

Upcoming Events

Mentoring Mixer

When: Thursday, November 18, 2004 from
5:00 p.m. to 7:00 p.m.

Where: Che Pasta

See page 8 for more details

Judicial Independence Conference

When: Saturday, November 13, 2004

Where: Hilton Hawaiian Village, Coral
Ballroom

Cost: \$25 (regular), \$10 (student) -- includes
continental breakfast and lunch

RSVP: 531-7448 (reservations required for lunch
by November 10)

Personality Types in Decision Making

Save the date for this brown bag seminar

When: Tuesday, January 18, 2005 from 12:00 p.m.
to 1:00 p.m.

Who: Judge Leslie Hayashi

What: A presentation on personality types
in decision making. Judge Hayashi will
address how the Myers-Briggs/
Kiersey personality temperament may
be an important factor in understanding
the law and communicating with
judges. If you are interested in
attending, please take the
"Temperament Sorter II" test in advance.
It is available online at
<http://www.advisorteam.com>.

Where: Carlsmith Ball, ASB Tower, 22nd Fl.

RSVP: Please contact Lane Hornfeck McKay at
lmckay@starnlaw.com by January 17, 2005
if you wish to purchase a bento lunch.

HWL 2004 Annual Awards

It's Time To Recognize!

One of the best things HWL does every year is recognize the women (and, sometimes, the men) in our community who are doing important work that helps to advance HWL's mission - to improve the lives and careers of women in all aspects of the legal community, influence the future of the legal profession, and/or enhance the status of women and promote equal opportunities for all people. So often, those who do the most are so busy working that they do not take the time to recognize what they have done, much less expect to be recognized by others for what they are doing. It is a joy to stand in a roomful of HWL members every year and tell our award winners how much we appreciate what they are doing.

HWL is soliciting nominations for its 2004 Annual Awards to be presented in March 2005. Nominations must be made in writing and can be sent via U.S. Mail to Hawaii Women Lawyers, P.O. Box 2072, Honolulu, Hawaii 96805 or via email to shellie@hawaii.edu. Nominations must be received by December 6, 2004.

Outstanding Woman Lawyer of the Year

Criteria: Individual attorney having achieved accomplishments of significant merit within the previous year which accomplishments advance the mission of Hawaii Women Lawyers.

Outstanding Judicial Achievement Award

Criteria: Sitting Judge who has made significant contributions to the bench which contributions advance the mission of Hawaii Women Lawyers.

Lifetime Achievement Award

Criteria: Individual in our community who has over her or his lifetime made significant contributions in areas that have advanced the mission of Hawaii Women Lawyers.

Distinguished Service Award

Criteria: Individual in our community who has made significant community contributions within the past year which contributions advance the mission of Hawaii Women Lawyers.

See page 6 for a list of previous award recipients

President's Column

Lane Hornfeck McKay, HWL President



Until you know someone who has suffered from breast cancer, you may never have a reason to participate in the Susan G. Komen Breast Cancer Foundation Race/Walk for the Cure. Embarrassingly, for me, getting up at 5:30 a.m. to make a 7:00 a.m. race in Kapiolani Park has been a challenge over the last few years, despite being a

woman and having a family friend and neighbor who died as a result of breast cancer when I was 20. This year was a little different.

My mother-in-law, Mrs. Lillian Emiko McKay, is 76 years young and has reached her fifth year of being cancer free.

Although not completely cured, her risk of recurrence has substantially decreased. For that reason, she wanted to participate in the Walk – actually,

her fifth year participating in the Walk through Kapiolani Park. My husband and I walked with her, and, boy, am I am glad we did.



According to information from the Susan G. Komen Breast Cancer Foundation, there will be an estimated 216,000 new cases of breast cancer diagnosed in American women in 2004 alone. Apparently, a major factor affecting a woman's chance of getting breast cancer is age. According to information from the American Cancer Society Surveillance Research, 2003, a woman's chance increases proportionally as she gets older. For example, a woman at age 20 has a 1 in 2152 chance of getting breast cancer. A 30-year-old woman has a 1 in 251 chance. A 50-year-

old woman has a 1 in 36 chance, and a 70-year-old woman has a 1 in 23 chance.

