# REPORT OF THE DISTRICT OF COLUMBIA BAR TASK FORCE ON SEXUAL ORIENTATION AND THE LEGAL WORKPLACE

## VOLUME I

## FINDINGS AND RECOMMENDATIONS

March 1999

THE DISTRICT OF COLUMBIA BAR

TASK FORCE ON SEXUAL ORIENTATION AND THE LEGAL WORKPLACE

(Appointed September 1995)*

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## PREFACE

The District of Columbia Human Rights Act prohibits, among other things, employment discrimination based on sexual orientation.[1] A similar prohibition is contained in Rule 9.1 of the D.C. Rules of Professional Conduct.[2] In addition, Executive Order 13087 prohibits discrimination against federal employees on the basis of sexual orientation.[3] Also, the Association of American Law Schools requires its member schools to "pursue a policy of providing its students and graduates with equal opportunity to obtain employment, without discrimination or segregation," on the basis of sexual orientation (as well as race, color, religion, national origin, sex, age, handicap, and disability).[4]

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[1] D.C. Code § 1-2512 (1991). A number of other jurisdictions in the Washington, D.C. metropolitan area likewise prohibit such discrimination. *See* Montgomery County (Maryland) Code, ch. 27, Article I (1994); Prince George's County (Maryland) Code, ch.2 (1995); Alexandria City (Virginia) Ordinance, Title 12, ch. 4 (1998); and Arlington County (Virginia) Code, ch. 31 (1997). In addition, the American Bar Association has formally adopted a policy urging federal, state and local governments to enact legislation prohibiting discrimination on the basis of sexual orientation (in addition to race, creed, color, national origin, and sex) in employment, housing, and public accommodations. *See* ABA POLICY AND PROCEDURES HANDBOOK, 1998-1999, p. 174. Also, the D.C. Family and Medical Leave Act, D.C. Code § 36-1301, *et seq.*, which among other things requires employers to provide employees with leave to care for a "family member" who is seriously ill, defines "family member" to include the domestic partner of a gay or lesbian employee as well as the spouse or partner of a heterosexual employee. D.C. Code § 36-1301(4)(1997).

[2] Rule 9.1 provides: "A lawyer shall not discriminate against any individual in conditions of employment because of the individual's race, color, religion, national origin, sex, age, marital status, sexual orientation, family responsibility, or physical handicap." D.C. Rules of Professional Conduct Rule 9.1 (1998). Comment [1] to the Rule states that it "is not intended to create ethical obligations that exceed those imposed on a lawyer by applicable law."

[3] *See* Executive Order No. 13087, 63 Fed. Reg. 30097 (1998), *amending* Executive Order No. 11478, 34 Fed. Reg. 12985 (1969). The Civil Service Reform Act of 1978 also prohibits discrimination against federal employees on the basis of non-merit factors. 5 U.S.C. § 2302(b)(10)(1998).

[4] Association of American Law Schools, Bylaw Section 6-4(b). In order to carry out such policies, member law schools must require *employers*, as a condition of "obtaining any form of placement assistance or use of the school's facilities" (*e.g.*, for the common practice of conducting job interviews) to provide an assurance that they will not engage in discrimination on the prohibited bases. Association of American Law Schools, Executive Committee Regulations,

Such prohibitions recognize the existence of the discriminatory conduct to which they are addressed, and constitute a condemnation of such conduct. As history teaches, however, the existence of a prohibition against discrimination does not necessarily mean that discrimination will no longer occur. This Report examines the existence and nature of employment discrimination against gay and lesbian lawyers working in the Washington, D.C. metropolitan area, and recommends actions that employers can and should take in an effort to eliminate such discrimination and create a workplace free of bias, prejudice, and intolerance -- the type of workplace to which everyone is entitled, regardless of sexual orientation.

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Chapter 6, Section 6.19.

## I. INTRODUCTION

### A. Task Force Formation And Charge

In July 1995, the D.C. Bar Board of Governors approved a proposal by then-President Robert N. Weiner to create a Task Force on Sexual Orientation and the Legal Workplace. The charge of the Task Force was to study the possible existence and extent of bias on the basis of sexual orientation in the legal profession encountered by members of the D.C. Bar, and to make appropriate recommendations based on the findings of the study. In his proposal to the Board, Mr. Weiner noted that such a study had been suggested earlier that year by the D.C. Circuit Task Force on Gender, Race and Ethnic Bias, which also referred in its Report to numerous requests to conduct such an investigation,[5] and had also been suggested by the Gay and Lesbian Attorneys of Washington (GAYLAW), a D.C.-based voluntary bar organization that concerns itself with the interests of gay and lesbian lawyers and law students.

Mr. Weiner also noted that similar studies had been conducted in Los Angeles, San Francisco, and New York.[6] Studies in other jurisdictions have subsequently been published,[7] and additional support for the work of the Task Force has come from the national level. At the 1996

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[5] *See* THE GENDER, RACE AND ETHNIC BIAS TASK FORCE PROJECT IN THE D.C. CIRCUIT, at IVB-174 (1995).

[6] *See* Los Angeles County Bar Association Committee on Sexual Orientation Bias: REPORT ON SEXUAL ORIENTATION BIAS (June 1994); Bar Association of San Francisco: CREATING AN ENVIRONMENT CONDUCIVE TO DIVERSITY: A GUIDE FOR LEGAL EMPLOYERS ON ELIMINATING SEXUAL ORIENTATION DISCRIMINATION (August 1991); Association of the Bar of the City of New York Special Committee on Lesbians and Gay Men in the Legal Profession, Subcommittee on Employment Practices: PRELIMINARY REPORT ON THE EXPERIENCE OF LESBIANS AND GAY MEN IN THE LEGAL PROFESSION (August 1993).

[7] *See, e.g.*, King County Bar Association: IN PURSUIT OF EQUALITY: THE FINAL REPORT OF THE KING COUNTY BAR ASSOCIATION TASK FORCE ON LESBIAN AND GAY ISSUES IN THE LEGAL PROFESSION (Seattle, Washington, September 6, 1995); Hennepin County Bar Association: LEGAL EMPLOYERS' BARRIERS TO ADVANCEMENT AND TO ECONOMIC EQUALITY BASED UPON SEXUAL ORIENTATION: A REPORT OF THE HENNEPIN COUNTY BAR ASSOCIATION LESBIAN AND GAY ISSUES SUBCOMMITTEE (Minneapolis, Minnesota, June 1995/August 1995).

Annual Meeting of the American Bar Association, the ABA House of Delegates approved the following resolution:

> RESOLVED That the American Bar Association urges state, territorial and local bar associations to study bias in their community against gays and lesbians within the legal profession and the justice system and make appropriate recommendations to eliminate such bias.

ABA Policy and Procedures Handbook, 1997-1998, p. 184.

The D.C. Bar named as Task Force co-chairs David B. Isbell, a past President of the D.C. Bar, and Martha JP McQuade, a past President of the Women's Bar Association of the District of Columbia. The group of ten additional members invited by the Bar to join the Task Force consisted of prominent members of the Bar who were diverse in race, gender, sexual orientation, and type of practice. Several members of GAYLAW served on the Task Force, including the then-Co-President and the then-Chair of GAYLAW's Committee on Discrimination. Also serving were the managing partners of two of Washington, D.C.'s largest law firms. The D.C. Bar Board of Governors approved the membership of the Task Force in September, 1995, and the group held its first meeting in October.

### B. How The Study Was Conducted

The Task Force decided to undertake two surveys in the Washington, D.C. metropolitan area, one of individual members of the D.C. Bar ("the Lawyer Survey") and the other of legal employers in the Washington, D.C. metropolitan area ("the Employer Survey"). To secure expert technical assistance for the project, the Task Force conducted a search for a survey consultant. The Task Force developed and disseminated a Request for Proposals, reviewed the proposals received, and interviewed the top candidates. In early 1996, the Task Force selected as the project consultant Alan R. Andreasen, Ph.D., Professor of Marketing at Georgetown University School of Business.

With Dr. Andreasen's guidance, the Task Force designed and implemented the Lawyer and Employer Surveys pursuant to standard marketing research practices. The Task Force and Dr. Andreasen developed the questionnaires to be used in these surveys from several sources. They reviewed questionnaires used in similar surveys in other jurisdictions, including New York City, Los Angeles, Seattle, and Minneapolis, as well as a draft questionnaire suggested by GAYLAW. They then designed survey questionnaires appropriate to the scope of the Task Force's charge as well as to legal workplaces in the Washington, D.C. metropolitan area. In accordance with Dr. Andreasen's advice and standard research procedure, a preliminary draft of the Lawyer Survey questionnaire was tested among a group of 25 lawyers. The respondents were interviewed about their experiences filling out the questionnaire, and the test led to revisions reflected in the final survey questionnaire.[8]

The Task Force publicized its study in the Bar's periodicals. A news article in the April/May 1996 issue of the Bar's newsletter, BAR REPORT, explained the goals and plans of the Task Force, identified the consultant and the Task Force members, and encouraged recipients of the survey to respond and to be candid. Shortly before the survey questionnaires were mailed, the Task Force published an announcement in the September/October 1996 issue of WASHINGTON LAWYER, the Bar's magazine. The following month, the October/November 1996 issue of BAR REPORT informed members that the Task Force had begun its study. In addition, the WASHINGTON BLADE, a weekly newspaper of the Washington, D.C. lesbian and gay community, published an article about the study that encouraged recipients of the surveys to respond.

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8 The questionnaires used in the two Surveys are reproduced in Appendices A-1 and B-1.

In addition to the survey questionnaires, the Task Force and Dr. Andreasen developed instruction sheets and cover letters. The cover letters, signed by the D.C. Bar President and President-Elect, described the purpose of the study and encouraged participation. The instruction sheets assured the recipients that responses would be anonymous and confidential, and stated a deadline for the return of the questionnaires.[9] Dr. Andreasen established a Post Office box to which the responses were to be mailed, and a business reply envelope was included with each questionnaire.

Dr. Andreasen advised the Task Force regarding optimal strategies and standard practices for encouraging a high rate of response. In accordance with that advice, the Task Force decided to send two copies of the questionnaire to each recipient, with a two-week interval between the mailings. The second copy served as a reminder to the recipient to complete the questionnaire and provided a replacement copy in case the first mailing had been misplaced. A prominent banner identified the second copy of the questionnaire as such, and recipients were specifically asked to disregard the second questionnaire if they had already responded to the first. This procedure was followed for both the Lawyer Survey and the Employer Survey.

The Task Force anticipated that the random sampling procedure for the Lawyer Survey might not yield enough responses from gay and lesbian lawyers to permit significant comparisons with heterosexual lawyers. Therefore, in accordance with the consultant's advice and standard survey techniques, the Task Force supplemented the random sample with a "purposive" sample directed to lesbian and gay lawyers. Throughout the consultant's Report on the survey of individual lawyers, the responses from this "purposive" sample are presented separately from those of the gay and lesbian respondents in the random sample, although in a

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9 These additional components of the mailings are reproduced in Appendices A-2, A-3, B-

few instances the responses of the two groups, after having been shown separately, are combined.[10]

The specific methodologies used for the Lawyer Survey and the Employer Survey are more fully described in the consultant's Reports on each survey, which are annexed as Appendices A and B of this Report.[11] As therein described, the procedures followed were carefully designed to assure the anonymity of the respondents.

Having begun the survey process, the Task Force presented a "Roundtable on Gays and Lesbians in the Legal Workplace" on February 25, 1997, at the D.C. Bar Winter Convention. Attended by an estimated 60 to 70 Bar members, the Roundtable consisted of a panel discussion followed by questions and comments from the attendees. Those in attendance addressed problems confronting gay and lesbian lawyers in the workplace, as well as steps employers can take to help eliminate discrimination.[12]

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2, and B-3.

[10] To develop the "purposive" sample, a member of the Task Force who is active in the gay and lesbian community arranged to have a separate set of 331 questionnaires distributed to D.C. Bar members whom she knew or believed to be gay, lesbian, or bisexual. For this purpose, the Task Force member used contacts at law firms and several gay and gay-friendly organizations, including GAYLAW, the Servicemembers Legal Defense Network, the Potomac Executive Network, and the Whitman-Walker Clinic Legal Services Department (an AIDS services organization). The fact that the purposive sample was developed, in part, from gay and lesbian lawyers likely to be "out" in their workplaces and willing to be identified as gay or lesbian may account for some of the differences between that sample and the random sample of lesbian and gay lawyers. For example, 84.9% of the purposive sample, but only 50.5% of the gays and lesbians in the random sample, consider themselves to be openly gay or lesbian. (Lawyer Survey, Table 9.) Recipients of the "purposive" survey were specifically instructed that if they had also received the random survey, they should respond only to the latter. The cover letter from the Co-Chairs of the Task Force that was sent with the "purposive" mailing is reproduced in Appendix A-4.

[11] *See* App. A at 2-7; App. B at 1-5.

[12] The transcript of the Roundtable is available upon request from the D.C. Bar.

Dr. Andreasen compiled the survey results and presented the first data to the Task Force in February 1997. The Task Force then requested from Dr. Andreasen further data and analysis, as well as conclusions, for his two Reports. These tasks were completed, with input from the Task Force, in December 1997.[13] Thereafter, the Task Force met on a number of occasions to discuss the survey results, and then prepared the present Report, which sets out the Task Force's findings and recommendations on the basis of the two surveys and the consultant's Reports thereon.

### C. The Survey Results

A total of 1,267 of the 7,000 intended recipients of the questionnaires mailed to the random sample of individual lawyers returned their questionnaires, a response rate of 18.1%. (App. A at 7.) Of the questionnaires that were returned, 34 were omitted by Dr. Andreasen from the analysis of the responses because they were returned by respondents who reported that they had not practiced in the Washington, D.C. metropolitan area at any time during the last five years (the period covered by the survey), 20 responses were omitted because they came from sole practitioners, and 32 because they had been only partially completed. (*Id.* at 8.) Of the 1,181 responses included in the analysis, 1,068 (90.4%) came from lawyers who identified themselves as heterosexual, 93 (7.9%) from lawyers who identified themselves as gay or lesbian, and 20 (1.7%) from lawyers who identified themselves as bisexual. (*Id.* at Table 1.)[14]

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[13] As noted above, Dr. Andreasen's Reports are annexed hereto as Appendix A (Report on Lawyer Survey) and Appendix B (Report on Employer Survey).

[14] In view of the small number of responses from bisexual lawyers (1.7% of the total of all respondents in the random sample), and in accordance with Dr. Andreasen's advice that these responses would not yield statistically meaningful results if analyzed separately, and because the bisexual respondents could also be subject to discrimination on the basis of their actual or perceived sexual orientation, these responses were grouped with those from the gay and lesbian respondents for purposes of the study. (App. A at 9.)

A total of 331 lawyer questionnaires were distributed to the purposive sample of lawyers believed to be gay, lesbian, or bisexual. Of these, 131 were returned, a response rate of 39.6%. (App. A at 8.) Dr. Andreasen excluded one of these questionnaires from the survey analysis because the respondent reported a heterosexual orientation, and a second because it had been only partially completed. Of the remaining 129 responses in the purposive sample, 127 (98.4%) came from respondents who identified themselves as gay or lesbian, and 2 (1.6%) came from respondents who identified themselves as bisexual. (*Id.* at Table 1)

The Employer Survey questionnaire was sent to a total of 715 employers in the Washington, D.C. metropolitan area, consisting of a diverse group of legal employers (*i.e.*, small to large law firms, government agencies, corporations, trade associations, and public interest and other non-profit organizations). Of the 715 questionnaires sent out, a total of 118 were returned, a response rate of 16.4%. (App. B at 5.) Dr. Andreasen excluded one of the responses from the analysis because it had been only partially completed. Of the remaining 117 employer respondents, 105 (90%) have offices in the District of Columbia. The number of responding employers in each category (*e.g.*, law firms with 51 or more lawyers) is set forth in Dr. Andreasen's Report on the Employer Survey. (App. B at 6.)

**D. The Narrative Comments**

The Lawyer Survey questionnaire concluded by asking the respondents to describe any incidents of discrimination on the basis of real or perceived sexual orientation that they had personally witnessed or experienced within the past five years (App. A-1, Question 32), and to add any other comments they might have regarding the subject of the questionnaire. (Id., Question 33.) Comments were specifically invited regarding "positive experiences and/or . . . exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered." Similar comments were requested from the

respondents to the Employer Survey. (App. B-1, Question 15.) Of the 1,310 respondents to the Lawyer Survey, 350 provided responses to these open-ended questions, as did 19 of the 117 respondents to the Employer Survey.

All of these narrative comments are reproduced in their entirety in Appendices C and D to this Report, except for redactions necessary to implement the promise of anonymity made to individual lawyer respondents. A number of the respondents to the Lawyer Survey, heterosexual, lesbian and gay, provided personal accounts of instances of discriminatory treatment of lesbian and gay lawyers in the workplace. A number of lesbian and gay respondents, in particular, submitted detailed accounts of such incidents. Reproducing such comments without redaction or paraphrasing would in many instances be likely to disclose the identity of the respondents to those involved in the reported incidents and others who know them, thus compromising the promise of anonymity that accompanied the questionnaire. Some of the incidents recounted appeared to be so unique that the comments could not even be paraphrased without potentially compromising anonymity. In some instances, therefore, the narrative comments had to be substantially redacted.[15]

In the case of some of the narrative comments received, it was not any single incident of discrimination recounted by the respondent that seemed likely to compromise anonymity, but rather the combination of incidents recounted. In some of these instances, detailed accounts of particular incidents have been redacted from the narrative comment in which they appeared and have been presented as freestanding excerpts (identified as such) following all of the narrative

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[15] In a number of instances, it appeared desirable, in the interest of preserving anonymity, to omit the sex and/or race/ethnicity of the respondent from the demographic information generally listed for each respondent. Sexual orientation was not ordinarily omitted, however. Therefore, as to those narrative comments where the sex of the respondent has been omitted and the word "gay" appears in a paraphrased portion of the comment, the word is used to refer to both males

comments reprinted in Appendix C, and not linked to the comments from which they have been excerpted. The purpose of this is to avoid the possibility that the details of one incident, not themselves identifying, might become so if linked to the details of another incident recounted in the same comment.

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and females.

## II. FINDINGS

### A. Hiring, Career Advancement, Compensation/Benefits

#### 1. Some employers intentionally discriminate against lesbian and gay job candidates because of their sexual orientation; few make an effort to include gays and lesbians in the pool of applicants

The Lawyer Survey asked whether the individual respondents, with respect to their own firms or employing organizations, had "experienced, witnessed or heard" of various kinds of discriminatory treatment, including a lawyer's failure to receive an offer of employment as a result, in whole or in part, of being, or being perceived to be, lesbian or gay. In response to this question, 61 respondents reported having witnessed or heard that their own employers had engaged in such discrimination. (Lawyer Survey, Table 22.)[16]

The narrative comments of respondents to the Lawyer Survey, including heterosexual respondents, present vivid evidence that some employers specifically reject lesbian and gay candidates if they learn of the applicant's sexual orientation, while others maintain a workplace atmosphere that suggests to their own employees that lesbian and gay lawyers would not be hired. For example:

> The partners of our firm unanimously hold homosexual conduct to be wrong. We do not employ and would not knowingly employ a homosexual attorney or homosexual staff member. App. C, Comment 166 (heterosexual respondent)

> [C]andidates were expressly rejected by some partners on the [hiring] committee because they were gay....[N]o partner ever voted to extend an offer to a [known] gay candidate. Two partners, in fact, openly stated during a [hiring] committee meeting [remarks suggesting that gay lawyers shouldn't be hired]. App. C, Excerpt iv

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[16] Obviously, the lawyers surveyed could not have "experienced" a discriminatory failure to *hire* by their own employers, and therefore this option was designated as "not applicable." Respondents were also not asked whether they believe that they had ever not been hired *elsewhere* on the basis of being, or being perceived to be, gay or lesbian. The data presented in Table 22, therefore, must be viewed in context as pertaining only to the respondents' current workplaces, and not as a picture of hiring discrimination possibly suffered by a respondent elsewhere.

> I was told as a summer associate that I should not wear [certain clothes] because if people thought I was [gay], I would not get an offer. App. C, Comment 157 (heterosexual respondent)
>
> In law school, I only interviewed with law firms having nondiscrimination policies that included sexual orientation. We had three weeks of on campus interviewing. For the first and third weeks, I used a "gay resume." For the second week, I used a "straight resume." I got twice as many job offers from the one "straight week" than from the two "gay weeks" combined. App. C, Comment 242 (gay/lesbian respondent)
>
> [Gay job candidate denied call back interview at respondent's firm because of membership in a gay/lesbian organization.] App. C, Comment 61 (heterosexual respondent)
>
> I believe that the firm makes a very non-obvious effort not to hire those it suspects of being gay, regardless of the firm's expressions of nondiscrimination in hiring practices. App. C, Comment 204 (heterosexual respondent)
>
> At my prior place of employment (mid-sized firm), I saw a very talented gay applicant rejected for no apparent reason. I can't prove it was discrimination, but I perceived it that way. App. C, Comment 64 (heterosexual respondent)
>
> We have a boutique practice...I hope I'm wrong, but I suspect an openly gay attorney or law clerk applicant would have difficulty being hired here. App. C, Comment 42 (heterosexual respondent)
>
> Partners at my firm occasionally make gay jokes. I strongly feel they would be uncomfortable hiring a gay attorney. App. C, Comment 93 (heterosexual respondent)
>
> I do not believe that an openly gay or lesbian lawyer would be warmly received in my office. However, this issue has not presented itself. App. C, Comment 39 (heterosexual respondent)
>
> I would never have been hired for this job if they had known [that I'm gay]. App. C, Comment 252 (gay/lesbian respondent)

Putting aside intentional discrimination, the responses to the Employer Survey indicate that few legal employers make an effort to include lesbian and gay lawyers among those they consider for jobs. Only four of the 117 respondent employers stated that they actively seek out lesbian and gay applicants when recruiting new lawyers. (Employer Survey, Table H.) The responses to the Lawyer Survey bear this out as well; the vast majority of respondents, in all groups (ranging

from 64.4% to 82.1%), reported that their employing organizations do not actively seek out lesbian and gay applicants when recruiting new lawyers. (Lawyer Survey, Table 17.)

### 2. Sexual orientation may hinder a lesbian or gay lawyer's professional advancement; some employers discriminate against lesbian and gay lawyers because of their sexual orientation

The Lawyer Survey indicates that, just as being gay or lesbian may be the reason for a lawyer's not being hired in the first place, sexual orientation, actual or perceived, may be detrimental to a lawyer's professional advancement, and that discrimination on the basis of sexual orientation sometimes does affect decisions on partnership and similar promotions, retention, work assignments and mentoring. Thus, in response to a specific survey question asking whether the individual respondents had "experienced, witnessed or heard" that a lawyer in their firm or employing organization had been passed over for promotion or partnership as a result, in whole or in part, of being, or being perceived to be, lesbian or gay, ten of the lesbian and gay respondents reported that they had experienced such discrimination. In addition, the respondents reported 13 instances in which they had witnessed, and 58 in which they had heard, that their employers had engaged in such discrimination. (Lawyer Survey, Table 22.)

The narrative comments, again including comments from heterosexual respondents, also report instances of employer discrimination against lesbian and gay lawyers on the basis of their sexual orientation in partnership, promotion and retention decisions. For example:

> I have watched as managers have dismissed staff attorneys as too "sissy" to litigate a particular case. App. C, Comment 275 (gay/lesbian respondent)
>
> It has been made clear to me that, if I had pretended to be more straight, I would have gotten a [promotion] by now. App. C, Excerpt ii.
>
> [After a number of years] at the firm I was [given to understand that the presence of certain attorneys assured that I would never become a partner]. I also know of derogatory remarks that were made about me, and that those remarks got big laughs from some of the more senior attorneys. App. C, Comment 251 (gay/lesbian respondent)

At my prior law firm an attorney was denied partnership because of his homosexuality. App. C, Comment 43 (heterosexual respondent)

I was with a small, conservative firm for several years that constructively discharged a male associate after he disclosed his homosexuality. App. C, Comment 85 (heterosexual respondent)

[A]n apparently gay, but not out, associate was shifted to unpopular work, his work was inappropriately denigrated, and he was passed over for partnership as "just not fitting in" with the partnership. As he had the option to remain as of counsel, his work couldn't have been the problem. App. C, Comment 122 (heterosexual respondent)

My sexual orientation has deprived me of access to work and clients, income and advancement, professional contacts and job fulfillment. App. C, Comment 282 (gay/lesbian respondent)

At previous position, General Counsel had to intercede and "go to the mat" to save colleague's job when it became known he was gay. App. C, Comment 286 (gay/lesbian respondent)

My performance evaluations have generally been favorable, and I have received high ratings for my work. Recently, however, I have received strong signals that I am not likely to be elevated to the partnership. The firm is satisfied with my work, and was unable to define any ascertainable problem.... When I discussed these perplexing comments with colleagues, both gay and non-gay, the immediate reaction by all was that the ... problem is my sexual orientation. While there is no way for me to confirm the basis for the comments, I expect that my sexual orientation, perceived or actual, will be a bar to partnership. App. C, Comment 291 (gay/lesbian respondent)

### 3. Lesbian and gay lawyers are under-represented as partners in law firms, which has negative consequences in terms of compensation as well as professional advancement

The responses to the Lawyer Survey indicate that lesbian and gay lawyers are under-represented as partners in law firms. Overall, heterosexual lawyers in the Survey were substantially more likely to be partners in law firms than were lawyers in either of the lesbian and gay groups surveyed. (Lawyer Survey, Table 4.) Because some of this difference may be attributable to the length of time in practice and some is also attributable to the fact that a smaller portion of the random sample group of lesbian and gay respondents practice in firms than do the heterosexual respondents (though this was less so for respondents in the purposive sample), the

Task Force and its consultant took a closer look at the partnership data, examining those figures only for the respondents working in firms, and controlling for length of time in practice. Even this finer reading of the data, however, shows that among those respondents practicing in law firms who have 1-10 years of experience as well as among those with 11 or more years, heterosexual lawyers in the Survey are more likely than lawyers in either of the lesbian and gay respondent groups to be partners. (Lawyer Survey, Table 6.)

The reported under-representation of lesbian and gay lawyers in the partnership ranks of law firms has ramifications not just in terms of career paths, but also, of course, in terms of compensation. The data show that nearly one-quarter of the heterosexual respondents earn more than $150,000 per year, in stark contrast to the less than 10% of the random sample group of lesbian and gay lawyers and the 15.5% of the purposive sample who enjoy such earnings. (Lawyer Survey, Table 4.) Among the respondents in law firms (the place of employment where lawyers are most likely to earn this level of income), nearly two-fifths (38.4%) of the heterosexual respondents earn more than $150,000 annually, while only one fifth (19.6%) of the random sample group of lesbian and gay lawyers and a quarter (26.0%) of the purposive sample have earnings that high. (Lawyer Survey, Table 5.)

### 4. Many lesbian and gay lawyers receive a less valuable compensation package than their heterosexual counterparts because they are not accorded the same family health insurance and other benefits available to heterosexual lawyers

Many gay men and lesbians have a same-sex partner with whom they have a loving and committed relationship, but whom they are not permitted by law to marry. The responses to both the Lawyer Survey and the Employer Survey show a widespread pattern of differential treatment regarding employment benefits, as between such gay and lesbian lawyers with same-sex partners, on the one hand, and heterosexual lawyers with spouses, on the other. In most legal

workplaces, lesbian and gay lawyers with domestic partners are not accorded family benefits comparable to those provided to their heterosexual counterparts with spouses. This of course means that the value of their compensation is less.

For example, although the vast majority of employers provide health insurance benefits for the spouses of heterosexual lawyers, very few provide such coverage for the partners of their lesbian and gay lawyers.[17] Of the 117 respondents to the Employer Survey, 93 reported that they provide health insurance coverage for the spouses of heterosexual lawyers, while only 13 provide this coverage for the partners of their gay and lesbian lawyers. (Employer Survey, Table H.) Similar disparities were reported by the respondents to the Lawyer Survey. (Lawyer Survey, Table 17.)

Likewise, a substantial majority of the respondents' employers are reported to provide family leave to a married heterosexual lawyer when that lawyer's spouse has a serious health condition. However, far fewer than half of these employers are reported by the lawyer respondents to provide this benefit to lesbian and gay lawyers with a seriously ill partner. (Lawyer Survey, Table 17.) The figures provided by the employer respondents are similar. (Employer Survey, Table H.)

Approximately three-quarters of the lawyer respondents in each group reported that their employers provide leave to a lawyer whose spouse has given birth to or adopted a child. By contrast, in those same workplaces, only about a fifth of each group reported that such leave is available to a lesbian or gay lawyer whose partner has given birth to or adopted a child. (Lawyer Survey, Table 17.) Similarly, approximately three-quarters of the employer respondents reported

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[17] It should be noted that many of the individual respondents answered "don't know/not sure" to the questions pertaining to their respective employer's human resource policies. (Lawyer Survey, Table 17.)

that they provide leave to a lawyer whose spouse has given birth to or adopted a child, but only slightly more than half of those employers reported that they give such leave to lesbian and gay lawyers in similar circumstances. (Employer Survey, Table H.)

The data from both Surveys indicate that most employers similarly differentiate in the employment benefits they provide, at least as regards health insurance, between heterosexual lawyers with spouses and heterosexual lawyers with unmarried partners. (Lawyer Survey, Table 17; Employer Survey, Table H.)[18] However, the impact of such differential treatment is likely to be sharper for gay and lesbian lawyers with partners than for heterosexual ones, since the latter have the option of marrying and thus becoming eligible for such benefits, while the former do not have that option.[19]

**B. Daily Worklife**

Discrimination in the workplace can take many forms; it is not limited to decisions regarding hiring, promotion, or compensation, but can -- and in the case of lesbian and gay lawyers, often does -- affect everyday life. The Lawyer Survey indicates that the daily workplace environment for substantial numbers of lesbian and gay lawyers is one that is significantly less hospitable than it is for their heterosexual colleagues, one in which many lesbian and gay lawyers live in fear that others will learn of their sexual orientation, and one in which those who are known or thought to be gay or lesbian are not accorded the same respect and treatment given their heterosexual colleagues.[20]

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[18] Neither of the Surveys asked whether employers provided medical leave or parental leave with respect to unmarried partners of heterosexual lawyers. It seems likely, however, that the pattern of differential treatment would be essentially the same as it is with health insurance.

[19] It appears that most employers that provide health insurance coverage for unmarried partners do so regardless of whether the partners are of the same sex or the opposite sex. (Lawyer Survey, Table 17; Employer Survey, Table H.)

[20] It is obvious that a lawyer's workplace environment may have an impact on professional

### 1. Derogatory comments about lesbians and gay men appear to be not uncommon, and to be considered acceptable in some legal workplaces

The data (*see* Lawyer Survey, Table 22) and the narrative responses demonstrate that, in a number of legal workplaces, lesbian and gay lawyers are subjected to offensive remarks about their sexual orientation and/or about lesbians and gays in general (as are heterosexuals who also find such remarks to be repellent). Twenty-eight of the 242 gay and lesbian respondents and one of the heterosexual respondents reported having experienced in their own workplaces direct verbal harassment or having been the subject of derogatory remarks when present as a result, in whole or in part, of being, or being perceived to be, lesbian or gay. (Lawyer Survey, Table 22.) In addition, a total of 34 respondents reported having witnessed, and 67 reported having heard of, such an incident in their own workplaces. (*Id.*) Somewhat larger numbers of respondents reported having witnessed or heard of derogatory remarks being made about a gay or lesbian lawyer in their workplaces behind that lawyer's back, based in whole or in part on the fact that the lawyer was, or was perceived to be, gay or lesbian. (*Id.*)

The narrative comments suggest that these sorts of disparaging remarks are considered acceptable in some workplaces; indeed, sometimes they come from partners or managers. For example:

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advancement. For example, lesbian and gay lawyers who are not openly so and who refrain from any discussion of their personal lives for fear that their sexual orientation may be disclosed may appear to their colleagues as less than "whole" people, strange, and isolated. This perception may have negative career consequences. And there are obvious potential career consequences when colleagues or clients refuse to work with a gay or lesbian lawyer because of the lawyer's sexual orientation. If, for example, lesbian or gay junior lawyers are kept from working on high-profile assignments or representing a client in public (*e.g.*, at a closing, a trial or oral argument), it will be difficult for them to secure the requisite transactional skills or litigation experience necessary to practice law successfully in a competitive environment. Similarly, if lesbian and gay junior lawyers are denied contacts with clients, it will be difficult for them to learn the rainmaking skills necessary to enjoy job security in most firms.

[The senior attorney] is openly hostile to gays and lesbians. He is very vocal about it. This individual habitually initiates discussions in which he expresses his disdain for gays and lesbians. App. C, Comment 111 (heterosexual respondent)

Managing partner openly refers to gays as "faggots." App. C, Comment 339 (gay/lesbian respondent)

... [S]enior partner ... engaged in a mild debate with another partner regarding the origin of a particular piece of literature and spent a full five minutes on his opinion of how unnatural and disgusting homosexuality is. App. C, Comment 196 (heterosexual respondent)

[S]enior ... partner would corner associates and rant and rave about God's punishment (AIDS) for immorality and the "sickness," etc. He even sponsored anti-gays in the military meetings at the law firm. [Associates who complained] were told to "grow up." App. C, Comment 190 (heterosexual respondent)

On one occasion, an attorney here posted [on] the glass front of his office a newspaper column suggesting that AIDS was the just retribution of God against individual sinners. No one in the company told him to take it down. App. C, Excerpt vi

Some partners in the firm even called gays "homos," "faggots," and "man-haters." ... I also personally heard partners make anti-gay remarks about [a] gay ... associate in the office. App. C, Excerpt iv

I have often heard derogatory remarks and jokes about gays and lesbians, made by people who don't know I'm a lesbian. App. C, Comment 311 (lesbian respondent)[21]

### 2. Some lawyers, clients and staff refuse to work with lawyers whom they know or believe to be lesbian or gay

The data (*see* Lawyer Survey, Table 21) and the narrative comments indicate that some lawyers, clients and staff refuse to work with lawyers whom they know or believe to be lesbian or gay, and that lesbian and gay lawyers make some of their colleagues and clients

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[21] As some of the foregoing examples indicate, the comments received also reflect derogatory remarks about HIV/AIDS and discrimination against persons with HIV or AIDS. Although sexual orientation discrimination and AIDS discrimination are often linked, the Task Force concluded that an investigation of the existence of HIV/AIDS discrimination in the legal workplace was beyond the scope of its mandate. It should be noted, however, that the Americans with Disabilities Act prohibits discrimination against persons who have HIV or AIDS, even if they are asymptomatic. *Bragdon v. Abbott*, 524 U.S. 624 (1998). Information on providing reasonable accommodations to lawyers or staff members living with HIV or AIDS may be obtained from a number of sources, including the Centers for Disease Control National AIDS Clearinghouse, 1-800-458-5231.

"uncomfortable." More than a quarter (26.5%) of the random sample group of gay and lesbian lawyers, 31.0% of the purposive sample, and 8.8% of the heterosexual respondents reported having experienced, witnessed or heard of an occasion when a client, supervising lawyer, junior lawyer, or non-lawyer staffer had declined to work with a lawyer on the basis of the lawyer's actual or perceived gay or lesbian sexual orientation. (Lawyer Survey, Table 21.) The narrative comments elaborate on this. For example:

> [A] new attorney [was] assigned to work with me after [that person's sexual] orientation became known, and the [managing attorney] refused to work with [that person] (on Day #1) as a result. The [person's] the best lawyer I've ever supervised.... App. C, Comment 92 (heterosexual respondent)
>
> An employee of a client organization told a 3d party that she did not wish to be interviewed by a lawyer in my organization because [the lawyer] was gay. App. C, Comment 27 (heterosexual respondent)
>
> One of my friends at the firm told me that one of the senior male partners told [my friend] that I made him uncomfortable. When [my friend] questioned whether this was because I am gay, he denied it, but [my friend] did not believe him. App. C, Comment 304 (gay/lesbian respondent)
>
> I have witnessed clients say that they are uncomfortable with those of a different sexual orientation. App. C, Comment 171 (heterosexual respondent)
>
> A ... partner ... told me that the male partners were uncomfortable with me. App. C, Excerpt xxii
>
> I have seen associates criticized behind their backs because of "faggot behavior" and kept from certain clients because of it. Our management person once (some years ago) expressed disgust with faggots (he is no longer with the firm). App. C, Comment 76 (gay/lesbian respondent)

### 3. Lesbian and gay lawyers are sometimes advised to conceal their sexual orientation or to alter their appearance to look less stereotypically gay

In some workplaces, lesbian and gay lawyers have been advised to conceal their sexual orientation, or to change their appearance so that they do not fit society's stereotypical image of what lesbians and gays look like. Others have been told that they used "poor judgment" in

making their sexual orientation known. The respondents to the Lawyer Survey reported 122 instances in which they had personally experienced, witnessed, or heard of an incident in which a gay or lesbian lawyer had been advised to conceal his or her sexual orientation. (Lawyer Survey, Table 22.) In addition, there were 63 reports of instances where the respondents had personally experienced, witnessed or heard that a gay or lesbian lawyer had been told that he or she had shown "poor judgment" in being openly gay. (Id.) The narrative responses put a personal face on this sort of discrimination and harassment. For example:

> [P]artners in the firm ... told me that I was not "feminine" enough and that I should let my hair grow long, wear make-up, and wear more jewelry. App. C, Excerpt xx
>
> [Attorney at large firm was advised] that she needed to appear more feminine, wear make-up and gold jewelry, and stop bringing her significant other to firm events. App. C, Excerpt xxiii

*See also* App. C, Comment 157 (quoted under II. A. 1, above).

### C. Other Workplace Issues

#### 1. Many gay and lesbian lawyers believe it would be detrimental to their careers for them to be openly gay or lesbian

Just over half (50.5%) of the random sample group of lesbian and gay lawyers reported that they consider themselves to be openly gay, which means that almost half are "in the closet." (Lawyer Survey, Table 9.) While a substantially higher proportion of respondents in the purposive sample (84.9%) reported that they are openly gay, the remainder, almost a sixth, said they are not. (*Id.*) Considering oneself openly gay or lesbian, however, does not translate directly into being known to be so by other lawyers in the workplace. Thus, less than two-thirds (55.2%-65.1%) of the lesbian and gay respondents in the purposive sample believe that "most/all" of the categories of other lawyers (seniors, peers and juniors) in their place of employment are aware of their sexual orientation; these figures are less than 40% for the lesbian and gay respondents in the random sample. (Lawyer Survey, Table 10.) Taken together, these

data suggest not only that many lesbian and gay lawyers believe it advisable not to be "out" at work, but that even among those who otherwise consider themselves to be openly gay there are some who are not openly gay at work. For example, as one respondent stated:

> I am openly gay in all aspects of my life except work.... There is no question in my mind whatsoever that if executive management, or the business professionals I serve, knew of my sexual orientation, I would suffer immediate loss of credibility and would be considered less competent than my heterosexual peers.... Therefore, I am very quiet about my private life and do not bring my same sex partner to office social functions. We have been together [for many] years ... [and] it pains me that I can neither introduce my partner at work nor talk about our life together and how proud I am of [my partner]. The simple joys of sharing the most important part of one's life with work acquaintances are denied me because the consequences of doing so would seriously jeopardize my ability to perform my job, and quite possibly the job itself. App. C, Comment 332 (gay/lesbian respondent)

In fact, slightly more than half (51.8%) of the random sample group of lesbian and gay lawyers believe that it would be detrimental to the career of a lesbian or gay lawyer for that person to reveal his or her sexual orientation to superiors. (Lawyer Survey, Table 15.) And slightly more than half of those respondents also believe that it would be detrimental to discuss a same-sex partner in the office (50.5%) or to bring a same-sex partner to a work-related social event (53.2%). (*Id.*) Only slightly less than half (47.3%) believe it would be harmful for a gay or lesbian lawyer to display a photograph of his or her partner in his or her office. (*Id.*)[22] In other words, many gay men and lesbians believe that it would be detrimental to their careers for them to talk about their lives or otherwise communicate their sexual orientation in ways that heterosexuals routinely do and take for granted.

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[22] The percentages of those believing these actions or communications would be detrimental are lower for the purposive sample, though still higher than for the heterosexual respondents. (*Id.*)

The toll that can be taken by keeping significant aspects of one's life a secret and living in fear of disclosure of one's sexual orientation was commented on by one respondent as follows:

> [M]y gay partner died of AIDS. Except for a few friends, no one at work knew about the relationship, let alone its end. I had great difficulty meeting my regular work schedule while caring for him.... [H]ad I been married to a heterosexual woman who had been dying of a terminal illness...everyone at work would have known and offered me moral support. App. C, Excerpt xvii

### 2. Most heterosexuals do not share the view that being openly gay or lesbian would be detrimental to a lawyer's career

Interestingly, a substantial majority of the heterosexual respondents (72%-78.1%) do not believe that any of the actions or communications referred to above making known a lawyer's sexual orientation would be detrimental to a gay or lesbian lawyer's career (Lawyer Survey, Table 15). Similarly, the overwhelming majority of the employer respondents report that such actions and communications would have "no effect" on that lawyer's career. (Employer Survey, Table F.)[23] The disparity in belief between the individual heterosexual respondents and the employer respondents, on the one hand, and the lesbian and gay respondents, on the other, as to the consequences of a lawyer's being openly gay or lesbian might suggest that the fear of making one's sexual orientation known in the legal workplace may not be as well-founded as some gays and lesbians apprehend. However, from the vitriolic comments made by a number of the respondents to the Surveys (*see* Section II. F, below), it is clear that there is still resistance in many quarters to a bias-free workplace, and that it is not unreasonable for gay and lesbian

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[23] Significant numbers of the individual heterosexual respondents (37.6%) and of the employer respondents (29 out of 108, or 26.9%) did say, however, that it would be "harmful" to a gay or lesbian lawyer's career for that lawyer to let *clients* know of his or her sexual orientation. (Lawyer Survey, Table 15; Employer Survey, Table F.)

lawyers to be concerned about their sexual orientation being known.[24] In any event, the disparity in belief surely suggests that more could be done in many legal workplaces to communicate to lesbian and gay lawyers that sexual orientation is not and will not be the basis for adverse workplace and professional decisions. One gay respondent commented on just this point:

> The widespread belief among gay and lesbian attorneys is that great risk accompanies the disclosure of one's sexual orientation in the workplace. Time and time again I have heard homosexual attorneys and law students in search of employment express concern about the possibility of adverse decision making should their orientation become known to their prospective employer. Most gay and lesbian attorneys I know are not out at their jobs, for fear of adverse consequences. Most, too, are reluctant to place on their resumes any information about professional or personal activities that may reveal their sexual orientation. I myself have routinely left such information off my resume. Thus, there is a strong perception that the average legal workplace is likely to be a hostile environment for an open gay or lesbian attorney. Changing that perception is the job of employers, who must make more concerted efforts (through domestic partner accommodations, more sensitive recruiting efforts, etc.) to alleviate the common fears of gays and lesbians. App. C, Comment 277 (lesbian/gay respondent)

### 3. Some heterosexual lawyers appear to confuse a lawyer's being openly gay or lesbian with inappropriate workplace discussion of one's sex life

Confusion appears to exist among some heterosexuals between "sexual activity" and "sexual orientation," a confusion manifest in the narrative comments of some of the heterosexual respondents to the Lawyer Survey. For example:

> Personal sexual activity should not be openly displayed, discussed, bragged about etc., in a law firm whether hetero or otherwise. App. C, Comment 232 (heterosexual respondent)

> I keep my personal life private and I expect others to do the same -- not hide it, but not go out of the way to make it an issue. App. C, Comment 224 (heterosexual respondent)

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[24] A similar disparity in belief about the consequences of a lawyer's being openly gay or lesbian was found in the Los Angeles County Bar survey. "The Los Angeles study suggests that non-gay participants think the consequences of coming out are less significant than gay participants do. Because heterosexual participants create the consequences of coming out, this finding might be read to provide comfort to gay lawyers. Nonetheless, a rational lawyer might not rely on statistics alone as a basis for risking a job or even a career. The cruel quality of fear is that it prevails simply by existing." William B. Rubenstein, *Some Reflections on the Study of Sexual Orientation Bias in the Legal Profession*, 8 UCLA WOMEN'S L.J., 379, 395 (1998).

> My only comment is that work should not be a place to promote sexual orientation. All should be treated fairly, and beyond that issues of sexual orientation have absolutely no place in the office. App. C, Comment 70 (heterosexual respondent)

> Frankly, I think the bar has better things to do. My personal opinion is that we would all be better off if sex were treated as a personal matter. I could care less what someone's sexual orientation is. Did my dues really go to this? App. C, Comment 213 (heterosexual respondent)

Responses such as these appear to conflate "sexual activity" and "sexual orientation." Moreover, they imply a double standard for acceptable office conduct by ignoring the many ways in which heterosexuals routinely communicate their sexual orientation. These are communications that heterosexuals take for granted as acceptable in their workplaces; indeed, that are part of everyday life.[25] A heterosexual lawyer who places a photograph of his wife on his desk, for example, is not generally accused of flaunting or promoting his sexual orientation, yet when gay men and lesbians make their sexual orientation known in similar ways, they are sometimes criticized for doing just that.

In addition, when some heterosexuals confuse "sexual activity" and "sexual orientation" in the manner suggested by the comments above, or speak disparagingly about "promoting" sexual orientation through routine and innocuous human discourse, they discourage gay men and lesbians from honestly sharing their family lives. This often creates the false impression that a gay or lesbian lawyer is a loner, isolated, not a "team player," etc. This sort of double standard for human discourse contributes to a hostile workplace atmosphere for lesbians and gay men.

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[25] As one commentator has noted: "In most work settings, heterosexuality is continuously on display, ubiquitous to the point that we often fail to notice it. It is alluded to in benefits policies, in dress and self-presentation, in jokes and gossip, in symbols like wedding rings and baby pictures. Coworkers discuss their families, friends, and loved ones, and the sharing of sexual information often grounds such intangibles as rapport, loyalty, and trust." James D. Woods, *Is This the Right Time to Come Out?*, HARV. BUS. REV., July-Aug. 1993, at 20.

### 4. Gay and lesbian lawyers often seem "invisible" to their heterosexual colleagues in the workplace

Nearly three-quarters of the random sample group of lesbian and gay respondents and approximately 85% of the purposive sample reported that there is at least one openly lesbian or gay lawyer in their workplaces. (Lawyer Survey, Table 11.) By contrast, fewer than half of the heterosexual respondents and of the employer respondents thought this was the case. (*Id.*)[26] This disparity in responses is noteworthy, and may have a number of explanations:

* It may be the case that, in reality, there are no openly gay or lesbian lawyers in the workplaces of many of the heterosexual respondents. There is, of course, no way for us to know;[27]

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[26] Similarly, nearly a quarter of the heterosexual respondents but fewer than 7% of the lesbian and gay respondents said that they did not know or were not sure whether there was an openly lesbian or gay lawyer in their workplace. (App. A at Table 11)

[27] It does seem unlikely, however, that in so many workplaces, particularly large ones, there would be *no* gay or lesbian lawyers at all, which might mean that the workplace atmosphere in such organizations is not conducive to a gay or lesbian lawyer's being *openly* so. As one of the heterosexual respondents commented:

> The fact that I am not aware of any openly gay or lesbian lawyers may suggest an atmosphere in which such orientation may be -- or at least may be perceived to be -- unwelcome. I say this because - any randomly selected population of [more than 100] people, it seems likely that at least one or two would be gay/lesbian. Thus, either we have an unusual population in our groups of lawyers, or there are "closeted" homosexuals. App. C, Comment 59 (heterosexual respondent)

Another heterosexual respondent made a similar comment:

> I work in what seems to be a very tolerant place, but I would suspect many partners here of reluctance to recruit openly gay attorneys for fear that it would alienate clients or make them uncomfortable. I haven't seen or heard anything to substantiate this; it's just my impression. I would guess, however, that lots of gay attorneys get the same impression and are therefore reluctant to be open about their sexual orientation. App. C, Comment 54 (heterosexual respondent)

Indeed, the data and comments regarding the daily workplace for so many gay and lesbian lawyers (Section II. B, above) suggest that these respondents are correct.

* Members of a group may recognize other members of that group more often than do non-members. However, since these Survey questions specifically inquired as to *openly* gay or lesbian lawyers, this surely cannot be the entire explanation;

* Or, some heterosexuals may presume that everyone else is also heterosexual, and may fail to consider the possibility that there are gay and lesbian lawyers in their workplaces. This presumption of heterosexuality renders gay men and lesbians "invisible," putting a burden on them not imposed on heterosexuals of having affirmatively to inform others of their sexual orientation. In addition, overlooking the possible existence of gay and lesbian lawyers in the workplace may well allow for and contribute to the inhospitable workplace environments reported by a number of the respondents to the Lawyer Survey.

### 5. Some gay and lesbian lawyers appear to face additional discrimination because of their sex and/or race

The Lawyer Survey did not ask about workplace discrimination on the basis of factors other than sexual orientation. Nevertheless, a number of respondents commented on the existence of bias on the basis of sex and race. Women in particular submitted comments suggesting that some lesbian lawyers face discrimination in the legal workplace because of their gender as well as their sexual orientation, a double burden ("triple" if they are lesbian lawyers of color) in which it is likely impossible to separate out the effect of each;[28] some of the comments also touched on the existence of race discrimination. For example:

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[28] As one commentator has observed: "A lesbian fired from her job may find it difficult to determine whether her employer was sexist or homophobic. More generally, homophobia, by forcing particular gender roles on individuals (*e.g.*, women should sexually desire men), can be seen as a manifestation of sexism." William B. Rubenstein, *Some Reflections on the Study of Sexual Orientation Bias in the Legal Profession,* 8 UCLA WOMEN'S L.J., 379, 382 (1998). For additional information regarding discrimination encountered by lawyers on the basis of sex and race, *see, e.g.*, THE GENDER, RACE AND ETHNIC BIAS TASK FORCE PROJECT IN THE D.C. CIRCUIT, Vol. I (1995).

> The law firm experience I had in Washington, D.C. can be summed up in a single sentence: You are joining a firm led by aging white males; if you can leave your differences at the door and blend in with us, you are welcome. App. C, Comment 196 (heterosexual female respondent)

> The firm was a terribly sexist place, and became increasingly so while I was there (which is one reason I left). If this were a survey of gender discrimination in the legal profession, I would give detailed horror stories. But since it is not, suffice it to say that the firm was a boys' club. Its management was dominated by men, and women occupied no positions of actual power. Indeed, there were only a handful of women partners....The men in power took care of each other and their male colleagues (particularly in terms of compensation), while women who performed extraordinary legal work and propped up men who didn't were treated terribly, particularly when it came to compensation and general respect. And as in most parts of society, in order to succeed at any level, women had to be better. Given the sexist culture of the firm and disparate treatment of women generally, it is difficult for me to evaluate the incremental burden that my being an openly lesbian attorney placed on me. Certainly I believe that it did not help on any level, including compensation and working relationships with colleagues. App. C, Comment 304 (lesbian respondent)

> Women are frequently subjected to joking and/or thought-to-be-humorous comments that are discriminatory. Women are not promoted as often or without extraordinary qualifications than males. App. C, Comment 165 (heterosexual female respondent)

> Only white males were taken on client development dinners... [An outside lawyer] noted that the partners in my firm treated women and minorities like second class citizens. App. C, Excerpt v

In the opinion of one heterosexual female respondent, lesbian and heterosexual female lawyers fare worse than gay male lawyers because of sex discrimination:

> To my knowledge, the firm never employed or considered offering partnership to a lesbian attorney. I think the firm's male [heterosexual] partners ... would have had difficulty dealing with a lesbian attorney. I think there is more discrimination against women -- including heterosexual women -- then there is of gay males (white or black), at least that has been my experience and the experience of most women lawyers I know. App. C, Comment 44 (heterosexual female respondent)

## D. Anti-Discrimination Measures

### 1. Many employers lack written policies prohibiting discrimination on the basis of sexual orientation

Employers can help make their organizations more hospitable toward lesbian and gay lawyers by making it clear that discrimination on the basis of sexual orientation is prohibited.

