



**STATEMENT OF THE OHIO STATE BAR ASSOCIATION
IN SUPPORT OF HOUSE BILL 369**

Before the House Civil Justice Committee
Representative Steve Hambley, Chair
February 4, 2020

Chairman Hambley, vice-chair Patton, ranking member Brown, and members of the House Civil Justice Committee. On behalf of the Ohio State Bar Association, I am proud to offer proponent testimony in support of House Bill 369.

My name is Jocelyn Armstrong. I am the OSBA's Director of Inclusion and Outreach. I have with me today Karim Ali and Leigh Anne Benedic, both partners with Porter Wright Morris and Arthur LLP. Mr. Ali focuses his practice on corporate transactions and is also active with the firm's diversity and inclusion efforts. Ms. Benedic primarily counsels employers on compliance matters and defends claims on a wide range of employment laws and issues, including discrimination, retaliation, the Family and Medical Leave Act, the Fair Labor Standards Act and other wage and hour laws, as well as labor arbitrations and unfair labor practice charges.

The mission of the Ohio State Bar Association is to promote justice and advance the profession. House Bill 369 accomplishes both of those objectives.

House Bill 369 promotes justice by protecting persons against discriminatory practices on the basis of sexual orientation or gender identity or expression in the workplace, in housing and accessing goods and services made available to the public.

In doing so, House Bill 369 also provides clarity by setting a uniform statewide law that protects against this type of discrimination. The current patchwork of local and federal regulations that conflict with state law poses challenges for the legal profession. Initial consultations with attorneys are made more complicated by the variability in the protections offered by the law from differing jurisdictions.

Diversity and inclusion are absolutely paramount to our profession being able to make sure that all are protected by our system of justice. The legal profession doesn't just want diversity, it needs it. House Bill 369 makes a clear statement to lawyers in other states and people considering joining the profession that in Ohio, not only is diversity wanted, it is crucial to our success as a growing and thriving community. In that way, we stand in support of this bill as it helps us advance the profession by taking steps to encourage diversity and inclusion.

Concerns over compliance with this bill should not hinder its passage. Our profession has made it clear that an attorney engages in misconduct if the lawyer engages in any conduct involving discrimination because of sexual orientation.¹ This has been in effect since 2007 and to say that

¹ RULE 8.4: MISCONDUCT

It is professional misconduct for a lawyer to do any of the following: ...

there hasn't been an onset of vexatious litigation aimed at abusing this protection is an understatement.

To the extent that there are concerns over employers being able to comply with this change we are fortunate that our profession has been counseling clients on how to comply with this policy as local regulations and internal policies have made this standard practice of major employers in this state for years. To that end, we have Leigh Anne Benedic with us to provide some insight into how employers comply with this policy in practice.

The Ohio State Bar Association is proud to stand here in support of this bill. Simply put—it's the right thing to do, it's the smart thing to do, and our system of justice depends on it. We would all be happy to answer any questions the committee may have.

(g) engage, in a professional capacity, in conduct involving discrimination prohibited by law because of race, color, religion, age, gender, sexual orientation, national origin, marital status, or disability;