

HAWAII WOMEN LAWYERS

NEWSLETTER

February 1997

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Check Out Our New HWL Web Page

HWL Goes On Line

As part of our goal to use technology to enhance the information network within Hawaii's legal profession, we are pleased to announce that HWL is on the net.

Our new web page will give you news on upcoming programs, legislative updates, and membership information, as well as a calendar of events.

Since this venture is brand new for us, we're looking for ideas on what our members would like to see included on the web page. Please fax your suggestions to Kay at the HWL office (545-8636), to Magali at 533-3684, or E mail (hwl@lava.net). We will pass them along to our computer guru, Joe Sunderland, for implementation.

Mahalo nui to Joe, who by now, we're sure, is wondering why he ever volunteered for this project.

<http://www.lava.net/~hwl>

(We'll be counting those hits.)

CHOP SUI GENERIS

Susan Oki Mollway has been re-nominated by President Clinton as U.S. District Court Judge in the District of Hawaii. No word on how long the confirmation process will take.

Carol Mon Lee has been named Ass. Dean at University of Hawaii's Richardson School of Law.

In case anyone missed it, Judge Iwalani White recently resigned as a District Judge of the Family Court to accept the position of First Deputy Prosecutor under newly-elected Prosecuting Attorney Peter Carlisle.

1997 HWL Awards Reception Date Changed to Feb. 21st

Awards Winners Announced

HWL Board of Directors has released the names of this year's awards honorees.

All four decisions were unanimous:

Lifetime Achievement	Congresswoman Patsy Mink
Distinguished Service	Professor Judy Weightman
Woman Lawyer of the Year	Attorney Yuklin Aluli
President's Award	Judge Marie Milks

Meet the Honorees

Awards will be presented at a reception at the Plaza Club on Friday, February 21st from 4:30 p.m. to 6:30 p.m. Please note that this is a change from the originally announced date of February 7th, made to accommodate Representative Mink's congressional schedule in Washington, D.C. The cost is \$15 per person. We will be serving pupus and offering script for beverages. To make a reservation, please call Kay Lorraine at 545-8055 or send your check to HWL Organization Headquarters, 76 North King Street, Suite 206, Honolulu, Hawaii 96817.

Eleven Bills Being Supported by the Hawaii State Coalition Against Domestic Violence.

prepared by Nanci Kreidman

1. H.B. 482, S.B. 824 permits the Dept. of Human Services to identify and screen for domestic violence when interviewing applicants for income assistance.
2. S.B. 834 permits the Court to issue protective orders for a period that the Court deems appropriate, eliminating 3-year limitation.
3. S.B. 1038 requires that incarcerated felons participate in domestic violence control groups in order to be considered eligible for parole.
4. H.B. 623, S.B. 1053 prohibits the expungement of records for those convicted of domestic violence, eliminating applications currently included as part of 709-906.
5. S.B. 1062 eliminates the opportunity for perpetrators of domestic violence to enter a plea of deferred acceptance of guilty and deferred acceptance of no contest.
6. S.B. 801 establishes guidelines for identifying and screening applicants for welfare assistance who are victims of domestic violence.
7. S.B. 333 eliminates the opportunity for Judges to "informally adjust" misdemeanor domestic violence cases in Family Court.
8. S.B. 844 eliminates the word "recent" from the statute granting protective orders to petitioners of the Court. Current statute uses language "recent past acts" must be alleged in order that an order be granted.
9. S.B. 293 expands the authority of police when invoking the cooling off period provided for in 709-906, to prohibit contact during that period including phone calls.
10. S.B. 1056, S.B. 354, S.B. 435. These bills create the development of system wide prevention efforts for schools in Hawaii, as well as an oversight council and coordination program within Department of Attorney General.
11. H.B. 405, S.B. 405 R is a vehicle appropriation bill for victim support services.

HWL Library and Brief Bank

HWL has established a library of information and services. We are purchasing audio and video tapes on specialized legal information. Additional donations in this area would be greatly appreciated. Audio and video tapes of legal seminars are especially useful.

Additionally, we are seeking computer discs with briefs and forms. This "brief bank" will be available to all HWL members for the cost of a computer disc. To make donations, please call Kay at the HWL office (545-8055).

Video On Violence Against Women Now Available at HWL Library

"Stopping Violence Against Women: Using New Federal Laws," a video tape CLE session produced by the ABA Commission on Domestic Violence, Center for Continuing Legal Education (CLE) and the Center for Pro Bono is now available in the HWL Library. This tape is designed to help lawyers, prosecutors, judges, victim advocates and law enforcement understand new federal laws related to violence against women.

