

30th Anniversary Celebration A Success

Dean Karen Rothenberg and Judge Louise Scrivener Honored

The 30th Anniversary Annual Dinner and Awards Celebration was an extraordinary evening of greeting old friends, reminiscing about 'how it used to be,' honoring the organization's legacy and celebrating our achievements. The event was attended by many of the organization's inspiring leaders, including the founding members who have helped the Women's Law Center grow and thrive.

The highlight of the evening was a presentation of the Women's Law Center's legacy. Lisa Simeone was the skilled narrator of the organization's history. Vignettes presented by representatives of various eras offered personal perspectives on the accomplishments described in the narration. The audience was reminded of the challenges faced by women law students and lawyers that propelled the organization into existence 30 years ago. The presenters also described the moral and practical support offered by the Women's Law Center, the organization's careful yet uncompromising approach to issues and members' willingness to do what it took to keep the organization afloat. The stories were funny, informative, bittersweet and rousing. The presenters represented the intelligent, brave and committed women who supported the important work of the

organization, who created meaningful changes in the legal system and who set the path for the future.

The Women's Law Center also honored two current leaders for their outstanding contributions to women and the law. Dean Karen Rothenberg received the 17th Annual Dorothy Beatty Memorial Award in recognition of her position as the first woman Dean of the University of Maryland Law School and her extensive academic research and writing in the area of women's health, particularly regarding genetic testing. Dean Rothenberg's inspiring comments addressed the changing role of women in the legal profession, including her personal experiences, and her legal research on women's health issues. Dean Rothenberg also paid tribute to Dorothy Beatty by weaving into her comments information about Dorothy's admirable career, her dedication to women's rights and her forceful personality. Susan Leviton, a University of Maryland professor, introduced Dean Rotherberg. This was particularly meaningful because Professor Leviton was one of the founding members of the Women's Law Center.

Judge Louise Scrivener received the 10th Annual Roslyn B. Bell Award for her outstanding achievements in the area of

family law and her leadership role in the establishment of the Family Division in Montgomery County. She discussed the work of the Gender Bias Committee, the plight of women in family law cases and the value of the effective services offered by the dedicated staff of the family divisions throughout the state. Current Board member and family law practitioner, Susan Elgin, introduced Judge Scrivener.

A timeline of the Women's Law Center's accomplishments was also displayed and distributed at the event. This detailed document provided an excellent reference of the organization's milestones.

~ continued on page 3 ~

Spring 2003 In This Issue...

| | |
|-----------------------------------|----|
| 30th Anniversary Celebration | 1 |
| Message from the President | 2 |
| Thank You Annual Meeting Sponsors | 3 |
| Research Project Update | 3 |
| Staff Hellos and Goodbyes | 4 |
| 2003 Amicus Activity | 4 |
| "30 for 30 Campaign" Kicked Off | 5 |
| Thank You "30 for 30" Donors | 5 |
| Thank You Family Law Volunteers | 5 |
| Annual Meeting Scrapbook | 6 |
| 2003 Legislative Wrap Up | 8 |
| Legal Round Up | 10 |
| Job Announcement | 11 |
| "30 for 30 Campaign" Form | 12 |

The Women's Law Center of Maryland, Inc.

305 W. Chesapeake Avenue
Suite 201
Towson, MD 21204
(410) 321-8761
Fax (410) 321-0462
admin@wlcmd.org
http://www.wlcmd.org

WLC Officers & Board Members

President

Gwen Tromley

Vice President

Francine Krumholz

Treasurer

Elizabeth Caplan

Long Range Planning

Elisabeth Sachs

At-Large Board Members

Gerry Aronin

Claudia Diamond

Susan Elgin

Nancy Gregor

Abigail Hopper

Jessica Kaufman

Bobbie Steyer

WLC Staff

Executive Director

L. Tracy Brown

Legal Projects Manager

Rebecca Saybolt Bainum

Operations Manager

Jessica Morgan

Administrative Assistant

Krista Smith

POARP Attorneys

Monica Garcia

Ellen Hare

Melissa Mineo

Gwendolyn Tate

VOCA Attorneys

Eugenia Ordynsky

Brooke Do

Research Project Director

Jeannette Karpay

Research Project Consultant

Maryann Fiebach

Data Entry Clerk

Donna Pasko

Message from the President

On November 13, 2002, the Women's Law Center celebrated its 30th anniversary as a leading advocate for the legal rights of women. The Founders of the Law Center reminded us of the challenges that, thirty years ago, sparked their determination to fight gender bias. Mardie Walker described being in law school when women students were told that they were taking slots that belonged to Vietnam Veterans who needed to support their families, and a sign was posted at the law school asking professors to stop letting the women ask questions because they were wasting the men's time. Emily Rody described discriminatory working conditions for women that prompted the Women's Law Center to file suits and win: at a soap manufacturing company, women's work was sabotaged and soap was placed on the floor at their work stations; at Bethlehem Steel, women won the right to hold the same jobs as did men; at a can company's warehouse worksite, women had things thrown at them, and were touched inappropriately.

