

Sexual orientation — two professional experiences

by Gail H. Forsythe

This article illustrates that there are law firms that balance workplace diversity with the bottom line. It also illustrates the impact of firms that subconsciously, or consciously, hire "in their own image." These experiences were volunteered and shared with me for your consideration.

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A gay lawyer's message to the profession

I was open about my sexual orientation during my articles with a large firm. I had no difficulty with prejudice and was rehired as an associate. I believe that by showing confidence and trust in the tolerance of the firm and its people, I increased my chances of rehire after articles and earned the respect of people in my firm. *The partners have gone out of their way to make me feel welcome and comfortable;* and because I was going through a divorce, helped me financially when I left my partner of eight years.

I have been encouraged to bring a date to firm functions by the managing partner. This firm has demonstrated its support of the gay community by giving in meaningful ways. They also support my marketing endeavours with the gay community. *One of the partners advised me that, if the subject of my marital status ever came up with a client, I should be matter of fact about who I am and, if there was any problem, the firm didn't need the client more than they needed me.* I have found the legal profession to be accommodating and tolerant. If I were to give advice to a law school graduate, I would say:

- Be matter of fact with those around you. Be open and receptive to questions, not defensive.
- Be aware of the bottom line: Do you work well with clients and make the firm profitable?
- Remember how fortunate you are to be gay or lesbian. For example, people pay attention to your abilities more than a lawyer who is nondescript and anonymous.
- Many people have lost friends to AIDS or have gay or lesbian friends and relatives. They appreciate the challenges you face; they are extremely eager to help. Here are some tips: 1) Emphasize the things about you that don't fit the stereotypes. If you are in a long-term relationship, mention it to combat stereotypes that same-sex relationships are short-lived; 2) Expecting discrimination may be your greatest self-imposed disadvantage. Others may be uncomfortable because of a fear that they will offend or be seen as "politically incorrect;" 3) Be tolerant of others. We each have a right to our

opinion; 4) Remember that heterosexual lawyers also feel constrained to act very masculine or feminine, to feel comfortable at firm functions, or to voice certain opinions. Most people will appreciate your courage, if you are able to maintain your sense of humour while expressing your disagreement.



Gail H. Forsythe

A lesbian lawyer's message to the profession

This is the first time in years I've told anyone the whole story. It's been surprisingly upsetting. I had a successful pre-law career. I was in the top of my class in law school. I did pro bono work, was involved on law school committees, and clerked. I had trouble obtaining interviews; that changed after I eliminated gay or lesbian interest groups from my resume.

The interviews progressed to the "final stages." I was always rejected. A female lawyer who interviewed me advised me that: 1) the committee did not know I was a lesbian; 2) she was very impressed with my credentials; and 3) the male committee members were opposed without explanation. I believe their discomfort was a subconscious reaction to the fact that I do not send the subtle cues that most women communicate to men. She suggested I present myself in a different way: lower my eyes more often, use a softer voice and handshake, and be flirtatious.

My greatest accomplishment was preventing a gay man from committing suicide. His cultural group could not accept his sexual orientation. I saved a life; I was advised not to discuss that during interviews to avoid revealing my sexual orientation. The advice helped — I got to the free meal and drinks interview stage and felt like a Barbie doll. I was not "in the closet" during law school; potential employers kept finding out that I was a lesbian.

I have *hundreds of rejection letters* from law firms; I stopped applying. *I still suffer lasting effects from the ego-touncing I received from the legal profession.* I'm terrified of expressing an opinion for fear of being criticized. I am also severely in debt. I can't speak of this experience in public without my voice breaking. I can't talk about it in private without losing control. But I keep trying, because nobody should have to go through this again. But people

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do. I believe that people do not complain about discrimination related to their sexual orientation because:

- Those who suffer discrimination do so to such an extreme that they are too demoralized to file a formal complaint.
- There is very little support for gay, lesbian or bisexual lawyers. It is impossible to express your concerns if you feel like you are the only one.
- We are an invisible minority; those who suffer continue hiding.
- The legal profession is small. Information travels

so fast that a complaint effectively means, leave the profession. The resistance to gays and lesbians is rampant and ubiquitous.

- Generally, the resistance to human rights in law firms is tremendous. The idea of making a complaint runs contrary to the atmosphere — sets you up as a fink.

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If people tend to “hire in their own image,” what steps does your firm take to ensure diversity? Does your firm use specific interview criteria and neutral questions? Do you train or encourage your interview panelists to set aside personal biases and stereotypes? Do you model this behaviour?