

The Woman Lawyer:  
The Revolution Continues...

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A Thesis  
Presented to  
The Chancellor's Scholars Council of  
Pembroke State University

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by  
Kimberly Beth Bennett  
April 24, 1990

Faculty Advisor's Approval \_\_\_\_\_  
Date 5-16-90



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## Preface

I am presently a senior at Pembroke State University planning to attend law school in the fall. Deciding to go to law school was not an easy decision for me. I clerked for a lawyer in Robeson County and became completely discouraged with our legal system. My experience was so negative that I decided that I wanted to be anything but a lawyer.

Yet, thanks to Steve Marson, Director of the Social Work Program here at PSU, I changed my mind. At one time, I had mentioned to Mr. Marson that I was planning to attend law school. He was ecstatic. Therefore, when I told him that law school was not for me, he immediately asked why.

After hearing my story, he told me that the legal profession was not as awful as I thought it was. He works with the Friend in Court Project, a group that monitors the legal system in Robeson County, and was able to enlighten me as to what lawyers in the county are really like. He also asked me to read some books and articles about very positive lawyers. Furthermore, each time I saw Mr. Marson on campus, he wanted to know if had changed my mind yet. Well, I did. Thanks for your concern, Mr. Marson.

Although I decided to apply to law school, I still spent a great deal of time pondering over what it would be like for a woman in the profession. My uncertainties led to reservations that I knew I had to remedy. I then came up with a brilliant idea. Why not do my Chancellor's Scholars Program Senior Thesis on what it is like to be a woman lawyer in a male-dominated profession! And, of course, Steve Marson would be my advisor.

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## Procedure

By comparing women lawyers in Robeson County and in the United States, this exploratory study seeks to find out what it is like for a woman lawyer in a male-dominated profession. I used three interrelated methods of research to establish the "ideal type" of woman attorney: interviews with local women attorneys, interviews with national women attorneys, and a content analysis of the *Women Lawyers Journal*. This type of research is called triangulation (See page 1-A). From the interviews I made a videotape. This paper consists of an explanation of how I made the tape, a script of the tape, the content analysis, and the results of my study as a whole.

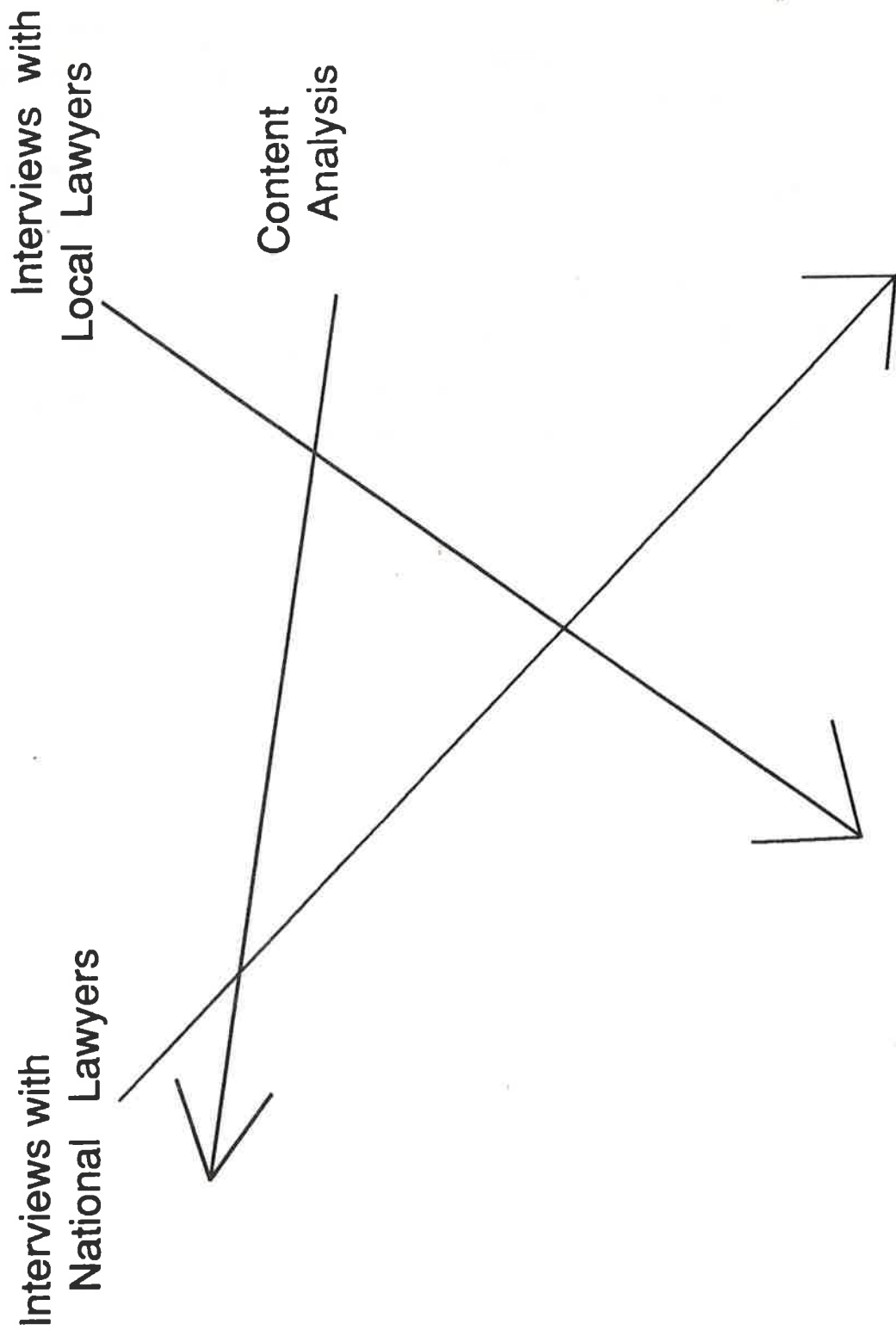
I have tried to ascertain the "ideal type" of woman lawyer. This "ideal type" is a concept formulated by Max Weber, a German historian and sociologist. Lewis A Cosner in *Masters of Sociological Thought Ideas in Historical and Social Context* explains the concept this way:

*An "ideal type" is an analytical construct that serves the investigator as a measuring rod to ascertain similarities as well as deviations in concrete cases. It provides the basic method for comparative study. An ideal type is formed by the one-sided accentuation of one or more points of view by the synthesis of a great many diffuse, discrete, more or less present and occasionally absent concrete individual phenomena, which are arranged according to those one-sidedly emphasized viewpoints into a unified analytical construct ."*

(Cosner, p. 223).

I have reconstructed what it is like to be a woman lawyer in Robeson County and in the United States. This project is not reality, but it is parallel to reality. I have systematically looked at a subjective reality and took this reality of nature, women lawyers in Robeson County and in the United States, and pulled them all together into an "ideal type." Hence, this "ideal type" is the result of a systematic integration of subjective descriptions to demonstrate some sort of continuity. In mathematical terms, I am comparing the average woman attorney in Robeson County to the average woman attorney in the United States.

# Illustration of Triangulation



The variation of the "ideal type" would lie within the three intersects.

I used the snowball method of sampling, defined by Katzer et al. as "a nonprobability sampling in which each respondent identifies other to be in the space (Katzer et al., p.226)." Nan Lin, author of Foundations of Social Research, and Earl Babbie, author of The Practice of Social Research, explain that probabilistic methods of sampling may be impractical and even impossible. It would have been entirely impossible for me to have identified all of the local and national women lawyers. Obviously, in this case, snowball sampling was appropriate.

This is an exploratory study whose results are crucial but not conclusive. Further research will be needed after this first step. Therefore, this thesis may act as a foundation for other research about women lawyers and, perhaps, about lawyers in general. As it has for me, it may also assist others who plan to enter the legal profession.



## The Questions

Steve Marson and I devised a list of questions, both demographic and qualitative, based on the content analysis I did of the *Women Lawyers Journal*. I did an off-tape interview with one of the attorneys to test and revise the questions. Each lawyer then responded to this revised list either on paper or on tape. These questions served two purposes:

- 1- They acted as the interview questions for the videotape.
- 2- The answers to them were sources for the conclusions of my study.

(See Appendix A for list of questions and lawyers' responses)

*The Tape*

I have noticed that most students better understand and appreciate a play if they both read and watch it. I have used the same idea for my project, which also consists of a videotaped documentary. As a result of this, I myself was better able to grasp the personalities of these women.

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## Making the Tape

Since I am not a broadcasting major, the first problem, among many, that arose regarding the videotape was whom I was going to get to help me with the taping. I had never used a video camera nor a camcorder in my life. To solve my dilemma, I chose Kim Jacobs, a broadcasting major here at PSU. She agreed to help me under the condition that she could use the tape as her directed studies project. I readily agreed.

I then set out to contact my subjects. I wanted to contact the national organizations first because I realized that to interview them personally would take more time and planning. I contacted several women lawyers' organizations that I found in the *Encyclopedia of Associations*, 24th edition. Three organizations agreed to help me: the National Association of Women Lawyers, the National Bar Association Women Lawyers Division, and the International Federation of Women Lawyers (See Appendix B for explanations of these associations). I called them many times to see if they would be willing to be interviewed. I began to get a bit worried, as time was running short, but they finally agreed to assist me.

I did not have the money to travel all along the east coast to interview these women. I needed help. Mr. Marson and I wrote a letter to Dr. Jenkins, Vice-Chancellor of Academic Affairs, asking him if he could allocate some money for these trips. Fortunately, he was able to do just that (See Appendix C for copy of letter).

Now I began setting up interviews with the women belonging to the organizations. It was no easy task setting up interviews that corresponded with everyone's schedules. Kim and I sat down and came up with times that we would both be able to travel. I then relayed these times to the lawyers, who chose from those times the times that corresponded with their schedules. Believe it or not, we were able to actually interview lawyers from all three

associations.

The next dilemma that we were faced with was that Dr. Patterson, Broadcasting Professor at PSU, would not allow us to take the television camera out of the state. Kim Jacobs' project had to be done on 3/4" tapes, TV tapes. What were we to do? We had already planned our trips. She, Mr. Marson, and I put our heads together and came up with a solution.

We were already doing the project both locally and nationally. Therefore, Kim taped the local interviews on 3/4" tapes and did her project on local women attorneys. Since my project could be done on the school's camcorder, Kim came with me to Georgia, Washinton, DC, and New York and taped these interviews on 1/2" tapes, camcorder tapes. I did my project both locally and nationally, which meant that I had to have Kim's 3/4" tapes converted down to 1/2" tapes since the opposite conversion would have been of a very poor quality.

We made plans to drive to Atlanta, Georgia to interview the President of the National Association of Women Lawyers. But, we needed a place to stay. I must have asked 20 people for suggestions. One girl suggested that I stay with her hairdresser, and my aunt insisted that I not go at all. Finally, a friend of mine in Atlanta let us borrow an extra room. We bought some videotapes and picked up the camcorder from the Media Center. And we were off to Atlanta. We left at 11:00 p.m. after Kim got off work. We got into Atlanta at 6:00 a.m. the next morning. We got lost only a couple of times. After sleeping for about three hours, we got ready for our interview. The taping went well. Fortunately, we were able to check the tapes during the interview. We left to return home at 2:00 p.m. and returned just in time for Kim to go to work

Our next trip was to Washington, DC (National Bar Association Women Lawyers Division) and to New York City (International Federation of Women

Lawyers). We left PSU at 8:00 a.m. and were in Washington by 4:00 p.m. There we met Brenda Girton, President of the NBA WLD. She had interviews set up for us when we arrived. We taped one interview and then left for the Charlotte E. Ray Award Presentation. Charlotte E. Ray was the first black woman attorney. At this ceremony, sponsored by the NBA WLD, a black woman lawyer is presented with an award in honor of Ms. Ray.

Another of the members of this organization, Kathy Ellis, had interviews set up for us at the ceremony. We interviewed seven black women attorneys and met many other influential people from the Washinton, DC area. We stayed the night with Ms. Girton and left the next morning at 8:30 for New York.

We arrived in New York at 2:30 p.m., parked our car in a garage, and asked the attendant for directions. He spoke no English. Kim and I, two country girls from North Carolina carrying camera equipment, meandered through the city in search of our destination. We made it. We then visited one of the largest law firms in the nation, Skadden Arps Slate Meagher & Flom. Finally, we interviewed Dora Aberlin, former President of the International Federation of Women Lawyers.