Other factors include a personal history of breast or ovarian cancer, a family history of breast cancer, beginning menstruation at an early age (<12 years), starting menopause after age 55, having more than one drink of alcohol per day, being overweight after menopause or gaining weight as an adult, taking birth control pills for 5 years or longer, never having children, having your first child after 30, and being exposed to large amounts of radiation. For more risk factors, take a look at the Susan G. Komen Breast Cancer Foundation website, www.komen.org.

In addition to general awareness, the goal of the Susan G. Komen Breast Cancer Foundation Race/Walk for the Cure is to raise awareness about early detection and screening, diagnosis, the types of treatment available, ongoing research and necessary funding, and the support networks available for men and women with breast cancer (yes, men can get breast cancer, too).

Participating in the Walk, as well as the scheduled Jazzercise before the race, heightened my personal awareness of the disease and the risk factors. It also increased my desire to share the information with others. Most of that inspiration came from meeting the women and men in pink – the hundreds of survivors who participate in the Race or Walk. Overall,

there were an approximate 7,000 participants in Hawaii's Race/Walk for the Cure.



If you haven't participated in the Race or Walk in the past, or haven't done so in a few years, plan on setting your alarm clock next October. I'll see you there.

— Lane Hornfeck McKay

Commercial Sexual Exploitation Is Prevalent in Hawaii and Its Schools

According to Lorraine Faithful, the Executive Director of Sisters Offering Support (“SOS”), 1 in 10 children in Hawaii are approached for recruitment into commercial sexual exploitation (“CSE”). Apparently, CSE is a big industry, in Hawaii and around the world. According to Dr. Richard J. Estes of the University of Pennsylvania, and author of *The Commercial Sexual Exploitation of Children in the U.S., Canada & Mexico, 2001*, there are approximately 300,000 to 600,000 minors who are the victims of CSE across the United States.

CSE generally means the exchange of sexual service for something of value through force, coercion, or deception, according to materials prepared by SOS. CSE includes prostitution, pornography, stripping, erotic massage, escort services, Internet exploitation, and trafficking for sexual purposes. Hawaii’s demand for CSE, generally, and against children, in particular, appears to emanate from the tourism industry, the large transient male population, and an apparent cultural tolerance and acceptance.

According to Marces Hall, the Youth Prevention Program Coordinator and former peer educator and speaker who has given numerous presentations in Hawaii schools, recruiting is happening. It’s happening at shopping malls, school campuses, the beach, birthday parties, bus stops, and RAVE parties. According to Ms. Faithful, Hawaii has a fairly active and well-known RAVE culture, where children party in unmarked, “underground” dance clubs in order to get the popular drug called Ecstasy. Although Ecstasy is now more readily available on the street, RAVEs are still happening and recruiters are going there to find “fresh meat.”

The enticement or the “sell” to adults and children is usually money. It’s a way to make fast cash and buy nice things, or so the recruiters claim. Other ways recruiters or pimps prey on adult and child victims is to offer love, attention, affection, security, praise, and rewards. Some children with low self-esteem, a negative self-image and little family direction are particularly susceptible to exploiters who promise to make them “fit in”, belong, or feel accepted.

For both adult and child victims of CSE, prostitution is a form of sexual violence. According to Melissa Farley, Ph.D. and her article *Prostitution Is Sexual Violence*, published in *Psychiatric Times* October 2004 Special Edition, prostitution is extremely dangerous and homicide is a frequent cause of death. Ms. Farley’s clinical findings regarding violence in all types of prostitution show, among other things, that 95% of those in prostitution experienced sexual harassment that would be legally actionable in another job setting. 70% to 95% were physically assaulted, and 60% to 75% were raped. “One woman explained that prostitution is ‘like domestic violence taken to the extreme.’” Farley (citing Leone, D., *One in 100 Children in Sex Trade, Study Says*, Honolulu Star Bulletin, Sept. 10, 2001).

