

## **Best LGBT Lawyers Under 40: Statement of Support of Nominee**

Brian Esser has achieved prominence and distinction in his field and has demonstrated a strong commitment to empowering, uplifting and advocating for his community. He has made a tremendous impact on the diversity of BakerHostetler's New York office since he joined in 2005. Brian is currently the LGBT Target Group Co-Leader for Community Outreach Initiative, which oversees the New York office's diversity, pro bono and corporate social responsibility initiatives. Brian is currently Secretary for National LGBT Bar Foundation and a 2011 and 2012 Super Lawyers "Rising Star."

Brian is passionately committed to LGBT equality. When he joined the New York office, he was the first openly gay lawyer in an office of 35 lawyers. As the office has grown, he set the tone for the LGBT community in New York, and worked to make sure that the office's atmosphere was open and affirming. Brian has been responsible for a number of substantive changes in policies at BakerHostetler. At his urging the New York office began to report the number of openly LGBT lawyers – a practice that now has been adopted firm-wide. He advanced proposals to the firm's policy and managing committee to include gender identity and expression in the firm's nondiscrimination policy and extend bereavement and FMLA-type leave to same-sex couples. Because of Brian's committed engagement and advocacy, the committees approved the proposal. BakerHostetler has agreed to participate in the Human Rights Campaign's next Corporate Equality Index survey, and expects to obtain a score of 90 – a direct result of Brian's efforts. When Brian and his husband adopted their son two years ago, he negotiated the firm's full 12 weeks of parental leave, setting a precedent for future adoptive parents and LGBT parents.

Brian maintains an active pro bono practice that encompasses litigation, appellate and legislative work in the areas of discrimination on the basis of sexual orientation and HIV status, reproductive rights, asylum and the death penalty. His pro bono clients have included NARAL Pro-Choice America and the Lambda Legal Defense and Education Fund. Brian also served as a "loaned associate" to the Legal Aid Society of the District of Columbia, where he represented low-income tenants in matters before the D.C. Superior Court and in administrative hearings before the D.C. Housing Authority. He was a key member of the BakerHostetler team that represented Derick O'Neal Mason, a federal habeas petitioner on death row in Alabama, who was referred by the Equal Justice Initiative.

While at his prior law firm, Brian was part of the team of lawyers that worked in coordination with Lambda Legal on *Taylor v. Rice*, challenging the Foreign Services ban on new hires who have HIV. Additionally, Brian drafted briefs, filed in the Second and Third Departments, on behalf of law and history professors as amici curiae in the New York marriage equality litigation. While at BakerHostetler, he successfully obtained asylum for a petitioner from Russia who was fleeing persecution on the basis of sexual orientation and is currently representing a woman from Guyana petitioning for asylum on the basis of her gender identity and HIV status.

In addition to his diversity efforts in the LGBT community, Brian maintains an active practice focusing on complex and general civil litigation and corporate investigations. He primarily works in the area of electronic discovery and has extensive experience with large data sets, forensic analysis of electronic data, legacy systems and SQL databases. Brian currently coordinates discovery in conjunction with BakerHostetler's role as court-appointed counsel to the SIPA Trustee for the liquidation of Bernard L. Madoff Investment Securities LLC. He regularly deals with issues concerning case management, protective orders, data privacy, bank secrecy, data rooms and expert witnesses.

Brian has also worked on a range of investigations on subjects as diverse as Foreign Corrupt Practices Act (FCPA) violations, export controls, channel stuffing, New York State ethics laws and Medicare fraud and abuse. He served as an integral part of the team that monitored a leading financial institution's compliance with nonprosecution agreements, as well as worked with the third-party examiner of several broker dealers that entered into agreements with FINRA to resolve allegations of improper mutual fund sales practices. He has also worked on litigation matters that include civil RICO claims brought against insurance companies, foreign sovereigns and government contractors, as well as breach of contract, noncompete clauses and unfair competition cases.

Brian regularly writes and speaks on topics related to law and technology, such as electronic discovery and insurance against data breaches and cybercrimes. Brian also serves on the New York City Bar's Selection Committee for the Diversity & Inclusion Champion award.

We believe Brian exemplifies what it is to be a leader both in the legal profession and in the LGBT community and undoubtedly deserves to be included in The National LBT Bar Association's Best LGBT Lawyers Under 40.