Adopting written policies prohibiting such discrimination, and disseminating them within the organization, are two ways in which employers can accomplish this goal. The Surveys suggest, however, that many legal employers have not availed themselves of these opportunities.

Less than half of the random sample of respondents to the Lawyer Survey (42.3%) reported that their employers have written policies prohibiting employment discrimination against lawyers based on sexual orientation (35.9% responded "don't know/not sure"), and only slightly more than half (55.5%) of the purposive sample of lesbian and gay lawyers reported that their employers have such policies (15.6% responded "don't know/not sure"). (Lawyer Survey, Table 17.) The responses to the Employer Survey yielded similar data: a bit more than half (65 of 117, or 55.6%) of the respondent employers reported that they have such policies. (Employer Survey, Table H.)

### 2. Even those employers with written policies prohibiting discrimination on the basis of sexual orientation do not always make those policies well-known to their employees

Of the 65 employers who reported that they do have written policies prohibiting sexual orientation discrimination, 11 stated that they do not include that information in the materials that they provide to their new lawyers (and 12 did not respond on this point). (Employer Survey, Table H.) The responses to the Lawyer Survey reflect that an even greater proportion of the individual respondents' employers with such policies do not, at least so far as the individual respondents are aware, make them known to their new lawyers. (Lawyer Survey, Table 17.) Given these data, it is not surprising that just over one-third of the heterosexual respondents reported that they are not familiar with their workplace policies and practices affecting lesbian and gay employees. (Lawyer Survey, Table 17.)

Moreover, it must be pointed out that the mere formal adoption of non-discrimination policies and non-discriminatory benefits policies does not necessarily, in and of itself, create an

environment in which lesbian and gay lawyers feel comfortable being openly so. As one respondent commented:

> Even though my firm offered health benefits for same sex partners, the gay attorneys in my firm were scared to take advantage of it. I think it's no coincidence that none of the gay attorneys in my firm are out. The atmosphere in the firm is very sexist and homophobic... a real "old boys network." App. C, Comment 287 (gay/lesbian respondent)

### 3. Few legal workplaces make a deliberate effort to make gay and lesbian lawyers feel comfortable in the workplace, *e.g.*, through diversity training

Gay and lesbian lawyers generally are in the minority in their workplaces. Sometimes, openly gay and lesbian lawyers are a minority of one in their workplaces. Thus, as one such respondent commented:

> In sum, I think I experienced significant discrimination as a woman at my firm, discrimination that my heterosexual female colleagues also suffered. As an openly gay attorney, however, I think that my experience was even worse because I was a minority of one, which made the whole environment even more uncomfortable for me. I cannot quantify the discrimination in terms of such things as dollars, but there is no question that the quality of my life and my work experience was lessened. App. C, Comment 304 (lesbian respondent)

Nonetheless, few employers appear to engage in any focused efforts to make their gay and lesbian lawyers feel comfortable in their workplaces. For example, the responses to the Lawyer Survey reveal that while nearly one-fourth of the law firms where the respondents work are reported to offer diversity training (*i.e.*, training intended to foster a better work environment by educating and sensitizing lawyers and staff about the differences among individuals), fewer than half of those that offer such training are reported to include sexual orientation in the training. (Lawyer Survey, Table 18.) Similarly, although nearly 60% of the government offices and nearly half the corporate offices where the respondents work are reported to offer diversity training, only 35.4% and 50% of those employers, respectively, are reported to include sexual orientation in that training. (*Id.*) The only exception is the "other" category of employers,

including public interest organizations, where a substantial majority of the employers who are reported to offer diversity training are also reported to include sexual orientation in that training. (*Id.*) Only 30 of the 117 respondents to the Employer Survey reported that they had undertaken diversity training in their workplaces; of those, just over half (16) have included training with respect to sexual orientation. (Employer Survey, Table H.)

Similarly, although the Lawyer Survey indicates that many of the respondents' legal employers have a discrimination committee, ombudsman, or EEO officer, it appears that a number of those committees and individuals do not have the authority to hear complaints regarding sexual orientation discrimination. (Lawyer Survey, Table 17.)

**E. Positive Workplace Experiences**

Not all of the information about the workplace experiences of gay and lesbian lawyers received by the Task Force was negative. Respondents to both the Lawyer Survey and the Employer Survey were expressly invited to inform the Task Force about "positive experiences and/or about exemplary workplace policies and practices" regarding the subject of the surveys of which they were aware. (Lawyer Survey, Question 33; Employer Survey, Question 15.) A number of respondents to the Lawyer Survey (mostly heterosexuals) did provide comments in response to this invitation and noted their belief that they worked in a non-discriminatory environment. For example:

> I know our firm has openly gay or lesbian partners and associates. It has never, to my knowledge, had any adverse effect on their careers. Firm policy on this point is clear. App. C, Comment 1 (heterosexual respondent)

> We have several openly gay and lesbian lawyers, including partners. One was, in fact, the associate-elected and policy committee-chosen ombudsman. App. C, Comment 89 (heterosexual respondent)

> The only openly lesbian/gay person in my office is the best paid and brightest staff attorney (in my opinion). I work for the US Government. App. C, Comment 147 (heterosexual respondent)

> I have been surprised, considering the political feelings of some of my partners, of the unqualified acceptance of the gay partners and associates we have had. App. C, Comment 158 (heterosexual respondent)

> My firm has been able to attract first rate new lawyers by establishing itself as a comfortable environment for gays and lesbians. App. C, Comment 212 (heterosexual respondent)

> The organization for which I have [worked] has a ... Committee on lesbian and gay issues, has a full time in-house affirmative action office with wide authority and latitude to investigate complaints of discrimination of every sort and on a policy level has actively supported legislative measures related to lesbian and gay rights, has joined with gay and lesbian groups in supporting/signing onto amicus curiae briefs in various state and federal law suits involving gays and lesbians.... App. C, Comment 228 (heterosexual respondent)

> My firm is a great place for gay lawyers.... So far as I can tell, the only employment criteria used to evaluate me have been the quality of my work and the professional nature of my relationships with clients. App. C, Comment 259 (gay/lesbian respondent)

> Except for my perception that I need to remain closeted when dealing with clients, I feel positive about my workplace. The partners in my firm have been very responsive whenever I have raised concerns regarding my sexual orientation.... [The firm] added sexual orientation to the firm's non-discrimination policy....Additionally, I have brought dates to social functions and do not hesitate to discuss my personal life with the majority of attorneys and staff members in my firm. Based on my experience, I have confidence in the partners that swift corrective action will occur if I feel any offense or discrimination based on my sexual orientation. Additionally, because of my experience, and the past reactions of other partners, I do not hesitate to bring problems to their attention. App. C, Comment 270 (gay/lesbian respondent)

Some of the employer respondents likewise commented on the non-discriminatory policies of their workplaces. For example:

> *All* employees treated equally. We have *Strong* Posted notices on discrimination and have never had a complaint. We do not inquire as to Sexual Preferences as they are irrelevant. App. D, Comment 6 (medium-sized law firm).

> We are totally committed to non-discrimination on ALL levels. We have had gay-lesbians at firm and treated all spouses alike. App. D, Comment 16 (medium-sized law firm)

### F. Respondents' Comments On The Task Force's Charge And Its Sponsorship By The D.C. Bar

A number of the narrative comments received in response to the Lawyer Survey (and one in response to the Employer Survey) expressed hostility both to the subject matter of the Task Force's study, and to the fact that it was undertaken by the D.C. Bar. Thus, some respondents objected to what they thought was the use of their mandatory Bar dues to pay the expenses incurred in the study. In fact, while this would have been an appropriate use of Bar dues, the Board of Governors correctly anticipated that some Bar members would object to this use of their dues, and chose to use the Bar's other revenues as the sole source of funding for this study.[29]

More serious, and significant for purposes of this Report, is the tenor of many of the comments received, seemingly manifesting not merely skepticism as to the appropriateness of the subject matter as a fit concern for the organized Bar, but active hostility toward gay men and lesbians, and toward the thought that discrimination on grounds of sexual orientation should be considered as in any degree on a par with discrimination on grounds of race, gender, religion, or national origin.

These comments on the whole seem to the Task Force a striking illustration that there remains, even in the relatively enlightened and tolerant legal community of Washington, significant resistance to both the concept and the practice of treating sexual orientation as irrelevant to one's capacity to practice law. The comments speak for themselves:

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[29] It is also worth noting that, as stated in the consultant's Report on the Lawyer Survey, the response rate to the Lawyer Survey was lower than reported averages for mail surveys. (App. A, at 7-8.) Although some of the disparity may have been due to the length of the survey instrument, and some to the fact that the persons surveyed are busy professionals, the low response rate may also be due in part to the fact that many recipients of the survey simply did not consider the issue of sexual orientation discrimination to be important, or a problem, or deserving of study. *Id.*

> The existence of this questionnaire and its content are a graphic example of the sorry state to which this country has descended. App. C, Comment 195
>
> This is such a waste of time but I did it anyway. We should be spending time on better issues like family values. Homosexual lifestyle is not one of the values. It defies history's lesson on what is right and what is wrong. App. C, Comment 90
>
> This is much ado about nothing. You shouldn't have wasted bar money on this. I'd rather see the money spent on pro bono services to the community. App. C, Comment 15
>
> I strongly object to the premise of this survey that 1) Gays are entitled to protection under discrimination laws on constitutional principles 2) Gays should receive affirmative action. App. C, Comment 6
>
> This questionnaire appears to have been drafted by someone who has convinced himself that homosexual conduct is just another "lifestyle choice." The drafter is mistaken. Despite the efforts of homosexuals and their allies to "define deviancy down," throughout human civilization homosexuality has been, and remains, an abhorrent moral failing. The partners of our firm unanimously hold homosexual conduct to be wrong. We do not employ and would not knowingly employ a homosexual attorney or homosexual support staff member. Sodomy not only is abhorrent, but is a crime in Virginia....To lawyers especially, respect for the law should be more than a platitude. It therefore would be wrong, and a bad example to other lawyers and to the public at large, for a law firm to employ homosexuals or condone homosexual conduct. A firm that does so demeans itself, the legal profession, and the rule of the law. App. C, Comment 166
>
> While I agree with the ABA resolution as worded, i.e., opposing discrimination on the basis of sexual orientation, which may not be a matter of individual choice, I strongly oppose the practice of homosexual relations as immoral. I believe, accordingly, that discrimination against those who engage in homosexual intercourse is right. App. C, Comment 83
>
> This survey is a useless exercise which will no doubt be used to exacerbate a climate in which homosexuals are attempting to carve out a special status for special legal rights. App. C, Comment 222
>
> I think this survey is not an effective use of the Bar's resources. Discrimination against lawyers based on race or sex is an appropriate subject for Bar scrutiny, but not discrimination on a chosen behavior that is criminal in at least one of the jurisdictions in question. App. C, Comment 139

Seventeen recipients of the Lawyer Survey questionnaire returned the forms without filling them out, except for writing comments such as: "Why are we wasting time on this fairy maggot bullshit?"; "This survey is the work of the devil"; "This is offensive"; "This survey is an outrage that should further turn the people against their legal and political institutions"; and

"Frankly, I could care less [sic] about bias against gays. I'm tired of special interest groups. Let them fend for themselves like everyone else." *See generally* App. C, at 92. One of the Employer Survey questionnaires, also, was returned with the following: "Homosexual Nonsense. What about the bigotry against straight conservative white males?" App. D, Comment 19.

### G. Conclusion

The survey findings are mixed. From a purely statistical point of view, half or more of both groups of gay and lesbian respondents (those in both the random sample and the purposive sample) reported their belief that openly gay and lesbian lawyers in their own workplaces are treated equally with heterosexual lawyers in terms of such matters as advancement within their organizations, annual income, and maintaining positive working relationships with office colleagues. Nonetheless, the statistical data also show that gay and lesbian lawyers in law firms are under-represented as partners, even controlling for length of time in practice. Disparities in compensation and benefits packages also exist. In addition, many gay and lesbian lawyers work in environments that are hostile to them because of their sexual orientation.

Both the statistics and, in particular, the narrative comments received show that there remains a substantial problem of prejudice toward, and unequal treatment of, gay and lesbian lawyers in the legal workplace. Significantly, many of the respondents who were willing to identify themselves as gay or lesbian on an anonymous survey nonetheless feared, apparently out of concern for their job security and success in their careers, to let their sexual orientation be known to the world in which they work. Moreover, such reticence is not without foundation, as was made clear by the intensely hostile views toward gay men and lesbians expressed by other respondents.[30]

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[30] Studies of potential sexual orientation discrimination conducted by bar associations in

In the Recommendations section that follows, the Task Force issues a call to the legal community for specific actions to be taken and concerted efforts to be made to ensure that the legal workplaces in and around our nation's capital are truly reflective of equal treatment and opportunity. Like everyone else, gay and lesbian lawyers deserve to be treated fairly in their workplaces, to have the same chance as others to obtain a job, do a good job, and be judged based on their performance and not their status. Giving that "same chance" to the minority is the challenge and obligation of the majority. It is also the only responsible business approach. As many employers have learned with respect to personal characteristics such as gender, marital status, religion, age, race, and ethnicity, a legal employer that refuses to hire or otherwise discriminates against a lawyer based on factors irrelevant to job performance limits its chances of hiring and retaining the best lawyers. Also, because lawyers who are comfortable in their workplace do a better job, an employer that allows a hostile or non-welcoming environment to discourage full participation by gay and lesbian lawyers inhibits its own ability to deliver the best work product possible.

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other jurisdictions have yielded similar findings. In an article published after this survey was conducted, a commentator summarized the findings of those other studies as follows:

> [T]he studies paint a disheartening portrait of the professional lives of lesbian and gay attorneys. The statistics indicate that many lesbians, gay men, and bisexuals have suffered discrimination. Nearly half remain closeted at work, anxiously micro-managing the performance of their sexual identities to their colleagues, supervisors, clients, and judges. Many lack mentors and support systems and feel excluded from the social network of the bar and firm life by forced single status, if not by their sexual orientation. Almost no gay attorneys receive equal pay for equal work, as their benefit packages do not extend to their partners and partners' children. These factors typically combine to impede progress in the profession in various ways including job satisfaction; progress to partnership; pay equity; firm and bar leadership positions; and elevation to the bench.

William B. Rubenstein, *Some Reflections on the Study of Sexual Orientation Bias in the Legal Profession*, 8 UCLA WOMEN'S L.J., 379, 392 (1998).

Indeed, beyond good business, there is the human element. Discrimination is degrading -- to both the perpetrator and the victim -- and it is wrong, plain and simple. It should not be tolerated in our workplaces.

## III. RECOMMENDATIONS

The recommendations of the Task Force that follow in this Report all rest on the fundamental proposition that gay and lesbian lawyers are entitled to employment opportunities, a work environment, and the opportunity for professional advancement in which their sexual orientation plays no role. In other words, heterosexual lawyers, and gay and lesbian lawyers, should be accorded equal treatment in the workplace. This fundamental proposition has several interwoven bases.

One is that employment discrimination on the ground of sexual orientation is, in the District of Columbia, the federal workforce and much of the D.C. metropolitan area, prohibited by law. See discussion at 1, above.[31]

Another basis is a practical one, which is that sexual orientation has no relationship to a lawyer's ability. Since some portion of the population of lawyers and law students is gay or lesbian, legal employers would be acting contrary to their own interests and limiting their own opportunities if they declined to hire, retain or promote lawyers on the basis of sexual orientation. Moreover, as increasing numbers of self-identified gay men and lesbians become decision-makers in the corporate[32] and public[33] sectors, legal employers who fail to create an

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[31] Appendix E contains a list of citations to local laws prohibiting employment discrimination on the basis of sexual orientation.

[32] For example, a substantial number of openly gay men and lesbians have assumed leadership positions in Fortune 500 corporations. *See* James D. Woods with Jay H. Lucas, *The Corporate Closet: The Professional Lives of Gay Men in America* (1993); Thomas A. Stewart, *Gay in Corporate America*, FORTUNE, December 16, 1991, at 42-46.

[33] For example, the 106th Congress includes three openly gay and lesbian members. Two openly gay men were recently elected to serve on the District of Columbia City Council. More than one hundred and thirty openly gay men and lesbians have been appointed to positions at the highest levels of the federal government, including Deputy Chief of Staff to the President, Assistant to the President for Administration, and Assistant Secretary for Policy, Management and Budget in the Department of the Interior. *See* "Gay and Lesbian Outreach Desk: Accomplishments, The Official Site of the Democratic National Committee," November 1998

hospitable workplace for gay and lesbian lawyers are risking business opportunities in a highly competitive legal environment.

Finally, it is the Task Force's sense that, requirements of law and considerations of self-interest aside, our shared ideal of civic decency demands that we treat our fellow citizens with the same respect we ask of them, without regard to characteristics (such as race, creed, gender and many others) that have no bearing on their competence or trustworthiness. We find some significance, in this regard, in the fact that public opinion polls show that, whatever their view of homosexuality as such, a substantial majority of the American public disapprove of discrimination in employment on the ground of sexual orientation. *See, e.g.*, Hanna Rosin & Richard Morin, *As Tolerance Grows, Acceptance Remains Elusive,* WASH. POST, Dec. 26, 1998 at A1, A26 (reporting the finding of a poll by the Washington Post, Henry J. Kaiser Family Foundation and Harvard University, that 87 per cent of respondents said that gays and lesbians should have equal rights in terms of job opportunities).[34]

### A. Recommendations For Employers

Equal treatment for gay and lesbian lawyers in the legal workplace is not likely to be achieved unless top management explicitly makes a commitment to ensure such treatment. Such a commitment, if it is to be effective, will require more than simply adopting anti-discrimination and domestic partnership policies. It will mean making such policies known to all lawyers and vigorously enforcing them. It will mean adopting mechanisms to ensure that gay and lesbian lawyers are not discriminated against in hiring, work assignments, advancement, retention or

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http://www.democrats.org/outreach/glaccomp.html.

[34] Of course, fundamental human rights cannot properly be subjected to majority whims. We refer here to polls merely to demonstrate that most Americans recognize that a person's sexual orientation is irrelevant when it comes to his or her job skills and should not impair a person's employment opportunities or permit unequal treatment in the workplace.

compensation. In addition, as discussed below, it will also mean taking positive steps to ensure that gay and lesbian lawyers are made to feel as comfortable in the workplace as their heterosexual colleagues. Management must lead by example to demonstrate that discrimination against and harassment of gays and lesbians has no place in their organizations.

The recommendations below point to specific actions that legal employers can take to ensure such equal treatment.[35] The goal of "equality" is not infused with hidden meanings. These recommendations are not intended to result in "preferences," "quotas" or "affirmative action." They simply seek to ensure that gay and lesbian lawyers are treated no differently than their heterosexual counterparts on the basis of their sexual orientation.

The implementation of the recommendations and thereby the creation of a hospitable (in this context "gay friendly") workplace in general can have positive effects on gay and lesbian lawyers as well as their legal employers. When treated with equality and respect, gay and lesbian lawyers, if not already openly so, will likely feel more comfortable being open about their sexual orientation with colleagues. Lawyers who are comfortable in their workplaces are likely to work harder, be more productive, and stay longer at their places of employment, all to the benefit of their employers. A gay-friendly workplace, known by others to be such, is likely also to be important to the recruitment of top level talent from law schools and from judicial clerkships, as well as laterally. As discussed above, as increasing numbers of openly gay men and lesbians assume leadership positions in the private and public sectors, a bias-free workplace will become increasingly important to a firm's competitiveness and ability to obtain clients.[36]

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[35] The recommendations are intended to be applicable to all legal employers, regardless of size. Nevertheless, very small legal employers often do not have formal written policies for health care, leave or other benefits. In those cases, the principle of equality for all lawyers may be implemented perhaps less formally but no less surely.

[36] The advantages to employers of not discriminating against gay and lesbian employees are

### 1. Hiring, Advancement, Compensation/Benefits

At the core of any effort to achieve equality for gay and lesbian lawyers is ensuring that sexual orientation is not an obstacle in the hiring process, in work assignments, in advancement, or in salary and other compensation such as bonuses and benefits. Implementation of the following recommendations would help promote equality of treatment in each of these areas.

#### *a. Adopt, implement and enforce a written policy prohibiting employment discrimination based on sexual orientation*

If a legal employer has a policy that bars discrimination based on personal characteristics such as race, gender and ethnicity, it should include sexual orientation among the prohibited grounds.[37] If a legal employer currently has no written anti-discrimination policy, it should adopt one, and include sexual orientation among forbidden grounds of discrimination. Such policies should prohibit discrimination in all aspects of employment, *i.e.*, recruitment, hiring, work assignments, advancement and compensation. Harassment based on sexual orientation should also be prohibited.

Such policies may have little effect unless they are accompanied by a strong enforcement mechanism, and an express commitment by management to use it. A grievance procedure should have reasonable timetables for the investigation and resolution of complaints, and should ensure anonymity at all times. If a firm has a single "ombudsman" to receive such complaints, that person should be one whom gay and lesbian lawyers can trust to discuss their concerns. If a

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explored in greater depth in Alistair D. Williamson, James D. Woods, William M. O'Barr, Michael R.Losey & Elizabeth McNamara, *Is this the Right Time to Come Out?*, HARV. BUS. REV., July-Aug. 1993, at 18-28.

[37] Such a formal policy would, in much of the Washington, DC metropolitan area, reinforce a prohibition already embodied in applicable law, letting employees know their rights and sending the message that their employer is committed to a policy of nondiscrimination and equal treatment in the workplace.

firm utilizes a committee for that purpose, there should be at least one member with whom gay and lesbian lawyers feel comfortable. The enforcement mechanism should include remedial and/or disciplinary action for violations, and management should be willing to take such action when warranted.

*b. Sensitize hiring committees about sexual orientation discrimination, and if possible, include gay and lesbian lawyers on such committees*

As the Surveys indicate (*see* II.A, above), gay and lesbian applicants for lawyer positions are sometimes excluded from consideration simply because of their sexual orientation. Management should make clear to its hiring and recruitment committees and others responsible for hiring that such discrimination is impermissible. Diversity of membership on hiring and recruitment committees, including, when possible, openly gay or lesbian lawyers, should assist in preventing such discrimination and help promote sensitivity to potential sexual orientation discrimination in the hiring process.

Lawyers and others who conduct interviews for job openings should be made aware that they are not permitted to ask questions about a job candidate's sexual orientation, just as they are not permitted to ask about inappropriate matters such as the candidate's age, marital status, religion, or plans about having children.

*c. Notify gay and lesbian law student organizations and other gay and lesbian legal organizations of job openings*

Many large law firms and other legal employers actively recruit women as well as racial and ethnic minorities from law schools.[38] For the same reasons, such employers should also

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[38] *See generally*, National Association of Law Placement (NALP) 1998-1999 NATIONAL DIRECTORY OF LEGAL EMPLOYERS. NALP seeks to obtain employment and other information from legal employers by asking them to fill out a multi-page form. The returned forms are then bound in a large volume and sent to law schools. The form asks, among other things, the number of lawyers employed by the legal employer, the salary and benefits for associates and the areas of practice. The form also asks the legal employer to list the number of minority lawyers it

solicit applications from gay and lesbian law students. A simple way to do so is to send notices of job openings to gay and lesbian law student organizations and invite their members to apply. Many, if not most, law schools have gay and lesbian law student organizations. To the extent that a legal employer sends notices of job openings to minority legal and bar organizations, it should also send them to gay and lesbian legal and bar organizations, such as GAYLAW. Similar gay and lesbian voluntary bar organizations are located in New York, San Francisco, Los Angeles, Boston and Philadelphia, among other cities.

*d. Include information pertinent to gay and lesbian lawyers and law students in written recruiting materials*

When an employer sends job notices or other recruiting materials to law schools and elsewhere, those materials should contain information that will help gay and lesbian law students discern whether a particular legal employer is "gay friendly." This information can include the number of openly gay and lesbian lawyers in the employer's establishment (if known); the existence of an anti-discrimination policy; the availability of domestic partnership benefits; and, to the extent that the legal employer provides names and phone numbers of other minority lawyers, the names and phone numbers of openly gay and lesbian lawyers in the organization who can answer questions or discuss issues that an applicant might not feel comfortable addressing in an interview. If no openly gay or lesbian contacts are available, it would be helpful to designate a "gay sensitive" contact to answer such questions.

A simple way for legal employers to provide this information is by filling out and returning National Association of Law Placement forms sent by law schools and by NALP itself.

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employs, including openly gay lawyers, and requests information on minority recruitment efforts. The vast majority of the nearly 1300 legal employers reflected in the NALP 1998-1999 DIRECTORY described efforts to recruit minorities, although most do not specify whether the minorities include gay and lesbian law students. *Id.*

These forms typically ask for the number of openly gay and lesbian lawyers in the legal workplace, the existence of health care and other benefits, and the existence of anti-discrimination policies.

*e. Be aware of potential sexual orientation discrimination in lawyer evaluations and career advancement and sensitize evaluators to such discrimination*

The Surveys have shown the existence of sexual orientation discrimination when it comes to lawyer promotions and career advancement, including partnership decisions. Management should make clear that such discrimination will not be tolerated. Many firms use associate evaluation committees to evaluate the performance of associates and make partnership recommendations. As with hiring committees, diversity of membership on such committees, including, when possible, openly gay or lesbian lawyers, should help prevent sexual orientation discrimination and promote sensitivity to potential sexual orientation discrimination in associate evaluations and partnership decisions. The members of such committees, and others who evaluate the performance of lawyers, should be made aware that a lawyer's sexual orientation is irrelevant in the evaluation process.

*f. Support involvement in gay and lesbian professional associations in the same manner as the employer treats involvement in other professional associations*

Gay and lesbian professional organizations such as GAYLAW, the Potomac Executive Network (PEN) and the National Lesbian and Gay Legal Association (NLGLA) provide social and business-networking opportunities that can benefit both the individual lawyer and the legal employer. If an employer pays for lawyer membership in professional associations, including voluntary bar associations, the employer should similarly pay for membership in gay and lesbian professional associations. Legal employers should also support activities of these organizations

on the same basis that they support activities of other professional associations in which their lawyers are involved, for example, by buying tables at fundraising events.

*g. Make available to gay and lesbian lawyers, their partners and their partners' children the same health care, sick leave, parental leave and other benefits available to heterosexual lawyers and their spouses and children*

In most workplaces, if not all, a lawyer's compensation includes certain benefits, such as health care coverage, in addition to his or her salary. Those benefits often extend to a lawyer's spouse and children. To be treated equally with their heterosexual colleagues, gay and lesbian lawyers who have same-sex partners should receive, as part of their compensation package, the same benefits for such things as health care coverage and parental leave as are accorded heterosexual lawyers with respect to their spouses and (where applicable) their spouses' children. Indeed, the D.C. Human Rights Act specifically prohibits discrimination on the basis of both sexual orientation and marital status with respect to an employee's "compensation, terms, conditions, or privileges of employment." D.C. Code § 1-2512(a)(1). Thus, in addition to prohibiting differential treatment of gay and lesbian employees as compared to heterosexual employees, the Act also bars differential treatment of married and unmarried employees.[39] In addition, the D.C. Family and Medical Leave Act, D.C. Code § 36-1301 *et seq.*, more fully discussed below, applies to the families of gay men and lesbians, as well as to the families of heterosexuals.

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[39] We are not aware of any decisional authority as to whether an employer that provides health care and other benefits to, or in relation to, the spouses of married heterosexual employees but denies them to the partners of gay and lesbian, or unmarried heterosexual, employees would violate the Act. However, the statutory text does not readily lend itself to any other reasonable reading. For this reason, in addition to fundamental fairness, employers should provide the partners and families of their unmarried lawyers – gay, lesbian and heterosexual -- with the same benefits they provide to or for the spouses and families of their married lawyers.

While it is beyond the scope of this Report to catalogue all of the employment benefits that may be available in the workplace, the following are typical:

*Health care benefits*: The partners of gay and lesbian lawyers and the children of their partners should be eligible for health care coverage on the same basis as the spouses, biological children, adopted children and step children of married lawyers. Indeed, whether or not required by local law, "domestic partner" coverage is now provided by numerous employers throughout the private sector, including many of the country's leading corporations.[40] To meet the demand for this coverage, many insurance companies now provide domestic partner health care coverage, and employers should consider replacing an insurance carrier that refuses to provide such coverage.[41] While cost should not be a factor in achieving

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[40] Employers offering domestic partner coverage include (but are certainly not limited to): American Express, American Telephone & Telegraph Co. (AT&T), Apple Computer, Inc., Federal National Mortgage Association (Fannie Mae), Harvard University, HBO/Time-Warner, Inc., Levi Strauss & Co., Lotus Development Corp., Massachusetts Institute of Technology (MIT), MCA, Inc., Microsoft Corp., National Public Radio (NPR), Oracle Corp., Principal Financial Group Inc., Public Broadcasting System (PBS), Charles Schwab & Co., Inc., Showtime Networks Inc., Stanford University, Starbucks Coffee Co, University of Chicago and Viacom International, Inc. *See* Ed Mickens, THE 100 BEST COMPANIES FOR GAY MEN AND LESBIANS (1994).

[41] Some insurance carriers providing domestic partner coverage attempt, through the employer, to impose burdens on gay and lesbian employees seeking such coverage for their partners that are not imposed on heterosexuals seeking coverage for their spouses. For example, a gay employee may be asked to sign an affidavit that he and his domestic partner are financially interdependent in a number of ways, such as through a joint mortgage, joint credit card, etc. Heterosexual employees are not typically required to undertake such financial obligations as a prerequisite for obtaining health insurance coverage for a spouse. The Task Force recommends that an employer maintain a uniform policy for *all* of its employees when it comes to spousal/domestic partner coverage, and not impose on their unmarried employees (be they heterosexual, gay or lesbian) any burdens not imposed on married employees as a prerequisite for obtaining health insurance coverage for one's partner or for any other employment benefit. If an employer accepts a heterosexual employee's word that he or she is married, representation that

equality of treatment (nor is it a defense to discrimination under the D.C. Human Rights Act[42]), it is worth noting that, as published studies have shown, the addition of domestic partner coverage to an employer's benefits plan is not costly.[43]

*Parental leave/child care*: Parental leave and child care policies should apply without regard to the sex, marital status, or sexual orientation of the lawyer, and should not be dependent on the biological relationship between parent and child. For example, if the partner of a gay or lesbian lawyer has given birth to or adopted a child, that lawyer should be permitted to take the same parental leave and/or child care leave available to a heterosexual lawyer whose spouse (or partner) has given birth to or adopted a child.[44]

*Bereavement and caretaking leave*: To the extent that an employer has policies permitting lawyers to take leave in the event of the death of a spouse or child, or to care for a family member, these policies should also allow leave to be

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an unmarried employee is in a comparable relationship should equally suffice for domestic partner coverage.

42 *See* D.C. Code § 1-2503(a)(1991).

43 *See, e.g.*, *Domestic Partner Benefits Cost Same as Heterosexual Married Couples*, GANNETT NEWS SERVICE, July 22, 1997 (July 1997 report by the Employee Benefit Research Institute found that "[e]mployers currently offering benefits to domestic partners have not experienced higher risks or costs in their health insurance coverage than they have with legally married spouses"; KPMG Peat Marwick's annual health benefits survey found that "[t]he difference in cost between firms offering and denying this type of coverage appears slight").

44 Regardless of whatever parental leave policies an employer may have, the D.C. Family and Medical Leave Act (DCFMLA), D.C. Code § 36-1301 *et seq.*(1997), requires that an employee be permitted to take up to 16 workweeks of leave during any 24-month period for, among other events, "the birth of a child of the employee," the "placement of a child with the employee for adoption or foster care," or the "placement of a child with the employee for whom the employee permanently assumes and discharges parental responsibility." D. C. Code § 36-1302(a)(1997).

taken for the care of both same- and opposite-sex partners and non-biological children.[45]

*Relocation benefits:* To the extent that an employer pays the moving expenses for the spouses or partners of heterosexual lawyers, it should also pay those expenses for the partners of gay and lesbian lawyers.[46]

*Pension and survivor benefits:* Similarly, and to the extent legally possible, the partners of gay and lesbian lawyers should be entitled to receive the same pension, death or other survivor benefits as do the spouses of heterosexual lawyers.

*h. Ensure that all lawyers are aware of the existence of anti-discrimination and other human resource policies*

The legal employer should make the existence of its anti-discrimination policy and other human resource policies such as domestic partner benefits known to all lawyers. In addition to educating lawyers and staff about the presence of gay and lesbian lawyers in the workplace, such action obviates the need for gay and lesbian lawyers to "out" themselves by inquiring whether such policies exist. These policies should be included in new lawyer orientation packets,

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[45] At a minimum, the DCFMLA requires that an employee be allowed to take up to 16 workweeks of leave during any 24-month period for "The care of a family member of the employee who has a serious health condition." D.C. Code §36-1302(a)(1997). The Act defines the term "family member" as: 1) a person to whom the employee is related by blood, legal custody or marriage; 2) a child who lives with an employee and for whom the employee permanently assumes and discharges parental responsibility or 3) a person with whom the employee shares or has shared, within the last year, a mutual residence and with whom the employee maintains a committed relationship. D.C. Code §36-1301(4)(1997). This definition unequivocally embraces domestic partners of gay and lesbian lawyers.

[46] Neither Survey specifically inquired into the existence of relocation benefits or pension benefits, discussed below. However, the same premise of equal treatment and compensation applies to these benefits as it does to the others.

employee handbooks, policy manuals, and, where applicable, in recruiting materials sent to law schools.

### 2. Daily Work Environment

The survey data and the narrative comments indicate that many gay and lesbian lawyers work in inhospitable environments. *See* discussion at II.B, above. Such an atmosphere manifests itself in various ways. Some gay and lesbian lawyers are subjected to offensive comments and disrespect. Some gay and lesbian lawyers are employed in organizations where colleagues, staff and clients sometimes refuse to work with them. Some gay and lesbian lawyers, if not openly gay, are fearful that their sexual orientation will become known, and therefore do not talk about their own lives in a way that heterosexuals routinely do and take for granted. In addition to making daily worklife more uncomfortable for gay and lesbian lawyers, this type of environment can also affect their professional advancement, because lawyers who feel the need to be secretive or evasive about their lives may seem strange and distant and may have a more difficult time building relationships with their colleagues.

For all these reasons, just as management should make a commitment to policies that ensure equality for gay and lesbian lawyers, it should also make a commitment to ensuring that the work environment is one in which gay and lesbian lawyers are treated with respect and are comfortable being themselves and talking with colleagues about their everyday activities and the persons with whom they share their lives in the same way that heterosexuals do. Achievement of this overall goal will be assisted by implementation of the following recommendations:

#### *a. Prohibit derogatory comments about gays and lesbians and discipline those who make them*

The survey results and the narrative comments indicate that, despite the social disapprobation that generally applies to racial, ethnic and gender slurs, it is still acceptable in a

number of legal workplaces to make disparaging remarks about gays and lesbians. Management should actively discourage such behavior by confronting and disciplining those who engage in it, by making it clear to all lawyers and staff that such behavior is unacceptable, and by not engaging in such behavior themselves.[47]

*b. Decline to countenance refusals to work with gay and lesbian lawyers that are based on their sexual orientation*

The survey results and the narrative comments indicate that clients, lawyers and staff sometimes refuse to work with a lawyer because he or she is lesbian or gay. *See* discussion at II.B.2. above. Legal employers should not countenance such refusals, just as they (presumably) would not remove a lawyer from a matter because of a client or lawyer's desire not to work with an African-American, Jewish or female lawyer. If need be, the employer should inform the client or remind its own lawyers and staff that it is the employer's policy (and, if applicable, a legal requirement) not to discriminate on the basis of sexual orientation.[48]

*c. Encourage partners of gay and lesbian lawyers to attend firm and office functions*

It will obviously create an atmosphere more welcoming to gay and lesbian lawyers if their domestic partners and dates are explicitly made welcome to attend firm and office functions

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[47] This type of conduct is more than a distracting irritant to gay, lesbian and many heterosexual lawyers. Research indicates that workplace incivility hurts an employer's profits as well. *See* Kirstin Downey Grimsley, *Slings and Arrows on the Job*, WASH. POST, July 12, 1998, at H1 (new research indicates that rudeness in the workplace "actually can affect the company's bottom line").

[48] As one article has observed, "[t]he *pandering-to-the-customer* defense is nothing new. Elite law firms long justified their exclusion of women and minorities by saying, 'We'd like to, but the clients wouldn't stand for it.' But firms did begin to diversify, and the clients stood for it. The clients continue to complain about the price and quality of the work but not about the race and gender of the people doing it. On the contrary, the firms that once dragged their feet now pay a heavy price in recruiting talent with attendant consequences for their work product." John M. Conley & William M. O'Barr, *Is this the Right Time to Come Out?*, HARV. BUS. REV., July-August 1993, at 22-23 (emphasis in original).

to which spouses, partners and dates of heterosexual lawyers are invited. To help make clear that guests at such functions are not limited to married spouses, and that the partners of gay and lesbian lawyers are welcome and encouraged to attend, invitations should use neutral terms such as "guest" or "partner" in lieu of, or in addition to, "spouse."

*d. Include the subject of sexual orientation in diversity training*

A number of legal employers use human relations workshops and other training programs to educate and sensitize lawyers and staff about the differences between individuals and to help foster a healthy work environment for all employees. Such diversity training generally includes discussion of race, gender and ethnicity, but, as both Surveys demonstrate, often does not extend to sexual orientation. *See* discussion at III.D.3, above. Legal employers that provide diversity training should ensure that discussion of sexual orientation is included as well.

*e. Engage in pro bono work on behalf of gay and lesbian causes and concerns and publicize that work on the same terms as other pro bono efforts*

A private legal employer can show its support for gay and lesbian lawyers by engaging in *pro bono* work on behalf of gay/lesbian causes and concerns. Such *pro bono* opportunities may include representation of lesbians and gays who are being forced out of the military; have experienced discrimination in housing, health care or the workplace; or are seeking to immigrate to the United States because of persecution in their homelands based on sexual orientation. There are also many local and national nonprofit organizations that seek to ensure equal rights for gays and lesbians and that are in need of *pro bono* assistance. These include, but are not limited to, local organizations such as the D.C. Chapter of Parents, Families and Friends of Lesbians and Gays (PFLAG), the Sexual Minority Youth Assistance League (SMYAL), and Whitman-Walker Clinic Legal Services Department and national organizations such as the Gay and Lesbian Alliance Against Defamation, the Gay and Lesbian Rights Project of the American

Civil Liberties Union, the Human Rights Campaign, Lambda Legal Defense and Education Fund, the Lesbian and Gay Leadership Forum, the National Black Gay and Lesbian Leadership Forum, the Latino/a Lesbian and Gay Organization (LLEGO), the National Center for Lesbian Rights, the National Gay and Lesbian Task Force, People For the American Way Foundation, and the Servicemembers Legal Defense Network.

*f. Include same-sex partners in any firm or organization literature or roster that includes heterosexual spouses, and announce achievements and events affecting gay and lesbian lawyers in firm or organization literature in the same manner as achievements and events affecting heterosexual lawyers*

Legal employers should include the names of partners of gay and lesbian lawyers in rosters, directories and the like in the same manner that they list partners and spouses of heterosexual lawyers, for instance, in "face" books or "spouse" lists that are made available in-house and/or to clients. Any forms the employer routinely uses, including but not limited to employment applications, new hire information sheets, insurance enrollment forms, firm rosters and the like should ask for the names of the employee's "spouse or partner," rather than his or her "spouse," so that it is clear that gay and lesbian lawyers are welcome to identify their partners. In addition, if a law firm or other employer has an internal newsletter that reports achievements, honors and events pertaining to heterosexual lawyers (*e.g.*, marriages, births, election to office in voluntary bar associations), it should do the same for gay and lesbian lawyers (*e.g.*, commitment ceremonies, the birth or adoption of a child by the gay or lesbian lawyer and his or her partner, election to office in gay or lesbian professional groups).

**B. Recommendations For The D.C. Bar**

The District of Columbia Bar can lead by example in encouraging legal employers to adopt the Task Force's Recommendations for Employers, discussed above. First, the Executive Office of the Bar should adopt and implement those recommendations that are applicable to it as

an employer, insofar as the Executive Office is not already following such policies. Commendably, the Bar has adopted a nondiscrimination policy that includes sexual orientation, and provides, *inter alia*, health benefits for domestic partners of its gay and lesbian employees. Second, the Bar's leaders should encourage management in each of their own workplaces to adopt and implement the Recommendations for Employers, again insofar as their workplaces are not already following such policies. Finally, Bar leaders, particularly the President, should use their "bully pulpit" to encourage other legal employers to adopt the recommendations and otherwise ensure a work environment in which gay and lesbian lawyers are treated as equal members of the legal community.

In addition, the Bar as an institution can help promote implementation of the recommendations. Listed below are specific recommendations for achieving that goal.

### 1. Publish, Promote and Widely Disseminate This Report

The Bar should publish, promote and widely disseminate this Report. The Report should be distributed to, *inter alia*, legal employers, local and national news media (including the legal press and gay press) and gay rights and civil rights organizations. This should help educate legal and nonlegal employers and the press about the problems facing gay and lesbian lawyers in the workplace and ways to help solve them.

### 2. Publicize the Existence of, and Make Available to Legal Employers, Information That Will Assist Them in the Implementation of the Recommendations of this Report

The Recommendations for Employers in this Report are likely to be more effective if the Bar works to assist and encourage their implementation by legal employers. The Bar should, *inter alia*, make available to legal employers the names and phone numbers of resources for information on domestic partnership benefits, anti-discrimination policies, and health insurance carriers that provide appropriate coverage for gay and lesbian lawyers and their families. The

Bar should notify members of the availability of this information through its World Wide Web site and its periodical publications.

### 3. Sponsor Continuing Legal Education Programs Addressing Issues of Importance to Gay and Lesbian Lawyers

The Bar and the Bar's Public Service Activities Corporation (PSAC) sponsor dozens of continuing legal education (CLE) and similar programs each year. In the past year alone, the Bar and the PSAC have sponsored programs on immigration law, adoption, family law and estate planning. *See* BAR PREVIEW (September, 1998). These and other programs address topics of importance to gays and lesbians, but do not always specifically address gay and lesbian issues.[49] For example, the Bar's CLE program includes a very popular diversity training session that addresses sexual orientation only very superficially.

To its credit, the Bar, working with organizations such as GAYLAW and this Task Force, has sponsored workshops and other events on issues affecting gay men and lesbians at its annual meeting, but has no regular method for ensuring their inclusion in CLE programs. Therefore, to the extent that it is not already doing so, the Bar should ensure that where appropriate, gay and lesbian concerns are included in CLE programs addressing diversity, discrimination, family law, trust and estates, immigration and other issues.

### 4. Include Gay and Lesbian Representation on Bar Committees and Task Forces and in Bar Leadership

As it does with women and racial, ethnic and other minorities, the Bar and its leadership should make an effort to ensure that gay and lesbian lawyers are represented in all facets of Bar

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[49] An example of such issues is "second parent" adoption by a partner of a gay or lesbian, permitted in some jurisdictions and not in others. In addition, the inability to marry requires special planning (*e.g.*, tax and estate planning) for gay and lesbian couples who are denied rights provided to married couples, such as survivorship benefits under social security and traditional pension plans (as opposed to 401(k) plans), as well as the unlimited marital deduction from federal estate and gift tax.

leadership -- on Bar Committees and Task Forces, and as candidates for Bar offices and the Board of Governors. When the Bar's Screening Committee and Nominations Committee consider filling openings on various committees and for candidates for the Board of Governors, the Committees often specifically consider the race, gender and type of practice of the candidates, and also, on occasion, solicit particular individuals for those positions. These Committees should do the same with respect to gay and lesbian lawyers.

5. **Advocate a Similar Study of Bias in the District of Columbia Courts**

This Task Force did not address the issue of the possible existence or extent of discrimination based on sexual orientation in the District of Columbia local and federal courts. In 1995, the District of Columbia Circuit engaged in a study of racial and gender bias in the D.C. federal courts, but despite repeated requests, sexual orientation bias was not included.

The type of discrimination that can take place in the judicial system against parties, lawyers and witnesses who are (or who are perceived to be) gay or lesbian, is quite different in scope and effect from the workplace discrimination that is the subject of this Report. Moreover, the courts themselves are likely better suited than the Bar to develop the proper methodologies for studying and analyzing the existence of any such bias and for making the proper recommendations for eliminating discrimination in the judicial system.

The Bar can play a role in bringing about such a study. Over the 26 years of the Bar's existence, it has developed a strong relationship with the courts in the District of Columbia. The Bar should encourage the appropriate leaders of the federal and local courts located in the District of Columbia to engage in a study of sexual orientation bias in the judicial system.

## C. Conclusion

This study documents the existence of sexual orientation discrimination against lawyers in the legal workplace of our nation's capital. The Recommendations set forth above

describe specific measures by which employers and the D.C. Bar can help eliminate such discrimination. These Recommendations rest on the fundamental principle that all human beings, regardless of sexual orientation, should be treated fairly, equally, and with dignity. This seems to us a self-evident and non-controversial proposition, but one that, given the survey findings, certainly bears repeating.

# REPORT OF THE DISTRICT OF COLUMBIA BAR TASK FORCE ON SEXUAL ORIENTATION AND THE LEGAL WORKPLACE

## VOLUME II

## APPENDICES

March 1999

Tab A

# APPENDIX A

## Report on a Survey of Lawyers In the Washington, D.C. Metropolitan Area:

## Workplace Experiences and Perceptions With Respect to Sexual Orientation

**Prepared for the District of Columbia Bar Task Force on Sexual Orientation And the Legal Workplace**

**Alan R. Andreasen, Ph.D.**

**March 1999**

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## INTRODUCTION

In the Spring of 1996, the D.C. Bar Task Force on Sexual Orientation and the Legal Workplace retained the author as a consultant for the purpose of conducting two surveys regarding the possible existence and extent of bias in the legal profession on the basis of sexual orientation. The survey reported here inquired into the experiences and perceptions of individual lawyers with respect to the impact, if any, of the sexual orientation of lawyers in their workplaces. The survey questionnaire was mailed in October and early November of 1996. Two groups of lawyers were asked to complete the questionnaire:

- A random sample of active members of the D.C. Bar who were working in the Washington, D.C. metropolitan area in the previous five years; and
- A number of lawyers who were known or believed, by a member of the Task Force who is politically active in lesbian/gay matters, to be lesbian, gay or bisexual, and who were specifically invited to respond to the survey. (The respondents in this group are referred to in this report as the "purposive sample," a term commonly used in field research studies).

The Task Force immediately followed the survey of individual lawyers with a second survey, of legal employers. The second survey questionnaire was mailed in late November and early December, 1996. The results of the second survey are presented in a separate report of even date.

The survey questionnaire directed to individual lawyers (which is annexed hereto as Appendix A-1) included two open-ended questions (Questions 32 and 33), asking, respectively, for a description of any incidents of real or perceived discrimination on the

basis of sexual orientation, and for any other comments respondents might have on the subject of the survey questionnaire. The comments elicited in response to these open-ended questions are presented (with redactions only to preserve a promised anonymity of the respondents or to eliminate negative comments about identified persons or entities) in Appendix C.

## METHODOLOGY

The design and implementation of the study followed standard marketing research practices. As parameters for the investigation, the survey restricted respondents to reports of their experiences in the Washington, D.C. area in the last five years. If a respondent was employed as a lawyer by more than one organization during that time, he or she was asked to respond with respect to the current place of employment. Respondents who were not now practicing law were asked to respond with respect to their most recent prior employment as a lawyer in the Washington area, but only within the last five years.

Topics included in the survey were drawn from earlier studies by other bar organizations on potential discrimination in the legal workplace based on sexual discrimination,[1] and from suggestions of members of the Task Force.

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[1]See *Bar Association of the City of New York, Committee on Lesbians and Gay Men in the Legal Profession: Report on the Experience of Lesbians and Gay Men in the Legal Profession* (August 1993); *Los Angeles County Bar Association Committee on Sexual Orientation Bias: Report* (June 22, 1994); *In Pursuit of Equality: The Final Report of the King County Bar Association Task Force on Lesbian and Gay Issues in the Legal Profession* (September 6, 1995); *Legal Employers' Barriers to Advancement and to Economic Equality Based Upon Sexual Orientation: A Report of the Hennepin County Bar Association Lesbian and Gay Issues Subcommittee* (June 1995/August 1995).

Upon the author's advice and in accordance with standard research procedures in order to evaluate a preliminary draft of the survey questionnaire for clarity and comprehensibility, the Task Force in the Spring of 1996 asked 25 lawyers to participate in a pretest by completing the survey and mailing it anonymously to the consultant. These lawyers were friends or colleagues of Task Force members or D.C. Bar staff and included self-identified heterosexual, lesbian, gay and bisexual lawyers. Eighteen of the lawyers returned completed questionnaires, some with marginal notes commenting on the survey questions. Task Force staff conducted personal interviews with 14 of these pretest respondents about their experience taking the survey. The pretest led to revisions reflected in the final survey questionnaire reproduced in Appendix A-1. The final questionnaire contained more than 110 items for response.

The Task Force's goals in choosing the number of D.C. Bar members to whom to send the questionnaire (a group called the "sample") were to select a number large enough to produce meaningful data, while also being fiscally responsible. A target of 5,000 or 7,000 questionnaires was selected as likely to yield reliable results. The Task Force decided to mail an initial 5,000 questionnaires with an option to follow with an additional 2,000 if fewer than 1,200-1,500 responses were received from the first mailing. Both samples were drawn at the same time, to ensure that there would be no duplication in the possible combined sample of 7,000 recipients.

In accordance with the author's advice regarding strategies for encouraging a high rate of response, the Task Force decided to send two copies of the survey to each person, with a two-week delay between them. Accordingly, the Task Force had the D.C. Bar print

two sets of 5,000 names on mailing labels and two sets of 2,000 names on mailing labels, which were furnished to an independent mailing service. The members of the Task Force did not see the mailing labels.

The 7,000 names were drawn randomly from a sampling frame consisting of the D.C. Bar's list of:

(a) active members,

(b) working in the D.C. metropolitan area, and

(c) employed in:

(1) firm practice (practice in a law firm with two or more lawyers),

(2) government practice (federal, state, county or municipal government, including judges), or

(3) other (*i.e.*, public interest, corporation, association, university, *etc.*).

The Task Force excluded a fourth possible category of employment, namely, solo practice. The Task Force reasoned that sole practitioners would not have formal employment policies relating to lawyers, nor would they have experiences in their own offices involving potential discrimination based on the sexual orientation of lawyers.[2] Sole practitioners constitute 13.5 percent of the pertinent D.C. Bar membership.