We left New York that Thursday evening about 7:00. We reached Richmond, Virginia about 1:00 a.m., where we got a room for the remainder of the night. At about 8:00 a.m., we left for home.

We taped the local interviews on WPSU's TV cameras. Therefore, we again were faced with a scheduling problem. The cameras were being used for routine tapings at the station as well as for students' projects, and as we had already found out, both Kim and I were busy.

Fortunately, though, we were able to set a time to interview the women lawyers of Robeson County Legal Services: Kay House, Angela Kimmel, and Kathleen McKee. The interview went well, but to our dismay, when we looked

at the tape at school, there was no audio. Hoping to get another interview, we called the lawyers back, but they were too busy. Improvisation was necessary. We used the video shots of the women, and we used as audio my own voice-over narration of the content of the interview.

We were able to interview only two of the the other four women attorneys in Robeson County. These two were Fretta Bowman and Diane Phillips, both Asssitant Public Defenders. We also interviewed the Public Defender, Angus Thompson, to get a male's perspective on the matter. Again the interviews went well--or so we thought. Deja vu. When we checked the tapes, there was no audio. These subjects were able to give us another chance to interview them, however. We checked the second tapes, and they were perfect except that Bowman's interview had no video. Yet, as we had done before, we solved the problem by doing a voice- over on the first tape, which had video but no audio.

It was now time to edit the tapes. I had never done any editing; therefore, Kim agreed to edit for me. First, I had to watch all of these tapes (three 1/2" and 11 3/4") and choose what I wanted to use from them on my final tape.

Due to time constraints, Kim was unable to help me edit. Out of desperation, I asked nearly every broadcasting major at PSU for their assistance. Paige Johnson agreed to help me edit the 3/4" tapes. Warren Love in the Media Center showed me how to edit the 1/2" tapes. He then left me to do the editing alone.

This editing had to be done manually by using two VCR's. One VCR is used for recording and the other for playing those tapes you wish to record from. You pause and record as you add footage. It is not an easy process. When you edit manually, slight imperfections or "glitches" occur. They are inevitable.

Script

Note: Grammatical errors occurring in this script are errors in speech by the subjects.

VIDEO

AUDIO

OPENING CREDITS

MUSIC: "REVOLUTION" BY THE BEATLES

COURTESY OF APPLE RECORDS

TITLE: THE WOMAN LAWYER:

THE REVOLUTION CONTINUES...

KIMBERLY BENNETT SITTING IN LAW

LIBRARY OF ROBESON COUNTY

COURTHOUSE

(MUSIC FADES)

CAMERA ON BENNETT AND

ABERLIN IN HER NEW YORK CITY

APARTMENT

KIMBERLY BENNETT: YOU BELIEVE WE NEED

WOMEN LAWYERS' ORGANIZATIONS. COULD

YOU EXPLAIN THAT?

DORA ABERLIN: WELL. FOR EXAMPLE, WHEN

I WAS PRESIDENT OF THE QUEEN'S COUNTY

WOMEN'S BAR--THAT WAS WHEN I WAS 50--

THAT WAS A GOOD 35/36 YEARS AGO--NO

WOMEN WERE ADMITTED TO THE MEN'S BAR.

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Pittsburgh Public Library  
Pittsburgh, Pa.  
15222

RAISED A FUSS ABOUT IT. EVENTUALLY WE  
GOT IN. WE GOT THAT DISCRIMINATION  
WADED. THE WOMEN HAD TO BE FORERUNNERS  
TO FIGHT TO GET THEIR OWN RIGHTS. THEY  
WOULDN'T--THEY COULDN'T GET IT JUST  
SINGLE WOMEN ALONE. YOU WENT IN ALL BY  
YOURSELF, YOU GOT NOWHERE, BUT IF YOU  
HAD A GROUP OF WOMEN THAT WOULD WORK  
WITH YOU, YOU COULD CHANGE THE LAW  
SOMEWHERE WHERE YOU COULD GET AHEAD.  
FOR INSTANCE, YOU COULDN'T GET A WOMAN  
TO BE A JUDGE NO MATTER WHAT HAPPENED.  
THERE JUST WERE NO WOMEN JUDGES. BUT,  
WHEN WOMEN BEGAN TO BE MORE VOCIFEROUS  
AND CLAMOR MORE AND COMPLAIN MORE, THEN  
THEY GOT NOTICED MORE. AND THEN THEY  
WENT IN AND VOTED, AND THAT'S HOW THEY  
FINALLY ADVANCED THEMSELVES.

CUT TO BENNETT SITTING IN THE  
PSU TV STUDIO

KIMBERLY BENNETT: WOMEN RECEIVED THE  
RIGHT TO VOTE IN 1920. WHAT A  
REVOLUTION! SINCE THEN, THEY HAVE  
SUPPOSEDLY ATTAINED ALL THE RIGHTS OF  
MEN. YET, THE REVOLUTION CONTINUES...

CUT TO BENNETT STANDING IN  
THE PSU TV STUDIO WITH PICTURE  
OF OLD MAIN BEHIND HER

I AM A STUDENT AT PEMBROKE STATE  
UNIVERSITY. I WORKED FOR A LAWYER HERE  
IN ROBESON COUNTY AND WASN'T VERY HAPPY  
WITH WHAT I ENCOUNTERED; THEREFORE, AS  
THE TOPIC FOR MY CHANCELLOR'S SCHOLARS



SENIOR THESIS, I DECIDED TO FIND OUT  
WHAT IT'S LIKE FOR A WOMAN LAWYER IN A  
MALE-DOMINATED PROFESSION. I TACKLED  
THIS PROBLEM ON BOTH A LOCAL AND A  
NATIONAL LEVEL. AND THIS IS WHAT I  
FOUND.

CUT TO PSU LIBRARY

THE FIRST LAWYER THAT I INTERVIEWED  
NATIONALLY WAS GAIL MCKNIGHT BECKMAN  
FROM ATLANTA, GEORGIA. MS. BECKMAN IS  
PRESIDENT OF THE NATIONAL ASSOCIATION  
OF WOMEN LAWYERS AND PROFESSOR OF LAW  
AT GEORGIA STATE UNIVERSITY. SHE  
SPENDS A GREAT DEAL OF TIME IN  
LIBRARIES SUCH AS THIS ONE. SHE HAS NO  
CHILDREN AND HAS NEVER BEEN MARRIED.

CUT TO BECKMAN AND BENNETT  
SITTING IN AN OFFICE IN BECKMAN'S  
APARTMENT BUILDING IN ATLANTA, GA

GAIL MCKNIGHT BECKMAN: I HAVE FELT  
THAT ONE OF THE GREATEST CHANGES IN THE  
ATTITUDE OF MEN LAWYERS AND MEN JUDGES  
TOWARDS WOMEN HAS OCCURRED AS A RESULT  
THE INCREASING NUMBER OF WOMEN IN LAW  
SCHOOL. AT FIRST, WHEN I GRADUATED,  
THEY REALLY DIDN'T KNOW MANY WOMEN WHO  
WENT INTO THE LEGAL PROFESSION. IT WAS  
STILL CONSIDERED RATHER UNUSUAL--AND  
NOT NECESSARILY FAVORED. BUT, AS MORE  
MEN LAWYERS AND JUDGES HAVE HAD  
DAUGHTERS AND RELATIVES WHO HAVE  
STUDIED LAW, THEY HAVE CHANGED THEIR

ATTITUDES CONSIDERABLY AND THIS HAS  
HELPED ALL WOMEN.

CUT TO BENNET STANDING IN  
PSU TV STUDIO WITH CLOCK BEHIND

KIMBERLY BENNETT: NEXT I TRAVELED TO  
WASHINGTON, DC WHERE I ATTENDED THE  
CHARLOTTE E. RAY AWARD PRESENTATION.  
CHARLOTTE E. RAY WAS THE FIRST BLACK  
WOMAN ATTORNEY. AT THIS CEREMONY I  
INTERVIEWED SEVEN BLACK WOMEN ATTORNEYS  
BELONGING TO THE NATIONAL BAR  
ASSOCIATION WOMEN LAWYERS' DIVISION.  
FIVE OF THESE ATTORNEYS WERE SINGLE,  
ONE WAS MARRIED, ONE WAS SEPARATED, AND  
ONLY ONE HAD A CHILD. THIS WOMAN WITH  
THE CHILD WAS NOT MARRIED, AND THE  
CHILD WAS ADOPTED.

CUT TO BENNETT SITTING IN  
STUDIO

THESE SEVEN WOMEN ATTORNEYS IN ORDER OF  
APPEARANCE ARE FERN FLANAGAN, JOAN  
WILBON, CHERYL ZIEGLER, TINA POMPEY,  
LAURA RICHARDS, DENISE WILSON TAYLOR,  
AND SONYA STEELE.

WHAT'S IT LIKE TO BE A WOMAN LAWYER IN  
A MALE-DOMINATED PROFESSION?

CUT TO FLANAGAN SITTING IN SUMMER  
SCHOOL IN WASHINGTON, DC

FERN FLANAGAN: WELL, IT'S KIND OF FUN  
BECAUSE IT WAS A MALE-DOMINATED  
PROFESSION, AND YOU FEEL LIKE YOU'VE  
ACCOMPLISHED A LOT. GETTING OVER A LOT

OF HURDLES, THAT IS. I LOVE IT QUITE  
FRANKLY. I DON'T MIND BEING IN THE  
MINORITY OR A PART OF THE MINORITY.

KIMBERLY BENNETT: DO YOU THINK THERE'S  
A DIFFERENCE IN SALARY?

FERN FLANAGAN: I THINK THE STATISTICS  
SAY YES. I THINK IT'S CHANGING THOUGH,  
I THINK A LOT OF WOMEN WORK FOR THE  
FEDERAL GOVERNMENT OR SOME TYPE OF  
STATE GOVERNMENT OR LOCAL GOVERNMENT.  
AND I THINK A LOT OF WOMEN ARE IN PRIVATE  
PRACTICE. I THINK THAT HAS DO WITH A  
LOT OF WOMEN HAVE TO BALANCE LAW AND  
RAISING A FAMILY. SO BECAUSE OF THAT  
THERE MAY BE A DIFFERENCE IN SALARY  
BECAUSE THEY'VE CHOSEN TO GO A  
DIFFERENT ROUTE MAYBE THAN SOME MEN.  
THERE MAY BE A DIFFERENCE IN SALARY.

KIMBERLY BENNETT: SO YOU THINK THEY  
CHOOSE TO GO THE DIFFERENT ROUTE,  
RATHER THAN THEY ARE FORCED TO DO SO.

FERN FLANAGAN: SOMETIMES I THINK SO,  
YEAH. AS A PRACTICAL MATTER, THEY MUST  
CHOOSE THIS.

KIMBERLY BENNETT: IS THERE ANYTHING  
ABOUT BEING A WOMAN ATTORNEY THAT YOU'D

LIKE TO SAY?

CUT TO WILBON AND BENNETT SITTING IN  
SUMMER SCHOOL IN WASHINGTON, DC

JOAN WILBON: NO. I THINK THAT MORE  
WOMEN NEED TO BE IN THE PROFESSION. I  
THINK THAT WOMEN CAN TURN THE  
PROFESSION AROUND. AND IT  
TRADITIONALLY HAS BEEN A MALE BASTION,  
AND I THINK THAT IS SLOWLY ERODING--  
THAT CONCEPT THAT YOU HAVE TO BE TOUGH  
AND MALE AND ALL THAT. YOU KNOW SOME  
WOMEN SUBSCRIBE TO THE FACT THAT YOU  
HAVE TO BE A TOUGH FEMALE IN THE SENSE  
OF BEING HARD AND COLD. THAT DOESN'T  
MATTER EITHER, AS LONG AS YOU REALIZE  
YOU SHOULDN'T CHANGE YOUR BASIC  
PERSONALITY IN YOUR WORK, YOU'LL GET  
AHEAD.

CUT TO ZIEGLER SITTING IN SUMMER  
SCHOOL IN WASHINGTON, DC

KIMBERLY BENNETT: DO YOU THINK THERE  
IS A DIFFERENCE BETWEEN MALE AND FEMALE  
LAWYERS?

CHERYL ZIEGLER: WHEN YOU SAY DO I  
THINK THERE'S A DIFFERENCE, DO YOU MEAN  
DO I THINK THERE'S A DIFFERENCE IN  
INTELLECT OR A DIFFERENCE IN TREATMENT?

