

Visibility Matters: Addressing Sexual Orientation in the Legal Workplace. While many legal employers have inclusive diversity statements, many have not specifically addressed the needs of their Lesbian, Gay, Bi-sexual, and Transgender (LGBT) attorneys. On April 7th, members of the New York City Bar's Committee on Lesbian Gay Bisexual and Transgender Rights led a diversity working session on why this is an issue legal employers should care about and the action steps necessary to focus on this constituency. Panelists included committee members: Lisa Badner, Christopher Collins, Jason Chue, Harley Diamond, and Thomas Pappas as well as Ivan Dominquez, Chair of the LGBT Issues Committee at the New York County Lawyers' Association.

Members of the panel shared personal stories that underscored some of the biases LGBT attorneys face. One gay male attorney described how he was called "Tinkerbell" behind his back by a partner, which led in part to his decision to leave the firm. Due to the often "invisible" nature of sexual orientation, they can be privy to homo-phobic conversations they may not otherwise if they were "out" to a certain individual. Panelists also explained how there is a presumption of "straight-ness" in informal conversations and firm policies. As one panelist shared, "You can't work 60-80 hours a week and not be yourself."

Power of Policies

Often the first step to addressing the unique needs of LGBT lawyers is to ensure equitable firm policies with heterosexual counterparts. Beyond the actual benefits bestowed by the policies, they serve as compelling symbols of inclusion and acceptance of LGBT attorneys.

Diversity Statement: Explicitly address "sexual orientation, gender identity and expression" in diversity statement in compliance with New York City law.

Domestic partner benefits: While most legal employers today offer these benefits, progressive employers are now going a step further to address the tax implications for partners who are not considered "family members" by law.

Bereavement and family leave policies: Recognize the bonds and obligations of domestic partners and their families, thereby ensuring parity with married couples.

Adoption leave and benefits: Be inclusive in language to recognize non-birth parents regardless of gender. Provide paid adoption leave and consider adoption expense reimbursement. In addition, it is important to recognize parent status for LGBT couples even if haven't been able to formally adopt due to foreign adoption laws.

Benchmarking: Many firms as they complete diversity benchmarking questionnaires leave the "openly gay" category blank. To ensure an accurate count of LGBT attorneys, firms can send a confidential and anonymous survey gathering information on all the diversity demographic groups in question, including sexual orientation.

Comfortable Culture

Beyond policy, the key to attracting and retaining LGBT attorneys is to foster an inclusive environment with the tone set from the top.

Diversity committee: Explicitly see LGBT issues as part of the diversity charter and ensure adequate representation on committee. In addition, gather information on these issues as part of assessment process.

LGBT networks. Whether formal or informal, networks serve as an important support function, providing mentoring, coaching, and a welcoming environment for new attorneys. Also, the network can be a feedback channel to senior leadership on key issues for this constituency.

Recruitment: Offer all prospective hires the opportunity to interview with an openly gay attorney along with women, minorities, or other groups. This signals the openness of the firm, even if few prospects avail themselves of the opportunity. Use the network to create a list of openly gay attorneys who would be willing to speak with recruitment prospects.

Pro bono clients and cases: Demonstrates firm's commitment through willingness to dedicate pro bono resources to these issues.

Events: Use inclusive language in invitations to firm events so LGBT attorneys feel comfortable bringing their partners. Leverage external relationships, such as LGBT bar associations, and sponsor events of interest to the LGBT community.

Embed into existing training mechanisms: Incorporate concrete examples of LGBT issues in diversity education programs. James Castro-Blanco of Fried Frank Harris Shriver & Jacobson LLP also reinforced the importance of incorporating these issues into overall professional development and managerial training.

To learn more about LGBT diversity issues or upcoming diversity working sessions, please see our website at www.abcny.org or contact Meredith Moore, Director of ABCNY's Office for Diversity at mmoore@abcny.org.

IF SPACE, ADD BOX:

Second Annual Diversity Conference

Making Heads Count: Accountability for Legal Employers

Monday, June 6, 2005

8:00 am - 2:00 pm

This year's symposium will focus on leadership and accountability both from the individual and the organizational perspective, including:

A dynamic and interactive session led by Steve Young of Insight Education on addressing the subtle underlying behaviors that stand in the way of a diverse and inclusive workplace.

A panel discussion on diversity leadership and accountability featuring Deborah Holmes of Ernst & Young, Amy Schulman of DLA Piper Rudnick Gray Cary, and PD Villarreal of Schering Plough.

For further information, please contact Meredith Moore, Director of the Office for Diversity, 212-382-6689 or mmoore@abcny.org.