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THE 2.6%

Self-identified,
self-confident

**ANNUAL
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The 2.6 percent

For Chicago's LGBT lawyers, being out in the workplace is increasingly non-negotiable. And for many law firms, that fearlessness is welcomed.

By Roy Strom

Emily McWilliams grew up in a town with a population that hovered near 5,800 people. She never knew a gay person in Prairie du Chien, Wis., and in the early 2000s, she saw little about the gay-rights movement in the news.

By the time she was ready to leave home for the University of Wisconsin-Madison, McWilliams knew something about herself. She was gay. And she was afraid.

"A feeling that just about anybody can relate to is the burden of carrying a big secret," said McWilliams.

McWilliams feared feeling isolated even from the people she loved. Then she found the secret to conquering her fear: openness. She learned that first when she told her parents she's a lesbian. Then, at college, she came out to friends one-by-one. Eventually, she discovered she was "simply just being," she said, living her life as a lesbian.

It was with that same self-awareness and self-assurance that she joined Jenner & Block, where at age 31, following an earlier career as chief of staff to a Wisconsin legislative leader, she's a first-year litigation associate. How has her openness about her sexuality affected her life in the law firm world? The answer: not at all.

In that respect, McWilliams and her openness are emblematic of the new generation of LGBT lawyers: self-identified, self-confident, fearless. In this year's Chicago Lawyer annual survey, firms reported that 2.6 percent of their ranks self-identify as LGBT. Interviews with five attorneys and two judges show how the culture in law firms and the legal community has evolved.

These lawyers are confident and comfortable being openly gay in their workplaces. Still, they acknowledge other Chicago LGBT lawyers remain in the closet.



(From left to right) Cecilia Horan, a partner at Hinshaw & Culbertson, Emily McWilliams, an associate at Jenner & Block, and John Litchfield, an associate at Foley & Lardner. Photo by Lisa Predko

Their voices won't be heard; their numbers won't be reported.

The road to 2.6 percent

Tom Chiola became the first openly gay person elected to a federal, state, county or municipal office in Illinois in November 1994 when he won election as a Cook County circuit judge.

Chiola ran in the 8th Judicial Subcircuit — a long sliver of land that runs from the lakefront as far west as Western Avenue

and stretches from Armour Square at 31st Street north to Rogers Park. On campaign signs, the "i" in Chiola was dotted with a pink triangle — a symbol the Nazis used to brand gay people — that the campaign turned upside down.

At a retirement party in 2009, Chiola told a crowd of friends, "We wore that as a badge of honor."

Others saw it as a target.

That included fellow judges. Shortly after Chiola's election to the bench, he was

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told of a conversation among a group of jurists at a now-shuttered restaurant in the pedway underneath the Daley Center.

“Where do you think they’re going to assign him?” a judge asked, referring to Chiola.

“You think juvenile?” another quipped — a joke relating gay people to pedophiles — to derisive laughter.

James Nawrocki, a partner at plaintiff personal-injury firm Goldberg Weisman Cairo, experienced bigotry in a different way.

He served in the Navy Judge Advocate General’s Corps from 1984 to 1990. He was a premier criminal defense lawyer for the Navy, earning 10 acquittals for clients his last year on the job. His commanding officer told Nawrocki he considered him “No. 1 of 41 lieutenants.”

“If I had said, ‘But listen, captain, I’m gay,’ I would have been fired,” Nawrocki said, referring to the armed forces’ “don’t ask, don’t tell” policy.

“I was never alone, but I was one of the world’s most lonely people.”

Ridicule and seclusion were so long the narrative of the LGBT community. But those stories are increasingly foreign to lawyers in Chicago.

In 1996, 27 percent of the U.S. favored gay marriage while 65 percent opposed it, according to Pew Research Center data.

The majority flipped in 2011.

By 2014, 54 percent favored gay marriage with 39 percent in opposition.

As this magazine edition went to press, the U.S. Supreme Court was expected to announce a decision on whether the right to marriage should be extended to gay and lesbian couples across the country. It already exists in 37 states, including Illinois. Meanwhile, “don’t ask, don’t tell” was repealed in 2010.

That transition has been felt inside the

legal community, which census data has shown is one of the least diverse fields. Eighty-eight percent of the profession was white in 2010.

Younger lesbian, gay, bisexual and transgender lawyers have often been open about their sexuality long before they are recruited by law firms. Coming out professionally can be as simple as a signal on a resume, such as listing memberships in organizations like the National LGBT Bar’s Law Student Congress.

Forty law firms in Chicago Lawyer’s survey have LGBT affinity groups. Firms such as these see inclusive hiring policies as a key component in the competition for talent. They revise workplace policies to align with those advocated by the Human Rights Campaign Foundation’s Corporate Equality Index — 89 firms proudly tell young lawyers they received a perfect score last year.