KIMBERLY BENNETT: IN THE EDUCATION  
PROCESS, IN THE DISCRIMINATION IN  
EMPLOYMENT. DO YOU HAVE DISCRIMINATION

IN PRACTICE?

CHERYL ZIEGLER: I THINK THERE IS SOME DISCRIMINATION, BUT I THINK IN MY CASE THE DISCRIMINATION WOULDN'T BE SO MUCH MALE/FEMALE AS BLACK/WHITE.

KIMBERLY BENNETT: DO YOU THINK THERE IS A DIFFERENCE IN SALARY BETWEEN MALE AND FEMALE LAWYERS?

CHERYL ZIEGLER: I DON'T THINK SO WITH ME, BUT I THINK AT SOME JOBS THERE MIGHT BE. I DO. THERE IS. AT MY FIRM I DON'T THINK THERE IS. EVERYONE WHO IS A CERTAIN YEAR, WHO GRADUATED FROM LAW SCHOOL AT A CERTAIN YEAR, IS BASICALLY PAID THE SAME THING UP UNTIL A CERTAIN POINT. AND I GUESS THERE WOULD BE SOME VARIATIONS ONCE YOU GET TO THE SO CALLED MERIT RAISES. THERE COULD BE.

KIMBERLY BENNETT: WHAT IS IT LIKE TO BE A WOMAN LAWYER IN A MALE-DOMINATED PROFESSION?

CHERYL ZIEGLER: I REALLY DON'T THINK THAT I'VE FELT ANY DIFFERENT BECAUSE I AM A WOMAN. I THINK THAT BLACK WOMEN

ARE ACCEPTED MORE THAN WHITE WOMEN,  
ALTHOUGH BLACKS ARE NOT ACCEPTED AS  
MUCH AS WHITES. I THINK THAT WHITE  
WOMEN PROBABLY FEEL A BIGGER--I THINK  
THEY PROBABLY FEEL MORE DISCRIMINATION  
BASED ON SEX THAN A BLACK WOMAN WOULD  
FEEL.

KIMBERLY BENNETT: WHY DO YOU BELIEVE  
THAT?

CHERYL ZIEGLER: I THINK THAT IN OUR  
SOCIETY WHITE MALES DOMINATE. WHITE  
MALES ARE MORE THREATENED BY WHITE  
WOMEN AND BLACK MALES THAN THEY ARE WITH  
BLACK WOMEN. BLACK WOMEN ARE NOT SEEN  
AS THAT MUCH OF A THREAT. BLACK WOMEN  
HAVE ALWAYS WORKED. AND I JUST DON'T  
THINK THAT WHITE MALES CONSIDER US AS  
MUCH OF A THREAT. FOR EXAMPLE, IN MY  
LAW FIRM IN THE DC OFFICE, THERE ARE  
ABOUT 170 ATTORNEYS. TWO OF THEM ARE  
BLACK AND BOTH OF THE TWO OF THEM ARE  
WOMEN.

CUT TO POMPEY SITTING IN SUMNER  
SCHOOL IN WASHINGTON, DC

KIMBERLY BENNETT: DO YOU THINK THERE  
IS A DIFFERENCE IN SALARY BETWEEN MALE  
AND FEMALE LAWYERS.

TINA POMPEY: YES.

Henry LeCompte Library  
Pentagon State Library

KIMBERLY BENNETT: WHY?

TINA POMPEY: I GUESS BECAUSE WOMEN ARE STILL--MANY PERCEIVE THEM AS BEING NEW TO THE AREA. AND THEY DON'T THINK THEY PROBABLY GIVE UP OR GIVE ENOUGH OF THEMSELVES AS MEN WOULD. I'VE SEEN IT HAPPEN WITH WOMEN BEING PUT OFF FOR PARTNERSHIPS JUST BECAUSE THEY WANT TO HAVE A FAMILY. AND THAT'S HELD SEVERAL WOMEN THAT I KNOW BACK. HELD THEM BACK FROM BECOMING PARTNERS IN THEIR PROSPECTIVE FIRMS, WHICH ISN'T REALLY FAIR TO ME.

CUT TO RICHARDS SITTING IN SUMMER SCHOOL IN WASHINGTON, DC

LAURA RICHARDS: AT MY FIRST FIRM I WAS WORKING WITH TAX LAWYERS. AND THEY GOT UP AND PLAYED GOLF AT 6:00 O'CLOCK IN THE MORNING ON FINE MORNINGS. AND IT WAS QUITE CLEAR. I DON'T KNOW HOW TO PLAY GOLF. BUT IT WAS QUITE CLEAR THAT IF I EVER LEARNED, I WOULD NOT HAVE BEEN INVITED. IT WAS A MALE ACTIVITY, AND ONCE MORE, I BELIEVE THE COUNTRY CLUB THEY USED WAS PROBABLY RACIALLY SEGREGATED. AND IN A SMALLER WAY, I CAN REMEMBER LEAVING LUNCH WITH A TAX PARTNER AND ANOTHER TAX WOMAN AND A YOUNG FELLOW. THE TWO MEN WALKED AHEAD

AND TALKED BUSINESS AND WE TWO WOMEN  
WERE LEFT TO WALK THREE PACES BEHIND  
AND TO TALK ABOUT WHATEVER WE LIKED.

KIMBERLY BENNETT: HOW DID THAT MAKE  
YOU FEEL?

LAURA RICHARDS: WELL, IT MADE YOU FEEL  
LIKE A SECOND CLASS CITIZEN. IT MADE  
YOU FEEL AS IF YOUR EFFORTS DON'T  
MATTER HOW HARD YOU PUT OUT. YOU'RE  
NOT GOING TO BE APPRECIATED OR  
REWARDED. AND AFTER A WHILE, THE WORK  
FORCE EARN SAKE IS NOT ENOUGH.

CUT TO TAYLOR SITTING IN SUMNER  
SCHOOL IN WASHINGTON, DC

DENISE WILSON TAYLOR: I THINK THAT,  
WELL, WHEN YOU SAID DISCRIMINATION,  
I DON'T KNOW HOW YOU'RE APPROACHING  
THAT. BUT I DO KNOW THAT PEOPLE  
DISCRIMINATE AGAINST FEMALE LAWYERS  
BECAUSE THEY THINK THAT FEMALE  
LAWYERS ARE NOT AS EPT AS A MALE  
LAWYER, WHEN BASICALLY IN MY PRACTICE--  
AND I'VE PRACTICED FOR 15 YEARS--I'D  
RATHER GO UP AGAINST A MAN THAN A  
WOMAN. A WOMAN IS ALWAYS GOING TO BE  
MUCH SHARPER. SHE'S GOING TO BE A  
STICKLER FOR DETAIL. IT'S JUST KIND OF  
OUR MAKE UP, YOU KNOW. WE'RE DIFFERENT  
THAN MEN SO WE'RE GOING TO BE MUCH MORE



THROUGH BECAUSE WE ALWAYS FEEL THAT WE  
HAVE TO BE, YOU KNOW, A BETTER LAWYER  
THAN A MAN. SO I'D TAKE ON A MAN ANY  
DAY THAN A WOMAN.

KIMBERLY BENNETT: WHAT'S IT LIKE TO BE  
A WOMAN LAWYER IN A MALE DOMINATED  
PROFESSION?

DENISE WILSON TAYLOR: WELL, IT'S VERY,  
VERY CHALLENGING, I WOULD SAY. RIGHT  
NOW I HAVE A STAFF OF ABOUT 11 LAWYERS.  
I HAVE ABOUT FOUR MALES AND SIX FEMALES  
AND MYSELF. THAT MAKES UP THE 11. THE  
MEN IN THE OFFICE, I THINK, THEY'RE  
JUST KIND OF USED TO HAVING A WOMAN  
BOSS BECAUSE THEY HAD A WOMAN BOSS  
BEFORE. SO IN TERMS OF MY OFFICE IT'S  
NOT A BIG PROBLEM, BUT OVERALL I THINK  
THAT MEN ARE GRADUALLY ACCEPTING WOMEN  
IN THE PROFESSION BECAUSE THERE ARE SO  
MANY OF US NOW. FIFTEEN OF 20 YEARS  
AGO THERE WEREN'T THAT MANY. NOW IN A  
LOT OF LAW SCHOOLS IT MIGHT BE HALF AND  
HALF. YOU KNOW. AND IN SOME THE  
WOMEN'S MAKE UP OF THE SCHOOLS MIGHT  
EVEN EXCEED THE MALE MAKE UP. SO NOW  
IT'S GETTING MUCH BETTER. AT FIRST IT  
WASN'T. I REMEMBER--IT WAS MY VERY  
FIRST TIME GOING INTO COURT. I HAD A

Missouri State Library  
Pamphlet State Library

BRIEFCASE, AND I HAD ON A SUIT. I  
THOUGHT I LOOKED LIKE A LAWYER. AND  
THE COUNSELOR CAME BACK TO ME AND SAID  
WELL, WHERE'S YOUR ATTORNEY? I SAID,  
WELL, I AM THE ATTORNEY. HAVE YOU  
PASSED THE BAR?

CUT TO BENNETT AND STEELE  
SITTING IN SUMMER SCHOOL IN  
WASHINGTON, DC

KIMBERLY BENNETT: DO YOU THINK THERE'S  
A DIFFERENCE BETWEEN MALE AND FEMALE  
LAWYERS?

SONYA STEELE: OH, DEFINITELY.

KIMBERLY BENNETT: IN WHAT ASPECT?

CAMERA ZOOMS IN ON STEELE

SONYA STEELE: FEMALE LAWYERS TEND TO  
BE MORE AGGRESSIVE BECAUSE IT REQUIRES--  
IT'S A MALE-DOMINATED PROFESSION. EVEN  
THOUGH PARODY IS BEING ACHIEVED, IT'S  
STILL SLOW. IN TERMS OF WOMEN, THOUGH,  
I THINK THAT MOST OF THEM GO INTO TRIAL  
LAW BECAUSE IT'S EASIER TO GET INTO  
LITIGATION THAN INTO THE CORPORATE OLD  
BOY NETWORK. SO YOU HAVE A LOT OF  
WOMEN WHO ARE IN TRIAL WORK AND  
THEREFORE VERY AGGRESSIVE, VERY  
TENACIOUS. YOU HAVE TO BE TO MAKE IT  
IN THAT WORLD.

KIMBERLY BENNETT: DO YOU THINK THERE'S

Library  
Pittsburgh School Library

A DIFFERENCE IN SALARY BETWEEN MALE AND  
FEMALE LAWYERS?

SONYA STEELE: THERE IS. THE SAME--THE  
SAME RESULTS OF SEXISM THAT ARE IN OTHER  
PROFESSIONS ARE IN THE LEGAL PROFESSION  
ALSO. IF YOU'RE WITH A FIRM OR WITH A  
COMPANY, THE SAME KINDS OF THINGS ARE  
TAKEN INTO CONSIDERATION: THAT YOU'RE  
GOING TO GET PREGNANT, THAT YOU'RE  
GOING TO GET MARRIED. THE WOMEN ARE  
STILL TREATED BASICALLY THE SAME WAY AS  
WOMEN ARE TREATED IN OTHER PROFESSIONS.  
AND THERE IS A DIFFERENCE IN SALARY,  
LET'S SAY, IN SINGLE WOMEN LAWYERS AND  
A MALE ATTORNEY WHO IS MARRIED OR HAS  
CHILDREN. BUT THE SINGLE FEMALE LAWYER  
STILL WON'T GET THE SAME SALARY. SO IT  
STILL EXISTS.

CUT TO BENNETT STANDING IN PSU  
TV STUDIO WITH GAZEBO BEHIND

KIMBERLY BENNETT: MY NEXT TRAVEL WAS  
TO NEW YORK CITY. THERE I INTERVIEWED  
MS. DORA ABERLIN. MS. ABERLIN IS 86  
YEARS OLD AND STOPPED PRACTICING LAW  
ONLY TWO YEARS AGO BECAUSE SHE THEN  
BECAME LEGALLY BLIND. SHE WAS  
PRESIDENT OF THE INTERNATIONAL  
FEDERATION OF WOMEN LAWYERS FROM 1977  
TO 1979, AND SHE IS STILL ACTIVELY  
INVOLVED IN THIS ORGANIZATION.

