



Women's Law Center Undertakes New Projects

The Women's Law Center is embarking on three new and exciting projects. These initiatives will support the organization's mission statement and further the strategic plan by expanding current direct services and improving the empirical information available to policy makers regarding family law matters.

Carroll County POARP

The Protective Order Advocacy and Representation Project (POARP) has expanded to Carroll County. Through funding from the Governor's Office on Crime Control and Prevention and the Administrative Office of the Courts, the Women's Law Center will employ an attorney and a Legal Advocate to serve victims of domestic violence in Carroll County. The Carroll County POARP will assist clients who are seeking protection through the District Court and the Circuit Court. These free legal services will include: assistance with completion of petitions; preparation for court, including evidence gathering and trial preparation; full representation at all hearings related to the protective order; safety planning; and referrals to community based programs. The Carroll County POARP offices are located within the Family Law Administration's office suite. Therefore, the services will be

easily accessible to victims and well-integrated with other support services. All the POARP projects, including the Carroll County POARP, are operated in partnership with House of Ruth Maryland. The Women's Law Center has welcomed Crystal Mack as the Legal Advocate for the Carroll County POARP. Ms. Mack has provided court-based domestic violence services for over two years.

Research Replication

The Women's Law Center received funding from the Administrative Office of the Courts to replicate the research that was conducted under the previous Custody and Financial Distribution Research Project. The original research analyzed data from Fiscal Year 1999. The research replication will utilize the identical research methodology to collect and analyze data from Fiscal Year 2003. The two data sets will be compared, allowing for the identification of changes or trends in family law decisions. During the next several weeks, case lists will be collected and randomized. Researchers will be hired, trained and sent into the field to begin collecting data. Rebecca Saybolt Bainum will serve as the Project Director for this initiative.

Spanish Legal Forms Helpline

The Women's Law Center operates the Legal Forms Helpline to assist pro se litigants in family law cases. This service will expand to include one shift staffed by a Spanish speaking attorney. The Administrative Office of the Courts (AOC) recently translated all the standard Domestic Relations Forms and the associated web pages into Spanish. In order to provide additional support to Spanish speaking litigants, the AOC awarded additional funding to the Women's Law Center to provide services in Spanish. The Women's Law Center is currently seeking a Spanish speaking attorney to staff the Helpline on Monday mornings.

In This Issue...

New Projects for the WLC	1
President's Message	2
Board & Staff Roster	2
Recent Cases and News	3
Legislative Alert	3
Annual Dinner Wrap Up	4
Annual Dinner in Pictures	5
Thank You Volunteers	6
Spotlight on Philanthropy	6
Introducing the Justice Fund	7
Member Kudos	7
Students Supporting the WLC Update	7

Message from the President



As I begin my two-year term as Board President for the Women's Law Center, my respect and admiration for the Center's staff and my fellow

board volunteers is ever increasing. These dedicated and service-oriented individuals are personally committed to ensuring justice and fairness for all women. Whether negotiating to expand or enhance our innovative legal services, organizing and conducting judicial interviews, or working to influence public policy, the staff and board are knowledgeable, supportive, hard-working, and respected in the community. In addition, the unswerving commitment of all of our volunteer attorneys, law student interns and members makes my job extremely gratifying.

I am particularly thrilled that during my term, the Women's Law Center will begin several major projects that will have a significant impact on justice for women and their children. In January, 2005 the Administrative Office of the Courts has funded a follow-up study to our landmark Custody and Financial Distribution Research project. That study was the first comprehensive state-wide research project about custody and financial distribution decisions in family law cases in Maryland. Using the initial research as a baseline, the new study will allow us to assess changes and trends in custody and financial distribution decisions, and make policy recommendations supporting our constituents.

Even more exciting is our new Justice in Divorce Project. Incorporating the recommendations from our initial research, this project will allow us to implement legisla-

tive, policy, and practice reforms that will help achieve more equitable financial distribution and custody results in divorce. We are thrilled to have the support of The Lyn P. Meyerhoff Foundation, who has generously provided us with a three-year \$75,000 challenge grant to make this program a reality.