Since Chiola became the first gay judge in Cook County, 19 others have sat, openly gay, on the bench, said Cook County Circuit Judge Stuart Paul Katz, who leads The Alliance of Illinois Judges, an LGBT group.

At 53 law firms that reported this figure to Chicago Lawyer, 2.6 percent of lawyers self-identified as LGBT. That compares with 3.8 percent in the Chicago metropolitan area who self-identified as

gay or lesbian in a Gallup poll earlier this year.

Many gay and lesbian lawyers said the 2.6 percent statistic likely was not an accurate reflection of the population of LGBT lawyers in Chicago law firms. Considering it is a self-reported figure, that is likely true, and the same could be said about the broader Gallup Poll.

But the statistic — especially when broken down to individual law firms — is a meaningful reflection of at least two things: a lawyer’s comfort level being out in the workplace and whether law firms provide a reason to be comfortable.

Over the long term, there has been an evolution on both fronts. For a confident younger generation, being openly gay is a priority. And at many law firms, that feels like a non-issue.

Coming out earlier

One of the most drastic changes for today’s generation of LGBT lawyers is that they are often open about their sexuality long before beginning work at a law firm.

Contrast McWilliams’ experience — she was openly gay before she interviewed at Jenner & Block — to that of Nawrocki, the former JAG Corps lawyer.

After returning to Chicago from the Navy in 1990, he started dating. Having a boyfriend prompted him to come out to his parents at age 32. His father was a steel truck driver for 40-plus years. Nawrocki said it was “a rocky road” telling his parents he is gay.

“But the point was, I couldn’t live a lie anymore,” Nawrocki said. “This is who I am, and I can’t change it. You have to bend to me. You have to change to me because I can’t change to you.”

Nawrocki said his law firm has been supportive since the day he began working there. He is judged on the merit of his work

**“I didn’t want to work at a place where it
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and ability to bring in business, just like everybody else at the firm.

The longer McWilliams has been out, the more comfortable she has been. That is partially a result of external factors — changing social attitudes toward gay people — and partially, a result of increasing self-awareness, she said.

“Now, 15 years after I came out, it is just something that I completely accept in myself as a matter of course,” she said.

“I no longer feel like the burden is on me to explain myself or to come out. I’m comfortable with it. And I assume the onus is on other people to just accept me.”

Nawrocki said he saw that same kind of confidence in four gay law students he has mentored through the Lesbian and Gay Bar Association of Chicago (LAGBAC).

“This new generation is absolutely fearless,” he said. “They are not going back in the closet. They are very proud of who they are. And for the first time ever, the older generation owes a greater debt to the new generation than vice versa.”

The lawyers interviewed for this story stressed that while they have found coming out to be a positive experience, the process can still be fraught with anxiety. That is especially true for transgender people, gay racial minorities and gays or lesbians living in areas not as accepting as large cities tend to be.

“The next step in this process of creating a more inclusive society is really recognizing the diversity in our own community,” said John Litchfield, president of LAGBAC for the past five years.

“The next frontier is recognizing the transgender community. Oftentimes, when we say LGBT, it’s last on our list of those letters. And it sort of falls off. But that’s a hugely important part of this whole movement.”

Fearlessness, on a resume

Lawyers who come out as gay at a younger age often demand that potential employers and law firms adjust to them.

“When I was applying for jobs, I was out on my resume,” said Litchfield, an associate at Foley & Lardner who graduated from Loyola University Chicago School of Law in 2009 and founded the Loyola chapter of OUTLaw, an affinity group for gay students.

“And that was because I didn’t want to

“I feel like I had a crush on Jenner, and it just so happened that I got the girl.”

work at a place where it wouldn’t be OK to be my whole self. I wouldn’t work as well. I wouldn’t be as dedicated to the firm. And I think all of that is important to young lawyers.”

Cecilia Horan, a partner at Hinshaw & Culbertson who graduated from The John Marshall Law School in 1997, has experienced the change firsthand. For years, she refrained from discussing her sexual orientation with colleagues.

Then, Todd Young, a partner at Hinshaw who graduated from University of Chicago Law School in 1983, encouraged her to help him launch an LGBT affinity group at the firm.

“Once you do that, I guess it’s pretty obvious that you’re gay,” Horan said, laughing.

“I always had a ‘don’t ask, don’t tell’ policy. But once the cat was out of the bag, I did feel relief.”

Highlighting the way things have changed for younger lawyers, Horan said a candidate for an associate position this year sent in a cover letter that began by telling the firm he was gay.

“When I was a young lawyer, there was no real flag-waving in your resume or anywhere else,” she said. “And now, it’s so different.”

