

CORPORATE counsel

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Out at the Top: Questions & Answers, Charles Berardesco

Corporate Counsel
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Charles Berardesco has a sense of humor about one of the highest honors of his career. Last October the general counsel of Constellation Energy Group, Inc., received an award from The National LGBT Bar Association for his leadership role in the lesbian, gay, bisexual, and transgender community. The reception in Washington, D.C., Berardesco says, "was like being at the Emmys—well, considering the audience, more like the Tonys."

Constellation got its start as Baltimore Gas and Electric Company, but the majority of its revenue now comes from an energy supply business that owns more than 80 power plants across the nation. Berardesco joined the law department at Constellation in 2003, and became GC in 2008. His promotion coincided with a difficult stretch for the company. Battered by the credit crisis, Constellation entertained a takeover by one of Warren Buffet's outfits before Electricité de France paid \$4.5 billion for a 49 percent stake in the company's nuclear power plant business.

Berardesco, who heads a 50-lawyer staff, was the lead attorney for Constellation in negotiating the deal and winning its approval. But he still found time to work with organizations like Human Rights Campaign, the largest gay advocacy group in the country. He's one of the few full GCs to receive the National LGBT Bar's "Out & Proud" award, and the first recipient to be legal chief at a company of Constellation's size. Berardesco, 52, recently talked with executive editor **Brian Zabcik** about how he came out on the job, and why it's important for young gay lawyers to do the same. An edited version of their conversation follows.

Corporate Counsel: You came out at work in 1998. Where were you then?

Charles Berardesco: I was senior vice president and general counsel at a company in Baltimore called HCIA. At the time we ran the largest private database of health care information in the U.S.

CC: What prompted your move?

CB: I made a decision that I wanted to live my life with more open integrity. So I sat down with my peers in management, and I told them individually. It was probably a more comfortable environment than if I had been working with people I didn't know for a period of time.

CC: Did you know other professionals who were openly gay at work?

CB: No. I was kind of a trailblazer at the time. There weren't a lot of role models out there.

CC: Were there any LGBT legal organizations then?

CB: I'm sure there were, but I wasn't much of a joiner back then. This was one aspect of my life. It was not the only aspect. I was a very, very busy guy at the time. We ended up selling the company in 1999.

CC: You joined Constellation in 2003. How did you handle being out then?

CB: When I got hired for my original position, I told the then general counsel, "I want to be clear, I'm a gay man, and there's going to be a picture of my partner on my desk, and I'm going to talk about what I did with him over the weekend. If this is going to be a problem, tell me now." She immediately said of course it wasn't. It's one of the things I'm most proud about Constellation—the company has been a very comfortable place to work.

CC: Do you know of any other openly gay general counsel at companies as large or larger than Constellation?

CB: Not off the top of my head.

CC: What's it like for young LGBT lawyers to come out today?

CB: In some respects it's easier. In the 12 years since I came out, society has moved dramatically in terms of its awareness and acceptance of LGBT people.

But when I came out, I was an established lawyer. I had been practicing for 14 years. I was working with people who had known me for years. And their response was, "Why would this change our view of you? You're still this very good lawyer that we very much like working with."

I would imagine that it would be harder coming out if people don't know you as well. The risk is that sexual orientation becomes your primary attribute, as opposed to an attribute. That's the concern I have—that younger lawyers would face a problem that I didn't face.

CC: What advice would you give to a gay person graduating from law school now? How should they handle being out?

CB: Well, I firmly believe that you have to be out. When I got this award, I mentioned something that a friend at my old law firm once said. I was speaking to the summer associate class at the firm, and my friend was introducing me. He said, "I've known Charlie a very long time, and he actually became an even more successful lawyer when he came out." He added, "The lesson for us is that we should all be gay." [*laughs*]

But when I thought about what he said afterwards, it was true.

CC: Why was that?

CB: Successful people have to integrate their private and public lives. It is unfair and unreasonable to say to someone, "You have to wall off your private life entirely when you're in the workplace." There is no way they will be as successful as people who can integrate their private life with their work life. That means being able to talk about what you did over the weekend; being able to say, "I'm working at home because my partner is sick"; being able to say, "We're trying to adopt, and it's causing some stress."

When we say to LGBT people, "You shouldn't talk about those things at work," we're saying to them, "You can't be as successful at work as other people." Because nobody else is being asked to live that kind of unintegrated life.

CC: How long have you and your partner been together?

CB: Over ten years.

CC: Is it confusing that the word partner means one thing at a law firm and another thing in a gay relationship?

CB: [*Laughs*] Yes, a bit. When I'm talking to my law firm friends, at times I do have to say "my domestic partner" or something like that.

But I try to be low-key. We're making this up as we go along—we're creating new ways of talking about relationships, and we're working on the language. And that's okay. I don't ever get offended if people don't call Jeffrey "my partner." You're trying to help people figure out a new way of talking about things.