

Legal CRUSADER

A trans lawyer since the 1980s, Phyllis Frye has had her struggles. Life is sweeter now that she's a named partner at a Houston law firm
By Ann Rostow

When Phyllis Randolph Frye came out as transgender in 1974 and began transitioning in 1976 to become a woman, it was illegal to cross-dress in Houston. The city ordinance, which barred a "person from appearing in public dressed with the intent to disguise his or her sex as that of the opposite sex," didn't just apply to men who wore women's clothes; it applied equally to women wearing men's jeans. But, of course, it was only used as an extra stick to wield against the LGBT community then.

Now 59, Frye initiated an effort in 1976 to repeal the law. Four years later, after leading a sustained campaign of letter-writing, meetings, and activism, Frye got the city council to kill the ordinance by using tactical maneuvers to circumvent transphobic politicians of the day.

It was an incredible accomplishment for a third-year law student at the University of Houston. After graduating in 1981, though, Frye had no job offers and would spend the next five years selling Amway and doing a bit of consulting for a gay-owned architecture firm. It wasn't until 1986 that Frye took on her first major client and set out on her own as an attorney.

Fast-forward 20 years and Phyllis Frye is now a named partner at the fast-growing Houston firm of Nechman, Simoneaux, and Frye, PLLC. John Nech-



man and Jerry Simoneaux were both well-known in the local LGBT community when they started their firm in the spring of 2004. About a week after they'd drawn up the paperwork to set up the partnership, Simoneaux told Frye about the new firm when they were going to a legal function together. She

wanted to team up with them, and the men jumped at the chance and redid the documents. The firm is one of a very few to have a transgender full partner.

For Frye it was the culmination of a dynamic but highly stressful legal career. "As nice as people were in the gay and lesbian legal community—and as helpful as many of them were—there was no one who would really mentor me," she recalls. "No one was interested in hiring me or bringing me into their firm as a puppy lawyer, so I had no choice but to slug it out on my own."

Slugging it out on her own meant founding the Transgender Law Conference in 1991. It meant leading the years-long effort to put teeth into the T of the major LGBT rights groups. It meant fighting hundreds of court battles for transgender men and women seeking something as simple as a correct driver's license. It meant litigating transgender cases that made national headlines. And for this prolific lawyer, it also meant writing numerous legal articles and regular "Phyllabuster" updates to a growing e-mail list (all of which are linked to www.nsflaw.us, the firm's Web site).

Frye and her partners are celebrating their third anniversary in May. The firm has outgrown one office and is about to expand for a third time to make room for a ninth lawyer and several new law clerks. Only about half the clients at Nechman, Simoneaux, and Frye are LGBT, so the partnership can no longer be considered a "gay law firm." Although there's no single mega-case on the docket at the moment, Frye says the team carries a pretty heavy workload.

"Jerry's litigating. Matt [Sontag] is writing wills," she says, naming a few attorneys and their projects. "Renée [Thomason] is in trial—she's doing second-parent adoptions, she's repre-

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senting people in the criminal courts. Matt is writing up same-sex couple contracts. We're just growing and making money and helping people as fast as we can."

As for Frye, she concentrates on transgender clients, particularly those who are having problems documenting their corrected gender. Although she's done this kind of work for hundreds of people, there's one case that stands out in her mind, a woman who was having trouble finding a lawyer to help her change her name due to her 20-year-old "felony" conviction for marijuana possession.

Since marijuana was no longer a felony, Frye talked a reasonable judge into granting the name change. "We walked out in the hallway, and I turned to close the door, and I heard a commotion," Frye says.

"I turned around and she had fainted. She had hit the floor, and some people rushed around and we picked her up and put her on a bench. And she came out of it. And she looked at me. And she grabbed me and she started crying and heaving and sobbing and moaning and everything else and just crying big tears.

"I said, 'What's the matter?'"

"And she said, 'You don't understand. You gave me my life back.'"

Says Frye: "You know, it doesn't get any better than that." ■

Rostow is an Austin-based freelance writer.