CUT TO ABERLIN AT HER  
APARTMENT IN NEW YORK CITY

DO YOU THINK THERE'S A DIFFERENCE  
BETWEEN MALE AND FEMALE LAWYERS IN THE  
EDUCATION PROCESS, DISCRIMINATION IN  
EMPLOYMENT, AND DISCRIMINATION IN  
PRACTICE, AND YOU MAY WANT TO COMPARE  
WHAT IT WAS LIKE FOR YOU 20 OR 30 YEARS  
AGO.

DORA ABERLIN: WELL, THERE WAS AN AWFUL  
LOT OF DISCRIMINATION WHEN I WAS YOUNG,  
BUT IT SEEMS TO HAVE DIED OUT. IT'S  
NOT TOO BAD NOW. I MEAN--WOMEN CAN  
REALLY PRACTICE LAW. THEY ARE DOING  
MUCH BETTER. THEY'RE MAKING BETTER  
INCOMES. THEY'RE GETTING BETTER  
SALARIES. THEY DON'T HAVE TO WORK FOR  
TWO AND A HALF OR FIVE DOLLARS A WEEK  
ANYMORE AS CLERKS. IT'S A BIG  
IMPROVEMENT. MY FIRST JOB AS A CLERK I  
HAVE NO--NOTHING WAS TAUGHT TO ME.  
BUT, I WAS GIVEN MY BOSS'S DIRTY  
LAUNDRY FOR HIM. THIS IS WHAT WE PUT  
UP WITH.

KIMBERLY BENNETT: AND YOU DID IT?

DORA ABERLIN: YEAH, WE DID IT.

CUT TO COURTROOM IN ROBESON

KIMBERLY BENNETT: NEXT WE WENT TO

COUNTY COURTHOUSE

CAMERA ON JUDGE'S BENCH

CAMERA ON SEATS

CAMERA ON JURORS CHAIRS

ROBESON COUNTY AND VISITED THE  
COURTHOUSE. THIS COUNTY, MADE UP  
PRIMARILY OF BLACKS, WHITES, AND  
INDIANS, HAS HAD MANY PROBLEMS BECAUSE  
OF ITS THREE RACES. BUT, THE PROBLEMS  
THAT I WAS CONCERNED WITH FOR THIS  
PROJECT WERE THOSE FACED BY THE SEVEN  
PRACTICING WOMEN ATTORNEYS OF THIS  
PARTICULAR COUNTY.

CUT TO BENNETT AND PHILLIPS  
IN JUVENILE COURTROOM

ONE OF WHICH WAS DIANE PHILLIPS  
ASSISTANT PUBLIC DEFENDER.

IN OUR SOCIAL STRUCTURE, MEN TEND TO  
MARRY AND COURT WOMEN OF A LOWER  
SOCIOECONOMIC STATUS. HAVE YOU FELT  
THIS AS A PROBLEM IN YOUR OWN LIFE?

DIANE PHILLIPS: DATING?

KIMBERLY BENNETT: TO PUT IT MORE  
SIMPLY, YES.

DIANE PHILLIPS: IT'S BEEN SORT OF  
DIFFICULT. SOME MEN TEND TO BE A  
LITTLE UNCOMFORTABLE WITH THE FACT THAT  
I'M AN ATTORNEY. THEY THINK--THINK--I  
MAKE MORE MONEY THAN THEY DO, WHICH IS  
PROBABLY NOT TRUE. THAT'S JUST WHAT  
THEY THINK. BUT. SOMETIMES YOU MIGHT

W. H. HARRISON LIBRARY  
Pentagon Drive Library

WANT TO INVITE THEM TO SOME PROFESSIONAL  
FUNCTION, AND THEY DON'T FEEL  
COMFORTABLE GOING WITH YOU. A LOT OF  
WOMEN ATTORNEYS THAT I KNOW ARE NOT  
MARRIED. MOST PROBABLY ARE JUST  
DATING. BUT, YOU KNOW, THEY MAY OR MAY  
NOT BE IN A VERY SERIOUS RELATIONSHIP.  
A LOT HAS TO DO WITH THE FACT THAT  
SOMETIMES, YOU KNOW, WE ARE  
CONCENTRATING ON THE CAREER AND MAKING  
CERTAIN THAT YOU'RE THE BEST YOU CAN BE  
AND THAT YOU'RE DOING ALL YOU CAN DO  
WITH THE CAREER AND SO THE DECISION FOR  
A SOCIAL LIFE--IT'S NOT A PRIORITY  
RIGHT NOW. MY CAREER IS THE PRIORITY  
RIGHT NOW. AND THAT CERTAINLY WAS THE  
POSITION THAT I WAS IN OR AM IN.  
THAT'S THE DECISION THAT I'VE MADE. I  
WANT TO BE THE VERY BEST LAWYER THAT I  
CAN POSSIBLY BE. THAT'S THE PRIORITY  
RIGHT NOW SINCE I'VE BEEN PRACTICING  
FOR SO LONG. IF AND WHEN I'M READY TO  
SETTLE DOWN, I THINK I CAN PROBABLY  
MANAGE BOTH BECAUSE I DO HAVE SOME  
EXPERIENCE. BUT, YOU KNOW, WHEN YOU  
FIRST GET OUT OF LAW SCHOOL, GETTING  
THE CAREER TOGETHER WAS WHAT I WANTED  
TO DO. ALL OF MY EFFORTS WENT INTO  
STUDYING AND WORKING HARD TO SORT OF,  
YOU KNOW, TO TRY AND EXCEL IN THE

CAREER THAT I HAD CHOSEN. NOW I THINK  
I COULD PROBABLY ENTERTAIN THE IDEA OF  
GETTING SERIOUS.

CUT TO BENNETT AND BOWMAN  
SITTING IN JUVENILE COURTROOM

CAMERA ZOOMS IN ON BOWMAN

KIMBERLY BENNETT: FRETTA BOWMAN,  
ANOTHER OF ROBESON COUNTY'S ASSISTANT  
PUBLIC DEFENDERS, DOESN'T FEEL THAT  
SHE'S BEEN DISCRIMINATED AGAINST. MEN  
TRY TO CRACK DIRTY JOKES TO SEE IF  
YOU'LL BLUSH, SHE SAYS. BUT SHE  
DOESN'T TAKE IT NEGATIVELY. ONE  
PROSECUTOR SAID TO THE JURY NOT TO BE  
SYMPATHETIC TOWARD MS. BOWMAN, EVEN IF  
SHE CRIES. SHE ALSO FEELS THAT WOMEN  
WHO GO INTO THE LEGAL PROFESSION ARE  
BETTER LAWYERS BECAUSE THEY CAN SHOW  
EXPRESSION; THEREFORE, THEY ARE MUCH  
MORE EFFECTIVE. SHE'S OFTEN WISHED SHE  
COULD CRY DURING A CASE. SHE IS TO BE  
MARRIED IN JUNE. FURTHERMORE, SHE  
FEELS THAT MEN ARE MORE ATTRACTED TO  
HER BECAUSE SHE IS DIFFERENT. SHE SAYS  
THAT SHE HOPES THAT SHE HAS PAVED THE  
WAY FOR OTHER WOMEN WHO ARE TO COME  
INTO ROBESON COUNTY.

CUT TO BENNETT AND THOMPSON  
SITTING IN JUVENILE COURTROOM

NEXT WE TALKED TO ANGUS THOMPSON,  
PUBLIC DEFENDER OF ROBESON COUNTY. HE  
HIRED BOTH OF THESE WOMEN ATTORNEYS,  
AND HE HAD SOME INTERESTING THINGS TO

TELL US ABOUT THIS EXPERIENCE.

CAMERA ZOOMS IN ON THOMPSON

ANGUS THOMPSON: TO BE QUITE HONEST, I WAS A LITTLE APPREHENSIVE ABOUT IT, AND WHICH WAS A LITTLE UNUSUAL BECAUSE I COME FROM A CIVIL RIGHTS BACKGROUND. I PRACTICED CIVIL RIGHTS LAW. I WAS GENERAL COUNSEL OF THE NAACP AND FOUGHT DISCRIMINATION THROUGH MUCH OF MY LAW PRACTICE AND MUCH OF MY PRIVATE LAW PRACTICE. BUT, I WAS APPREHENSIVE ABOUT HIRING TWO LADIES. HAVING TAKEN ON THE ROLE OF BECOMING MANAGER OF AN OFFICE, I, YOU KNOW, I BEGAN--THESE OLD PREJUDICES BEGAN RISING UP, ABOUT WHETHER THEY COULD GET ALONG AND WHETHER IT WOULD CAUSE A PROBLEM IN THE OFFICE.

KIMBERLY BENNETT: WHY DO YOU THINK YOU HAD THESE FEELINGS?

ANGUS THOMPSON: I THINK--I THINK, TO BE PERFECTLY HONEST, IT WAS SOMEWHAT OF A PREJUDICE. JUST THE OLD PREJUDICES OF WOMEN AND BEING APPREHENSIVE ABOUT THEM BEING ABLE TO GET ALONG. AND. BUT, I CAN SAY WITH QUITE CANDOR THAT BOTH DIANE AND FRETTE HAVE BEEN VERY PROFESSIONAL, WHICH IS WHAT I SHOULD

Angus Thompson Library  
Portland State University



HAVE EXPECTED FROM THE BEGINNING.

KIMBERLY BENNETT: CAN YOU TELL US A  
LITTLE BIT ABOUT THEIR PERFORMANCE AS  
LAWYERS?

ANGUS THOMPSON: THEY'RE, VERY FIRST OF  
ALL, GOOD LAWYERS. THEY HAVE VERY GOOD  
ORGANIZATIONAL SKILLS, THEY ARE VERY  
ARTICULATE, AND THEY ADD CERTAINLY A  
NEW DIMENSION IN OUR OFFICE BECAUSE  
THEY ARE CERTAINLY NICE, ATTRACTIVE  
YOUNG LADIES. AND THEY'RE DOING A VERY  
GOOD JOB.

KIMBERLY BENNETT: YOU ALSO PROBABLY  
HEAR COMMENTS ABOUT THESE LADIES FROM  
OTHER LAWYERS OR FROM OTHER COLLEAGUES.  
COULD YOU TELL US ABOUT SOME OF THESE  
COMMENTS?

ANGUS THOMPSON: WELL, WHAT KIND OF  
COMMENTS?

KIMBERLY BENNETT: PROBABLY NEGATIVE  
COMMENTS.

ANGUS THOMPSON: WELL, I--YOU HEAR--YOU  
GENERALLY MAY HEAR WHEN TALKING WITH  
MEN COMMENTS THAT MEN SAY TALKING. AND

Angus Thompson Library  
Pittsburgh State Library

IT'S PROBABLY THE MACHO ATTITUDE. BUT,  
THEY RESPECT THEM. I THINK OFTEN TIMES  
THEY MAKE COMMENTS THAT PERHAPS IF THEY  
WERE MEN, THEY WOULD HAVE BEEN TREATED  
A LOT HARSHER, AND, IN FACT, THEY  
THINK THAT BECAUSE THEY ARE WOMEN  
APPEARING BEFORE SOME MALE JUDGES, THAT  
THEY GET BREAKS THAT MEN DON'T GET.  
BUT, THEY CAN REALLY CARRY THEIR OWN IN  
THE COURTROOM. AND, AS I'VE SAID,  
THEY'RE JUST VERY COMPETENT ATTORNEYS.

KIMBERLY BENNETT: SO THEN YOU THINK  
THEY'RE RESPECTED IN THIS COMMUNITY AS  
LAWYERS.

ANGUS THOMPSON: OH, CERTAINLY. THEY  
ARE DEFINITELY RESPECTED AS GOOD  
LAWYERS.

KIMBERLY BENNETT: THEY HAVE NOT  
MENTIONED REALLY ANY SORT OF  
DISCRIMINATION THAT THEY HAVE  
ENCOUNTERED HERE IN THE COUNTY. DO YOU  
FEEL THAT MAYBE THEY'VE EXPERIENCED  
MORE THAN THEY ARE WILLING TO TELL?

