

HAWAII WOMEN LAWYERS

NEWSLETTER

March 1996

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President's Message

Magali V. Sunderland

As with many of us, prior to my active participation in this organization I had little real appreciation for the myriad of issues which drive our membership and the heart of this organization. I was committed to the clients of my practice and felt rewarded when I performed hours of pro bono work as a volunteer and/or a legal advocate for free.

As my professional life matured though, I soon realized the value and significance of an ongoing daily commitment to matters outside of my immediate practice but within an area of a dedicated expertise. At this point, I selected HWL to become involved in, in large part because of the importance of HWL's goals to the fabric of a healthy community and legal society.

These goals are important to the projects which this organizations undertakes. I wish to share them with you. Perhaps when you have completed this message you will stop what you are doing - pick up the phone and call me (528-3900 and for outer island 1-800-237-9300) - we need your help to make a difference in the quality of life in our state.

GENDER BIAS - Hawaii Women Lawyers is an organization with the tradition of supporting the equal rights of women under the law, and seeks to eliminate all remaining vestiges of gender discrimination. HWL supports affirmative action programs as an appropriate means of remedying continuing effects of historic discrimination against women.

CIVIL RIGHTS - HWL supports the vigorous expansion and enforcement of civil rights under state and federal law and seeks to improve the protection of these civil rights particularly for women. HWL also supports these rights for racial and ethnic minorities, individuals subject to discrimination on the basis of sexual orientation, and others historically subject to discrimination.

EDUCATION - HWL supports measures to improve the quality of education in Hawaii's schools. HWL opposes gender bias in education, and supports expanded educational programs addressing the special needs of those who are socio-economically disadvantaged or handicapped.

HEALTH & WELFARE - HWL supports welfare programs which assure adequate housing, health and nutrition for all Hawaii's residents, and which address the special needs of women and children. HWL supports legislation to ban

discrimination in property transactions, based on the nature of health services to be provided.

FETAL ABUSE - HWL opposes efforts to impose civil or criminal penalties on "fetal abuse", and supports expanded prenatal services and substance abuse treatment programs for pregnant women.

DOMESTIC VIOLENCE - HWL recognizes that one of the gravest dangers to the lives and safety of women and children is domestic abuse. HWL seeks effective legal and societal measures to stop the brutality and offer safe haven to the victims of this violence, including, but not limited to, funding of shelters for battered women and their children.

ADOPTION - HWL supports the right of adopted children and birth parents to obtain access to the identity of their respective birth parents or birth children, as well as the right of such persons to prevent disclosure of such identity as long as prescribed means are followed to register opposition to such disclosure.

REPRODUCTIVE RIGHTS - HWL supports the right of privacy and autonomy as recognized in Roe v. Wade and Griswold v. Connecticut, and opposes any efforts to intrude upon the right of safe and legal family planning and abortion services. HWL supports improved access, information, and low-cost availability of such services.

CHILD CARE - HWL recognizes the severe shortage of affordable quality child care, and supports expansion of child care funding and programs in the public and private sectors.

FAMILY LEAVE - HWL supports expanded rights of parenting leave and family leave in the public and private sector, including employees' paid time off and protection of jobs while on parenting leave, and/or while the needs of their young infants or ill family members require the employee's absence from the job.

CONSUMER PROTECTION - HWL supports rights of consumers to protection from unfair and deceptive practices. In addition, HWL supports the rights of consumers of legal services to fair and accurate information about their fights, remedies, and attorney billing practices.

VICTIMS OF VIOLENCE - HWL supports increased rights of victims of violence and supports their increased involvement in the criminal prosecution process.

MINORS - HWL supports protection of individual rights of minors, and supports a bill of rights for minors.

1996 LeaderLuncheon April 3rd

Alston, Hunt, Floyd & Ing to be Honored

The YWCA's LeaderLuncheon is Hawaii's largest event of the year honoring women for their leadership, professional achievement, excellence as role models and contribution to the community.

LeaderLuncheon XIX will be held on Wednesday, April 3rd at the Hilton Hawaiian Village Coral Ballroom. The reception will begin at 11:30, with luncheon and awards to follow. Tickets are \$50 per person.