The new laws were intended to prevent violence against the more than two million women estimated to be battered by intimate partners, and create new options for legal intervention to stop the violence.

Lawyers in most areas of practice have had or will represent a client who is either the perpetrator or the victim of domestic violence. No matter what their area of practice, all lawyers have an obligation to provide their clients with competent, informed legal representation. Issues related to family violence in the home can emerge in a variety of legal situations -- innocent spouse tax liability avoidance, for example -- where they are unexpected.

The videotape program features panels of experts discussing the Federal Gun Control Act as well as the four major provisions under the Violence Against Women Act:

- the full faith and credit mandate for protective orders;
- the new civil rights remedy for victims of gender-motivated violence;
- the new interstate domestic violence crimes; and
- the new protections for battered immigrant spouses.

The videotaped program features domestic violence experts from across the country, with an introduction from Attorney General Janet Reno. This tape is available for free viewing at the HWL Library located in the HWL Organization Headquarters office, 76 North King Street in downtown Honolulu. Just call 545-8055 in advance to make sure that the AV room is available.

"Mediation - Pros & Cons" to be Presented February 28th

HSBA Practice Management Workshop

The first Practice Management Workshop of 1997 will be held on February 28th, from 3:30 p.m. to 5:00 p.m. at the Hawaii State Bar Association Conference Room located at 1136 Union Mall, PH-1 in downtown Honolulu.

The workshop will be conducted by HWL member James E. Duffy, Jr., senior partner of the firm Fujiyama Duffy Fujiyama. Mr. Duffy will be covering all aspects of mediation, including procedure, expectations, the selection of a mediator, and practical alternatives to mediation. He will also discuss the new ADR requirements in the Circuit Court Rules.

Reservations are limited. To assure your place, call Lyn at 537-1868. The workshop is free.

Legislative Committee Working Overtime

HWL Monitoring a Record Number of Bills

This year's HWL Legislative Committee is expecting an extremely large workload during the 1997 Hawaii legislative session. HWL President Magali Sunderland points out that "in the last election we saw legislators removed from office for inactivity. Clearly the voter base wants action, and this mandate is not lost on the returning lawmakers. In addition, we have an unusually large number of new people with no legislative experience. In this environment, just about anything could happen. We are going to have to monitor this particular session more closely than ever before. HWL takes special interest in bills that impact women, children, and the quality of family life. This will involve legislation in the areas of crime, same sex marriage, education, Family Court issues, gender bias, civil rights, welfare, insurance, extension of privileges and immunities, consumer protections, domestic violence, and elderlaw."

We Need Your Help

It's far too much work for just a few people to handle. The Legislative Committee is looking for volunteers to write testimony for submission to the various legislative committees. This is a chance to make a significant contribution to the fabric of a healthy community and legal society. An opportunity to become *active* in shaping the quality of life in Hawaii. **Please call Magali Sunderland right now at 528-3900.**

Legislative Fax Hotline

Keeping Our Members Up To Date on the Important Issues

Because this legislative session will be dealing with so many hot issues, it is especially important for HWL members to be kept up to date. In order to facilitate this information, we need your fax number. If you have not previously given us your fax number, this is the time to do so. Fax the info to Kay at the HWL office (545-8636).

