

LAW OF THE LAND

A constellation of powerful lesbian attorneys in the San Francisco Bay Area shows how times have changed.

By Adam L. Brinklow



Therese Stewart (from left), Sally Elkington, Chelsea Haley Nelson and her wife, and Kelly Dermody

Last January, very quietly and without any fuss, something remarkable happened: The Bar Association of San Francisco appointed Kelly Dermody, an out lesbian, as its president, while on the other side of the bay the Alameda County Bar Association installed another lesbian, Sally Elkington, to the same post. Little ado was made of it because having prominent, powerful, out women as movers and shakers in Bay Area law is the norm these days, but the coincidental alignment of these two appointments represents an extraordinary sea change in societal and corporate values; just a few decades ago, neither woman was entirely sure how her sexuality would affect her career.

When Elkington got her law degree, just before her 40th birthday, there weren't very many women lawyers, let alone gay women lawyers. "I came out in the late '70s, when there was no real gay revolution," she says. "When I was in the corporate world, it wasn't an option for me to be out. I would have lost my job in a nano-second." Elkington relates horror stories about how the police would cruise by gay and lesbian bars to copy down license plate numbers and then inform on people to their bosses, and she says that in those days she couldn't imagine being a prominent figure in the community and being out.

Her counterpart across the bay came out a decade later, but even as recently as the late '80s it was a different world, says Dermody. "I did not know any gay people before coming out," she says. "I was a sophomore in college and I was afraid of being disowned."

Dermody's fear of persecution was with her for most of her life—when she was growing up, the constant bullying of her peers was her first indication that she might be different. She carried that fear of being found out into college and her career, convinced that she could never have a real life if she came out.

But fear of persecution—from peers, from employers, from law enforcement—can motivate as well as inhibit. "I realized how important it was for me to be out," says Elkington, who, after leaving her corporate job, began to appreciate that she could serve as an example. Dermody's life changed after she interned on Ted Kennedy's Senate Judiciary Committee in '87 and for the first time worked alongside openly gay professionals and saw gay-rights activism in action. She went into law so that she could litigate for people who had been disenfranchised, people like her. Their respective bar association presidencies (one-year appointments) are a high-water mark that neither woman thought was possible.

Therese Stewart also remembers a time when being gay meant being almost invisible. "In those days, you just didn't see gay people," she says of the early '80s in San Francisco. "Well, a few gay men," she corrects herself. "We lived in San Francisco, so one of them lived next door to us. But women—I had very little exposure." In 2002, Stewart became San Francisco's deputy city attorney, a position she could never have imagined achieving back in the days when she didn't know even one openly gay woman.

Stewart didn't go into the law to pursue civil-rights litigation

(she wanted to be an environmental lawyer), but a cause ended up finding her: In 2004, San Francisco Mayor Gavin Newsom abruptly began issuing marriage licenses to gay couples. Stewart, who was as elated as anyone until she stopped to think about it, was handed the seemingly impossible task of litigating for the basic right of gay couples to marry, a cause she believed in but was not entirely sure she could carry in court. “I was like, ‘How in the fuck am I going to defend this?’ I was convinced we were right, but that’s not the same as being convinced that we were going to win,” she recalls.

The marriage licenses from ’04 were declared null, but they opened the door for Stewart to successfully argue the case for gay marriage to the state court in 2008. Then, in 2010, her team carried the day, striking down Prop. 8, the anti-gay marriage amendment whose ultimate fate is still tangled up in the higher courts. It was a string of miracles, just the way Stewart’s entire career seems miraculous by the standards of 30 years ago. How is it possible? “San Francisco is really a very small city, but we think big,” says Stewart. “When we do something, it reverberates.” She pauses for a second, seemingly at a loss. “I can’t for the life of me figure out how it started.”

All the attorneys who weighed in on the issue agree that the Bay Area is unique when it comes to the law. Along with matching County Bar Association presidents and superhero City Attorney’s Offices, the region is also home to Bay Area Lawyers for Individual Freedom (BALIF), the nation’s oldest and largest LGBT bar association. It was founded in 1980. “The rest of the country looks to the Bay Area for what’s to come,” says BALIF Co-chair Chelsea HaleyNelson. There are bigger cities, with more powerful interests, HaleyNelson says, but the Bay Area casts a long shadow because it has a unique set of tools: lots of activists, lots of big-thinking politicians and a huge pool of lawyers and legal experts. It’s a perfect storm, and the winds blow coast to coast.

When each of these women came out, they did it with some measure of uncertainty about what kind of life they’d be allowed to have. Now, not only are they prominent, powerful and successful, they’re also out and proud. Most of them are even married. (Elkington is divorced: “I figured I should run the whole gamut,” she says.) It’s more than they could ever have hoped for, and it’s theirs because they built it, case by case, in the Bay Area. ■

SHE MEANS BUSINESS

From Perth, in Western Australia, to Wall Street, in New York City, Jacqueline Bennett is working to climb to the top of the entrepreneurial ladder, keeping her conscience (as well as her wits) about her and standing up for women’s rights in the workplace. Currently studying at N.Y.U.’s Stern School of Business in the MBA Candidate Class of 2013, Bennett is focusing on finance and entrepreneurship, and spent last summer interning at Credit Suisse in N.Y.C.

What initially drew you to finance?

After high school, I took a year abroad and went to England. At the time, I was contemplating various professions—physiotherapy, law and stand-up comedy, amongst other things. That was during the dot-com boom. I got excited to see kids coming up with business ideas, and seeing how they could add value to commerce and have fun with their own ideas. I started following these ideas in the market and that led me to understand that I wanted to be involved in business and finance.

Is the workplace inherently biased toward men?

I think of myself as a person before a gender, which has been an advantage, but I have noticed a lack of willingness in my female colleagues to speak up about what they want, in contrast to their male counterparts. I have always encouraged women, even those senior to me, to go and ask for what they want.

You’re working on a model to better integrate women into the workforce.

I think giving women a forum to bond together and to share their own experiences and feelings about these gender issues in the workplace is very valuable. This is what my model is based on. I want to help to unravel what it is that is (a) impacting the ability of women to support one another, and (b) allowing women to be underrepresented in the corporate world. It’s certainly not through a lack of talent. We need to make a massive change. There is such untapped strength in the community of women.

Many top corporate lesbians are still in the closet. Do you believe they should come out so that there is change across the board?

One reason I think change is necessary is that relationships are restricted when you are holding back a major part of your life. If you can’t be free and fluid in the workplace, it’s harder to develop relationships. The strength in these relationships enables you to bond and to work better together.

So being out won’t limit your career?

It’s who I am! I don’t necessarily need the world to know who I am intimate with, but I will always be proud of the partnership that I am in and the family that I have. I don’t think I would be representing myself completely if I didn’t share that about my life.

Ultimately, I just want to be responsible, as a woman and a lesbian, and ensure that the current inequalities continue to diminish. [Jess McAvoiy]