The Task Force anticipated that the random sampling procedure might not yield enough responses from lesbian and gay lawyers to permit significant comparisons with

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[2]The exclusion of sole practitioners, of course, meant that the survey would not pick up the experience of sole practitioners who had within the previous five years been employed in larger organizations, but since it was thought that these would constitute a relatively minor portion of the group of sole practitioners as a whole, as a matter of economy it seemed sensible not to include sole practitioners in the survey.

heterosexual lawyers. In accordance with the author's advice, the Task Force therefore supplemented the random sample with a "purposive" sample of lesbian/gay lawyers, a standard survey technique. Responses from this purposive sample are presented throughout this report separately from the responses of lesbian/gay respondents in the random sample, although in a few instances the two groups, after having been shown separately, are combined.

To develop the purposive sample, one of the Task Force members who is politically active in the lesbian/gay community arranged to have a separate set of 331 questionnaires distributed to D.C. Bar members whom she knew or believed to be gay, lesbian or bisexual. For this purpose, the Task Force member sought to draw names from membership or staff lists of several gay and gay-friendly organizations, including the Gay and Lesbian Attorneys of Washington (GAYLAW), the Service Members Legal Defense Network, the Potomac Executive Network, and the Whitman-Walker Clinic Legal Services Department (an AIDS services organization). Because some organizations chose not to provide names and because of other privacy concerns, 23 "contacts" at law firms and organizations were given an agreed number of copies to distribute to other lawyers known or believed to be gay, lesbian or bisexual. All of the questionnaire recipients in the purposive sample were specifically instructed not to fill out the purposive sample survey questionnaire if they had received the random sample survey questionnaire.

The purposive sample survey questionnaires were coded "ABC" at the bottom of each page so they could be distinguished from responses submitted by lesbian and gay lawyers in the random sample. A special cover letter accompanying the surveys and signed by the Task

Force co-chairs (attached as Appendix A-4) explained the coding and emphasized that the ABC notation did not compromise the anonymity of the responses. Further to ensure anonymity, no one but the responsible Task Force member saw the names on the "purposive" mailing list. She personally prepared mailing labels and delivered them to the independent mailing service.

The Task Force mailed 5,000 surveys to the first random sample of Bar members in October of 1996 along with a cover letter from the President and the President-Elect of the Bar (Appendix A-2). A one-page instruction sheet (Appendix A-3) accompanying the survey assured the recipient of anonymity and instructed respondents to mail completed surveys to the author at a D.C. post office box by a given deadline. The mailing also included a business reply envelope. The second mailing to the same 5,000 names followed two weeks later and was identical to the first mailing except that the cover letter and the instruction sheet both displayed a banner that read --

**SECOND NOTICE**
**Please disregard if**
**you've already responded**

The mailing to the purposive sample was made during the first week of November, 1996.

Because fewer than 1,100 surveys were returned from the first random sample mailing of 5,000, the supplemental random sample mailing of 2,000 was sent in mid-November, followed by the second mailing to the same 2,000 lawyers in early December, 1996.

The cut-off date used for responses for the present analysis was January 2, 1997. Returned questionnaires were transported to ReData, Inc. in Bethesda, MD, where the responses were entered into a database and 100 percent verified (to assure against

keypunching errors). Analysis was carried out by the author using SPSS and Minitab statistical packages. Only the author and ReData have seen the completed questionnaires.

## RESULTS

### 1. Responses.

#### a. Response rates.

Of 7,000 questionnaires mailed to the random sample, a total of 1,267 were returned, a response rate of 18.1 percent. A respondent pool of this size permits estimates of percentages within plus or minus three percentage points at a 95 percent confidence level. This response rate compares favorably to the 16 percent rate achieved by a random sample survey conducted on the same topic by the Los Angeles County Bar Association in October of 1993.[3] The Los Angeles questionnaire, like the one used in this survey, was long, containing 117 items to which respondents could respond.

Both of these response rates are below averages reported in general studies of mail questionnaire response rates. For example, Bruvold and Comer (1988) reviewed 464 cases of random mailings and report a range of response rates from eight percent to 99 percent with a mean of 56 percent.[4] It is speculated that the lower response rates in the Los

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[3] *Los Angeles County Bar Association Committee on Sexual Orientation Bias: Appendices to Report,* June 1994, p. A1-2.

[4] Cf. Norman T. Bruvold and James M. Comer, "A Model for Estimating the Response Rate to a Mailed Survey," *Journal of Business Research* 16, 2 (1988), 101-116. Over two-thirds of the cases were from universities or government sponsors. See also: T.A. Heberlein and R.A. Baumgartner, "Factors Affecting Response Rates to mailed Questionnaires: A Quantitative analysis from the Published Literature," *American Sociological Review*, 43 (August 1978), 447-462; Leslie Kanuk and Conrad Berenson, "Mail Surveys and Response

Angeles study and this one are attributable to the topic of the study, the character of the respondent sample (busy lawyers), and the length of the questionnaire. No data on response rates for lawyers or for the topic of discrimination in the workplace on the basis of sexual orientation were found in the secondary literature.

Of the questionnaires returned by the random sample respondents, 34 were omitted from the analysis of the responses because they were returned by respondents who reported that they had not practiced in the Washington D.C. metropolitan area at any time in the last five years. An additional 20 responses were omitted because the respondents reported that, for the time period in question, they were sole practitioners. Finally, 32 questionnaires were omitted because they had been only partially completed.

A total of 331 questionnaires were distributed to the purposive sample of individuals believed to be gay, lesbian or bisexual lawyers. Of these, 131 were returned, a response rate of 39.6 percent. One such questionnaire was omitted from the analysis because the respondent reported a heterosexual orientation, and another was eliminated because it was incomplete.

The result was a total analysis sample of 1,310 respondents distributed according to self-reported sexual orientation as shown in **Table 1**.

---

Rates: A Literature Review," *Journal of Marketing Research*, 12 (November 1975), 440-453.

**TABLE 1**

**Distribution of Respondents by Sexual Orientation and Sample**

| Sexual Orientation | Random Sample | | Purposive Sample | |
|---|---|---|---|---|
| | Number | Percent | Number | Percent |
| Heterosexual | 1,068 | 90.4% | -- | -- |
| Gay/Lesbian | 93 | 7.9% | 127 | 98.4% |
| Bisexual | 20 | 1.7% | 2 | 1.6% |
| TOTAL | 1,181 | 100.0% | 129 | 100.0% |

In view of the small number of responses from bisexual lawyers (1.7 percent of the total of all respondents), it was deemed appropriate to combine them with another group because they would not yield statistically meaningful results if analyzed separately. While the bisexual respondents could have been combined with the heterosexual sample, the Task Force judged that, because such respondents could possibly be subject to discrimination on the basis of their actual or perceived sexual orientation, they were more appropriately grouped with the lesbian/gay respondents for the purposes of this study.

**b. Comparison to the sampling frame.**

An issue in all mail surveys is whether the responding population is representative of the group from which it is drawn. Statistics on gender, age and employment setting are available for both the achieved random sample and for the entire D.C. Bar membership. These data are reported in **Table 2**.

**TABLE 2**

**Comparison of Random Sample Respondents to Sampling Frame**

| | | Random Sample Respondents | Active D.C. Bar Members (Exclusive of Sole Practitioners) |
|---|---|---|---|
| AGE | Under 35 | 23.7% | 20.7% |
| | 35-44 | 37.7% | 34.7% |
| | 45-54 | 27.4% | 31.4% |
| | 55-64 | 8.4% | 9.8% |
| | 65 and over | 2.9% | 3.4% |
| GENDER | Female | 37.5% | 32.0% |
| | Male | 62.5% | 68.0% |
| PRACTICE | Firm | 58.9% | 55.9% |
| | Government | 30.1% | 27.6% |
| | Other* | 11.0% | 16.5% |

* **Primarily corporations and nonprofit organizations.**

As **Table 2** shows, the random sample is substantially similar to the sampling frame (i.e., the pertinent segment of D.C. Bar membership), although the random sample overall --

- Has a somewhat higher proportion of females ($\chi^2 = 12.58$; $p = < .001$),[5] (although males predominate in both the sample and the sampling frame);
- Is somewhat younger ($\chi^2 = 34.14$; $p = < .001$); and

[5] The figures in parentheses, here and elsewhere in this report, reflect the application of a chi-square test, which is used to compare results to an expected distribution of results: thus, one could test, using the chi-square, whether the distribution of genders among partners in a given law firm is significantly different from the distribution one would get if the national distribution were applied. In the instance reported in the text, the computed chi-square value is 12.58. It is associated with a probability of less than .001. This means that there is less than one-tenth of one percent chance that the proportion of females in the respondent group is the same as the proportion of females in the sampling frame. In this study, a probability of less than .05 was considered statistically significant.

- Is less likely to be employed by corporations or nonprofit organizations and more likely to be employed by law firms and government agencies ($\chi^2 = 23.12$; $p = < .001$).

In any mail survey, it is expected that those most interested in the study (whether for positive or negative reasons) will respond to it, and respond earlier than those not interested. Because there may well be differences in the response rates of the heterosexual and the gay/lesbian lawyers in the random sample and because the respondents in the purposive sample were selected in a nonrandom fashion, data for each of the three sample groups are reported separately.

2. **Characteristics of the respondents.**

**a. Demographics.**

**Table 3** shows the demographic characteristics of the three groups that are the subject of the present analysis. These groups are labeled in this and other tables as follows:

- "Heterosexual Random Sample Group" (sometimes abbreviated as "H Rand") -- members of the random sample who stated that their sexual orientation is heterosexual;
- "Lesbian/Gay Random Sample Group" (sometimes abbreviated as "L/G Rand") -- members of the random sample who identified their sexual orientation as lesbian, gay or bisexual; and
- "Lesbian/Gay Purposive Sample)" (sometimes abbreviated as "L/G Purp") -- members of the purposive sample.

**TABLE 3**

**Demographic Characteristics of the Three Samples**

| | | Heterosexual Random Sample | Lesbian/Gay Random Sample | Lesbian/Gay Purposive Sample |
|---|---|---|---|---|
| GENDER | Female | 38.2% | 31.0% | 29.7% |
| | Male | 61.8% | 69.0% | 70.3% |
| AGE | 25-34 | 23.3% | 27.4% | 30.2% |
| | 35-44 | 36.8% | 46.0% | 50.4% |
| | 45-54 | 28.2% | 19.5% | 17.8% |
| | 55+ | 11.7% | 7.1% | 1.6% |
| RACE | Caucasian | 90.1% | 85.6% | 95.3% |
| | Afr.-Am. | 5.4% | 9.9% | .8% |
| | Hisp./Other | 4.5% | 4.4% | 3.9% |
| MARITAL STATUS | Single | 15.6% | 35.7% | 33.3% |
| | Married | 74.5% | 9.8% | -- |
| | Opp. Sex Ptnr | 3.2% | 3.6% | .8% |
| | Same Sex Ptnr | .2% | 43.8% | 57.1% |
| | Div/Sep/Widow | 6.5% | 7.1% | 8.8% |
| YEARS AS LAWYER | 5 or less | 15.5% | 16.0% | 25.6% |
| | 6-10 | 22.8% | 29.2% | 28.7% |
| | 11-15 | 19.7% | 27.4% | 20.2% |
| | 16-20 | 13.5% | 12.4% | 14.0% |
| | 21-25 | 13.8% | 8.8% | 7.8% |
| | 26-30 | 6.7% | 4.4% | 3.1% |
| | Over 30 | 8.0% | 1.8% | .8% |

(1) Gender (Question 21). A substantial majority of the lawyers who responded to the survey are male -- although as shown in **Table 2** the overall percentage of males among

the random sample respondents was less than the percentage in the Bar population that constituted the sampling frame. Among the lesbian/gay respondents, there was an even higher proportion of males (69.0 percent and 70.3 percent) than among the heterosexual respondents (61.8 percent). When the two groups of lesbian/gay respondents combined are compared to the heterosexual group, the difference in gender distribution is statistically significant ($\chi^2 = 5.32$; $p = < .022$). There was no significant difference between the two lesbian/gay groups in the proportion of males to females who responded.

(2) Age (Question 22). Both groups of gay and lesbian respondents are younger, on the whole, than the heterosexual respondents (H vs. RG/L, $\chi^2 = 7.83$; $p = 0.50$; H vs. PG/L, $\chi^2 = 23.6$; $p = < .001$).

(3) Race/ethnicity (Question 23). The overwhelming majority of all three groups of respondents (85.6 to 95.3 percent) are Caucasian. The random sample lesbian and gay group had a higher percentage of African-American respondents (9.9 percent) than either the heterosexual group (5.4 percent) or the purposive lesbian/gay sample (0.8%), although only the latter presents a statistically significant difference ($\chi^2 = 10.39$; $p = < .001$).

(4) Marital Status (Question 26). About three-quarters (74.5% percent) of the heterosexual sample reported being married and living with a spouse. There was a significant difference between the two lesbian/gay groups on a related point: less than half (43.8 percent) of the random sample lesbian/gay group, and more than half (57.1 percent) of the purposive lesbian/gay sample, reported living with a same-sex partner ($\chi^2 = 4.255$; $p = .039$).

(5) Years Practicing Law (Question 1). Almost a third (28.5 percent) of the heterosexual respondents have practiced law for over 20 years, compared to about half that proportion of the lesbian and gay lawyers in the random sample (15 percent) and even less (11.7 percent) in the purposive sample. Correspondingly, 38.3 percent of the heterosexual lawyers have been in practice for 10 or fewer years, compared to 45.2 percent of the lesbian and gay lawyers in the random sample and 54.3 percent of the purposive sample. Overall, these differences are statistically significant (H vs. RG/L, $\chi^2 = 9.305$; $p = .01$, and H vs. PG/L, $\chi^2 = 19.602$; $p = <.001$).

b. **Employment characteristics.**

Characteristics of respondents' employment situations are reported in **Table 4**.

(1) Employment Status (Question 2). As seen in **Table 4**, compared to the heterosexual group, the gay and lesbian respondents in the purposive sample are more likely to work as lawyers full time ($\chi^2 = 6.379$; $p = .012$). Differences between the heterosexual group and the random sample lesbian/gay group are not significant.

(2) Employment Setting (Question 3). **Table 4** also shows that a larger portion of the heterosexual respondents work in law firms (60.4 percent) compared to the random sample lesbian/gay respondents (45.1 percent) ($\chi^2 = 9.82$; $p = <.001$). There are no significant differences in the distribution of the three groups among the three categories of law firms -- small (2-20 lawyers), medium (21 to 50) and large (51+). A significantly larger portion of the random sample group of lesbian/gay respondents work for a government agency (38.9 percent) than is so of the heterosexual respondents (29.2 percent) ($\chi^2 = 13.640$; $p = <.001$). However, with one exception, the differences between the purposive

**TABLE 4**

**Employment Characteristics of the Three Sample Groups**

| | | Heterosexual Random Sample Group | | Lesbian/Gay Random Sample Group | | Lesbian/Gay Purposive Sample | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | No. | Percent | No. | Percent | No. | Percent | No. | Percent |
| EMPLOYMENT STATUS | Lawyer FT | 869 | 81.7% | 103 | 91.2% | 112 | 86.8% | 1084 | 83.6% |
| | Lawyer PT | 143 | 13.4% | 6 | 5.3% | 7 | 5.4% | 156 | 12.0% |
| | Other | 52 | 4.9% | 4 | 3.5% | 10 | 7.8% | 66 | 5.1% |
| EMPLOYMENT SETTING | Small law firms | 74 | 7.0% | 7 | 6.2% | 8 | 6.2% | 88 | 6.8% |
| | Medium law firms | 166 | 15.7% | 11 | 9.7% | 18 | 14.0% | 193 | 14.9% |
| | Large law firms | 396 | 37.4% | 33 | 29.2% | 50 | 36.4% | 474 | 36.5% |
| | Government | 308 | 29.1% | 44 | 38.9% | 34 | 30.1% | 386 | 29.8% |
| | Nonprofit | 45 | 4.2% | 7 | 6.2% | 12 | 9.3% | 64 | 4.9% |
| | Corporation | 32 | 3.0% | 7 | 6.2% | 6 | 4.6% | 45 | 3.5% |
| | Other | 33 | 3.1% | 4 | 3.5% | 4 | 3.1% | 41 | 3.2% |
| OFFICE SIZE (NUMBER OF LAWYERS) | 5 or fewer | 143 | 15.6% | 17 | 16.8% | 19 | 17.6% | 179 | 13.8% |
| | 6-20 | 241 | 26.1% | 25 | 24.8% | 28 | 25.9% | 294 | 22.7% |
| | 21-50 | 155 | 16.8% | 22 | 21.8% | 14 | 13.0% | 191 | 14.7% |
| | 51-100 | 150 | 16.3% | 11 | 10.9% | 12 | 11.1% | 173 | 13.3% |
| | 101-200 | 120 | 13.0% | 12 | 11.9% | 17 | 15.7% | 149 | 11.5% |
| | Over 200 | 113 | 12.3% | 14 | 13.9% | 18 | 16.7% | 145 | 11.2% |
| SALARY/ EARNINGS | Less than $50,000 | 75 | 7.3% | 10 | 8.9% | 10 | 7.8% | 95 | 7.3% |
| | $50-74,999 | 177 | 17.1% | 26 | 23.0% | 24 | 18.6% | 227 | 17.5% |
| | $75-99,999 | 318 | 30.7% | 35 | 31.0% | 54 | 41.9% | 407 | 31.4% |
| | $100-124,999 | 156 | 15.1% | 17 | 15.0% | 19 | 14.7% | 192 | 14.8% |
| | $125-149,999 | 57 | 5.5% | 14 | 12.4% | 2 | 1.6% | 73 | 5.6% |
| | $150,000 or more | 252 | 24.3% | 11 | 9.7% | 20 | 15.5% | 283 | 21.8% |
| POSITION | Partner | 344 | 32.4% | 17 | 15.2% | 24 | 18.6% | 385 | 29.7% |

Table 4, cont.

| | | Heterosexual Random Sample Group | | Lesbian/Gay Random Sample Group | | Lesbian/Gay Purposive Sample | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | No. | Percent | No. | Percent | No. | Percent | No. | Percent |
| POSITION | Partner | 344 | 32.4% | 17 | 15.2% | 24 | 18.6% | 385 | 29.7% |
| | Of Counsel | 57 | 5.4% | 9 | 8.0% | 6 | 4.7% | 74 | 5.7% |
| | Associate | 244 | 23.0% | 26 | 23.2% | 45 | 34.9% | 313 | 24.3% |
| | Supervisor | 153 | 14.4% | 24 | 21.4% | 18 | 14.0% | 195 | 15.0% |
| | Staff Lawyer | 220 | 20.7% | 32 | 28.6% | 30 | 23.3% | 282 | 21.7% |
| | Other | 43 | 4.1% | 4 | 3.6% | 6 | 4.7% | 53 | 4.1% |

lesbian/gay sample and the heterosexual sample group with respect to employment settings are smaller and not statistically significant. The exception concerns nonprofit employers: 9.3 percent of the purposive sample work for such an employer, compared to only 4.3 percent of the heterosexual group ($\chi^2 = 6.364$; $p = .012$).

(3) Office Size (Question 6). As seen in **Table 4**, the distribution of office sizes across the three samples is very similar.

(4) Salary (Question 27). With regard to the highest level of salary and partnership earnings, **Table 4** shows that roughly a quarter (24.3 percent) of the heterosexual lawyers report earning $150,000 or more compared to reports of earnings at this income level by a tenth (9.7 percent) of the random sample group of lesbian and gay lawyers ($\chi^2 = 12.319$; $p = < .001$) and a seventh (15.5 percent) of the purposive sample ($\chi^2 = 15.11$; $p = .001$).

A more pertinent comparison of the incidence of earnings of $150,000 or more is provided by **Table 5**, which shows only those respondents who are in law firms (the category of employer where salaries in that range are most likely to be found). Here it is seen that, overall, 38.4 percent of the heterosexual random sample group reported such earnings,

compared to 19.6 percent of the random sample lesbian/gay group ($\chi^2 = 7.096$; $p = .008$) and 26.0 percent of the purposive lesbian/gay sample ($\chi^2 = 4.242$; $p = .039$).

**TABLE 5**

**Proportion of Lawyers in Law Firms With Salaries or Partnership Earnings of $150,000 or More, By Years of Practice and Sample Group**

| Length of Time in Practice | Heterosexual Random Sample Group | | | Lesbian/Gay Random Sample Group | | | Lesbian/Gay Purposive Sample | | |
|---|---|---|---|---|---|---|---|---|---|
| | Base No. | $150,000+ | | Base No. | $150,000+ | | Base No. | $150,000+ | |
| | | No. | Percent | | No. | Percent | | No. | Percent |
| 0-10 years | 265 | 4 | 5.3% | 30 | 0 | 0% | 47 | 4 | 8.5% |
| 11-20 years | 179 | 98 | 54.7% | 14 | 5 | 35.7% | 17 | 10 | 58.8% |
| 21+ years | 153 | 127 | 83.0% | 7 | 5 | 71.4% | 9 | 5 | 55.6% |
| TOTAL | 597 | 229 | 38.4% | 51 | 10 | 19.6% | 73 | 19 | 26.0% |

(5) Position (Question 4). As shown in **Table 4**, heterosexual lawyers are substantially more likely to be partners in law firms than are lawyers from either of the lesbian/gay groups surveyed. Some of this difference is due to the fact that a smaller portion of the lesbian and gay lawyers responding to this survey are employed in law firms, and some may be attributable to the fact that on the whole the lesbian and gay lawyers have practiced law for fewer years. A finer reading is provided by **Table 6**, which shows, as to law firm lawyers only, partnership status by years of practice, with a dividing line of ten years (the time period by which most firms have decided whether to admit associate lawyers to partnership). **Table 6** shows that among both those with 1-10 years of practice and those with 11 or more years, heterosexual lawyers are more likely than either of the lesbian/gay groups to be partners. The differences across the three samples for those with 1-10 years of experience (14.6 percent, 6.7 percent and 12.8 percent) are not statistically significant, nor is

the difference between the two groups within the random sample for those with more than ten years' experience (80.9 percent and 71.4 percent). However, the difference between the heterosexual group and the purposive group as to those with more than ten years' experience (80.9 percent and 65.4 percent) is very close to significant by the standard used in this report ($\chi^2 = 3.652$; $p = .056$); and the differences between the groups taken as a whole (without regard to time in practice) are significant: thus, 52.9 percent of the heterosexual respondents in law firms are partners, compared to 33.3 percent of the lesbian/gay random sample group ($\chi^2 = 7.246$; $p = .007$) and 31.5 percent of the purposive sample ($\chi^2 = 12.003$; $p = < .001$).

**TABLE 6**

**Partnership Status of Law Firm Lawyers, By Years of Practice and Sample Group**

| Length of Time in Practice | Heterosexual Random Sample Group | | | Lesbian/Gay Random Sample Group | | | Lesbian/Gay Purposive Sample | | |
|---|---|---|---|---|---|---|---|---|---|
| | Base No. | Partners | | Base No. | Partners | | Base No. | Partners | |
| | | No. | Percent | | No. | Percent | | No. | Percent |
| 1-10 Years of Practice | 268 | 39 | 14.6% | 30 | 2 | 6.7% | 47 | 6 | 12.8% |
| 11+ Years of Practice | 367 | 297 | 80.9% | 21 | 15 | 71.4% | 26 | 17 | 65.4% |
| **TOTAL** | **635** | **336** | **52.9%** | **51** | **17** | **33.3%** | **73** | **23** | **31.5%** |

**Table 7** shows partnership status by years of practice for the two lesbian/gay groups combined, further classified by whether they consider themselves openly lesbian/gay or not (Question 25). It appears to show that among lesbian/gay lawyers with 1-10 years of practice, those who are openly lesbian/gay are more likely to have made partner than those who are not open, but that among those with 11+ years of practice, the ones who are not

open are more likely to be partners; but the numbers are too small to allow for calculation of the statistical significance of the differences.

**TABLE 7**

**Partnership Status of Lesbian/Gay Law Firm Lawyers, By Years of Practice and Whether or Not Openly Lesbian/Gay**

| Length of Time in Practice | Openly Lesbian/ Gay Lawyers | | | Lesbian/Gay Lawyers Not Openly So | | | Both Lesbian/Gay Groups Combined | | |
|---|---|---|---|---|---|---|---|---|---|
| | Base No. | Partners | | Base No. | Partners | | Base No. | Partners | |
| | | No. | Percent | | No. | Percent | | No. | Percent |
| 1-10 Years of Practice | 58 | 7 | 12.1% | 18 | 1 | 5.6% | 76* | 8 | 10.5% |
| 11+ Years of Practice | 35 | 23 | 65.7% | 12 | 9 | 75.0% | 47 | 32 | 68.1% |
| **TOTAL** | **93** | **30** | **32.3%** | **30** | **10** | **33.3%** | **123** | **40** | **32.5%** |

***/ This number is not the same as the corresponding number (77) in Table 6, because one lesbian/gay respondent did not respond regarding openness.**

### c. Employment satisfaction and mobility.

Several questions in the survey asked about indicators of degree of satisfaction with respondents' employment situation: the responses are reported in **Table 8**.

(1) Change in employment (Questions 28 and 29). As shown in **Table 8**, there is no significant difference between the two random sample groups in whether the respondents had changed jobs in the last five years (Question 28). However, almost half (48.1 percent) of the purposive sample answered "Yes" compared to a little more than a third (37.4 and 37.2 percent) of the respondents in the two random sample groups, although the difference with the heterosexual group is statistically significant ($\chi^2 = 5.539$; $p = .019$). As to reasons for making a change (Question 29), roughly two-thirds (65.7, 61.9 and 67.7 percent) of

respondents in each group who had changed jobs reported having done so for reasons of "better opportunity."

(2) Organizational fit (Question 20). To assess levels of comfort with the workplace environment, respondents were asked how well they feel they fit in with their organization and their colleagues. The lawyers surveyed were given five response choices, ranging from "very well" to "very poorly." As can be seen in **Table 8**, more than three-quarters of all three samples responded that they fitted in either "very well" or "somewhat well." However, 60.7 percent of the respondents in the heterosexual random sample group reported that they fitted in "very well," compared to 44.1 and 47.2 percent, respectively, of the respondents in the random and purposive lesbian/gay samples ($\chi^2 = 11.419$; $p = .001$, and $\chi^2 = 8.528$; $p = .003$). Similarly, 11.7 percent of the respondents in the lesbian/gay random sample group and 10.2 percent of those in the purposive sample reported fitting in either somewhat poorly or very poorly, compared to 3.7 percent of the heterosexual respondents. (H vs. combined G/L: $\chi^2 = 21.009$; $p = < .001$).

(3) Time with Organization (Question 5). One-fifth (20.6 percent) of respondents in the heterosexual group have been with their employer organization 16 or more years compared to one-eighth (12.3 percent) for the random lesbian and gay sample ($\chi^2 = 4.354$; $p = .037$) and one-twentieth (5.4 percent) for the purposive sample ($\chi^2 = 17.274$; $p = < .001$). At the other end of the spectrum, 55.9 percent of the purposive sample had been with their organization five years or less compared to 39.8 and 43.5 percent, respectively, of the two random sample groups ($\chi^2 = 6.168$; $p = .013$, and $\chi^2 = 7.049$; $p = .008$).

**TABLE 8**

**Job Satisfaction and Job Mobility, by Sample Group**

| | | Heterosexual Random Sample Group | | Lesbian/Gay Random Sample Group | | Lesbian/Gay Purposive Sample | |
|---|---|---|---|---|---|---|---|
| | | Number | Percent | Number | Percent | Number | Percent |
| CHANGE JOBS | Yes | 397 | 37.4% | 42 | 37.2% | 62 | 48.1% |
| | No | 665 | 62.6% | 71 | 62.8% | 67 | 51.9% |
| WHY CHANGE | Better opportunity | 264 | 65.7% | 26 | 61.9% | 42 | 67.7% |
| | Office/project ended | 38 | 9.5% | 4 | 9.5% | 4 | 6.5% |
| | Discharged | 7 | 1.7% | -- | -- | 4 | 6.5% |
| | Dissatisfaction with policies | 24 | 6.0% | 4 | 9.5% | 1 | 3.2% |
| | Dissatisfaction with colleagues | 4 | 1.0% | 1 | 2.4% | 1 | 1.6% |
| | Felt discrimination | 1 | .2% | 1 | 2.4% | 2 | 3.2% |
| | Other | 64 | 15.9% | 6 | 14.3% | 7 | 11.3% |
| FIT | Very well | 637 | 60.7% | 49 | 44.1% | 60 | 47.2% |
| | Somewhat well | 311 | 29.6% | 35 | 31.5% | 37 | 29.1% |
| | Neither well nor poorly | 62 | 5.9% | 14 | 12.6% | 17 | 13.4% |
| | Somewhat poorly | 35 | 3.3% | 11 | 9.9% | 7 | 5.5% |
| | Very poorly | 4 | .4% | 2 | 1.8% | 6 | 4.7% |
| TIME WITH CURRENT ORGANIZATION | Less than 2 years | 158 | 14.9% | 18 | 15.9% | 22 | 17.1% |
| | 2-5 years | 304 | 28.6% | 27 | 23.9% | 50 | 38.8% |
| | 6-10 years | 253 | 23.8% | 36 | 31.9% | 34 | 26.4% |
| | 11-15 years | 128 | 12.1% | 18 | 15.9% | 16 | 12.4% |
| | 16-20 years | 103 | 9.7% | 10 | 8.8% | 4 | 3.1% |
| | 21 + years | 116 | 10.9% | 4 | 3.5% | 3 | 2.3% |

**d. Differences between samples of lesbian and gay lawyers.**

There are important differences between the two groups of lesbian/gay lawyers that are revealed in the data presented to this point.

(1) Employment setting and tenure (Questions 3 and 5). The random and purposive lesbian and gay sample groups differ relatively little with respect to most demographic and employment characteristics. One difference, shown by **Table 4**, is in their employment setting, with 38.9 percent of the random sample of lesbian/gay lawyers working in government agencies, compared to 30.1 percent of the purposive sample ($\chi^2 = 4.874$; $p = .027$). A second difference, shown by **Table 8**, is that a larger portion (55.9 percent) of the purposive sample lesbian/gay lawyers have been employed by their present organization for five years or less, compared to the corresponding portion (39.8 percent) of the lesbian/gay lawyers in the random sample ($\chi^2 = 6.188$; $p = .013$), though a larger portion of the purposive smaple had also spent five years or less as a lawyer (Table 3).

(2) Openness about sexual orientation (Question 25). A third difference between the two lesbian and gay groups is in the degree to which the respondents are open about their sexual orientation, as shown in **Table 9**. When asked whether they consider themselves to be openly lesbian or gay, 84.9 percent of the purposive sample, compared to 50.5 percent of the lesbian/gay random sample group, said "yes" ($\chi^2 = 32.41$; $p = <.001$). Correspondingly, respondents in the purposive sample group reported larger portions of each category of lawyers and staff in their offices as being aware of their sexual orientation. More than half (55.2 percent) of the purposive sample compared to one-third (32.7 percent) of the random sample group of lesbian/gay lawyers

reported that most/all lawyers senior to them are aware of their sexual orientation ($\chi^2$ = 10.988; p = < .001). (See **Table 10**, below).

**Table 9** shows a somewhat different pattern of openness by age range. In the purposive sample, as between the two groups of lesbian/gay lawyers, the youngest age group has the highest proportion of lawyers who consider themselves open, and the proportions decline with each successively older group. In contrast, among the random sample group of lesbian/gay lawyers, the 35-44 year old group has the highest proportion, the 45-54 year old group has the next highest proportion, followed closely by the youngest group and then at some distance by the oldest group.

**TABLE 9**

**Proportion of Lesbian/Gay Lawyers Who Consider Themselves Openly So, By Sample Group, Age and Gender**

| Age & Gender | Random Sample Group | | | Purposive Sample | | | Combined | | |
|---|---|---|---|---|---|---|---|---|---|
| | Base No. | Open | | Base No. | Open | | Base No. | Open | |
| | | No. | Percent | | No. | Percent | | No. | Percent |
| 25-34 | 29 | 11 | 37.9% | 38 | 34 | 89.5% | 67 | 45 | 67.2% |
| 35-44 | 51 | 35 | 68.6% | 64 | 54 | 84.4% | 115 | 89 | 77.4% |
| 45-54 | 21 | 8 | 38.1% | 22 | 18 | 81.8% | 43 | 26 | 60.5% |
| 55+ | 8 | 1 | 12.5% | 2 | 1 | 50.0% | 10 | 2 | 20.0% |
| Male | 34 | 18 | 52.9% | 37 | 28 | 75.7% | 71 | 46 | 64.8% |
| Female | 75 | 37 | 49.3% | 88 | 78 | 88.6% | 163 | 115 | 70.6% |
| Aggregate | 109 | 55 | 50.5% | 126 | 107 | 84.9% | 235 | 162 | 68.9% |

**Source -- Question 25: "If you checked gay/lesbian or bisexual in Question 29 above [asking about sexual orientation], do you consider yourself openly so?**

As to gender, **Table 9** indicates that among the purposive sample, the female respondents are somewhat more likely to be open (88.6 percent) than the male (75.7 percent), while the reverse is

true in the random sample group: male, 52.9 percent; female, 49.3 percent; but neither of these differences is statistically significant.

(3) Other differences reported below. The responses to a number of other questions showed significant differences between the two lesbian/gay groups. See the discussion of **Tables 10, 11, 12, 15** and **17**, below.

### 3. Workplace awareness of the sexual orientation of lesbian and gay lawyers.

The questionnaire asked lesbian and gay respondents to report the degree of awareness of the respondents' sexual orientation on the part of different categories of persons with whom they work (Question 31). As shown in **Table 10**, both groups of lesbian and gay respondents reported that the professional contacts who are least likely to have such knowledge are clients, opposing lawyers, and judges and hearing officers. The proportion of respondents who believed that no one in each of these categories was aware of their sexual orientation ranged from 41.1 to 61.0 percent. When asked about colleagues in their own workplace, there were marked differences between the two lesbian and gay groups. Significantly more of the purposive sample than of the random sample reported that "most/all" of the lawyers above, below and on the same level with them as well as the staff in their offices were aware of their sexual orientation. However, both groups reported that the professional contacts who were most likely to know of their sexual orientation were lawyer peers within their organization, followed in rank order by lawyers junior to them, and then lawyers senior to them, and non-lawyer staff. Respondents were also asked about friends' and relatives' knowledge of the lesbian/gay respondents' sexual orientation. Roughly two-thirds (65.5 percent) of the random sample group and four-fifths (84.5 percent) of the purposive sample reported that "most/all" friends

**TABLE 10**

**Workplace Awareness of Respondents' Sexual Orientation, By Lesbian/Gay Sample Group**

| Other Persons | Sample Group | Who Is Aware of Sexual Orientation? | | | |
|---|---|---|---|---|---|
| | | None | Some | Most/All | Don't Know |
| Lawyer peers | Random | 21.6% | 36.0% | 39.6% | 2.7% |
| | Purposive | 2.3% | 31.0% | 65.1% | 1.6% |
| Lawyers junior to you | Random | 23.6% | 39.1% | 33.6% | 3.6% |
| | Purposive | 8.0% | 31.2% | 59.2% | 1.6% |
| Lawyers senior to you | Random | 30.9% | 29.1% | 32.7% | 7.3% |
| | Purposive | 10.4% | 32.8% | 55.2% | 1.6% |
| Non-lawyer staff | Random | 26.8% | 37.5% | 29.5% | 6.3% |
| | Purposive | 11.7% | 32.8% | 48.4% | 7.0% |
| Clients | Random | 42.0% | 29.0% | 11.0% | 18.0% |
| | Purposive | 41.1% | 36.6% | 8.0% | 14.3% |
| Judges/hearing officers | Random | 61.0% | 7.0% | 7.0% | 25.0% |
| | Purposive | 52.3% | 10.8% | 3.6% | 33.0% |
| Opposing lawyers | Random | 53.4% | 14.6% | 8.7% | 23.3% |
| | Purposive | 41.2% | 27.7% | 4.2% | 26.9% |
| Other Professional Colleagues | Random | 13.3% | 63.7% | 18.6% | 4.4% |
| | Purposive | 1.6% | 68.0% | 24.2% | 6.3% |
| Friends/ Relatives | Random | 4.4% | 29.2% | 65.5% | .9% |
| | Purposive | --- | 15.5% | 84.5% | --- |

Source, Question 31: "If you are gay, lesbian, or bisexual, please indicate who is aware of your sexual orientation."

and relatives are aware that they are lesbian or gay. As shown by **Table 9**, this is roughly the same proportion of the purposive sample as consider themselves open, but substantially more of the random sample group that so report.

4. **Employment of lesbian and gay lawyers; service to lesbian and gay clients.**

The questionnaire asked respondents whether their employers serve any openly lesbian and gay clients or client contacts (Question 7) and whether they employ any openly lesbian and gay lawyers (Question 8). The percentage answering "yes" to these questions varied depending on the sample. Thus, as **Table 11** shows, two-fifths (40.4 percent) of the heterosexual lawyers whose workplaces have clients answered "Yes" to the question whether any of the clients or client contacts are lesbian/gay. This is significantly less than reports of openly gay clients by both lesbian/gay respondent groups: the figures are 56.4 percent for the random sample group ($\chi^2 = 7.474$; $p = .006$) and 59.8 percent for the purposive sample ($\chi^2 = 14.593$; $p = < .001$).

As to the presence of openly lesbian/gay lawyers in their workplace, fewer than half (48.5 percent) of the heterosexual lawyers thought at least one openly lesbian/gay lawyer was employed at their workplace, compared to almost three-quarters (71.7 percent) of the lesbian/gay group from the random sample ($\chi^2 = 21.883$; $p = < .001$) and four-fifths (85.3 percent) of the purposive sample ($\chi^2 = 62.233$; $p = < .001$). (It should be noted that the question was not so phrased as to exclude the respondents themselves.)

Another significant difference is in the proportion of each respondent group whose response to the question whether the workplace had openly lesbian/gay clients was "Don't Know/Not Sure": two-fifths (40.2 percent) of the heterosexual respondents whose employers have clients gave this response, compared to a fifth or less of both the random sample group of lesbian/gay (16.7 percent) ($\chi^2$ = 16.756; p = < .001), and the purposive sample (19.6 percent) ($\chi^2$ = 17.103; p =< .001). Similarly, 23.5 percent of the heterosexual respondents reported that they didn't know or were not sure whether their workplace employed any lesbian/gay lawyers, compared to 4.4 percent of the random sample group of lesbian/gay respondents ($\chi^2$ = 21.844; p = < .001) and 6.2 percent of the purposive sample ($\chi^2$ = 20.252; p = < .001) who so reported.

Roughly a fifth of the heterosexual group (19.4 percent) and of the purposive sample

**TABLE 11**

**Distribution of Workplaces with Lesbian/Gay Clients and with Lesbian/Gay Lawyers**

| Inquiry | Sample Group | Yes | No | Don't Know/ Not Sure |
|---|---|---|---|---|
| Workplace Serves Openly Lesbian/Gay Clients (Only Workplaces That Have Clients)* | H Rand | 40.4% | 19.4% | 40.2% |
| | L/G Rand | 56.4% | 26.9% | 16.7% |
| | L/G Purp | 59.8% | 20.6% | 19.6% |
| Workplace Employs Openly Lesbian/Gay Lawyers** | H Rand | 48.5% | 28.0% | 23.5% |
| | L/G Rand | 71.7% | 23.9% | 4.4% |
| | L/G Purp | 85.3% | 8.5% | 6.2% |

* Source, Question 7: To the best of your knowledge, does [did] your organization have any openly lesbian/gay clients or, in the case of clients that are organizations, openly lesbian/gay contacts?

** Source, Question 8: To the best of your knowledge, does [did] your organization employ any openly lesbian/gay lawyers in the Washington, D.C. metropolitan area?

of lesbian/gay lawyers (20.6 percent) and a quarter of the random sample group of lesbian/gay lawyers (26.9 percent) reported that to the best of their knowledge their employers do not have any lesbian/gay clients or client contacts.

The workplaces of the lawyers in the purposive sample are reported to be more likely to employ openly lesbian and gay lawyers and to serve lesbian and gay clients than the workplaces of the other respondent groups.

## 5. Perceptions about lesbian and gay lawyers.

A number of questions in the study addressed the fundamental issue of whether being openly gay, lesbian or bisexual is a detriment in the workplace.

### a. Perceptions about professional status.

Respondents were asked two sets of questions about their perceptions of the professional status of openly lesbian/gay lawyers in a number of respects as compared to similarly situated heterosexual lawyers, both in their own organization (Question 9), and in the Washington, D.C. metropolitan area generally (Question 10). Responses to these questions are reported in **Tables 12** and **13**, respectively.

**Table 12** presents data from respondents who report that their organizations employ openly gay or lesbian lawyers, about the status of those lawyers within the organization. Six interesting patterns appear:

- A substantial majority of the heterosexual respondents do not perceive that openly lesbian/gay lawyers in their workplace fare worse than heterosexual ones in any

respect that they were asked about. The number who do perceive that lesbian/gay lawyers are worse off varied, depending on the matter asked about, from 1.4 to 5.0 percent.

- In contrast, a larger portion of both groups of lesbian/gay respondents (from 6.4 to 25.0 percent of the purposive sample and 6.8 to 28.8 of the random sample group) perceived lesbian/gay lawyers in their own workplace to be disadvantaged in comparison with heterosexual lawyers, with respect to the matters asked about. As to each matter, half or more of both of the groups of lesbian/gay respondents reported that they believed that heterosexual and lesbian/gay lawyers in their own organization are treated equally.
- Both of the lesbian/gay respondent groups perceive gay and lesbian lawyers in their own workplace to be principally disadvantaged, in comparison to heterosexual lawyers, with respect to advancement within the organization and with respect to maintaining positive social relationships with colleagues.
- A small portion of the random sample group of lesbian/gay lawyers (ranging from 6.3 to 12.5 percent) thought that lesbian/gay lawyers are <u>better</u> off than heterosexual lawyers with respect to each of the matters asked about; although as to most (though not all) matters a larger portion thought them worse off. And, as to each matter asked about, although the numbers are too small to test for statistical significance, more of the lesbian/gay group from the random sample than of the purposive sample thought lesbian/gay lawyers were better off than heterosexual lawyers.

- One-fifth (21.3 percent) of the lesbian/gay random sample group think that lesbian and gay lawyers are worse off than heterosexual lawyers in their ability to obtain visibility in their professional associations, while only a tenth (10.9 percent) of the purposive sample think so ($\chi^2 = 3.829$; $p = .050$).
- The means shown on **Table 12** (calculated on a scale that coded "Better" as 3 and "Worse" as 1) show no significant differences (tested by Sheffe tests) between the two groups of lesbian/gay respondents as to any of the points inquired about, but there are significant differences between the heterosexual group and both lesbian/gay groups in

**TABLE 12**

**Perceptions as to How Openly Lesbian/Gay Lawyers Compare to Similarly Situated Heterosexual Lawyers in Respondents' Organizations, by Sample Group**

| Variable | Sample Group | Number of Responses | Better | Same | Worse | Mean* | Don't Know/ Not Sure |
|---|---|---|---|---|---|---|---|
| Annual Income Level | H Rand | 554 | 3.8% | 85.2% | 1.4% | 2.03 | 9.6% |
| | L/G Rand | 80 | 11.3% | 70.0% | 11.3% | 2.00 | 7.5% |
| | L/G Purp | 110 | 1.8% | 81.8% | 10.9% | 1.90 | 5.5% |
| Advancement Within the Organization | H Rand | 551 | 4.2% | 79.1% | 3.6% | 2.01 | 13.1% |
| | L/G Rand | 80 | 10.0% | 51.3% | 28.8% | 1.79 | 10.0% |
| | L/G Purp | 110 | .9% | 67.3% | 22.7% | 1.66 | 9.1% |
| Maintaining Positive Relationships with Clients | H Rand | 510 | 1.0% | 74.5% | 2.7% | 1.98 | 21.8% |
| | L/G Rand | 74 | 10.8% | 58.1% | 6.8% | 2.05 | 24.3% |
| | L/G Purp | 105 | 5.7% | 70.5% | 9.5% | 1.96 | 14.3% |
| Developing Contacts with Potential Clients | H Rand | 485 | 1.6% | 68.7% | 3.1% | 1.98 | 26.6% |
| | L/G Rand | 72 | 8.3% | 52.8% | 9.7% | 1.98 | 29.2% |
| | L/G Purp | 105 | 3.8% | 64.8% | 13.5% | 1.88 | 18.1% |
| Maintaining Positive Social Relationships with Office Colleagues | H Rand | 544 | 2.0% | 82.0% | 5.0% | 1.97 | 11.0% |
| | L/G Rand | 79 | 11.4% | 55.7% | 26.6% | 1.84 | 6.3% |
| | L/G Purp | 108 | 3.7% | 66.7% | 25.0% | 1.78 | 4.6% |
| Maintaining Positive Working Relationships with Office Colleagues | H Rand | 551 | 2.4% | 87.5% | 3.3% | 1.99 | 6.9% |
| | L/G Rand | 80 | 12.5% | 73.8% | 7.5% | 2.05 | 6.3% |
| | L/G Purp | 110 | 5.5% | 85.5% | 6.4% | 1.99 | 2.7% |
| Achieving Visibility Within Professional Associations | H Rand | 547 | 2.9% | 62.7% | 3.1% | 2.00 | 31.3% |
| | L/G Rand | 80 | 6.3% | 50.0% | 21.3% | 1.81 | 22.5% |
| | L/G Purp | 110 | 2.7% | 66.4% | 10.9% | 1.90 | 20.0% |

Source, Question 9: "[If the respondent's organization employs any openly lesbian/gay lawyers] [I]n general how do you believe openly lesbian/gay lawyers in your organization in the Washington, D.C. metropolitan area compare to similarly situated heterosexual lawyers **in your organization**, in terms of [the matters listed]?"

*/ Excludes "Don't Know/Not Sure".

their perceptions as to advancement, positive social relations and professional visibility; and significant differences between the two groups in the random sample as to their perceptions regarding annual income and client contacts.

The perceptions about the relative status of lesbian and gay lawyers were less favorable when the same questions were asked regarding employers in the Washington, D.C. metropolitan area generally, as opposed to the respondents' own employers. However, a higher percentage of respondents answered "don't know/not sure" to questions about the D.C. area generally. **Table 13** reports these responses. Here we see:

- With respect to each of the matters inquired about, between 7.0 and 19.1 percent of heterosexual respondents and 25.5 to 64.9 percent of lesbian and gay respondents think that lesbian and gay lawyers are worse off than heterosexuals.
- The matter as to which all three groups believe lesbian and gay lawyers fare the worst is advancement within their organization. A substantial majority (64.9 and 63.6 percent) of both groups of lesbian and gay lawyers believe the opportunities of lesbian and gay lawyers for advancement in the D.C. metropolitan area are worse than for their heterosexual counterparts, and a substantial proportion (19.1 percent) of the heterosexual respondents agree.
- As to each of the matters inquired about, a majority (56.6 to 62.8 percent) of the heterosexual respondents answered "don't know/not sure."
- The means shown on **Table 13** (calculated, again, on a scale that coded "Better" as 3 and "Worse" as 1) show no significant difference (tested by Sheffe tests) between the

**TABLE 13**
**Perceptions as to How Openly Lesbian/Gay Lawyers Compare to Similarly Situated Heterosexual Lawyers in the Washington, D.C. Metropolitan Area, by Sample Group**

| Variable | Sample Group | Number of Responses | Better | Same | Worse | Mean* | Don't Know/ Not Sure |
|---|---|---|---|---|---|---|---|
| Annual Income Level | H Rand | 1033 | 2.1% | 29.1% | 8.8% | 1.83 | 59.9% |
| | L/G Rand | 111 | 5.4% | 32.4% | 39.6% | 1.56 | 22.5% |
| | L/G Purp | 129 | .8% | 35.7% | 41.1% | 1.48 | 22.5% |
| Advancement Within the Organization | H Rand | 1033 | 1.7% | 21.0% | 19.1% | 1.59 | 58.2% |
| | L/G Rand | 111 | 4.5% | 9.9% | 64.9% | 1.24 | 20.7% |
| | L/G Purp | 129 | -- | 17.1% | 63.6% | 1.21 | 19.4% |
| Maintaining Positive Relationships with Clients | H Rand | 1024 | .5% | 27.9% | 9.3% | 1.77 | 62.3% |
| | L/G Rand | 110 | 9.1% | 38.2% | 25.5% | 1.77 | 27.3% |
| | L/G Purp | 128 | 6.3% | 32.0% | 32.8% | 1.63 | 28.9% |
| Developing Contacts with Potential Clients | H Rand | 1022 | .7% | 25.0% | 11.4% | 1.71 | 62.8% |
| | L/G Rand | 111 | 7.2% | 28.8% | 31.5% | 1.64 | 32.4% |
| | L/G Purp | 127 | 4.7% | 29.1% | 36.2% | 1.55 | 29.9% |
| Maintaining Positive Social Relationships with Office Colleagues | H Rand | 1027 | .8% | 31.2% | 10.2% | 1.78 | 57.8% |
| | L/G Rand | 110 | 9.1% | 25.5% | 40.9% | 1.58 | 24.5% |
| | L/G Purp | 129 | 3.9% | 25.6% | 47.3% | 1.43 | 23.3% |
| Maintaining Positive Working Relationships with Office Colleagues | H Rand | 1031 | .8% | 35.6% | 7.0% | 1.86 | 56.6% |
| | L/G Rand | 110 | 10.9% | 34.5% | 28.2% | 1.77 | 26.4% |
| | L/G Purp | 129 | 4.7% | 38.0% | 32.6% | 1.63 | 24.8% |
| Achieving Visibility Within Professional Associations | H Rand | 1030 | 1.9% | 26.9% | 9.5% | 1.80 | 61.7% |
| | L/G Rand | 111 | 4.5% | 26.1% | 45.9% | 1.46 | 23.4% |
| | L/G Purp | 129 | 2.3% | 28.7% | 41.9% | 1.46 | 27.1% |

Source, Question 10: "In general, how do you believe openly lesbian/gay lawyers employed in the entire Washington, D.C. metropolitan area (not just your organization) compare to similarly situated heterosexual lawyers in the Washington, D.C. metropolitan area in terms of [the matters listed]?"

*/ Excludes "Don't Know/Not Sure"

two groups of lesbian/gay respondents; but the differences between the heterosexual group's perceptions and those of the purposive group are significant as to every matter inquired about, and the differences between the two random sample groups are significant as to annual income, advancement, positive social relations and professional visibility.

**b. Perceptions about workplace approaches to sexual orientation issues.**

Respondents were asked to rate the treatment of lesbian and gay lawyers in their own workplace in five respects (Question 11). In each case, a statement was given and respondents were asked to rate their workplace on a five-point scale ranging from strong agreement to strong disagreement. The results are reported in **Table 14**.

In these ratings, both lesbian/gay groups on the whole took a more negative view of their workplace's treatment of lesbian/gay lawyers than did heterosexual respondents. When asked whether they agreed that the workplace is as hospitable to openly lesbian and gay lawyers as it is to heterosexual lawyers, 46.0 percent of the random sample group of lesbian and gay respondents and 36.5 percent of the purposive sample respondents said they disagreed somewhat or disagreed strongly, compared to 12.6 percent of the heterosexual respondents. At the other end of the scale, 45.9 percent of the random sample group and 62.0 percent of the purposive sample group of lesbian and gay respondents agreed strongly or agreed somewhat with the statement, compared to 71.2 percent of the heterosexual respondents.

