

HAWAII WOMEN LAWYERS

NEWSLETTER

August 1995

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QUOTE OF THE MONTH

I have yet to hear a man ask for advice on how to combine marriage and a career. Gloria Steinem

PRESIDENT'S COLUMN

Sometimes, it's like a hair across your cheek. You can't see it, you can't find it with your fingers, but you keep brushing at it because the feel is irritating. Marian Anderson

It may be true that the law cannot make a man love me. But it can keep him from lynching me, and I think that's pretty important. Martin Luther King, Jr. Wall Street Journal, November 13, 1962

This column is dedicated to my son Ikaika, who is four years old. Ikaika was born to a mother who loved him so much, she gave him up. She was tired, poor, unmarried, and she had another boy to care for. She wanted her new son to have more; she asked the adoption agency to find stable parents for him, parents who didn't have any other young children, parents who had enough money to "bring him up right." I met her once, when she handed me the baby, my son, our son, Ikaika. She was fair, with blonde hair and golden brown eyes. She touched my shoulder and said, "I know you'll do right by him." "Thank you," I said, "I will. I promise."

Four years have passed. Ikaika has button-black eyes, and skin the color of warm molasses. His hair is wavy, and brown-black. He is funny, strong-willed, graceful and athletic. He knows everything. His only problem, he believes, is that his legs are too short to allow him to drive his mama's Infiniti. Recently, Ikaika grabbed and tugged at me while I was watching the evening news. "Come, mommy, come!" Irritated, I got up, gave Tom Brokaw a lingering look and let Ikaika lead me to the back porch. "Isn't it gorgeous," he said. "Isn't it beautiful? Isn't it like a rainbow?" It was. The sun was setting in an extraordinary way, with lavender and orange and gold and green all on display, and Ikaika brought me to it. Ikaika is my heart.

A week later, Ikaika came with my husband and I to the

mainland for a wedding. We stayed in a four-star hotel. One evening while we and several other hotel guests were waiting for the elevator to come to the lobby, a security guard asked one of the guests for identification. He asked to see the guest's room key as well. The well-dressed fellow complied, the elevator arrived, and we all went up. The thing is, we were all Caucasian, and the guest singled out by the security card was African-American. As far as anyone could tell, the only reason that particular guest was forced to show his identification was because he was black.

This was troubling to me. I was bothered because the guest in question didn't get angry; instead he looked weary and simply complied. How often before had he been questioned or judged only because of his color? I was bothered because the security guard made an assumption that was inappropriate, incorrect, and, at its core, unkind. I was bothered because I didn't say anything to the security guard. If the man didn't protest, did I have standing to protest on his behalf? Wasn't that the man's decision?

I still don't know the answer, but upon reflection, I now think we each had a decision. Was he, as a black man, going to address the issue at this particular moment? Was I, as a white woman, a mother and a lawyer, going to participate in our world and try to make it better? In the end, I wrote a letter to the hotel management, explaining why my family would not be

returning to the hotel, and strongly suggesting the hotel review its security policies as they related to race and racism.

I don't want my son to grow up in a world where color matters, except as a matter of taste or beauty. As Max Lerner said, "I don't want to be told that I must love a woman or a man because of their color, any more than I want to be told that I must hate them because of their color. I love and hate only a few, and their color may have as little or as much to do with it as their height or the color of their hair or the way they walk. It is for themselves in their totality that I am drawn to them or recoil from them — for their totality and their humanity."

As women lawyers we have more insight than many into the framing of our Bill of Rights and into the meaning and heart of the words "freedom" and "liberty." We are respected, often more than we deserve, and we are looked to by young and old for guidance. When we manifest norms of behavior, people actually take note. Hence, we have a special responsibility to show the way. We can do that on a daily, even hourly, basis when we approach all people without prejudice, and with respect for each individual's totality and humanity.

There is more to this story. The other day my son said: "Mama, my skin is brown." "Yes," I said, "and what color is mine?" "White," he replied. Later, as we were driving through Papakolea, Ikaika said: "Look, that man is more brown than me!" "He is," I agreed. Then he said, "How come some are brown and some are not?" "Cuz that's the way God made us, honey."

You see Ikaika, who will not kill any insect he suspects has a mommy, is one-half Caucasian, and one-half African-American. He must not grow up in a world of hurt because he is the color of molasses. Not on my watch. I made a promise to the woman who gave him life.

BOARD'S DECISION TO DISCUSS CHANGING TERM OF OFFICE FOR BETTER LEGISLATIVE EFFORT MEANS ANOTHER FREE PARTY FOR HWL MEMBERS AND FUTURE BOARD MEMBERS.

Legislative lobbying has been one of the primary focuses of Hawaii Women Lawyers for many years. Our organization has earned an excellent reputation among many of the legislators due to the fact that as lawyers we are capable of providing legal analysis in addition to lobbying on behalf of all women in the state. Due to our reputation, our Legislative Committee Chair was asked to chair the coalition of organizations which drafted the Crimes Against Women package of bills which passed through the legislature in 1992 and 1993.

