



## **Best Practices for Promoting LGBT Diversity**

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### I. Firm Participation Within the LGBT Community

Implement concrete initiatives which demonstrate firm promotion and support of attorney and staff involvement in LGBT organizations.

#### A. Bar/Legal association activities

- Sponsor local diversity bar association membership and events, as well as community outreach efforts.
- Pay or reimburse membership fees/dues in LGBT bar associations and committees.
- Participation and/or hourly commitment to LGBT bar/legal associations should be tracked and rewarded.
- Leadership in LGBT bar/legal associations should be recognized and publicized.

#### B. LGBT groups in area law schools

- Sponsor events at area law school which address the LGBT community.
- Implement networking opportunities with LGBT students and faculty.

#### C. LGBT community organizations

- Seek opportunities to provide financial and/or legal support to national, state and local LGBT community organizations.
- Sponsor events with local LGBT community organizations, either financially, or by providing speakers, volunteers, and/or training.
- Co-sponsor local minority networking series with other area firms.

### II. LGBT Related Marketing and Press

Implement a marketing initiative which identifies and celebrates LGBT activities and efforts within the firm.

#### A. Develop a firm web page focused solely on diversity.

#### B. Keep and tout firm LGBT diversity/statistics.

- C. Tout accomplishments of individual LGBT attorneys.
- D. Ensure that social invitations are inclusive by using wording that invites partners, not just spouses.
- E. Include diversity goals and achievements in the firm's annual report.
- F. Encourage firms to request third party statistic gatherers like AmLaw to include firm LGBT statistics in their diversity scorecards.

### **III. Client-directed activities**

- A. Offer/tout LGBT friendly legal services.
- B. Develop/tout expertise in LGBT issues (e.g., domestic partnerships, discrimination).
- C. Voluntarily report LGBT statistics when responding to RFP's or diversity questionnaires, even if not specifically requested.
- D. Work with clients to expand their diversity and inclusion.
- E. Encourage clients to add "gender identity/expression" to non-discrimination policies and adopt workplace practices that support transgender employees' hiring, development, and advancement.
- F. Encourage clients to add LGBT statistics to their outside counsel questionnaires.
- G. Encourage clients to add LGBT support as a criterion for selecting diverse firms.
- H. Partner with clients on in-house LBGT activities
  - Provide speakers for client affinity group events
- I. Advise/train clients on LGBT legal compliance
- J. Develop goals to identify and utilize minority and women-owned businesses as firm vendors.

### **IV. Legal Advocacy**

- A. Provide pro bono representation to LGBT organizations and persons

- B. Coordinate with legal organizations on legal strategy for cutting edge issues
- C. Work on amicus briefs on cutting edge LGBT issues
- D. Participate/serve as faculty in LGBT-related CLE programs

## **ABA SOGI - INTERNAL BEST PRACTICES FOR PROMOTING LGBT DIVERSITY**

### **I. Leadership**

#### **A. Commitment from Leadership**

- Identify LGBT diversity as one of the firm's key strategic initiatives or core values.
- Define leadership and management roles and incorporate LGBT diversity into the firm's plan and/or business model.
- Involvement of leadership in day-to-day diversity work
  - Managing Partner and/or Executive Committee members on the firm's Diversity Committee
  - Definition of diversity for purposes of committee should include LGBT diversity
- Representation of LGBT lawyers at all leadership levels
- Accountability
  - Ensure that LGBT attorneys fill major client service roles and meaningfully participate on client service teams.
  - Monitor progress made on LGBT diversity goals by utilizing metrics, soliciting feedback from the firm's internal affinity groups, and maintaining LGBT diversity attrition statistics.
  - Include LGBT diversity goals in evaluations of employees and managers.
  - Include LGBT-related contributions in the tally of "firm commitment" or "firm administration" hours for statistical review purposes.

- Hold practice group leaders accountable for setting diversity goals and engaging in diversity enhancement efforts.
- Incorporate diversity hours and individual diversity enhancement efforts into evaluation and compensation determinations for firm leaders, including management and office/practice group leaders.
- Possible partners self-evaluation process to determine initiative to actively diversify their departments. This process is reviewed by the Management Committee and the results affect each partner's compensation.

