

Podcast

Breaking LGBTQ+ Barriers: From Covering to Inclusivity

By Michelle E. Phillips &

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Meet the Authors



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Details

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Transcript

Welcome to Jackson Lewis' podcast, We get work™. Focused solely on workplace issues, it is our job to help employers develop proactive strategies, strong policies, and business-oriented solutions to cultivate an engaged, stable, and inclusive workforce. Our podcast identifies issues that influence and impact the workplace and its continuing evolution and helps answer the question on every employer's mind. How will my business be impacted?

LGBTQIA+ Pride Month is a time to celebrate our pride and reflect on the importance of employees feeling aligned and supported when coming out in the workplace. Our hosts today are me, Michelle Phillips, principal of Jackson Lewis' White Plains office and the founder and former co-leader of Jackson Lewis' Out Professionals and Allies in Law Group and a national firm leader in LGBTQIA+ issues, and Angie Cavallo, Jackson Lewis' director of Diversity, Equity and Inclusion. Angie and I discussed my journey of breaking barriers and how doing so led me to be an ally and role model to others and to champion psychologically safe and inclusive workplaces for the LGBTQIA+ community. This episode was recorded for the National Association of Women Lawyers.

Hi, everyone. I'm Angie Cavallo, director of Diversity, Equity and Inclusion at Jackson Lewis, and I sit in our Philadelphia office. And I'm here today to talk to Michelle Phillips, who's one of our principal attorneys. Michelle, why don't you briefly introduce yourself before we get started?

Thanks, Angie. And thanks for inviting me to participate in the NAWL podcast. I work in the White Plains office of Jackson Lewis, and I focus on diversity, equity and inclusion. I litigate cases, so I'm a litigator. I also conduct a lot of training and I have some sub-specialties such as investigations and LGBTQ+ matters within our firm. I'm the national expert and the go-to person, whether someone's transitioning on the job or it might be an investigation where someone's non-binary and the

issues that are more complex in this area. And so people regularly come to me to talk to clients about that.

Excellent. And it's fitting that this podcast is being released during Pride Month. Yay. Go Pride. Happy Pride to everyone. Happy Pride. And you are, I don't, you know, won't come as any shock, but you are one of our firm's preeminent openly LGBTQ lawyers, right? Thank you so much. Yeah, and that's really what I wanted to do today and what I thought would be really helpful for listeners is to have you share your story and what that journey looked like because you've been practicing law for a while, not to age you, which I won't do, but you have been practicing law for a while. And I know we've talked a lot about how the landscape for LGBTQ folks in law has changed a lot. So when did when did you graduate law school?

Let's start there. I graduated in 1988. And I was living, I went to NYU, so I was living in the Village. And despite the fact what you might think about Greenwich Village and being like this wonderful, you know, liberal bastion, I was completely closeted. And I, you know, I kept running into situations, even both in law school and just after law school, like for example, I went to my first lesbian bar and it turns out that the NYU security guard who's also lesbian was present in the bar. And I'm like, my God, like I, you know, I'm just here with my friend. Like it's, I'm not here for me. You know, my friend's traveling and he wants, you know, it's like, I kept stumbling over situations because I think, you know, I wanted to be out, but I was so afraid of the consequences. Like I really. There weren't a lot of out role models, right? So I was worried I'd be fired or I was worried that it would be used against me, that it wouldn't advance, whether it was direct or that I wouldn't get the assignments that I wanted. So I was very, even though I was in this long-distance relationship and I would drive to Boston, you know, every other weekend, I was definitely not out, you know, at my first couple of, all my jobs. I think the first time I came out was when I was at Proskauer and it was 10 years after I'd been practicing.

Wow, wow. So you weren't one of the folks, you know, when I went to law school 17 years ago and my resume screamed LGBTQ. You know, it was impossible sort of like not to know that about me, you know, from really looking at my resume and the positions I held and the, you know, the groups that were dear to me. So I'm guessing that wasn't the case for you.

Not only was that not the case, but I often had a beard. What are they called? The male equivalent. Is that a beard? Yeah. So I often like, if I had to go to a firm event, I had some guy cause I, you know, that I was like, I may have been dating, you know, but not that wasn't like the love interest. It was just like basically a beard, someone who would be present for me when I would need to like showcase the straight-ish side of me because I wanted to fit in. It was so desperately, you know, I was very excited about being an attorney.

