MEMORANDUM

DATE: October 17, 2013

TO: Stacey Kielbasa, NALP President
    Fred Thrasher, NALP Deputy Director
    Cybele Smith, NALP Board Liaison, LGBT Section

FROM: Mark Goldfarb, LGBT Section Chair

RE: Quarterly LGBT Section Board Report, October

SECTION CONFERENCE CALLS

We held a quarterly conference call on August 8, 2013 to discuss: (1) RFPs selected, (2) upcoming NALP Bulletin Articles, (3) Lavender Law Conference Planning, (4) LGBT Data Reporting, and (5) the proposed and recommended adoption of the name change for the LGBT Section to the Sexual Orientation and Gender Identity and Expression Section (SOGIE). We held additional conference calls on July 7, 2013 and July 24, 2013 to discuss details of Lavender Law Conference planning and a conference call on September 18, 2013 to discuss data reporting matters.

RFP SUBMISSIONS

Two RFPs were selected for the 2014 NALP Annual Conference:

1. **Going Above and Beyond with Inclusion & Retention: Taking It to the Next Level**
   This program will truly go above and beyond what you have heard before on the subject of retaining and including diverse talent. We will explore the obstacles and challenges that face our LGBT and other diverse talent and highlight research that can provide additional insight and establish some best practices based on that research. We will also discuss strategies for creating and implementing professional development initiatives for this talent, tailoring it to meet the PD objectives for all associates while at the same time gaining leadership buy-in. We will specifically hone in on issues faced by LGBT attorneys and the unique challenges they face.
   *Karl Riehl, Carlos Dávila-Caballero, Demetria Johnson, Robert Nelson*

2. **Trans Matters: Working with Transgender and Gender Non-Conforming Students and Attorneys**
   Are you at a school, organization, or law firm? If so, you likely work with transgender individuals. Having a clear understanding of the realities of transgender students and attorneys will help you navigate career development questions, create a supportive work environment, and succeed professionally in collaboration with your colleagues. This interactive program will provide best practices for counseling transgender job seekers and help participants create transgender-supportive work places and schools. [This session builds on the transgender component of the “LGBT Counseling Matters” session but it is not necessary to attend “LGBT Counseling Matters” to attend “Trans Matters”.]
   *Erin Wright, Morgan Lynn, Shannon Price Minter*
This article is part of our section’s efforts to increase school participation in LGBT data reporting, and it will include a discussion of the best practices for collecting the information on the self-identified LGBT students.

2. Facilitating Community Support for Diverse Students
This article will advise career services professionals on how to support students interested in strengthening non-existent or fledgling student-run affinity groups.
Mark Goldfarb and additional co-writers TBD, February Bulletin.

3-Part Series on LGBT Issues, Erin Wright and Morgan Lynn
1. Supporting LGBT Students Best Practice Series: Nondiscrimination Policies
This article will address how to determine the language of your nondiscrimination policy, how to go about changing your policy if it’s not inclusive, and how to utilize the policy to protect students’/employees’ rights.

2. Supporting LGBT Students Best Practice Series: Resumes
This article will address concerns including whether to be out on a resume, how to handle transgender name change situations, and other common and not-so-common but important concerns for the benefit of recruiters and school-side professionals.

3. Supporting LGBT Students Best Practice Series: LGBT-Friendly Employers
This article will address how career development professionals can help their students identify LGBT-friendly employers and how LGBT-friendly employers can market themselves to students.

ENVIRONMENTAL SCANNING

SCOTUS ruled a key provision of the Defense of Marriage Act unconstitutional. The effect of the ruling is that same-sex married couples in states where marriage is legal will now be subject to federal benefits and responsibilities. In addition, SCOTUS ruled that the appellants lacked standing in the Proposition 8 case, effectively legalizing marriage between same-sex couples in California but limiting the ruling to that state.

VICE CHAIR REPORTS

ANNUAL EDUCATION CONFERENCE/BULLETIN ARTICLE PLANNING/HOT TOPICS:
Mary Nienaber, the Vice-Chair of the Section, transitioned to a new job outside law school career counseling and is no longer serving in this capacity. I am picking up her responsibilities. Fortunately, she served as Vice-Chair through the most arduous part of the RFP and Bulletin Article planning process.