1997 Legislative Timetable

<u>DATE</u>	<u>LEG. DAY</u>	<u>DEADLINE</u>
January 15th (Wednesday)	1st	Opening Day
January 17th (Friday)	3rd	Last day for unlimited bill introductions
January 21st (Tuesday)	4th	5 bills/day limit begins and State-of-the-State Address
January 22nd (Wednesday)	5th	State-of-the-Judiciary Address and last day to introduce the Administration's package of bills. Deadline is 5:00 p.m.
January 24th (Friday)	7th	5 bill/day limit ends and last day for bill introductions
January 27th (Monday)		One day recess
January 31st (Friday)	11th	Last day for organizations to submit grant and subsidy requests to the Legislature.
February 14th (Friday)	21st	First Lateral. All bills to final committee.
February 20th (Thursday) through February 26th (Wednesday)		Mandatory five-day recess
February 28th (Friday)	25th	Filing deadline for First Decking. Last day to deck non-budget bills for Third Reading in the originating body.
March 3rd (Monday)		One-day recess
March 4th Tuesday)	26th	Filing deadline for budget bills.
March 5th (Wednesday)		One day recess.
March 6th (Thursday)	27th	First Crossover. Last day for Third Reading of bills in the originating body.
March 10th (Monday)	29th	6 substantive resolutions/day limit begins
March 14th (Friday)	33rd	Last day to introduce substantive resolutions. 6 substantive resolutions/day limit ends.
March 21st (Friday)	38th	Second Lateral. All bills to final committee.
March 31st (Monday)	42nd	First Lateral for concurrent resolutions. All concurrent resolutions to final committees.
April 4th (Friday)	46th	Filing deadline for Second Decking. Last day to deck bills that were amended by the receiving (non-originating) body.
April 7th (Monday)		One-day recess.
April 9th (Wednesday)		One-day recess.
April 10th (Thursday)	48th	Second Crossover. Last day for Third Reading of bills that were amended by the receiving (non-originating) body. First Crossover for concurrent resolutions. Last day to pass concurrent resolutions to the non-originating body.
April 11th (Friday)	49th	Disagree. Last day to disagree with the other body's drafts of bills. Deadline for final form of constitutional amendments.
April 21st (Monday)	55th	Second Crossover for concurrent resolutions. Last day to pass concurrent resolutions that were amended by the receiving (non-originating) body.
April 24th (Thursday)	58th	Last day to file non-fiscal bills to deck for Final Reading
April 25th (Friday)	59th	Last Day to file fiscal bills to deck for Final Reading.
April 28th (Monday)		One-day recess.
April 29th (Tuesday)	60th	Adjournment sine die.
June 19th (Thursday)		35th day after adjournment which is the last for the Governor to give notice of bills he plans to veto.
July 3rd (Thursday)		45th day after adjournment which is the last day for the Governor to consider bills. The Legislature may convene in special session to act on vetoes.

Yuklin Aluli Woman Lawyer of the Year

Attorney Yuklin Aluli stands at the forefront of native Hawaiian rights, and HWL is proud to recognize her as this year's Woman Lawyer of the Year.

Ms. Aluli has been in private practice for twenty years, representing both plaintiffs and defendants in probate, real property, business, family and environmental law matters. She has served as plaintiffs' counsel in a number of cases involving the Hawaiian Homelands Trust. She incorporated and serves as counsel to several Hawaiian health organizations such as Hale Ola Ho'opakolea, Na Pu'uwai, E Ola Mau and Papa Ola Lokahi.

Yuklin is presently a proponent of an effort on the part of the Native Hawaiian Bar Association, through its Committee on Traditional Peacemaking, to design and implement a ho'oponopono demonstration project.

In the past she has served on the boards of a number of educational and professional organizations including Legal Aid Society of Hawai'i, Hawai'i State Bar Association Gender and Other Fairness Committee, Alu Like Business Advisory Council, Le Jardin Academy, Hawai'i Cultural Research Foundation, Central Branch of the YMCA, Hawai'i Supreme Court Permanent Committee on Fairness, and the Advisory Panel on Minorities and the Justice System. She continues to serve as President and Director of Native Planters, Past President and Director at the Native Hawaiian Bar Association, and has sat on the Board of Maryknoll Schools for five years. Additionally, she has served as President and Director for several real estate developments.

In her four years on the Honolulu Planning Commission, she helped formulate the first Development Plan Land Use Maps for Oahu. During her seven years as a police commissioner, she participated in the search and selection of Chief Michael Nakamura.

An accomplished dancer and paddler, Ms. Aluli has, in past years, performed in two Kamehameha Day Hula Competitions, and competed in three Molokai Channel races. In her spare time (spare time?) she has been a volunteer at the Women's Corrections Facility and Hawai'i Lawyers Care. Her son is currently at the University of Southern California, School of Engineering.



Judy M. Weightman Distinguished Service Award Winner

By Daphne E. Barbee-Wooten

Attorney Judy Weightman is an assistant professor of law at Richardson School of Law, University of Hawai'i where she is the Director of the Pre-Admission Program. The Program is designed to provide disadvantaged groups who are underrepresented in the Hawai'i State Bar an opportunity to enter and succeed in law school. As the Director of the Pre-Admission Program, Judy Weightman takes seriously her duties to ensure diversity of all cultures included in the law school.