I always wanted to be an attorney my entire life and just like to feel that, you know, there was like limitless possibilities, but there were these limits because I was always afraid to be who I am. So, for example, I would say things like, rather than saying I was going to Provincetown, I would say I'm going to the Cape. Or rather than say I was going to the pines or Cherry Grove, I was going to Fire Island.

And so you engage in these euphemistic things and you hide and you cover in an attempt to pass in the workplace.

And we don't realize how often it comes up, right? Like you come back from a weekend, everyone's talking about what they're doing. I'm hiding what I'm doing. I'm hiding who I love. I'm not talking about the very important people in my life and the way that that can weigh on you and the way that that can affect your emotional state. The whole concept of really bringing your, not your whole, but your best self to the workplace is lost when you have to engage in that covering behavior.

Yeah, yeah, absolutely. That masking, we say in the DEI world, it had to have an impact on that entry into your legal career.

Yeah, I mean, I remember it wasn't even just about like not being who I was, you know, like people will make comments. They'll make anti-gay comments. They'll, they'll, they'll, or they'll make sexual comments or there's, there's so many, I mean, the, one of the first places I worked in, I don't want to identify by name, but it was like Mad Men. Like there was a lot of very inappropriate behavior going on, which, you know, at that time was, you know, it was pre-MeToo, you know, it was pre all of the changes in the laws. So there just was a lot of very inappropriate. Like I remember in my first job, a partner said to me, Michelle, what's up with all the baggy sweaters? So I was not used to having my body being exposed, right? When I was in law school, I would wear jeans and a sweatshirt. When I'm in, when I was a first-year lawyer, I'm wearing a very uncomfortable suit and a skirt and I physically don't feel comfortable in it. And I'm worried that people are looking at my body. So I'm wearing these bulky sweaters to cover who I was. Yeah, it's just gotta be so, being a lawyer is hard. Like no one's gonna tell you differently.

It's so hard. And to just have any added layer of challenges is just incredibly unfortunate. But when did it start to change?

It was, well, you know, there's this when I came out to my family and my friends, which was much earlier than when I came out in the workplace. And so like I remember, you know, I sat down my father and my because my father's a lawyer, my sister's a lawyer, my brother's a doctor. I know we're a little motivated. My mother was a teacher. And I remember like sitting down with them after law school and telling them. I remember my sister was hurt that I hadn't told her sooner. And my brother's like that. My father's like, that's great. You know, he knew. I got very nice except for my, I remember meeting my Nana and we were sitting on the beach and I was like, Nana, I don't think I'm going to get married. And she's like, I don't care, Michelle, I love you. You know, she's like, cause you know, at that time being married wasn't even an option, right? You know? And so I, you know, I felt like on a interpersonal level, every person I told was very affirming. There's only, it was only one exception of all the people that came out to. And unfortunately that was my law school roommate who I lived with for three years. And when I came out to her during my third year of law school, she was cold and chilly. And I think she was worried that it might reflect on her, which is laughable to me because she's the most straight you could possibly be. Like she wears, she used to wear these Tony Lama boots. She had this long straight hair. I mean, you know, it's so funny. Like not that

that would mean she couldn't be gay, but it was not, there's no way you would associate that in terms of her looks or how you expect someone to conventionally look. But when I told her, she just didn't really want to talk about it. So I'm not friends with her, you know, that's that. So that was the, I, I, at a certain point, you know, you have to take account for who you are. And that means you have to be comfortable with who you are. And you have to be with people who are comfortable with who you are.

