

HAWAII WOMEN LAWYERS

NEWSLETTER

June 1997

President: Magali V. Sunderland 528-3900
Vice President: Susan M. Ichinose 536-3255
Secretary: Pamela Berman Byrne 541-2521
Treasurer: Rebecca Williams 921-6530

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T. Lynne Wasson 545-2681



Susan Ichinose Takes HWL Presidency on July 1st

We are proud to welcome Susan Ichinose from the law firm of Simons & Ichinose as our incoming President. During the past term, Susan has been serving as Vice President/President Elect, while also heading up the Membership Committee.

Susan Ichinose has been concentrating in commercial litigation during her 20 year law career. Additionally, she was an adjunct professor in appellate advocacy at the William S. Richardson School of Law from 1985 to 1993. She is a Founding Trustee of the Hawaii State Library Foundation and serves as a member of the United State District Court of Hawaii's Judicial Conference.

Membership concerns will remain a high priority during Susan's Presidency. "I hope we can expand our membership base not only in numbers, but in participation as well. I would like to see our membership become more involved in the activities of the organization.

"As far as our HWL services are concerned, we are always looking for ways to expand the services that previous leadership has provided for women and children in Hawai'i. The Legislative Committee will remain under the excellent care of outgoing president Magali Sunderland. As a reflection of our more difficult economic atmosphere, HWL has been meeting that challenge by providing programs that help attorneys get more *efficient* as well as more *proficient* in their practice of the law. Our HWL Training Workshops are an excellent example of this kind of programming.

"We're also searching for entirely new ways to meet the changing needs of our members. Among the membership benefits that we are exploring are group health and dental insurance programs for sole practitioner and small private practice law offices."

When Susan isn't practicing law, she's practicing her backhand. "I would love to be able to play tennis more, but no such luck. Still, it feels great to hack around." Susan and her husband, Marty Plotnick, an independent business consultant, have a son, Andrei, who will be going into the 7th grade at Punahou.

June Calendar

- **Friday, June 5**, noon, free Lawyer Kokua Brown Bag Lunch Seminar "Changes to the Probate Code" featuring Hon. Virginia L. Crandall, with attorneys Carroll Taylor and Mary Connell, Esq. (537-1868) HSBA Conference Room.
- **Wednesday, June 18**, noon, brown-bag lunch seminar at the YWCA in downtown Honolulu. "Estate Planning for Women" by Doug Wilson, Sr. VP at First Hawaiian Bank. (\$5 fee, call 538-7061, ext. 250)
- **Wednesday, June 25**, all-day EEOC Discrimination in the Workplace Seminar (see page 3)
- **Thursday, June 26-27**, HSAC Year End Conference at the Hawai'i Naniloa Resort in Hilo. "The Challenges Created by Konno" \$100 fee (808) 961-8386
- **Friday, June 27**, 3:30 p.m. free workshop "Networking and Marketing" (details on page 3)
- **Thursday, July 3**, noon, free Lawyers Kokua Brown Bag Seminar "Intermediate Court of Appeals" with Hon. James Burns in the HSBA Conference Room (call Lyn at 537-1868)

Ten Women Running For Board Positions

HWL is pleased to announce that ten women attorneys have placed their hats in the ring for positions on the 1997-98 Board of Directors. Incoming President Susan Ichinose is the only officer who does not stand for election, since her previous position as Vice President/President Elect carries with it an automatic advancement in the next term.

Running for the position of Vice President/President Elect is **Rosemary McShane** of the Family Services Division. Running for Secretary is **Susi Arnett**, from the Office of the Public Defenders. Our Treasurer's candidate is **Eri Kashiwabara** from Watanabe Ing & Kawashima.

