



# HAWAII WOMEN LAWYERS

## NEWSLETTER

September, 1991

### 1991 BOARD

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### SEPTEMBER MONTHLY MEETING: HWL OPEN HOUSE!

Date: September 27, 1991

Time: 4:00 to 6:00 p.m.

(NOTE THE NEW TIME)

Place: Arcade Building, 212 Merchant Street, Third Floor



In lieu of the monthly seminar, Hawaii Women Lawyers is hosting an open house to celebrate the opening of its new office in the Arcade Building, next to the offices of the Domestic Violence Legal Hotline. We now have a room of our own in which to hold meetings, keep our files, and conduct business! Please stop by on Friday afternoon to see the office, have some snacks, and meet other HWL members as we rejoice in our new "home".

If you have any posters or wall hangings that you would like to contribute or loan to the HWL office, your donation/loan would be greatly appreciated.

### POINT OF VIEW: The Readers Speak

HWL members are welcome to submit articles for publication in the "Point of View" section of the newsletter. The opinions expressed in this section are those of the writer and do not necessarily reflect the policies or opinions of the HWL board or membership as a whole.

### FEMINIST LEGAL ADVOCACY

#### FOR WOMEN AND CHILDREN *by Ramona Hussey*

There is a real and, as yet, largely unmet need for legal advocacy for women and children, particularly for victims of violence and abuse who have too often gone unrepresented in asserting their legal rights.

This unmet need is a result of several factors including especially the high cost of legal fees and simple disinterest on the part of the legal profession in these issues. Historically, our legal system has developed from the point of view of male experience and privilege. At best, women's

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## **HWL MEMBERS ARE CANDIDATES FOR HSBA OFFICERS AND DIRECTORS**

A number of HWL members have been nominated to run for posts as officers or directors of the Hawaii State Bar Association. Let's throw our support behind our own HWL members! "Plunking" increases the chances of winning for the candidates of your choice.

Look for an insert in next month's newsletter for comments from the candidates.

Here is a list of HWL members who are candidates for office:

Susan L. Arinaga  
P.O. Box 2750  
Honolulu, Hawaii 96840  
543-4791

Sherry P. Broder (Pres. Elect)  
733 Bishop St., Suite 1800  
Honolulu, Hawaii 96813  
531-1411

Trudy M. Burns  
700 Bishop St., 14th Floor  
Honolulu, Hawaii 96813  
531-6575

Rai Saint Chu  
737 Bishop St., Suite 1850  
Honolulu, Hawaii 96813  
528-4000

Jacqueline L.S. Earle  
P.O. Box 3196  
Honolulu, Hawaii 96801  
547-5600

Rosemary T. Fazio (Treas.)  
235 Queen St., 6th Floor  
Honolulu, Hawaii 96813  
524-4787

Diane D. Hastert (Sec.)  
1001 Bishop St., Suite 1600  
Honolulu, Hawaii 96813  
531-8031

Adrienne S. King  
Honolulu Hale  
Honolulu, Hawaii 96813  
523-4312

Cora K. Lum  
1164 Bishop St.  
Honolulu, Hawaii 96813  
527-6490

Florence T. Nakakuni  
300 Ala Moana Blvd., Suite C-242  
Honolulu, Hawaii 96850  
541-2850

Joyce Y. Neeley  
733 Bishop St., Suite 2301  
Honolulu, Hawaii 96813  
536-8177

Sharon B. Takeuchi  
P.O. Box 50183  
Honolulu, Hawaii 96850  
541-2850

Michelle H. Tucker (Treas.)  
820 Mililani St., Suite 505  
Honolulu, Hawaii 96813  
531-5391

*Note: we received the list of candidates right before the newsletter went to press. We apologize if we inadvertently omitted any HWL member from our list. Please let us know if we left out your name, and we will gladly put it in the next issue of the newsletter.*

## **LAWYER KOKUA PROGRAM BROWN BAG LUNCH**

The next brown bag luncheon meeting sponsored by the Lawyer Kokua Program of the HSBA Young Lawyers Division will take place on October 2, 1991 at the Intermediate Court of Appeals, Third Floor, Old Federal Building, 335 Merchant Street, from noon until 1:15 p.m. Speakers Keith W. Hunter and James T. Paul will discuss **ARBITRATION AND MEDIATION**.

The Lawyer Kokua Program is designed to assist new attorneys in making the transition from law school to practice, and to maintain a high standard of competence among Hawaii's attorneys. Please bring your lunch and come prepared for an informative session on arbitration and mediation.

### **Continued from page 1: Feminist Legal Advocacy for Women and Children**

and children's experience and needs have only been minimally incorporated into the practice of law and the development of legal principles.

Constitutional law itself has largely developed without the input of women, children, or minorities, with some recent exceptions. Surely some of the many women and children who experience physical and sexual violence on a daily basis would consider the Bill of Rights (which protects citizens against abuses by government) largely irrelevant to their own experience. They could rightly conclude that a more fundamental right is the right to be free from abuse.

