

2009 GAYLAW DC BAR CANDIDATE SURVEY

Thomas W. Brunner Nominee for DC Bar Board of Governors

1. How do you promote, encourage, and/or support the recruitment of gay men, lesbians, bisexuals and transgender individuals in your firm, agency, or organization?

My law firm, Wiley Rein LLP, has made considerable progress not only in recruiting and retaining LGBT individuals, but also in bringing a number of those individuals into important positions of leadership within the firm. Several members of the firm's Administrative and Management Committees identify themselves openly as gay including the partner who coordinates the management of the firm's associates.

Wiley Rein was among the first firms in DC to extend medical benefits to domestic partners and has tailored its other policies to be supportive of employment of individuals of all sexual orientations. The firm, under the leadership of Bill McGrath, has taken a leading role in the legal representation of the Whitman-Walker Clinic and its HIV-positive clients. However, the successful integration of gay and lesbian individuals into the life of our firm is not the result of any formal policies. Rather, it reflects an institutional culture that affirmatively values inclusive diversity amongst the firm's lawyers and staff.

I have served as a member of the firm's seven person Administrative Committee and its 17 person Management Committee for most of the past two decades. I have actively supported the firm's openness to LGBT lawyers and staff throughout that period.

2. Do you support the adoption of federal civil-rights legislation, including same-sex civil marriage, to protect gay men, lesbians, bisexuals and transgender individuals from discrimination?

Yes.

3. Which, if any, of the recommendations of the DC Bar's Task Force Report on Sexual Orientation and the Legal Workplace will you work to implement, and how will you do so?

In 2009, implementation of those decade-old recommendations should be universal among legal employers in DC, which is not to say that it is. However, key recommendations (notably the prohibition of employment discrimination based on sexual orientation) have the force of law in the District. The Bar should encourage pro bono representation of individuals who believe that they have been discriminated against by legal employers. The symbolic value of having the organized Bar supporting legal action against its outliers in this critical area would be important. In addition, Bar

Counsel should consider whether violation of legal standards prohibiting discrimination based on sexual orientation also constitutes a breach of legal ethical standards.

On a different plane, I have found reliable information about actual practices of law firms and other employers in our community regarding such topics as payment to off-set tax discrimination suffered by domestic partnerships regarding health benefits is hard to come by. Information provided by some groups has not proven to be accurate in my experience and this has undercut the credibility of advocates for reform in many legal employers. The Bar could perform a valuable service in support of reform by compiling and updating carefully checked information on what law firms and other groups are doing in these areas.

4. Will you work to ensure that all member benefit programs sponsored or endorsed by the DC Bar Ass'n [sic] (i.e. health insurance, life insurance, disability insurance) include benefits for domestic partners?

Parity for domestic partners should be required by federal law. However, in the interim, the DC Bar, which is a mandatory, quasi-governmental body (hence my "sic" above), certainly should be providing benefits equally.

5. Would you support a DC Bar policy that requires all companies with which the DC Bar contracts to prohibit discrimination on the basis of sexual orientation and gender identity?

I am supportive of the goal of this proposal but had not previously been aware of it. I will need to evaluate whether this particular tool to discourage such discrimination would be workable, effective and lawful. I don't have sufficient information to make that judgment at this moment.

6. Please give up to three suggestions as to the role the DC Bar can and should play in addressing discrimination on the basis of sexual orientation and gender identity, and in promoting hospitable workplace environments for gay, lesbian, bisexual and transgender legal professionals.

1. As noted in response to question 3 above, I favor the Bar supporting *pro bono* legal representation of individuals who believe that they have been discriminated against by legal employers on the basis of sexual orientation or gender identity.

2. I also favor instructing Bar Counsel to evaluate whether such discrimination violates professional standards of conduct. If it does (and I suspect it does), a public statement to that effect would be useful and potential enforcement against suspected violators would follow.

3. The Bar could usefully sponsor an event or events (I am unclear as to format) in which legal employers that wish to convey their interest in employing qualified members of the LGBT communities and the support in their institutions for such

individuals could meet with law students and other applicants. Holding such events under the auspices of the Bar would underscore the importance of such outreach to the legal community.

7. Please provide any additional information you care to offer our members in support of your candidacy.

Through some kind of communications break-down, so far as I am aware, the "Final Notice" e-mail dated May 4 was the first contact that I had from GAYLAW about the nomination process. It is certainly possible that I overlooked something earlier, however. If so, please be assured that it was inadvertent. I would have greatly valued the opportunity to meet with you. (As it is, the only member of your Board with whom I am acquainted is Sharon Moore, with whom I have worked in her role at the Equal Rights Council.) Your group is important to me and I would very much welcome your support.

I have just learned that I have been endorsed by the Washington Council of Lawyers.

I attach the Personal Statement that have prepared and the bio being circulated by the Bar.

Thank you for your consideration of my candidacy.

Tom Brunner