The Law Center triumphed over gender bias of all kinds. Some of these triumphs still provide humor. For example, I especially love the picture evoked by Sally Gold's story of going to the bank, accompanied by a *towering* Dorothy Beatty, to persuade "this little guy with a red crew cut" to put Sally's birth name on a joint bank account. Judge Katy Friedman recalled driving home from an early Law Center fundraising event, in a green *VW square-back*, asking Ann Hoffman how long the organization could be sustained. Our **30 for 30 Campaign** celebrates and keeps alive the legacy of these early years.

Now, more than thirty years later, with the energy and determination of the Founders, the Law Center is a dynamic and unique organization. It

is a leading voice for justice for women, using the versatile tools of policy analysis, litigation, education, research, judicial selection, legislative advocacy and direct services. The Women's Law Center's extraordinary staff, led by L. Tracy Brown, possesses intelligence, vision, dedication, and organization. The members of the Board of Directors have been remarkably generous with their time, professional expertise and money.

Last year the Law Center provided direct service to over 1,500 individuals and legal information to another 5,000. But, our work is *not* done because some problems of the past persist today. In 2001, twenty-six Maryland women were killed by their partners. In October 2002, the 4th Circuit denied recovery to a female complainant in a sexual harassment case--the company's only female employee, who was subjected to blatant and offensive actions by co-workers. We need your help to continue our fight against gender bias. Law Center members can support our advocacy in a variety of ways, by contributing to the **30 for 30 Campaign**, participating in special projects, doing presentations to groups, drafting amicus briefs, authoring publications, and by serving on standing committees on family law, judicial selections, and employment law.

We are determined to free women of the threat of domestic abuse and murder, to create work environments that allow women to excel *and* have families, and to create a society that is free of gender bias. We can do it!

Gwen Tromley
President, WLC Board

30th Anniversary

Continued from cover

Everyone who attended also received a commemorative Women's Law Center mug that shows the three logos that have been used over the years. The event also marked the kick off of the "30 for 30 Campaign" to raise 30 donations of \$1,000 in honor of the 30th anniversary.

The 30th Anniversary Celebration and Award Ceremony was motivational. The speakers offered the perspective of experience and the optimism that results from witnessing and creating change. The bravery, vision and wisdom of our past and current leaders moved us all to renew our commitment to protecting the legal rights of women. Participants left with great pride in the meaningful legacy of the organization and hope for its promising future.

Thank You Annual Meeting Sponsors

A special thank you goes to the individuals and firms that sponsored the 30th Anniversary Dinner and Awards Ceremony. Without them, the event would not have been possible. They are:

Gallagher, Evelius & Jones, LLP

Law Office of Nancy Gregor

Law Offices of Sally Gold

Kaufman, Ries & Elgin, P.A.

Legal Aid Bureau, Inc.

Montgomery County Bar Association, Montgomery County Law Foundation

Gwen Tromley

University of Baltimore School of Law

University of Maryland School of Law

Research Project Update

Good news! The Women's Law Center of Maryland has completed the initial data collection phase in a statewide research project exploring trends in family law cases in Maryland. This means we have reviewed approximately 2,400 cases in 24 jurisdictions. And when we say reviewed, we mean, we sat down in the clerk's office or the file room -- from Baltimore City to Garrett County to Worcester County -- and turned the pages of each case file. This significant milestone puts us well on the way to understanding how custody and property distribution issues are being played out across the state, and well on our way toward sharing that information with you, with the court administrators and judges, with legislators and the public.