So at some point you can't really connect with people unless they accept you for who you are. And how it happened for me in the workplace was I actually, I was doing client development and the head of our firm introduced me to my wife indirectly. And I was on a client development dinner and I literally felt like madly in love with my partner, Mary, like across a client development dinner. And it was like life changed for me in that moment. It was, cause before that point I was, I was in relationships, some were long-term, mostly some weren't, but it was never like, this is the person for me. I literally was like commitment phobic, even though I was always in long-term relationships. And I met Mary and I was like, my God, like I can't, if I'm going to get Mary, I have to be out loud and proud because she's like, she was like, you know, fighting, you know, you know, up, you know, chaining herself to the fences, you know, with the drug companies. Like there was no way I was going to get have be able to be with this woman and not be out in the workplace. It just wasn't going to work. So, you know, I was there at the time I was, you know, I was old because I met her when I was 39. And so think about that. I was 39. So that means I went through over 10 years where I really wasn't fully out. Like even when I told individual people at the prior firm, I wasn't out like, you know, introducing Mary, bringing her to events, but like from the moment I came out, she was in my life, there was no choice anymore. And that's actually, it wasn't, not only did I come out at work with a splash, of course everyone knew, like I don't know where, what rock I thought I was hiding under, but at that point I got involved in this organization, Out and Equal, and that was very exciting to me to be able, and this is, you know, it was like 2003 at this point. I was flying out to Minneapolis. I was going to be speaking about same-sex harassment. I was very excited. Unfortunately, one of my other members of our firm from LA who was supposed to come, she ended up having a trial. So I had to take on her other two topics on 48 hours' notice. One was transgender issues, which really wasn't that difficult to learn at the time because there's only four states that had protections, one of which was Minnesota, and also same-sex harassment and sodomy, criminal sodomy laws. So, I had to like, fortunately, I was presenting with someone from Lambda and she was very knowledgeable. And so, you know, like I came out and that formed the genesis of one of my sub-specialties. Like I had never, I had not thought significantly about trans rights and about non-binary issues. And, you know, I went to this conference and I was in the minority. You know, I was, I was, and I just soaked it up. I just took it in and I learned and I talked to people and I talked about their process and their transition and what their lives were like. And I was like immediately drawn to it as an ally. And I have been that strong ally from that day in going forward. I strongly, it's almost like I'm, I'm an advocate from the inside out. Right.

So I work with companies to do the right thing. It's not just about litigation

avoidance. Yeah, of course, companies want to, but it's also about like, how do we create a safe, inclusive workplace, psychologically safe, not just physically safe, but a place where someone's not going to experience harm. They're not going to be, there aren't going to be gay slurs. They're not going to be transphobic comments. We're going to have a gender transition plan and we're going to deal with name change and restroom. We're going to deal with religious objections and all the things that can come up. And then, you know, I had the honor and privilege to be doing LGBTQ+ training for the last 20 years. So that's just been an amazing journey.

And you also, for many years, led Jackson Lewis, our current firm, for many years, you led the LGBTQ resource group, employee resource group, right?

Yeah, that's that's I feel very proud about that. And I feel proud that I'm at a firm at Jackson Lewis that saw the value in that before it was even like recognized generally. You know, I mean, if you think about it, you know, and, you know, I just, I remember it was interesting because I, I had immediately the head of our firm supported it and which was great because he didn't care. He just cared about like business development. Who cares? Like, great, you're gay. Great. Go get them. You know, so we were at, I was at my first partner's meeting and he's like, this is Michelle Phillips and she's gonna run the, he's like, LBTQ, what are the initials? Like he couldn't even get the initials straight, but that, it didn't matter. Like for him, it was just about, yeah, we want everyone to be happy. We want everyone to feel included, valued, to be heard, all those things. So it immediately got passed. It wasn't a big deal. Interestingly enough, the person who was co-leading with it at the time, I don't, there's no need to mention names, but he was a very important person in the genesis of the firm. He opened the Los Angeles office and he was definitely, I don't know if he was a founder, but he was very significant. He was very close with the founders and he was closeted his whole life. Like I didn't meet his partner until his memorial service. Talk about living in the shadows. He had this woman that he would bring to every single Jackson Lewis meeting where you brought spouses. And how sad is that? Right, incredibly. I hope no one has to do that today.

Well, and I think thanks to people like you and stories like this and folks like you stepping up in those role model positions, it for sure shows a changing landscape, right? Like you've had many opportunities through the firm's affinity groups and also just with the work you do to be able to see what the legal landscape looks like now, the legal industry for LGBTQ attorneys. So how's it been to watch that transition?

It's been amazing. I mean, from right, like there's been so many that the path has been wind-y. Right? Because there was the EEOC taking the position in 2012. That sexual orientation was covered. And then in 2013 was the first gender case. And so going from that whole path and then the Obama years where we had the Department of Labor and you had various, the government, different offices all kind of taking on this issue, Department of Justice, Department of Education, and all the guidance from the Department of Education in terms of transgender students. And then there was North Carolina, and there was all the bathroom bill and all the objections, and there was the boycott of North Carolina. Then there was Texas coming out against it, and then going from that. And then we had Trump pulling back on these rights. And then we've had President Biden expanding these rights,

Transgender Visibility Day. And so, I feel like I've had the honor and privilege of being involved in this journey, whether it's presenting at conferences, whether it's doing training, whether it's working with employers on these very difficult issues at times for them. We've seen this, and now we have this tremendous backlash, right?