Judy Weightman is a producer/director and founder of the Hawai'i Holocaust Project. She has produced several films, "*Days of Remembrance: Hawai'i Witness to the Holocaust*" and "*Profile of an AJA Soldier*" and "*Profile of a Holocaust Survivor*." She has won numerous awards both nationally and internationally for her film "*From Hawai'i to the Holocaust, A Shared Moment in History*," which was featured in the Hawai'i International Film Festival, Shanghai Film Festival, Seattle Asian-American Film Festival, and the Japanese-American National Museum Film Festival.

Judy Weightman helped formulate the Minority Bar Pass Program in which volunteer attorneys assist persons to take and successfully pass the Hawai'i State Bar. Prior to working as an Assistant Professor of Law, Judy Weightman was a law clerk for Chief Judge James S. Burns for the Intermediate Court of Appeals, a Deputy Public Defender, and staff attorney for the Department of Commerce and Consumer Affairs.

She is President and CEO of American Belt Wrap Corps, board member and officer of the ACLU, trustee and officer of the Board of Trustees Jewish Federation of Hawai'i, and a member of Advocates for Public Interest Law. Additionally, she is one of the founders of the Afro-American Lawyers Association and sits on their Board of Governors. Ms. Weightman holds four patents, various copyrights, and is a member of Hawai'i Women Lawyers, Advocates for Public Interest Law, Hawai'i Women Legal Foundation, and serves as co-chair of HSBA's goal group to increase meaningful participation of underrepresented groups in the legal profession and judiciary.

She is involved with numerous community and professional organizations, reaching out to all areas of social, racial, gender and ethnic groups to ensure justice and equal access and opportunity for all people. Her activities in the community and her devotion to reaching out to help people is deserving of Hawai'i Women Lawyers' Distinguished Service Award.



Marie Nakanishi Milks President's Award Recipient

by Susan Lynn Arnett

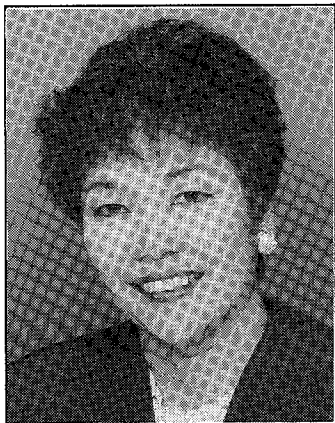
HWL President Magali Sunderland chose to have the HWL Board of Directors participate in selecting the recipient of the 1996 President's Award. The Board chose First Circuit Judge Marie Nakanishi Milks in recognition of her long-standing contributions to our judicial system and our community.

Judge Milks grew up in Hawai'i, graduating from Roosevelt High School, class of '62. She earned her B.A. from the University of Hawai'i and her J.D. from Georgetown University (1972).

Returning home, Judge Milks began a seven year tenure with the Office of the Public Defender, where she tried high profile cases involving serious felony offenses. She was Acting Public Defender when she was appointed to a District court judgeship in 1980. She served as a District judge until March, 1984, when she was appointed to the Circuit Court bench.

Those of us in litigation, both civil and criminal, know Judge Milks to be a very fine jurist who keeps herself thoroughly informed on the law and presents attorneys with the challenge to be well-prepared and conscientious in appearances before her. She has served in administrative capacities in the circuit court, as motions judge and as an acting appellate judge.

One of the greatest contributions that Judge Milks has made off the bench has been as a teacher. She has served as an Adjunct Professor and as volunteer faculty for the University of Hawai'i Law School since 1980. She has been a faculty member of the National Judicial College since 1985, the National Institute for Trial Advocacy since 1986 and the Harvard Law School Trial Advocacy Workshop from 1988 to 1990. She served on the Board of Directors of HICLE from 1988 to 1995.



She is a charter member (bencher) of the Aloha Inn of Court.

Despite the long hours that her work as a judge has entailed over the years, Judge Milks has found time to make a significant contribution to our community. To mention just a few of the community organizations she has served, she was on the Board of Directors of Manoa Valley Theatre for nine years ('84 to '93) and is in her eleventh years serving as a Girl Scout Council of Hawai'i Board member. She played in the Women's Island Soccer Association from 1980 to 1996 and was an AYSO coach from 1980 to 1991. She began serving as a judge in Hawai'i Speech League tournaments in 1974 and judged most recently at UH Lab School in January, 1997!

As if all this were not enough to keep her busy, Judge Milks has also found time to raise a family with her husband, Bill, who is also a lawyer. Their son, Woody, is teaching at St. Louis while daughter, Alicia, just completed her Master's in Early Education and is teaching in Virginia. Their foster daughter, Jennifer, 20, is attending college.