The cruel lie, as Ms. Farley calls it, is the idea that prostitution and other CSE are voluntary. The relevant question to ask is whether a victim of CSE had real, palpable alternatives. “The conditions that make genuine consent possible are absent from prostitution: physical safety, equal power with customers and real alternatives.” Farley (citing Hernandez, T.K., *Sexual Harassment and Racial Disparity: the Mutual Construction of Gender and Race*, 2001 Univ. of Iowa J. Gender, Race & Justice 4:183-224; MacKinnon, C.A., *Prostitution and Civil Rights*, 1993 Mich. J. Gend. Law 1:13-31).

So, considering the problems, what are the solutions? Interest, time, and, naturally, money. If you are interested in helping SOS help adult and/or child victims of CSE, consider doing one or more of the following:

- Fundraise and/or locate donors of funds and/or office and program supplies
- Help coordinate teen dances or other fun and safe events for teens
- Teach clients a skill-building class

- Make a monetary donation
- Ask your friends to donate money or office supplies
- Coordinate the SOS Volunteer Program
- Guard the malls and schools to keep youth safe from perpetrators
- Help with the campaign to build safe housing for clients
- Mentor a client
- Tell everyone you know about SOS's need of volunteers
- Offer pro-bono professional services to SOS clients or to SOS
- Consider non-profit governance as a board member
- Raise money to run 3 Public Service Announcements on TV
- Coordinate a fund-raising event (bake sale, garage sale, fashion show)
- Deliver SOS brochures to other community agencies
- Provide mechanical expertise for repairs to the SOS vehicle
- Sell holiday products at craft fairs or to businesses as corporate gifts
- Market the SOS website

If you are interested in providing any forms of support to SOS or volunteering your time with SOS, contact Lorraine Faithful, SOS Executive Director at 941-5554 or lorraine@soshawaii.org.

Does Domestic Violence Affect Your Legal Practice?

Most attorneys, whether they are commercial litigators, transactional attorneys, or tax specialists, usually don't think twice about domestic violence or how it can affect them or their practice. Jennifer Rose, the Director of Legal Services of the Domestic Violence Clearinghouse and Legal Hotline of Hawaii ("DVCLH") and Shawna Sodersten, the DVCLH Supervising Attorney, explained at a brown bag last month that domestic violence is not just the concern of Family Law practitioners. Ms. Rose and Ms. Sodersten provided detailed materials to guide any lawyer through this potentially unfamiliar territory. Those materials explain that "[r]ecognizing which of your clients are victims of domestic violence and which are batterers can be crucial to your effectiveness and success as a lawyer, regardless of the nature of your law practice." Roberta L. Valente, *The Impact of Domestic Violence on Your Legal Practice, A Lawyer's Handbook* (2nd Ed.), ABA Commission on Domestic Violence, Chapter 3, Understanding Your Client, Screening Guidelines at 51 (the "Handbook").

According to materials prepared by DVCLH, domestic violence is dating or living with someone, now or in the past, who physically, sexually, and/or psychologically abuses another. Sometimes weapons are used, and sometimes property is damaged. Threatening physical harm is also a form of domestic violence.

Considering this definition, do you have any clients, or employees, who show signs of being a victim of domestic violence or being a batterer? Would you know how to tell? Would you know whether the family or home environment is affecting your client's ability to receive or cooperate with your efforts to give sound legal advice, or to perform your employee's job functions well?