## B. Communication

- Communicate the importance the firm places on LGBT diversity internally and externally, including the firm's goals, programs, and progress.
- Encourage participation at national LGBT conferences, both within the legal industry and in multi-industry contexts.
- Utilize firm-wide e-mails to discuss the firm's diversity priorities and plan; distribute the firm's diversity strategic statement and plan.
- Include LGBT diversity on the agenda for meaningful discussion at firm retreats.
- Provide information about the firm's commitment to LGBT diversity on the firm's website, in its recruiting materials, and in client communications.
- Schedule periodic face-to-face meetings with firm leaders and LGBT lawyers and staff to discuss diversity and inclusion issues, concerns, and successes.
- Workforce meetings, announcements, communications
- Refer to spouses and partners instead of just husbands and wives, and partners' parents instead of just "in laws."
- Use appropriate pronouns and other gendered language when referring to transgender employees.
- Recognize LGBT civil rights milestones just as other groups' milestones are recognized.
- Senior management should refer positively to LGBT issues, concerns.
- Foster employee connections to LGBT bar and multi-disciplinary professional associations and charitable activities just as connections to other bar associations and activities.

C. Resources

- Provide Leadership Training/Diversity Management Training for firm leaders to enable development of strategic management plan for diversity.
- Provide diversity training, including training focusing specifically on LGBT diversity, to strengthen diversity awareness and communication skills.
- Offer executive coaching services on management, mentoring, and supervision skills.
- Hire a full-time diversity professional to serve on the Diversity Committee, facilitate the implementation of the firm's diversity initiatives, serve as a development resource for diverse lawyers, and assess whether LGBT associates have access to opportunities and are working on matters for clients with the most sought-after work.
- Encourage firm leaders and associates to participate in LGBT bar associations and other community organizations that foster and enhance diversity.
- Visibly and vocally support firm mentor programs and lead by example.

## II. Culture, Inclusion and Support

- A. Create a diversity vision statement embodying the firm's commitment to LGBT diversity and disseminate both internally and externally.
- B. Develop and implement a firm-wide diversity plan.
- C. Non-discrimination policies
- Include in list of definitional terms in company policies the terms sexual orientation, gender identity and expression, and transgender.
  - Include sexual orientation and gender identity and expression in non-harassment policy.
  - Include sexual orientation and gender identity and expression in non-discrimination policies in hiring, promotions, benefits, job assignments, transfers, discipline, and non-retaliation.
  - Mention LGBT policies in recruitment materials.
  - Avoid gender-specific dress codes; allow dress appropriate to one's gender identity.
- D. Develop a Diversity Committee composed of a staff diversity director, attorneys, and staff across all offices, with access to/participation from the Management Committee

and key decision makers, to identify key internal issues and to propose solutions, diversity events, and diversity training.

- Include LGBT attorneys and staff on committee.
- Committee mission statement and goals should specifically reference LGBT diversity
- Communicate to workforce the existence and activities of Diversity Committee.
- Grant Diversity Committee access to key decision-makers.
- Seek input from Diversity Committee on content of all policies

E. Support transgender employees

- Provide employee access to any sex-segregated facility based on the employee's stated gender identity
- Use appropriate pronouns and other gendered language that is respectful of an employee's stated gender identity
- Update personnel records and other documents to reflect current name and stated gender identity as well as ensure confidentiality of any existing documentation of an employee's pre-transition name or gender marker
- Incorporate information about transgender employees, including the possibility of transition on-the-job, in human resource materials and anti-harassment trainings whether or not there are out transgender employees at the workplace
- Respond decisively to any anti-transgender incidents or comments (e.g., invasive questioning, rude comments, harassment, etc.)