And so it's like, and I've had to advise employers at every step along the way. And it's been a real honor, is the only way I can say it, to be able to do this work. I feel like I ended up exactly where I'm supposed to be. I don't know how I got here, but I ended up exactly... I mean, there are a few pivotal things. I remember my managing partner and all of a sudden Jason Collins came out as a gay basketball star and he came out in 2012, and Joe Saccomano is like "why don't you write an article about it?" I'm like, great idea. And then like that turned into I've probably written a hundred articles now, right? And quoted in another hundred, you know? So that's having that support, not having a managing partner who's like, keep it on the down low, right? But having a managing partner actually capitalizing on, you know, these protections and, you know, advocating on behalf of employees and employers in this space.

Yeah, for sure. And we've got, you know, so much obviously has changed. You know, it changes obviously from when you started your career, you know, in the late '80s all the way through to now. Life looks totally different to be an openly LGBTQ lawyer or even just person. But, you know, we talked about this a little bit. It can be regional or it can be. We tend to be hidden sometimes in these pockets of protection based on just the communities around us. You're in New York, I'm in Philadelphia, two very welcoming spaces for the most part for LGBTQ folks. And sometimes we forget that there might be other people where they're hearing your story even now thinking, wow, that's not my experience or, wow, I wish I could be as sort of open as these folks.

And I know that that's certainly a challenge because we are somewhat isolated. I mean, I remember, I'd not contrast two different situations for you. So I remember I was interviewing a first year, no, he was gonna be a summer associate. And he had on his resume that he was like the president of the LGBTQ, that school's association or, and, I was, I couldn't believe that he would put that on his resume. And I talked and we hired him and he was amazing. We're sorry, Chris Peters that you left him when elsewhere, but you were amazing associates. So shout out to Chris. But I, but I talked to him, Joe talked to him about it. So like that's New York, right? And he was totally comfortable and he was very much a part of, OPAL's affinity group while he was here. He wrote articles with me, you know, we did presentations, even though he was in an immigration practice group, you know, there was that space for him to be able to be himself at work.

And then we contrast that, I remember there was a situation which was someone sent in, I think it was a nationwide email out and it had to do with the restroom issue. And I was driving somewhere at the time and he made some pejorative comment about like, let them use the stairwells. So something like that, like it was so off the mark. And I literally got like 10 phone calls while I'm driving about it. Like, what are we doing about this? You know, this is, and it was someone in, you know, another office somewhere where like, even though we have this, you know, these rights and recover, there's still like making these very inappropriate

comments. And like people wanted him censured. He had to apologize to everyone. I mean, he, I think it delayed his partnership potential. Like it really had a tremendous impact.

So that's just an example, like here in this other office, someone's making an inappropriate comment and not, and first of all, sending it to, or first of all, thinking it, second of all, saying it, third of all, sending it to everyone in the firm. So that just shows you that contrast. And it's unfortunate that, you know, even with us having a very robust DEI group and, you know, all of the work, Angie, that you do to, you know, to fight to make this place open and available for all from different backgrounds. Even with all of that, we still have people who are gonna feel within their individual office not comfortable. And I just hope that they do talk to me and they do talk to the current OPAL leaders if they ever experience something that makes them uncomfortable. I know I'm always that resource for people. I have been throughout my tenure at Jackson Lewis.

And you're right, right? We're very lucky here, right? We have an amazing firm that has amazing protections and resources. And there's, you know, we have a wellbeing director. I mean, we really try to set folks up here for their best chance at success so that they can show up, be their authentic selves, not have to feel that heaviness that you described earlier, right? When you were first starting out. And I always think about, you know, for everyone that's lucky here at Jackson Lewis, there are, you know, new lawyers entering the workforce all across the country that may not have that luxury of stepping into firms and work environments that where they are supported, they are welcome. They have LGBTQ groups and things to turn to. What advice again, because you've dealt with this with personally and professionally, what advice to those folks that join a firm fresh out of law school and say, wow, my firm doesn't, you know, my firm doesn't have what Jackson Lewis has.