Honored for individual achievement this year are retired police officer Lucile M. Abreu; Joan Bickson, President of the Girl Scout Council of Hawaii; and Estelle Louise Kelley, Outrigger Hotel's manager of business operations.

Additionally, Alston, Hunt, Floyd & Ing, Attorneys at Law, A Law Corporation will be honored for their outstanding record of support for gender equity, particularly at senior management levels; their support of women, children and family issues within the workplace; and their support of our community through volunteerism, advocacy and philanthropy.

For additional information, call Janet Bender or Annette Ternes at 538-7061.

A LITTLE GOOD NEWS

California Legislation Regarding Battered Women's Syndrome

The San Francisco Women Lawyers Alliance reports on new California legislation that would expand the definition of battered women for the purposes of considering the "battered women's syndrome" when commuting or paroling women held for violent crimes performed in retaliation for spousal abuse.

As of January 1st, the California State Board of Prison Terms may consider "evidence of the effects of physical, emotional or mental state abuse upon the beliefs, perception or behavior of victims of domestic violence where it appears that the criminal behavior was a result of the victimization."

This legislation was spurred by a California case in which an abused woman was sentenced to 25 years to life for conspiracy to commit murder against her estranged husband after she had moved five times in three years to escape him. The trial court refused to hear evidence that her husband had threatened her, beat and slashed her in front of her children, stolen her property and damaged her home.

Family Law Section Spring Conference Begins April 10th

The 1996 ABA Family Law Section spring CLE Conference will take place at the Williamsburg Lodge in Williamsburg, Virginia on April 10-13, 1996. The Section, through its International Law Committee, has been able to arrange, with the cooperation and participation of the United States Department of State, for a special meeting during the April 10th session to discuss the positions the United States should take on the proposed draft Convention of the Protection of Children to be considered at the diplomatic session of the Hague Conference on Private International Law to be held in The Hague this coming fall.

This is an opportunity for family lawyers to participate in providing guidance for the development of positions and policy at the federal and international level which will have an effect on international practice in family law for many years.

For more information on this event, contact the ABA, Section of Family Law at (312) 988-5603 or FAX Timothy B. Walker at (312) 988-6800. The E-MAIL address is familylaw@attmail.com

NCWBA Nominations Sought

The Nominating Committee of the National Conference of Women's Bar Associations is soliciting recommendations for officers and directors of the NCWBA. Hawaii Women Lawyers is eligible to nominate a member of our organization to serve on the NCWBA board. If you are interested in serving in this position, please contact HWL President Magali Sunderland at Trecker & Fritz, 528-3900.

Six officers, including President-Elect, three Vice Presidents, Secretary and Treasurer, and at least five directors will be elected at the NCWBA Annual Meeting in Orlando on August 3rd. All officers serve one year and the President-Elect succeeds to the Presidency. Directors serve two years and are eligible to be re-elected. All Board members are expected to attend three meetings each year: the Annual Meeting in August, a Fall Retreat in October or November, and the Mid-Year Meeting in February. The Annual and Mid-Year Meeting are held in conjunction with the meetings of the American Bar Association. Members of the board should be available for consultation by telephone and work on NCWBA projects throughout their terms.

If you have questions about the duties or the nominating process, please call Alison Whitmer Tumas, Nominating Committee Chair, at (302) 577-3923. The deadline for nominations is April 30th.

Asylum Report from Lawyers Committee for Human Rights

The Lawyers Committee for Human Rights is seeking support against legislation that is now pending in Congress that would severely restrict access to asylum in the United States.

The right to seek asylum is an internationally recognized human right. The right of a refugee to seek protection from persecution was incorporated into U.S. law in the Refugee Act of 1980. The United States grants asylum to individuals who face persecution in their home countries because of their race, religion, nationality, political opinion or membership in a particular social group. Asylum reform procedures were enacted in January of 1995 by the Justice Department. This reform streamlined the adjudication process. Last year, the United States granted asylum to fewer than 8,000 individuals from 53 countries and asylum applications decreased by 57%.