ANGUS THOMPSON: I THINK THEY MAY FEEL  
UNEASY ABOUT TALKING ABOUT  
DISCRIMINATION SIMPLY BECAUSE THEY ARE

SO FEW IN NUMBER HERE IN ROBESON  
COUNTY, MEANING FEMALE ATTORNEYS. AND  
THEY'RE THE ONLY ONES NOW THAT ARE  
PRACTICING CRIMINAL LAW. AND I THINK  
THEY WANT TO GET ALONG WITH THE REST OF  
THE DEFENSE BAR, WHICH IS ALL MALE.  
AND PERHAPS THEY DON'T FEEL THAT IT'S  
IN THEIR BEST INTEREST TO BE CANDID  
ABOUT THINGS THAT THEY HAVE EXPERIENCED  
AS FEMALE LAWYERS. I THINK THAT FEMALE  
LAWYERS HAVE HAD PROBLEMS IN THE LEGAL  
PROFESSION, AND IT'S CLEAR TO ME THAT  
IT'S PEOPLE LIKE DIANE AND FRETTE WHO  
HAVE BEEN TRAIL BLAZERS IN BREAKING  
THROUGH BARRIERS IN THE PROFESSION.  
AND, I THINK THAT THEY BEING HERE IN  
ROBESON COUNTY IS VERY POSITIVE--THEIR  
BEING HER IN ROBESON COUNTY IS VERY  
POSITIVE, AND WHAT MAKES IT REALLY  
GOOD IS THAT THEY ARE VERY COMPETENT  
ATTORNEYS.

CUT TO LIBRARY AT ROBESON COUNTY  
LEGAL SERVICES WITH CAMERA ON  
HOUSE AND KIMMEL

KIMBERLY BENNETT: THERE ARE THREE  
WOMEN ATTORNEYS WHO WORK WITH ROBESON  
COUNTY LEGAL SERVICES.

CAMERA ON HOUSE

KAY HOUSE, ON THE LEFT, IS 36, MARRIED,  
BUT HAS NO CHILDREN.

CAMERA ON KIMMEL

ANGELA KIMMEL IS 33, MARRIED, WITH ONE

Robeson County Library  
Pamphlet Collection

CHILD.

CAMERA ON MCKEE

KATHLEEN MCKEE IS 45 AND HAS NEVER BEEN MARRIED.

CAMERA MOVES TO MCKEE AND BENNETT

THESE THREE WOMEN PROBABLY MORE SO THAN ANY OF THE OTHERS I TALKED WITH SEEMED

CAMERA MOVES TO KIMMEL AND HOUSE

TO FEEL THAT THERE WERE MANY PROBLEMS FOR WOMEN IN THE LEGAL PROFESSION.

THEY WERE ALSO THE LOWEST PAID LAWYERS I TALKED WITH, AND THEY SEEMED TO WORK MORE HOURS ON THE AVERAGE.

ALTHOUGH SHE HAS BEEN PRACTICING LAW FOR MORE THAN TEN YEARS, KAY HOUSE EVEN GOES SO FAR AS TO DRESS PLAINLY SO THAT SHE MAY BE RESPECTED BY OTHER LAWYERS.

CAMERA MOVES TO BENNETT AND MCKEE

THE OTHER TWO LAWYERS DID NOT FEEL THAT THEY NEEDED TO GO TO THIS EXTREME, HOWEVER.

MCKEE NOTED THAT SHE LIKED THE ATTENTION THAT SHE RECEIVED BECAUSE SHE WAS DIFFERENT.

CUT TO PICTURE IN ROBESON

COUNTY PUBLIC DEFENDER'S OFFICE

CAMERA ZOOMS IN ON BLACK CHILD

BLACK IS BEAUTIFUL.

Henry J. ... Library  
Pittsburgh, ...

CAMERA ZOOMS IN ON INDIAN CHILD

RED IS BEAUTIFUL.

CAMERA ZOOMS IN ON ORIENTAL CHILD

YELLOW IS BEAUTIFUL.

CAMERA ZOOMS IN ON WHITE CHILD

WHITE IS BEAUTIFUL.

CUT TO BOWMAN AND BENNETT IN

WOMEN LAWYERS ARE BEAUTIFUL.

JUVENILE COURTROOM

WOMEN LAWYERS ARE BEAUTIFUL AT

WHAT A REVOLUTION IT WOULD BE IF WE ALL

TOP OF SCREEN

FELT THIS SORT OF EQUALITY TOWARD ONE

ANOTHER. UNFORTUNATELY, FOR WOMEN

LAWYERS AND OTHERS, THIS EQUALITY HAS

NOT YET EMERGED. UNLIKE THEIR MALE

COLLEAGUES, MOST WOMEN LAWYERS CANNOT

EVEN HAVE FAMILIES. YET, THE

REVOLUTION CONTINUES...

CUT TO ABERLIN IN APARTMENT

WHAT'S IT LIKE TO BE A WOMAN LAWYER IN

IN NEW YORK CITY

A MALE-DOMINATED PROFESSION?

DORA ABERLIN: IT WAS TERRIBLE IN THOSE

DAYS, BUT IT'S NOT BAD NOW. IT'S

REALLY NOT BAD BECAUSE YOU'VE GOT--I

UNDERSTAND THAT--THERE ARE--ABOUT 50

PERCENT OF THE STUDENTS ARE NOW

FEMALE.

CLOSING CREDITS

MUSIC BEGINS

"REVOLUTION"

NYU Learning Library  
Part 1000 6000 10000

THE BEATLES

(MUSIC FADES)

8

My Home Library  
Pasadena, California

### *The Study*

I have interviewed only a selective sample of women attorneys both locally and nationally from which to explain the "ideal type" of woman attorney (Refer to Procedure section of this paper for explanation). Yet, I have also done a complete content analysis of the *Women Lawyers Journal*, published by the National Association of Women Lawyers. Furthermore, I have researched many other sources dealing with women attorneys. My research along with the videotape gives me the ability to actually interpret this "ideal type."

Patricia A. Stebbins Library  
Patricia A. Stebbins Library

## National

The first person whom I interviewed was Gail McKnight Beckman from Atlanta, Georgia, President of the National Association of Women Lawyers (See Appendix D for Beckman's resume). I then traveled to Washington, DC where I met many lawyers, seven of whom I interviewed: Fern Flanagan, Joan Wilbon, Cheryl Ziegler, Tina Pompey, Laura Richards, Denise Wilson Taylor, and Sonya Steele. These seven belong to National Bar Association Women Lawyers Division. In Washinton DC, I also interviewed one lawyer who works for the National Auto Manufacturers. Finally, in New York City I interviewed the former President of the International Federation of Women Lawyers, Dora Aberlin. I also interviewed one senior partner of a New York City law firm, James O'Rorke, to evaluate his opinion of women attorneys.

Ms. Mary Katherine Murray  
Pamphlet 3000  
1/1/1990



## Robeson County

I had initially intended to interview all seven of the practicing women attorneys in Robeson County. Due to technical problems and time restrictions, I was only able to interview five of them. These five, I believe, are representative of the seven. There are three who work with Robeson County Legal Services: Kay House, Angela Kimmel, and Kathleen McKee; there are two who work with the Public Defender's Office: Fretta Bowman and Diane Phillips. One of the two I did not interview works with the District Attorney's office, and the other is in private practice. I also interviewed Angus Thompson, the Public Defender of Robeson County, to see how he felt about the two women lawyers whom he hired.

## Content Analysis

To write this content analysis, I visited Duke University's Law Library twice and delved into their complete collection of the *Women Lawyers Journal*, published by the National Association of Women Lawyers. Steve Marson accompanied me on my second visit (See Content Analysis Methodology for his contribution). This research acted as the foundation for my entire project, for I felt that the best way to find out about and to understand women lawyers is to analyze what they read and write. My assumption proved to be correct.

## Methodology for Content Analysis

The primary means of investigation is a research method known as "content analysis." Content analysis is the systematic study of a class of social artifacts, typically written documents. The centerpiece of the investigation is the search for written patterns or themes and variations of those themes. For years, content analyses have been used to investigate patterns in newspaper editorials. More recently, they can be found as the primary tools for investigation of sex and violence on television. A content analysis is a meaningful method to conceptualize the woman attorney. The journal offers the best source of identifying who women lawyers were and how they have evolved in the last 80 years.

The Duke University Law Library has had a subscription to the *Women Lawyers Journal* since it was first published. Each issue of the journal was reviewed. The review was limited to substantive articles that included the author's name. Substantive articles were then systematically categorized.<sup>1</sup> The various categories were assumed to be themes. Variations of themes were examined over time. Several questions were asked prior to the investigation:

1. Have women attorneys manifested a consistent concern over time?
2. Do major current events have an impact on legal concerns?
3. What kind of general attitude has been projected over time?
4. Are there changes in the quantity of articles over time?

Assessing the answers to these questions provided the foundation for other pertinent queries that were also addressed.<sup>2</sup>

- 
1. Non-substantive articles included published announcements about upcoming meetings, membership drives, listings of new members, etc. Substantive articles included writings about legal, political, and advocacy issues that seemed to be a concern for the readership.
  2. This section was written by Steve Marson, Director of the Social Work Program at Pembroke State University. He has written content analyses; therefore, he is familiar with their methodology.

THE  
PUBLISHED  
ANNOUNCEMENTS  
MEMBERSHIP  
DRIVES  
LISTINGS  
OF NEW  
MEMBERS  
ETC.

My aim is to come to grips with the "ideal type" of woman attorney. One way of finding out what people are like is to analyze what they read and write. Therefore, I chose to do a content analysis of the Women Lawyers Journal.

In 1911 their aim was this:

*Our little family group has a distinctive name. As "The Women Lawyers' Club" of New York we have been in existence for over ten years. Quite an age for a whole family--time for us to have matured into something forceful and beneficial. To such an end we shall speak through this, our family journal. We hope to benefit each other and grow; we hope to further the best ends of all womankind. Whatever touches woman particularly in legislation and in public life we want to set forth to others to understand--remembering always, however, that as integral parts of humanity whatever touches humanity must touch us. "The woman's cause is man's," the poet tells us. Conversely may we not well say, "The man's cause is the woman's"? We do not wish to assume an antagonistic feminist view. If we do seem to lean that way at any time, let us know, won't you?*

*(Women Lawyers Journal, vol 1 no.1, p. 1)*

Thus, we have a family supporting each other, women lawyers supporting other women lawyers and all of womankind. We see a nice little group of women who, to our present society, appear quite quite passive, nurturing, and--as they say themselves--not antagonistic and feminist. Undoubtedly, though, in 1911 women lawyers needed such a family, such a journal. The contents and tone of "The Woman Jury Lawyer" in volume one of the journal proves this need (See Appendix E). These women say they now have the same "privileges" as men. They may be jury lawyers. Of course, though, they must alter their inadequate voices, physical appearances, and modes of dress. Obviously, it was not easy for these women lawyers.

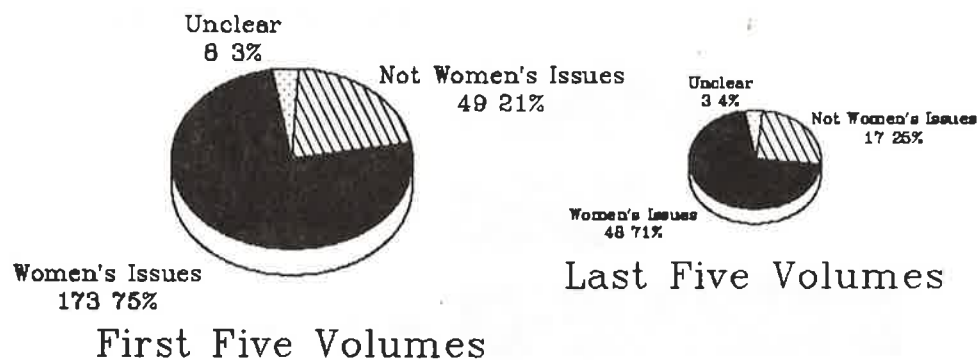
An article that appeared in volume 74 of the journal, "Women's Rights Conference Affirms Women's Progress and Sets Priorities for the Future," sheds a totally different light on the position and influence of women lawyers (See Appendix E). Now women's interests are "at the center of society."

The women writers of this article not only have the same privileges as men, they seem to have as much influence as men. They no longer appear passive; they appear quite assertive. This assertiveness is prevalent in the use of active, powerful verbs in the article: forging, passing, using, advocating, and pursuing. The verbs of the former article suggest little power; rather, they suggest passivity: is permitted, may display, may practice, and may distinguish.