Well, first of all, I think you have to be more selective around where you go. Like I know there's this tendency, you know, first of all, everyone has loans. So there's this tendency to go to like the most highest paying job, you know, you possibly can because you want to just cut down on the debt. But I think you have to really think about like, is this, yeah, OK, you'll make some money. But if you can't be who you are, is it really worth it? And you really have to think about finding like I was at other very big law firms before Jackson Lewis. And they were all very valuable to me and I learned a lot and got great experiences. But it wasn't until I came to Jackson Lewis that I could say I truly found a home, a place where I fully can be who I am. I mean, the fact we're doing this podcast is just a further example of that. So I think people need to be more selective. They need to ask the questions. They do need to do what Chris Peters did and put it on their resume so that they can self-select out any firms where they're not going to be able to be not just open, but not discriminated against, right? People get worried that it's going to negatively impact their career. And you know what? You shouldn't go to a place where you're concerned about that. So you have to do the digging. You have to look on, you know, Glassdoor and you have to talk to people. And you get like, I remember when I went to my last firm, when I was in interview, I asked, when I was going to Proskauer, I asked like, do people wear pants here? Because I was done with wearing skirts. Right. And you may think that's a trivial thing, but it's not just the skirt, it's stockings. It's like the shoes that you wear. It's like the makeup, the jewelry. It's a

whole persona that I'm not. So I think you do have to ask those questions and be more selective. And the other thing is if you by accident or design end up at a firm that you're not comfortable at, get out, find another place where you can be comfortable. It will impact you. We talked about mental wellbeing, like it being closeted, not being comfortable, it's gonna impact your ability to do your job. It's gonna impact your ability to do business development. It's gonna impact your ability to write the articles that you want, to do the presentations that you want. So if you're at a firm where you're like, if Pride's coming and you have to hide, you can't say Happy Pride to people.

Like I remember our firm one year, I don't know who in your group came up with this brilliant idea, but you had this office decorating contest. It was amazing. I literally had tears in my eyes when I saw all the different things that all the offices did. And we had significant participation. It was fun. It wasn't expensive, but you know, the different people dressed up as Pride. There were balloons, there were rainbows. Every person got a Pride pen that year. It was it was amazing. And it like talk about a safe place. That's the kind of place a new lawyer needs to be at.

Yeah, undoubtedly. What about mentoring? How important is it to find your people or your person?

Yeah, I have to say, and I am going to mention him, even though he's deceased now, like Harrison Darby, was the man who helped me start the group. Bill Krupman, unfortunately also deceased, was a mentor to me. And he's, he wasn't, like, it's doesn't, it may be that it's someone who's of the same background or the same affinity group or the same race or gender identity or what have you. But it's important to find people who are gonna support you, who are gonna develop you, who, like I remember another one, Marty Payson, unfortunately also deceased. He was an amazing mentor. Like he would just like come in, we would, you know, we'd get like a lunch and we would like talk about what I was working on. He, these, finding your people to, whether they're of your background or not, finding people who are going to mentor you, who are going to support you, who are going to keep you on track for whatever your goals are, whether it's, you know, you want to be a judge one day or you want to be, you know, in the government, you want to DA, you want to be a DA or you want to be in legal aid or whatever, private, whatever the things are, having mentors, multiple mentors is so significant to your development.

Right. Well, I think that this has been an incredible story. I think your story, you can't undervalue it, right? I'm sure to you, it's, you know, we've talked about this a lot. You're humble, you're very humble and it's just, you know, your life is what it is. But I'm always so inspired to hear folks that, you know, entered into this profession under different circumstances than I did. And watch how you've channeled that into an amazing career. And it sounds like an amazing personal and professional life. So I always love talking to you. I hope that folks listening to this hear the value and just walk away from this knowing that they are valued, that there are spaces out there for you in law, and that there are people like us that will always champion and support them. So anything closing before we go?

I mean, it's just, Angie, thank you, you know, and thank you all for inviting me to participate in this podcast. And it's like so significant as we begin the Pride Month,

you know, and as you hear this podcast to, you know, really embrace, you know, all that you can, you know. And what I mean by that is like whether you're an ally or you're within the community like this is a this is a time this month to show your allies allyship to demonstrate, you know, if you know someone is gay or trans or non-binary or has a family member or is connected to the community, this is the time to show your support. It's difficult now with over 500 anti-LGBTQ+ bills pending before various state and federal legislatures. So I think I just encourage everyone to try whether, you know, to try and create that safe place for people that you work with and people that you interact with. Take care of one another.

Yes, definitely. Thank you again. Thank you so much.

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