But now it is up to us to reach our potential. To support these efforts, we have created our first annual fund effort, entitled "The Justice Fund." This year we need to raise \$60,000 so that we can invest in our future, sustain our existing programs, meet the \$25,000 a year Meyerhoff challenge and make a major impact on legal issues important to women. You can read more about The Justice Fund on page 7.

Because I believe so strongly that the Women's Law Center makes a meaningful difference in women's lives, I have made a commitment to increase my annual contribution this year in support of the new Justice Fund. I am confident that 100% of the Board will follow my lead, increasing their gifts to this important organization.

I know that when you are asked, I can count on you to do the same. Your generous support of \$500, \$250, \$100 or whatever you can afford beyond your basic membership dues will be crucial to our success. As members, you understand the importance of our work and will use this opportunity to ensure that we continue to provide positive outcomes for the thousands of Maryland families who depend on our services.

I am proud to be associated with the Women's Law Center and am honored to be serving as President for the next two years.

Francine Krumholz

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Litigation Round Up: A Summary of Noteworthy Cases

Murat K. Dave v. Susan E. Stim-muller, CSA No. 1212. Sept. Term 2003: The Court of Special Appeals held that a wife's investment account, which was managed by her husband, was not marital property. The husband devoted 30 hours a week for 15 years to the task of actively managing the portfolio. According to the Court, the husband could not prove how much of the portfolio's appreciation was due to his efforts rather than market forces.

Michael F. Solomon v. Nancy L. Solomon, CA No. 116. Sept. Term 2003: The Court of Appeals found that a nontransferable country club membership, which could not be sold or liquidated, was not marital property despite the fact that it was purchased with marital funds. The Court also reversed the trial court's award of indefinite alimony because it was insufficient to eliminate the unconscionable income disparity between the parties. The trial court's award would have provided the wife with approximately 8.5% of the husband's income. The Court also held that tax liabilities may be considered as "other factors" when considering a marital property award but only when they are "immediate and specific or not speculative."

Sharley Anne Ehrenfried v. Dustyn Thomas Enfrenfried, CSA No. 2010. Sept. Term 2003: The Court of Special Appeals found that finding of child abuse in a contested protective order hearing, from which a parent may appeal, is sufficient to create "reasonable grounds to believe" that abuse occurred for the purposes of triggering Section 9-101 of the Family Law Article. This section requires a court to determine whether child abuse or neglect will occur if custody and visitation is awarded to the party who is alleged to have abused the child.

Mahdi Hajjar-Nejad v. Smayeh Talatory, CSA No. 2298. Sept. Term 2003: The Court of Special Appeals reviewed the factors outlined in *Taylor* and *Sanders* regarding joint custody and concluded that, since the parties had no capacity to communicate and reach shared decisions, joint custody was not appropriate. The court found that neither party was unfit but that the mother demonstrated a greater level of fitness. The court upheld the award of sole legal and physical custody to the mother, finding that it was in the best interests of the child.

Michael Keith Shenk v. Julie O. Shenk, CSA No. 2349. Sept. Term 2003: The Court of Special Appeals upheld a joint legal custody award that allowed the mother to make a final decision if two parents could not agree after a thorough discussion of the issue. The court imposed this condition in order to prevent subsequent litigation in the case. The Court held that this accommodation did not "transform the arrangement into something other than joint custody."

Deane and Polyak v. Conaway: The American Civil Liberties Union filed suit on behalf of nine same sex couples and one gay man challenging the law that discriminates against same sex couples in marriage. The suit is against Maryland county clerks who have refused to issue marriage licenses to same-sex couples. The complaint was filed in the Baltimore City Circuit Court and the first hearing is scheduled for March 2005. For more information and updates, see www.equalitymaryland.org.

