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GET OUT FROM UNDER YOUR OVERCOAT

U.S. Magistrate Judge Jeanne J. Graham[†]

I wear a robe. It is like an overcoat. It is what I do, not who I am. We all have overcoats, even if not a black one, that we offer to explain who we are when talking to other people. We do not go into a conversation starting with, “Hi, I’m gay,” or, “Hi, I’m straight, how about you?” We introduce ourselves by name, by where we live, by what we do, and then, eventually, we get around to family. We notice if someone says “I” or “We,” and we wait to see if more information is volunteered. But, overall, we offer up our overcoats to define our significance, our standing, and our value to society. What I have come to realize is that overcoats, while necessary in some portions of our lives, should not define who we are or how we contribute to our community. The heavier they are, the more they conceal the person making the contribution. Then, society’s sometimes naïve notions of who can do what job and who can serve in what capacity are not challenged.

So I take a moment to reflect on my various overcoats and why it is so important for everyone to see who is serving in every capacity of our justice system. My story is as unique as anyone else’s and my perspective as different because of those experiences. But if hearing from someone who is gay and is seated on the bench can help anyone reading this article to have faith in themselves and our system, and to remove their heavy overcoats, then I embrace the opportunity.

[†] U.S. Magistrate Judge Graham was an assistant U.S. attorney in the Twin Cities for over a decade, receiving a Director’s Award for Excellence from U.S. Attorney General Janet Reno. She became a state court judge in 2000, appointed by Governor Jesse Ventura, where she presided over a multitude of criminal and civil matters in Minneapolis. She was appointed to the federal court system in 2005, serving as U.S. Magistrate Judge for the District of Minnesota. In addition to a criminal docket, she managed and mediated a vast array of federal civil cases, including mass torts, employment and labor disputes, products liability, intellectual property, class actions and antitrust matters. Judge Graham retired on October 31, 2014, and is enjoying trying on new overcoats.

I started my career as a law clerk to then U.S. Magistrate Judge Janice Symchych. I was right out of law school and writing memos about complex federal matters. I could not believe practicing attorneys were asking me questions about how to proceed in a federal case, so when I look back to that time, I remember that my main focus was doing my job well, not worrying about whether I was “out” at work. Thus, my overcoat at that time was a nondescript, long, sleeping-bag-of-a-coat you wear when it is negative twenty degrees outside. Then, in 1986, I was hired by now U.S. District Court Judge Jack Tunheim to serve in the Minnesota State Attorney General’s Office. I was still trying to make my mark and find my strengths as an attorney. We did not really discuss our home lives all that much, and I switched divisions several times having the luxury of experiencing different types of law. It was great. But my overcoat at that time was still, I would say, a wool Peacoat.

When I secured an assistant U.S. attorney (AUSA) position in 1989, my dream came true of practicing as a trial attorney and speaking for those whose voices were less heard. I certainly had friends in whom I could confide, but I was still more defined by my work as an AUSA. I did not hide, I did not lie, I just did not discuss. Slowly, I became more confident in the work I was doing. As I became more comfortable being myself, showing my personality as a trial attorney rather than just acting the part, and doing more high-profile criminal cases, the I-will-dazzle-you-with-my-overcoat-without-discussing-my-personal-life approach was no longer satisfying professionally or personally. So I started coming out to people at the office, who, of course, knew all along. I felt privileged to work as an AUSA, and will always be thankful to each and every AUSA and U.S. Attorney with whom I served. I would like to think my coat at that time became a stylish London Fog with a removable lining.

When I became a judge, I truly understood how important it was to be completely “out.” I was appointed by Governor Jesse Ventura to serve on the Hennepin County bench in 2001. He was very interested in who you were outside of being a lawyer—what you looked like without that attorney-overcoat. So I told him. The Hennepin County bench was meant to reflect the entire community it serves. I felt that unless I made a more public showing of who I was outside my life as a lawyer, it would be disrespectful to the selection process, the Governor, myself, and the

community I was appointed to serve in Hennepin County. Also, as a judge who is gay, I reflected a part of society that historically lived in the shadows to avoid violence, prosecution, or persecution.

Thus, I decided that my investiture would be open and honest as to my whole family. I named my partner in the program and had her assist my mother with the robing. Interestingly, during the program they mentioned my partner's name but not our relationship. I do not blame the reader. It was, I believe, an instinctive, spontaneous reaction of not knowing what they could say in public, even though it was written in bold letters on the program. It did not go flawlessly, but it was a good start. On that day I swore to uphold the law, despite its failings for a large group of people of which I was a member. I hoped that by being myself in that ceremony, it sent the message that love and family have no boundaries, and gay people can and do contribute to society in countless ways. By the way, I purposefully ordered a summer robe so that my overcoat was not too heavy. I was much more comfortable without the weight, and I would like to think I was a better judge for it. I believe my life experience gave me a sense of compassion for others, and I strove to treat all who came before me with respect, tolerance, and dignity.

My journey came full circle in 2005, from U.S. magistrate judge law clerk to being appointed U.S. magistrate judge for the District of Minnesota. Even then, there were only a few openly gay federal judges. Minnesota was on the forefront. Now, things have evolved quickly over my nine-year tenure, and we are living in a time when critically important decisions on marriage equality are being made in federal court. There are three legs to our system—legislative, executive, and judicial. All three are vitally important. Without one we fail. Period. There is no doubt that our federal justice system was, and is, pivotal to our continued success to protect the civil rights of all people. I am so proud to serve in this capacity and, as a newly married woman to that same partner of fifteen years, I am grateful for the work my brethren do in the name of justice.

I wear a robe. It is black and now the lightest material I can get. Do not let that overcoat get too heavy, be yourself, trust in your gifts, and let everyone see how much you have to contribute.