WEBSITE & NALP CONNECT RESOURCES:
The Section posted revised resources to the Law School and LGBT Sections’ NALPConnect Resources, including: Preeminent LGBT Rights Organizations; LGBT Associations for Attorneys and Law Students; Journals of Gender and Sexuality; Job Search Engines with LGBT Categories; Information for Prospective LGBT Law Students. This concluded an undertaking started last year to update resources over a decade old. Of note, we chose to create links to other organizations’ information (e.g., The National Bar Association’s affiliated local bar associations and various search engines that allow people
to search using an LGBT category) instead of attempting to list every possible LGBT organization so that the list of LGBT organizations, Preeminent LGBT Organizations, would not have to be updated as frequently. The resource section is still waiting for NALP to revise the LGBT Section’s resources page on the NALP website. Planned updates to the overall website have stalled them.

**LAVENDER LAW CONFERENCE:**
The Lavender Law Conference’s career services offerings were a huge success. Erin Wright and the section’s rising star, Jennifer Dekker, did a superb job managing the career advising portions of the event. In particular, Jennifer changed the counseling assignment system. Students would arrive and she would immediately escort them over to an available or soon to be available counselor. This allowed the staff to counsel many more students, especially towards the beginning of the day when counseling is most needed.

In addition, the annual career panel discussion was also a success. The panelists and moderator were as follows: Jim Leipold, Executive Director, NALP; Valerie Jackson, Firm-wide Director of Diversity & Inclusion, K&L Gates LLP; Joshua Wayser, Partner, Katten Muchin Rosenman LLP; Grover Cleveland, Author of Swimming Lessons for Baby Sharks; Lilah Sutphin, Attorney, Heath-Newton LLP; Mark Goldfarb, Chair LGBT Section, NALP (moderator). Lilah’s relatively recent graduation from law school provided a fresh perspective for the students.

**DATA REPORTING:**
The LGBT Section is approaching data reporting from two fronts: information for the NALP Law School Directory and the ERSS Survey. The indispensable Vice-Chair, Gary McGinnis, is redoubling the section’s efforts to encourage law schools to report the number of students that self-identify as lesbian, gay, bisexual or transgender to NALP for publication in its NALP Law School Directory. He has conducted surveys and interviewed individuals at schools successful in collecting data, and he is now in the process of developing a Best Practices Guide. The Guide will first be released as part of the Section’s previously mentioned Bulletin Article in December. The Section then plans to draft a letter to law schools to encourage participation.

The second prong of our data collection efforts is to add a question to the NALP ERSS survey. Erin Wright is spearheading this effort. The LGBT Section discussed whether to include this, and our Section voiced across the board support for including a question on whether the recent graduate self-identifies as lesbian, gay, bisexual, or transgender on the survey. The thornier issue deals with whether and how to include a question to solicit more detailed information on the transgender and intersex populations. The Section voiced strong support for obtaining this information, and Erin Wright is currently developing the best approach for soliciting this information for the purpose of this survey.

**TRANSGENDER ISSUES:**
Erin Wright is a force in putting transgender issues to the forefront. In addition, to the RFP for the 2014 Annual Conference and accepted Bulletin articles, she is devising outreach efforts to schools to ensure that sexual orientation and gender identity are covered under schools’ non-discrimination policies. In addition, she was the champion for the name change described below.

**NAME CHANGE:**
The Section discussed a proposed name change. Originally, there was some confusion as to whether to change the name to SOGIE – Sexual Orientation and Gender Identity and Expression Section or SOGI – Sexual Orientation and Gender Identity Section. The Section discussed this on its conference call and we firmly back the more expansive name, SOGIE – Sexual Orientation and Gender Identity and Expression Section. The impetus behind the name change is to promote greater inclusion. LGBT denotes three distinct groups: lesbians and gays, bisexual persons, and transgender persons. The problem is that this
leaves out certain groups and individuals that do not define themselves along these rigid lines. Other organizations, including the American Bar Association, have decided to change the names of their LGBT/GLBT/LGBTQI, etc. to SOGI in an effort to be more inclusive. However, we are recommending adding Expression to the name.

The Section’s decision to include Expression is because it does not neatly fall within the confines of gender identity, which is more of a bifurcated question of a person’s sense of his/her own gender. Gender expression deals more subjectively with whether a person’s outward appearances, body language, voice, etc. fit within the stereotypes that culture has assigned to each gender. In fact, gender expression is one of the biggest issues within the legal industry. For instance, in 2013, career advisors are still answering questions on whether it is ok for a woman to wear a pants suit to an interview, and depending on where that question is asked, the answer may still be, “no.”

Thus, we are ready as a section to take our next step as SOGIE – Sexual Orientation and Gender Identity and Expression Section.