Respondents were also asked whether they agreed that their employer attempts to ensure that advancement is unaffected by sexual orientation. Only 4.5 percent of the

heterosexual sample disagreed somewhat or disagreed strongly, compared to 27.9 and 24.0 percent of the two lesbian/gay samples. However, substantial majorities of all three groups agreed strongly or agreed somewhat with the statement.

On the two other matters inquired about, relating to equality of treatment in performance reviews and work assignments, substantially more respondents from each of the three groups agreed than disagreed with a statement indicating nondiscriminatory treatment.

All three groups of respondents gave their workplace the lowest ratings (among those matters about which they were queried) when asked if the employer made its policies and practices with respect to lesbian and gay lawyers known to its new employees. Those working for corporations gave their employers higher ratings in this regard than did those working for other types of employers. (See **Table 19**.)

The means of the evaluations shown on **Table 14** (calculated on a scale that codes "Agree Strongly" as 5 and "Disagree Strongly" as 1) show no significant differences (tested by Sheffe tests) between the two groups of lesbian/gay lawyers, but as to every point inquired about the means of the evaluations of the heterosexual group are significantly different from (and more favorable than) those of both lesbian/gay groups.

**c. Effect on a lesbian or gay lawyer's career of being open about sexual orientation.**

Respondents were asked for their perception of the possible effect on lesbian and gay lawyers' careers of being open about their sexual orientation in the workplace: the question posed various ways in which sexual orientation might be disclosed, and asked as to each whether the respondents thought it would be helpful, harmful or have no effect on the

**TABLE 14**

**Evaluation of Respondents' Organizations' Treatment of Lesbian/Gay Lawyers, by Sample Group**

| Descriptive Statement | Sample Group | Number of Responses | Agree Strongly | Agree Somewhat | Neutral | Disagree Somewhat | Disagree Strongly | Means* |
|---|---|---|---|---|---|---|---|---|
| Has a work environment as hospitable to openly lesbian/gay lawyers as it is to heterosexual lawyers | H Rand | 1053 | 40.1% | 31.1% | 16.2% | 9.4% | 3.2% | 4.02 |
| | L/G Rand | 113 | 24.7% | 21.2% | 8.0% | 32.7% | 13.3% | 3.38 |
| | L/G Purp | 129 | 27.9% | 34.1% | 1.6% | 22.5% | 14.0% | 3.65 |
| Attempts to ensure that performance reviews are not affected by a lawyer's actual or perceived sexual orientation | H Rand | 1043 | 55.8% | 13.6% | 27.5% | 2.2% | .9% | 4.27 |
| | L/G Rand | 112 | 38.4% | 23.2% | 14.3% | 17.0% | 7.1% | 3.94 |
| | L/G Purp | 129 | 40.3% | 24.8% | 19.4% | 9.3% | 6.2% | 4.05 |
| Attempts to ensure that work assignments are not affected by a lawyer's actual or perceived sexual orientation | H Rand | 1040 | 57.6% | 13.7% | 25.8% | 1.9% | 1.1% | 4.31 |
| | L/G Rand | 112 | 40.2% | 21.4% | 22.3% | 10.7% | 5.4% | 4.03 |
| | L/G Purp | 129 | 41.1% | 25.6% | 14.0% | 13.2% | 6.2% | 4.04 |
| Attempts to ensure that promotion and advancement decisions are not affected by a lawyer's actual or perceived sexual orientation | H Rand | 1040 | 54.2% | 15.9% | 25.4% | 2.8% | 1.7% | 4.24 |
| | L/G Rand | 111 | 34.2% | 19.8% | 18.0% | 18.9% | 9.0% | 3.77 |
| | L/G Purp | 129 | 38.8% | 22.5% | 14.7% | 14.7% | 9.3% | 3.90 |
| Makes its policies and practices with respect to lesbian/gay lawyers known to its employees | H Rand | 1035 | 30.4% | 16.1% | 30.7% | 14.0% | 8.7% | 3.53 |
| | L/G Rand | 112 | 17.9% | 23.2% | 9.8% | 17.9% | 31.3% | 3.07 |
| | L/G Purp | 129 | 26.4% | 23.3% | 9.3% | 18.6% | 22.5% | 3.39 |

Source, Question 11: "Please check the appropriate box to express your view of [the statements listed] with regard to your organization in the Washington, D.C. metropolitan area."

*/ Excludes "Don't Know/Not Sure"

lawyers' career prospects (Question 14). The responses to this question are reported in **Table 15**. Some patterns in the responses are the following:

- As to every matter inquired about, a substantial majority of the heterosexual respondents (ranging from 60.5 percent to 84.7 percent) were of the view that disclosure of sexual orientation would have no effect on a lesbian/gay lawyer's prospects. Smaller majorities or pluralities of both of the lesbian/gay groups of respondents were of the same view as to a majority of the matters inquired about. However, 13.4 to 37.6 percent of the heterosexual group view one or another of the matters as harmful, and for all matters save *pro bono* activities more of the heterosexuals rated the action or communication as harmful than rated it as helpful.
- As to every matter inquired about, a larger portion of both of the lesbian/gay groups than of the heterosexual group thought the effect of the matter would be harmful to a lesbian/gay lawyer's career: the figures range from 24.5 to 58.6 percent for the random sample group and 16.5 to 70.0 percent for the purposive sample.
- As to every matter inquired about save one, the random sample group of lesbian and gay respondents generally took a more negative view than the purposive sample of the effect of disclosing their sexual orientation. The exception was disclosing one's sexual orientation to a client: on this, 58.6 percent of the random sample group of lesbian/gay lawyers and 70.0 percent of the purposive sample thought such disclosure would be harmful. (This difference is not, however,

statistically significant: $\chi^2 = 2.968$; $p = .085$.) This was the communication all three groups rated most harmful: 37.6 percent of the heterosexual respondents viewed such disclosures as harmful.

- The heterosexual respondents were the only group of respondents that viewed any of the matters inquired about as more helpful than harmful, and then, only as to one matter, namely participation in *pro bono* activities relating to lesbian/gay organizations or causes. On this, 12.1 percent of the heterosexual group thought it would be helpful, and only 6.7 percent viewed it as harmful. The corresponding figures for the random sample lesbian and gay group are 13.6 percent helpful and 24.5 percent harmful, and for the purposive group 16.5 percent each for both helpful and harmful. However, a majority of all three groups thought that participation in such *pro bono* activities would have no effect on the lawyer's career prospects.

**TABLE 15**

**Perceived Effect on Career of Disclosing Lesbian/Gay Sexual Orientation in Various Ways, by Sample Group**

| Action or Communication | Sample Group | Number of Responses | Effect, if Any | | |
|---|---|---|---|---|---|
| | | | Helpful | No Effect | Harmful |
| Let peers in the office know that s/he is lesbian/gay | H Rand | 1037 | 1.9% | 84.7% | 13.4% |
| | L/G Rand | 113 | 7.1% | 52.2% | 40.7% |
| | L/G Purp | 127 | 5.5% | 74.8% | 19.7% |
| Let subordinates know that s/he is lesbian/gay | H Rand | 1032 | 1.9% | 84.1% | 14.0% |
| | L/G Rand | 113 | 5.3% | 49.6% | 45.1% |
| | L/G Purp | 127 | 3.9% | 71.7% | 24.4% |
| Let superiors know that s/he is lesbian/gay | H Rand | 1024 | 2.5% | 77.9% | 19.5% |
| | L/G Rand | 112 | 3.6% | 44.6% | 51.8% |
| | L/G Purp | 124 | 6.5% | 54.0% | 39.5% |
| Let clients know that s/he is lesbian/gay | H Rand | 883 | 1.9% | 60.5% | 37.6% |
| | L/G Rand | 99 | 6.1% | 35.4% | 58.6% |
| | L/G Purp | 110 | 1.8% | 28.2% | 70.0% |
| Engaged in *pro bono* activities relating to lesbian/gay organizations or causes | H Rand | 1008 | 12.1% | 81.2% | 6.7% |
| | L/G Rand | 110 | 13.6% | 61.8% | 24.5% |
| | L/G Purp | 127 | 16.5% | 66.9% | 16.5% |
| Became active in lesbian/gay community groups | H Rand | 1006 | 6.1% | 79.9% | 14.0% |
| | L/G Rand | 111 | 10.8% | 52.3% | 36.9% |
| | L/G Purp | 127 | 9.4% | 71.7% | 18.9% |
| Discussed gay issues or community activities in the office | H Rand | 993 | 3.4% | 73.0% | 23.6% |
| | L/G Rand | 109 | 10.1% | 46.8% | 43.1% |
| | L/G Purp | 127 | 6.3% | 59.1% | 34.6% |
| Discussed same-sex partner in the office | H Rand | 991 | 2.3% | 72.0% | 25.6% |
| | L/G Rand | 111 | 9.0% | 40.5% | 50.5% |
| | L/G Purp | 126 | 5.6% | 61.9% | 32.5% |

- Table 15, cont'd -

| Action or Communication | Sample Group | Number of Responses | Effect, if Any | | |
|---|---|---|---|---|---|
| | | | Helpful | No Effect | Harmful |
| Displayed a picture of same-sex partner in the office | H Rand | 993 | 2.3% | 78.1% | 19.5% |
| | L/G Rand | 112 | 5.4% | 47.3% | 47.3% |
| | L/G Purp | 126 | 4.8% | 58.7% | 36.5% |
| Brought a same-sex partner to a work-related social event | H Rand | 991 | 3.2% | 77.9% | 18.9% |
| | L/G Rand | 111 | 9.0% | 37.8% | 53.2% |
| | L/G Purp | 127 | 4.3% | 71.9% | 36.2% |

Source, Question 14: **"What effect, if any, do you believe it would have on the career prospects of a lawyer in your organization in the Washington, D.C. metropolitan area if the lawyer [took the actions listed]?"**

The responses of the two groups of lesbian/gay respondents combined were also broken down by whether the respondents considered themselves openly so. The results, shown in **Table 16**, manifest a pattern, as between the responses of the open and not open respondents, that quite closely parallels the pattern of responses as between the two sample groups of lesbian/gay respondents that is shown in **Table 15**. That is, the group that described itself as open less often saw the various actions as harmful.

**TABLE 16**

**Perceived Effect on Career of Revealing Lesbian/Gay Sexual Orientation in Various Ways by Whether or Not Open Regarding Sexual Orientation (combined Lesbian/Gay Groups Only)**

| Action or Communication | Sample Group | Number of Responses | Effect, if Any | | |
|---|---|---|---|---|---|
| | | | Helpful | No Effect | Harmful |
| Let peers in the office know that s/he is lesbian/gay | Open | 160 | 8.8% | 73.8% | 17.5% |
| | Not Open | 72 | 1.4% | 45.8% | 52.8% |
| Let subordinates know that s/he is lesbian/gay | Open | 160 | 6.3% | 72.5% | 21.3% |
| | Not Open | 72 | 1.4% | 38.9% | 59.7% |
| Let superiors know that s/he is lesbian/gay | Open | 157 | 6.4% | 59.9% | 33.8% |
| | Not Open | 102 | 2.8% | 28.2% | 69.0% |
| Let clients know that s/he is lesbian/gay | Open | 142 | 4.9% | 34.5% | 60.6% |
| | Not Open | 61 | 1.6% | 26.2% | 72.1% |
| Engage in pro bono activities relating to lesbian/gay organizations or causes | Open | 158 | 19.6% | 63.9% | 16.5% |
| | Not Open | 71 | 7.0% | 66.2% | 26.8% |
| Became active in lesbian/gay community groups | Open | 159 | 14.5% | 67.3% | 18.2% |
| | Not Open | 71 | 1.4% | 54.9% | 43.7% |
| Discussed gay issues or community activities in the office | Open | 156 | 11.5% | 60.3% | 28.2% |
| | Not Open | 72 | 1.4% | 43.1% | 55.6% |
| Discussed same-sex partner in the office | Open | 158 | 10.1% | 65.2% | 24.7% |
| | Not Open | 71 | 1.4% | 25.4% | 73.2% |
| Displayed a picture of same-sex partner in the office | Open | 158 | 7.0% | 64.6% | 28.5% |
| | Not Open | 72 | 1.4% | 30.6% | 68.1% |
| Brought a same-sex partner to a work-related social event | Open | 159 | 12.6% | 58.5% | 28.9% |
| | Not Open | 71 | 1.4% | 25.4% | 73.2% |

Source: Question 14 (see **Table 15**) and Question 25 (asking lesbian/gay and bisexual respondents, "do you consider yourself openly so?")

## 6. Human resource and benefits policies and practices of the respondents' employers.

### a. Differences in policies and practices across sample groups.

Respondents were asked about the human resource policies and practices of their organizations, and, in particular, whether policies and benefits offered to heterosexual lawyers are also available to lesbian/gay lawyers (Question 12). The responses are reported in **Table 17**. Among the findings in these data are the following:

- A larger proportion of the heterosexual respondents than of the lesbian and gay respondents were not familiar with their workplace policies and practices affecting lesbian and gay employees. Over a third (35.9 percent) of heterosexual respondents did not know if their employer had a policy against discrimination on the basis of sexual orientation; almost half (45.6 percent) of the same group did not know if the organization provided medical insurance for the domestic partners of lesbian and gay employees (and only slightly less -- 38.7 percent -- did not know if it was provided to partners of heterosexual lawyers). In fact, in nine of the fifteen items inquired about, the heterosexual respondents had a significantly larger proportion of "Don't know/not sure" responses than either of the lesbian/gay groups.
- Nonetheless, 42.3 percent of the heterosexual respondents report that they work for employers that have policies against discrimination on the basis of sexual orientation. The figure is significantly higher for the purposive sample of lesbian/gay lawyers: 55.5 percent ($\chi^2 = 8.025$; $p = .005$), but the figure for the

random sample group of lesbian/gay respondents (44.2 percent) is almost the same as for the heterosexual respondents.

- About a third of the employers of each of the respondent groups are reported to sponsor workplace diversity training; of those that do roughly a third to a half (27.3 to 46.3 percent) are reported to include sexual orientation in the curriculum.
- The great majority (81.8, 87.6 and 90.7 percent) of respondents' organizations are reported to provide health benefits to spouses. A large majority (83.5 and 74.0 percent) of the employers of the lesbian and gay respondents do not provide such benefits to partners of lesbian/gay lawyers. (It appears likely the pattern applies to the heterosexual respondents' organizations, since 46.0 percent of those respondents said "No" and 45.6 percent said "Don't know/not sure.") It appears that few organizations provide such coverage to partners (as distinct from spouses) of heterosexual lawyers.
- A substantial majority (64.8, 75.2 and 70.3 percent) of the respondents' organizations are reported to provide family leave to a married heterosexual lawyer when that lawyer's spouse has a serious health condition. Much less than half of these employers, however (18.9, 31.8 and 37.1 percent), are reported to provide this benefit to lesbian/gay lawyers with a seriously ill partner. Nearly three-quarters of the heterosexual respondents (69.0 percent) reported not knowing whether this benefit was provided.
- Roughly three-quarters of each group of respondents (72.9, 78.4 and 79.7 percent) say their employers provide leave when a spouse gives birth or adopts a child.

However, only a fifth (19.9, 18.6 and 20.2 percent) of each group report that the benefit is available to lesbian/gay lawyers when their partners have given birth or adopted a child. It should be noted that roughly half to three-quarters (45.3 to 71.9 percent) of the respondents answered this question "Don't know/not sure".

- Roughly half (53.4, 58.0 and 46.5 percent) of the respondents' organizations are reported to have a committee, ombudsman, or equal employment officer to hear internal complaints of discrimination, but of these only about half (60.3, 53.8 and 48.3 percent) were reported to have authority to hear complaints of sexual orientation discrimination.
- About a quarter of the respondents in the random sample, including both heterosexuals (26.0 percent) and lesbian/gays (28.2 percent) reported that their employers participated in *pro bono* activities relating to lesbian/gay organizations or causes; the figure is 46.5 percent for members of the purposive sample. However, a fourth (24.9 percent) of the heterosexual respondents answered "don't know/not sure."
- Very few of the respondents reported that their employers actively seek out lesbian and gay applicants when recruiting new lawyers. The figure for employers of the heterosexual respondents is 3.9 percent; for lesbian and gay lawyers in the random sample, 10.7 percent; and for the purposive sample 14.0 percent.

**b. Differences in human resource policies and practices among types of workplaces.**

To determine whether there were reported differences in human resource policies as

**TABLE 17**

**Organization Human Resource Policies and Practices, by Sample Group**

| Policy or Practice | Sample Group | Number of Responses | Does Policy/Practice Apply? | | |
|---|---|---|---|---|---|
| | | | Yes | No | Don't Know/ Not Sure |
| Has written policy prohibiting employment discrimination against lawyers based on sexual orientation | H Rand | 1054 | 42.3% | 21.8% | 35.9% |
| | L/G Rand | 113 | 44.2% | 38.1% | 17.7% |
| | L/G Purp | 128 | 55.5% | 28.9% | 15.6% |
| (If yes), Includes this in materials given to its new lawyers | H Rand | 360 | 70.3% | 6.7% | 23.1% |
| | L/G Rand | 43 | 58.1% | 23.3% | 18.6% |
| | L/G Purp | 65 | 53.8% | 16.9% | 29.2% |
| Has undertaken formal training/educational programs on the diversity of personnel in the workplace | H Rand | 1054 | 35.8% | 48.1% | 16.1% |
| | L/G Rand | 113 | 33.6% | 60.2% | 6.2% |
| | L/G Purp | 128 | 34.4% | 56.3% | 9.4% |
| (If yes) Includes in such training diversity with respect to sexual orientation | H Rand | 339 | 46.3% | 21.2% | 32.4% |
| | L/G Rand | 33 | 27.3% | 51.5% | 21.2% |
| | L/G Purp | 43 | 27.9% | 48.8% | 23.3% |
| Provides health insurance benefits to spouses of lawyers | H Rand | 1054 | 81.8% | 12.0% | 6.2% |
| | L/G Rand | 113 | 87.6% | 10.6% | 1.8% |
| | L/G Purp | 129 | 90.7% | 7.8% | 1.6% |
| Provides health insurance benefits to partners of heterosexual lawyers | H Rand | 1023 | 10.0% | 51.3% | 38.7% |
| | L/G Rand | 113 | 9.2% | 76.1% | 14.7% |
| | L/G Purp | 127 | 14.2% | 72.4% | 13.4% |
| Provides health insurance benefits to partners of lesbian/gay lawyers | H Rand | 1022 | 8.4% | 46.0% | 45.6% |
| | L/G Rand | 109 | 7.3% | 83.5% | 9.2% |
| | L/G Purp | 127 | 19.7% | 74.0% | 6.3% |
| Provides family leave when a lawyer's spouse has a serious health condition | H Rand | 1049 | 64.8% | 8.4% | 26.8% |
| | L/G Rand | 113 | 75.2% | 7.1% | 17.7% |
| | L/G Purp | 128 | 70.3% | 3.9% | 25.8% |

- Table 17, cont'd -

| Policy or Practice | Sample Group | Number of Responses | Does Policy/Practice Apply? | | |
|---|---|---|---|---|---|
| | | | Yes | No | Don't Know/ Not Sure |
| (If yes) Provides same leave to lesbian/gay lawyers when their partners have a serious health condition | H Rand | 655 | 18.9% | 12.1% | 69.0% |
| | L/G Rand | 85 | 31.8% | 40.0% | 28.2% |
| | L/G Purp | 89 | 37.1% | 22.5% | 40.4% |
| Provides leave when a lawyer's spouse give birth to or adopts a child | H Rand | 1045 | 72.9% | 10.1% | 16.9% |
| | L/G Rand | 111 | 78.4% | 6.3% | 15.3% |
| | L/G Purp | 128 | 79.7% | 3.1% | 17.2% |
| (If yes) Lesbian/gay lawyers provided same leave when their partners give birth to or adopt a child | H Rand | 720 | 19.9% | 8.2% | 71.9% |
| | L/G Rand | 86 | 18.6% | 36.0% | 45.3% |
| | L/G Purp | 99 | 20.2% | 20.2% | 59.6% |
| Has a formally designated committee, ombudsman or equal employment officer to hear internal complaints of discrimination | H Rand | 1044 | 53.4% | 30.5% | 16.1% |
| | L/G Rand | 112 | 58.0% | 33.0% | 8.9% |
| | L/G Purp | 129 | 46.5% | 42.6% | 10.9% |
| (If yes) Committee, ombudsman or EEO officer has authority to hear complaints of sexual orientation discrimination | H Rand | 549 | 60.3% | 2.9% | 36.8% |
| | L/G Rand | 65 | 53.8% | 18.5% | 27.7% |
| | L/G Purp | 60 | 48.3% | 18.3% | 33.3% |
| Engages in *pro bono* activities relating to lesbian/gay issues or causes | H Rand | 1026 | 26.0% | 49.1% | 24.9% |
| | L/G Rand | 110 | 28.2% | 63.6% | 8.2% |
| | L/G Purp | 127 | 46.5% | 46.5% | 7.1% |
| Actively seeks out lesbian/gay applicants when recruiting new lawyers | H Rand | 1039 | 3.9% | 64.4% | 31.7% |
| | L/G Rand | 112 | 10.7% | 82.1% | 7.1% |
| | L/G Purp | 129 | 14.0% | 75.2% | 10.9% |

Source, Question 12: "Please state whether each of [the statements listed] applies to your organization."

between types of employers, the responses to Question 12 were broken down by employer category, combining the answers of all three groups of respondents, but differentiating among four categories of organizations that employ them: (1) law firms, (2) government agencies, (3) corporations, and (4) other (including public interest/nonprofit, law school and court system). The results are shown in **Table 18**. The findings suggested by these data (but which involve several numbers too small to allow testing for statistical significance) are the following:

- The proportion of employers that are reported to have a policy against discrimination based on sexual orientation ranges from 42.5 to 51.0 percent, with organizations in the "other" category somewhat more likely to have such a policy, and law firms least often reported as doing so. Law firms that have such a policy, however, appear to do a better job than the other types of employers at distributing or otherwise communicating the policy to new lawyers. Government agencies do least well in communicating their policies.
- Diversity training is reported to be provided by three-fifths (59.8 percent) of the government agencies, compared to less than a quarter of law firms (22.9 percent), one-half of corporations (45.5 percent), and one-third of "other" (30.8 percent). Organizations in the "other" category are reported to be the most likely to include discussions of sexual orientation in such training when they have it, but only one-third (30.4 percent) have such training.
- Although 79.3 to 90.4 percent of all four categories of employers are reported to provide medical insurance to spouses of lawyers, few are reported to extend those benefits to the domestic partners of either their heterosexual or their lesbian and gay employees. Of the 386 respondents who report working at government agencies, only two (0.5 percent) report that

there is coverage for partners of lesbian and gay lawyers. This is true for 7.1 percent of those working at corporations, 7.9 percent working at "other" and 14.3 percent of those working at law firms.

- Government agencies are reported to be most likely to provide family leave for health reasons (84.9 percent), but least likely to extend that benefit to their lesbian and gay lawyers.
- When family health and birth/adoption leave is provided, it is reported to be more likely to be in organizations in the "other" category that the benefits extend to lesbian and gay employees.
- Government agencies are reported to be by far the most likely of the employers to have a committee, ombudsman, or equal employment officer concerned with discrimination. However, they are reported to be the least likely of the employers to provide that entity (when there is one) with authority to consider discrimination based on sexual orientation.
- Only a very small proportion of any of the four types of employers are reported actively to seek out lesbian/gay lawyers: 6 percent of the law firms, 9.8 percent of "other," 3.9 percent of government agencies and none of the corporate employers.
- Some two-fifths (40.4 percent) of law firms and one-quarter (28.3 percent) of the "other" category are reported to engage in lesbian/gay pro bono activities.

## TABLE 18

Organization Human Resource Policies and Practices, by Organization Type

| Policy or Practice | Law Firm | | Government | | Corporation | | Other | | Total |
|---|---|---|---|---|---|---|---|---|---|
| | No. | Percent* | No. | Percent* | No. | Percent* | No. | Percent* | |
| Has policy against discrimination based on sexual orientation | 321 | 42.5% | 170 | 44.0% | 20 | 45.5% | 53 | 51.0% | 564 |
| (If yes) Given to new lawyers | 216 | 80.6% | 50 | 36.0% | 14 | 87.5% | 30 | 69.8% | 310 |
| Offers diversity training | 173 | 22.9% | 231 | 59.8% | 20 | 45.5% | 32 | 30.8% | 456 |
| (If yes) Includes sexual orientation | 75 | 48.7% | 75 | 35.4% | 10 | 50.0% | 17 | 60.7% | 177 |
| Provides health benefits for spouses | 601 | 79.3% | 349 | 90.4% | 40 | 90.4% | 84 | 81.6% | 1074 |
| Provides health benefits to heterosexual partners | 99 | 13.5% | 9 | 2.4% | 6 | 14.3% | 15 | [illegible] | 129 |
| Provides health benefits to partners of lesbian/gay lawyers | 105 | 14.3% | 2 | .5% | 3 | 7.1% | 8 | [illegible] | 118 |
| Provides family leave for spouse's ill health | 417 | 55.4% | 326 | 84.9% | 32 | 74.4% | 74 | 70.5% | 849 |
| (If yes) Lesbian/gay lawyers are provided same leave | 103 | 25.8% | 45 | 14.0% | 6 | 18.8% | 28 | 38.9% | 182 |
| Provides family leave for spouse if birth or adoption | 516 | 68.9% | 314 | 82.0% | 34 | 81.0% | 80 | 76.2% | 944 |
| (If yes) Lesbian/gay lawyers are provided same leave | 108 | 22.3% | 44 | 14.3% | 1 | 3.1% | 23 | 30.7% | 176 |
| Actively seeks out lesbian/gay lawyers | 45 | 6.0% | 15 | 3.9% | -- | -- | 10 | 9.8% | 70 |
| Engages in lesbian/gay *pro bono* activities | 303 | 40.4% | 19 | 5.2% | 4 | 9.3% | 28 | 28.3% | 354 |
| Has a discrimination committee, ombudsman, or EEO officer | 283 | 37.6% | 328 | 85.4% | 28 | 53.5% | 46 | 45.5% | 677 |
| (If yes) Does this person have authority *re* sexual orientation | 191 | 68.0% | 151 | 46.9% | 18 | 78.3% | 32 | 71.1% | 392 |
| NUMBER OF RESPONDENTS BY ORGANIZATION TYPE | | 761 | | 386 | | 45 | | 97 | |

Source, Question 12: See **Table 13.**

*/ The percentages are calculated on a base number that is the number of responses to the particular question -- a number that does not always correspond to the number of respondents in each category of organization (shown on the bottom line of the table).

The response to Question 11, asking for evaluation of the respondents' organizations' treatment of lesbian/gay lawyers (reflected in **Table 14** above), can also be broken down by type of organization. **Table 19** shows this breakdown, in terms of overall mean ratings combining all three respondent groups). None of the comparisons shown is statistically significant save the comparison of corporations to the other organization types with respect to the first four matters inquired about. This shows that corporations get the worst ratings on each of the four points.

**TABLE 19**

**Mean Collective Ratings Evaluating Respondents' Organizations, by Organization Type**

| Question | Law Firms | Government | Corporation | Other | Total |
|---|---|---|---|---|---|
| Hospitability of Work Environment | 3.85 | 3.8 | 3.2 | 3.92 | 3.82 |
| Lack of Bias in Performance Reviews | 4.14 | 4.13 | 3.65 | 4.20 | 4.13 |
| Lack of Bias in Work Assignments | 4.17 | 4.18 | 3.63 | 4.25 | 4.16 |
| Lack of Bias in Advancement | 4.11 | 4.03 | 3.4 | 4.16 | 4.07 |
| Policies Made Known | 3.39 | 3.32 | 2.84 | 3.48 | 3.36 |

**Source: Question 11: See Table 14.**

### c. Social events.

Respondents were asked whether their organization has social events to which lawyers may bring spouses, significant others or dates, and if so (and if the organization employs any openly

lesbian/gay lawyers), how often such lawyers bring partners, significant others or dates of the same sex to such events. The results are shown in **Table 20**.

**TABLE 20**

**Same-Sex Partners or Dates at Organizational Social Events**

| Organization | Have Social Events | | | | Frequency of Same-Sex Dates | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Yes | | No | | Never | | Sometimes | | Frequently | | Don't Know | |
| | No. | % | No. | % | No. | % | No. | % | No. | % | No. | % |
| Small Law Firm | 65 | 73.0% | 24 | 27.0% | 9 | 13.8% | 6 | 9.2% | 15 | 23.1% | 35 | 53.8% |
| Medium Law Firm | 181 | 92.8% | 14 | 7.2% | 22 | 12.2% | 40 | 22.1% | 33 | 18.2% | 86 | 47.5% |
| Large Law Firm | 471 | 98.7% | 6 | 1.3% | 80 | 17.0% | 163 | 34.6% | 81 | 17.2% | 147 | 31.2% |
| Government | 280 | 72.5% | 106 | 27.5% | 74 | 26.4% | 100 | 35.7% | 22 | 7.9% | 84 | 30.0% |
| Nonprofit | 55 | 90.2% | 6 | 1.9% | 3 | 5.5% | 15 | 27.3% | 18 | 32.7% | 19 | 34.5% |
| Corporation | 34 | 81.0% | 8 | 19.0% | 5 | 14.7% | 9 | 26.5% | 3 | 8.8% | 17 | 50.0% |
| Other | 37 | 90.2% | 4 | 9.8% | 2 | 5.4% | 16 | 43.2% | 7 | 18.9% | 12 | 32.4% |

**Source: Question 13: Does [Did] your organization have social events to which lawyers may bring spouses, significant others, or dates? If yes, and if the organization employs [employed] openly lesbian/gay lawyers, how often do [did] these lawyers bring same-sex partners, significant others, or dates to these events?**

## 7. Experiences with discrimination on the basis of sexual orientation.

Respondents were asked a series of questions about whether they had *experienced, witnessed,* or *heard* of incidents involving potential discrimination on the basis of sexual orientation. (Questions 15 and 16.) The results are shown in **Tables 21 and 22**.

### a. Others declining to work with a lawyer based on actual or perceived sexual orientation.

Respondents were asked whether they had personal knowledge of whether a member of any one or more of four groups of persons had ever declined or sought to avoid working

with a lawyer in their organization because of that lawyer's actual or perceived sexual orientation. The four groups are: clients; partners or supervisors; junior staff or associates; and non-lawyer staff.

As can be seen in the actual number of incidents reported in **Table 21**, 8.8 percent of heterosexual respondents reported having either experienced, witnessed or heard that someone in the four pertinent groups in his/her organization had declined or sought to avoid working with a lawyer who was (or was perceived to be) lesbian or gay. A significantly larger proportion of both the lesbian/gay random sample group (26.5 percent) ($\chi^2 = 34.250$; $p = < .001$) and of the purposive sample (31.0 percent) ($\chi^2 = 57.091$; $p = < .001$) reported the same experience. Roughly 46 percent of the incidents reported were based on first-hand knowledge; 54 percent were based on hearsay. Of the episodes reported, slightly more involved law firm partners or supervising lawyers than involved clients, peers, or staff.

**b. Other differential treatment of lawyers based on actual or perceived sexual orientation.**

Respondents were asked about 12 different kinds of incidents that might reflect differential treatment of a lawyer -- eleven negative and one positive in the quality of the treatment in question -- on the basis of that lawyer's actual or perceived sexual orientation. (Question 16.) The number of mentions of each kind of incident reported by each of the three respondent groups is shown in **Table 22**, which also shows separate subtotals for the eleven types of incidents reflecting differential treatment of a negative kind.

**TABLE 21**

**Reported Awareness of Persons Declining To Work With Lawyers On the Basis of Their Perceived or Actual Sexual Orientation, by Sample Group (Number of Cases)**

| | Sample Group | Experienced | Witnessed | Heard | Total |
|---|---|---|---|---|---|
| Clients | H Rand | 6 | 4 | 19 | 29 |
| | L/G Rand | 8 | 5 | 8 | 21 |
| | L/G Purp | 6 | 3 | 13 | 22 |
| Partners, Supervisors | H Rand | 7 | 12 | 26 | 45 |
| | L/G Rand | 8 | 6 | 8 | 22 |
| | L/G Purp | 9 | 9 | 17 | 35 |
| Junior Staff, Associates | H Rand | 3 | 6 | 23 | 32 |
| | L/G Rand | 9 | 4 | 3 | 16 |
| | L/G Purp | 7 | 4 | 14 | 23 |
| Non-lawyer Staff | H Rand | 2 | 9 | 23 | 34 |
| | L/G Rand | 9 | 6 | 11 | 26 |
| | L/G Purp | 6 | 6 | 18 | 30 |
| **TOTAL** | | **80** | **74** | **181** | **335** |

**Overall Incidence of Reports of Having Experienced, Witnessed or Heard of Such Events**

| Sample | Number in Sample | Responses | |
|---|---|---|---|
| | | Yes | No |
| H Rand | 1068 | 8.8% | 91.2% |
| L/G Rand | 113 | 26.5% | 73.5% |
| L/G Purp | 129 | 31.0% | 69.0% |

Source, Question 15: "Have you personally experienced, witnessed or heard that any of [the four categories of persons listed] have declined or sought to avoid working with a lawyer in your organization because that lawyer was (or was perceived to be) lesbian/gay?"

- About twice as many of each group of respondents who reported having experienced, witnessed or heard about incidents where others had declined to work in some capacity with lawyers who were, or were perceived to be, lesbian or gay (shown in **Table 21**) reported experiencing, witnessing or hearing about one or more of the 12 different kinds of differential treatment of lesbian and gay lawyers, as reflected in **Table 22**. Substantially larger portions of the lesbian/gay groups reported that they had experienced, witnessed or heard about one or more incidents: the figures are 15.8 percent for the heterosexual group, 53.1 percent of the random sample lesbian/gay group ($\chi^2 = 90.829$; $p = < .001$), and 58.1 percent of the purposive lesbian/gay sample ($\chi^2 = 121.304$; $p = < .001$). Also, as shown in **Table 22**, nearly half (42.9 percent) of the reports were attributable to the direct experience of or having witnessed differential treatment of lesbian and gay lawyers, not to hearsay.
- Derogatory remarks are the most common type of incidents reported, constituting over 35 percent of all the incidents reported by respondents.
- Roughly a sixth of the lesbian and gay respondents (41 out of a total of 242) reported having been advised to conceal their sexual orientation.

**TABLE 22**

**Reported Awareness of Differential Treatment of Lawyers by Respondents' Organizations on the Basis of Their Perceived or Actual Sexual Orientation, by Sample Group (Number of Cases)**

| Incident | Sample Group | Experienced | Witnessed | Heard | Total |
|---|---|---|---|---|---|
| Failed to receive an offer of employment | H Rand | -- | 3 | 21 | 24 |
| | L/G Rand | -- | 4 | 14 | 18 |
| | L/G Purp | -- | 6 | 13 | 19 |
| Been passed over for promotion/partnership | H Rand | -- | 3 | 23 | 26 |
| | L/G Rand | 4 | 4 | 18 | 26 |
| | L/G Purp | 6 | 5 | 17 | 28 |
| Been paid a lower salary or less partnership earnings | H Rand | 1 | 4 | 11 | 16 |
| | L/G Rand | 2 | 7 | 7 | 16 |
| | L/G Purp | 3 | 2 | 10 | 15 |
| Received less desirable work assignments | H Rand | 1 | 4 | 18 | 23 |
| | L/G Rand | 1 | 10 | 16 | 27 |
| | L/G Purp | 5 | 5 | 12 | 22 |
| Received a poor work evaluation | H Rand | -- | 3 | 17 | 20 |
| | L/G Rand | 2 | 5 | 17 | 24 |
| | L/G Purp | 6 | 7 | 11 | 24 |
| Kept from working with a client or from client development opportunities | H Rand | -- | 3 | 16 | 19 |
| | L/G Rand | 2 | 6 | 8 | 17 |
| | L/G Purp | 7 | 7 | 12 | 26 |
| Received direct verbal abuse or harassment, or been the subject of a derogatory remark when present | H Rand | 1 | 7 | 28 | 35 |
| | L/G Rand | 9 | 13 | 16 | 38 |
| | L/G Purp | 19 | 14 | 23 | 56 |
| Been the subject of a derogatory remark when not present | H Rand | -- | 57 | 61 | 118 |
| | L/G Rand | -- | 29 | 24 | 53 |
| | L/G Purp | -- | 18 | 39 | 57 |
| Received adverse treatment by a judge or other court official | H Rand | 2 | -- | 6 | 8 |
| | L/G Rand | -- | 5 | 6 | 11 |
| | L/G Purp | 3 | 2 | 9 | 14 |

- Table 22, cont'd -

| Incident | Sample Group | Experienced | Witnessed | Heard | Total |
|---|---|---|---|---|---|
| Been advised to conceal his/her sexual orientation | H Rand | 1 | 2 | 24 | 27 |
| | L/G Rand | 18 | 12 | 15 | 45 |
| | L/G Purp | 23 | 9 | 18 | 50 |
| Been told s/he used poor judgment in revealing his/her sexual orientation | H Rand | 1 | 1 | 12 | 14 |
| | L/G Rand | 4 | 10 | 12 | 26 |
| | L/G Purp | 11 | 6 | 6 | 23 |
| SUBTOTAL | | 132 | 273 | 550 | 965 |
| Been given preferential treatment | H Rand | 8 | 11 | 13 | 32 |
| | L/G Rand | 1 | 3 | 2 | 6 |
| | L/G Purp | 2 | 3 | 1 | 6 |
| **TOTAL ALL REPORTS** | | **143** | **290** | **576** | **1009** |

**Overall Incidence of Reports of Having Experienced, Witnessed or Heard of Such Events**

| Sample Group | Number of Respondents | Yes | | No | |
|---|---|---|---|---|---|
| | | Number | Percent | Number | Percent |
| H Rand | 1066 | 169 | 15.9% | 897 | 84.1% |
| L/G Rand | 112 | 60 | 53.6% | 52 | 46.4% |
| L/G Purp | 120 | 70 | 58.1% | 50 | 41.9% |

Source, Question 16: "With respect to your organization in the Washington, D.C. metropolitan area, have you personally experienced, witnessed or heard that any lawyer has experienced any of [the events listed] as a result, in whole or in part, of being (or being perceived to be) lesbian/gay?"

Note: Three responses to Question 16 (two from heterosexuals and one from a gay/lesbian in the random sample) were discarded because they were internally inconsistent: in each instance, the respondents reported both that they had "experienced" all of the types of incidents inquired about AND that they had NOT experienced any of them.

## 8. Respondents' reports of employer responses to incidents of potential discrimination.

Respondents who reported an incident in answer to either of the two previous questions (that is, Questions 15 and 16, whose responses are shown in **Tables 21 and 22**) were asked to provide information about their employer's awareness of and response to the incident. (Question 17.) First, they were asked whether management was made aware of the incident and, if so, how that was accomplished. As can be seen in **Table 23**, respondents reported that management received informal reports of 136 incidents (24.8 percent of the total) and formal reports of 19 incidents (3.5 percent), and was not informed about 97 incidents (17.7 percent). With regard to the remaining 296 incidents (54.0 percent), the respondents replied that they did not know or were not sure whether management had been made aware of the incident.

**TABLE 23**

**Reported Management Awareness of Incidents, by Sample Group (Number of Cases, All Incidents Combined)**

| Did Management Learn of Incident? | H Rand | | L/G Rand | | L/G Purp | | Aggregate | |
|---|---|---|---|---|---|---|---|---|
| | No. | % | No. | % | No. | % | No. | % |
| Learned informally | 51 | 18.7% | 44 | 32.6% | 41 | 29.3% | 136 | 24.8% |
| Learned through a formal report | 5 | 1.8% | 6 | 4.4% | 8 | 5.7% | 19 | 3.5% |
| Not informed | 42 | 15.4% | 16 | 11.9% | 39 | 27.9% | 97 | 17.7% |
| Don't know/not sure | 175 | 64.1% | 69 | 51.1% | 52 | 37.1% | 296 | 54.0% |
| TOTAL | 273 | 100% | 135 | 100% | 140 | 100% | 548 | 100% |

Source, Question 17: "If you answered affirmatively as to any of the items in the last two questions (15 and 16), did management in your firm or office learn about the incident(s)?"

With respect to incidents about which respondents reported that management had not been informed, the questionnaire asked respondents for their opinion as to why that was the case (Question 18). The questionnaire provided seven possible reasons and asked respondents to check all that applied. The responses are reported in **Table 24**. About a fifth of the explanations (19.3 percent) were to the effect that management did not hear about the incident because it was perceived that "a report would be futile or not worth the trouble." An identical proportion of the respondents said the reason was fear of reprisal or disapproval by either the perpetrator or someone else. In 34.9 percent of the responses, it was reported that respondents did not know or were not sure why management had not been informed.

In the final question along this line of inquiry, the questionnaire asked how management had responded to the incidents of which it did learn (Question 19). Reported management responses are shown in **Table 25**. The most common response (117 out of 306, or 38.2 percent) was that the respondent did not know the final outcome. The two next most common responses were that management had done nothing (80 incidents, or 26.1 percent), or had tried to explain the allegations away (29 incidents, or 9.5 percent). The number of responses to the effect that management treated the allegations seriously and investigated to determine the relevant facts was 18 (3.6 percent); the number indicating that the result was a warning, discipline or development of a plan or program to deal with the problem was 27 (8.8 percent).

**TABLE 24**

**Perceived Reasons Why Management Did Not Learn About Incidents, by Sample Group (Number of Cases, All Incidents Combined)**

| Reasons | H Rand | | L/G Rand | | L/G Purp | | Aggregate | |
|---|---|---|---|---|---|---|---|---|
| | No. | % | No. | % | No. | % | No. | % |
| The affected person(s) felt that the matter was insignificant or unimportant | 31 | 10.8% | 4 | 3.4% | 16 | 9.9% | 51 | 9.0% |
| The affected person(s) dealt with the matter privately | 11 | 3.8% | 20 | 17.2% | 23 | 14.2% | 54 | 9.6% |
| There was no clear complaint procedure | 17 | 5.9% | 7 | 6.6% | 21 | 13.1% | 45 | 8.0% |
| The incident was not reported due to fear of reprisal or disapproval by the perpetrator(s) | 22 | 7.7% | 13 | 11.2% | 23 | 14.2% | 58 | 10.3% |
| The incident was not reported due to fear of reprisal or disapproval by someone other than the perpetrator | 31 | 10.8% | 4 | 3.4% | 16 | 9.9% | 51 | 9.0% |
| The incident was not reported due to a perception that a report would be futile/not worth the trouble | 36 | 12.5% | 38 | 32.8% | 35 | 21.6% | 109 | 19.3% |
| Don't Know/Not sure | 139 | 48.4% | 30 | 25.9% | 28 | 17.3% | 197 | 34.9% |
| **TOTAL** | **287** | **99.9%** | **116** | **99.9%** | **162** | **100%** | **565** | **100.1%** |

Source, Question 18: "If management did not learn of the incident, what do you believe the reason was?"

**TABLE 25**

**Reported Management Response to Incident, by Sample Group (Number of Cases, All Incidents Combined)**

| Management Response | H Rand | L/G Rand | L/G Purp | Total |
|---|---|---|---|---|
| Treated the allegations seriously and investigated to determine the relevant facts | 5 | 7 | 6 | 18 |
| Orally warned those involved | 5 | 1 | 11 | 17 |
| Disciplined those involved | -- | 2 | 2 | 4 |
| Developed a plan or program to deal with the problem disclosed | 3 | 1 | 2 | 6 |
| Showed initial concern but did not follow up | 5 | 5 | 7 | 17 |
| Determined that the complaint or report was unfounded | -- | 1 | -- | 1 |
| Tried to explain the allegations away | 4 | 12 | 13 | 29 |
| Other | 5 | 2 | 10 | 17 |
| Did nothing | 31 | 30 | 19 | 80 |
| DK/Not sure | 77 | 20 | 20 | 117 |
| **TOTAL** | **135** | **81** | **90** | **306** |

Source, Question 19: "How did management respond to the incident(s) of which it did learn?"

## CONCLUSIONS

The principal conclusions to be drawn from the quantitative analysis of this study are the following:

1. Taken as a whole, the two groups of lesbian and gay respondents, when compared to the group of heterosexual respondents, are relatively less likely to be employed in a law firm and more likely to be employed in a governmental entity **(Table 4)**. If in a law firm, they are less likely to be earning a salary of $150,000 or more **(Table 5)** and less likely to be a partner **(Table 6)** although the latter may be partly attributable to the fact that they have been with their firms for fewer years.

2. The group of heterosexual respondents are also more likely than either of the two groups of lesbian/gay respondents to say that they "fit in very well" with their organization and colleagues **(Table 8)**.

3. About half of the lesbian/gay lawyers in the random sample group report that they consider themselves open about their sexual orientation, which is to say, half are *not* open; of the purposive sample, roughly 85 percent consider themselves open and 15 percent do not **(Table 9)**.

4. The proportions of the lesbian/gay lawyers who consider themselves open are substantially higher than the proportions who report that others in the workplace actually know about their sexual orientation. For example, only a little over half of the purposive sample (and a third of the random sample group) of lesbian/gay lawyers report that lawyers senior to them are aware of their sexual orientation. The professional contacts that both

lesbian/gay groups say are least likely to be aware of their sexual orientation are clients, opposing lawyers, and judges and hearing officers. **(Table 10)**.

5. Slightly under half of the heterosexual respondents think that there is at least one openly lesbian/gay lawyer in their workplace, compared to almost three-quarters of the random sample lesbian/gay group and over four-fifths of the purposive sample **(Table 11)**.

6. Two-fifths of the heterosexual respondents whose employers have clients don't know or are not sure whether they have any lesbian/gay clients or client contacts. A fifth to a quarter of all three groups of respondents report that to the best of their knowledge their firms do not have any such clients or client contacts **(Table 11)**.

7. Lesbian/gay lawyers generally perceive less discrimination in their own organization than in other legal organizations in the D. C. metropolitan area **(Tables 12, 13)**. However, they perceive more discrimination within their organization than do heterosexual lawyers **(Table 12)**. A substantial majority of the heterosexual respondents do not perceive that openly lesbian/gay lawyers fare worse in any respect than heterosexual ones in their own workplace, while appreciable numbers of the lesbian/gay lawyers -- although not a majority -- do perceive them as faring worse in various respects. The matters with respect to which the most differential appears are advancement in the organization and maintaining positive social relationships with colleagues. **(Table 12)**.

8. As to whether the respondents believe the sexual orientation of lesbian/gay lawyers has a negative impact on the latter's career in the Washington, D.C. metropolitan area generally, a majority of the heterosexual respondents have no view on the matter. Of those that do, a plurality do not see sexual orientation as having a negative impact. However,

roughly one-fifth of the heterosexual respondents -- and three-fifths of the lesbian/gay respondents -- believe lesbian/gay lawyers have less chance than heterosexual lawyers do for career advancement in the Washington, D.C. metropolitan area (**Table 13**).

9. When asked to rate their own workplace with regard to its treatment of lesbian/gay lawyers in various respects, a larger portion of all three groups of respondents gave favorable ratings than gave unfavorable ones. However, a substantial minority of each of the lesbian/gay groups gave unfavorable ratings **(Table 14)**.

10. A substantial majority of the heterosexual respondents are of the view that disclosure of sexual orientation would have no effect on a lesbian/gay lawyer's career prospects, but a tenth to four-tenths of these respondents see one or another action or communication on the part of lesbian/gay lawyers that might disclose their sexual orientation to others as being harmful to their careers. A substantially higher proportion of both groups of lesbian/gay respondents view such actions or communications as harmful. Both heterosexual and lesbian/gay respondents see disclosing one's sexual orientation to clients as most harmful. (**Table 15**.)

11. Respondents in the purposive sample of lesbian/gay lawyers see actions that might communicate their sexual orientation to others as less likely to be harmful than do lesbian/gay members of the random sample. (**Table 15**.) A similar pattern appears, as between the perceptions of lesbian/gay respondents who consider themselves openly so and those who do not, in that those who are open see less harm. **(Table 16)**.

12. A third to a half of the heterosexual respondents are not familiar with their workplace policies and practices affecting lesbian and gay employees; in nine of the fifteen

items inquired about, the heterosexual respondents had a significantly larger proportion of "Don't know/not sure" responses than either of the lesbian/gay groups. **(Table 17.)**

13. Nonetheless, roughly two-fifths of the heterosexual respondents report that they work for employers that have policies against discrimination on the basis of sexual orientation, almost the same figure as for the random sample group of lesbian/gay respondents. Somewhat more than half of the purposive sample of lesbian/gay lawyers report working for such an employer. **(Table 17.)**

14. About a third of the employers of each of the respondent groups are reported to sponsor workplace diversity training; among those that do, a quarter to a half are reported to include sexual orientation in the curriculum. **(Table 17.)**

15. More than four-fifths of respondents' organizations were reported to provide health benefits to spouses, but an almost equally large majority of the employers of the lesbian and gay respondents are not reported as providing such benefits to partners of lesbian/gay lawyers. It appears that few organizations provide such coverage to partners (as distinct from spouses) of heterosexual lawyers. **(Table 17.)**

16. Roughly two-thirds of the respondents' organizations were reported to provide family leave to a married heterosexual lawyer when that lawyer's spouse has a serious health condition. Much less than half of these employers were reported to provide this benefit to lesbian/gay lawyers with a seriously ill partner. Nearly three-quarters of the heterosexual respondents reported not knowing whether this benefit was provided. **(Table 17.)**

17. Three-quarters to four-fifths of the respondents say their employers provide leave when the spouse of a lawyer gives birth or adopts of a child. However, only a fifth of each

group report that the benefit is available to lesbian/gay lawyers when their partners have given birth or adopted a child. Roughly half to three-quarters of the respondents report that they didn't know. **(Table 17.)**

18. Roughly half of the respondents' organizations are reported to have a committee, ombudsman, or equal employment office to hear internal complaints of discrimination, but of these only about three in five are reported to have authority to hear complaints of sexual orientation discrimination. **(Table 17.)**

19. A quarter to a half of the respondent groups report that their employers participate in *pro bono* activities relating to lesbian/gay organizations or causes; but a quarter of the heterosexual respondents say they don't know or are not sure. **(Table 17.)**

20. Very few of the respondents report that their employers actively seek out lesbian and gay applicants when recruiting new lawyers. **(Table 17.)**

21. Two-fifths to a half of respondents' employers are reported to have a policy against discrimination based on sexual orientation, with organizations in the "other" category somewhat more likely to be reported as having such a policy. Law firms and corporations that have such a policy, however, appear to do a better job than the other types of employers at distributing or otherwise communicating the policy to new lawyers. Government agencies do least well in communicating their policies. **(Table 18.)**

22. Diversity training is reported to be provided by three-fifths of the government agencies, compared to less than a quarter of law firms, one-half of corporations and one-third of "other". Organizations in the "other" category are reported to be the most likely to

include discussions of sexual orientation in such training when they have it, but only three-fifths do. **(Table 18.)**

23. Government agencies are reported to be most likely to provide family leave for health reasons, but least likely to extend that benefit to their lesbian and gay lawyers. When family health and birth/adoption leave is provided, it is reported to be more likely to be in organizations in the "other" category that the benefits extend to lesbian and gay employees.