At a seminar with gay law students held by The Alliance of Illinois Judges, Katz said he heard similar sentiments. The students told him that being out “is not a big deal for them anymore.” He described it as a “non-issue.”

“The pendulum has swung the other way,” Katz said. “Instead of being a deficit, it seems to be a positive.”

The effect on law firms

For years, law firms have been tracking “diversity statistics” such as their number of women or minority partners. Clients

have pushed law firms to hire a more diverse workforce by requesting these statistics when law firms bid on jobs. Over the past 10 years, this has led to little progress in Chicago. (See the story accompanying this year’s diversity survey on Pages 24 and 25.)

Increasingly, firms track their number of LGBT lawyers for the same reason. But there is a crucial difference in tracking LGBT lawyers: It is a self-reported figure. You can’t look at a lawyer and label him or her LGBT. They must tell you.

So, like openly gay law students, some law firms try to signal that they are an inclusive place for gay lawyers to work. They do this by gaining accolades from places like the Human Rights Campaign or Equality Illinois.

The Human Rights Campaign Corporate Equality Index is based on a survey that asks law firms questions such as: Does your human resource policy include the term “sexual orientation”? And does your health care cover the full range of medically necessary services and treatments as outlined by the current World Professional Association for Transgender Health Standards of Care?

Last year, 89 law firms received a perfect score on this continuously changing questionnaire. One of them was McDermott Will & Emery. When Randall Ortman was interviewing with potential employers out of law school, McDermott’s inclusion on that list piqued his interest.

“They checked the box on all the right surveys from HRC to Equality Illinois,” Ortman said, noting that they also offered a salary true-up to account for tax incentives that gay couples can’t get.

“They were really doing whatever they could within the confines of the law but also seeking to overcome some of the failings of the law at the time.”

Today, Ortman takes part in the firm's recruiting efforts.

He said he has found McDermott to be genuine in pursuing inclusive policies. For instance, after he asked if the firm's 18-week maternity leave policy would apply to a father of a child born by a surrogate, the firm changed its policy explicitly to state that it would.

"I think firms recognize they could be potentially missing out on valuable talent in an increasingly competitive landscape by not being able to at least rise to the same standards set by their peers if not exceed it in terms of diversity and inclusion," Ortman said.

McWilliams said she received similar signals from Jenner & Block, which also made the HRC and Equality Illinois lists. The firm sponsored events for gay and lesbian groups such as Lambda Legal. When she went to a career night held by OUTLaw, Jenner & Block was there.

McWilliams said she realized in college that she would not be "fully successful" in any environment where she could not be "fully herself." And if that meant passing up opportunities, she was fine with that. But she felt working at Jenner & Block would not require a compromise, and she sought an interview with the firm.

"I feel like I had a crush on Jenner, and it just so happened that I got the girl," she said.

She couldn't recall coming out to the firm but said it probably happened during an interview. She said she has not been let down in her year working there.

Struggling to define what "inclusiveness" might mean, she settled on the idea that Jenner & Block had been committed to hiring LGBT lawyers "before it was cool, in the '80s and '90s" and that she feels comfortable there.

"I have not had a moment here where I have felt unsupported or uncomfortable," she said. "I also feel like if I ever did have that moment, the firm would have my back. And it is really important to have that feeling."

Out bias

However inclusive law firms may be, the self-reported percentage of LGBT lawyers in Chicago, 2.6 percent, remains below that of the larger Chicago area, 3.8 percent.

When asked whether that 2.6 percent number was indicative of an inclusive atmosphere in Chicago firms, Chiola, Horan, Katz, McWilliams and Nawrocki said something to the tune of: Look how far we've come. And historical figures bear out that progress.

In 2002, less than 1 percent of lawyers self-identified as LGBT, according to the National Association for Law Placement. Last year, that number was 2.3 percent. At the largest law firms, 5.1 percent of summer

associates were openly LGBT, suggesting the numbers will continue to rise.

Foley & Lardner's Litchfield said he advocates for people to feel comfortable being out in the workplace, but he added that it is an inherently personal decision. Lawyers should feel that they have the choice to come out, but they should not feel pressured to, he said.

Chiola, the first openly gay elected official in Illinois, said coming out often happens naturally when you get to know co-workers. It's like telling them you like Italian food instead of curry; that you would watch 20 baseball games before you would play a round of golf. It's about expressing yourself and letting others know more about you, he said.

"And that's what people are ultimately interested in," Chiola said. "They care that you are engaged in a conversation with them and that you want to find out the same things about them. And that's what makes relationships and friendships and a sense of community."

Like others, he described coming out as a satisfying relief.

"If you talk to people who came out later in life," said Chiola, "they will tell you that they feel like this great weight has been lifted from their shoulders. ... It's like, free at last. Free at last." ■

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