



HUMAN
RIGHTS
CAMPAIGN®

November 8, 2011

Jay O. Rothman
Chairman and Chief Executive Officer
Foley & Lardner LLP
777 East Wisconsin Ave.
Milwaukee, WI 53202-5306

Dear Mr. Rothman:

Two years ago we corresponded with your predecessor, Mr. Ralf R. Boer, and spoke with some of Foley & Lardner's leadership regarding our concerns about the firm's representation of Stand4Marriage DC, an organization formed for the sole purpose of discriminating against gays and lesbians wishing to marry in the District of Columbia.

At the time we recognized Foley & Lardner's institutional stance in support of LGBT equality in policy and practice within its own workforce. The firm had previously been recognized with a 100 percent score on the Human Rights Campaign Foundation's Corporate Equality Index (CEI). We also had been proud to count Foley & Lardner as a National Corporate Partner. After a thoughtful conversation, we made the difficult decision to deduct points from Foley & Lardner's score because of the firm's leadership and advocacy on behalf of a client working exclusively to oppose marriage equality, in accordance with the published "responsible citizenship" criteria in the CEI. We also decided that we could no longer accept the firm as a National Corporate Partner in light of its efforts on behalf of this client.

Today, we are writing again to express further disappointment with the firm's recent engagement on behalf of the National Organization for Marriage (NOM), one of the nation's leading organizations committed to discriminating against lesbian, gay, bisexual and transgender (LGBT) Americans. It has come to our attention that not only is the firm representing NOM, but one of your partners, Cleta Mitchell, registered as the organization's Minnesota lobbyist on October 26, 2011. Presumably this means that the firm intends not just to represent NOM in court but also to affirmatively advocate for legislation on behalf of NOM.

In addition, as part of its representation of NOM, the firm has recently made pointed arguments that are extremely hurtful to the LGBT community. On September 30, 2011, the firm suggested in a letter to the Minnesota Campaign Finance & Disclosure Board that NOM donors have been subjected to widespread harassment, intimidation and threats by members of the LGBT community. This false "gays as bullies" assertion has been soundly rejected by the courts (including recently in Washington and California), but even more concerning to us is the impact that vilifying LGBT Americans has on our community's safety and well-being. Through your representation, the firm is lending legitimacy to some of NOM's most hateful rhetoric.

We also want to address Foley & Lardner's assertion two years ago that it takes its professional and ethical obligations as lawyers seriously, in particular its obligations to represent unpopular or controversial clients. We fully recognize that the legal profession has the duty to represent unpopular clients and take on controversial cases, particularly in defending individuals or organizations charged with violating the law and in protecting civil liberties. The firm's involvement, however, has gone well beyond simple legal representation of an unpopular client. In 2009, our lawyers witnessed Ms. Mitchell leading and counseling anti-LGBT community members at a public D.C. hearing on testimony that was deeply hurtful towards our community. Now, Ms. Mitchell is a registered lobbyist on behalf of NOM in Minnesota, which goes well beyond any professional or ethical obligations of legal representation. Moreover, the firm has established a clear pattern of knowingly taking on anti-LGBT organizations as clients, even after we and others in the community expressed concerns.

HRC takes seriously our role as the nation's leading organization advocating for LGBT equality. We have an obligation to express publicly our deep concern and frustration with your firm's continued legal *and* advocacy efforts on behalf of organizations devoted exclusively to furthering anti-LGBT bigotry. This commitment on your part marks a continued and significant reversal from Foley & Lardner's past practices of supporting LGBT equality.

In a time when major corporations, including the nation's top law firms, are taking unprecedented strides in support of LGBT equality with regards to their workplace practices and business activities, your firm has regrettably taken a notable step backwards. In the 2010 CEI, Foley & Lardner achieved a perfect 100 score. In the 2012 CEI to be released next month, your firm's score will drop further to a 60, one of the lowest scores earned by an Am Law 200 law firm in the upcoming report. Note that Foley & Lardner has not responded to the survey in the past two years.

Moving forward, we consider it our responsibility to advise corporate counsel and law students committed to diversity of Foley & Lardner's continued representation of anti-LGBT organizations and its current legislative advocacy on behalf of NOM. We recommend that they take these considerations into account when looking to hire counsel or seek legal employment. In the legal marketplace, where so many firms' business activities *are* consistent with their employment practices, we believe that there are better corporate citizens for clients and prospective lawyers to consider.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joe Solmonese".

Joe Solmonese
President