Anchorage v. Gregg, Alaska No. 8-10722, 11/12/04: A ruling by the Alaska Supreme Court found that a domestic violence victim was eligible for the Family and Medical Leave Act. The victim was a police

officer and had informed her employer that she needed time off to "get her life back together" due to domestic abuse and other factors, including a diagnosis of post traumatic stress disorder, issues stemming from a previous car accident and pregnancy. The court found that, despite the fact that she did not request FMLA specifically and did not provide medical documentation at the time, the employee had informed her employer of the abuse and her need to recuperate.

Civil Rights Tax Relief Act: Congress passed legislation that will end the "double taxation" experienced by plaintiffs in employment discrimination cases. Prior to the new law, successful litigants were taxed on the fee paid to their lawyer in addition to being taxed on the award received as compensation for the unlawful discrimination. As a result, some plaintiffs received tax bills that were greater than their award.

Legislative Alert

During the 2004 Session, the General Assembly passed SB 250 – Labor and Employment – Equal Pay Commission. The bill established a Commission to study the extent of wage disparities and to recommend actions to address the issue. This bill passed by a wide margin. Unfortunately, SB 250 was vetoed by Governor Ehrlich. In his veto message he stated that he "was not convinced that this is a problem in need of a solution." Senator Sharon Grosfeld, the bill's sponsor, is organizing a veto override effort. All veto override votes are held on the first day of the next General Assembly, whether it is a special session or regular session. **Please contact your legislators to urge their support for the veto override of SB 250.**

WLC Honors a Judge, Lawyers and a Litigant at Annual Dinner

The Women's Law Center's Annual Meeting and Awards Ceremony was held on October 26, 2004. The atmosphere was festive as friends and colleagues gathered to honor the award recipients and celebrate the accomplishments of the Women's Law Center.

The Women's Law Center's President, Francine Krumholz, welcomed the participants and shared the organization's highlights. She noted the completion of the research project, the formation of student groups, the initiation of an employment law project and the successful direct service programs as major accomplishments. She also encouraged the audience to provide financial support for the organization's new and on-going projects. Francine expressed the Women's Law Center's thanks and admiration to out-going President, Gwen Tromley, for her skillful and dedicated leadership during her two-year tenure. The new Board of Directors was officially elected with Ms. Krumholz serving as the President.

Christopher Brown, a founder and partner of the firm Brown, Goldstein and Levy, received the 19th Dorothy Beatty Award in recognition for his commitment to women's legal rights. Ms. Tromley detailed his numerous contributions saying, "Throughout his distinguished career, Christopher Brown's superb advocacy has advanced women's legal rights in the areas of health care, public benefits, housing, voting rights and employment." Ms. Tromley described this award to Mr. Brown as "long overdue," recalling that Mr. Brown was the person with whom the Law Center worked on its first employment law case. In

his remarks, Mr. Brown honored Dorothy Beatty's contributions to the legal community and her dauntless spirit. He encouraged those present to continue the fight for women's legal rights, recommending Barbara Ehrenreich's book, *Nickel and Dime*. He underscored the importance of advocacy for women of limited financial means, and offered a challenging and visionary agenda of objectives to guide the Women's Law Center's employment law initiative.

The Women's Law Center was pleased to have Honorable Stephen Sachs introduce Debra Gardner and Deborah Frase, the two recipients of the 12th Rosalyn B. Bell Award. Ms. Gardner was honored for her leadership in the *Frase v. Barnhart* case which reaffirmed the rights of a fit parent against a third party custody claim. The case was also significant to the legal services community because it argued for the right to counsel in civil cases. Mr. Sachs described Ms. Gardner's impressive knowledge of the law, her commitment to representation for the poor and her "well-timed orneriness" – all qualities that make her an excellent advocate. Ms. Gardner expressed her respect for the legal team that worked on the *Frase* case and highlighted the importance of the legal issues raised in the appeal.