24. Government agencies are reported to be by far the most likely of the several employer categories to have a committee, ombudsman, or equal employment officer concerned with discrimination. However, they are reported to be the least likely of the employers to provide that entity (when there is one) with authority to consider discrimination based on sexual orientation. **(Table 18.)**

25. Only a very small proportion of any of the four types of employers -- less than one-tenth -- are reported actively to seek out lesbian/gay lawyers: 6 percent of the law firms, 6.7 percent of "other," 3.9 percent of government agencies and none of the corporate employers **(Table 18)**.

26. Some two-fifths of law firms and a quarter of the "other" category of legal employers are reported to engage in lesbian/gay pro bono activities. **(Table 18.)**

27. When respondents were asked to evaluate their own employer organizations as respects fair treatment of lesbian/gay lawyers, corporate employers got the worst collective ratings (when all respondent groups were combined). **(Table 19.)**

28. About a tenth of heterosexual respondents and three in ten of lesbian/gay respondents reported that they have experienced, witnessed or heard of instances in which clients,

partners/supervisors, junior associates and/or staff have declined to work with a lawyer based on the latter's actual or perceived sexual orientation. **(Table 21.)**

29. About twice as many of each group of respondents as reported instances of others declining to work with lesbian/gay lawyers (No. 28, above) reported that they have experienced, witnessed or heard of one or more of 12 kinds of discrimination affecting a lawyer based on the latter's actual or perceived sexual orientation. **(Table 22.)**

30. About a sixth of the lesbian and gay respondents reported having been advised to conceal their sexual orientation **(Table 22)**.

31. As to a majority of the incidents involving perceived discrimination against a lawyer based on actual or perceived sexual orientation, the respondents were unaware of whether management had learned of the incident. In a majority of the incidents about which respondents had this information, management did learn of the incident. When management did so learn, this was most often through informal channels rather than through a formal report **(Table 23)**.

32. The most common reasons given (by a fifth of the reporting respondents in each instance) for management not having heard about an incident was a perception that making a report would be futile or not worth the trouble, and fear of reprisal or disapproval by either the perpetrator or someone else **(Table 24)**.

33. Formal management responses to incidents of perceived discrimination based on sexual orientation were relatively rare **(Table 25)**.

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# APPENDIX A - 1

## Questionnaire for the Survey of Lawyers In the Washington, D.C. Metropolitan Area

Report of the District of Columbia Bar Task Force on Sexual Orientation And the Legal Workplace

March 1999

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1. How long have you practiced law?
   - ☐ Less than 2 years
   - ☐ 2-5 years
   - ☐ 6-10 years
   - ☐ 11-15 years
   - ☐ 16-20 years
   - ☐ 21-25 years
   - ☐ 26-30 years
   - ☐ More than 30 years

2. What is your present employment situation?
   - ☐ Employed as lawyer part time
   - ☐ Employed as lawyer full time
   - ☐ Employed part time, not as lawyer*
   - ☐ Employed full time, not as lawyer*
   - ☐ Teaching in a law school
   - ☐ Unemployed*
   - ☐ Retired*
   - ☐ Other _____

*** If you are not now employed as a lawyer but have been employed as one in the Washington, D.C. metropolitan area at any time in the last five years, please answer the remaining questions with respect to your last previous employment as a lawyer. If you have not been employed as a lawyer in the last five years, please check this box ☐ and do not complete the questionnaire. Please return the questionnaire nonetheless so that we can know the composition of our survey sample.**

3. What is [was] your employment setting?
   - ☐ Single-office law firm
   - ☐ Multi-office law firm
   - ☐ Public interest/non-profit
   - ☐ Government agency
   - ☐ Law school
   - ☐ Single-office corporation
   - ☐ Multi-office corporation
   - ☐ Court system
   - ☐ Other _____

4. What is [was] your position with your organization?

| *Law Firm* | *Other Organization* |
|---|---|
| ☐ Partner | ☐ Supervising lawyer |
| ☐ Of counsel or comparable position | ☐ Staff lawyer |
| ☐ Associate | ☐ Other _____ |

5. How many years have [had] you been with this organization?
   - ☐ Less than 2 years
   - ☐ 2-5 years
   - ☐ 6-10 years
   - ☐ 11-15 years
   - ☐ 16-20 years
   - ☐ 21-25 years
   - ☐ 26-30 years
   - ☐ More than 30 years

6. To the best of your knowledge, approximately how many lawyers are [were] employed in your organization? (Answer both columns if applicable.)

| *Lawyers in your office* | *If multi-office, lawyers in entire organization* |
|---|---|
| ☐ 1 | ☐ 1 |
| ☐ 2-5 | ☐ 2-5 |
| ☐ 6-20 | ☐ 6-20 |
| ☐ 21-50 | ☐ 21-50 |
| ☐ 51-100 | ☐ 51-100 |
| ☐ 101-200 | ☐ 101-200 |
| ☐ Over 200 | ☐ Over 200 |

7. To the best of your knowledge, does [did] your organization have any openly lesbian/gay clients or, in the case of clients that are organizations, openly lesbian/gay client contacts?

☐ Yes ☐ No ☐ Don't know/Not sure ☐ Not the kind of organization that has clients

8. To the best of your knowledge, does [did] your organization employ any openly lesbian/gay lawyers in the Washington, D.C. metropolitan area?

☐ Yes ☐ No ☐ Don't know/Not sure

9. If you answered **yes** to Question 8 above, in general how do you believe openly lesbian/gay lawyers in your organization in the Washington, D.C. metropolitan area compare to similarly situated heterosexual lawyers **in your organization,** in terms of the following:

| | *Better than heterosexuals* | *Same as heterosexuals* | *Worse than heterosexuals* | *Don't know/ Not sure* |
|---|---|---|---|---|
| a. Annual income level | ☐ | ☐ | ☐ | ☐ |
| b. Advancement within the organization | ☐ | ☐ | ☐ | ☐ |
| c. Maintaining positive relationships with clients | ☐ | ☐ | ☐ | ☐ |
| d. Developing contacts with potential clients | ☐ | ☐ | ☐ | ☐ |
| e. Maintaining positive social relationships with office colleagues | ☐ | ☐ | ☐ | ☐ |
| f. Maintaining positive working relationships with office colleagues | ☐ | ☐ | ☐ | ☐ |
| g. Achieving visibility within professional associations | ☐ | ☐ | ☐ | ☐ |

10. In general, how do you believe openly lesbian/gay lawyers employed in the entire Washington, D.C. metropolitan area (not just your organization) compare to similarly situated heterosexual lawyers in the Washington, D.C. metropolitan area in terms of the following:

| | *Better than heterosexuals* | *Same as heterosexuals* | *Worse than heterosexuals* | *Don't know/ Not sure* |
|---|---|---|---|---|
| a. Annual income level | ☐ | ☐ | ☐ | ☐ |
| b. Advancement within the organization | ☐ | ☐ | ☐ | ☐ |
| c. Maintaining positive relationships with clients | ☐ | ☐ | ☐ | ☐ |
| d. Developing contacts with potential clients | ☐ | ☐ | ☐ | ☐ |
| e. Maintaining positive social relationships with office colleagues | ☐ | ☐ | ☐ | ☐ |
| f. Maintaining positive working relationships with office colleagues | ☐ | ☐ | ☐ | ☐ |
| g. Achieving visibility within professional associations | ☐ | ☐ | ☐ | ☐ |

11. Please check the appropriate box to express your view of the following statements with regard to your organization in the Washington, D.C. metropolitan area:

| | *Agree Strongly* | *Agree Somewhat* | *No Opinion* | *Disagree Somewhat* | *Disagree Strongly* |
|---|---|---|---|---|---|
| a. It has [had] a work environment as hospitable to openly lesbian/gay lawyers as it is [was] to heterosexual lawyers. | ☐ | ☐ | ☐ | ☐ | ☐ |
| b. It attempts [attempted] to ensure that performance reviews are [were] not affected by a lawyer's actual or perceived sexual orientation. | ☐ | ☐ | ☐ | ☐ | ☐ |
| c. It attempts [attempted] to ensure that work assignments are [were] not affected by a lawyer's actual or perceived sexual orientation. | ☐ | ☐ | ☐ | ☐ | ☐ |
| d. It attempts [attempted] to ensure that promotion and advancement decisions are [were] not affected by a lawyer's actual or perceived sexual orientation. | ☐ | ☐ | ☐ | ☐ | ☐ |
| e. It makes [made] its policies and practices with respect to lesbian/gay lawyers known to its employees. | ☐ | ☐ | ☐ | ☐ | ☐ |

12. Please state whether each of the following applies [applied] to your organization.

| | *Yes* | *No* | *Don't know/ Not sure* |
|---|---|---|---|
| a. It has [had] a written policy prohibiting employment discrimination against lawyers based on sexual orientation. | ☐ | ☐ | ☐ |
| **If yes,** does [did] it include this in materials given to its new lawyers? | ☐ | ☐ | ☐ |
| b. It has [had] undertaken formal training/educational programs on the diversity of personnel in the workplace. | ☐ | ☐ | ☐ |
| **If yes,** did such training include diversity with respect to sexual orientation? | ☐ | ☐ | ☐ |
| c. It provides [provided] health insurance benefits to: | | | |
| -- spouses of lawyers | ☐ | ☐ | ☐ |
| -- partners of heterosexual lawyers | ☐ | ☐ | ☐ |
| -- partners of lesbian/gay lawyers | ☐ | ☐ | ☐ |

| *12. (continued)* | *Yes* | *No* | *Don't know/ Not sure* |
|---|---|---|---|
| d. It provides [provided] family leave when a lawyer's spouse has a serious health condition. | ☐ | ☐ | ☐ |
| **If yes**, are [were] lesbian/gay lawyers provided the same leave when their partners have a serious health condition? | ☐ | ☐ | ☐ |
| e. It provides [provided] leave when a lawyer's spouse gives birth to or adopts a child. | ☐ | ☐ | ☐ |
| **If yes**, are [were] lesbian/gay lawyers provided the same leave when their partners give birth to or adopt a child? | ☐ | ☐ | ☐ |
| f. It actively seeks out [sought out] lesbian/gay applicants when recruiting new lawyers. | ☐ | ☐ | ☐ |
| g. It engages [engaged] in *pro bono* activities relating to lesbian/gay organizations or causes. | ☐ | ☐ | ☐ |
| h. It has [had] a formally designated committee, ombudsman or equal employment officer to hear internal complaints of discrimination. | ☐ | ☐ | ☐ |
| **If yes**, does [did] the committee, ombudsman or equal employment officer have authority to hear complaints of sexual orientation discrimination? | ☐ | ☐ | ☐ |

13. Does [Did] your organization have social events to which lawyers may bring spouses, significant others, or dates?

☐ Yes ☐ No

**If yes**, and if the organization employs [employed] openly lesbian/gay lawyers, how often do [did] these lawyers bring same-sex partners, significant others, or dates to these events?

☐ Never ☐ Sometimes ☐ Frequently

14. What effect, if any, do you believe it would have on the career prospects of a lawyer in your organization in the Washington, D.C. metropolitan area if the lawyer did the following?

| | *Helpful* | *No effect* | *Harmful* |
|---|---|---|---|
| a. Let peers in the office know that s/he is lesbian/gay | ☐ | ☐ | ☐ |
| b. Let subordinates know that s/he is lesbian/gay | ☐ | ☐ | ☐ |
| c. Let superiors know that s/he is lesbian/gay | ☐ | ☐ | ☐ |

| *14. (continued)* | *Helpful* | *No effect* | *Harmful* |
|---|---|---|---|
| d. Let clients know that s/he is lesbian/gay | ☐ | ☐ | ☐ |
| e. Engaged in *pro bono* activities relating to lesbian/gay organizations or causes | ☐ | ☐ | ☐ |
| f. Became active in lesbian/gay community groups | ☐ | ☐ | ☐ |
| g. Discussed lesbian/gay issues or community activities in the office | ☐ | ☐ | ☐ |
| h. Discussed one's same-sex partner in the office | ☐ | ☐ | ☐ |
| i. Displayed a picture of one's same-sex partner in the office | ☐ | ☐ | ☐ |
| j. Brought a same-sex partner to a work-related social event | ☐ | ☐ | ☐ |

15. Have you personally experienced, witnessed or heard that any of the following have declined or sought to avoid working with a lawyer in your organization because that lawyer was (or was perceived to be) lesbian/gay? (Check all that apply.)

| | *Experienced* | *Witnessed* | *Heard* |
|---|---|---|---|
| a. Some clients | ☐ | ☐ | ☐ |
| b. Some partners or supervisors | ☐ | ☐ | ☐ |
| c. Some junior staff or associates | ☐ | ☐ | ☐ |
| d. Some non-lawyer staff | ☐ | ☐ | ☐ |

☐ I have not personally experienced, witnessed, or heard of any of the above.

16. With respect to your organization in the Washington, D.C. metropolitan area, have you personally experienced, witnessed or heard that any lawyer has experienced any of the following as a result, in whole or in part, of being (or being perceived to be) lesbian/gay? (Check all that apply.)

| | *Experienced* | *Witnessed* | *Heard* |
|---|---|---|---|
| a. Failed to receive an offer of employment | N/A | ☐ | ☐ |
| b. Been passed over for promotion/partnership | ☐ | ☐ | ☐ |
| c. Been paid a lower salary or less partnership earnings | ☐ | ☐ | ☐ |
| d. Received less desirable work assignments | ☐ | ☐ | ☐ |
| e. Received a poor work evaluation | ☐ | ☐ | ☐ |
| f. Been kept from working with a client or from client development opportunities | ☐ | ☐ | ☐ |
| g. Received direct verbal abuse or harassment, or been the subject of a derogatory remark in her/his presence | ☐ | ☐ | ☐ |
| h. Been the subject of a derogatory remark when not present | N/A | ☐ | ☐ |
| i. Received adverse treatment by a judge or other court official | ☐ | ☐ | ☐ |
| j. Been advised to conceal his/her sexual orientation | ☐ | ☐ | ☐ |
| k. Been told s/he exercised poor judgment in revealing her/his sexual orientation | ☐ | ☐ | ☐ |
| l. Been given preferential treatment | ☐ | ☐ | ☐ |

☐ I have not personally experienced, witnessed, or heard of any of the above.

17. If you answered affirmatively as to any of the items in the last two questions (15 and 16), did management in your firm or office learn about the incident(s)? (If more than one item was checked, please address all of them in the order checked, and as to each, check below all that apply.)

| | *First item* | *Second item* | *Third item* |
|---|---|---|---|
| a. Learned informally | ☐ | ☐ | ☐ |
| b. Learned through a formal report | ☐ | ☐ | ☐ |
| c. Not informed | ☐ | ☐ | ☐ |
| d. Don't know/Not sure | ☐ | ☐ | ☐ |

18. If management did not learn of the incident, what do you believe the reason was? (If more than one item was checked in response to questions 15 and 16, please address all of them in the order checked, and as to each, check below all that apply.)

| | *First item* | *Second item* | *Third item* |
|---|---|---|---|
| a. The affected person(s) felt that the matter was insignificant or unimportant | ☐ | ☐ | ☐ |
| b. The affected person(s) dealt with the matter privately | ☐ | ☐ | ☐ |
| c. There was no clear complaint procedure | ☐ | ☐ | ☐ |
| d The incident was not reported due to ... | | | |
| -- fear of reprisal or disapproval by the perpetrator(s) | ☐ | ☐ | ☐ |
| -- fear of reprisal or disapproval by person(s) other than the perpetrator(s) | ☐ | ☐ | ☐ |
| -- perception that a report would be futile/ not worth the trouble | ☐ | ☐ | ☐ |
| e. Don't know/Not sure | ☐ | ☐ | ☐ |

19. How did management respond to the incident(s) of which it did learn? (If more than one item was checked in response to questions 15 and 16, please address all of them in the order checked, and as to each, check below all that apply.)

| | *First item* | *Second item* | *Third item* |
|---|---|---|---|
| a. Treated the allegations seriously and investigated to determine the relevant facts | ☐ | ☐ | ☐ |
| b. Orally warned those involved | ☐ | ☐ | ☐ |
| c. Disciplined those involved | ☐ | ☐ | ☐ |
| d. Developed a plan or program to deal with the problem disclosed | ☐ | ☐ | ☐ |
| e. Showed initial concern but did not follow-up | ☐ | ☐ | ☐ |
| f. Determined that the complaint or report was unfounded | ☐ | ☐ | ☐ |
| g. Tried to explain the allegations away | ☐ | ☐ | ☐ |
| h. Did nothing | ☐ | ☐ | ☐ |
| i. Don't know/Not sure | ☐ | ☐ | ☐ |
| j. Other (please explain below)* | ☐ | ☐ | ☐ |

*_____

20. Many workers feel that they fit in very well with their organization and with their colleagues. Others feel they fit in poorly. How would you describe how you feel you fit [did fit] into your place of employment as a lawyer?

☐ Very well ☐ Somewhat well ☐ Neither well nor poorly ☐ Somewhat poorly ☐ Very poorly

21. What is your gender? ☐ Female ☐ Male

22. What is your age group?
☐ Under 25
☐ 25-34
☐ 35-44
☐ 45-54
☐ 55-64
☐ 65 and over

23. Which category best describes your race or ethnicity?

☐ Asian American/Pacific Islander
☐ Black/African American
☐ Hispanic/Latino/Latina
☐ Native American/American Indian
☐ White/Caucasian
☐ Other: _____

24. Which category best describes your sexual orientation?

☐ Heterosexual ☐ Gay/Lesbian ☐ Bisexual

25. If you checked **gay/lesbian** or **bisexual** in Question 24 above, do you consider yourself to be openly so?

☐ Yes ☐ No

26. What is your current relationship/marital status?

☐ Single, never married
☐ Legally married and living with spouse
☐ Living with a partner of the opposite sex
☐ Living with a partner of the same sex
☐ Divorced/separated
☐ Widowed

27. What is [was] your most recent annual salary or partnership earnings from the organization referred to in your answers to this questionnaire?

☐ Less than $25,000
☐ $25,000 - $49,999
☐ $50,000 - $74,999
☐ $75,000 - $99,999
☐ $100,000 - $124,999
☐ $125,000 - $149,999
☐ $150,000 or more

28. Have you changed jobs as a lawyer in the last five years?

☐ Yes ☐ No

29. If you answered **Yes** to the preceding question, what was the reason for your most recent change? (Check all that apply.)

- ☐ Better opportunity elsewhere
- ☐ Company/office/project ended
- ☐ Discharged
- ☐ Dissatisfaction with management policies and practices
- ☐ Dissatisfaction with colleagues
- ☐ Felt discriminated against
- ☐ Other _____

30. In what area(s) is (are) the Washington, D.C. metropolitan office(s) of your place of employment as a lawyer referred to in your answers to this questionnaire?

☐ District of Columbia ☐ Maryland ☐ Virginia

31. If you are gay, lesbian, or bisexual, please indicate who is aware of your sexual orientation.

| | *None* | *Some* | *Most/All* | *Don't know* |
|---|---|---|---|---|
| a. Lawyer peers within your organization | ☐ | ☐ | ☐ | ☐ |
| b. Lawyers junior to you within your organization | ☐ | ☐ | ☐ | ☐ |
| c. Lawyers senior to you within your organization | ☐ | ☐ | ☐ | ☐ |
| d. Non-lawyer office staff | ☐ | ☐ | ☐ | ☐ |
| e. Clients | ☐ | ☐ | ☐ | ☐ |
| f. Judges/hearing officers | ☐ | ☐ | ☐ | ☐ |
| g. Opposing lawyers | ☐ | ☐ | ☐ | ☐ |
| h. Other professional colleagues | ☐ | ☐ | ☐ | ☐ |
| i. Other friends and relatives | ☐ | ☐ | ☐ | ☐ |

32. If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below (or on a separate page).

33. Please add below (or on a separate page) any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

**THANK YOU FOR YOUR HELP!!**

Tab A2

# APPENDIX A - 2

## Cover Letter for
## Questionnaire for the Survey of Lawyers
## In the Washington, D.C. Metropolitan Area

**Report of the District of Columbia Bar Task Force**
**on Sexual Orientation And the Legal Workplace**

**March 1999**

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Sixth Floor
1250 H Street, N.W.
Washington, D.C.
20005-5937
(202) 737-4700
FAX (202) 626-3471

# THE DISTRICT OF COLUMBIA BAR

Membership Office
(202) 626-3475

Sections Office
(202) 626-3463

Continuing Legal Education
(202) 626-3488

Homepage Address
http://www.dcbar.org

October, 1996

Dear Bar Member:

Please find enclosed a survey that seeks to obtain information from members of the D.C. Bar about the possibility of bias in the profession based on sexual orientation. This survey is being distributed on behalf of the D.C. Bar's Task Force on Sexual Orientation and the Legal Workplace. The Task Force was formed in 1995 in response to suggestions from a D.C. Circuit Task Force that the Bar obtain information on this subject.[1] The D.C. Bar Task Force is also distributing a companion survey to legal employers.

The D.C. Bar is not the first bar association to conduct such surveys. Similar surveys have been conducted in other jurisdictions, including New York City,[2] Los Angeles,[3] Seattle,[4] and Minneapolis.[5] In addition, at the 1996 Annual Meeting of the American Bar Association, the ABA House of Delegates approved the following resolution:

> "RESOLVED That the American Bar Association urges state, territorial and local bar associations to study bias in their community against gays and lesbians within the legal profession and the justice system and make appropriate recommendations to eliminate such bias."

Myles V. Lynk
President

Carolyn B. Lamm
President-Elect

Thomas A. Duckenfield III
Secretary

Howard B. Adler
Treasurer

Board of Governors:
Daniel F. Attridge
Noël Ann Brennan
Carol Elder Bruce
William F. Causey
Frederick D. Cooke, Jr.
Devarieste Curry
Gilberto de Jesus
Chauncey Fortt
I. Michael Greenberger
Michael M. Hicks
Shirley A. Higuchi
Susan M. Hoffman
Darryl W. Jackson
Lorraine Miller
John W. Nields, Jr.
Delissa A. Ridgway
Joan H. Strand
Robert N. Weiner

Rita N. Bank
General Counsel

Katherine A. Mazzaferri
Executive Director

Charles E. Lorenzetti
Assistant Executive Director, Administration and Finance

Cynthia D. Hill
Assistant Executive Director, Programs

---

[1] The Gender, Race, and Ethnic Bias Task Force Project in the D.C. Circuit, Volume I, Part Four: Report of the Special Committee on Gender, p. IVA-229; Report of the Special Committee on Race and Ethnicity, p. IVB-174 (1995).

[2] Bar Association of the City of New York, Committee on Lesbians and Gay Men in the Legal Profession: Report on the Experience of Lesbians and Gay Men in the Legal Profession (August 1993).

[3] Los Angeles County Bar Association Committee on Sexual Orientation Bias: Report (June 22, 1994).

[4] In Pursuit of Equality: The Final Report of the King County Bar Association Task Force on Lesbian and Gay Issues in the Legal Profession (September 6, 1995).

[5] Legal Employers' Barriers to Advancement and to Economic Equality Based Upon Sexual Orientation: A Report of the Hennepin County Bar Association Lesbian and Gay Issues Subcommittee (June 1995/August 1995).

Therefore, we would appreciate your taking the time to complete the survey questionnaire -- which is anonymous -- and return it to Professor Alan Andreasen of Georgetown University, who will be conducting the analysis. Your participation in this study will be invaluable.

Thank you in advance for your time and attention to this very important study.

Sincerely,

Myles V. Lynk
President

Carolyn B. Lamm
President-Elect

Enclosure

cc: David B. Isbell, Esq., Co-Chair
Martha JP McQuade, Esq., Co-Chair
Task Force on Sexual Orientation and the Legal Workplace

Tab A3

# APPENDIX A - 3

## Instruction Sheet for
## Questionnaire for the Survey of Lawyers
## In the Washington, D.C. Metropolitan Area

**Report of the District of Columbia Bar Task Force**
**on Sexual Orientation And the Legal Workplace**

**March 1999**

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THE DISTRICT OF COLUMBIA BAR

**Survey of Individual Lawyers**

**Introduction**: This questionnaire, **which is anonymous and confidential**, is designed to assist in a study assessing whether, and if so in what ways, discrimination on the basis of sexual orientation affects the workplace experience of lawyers in the Washington, D.C. metropolitan area.

It is important to the utility of the study that there be a substantial response to this questionnaire. We therefore ask that you take a few minutes to complete the questionnaire and return it in the enclosed envelope. We estimate that **the questionnaire will take only 10 to 15 minutes to complete**, excluding the time you might take to add supplementary comments.

**PLEASE COMPLETE AND RETURN THE QUESTIONNAIRE BY NOVEMBER 5, 1996** IN THE ENCLOSED BUSINESS REPLY ENVELOPE to Professor Alan R. Andreasen, P.O. Box 25428, Washington, D.C. 20077-3269, an independent survey consultant who has been retained to manage this study. Professor Andreasen is not employed by or an advisor to the Bar in any other connection.

**Please note the following:**

- If you are or have been employed as a lawyer in the Washington, D.C. metropolitan area any time within the last five years, please complete this questionnaire. Each person completing the questionnaire should submit only one copy.

- If you have been employed as a lawyer in the Washington, D.C. metropolitan area in more than one organization in the last five years, please respond with respect to your current place of employment.

- If you are not now employed as a lawyer or if you have had insufficient experience in your current workplace to respond to the questions, please answer with respect to your most recent prior employment as a lawyer in the Washington, D.C. metropolitan area so long as that was within the last five years.

- This questionnaire is **anonymous and confidential**, *i.e.*, we do not ask that you identify yourself in any way; there are no concealed codes that would allow us to identify you; and in any event the data we collect will be released only in compiled form and without attribution, such that individual respondents cannot be identified.

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Tab A4

# APPENDIX A - 4

## Cover Letter for "Purposive" Mailing of Questionnaire for the Survey of Lawyers In the Washington, D.C. Metropolitan Area

**Report of the District of Columbia Bar Task Force on Sexual Orientation And the Legal Workplace**

**March 1999**

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1250 H Street, N.W.
Washington, D.C.
20005-5937
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# THE DISTRICT OF COLUMBIA BAR

October, 1996

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Rita M. Bank
General Counsel

Katherine A. Mazzaferri
Executive Director

Charles E. Lorenzetti
Assistant Executive
Director, Administration
and Finance

Cynthia D. Hill
Assistant Executive
Director, Programs

Dear D.C. Bar Colleague:

The enclosed questionnaire is being mailed, along with the accompanying cover letter from the president and president-elect of the D.C. Bar, to a random sample of D.C. Bar members in the Washington metropolitan area in connection with a study which is being conducted by the D.C. Bar Task Force on Sexual Orientation and the Legal Workplace, of which the undersigned are co-chairs.

In addition to that random sample, the Task Force has decided that the questionnaire should be sent to a non-random list, as comprehensive as reasonably possible, of lawyers who are gay, lesbian or bisexual. The purpose of this is to gather as comprehensive a view as can be done by such a questionnaire about the workplace experience of such lawyers. We are sending the questionnaire to you on the understanding that you may so identify yourself because you are a member of an organization that is concerned with gay and lesbian issues, or because you have volunteered to complete the survey. If you are not gay or lesbian, or if you are not a member of the D.C. Bar, then of course you should not respond to this request; but if you are, we earnestly hope that you will do so.

Please note that, although the questionnaires sent to this non-random group of potential respondents are specially marked "ABC" so as to assure that the returns will be analyzed separately from the returns from the random sample, they are otherwise identical and, like the random sample questionnaire, they are **anonymous and confidential**. We do not ask you to identify yourself on the questionnaire, and we have no means of identifying you or other respondents.

To protect the identity of those receiving the survey, it has been mailed to you by Gigi B. Sohn, a lesbian attorney who is a member of the Task Force. That person, alone, knows who has received the survey. No D.C. Bar staff person or other member of the Task Force will have access to this information.

We should also note that it is possible that you were in the random sample of Bar members to whom the questionnaire has been sent, so that you have already received the questionnaire. If so, we would ask that you respond to <u>that</u> questionnaire, rather than the one enclosed herewith, so that the Task Force's study can have the benefit of the random sampling involved.

We will greatly appreciate your cooperation. If you have any questions, please do not hesitate to call Gigi Sohn at (202) 232-4300, or either of us at the numbers indicated below.

Sincerely,

Martha JP McQuade
(202) 466-8960

David B. Isbell
(202) 662-5518

Co-Chairs
D.C. Bar Task Force on Sexual
Orientation and the Legal Workplace

Tab B

# APPENDIX B

## Report on a Survey of Legal Employers In the Washington, D.C. Metropolitan Area:

## Employer Practices and Perceptions With Respect to the Sexual Orientation of Employees

**Prepared for the District of Columbia Bar Task Force on Sexual Orientation And the Legal Workplace**

**Alan R. Andreasen, Ph.D.**

**March 1999**

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## INTRODUCTION

In the Spring of 1996, the D.C. Bar Task Force on Sexual Orientation and the Legal Workplace retained the author as a consultant for the purpose of conducting two surveys regarding the possible existence and extent of bias in the legal profession on the basis of sexual orientation. The first survey, conducted in October and November of 1996, was of individual lawyers; that survey is the subject of a separate report of even date herewith. The survey reported here is of the practices and perceptions of legal employers and was conducted immediately following the survey of lawyers, in November and early December of 1996.

## METHODOLOGY

In developing the survey of employers, the Task Force and the author as its consultant decided to draft, to the extent possible, questions that would parallel those prepared for the survey of individual lawyers. It was hoped that this strategy would facilitate useful comparison of the views of employees and employers. The methodology used to develop the questions used in the earlier survey of lawyers is specifically described in that separate report. Generally speaking, the Task Force and consultant adapted questions from similar studies conducted elsewhere in the United States, and made final revisions as a result of a pre-test of the survey.

In drafting the parallel questions for use in the employer survey, care was taken to use exactly the same wording when possible, adapting the wording so as to be appropriate

for employer respondents where necessary. The drafters also prepared several questions of particular relevance to employers that are not included in the lawyer survey. The employer survey questionnaire (of which a copy is attached as Appendix B-1) has a total of 16 questions and requests for comments or information (compared to the 33 included in the lawyer survey). Since some of the questions have multiple parts, the employer questionnaire has about 80 items potentially eliciting a response (compared to more than 110 for the lawyer questionnaire).

The sampling frame for this second survey consisted of a total of 715 legal employers in the Washington, D.C. metropolitan area. The Task Force decided it was important to gather data from diverse employers to permit comparison among categories of employers. Accordingly, the survey mailing list (sampling frame) was composed of the following sublists:

| Employer category | Number of employers |
|---|---|
| 1. Law firms with 6-20 lawyers | 412 |
| 2. Law firms with 21-50 lawyers | 101 |
| 3. Law firms with 51 or more lawyers | 80 |
| [Total Law Firms] | [593] |
| 4. Government agencies | 56 |
| 5. Corporations | 39 |
| 6. Public interest, trade associations and other non-profit organizations | 27 |
| TOTAL: | 715 |

The Task Force developed the mailing list of employers to be surveyed in the following manner. The D.C. Bar maintains a list of law firms located in the metropolitan area that have lawyers who are members of the Bar. The list is divided into four categories according to the size of the firm, the first category being firms with 2-5 lawyers, and the other three being the categories listed immediately above (6-20 lawyers, 21-50 and 51-plus). The Task Force decided to include in the survey only the three latter categories, omitting the category of law firms with 2-5 lawyers because firms that small are less likely to have developed formal employment policies. The title "managing partner" was placed on the first line of each mailing label addressed to the total of 593 law firms included in the sampling frame.

The Task Force included government agencies in the survey because such agencies employ many lawyers in the Washington, D.C. area. The list of 56 government employers, in each case department or agency general counsel's offices, was gathered by the Task Force, not from the D.C. Bar (which does not maintain pertinent records regarding its members' employers other than law firms), and was chosen on the basis of the offices' employing at least 10 lawyers, so as roughly to parallel the sizes of the surveyed law firms. Each survey questionnaire was addressed to the individual holding the position of general counsel or the comparable top supervising lawyer in the office.

The corporate employers were chosen on the basis of their being local companies employing four or more lawyers. This list was compiled by telephoning the corporate counsel's office of the largest companies located in the Washington, D.C. area. The calls also produced the name of the individual who was the top supervising lawyer at the

company; the questionnaires were sent to him or her. (The three corporations that responded to the survey all have 6-20 lawyer employees.)

Finally, Task Force members compiled a list of other legal employers, including public interest, trade association and other nonprofit organizations, from a number of smaller lists. A special effort was made to include all such organizations that represent minority interests or the concerns of minorities in the legal profession. Again, telephone conversations with each employer potentially within the group determined the number of lawyers employed and the identity of the top supervising lawyer, to whom the survey was then addressed. One organization on the resulting list employed only three lawyers but the remaining 26 employed four or more lawyers.

In November of 1996, the Task Force mailed surveys to the 715 employers making up the employer population of interest. A cover letter encouraging participation accompanied each survey, signed by the President and the President-Elect of the D.C. Bar. (Appendix B-2) The mailing also included a page of instructions assuring each potential respondent of confidentiality, and a business reply envelope addressed to the consultant in care of a D.C. Post Office Box. (Appendix B-3)

The undersigned author/consultant advised the Task Force that a standard way of encouraging recipients to respond to a survey is to send a duplicate mailing to each recipient. Accordingly, the Task Force sent a second mailing to the same list of 715 employers in early December, two weeks after the first mailing. The second mailing was identical to the first except for the date on the cover letter, the deadline for return of the survey, and the placement of a bold banner at the top of both the cover letter and instruction sheet that read:

**SECOND NOTICE**
**Please disregard if**
**you've already responded**

By the cut-off date for responses of January 15, 1997, 118 questionnaires had been returned, a response rate of 16.4 percent. One of the questionnaires contained insufficient data to be of analytical value, so that the final analysis sample is 117. Questionnaires received were transported to ReData, Inc. of Bethesda, MD, where the responses were entered into a database and 100% verified (to assure against keypunching errors). Analysis was carried out by the author using SPSS statistical package.

The response rate seems low, but the author was unable to find any other study of legal employers that would provide a basis for comparison.[1/]

---

[1/]See note 1 on page 2 of the separate report on the survey of individual lawyers for a listing of other studies of potential discrimination in the legal workplace on the basis of sexual orientation.

## RESULTS

### 1. Characteristics of the Respondents

Ninety percent (105 employers) of the 117 employers who responded to the survey have offices in the District of Columbia. Roughly ten percent (12 employers) have offices in Maryland and 16 percent (19 employers) have offices in Virginia. The respondent employers were distributed by category as follows:

| Employer category | Number of employers |
|---|---|
| 1. Law firms with 6-20 lawyers | 48 |
| 2. Law firms with 21-50 lawyers | 19 |
| 3. Law firms with 51 or more lawyers | 29 |
| [Total law firms] | [96] |
| 4. Government agencies | 11 |
| 5. Corporations | 3 |
| 6. Public interest, trade associations and other non-profit organizations | 7 |
| TOTAL: | 117 |

**Table A** presents a comparison of respondents with the sampling frame of each category of employer. It shows that the survey responses under-represent small firms (41 percent in the sample compared to 58 percent in the population) and over-represent large firms (25 percent in the sample compared to 11 percent in the population).

**TABLE A**

**Comparison of Sample to Sampling Frame, By Employer Category**

| Employer Category | Sampling Frame | | Sample | | Response Rate |
|---|---|---|---|---|---|
| | Number | Percent | Number | Percent | |
| Small Firms: 6-20 lawyers | 412 | 57.6% | 48 | 41.0% | 11.7% |
| Medium Firms: 21-50 lawyers | 101 | 14.1% | 19 | 16.2% | 18.8% |
| Large Firms: 51+ lawyers | 80 | 11.2% | 29 | 24.8% | 36.3% |
| Government Agencies | 56 | 7.8% | 11 | 9.4% | 19.6% |
| Corporations | 39 | 5.5% | 3 | 2.6% | 7.7% |
| Nonprofits and Trade Ass'ns | 27 | 3.8% | 7 | 6.0% | 35.0% |
| Total | 715 | 100% | 117 | 100% | 16.4% |

**Table B** presents the numbers of employees, by position and category of employer (Questions 2 and 4). As there shown, the employers responding to the survey employ just under 10,000 employees in the aggregate, including 4,643 lawyers.

**TABLE B**

**Number of Personnel in Various Positions, by Employer Category**

| | Small Firm | Medium Firm | Large Firm | Gov't Agency | Corp. | Nonprofit | Total |
|---|---|---|---|---|---|---|---|
| Partners or supervising lawyer | 241 | 258 | 1010 | 152 | 19 | 12 | 1692 |
| Of Counsel | 61 | 39 | 219 | 0 | 2 | 1 | 322 |
| Associate or Staff Lawyer | 170 | 209 | 1298 | 896 | 28 | 28 | 2629 |
| [Total Lawyers] | [472] | [506] | [2527] | [1048] | [49] | [41] | [4643] |
| Senior Administrator | 52 | 51 | 213 | 38 | 6 | 9 | 369 |
| Other non-lawyers | 341 | 443 | 3414 | 651 | 52 | 36 | 4937 |
| TOTAL | 865 | 1000 | 6154 | 1737 | 107 | 86 | 9949 |
| No. of organizations | 48 | 19 | 29 | 11 | 3 | 7 | 117 |

2. <u>Employment of Openly Lesbian and Gay Persons</u>

The respondents were asked whether, to the best of their knowledge, their organizations employ openly lesbian or gay persons (Question 5). The responses reported a total of 145 openly gay and lesbian employees, of whom 94 were lawyers, out of almost 10,000 employees, as shown in **Table C**.

**TABLE C**

**Number of Lesbian/Gay Personnel in Various Positions, by Employer Category**

| | Small Firm | Medium Firm | Large Firm | Gov't Agency | Corp. | Nonprofit | Total |
|---|---|---|---|---|---|---|---|
| Partners or supervising lawyer | 2 | 5 | 10 | 3 | 0 | 5 | 25 |
| Of Counsel | 1 | 1 | 2 | 0 | 0 | 0 | 4 |
| Associate or Staff Lawyer | 5 | 5 | 33 | 10 | 1 | 1 | 55 |
| Senior Administrator | 3 | 3 | 5 | 1 | 0 | 1 | 13 |
| Other non-lawyers | 10 | 6 | 28 | 1 | 0 | 3 | 48 |
| TOTAL | 21 | 20 | 78 | 15 | 1 | 10 | 145 |
| No. of organizations | 48 | 19 | 29 | 11 | 3 | 7 | 117 |

The employer groups differ in the proportion that answered affirmatively. The numbers and percentages of respondents, by employer category, that reported knowing of any openly lesbian and gay persons who are employed by their organization are shown in **Table D**.

3. <u>Service to Openly Lesbian and Gay Clients</u>

Respondents were asked whether, to the best of their knowledge, they serve any openly lesbian and/or gay clients or client contacts (Question 6). The percentages of employers indicating that they did are also shown in **Table D**. Six respondents indicated that their organizations do not have clients; they are not included in the last two columns in **Table D**.

**TABLE D**

**Employers Reporting Lesbian/Gay Employees or Clients**

| Employer Category | Have Lesbian/Gay Employees | | Have Lesbian/Gay Clients | |
|---|---|---|---|---|
| | Number | Percent | Number | Percent |
| Small Firms: 6-20 lawyers | 14 | 29% | 18 | 38% |
| Medium Firms: 21-50 lawyers | 10 | 53% | 4 | 21% |
| Large Firms: 51+ lawyers | 18 | 62% | 8 | 29% |
| Government Agencies | 8 | 73% | 2 | 20% |
| Corporations | 2 | 67% | -- | -- |
| Nonprofit and Trade Ass'ns | 5 | 71% | 4 | 67% |
| AGGREGATE | 57 | 49% | 26 | 22% |

4. **Impact of Sexual Orientation on Professional Status**

Respondents were asked to compare openly lesbian and gay lawyers in their organization with similarly situated heterosexual lawyers in several respects (Question 7): the responses (for the approximately three-quarters of the employers who provided responses) are reported in **Table E.**[2/] In every category, the majority of respondents stated that they either believed that sexual orientation has no effect on these indicators of status in the profession, or else that they did not know whether or not it had an effect. Small firms were more likely to answer "don't know/not sure".

[2/]The responses to parallel questions asked of individual lawyers are shown on Table 12 in the separate report on that survey.

**TABLE E**

**Perceptions as to How Openly Lesbian/Gay Lawyers Compare to Similarly Situated Heterosexual Lawyers in Respondent's Organization in the Washington, D.C. Metropolitan Area, by Employer Category**

| Variable | Employer Category | Better | Same | Worse | Don't Know/ Not Sure | Number of Responses |
|---|---|---|---|---|---|---|
| Annual Income Level | Small Firm | 1 | 14 | | 16 | 31 |
| | Medium Firm | | 9 | 1 | 4 | 14 |
| | Large Firm | | 17 | | 6 | 23 |
| | Government | | 6 | | 5 | 11 |
| | Corporation | | 2 | | | 2 |
| | Nonprofit | | 5 | | | 5 |
| Advancement Within the Organization | Small Firm | 1 | 11 | 2 | 16 | 30 |
| | Medium Firm | | 9 | | 5 | 14 |
| | Large Firm | | 17 | | 6 | 23 |
| | Government | | 6 | | 5 | 11 |
| | Corporation | | 2 | | | 2 |
| | Nonprofit | | 5 | | | 5 |
| Maintaining Positive Relationships with Clients | Small Firm | | 14 | 1 | 16 | 31 |
| | Medium Firm | | 9 | | 5 | 14 |
| | Large Firm | | 16 | 1 | 6 | 23 |
| | Government | | 6 | | 5 | 11 |
| | Corporation | | 2 | | | 2 |
| | Nonprofit | | 5 | | | 5 |
| Developing Contacts with Potential Clients | Small Firm | 1 | 12 | 1 | 16 | 30 |
| | Medium Firm | | 9 | | 5 | 14 |
| | Large Firm | | 15 | 1 | 7 | 23 |
| | Government | | 5 | | 5 | 10 |
| | Corporation | -- | -- | -- | -- | -- |
| | Nonprofit | | 4 | | | 4 |

- Table E, cont'd -

| Variable | Employer Category | Better | Same | Worse | Don't Know/ Not Sure | Number of Responses |
|---|---|---|---|---|---|---|
| Maintaining Positive Social Relationships with Office Colleagues | Small Firm | 2 | 12 | 1 | 15 | 30 |
| | Medium Firm | | 9 | | 5 | 14 |
| | Large Firm | | 17 | 1 | 5 | 23 |
| | Government | | 6 | | 5 | 11 |
| | Corporation | | 1 | | | 1 |
| | Nonprofit | | 4 | | | 4 |
| Maintaining Positive Working Relationships with Office Colleagues | Small Firm | 1 | 12 | 2 | 15 | 30 |
| | Medium Firm | | 9 | | 5 | 14 |
| | Large Firm | | 18 | | 5 | 23 |
| | Government | | 6 | | 5 | 11 |
| | Corporation | | 1 | 1 | | 2 |
| | Nonprofit | | 5 | | | 5 |
| Achieving Visibility Within Professional Associations | Small Firm | 1 | 13 | 1 | 15 | 30 |
| | Medium Firm | | 8 | | 6 | 14 |
| | Large Firm | | 16 | | 7 | 23 |
| | Government | | 6 | | 5 | 11 |
| | Corporation | | 1 | 1 | | 2 |
| | Nonprofit | | 5 | | | 5 |

**Source, Question 7: "In general, how do you believe openly lesbian/gay lawyers in your organization in the Washington, D.C. metropolitan area compare to similarly situated heterosexual lawyers in terms of [the matters listed]."**

Respondents were asked to state whether letting colleagues or clients know of their sexual orientation would help, harm, or have no effect on the careers of lesbian and gay lawyers (Question 11). The question also sought respondents' opinions of the effect on

career of a lawyer's *pro bono* work or other service on behalf of lesbian/gay organizations or causes. These results are reported in **Table F**.[3/]

**TABLE F**

**Perceived Effect on Career of Disclosing Lesbian/Gay Sexual Orientation in Various Ways, by Employer Category**

| Action or Communication | Employer Category | Helpful | No Effect | Harmful | Number of Responses |
|---|---|---|---|---|---|
| Let peers in the office know that s/he is lesbian/gay | Small Firm | 2 | 44 | 2 | 48 |
| | Medium Firm | 1 | 17 | | 18 |
| | Large Firm | | 27 | 2 | 29 |
| | Government | | 11 | | 11 |
| | Corporation | | 3 | | 3 |
| | Nonprofit | 2 | 4 | | 6 |
| Let subordinates know that s/he is lesbian/gay | Small Firm | 1 | 44 | 4 | 47 |
| | Medium Firm | | 17 | 1 | 18 |
| | Large Firm | | 26 | 3 | 29 |
| | Government | | 11 | | 11 |
| | Corporation | | 3 | | 3 |
| | Nonprofit | | 6 | | 6 |
| Let superiors know that s/he is lesbian/gay | Small Firm | 1 | 44 | 3 | 48 |
| | Medium Firm | 1 | 17 | | 18 |
| | Large Firm | | 27 | 2 | 29 |
| | Government | | 11 | | 11 |
| | Corporation | | 3 | | 3 |
| | Nonprofit | 1 | 5 | | 6 |

[3/]The response to a parallel question asked of individual lawyers is shown on table 12 in the separate report on that survey.

- Table F, cont'd -

| Action or Communication | Employer Category | Helpful | No Effect | Harmful | Number of Responses |
|---|---|---|---|---|---|
| Let clients know that s/he is lesbian/gay organizations or causes | Small Firm | 2 | 29 | 16 | 47 |
| | Medium Firm | | 11 | 5 | 16 |
| | Large Firm | | 20 | 6 | 26 |
| | Government | | 10 | 1 | 11 |
| | Corporation | | 2 | 1 | 3 |
| | Nonprofit | 1 | 4 | | 5 |
| Engaged in pro bono activities relating to lesbian/gay organizations or causes | Small Firm | 7 | 38 | 3 | 48 |
| | Medium Firm | | 16 | 1 | 17 |
| | Large Firm | 2 | 22 | 2 | 26 |
| | Government | | 11 | | 11 |
| | Corporation | | 3 | | 3 |
| | Nonprofit | 2 | 4 | | 6 |
| Became active in lesbian/gay community groups | Small Firm | 5 | 36 | 5 | 46 |
| | Medium Firm | | 16 | 1 | 17 |
| | Large Firm | | 23 | 3 | 26 |
| | Government | | 11 | | 11 |
| | Corporation | | 3 | | 3 |
| | Nonprofit | 2 | 4 | | 6 |

**Source, Question 11:** **"What effect, if any, do you believe it would have on the career prospects of a lawyer in your organization in the Washington, D.C. metropolitan area if the lawyer [took the actions listed]."**

Eighty to 90 percent of respondents answered that being open about sexual orientation to colleagues, or participating in the specified *pro bono* work or community service activities would have no effect on the lesbian or gay lawyers' careers. However, respondents

(particularly the law firm employers) were more likely to believe that letting clients, as opposed to colleagues, know about one's sexual orientation might harm a gay or lesbian lawyer's career.

5. **Participation in Office Social Events**

The employer respondents were asked whether they have social events to which lawyers may bring spouses, and if so the frequency with which lesbian/gay lawyers brought same-sex partners or dates to them (Question 9). The results are shown on **Table G**[4/].

**TABLE G**

**Social Activities at Organization, by Employer Category**

| | Small Firm | Medium Firm | Large Firm | Gov't Agency | Corp. | Nonprofit | Total |
|---|---|---|---|---|---|---|---|
| Number in Sample | 48 | 19 | 29 | 11 | 3 | 7 | 117 |
| Have Social Events | 42 | 18 | 28 | 6 | 3 | 7 | 104 |
| Lesbian/Gays Bring Dates/Partners: | | | | | | | |
| Never | 1 | -- | 2 | -- | -- | -- | 5 |
| Sometimes | 7 | 5 | 11 | 3 | 1 | 3 | 32 |
| Frequently | 3 | 2 | 4 | -- | 1 | 2 | 14 |
| TOTAL | 11 | 7 | 17 | 3 | 2 | 5 | 51 |

**Source, Question 9: "Does your organization have social events to which lawyers may bring spouses, significant others, or dates?**

**"If yes, and if the organization employs openly lesbian/gay lawyers, how often do these lawyers bring same-sex partners, significant others, or dates to these events?"**

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[4/]The response to a parallel quesion asked of individual lawyers is shown on Table 20 in the separate report on that survey.

6. **Human Resource Policies and Practices**

The survey questionnaire asked the employers a series of questions about human resource policies and practices that might affect lesbian and gay employees (Question 10). For example, respondents were asked about written policies against discrimination, a formal mechanism for hearing discrimination complaints, diversity training, fringe benefits, and organizational commitment to lesbian- and gay-related *pro bono* services. The results of this inquiry are reported in **Table H**.[5/]

As **Table H** shows, from one-sixth to over one-half of the respondents reported having no policy against discrimination on the basis of sexual orientation. Four-fifths (24 of 29) of the large law firms do have such a policy. The majority of respondents that have a formally designated committee, ombudsman, or equal employment officer to hear complaints of discrimination provide authority to that entity to hear complaints based on sexual orientation. The majority of law firms do not offer diversity training.

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[5/]The response to a parallel question asked of individual lawyers is shown on Table 17 in the separate report on that survey.

**TABLE H**

**Organization Human Resources Policies and Practices, by Employer Category**

| Policy or Practice | Small Firm | Medium Firm | Large Firm | Gov't Agency | Corp. | Nonprofit | Response* | |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | Yes | No |
| Has written policy prohibiting employment discrimination against lawyers based on sexual orientation | 18 | 9 | 24 | 8 | 2 | 4 | 65 | 47 |
| (If yes), Includes this in materials given to its new lawyers | 11 | 7 | 17 | 2 | 2 | 3 | 42 | 11 |
| Has undertaken formal training/ educational programs on the diversity of personnel in the workplace | 4 | 1 | 13 | 9 | 1 | 2 | 30 | 82 |
| (If yes), Includes in such training diversity with respect to sexual orientation | 1 | 1 | 8 | 5 | -- | 1 | 16 | 13 |
| Provides health insurance benefits to spouses of lawyers | 38 | 12 | 28 | 9 | 3 | 3 | 93 | 16 |
| Provides health insurance benefits to partners of heterosexual lawyers | 2 | 1 | 10 | 2 | -- | 1 | 16 | 77 |
| Provides health insurance benefits to partners of lesbian/gay lawyers | 2 | 1 | 9 | 1 | -- | -- | 13 | 76 |
| Provides family leave when a lawyer's spouse has a serious health condition | 33 | 14 | 20 | 11 | 2 | 6 | 86 | 19 |
| (If yes), Provides same leave to lesbian/gay lawyers when their partners have a serious health condition | 15 | 11 | 10 | 5 | -- | 5 | 46 | 16 |
| Provides leave when a lawyer's spouse gives birth to or adopts a child | 31 | 12 | 26 | 11 | 2 | 6 | 88 | 20 |
| (If yes), Lesbian/gay lawyers provided same leave when their partners give birth to or adopt a child | 16 | 8 | 14 | 5 | N/A | 5 | 48 | 12 |
| Actively seeks out new lesbian/gay applicants when recruiting new lawyers | -- | -- | 2 | -- | -- | 2 | 4 | 104 |

- Table H, cont'd -

| Policy or Practice | Small Firm | Medium Firm | Large Firm | Gov't Agency | Corp. | Nonprofit | Response* | |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | Yes | No |
| Engages in *pro bono* activities relating to lesbian/gay issues or causes | 6 | 4 | 17 | 1 | 0 | 3 | 31 | 74 |
| Has a formally designated committee, ombudsman or equal employment officer to hear internal complaints of discrimination | 11 | 6 | 18 | 11 | 2 | 3 | 51 | 60 |
| (If yes), Committee, ombudsman or EEO officer has authority to hear complaints of sexual orientation discrimination | 6 | 6 | 17 | 9 | 3 | 2 | 43 | 5 |
| Number of organizations | 48 | 19 | 29 | 11 | 3 | 7 | 117 | |

Source, Question 10: "Please state whether each of the [statements listed] applies to your organization today with respect to its Washington, D.C. metropolitan area office(s)."