The *Women Lawyers Journal* seems to have become more of a newsletter. Its first five volumes contain a total of 230 articles, whereas the last five have merely 68. This means that the first five volumes contain more than three times as many articles as the last five. This difference, I believe, makes a strong statement. Although the percentages of women's issues articles, articles that are not women's issues, and articles that are unclear as to whether they are women's issues or not are almost identical, there seems to be less to talk about now than there was then (See Graph A, p. 41). There seems to be a suggestion then that circumstances today are better for women lawyers. Yet, there must also still be problems, although fewer and less extreme. (See Graph B, p. 42..)

# Graph A.

## Substantive Changes In The *Women Lawyers Journal*

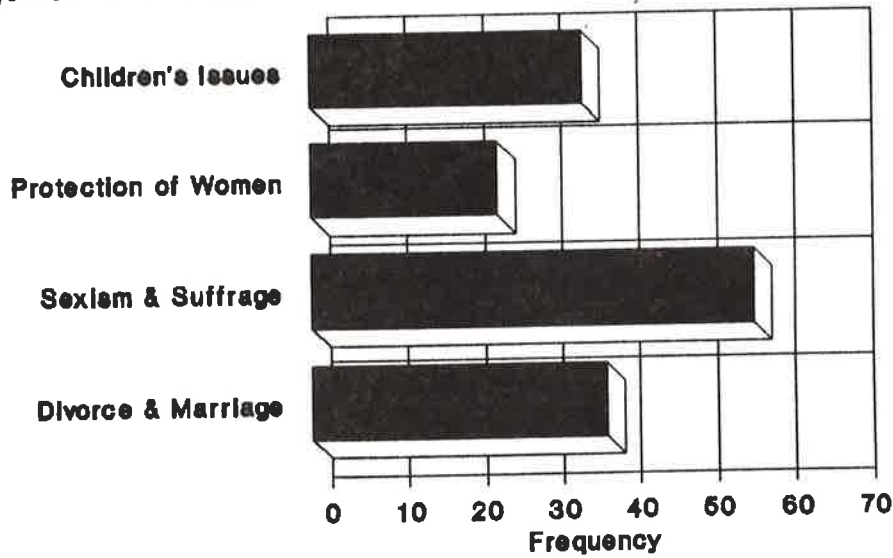


First 5 and last 5 volumes

*Graph B.*

# Major Topics in 80 Years In The *Women Lawyers Journal*

**Categories of Articles**



Other categories found but not included



Does the *Women Lawyers Journal* fulfill its purpose? Yes. It was a family for those women lawyers and all women who needed support in 1911, and it is today, although to a much lesser degree, still a group of similar people expressing their concerns. But, do we still need this journal? Although the problems for women lawyers have not yet disappeared, they seem to be decreasing. Therefore, until society perceives lawyers who happen to be women as such, we do need journals such as this one. I believe the ultimate aim of the *Women Lawyers Journal* of 1911 and 1990 is equivalent. Both want there to be no need whatsoever for their journal.

## Results and Comparisons

I could find no distinct differences between national and local women lawyers except that local women lawyers on the average make less money, but their average salary, \$35,000, is much higher than the county's average for a family of four, \$20,000 (Lumber River Council of Governments). Furthermore, the cost of living in Robeson County is much lower than the nation's average, thus this difference can be easily explained.

The remainder of the problems for local and national lawyers are quite similar. Though this may be coincidental, women lawyers seem to be less willing to admit problems if their male bosses are present during the interview. I encountered this reluctance three times. In New York City I interviewed a young attorney working for the firm of Skadden Arps Slate Meagher & Flom. A senior partner, her boss, brought her in for the interview and stayed for a short period of time. She seemed very nervous and said that she had never once encountered even the most covert type of discrimination. She did admit, however, that a friend of hers had.

In Robeson County I interviewed the two lawyers from the Public Defender's Office in front of the Public Defender. They too gave the impression that women in the legal profession have no problems. Yet, after they had left the interview, the Public Defender said that he knew that they had experienced some problems. An article appearing in the *ABA Journal* on sexual harassment in law firms offers an explanation that I believe applies in these cases:

*The bottom line on sexual harassment in law firms? Don't assume that the absence of complaints means it isn't a problem. It could just mean that women lawyers--even the best-educated and most forceful--are afraid to complain.*

*(Burleigh and Goldberg, p.52)*

Those women lawyers who think themselves attractive seem to feel that their physical appearances benefit them in the profession. One of the lawyers commented that the same applies for men. Their perceptions may be accurate. Two studies in the *American Sociological Review* indicate that adults, though not to the same degree, and children like people more when their physical disabilities are further from their faces (Matthews and Westie, pp. 851-854 and Goodman and Dornbusch, pp. 241-247). This would also suggest that physical attractiveness coincides with like or dislike. Then, women lawyers whom society defines as attractive may fare better in the profession.

Most of the women lawyers whom I interviewed are not married and do not have children. The average age of these women is 36.5. Only four of the more than 15 lawyers I talked with are married. The nation's average age of marriage for women in 1988 was 23.6 (*US Bureau of Census, 1988*). Furthermore, only two of the lawyers I interviewed have children. These women lawyers are not typical. Rather, they are quite special (See Graph C , p. 46).

Graph C.

Married w/ no children	Married w/ children	Single w/ no children	Single w/ children	Divorced w/ no children	Divorced w/ children	Separated w/ no children	Separated w/ children
1 (40)	0	6 (50+, 40+, 34, 28, 28, 31)	1 (40) Child Adopted	1 (86)	0	1 (38)	0
1 (36)	1 (33)	3 (45, 29, 34)	0	0	0	0	0

AGES IN PARENTHESES

NATIONAL

LOCAL

1947-1948

### Qualitative Impressions

I perceive these women as being unconditionally dedicated to their profession. They seem to eat, drink, and sleep law, as they constantly try to prove their self-worth as lawyers. Still, I detect in them a sense of nurturing. Almost all, if not all of them, told me to contact them if I ever needed any help in the profession. Some of them also fed my friend and me and even allowed us to spend the night at their homes. They left an impression on me that I will never forget.

## Conclusion

What is it like to be a woman lawyer in a male-dominated profession? Professional opportunities and working conditions are much better for today's women lawyers. I used three interrelated methods of study to interpret the "ideal type" of woman lawyer. From these three methods of study, I can say that this woman appears to be much more assertive and self-assured than her female predecessors. Dora Aberlin, who is 86 years old, no longer does her boss's laundry. In fact, she changed the law in New York State. Kay House, one of the older attorneys at Lumbee River Legal Services, feels that she has to dress with drab conservatism. A younger attorney at the firm, Angela Kimmel, wears floral prints. The *Women Lawyers Journal* has become more of a newsletter, which may suggest a decline in the need for a separate journal for women and men lawyers. In fact, this journal has a section called "Male Call," which introduces men who have become members of the National Association of Women Lawyers.

Yet, some improvements still need to be made. A *National Law Journal's* survey found that only eight percent of partners were women in 1987 (Weisenhaus, p.74). A *US Bureau of Census* study indicates that the highest paid lawyers and judges are almost always men. A 1983 *ABA Journal* shows that women lawyers have fewer and no children as compared to their male colleagues (Mullins, p. 65). Another problem that I have found from my research is that most women lawyers do not have husbands and children. To be more positive, however, most women attorneys, according to a 1983 *ABA Journal* survey, feel that the increasing proportion of women lawyers will have an "extremely favorable" effect on the profession (Mullins p.64). (See Appendix F for other statistics and studies)

This exploratory study has opened many doors to those who wish to study women lawyers. One could study more intensely the *Women Lawyers Journal*, for others an endless amount of knowledge about women lawyers. I would personally like to study the life of Dora Aberlin. She is a fascinating person. In fact, to study the lives of any of the women I interviewed would be fascinating. The contents of my tape could be studied. How women lawyers will be able to balance their careers and their families is another possibility. There are an endless number of possibilities for future study. I hope that I or someone else will take the time to tackle one or more of these possibilities.

As you can see from my study as well as from other national studies, women lawyers have it much better now than they did before. But, there are still problems, and some changes still need to be made. Women need to continue to enter the profession and fight for their equality, for although we have come a long way, the revolution continues....

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*Appendix A.*

## Demographics

1. Degrees \_\_\_\_\_
2. Colleges and Universities attended \_\_\_\_\_
3. Year of graduation Law degree \_\_\_\_\_
4. Years of experience in practicing law \_\_\_\_\_
5. Practice: [circle] a) Rural b) Urban
6. What geographical area is your practice located? \_\_\_\_\_
7. Practice Context: a) Private (single); b) Small Legal Firm  
c) Large Legal Firm.
8. How many people work in your law firm \_\_\_\_\_
9. Primary Area of Practice: \_\_\_\_\_
10. Secondary Area of Practice: \_\_\_\_\_
11. To what national lawyer organizations do you belong? \_\_\_\_\_
12. # of Children: Boys # \_\_\_\_\_ Girls # \_\_\_\_\_
13. Marital Status \_\_\_\_\_
14. I am living with a person of the opposite sex to whom I am not married? Yes No
15. Race \_\_\_\_\_
16. Do you have a Religious Preference? \_\_\_\_\_
17. Were either of your parents lawyers? Yes No
18. State and Town of primary socialization \_\_\_\_\_
19. Age \_\_\_\_\_
20. Would you be willing to report an estimate of your yearly income?  
\_\_\_\_\_

## **Qualitative Questions**

1. Do you think that there is a difference between male and female lawyers?  
Education process  
Discrimination in employment  
Discrimination in practice
2. Do you think that there is difference in salary between male and female lawyers. If yes, why?
3. What is it like to be a woman lawyer in a male-dominated profession?
4. In general, do you think that being a woman has an impact on the outcome of your cases?
5. How do your clients respond to you as a woman lawyer?
6. Do you think that women lawyers have as much influence on the direction of the profession as do men lawyers?
7. Have you encountered/are you encountering any of these specific obstacles: Education, Treatment by other lawyers, Treatment by judges, Treatment by clients
8. Do you think that there is a general difference between the professional assignments performed by women and men lawyers?
9. In our social structure, men tend to marry and court women who are of a lower socioeconomic status. Do you or have you felt this issue as a problem in your personal life?

Phillips      Bowman      House      McKee      Kimmel

	BA JD	BA JD	BA JD	BA JD LLM	BA JD
1	Johnson C. Smith/ UNC-CH Law School	Wake Forest Univ. Campbell Law School	UNC-CH UNC CH Law School	Suny at Albany Syracuse American Catholic Georgetown	Chapman College  Hamline Univ. Law School
	1980	1985	1979	1977 - JD 1984 - LLM	1987
	9 1/2	5	10+	13	11/2
	Rural	Rural	Rural	Both	Rural
	Robeson	Robeson	NC	NC	NC
	Public Defender	Public Defender	Small (Public Interest)	Small (Public Interest)	Small (Public Interest)
	5 Attorneys	5 Attorneys	20 People	20 People	20 People
	Criminal	Criminal	Consumer	Poverty	Family & Older American
10	NA	NA	Housing	Labor Employ- ment	Consumer

Phillips    Bowman    House    McKee    Kimmel

11

None	None	None	American Trial Lawyers Association	ABA
0	0	0	0	1
Single	Single (To be Married 6/16/90)	Married	Single	Married
No	No	No	No	No
Black	White	White	Native American	White
Baptist	Presbyterian	Episcopalian	Unitarian	Protestant
No	No	No	No	No
Goldboro, NC	Burlington, NC	Marion, NC	Ellenville, NY	Fayetteville, NC
34	29	36	45	33
-	\$42,000	low \$30,000	\$40,000	\$30,000

20

Beckman    Aberlin    Amundsen    Flanagan    Wilbon

	BA JD Master's	BA JD	BA JD Master's	BA JD	BA JD
1	Britmore College University of PA. Yale	Hunter College NYU	Univ. of Nebraska Univ. of S. Dakota	Wellesley College Georgetown	NYU George Washington
	-	1929	1971	1979	1974
	4	57	19	10	16
	Urban	Both	Urban	Urban	Urban
	Philadelphia Georgia	Staten Is., NYC	Washington, DC	Washington, DC	Washington, DC
	Large	Private	Corporate	DC Court of Appeals	Private
	Over 10	Individual Practitioner	2	NA	5
	Estate Planning	General	General Corporate	Appellate	Litigation
10	International & Comparative	-	Public Policy	-	General