Our current HWL Board believes that our terms of office, which run from January 1 to December 31, limit our effectiveness in our lobbying efforts. Consequently, our Board is considering changing the term of office so that it will start

October 1 rather than January 1 in any given year. This will give us more time to participate in drafting and review of new bills.

However, we want your input. We are sending you a letter on the topic, but we are also inviting you to a free pupu and open bar at the Plaza Club to discuss the issue. If we come to some concurrence, we will have a new Board by October 1, 1995. Hence, this month's speakers' forum will be a presentation by the HWL Board of Directors on the issue of changing the term of office. New members and potential Directors will be openly and shamelessly solicited.

DATE: Friday, August 25, 1995

TIME: 4:30 P.M.

PLACE: PLAZA CLUB

Please come. It will be a pleasant and fruitful way to end the week. Call 395-9743, Mary Houghton to RSVP.

HAWAII WOMEN'S LEGAL FOUNDATION HOST THEIR FIFTH ANNUAL MAYORS' FUNDRAISER EVENT.

DATE: SEPTEMBER 23, 1995

TIME: 6:00 P.M.

**PLACE: THE MONARCH ROOM,
ROYAL HAWAIIAN HOTEL**

TICKETS: CALL MARY HOUGHTON, 395-9743

The Hawaii Women's Legal Foundation, "HWLF," will host their fifth annual Mayor's Fundraiser event with an evening under the stars at the Royal Hawaiian Hotel's Monarch Room on September 23, 1995, at 5:30 p.m. This event features the State's four mayors: Maryanne Kusaka, Jeremy Harris, Linda Lingle, and Stephen Yamashiro. The evening will highlight the personalities and accomplishments of the four mayors in a humorous and satirical fashion. Honorary Event Co-Chairs Hon. Mazie Hirono and Tom Leppert, President/CEO, Castle & Cooke Properties will present special awards to the mayors along with other surprise entertainment. The evening is anticipated to be light-hearted and fun.

HWLF supports projects that assist women and children in overcoming legal barriers, and has provided funding for publications for and about women and organizations including Planned Parenthood, Child and Family Service, Parents and Children Together, Legal Aid Society of Hawaii and the Domestic Violence Legal Hotline. This event is HWLF's primary fundraising tool.

Mahalo Nui Loa!

This is my last edition as editor of the Hawaii Women Lawyers Newsletter, and I would like to thank the women who have worked so hard to help me produce the newsletter. First, thanks to Cori Lau (soon to be with the AGs), for her regular contributions, including the Chop Sui Generis column and this

month's profile of Ellen Godbey Carson. Next, thanks to **Mary Houghton**, who typesets the newsletter (and thanks also to her husband, **Tim**, who helps me transmit the materials to Mary). **Susan at NewTech** helps us get the newsletter printed and delivered to **Jeanette Nagaue**, our bulk mailer, who gets the newsletter out to the membership. Sincere thanks to all of you for your professionalism. It has been a pleasure working with you. **Susan Jaworowski**

Women's Health Hawaii

The number one killer of women in the United States is heart disease. 1 in 8 women can expect to develop breast cancer. In Hawaii alone, in 1992 almost 1000 women died of heart disease and breast cancer.

Despite these alarming statistics, scientific knowledge about the prevention and treatment of diseases as they pertain to women is lacking. Clinical researchers have often concentrated on white middle-class men and paid scant attention to women's health concerns.

A major federal study involving 160,000 women in 40 cities, including Honolulu, may soon change this trend. Locally, the study, called Women's Health Hawaii, is being conducted by the John Burns School of Medicine, and will be studying the effects of hormone replacement, low fat diet, calcium, and vitamin D on women's health, specifically, heart disease, cancer, and bone fractures.

Women's Health Hawaii needs 3600 volunteers between the ages of 50 and 79, who are past the menopausal stage, and plan on living on Oahu for at least 3 years. If you would like to participate or want more information, call Women's Health Hawaii at 547-9814. You could help find answers to improving the health of ourselves, our mothers, daughters, families, and friends.

Landmark Award for Housing Discrimination Against Children

The U.S. District Court of Hawai'i has ordered Tropic Seas Apartments, Inc., to pay \$360,000 for discrimination against a couple who wanted to live with their young child in their apartment unit. **Ellen Godbey Carson**, attorney for the family, states that this is one of the largest amounts ever awarded for housing discrimination against a family in this country.

The case challenged the legality of two house rules, which the court found unlawful, stating that the rules excluded 92-95% of families with children on Oahu, and was more restrictive than the housing codes.