According to the Handbook, there are a number of tell-tale signs. Here are a few: (1) the batterer must accompany the client to meetings with the lawyer; (2) the batterer speaks for the client; (3) the batterer uses the legal system to punish the client or employee; (4) the batterer altogether discourages obtaining legal advice; (5) the batterer attempts to control client/lawyer appointments or communications; (6) the client or employee has difficulty finding or keeping

Continued from page 4

a job or going to school; (7) the client or employee receives constant phone calls at work or home; (8) the client or employee has difficulty taking medication or seeking medical help; (9) the batterer isolates the client or employee from relatives, friends, co-workers and neighbors; and/or (10) the existence of obvious signs of severe, recurring or life threatening abuse, such as repeated bruises, broken bones, physical attacks and/or threats with weapons.

If you have not had the opportunity to look for signs, or simply have not seen them, the Handbook recommends screening your clients and/or your employees upon intakes or initial interviews. Although it may seem impractical, the Handbook recommends incorporating questions into your intake or interview process and recommends explaining that the questions are merely routine and for your records. For example, the Handbook suggests asking the following questions, among others:

- Everyone argues or fights with their partner or spouse now and then. When you argue or fight at home, what happens? Do you ever change your behavior because you are afraid of the consequences, or of a fight?
- Do you feel that your partner or spouse treats you well? Is there anything that goes on at home that makes you feel afraid?
- Has your partner or spouse ever tried to keep you from taking medication you needed or from seeking medical help? Does your partner refuse to let you sleep at night?
- Does your spouse or partner make it hard for you to find or keep a job or go to school?
- Does your spouse or partner abuse drugs or alcohol? What happens if he or she does?

Although these questions may seem “too personal” or impractical in certain commercial cases or transactions, they may save your client or employee’s life and/or better enable you to provide sound, quality legal advice.

If you think that a client or employee is experiencing domestic violence and you are not sure how to help her or him, consider contacting DVCLH at 531-3771 or (800) 690-6200. If you are interested in obtaining a copy of the Handbook, you can purchase one for \$75.00 from the ABA’s website - www.abanet.org/abastore or contact the ABA at (800) 285-2221.

Homeless Awareness Week 2004

Partners in Care (PIC), a coalition of approx. 60 private and public organizations committed to ending the problem of homelessness in Hawaii is sponsoring the *2004 Homeless Awareness Week* in conjunction with National Hunger and Homeless Awareness Week. The goal of this week of awareness is to inform the community of solutions, challenges and successes regarding the growing problem of homelessness facing thousands of Hawaii’s citizens.

PIC invites the public to attend a Statewide Homeless Forum “Turning Awareness into Action” on **Tuesday November 16th, 2004** from **9am – 4pm** at the **State Capitol, Room 325**. Items on the agenda include national and state updates, exploring solutions to ending homelessness in Hawaii and more.

This annual forum will be followed by an Awards Ceremony, Candlelight Vigil, live music and more in the Capitol Rotunda from 5pm – 7pm.

For more information about this important community event, please contact Margot Schrire, 447-2811.

HWL Annual Award Winners

Outstanding Woman Lawyer of the Year

- 2003 Professor Mari Matsuda
- 2002 Congresswoman Patsy Mink
- 2001 General Coral Wong Pietsch
- 2000 Donna Tanoue
- 1999 Susan Ichinose
- 1998 Attorney General Margery Bronster
- 1997 Beadie Kanahale Dawson
- 1996 Yuklin Aluli
- 1995 Stephanie Rezens
- 1994 Pamela Ferguson-Brey
- 1993 Mervina Cash-Kaeo
- 1992 Esther Kwon Arinaga
- 1991 Ellen Godbey Carson
- 1990 Lorraine Akiba
- 1989 Joyce Neely & Leslie Hayashi
- 1988 Joann Yukimura
- 1987 Elizabeth Jubin Fujiwara
- 1986 Susan Oki Mollway
- 1985 Sherry Broder
- 1984 Angie King
- 1983 Shelby Anne Floyd
- 1982 Carol Mon Lee
- 1981 Meredith Lennel