Running for positions on the HWL Board are: **Donna Mae Gray** from the Federal Public Defenders Office; **Na'u Kamali'i**, manager of program development with from Queens Health Plans; **Magali V. Sunderland** of Trecker & Fritz; **Suzanne Terada**, sole practitioner and litigator; **Calleen Ching**, Project Coordinator of Americorps; **Hazel Beh**, Ass't Professor at William S. Richardson School of Law; and **Nancye L. Bethurem**, environmental lawyer

Ballots went into the mail on May 30th and must be returned to the HWL office via fax or U.S. mail by June 20, 1997. Only HWL members in good standing are eligible to vote.

Shipping Women Drug Addicts to Texas is Not the Answer

by Pamela Lichty

(Editor's note: Much of this article is based on a chapter entitled "Women: Research and Policy" in the recently published *Substance Abuse: A Complete Textbook, 3rd Edition*. Dr. Marsha Rosenbaum, the chapter's author, was recently featured in a public forum in Honolulu about effective drug education sponsored by the Drug Policy Forum of Hawai'i.)

It's generally acknowledged, that the stepped up War on Drugs of the 80s and 90s is responsible for the dramatic increases in incarceration rates in the U.S. in both state and federal prisons. What isn't generally known, is that the rate of imprisonment for women has soared during these two decades to a rate almost twice that of men. From 1982-1991 drug arrests for women rose 89%, (these statistics do not include arrests for property crime most of which are drug-related) while incarceration rates increased by 276% compared to "only" 163% for men. Among women of color, particularly African Americans, these rates are even more shocking. An analysis of Hawai'i's female prisoners would undoubtedly reveal a similar disproportionate representation of certain ethnic groups.

What's going on here? Has women's criminality increased? Have they become more threatening? A research on trends over 25 years of drug policy by Dr. Marsha Rosenbaum, of the Lindesmith Center in San Francisco, yields some facts that are of particular interest to women lawyers.

Research Controlled by Government Politics

Dr. Rosenbaum asserts that our knowledge about women and drugs is based on information in scholarly journals and the popular media. Research is virtually all government funded and thus constrained by politics, especially in an area as controversial as drugs.

In the 1970s, feminism opened up opportunities for activities in which women's participation had previously been invisible or absent. One of them was drug use. In the 70s, women's economic options were still severely limited, and a sizable percentage of addicts used prostitution to finance their habits; others committed non-violent property crimes.

Female users learned to avoid pre-natal care

There was growing concern about pregnant users, with most of the focus on potential harm to the fetus. Many female users learned to avoid pre-natal care, due to the stigmatization they encountered in healthcare settings and the risk of losing custody of their newborns. Despite a growth in treatment programs during the 1970s, many would not accept women with their infants. (This is still largely the case. Here in Hawai'i, only the Salvation Army has a program where babies can remain with their mothers; and then only if the mother is 18 years of age or older.)

In the 1980s the advent of AIDS radically altered the milieu of women and drugs. Injection drug use accounts for nearly half of all AIDS cases in women. Prostitution was now joined by the "sex for drugs" pattern associated with crack use. Sex work was one of the few options open to uneducated women, but created a vicious cycle: the work was so distasteful that many women used drugs to block their feelings.

In the late 1980s an article about "crack babies" set off a furor. Follow-up studies have since shown that these babies, who were projected to be a permanent drain on society, were in reality "poverty babies" - the result of many factors including absent pre-natal care, malnutrition, as well as poly substance abuse including nicotine and alcohol. The logical conclusion of the fetal rights movement converging with the War on Drugs segued predictably into the criminalization of pregnancy. Pregnant drug users were targeted by prosecutors who invented strategies such as characterizing umbilical cords as "drug delivery devices". Class and racial bias were obvious in these prosecutions although studies have consistently shown that illegal drug use is distributed fairly evenly through the population.

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Treatment options for women with children are actually dwindling

During the 1990s, arrests and incarcerations for women have soared. Although lip service is given to the need for treatment, scrutiny of federal and state budgets reveals that interdiction and incarceration still dominate 3:1. Alternatives to incarceration have not materialized, and treatment options - especially for women with children - are actually dwindling. On May 27th, Hawai'i's first group of women prisoners were sent to Texas, to ease chronic overcrowding in local prisons. This is the latest ill-conceived idea of a state government under duress. Corrections experts agree that for women in particular, their connection to their families and their children is critically important as a link to their community and to a future with hope.