F. Adopt a "no tolerance" culture toward discrimination, harassment, prejudice and bias

- Strictly prohibit derogatory comments or jokes about LGBT persons, and anti-LGBT slurs
- Do not tolerate such comments from clients, vendors or other outsiders
- Promptly investigate complaints of anti-LGBT behavior
- Impose prompt and firm discipline on persons who engage in anti-LGBT behavior, even if the behavior does not rise to the level of unlawful discrimination or harassment, and even if nobody complains



- “Check in” with employees who have experienced bias or problems in the past
- G. Treat LGBT employees in a warm, inclusive manner. Show them that you value them for who they are.
  - Encourage LGBT employees to converse openly about their personal lives, just as any other employee would (e.g., same-sex partners, LGBT-related volunteer activities).
  - Socialize with LGBT employees in the same manner and to the same extent as other employees. Let them know they do not need to hide who they are.
  - Make positive comments that demonstrate that you are friendly to the LGBT community.
  - Use respectful language, e.g., lesbian, gay, LGBT. Do not use disrespectful language or terms (e.g., lifestyle, you people, etc.)
  - If you suspect someone may be gay or transgender, don’t ask, and don’t gossip. Do, however, make it clear that you are comfortable with LGBT issues and persons.
  - Ask your LGBT employees how they are doing, and what you can do to create a more inclusive, friendly work environment for them.
  - Do not presume an employee is or is not transgender.

### III. Training and Development

- A. Professional Development
  - If volunteer or continuing education hours are required or recognized, have recognition of LGBT courses and activities.
  - Have a mentor program. Elements of a successful mentor program include:
    - Mentors must be trained in appropriate techniques and rewarded for success, including appropriate training in LGBT issues.
    - Pair minority lawyers with other minority lawyers where preferred or advisable for professional development; avoid such pairings when not preferred or inadvisable for professional development.
    - Mentors and mentees must set mutual expectations and be provided specific and regular opportunities to meet.

- Pair each associate with both an associate and a partner to allow a variety of resources to address individual needs and goals.
- Establish a supplemental mentoring program during the third or fourth year to assist associates during this crucial period of career development.
- Pair members of the senior management team with diverse lawyers to allow information to flow between these two important groups.

## B. Diversity Training

- Provide annual diversity training for all lawyers and staff, and management training for supervisors, including hiring attorneys, management, and practice area leaders. Tailor content and materials to the firm and its culture. Include training on LGBT issues.
- Assess the diversity, history and culture of the firm using interviews, focus groups, questionnaires, and policy and complaint reviews; structure training content according to results of assessment as to the needs and culture of the firm.
- Offer reimbursement of employee time and fees for employees who attend diversity awareness training, including training specifically related to LGBT diversity
- Participation from each and every member of the firm community — from senior partners to mail clerks, should ensure 100% participation.
- Provide periodic training of employees, including HR, managers and supervisors on diversity, anti-discrimination, and harassment, and include sexual orientation and gender identity and expression as subject matter; include content that increases awareness of LGBT employees, nomenclature (e.g., sexual orientation, not sexual preference) and LGBT employee concerns.
- Include state and local laws in training.
- Prepare workforce in advance for a transgender employee's transition on the job whether or not there are out transgender persons in the workforce.
- At a minimum, trainers must:
  - Have experience with and knowledge of legal issues to avoid potential legal problems that can result from diversity training;
  - Understand the particular problems that can arise from LGBT diversity issues in a law firm; and

- Have strong and engaging communication skills and be able to communicate effectively on LGBT issues.

## **IV. Recruitment and Retention**

### **A. Recruitment**

- Law School Involvement:
  - Foster good working relationships with law school career services professionals.
  - Participate in minority clerkship or fellowship programs.
  - Meet with and support LGBT law student leaders and groups.
  - Host events sponsored by LGBT student groups.
  - Participate in mentor programs for minority law students.
  - Take part in career panel presentations.
  - Include LGBT students in any hosted receptions for law students.
- Communicate the firm's diversity goals to deans, professors, and career services professionals; ask for assistance in identifying and referring promising LGBT students.
- Internal Recruiting Efforts:
  - Law students hired to work part-time during the academic year should include review of qualified LGBT students.
  - Bolster the firm's marketing materials to specifically tout LGBT diversity and inclusion
  - Create a minority recruitment brochure to emphasize the firm's commitment to diversity, and inclusion of LGBT candidates.
  - Set diversity recruitment goals consistent with management's priorities.
  - Sponsor a summer associate reception by the firm's Diversity Committee.
- External Recruiting Efforts:
  - Have LGBT attorneys involved in recruitment

- Contribute to scholarships for students attending area law schools that focus on LGBT youth.
- Advertise in LGBT and minority professional publications and on LGBT and minority professional association websites.
- Post lawyer positions online on diversity organizations' websites such as the Minority Corporate Counsel Association and the National LGBT Bar Association.

