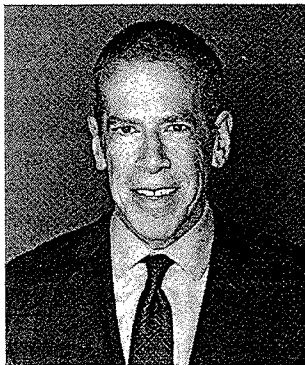


Strides for LGBT attorneys over the years: A personal perspective

By William Weinberger

A couple of years ago, at a brunch at the new Hollywood condominium of a business colleague and his husband, I was met with incredulity when I told a young gay attorney about the homophobia I had faced while working in the Los Angeles office of a large firm during my initial two years of practice in the early 1980s. What surprised me about my interaction with that lawyer was not the contrast between the treatment then and now of LGBT lawyers in firms — I have experienced the improvement in the lot of LGBT attorneys. But I was unaware that an LGBT attorney would lack an understanding of the difficulties many of us experienced not so long ago and, consequently, the measure of progress that had occurred over the years.

At the urging of a marketing coach, I began to post to my blog, which had primarily focused on employment and business litigation issues, stories about my experience as a gay attorney over the years. A Daily Journal editor read one of my posts and invited me to write about how the experiences of LGBT attor-



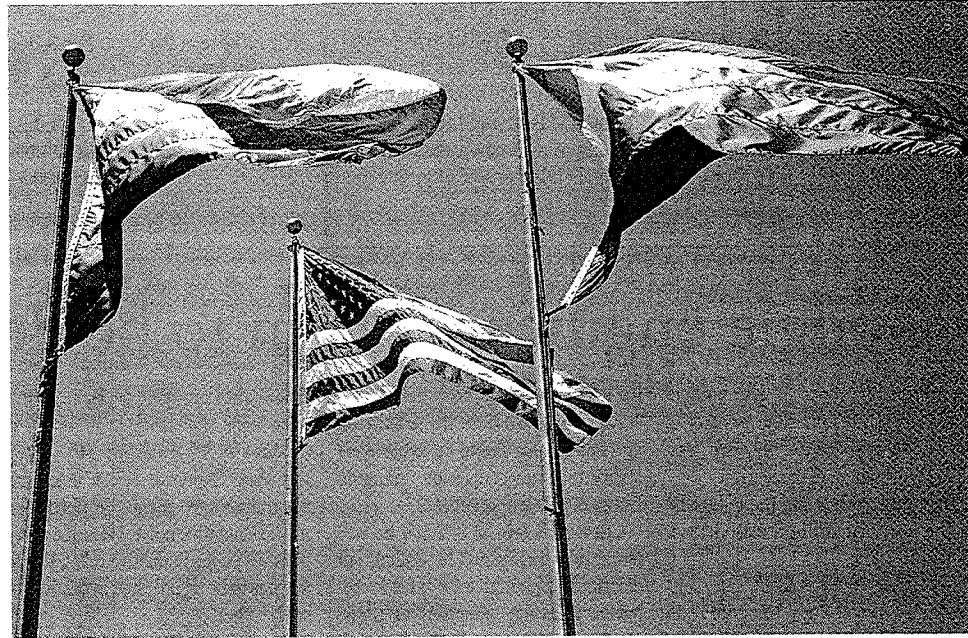
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neys have changed in the past 30 years. In this column, and those to follow, I will explore these issues, along with interviews of LGBT judges, corporate in-house counsel and outside counsel, and attorneys at not-for-profits.

Then and Now: Progress and Work Yet to Be Done

It is clear that a sea change has occurred in the employment protections afforded LGBT attorneys in California and other jurisdictions, and that many large corporate legal departments and law firms have become much more focused on diversity and inclusion, increasing opportunities for LGBT attorneys for professional development, business networking and leadership. It is also evident that much more work is needed to protect LGBT employees and to challenge efforts to erase the advances. What strikes me as less evident is how the homophobia some of us experienced early in our careers, in a time of little or no employment protections, may continue to impact us even when the risks have decreased significantly, how the lack of historical awareness of newer attorneys may impact the gains we have enjoyed as well as further progress, and how valuable it would be for both generations of LGBT attorneys to engage in meaningful, substantive dialogue.

In the first law firm at which I worked when I moved to Los Angeles in 1982, I was not out and experienced overtly homophobic comments by other attorneys. Without legal protections for LGBT workers, I was reluctant to come out and confront the comments. After I decided to leave the firm, I became involved with Lawyers for Human Rights (now the LGBT Bar Association



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Rainbow flags fly alongside an American flag in West Hollywood, Calif., June 17, 2013.

of Los Angeles) and began to work on a case with National Gay Rights Advocates. I joined another firm after having come out to the partners and receiving assurances that my sexual orientation was not an issue.

Institutional Advances

When I became involved with LHR, even the organization's name was closeted to prevent attorneys who received correspondence at work from being outed by the return address on the envelope. LHR had no big firm sponsors, corporate sponsors, or vendor sponsors. When I helped found the National LGBT Bar Association during the 1987 March on Washington for lesbian and gay rights, and the organization started to hold its annual con-

ferences, we experienced the same lack of support.

The L.A. and National LGBT Bar Associations now enjoy strong financial support from the largest law firms throughout the country, as well as from law firm vendors. At its annual conference, the National LGBT Bar Association hosts a career day, at which the largest firms, corporate law departments and government agencies conduct job interviews for law students. The organization also holds events in cities throughout the United States and in London to honor LGBT in-house counsel, with law firms purchasing sponsorships of up to \$10,000. Big law firms are vetted on their LGBT diversity initiatives, and therefore tout their participation in LGBT bar programs on their diversity webpage.

Diversity Initiatives and Personal Growth in Making Connections

Corporate counsel and law firm diversity initiatives provide mentorship, professional development and client-contact opportunities to LGBT associates. However, I have heard complaints from young associates at some large firms that such programs have little real impact on them. In the interviews that appear in subsequent columns, I hope to shed light on the effectiveness of these initiatives.

In the early part of my career, I was reluctant to share personal information with prospective clients, unless I knew the prospect was LGBT, out of concern that sharing such information, which is common in getting to know a prospect, would reduce my chances

of building a relationship. But not talking in a natural way about myself carried the same risk. My reticence was based on experience. For example, while on the phone with a city manager of a city that was a client of the firm for which I worked I worked as an associate, the city manager made offensive and derogatory comments about gays. After the call, I suggested to the partner who had the client relationship that he either take me off the matter or inform the client that I was gay and the remarks offended me.

More recently, with more freedom to speak about my life, I find that client relationships are more easily established. But I still harbor the gut reluctance to disclose based on my prior experience. I am heartened that younger attorneys in California (and elsewhere) need not experience the circumstances on which that reluctance is based.

Taking Stock

The strides in LGBT rights protections, including marriage equality and employment non-discrimination laws in some states, as well as the recognition by firms and corporations of the benefits of a diverse workforce have enhanced opportunities for LGBT attorneys. The breadth, depth and sustainability of these advances is open to question. In upcoming columns, I hope to contribute to the dialogue about where we have been, where we are now and what the future holds.

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