

## My Pride Story: I felt the sting of prejudice in many ways

By Rachel Moloney 15 July 2022

Thirty-six years and counting in Big Law – and so much has changed. When I look back at where we have come from, I do so with a mixture of joy and horror, not to mention a great deal of incredible respect and reverence for those who came before me.

I feel joy from the allies I've benefitted from throughout my career, joy from the support I received from my employers allowing me to be myself at work, and joy from the landmark changes in legislation that saw us achieve marriage equality. And I feel the most absolute joy that I can LEGALLY use the term "HUSBAND" when addressing my spouse!

But, despite this joy, I will never forget the various horrors visited on me and numerous friends and colleagues over the course of time.

It was the summer of 1986 and I had my first job in Big Law as a summer associate at a former reputable firm in Chicago. It was a pretty intimidating experience on its own. But to me it was also terrifying and impossible to be open in my personal life and, most definitely, in the workplace – something to which millions around the world can relate.

My former firm had ONE openly gay partner (or at least open enough that everyone effectively knew he was gay) and several associates who later confirmed their gayness to me but who at the time were closeted (and, to make



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matters worse, were horribly mean to others who they thought might be gay in order to prove their own straightness). To say that I was worried about what colleagues would think about me, whether they would treat me differently or even ostracise me, would be an understatement. Worse yet, I had a genuine fear that I would be fired if my truth were ever openly spoken. Outside the office, a friend had told me that, years before, he had been fired from one of the then "Big 8" accounting firms when the partner for whom he worked had seen him enter a bar in Chicago, which was known as a gay bar.

Thankfully, today we have the Equality Act in the UK, as well as laws in several

cities and counties across the United States, which protect workers from discrimination on the basis of sexual orientation. The recent *Bostock v Clayton County* U.S. Supreme Court decision has even provided for similar protections at the federal level in the United States.

But when I was a young attorney in the 1980s and '90s, no such protections existed and law firms and companies did not feel the need to include sexual orientation in their workplace policies.

After coming out in my personal life, and then beginning to slowly come out in the office, I felt the sting of prejudice in many ways – partners not including me in client development activities and

get-togethers, and groups of associates socialising over lunch or after dinner drinks to which I wasn't invited.

Worse than this, at a former firm, gossip spread in the secretarial pool that I had contracted HIV/AIDS was among the many horrors that I experienced. Beyond the office, I experienced the threat of sexual assault by a Chicago police officer after I called the police to report a neighborhood disturbance and possible break-in. Never before had I experienced the fear that simply calling the police to report a crime could cause me to become the person in danger.

Legislation does not necessarily equate to those risks going away. Throughout my career, and even today, there has been a stigma attached to being LGBTQ+, which can often leave me feeling isolated and unaccepted by my peers. It can also result in being treated unfairly in important aspects of a practice, in staffing, compensation, or benefits. This is why allies, sponsors, mentors, and often our clients are so crucial to ensure that attitudes and business practices change.

I was fortunate to have allies at my firm, Morrison & Foerster, and allies among my clients and across the business world. I felt at home and able to be myself at MoFo in large part because it has a long-standing

commitment to being an inclusive and diverse firm, and in 2001, became the first major law firm to have an openly gay chair.

Interestingly, many, if not most, of my allies over the years have been women, who had also often experienced discrimination and isolation because of their gender. These allies made me feel welcome as part of a bigger, broader team and were instrumental in helping me to develop a sense of confidence as well as my practice. In one terrible instance at a former firm, I was grateful to have one of my female law partners actually call out one outspoken, bigoted male law partner who used a slur towards me in one of my first partner meetings. Slurs are thrown around without a thought for those who they might affect, so she will forever be a hero to me. Others in the room were left speechless, but not her.

However, the issue of "threading the needle" has never gone away. We remain alert to underlying and unstated homophobia and must remain cautious as we work to be included, compete to win client mandates, and grow our practices.

It's important to look forward too, and I am excited about where we are heading in the law. Many firms are working much harder to make it clear that they want LGBTQ+ colleagues to

feel comfortable being themselves in the workplace. However, vigilance and expecting our firms and ourselves to practise inclusion, and resist complacency and unconscious bias, are the keys to making the future brighter for young attorneys. The courage and expectations of those younger generations should further drive progress. Healthy and constructive conversations, no matter how awkward or challenging they may be, must continue. We have to challenge ourselves to continually learn from one another.

I write today as a member of the steering committee and former chair of MoFo Proud, MoFo's LGBTQ+ affinity group in Europe. What began as a part of our London diversity committee, has become its own affinity group across our three European offices and includes LGBTQ+ colleagues and allies working together to provide a forum for expression and support. Groups like these and the 37 others across MoFo's network in Europe, the United States and Asia help nurture more inclusive firms, and with the support of allies and colleagues we can promote a brighter future for the LGBTQ+ community within the legal sector.

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