These accomplishments only scratch the surface of all that Judge Milks has done for the people of Hawai'i. While we know that she has received various honors before, your HWL Board wanted to again recognize Judge Milks as someone who has truly embodied the best of what we can be as lawyers. She has managed to make a home for her family, establish a formidable reputation as one of our best trial judges, and involve herself in significant worthwhile community and professional activities.

We proudly recognize her many accomplishments and ongoing contribution with the President's Award for 1996.



Patsy Takemoto Mink Lifetime Achievement Award

Patsy Mink has been winning political elections since the mid-1940s, when she was elected student body president at Maui High School. Ten years later she was already Charter President of Hawai'i Young Democrats, then National Vice Presidents of Young Dems of America and, eventually, National President of Americans for Democratic Action. She was first elected to public office in 1955, when she entered the Territory of Hawai'i House of Representatives. She later served two separate terms in the Hawai'i Senate. As a member of Congress, Representative Mink was elected to six terms and was then appointed to the State Department by President Carter. After returning to Hawai'i, Patsy chaired the Honolulu City Council. In 1990 she went back to Congress, where she has been reelected ever since.

Patsy Mink has faced prejudice throughout her lifetime on several levels. She is, after all, not only a woman, but an *Asian* woman from *Hawai'i*. When she arrived for classes in Wilson College in Pennsylvania, the president of the college assumed that she spoke little English and would have a difficult time with the curriculum. Patsy transferred to the University of Nebraska, where she was placed in segregated university housing for non-white students. After receiving her degree, she was rejected by more than a dozen medical schools because in 1948 the quota for females entering medical school was only two to three percent. She was finally

accepted into the University of Chicago Law School under its "foreign student quota." After receiving her law degree, she discovered that she was ineligible to take the Hawai'i bar exam, because the domicile law required that a women take the residency status of her husband, who was born on the mainland. She challenged the sexist statute and quickly passed the bar, only to discover that she was unable to get a job because prospective employers worried about pregnancy and child care responsibilities. Besides, in 1953 it was understood that a woman's place was at home with her child. Frustrated, she opened a solo practice, taking court-appointed cases in areas that established law firms traditionally avoided: criminal, divorce, and adoption cases. Three years later, Patsy decided to run for a seat in the territorial House of Representatives. Despite the fact that she was not considered "electable," she easily won the Fifth District race, becoming the first Japanese-American female ever elected to the territorial legislature. In 1965, she was sworn in by Speaker John McCormack as the first Asian-American woman elected to the U.S. Congress.

As a Hawai'i state legislator, Patsy Mink authored the landmark "equal pay for equal work" law. Her commitment to women and children followed her to Washington, where she introduced the first comprehensive Early Childhood Education Act, and authored the Women's Educational Equity Act. Representative Mink was an early critic of the bombing of North Vietnam, and she denounced the secrecy with which the administration was conducting the war, withholding vital information even from congress.

Her challenge of covert government policy eventually resulted in major revisions to the Freedom of Information Act. In 1971, the Atomic Energy Commission revealed plans to detonate an underground nuclear explosion in the Aleutian Islands in the Pacific Ocean. Representative Mink was fearful of a possible tsunami resulting from the blast. When she heard rumors that five government agencies had also expressed concern about the testing, she requested copies of the agencies' reports. President Nixon withheld the documents in the interest of "national defense." On August 11, 1971, Representative Mink and thirty two other congressmen filed *Mink v. E.P.A.*, bringing suit under the Freedom of Information Act. It took several years for the lawsuit to reach the U.S. Supreme Court. However the Court's decision allowed Congress to legislate new disclosure guidelines, which allowed actions of the executive branch to be subject to judicial review. In 1974, Congress amended the Freedom of Information Act, overriding President Ford's veto. When the United States Supreme Court cited *Mink v. E.P.A.* as the precedent for the release of the Watergate tapes, a long history of government secrecy began to crumble.

Unswerving and steadfast, Congresswoman Mink has served the people of Hawai'i in accordance with the highest ideals of ethical and moral conduct. Believing in using the power of government to serve the people, she has fought for our children, for the poor and needy, for the elderly and ill. We are proud to honor her with the HWL Lifetime Achievement Award.

(Editor's note: For further information about other inspirational women lawyers, read HWLF's book Called From Within - Early Women Lawyers of Hawai'i, published by University of Hawaii Press. Our thanks especially to Esther K. Arinaga and Rene E. Ojiri, for their excellent chapter on Patsy Mink, from which much of the research for this bio was taken.)

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