Beckman    Aberlin    Amundson    Flanagan    Wilbon

	ABA NAWL IBA	NYBA Queen's Co. WBA IFWL NAWL	DC Bar SD Bar ABA Am. Corp. Counc. Ass.	DC Bar WBA BA of DC	DC Bar ABA
11	0	0	0	0	1 (Adopted)
	Single	Divorced	Single	Single	Single
	No	No	No	No	No
	W	Jewish	W	B	B
	Protestant	Observant Jew	Christian	Church of Christ	No
	No (Uncle, Great-Uncle)	No (Sister, 2 Brothers)	No (Brother, Brother- in-Law)	No	No
	Philadelphia	Russia, Staten Island	Alexandria, VA	Baltimore, MD	Washington, DC
	50s	86	45	34	40
20	\$300,000	-	-	GS-14 Level	No

**Zeigler    Pompey    Richards    Taylor    Steele**

1	BA JD	BA JD	BS JD	BA JD	BA JD
	John Hopkins Univ. of Mich.	Univ. of Mich.	Northwestern Howard	Flak NCCU	Univ. of Colorado Syracuse
	1988	1986	1983	1975	1987
	3	4	7	15	7
	Urban	Urban	Urban	Urban	Urban
	Washington, DC	Washington, DC	Washington, DC	Washington, DC	Washington, DC
	Large	Gov't.	Private Fed.	Gov.	Small
	700 Nationally, 170 Office	100	550	16	2
	Litigation	Trademark	Financial Inst. & Inst. Corp. Securities	Administrative	General & Civil
10	--	--	Administrative	Civil	Immigration



	<b>Zeigler</b>	<b>Pempey</b>	<b>Richards</b>	<b>Taylor</b>	<b>Steels</b>
<b>11</b>	<b>ABA NBA</b>	<b>ABA NBA</b>	<b>DC Bar Wash. Bar, Wom. Div. NBA</b>	<b>NBA ABA</b>	<b>GWAC</b>
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>Single</b>	<b>Single</b>	<b>Married</b>	<b>Separated</b>	<b>Single</b>
	<b>No</b>	<b>--</b>	<b>--</b>	<b>No</b>	<b>No</b>
	<b>B</b>	<b>B</b>	<b>B</b>	<b>B</b>	<b>B</b>
	<b>Baptist</b>	<b>No</b>	<b>Episcopalian</b>	<b>African Methodist Episcopalian</b>	<b>Baptist</b>
	<b>No</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>No</b>
	<b>Cincinnati</b>	<b>Wash., DC</b>	<b>Wash, DC</b>	<b>Charleston, SC</b>	<b>Military</b>
	<b>28</b>	<b>28</b>	<b>40</b>	<b>38</b>	<b>31</b>
<b>29</b>	<b>\$75,000 +</b>	<b>No</b>	<b>\$63,000</b>	<b>\$53,432</b>	<b>\$48,000</b>

*Appendix B.*

*Appendix C.*

January 18, 1990

Dr. Charles R. Jenkins  
Vice Chancellor for Academic Affairs  
Pembroke State University  
Pembroke, NC 28372

Dear Dr. Jenkins:

We are writing this letter to request funding for our Chancellor's Scholars' Project entitled The Woman Lawyer: A Search for the Ideal Type.

The outline below includes our destinations and estimates:

Place	Estimate of Cost	Mode of Travel
New York	\$228 to 260 per ticket	Plane
Washington	\$175	Car
Atlanta	\$190	Car

We are attempting to find accommodations in each of these locations at no cost.

We also estimate that we will need approximately \$10.00 for printing.

We are going to make every effort to find ways to reduce these expenses.

Respectfully submitted,

Kimberly Bennett

Kimberly Jacobs

cc:

Stephen M. Marson, Advisor

Copy

*Appendix D.*

GAIL MCKNIGHT BECKMAN  
PROFESSOR, GEORGIA STATE UNIVERSITY

Academic Background

- J.D. - Yale University (Estate Planning and International Law)
- Ph.D. - Georgia State University (Higher Education and Law School Administration)
- M.A. - University of Pennsylvania
- B.A. - Bryn Mawr College - (Major - History; Minor - Languages)

Postgraduate continuing legal education: Fulbright Scholar, University of Tuebingen; Hague Academic of International Law; British Institute on International and Comparative Law; Harvard Law School

Teaching and Professional Experience

Academic

Georgia State University - Associate Professor and Professor

Teaching Interests: Estate Planning, Wills, Trusts, Future Interests; International and Comparative Law; Contracts; Torts; Legal History; Jurisprudence, Alternative Methods of Dispute Resolution; Criminal Law; Family Law, Elderlaw, Educational Law

Advising students and administration

University of Glasgow (Scotland) - Lecturer in Law (with tenure) and Regent for law students

Business

Morgan, Lewis & Bockius (Philadelphia) - lawyer  
American Arbitration Association - arbitrator

Member of the Bar: U.S. Supreme Court, District of Columbia, Georgia, Pennsylvania

Past President of Georgia Association of Women Lawyers; President National Association of Women Lawyers.

Active in international, national, local bar associations: e.g. Chairman of American Bar Association's committees on International Court of Justice, Inter-American Court of Human Rights, International Criminal Court, Legal Problems of Aged and Handicapped, International Estate Administration, Unification of Private International Law - Estates; member of State Bar of Georgia's committees instituting mandatory continuing legal education and arbitration or mediation; International Bar Association's Delegate to Hague Conference on Private International Law of Succession.

Frequent papers or panels at professional organization meetings. (IBA, ABA, NAWL). Conference organizer.

*Appendix E.*

in increasing the liberality of her divorce law!" The shame of it! We have some few things left to pride ourselves upon here in New York. Senator George H. Cobb and Assemblymen Thaddeus C. Sweet and J. A. Foley have introduced in the Senate and Assembly, respectively, a bill tending to unify the minimum of requirements to be expected in the average community of self-respecting men and women. This bill embodies the two vital principles adopted as essential and fundamental by the National Divorce Congress, 1906-1907, namely, first, recognition in every jurisdiction of the validity of a divorce legally obtained in any one jurisdiction; and, secondly, prevention of migratory divorces. The bill was drafted by Prof. Charles Thaddeus Terry of Columbia University Law School, official representative from New York State to the above mentioned Congress. It provides that no person going from one State to another shall be granted a divorce for a cause not recognized in the State from which he went, and also that no person shall be granted a divorce save after two years' residence in the State. These seem small concessions from the New York viewpoint. Perhaps Nevada will fall in line yet. She is comparatively young and giddy, we must allow.

#### Adequate Salaries for Legislators.

In the course of the Senate bribery trial a year ago evidence was frequently drawn out showing that legislators found it impossible to "pay their way" without recourse to grafting. We also know that Governor Hughes, though notably economical, felt he could not accept another term on account of the expenses of entertaining incumbent upon one in his position. We should therefore heartily endorse the bill pending for a second time before the Legislature proposing an amendment to the State Constitution whereby salaries of Senators and Assemblymen will be about doubled and mileage rates more fairly apportioned. If passed by the Legislature this session the bill will be submitted to popular vote at the November elections. Although we firmly believe in the general advisability of retrenchment in public expenditures and in a proper example of democratic simplicity being set by the political servants of the people, we consider \$1,500, the present salary of State Assemblymen and Senators, to be inadequate to the living demands of today.

#### Sunday Legislation.

We were just beginning to rejoice in the defeat of the McGrath Sunday Baseball bill, when a new and more dangerous one was suddenly sprung upon us by Senator Timothy D. Sullivan. The bill, which comes up before the New York Legislature in a few days, legalizes all "outdoor sports and games upon Sunday." This is evidently the entering wedge for the professional players, who are backed by the big baseball clubs with immense financial resources for lobbying. The Supreme Court has already decided that amateur Sunday baseball is permissible under our present laws, provided no fee is charged and the game is played in such a place and manner as not to disturb the peace and repose and religious liberty of the commu-

nity. The right of many weary people to rest and quiet on the generally accepted day is a right equal if not superior (by justice of numbers even) to that of the pleasure-seeking element. This idea may well turn our attention to other proposed legislation of a similar nature. We refer to the Oliver-Levy bill to provide for opening stores on Sunday, and Assemblyman Oliver's bill to give power to local city governments to regulate public theaters, public sports and other performances on Sunday.

#### New York Liquor Laws.

The saloon keepers have many friends in the Legislature this year. Among the bills introduced to weaken the State Excise Law are the following:

A bill to repeal the present law requiring liquor men to give a bond.

A bill to allow liquor men to transfer licenses to another borough without reference to the number of licenses already there.

A bill to favor liquor men in surrendering their licenses, in regard to rebates.

A bill to protect a saloon when a church or school is located near it.

A bill to favor liquor bonding companies. Thirty days' notice of action required to be given by excise commission.

A bill to reduce the time within which liquor men can be prosecuted.

A bill providing that saloonmen convicted of violation of excise laws may have licenses again at the end of one year instead of three years.

And these are not all.

#### Watch the Game!

So Tammany has another card up its sleeve. Watch out! The integrity of our elections is now threatened through repeal of the "signature law."

#### Justice Holt Recognizes Woman's Merit.

We note with pride that Miss Marion Weston Cottle, our esteemed Club President, has recently been appointed appraiser in bankruptcy proceedings by the Hon. George C. Holt of the United States District Court. This judge knows how to appreciate the abilities of women in a practical way, and, moreover, is afraid neither of comment nor the disgust of the disgruntled male. Miss Cottle is a member of the bars of New York, Massachusetts, New Hampshire and Maine.

#### THE WOMAN JURY LAWYER.

By Marion Weston Cottle.

Since the door has been opened in this country, giving woman an opportunity to enter the field of the law, in all those States where she is permitted to practice she is accorded the same privileges as men. Not only may she display her legal learning and sound professional judgment in the advice that she gives to the clients whom she receives at her office, but she may practice in all the courts of the States of which she is a member of the bar, and, with the proper qualifications, may distinguish herself in her work before judges and juries.

There are, however, some very definite

requirements which must be met before a woman can hope to make her mark as a court lawyer.

The principal drawbacks to woman's success when pitted against man in a legal battle are to be found in the handicaps of sex. The voice, physical appearance and attire of the average woman lawyer do not produce the impression of authority and aggressiveness which are characteristic of the average man lawyer. Legal ability alone cannot make up for lack of power and authority, and the woman who would succeed in jury trials should bear in mind the fact that one of the chief ways of impressing an audience is through the speaker's voice. A high-pitched, nervous-sounding voice carries little conviction with it, and the woman jury lawyer should, if necessary, prepare herself for her work by a special course of training in the art of effective speaking.

In regard to her personal appearance, there are several things which the woman trial lawyer will do well to observe. She should never appear in court in anything but a dignified street costume, and it is advisable that she should remove her hat before addressing the judge. The tendency on the part of women to feel that their sex entitles them to receive, rather than to pay, deference should never be allowed to assert itself in the court room.

It is not necessary that a woman should exhibit pugnacity of manner in order to impress the court and jury with the justice of her client's cause. An authoritative presentation of a case is largely the result of careful preparation out of court, coupled with a power of concentration which eliminates self-consciousness, and sweeps away obstacles by an orderly and logical method of introducing the testimony of witnesses, and by a telling process of summing up points of a case before the court and jury.

In a civil action it is not essential for the attorneys to spend much time in challenging the jury. A few well-directed questions will usually suffice to assure counsel that no prejudice exists on the part of any member of the jury, which will prevent the rendering of a fair and impartial verdict in accordance with the evidence in the case and the judge's charge to the jury.

One of the greatest difficulties in the matter of securing an unbiased jury presents itself when a city attorney finds it necessary to bring an action for his client against a defendant who resides in a country district, where the trial takes place. The chances are that most of the jury will be personally acquainted with both the defendant and his legal representative, so that the prosecuting attorney will have exhausted all his challenges without securing the kind of jury that is desired. A predicament of this sort should be avoided if possible, even if delay would ensue, by trying the case in another county.

No matter how gifted may be the woman lawyer in her intellectual grasp of her subject, she can never hope to win distinction in trial work without the imperturbability of self-possession. The skillful cross-examination of her witnesses and the well-aimed attack upon the weak



points in her case, which are sure to come from a quick-witted man opponent, will not only cause her to lose her head, but probably her case, unless she displays the calmness and self-control necessary to defeat the manoeuvres of the enemy.