What can lawyers do to help?

Since research shows that drug users, like other women, care deeply about the welfare of their children, one answer is to encourage programs that keep female users with their children and offer a full range of programs for both. Sadly, reducing the stigma that these women face is easier said than done. One step we can all take in our various roles as attorneys, advocates, or policy-makers is to recognize that women who use illegal drugs are human beings in trouble. We must work together to devise humane, cost effective, legal and public health strategies that can improve our sisters' lives, not shut them away out of sight, out of mind (and deep in the heart of Texas).

Pam Lichty, MPH is Vice President of the Drug Policy Forum of Hawai'i. She is National Representative on the ACLU of Hawai'i Board of Directors.

Networking and Marketing Workshop June 27th

What's a lawyer without clients? (Possible answers include both poor and lonely.) On June 27th, Brad Coates and Andrew Winer will be showing you how to get increased business through "Networking & Marketing." This workshop will be presented from 3:30 p.m. to 5:00 p.m. at the HSBA conference room, located at 1136 Union Mall, PH-1, in downtown Honolulu.

Learn how to develop a marketing plan; broaden your networking skills both within and outside of the legal profession; interface on the internet; schmooze for new clients; make your existing clients love you (and refer you new clients); create positive name recognition; get the most bang for your advertising buck.

This workshop is presented free of charge, however reservations are a must. For additional information or to make your reservation, call Lyn at 537-1868.

Hawaii Women's Legal Foundation 1997 Fundraiser Set for September 27th

Be sure to save Saturday, September 27th, to join HWLWF's seventh year of bringing all of Hawai'i's mayors together for an evening you won't want to miss. This charitable event is the only annual opportunity for all four mayors to appear together on one stage to share their unique perspectives and to enlighten and entertain our guests. This year's night of elegance and light hearted political punditry will be held again at the Monarch Room on the grounds of the majestic Royal Hawaiian Hotel.

You can be a part of the fun while continuing to make a difference in the lives of Hawai'i's women, children and families by reserving your table for this event now.

All four mayors have confirmed their attendance. The mayors and their spouses will be seated at the Mayors' Tables (\$3500 per table). Patron Tables (\$2500) will be located closest to the mayors. Sponsor Tables (\$1250) are also available. Each table seats 10 people. Should you prefer, individual seats can be arranged.

Early reservations will get special recognition

If you reserve tables or seats by June 25th, your special support will be recognized in the printed invitations. You may still reserve tables or seats by September 15th and have your sponsorship recognized in the evening's printed program. And yes, you can reserve your table with your VISA, MasterCard, Diners Club or Carte Blanche card.

If you are interested in donating anything for the silent auction, the Foundation would be delighted to hear from you. And remember, you can donate creative services such as a golfing lesson, a sailing party on your boat, or court time at your tennis club, in lieu of tangible items.

Donations are tax deductible to the extent allowed by law. For details on donation pickup/delivery arrangements, or for table prices, please call HWLWF Administrative Consultant Mary Houghton at 396-8506 (fax 396-9162) or Committee Chair Gisela Iglesias at 536-8177 (fax 536-4977).

U.S. Equal Employment Opportunity Commission to Present Workplace Discrimination Seminar on June 25th

Local attorneys as well as EEOC officials will conduct an all-day Technical Assistance Training Seminar covering the basics of workplace discrimination on Wednesday, June 25th at the Sheraton Waikiki Hotel.