Deborah Frase received recognition for her role as the Petitioner in the *Frase* case. She persisted in asserting her parental rights, despite the fact that she was not

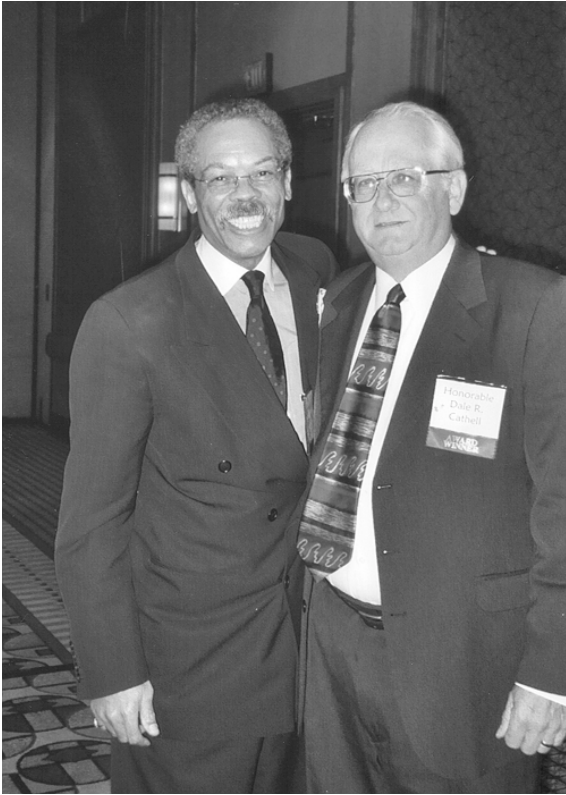
represented by counsel throughout the trial process. Mr. Sachs dubbed Ms. Frase his "own Norma Rae" for her unwavering commitment to her family and her determined courage in the face of substantial opposition. Ms. Frase expressed her gratitude to everyone who helped her throughout her custody battle.

The award presentations ended with entertaining and inspiring remarks from Judge Dale R. Cathell who received the Access to Justice Award for his leadership as Chair of the Commission on Racial and Ethnic Fairness in the Judicial Process. Chief Judge Robert Bell introduced Judge Cathell. He emphasized Judge Cathell's fierce independence and his deep commitment to justice. Judge Cathell shared his vision for the legal system that is responsive to low income and vulnerable citizens and the factors that influenced his personal journey. He noted that he considers the Access to Justice Award to be the most prestigious honor he has received. Judge Cathell shared credit for the award with his wife and family who were present to help him celebrate this recognition.



Hon. Stephen Sachs, *Frase v. Barnhart* petitioner and Bell Award Recipient Deborah Frase, and WLC President Francine Krumholz

WLC Annual Meeting in Pictures



Above: Chief Judge Robert Bell presents Hon. Dale Cathell with the Access to Justice Award
Below: Wilhelm Joseph, Legal Aid Bureau, and board member Gusty Taler enjoy the annual dinner

Right: Past President Gwen Tromley honors Chris Brown with the Dorothy Beatty Memorial Award

Below: Board member Deborah Thompson Eisenberg, Bell Award Recipient Deb Gardner, Hon. Stephen Sachs and Debra Frase



WLC long-time members: Professor Jane Murphy, Professor Jana Singer and Sharon Goldsmith

Thank You Annual Meeting Sponsors

Baltimore Business Journal
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Worcester County Bar Association

Spotlight on Philanthropy: Lynne Durbin

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 July 1 - September 30, 2004.

Meg Attanasio
Charles Balint
Ruben Ballesteros
Zoa Barnes
Judith Brunton
Catherine Drummond
Conrad Fleck
Dorothy Haynes
Kathi Hill
Blaine Hoffman
Fred Kobb
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David Preller
Charles Rand
Sheryl Snee
Linda Spevack
Jennifer Terrasa
Randy Wase



"I strongly believe in the work of the Women's Law Center and support their advocacy, lobbying, amicus and family law efforts. I work

in the for-profit sector and believe that I should support an organization that shares the same values as I do. In fact, I feel it is my personal responsibility to contribute. Since 1991, I have been contributing to the Women's Law Center at a significant level because **no other group addresses the equity and justice issues the same way as they do.**

In the late 1980's when the Webster case threatened Roe vs. Wade, I was galvanized to protect women's rights. As a lawyer, I believe that women in Maryland need a legislative watchdog to keep us informed about issues that must demand our attention.

