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Gay and Lesbian Attorneys Out at the Firm, Part 1

By Patrick Folliard

By the time most lesbian, gay, bisexual, and transgender (LGBT) attorneys come “out” at the workplace, they have already done so at home to family and close friends. And though the firm is rarely the first to know, timing does not reflect its relative importance. Being out on the job and successfully pursuing a career as an openly LGBT lawyer is for many still a dream; for others, it is already second nature.

While coming out at the firm today typically does not entail the risks of 15 or 20 years ago, there is still no guarantee that the experience will not be awkward or unpleasant. Yet, despite any drawbacks, the majority of openly LGBT attorneys overwhelmingly agree that being out at the firm trumps being closeted every time.

“Personally, I only recommend that an attorney remain in the closet when his or her firm is exceedingly inhospitable, and I qualify that with ‘it’s now time to start thinking about a new place of employment,’ ” says C. Elaine Arabatzis, diversity/pro bono counsel at Dickstein Shapiro LLP in New York City. “A person can work under these kind of difficult circumstances for only so long before it takes a toll.”

Arabatzis knows firsthand the effects of hostile versus happy work environments. She has experienced the full spectrum: Once a not-so-comfortable associate afraid to share her sexual orientation with colleagues, the lesbian attorney is now out and content, making a valued contribution in a welcoming firm.

“The thing about being gay is that sometimes we slide under the radar,” explains Arabatzis. “And other people, not realizing we’re gay or lesbian, may openly express their negative feelings regarding LGBT issues and people in front of us. As a result, we’re sometimes offered excellent opportunities to assess whether or not an individual or organization is receptive to us.”

For example, not long after joining Dickstein Shapiro in 2001, Arabatzis and a partner were meeting with a valued client. Unaware that Arabatzis was a lesbian, the

client made disparaging comments about gay people. After the meeting, the partner asked Arabatzis whether she wanted him to say something to the client about his offensive words.

“I told him to forget it, the client was 82 years old and was not about to change,” recalls Arabatzis. “But the fact that the partner was willing to stick up for me—regardless of the large book of business— was a strong statement about the type of support I could expect from my boss and the organization as a whole. Frankly, I was touched.”

Eight years earlier, Arabatzis—then employed at a firm in Florida—was concerned that divulging her sexual orientation might cost her the job. “For the first six or eight months at the firm, I presented myself as straight, and my partner and our daughter as my cousin and her child,” she explains. “The other attorneys couldn’t quite get a handle on who I was; they didn’t understand why I was so wrapped up in my cousin’s life. At one point, I began to feel that my credibility was suffering because of this lie that I was telling, so I came out. Suddenly my life made sense to everyone at work, and to my relief, I was accepted. The energy I’d misspent denying the existence of my family could now be channeled into my practice.”

Though she never shirked responsibilities while closeted, Arabatzis contends that being afraid to be one’s authentic self at work impacts upon productivity and organization loyalty. According to Arabatzis, if firms are smart and want to get the best work from their employees, they need to make them feel appreciated and valued—and that includes the LGBT population. Certainly it is one of the best ways for firms to get a return on their human resources investment.

Joseph Evall, a New York litigation and intellectual property partner at Orrick, Herrington & Sutcliffe LLP in charge of LGBT initiatives firmwide, was already out when he graduated from Harvard Law School in 1990, and has remained openly gay throughout his career. “There are far more openly gay associates and partners today than when I started in the profession,” says Evall. “When I was in law school the big debate was whether or not you should be out during the interview process. It’s easier now.”

According to Evall, networking also is not a thorny issue for LGBT attorneys today. “Some gay attorneys don’t hobnob at the suburban country club. It’s true. But

that's also true for a lot of straight attorneys as well. Attorneys with children meet clients via the kids' schools and activities, but that's the case for a lot of gay people too."

As is true of other lawyers, LGBT attorneys maintain informal networks comprised of friends, acquaintances, law school classmates, and fellow members of mandatory and affinity bar associations. Increasingly, splashy events and ongoing networking opportunities by and for LGBT attorneys have become the norm. Among many gatherings in New York are monthly partners' luncheons sponsored by the LGBT Law Association of Greater New York (LeGal), where partners mostly from large firms can gather and talk shop. Another New York-area event is the annual American Civil Liberties Union (ACLU) Lesbian & Gay Rights Project Summer Attorney Reception that attracts a few hundred attorneys, many of whom are heterosexual.

"At Orrick, if I do pro bono work on behalf of an LGBT organization, everyone, gay and straight, gets involved," says Evall. "It's the same with an LGBT event: so long as it seems like an interesting invite with good food, both gay and straight attorneys will attend. Fifteen years ago, straight people were afraid of possibly being tarred by association. And while that may be the situation somewhere else, at Orrick today, it's quite the opposite. Straight people are very willing to show their support."

As the legal profession is a tough business, having a supportive workplace is important. For an LGBT attorney, being out is a part of that, explains Evall. On a more personal note, he adds, "It's just nice to have pictures of your loved ones on your desk and to openly share with coworkers the people who are important in your life."

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