Despite this, however, S.269/1394 and H.R. 2202 propose sweeping changes to the already reformed asylum system. The Lawyers Committee is particularly concerned about three proposed restrictions that would make it nearly impossible for refugees to apply for and receive asylum. These proposed restrictions are:

- 30-day filing deadline on applications for asylum,
- Summary exclusion of refugees who arrive without valid travel documents,
- and elimination of non-refoulement obligation, eliminating section 243(h) of the Immigration and Nationality Act, which prohibits the United States from returning a refugee to a country where his or her life or freedom would be threatened due to race, religion, nationality, political opinion, or membership in a particular social group. This protection was enacted into law in order to implement the United States' non-refoulement (right to freedom from return to a place of persecution) obligation found in Article 33 of the UN Convention Relating to the Status of Refugees. Eliminating section 243(h) directly contradicts the U.S. obligation to abide by the UN Convention, an international treaty recognized by 128 countries worldwide.

If you are interested in more information on the status of this pending legislation, please contact Stephanie Marks in the New York office. Lawyers Committee for Human Rights, (212) 629-6170 or e-mail her at NYC@lchr.org. If you prefer to talk to the Washington office, call Michele Pistone at (202) 547-5692 or e-mail her at WDC@lchr.org

ABA Documents Bias Against Women in U.S. Law Schools

There has been a lot of publicity within the legal community on the ABA report which was released in early February, finding that both subtle and overt bias against women continue to be a problem in American Law schools, hindering the education of female students and the careers of female faculty.

"Elusive Equality: The Experience of Women in Legal Education," was produced by the ABA Commission of Women in the Profession. The report is based upon hearings held across the country at which male and female students, administrators, faculty and deans from 58 law schools testified.

Testimony at the hearings revealed the following incidents:

- while discussing a reproduction case, a law professor routinely calls female students to the front of the class to point out where their ovaries are;
- a flyer distributed on the Yale campus in 1995 rates five women law students on a "lusciousness" scale;
- a professor who tells his class, "I've married several of my female students (off) to get them out of the field of law, but I can't keep doing this; there's too many of you this year."

In 1944 women comprised 44% of law school students, but only 8% of law school deans and 16% of tenured professors were women. Because of the dearth of female colleagues, women professors generally shoulder a heavier burden for mentoring and administrative duties than do male professors. Additionally, female law students find relatively few women role models, particularly at top-tier law schools.

This new report is but one of 18 reports, publications and videos of particular interest to women lawyers that are available through the ABA. To have a publication list Faxed or sent to you, call Kay Lorraine at 545-8055 or E-mail your request to the ABA at abacwp@attmail.com

Physician Shay Bintliff has been working with Rep. Virginia Isbell in the drafting of a resolution to ban corporal punishment in Hawaii. This resolution is known as HR LRB 96-0169-1. It should be coming before committees for consideration before the end of the month. If you are interested in testifying or otherwise lending support to this resolution, please call Dr. Bintliff on the Big Island at 882-1177.

This month HWL introduces Kay Lorraine as our Newsletter Editor. Kay will be relieving Mary Houghton of this task so that she will have more time to devote to administrative duties. Our sincere thanks to Mary for all of her hard work.

Kay will be looking for contributing writers to gather professional and personal news from our membership. Anyone interested in contributing to the newsletter can reach Kay at 545-8055 or fax your news to her at 545-8636.

HWL MEMBERSHIP

HWL invites you to become a member, or to renew your membership dues, if you have not already done so. Please send the following form and your check to: HWL, P.O. Box 2072, Honolulu, Hawaii 96805. Dues are as follows:

Regular members \$40 Out-of-State members \$20 Student members \$10

New admittees (within 1 year of Hawaii admission) \$20

HWL President's Circle: \$100 \$500 \$1,000

Name _____

Mailing Address _____

Phone (day) _____ (night) _____

Please indicate if you are interested in information about serving on the HWL Board or Committees, or note any topics or projects in which you would be interested in assisting.

HAWAII WOMEN LAWYERS
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