#### B. Retention

- Analyze existing policies and firm history to evaluate for unintended and/or historic bias, including any deficiencies or retention problems for LGBT lawyers. This should include review of:
  - Compensation Equity.
  - Assignment Equity.
- Comparison of development between equivalent attorneys from different groups (i.e. no false equivalencies to make it look even between LGBT lawyers and non-LGBT Lawyers).
- Mandate equal access for diverse attorneys to quality work assignments, marketing efforts, formal and informal events, and clients.
- Create programs where attorneys from underrepresented groups receive access to high-profile client assignments.
- Implement rotational assignment programs that allow attorneys from underrepresented groups to work directly with the client for development of substantive relationship building, rainmaking, and other skills.
- Make firm leaders accountable for meeting diversity goals, including achievement of diversity goals as a factor in the compensation process.
- Encourage all firm members to participate in women and minority bar associations and minority counsel programs
- Sponsor memberships in these bar associations and fund participation at these events.
- Support lawyers in leadership roles in professional organizations.

- Count diversity-related activities toward “firm commitment” hours.
- Promote work/life balance.
- Have training and programs around LGBT issues.
- Talk about LGBT issues in marketing materials to clients.
- Do LGBT related pro bono.
- Diversify client relationship leadership.

## **ABA-SOGI COMPENSATION AND BENEFITS BEST PRACTICES FOR PROMOTING LGBT DIVERSITY**

### **I. Compensation and Benefits Literature**

- The firm policy and manual should clearly stipulate that “Sexual Orientation” and “Gender Identity and Expression” are within the purview of protected classes included within the firm’s non-discrimination policies. A clear non-discrimination policy should be implemented to include, hiring, promotions, termination, and compensation and benefit.
- Compensation and benefits literature should reflect inclusion, including gender neutral language to include spouse/same-sex domestic partner.
- Appropriate terminology should be used, such as “gender identity,” “gender expression,” and “sexual orientation.”
- Personnel forms should include an option for employees to “self identify” so that inclusive compensation and benefits may be offered.

### **II. Offered benefits should be inclusive of LGBT employees and their families**

- Same-sex domestic partners should be offered the same benefits as married individuals and/or opposite-sex partners, including health insurance and COBRA coverage extensions, and retiree medical coverage.
- Proof of same-sex married/domestic partnership should not be more complicated than what is required for opposite-sex or married couples. If some proof of domestic partnership is required, accept valid city or state registries of domestic partnership.

- C. Health insurance coverage benefits should be inclusive of transgender employees, including all transition-related medical care.
- Firms may also consider offering health insurance policies that include benefits covering gender reassignment surgery and related medical treatment, including hormone replacement therapy, mental health / psychological therapy, and, other transition related medical procedures.
- D. All benefits should be gender neutral. These include:
- Health insurance
  - Life insurance
  - Disability insurance
  - Supplemental life insurance
  - Survivor pension benefits
  - Retirement plan beneficiary
  - Retirement rollover options
- E. Gross salary may be adjusted for domestic partners to offset the tax burden.
- F. Benefits related to children should account for diverse families.
- G. Family leave policies should be gender neutral and inclusive of diverse families
- Parental leave should be gender neutral (as opposed to maternal and paternal leave disparity)
  - Should cover adoptions
  - Should cover care for same-sex domestic partners
  - Should cover care for child of same-sex domestic partner
  - Should provide family leave benefits to employees standing “in loco parentis”
- H. Bereavement leave policies
- Should be gender neutral

- Should allow time off for the death of a domestic partners and family members of domestic partners
- I. Relocation assistance should be gender neutral.
- J. Consider reimbursement policies for time and fees to employees who attend diversity awareness training.
- K. Firms should also consider offering financial benefits to help defray the cost of non-traditional family planning, such as adoption fees, in vitro procedures