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This lack of a woman's or children's perspective in the law has many gaps in legal practice and legal theory, and is one important reason to encourage the development of feminist legal analysis. The following are some areas of law in which women's and children's needs are currently unmet.

**Women's Needs in Criminal Law:** The criminal law is only beginning to recognize the point of view of women, as when the rape law was rewritten to focus on the force used by the rapist, rather than how much "earnest resistance" the rape victim gave. This was not accomplished until the 1980's in Hawaii.

For another example, the legal theory of self-defense has always been based on what the "reasonable man" would do in similar circumstances. A rape victim or battered wife may behave very differently in a threatening situation. The theory of self-defense for rape or assault victims must be explored from the point of view of a woman who is usually smaller, less used to physical fighting, and who may have a very reasonable fear of serious injury from a male attacker when a "reasonable man" in the same situation would not. Many women accused of murder and assault may in fact have been acting in self-defense and these victims deserve legal advocacy by attorneys who are able to articulate defenses based on feminist legal theories, as well as traditional legal theories.

There is also an often unmet need for good legal representation of women who are charged with crimes where those women are themselves victims of crime. Increasingly, women are being arrested and prosecuted under the "abuse" statute. The phenomenon of the battered woman who kills her batterer, and the teenage victim of incest who becomes a runaway, or a prostitute, or a drug abuser are other examples of victims of abuse who are charged with crimes.

A disproportionate number of women in Hawaii prisons are poor and minority women. According to UH Professor Meda Chesney-Lind, most are in prison for such crimes as prostitution, theft, or substance abuse. These crimes are not violent crimes, and they are crimes which indicate the poor economic status of women in our society.

**Divorce Law:** As the divorce rate continues to rise, women are in urgent need of affordable, skilled attorneys to represent them during divorce proceedings. Because of the economic impact of property and child custody decisions, divorce has been rightly described as "THE most important thing that happens in a woman's life." Too many women cannot afford to hire a good, experienced divorce attorney. Worse, there are battered women who are attempting to leave their abusive husbands who face losing their children to the batterer, and who cannot possibly afford attorneys' fees. Thus, an attorney knowledgeable in divorce issues becomes critical to a woman's future, just when she is in financial crisis.

**Children's Rights:** Children's rights, especially within the family, have not been truly protected. Although the state, through its agencies, is charged with protecting children, many children are left in abusive home situations, or have been further abused by "the system." Too often, state protective workers are overburdened and unable to properly monitor the child's welfare. In addition, the state's overriding interest is to preserve the family unit, and this may not be in the best interests of an individual child who remains at risk for re-abuse.

Because the parents (abusers) are adults and can hire an attorney of their choice or have a court-appointed attorney, any adult accused of abusing a child has the opportunity for vigorous legal representation. Although the court does appoint a Guardian ad Litem to protect the child's legal rights in some cases, too often there is no one to advocate for the child, or the child's right to be safe and free from violence and abuse.

Our society holds that victims of violence and abuse have the right to a criminal investigation of an alleged crime. However, many cases of abuse reported by children to state agencies are routinely not investigated by the police department.

**Feminist Law Center:** Thus, I see an urgent need to establish a feminist law firm specializing in women's and children's rights. This law center would provide direct legal services to women and children who are currently underrepresented, and further, would attempt to influence the development of laws and policies that affect women and children. Such a center would be in a position to see where laws or policies harm women and children and to speak out about such injustice; through testimony in the Legislature, through visiting police or agency officials, or through more informal use of the center's influence in the community. A strong body of feminist legal analysis will be essential to the effectiveness of this center.

I invite you to join in this effort. Your comments would be much appreciated.

Ramona Hussey, Law Offices of Alan Burdick • Suite 702-B • 820 Mililani Street • Honolulu, Hawaii 96813  
Phone Number: 537-5300 (business) • 262-0581 (residence)

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## HWL MEMBERSHIP

HWL invites you to become a member, or to renew your membership dues, if you have not already done so. (Dues run from July 1 to June 30 of the following year.) Please send the following form to HWL, P.O. Box 2072, Honolulu, Hawaii 96805. Dues are as follows:

Regular members \$30    Out-of-state members \$20    Student members \$10  
New admittees (within 1 year of Hawaii admission) \$20

HWL President's Circle:    \$100    \$500    \$1000 (circle one)

Name \_\_\_\_\_ Phone (day) \_\_\_\_\_ (night) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Please indicate if you are interested in information about serving on the HWL Board or Committees

Please note any topics or projects in which you would be interested in assisting

Moved? Name change? Receiving duplicates? Please send old mailing label with corrections to HWL, P.O. Box 2072, Honolulu, Hawaii 96805. If you have any announcements you wish to submit for the monthly newsletter, please call Susan Arinaga at 543-4791, Rhonda Nishimura at 537-6119, or Kathy Young at 524-4880, or send a copy to HWL by the end of every month.

### HAWAII WOMEN LAWYERS

P.O. Box 2072  
Honolulu, Hawaii 96805

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~~Janice E.C. Teramae (691)  
1164 Bishop Street, Third Floor  
Honolulu, HI 96813~~

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