* The numbers of responses to each question do not add up to the number of respondent organizations, for there were some failures to respond to each question.

Most of the respondent employers (73 percent in the aggregate) asserted that they provide health benefits to spouses, family leave for a spouse's illness, and leave if a spouse gives birth to or adopts a child. However, less than a fifth of the respondents offer health benefits to the partners of lesbian and gay employees or of unmarried heterosexual employees. Large law firms are substantially more likely to do so than any of the other categories of employers. Of those respondents that provide leave for a family member's illness or for the birth or adoption of a child, one-half assert that they provide that leave to lesbian and gay lawyers.

One-quarter (31 of 117) of the employers responding in the study engaged in *pro bono* work relating to lesbian/gay organizations or causes.

Only four of the 117 respondent employers stated that they actively seek out lesbian/gay applicants when recruiting new lawyers.

## 7. Equal Opportunity in the Workplace

Respondents were asked to rate their organizations on several dimensions related to the treatment of lesbian and gay lawyers by indicating the extent to which they agreed or disagreed with a series of statements as characterizing their workplace (Question 8). The statements offered indicators of equal opportunity such as hospitality of the work environment, performance reviews, work assignments, promotion and advancement decisions, and the extent to which policies and practices with respect to lesbian and gay employees are communicated. The responses are summarized in **Table I.**[6/]

[6/]The response to a parallel question asked of individual lawyers is shown on Table 14 in the separate report on that survey.

**TABLE I**

Evaluation of Respondent Organizations' Treatment of Lesbian/Gay Lawyers, by Employer Category

| Descriptive Statement | Employer Category | Agree Strongly | Agree Somewhat | Neutral | Disagree Somewhat | Disagree Strongly | Means* |
|---|---|---|---|---|---|---|---|
| Has a work environment as hospitable to lesbian/gay lawyers as it is to heterosexual lawyers | Small Firm | 19 | 14 | 5 | 2 | 4 | 3.95 |
| | Medium Firm | 10 | 5 | 2 | | 1 | 4.28 |
| | Large Firm | 8 | 7 | 3 | 3 | 6 | 3.30 |
| | Government | 6 | 1 | 2 | 2 | | 4.00 |
| | Corporation | 1 | 1 | | | 1 | 3.33 |
| | Nonprofit | 6 | 1 | | | | 4.86 |
| Attempts to ensure that performance reviews are not affected by a lawyer's actual or perceived sexual orientation | Small Firm | 30 | 5 | 5 | | 4 | 4.30 |
| | Medium Firm | 14 | | 3 | 1 | | 4.50 |
| | Large Firm | 17 | 1 | 2 | 1 | 7 | 3.71 |
| | Government | 8 | | 3 | | | 4.45 |
| | Corporation | 2 | | | | 1 | 3.67 |
| | Nonprofit | 6 | 1 | | | | 4.86 |
| Attempts to ensure that work assignments are not affected by a lawyer's actual or perceived sexual orientation | Small Firm | 29 | 2 | 7 | | 4 | 4.24 |
| | Medium Firm | 15 | | 2 | | 1 | 4.56 |
| | Large Firm | 16 | 1 | 2 | 2 | 7 | 3.61 |
| | Government | 8 | | 3 | | | 4.45 |
| | Corporation | 2 | | | | 1 | 3.67 |
| | Nonprofit | 7 | | | | | 5.00 |
| Attempts to ensure that promotion and advancement decisions are not affected by a lawyer's actual or perceived sexual orientation | Small Firm | 28 | 4 | 6 | | 4 | 4.24 |
| | Medium Firm | 14 | 1 | 2 | 1 | | 4.56 |
| | Large Firm | 17 | | 2 | 2 | 7 | 3.64 |
| | Government | 8 | | 3 | | | 4.45 |
| | Corporation | 2 | | | | 1 | 3.67 |
| | Nonprofit | 6 | 1 | | | | 4.86 |

- Table I, cont'd -

| Descriptive Statement | Employer Category | Agree Strongly | Agree Somewhat | Neutral | Disagree Somewhat | Disagree Strongly | Means* |
|---|---|---|---|---|---|---|---|
| Makes its policies and practices with respect to lesbian/gay lawyers made known to employees | Small Firm | 10 | 6 | 16 | 4 | 4 | 3.35 |
| | Medium Firm | 6 | 1 | 5 | 2 | 3 | 3.29 |
| | Large Firm | 12 | 2 | 3 | 3 | 6 | 3.42 |
| | Government | 3 | 4 | 3 | | | 4.43 |
| | Corporation | 1 | 1 | | | 1 | 4.00 |
| | Nonprofit | 4 | 2 | 1 | | | 4.43 |

**Source, Question 8: "Please check the appropriate box to express your view of the [statements listed] with regard to your organization in the Washington, D.C. metropolitan area."**

*** In deriving the means, "Agree Strongly" was coded as 5 and "Disagree Strongly" was coded as 1.**

As to each proposition offered, a large majority of each category of employers agreed strongly or agreed somewhat with a statement indicating equitable treatment of lesbian and gay lawyers. However, only half of the respondents strongly agreed with the statement that their work environment is as hospitable to openly lesbian and gay lawyers as it is to heterosexual lawyers. One quarter either disagreed or were neutral with respect to this statement.

## 8. Reported Incidents Involving Potential Discrimination

Respondents were asked whether the management of their organization had received any complaints or reports in the last five years that a lawyer received potentially discriminatory treatment on the basis of sexual orientation in 12 categories of incidents

(Question 12). Only 19 incidents were reported, by 8 out of 117 respondents. These incidents are listed below.

| Subject of Complaint or Report | Number of Occurrences |
|---|---|
| a. Failed to receive an offer of employment | -- |
| b. Been passed over for promotion/partnership | 1 |
| c. Been paid a lower salary or less partnership earnings | 1 |
| d. Received less desirable work assignments | 1 |
| e. Received a poor work evaluation | 1 |
| f. Been kept from working with a client or from client development opportunities | 1 |
| g. Received direct verbal abuse or harassment, or been the subject of a derogatory remark in her/his presence | 4 |
| h. Been the subject of a derogatory remark when not present | 6 |
| i. Received adverse treatment by a judge or other court official | -- |
| j. Been advised to conceal his/her sexual orientation | 2 |
| k. Been told he/she exercised poor judgment in revealing her/his sexual orientation | 1 |
| l. Been given preferential treatment | 1 |

Although respondents were asked how management treated the cases that occurred (Question 13), only 5 of the 8 that reported such cases reported the outcomes.

| Management Response to Complaint or Report | Number of Occurrences |
|---|---|
| a. Treated the allegations seriously and investigated to determine the relevant facts | 1 |
| b. Orally warned those involved | 3 |
| c. Disciplined those involved | 1 |
| d. Developed a plan or program to deal with the problem disclosed | 1 |
| e. Determined that the complaint or report was unfounded | 2 |
| f. Did nothing | 1 |
| g. Don't know/Not sure | 1 |

9. **Resources for Employers**

The final question on the survey questionnaire asked respondents whether they would be interested in several kinds of resources for enhancing workplace equality for gay and lesbian lawyers (Question 14). These resources included insurance information, staff diversity training, updates on legal rights and duties, and other types of assistance. The number of respondents expressing interest in receiving this type of information is shown in **Table J**.

Altogether, 52 respondents (44 percent) indicated an interest in some type of assistance. The two categories of assistance most desired were the following:

- Sample policies regarding health coverage and family and medical leave, as they affect lesbian and gay employees (39 respondents).

- Lists of insurance companies providing health coverage for partners of lesbian and gay lawyers (23 respondents).

**TABLE J**

**Number of Respondents Interested in Assistance, by Employer Category**

| Type of Assistance | Small Firm | Medium Firm | Large Firm | Gov't | Corp. | Nonprofit | Total |
|---|---|---|---|---|---|---|---|
| Sample policies regarding health coverage and family and medical leave | 12 | 8 | 13 | 2 | | 4 | 39 |
| Training for lawyers | 2 | 2 | 4 | 3 | | | 11 |
| Training for nonlawyers | 2 | 3 | 2 | 3 | | | 10 |
| Workshops on discrimination incidents | 2 | 1 | 4 | 3 | | | 10 |
| Lists of insurance companies providing health coverage | 10 | 3 | 7 | 1 | | 2 | 23 |
| Assistance in recruiting lesbian/gay law students | 1 | | 2 | 1 | | | 4 |
| Briefing on laws | 6 | 7 | 3 | 3 | | | 19 |

**Source, Question 14: "Would your organization be interested in any of [the listed] kinds of assistance?**

## CONCLUSIONS

1. Unfortunately, the small numbers of respondents in the three categories of employers other than law firms -- i.e., government agencies (11), corporations (3) and non-profits, trade associations and others (7) do not allow for meaningful comparisons among categories. The larger numbers in the three categories of law firms allow somewhat more meaningful comparisons.

2. A substantial majority of the employer respondents who expressed an opinion as to how gay and lesbian lawyers fared in comparison to similarly situated heterosexual lawyers in their organization answered neither "better" nor "worse," but "same". However, substantial portions of the responses were "don't know/not sure" **(Table E)**.

3. A similar pattern appears in the responses to questions about the effect on a lawyer's career of disclosing lesbian or gay sexual orientation: the overwhelming majority of the responses of each category of employer were "no effect" (rather than either "helpful" or "harmful" **(Table F)**.

4. Very few of the employer respondents (4 of 117, or 3.4 percent) reported that they actively seek out gay or lesbian lawyers for employment **(Table H)**.

5. Eighty-five percent of the respondent organizations (93 out of 117) offer health benefits to spouses of lawyers, but only 11 percent offer such benefits to partners of lesbian/gay lawyers **(Table H)**.

6. A large majority of each category of employers rated themselves favorably with respect to equitable treatment of lesbian and gay lawyers **(Table I)**.

7. A substantial portion (44 percent) of the respondent organizations indicated that they would be interested in one or another kind of resource for enhancing workplace equality for gay and lesbian lawyers, with the resources of greatest interest being sample health and leave policies and lists of insurance companies providing coverage for partners of lesbian and gay lawyers **(Table J)**.

Tab B1

# APPENDIX B - 1

## Questionnaire for the Survey of Legal Employers In the Washington, D.C. Metropolitan Area

**Report of the District of Columbia Bar Task Force on Sexual Orientation And the Legal Workplace**

**March 1999**

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1. What type of organization is yours?

☐ Single-office law firm
☐ Multi-office law firm
☐ Public interest/non-profit
☐ Government agency
☐ Law school
☐ Single-office corporation
☐ Multi-office corporation
☐ Court system
☐ Other_____

2. How many lawyers are employed in your organization? (Answer both columns if applicable; estimates are acceptable.)

| *Lawyers in your office* | *If multi-office, lawyers in entire organization* |
|---|---|
| ☐ 1 | ☐ 1 |
| ☐ 2-5 | ☐ 2-5 |
| ☐ 6-20 | ☐ 6-20 |
| ☐ 21-50 | ☐ 21-50 |
| ☐ 51-100 | ☐ 51-100 |
| ☐ 101-200 | ☐ 101-200 |
| ☐ Over 200 | ☐ Over 200 |

3. In what area(s) is (are) the Washington, D.C. metropolitan office(s) of your organization located? (Check all that apply.)

☐ District of Columbia ☐ Maryland ☐ Virginia

4. Approximately how many persons does your organization employ in the Washington, D.C. metropolitan area in the following positions (where applicable):

| *Law Firm* | *Other Organization* |
|---|---|
| ____ Partner | ____ Supervising lawyer |
| ____ Of counsel or comparable position | ____ Staff lawyer |
| ____ Associate | ____ Senior administrative staff |
| ____ Senior administrative staff | ____ Other non-lawyer personnel |
| ____ Other non-lawyer personnel | |

5. To the best of your knowledge, does your organization employ any openly lesbian/gay persons in the Washington, D.C. metropolitan area?

☐ Yes ☐ No ☐ Don't know/Not sure

**If yes**, to the best of your knowledge, approximately how many openly lesbian/gay persons does it employ in each of the following positions?

| *Law Firm* | *Other Organization* |
|---|---|
| ____ Partner | ____ Supervising lawyer |
| ____ Of counsel or comparable position | ____ Staff lawyer |
| ____ Associate | ____ Senior administrative staff |
| ____ Senior administrative staff | ____ Other non-lawyer personnel |
| ____ Other non-lawyer personnel | |

6. To the best of your knowledge, does your organization have any openly lesbian/gay clients or, in the case of clients that are organizations, openly lesbian/gay client contacts?

☐ Yes ☐ No ☐ Don't know/Not sure ☐ Not the kind of organization that has clients

7. In general, how do you believe openly lesbian/gay lawyers in your organization in the Washington, D.C. metropolitan area compare to similarly situated heterosexual lawyers in terms of the following:

| | *Better than heterosexuals* | *Same as heterosexuals* | *Worse than heterosexuals* | *Don't know/ Not sure* |
|---|---|---|---|---|
| a. Annual income level | ☐ | ☐ | ☐ | ☐ |
| b. Advancement within the organization | ☐ | ☐ | ☐ | ☐ |
| c. Maintaining positive relationships with clients | ☐ | ☐ | ☐ | ☐ |
| d. Developing contacts with potential clients | ☐ | ☐ | ☐ | ☐ |
| e. Maintaining positive social relationships with office colleagues | ☐ | ☐ | ☐ | ☐ |
| f. Maintaining positive working relationships with office colleagues | ☐ | ☐ | ☐ | ☐ |
| g. Achieving visibility within professional associations | ☐ | ☐ | ☐ | ☐ |

8. Please check the appropriate box to express your view of the following statements with regard to your organization in the Washington, D.C. metropolitan area:

| | *Agree Strongly* | *Agree Somewhat* | *No Opinion* | *Disagree Somewhat* | *Disagree Strongly* |
|---|---|---|---|---|---|
| a. It has a work environment as hospitable to openly lesbian/gay lawyers as it is to heterosexual lawyers. | ☐ | ☐ | ☐ | ☐ | ☐ |
| b. It attempts to ensure that performance reviews are not affected by a lawyer's actual or perceived sexual orientation. | ☐ | ☐ | ☐ | ☐ | ☐ |
| c. It attempts to ensure that work assignments are not affected by a lawyer's actual or perceived sexual orientation. | ☐ | ☐ | ☐ | ☐ | ☐ |
| d. It attempts to ensure that promotion and advancement decisions are not affected by a lawyer's actual or perceived sexual orientation. | ☐ | ☐ | ☐ | ☐ | ☐ |
| e. It makes its policies and practices with respect to lesbian/gay lawyers known to its employees. | ☐ | ☐ | ☐ | ☐ | ☐ |

9. Does your organization have social events to which lawyers may bring spouses, significant others, or dates?

☐ Yes ☐ No

**If yes**, and if the organization employs openly lesbian/gay lawyers, how often do these lawyers bring same-sex partners, significant others, or dates to these events?

☐ Never ☐ Sometimes ☐ Frequently

10. Please state whether each of the following applies to your organization today with respect to its Washington, D.C. metropolitan area office(s).

| | *Yes* | *No* |
|---|---|---|
| a. It has a written policy prohibiting employment discrimination against lawyers based on sexual orientation. | ☐ | ☐ |
| **If yes**, please indicate the date of adoption: _____ **If yes**, does it include this information in materials given to its new lawyers? | ☐ | ☐ |
| b. It has undertaken formal training/educational programs on the diversity of personnel in the workplace. | ☐ | ☐ |
| **If yes**, did the programs include diversity with respect to sexual orientation? | ☐ | ☐ |
| c. It provides health insurance benefits to: | | |
| -- spouses of lawyers | ☐ | ☐ |
| -- partners of heterosexual lawyers | ☐ | ☐ |
| -- partners of lesbian/gay lawyers | ☐ | ☐ |
| d. It provides leave when a lawyer's spouse has a serious health condition. | ☐ | ☐ |
| **If yes**, are lesbian/gay lawyers provided the same leave when their partners have a serious health condition? | ☐ | ☐ |
| e. It provides family leave when a lawyer's spouse gives birth to or adopts a child. | ☐ | ☐ |
| **If yes**, are lesbian/gay lawyers provided the same leave when their partners give birth to or adopt a child? | ☐ | ☐ |
| f. It actively seeks out lesbian/gay applicants when recruiting new lawyers. | ☐ | ☐ |
| g. It engages in *pro bono* activities relating to lesbian/gay organizations or causes. | ☐ | ☐ |

*10. (Continued)*

| | *Yes* | *No* |
|---|---|---|
| h. It has a formally-designated committee, ombudsman or equal employment officer to hear internal complaints of discrimination. | ☐ | ☐ |
| **If yes**, does the committee, ombudsman or equal employment officer have authority to hear complaints of sexual orientation discrimination? | ☐ | ☐ |

11. What effect, if any, do you believe it would have on the career prospects of a lawyer in your organization in the Washington, D.C. metropolitan area if the lawyer did the following?

| | *Helpful* | *No effect* | *Harmful* |
|---|---|---|---|
| a. Let peers in the office know that s/he is lesbian/gay | ☐ | ☐ | ☐ |
| b. Let subordinates know that s/he is lesbian/gay | ☐ | ☐ | ☐ |
| c. Let superiors know that s/he is lesbian/gay | ☐ | ☐ | ☐ |
| d. Let clients know that s/he is lesbian/gay | ☐ | ☐ | ☐ |
| e. Engaged in *pro bono* activities relating to lesbian/gay organizations or causes | ☐ | ☐ | ☐ |
| f. Became active in lesbian/gay community groups | ☐ | ☐ | ☐ |
| g. Discussed lesbian/gay issues or community activities in the office | ☐ | ☐ | ☐ |
| h. Discussed one's same-sex partner in the office | ☐ | ☐ | ☐ |
| i. Displayed a picture of one's same-sex partner in the office | ☐ | ☐ | ☐ |
| j. Brought a same-sex partner to a work-related social event | ☐ | ☐ | ☐ |

12. With respect to your organization in the Washington, D.C. metropolitan area, has the management received a complaint or report <u>in the last five years</u> that any lawyer has experienced any of the following as a result, in whole or in part, of being (or being perceived to be) lesbian/gay? (Check all that apply.)

| | *Yes* | *No* |
|---|---|---|
| a. Failed to receive an offer of employment | ☐ | ☐ |
| b. Been passed over for promotion/partnership | ☐ | ☐ |
| c. Been paid a lower salary or less partnership earnings | ☐ | ☐ |
| d. Received less desirable work assignments | ☐ | ☐ |
| e. Received a poor work evaluation | ☐ | ☐ |
| f. Been kept from working with a client or from client development opportunities | ☐ | ☐ |
| g. Received direct verbal abuse or harassment, or been the subject of a derogatory remark in her/his presence | ☐ | ☐ |
| h. Been the subject of a derogatory remark when not present | ☐ | ☐ |
| i. Received adverse treatment by a judge or other court official | ☐ | ☐ |
| j. Been advised to conceal his/her sexual orientation | ☐ | ☐ |
| k. Been told s/he exercised poor judgment in revealing her/his sexual orientation | ☐ | ☐ |
| l. Been given preferential treatment | ☐ | ☐ |

13. How did management respond to the complaint or report? (If more than one item was checked in response to question #13, please address all of them in the order checked, and as to each, check below all that apply.)

| | *First item* | *Second item* | *Third item* |
|---|---|---|---|
| a. Treated the allegations seriously and investigated to determine the relevant facts | ☐ | ☐ | ☐ |
| b. Orally warned those involved | ☐ | ☐ | ☐ |
| c. Disciplined those involved | ☐ | ☐ | ☐ |
| d. Developed a plan or program to deal with the problem disclosed | ☐ | ☐ | ☐ |
| e. Determined that the complaint or report was unfounded | ☐ | ☐ | ☐ |
| f. Did nothing | ☐ | ☐ | ☐ |
| g. Don't know/Not sure | ☐ | ☐ | ☐ |
| h. Other (please explain below)* | ☐ | ☐ | ☐ |

*_____

14. Would your organization be interested in any of the following kinds of assistance? (Check all that apply.)

- ☐ Sample policies from other organizations like yours regarding health coverage and family and medical leave policies as they affect lesbian/gay employees
- ☐ Training for lawyers in your organization on discrimination with respect to sexual orientation
- ☐ Training for non-lawyer staff in your organization on discrimination with respect to sexual orientation
- ☐ Workshops with individuals from organizations like yours on how they deal with incidents involving discrimination based on sexual orientation
- ☐ Lists of insurance companies providing health coverage for same-sex partners of lesbian/gay lawyers
- ☐ Resources to assist your organization in contacting lesbian/gay law students when recruiting
- ☐ Briefing on the current status of laws and regulations with respect to discrimination based on sexual orientation in the workplace

15. Please add below (or on a separate page) any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

16. Title or position of person completing questionnaire:_____

**THANK YOU FOR YOUR HELP!**

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Tab B2

# APPENDIX B - 2

## Cover Letter for
## Questionnaire for the Survey of Legal Employers
## In the Washington, D.C. Metropolitan Area

**Report of the District of Columbia Bar Task Force**
**on Sexual Orientation And the Legal Workplace**

**March 1999**

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Sixth Floor
1250 H Street, N.W.
Washington, D.C.
20005-5937
(202) 737-4700
FAX (202) 626-3471

# THE DISTRICT OF COLUMBIA BAR

November, 1996

Dear Legal Employer:

Please find enclosed a survey that seeks to obtain information from employers of members of the D.C. Bar about the possibility of bias in the profession based on sexual orientation. This survey is being distributed on behalf of the D.C. Bar's Task Force on Sexual Orientation and the Legal Workplace. The Task Force was formed in 1995 in response to suggestions from a D.C. Circuit Task Force that the Bar obtain information on this subject.[1] The D.C. Bar Task Force is also distributing a companion survey to D.C. Bar members.

The D.C. Bar is not the first bar association to conduct such surveys. Similar surveys have been conducted in other jurisdictions, including New York City,[2] Los Angeles,[3] Seattle,[4] and Minneapolis.[5] In addition, at the 1996 Annual Meeting of the American Bar Association, the ABA House of Delegates approved the following resolution:

> "RESOLVED That the American Bar Association urges state, territorial and local bar associations to study bias in their community against gays and lesbians within the legal profession and the justice system and make appropriate recommendations to eliminate such bias."

---

[1] The Gender, Race, and Ethnic Bias Task Force Project in the D.C. Circuit, Volume I, Part Four: Report of the Special Committee on Gender, p. IVA-229; Report of the Special Committee on Race and Ethnicity, p. IVB-174 (1995).

[2] Bar Association of the City of New York, Committee on Lesbians and Gay Men in the Legal Profession: Report on the Experience of Lesbians and Gay Men in the Legal Profession (August 1993).

[3] Los Angeles County Bar Association Committee on Sexual Orientation Bias: Report (June 22, 1994).

[4] In Pursuit of Equality: The Final Report of the King County Bar Association Task Force on Lesbian and Gay Issues in the Legal Profession (September 6, 1995).

[5] Legal Employers' Barriers to Advancement and to Economic Equality Based Upon Sexual Orientation: A Report of the Hennepin County Bar Association Lesbian and Gay Issues Subcommittee (June 1995/August 1995).

Membership Office
(202) 626-3475

Sections Office
(202) 626-3463

Continuing Legal Education
(202) 626-3488

Homepage Address
http://www.dcbar.org

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Assistant Executive
Director, Administration
and Finance

Cynthia D. Hill
Assistant Executive
Director, Programs

Therefore, we would appreciate your taking the time to complete the survey questionnaire -- which is anonymous -- and return it to Professor Alan Andreasen of Georgetown University, who will be conducting the analysis. Your participation in this study will be invaluable.

Thank you in advance for your time and attention to this very important study.

Sincerely,

Myles V. Lynk
President

Carolyn B. Lamm
President-Elect

Enclosure

cc: David B. Isbell, Esq., Co-Chair
Martha JP McQuade, Esq., Co-Chair
Task Force on Sexual Orientation and the Legal Workplace

Tab B3

# APPENDIX B - 3

## Instruction Sheet for
## Questionnaire for the Survey of Legal Employers
## In the Washington, D.C. Metropolitan Area

**Report of the District of Columbia Bar Task Force**
**on Sexual Orientation And the Legal Workplace**

**March 1999**

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# THE DISTRICT OF COLUMBIA BAR

**Survey of Law Firms and Other Legal Employers**

**Introduction**: This questionnaire, **which is anonymous and confidential**, is designed to assist the District of Columbia Bar in a study assessing whether, and if so in what ways, discrimination on the basis of sexual orientation affects the workplace experience of lawyers in the Washington, D.C. metropolitan area. **We ask that it be completed by your organization's managing partner, managing attorney, or similarly knowledgeable and responsible individual located in the Washington, D.C. metropolitan area.**

It is important to the utility of the study that there be a substantial response to this questionnaire. We therefore ask that you take a few minutes to complete the questionnaire and return it in the enclosed envelope. We estimate that **the questionnaire will take approximately 10-15 minutes to complete**, excluding the time you might take to add supplementary comments.

**Please note that responses to this questionnaire are anonymous.**

**PLEASE COMPLETE AND RETURN THE QUESTIONNAIRE BY DECEMBER 3, 1996** IN THE ENCLOSED BUSINESS REPLY ENVELOPE to Professor Alan R. Andreasen, P.O. Box 25428, Washington, D.C. 20077-3269, an independent survey consultant who has been retained to manage this study. Professor Andreasen is not employed by or an advisor to the Bar in any other connection.

- This questionnaire focuses on the Washington, D.C. metropolitan area, although some questions ask about your organization as a whole.

- This questionnaire is **anonymous and confidential**, *i.e.*, we do not ask that you identify your organization in any way; there are no concealed codes that would allow us to identify your organization; and in any event the data we collect will be released only in compiled form and without attribution, such that individual respondents cannot be identified.

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Tab C

# APPENDIX C

## Additional Comments Offered by Respondents To the Survey of Lawyers

Report of the District of Columbia Bar Task Force on Sexual Orientation And the Legal Workplace

March 1999

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## APPENDIX C

### Additional Comments Offered by Respondents to the Survey of Lawyers

The Questionnaire employed in the Survey of Lawyers included two open-ended questions, reading as follows:

> **Question 32.** *If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the bases of real or perceived sexual orientation in the last five years, please describe the incident(s) below.*
>
> **Question 33.** P*lease add below any other comments or information you may have on the subject of this questionnaire, We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.*

This Appendix C is a compilation of the responses to these two questions. As explained in the Report of the Task Force (at pages 10-11), in order to preserve the anonymity promised to the respondents, it has been necessary in some cases to redact or paraphrase portions of the responses or, in some instances, set out separately excerpts from a particular response. (Such excerpts are presented at pages 93-96 of the compilation.)

In some instances, again in the interest of preserving anonymity, the sex or the race/ethnicity of the respondent, or both, have been redacted. Sexual orientation is not ordinarily omitted, however. In consequence, in those comments where sex has been redacted and the word "gay" appears in a paraphrased portion of the comment, the word is used to refer to both males and females.

Some questionnaires were returned without having been filled out, but bearing comments on the survey itself, generally written on the first page of the questionnaire rather than in response to one of the two questions set out above. These comments are set out on page 92 of the compilation.

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# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**1** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I know our firm has openly gay or lesbian partners and associates. It has never, to my knowledge, had any adverse effect on their careers. Firm policy on this point is clear.

---

**2** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

We follow the DC Family Leave Act which I think mandates equal treatment of gays/lesbian employees who are in committed relationships as referenced in you questions 12c,d and e.

---

**3** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

6 years ago, at another law firm, gays (associates) were talked about behind their backs in a disrespectful manner by attorneys, partners and support staff. These people told politically incorrect or insensitive jokes about the gay associates behind the associates' backs.

**Question 33:**

I know quite a few gay attorneys who quit working at firms and joined the government due to their perceptions that they lacked job security at firms due to their sexual orientation/preferences. They perceive the government to provide greater job security than law firms.

---

**4** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

One of the [male attorneys in] my firm died of AIDS.... He [had] largely kept his sexual orientation to himself, before his illness. Since his death, the partners and associates at my firm have been immensely supportive of working with both pro bono and community service AIDS organizations. Due to the universal love and respect this [person] engendered at my firm, I believe my firm would never tolerate discrimination based on sexual preference.

---

**5** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

2 lawyer office, 1 openly gay, 1 hetero, work well together hetero works on gay/lesbian cases also.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**6** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I strongly object to the premise of this survey that 1) Gays are entitled to protection under discrimination laws on constitutional principles 2) Gays should receive affirmative action.

---

**7** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I think that lawyers who are gay, lesbian, or bisexual, and are HIV - positive would be treated much better than lawyers (gay or heterosexual) who have other diseases. For example, if I were to apply to join the DC bar, I would LIE on the question about mental illness. My references would also LIE, even though most of them have never lied in their lives. They would not need any encouragement from me. When a rule is unjust, it loses the respect of the population, and eventually no one obeys it. If someone goes into a psychiatric hospital due to a bad medication interaction, how is that any different from a heart patient or cancer patient doing the same? DC is violating the Americans with Disabilities Act, and is setting a bad example for other jurisdictions.

---

**8** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I think lawyers are more open minded than the larger community (including clients).

---

**9** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

This survey is insulting and assumes individuals should be treated differently or, at the least, viewed differently, because of their sexual orientation. Shame!

---

**10** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

None in our office without exception. Although a conservative company, sexual orientation is considered a non-issue, both officially and un-officially.

**Question 33:**

I think this is a good thing to explore.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**11** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Much of this questionnaire does not appear to apply to this small law office.

---

**12** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Although my workplace is completely accepting of gay relationships, I was shocked to learn that it does not provide health insurance to partners.

---

**13** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

We have a great workplace atmosphere.

---

**14** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

We have one gay employee. Have had no problems. Treat all our employees without discrimination or bias and judge our lawyers solely on merit.

---

**15** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

This is much ado about nothing. You shouldn't have wasted bar money on this. I'd rather see the money spent on pro bono services to the community.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**16** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

[This respondent had written the following after question 14d: "A person's sexual orientation -- whether heterosexual, gay/lesbian or asexual, is not an appropriate topic for discussion with a client."] Continuing the note concerning question 14d My view is that one's sexual preference as with other personal information/preferences -- should have no bearing on the attorney-client relationship. As a heterosexual male, I could not think of discussing my sexual preference with a client; if I were a client, I would find it offensive if my attorney discussed his/her sexual preference unsolicited. And, if my attorney/client mentioned his/her sexual preference with me, my reaction would be that the topic is inappropriate.

---

**17** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

No

**Question 33:**

---

**18** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Do not know any gay lawyers in DC - worked with one in [in another state some] years ago and she was widely admired.

---

**19** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Re: Question 12f: Why would an organization seek out lawyers on the basis of sexual orientation instead of on the basis of skills/need? That would be discriminatory in and of itself. This questionnaire appears to be designed to prove a bias of the person who designed the questions as opposed to merely flushing out the facts.

---

**20** **Sex:** Male **Race/ Ethnicity:** Other **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Absolutely no discrimination against gay/lesbian attorneys. In fact our office has employed, promoted more than the % of gays/lesbians in the population. Over 10%.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**21** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

During the past five years, a male support staff employee, generally known to be gay, died of AIDS. I heard nothing negative from lawyers or other staff about his sexual orientation.

---

**22** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

My observation is that people 'suspected' of being gay will be treated better than those who are open about it. People sound more tolerant of the lifestyle (or the thought of it) so long as the truth of it is not revealed. The 'don't tell' of 'Don't Ask Don't Tell' seems critical to maintain professional respect earned. I'm thinking of a person - now a judge - whose never 'told'.

---

**23** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

No discrimination on orientation. Lots of discrimination based on fact I'm female.

**Question 33:**

---

**24** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

Have heard rude/snide comments directed to gay colleague, who was later fired after getting a suddenly negative review.

**Question 33:**

---

**25** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

This is one of the more poorly drafted surveys I have answered, as you can see from my comments. We all don't work for Arnold & Porter! My view is that, if a lawyer can make rain (i.e., bring in business) he or she can come into the office acting like Little Richard. It's the lawyers without a client base that need to hide under their desk (or in the 'closet' in this case).

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**26** **Sex:** Female **Race/ Ethnicity:** Asian American/Pacific Islander **Orientation:** Heterosexual

**Question 32:**

Too many to list -- but in previous place of employment was subjected to and witnessed racial and sexual discrimination, and witnessed discrim. based on sexual orientation.

**Question 33:**

---

**27** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

An employee of a client organization [said that the employee] did not wish to be interviewed by a lawyer in my organization because [the lawyer] was gay.

**Question 33:**

---

**28** **Sex:** Female **Race/ Ethnicity:** **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Why don't you send out surveys regarding discrimination and religion/ethnicity/disability/age/sex/race? This is a discriminatory survey, and a waste of my DC Bar dues.

---

**29** **Sex:** Male **Race/ Ethnicity:** Other **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I think this is a non-issue in Washington DC . I know it is at our firm.

---

**30** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

Although there are not openly gay/lesbian lawyers in our office, we recently tried very hard to recruit a lawyer who falls into that category. [The lawyer] did not choose to come here, but I do not know why or whether it was related to perceptions about this firm. I believe this firm is open and non-discriminatory but it is a very male-oriented place. I know women sometimes feel as if they don't fit in. I suspect the same might be true of gay/lesbian lawyers. I would hope, if that is the case, that it would change.

**Question 33:**

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**31** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

None (average office)

---

**32** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I'm a good liberal democrat - but this survey is way too politically correct and is bound to generate all sorts of statistics showing discrimination because gays will be far more motivated to respond to the survey than others.

---

**33** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

Have not

**Question 33:**

No comment

---

**34** **Sex:** Male **Race/ Ethnicity:** Black/African American **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

As with all surveys, it's difficult to fit answers accurately into a single box. For example, almost every subpart of question 14 could be answered differently depending on who the recipient of the information is (e.g. depending on which superiors a gay/lesbian person told about their sexual orientation. Could have a helpful, harmful or no effect on their career prospects).

---

**35** **Sex:** Male **Race/ Ethnicity:** Other **Orientation:** Heterosexual

**Question 32:**

None

**Question 33:**

None

---

**36** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

Supervisor made disparaging remarks about a co-worker who is gay.

**Question 33:**

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**37** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I think it is stupid for the bar to be spending bar funds on ridiculous survey.

---

**38** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I left work when we adopted a child.... The last office in which I worked was incredibly diverse and tolerant. Lifestyles weren't an issue. Quality of work was the only litmus test, as it should be.

---

**39** **Sex:** Male **Race/ Ethnicity:** Black/African American **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I do not believe that an openly gay or lesbian lawyer would be warmly received in my office. However, this issue has not presented itself.

---

**40** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

Comments from staff about an attorney who was believed to be gay -- little uncomfortable, jokes.

**Question 33:**

The above attorney was a partner - other partners aware of her sexuality.

---

**41** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

AIDS phobia swept one office several years ago when employee announced he had AIDS. After counseling, accommodations were worked out. I...am out of touch with current situation.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**42** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

We have a boutique practice... I hope I'm wrong, but I suspect an openly gay attorney or law clerk applicant would have difficulty being hired here. We have never faced this situation, so I am merely speculating. I also believe however, that once employed such an individual would not face discrimination if job performance was good and gay issues were not given disproportionate emphasis.

---

**43** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

At my prior law firm an attorney was denied partnership because of his homosexuality. I was told this happened before I arrived at the firm. This attorney was the object of many jokes and derisive comments (outside his presence) due to his sexual orientation. I witnessed those comments.

**Question 33:**

---

**44** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

All of my above comments related to gay male lawyers in the firm. To my knowledge, the firm never employed or considered offering partnership to a lesbian attorney. I think the firm's [heterosexual] male partners, ...would have had difficulty with a lesbian attorney. I think there is more discrimination against women - including heterosexual women - than there is of gay males (white or black) at least that has been my experience and the experience of most women lawyers I know.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**45** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

At my prior law firm in DC, I worked with two openly gay individuals -- one [an] attorney, the other a...support staffer. Both were enjoyed and liked by their peers, valued by their supervisors for their contributions to the firm and included, along with their partners, in firm-social activities. When the [non attorney] went through an emotional breakup with her partner, ...supervisors were supportive, giving her time off and expressing true interest in [that person's] emotional well being. My answers to questions 14c and d are based on speculation. My firm's primary office, management and major clients are in the south..., and my visits there have done little to assure me that lesbian/gay lawyers would be warmly received.

---

**46** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

Gay manager tolerates poorly performing gay staff lawyer who is also his close friend and probably occasional lover as well.

**Question 33:**

---

**47** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Questionnaire is too long and detailed.

---

**48** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

In our law school openly gay and lesbian faculty and staff have been employed, promoted and provided tenure when applicable without discrimination. Some gay and lesbian students complain of occasional harassment by fellow students and the school established a faculty-student committee to deal with these complaints (as well as other forms of discrimination). Generally, the atmosphere is a positive one....

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**49** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I'm curious why I've never seen (or maybe I just missed) a similar Q on race or gender discrimination.

---

**50** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

No

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**51** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I have practiced for [many] years as a lawyer in Washington and, during that entire time, have not witnessed what I considered to be improper or unlawful discrimination based upon sexual orientation. Granted, while I was in private practice..., to my knowledge none of the firms employed any homosexual employees (including partners). For the past ...years, while I have been employed by the United States, I am certain that some of the lawyers are homosexual, but I am not aware of any improper or unlawful discrimination against them. Having said that, I am sure that in the past I have made derogatory comments about homosexuality (I very strongly believe that homosexuality is an aberration, and that there is an element of voluntariness to it), some of which may have been heard by people who in fact considered themselves to be homosexual (but who I was not aware were). If that happened, those comments might have been considered to be 'discriminatory'. Indeed, they were. However, no law requires me to like, or even be tolerant of, homosexuality. While I choose not to like homosexuality and, for the most part, not to associate with persons I know to be homosexual, I also do not allow my feelings to improperly affect my actions or decisions. I believe that too much attention has been paid to this subject, and that this questionnaire continues that trend. Homosexuals cannot expect to be treated on a fully equal basis by heterosexuals and no amount of legislation, rulemaking, or other attempts at persuasion will lead to a contrary result.

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# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**52** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I thought this survey was poorly worded and difficult to follow. The Dept. of Justice recently issued regulations (28 CFR__) regarding prohibition against discriminating against someone bc of sexual orientation.

---

**53** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

My office has had one or more openly gay (lesbian) partners. People are primarily judged on the merits, notwithstanding sexual orientation.

---

**54** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I work in what seems to be a very tolerant place, but I would suspect many partners here of reluctance to recruit openly gay attorneys for fear that it would alienate clients or make them uncomfortable. I haven't seen or heard anything to substantiate this; it's just my impression. I would guess, however that lots of gay attorneys get the same impression and are therefore reluctant to be open about their sexual orientation.

---

**55** **Sex:** Female **Race/ Ethnicity:** Black/African American **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I have worked in a setting where nearly 1/3 of the attorneys were gay. There were discussions of how that happened, but the gay attorneys seemed to have progressed in their careers as well or better than I as a Black female.

---

**56** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

1 of 2 senior partners is openly gay.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**57** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Re 10b, e and f: I checked the 'worse' boxes because I think it would be so due to others' reactions to and dealing with the lesbian/gay lawyer and not necessarily due to the skills or abilities of the lesbian/gay lawyer.

---

**58** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Small firms don't need formal policies.

---

**59** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

The fact that I am not aware of any openly gay on lesbian lawyers may suggest an atmosphere in which such orientation may be - or at least my be perceived to be - unwelcome. I say this because - any randomly selected population of [more than 100], it seems likely that at least one or two would be gay/lesbian. Thus, either we have an unusual population in our groups of lawyers, or there are 'closeted' homosexuals.

---

**60** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I believe that although discrimination based on sexual orientation may in certain circumstances be morally and/or legally wrong, I also believe your survey wrongly sends the message that sexual practices equates with race, religion, or gender for purposes of civil and economic rights. Thus, I think your survey is inappropriate.

---

**61** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

[Gay job candidate denied call back interview at respondent's firm because of membership in a gay/lesbian organization.]

**Question 33:**

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# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**62** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

With all of the challenges facing the Bar today, I think it is absurd to devote resources to this effort. It is time the Bar stops trying to appease the 'squeaky wheels' and do something to help the greater community.

---

**63** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

One of our lawyers was in a long term relationship with two bi-sexual women. Several in the firm were put off by this and I believe it was part of the reason for his lack of success. There was strong objection to him making this relationship known to clients.

---

**64** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

At my prior place of employment [law firm], I saw a very talented gay applicant rejected for no apparent reason. I can't prove it was discrimination, but I perceived it that way.

**Question 33:**

....I have persuaded [my employer] to adopt a policy prohibiting discrimination on several grounds including sexual orientation....

---

**65** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

Have not

**Question 33:**

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**66** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Work for US Gov't Agency - much does not apply.

---

**67** **Sex:** Male **Race/ Ethnicity:** Black/African American **Orientation:** Heterosexual

**Question 32:**

As associate in firm partners making fun behind closed door of gay associate. Associates treating gay associate differently.

**Question 33:**

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# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**68** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Much of questionnaire inapplicable to US Senate as an organization.

---

**69** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I'm glad this exercise has been conducted.

---

**70** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

None

**Question 33:**

My only comment is that work should not be a place to promote sexual orientation. All should be treated fairly, and beyond that issues of sexual orientation have absolutely no place in the office.

---

**71** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I hope this is a meaningful survey. It sure takes time to fill out. Good luck.

---

**72** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

No - quite to the contrary.

**Question 33:**

---

**73** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

We are a small agency (800-900) and, although we have a large percentage of staff who are attorneys, many of us work as management, budget, or program analysts and few are openly gay or lesbian. We have other staff of a full range of grades who are openly gay or lesbian who also fare well....

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**74** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Is it anybody's business really? Seems like personal matter - isn't relevant to performance in the workplace.

---

**75** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

I have not witnessed

**Question 33:**

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**76** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

The firm is a staid/conservative firm which is slowly coming to grips with sexual orientation issues. The situation is far better now than it was...years ago and the firm does attempt to bar overt discrimination in the DC office....I have seen associates criticized behind their backs because of 'faggot behavior' and kept from certain clients because of it. Our management person once (some years ago) expressed disgust with faggots (he is no longer with the firm.)

---

**77** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

Worked with clients who are incarcerated -- a great deal of harassment, exploitation of and discrimination against gay men (more that lesbians) by both prison staff and other inmates.

**Question 33:**

Good initiative - I'm glad someone is looking into this and other forms of discrimination within legal profession.

---

**78** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I am a registered patent attorney. The Commissioner of Patents & Trademarks is openly gay. Who cares!!?

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**79** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Some openly gay associates here. They're treated just fine as far as I can tell, but there may be stuff I don't know about. No one seems to object or stare when same-sex dates attend firm functions. Health benefits avail. to partners. No openly gay/lesbian partners but I think 1 (or more) closeted partner. We represent lots of gay servicemen against don't ask - don't tell, pro bono.

---

**80** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

No

**Question 33:**

The firm settled a lawsuit involving a gay man who had AIDS involving discrimination. It is never mentioned.

---

**81** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

This survey is a bit hard for a 2 lawyer firm with no present employees to answer, but I've done my best, if I say we've no policy for something, it looks as if perhaps we do for something else; but we haven't because we needn't. In the past, by the way, we have had both gay clients and a gay lawyer.

---

**82** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

What about sexual orientation of support staff at law firms? Our firm employs several openly gay staff members. I responded to the questionnaire with them in mind as well.

---

**83** **Sex:** Male **Race/ Ethnicity:** **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

While I agree with the ABA resolution as worded, i.e., opposing discrimination on the basis of sexual orientation, which may not be a matter of individual choice, I strongly oppose the practice of homosexual relations as immoral. I believe, accordingly, that discrimination against those who engage in homosexual intercourse is right.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**84** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

I have never worked with nor known of a candidate, who was/is homosexual. I therefore, have never witnessed discrimination based on sexual orientation.

**Question 33:**

I believe that this questionnaire may be inaccurate. It does not appear to take into account that the lawyer answering the questions has never encountered a situation involving gay lawyers/candidates such that one cannot evaluate the actual conditions toward this problem.

---

**85** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I was with a small, conservative firm for several years that constructively discharged a male associate after he disclosed his homosexuality.

---

**86** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

One of our partners is chair of an openly Gay organization and was encouraged to accept the position.

---

**87** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

One of our clerks, who has since left for another job, was openly homosexual, and was very much valued for his skills and competence.

---

**88** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Sexual orientation is not an issue in the office. There are one or two attorneys (out of [about a dozen]) who may be homosexual. We don't discuss it as it does not relate to professional performance or activities. It is none of my business. My [spouse], who is not an attorney works with several openly gay individuals, some of whose partners are attorneys. I have not discussed discrimination with them. Job performance, not sexuality is the key to professional success in our office.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**89** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

We have several openly gay and lesbian lawyers, including partners. One was, in fact, the associate-elected and policy committee- chosen ombudsman.

---

**90** **Sex:** Female **Race/ Ethnicity:** Asian American/Pacific Islander **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Professor Andreasen: This is such a waste of time but I did it anyway. We should be spending time on better issues like family values. Homosexual lifestyle is not one of the values. It defies history's lesson on what is right and what is wrong.

---

**91** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I work in a federal government agency. Some of my colleagues are presumed to be gay. Some are in supervisory positions. I am not aware of any discrimination against them nor of any favoritism or promotional efforts. No one discusses it one way or the other.

---

**92** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

The incidents I'm referring to in items 15 & 16 involved a new attorney who was assigned to work with me after [that person's sexual] orientation became known, and the [managing attorney] refused to work with [that person] (on Day #1) as a result; ...The [person's] the best lawyer I've ever supervised....

---

**93** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

Partners at my firm occasionally make gay jokes. I strongly feel they would be uncomfortable hiring a gay attorney.

**Question 33:**

I know several gay attorneys at larger firms and in DC government and think it is much easier to be openly gay/lesbian in those environments, at least among one's peers, than at a small firm where attorneys tend to be less diverse.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**94** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

A name partner in the firm is openly gay. He is also responsible for me joining the firm.

---

**95** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

At one time I worked with an associate who was gay. [I was also unmarried.] We both had difficulties in dealing with the male partners perceived notions as to what our private lives should entail. It was assumed that we both had partners to bring to firm social events and were quite uncomfortable when we chose to attend them alone....

**Question 33:**

---

**96** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I have heard general derogatory comments occasionally, not directed to a particular individual, but for the most part our gay students and faculty are liked and often very well liked.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**97** **Sex:** **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

1) I am not gay myself but am the parent of [an openly gay child]. We are very proud of [our child]. 2) There is a great deal of ignorance in the workplace about gay people. In my experience, a lot of older workers have a great deal of trouble accepting people who are out, and have trouble understanding that fag jokes are not only not funny, but can create a hostile environment. 3) I am a... government lawyer. I tried private practice in a...law firm a few years ago. One reason, among many, that I felt out of place there was that I was very aware that some partners would react unfavorably if my [child] were to visit the firm, come to a social event, etc. I'm sure they would deny it, but I am also sure they would think that [my child] should put on different clothes...and generally not be "obvious"... 4) The government generally tolerates a wide range of personal eccentricity and differentness of all sorts. I will be curious to see if survey results show better or worse attitudes in government law shops vs. private practice. 5) [Comment on positive treatment of gays in workplace] 6) The best thing in my experience has been that many younger gay lawyers have been open and out in a natural way, so that people have simply gotten used to folks having same-sex partners.

---

**98** **Sex:** **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

While no bisexual or gay lawyer is employed by my firm, the attorneys over 40 tend to be offended by the thought of homosexuality, while the associates tend to be more open minded. [A sibling of mine is gay] but only those in my firm who are close to me know. However, I do not believe that an applicant's homosexuality would prevent an associate from being hired by my firm, and said person would be treated just as heterosexual attorneys in the firm. But I consider my firm to be more liberal than most....

**Question 33:**

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**99** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Most of these questions are irrelevant to my experience as a partner in a 2 partner firm with no associates.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

**100** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

No

**Question 33:**

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**101** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I think this survey is a waste of time. I have, of course, resigned from the ABA and so am not impressed by its having started the ball rolling.

---

**102** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I believe that anyone's sexual orientation is a private matter - whether heterosexual, homosexual or bisexual. Discussion of any sexual orientation does not belong in the workplace.

---

**103** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I am [a] partner of a [branch] office of a larger...law firm. I have not encountered problems in dealing with gay lawyers because to my knowledge we have none. Even so, I have gay lawyer friends and to my knowledge they have not had problems of discrimination etc. in practice. I think sexual orientation is irrelevant to the practice of law and therefore believe that the flaunting (as opposed to not hiding) of sexual orientation whether heterosexual or homosexual is inappropriate.

---

**104** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

This survey is outrageous -- I do not like the fact that my dues are paying for this liberal BS.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

**105** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

Not in my place of employment, but I believe a friend was let go from his law firm because he is gay and expressed opposition to the firm's work on behalf of the Boy Scouts.

**Question 33:**

**106** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I think this is a poorly prepared questionnaire. I also think that this survey is a stupid idea.

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

**107** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Dear Prof. Andreasen: Thank you for undertaking this survey for the DC Bar. As a lawyer in a small private practice in [D.C.], in which my primary focus is progressive civil rights law, you can well imagine that I will learn a lot about the rest of the metro DC bar from the results of your survey. I live in a world where most of the people with whom I interact on a regular basis, including those with whom I work most closely with are either, like me, heterosexual and proactively anti-discriminatory, or openly gay, lesbian and/or bisexual. Needless to say, my perspective on the whole is undoubtedly skewed as a result. As a result, I found it difficult to respond to several of the questions as posed in your survey, such as #10. Trying to judge my knowledge base objectively, I guess the appropriate response would be 'don't know/not sure' all the way down the line, because my world and the other worlds I know are so different. In the sub-communities of DC with which I am most familiar, openly gay and lesbian lawyers are often leaders in their organizations or express themselves to be happy in their work or supported by their environment. Because I actively involve myself in gay and lesbian discrimination issues, I know that this is hardly the case elsewhere. I know, both generally and specifically, of discrimination that does exist in the worlds of (what I call) 'big K Street/Penn. Ave. firms', Capitol Hill, the more conservative Virginia...and Maryland suburbs, some parts (but definitely not all) of so called 'racial and ethnic minority' communities, military and governmental institutions, and religious and academic institutions of this metropolitan area. In other words, I do know of widespread discrimination, but I also know positive aspects of my (and other) world(s). So my response is a mixed bag that I couldn't really fit into survey boxes. On the one hand, there are sub-communities in DC which are, I believe, far ahead of 'the curve' in terms of proactive anti-discriminatory policy and practice. DC has, unlike so many other places in the United States and the world, strong and effective forces which make this possible. Here, we can have a survey in the Bar Association to tackle this issue. I know so many other places where that would be unheard of. On the other hand, there are sub-communities in DC where my friends and colleagues do not feel that they can be openly gay, lesbian or bisexual. Because I work on discrimination issues, I know how real these problems are. This dichotomy -- which is hardly unique to DC -- and my own fervent desire to achieve (and hence, my bias in favor of) the eradication of discrimination makes it tough to respond in an objective manner, so I offer these comments to try to explain myself better. Thanks again for taking this on.