The case has broad implications for the sale, rental, marketing, and financing of real estate in Hawaii, as, according to Carson, many properties are being marketed and leased under conditions that may constitute violations of fair housing laws. For more information, call Ellen Carson at 524-1800.

Chop Sui Generis

Carla Poirier has been appointed as Executive Director of the Hawaii Institute for Continuing Legal Education (HICLE). Carla was formerly a staff attorney with the Regulated Industries Complaints Office of DCCA.

Jan Tamura, formerly of Burke Sakai McPheeters and Bordner, has been named as coordinator of risk management services for the Queen's Medical Center.

HWL mourns the loss of colleagues **Pamela Boyd** and **Madelyn Perry**. We extend our heartfelt sympathy to their families and friends.

PAMELA DARLENE BOYD died July 14, 1995, of cancer. She was 38 years old. Pamela was a graduate of the University of Hawaii School of Law, and an attorney with the Hawaii Civil Rights Commission. She also had been a state public defender for several years. Our sympathy in sorrow to her family, many friends, and her fiance.

Past President Profiles

This is the first of a series of articles describing the current lives of former presidents of Hawaii Women Lawyers and featuring their insightful responses to a sequence of difficult questions.

Ellen Godbey Carson

Ellen Godbey Carson is a partner/director with the law firm of Alston, Hunt, Floyd and Ing. She is an honors graduate of Harvard Law School (1980), and concentrates her practice in employment law, professional malpractice, real estate, and civil rights. Ellen is President-Elect of the Hawaii State Bar Association, and was formerly President of Hawaii Women Lawyers in 1989-1990. She was also President of Hale Kipa Emergency Youth Shelters, and former President of the Sex Abuse Treatment Center, and is a member of the Hawaii Supreme Court Disciplinary Board. She has been awarded the Hawaii State Bar Association's Pro Bono Award for Meritorious Community Service, Hawaii Women Lawyers' Outstanding Woman Lawyer of the Year Award, and the YWCA's Award for Hawaii's Outstanding Woman Professional. Ellen formerly practiced in Washington, D.C., where she represented Japanese Americans in a suit to the U.S. Supreme Court for civil rights violations during their World War II imprisonment. Recently, Ellen achieved a landmark decision in the area of housing discrimination against children (see related article).

Hawaii Women Lawyers: What is the greatest challenge facing women lawyers in Hawaii today and how can HWL help meet that challenge?

Ellen Godbey Carson: I believe rainmaking is the greatest challenge facing women lawyers in Hawaii. Bringing in new clients for a firm is essential to women's economic remunera-

tion, power within our firms, professional respect, and ability to control our hours, work style, and type of work. Many women shy away from rainmaking because the "old boy style" is not our style, or because we focus primarily on service to existing clients or our community. We need to recognize the importance of bringing new clients into our firms and practice.

HWL: What has been the greatest obstacle in your career to date, and how have you overcome it?

EGC: I've faced two primary obstacles to my career to date:

(1) Adjusting to Hawaii's smaller population base, which requires a more general practice. Having come from a Washington, D.C. practice where I could be a national expert in small specialty areas, it has been challenging to become a "generalist" in several broad areas of the law, where it is difficult to keep up with the same standards as I would like. However, I've chosen areas of law that interest me, and that permit me to serve a much greater range of client needs than before—employment law, medical malpractice, civil rights work and real estate problems.

(2) The second obstacle I've faced is cancer. I was diagnosed in 1994 with melanoma, a very dangerous form of skin cancer. After the initial shock and surgery, I've made wonderful changes to my lifestyle and perspectives on life. I only work in the office 4 days a week now. I treat myself to a three day weekend every week, so I can garden, quilt, scuba dive, sing in my church choir, and have time for friends and family. I say, "No, life is too short" to tasks that I don't enjoy or that wear me down. I try to make every relationship and experience a good one, and revel in the daily pleasures of life. I look for ways to make sure that my life makes a difference and creates a better world for all.

HWL: What would you consider your most outstanding professional accomplishment?

EGB: My greatest professional accomplishments:

(1) Bringing a class action lawsuit for Japanese American redress to the U.S. Supreme Court, and assisting in public education that has changed so many lives.

(2) Using legal remedies and/or counseling to assist hundreds of women and children who have been raped or sexually assaulted, to regain control of their lives, to prevent future sexual violence, and to find ways to turn traumatic events into positive life forces.

(3) The Presidency of Hawaii Women Lawyers (1989 - 1990) and Hawaii State Bar Association (1996); we have a terrific bar and I enjoy the opportunity to work with others in improving our legal system.

HWL: Why do you think it is important for Hawaii Women Lawyers to exist and what is its optimum role?

EGC: HWL is essential as a professional and emotional support to women lawyers; as an advocate for concerns facing women and women lawyers, and as a facilitator of changes in our profession and community that will help improve women's lives and make a more fair society.

HAWAII WOMEN LAWYERS
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