

Harris Kimball



Harris Kimball, considered by some to be the first openly gay lawyer in the nation, played an unwilling yet fundamental role in securing the right of lesbians and gay men to practice law in the United States.

Kimball was a civil rights attorney practicing in Florida when he was disbarred in the mid-1950s for a sodomy charge. Kimball denied the accusations and decried the whole operation as a set up. As a result of this accusation, the Florida bar began disbarment proceedings against him on the ground that he had violated a state law prohibiting homosexual relations. Kimball received a felony conviction and disbarment “for committing an act contrary to good morals.”

Kimball moved to New York where he struggled to find work and support himself until deciding to return to law in the 1970s. After passing the New York bar exam, he was denied entry to the bar because of his Florida disbarment.

However, in 1973 the New York Court of Appeals overturned that decision and in doing so became the first high court of any state to hold that homosexuality was not a basis for denying admission to the bar. The basic tenet endorsed by the appellate court was that an applicant for admission to the New York bar must be judged by current standards, on the basis of his or her present fitness. The court reasoned that, although “violative of accepted norms,” Kimball’s sexual preference did not, in and of itself, justify a finding of unfitness for the practice of law. Thereafter, the Florida Supreme Court ordered the reinstatement of Kimball on the condition of passage of the Florida Bar exam.

References

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