The seminar will begin with breakfast and an introductory session outlining EEOC and HCRC policies and procedures. Each attendee will be given the opportunity to attend two of four 90-minute workshops:

1. Accent discrimination, English fluency and English-only policies, and the impact of immigration status on EEO rights
2. How to identify and investigate charges of sexual harassment
3. The Americans With Disabilities Act: reasonable and unreasonable requests for accommodation, including medical leaves under state and federal law and EEOC's recent guidance on psychiatric disabilities
4. Good employment practices, or how to avoid liability for discrimination

Among those speaking at the seminar will be Gilbert F. Casellas, EEOC Chairman; David F. Simons of Simons & Ichinose; Gregory M. Sato of Torkildson, Katz, Fonseca, Jaffe, Moore & Hetherington; William Hoshijo, Executive Director of the Hawaii Civil Rights Commission; Susan L. McDuffie, EEOC District Director; Deborah Wong Randall, EEOC Enforcement Manager; Peter A. Janiak, EEOC Trial Attorney; and William R. Tamayo, EEOC Regional Attorney.

Half-Day Federal Sector Program on Thursday, June 26th

The following day, Thursday the 26th, a special morning seminar for federal sector employers and practitioners will be held in the same location. Two 90-minute workshops will be offered, and participants will have the opportunity to attend both of them.

1. Chief Administrative Judge Michael Baldonado will discuss pre-hearing issues, including discovery, settlement and compensatory damages.
2. Administrative Judge Jeanne M.L. Player will present a workshop on 109e motions ("The Ultimate Motion"), discussing format and the impact of the investigative report.

Four price options available

The cost of the sessions includes continental breakfasts, lunch, all coffee breaks and a set of publications providing comprehensive information on legal requirements and EEOC procedures. Seminar costs range from \$50 to \$239, depending on the program options you choose. For additional information, call (415) 356-5029. They will fax you a registration form including price options, and answer your questions. For TDD assistance call (415) 356-5098. To learn more about available Technical Assistance Programs, please call (800) 669-4000 or contact the EEOC on the Web at www.eeoc.gov

Chop Sui Generis

Susan Orlando Liu has moved her family law practice to new offices at 1001 Bishop Street, Suite 2817 in the Pacific Tower. Her new phone number is 545-2681.

Congratulations to **Hilary Benson Gangnes**, partner at Trecker and Fritz. On May 21st, Hilary was sworn in a per diem judge in District Court.

Those of you who saw the recent Iona Pear Dance performance at the Hawaii Theater, may have noticed a lawyerly extra on stage. HWL Board member **T. Lynne Wasson** participated in the opening number. "I'm really not a dancer," says Lynne. "But I have a friend who takes Cheryl Flaharty's workshop and she told me about this opening. It was a truly unique experience. I have always had a lot of admiration for this type of performance. And I was impressed with the amount of time that Cheryl took teaching us movement in Butoh Consciousness. It was great!"

Is Socratic Teaching a Feminist Issue?

HWL member encouraging discussion among practicing women lawyers.

Was the Socratic method effective for learning when you were in law school?

Do you believe the Socratic method tends to disfavor female students?

A Richardson School of Law faculty member, who is also an HWL member, is asking those questions, and hoping you will contribute your thinking. Assistant Professor Hazel Beh is encouraging discussion of the Socratic method of teaching, recently challenged by Pennsylvania Law School Professor Lani Guinier.

The Chronicle of Higher Education recently reported on Professor Guinier's vocal criticism of Socratic teaching. Guinier claims it is, "unfair to women and reinforces an overly combative approach to the law." The Chronicle quotes her belief that women, "learn better through cooperative approaches than through adversarial ones." Professor Guinier prefers a discussion model, where students challenge one another rather than having the professor dominate. "If the professor challenges them," she claims, "they often feel they're just wrong."

Professor Beh has discussed the issue with women law students at the William S. Richardson School of Law, University of Hawaii at Manoa. She finds they have mixed reactions. Some find Professor Guinier's comments, "demeaning and suggesting women cannot hold their own in an intellectual dialogue." Others, according to Ms. Beh, "agree with Professor Guinier and welcome exploration of alternative teaching methods."

Where do you stand?

Professor Beh would like to hear from some practicing women lawyers. If you would like to add your voice to the discussion, call her at 956-6553, send a fax to 956-5569, or e-mail her at hazelb@hawaii.edu.

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