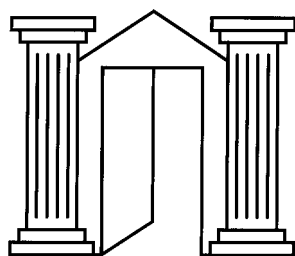
We will spend the summer completing the data entry, conducting any necessary follow-up data collection, conducting some focus groups and analyzing the data. We are benefiting greatly from the assistance and expertise of Maryann Fiebach, a Hopkins trained biomedical researcher. Maryann has volunteered untold numbers of hours to helping The Women's Law Center develop and maintain the database, structure the inquiries and develop the systems that will ensure that this study has credibility and statistical reliability. We are very grateful for Maryann's help.

Look for a public launching of the research findings in the Fall. And if you'd like more information on the study, please contact Rebecca Saybolt Bainum, Legal Projects Manager or Jeanette Karpay, Project Director.

WLC Coffee Mugs

Those who attended the Annual Meeting received a commemorative mug courtesy of **Kaufman, Ries, and Elgin, P.A.** The mugs depicted the WLC's three logos, as seen below. The changing logos through the years visually demonstrate the shift in focus of the WLC.

If you would like to receive your 30th anniversary commemorative mug, they can be obtained from the WLC for a cost of \$5, which covers the cost of packaging and postage. The mugs are white with purple graphics. To get yours, call the WLC at 410-321-8761.



1996



1983



1972

Staff Hellos & Goodbyes

The Women's Law Center of Maryland is saying goodbye to long-time staff member Gusty Taler and is delighted to welcome two new staff members!

The WLC is deeply indebted to **Gusty Taler** for her dedicated work to assist victims of domestic violence. Gusty joined the WLC staff in 1997 and helped establish the Baltimore City POARP. Later she also established the innovative MEDOVI Project. Both programs are thriving and well respected in the community. Their success is attributable to Gusty's vision and commitment. Gusty has moved on to become the chief of staff for Kenneth Montague, the new Secretary of the Department of Juvenile Justice. This is a wonderful opportunity for Gusty but we will miss her!

Monica Garcia is our new attorney assigned to the Domestic Violence Assistance program (DVA) in the Montgomery County courthouse. A native of California, Monica comes to us from George Washington University Law School where she was the recipient of the Murray Snyder Public Interest Fellowship Award. Monica has worked previously with the State's Attorney's Office for Montgomery County in the Family Violence Unit and for a small law firm in Alexandria, Virginia.

We are also happy to welcome **Eugenia Korsak Ordynsky** who is replacing Gusty to coordinate the Multi-Ethnic Domestic Violence project (MEDOVI). Eugenia is no stranger to MEDOVI—she has been the "Russian voice" on the MEDOVI answering machine and has helped many Russian speaking clients. The MEDOVI work fits nicely into her existing law practice where she specializes in immigration, business and family law. In addition, she was the creator of Democratic Russia - USA Foundation, an organization dedicated to providing technical training for business and political leaders in Russia.

2003 Amicus Activity

Only 4 months into the year and the Women's Law Center of Maryland has been active in the *amicus* arena. WLC has joined forces with other organizations to identify "impact litigation" cases and to push for systemic change through the "friend of the court" process.

In January 2003, WLC joined with the Public Justice Center (PJC), DC Employment Justice Center, Women's Law Project and the ACLU Women's Rights Project in an *amicus* brief in the case of ***Ocheltree v. Scollon Productions, Inc.*** On appeal to the Fourth Circuit from the US District Court for the District of South Carolina, this case raised critical issues relating to workplace sexual harassment, including the interpretation of the "because of sex" requirement in establishing a sexually hostile work environment claim. The brief, written by PJC, sought to provide the court with a suitable analytic framework for determining if harassing conduct occurred "because of sex" under Title VII. To that end, the brief argued that "because of sex" is only a single element in a sexual harassment claim and that the critical focus in the hostile work environment claim is the environment – that is, the conduct should be viewed in its entirety.

Status: The Fourth Circuit heard oral arguments in the case in late February.

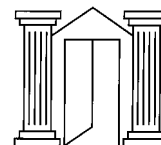
In February, WLC joined again with other legal advocates as *amici* in the case of ***Frase v. Barnhart***. This case raises such serious legal issues that WLC has signed on to two separate "friend of the court" briefs. The first brief, written by the Legal Aid Bureau and the Public Justice Center, addresses the unmet need for

legal assistance for low-income litigants in civil matters in which basic necessities or fundamental liberty interests -- access to shelter, basic healthcare, subsistence income, and protection of custodial relationships -- are at risk.