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**108** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Answers very much affected by fact that current employer is Dept. of Defense....(former employer) was more accepting.

---

**109** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I have 2 observations: 1) When yearly recruiting of lawyers was practiced by the division of the government agency for which I work (due to budget constraints most new hiring is now 'frozen), each Fall brought a crew of 16 to 20 new lawyers on board. Most were young, newly graduated, and it was not unusual that among them would be several gay or lesbian lawyers. It seemed to me that their sexual orientation was of little or no concern to their other young, newly graduated peers. In fact, the gay and lesbian lawyers seemed to be accepted in office social contexts more readily than other recruits who did not fit the 'young, newly graduated' category. Managers, though older, knew better than to show discrimination toward gay and lesbians, and were equally pleased with any of the new hires who jumped in and did a good job with the staggering caseload. 2) In the office in which I now work (government agency) a division has gradually developed that has a predominance of gay employees. It seems as if, whenever a gay person was available to fill a position there, it was the gay person who was chosen from the field of candidates, or a gay person who transferred into the division whenever possible. When a new young man was hired in a secretarial position in an adjacent office, this particular division suddenly took an interest in him. The manager engaged in extraordinary amounts of red-tape cutting in order to get an extra secretarial position authorized and the young man transferred there. (Perhaps this division will be the setting for a charge of discrimination against non-gays).

---

**110** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

The multiple choices provided in this questionnaire are too restrictive for the results of this questionnaire to be useful. For example, I work for a federal government office where employees are required to be nonpartisan and therefore refrain from advocacy. My answer to #14f is 'harmful' because such activities could lead clients to believe an attorney is partisan, not because of the gay/lesbian focus of the community groups per se.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

**111** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

I am not aware of any openly gay staff member in the history of the organization....There was one male law clerk whose effeminate manner led to the impression that he was gay. He was treated dismissively by staff members but I did not conclude that it was because he was perceived to be gay. I sincerely believe it was because he was arrogant in demeanor, flippant in communication and uncooperative in his approach to completing work assignments.

**Question 33:**

I was very eager to respond to this questionnaire. I am a heterosexual.... I have neither personally experienced nor witnessed discrimination on the basis of real or perceived sexual orientation. However, in my opinion, my workplace is a hostile environment for gays and lesbians....[The senior attorney] is openly hostile to gays and lesbians. He is very vocal about it. This individual habitually initiates discussions in which he expresses his disdain for gays and lesbians. His talks usually begin with some story (possibly even amusing) about an encounter or observation he has made. These don't bother me. Often, I too find amusement in encounters with persons whose culture differs from mine whether racially, regionally or sexually. However, he then moves onto a discourse on the evils of homosexuality to a civilized society and for however long he is uninterrupted provides offensive examples of sexual and social behavior to support his views. These discussions are initiated with no prompting from me or anyone else and are so frequent as to demonstrate an obsessive preoccupation with this subject matter.... While his comments bother me, it is also of concern that they are met with no protest by other staff members including the office's director. I went home last evening with a strong feeling of discomfort after having been subjected to one of these conversations....Even as a heterosexual, it is hard to be entirely comfortable in a place that permits the expression of prejudicial views against persons who are gay or lesbian. While I hold [the attorney] in high esteem as a lawyer, I sincerely believe that he would create an uncomfortable environment for any openly homosexual individual who ever worked here. His inability to approach this subject rationally would, I think, make him unable to even consider the possible legal consequences of his actions. Even if he was able to temper his openly prejudicial behavior, I have no doubt that he would discriminate against the individual. While he might not overtly thwart their professional efforts, by the failure to give their work fair consideration and support their development he could still limit their potential here. I thank you for the opportunity to express my thoughts.

---

**112** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

I don't give a shit - why do you?

**Question 33:**

Stop the insanity - you are killing trees over this shit. This is outrageous to waste time over less than 3% of the general population - what about real rights. What about the bill of rights and not this vague penumbra crap!

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**113** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

We hired an openly gay [employee]. We fired [that person] for poor work performance. [The employee] brought an unfounded EEOC complaint against the firm and alleged that we fired [the employee] because [the employee] was gay. This was an enlightening experience for the firm in that we had covered ourselves to some extent but will know what to do in the future.

---

**114** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

None

**Question 33:**

None

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**115** **Sex:** Female **Race/ Ethnicity:** Asian American/Pacific Islander **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I can think of one attorney believed to be gay by his attorney peers, who has not only done very well at his high profile firm, but has risen to various leadership ranks in DC Bar and related associations.

---

**116** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

None

**Question 33:**

None

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**117** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

A partner candidate being considered was known to be gay. None of the partners' interest in that candidate was adversely affected by this information. The candidate eventually joined a different firm, but to the best of my knowledge for un-related business reasons.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**118** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

In another job, I had two openly gay lawyers who worked for me. My answers to this item #10 are based on that experience.

---

**119** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Is this the way you are wasting my mandatory dues money? How about lobbying against the discriminatory DC tax on all lawyers - the 'professional fee'. This survey is a waste of time and $$.

---

**120** **Sex:** Male **Race/ Ethnicity:** Other **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

There is full acceptance of the attorneys believed to be gay/lesbian in my office even though they are not openly so. I do not believe this would change if they were openly gay.

---

**121** **Sex:** Male **Race/ Ethnicity:** Black/African American **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Our agency has an active, diversity program. GLOBE activities are encouraged and recognized.

---

**122** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

While openly gay non-prof. staff appear able to survive, an apparently gay, but not out, associate was shifted to unpopular work, his work was inappropriately denigrated, and he was passed over for partnership as 'just not fitting in' with the partnership. As he had the option to remain as of counsel, his work couldn't have been the problem.

**Question 33:**

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# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed liscrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**123** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

[I am an attorney in a large government agency.] I think the DC location and the fact that I can think of at least half a dozen openly gay men (ranging from Flowery to conservative styles) means that the variety is considered 'normal' by most employees. There are undoubtedly some good ol' boys who bite their tongues but they know what they shouldn't do even if they have some opinions. Answer 11 refers to that 'chilliness'. The one openly hostile statement I was told about was a black female support staff angry at a subordinate...male for clear insubordination and she used a derogatory term in anger behind his back. She was asked how she would feel if someone referred to her with the 'n' word. She seemed shocked at the comparison, swallowed hard and sought out the subordinate to mend fences.

---

**124** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

Haven't seen any. I work in a small Federal agency with [fewer than two dozen] lawyers in the general counsel's office - no known gay or lesbian lawyers ever.

**Question 33:**

There are openly gay non-lawyer employees ( and some in positions of authority and respect in the civil service: have been some gay political appointees under Clinton, who were about as good as most of the Clinton appointees (i.e., not very)). It is not seen as respectable to make fun of people based on their sexual orientation. Gay and lesbian people have been evaluated on the basis of their demonstrated abilities. At the [agency], openly gay people who don't know the substance of the work have received political appointments in this administration. People who work for them are unhappy at the lack of expertise of these people and feel shut out as heterosexuals. The last 4 years have seen (1) advances in fair evaluation of women and gay/lesbian people, yet (2) classifications by race and other characteristics in Federal hiring to an extent that is offensive and handicaps effective performance. Life was not fair, or good, for non-white or non-male Feds under Reagan, and life under Bush was in many ways worse. I just wish the general quality of the Clinton political appointees wasn't so bad.

---

**125** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Homosexual paraprofessional in office suggests that sexual orientation is cause of any employment decision that does not favor him. There is no basis for such suggestions.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

**126** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

Casual remarks (jokes) in absence of the gay/lesbian person. See 16(h) above.

**Question 33:**

---

**127** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

...[S]everal of my former partners commented negatively that my new firm would have a [gay] name partner.

**Question 33:**

---

**128** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Whatever you do, spare us the bogus 'diversity training'.

---

**129** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

...I worked with a [partner] who came out of the closet. Her views became openly militant and she treated men poorly. She also treated heterosexual women as if they were wrong or not "normal".

**Question 33:**

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**130** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

No

**Question 33:**

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# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**131** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

I have heard people make joking and derogatory references to gay persons. I am quite alert to such comments because [I have a gay relative].

**Question 33:**

I work for the [government]...[Respondent's office has had several openly gay lawyers]. The office environment seems quite positive, but the US govt. as a formal matter lacks (I think) progressive employment policies regarding sexual orientation -- including non-discrimination policies and benefit policies. Also, the government's anti-gay stands on gays in the military were defended by [the government], and we failed to support gay rights in Romer v. Evans in the Supreme Court. Those legal positions made the government feel to me inhospitable as an employer of openly gay persons.

---

**132** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

My law firm was very tolerant of homosexuals. Several young lawyers were openly gay/lesbian. It is widely perceived that one of the name partners is gay.

---

**133** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I suspect that my organization - a labor union - is significantly more hospitable to openly gay and lesbian employees than a law firm but I have no comparative experience on which to base a conclusion.

---

**134** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

No

**Question 33:**

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**135** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

My firm is very gay friendly - health benefits for domestic partners, etc. leading to disproportionately high number of gay lawyers - critical means - more openminded, etc. Doesn't mean individual lawyers are all gay friendly - but the firm policies definitely are.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**136** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

There is a bias on the part of one gay/lesbian partner against male heterosexuals in the firm.

**Question 33:**

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**137** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Past discrimination occurred at the initiative of the highest level of management, current management does not display the blatant homophobia and discriminatory actions that previously occurred. Nonetheless, past practices have created an atmosphere discouraging openness re: sexual orientation. This federal government agency desperately needs mandatory diversity training re: sexual orientation from top management down.

---

**138** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

See answer to 19J.

**Question 33:**

None

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**139** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I think this survey is not an effective use of the Bar's resources. Discrimination against lawyers based on race or sex is an appropriate subject for Bar scrutiny, but not discrimination on a chosen behavior that is criminal in at least one of the jurisdictions in question.

---

**140** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Perhaps I am just lucky, or perhaps it is the class (or political orientation) of my colleagues and friends, but I have encountered little or no discrimination concerning sexual orientation. I certainly have read about it occurring elsewhere--- and I'm sure it does --- but I haven't witnessed it myself.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed 'iscrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

**141** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

I've witnessed general (not directed at a specific person or employee) derogatory remarks, jokes...about being gay. Although I've never witnessed discrimination against an individual, I think the general attitude is hostile to gays, at least with respect to men.

**Question 33:**

---

**142** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

The incidents described in items 15 and 16 took place [a number of] years ago. The gay attorney was eventually fired (though his sexual orientation was not the stated cause). The supervisor who fired him was [also] fired last year. We have not had an openly gay attorney since then.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

**143** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

In general, senior management of the large corporation in which I work has an 'all business' attitude: one simply doesn't discuss personal matters in the office, except with one's closest friends. Although I think this reflects an essentially libertarian attitude on the part of management -- 'your personal business is not my business and I really don't care to know about it' -- this can easily shade into a kind of 'don't ask, don't tell' culture. I know that there are gay and lesbian employees here, because meetings of a [gay employees group] have been posted on an unofficial electronic bulletin board that the company makes available to employees for personal business. But even those notices avoid any overt use of the terms 'gay' or 'lesbian' and I know of only one employee (not a lawyer) who is openly gay. Sometimes attitudes can be conveyed in subtle ways. For example, a...[gay] employee of this organization...was murdered.... No official communication ever came around notifying other employees of this individual's death or stating that the company would offer any financial or other resources (such as a reward) to help solve the crime. Although, fortunately, there have been no murders of straight employees to provide a basis for comparing the treatment of gay and straight employees, I thought the total silence was odd. [Specific instance of anti-gay conduct by lawyer in the organization]. I'm still not sure whether the attorney [who engaged in the anti-gay conduct] or the person [who objected to the conduct] really represented the corporate culture here. Perhaps it is their uneasy coexistence that is representative.

**Question 33:**

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**144** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

Not witnessed

**Question 33:**

No actual experiences in DC since [the 1970's], when I came here. My opinions are guesstimates, based on general social observations, knowledge of colleagues' attitudes, and experience defending gays against discrimination in the 1960's. I may well be out of date. I hope so.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

**145** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

Why bother? Can you change a person's belief structure? I know that it doesn't matter if a person is gay or straight but many people fear it -- AIDS maybe WRT males -- too macho WRT gay females.

**Question 33:**

---

**146** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

This survey is flawed. Many members of the DC Bar are members of the military. The military has a 'Don't Ask, Don't Tell' policy. Openly gay service members may be lawfully discharged from the service. This includes lawyers. This context explains my response to Questions like #14.

---

**147** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

The only openly lesbian/gay person in my office is the best paid and brightest staff attorney (in my opinion). I work for the US Government.

---

**148** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Working in a U.S.G. foreign affairs agency, it is my perception that the openly gay do ok as long as they perform well etc. The closeted gay likely will have difficulty obtaining a security clearance since the fact that they are not open may be taken as evidence of susceptibility to blackmail.

---

**149** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

[Small] firm. No open homosexuals. Employment law a major portion of firm's work, yet no apparent anti-discrimination policies for gays or otherwise. Nevertheless, a strong anti-discrimination work ethic.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

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**150** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

I have heard of a lawyer not receiving a presidential appointment due to sexual orientation.

**Question 33:**

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**151** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

My law partner is gay and [many] of our clients are gay or lesbian.

---

**152** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

My firm employed an openly gay attorney before I came here. He was extremely highly regarded, well respected and was made a partner. I cannot (obviously) speak for him but I believe, based on how he is spoken of, that the firm was supportive and that he did not experience discrimination of any kind from within the firm, though he may have experienced it from clients....[I] am now a...partner....I feel fortunate to be with an organization that exemplifies openness and fair treatment towards minorities.

---

**153** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Office of the Judge Advocate General, Dept. of Army, is subject to the 'don't ask, don't tell' policy of the Dept. of Defense.

---

**154** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I always cringe when I am reminded that my mandatory fees finance such worthless projects. What would you do if you could not force people to support you?

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**155** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

[In respondent's last job, partner made anti-gay statements with respect to having gays in the office.]

**Question 33:**

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**156** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

Arent Fox is exemplary

**Question 33:**

---

**157** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

I was told as a summer associate that I should not wear [certain clothes] because if people thought I was [gay], I would not get an offer.

**Question 33:**

[I know] an openly lesbian secretary who is fantastic and I have never known her to have any problems, but she might not tell me if she did.

---

**158** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I have been surprised, considering the political feelings of some of my partners, of the unqualified acceptance of the gay partners and associates we have had.

---

**159** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

My first law firm had a fairly high percentage of homophobic partners but of the 2 gay male lawyers, one became a partner (based on merit) and the other didn't (he was a bad lawyer). The gay male who became a partner was less open about his homosexuality, and was not discerningly 'gay' except that he didn't have a wife/girlfriend.

**Question 33:**

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# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

**160** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

I have not experienced such real/perceived discrimination.

**Question 33:**

Suggest: DC Bar seek copies of US Gov't agencies written policies and practices re: this topic as possible to use as Bar models.

---

**161** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

Person received a negative recommendation from supervisor for a promotion. Person filed suit on the basis of race - discrimination was not sex but on supervisor's biasness against homosexuals.

**Question 33:**

Some openly gay and lesbian persons were actively recruited to fulfill campaign commitment to gay and lesbian constituents. Persons have high visibility.

---

**162** **Sex:** Male **Race/ Ethnicity:** **Orientation:** Heterosexual

**Question 32:**

None

**Question 33:**

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**163** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

There is an individual who 'seems' homosexual appearance wise. However, this individual will engage in conversations with the rest of us about dating members of the opposite sex. I'm unsure whether [this person] does this for fear that we will discriminate against [this person]. But, from what I can observe and sense, my colleagues/employer would not treat [this person] differently in the professional realm. However, I think based on my impression of DC and the legal fields that my firm is more open minded than many, if not most firms. DC tends to be quite conservative in general and I find that as a liberal attorney I seem to be somewhat of an outcast among my cohorts, ie. I don't see many firms being open minded about having an associate bring a same sex escort to a bus. function or openly expressing his/her sexual orientation before clients.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**164** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Has this questionnaire been reviewed, before distribution, by a professional in the field of devising questionnaires? A number of the questions seem to me probably unrevealing or even distorting. The project is a good one.

---

**165** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

Women are frequently subjected to joking and/or thought to be humorous comments that are discriminatory. Women are not promoted as often or without extraordinary qualifications than males.

**Question 33:**

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**166** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

This questionnaire appears to have been drafted by someone who has convinced himself that homosexual conduct is just another 'lifestyle choice'. The drafter is mistaken. Despite the efforts of homosexuals and their allies to 'define deviancy down', throughout human civilization homosexuality has been, and remains, an abhorrent moral failing. The partners of our firm unanimously hold homosexual conduct to be wrong. We do not employ and would not knowingly employ a homosexual attorney or a homosexual support staff member. Sodomy not only is abhorrent, but is a crime in Virginia. Our Code of Professional Responsibility, which is part of Virginia law, requires as follows: DR 1-102. Misconduct. (A) a lawyer should not:.. (3) Commit a crime or other wrongful act that reflects adversely on the lawyer's fitness to practice law. and provides this guidance: EC 1-5. A lawyer should maintain high standards of professional conduct and should encourage fellow lawyers to do likewise. He should be temperate and dignified, and he should refrain from all illegal and ethically reprehensible conduct which reflects adversely on his fitness to practice law. Because of his position in society, even minor violations of law by a lawyer may tend to lessen public confidence in the legal profession. Obedience to law exemplifies respect for law. To lawyers especially, respect for the law should be more than a platitude. It therefore would be wrong, and a bad example to other lawyers and to the public at large, for a law firm to employ homosexuals or condone homosexual conduct. A firm that does so demeans itself, the legal profession, and the rule of the law.

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# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

**167** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

Never

**Question 33:**

1) I support equal rights, but this survey is a waste of time and money. 2) If this survey is anonymous, how did you decide who to send several notices to?

---

**168** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I am not aware of discrimination in my office and an openly lesbian supervisor as well as several openly gay/lesbian co-workers who are well respected and appreciated.

---

**169** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

We have an openly gay white man in our [out of state] office and until recently an openly gay black male. Our legal work that is remotely relevant is discrimination based on age or disability but sometimes informal conversation about sexual orientation bias helps inform our understanding of age and disability or rather of the impact of discrimination generally. We are a legal services program -- as such, I believe somewhat more welcoming of gay and lesbian lawyers than the wider legal community although I suspect gay and lesbians in the legal services community have issues to raise.

---

**170** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

There have been a couple of lawyers at my firm who are not openly gay, but are suspected by some as likely to be gay. There have been some infrequent remarks speculating about the sexual orientation of these lawyers. Nevertheless, their professional careers have advanced on track, without any apparent discrimination. We have a few openly gay staff members who are accepted along with their partners, without any consequences -- and have come as couples to workplace social events without fanfare.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed liscrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

**171** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

I have witnessed clients say that they are uncomfortable with those of a different sexual orientation. Of more concern, I have heard a case manager in another government agency talk negatively about a mother because of her sexual orientation, and actively try to take the client out of the home for that reason.

**Question 33:**

The one person in my organization who is openly lesbian is one of the most well liked and well respected. However, I feel my organization's policies and practices against harassment and discrimination in all areas (orientation, race, gender) are lacking -- more so with race and gender than sexual orientation.

---

**172** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

My gay/lesbian attorney friends in the labor dept. are accepted by peers who know their sexual orientation. Some have been promoted. Some who should be promoted are not. I'm not sure why. It could simply be because there aren't many opportunities.

---

**173** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Question 12c. -- as a policy matter, I don't believe it is equitable to offer benefits to non-married partners (of hetero or homosexual couples) unless that couple pays taxes as a married couple. I pay a marriage penalty in taxes because of my 'preferred' lifestyle choice, and unmarried partners do not. If they pay married taxes, however, they should have married benefits.

---

**174** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

While working at the [a government agency] I have known perhaps 10 attorneys who, while not going out of the way to advertise their orientation, are pretty openly gay/lesbian, and who seem to be treated the same as everyone else - indeed several of them being in supervisory positions at one time or another.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

**175** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

No

**Question 33:**

We have no gays so how would I know? We have to start with step 1, having someone even apply!

---

**176** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

None

**Question 33:**

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**177** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

[Named firm] has exemplary policies and practices (former employer).

---

**178** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

In my current office setting, I know only of openly gay support staff members. While some individual attorneys have made derogatory remarks about their orientation in my presence I believe the firm as an institution treats these individuals with fairness and respect. In my prior law firm job, there were openly gay men and women. I would say their experience was comparable to that of other attorneys. Some made partner, others did not. I never heard disparaging remarks re orientation. Nor did I hear any re openly gay staff at that firm.

---

**179** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Isn't this a biased phrase? Some might see exemplary as complete refusal to hire gay attorneys, but clearly you mean to be understood as gay-friendly. Shouldn't survey strive for actuality in its questioning and not seek to influence those who are responding?

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

**180** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

People's sexual preference is their own business. It shouldn't have any effect/implications in the workplace. This survey strikes me as overkill. We have lesbian and gay individuals (including attorneys) and I don't think it makes any difference, positive or negative. They are regarded just like anyone else in the organization.

---

**181** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

As a lawyer who deals with discrimination issues, I have had clients who experienced discrimination based on sexual orientation. [Because our firm is small] many of these questions don't apply to my employment situation.

---

**182** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I just received this -- after noted deadline!

---

**183** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

How did you know that I did not return the first mailing of this questionnaire? Is this really confidential?

---

**184** **Sex:** Female **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

[One of respondent's supervisors, a "male attorney who is not openly gay," made disparaging comments regarding some...women with children. Respondent believes that, as a mother, she has been discriminated against.]

**Question 33:**

Your whole survey concerns ONLY discrimination against gays and nothing about reverse discrimination (gays touting their lifestyle or sexual orientation to be superior) or discrimination by gays against heterosexuals. I realize that the ABA resolution is only about bias against gays. I feel that this resolution is extremely limited, and as an ABA member about to cancel my membership and seen some committee work on resolutions, I have some real doubts about 'ABA' resolutions.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

**185** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

We focus too much on this type of situation. If people do not want to associate with someone, for whatever reason, then they should be free to choose not to associate.

---

**186** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

My organization has several openly gay/lesbian lawyers in high-level positions - I've been members of project teams where half the members were openly gay, so I feel it is an open environment.

---

**187** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

We previously employed a male secretary who might be gay. I was not aware of any problems caused by his sexual orientation. We have represented a number of gay clients in employment related matters. We are also on a referral list from a gay/lesbian organization.

---

**188** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Being gay in DC is no big deal -- as shown by the fact that you are funding this survey. I think one of our lawyers is gay -- I'd prefer he come out than hide his partner like he does. You should spend your money studying disability or sex discrimination.

---

**189** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

Firm represents individuals in discrimination cases, including cases involving sexual orientation.

**Question 33:**

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**190** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

...[S]enior...partner would corner associates and rant and rave about God's punishment (AIDS) for immorality and the "sickness," etc. He even sponsored anti-gays in...meetings at the law firm. [Associates who] complained...were told to "grow up".

**Question 33:**

---

**191** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

We have clients who are gay or lesbian and employ professional staff who are also gay or lesbian. We maintain a professional demeanor so sexual orientation does not normally arise in the normal course of business but, if it does arise, is not an issue. We have encouraged gay professionals to be active in that community as good for business. It is my suspicion that there is a very well connected and active network of gay and lesbian professionals who are certainly 'mainstream' and respected for their abilities.

---

**192** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

No

**Question 33:**

---

**193** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

In contacting state agencies, I have on occasion heard derogatory and anti-gay statements from state employees.

**Question 33:**

---

**194** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

Openly gay staff treated badly by fellow staff, although treated well by attorneys/partners.

**Question 33:**

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**195** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

The existence of this questionnaire and its content are a graphic example of the sorry state to which this country has descended.

---

**196** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

...[S]enior partner...engaged in a mild debate with another partner regarding the origin of a particular piece of literature and spent a full five minutes on his opinion of how unnatural and disgusting homosexuality is.

**Question 33:**

The law firm experience I had in Washington DC can be summed up in a single sentence: You are joining a firm led by aging white males; if you can leave your differences at the door and blend in with us, you are welcome.

---

**197** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

No

**Question 33:**

I worked with one man who everyone thought was homosexual. He is wonderful. I respect him as a colleague and treasure him as a friend. Never was any discrimination directed his way.

---

**198** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

None, other than that described herein.

**Question 33:**

---

**199** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

We are wasting the resources of the Bar with this ridiculous survey.

---

**200** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Although no discrimination occurs overtly; gay individuals do not frequently apply for jobs here (with the organization). Probably, because it is based in Texas.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**201** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

To my knowledge no one on staff is/was gay - but we don't pay much attention to that. I did have an openly lesbian intern one summer....My organization gives legal services pro bono, and if any client complained he/she would not be heard. We would take anti-gay discrimination cases -- (perhaps have no high profile ones).

---

**202** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Re: 14 - a-l: no effect ie. any sexual orientation -- d. harmful re any sexual orientation - i.e. it depends on what's appropriate re: sexual orientation per se Re Q 14e - helpful re any pro bono activities

---

**203** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

Haven't witnessed what I would call 'discrimination' -- have witnessed people remarking on colleagues' orientation, nothing hostile - curious or occasionally squeamish.

**Question 33:**

At our shop I'd characterize the attitude as 'that's your business' - people are accepted or rejected on their other attributes. I'm not aware of the kinds of decisions ($, advancement) implicated above being based on sexual orientation, open or not...

---

**204** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

One associate who did not reveal that he was gay, was the subject of speculation among others in the firm as to his sexual orientation, and for this as well as other reasons. I believe that the firm makes a very non-obvious effort not to hire those it suspects of being gay, regardless of the firm's expressions of nondiscrimination in hiring practices.

**Question 33:**

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# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**205** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

One of the attorneys in our office kept private his gay orientation. When later he made it public, there was no change in his acceptance within our office. His sexual orientation was not an issue for his co-workers and we felt it was odd that he concealed it from us, thinking that we wouldn't welcome him if we were aware of it.

---

**206** **Sex:** Male **Race/ Ethnicity:** Black/African American **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Sexual orientation is simply not an issue in this firm.

---

**207** **Sex:** Male **Race/ Ethnicity:** Asian American/Pacific Islander **Orientation:** Heterosexual

**Question 32:**

None perceived or experienced.

**Question 33:**

---

**208** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I must admit that I don't spend too much time thinking about these issues. I'm also only dimly aware of the firm's policies in this area. I evaluate others with whom I work on the merit of their work and not on extraneous criteria (which I believe sexual orientation to be in this context). I believe that most of my colleagues, and the clients whom we service feel the same way, but, as I've said, I don't focus on it and so may be unaware of some bias that exists.

---

**209** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Glad you are doing the survey. Sorry my answers don't bolster need for action.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**210** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I really have no interest in who sleeps with whom in my office unless they are in the office. In office relationships of any nature are horribly destructive of work environment.

---

**211** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

None

**Question 33:**

None

---

**212** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

My firm has been able to attract first rate new lawyers by establishing itself as a comfortable environment for gays and lesbians.

---

**213** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

None

**Question 33:**

Frankly, I think the bar has better things to do. My personal opinion is that we would all be better off if sex were treated as a personal matter. I could care less what someone's sexual orientation is. Did my dues really go to this?

---

**214** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

[Description of incident involving rumors that respondent was gay because of friendship with gay person at work.] We were never more than friends but I was amazed how the prejudice showed itself (particularly from staff).It made my [work life] quite unpleasant. I never brought it to management's attention. It made no difference to me, but it could have hurt my friend. Besides, denying that I am [gay] would suggest to a close friend that I have a problem with the concept. I did not want to hurt my friend professionally or personally my friend puts up with all kinds of rude and inappropriate comments.

**Question 33:**

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**215** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

Comments, derogatory about gay clients.

**Question 33:**

New attorney revealed to me that he is gay, without suggesting that it is a secret. I have not told anyone but am concerned that someone may make a derogatory remark in his presence.

---

**216** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

On September 3, 1987, Judge Richard S. Salzman rounded up seven known homosexual lawyers, had the US Marshals deposit them in Central Cellblock and left them there to die. Although not in the last five years, I thought you would be interested. Also, Chief Judge Annice Wagner refuses to allow Judge Ferren to sit on days when he wears a dress to the Court of Appeals.

**Question 33:**

I think this questionnaire has been very helpful. As described in my answer to question 32, discrimination against gays in the legal profession is a serious problem and has had deadly consequences. I wholeheartedly support the DC Bar's efforts to combat this malignancy.

---

**217** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I was somewhat surprised in this day that some of the questions had to be asked.

---

**218** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

No specific incident but have heard homophobic comments/jokes not directed at any specific person.

**Question 33:**

---

**219** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

The questions assume that sexual orientation is the only factor affecting client or social relations. The gay person in an office is obnoxious and thus has trouble with clients but this is not due to her orientation.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**220** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I work in [a midsize] office...in Federal Agency; 2 [lawyers] are openly gay. They are well respected and well accepted. Other gay lawyers in same organization (multi-office) are less open and may fear reprisal. However, I never have seen or heard of it.

---

**221** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

At a former employer, one of the partners was openly gay and a victim of AIDS. The support he received during his last few years from the firm was exemplary.

---

**222** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

This survey is a useless exercise which will no doubt be used to exacerbate a climate in which homosexuals are attempting to carve out a special status for special legal rights. Present protections extend to all citizens regardless of sexual orientation, and no special status is necessary for the protection of homosexuals. Furthermore, the American Bar Association has no special authority to cause official Bars to conduct such surveys. The DC Bar should not be directed by the ABA.

---

**223** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

A number of these questions seem to assume that there is some distinction or attention devoted to a person's sexual orientation (e.g. #10, #13). It wasn't an option to say 'the issue's never come up' or 'why would I have noticed or remembered'. This subtle assumption may bias the results.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**224** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

As someone who feels strongly that all persons should be treated equally, I find that some of your questions seem to look for special treatment for gay/lesbians. I keep my personal life private and I expect others to do the same - not hide it, but not go out of the way to make it an issue. I don't care what an attorney's sexual orientation is - I care whether he/she does good work and relates well to others. We have had gay/lesbian attorneys who were wonderful to work with -- and some who weren't (The well regarded became partner).

---

**225** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I have been in-house [several] months. I do not know of any gays presently employed but a previously employed gay lawyer apparently was treated well.

---

**226** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

Once, a partner asked me...whether I believed a [particular lawyer] was gay. There was no derision associated with the question, but that was the only time a partner ever discussed the subject with me. Sometimes associates have speculated about a few of the associates' sexual orientation but out of curiosity and not with malice of any kind.

**Question 33:**

I feel my firm would not actively recruit a gay or lesbian employee, but it would not discriminate. It would censure open discussion of sexual relations by both homosexuals and heterosexuals.

---

**227** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I work for the Department of Justice and I am not aware that sexual orientation matters very much in how people are treated or evaluated.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**228** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

The organization for which I have [worked] has a...Committee on lesbian and gay issues, has a full time in-house affirmative action office with wide authority and latitude to investigate complaints of discrimination of every sort and on a policy level has actively supported legislative measures related to lesbian and gay rights, has joined with gay and lesbian groups in supporting/signing onto amicus curiae briefs in various state and federal law suits involving gays and lesbians....

**Question 33:**

---

**229** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

I have one professional who reports to me who is openly gay and am considering another individual [for hire] who is also gay. Their sexual orientation is of no significance in their ability to obtain or keep employment.

---

**230** **Sex:** Male **Race/ Ethnicity:** Other **Orientation:** Heterosexual

**Question 32:**

No

**Question 33:**

Gays and lesbians have it much better than heterosexuals. The queers are getting all the promotions. The gays are everywhere.

---

**231** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

Person (gay male) very thin, turned out had AIDS. Fired without much notice, died 6 months later. Had difficult time regaining employment eventually did, but died soon after.

**Question 33:**

---

**232** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Personal sexual activity should not be openly displayed, discussed, bragged about etc. in a law firm whether hetero or otherwise.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

---

**233** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Heterosexual

**Question 32:**

Primary problem - lots of insensitive, casual jokes by people who assume everyone is straight. An atmosphere that precludes any open discussion.

**Question 33:**

[My workplace held] a training program for new attorneys and had gay attorneys and a high ranking...administrator speak about racism, sexism, and homophobia in the courts and in the office. It was the implementation of a 'trickle-up' theory since the opposite was never going to happen.

---

**234** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

I have not

**Question 33:**

---

**235** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

Crap!

---

**236** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

No

**Question 33:**

---

**237** **Sex:** Male **Race/ Ethnicity:** Other **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

This was a complete waste of time - - don't waste my Bar dollars on this questionnaire. Get to work and don't worry about your sex, race, religion or age. Is this another egghead G'town law prof survey? Get a real job, Alan!

---

**238** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Heterosexual

**Question 32:**

**Question 33:**

This is the dumbest survey I've ever seen and I object strongly to the Bar spending my dues money on this kind of foolishness.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

**239** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

Told that coveted promotion was in jeopardy b/c perceived to be openly gay. Told to 'be more conventional'.

**Question 33:**

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**240** **Sex:** **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

Civil defense attorneys always hope gay client is in closet and will not proceed to court in fear of being outed. They also try to blame emotional/mental injuries on sexual orientation. Have heard court personnel use derogatory terms if they know someone is gay.

**Question 33:**

Have personal knowledge that judges, US Attorneys and court personnel believe they must remain in the closet to advance. There are very few 'out' judges, US Attorneys, etc. While Eric Holder has a policy of supporting openly gay personnel, he cannot name one employee that is openly gay in his workplace.

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# Survey Comments

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**241** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

My former employer had closeted gay clients. More precisely, some of the firm's large clients had gay employees who worked on the client's cases with me. Some of these employees came out to me.... However, these same employees asked me to keep their orientations confidential because they feared for their jobs. These employees were a great source of continuing business for the firm, because they felt more comfortable working with me than with other lawyers..... Notwithstanding the foregoing, the firm would have been shocked to learn that it had gay clients. It sees itself as a place that represents mainstream ... companies. It would never dream that these mainstream companies are so large that they undoubtedly have gay employees who control the legal work. Nonetheless, the firm would never seek to acknowledge such people--even though they were a loyal source of business for me.

My former employer employed a gay...associate. Most of the associates knew that [the lawyer] was gay, but many of the partners did not. [The lawyer] has since left the firm. This gay...associate informed me that there is a gay partner at the firm. However, this partner is completely closeted - to the extent that no other lawyer at the firm knows this partner's orientation. The partner feared that there would be no chance of making partner if anyone else knew. There is now a [junior] associate at the firm who is gay, but closeted....No one knew that [the lawyer] was gay .... ...Since [the lawyer] is so junior, [the lawyer] will probably be fine for now, but as [the lawyer] gets more senior and as people learn that [the lawyer] is gay, [the lawyer] will surely encounter obstacles in [his/her] career.

If there were open gay lawyers at the firm, they probably would earn the same income as other lawyers during the [early] years of practice. However, [in later] years, the partners start paying attention and incomes are more variable. Gay lawyers will not receive the same salary increases. Partners will use excuses like 'you don't exhibit the right image' to dock pay or to prevent associates from participating in crucial client development activities. Associates who do not receive client development opportunities invariably will suffer in pay. Again, lawyers in their junior years probably will not be noticed. However, as lawyers get more senior, their chances for advancement become virtually nil. Each lawyer has a major evaluation [after a number of years at the firm]. In my case, the firm raved about my legal work and

**Question 33:**

[ ]

# Survey Comments

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skills, but told me some partners just didn't think I fit. They refused to tell me who they were or how .....[After it became known that I am gay]I was continuously harassed...by partners in the firm....[Detailed discussion of harassing comments.] No partner had ever said any such thing during my...years at the firm. It was only after [it became known that I'm gay] that people in the firm started making these kinds of comments to me. [Respondent was given poor evaluation for the first time.] Although the sexual orientation discrimination is clear, each lawyer I consulted advised against it as a cause of action, saying, 'Even though sexual orientation discrimination is illegal, juries in DC don't like gays and are not sympathetic to such claims. Employers know this and get away with it.' What good are discrimination laws if the firms know they can ignore them with impunity?...[T]hese offenders [must be pressured] to do the right thing....I had good social relationships with the staff and associates....I never was best buddies with any of them, though, because they understandably spent their free time with their kids, rather than socializing. Nonetheless, I chatted with them in the office and went out to lunch with them on occasion....When attorneys at the firm learned of my orientation, they stopped inviting me to things like baby showers and other 'straight-orientated' events. This probably was not intentional discrimination, but rather a wrong assumption that a gay person would not be interested in celebrating the passages of a straight person's life (e.g. marriage, children, etc.). The behavior of partners and associates who were approaching partnership was more deliberate. They began to avoid me. This was a dramatic turnaround from how I was treated before they suspected anything. I had very good working relationship with staff and younger associates. Male partners and seniors associates tended to avoid me once they found out. Female attorneys seemed to have much less of a problem with it than did the male attorneys. [One] partner and I got along fine for [a number of] years, but soon after [it became known that I'm gay], he began to act like a jerk....

Younger lawyers will probably be treated OK at the firm as long as they keep quiet, but once lawyers approach partnership, they will be weeded out....The environment is so bad that the one gay partner is closeted. The only reason that I did not mark the 'disagree strongly' is that the young associates do not seem to have problems with gays. They are generally supportive. Age and status definitely seems to affect a person's perspective on gays. Younger people, women, and minorities handle the issue much better than older, straight, white males. Unfortunately, this latter group controls most of the legal profession. I

# Survey Comments

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have first hand experience that the firm uses sexual orientation against lawyers in their evaluations. After [a number of ]outstanding evaluations, I was castigated [in]...the very first evaluation after[it became known at the firm that I'm gay].... The firm has never denied the discrimination. It just doesn't see anything wrong with it. ... The firm does absolutely nothing to shield gays from discrimination. In fact, the firm does just the opposite. Being openly gay is a death sentence in this firm. The one gay partner is terrified of being outed. If the firm were gay friendly, the partner would have come out upon making partner. ...

Most young associates would not care if an attorney came out as gay. However, if those attorneys mentioned it to management or to a partner, the gay lawyer would have problems. Most support staff probably would not care. Support staff who aspire to management would squeal. Older, white male partners (of course, all of the male partners are white) would freak out. They feel uncomfortable around anyone who is different from them. Some clients would not mind having a gay attorney. Other clients, especially older clients in conservative companies, would probably ask for a new lawyer. The firm would discourage any discussion regarding gay and lesbian issues in the office. When the gay...associate and I talked about such issues, we always shut the door. [With respect to]14h, i and j) No one ever did these things.

As described above, I was discriminated against by partners and by management as soon as [it became known that I'm gay]. ... Most junior lawyers are fine with the gay issue. Senior associates tend to mimic the values of partners. Therefore, they adopt the anti-gay rhetoric of partners as soon as they approach partnership themselves. I only heard anti-gay comments by administrative staff -- never by secretaries or support staff. I believe that these comments are also intended to mimic what they hear from partners. Administrative staff want to move up the ladder just like senior associates so they reflect the same prejudices as the ranks they want to join...

Anyone who is perceived as different in the firm is kept away from the more prominent clients. See my comments above about my own evaluation experience. ...I do not know of any gay attorneys who are out to court personnel. No one would ever receive preferential treatment for being gay at this firm...

I fit in very well with staff members. I also fit in well with most associates until [it became known that I'm

# Survey Comments

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gay].... Thereafter, the senior associates avoided me like the plague. The junior associates didn't seem to mind. Female partners did not personally seem to care, but told me to lay low because they feared that male partners would be threatened. I got along fine with my immediate male supervisor until [it became known that I'm gay]...

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**242** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

In law school, I only interviewed with law firms having nondiscrimination policies that included sexual orientation. We had three weeks of on campus interviewing. For the first and third weeks, I used a 'gay resume.' For the second week, I used a 'straight resume'. I got twice as many job offers from the one 'straight week' than from the two 'gay weeks' combined.

**Question 33:**

Our firm reports openly gay attorneys on the annual NALP form. I have heard that several of our partners are very upset by that, and that other firms refuse to report their gay attorneys....

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**243** **Sex:** [ ] **Race/ Ethnicity:** **Orientation:** Gay/Lesbian

**Question 32:**

[Respondent was fired after securing important legal victory. Believes that sexual orientation was a factor.]

**Question 33:**

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**244** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

[Report of anti-gay comments by firm attorneys to respondent, and by a judge before whom respondent appears. Respondent reports that firm denies domestic partnership benefits.]

**Question 33:**

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# Survey Comments

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**245** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

...I have been an associate at a [small] firm for [a number of] years. The firm has no employee manual and does not have a written policy prohibiting employment discrimination. When I interviewed with the firm, I did not disclose my sexual orientation [but did later]. [Detailed discussion of antigay comments made to respondent, as well as derogatory comments and actions regarding AIDS]. During my years at the firm, I have received fewer work assignments to participate in [litigation] than any other associate at the firm. Many male partners of the firm seldom give me work assignments. No partner of the firm has ever told me that 1) it is likely that I will make partner; 2) it is unlikely that I will make partner; or 3) my chances of making partner would increase if I would improve my work performance in designated areas....

**Question 33:**

[ ]

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**246** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

Internalized homophobia is still a big problem. [One] supervising attorney...is so closeted he never talks about it and [another is] a class A mess of self-denial and refusal to act. I am an out [gay]. Do I owe the fact that much less competent attorneys get more plum assignments than I do to being out...or to the possibility that they like others, spend more time making sure their bosses think they think they're great guys rather than doing an A+ job (as I do...?) How to tell.

---

**247** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

In co-counselling cases with attorneys at firms, I have heard my co-counsel attorney tell 'gay jokes' on many occasions during levels in trial or depositions.

**Question 33:**

Discrimination against gays can be subtle, but can easily and effectively isolate gay attorneys, who are afraid to be honest about their relationships. Although I'm 'out', I would never let judges, co-counsel or opposing counsel (or clients) know. The most positive steps I've seen is extending 'straight' privileges - such as spouse health insurance, family leave, etc. to gay partners....

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# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

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**248** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

Some of the answer options may lead to misleading answers and consequently, inaccurate conclusions. i.e. Question 11 seems hard to answer...

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**249** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

This questionnaire asks only about discrimination against lawyers. I have been told that a workroom staffer in my office who has since has died of AIDS was ridiculed by some secretaries for being effeminate. As [a lawyer] at my firm I suspect I am immune from such harassment.

---

**250** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

Our firm has [one partner who] is openly gay. I have represented a number of gay/lesbian lawyers in corporate firm settings who have faced severe discrimination based on their sexual orientation.

**Question 33:**

I have represented several lesbian and gay individuals who have been denied raises and other career enhancing assignments and/or mentoring because of their sexual orientation. [Discussion of specific instances of discrimination against respondent's gay and lesbian attorneys and clients]. I believe that discrimination based on sexual orientation is rampant in large firm settings. Many friends and colleagues are closeted in the workplace because they fear disparate treatment if they disclosed their orientation.

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**251** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

This survey reflects my... years of employment at [a large firm]. Given my area of practice, it was an excellent choice, but given my sexuality, it was a gross mistake. [After a number of years] at the firm, I was [given to understand that the presence of certain attorneys assured that I would never become a partner]. I also know of derogatory remarks that were made about me, and that those remarks got big laughs from some of the more senior attorneys. On occasion, I was also subjected to anti-gay remarks by partners that presumably did not know my situation....Racist and anti-semitic remarks were also made....I left...because I knew I could not stay there any longer and be happy, and downsizing was on the horizon. Being closeted in a firm that is hostile to gay attorneys is its own form of Hell, and I am glad I am out of it.

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# Survey Comments

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**252** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

I have been told that one of our office's senior [attorneys] notoriously made homophobic remarks about me...but he has worked with me...and never said anything directly.

**Question 33:**

...I remained 'closeted' until [my co-workers] came to know me professionally and unprofessionally....I would never been hired for this job if they had known. However, through gradual educational means, I am now completely out and have been able to change their misconception and hopefully stereotypes. I am very happy here and have an excellent work environment. Many of my gay colleagues from other agencies and firms envy me.

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**253** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

I am a partner in a 2 person (atty) shop.

---

**254** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

Bar admissions have been threatened by arrests for gay sexual activity based on the general good moral character criteria.

**Question 33:**

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**255** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

Fed. Dept of HHS did a memo from Secty. re. nondiscrimination and included sexual orientation. Some add'l leadership would be welcome. E.G., have a high level gay or lesbian political appointee have a reception for/meeting with gay and lesbian employees in a safe setting.

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# Survey Comments

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**256** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

Much of this happened years ago. In the 90's the comfort level of openly gay attorneys (like me) has increased drastically.

**Question 33:**

I have worked in both large and small firms and all have been very supportive and non-discriminatory. Gay lawyers tend to have more contacts with clients and other attorneys (hence more client referrals) due to the gay community support and activities. I know of several young attys who come out to their senior partners right away to take advantage of DC law protections and to take advantage of the firms effort to diversify. Ten years ago was vastly different. Everyone was closeted.

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**257** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

At least in my circles, discrimination is very subtle -- much of it comes because people are in the closet, and therefore, lack opportunities to socialize and 'fit in'.

**Question 33:**

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**258** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

I have only personally witnessed anti-gay jokes being made by one partner of firm for the entertainment of in-house counsel of client on one occasion at meeting in the firm.

**Question 33:**

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**259** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

My firm is a great place for gay lawyers....So far as I can tell, the only employment criteria used to evaluate me have been the quality of my work and the professional nature of my relationships with clients.

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# Survey Comments

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**260** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

[Description of hostile incident in workplace directed at respondent.]

**Question 33:**

The questionnaire is worded in such a way as to ferret out overt discrimination. My answers to the questionnaire, in fact, reveal that my work environment is generally free from overt sexual orientation discrimination. However, the questionnaire seems less geared to exposing what might be termed 'institutional' sexual orientation discrimination. For example, the questionnaire does not compare heterosexual office behavior with homosexual office behavior. That is, the questionnaire does not ask, 'Do purportedly heterosexual coworkers routinely mention or discuss their opposite sex spouses, girlfriends, children, or grandchildren?' Or do purportedly heterosexual coworkers wear wedding rings? 'If so, do these discussions or displays make you less willing to self-identify in the workplace as lesbian or gay?' The endless heterosexual flaunting described above dissuades lesbians and gay men from coming out at work. [I indirectly informed my co-workers] that I'm gay. Nevertheless, the heterosexual hegemony still makes me feel uncomfortable and alien where I work. (Note: I recognize that single, childless, non-gay persons, especially over 40, feel 'left out' at work. I definitely identify with those persons. Also, I recognize that a lot of supposedly straight married people with children are actually closeted lesbians and gay men.) Interestingly, I feel this uncomfortable even though [my supervisors] are apparently gay. However, [they] have never identified themselves to me as gay. Additionally, I don't think they have identified themselves as gay to anyone else in the office.

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**261** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

This is not geared to a sole practitioner much. If it were broader to include more questions re: court, judges, bar associations, and clients I think it would be more meaningful. I tried to answer what I could.

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**262** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

Many questions not applicable because I am a solo practitioner and don't have employees.

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# Survey Comments

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**263** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

Employer contends that it is very difficult and very expensive to obtain insurance benefits for domestic partners. If this is true I'd like to see it addressed at an Institutional level, perhaps by the DC Bar.

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**264** **Sex:** **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

I think the discrimination in my firm is not so much against gays per se as single people without children. They're expected, effectively to work harder for less compensation. I'm sure the powers that be don't think of themselves as discriminating against gays but that's what they're doing. I also find myself having a little difficulty fitting in with all the talk about children, etc. By the way, that's another form of discrimination -- as a partner, I have to pay the health insurance for all the children of all lawyers and staff.

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# Survey Comments

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**265** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

In reviewing my answers to this survey, I noted that for the most part I have replied that openly gay lawyers at my firm are treated the same as heterosexuals in the listed categories. Yet I cannot ignore the reality that within my firm, and at other firms and legal organizations in DC. I know many gay lawyers who are not out in the workplace. And as long as fear prevents them from coming out they cannot be equal to their heterosexual colleagues. How to address this issue? I'm sure I don't have all the answers, but a couple occur to me. Homosexuals cannot safely be open about their sexual orientation in the absence of written policies in the workplace prohibiting discrimination based on sexual orientation. But even with such policies in place, gays still fear coming out. It is therefore essential that gays not merely be tolerated in written policy, but welcomed in the workplace both in word and deed. This must, of course, be made clear with regard to the most significant issues, such as evaluation and advancement within the organization (organizations must be particularly sensitive to comments along the lines that an individual 'doesn't fit the mold'). But it should also be done with regard to a whole range of issues, some of which may appear on the surface to be minor, but which send a message that homosexuals are not equal to heterosexuals. By way of example, when an organization provides benefits to spouses but not to partners, that organization is sending a message. When an organization has forms to be completed that ask only for information about a spouse, and not about a partner, that organization is sending a message. When one attorney suggests to another that clients will not react well to his wearing an earring that is sending a message. When a client invites lawyers in a firm and their spouses to a social occasion and the most senior person on the team does not advise the client (with the individual's consent) that one of the lawyers has a partner that he or she would like to bring, that is sending a message. It is this stream of messages, along with the more blatant forms of unequal treatment, that tell gays and lesbians that it is not safe to be out in firms and other legal organizations in DC.

---

**266** **Sex:** Male **Race/ Ethnicity:** Other **Orientation:** Gay/Lesbian

**Question 32:**

[ ]

**Question 33:**

I think being gay is the greatest, even if I got fired. I wish everyone in the world was gay!!!

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# Survey Comments

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**267** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

[Description of anti-gay remark by state's attorney who later apologized.]

**Question 33:**

Tough to answer some questions as a sole practitioner.

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**268** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

No personal experience or witnessing.

**Question 33:**

I have experienced absolutely no problems with my orientation. I don't know who knows. I assume everybody does, but it doesn't come up often in the workplace. The people I know well enough for them to discuss their spouses are comfortable when I speak about my relationships. However, most of my contact is purely work related, so sexual orientation is not at issue.

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**269** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

[ ]

**Question 33:**

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**270** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

Except for my perception that I need to remain closeted when dealing with clients, I feel positive about my workplace. The partners in my firm have been very responsive whenever I have raised concerns regarding my sexual orientation. ....[The firm] added sexual orientation to the firm's non-discrimination policy....Additionally, I have brought dates to social functions and do not hesitate to discuss my personal life with the majority of attorneys and staff members in my firm. Based on my experience, I have confidence in the partners that swift corrective action will occur if I feel any offense or discrimination based on my sexual orientation. Additionally, because of my experience, and the past reactions of the other partners, I do not hesitate to bring problems to their attention.

---

**271** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

Partner in my firm frequently, but unintentionally makes offensive remarks about my sexuality.

**Question 33:**

I cannot believe same sex relationships were not an option on this questionnaire.

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# Survey Comments

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**272** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

[Workers in government office made anti-gay remarks to respondent, but later apologized, other colleagues made derogatory remarks, but after getting to know respondent, they stopped.]