Outstanding Judicial Achievement Award

- 2003 Judge Marie Milks
- 2002 Justice Paula Nakayama
- 2001 Judge Frances Wong

Lifetime Achievement Award

- 2003 Alana W. Lau
- 2002 Shelby Anne Floyd
- 2001 Beadie Kanahale Dawson
- 2000 Bernice Littman
- 1999 Ah Quon McElrath
- 1998 Chief Justice William S. Richardson
- 1997 Honorable Evelyn Lance
- 1996 Congresswoman Patsy Mink
- 1995 Honorable Betty Vitousek
- 1994 Naomi Campbell

Distinguished Service Award

- 2003 Lorraine Robinson
- 2002 Denise Antolini
- 2001 Allicyn Hikida Tasaka & Annelie Amaral
- 2000 Ellen Godbey Carson
- 1999 Diane Yukihiko Chang
- 1998 Jacqueline Young
- 1997 Dorothy "Dolly" Ching
- 1996 Judy Weightman
- 1995 Reverend Pamela Vessels & Anne Clarkin
- 1994 Judy Sobin & Windward Spouse Abuse Coalition
- 1993 Honorable Marie Milks
- 1992 Representative Annelie Amaral & Sara Lyn Smith
- 1991 Chief Justice Herman T.F. Lum
- 1990 Honorable Helen Gillmor
- 1989 Senator Mary George
- 1988 Eleanor Pearce
- 1987 Naomi Campbell
- 1986 Congresswoman Patsy Mink
- 1985 C. Frederick Schutte
- 1984 Honorable Betty Vitousek
- 1982 Harriet Bouslog
- 1981 Rhoda Lewis

President's Award

- 2003 Karen Char & June R. Lee
- 2002 Lynn Maunakea
- 2001 Patricia McManaman
- 2000 Rae Saint Chu & Emme Tomimbang
- 1999 M. Casey Jarman
- 1998 Sister Michelle McQueeny
- 1997 Gladys Kamakuokalani Aiona Brandt
- 1996 Honorable Marie Milks
- 1995 Madelyn Perry & Reverend Pamela Boyd
- 1994 Cynthia Thielen
- 1993 Trudy Burns Stone
- 1992 Sharon Burnham Takeuchi
- 1991 Susan Arinaga Li
- 1990 Michelle Tucker
- 1989 Susan Jaworowski

Ho'omaika'i 'ana Are in Order for Judge Colleen Hirai!!

HWL would like to congratulate Judge Colleen Hirai, Chief Judge of the First Judicial Circuit, who was selected by Chief Justice Ronald T. Y. Moon to receive the Hawai'i State Judiciary's second annual "Jurist of the Year" award. According to the Hawai'i State Judiciary's website, "[t]he Jurist of the Year award recognizes a full-time trial judge for exceptional judicial competence, evidenced by quality decision making, significant extra-judicial contributions to the administration of justice, and active participation in public service to the community."

As many of you may know, Judge Hirai joined the Judiciary in 1994, when she was appointed Circuit Judge of the First Judicial Circuit. Prior to joining the Judiciary, she worked in private practice as a partner in the firm Libkuman, Ventura, Ayabe, Chong and Nishimoto. Judge Hirai also served as a deputy prosecuting attorney with the Department of the Prosecuting Attorney, City and County of Honolulu, and as deputy corporation counsel with the Trials Division of the Department of Corporation Council, City and County of Honolulu. She earned her law degree from the University of California, Hastings College of Law in 1977. Judge Hirai is presently serving on 12 committees. She is currently the chair for the Committee to Recommend Jury Management Improvements, the Special Committee on Judicial Performance, the Permanent Committee on Rules of Civil Procedure and Circuit Court Civil Rules, and the Committee to Plan Utilization of Judiciary Facilities.

Ho'omaika'i 'ana and mahalo, Judge Hirai!

Brawley & Sue-Noguchi Attorneys at Law, LLC

Please join Cheryl R. Brawley and Sheila S.H. Sue-Noguchi and celebrate the grand opening of their new law offices -- Brawley & Sue-Noguchi, Attorneys at Law, LLC.