In this case, one of the issues on appeal is whether, as an indigent mother fighting for the fundamental right to retain custody of her child against the intrusion of a third party, Ms. Frase has a right to appointed counsel under the Maryland Declaration of Rights. The second brief, written by the University of Baltimore School of Law, explores important family law issues, namely whether a parent may continue to be forced to litigate a custody dispute with unrelated third parties after the court has found the parent to be fit. The issues raised by both briefs may drastically affect the clients of WLC's family law programs.

Status: The Court of Appeals granted a Writ of Certiorari in this case. Briefs will be filed in May and arguments will probably be scheduled in September. Stay tuned for their outcomes.

The Women's Law
Center of
Maryland, Inc.



UNITED WAY, CCC, MCC,
CFC CAMPAIGN CODE:
3096

Advocating for the legal rights
of maryland's women and
children since 1971.

WLC Kicks Off "30 for 30 Campaign"

Do you have a favorite year in the Women's Law Center history? Perhaps the year you were on the Board or the year you worked on important legislation? Would you like to honor someone by making a contribution in her honor to an organization that fights for women's legal rights? Now you can own a piece of the Women's Law Center history by "buying" a year!

The Women's Law Center kicked off the "**30 for 30 Campaign**" at the 30th Anniversary Celebration and Awards Ceremony in November. The goal of the campaign is to raise 30 donations of \$1,000 to celebrate the Women's Law

Center's 30 years of advocacy. Your donation may be given in 2 yearly installments. In recognition of your contribution, you will become a lifetime member of the Women's Law Center, you will be acknowledged in the newsletter and during the next annual meeting. You will receive a commemorative copy of the 30th Anniversary history presentation.

There are plenty of good years still available! Won't you join this distinguished list of Women's Law Center supporters? To contribute to the campaign, please use the form on the back cover of this newsletter.

Thank You

"30 for 30" Donors

We are very grateful to the following donors who have already pledged their support to the Women's Law Center by "purchasing" a year in the **30 for 30 Campaign**. They are:

- 1972 **Judge Kathleen O'Ferrall Friedman**
- 1973 **Sheila Sachs**
- 1974 **Judge Lynne Battaglia**
- 1975 *available*
- 1976 *available*
- 1977 **Judge Ellen Heller**
- 1978 *available*
- 1979 *available*
- 1980 *available*
- 1981 *available*
- 1982 *available*
- 1983 **Judge Charlotte Cooksey**
- 1984 *available*
- 1985 **Ann Sjoerdsma**
- 1986 *available*
- 1987 *available*
- 1988 *available*
- 1989 *available*
- 1990 *available*
- 1991 *available*
- 1992 *available*
- 1993 **Lynne Durbin**
- 1994 **Peter Angelos**
- 1995 *available*
- 1996 **Francine Krumholz**
- 1997 **Susan Elgin**
- 1998 **Susan Elgin**
- 1999 **Elisabeth Sachs**
- 2000 **Liz Caplan**
- 2001 **L. Tracy Brown**
- 2002 **Gwen Tromley**
- 2003 **Claudia Diamond, Rhonda Combs, Cheryl Jacobs**

Thank You Volunteers!

Each year the Family Law Hotline provides more than 2,500 low-income Maryland residents with free legal information. This accomplishment would not be possible without the service of our many dedicated volunteer attorneys. We would like to thank the following volunteers who worked on the Family Law Hotline between October 1, 2002 and March 31, 2003:

- | | |
|-----------------------|------------------------|
| Shea Baggett | Beverly Knox-Benn |
| Ruben Ballesteros | Frederick Kobb |
| Zoa Barnes | Francine Krumholz |
| Stephen Britz | Albert Laisy |
| Faith Dornbrand | Martin B. Lessans |
| Catherine Drummond | Leah H. Lewis |
| E. Keith Eckloff | Peter Markuski |
| Dorothy Fait | Shirley Massey |
| William Ferris | Lynn Mathias |
| Michele Ferris-Hansen | Barbara Novak |
| Jenifer Goolie | Sonia Owens |
| Barbara Gorinson | Frederick Raab |
| Dennis Gottesmann | Charles S. Rand |
| Roanne Handler | Nancy Sachitano |
| Jeff Hanes | Brian Sadur |
| Dorothy Haynes | Judith Shub-Condcliffe |
| Kathi Hill | M.L. Smith |
| Blaine Hoffman | Linda Spevack |
| Suzanne Hood | Lawrence Stahl |
| Kristine Howanski | Bobbie Steyer |
| Robert F. Kahoe | Rebecca Taylor |
| Leo Keenan | Randy Wase |
| Anu Kemet | Christina Woods |

