

HAWAII BAR NEWS



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Hawaii Women Lawyers

By Beverly A. Wee
and Rhonda Griswold

Brochure: Family Leave

The Hawaii Women Lawyers ("HWL") anticipate publication of a new brochure entitled, "Parental Leave Negotiations: How to Negotiate a Successful Family Leave Policy for You and Your Company" this summer. The project is co-sponsored by The Hawaii Women Lawyers Foundation ("THWLF") and Family Leave Committee of the HWL and was co-authored by attorneys Rhonda Griswold and Linda Rose.

Hawaii has one of the highest rates of working women in the nation, as well as a large number of single-parent families and extended families. However, there are no specific state laws governing family leave. As a result, family leave policies are usually determined on an *ad hoc* basis and are subject to voluntarily and often discriminatory application. THWLF and HWL receive continuing requests for assistance by women, employers and law firms regarding family leave policies. There is a substantial need for additional information and statutory job protection for all employees seeking family leave.

In 1987-1988, HWL's Family Leave Committee conducted a survey of the family leave policies of twenty legal employers including large and small law firms and government agencies. Thirty-five percent of these employers had no established procedures for any kind of family leave. None of the employers surveyed offered job sharing among its attorneys or provided any form of child care assistance. Most employers' policies were limited to maternity leave, with little consideration given to paternity or family leave needs other than disability from pregnancy.

The Family Leave Brochure is intended to provide information to employees who seek leave from their jobs to care for a newborn, newly adopted child, or to care for a seriously ill child, parent, or family member. The brochure details state and federal statutes relating to employees' rights and benefits and suggests approaches to negotiating a leave policy in the work place. THWLF has applied to the Hawaii Bar Foundation for funding of the brochure. The

first publication should yield 1,000 brochures which will be disseminated without cost to employee organizations, health care providers, women's groups, and all other interested persons.

Family Leave Legislation

Little progress on family leave bills was made in the State Legislature this session. Last year, both the House and Senate passed resolutions for an interim task force to analyze the recommendations of the Legislative Reference Bureau's ("LRB") 1989 study and to propose legislation to implement a statewide family leave policy in Hawaii. The Task Force, which included members of HWL, the Department of Labor and Industrial Relations, Working Women of Hawaii, Chamber of Commerce of Hawaii, and the State Commission on the Status of Women, among others, convened shortly before this year's session started.

The 1989 LRB study recommended unpaid family leave of between ten and twelve weeks, plus any accrued disability leave, subject to certain limitations (such as an employer exemption for employers with less than fifty employees). Despite this recommendation and the Legislature's mandate, discussions focused primarily on concerns by employers that mandatory leave was unnecessary and should be left on a voluntary basis. As a result, the Task Force could not agree on a mandatory policy proposal for the Legislature. Instead,

the Task Force recommended a \$200,000 appropriation for a comprehensive study of current family leave policies and practices of public and private employers with more than fifty employees.

HWL believes that the family leave issue has been thoroughly studied and that mandatory unpaid family leave is appropriate and necessary. However, it appears that no bill of this kind is likely to pass until the recommended study is completed. The recommended study, once completed, would theoretically support or disprove employers' claims that employees are voluntarily given adequate family leave.

The Task Force recommendations were submitted to both houses of the Legislature as S.B. No. 2979, S.B. No. 2908, and H.B. No. 2579. S.B. 2908 was referred to the Senate Committee on Labor and Employment, while S.B. No. 2979 was referred to the Senate Committee on Ways and Means. H.B. No. 2579 was referred to the House Labor and Public Employment Committee. Although this proposed legislation enjoyed the support of both management and employees, none of the bills were scheduled for hearing and, therefore, died in their respective committees. HWL plans to work with the DLIR and other interested persons to resurrect the Task Force recommendations for next session and get family leave back on track.

Hawaii Women Lawyers' Foundation

BREAKING THROUGH THE GLASS CEILING — THWLF's Challenge and Goal for the 1990's

By Lorraine H. Akiba, President
The Hawaii Women Lawyers' Foundation

In 1990, which has been designated the "Year of Hawaii's Women," The Hawaii Women Lawyers Foundation ("THWLF") will begin its challenging effort to assist women in law and other professions to break through the "glass ceiling."