By supporting the Women's Law Center, I am supporting the equal treatment of women and children in the court system. I am supporting the issue of gender bias. I am protect-

ing women's rights. The Women's Law Center also provides access to legal services for disadvantaged women and children through the operation of a family hotline and domestic violence programs.

In addition to being motivated to provide financial support, I have also helped the organization fund raise for its 30th anniversary to build philanthropy. As a mother, my son is amazed that until the 1920's, women were unable to vote. My son knows that I support women's issues and I have instilled in him an awareness of the importance of just and equal society. Women have fought long and hard for the rights that we enjoy today but we must also protect and build upon these rights for the future.

On a relatively modest budget, the Women's Law Center has impacted the justice system. With increased support, the Women's Law Center can expand and strengthen programming to continue to protect and preserve the rights of women.

I am proud to be a supporter of the Women's Law Center."



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For more information, contact Jessica Morgan at 410-321-8761 or jmorgan@wlcmd.org.

Introducing the Justice Fund of the Women's Law Center

The Women's Law Center depends on your financial contribution to continue its efforts to protect the legal rights of women. We have created a new way for you to show your support – the **Justice Fund**. This new initiative is being launched to ensure that protections available in an equitable society are available for women today and for the next generation of women.

Gifts to the Justice Fund will help the Women's Law Center continue to represent victims of domestic violence, educate state and local policy-makers about women's legal issues, operate a family law hotline and stand at the forefront of legal and public policy initiatives in the state. The funds will also provide the organization with the flexibility to launch new programs and the ability to respond quickly to important issues

that threaten the rights of women.

The Board of the Women's Law Center has made a strong commitment to significantly increase personal giving from last year. This new money will be used to match gifts given by committed members like you to become an inaugural member of the Justice Fund. Look for your solicitation in the mail in early December.

Your investment in the Justice Fund will help us meet our goal to raise \$60,000 for the Women's Law Center. But most importantly, you will be building and sustaining a just society for the next generation of women and their families.

You can contribute to the Justice Fund by adding one of the following annual fund gift levels to your \$50 membership fee:

Annual Fund Gift	Giving Level	Benefit
Less than \$100	Member	Listing in annual report
\$100	Equity Club	All of the above benefits Invitation to donor thank you event
\$250	Liberty Club	All of the above benefits Private reception for donors
\$500	Advocacy Circle	All of the above benefits Special seating at the annual meeting
\$1000	Benefactor Circle	All of the above benefits Recognition in thank you ad placed in local media Highlight in the newsletter
\$2500	Visionary Society	All of the above benefits Complementary ticket to annual meeting
\$5000	Legacy Circle	All of the above benefits Annual issues briefing

Student Supporting the Women's Law Center

The Students Support the Women's Law Center (SSWLC) group that formed at the University of Maryland School of Law has been active. On October 20 the group sponsored a lunchtime presentation. Approximately 30 students attended the event and heard a presentation from Women's Law Center Board and staff members about their career choices, their professional experiences and the impact of women's issues on their work. A lively discussion followed, including a dialogue about the meaning of feminism, the professional implications of working actively to address women's issues and how to identify and address the challenges facing young women today. The group plans future events to continue these interesting discussions.

Several members of SSWLC also participated in the Women's Law Center's Judicial Selections Committee's interviews of candidates for the Baltimore City District Court. Their perspectives about the candidates were informative and they found the experience to be valuable. SSWLC members also attended the Annual Meeting and Awards Ceremony due to the generosity of several law firms that sponsored their participation.

Kudos to WLC members and supporters who received The Daily Record's **Leadership in Law Award**:

Honorable Albert Matricciani
Mitchell Y. Mirviss
Professor Jane C. Murphy



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Mail this form to: *Women's Law Center of Maryland, 305 W. Chesapeake Avenue, Suite 201, Towson, MD 21204*

A copy of our current financial statement is available upon request by contacting the Women's Law Center. Documents and information submitted to the State of Maryland under the Maryland Charitable Solicitations Act are available from the Office of the Secretary of State for the cost of copying and postage.