2002 Annual Meeting ...



Above: Rosalyn B. Bell Award Recipient, Judge Louise G. Scrivener with WLC President, Gwen Tromley

Below: (left to right) Former Executive Director Kathleen Shemer, and WLC Members: Jeannette Karpay, Judge Joan Bossman Gordon, and Cheryl Hystad



Above: Professor Susan Leviton (left) presented the Dorothy Beatty Memorial Award to Dean Karen H. Rothenberg (center) with Gwen Tromley (right)



Above: WLC founding member, Sally Gold, recounts Dorothy Beatty's contributions to the WLC

Left: Attorney General Joseph Curran (l) and MSBA President, James P. Nolan (r)



...30th Anniversary Scrap Book



Above: (left to right) Signers of the WLC's Articles of Incorporation, Judge Kathleen O'Ferrall Friedman, Susan Tannenbaum and Ann Hoffman



Above: Lisa Simeone emcees the highlights of the WLC's 30 years

Left: (left to right) Renee Bronfein Ades, Jerald Lurie, Paul Dorf, and Judge Ellen Hollander



Above: (left to right) Shelly Gitomer, Judge Marcella Holland and Judge Ellen Heller



Above: (left to right) WLC Past President Nancy Gregor, Gwen Tromley, Judge Carol Smith, and Judge Halee Weinstein

2003 General Assembly...



Although the 2003 Legislative Session was consumed by budget issues, there were many bills that got the attention of the

Women's Law Center and other advocates for women. Most of WLC's energy was devoted to working with a coalition to support paid family leave. WLC also followed numerous other bills. We took positions on over 20 bills by providing oral and/or written testimony and issuing action alerts encouraging members to contact their legislators. The following is a summary of bills that would have an impact on women and children:

Paid Family Leave

SB 543/HB 818 Short Term Disability for Working Families Act – FAILED

These bills would have established a new temporary disability program within the Worker's Compensation Commission to provide for up to 12 weeks of paid family leave. The WLC played a leadership role with a broad coalition which developed to support the legislation. The coalition was spearheaded by the Montgomery County Commission for Women and included strong representation from labor organizations and the National Partnership for Women and Families. WLC provided oral and written testimony on these bills. Both bills failed in Committee. However, the Coalition plans to convene during the interim to draft a stronger bill and assess how to proceed. This is the third year that WLC has played a very active role in supporting paid family leave legislation. In past years, the bills have provided for unemployment insurance benefits for parental leave.

Budget – Legal Services Funding

The Maryland Legal Services Corporation, which funds the WLC's Family Law Hotline, is facing potential cutbacks due to declining revenue from IOLTA accounts. In order to prevent further cuts to MLSC programs, the Judiciary requested \$1.2 million in general funds for MLSC. WLC strongly supported this funding by contacting legislators and by issuing action alerts. The General Assembly funded \$300,000 of the \$1.2 million request. The final result will depend on the actions of the Governor.

Family Law

SB 249/HB 348 Family Law – Grounds for Absolute Divorce - PASSED

These bills will expand the grounds for an absolute divorce to include cruel treatment or excessively vicious conduct against the minor child of the complaining party. WLC Board member Susan Elgin provided oral testimony supporting both these bills. WLC also submitted written testimony and issued an action alert.

SB 265/HB 283 Family Law – Desertion and Nonsupport of Child – Jurisdiction, Enforcement and Penalties – FAILED

WLC supported these bills that would have created criminal offenses for the willful nonsupport of a child support order, provided that there is no right to a jury trial for a first offense under these sections and that the Circuit Court shall have exclusive jurisdiction over both offenses. WLC submitted written testimony and issued an action alert on HB 283. HB 283 failed in the House Judiciary Committee. SB 265 passed the

Senate but failed in the House Judiciary Committee.

HB 1158 Joint Legal Custody and Equal Parenting Time – WITHDRAWN

WLC opposed HB 1158 which created a preference for joint legal custody and physical custody for equal periods of time for each parent. The sponsor withdrew HB 1158 after the hearing. WLC submitted written testimony and issued an action alert on HB 1158.

SB 52 Family Law – Custody and Unsupervised Visitation – Child Abuse – FAILED

SB 52 would have limited a court from awarding custody or unsupervised visitation with a child to a noncustodial parent who the court finds has committed abuse against any child unless the court specifically finds that there is no likelihood of abuse of the child who is the subject of the proceeding. This bill passed in the Senate but failed in the House Judiciary Committee. The WLC submitted written testimony and issued action alerts.