In the last decade, much progress was made in getting more women into professions and work areas previously reserved exclusively for men, in opening up private clubs to women and in raising awareness regarding issues such as gender bias in the legal profession and judicial system, the need for progressive child care and family leave policies in the work place, and the need to address and prevent problems of domestic violence. However, the last few years have also demonstrated the need to organize to maintain basic hard fought rights for women which were won in the

(Continued on page 14)

Hawaii Lawyers Care

Many of Hawaii's lawyers do care. However, we need more volunteer attorneys to help people who desperately need legal services but cannot afford to pay for those services.

Please join those lawyers who care by filling out the "Registration Application" below and returning it to the Hawaii Lawyers Care at the below address.

If you have any questions, please call George Cookingham or Marilyn Schoenke at 521-7740.

ATTORNEY REGISTRATION APPLICATION

Name: _____

Firm Name: _____

Mailing Address: _____

Telephone: _____ Yr. Admitted: _____

HSBA Member: Yes / No Attorney #: _____

I am willing to provide pro bono services to eligible clients in the following areas:

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|---|---|
| <input type="checkbox"/> Adoption
<input type="checkbox"/> Bankruptcy
<input type="checkbox"/> Civil rights
<input type="checkbox"/> Consumer rights
<input type="checkbox"/> Contracts
<input type="checkbox"/> Divorce
<input type="checkbox"/> Domestic Violence
(hotline)
<input type="checkbox"/> DUI (civil only)
<input type="checkbox"/> Elderly rights
<input type="checkbox"/> Employment
<input type="checkbox"/> Insurance
<input type="checkbox"/> Landlord-Tenant | <input type="checkbox"/> Non-profit
<input type="checkbox"/> Prisoner's rights
<input type="checkbox"/> Probate
<input type="checkbox"/> Real Property
<input type="checkbox"/> Social Security Benefits
<input type="checkbox"/> Title VII
<input type="checkbox"/> Tort defense
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<input type="checkbox"/> Welfare benefits
<input type="checkbox"/> Wills
<input type="checkbox"/> Workers' comp benefits
<input type="checkbox"/> Other: |
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I would like to attend a training session on:

I am able to provide services for clients who speak the following languages:

I already do pro bono work for:

Please note any client preferences: (ie., elderly, handicapped, etc.)

I am willing to serve as a consultant/mentor for other volunteers in the following areas:

Please provide any other details that would be of assistance in matching your skills with the needs of our clients. Please note any special conditions or limitations.

Mail to: HAWAII LAWYERS CARE
 550 Halekauwila St., Ste. 208, Honolulu, Hawaii 96813 • (808) 521-7740

1960's and 1970's. For example, THWLF and HWL have worked with other community groups to preserve women's reproductive rights in light of the *Webster* decision.

On an individual level, many women have also voiced their frustration in facing the "glass ceiling" in the business professions. While there are increased numbers of women in mid-level management positions and significantly increased numbers of qualified and experienced women due to their admissions to professional schools, the numbers of women who have been allowed to advance to positions of power and influence in government and business are significantly less.

To help women break through the "glass ceiling," THWLF's priorities this year are:

1. To increase judicial appointments of qualified women to the bench;
2. To increase appointments of qualified women to government boards, commissions, and committees; and
3. To increase funding sources for new and ongoing community services projects such as the domestic violence legal hotline; the publication of the legal rights handbook for women, "Our Rights, Our Lives"; the women's biography project; and a family leave negotiation brochure.

In conjunction with HWL, much work has already been initiated. On March 23, 1990, THWLF submitted to Governor Waihee for his consideration and action, a list of women candidates for appointments to government boards and commissions. THWLF and HWL have been working on taking affirmative steps to provide qualified women candidates for judicial appointments in the District and Circuit Courts of the State of Hawaii.

As the current President of THWLF, I have had the privilege of welcoming a new board and new members of the Foundation to work together on these tasks. The 1990 THWLF officers and directors include Angie King, Vice President; Louise K.Y. Ing, Secretary; Lelanda S. Lee, Treasurer; June Russell, Assistant Treasurer; Sherry P. Broder, Ellen Godbey Carson, Richard R. Clifton, Virginia Lea Crandall, Dona L. Hanaike, Susan Jaworowski, Corianne W. Lau, Bernice Littman, Joyce Neeley, and Charlene Norris, Directors.

Together we look forward to making great progress on our goals and welcome your support and participation.