

## **REPORT OF THE TASK FORCE ON SEXUAL ORIENTATION**

The CBA Task Force on Sexual Orientation is pleased to make its report and unanimous recommendations to the Board of Governors of the Columbus Bar Association.

The Task Force, appointed by then CBA President Carl Smallwood, is comprised of eight members of the CBA from all segments of the legal community. The Task Force first began monthly meetings in the Fall of 2000. We spent our early meetings hearing from the gay and lesbian members of the Task Force concerning their own experiences (and that of their respective gay and lesbian clients) with the law schools, law firms and legal system in Central Ohio. The Task Force then held a number of meetings in which it discussed with attorneys who represent gay and lesbian clients, and with gay and lesbian clients, the problems they have encountered in dealing with law enforcement and court personnel and the legal system itself.

Finally, with the generous support of the CBA and the Columbus Bar Foundation, the Task Force engaged the Feldman Group in Washington, D. C. to assist us with creating, distributing and analyzing a survey of the members of the CBA concerning their experiences and perceptions of the treatment of gay and lesbian attorneys and clients in the Central Ohio community.

As set forth in the enclosed Summary from the Feldman Group, the survey results indicate that the majority of CBA members believe that discrimination and disparate treatment of attorneys and clients on the basis of sexual orientation is infrequent and the exception, rather than the rule. CBA members also believe that gay and lesbian attorneys can be as effective as non-gay attorneys and that knowing someone's sexual orientation does not significantly affect their working relationship with him or her. Although they exhibited a significant lack of knowledge concerning the present status of laws, ordinances and ethical rules prohibiting discrimination on the basis of sexual orientation, CBA members believe that there should be laws prohibiting workplace discrimination based upon sexual orientation.

However, when the responses of CBA members who identified themselves as gay or lesbian are reviewed, a less positive picture of the Columbus legal community and the justice system is revealed. A majority of gay and lesbian members responding think gay and lesbians are treated differently in the legal profession. Almost half (48%) of gay and lesbian members responding have seen or heard discriminatory comments about gays and lesbians in their workplace. An overwhelming number of gay and lesbian members responding (92%) have heard or seen disparaging comments about gay and lesbians in public settings. Nearly half (46%) of gay and lesbian members responding believe that being gay or lesbian negatively affects their ability to succeed in the legal profession.

After reviewing the results of the many presentations to it and the survey, your Task Force has concluded that while Columbus and its legal community are not perceived as a hostile

environment for gay and lesbians, there are a number of significant ways in which the Columbus Bar Association can make the legal community and the justice system more appropriately receptive of gays and lesbians. Consistent with the CBA Diversity Initiative, the nondiscriminatory integration of gays and lesbians into our law schools, law firms, other workplaces and the justice system is an appropriate and worthy goal. To that end, we make the following recommendations for consideration by the CBA Board of Governors:

- The CBA should encourage its committees and their leadership to incorporate issues relevant to the sexual orientation of clients and attorneys into their meetings and Continuing Legal Education presentations. Issues with respect to sexual orientation should be a part of substantive law presentations such as real property, family law, criminal law, taxation, health care, employment law, estate planning and probate law as well as professionalism and ethics.
- The CBA should provide training on gay and lesbian issues to its officers, Board of Governors, committee chairs, and staff on a regular basis. Such training should include sensitivity to issues of both gay and lesbian clients and attorneys. Members of the CBA Ethics Committee and its staff should be encouraged to continue to identify and combat discrimination in every form, including discrimination based upon sexual orientation.
- The CBA should become a facilitator to help law firms, other employers and organizations become aware of sexual orientation issues and discrimination based upon sexual orientation. In this regard, the CBA should help find and make available qualified “trainers” to assist law firms, government agencies, courts and other employers and groups to become aware of and implement programs designed to combat discrimination based upon sexual orientation. This should include the preparation and dissemination of written materials on gay and lesbian issues in the work place and the appropriate responses to such issues.
- The CBA should encourage the Ohio Judicial College to provide training for Ohio’s judges and court personnel regarding legal and ethical issues associated with the sexual orientation of those persons who appear before them, both clients and attorneys.
- As part of its ongoing Diversity Initiative, the CBA should encourage the hiring, retention and promotion of attorneys without regard to their sexual orientation. In this regard, the CBA should assist law firms and those persons in such law firms responsible for the hiring, nurturing and managing of attorneys in identifying and dealing with sexual orientation issues and discrimination based upon sexual orientation.
- The CBA should encourage all attorneys to become familiar with the needs and concerns of gay and lesbian clients and the legal problems or unique issues that they encounter as a result of their sexual orientation.

- The CBA should encourage its Lawyer Referral Service to expand its outreach to the gay and lesbian community by advertising the availability of members of its panel who deal with gay and lesbian issues including employment discrimination, health care issues, estate planning and criminal law matters. LRS should encourage gay and lesbian attorneys to become members of its panel and to provide legal services to both gay and non-gay clients.
- The CBA should institute a process for evaluating the continuing success of implementing the recommendations of the Task Force.
- The CBA should make the availability of domestic partner coverage in connection with the CBA sponsored health insurance plans more widely known to its members and the members of the Columbus legal community.

We appreciate the opportunity to have been of service to the Columbus Bar Association and its members. We look forward to additional service in the future.

Submitted this 30<sup>th</sup> day of July, 2002 by:

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