse because of being transgender; additionally, 6% of
20 respondents reported negative experiences when accessing legal
21 services from an attorney, a clinic, or a legal professional
22 because of being transgender; negative experiences include
23 being denied equal treatment or service, verbally harassed, or

1 physically attacked because of being transgender; and

2 WHEREAS, Reports by the Movement Advancement Project and
3 Lambda Legal and the US Trans Survey highlight the pervasive
4 harassment, discrimination, and exclusion that LGBTQ+ people
5 and people living with HIV experience in law offices, legal
6 clinics, courts, and courthouses; this harassment,
7 discrimination, and exclusion contribute to the distrust of
8 the legal system by LGBTQ+ people and people living with HIV;
9 in fact, according to Lambda Legal's survey, 32.2% of LGBTQ+
10 people do not trust the court system at all while only 8.5%
11 completely trust the court system; and

12 WHEREAS, The Illinois Supreme Court and relevant
13 authorities have the authority to require that attorneys,
14 judges, and courtroom staff be trained in LGBTQ+ and HIV
15 cultural competency as part of continuing education; having
16 such a requirement will increase the ability of attorneys,
17 judges, and courtroom staff to meet the social and cultural
18 needs of a diversifying state; therefore, be it

19 RESOLVED, BY THE SENATE OF THE ONE HUNDRED THIRD GENERAL
20 ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the Illinois
21 Supreme Court and relevant authorities to require, as a
22 consistent part of continuing education, LGBTQ+ and HIV
23 cultural competency education for all attorneys, judges, and

1 courtroom staff in the State of Illinois; and be it further

2 RESOLVED, That suitable copies of this resolution be
3 delivered to the Illinois Supreme Court, the Supreme Court of
4 Illinois Judicial College Board of Trustees, the Director of
5 the Administrative Office of the Illinois Courts, and the
6 Administrator of the Attorney Registration and Disciplinary
7 Commission.