**Question 33:**

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**273** **Sex:** Male **Race/ Ethnicity:** Hispanic/Latino/Latina **Orientation:** Gay/Lesbian

**Question 32:**

Really, none

**Question 33:**

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**274** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

I am cautious about disclosing my sexual orientation as a professional except with clients and other professionals whose views I know will be accepting of my sexual orientation. I do a lot of work for children. I am concerned that some parents would find it a negative characteristic and take their business elsewhere. I wish that were not the case. We make a point of coming out to prospective employees prior to offering a job in our law firm so that candidates can opt out if the partners' sexual orientation is problematic to them and because we serve members of the gay/lesbian community.

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**275** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

My government agency is filled with managers and staff attorneys who believe that homophobic talk is the norm. I have watched as managers have dismissed staff attorneys as too "sissy" to litigate a particular case....

**Question 33:**

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# Survey Comments

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**276** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

...[I]n the course of my personal contact with [my organization's] board members, I have encountered homophobic and sexist remarks generally directed towards others (i.e., not me). This has put me in a difficult position because while wanting to speak my mind and not let such comments pass, management has indicated that we should tolerate such remarks and say nothing.

**Question 33:**

My current employer tends to foster diversity and tolerance. I have encountered in my previous places of employment ...overt as well as covert discrimination, often times in the way of homophobic remarks or jokes.

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**277** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

I have been in the presence of several attorneys, mostly men, who have made derogatory references to gays or lesbians, either in general terms or in referring to specific individuals, when they thought they were not in the presence of a gay man. On the other hand, I have also been in the presence of heterosexual attorneys who have commented that one's sexual orientation should be irrelevant in the workplace. I have witnessed a seemingly homophobic supervisor demonstrate great understanding and flexibility towards an employee ill with AIDS. I am not personally familiar with particular acts evidencing discrimination against gays or lesbians in the legal workplace.

**Question 33:**

The widespread belief among gay and lesbian attorneys is that great risk accompanies the disclosure of one's sexual orientation in the workplace. Time and time again I have heard homosexual attorneys and law students in search of employment express concern about the possibility of adverse decision making should their orientation become known to the prospective employer. Most gay and lesbian attorneys I know are not out at their jobs, for fear of adverse consequences. Most, too, are reluctant to place on their resumes any information about professional or personal activities that may reveal their sexual orientation. I myself have routinely left such information off my resume. Thus, there is a strong perception that the average legal workplace is likely to be a hostile environment for an openly gay or lesbian attorney. Changing that perception is in part the job of employers, who must make more concerted efforts (through domestic partner accommodations, more sensitive recruiting efforts, etc.) to alleviate the common fears of gays and lesbians.

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**278** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

[Respondent's clients had an adverse reaction to finding out respondent was gay, another was very supportive. Respondent believes that non-supportive clients have slight preference for working with other firm partners.]

**Question 33:**

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# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

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**279** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

[Respondent's employer rejected repeated requests to institute domestic partnership benefits. Respondent denied promotion, believes that sexual orientation was one, but not the only reason.]

**Question 33:**

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**280** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

I may be sent on more trips out of town -- because they figure that I don't have responsibilities with husband/kids. I get tired of that.

**Question 33:**

My boss happens to be very tolerant. Other offices within the agency may not be as good. My colleagues are great with the exception of one or two homophobes. Most of my clients are middle aged white men from rural areas -- my guess is, homosexuality is beyond their understanding -- so with them, I shy away from personal chit-chat. I could be wrong, but I'm not going to take the chance.

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**281** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

I work in a gay friendly Congressional office. However, I know of many incidents that have occurred in other offices whose staff were less fortunate. My experience has been exemplary, but it is not typical. I also believe that my openness did affect my prospects for advancement in my prior position at a large DC firm, although I experienced no overt discrimination there.

**Question 33:**

Thank you for doing this survey.

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# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

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**282** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

I address only my own experiences, although I know of other gay attorneys who also have experienced discrimination. My law firm [which is very large], has always had a culture of sexism and homophobia....[Very detailed discussion of numerous instances of antigay conduct and comments by firm partners directed toward respondent and others.] My sexual orientation has deprived me of access to work and clients, income and advancement, professional contacts and job fulfillment. All of this having been said, in my firm as in any large organization, there are many different people, many of whom are supportive or at least do not discriminate. Another partner has bought seats at [a fundraiser for a gay rights organization] in support of the openly gay representative of a large client.

**Question 33:**

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**283** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

None

**Question 33:**

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**284** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

I have witnessed colleagues (former) make derogatory remarks about gays.

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**285** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

Because I am so closeted at work, it was difficult for me to answer some of these questions. There are openly gay attorneys at my firm, but they have either clerked...or they are partners -- in other words, people respect them more for their positions than for their sexual orientation. I am neither a former...clerk nor a partner and therefore, I am more afraid to come out.

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# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

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**286** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

At previous position, General Counsel had to intercede and 'go to the mat' to save colleague's job when it became known he was gay.

**Question 33:**

Our job in this organization requires extensive travel. We have a policy of allowing domestic partnership travel/accompaniment if certain triggers are met.

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**287** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

Even though my firm offered health benefits for same sex partners, the gay attorneys in my firm were scared to take advantage of it. I think it's no coincidence that none of the gay attorneys in my firm are out. The atmosphere in the firm is very sexist and homophobic..a real 'old boy network'.

**Question 33:**

I applaud the DC bar for creating this questionnaire. Homophobia among DC firms is a serious problem, but seems to be rarely talked about. Perhaps the results of this questionnaire survey will open up the dialogue.

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**288** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

A local counsel that I was working with made derogatory comments about our expert witness that he perceived to be gay.

**Question 33:**

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**289** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

My workplace is facially non-discriminatory. Affirmative discrimination is not permitted, but diversity is not encouraged or valued. This makes it possible, but sometimes uncomfortable for minorities of all types to succeed.

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**290** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

Well written questionnaire, inasmuch as the questions were not nearly so leading as others I have read. This suggests that there is no agenda at play. Well done!

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# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

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**291** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

I have personally experienced several manifestations of discrimination at my current place of employment. First, I have faced blatant discriminatory comments. [Detailed discussion of comments]. Second, I have experienced an intermediate level of discrimination....My performance evaluations have generally been favorable, and I have received high ratings for my work. Recently, however, I have received strong signals that I am not likely to be elevated to the partnership. The firm is satisfied with my work, and was unable to define any ascertainable problem....When I discussed these perplexing comments with colleagues, both gay and non-gay, the immediate reaction by all was that the...problem is my sexual orientation. While there is no way for me to confirm the basis for the comments, I expect that my sexual orientation, perceived or actual, will be a bar to partnership. [Detailed discussion of other incidents of discrimination.] Finally, despite the fact that I am considered gregarious, few of my attorney colleagues socialize with me, yet many of them have developed relationships outside the work environment. In sum, I feel very isolated....

**Question 33:**

[ ]

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**292** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

Notably, my agency did not immediately comply with the President's Executive order that Federal Agencies issue a non-discrimination policy covering sexual orientation and once it was issued no mention has been made of since.

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**293** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

My answers to question 14 may seem contradictory. My answers reflect the fact that I believe it can be slightly harmful to one's career prospects simply to be out in the workplace, this harm can be more than offset by pro bono activities and community activities, as these activities both educate co-workers and help to show that there is more to sexual orientation than sex.

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# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

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**294** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

While the gov't is far behind the private sector on this issue in the actual workplace, it is less intrusive into one's private social life. Some private firms expect associates and partners to be socially compatible, which often impacts adversely on gay/lesbian lawyers.

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**295** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

When new lawyers are being recruited or selected, if one is believed to possibly be gay, that is openly discussed as a potential problem, since some of our clients are military officers who are openly and professionally anti-gay. Within the DoD anti-gay sentiments are still openly and freely expressed (example, former General Colin Powell) and official discrimination is still prevalent in the military services.

**Question 33:**

A 'wise' gay man or lesbian who works within any part of the DoD would be well advised to be very discreet. Progress is very slow and uncertain within the DoD.

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**296** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

Not in the past 5 years, but 9 years ago I lost a job because of discrimination.

**Question 33:**

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**297** **Sex:** Male **Race/ Ethnicity:** Black/African American **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

For me personally my sexual orientation is completely separate and apart from my job. Being gay or straight, in my opinion, has no impact on my job performance.

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**298** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

Insensitive comments about gays - making fun of gay people.

**Question 33:**

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# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

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**299** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

At last law firm, heard partner make homophobic statements.

**Question 33:**

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**300** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

When applying for jobs I indicated on my resume that I was gay. I did not receive a callback interview despite the...interviewer's strong desire to have me back. [Respondent was later given to understand that sexual orientation was a factor]. It's their loss, I had many offers from firms I would have been much more comfortable working with.

**Question 33:**

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**301** **Sex:** Female **Race/ Ethnicity:** Other **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

I believe it is important for you to include transgendered as a fourth category in the questionnaire in addition to gay, lesbian and bisexual. Studies by numerous researchers indicate that as many as 4% of births are intersexed to some extent, and hence it may be concluded that this number of people, or perhaps some lesser though clearly still significant number of persons, are transgendered. Some transgendered people identify as gay or lesbian or bisexual, but many and perhaps most do not. Yet, openly transgendered people face the same, but in most cases more intense, workplace discrimination as do other openly queer people. The exclusion of the transgendered from your survey is in a sense indicative of the intense social pressure upon the transgendered to remain closeted and invisible, even from our gay and lesbian peers. The National Gay and Lesbian Law Association has passed a unanimous resolution to include by name the transgendered in all legal processes directed toward gay, lesbian and bisexual persons. I believe it is within the spirit of this resolution, and maybe its wording, for the transgendered to have been included within this questionnaire.

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**302** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

Advancement in government is without question limited due to real or perceived sexual orientation.

**Question 33:**

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# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

**303** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

I have been the victim of discrimination in my current work place.... [Detailed discussion of incident in firm in which employees engaged in improper conduct in order to learn respondent's sexual orientation. Disciplinary action was taken.] My opinion was that it was not enough. I thought each person involved should have been fired for gross misconduct. But I had to live with the decisions that were made or leave. I chose the former. The ironic part of the entire incident is that the reason the employees gave for [invading my privacy] was that they wanted to know if I was gay. However, I never hid it....All of my previous employers knew of my sexual orientation, including one of our clients....Other than...incident, fortunately I've had only minor issues which I consider discriminatory or, at least, insensitive. [Discussion of incident respondent believed to be insensitive]. My response was that anyone who thinks the people who [violated my privacy] did me a favor, have no idea of the pain and violation I felt and still feel about the incident....[Discussion of antigay comment by firm partner].

**Question 33:**

[ ]

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed 'iscrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

**304** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

...Question 10 - From my [many] years of practicing law in Washington, D.C., it is my observation that a disproportionate number of openly gay and lesbian attorneys work in the government and in non-profits than in large firms. As a consequence, we earn less money as a group than our heterosexual counterparts. I believe than many openly gay and lesbian attorneys have chosen this career route in order to avoid the oppressive environment of large firms. I also think that many openly gay and lesbian attorneys care more about the social value of their legal work than do their heterosexual counterparts, which would also lead them to the government and non-profits rather than to a large firm practice (or at least to the performance of substantial pro bono work at their firms, which in many firms has a negative impact on compensation because the time is not billable). Question 14 - I have checked 'helpful' (or on a sliding scale nearing 'helpful') as the answers to these questions...because the ability to be openly gay...enables each employee who is gay or lesbian to be a 'whole' person at work and to maintain and cultivate honest relationships with colleagues..., which is not possible when one is in the closet. I think that this can only help one's career and professional development, unless of course one works in a discriminatory environment. In that case, while being in the closet may avoid certain types of discrimination, the downside of hiding or never talking about one's personal life can make a person appear to be very strange, which probably has its own negative consequences on career development. Questions 32/33 - I was in private practice at [a large DC firm for a number of years]. I believe [I was] the only openly gay attorney the entire time I was there. There were other gay and lesbian [lawyers] in the firm over the years I was there, [most did not stay] very long..., but I do not believe that any of [them] considered himself/herself to be openly gay at the firm.... The firm was a terribly sexist place, and became increasingly so while I was there (which is one reason I left). If this were a survey of gender discrimination in the legal profession, I would give detailed horror stories. But since it is not, suffice it to say that the firm was a boys' club. Its management was dominated by men, and women occupied no positions of actual power....The men in power took care of each other and their male colleagues (particularly in terms of compensation), while women who performed extraordinary legal work and propped up men who didn't nonetheless were treated terribly, particularly when it came to compensation and general respect. And as in most parts of society, in order to succeed at any level, women had to be better. Given the sexist culture of the firm and disparate treatment of women generally, it is difficult for me to evaluate the incremental burden that my being an openly lesbian attorney placed on me. Certainly I believe that it did not help on any level, including compensation and working relationships with colleagues. One of my friends at the firm told me that one of the senior male partners told [my friend] that I made him uncomfortable. When [my friend] questioned whether

# Survey Comments

| Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below. | Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered. |
|---|---|
| | this was because I am gay, he denied it, but [my friend] did not believe him. During the...years that I was [at the firm, one of the non-openly gay lawyers] whom I knew socially, almost never (if ever) sat next to me at...meetings; I always wondered whether [that lawyer] was concerned that people might start 'suspecting' [him/her] if [he/she] appeared to know me too well.... And because I was the only openly gay attorney in a large and very heterosexual firm (at which women were treated like objects), I never felt comfortable at firm social events and sought to avoid them (which I am sure did not help my in-office relationships)....In sum, I think I experienced significant discrimination as a woman at my firm, discrimination that my heterosexual female colleagues also suffered. As an openly gay attorney, however, I think that my experience was even worse because I was a minority of one, which made the whole environment even more uncomfortable for me. I cannot quantify the discrimination in terms of such things as dollars, but there is no question that the quality of my life and my work experience was lessened.... |

**305** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

| **Question 32:** | **Question 33:** |
|---|---|
| I have heard the words, 'fag', 'faggot' and 'queer' all used in a professional setting. A former colleague perceived to be a lesbian was often negatively evaluated in the workplace (previous employer). | My current employer is great. We represent a number of gay and lesbian organizations on a pro bono basis, gay and lesbian partners bring their spouses to firm functions and we have domestic partnership benefits. A very comfortable environment. |

**306** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

| **Question 32:** | **Question 33:** |
|---|---|
| | My observation is that there are known gays and lesbians at absolutely every level of my organization, and that in each case their individual advancement has been achieved without regard for their sexuality, rather, for their professional merit. However, there exists discrimination to the extent that benefits afforded to legal spouses, e.g., insurance and pension benefits, are not afforded to gay/lesbian partners. And further, the most oppressive form of discrimination is social. Sometimes comments are made, at many levels, about sexual orientation. It is a subject of harmless intrigue and gossip at best, and an excuse for derogatory comments at worst. [Description of incident in which gay and lesbian attorneys were identified to other attorneys in respondent's workplace in a disparaging manner]. The organization held an investigation and the parties involved were severely punished. The general policy is, don't ask, don't tell. Whereas heterosexuals speak freely about their relationships, gays do not, except to each other.... |

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

**307** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

What I have experienced is more awkwardness from discrimination. Early on, I had no answers for 'icebreaking' questions. 'What does your [spouse] do?' etc. And I do not choose to be directly confrontational (ie., I do not say 'I have no [spouse], but my...partner...') Instead, I find a way to mention or introduce my partner by name (not title) and then talk about what [my partner] does. Also, as I said for a long time, I thought I had to work harder than straights. While they would leave for their children or a sick spouse or a date, I had an excuse. If I had work, I stayed to do it. Period. But after I expressed that frustration, and learned to admit my own family responsibilities ([relative] in town, my partner's ill or our anniversary date) I was surprised to find that was accepted. In fact, I think people relaxed more around me after that because they realized I was just like them and not actually obsessed by work.

**Question 33:**

I have not changed jobs but considered it. Depressed. Felt I didn't fit in b/c those with 'families' left at end of day and I was always expected to do overtime. Once I decided I had a family too, that tension eased. And no one has objected to my leaving to take care of family responsibilities. Although I have never had that kind of 'confessional' conversation everyone knows because my partner is referenced, included etc. as often as other's spouses. Anyone who doesn't know, doesn't want to know.

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

**308** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

I have been with my firm for [many] years. Every period during my entire tenure as an associate, I received the highest performance evaluations and ratings during the firm's formal evaluation process....I am quite open with my friends and family, but have never made an issue of my orientation at work (my orientation is not apparent from my appearance or mannerisms). A number of my colleagues and superiors at work, however, do know of my status. I have been fortunate in my career to have worked on several large, high profile projects...and I have a significant client base of my own.... As stated earlier, my evaluations had always been very positive, and I was always told that I was progressing well to partnership. [Respondent has still not made partner - discussion of more favorable treatment by firm of heterosexual colleague]....My recent experiences illustrate how a firm can pay you lip service about equal opportunity, advancement, etc., but when it comes time for real action, their hidden biases surface. [Several] years ago, I would not have believed that my orientation would impact my advancement, but I am now convinced that my admission to the partnership has been indefinitely deferred specifically and solely because of my orientation. I don't know whether my experience is typical or atypical of large DC firms....I have contemplated bringing legal action against the firm, but fear that doing so would only serve to impede the future development of my career. The whole affair has left me a bit embittered. Good luck on your survey.

**Question 33:**

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**309** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

[Respondent is openly gay, there are others.] Since I have been out, other associates have also. After my firm was specifically described in the American Lawyer survey of summer associates, we have attracted openly gay law students. Still, the firm provides no partner benefits for same sex partners or any other benefits comparable to those provided heterosexual, married employees. This is mostly because the firm's main office is in a conservative city, and they won't go along.

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# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

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**310** **Sex:** Male **Race/ Ethnicity:** Black/African American **Orientation:** Gay/Lesbian

**Question 32:**

Have heard witnesses, clients and opposing counsel make anti-gay remarks. Office workers have joked about gay client's appearance, mannerisms and lifestyle.

**Question 33:**

Anti-gay conversation is regularly made as though socially acceptable. Even most 'liberal' or civil rights oriented persons and organizations are infected with homophobia.

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**311** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

I have often heard derogatory remarks and jokes about gays and lesbians, made by people who don't know I'm a lesbian.

**Question 33:**

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**312** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

I've been fired over it.

**Question 33:**

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**313** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

[After learning that respondent was gay, a partner refused to work with respondent because respondent was gay, and another colleague refused to associate with respondent.]

**Question 33:**

I have a large network of friends/acquaintances in the DC area who are aware of my situation. As a result, I am in the process of accepting a (better) position at Gay-friendly firm in the DC. I look forward to the change!

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**314** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

A non-legal employee was the subject of disparaging remarks made to third parties. The employee making the remarks was cautioned to cease such behavior.

**Question 33:**

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# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

**315** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

I have not experienced discrimination except in the sense that I feel it necessary to not discuss many personal issues in the office, while others can. Not comfortable with being open in office. Since I am not open about my orientation, I have not been an object of discrimination. Nevertheless, the fear of discrimination prevents openness.

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**316** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

This is an interesting survey, and I hope the results will be useful in assessing the "glass ceiling" for gay and lesbian attorneys in DC. My personal view is that the DC legal community must be better than others in treating gay/lesbians equally. However, I seriously doubt there is a level playing field. Rather, gays/lesbians succeed by working harder and "delivering" in the ways that count, i.e., service to clients that delivers value to clients and income to the firm. A few thoughts perhaps not covered by the survey: Question 7/8 - The term 'openly gay' is itself ill-defined and subjective. I am gay and do not actively conceal this fact or the existence of my partner....However, I cannot say that I am openly gay in the workplace. I am certain my being gay and/or my relationship is known to many of my colleagues. However, I have not directly discussed the topic with more than one attorney and two or three support staff members. Questions 9/10 - Although, I believe I have a realistic long term future with my practice group (including possibility of partnership), I do have the definite impression that being "out" at work would be frowned upon and very risky. This despite the fact, that several partners with whom I work appear to personally accept my homosexuality without reservation -- including socializing with my partner and me privately and without overt discussion of the topic. From tangible experience my impression is that while individuals may not have personal reservations they are unlikely to take the risk that a lawyer's homosexuality (if known) might adversely affect a client relationship. [Respondent was given to understand that respondent's sexual orientation would not adversely affect chance at partnership because respondent was discreet.] An interesting message, acceptance but with serious strings attached. I hope this perspective might be helpful to you in your survey.

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# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

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**317** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

As [an attorney in] a small, progressive nonprofit, I know that my experience is atypical. In my role as [an officer] of a local gay and lesbian legal organization, I have been privy to numerous stories of sexual orientation discrimination, mostly in large law firms. The discrimination has ranged from derogatory comments, to denial of partnership to dismissal from one's job.

**Question 33:**

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**318** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

As a closeted gay associate at [a large DC law firm], I developed a paying client base of HIV+ infected [individuals]....[Description of antigay and anti-AIDS comments by a senior partner towards respondent and clients]. It was egregiously homophobic behavior. I didn't do a thing about it, except hasten my retreat from the firm, notwithstanding my good reviews....That's it, another example of how the closet/homophobia work together to mess up gay people's minds, drive us to depression, and make "team work", "comfort level" and "performance"--the hallmark of success at firms--so difficult to achieve for lesbians and gays.

**Question 33:**

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**319** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

I am aware that an attorney recently at [a large DC firm] was told that he could not continue to edit the GAYLAW newsletter.

**Question 33:**

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**320** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

...There is one gay partner, and a few younger associates are gay. I do not believe a gay associate has ever begun the partnership review process (none have remained here that long, for whatever reason). The work environment is not actively hostile, but it is not gay -- friendly either. Mostly there is neither a history nor a culture of gay life at the firm.

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# Survey Comments

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**321** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

Inappropriate sexual overtures by a lawyer senior to me in my firm. This person is a partner in the firm and is aware of my sexual orientation.

**Question 33:**

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**322** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

While employed as a...partner in a law firm,...I believe my sexual orientation became known [and my ouster was engineered] from the firm....

**Question 33:**

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**323** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

Applies to comment portion with federal agency. In private practice, some peers and office staff were aware of my sexual orientation.

**Question 33:**

Answers given above apply to my experience in the DC office of large [out-of-state] law firm. My current experience with a government agency is very different and the agency constitutes a far more accepting culture for gay and lesbian attorneys.

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**324** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

Derogatory names for gays/lesbians is prevalent 'fags, dyke.' Lack of understanding and even fear if someone (witness) is HIV positive or has AIDS. May not be treated as other witnesses (not invited into office etc.)

**Question 33:**

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**325** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

After coming out to a colleague with whom frequent consultations were necessary for me to successfully carry out my job, [the colleague] ceased virtually all professional and social communications with me, forcing me to develop other, and lesser, sources of information, to my professional detriment.

**Question 33:**

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# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

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**326** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

DC area gay lawyers need to get beyond their stigma, re homosexuality and set examples of stability and professionalism.

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**327** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

Yes! The federal agency that I worked for...engaged in a true witch hunt...during the agency's first investigation of all employees for security clearances (the actual investigations were done by another agency - I'm not aware which - OPM? FBI?). Investigative agents asked all employees if they were gay, and harassed employees who denied being gay or refused to answer if they were: divorced, single and over 35, or single at any age, or if they had a same sex roommate. The intensity and aggressiveness of these investigators in questioning these people, their neighbors and associates became so bad, that the Director of the agency finally told the investigators to back off. My current agency, however, has done quite a decent job of supporting gay/lesbian employees. [It] does not query new employees on the subject, has issued a non-discrimination statement and this year invited [an openly gay speaker] to speak to employees about gay issues, including gays in the workplace.

**Question 33:**

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**328** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

Jokes about gays, jokes about AIDS

**Question 33:**

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**329** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

A partner in the [out of town] office of a former firm...often made bigoted remarks about gays openly. On the other hand, the same firm [hosted a gay-related event.]

**Question 33:**

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# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

**330** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

Fortunately, I have not. I would refuse to remain in an environment like that.

**Question 33:**

My previous firm...was remarkably open about sexual orientation issues. I did not 'come out' there, but there were several openly gay attorneys and others there, and it did not matter one bit. There was some squeamishness about listing gay (domestic) partners in the telephone directory, but there were great strides in other areas. Several people brought their partners to the Christmas party and danced with them. The firm adopted a policy extending insurance benefits to domestic partners and several gay attorneys and others there are highly regarded. The true test would be seeing an openly gay associate rise to the ranks of partner, which I haven't seen yet.

**331** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

Mostly derogatory comments behind my back. Some people avoid me or won't talk to me. Most don't have a problem.

**Question 33:**

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

**332** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

It is my belief that the Washington DC Metro area is fairly "gay friendly" to lawyers. Nevertheless, there are a myriad of unwritten rules and limits that your peers and supervisors rarely, if ever, discuss openly, but for which you are held accountable nevertheless. I am openly gay in all aspects of my life except work, and at work I don't pretend to have a heterosexual life. I simply remain silent on the subject and rarely, if ever, discuss my social life. This is quite different than all of my colleagues, both legal and non-legal, each of whom often and regularly discuss their family situation, social activities, etc. in the office. I don't think that there would be any adverse effect on my career if either my supervisor or my attorney peers knew for certain of my sexual orientation (Maybe they know already!) However, it is an extremely conservative organization with an equally conservative client base. There is no question in my mind whatsoever that if executive management, or the business professionals I serve, knew of my sexual orientation, I would suffer immediate loss of credibility and would be considered less competent than my heterosexual peers. Irrational, yes, but nevertheless true. Therefore, I am very quiet about my private life and do not bring my same sex partner to office social functions. We have been together [for many] years, and both of us are past the age where we feel we need to prove something by putting our relationship on display in the work setting. Nevertheless, it pains me that I can neither introduce my partner at work nor talk about our life together and how proud I am of [my partner]. The simple joys of sharing the most important part of one's life with work acquaintances are denied me because the consequences of doing so would seriously jeopardize my ability to perform my job, and quite possibly the job itself. And since [my employer] is located in [a jurisdiction where respondent believes there are no laws prohibiting discrimination on the basis of sexual orientation], my termination from employment would leave me no recourse. So while my survey indicates that I know of no flagrant discrimination in my workplace, it nevertheless exists in the undercurrents of my work environment.

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**333** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

...One of the...lawyers...asked me not to invite my same sex partner into the office....I have heard numerous anti-gay jokes and remarks - always mild - but which would not be tolerated in the office if aimed at any other group....

**Question 33:**

Most lawyers in my firm are (or seem) perfectly tolerant of gays and lesbians.

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# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

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**334** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

I was denied a promotion because I refused to have sex with my immediate [same gender] supervisor. I did not file a complaint.

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**335** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

Other lawyers have expressed unaccessibility of OTHER lawyers who perceived as gay.

**Question 33:**

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**336** **Sex:** Male **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

A great idea -- I hope it does some good, especially for younger lawyers.

---

**337** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

The only openly lesbian attorney had to wait longer for a promotion than did others. Another was removed when she experienced hard health problems -- she sued successfully on ADA and won. I believe they refused to cut her the slack others regularly receive because of her orientation.

**Question 33:**

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**338** **Sex:** Male **Race/ Ethnicity:** Hispanic/Latino/Latina **Orientation:** Gay/Lesbian

**Question 32:**

I have personally known of lawyers who were denied employment or promotions because of their sexual orientation.

**Question 33:**

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**339** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Gay/Lesbian

**Question 32:**

Managing partner openly refers to gays as 'faggots'.

**Question 33:**

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# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

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**340** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Gay/Lesbian

**Question 32:**

**Question 33:**

The choices in questions 9 and 10 are vague - you're not sure what they're asking.

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**341** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Bisexual

**Question 32:**

They are too numerous to describe - especially the offensive anti- homosexual jokes. Our EEO counselor is unwilling to take seriously complaints based on sexual orientation.

**Question 33:**

One lesbian supervisor felt secure enough to have a picture of her lover on her desk. This was a good sign, but she no longer works for the agency.

---

**342** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Bisexual

**Question 32:**

I have been out [throughout my tenure] at my firm, where I have been practicing since graduation from law school. The only derogatory remarks I have heard were from those outside my firm.

**Question 33:**

I hate to sound like Pollyanna but I really did not experience any problems in bringing my same sex partner to firm events or displaying [my partner's] photo. Anyone I work with closely enough to have personal conversations would hear about us. I am sure there would be negative reactions from some people but my firm is progressive enough to at least stop overt discrimination or derogatory remarks.

---

**343** **Sex:** Female **Race/ Ethnicity:** White/Caucasian **Orientation:** Bisexual

**Question 32:**

**Question 33:**

This survey itself discriminates against bisexuals. I wish you'd used gay/lesbian/bisexual throughout the survey.

---

**344** **Sex:** [ ] **Race/ Ethnicity:** **Orientation:** Bisexual

**Question 32:**

1) Perceived that colleague was forced out based on orientation. 2) Multiple colleagues complained of security clearance problems. 3)....

**Question 33:**

Agency G/L organization achieved inclusion in workplace diversity policy as well as change in security clearance procedures....

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# Survey Comments

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**345** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Bisexual

**Question 32:**

With no openly gay/lesbian/bisexual lawyers in this firm, negative comments have typically been about secretaries, or about gay people in general. However, they have been sufficient to discourage me from divulging my orientation.

**Question 33:**

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**346** **Sex:** [ ] **Race/ Ethnicity:** [ ] **Orientation:** Bisexual

**Question 32:**

**Question 33:**

[Respondent is a supervising attorney who has not made his/her sexual orientation known.] I would never tolerate discriminatory practices based on sexual orientation. Such activity is illegal in DC. My organization has...[several] gay and lesbian lawyers and several other gay/lesbian employees....A gay lawyer has [a great deal of responsibililty]. He is highly trusted by all our employees....

---

**347** **Sex:** **Race/ Ethnicity:** **Orientation:**

**Question 32:**

**Question 33:**

Discrimination against a person because he or she is attracted to the same sex is unjust and a violation of Catholic doctrine. Practicing gays, however, are engaging by choice in criminal conduct under DC law valid under Bowers vs. Hardwick. Such conduct is particularly hypocritical in a lawyer who is bound by oath and ethics to abide by the law. The Bar cannot justify a double standard on some laws but not on others.

[ADDITIONAL COMMENTS]

Openly gay lawyer engaging in sexual relations should be prosecuted under DC sodomy law and disbarred for unethical conduct in violation of DC law. The law is constitutional and valid. This is a scandal that Congress should intervene in to give voice to the people's moral values. (Written beside Q.9 & Q. 10)

This survey is an outrage that should further turn the people against their legal and political institutions. [Written on front of questionnaire]

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# Survey Comments

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**348** **Sex:** Male **Race/ Ethnicity:** Other **Orientation:**

**Question 32:**

No discrimination - only preferential treatment that was undeserved.

**Question 33:**

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**349** **Sex:** **Race/ Ethnicity:** **Orientation:**

**Question 32:**

**Question 33:**

This survey is flawed and offensive to those who are trying to help and those who have struggled to make the workplace favorable to all.

---

**350** **Sex:** **Race/ Ethnicity:** **Orientation:**

**Question 32:**

**Question 33:**

This has got to be the stupidest waste of my dues I have ever seen.

---

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

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***Some questionnaires were returned without having been filled out, but bearing the comments listed below, generally on the front page of the questionnaires:***

351 This is offensive!

352 Why are we wasting money on this fairy maggot bullshit?

353 I do not participate in sexist activities -- including this one.

354 Frankly I could care less about bias against gays. I'm tired of special interest groups. Let them fend for themselves like everyone else.

355 Do you write the conclusion before or after the survey?

356 This is a complete waste of money, time and effort. It is also mildly offensive.

357 Can't you find something worthwhile to do with our money? PS. Sodomy is a felony in most states.

358 This is a waste of time and money. How about tort reform?

359 This survey is the work of the devil.

360 Stopped halfway through, because the survey is ridiculously over burdensome.

361 Refused

362 Too long

363 Please note my objection to this poorly conceived and poorly proposed survey. If this was prepared by or with assistance of a lawyer, the lawyer is either incompetent or deliberately deceptive and vague to assure an ability to reach a desired result. This is an embarassment to the Bar Association's members.

***The following are excerpts extracted from some of the narrative comments printed above. They have been separated from those comments as the result of a determination that in combination with the remainder of the comments in question, they would lend themselves to identification of the particular respondent. This seemed a better course than the alternative of simply redacting sufficient portions of the comments in question so that the remainder would present no risk of identification of the author. (More than one of these excerpts may come from the same respondent.)***

i It has been made clear to me that, if I had pretended to be more straight, I would have gotten a [promotion] by now....[Supervisors have used] code words for their discomfort with the fact that I might be gay. My guess would be that all gov't law enforcement agencies are like mine - homophobic to the core. When Clinton forced all agencies to end sexual orientation discrimination, my agency...completely buried it. Few staff know of it....

ii The firm prohibits discrimination on any basis, as it must to comply with the Human Rights Act of the District of Columbia. To the extent that there have been any positive experiences for gays and lesbians at the firm at which I am employed, it has solely been due to my own provocation. I have had absolutely no sense of support from the firm in this regard. My peers among the associates and certain levels of partnership take no issue with my sexual orientation....[When I came out at work] most were non-plussed, while the more senior partners had difficulties. I believe that I have a responsibility to represent a positive image of an openly gay attorney in my place of work. At a minimum, I hope that it will create a better work environment for the gay staff, who have applauded my efforts, if not for other attorneys. I do not expect, however, that the firm will affirmatively support the issue of openly gay attorneys, as it has attempted to deal with the issue of ethnic minorities and women.

# Survey Comments

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iii The law firm in which I work recently developed formal policies and procedures relating to leave and similar issues. The policies and procedures provide equal treatment to all employees. For example, bereavement leave is offered for the death of the parents of a spouse or significant other, regardless of sex or sexual orientation, and sick leave can be used to care for a spouse or significant other. Additionally, the firm does not offer benefits to a spouse which are not offered to significant others. However, under our insurance policy, a spouse can be added if the employee pays the premium, but a significant other, regardless of sex or sexual orientation, cannot. My partner is always included in every office event which includes spouses or significant others. Additionally, [my partner] is always invited to every non-office event to which I am invited....Occasionally during a [firm] function, I've been asked whether I'm married. [Discussion of how respondent's firm's managing attorney has been supportive of respondent's sexual orientation].

iv [C]andidates were expressly rejected by some partners on the [hiring] committee because they were gay..... [I]if the firm knows that a recruit is gay, the recruit will probably not be hired....[T]he firm's [hiring]committee...discussed gay candidates. While associates had no problems recommending offers, no partner ever voted to extend an offer to a [known] gay candidate. Two partners, in fact, openly stated during a [hiring] committee meeting [remarks suggesting that gay lawyers shouldn't be hired]. Other partners openly used gay slurs... [T]he firm not only does not recruit gay lawyers, it refuses to hire them if it knows they are gay. [At hiring] committee [meetings], certain partners were openly anti-gay....Some partners in the firm even called gays 'homos', 'faggots', and 'man-haters'. Not all people on the committee were anti-gay (in fact, most were silent about it), but the partners who were anti-gay were so adamant about it that no one spoke up.... ...I personally heard partners refuse to hire gay recruits. I also personally heard partners make anti-gay remarks about [a] gay...associate in the office.... ...I know that gay recruits did not receive offers because they were gay or had gay organizations on their resumes.... I heard partners and administrative staff make anti-gay remarks about recruits and [a] gay...associate.

# Survey Comments

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v I had great relationships with clients. Since I am single and have no children, I was able to devote more time to my work and more attention to my clients. When clients came from out of town, I was usually the person who showed them the touristy sights..... Large firms want large mainstream clients. Most of these companies are run by older, straight, white males. Therefore, it is difficult for younger, gay [lawyers] to recruit such clients. When I recruited more progressive clients, the firm complained.... It then tried to get me to dump the clients midstream. It is also more difficult for gays to develop the kinds of clients that large firms want, because firms often do not let their gay attorneys out of the office. Only white males were taken on client development dinners....[An outside lawyer] noted that the partners in my firm treated women and minorities like second class citizens.... It is very difficult to achieve visibility within mainstream professional associations when you are not mainstream. I joined the Women's Bar Association, only to find that women at the meetings talked almost exclusively about their children. Many associations do not take women seriously. They disregard gay women even more -- mostly because the leadership of these associations is dominated by older, straight, white men who are horribly uncomfortable around lesbians. The DC Bar is just as delinquent as the firms in promoting the welfare of women, minority, and gay attorneys. During last winter's DC Bar Convention, the Bar sponsored a forum on women in the profession, but more than half of the panelists were male. One man on the panel even admitted that he had never worked in an office that had female attorneys. What in the world was he doing on that panel? The men on the panel monopolized the conversation and called on their own firm colleagues in the audience for comments. They ignored and devalued the other women in the audience. Women, minorities, and gays will never obtain equity in the profession when the DC Bar endorses this kind of discriminatory behavior at its own convention. ... I believe that many of the general problems ... are the same in firms throughout the city, although probably not as bad....I have attended DC Bar forums on women and minorities in the profession. The forums were often stacked with older, straight, white men. This sends a very bad message to the community. Without strong DC Bar leadership, gays will not achieve equality in the DC legal community -- no matter how excellent their legal skills.... The firm has a paternity policy in its associates' manual. However, when one male attorney tried to take advantage of the policy, he was told it would hurt his career if he did so. He tried to take it anyway, but was pressured to come back early. Women have also reported difficulties with supervisors when they went on maternity leave. The partners were angry with them and stopped giving them plum assignments because they 'weren't committed enough' or they were 'just going to go off and have more kids and then leave to be mommies.'

vi [A]n attorney here posted [on] the glass front of his office a newspaper column suggesting that AIDS was the just retribution of God against individual sinners. No one [in the organization] told him to take it down.

vii The firm assumes that gay lawyers will not be accepted by clients. Therefore, the firm hides lawyers who are perceived to be gay and does not let them participate in client functions. Thus, project assignments are affected by the perceived visibility that a project will give a lawyer. In addition, some partners are so strongly anti-gay that they would never work with a lawyer whom they perceived to be gay.

viii [A] question from the floor in a partner meeting whether the construction of the firm locker room would include separate "gay" showers; another about whether there would be individual rooms for a partner retreat, with someone adding "don't ask, don't tell."

ix [Respondent was told by a partner to stop volunteering for an AIDS organization].. .If I had been involved in other gay organizations it probably would have barred me from those....

x [T]he firm does not support gay/lesbian pro bono activities....[S]taff and associates walked as a group for AIDSWalk. However, after a change in firm management, lawyers stopped participating in the event for fear of 'guilt by association'.

# Survey Comments

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xi [Respondent works for non-profit public interest organization] [W]e have many openly gay and lesbian employees, and everyone is treated equally and with dignity. Gay partners are considered without question to constitute families, and the recent birth of a child to one of our lesbian employees was celebrated with the same joy and acceptance accorded to new arrivals in heterosexual families. In short, our office is a microcosm of what society could and should be if the rest of the world would just put aside its prejudices.

xii The firm does not have an ombudsman to receive complaints. Quite to the contrary, [discussion of unresponsiveness of firm to alleged discrimination]. Women in the firm felt trapped. They were discriminated against and they had no one to whom they could complain. Even the few female partners were not helpful. Those women who confided in them, often found out that their confidences were betrayed. [The firm retaliated against me when I complained] about gender and sexual orientation discrimination and derogatory comments at the firm.... Most people in the firm keep quiet when they are discriminated against for fear of retaliation. They also keep quiet because there is no person designated to receive such complaints and no formal procedure for investigating them..... [The personnel director] did not talk to the offending partners and...did not investigate the incidents.... management did not respond seriously to the complaints...

xiii During our diversity training, partners openly stated they would not assign women, blacks, or gays to matters if they didn't think the clients would want such people or if the clients said they did not want them. When some associates challenged this view, the partners said, 'Tough.' Law is a business and if clients don't want to work with those people, then I'm not going to have them here.. .Even when anti-gay and anti-black remarks were reported to management, the firm did nothing. It did not even talk to the offending partners. Instead, it branded the complainers as 'troublemakers'. ...The firm had one ...diversity training seminar ... Partners at the seminar exhibited appalling views regarding race, gender, and sexual orientation. Partners even stated that they would take all women and minorities off a case if a sexist or racist client asked them to do so. They would even stop hiring them if clients didn't want them. One partner even referred to gays as 'homos.' The partner lamented the good old days of law when they used to be able to tell 'Polack' jokes, but then that became politically incorrect. Then it was OK to tell 'girly' jokes, but then 'girls' ...started joining firms. Now the only jokes he can tell are about 'homos' but then even they are starting to come out of the closet and 'ruining things.'...[A] complaint [was filed] with the human resources director about the comments made by the partners during this seminar. The [human resourses] Director took NO action whatsoever. In fact, two days later [the human resources Director] contacted the [complainant] and told [the complainant] that it would be in [his/her] best interests to retract the complaint....

xiv [W]hen...AIDS Walk posters [were put up in respondent's government agency], homophobes in the General Counsel's office claimed the posters raised an ethical question and ripped down the posters in an offensive manner.

xv No one ever expressed or showed me any non-discrimination policy while I was at the firm. However, the existence of such policies becomes irrelevant when firms ignore them. In fact, women at the firm know that gender discrimination is widespread and that management does nothing about it even though it knows how bad the problem is. I know of female associates who have complained about the sexist and harassing behavior of partners, yet none of these complaints was ever investigated and no partner was ever disciplined. Instead, the women were branded as trouble makers. They now keep their mouths shut for fear of losing their jobs. During my time at the firm, it also forced out every single minority associate -- every single one. If the firm won't enforce its existing policies for women and minorities, it certainly would not enforce a policy for gays and lesbians -- if it had one....

xvi Both gay senior associates were forced out of the firm after their fifth year reviews (the critical review for partnership).

# Survey Comments

Question 32: If, in your work as a lawyer, you have personally experienced or witnessed discrimination on the basis of real or perceived sexual orientation in the last five years, please describe the incident(s) below.

Question 33: Please add below any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.

xvii [M]y gay partner died of AIDS. Except for a few friends, no one at work knew about the relationship, let alone its end. I had great difficulting meeting my regular work schedule while caring for him...I was acutely aware that had I been open about what had been happening in my personal life, I would have been the subject of tremendous negative gossip, and possibly some mistreatment. These negative consequences, which admittedly I feared but did not experience, seemed to outweigh the possible benefits of any support from my work community for my personal experience. I was also aware that had I been married to a heterosexual woman who had been dying of a terminal illness, she would have benefitted from my health insurance, and everyone at work would have known and offered me moral support.

xviii One partner in the firm where I am an associate has made financial contributions, at my request, to gay and lesbian organizations. The firm has allowed me to do pro bono work for [several] organizations in the gay community. If billed, this work would have cost the organizations [tens of thousands of dollars].

xix [O]ur firm's 'face book' contains a space for each attorney's spouse (if any). While the firm lets its gay attorneys list their partners, such partners cannot be listed as 'partners' or 'domestic partners', but only as 'companions'. (Yuck)

xx I was continuously harassed about my "image" by partners in the firm. They told me that I was not "feminine" enough and that I should let my hair grow long, wear make-up, and wear more jewelry.

xxi ...The DC Bar should take a ...strong stand [against sexual orientation discrimination]. If it does not, firms will continue to think that it's ok to discriminate.

xxii A...partner...told me that the male partners were uncomfortable with me.

xxiii [Attorney at large firm was advised] that she needed to appear more feminine, wear make-up and gold jewelry, and stop bringing her significant other to firm events.

Tab D

# APPENDIX D

## Additional Comments Offered by Respondents to the Survey of Legal Employers

Report of the District of Columbia Bar Task Force on Sexual Orientation And the Legal Workplace

March 1999

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## APPENDIX D

### Additional Comments Offered by Respondents to the Survey of Legal Employers

The Questionnaire employed in the Survey of Legal Employers Included the follow open-ended question:

> **Question 15.** *Please add below (or on a separate page) any other comments or information you may have on the subject of this questionnaire. We would like to hear about positive experiences and/or about exemplary workplace policies and practices of which you are aware, in addition to any workplace problems you may have encountered.*

There were 15 responses to this question, and four of the returned questionnaires included comments that would have been responsive to this question but were in fact provided elsewhere in the questionnaire. All of these responses, of both kinds, are set out below.

1. Title or Position of Person
   Completing Questionnaire: Principal/Pres. Prof. Corp.

   Organization Type: Small law firm

   Comment: My primary position is that one's sexual orientation is irrelevant meaning it should not neg'ly affect or positively enhance one's situation. With respect to Q. 5 I have no idea if anyone employed here is a homosexual, and I don't care. On the other hand, no one here openly states their sexual orientation. I further find it equally offensive if a gay or lesbian person makes his or her sexual preferences know [sic] as when a heterosexual person makes his or her sexual preferences known. I am heterosexual, but do not make such pronouncements in the workplace -- I expect no less of a homosexual person. I responded to Q. 11 with respect to the manner I feel this information would affect the person in the community -- not as to my own personal feelings.

2. Title or Position of Person
Completing Questionnaire: Managing Partner

Organization Type Large law firm

Comment: A major client of our firm invited the companion of a gay lawyer to a social event.

3. Title or Position of Person
Completing Questionnaire: Managing Partner

Organization Type: Small law firm

Comment: The issues you raise have never arisen at our firm.

4. Title or Position of Person
Completing Questionnaire: Partner

Organization Type: Large law firm

Comment: Questions 6 through 12 are written poorly because all presume that the firm does employ an openly gay/lesbian individual. Because the response to question 5 is Don't know, answers to the remaining questions based upon that answer.

5. Title or Position of Person
Completing Questionnaire: Partner and HR director

Organization Type: Medium-sized law firm

Comment: *[Additional Response to Q 11d]* Obviously, usually discretion is important in letting clients know anything about one's personal life. Over the years we have had aggressively heterosexual associates and aggressively homosexual associates; there have been occasions when each type has turned clients off as to their discretion by talking too much about matters that should be private. Assuming reasonable discretion, it has been our experience that clients are more interested in competence and trustworthiness than in sexual orientation. Some clients have had to be advised that the lawyer they were using was gay, and that inappropriate jokes would not help matters. Usually, such clients have revised their behavior appropriately.

6. Title or Position of Person
Completing Questionnaire: Managing Director

Organization Type: Medium-sized law firm

Comment: All employees treated equally. We have Strong Posted notices on discrimination and have never had a complaint. We do not inquire as to Sexual Preferences as they are irrelevant.

7. Title or Position of Person
Completing Questionnaire: Partner

Organization Type: Nonprofit organization

Comment: Our firm is unusual since we represent gay and lesbian clients and gay and lesbian organizations (Whitman-Walker, NGLTF, and Lambda Legal Defense Fund) on a number of issues/ cases.

8. Title or Position of Person
Completing Questionnaire: Not provided

Organization Type: Medium-sized law firm

Comment: It's hard to answer these questions when you have no "openly gay" attorneys. I wonder how candid the answers to these questions will actually be. Would any firm or person admit to discriminatory conduct, even if only marginal? The ideal is that everyone would be held to the same standards, regardless of any status, race, religious, ethnic, sexual, or other such characteristic.

9. Title or Position of Person
Completing Questionnaire: Partner

Organization Type: Medium-sized law firm

Comment: There's something about this survey that to me a heterosexual seems demeaning to gays/ lesbians. Gays/lesbians should be treated like everyone else w/i the meritocracy of the law firm but I am not sure that means firms need to specifically recruit gays, lesbians or single them out for special treatment. There should be no advantage to one's sexual orientation.

10. Title or Position of Person Completing Questionnaire: Director

Organization Type: Small law firm

Comment: Rather than dwell on a person's sexual orientation, we prefer to dwell on their abilities and work habits. Since we are a small firm, it takes all hands on the oars to keep our boat afloat.

11. Title or Position of Person Completing Questionnaire: President

Organization Type: Small law firm

Comment: We already have access to benefits and legal information in ¶ 14.

12. Title or Position of Person Completing Questionnaire: Not provided

Organization Type: Non-profit organization

Comment: Form doesn't work for Trade Association.

13. Title or Position of Person Completing Questionnaire: Partner

Organization Type: Medium-sized law firm

Comment: My sense is that if we were to employ a lesbian/gay lawyer, he/she would be treated impartially. I'm also sure that among our 50+ employees some would be prejudiced, some wouldn't care less and some would be actively supportive. As long as the lawyer did her/his job well, I don't think the partnership would care.

14. Title or Position of Person Completing Questionnaire: Managing Director

Organization Type: Large law firm

Comment: *[In response to Q. 13]* There were no complaints.

15. Title or Position of Person
Completing Questionnaire: Associate General Counsel

Organization Type: Non-profit organization

Comment: There is only one openly gay lawyer in the organization, who is the person completing this survey. The organization is perceived as a very gay-friendly organization.

16. Title or Position of Person
Completing Questionnaire: Managing Partner

Organization Type: Medium-sized law firm

Comment: We are totally committed to non-discrimination on ALL levels. We have had gay-lesbians @ firm & treated all spouses alike. Now on a one year sabbatical.

17. Title or Position of Person
Completing Questionnaire: Partner in charge

Organization Type: Large law firm

Comment: *[In response to Q. 13]* No complaints that I know of.

18. Title or Position of Person
Completing Questionnaire: Partner

Organization Type: Large law firm

Comment: A gay partner at the firm responded to this questionnaire, after consulting with several lawyers here. We have answered the questionnaire to the best of our ability, but we found may of the questions difficult to answer. For example, even the question as to the number of "openly lesbian/gay" employees was difficult to answer, because individual lawyers at the firm, both lesbian/gay and otherwise, define the term differently. Other questions were difficult to answer, because the listed responses presuppose an issue that the firm has not faced. For example, if the firm has not made affirmative attempts to ensure that performance reviews or work assignments are not affected by a lawyer's actual or perceived sexual orientation, that is because there has never been a perception that it made a difference in the first place. The difficulty of responding to the questionnaire, and more importantly, the difficulty of dealing

with this issue at the law firm, bears a direct relation to the subtlety of the issues. Firm management can and does believe strongly that sexual orientation is of no consequence, while at the same time lesbian/gay lawyers fear, without knowing, that it may affect their careers. The firm institutionally makes no special effort to make lesbian/gay lawyers feel comfortable, because their sexual orientation is invisible to most and, in any event, should not matter. At the same time, our lesbian/gay lawyers may feel that, without some affirmative effort by the firm, they shoulder a burden to press issues and expand sensitivity in a workplace setting that, especially for new lawyers, can be difficult.

19. Title or Position of Person
Completing Questionnaire: Not provided

Organization Type: Not provided

Comment: *[On cover of the questionnaire]* Homosexual Nonsense (on back) What about the bigotry against straight conservative white males?

Tab E

# APPENDIX E

## Statutes and Regulations Prohibiting Sexual Discrimination in Employment In the Washington, D.C. Metropolitan Area And in the Federal Workforce

**Report of the District of Columbia Bar Task Force on Sexual Orientation And the Legal Workplace**

**March 1999**

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## APPENDIX E

### Table of Statutes and Regulations Prohibiting Sexual Orientation Discrimination

Executive Order No. 11478, 34 Fed. Reg. 12985 (1969), *as amended by* Executive Order No. 13087, 63 Fed. Reg. 30097 (1998).

Civil Service Reform Act of 1978, *as amended*, U.S.C. § 2302(b)(10) (1998).

District of Columbia Human Rights Act, D.C. Code §§ 1-2512, 2553 & 2556 (1998).

District of Columbia Family and Medical Leave Act, D.C. Code §§ 36-1301 & 1302 (1997).

Montgomery County (Maryland) Code, ch. 27, Article I (1994).

Prince George's County (Maryland) Code, ch. 2 (1995).

Alexandria City (Virginia) Ordinance, Title 12, ch. 4 (1998).

Arlington County (Virginia) Code, ch. 31 (1997).

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