Domestic Violence

SB 352/HB 593 Criminal Law – Stalking – Included Acts – PASSED

WLC supported these bills that make it easier to prove a stalking case by requiring that the person knows or reasonably should have known that the conduct would place another in reasonable fear of injury, assault or rape. Previously, proof of specific intent was required. The WLC issued action alerts on these bills.

SB 523 Family Law – Domestic Violence – Address Confidentiality Program - FAILED

SB 523 would have provided for the Attorney General's Office to estab-

...Legislative Wrap Up

lish an Address Confidentiality Program to allow State and local agencies to respond to requests for public records without disclosing the location of domestic violence victims. SB 523 passed the Senate and failed in the House Judiciary Committee.

Reproductive Rights

SB 354/HB 615 Public Health – Licenses Pharmacists – Dispensing Emergency Contraception – FAILED

WLC supported these bills that would have increased access to emergency contraception by permitting licensed pharmacists to dispense it if the pharmacist has an arrangement with a licensed physician. HB 615 passed out of the House but the companion Senate bill failed in committee. WLC submitted written testimony and issued several action alerts on these bills.

SB 457/HB 772 Public Health – Abortion – Parental Notice – WITHDRAWN

WLC opposed these bills that would have required a physician to provide actual notice to a parent or to wait 48 hours after constructive notice to the parent before performing an abortion on a minor. Waiver of this notification would have been authorized by a court only, not the minor's physician. WLC submitted written testimony and issued action alerts. The bills were withdrawn.

SB 646 Abortifacient Conscience Act - FAILED

SB 646 would have allowed any person to refuse to participate in or refer to a source for a medical procedure that would result in the destruction of a fertilized ovum, expanding Maryland's current refusal clause beyond termination of pregnancy, artificial insemination and sterilization. SB 646 failed

with no action in the Senate committee.

Economic Self-Sufficiency

SB 250/HB 698 Labor and Employment – Equal Pay for Equal Work – FAILED/ WITHDRAWN

These bills would have allowed plaintiffs to recover punitive and compensatory damages for wage discrimination and would have established an Equal Pay Commission to study the extent of wage disparities, the factors that contribute to the disparities, the consequences of the disparities and to recommend action. WLC supported these bills through written testimony and action alerts. The Senate bill failed in Committee and the House bill was subsequently withdrawn.

SB 251 Unemployment Insurance – Eligibility – Part Time Work – FAILED

WLC supported SB 251 that would have made workers who are seeking part time work, many of whom are women, eligible for unemployment insurance. WLC submitted written testimony and issued an action alert. The bill failed in Committee.

HB 338 Labor and Employment – Unemployment Insurance – Allowance for Dependents – FAILED

HB 338 would have increased the unemployment insurance allowance for dependents from \$8/week to \$25/week. WLC supported this bill through written testimony and an action alert. HB 338 failed with no action by the House Committee.

HB 652 Unemployment Insurance Funding Task Force - PASSED

HB 652 provides for the establishment of an Unemployment Insur-

ance Funding Task Force to examine the existing system, including the fairness of the current eligibility and benefit provisions. WLC supported HB 652 through written communication to the Unemployment Insurance Subcommittee.

Sexual Assault

SB 453/HB 196 Sexual Offenses – Reputation and Opinion Evidence and Evidence of Prior Sexual Conduct – Admissibility - PASSED

WLC supported these bills that prohibit the use of evidence of chastity or prior sexual activity in cases involving sexual abuse of a child or a vulnerable adult. WLC submitted written testimony and issued action alerts.

SB 68 Civil Actions – Child Sexual Abuse – Statute of Limitations – PASSED

SB 68 extends the statute of limitations for civil child sexual abuse actions to 7 years from the date that the victim attains majority.

Hate Crimes

HB 322 Hate Crimes Penalty Act – Expanding Prohibitions and Protected Classes of People - FAILED

House Bill 322 expands the current hate crimes law to include acts against persons or property based on sexual orientation. The original bill expanded the law to include actions based on disability, ancestry or gender. These additional categories were deleted through amendments. WLC supported HB 322 through written testimony and action alerts. HB 322 passed the House but failed in the Senate committee.

Legal Round Up: A Summary of Noteworthy Cases...

