

TLDEF Pro Bono Partner Reed Smith Challenges Pennsylvania's Discriminatory Name Change Law on Behalf of Three Transgender Women

(NEW YORK, NY - May 29, 2019) - Transgender Legal Defense & Education Fund (TLDEF) Pro Bono partner Reed Smith today [filed a court challenge](#) to Pennsylvania's name change law, which bars name changes for people who have certain felony convictions. The case was brought on behalf of three transgender women who live openly in accordance with their female gender but are being forced to use male legal names because they were convicted of felonies years ago. Attorneys at Reed Smith became aware of the need to bring this challenge after prior clients referred by TLDEF were denied name changes under the unjust law.

The petitioners are Philadelphia resident Alonda Talley and Allegheny County residents Chauntey Mo'Nique Porter and Priscylla Renee Von Noaker. The women are represented pro bono in the matter by a Reed Smith multi-office team of Luke E. Debevec, Matthew D. Rosso, and Christian W. Saucedo in Philadelphia; M. Patrick Yingling in Chicago; James C. Martin, Gregory D. Vose, and Zachary S. Roman in Pittsburgh; and Todd S. Kim in Washington, D.C.

Reed Smith is joined in the [petition](#) by TLDEF Senior Staff Attorney Noah E. Lewis. Since 2011, Reed Smith has been an important pro bono partner with TLDEF's Name Change Project. Numerous participating attorneys, summer associates, paralegals and staff involved in Reed Smith offices in Philadelphia, Pittsburgh, New York, Chicago and Washington, D.C. have collectively helped hundreds of indigent transgender people change their names, pro bono.

"We commend our pro bono partner Reed Smith for filing this action aimed at ending this discriminatory law which puts an extremely vulnerable group of transgender people at even greater risk for harm," said TLDEF's Noah Lewis.

The Commonwealth of Pennsylvania, the Pennsylvania Department of State, and the Acting Secretary of the Commonwealth Kathy Boockvar are named as respondents.

Petitioners allege that Pennsylvania's "irrebuttable conviction bar" is unconstitutional. A 1998 legislative amendment aimed at combatting fraud by those attempting to avoid financial obligations precludes anyone convicted of a felony from obtaining a name change for two years after their sentence has been completed, and bars anyone convicted of a serious felony from ever obtaining a name change—no matter how much time has elapsed since their conviction and no matter the reason for the change.

"The right to control one's name and self-identity is a fundamental right, as is the right to avoid disclosure of sensitive personal matters," said Debevec. "A person ought to be able to obtain a name change to match their gender. Prohibiting a person from changing their name compels a person to speak or to refrain from speaking in unbearable ways daily. For the Commonwealth to foreclose any way to prove a legitimate purpose for a name change violates the rights enshrined in our constitution. The outcome of this petition will affect all individuals across the state in similar circumstances who seek to change their name."

Ms. Porter, now 39, was convicted of aggravated assault more than a decade ago. She currently works at Central Outreach Wellness Center, a holistic multicultural, LGBTQIA and HIV & Hepatitis C nonprofit clinic. In 2009, Ms. Talley, now 32, was convicted of aggravated assault. Today she is a volunteer receptionist at The Philadelphia AIDS Consortium. Ms. Von Noaker, now 68, was convicted of rape 30 years ago. She identifies as an American Indian Two Spirit and teaches about Two Spirit and transgender issues.

[The petition](#) details the adverse effects each of the women experience in social, political, employment, and health settings because their legal documents do not match their social and personal identities. Each of them is known in her community as a female, but they have encountered scorn, harassment, embarrassment, and threats for using their female names.

"Pennsylvanians with felony convictions who seek to change their names are immediately stopped in their tracks," said Reed Smith's M. Patrick Yingling. "The three petitioners and other Pennsylvanians who face this obstacle have a clear right to relief. There is an urgent need for them to avoid further injuries that cannot be compensated for by damages, and there is every likelihood that greater injuries will result from refusing to grant this relief."

[The petition](#) asks the Commonwealth Court to declare Pennsylvania's irrebuttable conviction bar unconstitutional and enjoin the state from enforcing it. The Court has original jurisdiction over actions filed against the state government and any of its officials.

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