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# Leaving an LGBT Law Legacy

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Derek Mergele was already out of the closet for 20 years when he moved to Lubbock to study at Texas Tech University School of Law.

The openly gay, married law student's mission was to knock down LGBT stereotypes in the conservative West Texas community and to be so visible that anyone questioning their sexual orientation or gender identity knew that Mergele was a friend and available to talk.

He has been wildly successful in meeting that goal, and more. Mergele created an LGBT law student organization that has hosted public lectures that drew surprisingly large crowds. He also helped create a law clinic to help indigent transgender people to change their gender identities on official documents.

When Mergele graduates in 2017 and becomes a lawyer, he said he plans to move to Austin or Dallas to practice criminal defense and handle civil LGBT matters, from civil rights to family law cases.

*Texas Lawyer* interviewed Mergele about his work at Texas Tech Law. Here are his answers, edited for brevity and clarity.

**Texas Lawyer:** What are the reasons why you're interested in advancing LGBT legal issues?

**Derek Mergele:** I don't believe that there is a lot of opportunity for young lawyers in law school to have exposure to LGBT issues. I thought this was a great way to expose law students to some of the issues of LGBT individuals, especially if they have never met someone who is LGBT.

**TL:** What was the significance at Texas Tech University School of Law in your creating Lavender Law, a group that supports sexual orientation and gender identity?

**Mergele:** A couple of the things that I wanted to do with creating Lavender Law: The first was to create a space for people who do have differing sexual orientations, who are not heteronormative themselves, to have a safe space to go. Also, to have an organization that can help educate future lawyers about the legal issues facing the LGBT community. One of the things that's happened as a result of the creation of Lavender Law is the collaboration and connection between the main campus Gay Straight Alliance and the Health Sciences Center's Gay Straight Alliance. One of the Health Sciences Center's concerns has been transgender individuals, over 50 percent of the time, have to educate the doctors about what their medical needs are. I wanted to create Lavender Law to help address that from a legal perspective so the LGBT community wasn't coming to their lawyer and having to educate their lawyer about their legal needs.

**TL:** What are examples of events you've hosted that you feel have sparked meaningful conversations about LGBT issues in the Tech law and wider Lubbock communities?

**Mergele:** We've done three—what I would consider big events—that are both open to law students and to the community. The first one was in the fall of 2015. It was on the ramifications of *Obergefell v. Hodges*. The second one was in the spring of 2016 and focused on the legal issues facing the transgender community. This fall we just had Judy and Dennis Shepard, Matthew Shepard's parents, come and talk about how to manage being openly gay in a conservative world environment; how to be aware of potential hate crimes; also, the impact of Matthew's death on criminal law in the United States. I think one of the starkest things for me, especially with the Matthew Shepard event, was the wide array of people who were in attendance.

**TL:** Lubbock and surrounding areas vote Republican and contain many residents who might believe in traditional male-female marriage and oppose same-sex marriage. Do you find it remarkable there has been so much interest in your events?

**Mergele:** I don't think there is a lot of opportunity for these kinds of events and so we have had individuals drive from Amarillo, which is over 130 miles, to hear some of these lectures. We've also had people drive from Abilene and Midland, almost the same distance in the opposite direction. I recognize this is an incredibly conservative place in Texas, but I think people are still looking for information. I think the significance is the issues facing the LGBT community continue to be at the front of the legal community. *Obergefell's* holding was very broad in scope and there remain a lot of unanswered questions. I think that with a lot of the cases, specifically regarding transgender issues, a lot of people don't have a basic understanding of what gender is, versus biological sex. There is a desire to have understanding about basic issues so they can then understand or talk about the legal concepts in an informed way. Over the two years we've been doing this, the attendance continues to get larger. I think part of that is about the stigma in West Texas about having a conversation, but I think part of it is these issues continue to be more and more prevalent in our daily lives.

**TL:** What does your Gender Marker/Name Change Clinic do?

**Mergele:** We have worked with a variety of individuals to basically be able to help indigent transgendered individuals in West Texas amend the gender marker on their birth certificates and change their names, if they want to, through court order in West Texas. That court order then allows them to update all other government issued documents, including: their driver license; Social Security; for students, it allows them to change their school records.

**TL:** It can be difficult for transgender people to get their gender identities changed on official documents. Why is it remarkable that you've been able to do this in Lubbock?

**Mergele:** It's remarkable because we elect our judges—our judges have to grant the court order—and all of our judges out here are Republicans. I think that it is incredibly helpful that there are some judges that are willing to do this. When we were first talking about whether or not we could do this in West Texas, one of our possibilities was to get the petition ready and file the petition in Dallas County or Travis County and basically drive. After some conversations with local judges, we were able to take that out of the mix and we were able to go to court here in Lubbock. I think it's incredibly significant: We are the second law school in Texas that has something like this. There are other resources in Dallas and Houston for people. But I think it's powerful, I think it is hopeful, for transgender individuals in West Texas that there are these kinds of possibilities and opportunities here.

**TL:** What achievement makes you feel the proudest?

**Mergele:** What will be my greatest achievement here at Texas Tech is that the organization that I helped create will live on past my attendance at this law school, and that these kinds of conversations will continue to happen here. My hope is that by those items continuing, other LGBT people who are interested in law will consider Texas Tech law school and will feel comfortable knowing there is a community here. West Texas may not be the place they think it is.

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