Alimony – Separation Agreements

Moore v. Jacobsen, 373 Md. 185, 817 A.2d 212 (2003) - The Court of Appeals reversed a decision of the Court of Special Appeals which interpreted a clause in a separation agreement to mean that alimony continued after marriage. The Court of Appeals held that unless a separation agreement contains "express and clear language" to the contrary, the obligation to pay alimony ends when the recipient spouse remarries. In this case, the parties' voluntary separation agreement provided that alimony was "non-modifiable" by a court and payable for a term of

seven years, but did not make any express reference to Md. Code, Family Law § 11-108 or the effect of remarriage of the wife upon the right to receive alimony. When the wife remarried 7 months later, the husband stopped making alimony payments. The Circuit Court rejected the husband's argument that the remarriage terminated his obligation to pay alimony, and the Court of Special Appeals agreed. The Court of Appeals reversed, holding that the separation agreement must clearly indicate the parties' intent that alimony will continue after marriage; otherwise pursuant to §11-108, remarriage terminates the obligation.

the decision of the lower court which had revised the parties' Qualified Domestic Relations Order (QDRO) eight years after it was issued, and remanded the case to the Circuit Court. The parties had been married for 19 years before they divorced. When they divorced, they incorporated into the judgment a QDRO that awarded the wife one half of the marital property portion of each of the husband's pension benefit payments. The QDRO also provided a formula for determining how much of the husband's full monthly benefit would be considered the "marital portion." Some years later, unbeknownst to the wife, the husband "bought back" several years of his government service (some of which had been during the marriage) and thereby significantly increased the amount of his monthly benefit. The Circuit Court issued an order holding that the redeemed months should not be included in the calculation of the marital portion of the pension benefits because of a "mutual mistake" by the parties. Claiming that the Circuit Court had essentially revised the QDRO long after its issuance, the wife appealed. Rejecting the notion that the inclusion of the redeemed months would amount to an unjust windfall for the wife, the Court of Special Appeals found that the lower court did not have the authority to make such a revision of the QDRO.

WLC Members in the News

Kudos to the following WLC members who have been recognized by the Daily Record with the Maryland Top 100 Women Award:

Judge Audrey J.S. Carrion, Circuit Court for Baltimore City

Susan Elgin, Kaufman, Ries & Elgin and WLC Board member

Dorothy Lennig, House of Ruth

Susan P. Leviton, University of Maryland School of Law

Sayra Wells Meyerhoff, Harriet's List

Betsy S. Nelson, Association of Baltimore Area Grant Makers.

Melanie C. Pereira, Howard County Department of Corrections

Congratulations to WLC Board member **Bobbie Steyer** who has been appointed as the co-chair of the Baltimore City Pro Bono Coordinating Committee.

Alimony – Indefinite

Lee v. Lee, 148 Md. App. 432, 812 A.2d 1089 (2002) - The Court of Special Appeals vacated the lower court's denial of indefinite alimony and its award of 3 years of rehabilitative alimony, holding that the denial of indefinite alimony cannot be affirmed if there is no consideration of the "unconscionable disparity" of the incomes of the parties. Here, the husband had an income during the marriage of approximately \$73,000 plus a bonus, while the wife earned \$16,000. The chancellor failed to consider the income disparity, failed to explain how he calculated the amount of time necessary for the wife to obtain education or training and find suitable employment, and made no prediction of what she would be earning when the rehabilitative alimony period ended. The CSA remanded the case for a determination, regarding among other things, whether the wife was entitled to indefinite alimony.

Marital Property (QDRO)

Leadroot v. Leadroot, 147 Md.App. 672, 810 A.2d 526 (2002) - The Court of Special Appeals vacated

Marital Property (Stock Options)

Otley v. Otley, 147 Md.App. 540, 810 A.2d 1 (2002)- The Court of Special Appeals ruled unanimously that unvested stock options acquired during a marriage can constitute marital property. In this case, the parties had been married for 15 years and reached a settlement agreement that resolved most issues, except the division of the stock options the husband received

...Studies and Trends

as part of his employment. The Circuit Court found that the stock options were not marital property because they had no discernable value. On appeal, the CSA found that stock options acquired during the marriage are marital property and are subject to distribution, on court order, on an "if, as and when" basis. The Court's opinion contains a detailed explanation of the computation of the marital portion of those options.

