



Austin LGBT Bar Association: Diversity Report Card Press Release – May 2, 2013

For the first time, the Austin Law Firm Diversity Report Card questionnaire mailed out by the Diversity Report Card Committee asked Austin firms to provide information regarding the number of openly lesbian, gay, bisexual and transgendered attorneys employed and their LGBT employment policies and procedures.

The Austin LGBT Bar Association assisted the Law Firm Diversity Report Card Committee in preparing its survey and analyzing the results. Because this was the first time LGBT employment numbers have been requested, the Committee elected not to include the LGBT survey data in its final report card rankings. However, now that Austin firms are aware that LGBT data will be collected in future surveys, and now that there is an active local LGBT Bar Association to serve as a resource regarding LGBT employment issues, it is expected that the LGBT survey data will be used in future report card rankings.

Because of the significant number of LGBT persons residing in Travis County, and because of Texas' unequal treatment of LGBT persons under the law, the legal needs of the LGBT community in Central Texas are unique and extensive. The LGBT Bar Association sponsored 6 continuing legal education programs last year that highlighted the unique challenges faced by lawyers who represent LGBT clients. Different legal strategies have to be employed by attorneys representing LGBT persons on matters involving adoption, property rights, immigration, divorce, and employment. Law firms that are unfamiliar with how their LGBT clients are impacted by laws such as the Defense Of Marriage Act ("DOMA") and a multitude of discriminatory Texas statutes must educate themselves regarding the unique legal needs of their LGBT clients. However, before a law firm purports to advise its LGBT clients on these issues, the law firm should first make sure its own house is in order. For this reason, the Austin LGBT Bar Association felt it was appropriate to measure the extent to which Austin's largest law firms hire LGBT lawyers and practice anti-discriminatory employment practices.

Of the 22 law firms that answered the survey, 6 responded that they employ openly LGBT attorneys in their office. The open LGBT attorney count in any particular law firm ranges from 1 – 6. Firms were also asked whether their policies specifically prohibit LGBT discrimination and whether the firms provide benefits to same-sex partners or spouses. 17 firms specifically prohibit LGBT discrimination and 18 firms provide same-sex benefits. 5 firms failed to answer the survey. The survey results reflect that some firms in Austin are cognizant of the needs of their LGBT employees and staff, while others exhibit less accepting attitudes.

More interesting than the raw data contained in the survey results are the comments some firms included in their answers. The Austin LGBT Bar Association was concerned that some of the firms stated that the LGBT status of their attorneys was a "private" or "confidential" matter, or that an attorney's LGBT status was "an aspect of their private lives" and that the law firm "did not care" about their attorneys' sexual orientation. Although the Austin LGBT Bar Association appreciates that these firms likely intended such comments to reflect a non-discriminatory view toward LGBT persons, such comments are misplaced.

The survey was careful to request the identity of “openly” LGBT persons within a firm. If a person is openly LGBT, their status is not a “private” or “confidential” matter; it is a fundamental part of who that person is and should not have to be viewed as “confidential” or “private” by the law firm nor anyone else. Indeed, the Austin LGBT Bar Association knows through its own contacts that the number of LGBT persons who work in the surveyed law firms exceeds the numbers reported in the Diversity Report Card survey. Sending a message to lawyers that their LGBT status is considered a “private” or “confidential” matter may create a discriminatory or hostile work environment. Such attitudes likely caused the underreporting reflected in the survey.

Attorneys who for their own personal reasons are not comfortable in disclosing their LGBT status have the right to keep such information private. However, law firms that send a message that such disclosure is unwelcome place lawyers in a difficult predicament in making the decision to be open about their LGBT status. If lawyers within a firm are uncomfortable acknowledging their LGBT status, the LGBT clients of such a firm are, in turn, in an equally difficult situation in having their legal needs properly addressed. Clients should feel comfortable discussing how their LGBT status and same-sex relationships impact their legal needs. Such discussions may not be properly had with a client if the same discussions cannot first take place among attorneys within a firm.

Austin, Texas is an extraordinarily friendly environment for LGBT persons. The Austin LGBT Bar Association has received nothing but support from the bar and the judiciary in pursuing its mission. Participation of UT law students in our programming is encouraging and makes it clear that the prejudice experienced by LGBT persons is largely generational and will, before long, become a thing of the past. However, until LGBT persons are treated equally under the law, and until such time as the legal needs of LGBT persons do not have to be specially handled, organizations such as the Austin LGBT Bar Association are needed. Until then, it is important that Austin’s law firms seek to address the needs and concerns of their own LGBT attorneys and staff, and are capable of providing the unique legal representation required of their LGBT clients.

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