

New BASF Report Offers Best Practices for Inclusive Workplaces

by Lisa M. Dickinson

In November 2007, the Equality Subcommittee on Lesbian, Gay, Bisexual, and Transgender Issues of the Bar Association of San Francisco (BASF) released a report to assist the leaders of law firms and corporate law departments with addressing LGBT issues that are still perceived to exist. BASF has been a pioneer among bar associations working to ensure workplace equality for lesbian, gay, bisexual, and transgender lawyers. Yet while there have been positive strides toward workplace equality since BASF last released a best practices guide in 1996, much work remains to be done — even in San Francisco, a city considered to be a place where LGBT people thrive and are integrated into all aspects of civil life.

In releasing its new report, the BASF Equality Subcommittee acknowledged the advances legal employers have made in creating hospitable workplaces for LGBT employees but also recognized that the time had come to consider areas where improvements could be made. The introduction to the new report cites a 2006 State Bar of California report on the results of the State Bar's 2005 online poll of California attorneys. The poll examined attorneys' perceptions of discrimination they had personally experienced or witnessed. The attorneys surveyed were women, people over the age of 40, ethnic minorities, and LGBT people. Respondents in all groups indicated that they experienced workplace unfairness, but there was great disparity in those who reported their perceived mistreatment. None of the LGBT lawyers who indicated they had experienced workplace discrimination had reported it to their employer, while 51% of female lawyers, 40% of lawyers 40 years or older, and 52% of minority lawyers who felt they had experienced discrimination did report it. It is possible that LGBT lawyers

do not report discrimination against them because they believe their concerns as LGBT lawyers will not be taken seriously or because they do not want to self-identify as LGBT — fearing they will experience negative consequences or be marginalized in the workplace.

In addition, expectations of unfair treatment are still high among LGBT law students, as seen in a 2005 survey of LGBT students at Columbia, Fordham, Harvard, NYU, Santa Clara, Stanford, UC Berkeley, UC Hastings, UCLA, and the University of Michigan, which found that 59% of the LGBT law students surveyed believed that being "out" would have "a negative impact on their ability to make partner at a law firm," and 33% indicated they would have "significant concerns bringing their partner/spouse/significant other to a law firm event."

This is the backdrop to the new BASF report, which identifies several best practices that will assist law firms in creating inclusive environments for all lawyers. The best practices discussed in the report cover a variety of areas, including leadership and culture, benefits, professional development, training, recruitment/hiring, marketing, philanthropy and pro bono activities, and transgender lawyers and awareness of transgender issues.

It has become clear that candidates are seeking employers that provide fair and inclusive work environments for all employees. Many NALP members have already embraced many of the practices recommended by the BASF report in the areas of professional development, training, and recruitment. The report emphasizes the business reason for creating inclusive environments and highlights opportunities for law firm leaders to create inclu-

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sive environments. The report can also be a useful tool in gaining the support of partners and other law firm managers. In particular, the section related to benefits contains practical and tangible advice for creating equality among heterosexual and LGBT employees.

The last section of the report raises specific awareness of the workplace issues facing transgender lawyers. The report contains appendices including a list of online resources for employers; a list of the employers that scored 100% on the 2008 HRC Corporate Equality Index; a list of LGBT-affiliated nonprofit organizations; and a checklist of LGBT best practices that can be used by employers to gauge their progress. With today's competition for legal talent — and in an environment

where clients are increasingly demanding information on law firm diversity — the best practices outlined in the BASF report can be beneficial for firms of all sizes and applicable in any geographic location.

The report can be found on the BASF website at http://www.sfbar.org/diversity/lgbt_reports.aspx.

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