Gender Identity

In the matter of Robert Wright Heilig/Janet Heilig Wright, 372 Md.692, 816 A.2d 68 (N.J. 2003) - The petitioner, a Maryland resident who was undergoing a gender change from male to female, asked the Circuit Court in Montgomery County to change her name to Janet Heilig Wright and to change her "sexual identity designation from male to female" pursuant to §4-214(b)(5) of the Health General Article. The Court refused to enter an order changing the petitioner's sexual identity, and the Court of Special Appeals affirmed. The Court of Appeals vacated the CSA decision and remanded the case to the Court of Special Appeals.

Title VII – Class Action

Dial - As we go to print, women employees of Dial Corporation are preparing for trial in a class action sexual harassment lawsuit against the soap manufacturer. They claim that women employees have been subject to years of abusive behavior from male co-workers and supervisors. The EEOC will be representing the class. The case will explore the issue of whether sexual harassment claims are amenable to a class action suit or whether they are too individualized.

Domestic Violence – Stalking

H.E.S. v. J.C.S., 175 N.J. 309, 815 A.2d 405 (2003) - The New Jersey

Supreme Court ruled recently that a man who secretly installed a video camera in his soon-to-be ex-wife's bedroom might be guilty of stalking and harassment. The Court also ruled that service of a domestic violence complaint less than 24 hours before the hearing violated his right to due process. The parties were in the process of obtaining a divorce and were living in separate bedrooms in their home when the wife discovered the husband had installed surveillance equipment in her bedroom. Noting the "novelty" of the factual circumstances, the court found that his behavior should be considered in the totality of the circumstances and that planting the equipment could constitute the predicate offenses of domestic violence. The court also reversed an intermediate court's decision affirming the constitutional issue, finding that basic due process requirements were not met with respect to the service of the complaint.

STUDIES AND TRENDS

Impact of Legal Services

Economists at Colgate University and the University of Arkansas have concluded that access to legal services is one of the primary factors contributing to a 21% decrease nationally in the reported incidence of domestic violence between 1993 and 1998. The researchers, Amy Farmer and Jill Tiefenthaler, examined the support services available to domestic violence survivors in the counties in which they reside. They found that shelters, hotlines and counseling programs for battered women had no significant impact on the likelihood of domestic abuse, but that the availability of legal services decreases the likelihood that women will be battered. While other services are vitally important, the researchers theorize that legal services programs help

the women achieve physical safety and financial security and thus to leave their abusers. Other factors that influenced the decline are improvements in women's economic status and demographic trends, most notably the aging population. This study is forthcoming in *Contemporary Economic Policy*. (Information excerpted from email alert from the Brennan Center for Justice.)

50 Strategies To Prevent Domestic Violence

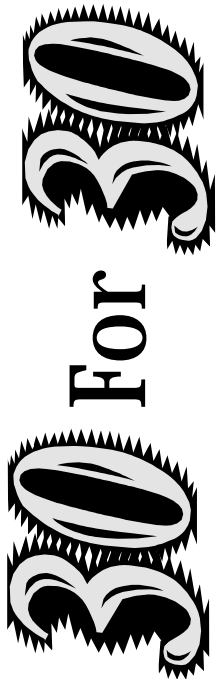
The National Crime Prevention Council issued a publication titled *50 Strategies To Prevent Domestic Violence*. WLC's MEDOVI (Multi-Ethic Domestic Violence Project) is highlighted as one of the innovative programs providing support to survivors of abuse. The publication also describes strategies for training, outreach, public awareness, improving the legal system and offender monitoring and intervention.

Job Announcement: Administrative Assistant

Our Administrative Assistant, Krista Smith, will be leaving in August to go to law school. We're starting early to identify a replacement to begin work the beginning of September.

If you know anyone who is well organized, has good administrative skills and would like to use those skills to protect the legal rights of women, please have them contact us.

A complete job announcement will be posted on the WLC website (www.wlcmd.org) on June 1.



Thirty \$1,000 Pledges
Celebrating
Thirty Years of Advocacy

- I want to purchase a year in the history of the WLC.
 - My check for \$1,000 is enclosed.
 - Please bill my credit card.
 - Please send me an invoice.

- Gifts may be given in 2 yearly installments.
I wish to make my gift of \$_____ on _____, 2003
and \$_____ on _____, 2004.

- I wish to charge my contribution to VISA or MC.
Card#: _____
Exp. Date: _____
Signature: _____

I would like to purchase the following year: _____
(See page 5 for the list of available years.)

Name: _____

Address: _____

Phone: _____