When: November 12, 2004 from 3:00 p.m. to 6:00 p.m.
Where: Union Plaza, Suite 808
1136 Union Mall

Please feel free to contact Julie or Abby at 533-0066.

Do not forget to update your membership information at hawaiiwomenlawyers@hotmail.com

“MENTORING MIXER”

Remember when you were an attorney first starting out in practice or a law student faced with a room full of other law students and nothing seemed to add up? Ever thought it would be great to have someone to talk to, someone to guide you, someone to give it to you straight, but with compassion and understanding of what it can be like to be a woman in a traditionally male profession? Wouldn't it be great to have a mentor, especially one who understands what it's like to be pregnant at a firm, the glare of eyes when your skirt may seem a bit too short, or not being invited to play golf with the boys on Saturday?

Well, here's your chance to help another attorney or law student out. This time we're keeping it simple – no filling out questionnaires, no matching, no strict requirements about having to meet once a month and respond to e-mail. All we're asking you to do is to show up at the mixer, have a drink, eat some food, meet at least one law student or attorney (or two or three) that you've never met before and invite them to lunch or coffee (or tea) before the end of the year. You drink coffee (or tea). You eat lunch. You've gone to law school, and you practice. We'll even give you a list of questions or topics if you need it. It shouldn't be too hard. You may make a connection, you may not, but now you've met at least one other woman attorney (or two or three) that you didn't know before.

Come join us on Thursday, November 18, 2004 from 5:00-7:00 p.m. at Che Pasta. Pupus are on us and Lexis Nexis. Drinks are no host.

HWL members and friends had a fabulous time at HWLF's 14th annual fundraiser on October 16th. Be sure to put next year's fundraiser on your calendar.



**Holiday
Pillows**



**Kitchen
Accessories**



**Handmade
Bags &
Purses**



**Christmas
Ornaments**



Lanakila's 31st Annual
Gift Fair

Friday, Nov. 12, 2004
11:00 am to 9:00 pm
Saturday, Nov. 13, 2004
9:00 am to 6:00 pm

1809 Bachelot Street, Honolulu

- New!** Lanakila Table Settings
Lanakila Seasoning Blends
Holiday Pillows
Holiday Gift Baskets
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"JUDICIAL INDEPENDENCE"

A Public Forum – Saturday, November 13

League of Women Voters of Hawaii and its partners (including Hawaii Women Lawyers) have invited national and local experts for panel discussions and an open forum on Judicial Independence. Moderated by UH Law School Dean Aviam Soifer, the daylong program includes three panels: (1) How Do Judicial Selection and Retention Affect Judicial Independence? (2) Do Limitations By the Executive and Legislative Branches on Judicial Authority Affect Judicial Independence? (3) How Does the Nature of Media Coverage Affect Judicial Independence and Public Attitudes? A question and answer session with all panelists follows the panels.

Mainland Panelists: Robert S. Peck, Esq., President, Center for Constitutional Litigation; Professor of Law Jennifer Friesen (retired), author of a two-volume treatise, *State Constitutional Law*; and Robert S. Leming, National Director, "We the People: The Citizen and the Constitution," a program of the Center for Civic Education

Hawaii Panelists: Attorney General Mark Bennett; Hawaii State Senator Colleen Hanabusa, Esq.; Chair of the Judicial Selection Commission Sidney K. Ayabe, Esq.; Professor Deane E. Neubauer; and Honolulu Advertiser Court Reporter Ken Kobayashi

WHO IS INVITED: General public, teachers, judges, lawyers, politicians, journalists, and of course, you.

WHERE: Hilton Hawaiian Village, Coral Ballroom, Honolulu, Hawaii

RSVP: 531-7448. Reservations required for lunch, by November 10.

COST: \$25 (regular) \$10 (student) (includes Continental Breakfast and Lunch)