One of the most noticeable defects in the work of the average jury lawyer is his failure to keep the jury interested. A spectator in our court rooms not infrequently sees the jurors struggling with drowsiness, which, in spite of the poor ventilation, probably would not occur if the lawyers presented their cases in a crisp, incisive and concise manner, instead of in the dull, tiresome and long-drawn-out fashion practiced by many members of the legal profession.

The tendency to dwell too long upon details is a characteristic that is frequently displayed by lawyers, greatly to the detriment of their trial work. Such methods tend to distract the minds of the jury from the salient points of the case, and when the jurors retire to deliberate upon a verdict, they lose sight of those parts of the testimony which should have been made forcibly convincing, and the result is that the victory goes to the lawyer whose case is the weaker, but who excels in effectiveness of presentation.

The woman jury lawyer should not forget that a knowledge of human nature is essential to success in trial work before juries. Lack of legal training on the part of the jurors does not prevent them from being excellent judges of questions of fact upon which they must decide. Many intelligent and keen-minded business men sit on our juries, and the shrewdly-observant woman lawyer, by studying the faces of the jurors, will soon discover that she has before her a number of persons who are deeply interested in her case, and who, if convinced of the justice of her client's cause, will make the kind of champions that are needed in the jury room to persuade the more obstinate members of the jury which way the verdict should go.

The woman who possesses the requisite qualifications for court work and who is intelligently bent upon success, has today growing opportunities to win fame as a jury lawyer, in a country where the attainments of women depend largely upon women themselves.

### UNITED STATES PATENTS.

By Edith J. Griswold.

Patent law is so distinct a branch that a regular law course does not include it in the curriculum, and no questions are based upon it in examinations for admission to the bar. Therefore, to become familiar with patent law practice one takes a special course in a law school, or better, obtains practical experience in a patent lawyer's office.

Although our most eminent patent lawyers may never attend to the work of obtaining the grant of a patent from the United States Patent Office, they must understand the various steps and requirements for obtaining a valid patent, as these are important in prosecuting or defending a patent suit.

Many lawyers are registered on the Roster of Attorneys at the United States Patent Office who have no practical knowledge

as to prosecuting patent applications, and as I have been asked to write on the subject of patents for the Women Lawyers' Journal, I will first give a brief outline of the work of an attorney in obtaining the grant of a United States patent.

The first thing a careful patent attorney should do after an inventor has disclosed his invention to him, is to have a search made among existing patents and other publications, to bring to light whatever is known in the art to which the invention relates. The attorney then studies the patents or other references found, and advises the inventor how comprehensive a claim or claims can probably be obtained in a patent in view of these references.

Here, it may be said in passing, it is that the honesty of the attorney is often tested. Many inventors do not know the true value of the patent, but think that the fine looking pamphlet named "Letters Patent," with its blue ribbon and seal, is sufficient guarantee to protect them in whatever they think is their invention. The attorney may see wherein certain restricted claims could be made to pass the office, sufficient to obtain the Letters Patent, but quite insufficient to prevent anyone from making a similar device with some slight alteration from the specific wording of the claim. An attorney who does not state this clearly to his client, but goes ahead and obtains a "paper patent," simply to obtain his fee, is as dishonest as if he filched the fee from his client's pocket unknown to him. This does not mean that all "paper patents" indicate dishonest attorneys, for many manufacturers feel obliged to protect each slight improvement to avoid another snare—that of either defending a law suit or being prevented from using what they have really devised first themselves, by another who obtains a patent for such slight improvement, not for his own use, but for the very purpose of obtaining from manufacturers some royalty or sum of money. I refer more particularly to novices in the line of patenting.

If the inventor decides to make application for a patent the attorney writes a description of the invention, in connection with drawings wherever possible, and drafts claims embodying what the inventor believes to be his invention. Almost the entire worth of the patent resides in these claims, for, no matter how much is described in the body of the specification, the seventeen years' monopoly is granted only for what is distinctly set forth, and is new, in the claims at the end of the description.

The real ability of the patent attorney is shown in drawing claims broad enough thoroughly to protect the invention, but not too broad to be thrown out by a court of law, (provided they slip by the blue pencil of the examiners in the Patent Office), because of anticipation by the prior art. As a rule, effort is made to obtain the grant of several claims—from the broadest claim allowable to restricted claims for specific construction—in order that in court proceedings if an anticipation is found for the broader claim or claims, the more restricted claims may still stand.

The specific requirements for the drawings, forms for the petition, power of at-

torney and oath, (also an example of description and claims), are given in the "Rules of Practice," issued by the United States Patent Office. However, no conscientious lawyer without training in Patent Office practice, simply because he or she is registered, will attempt to draw papers for a patent application, much less prosecute the case before the office.

The description and claims, the drawings, the necessary forms properly executed and the first government fee of \$15.00 are filed together in the Patent Office at Washington, where they are examined. If the papers are all in correct form, and the examiners find nothing to conflict with the claims, the case is allowed. However, it is rare that a case goes to issue without one or more "rejections" of some or all of the claims on patents or publications which the examiner thinks anticipate the invention as claimed.

After studying the references cited by the examiner, and determining whether or not the examiner is correct, the patent attorney redraws the claims to distinguish between the invention and the references, or writes arguments in support of the claims first filed. Also amendments to the body of the specification or the drawings, to which the examiner may call attention, are made. Alternate rejections and amendments some times continue for years in one case.

As the number of patents, foreign and domestic, increases (in the United States alone they now number over nine hundred and eighty-eight thousand) the more difficult it becomes to draw claims that distinguish from existing patents, and it is necessary for the able attorney to perceive the finest distinctions between expressions of language.

If the attorney and the examiner cannot agree upon the rights of the inventor, the case may be appealed to the examiner-in-chief, and from them to the Commissioner of Patents.

If two or more inventors come into the Patent Office with the same invention about the same time, even though a patent has already been issued to one of them, an "interference" may be declared to determine who is the first inventor. The interference case goes before the Examiner of Interferences, and testimony is given by each party to the interference under certain rules and regulations noted in the "Rules of Practice." Appeals may be taken from the Examiner of Interferences.

When an application is allowed, six months are given the inventor in which he may pay the final government fee of \$20, but the fee may be paid at once. About three weeks after the payment of the final fee the Letters Patent are granted and issued, and the patent is dated and runs from this day of grant.

### THE CONFLICT OF LAWS IN DIVORCE ACTIONS

By Minnie Neugass.

Whenever among the Ancients the institution of matrimony has existed there has been some recognition of the right of either one or both the parties to dissolve the relation.

## Women's Rights Conference Affirms Women's Progress and Sets Priorities for the Future

Women's interests are not marginal — they are at the center of our society and must be treated as

• Women must integrate the political changes of the last decade into our personal lives.

These two themes were affirmed in different ways by the ninety speakers who examined the status of women's rights at "The Unfinished Agenda: Women's Future Under the Constitution" conference, November 8-10, in Philadelphia. The conference brought together over 600 women and men to discuss strategies for change in the political and social spheres.

The major speakers, historian Gerda Lerner, journalists Ellen Goodman and Gloria Steinem, politicians William H. Gray, III, and Senator Paul Simon, policy-maker/attorney Eleanor Holmes Norton, and actress Faye Dunaway, agreed that women have won some battles of access to educational institutions, to the professions and to political positions, but there remains much work to be done before equality is truly achieved.

At the end of the conference, resolutions were presented on specific changes needed in the five major issue areas of the conference: economic equity, women and girls in education, violence against women, reproductive freedom/sexual choice, and today's plans for tomorrow's agenda.

Specifically, the conference leaders agreed that The Unfinished Agenda will be furthered by:

- forging alliances with diverse groups and emphasizing that our agenda is a broad, human agenda;
- passing an Equal Rights Amendment to the Constitution by the year 2000;
- electing candidates who support women's issues;
- using the courts to protect the rights already won;
- advocating an end to violence against women and children;
- advocating a national health plan that offers total health care to all people and guarantees women the right to exercise full reproductive choices;
- pursuing strict enforcement of laws designed to eliminate sex

discrimination in the work place, working for pay equity, high quality day care, and national policies that allow non-working women to lead lives of dignity and economic self-sufficiency; and

- advocating high quality, non-sexist education for all women and girls.

The conference was sponsored by WOMENS WAY, the Philadelphia-based fund raising federation, as a part of the nation's celebration of the bicentennial of the Constitution. WOMENS WAY Executive Director, Lynn Yeakel, commented, "The objective of the conference was to provide a substantive contribution to bicentennial festivities, a sobering counterpoint to the pageantry and balloons."

For more information on the conference or to receive written conference summaries, call or write: WOMENS WAY, 125 South 9th Street, Suite 602, Philadelphia, PA 19107 — (215) 592-7212 (contact person: Catherine Ormerod).

## Publications

*Smart Questions, a New Strategy for Successful Managers* (McGraw-Hill, \$15.95) by Dorothy Leeds suggests a new management approach. Leeds, president of Organizational Technologies, Inc., a New York City-based management consulting firm, discusses how to use questions effectively in management — why we think we ask them, why we really ask them, and why seemingly smart questions can lead to disaster. The book is divided into three parts, each beginning with a quiz and followed by a review of the options available and the effectiveness of each. Woven into her analysis is Leeds' "Five C's" per-

sonality system: Commanders, Convincers, Carer-nurturers, Calculators and Creators. Leeds describes the behavior of these personality types in working situations and recommends making the "question fit the person." According to *Savvy Magazine*, (July, 1987), "Most important, Leeds tells us what our questions reveal about us as managers and as people... In a market glutted with all sorts of books for managers, this one stands out as immediately profitable."

Dorothy Leeds will be a featured speaker at NAWL's Mid-Year Meeting in Philadelphia, PA, February 5-7, 1988; see pages 5 and

21 for details and registration information.



Dorothy Leeds

*Appendix F.*

# WOMEN and the LAW



*You don't have to watch "L.A. Law" to see women lawyers in action. If you've been on jury duty in the last 10 years, for example, you probably saw a woman defense lawyer, prosecutor, or judge in what was once a white male preserve. But there is still a long way to go: law schools are not graduating many black lawyers, male or female, and sexism in the courtroom and boardroom still hampers women.*

## WOMEN PRACTICING LAW

Most women attorneys, nearly 70 percent according to an *American Bar Association Journal* survey (October, 1983), believe that the increasing proportion of women lawyers will have an "extremely favorable" effect on their profession, in part by improving legal standards and ethics. About half of men attorneys had at least a "somewhat favorable" reaction to the influx of women, many believing their presence would "increase the public's access to lawyers."

According to Labor Department statistics for 1986:

- 18% of all attorneys are women, up from 9% in 1976.
- Of these 111,000 women lawyers, 94% are white, 3.6% black, and 2% Hispanic.

## Will Real Life Catch Up to TV?

BY HATTIE-JO P. MULLINS

- 22% of the nation's judges are women and 14% of these women are black.

### LAW SCHOOLS

The number of women in law school has increased from a tiny percentage of students to a substantial presence, all in the last 20 to 25 years, according to American Bar Association (ABA) figures.

- 41% of students who entered law school in 1986 were women, up from 20% in 1973 and only 4% in 1963.
- 38% of all law degrees conferred in 1986 went to women.
- 22% of law-school teachers and deans in 1986 were women.

Meanwhile, the increase in minority student enrollment has been minimal.

- Black student first-year enrollment increased from 4.7% in 1971 to 5.4% in 1986.
- Hispanic enrollment increased from 1.5% to 3.7%.
- Total first-year minority enrollment, including Native American and Asian students,

- grew from 6% to 12%.
- 6% of law-school teachers and deans in 1986 were minority women and men.

### WHERE WOMEN PRACTICE

For women who graduated law school in the late sixties, the government was more likely to employ them than a firm was. By 1983, according to the *ABA Journal* survey, the higher-paying private sector had opened up more for women.

- 58% of women lawyers worked for firms in 1983 (20% of them as partners).
- 10% of women lawyers worked for the government.
- 20% of women lawyers were self-employed.
- 11% of women lawyers worked in corporations, legal services, or law schools.

The survey also showed that many firms still hired no women as lawyers.

- 65% of men lawyers worked in organizations that employed no women lawyers.

A 1985 survey by *The*

*National Law Journal* (Volume 8, No. 15) of the nation's 250 largest law firms showed that women were more likely to be employed in these firms, but the same firms had failed to increase the proportion of black and Hispanic lawyers.

- 21% of the lawyers at these large firms were women, compared to the 16% proportion of women lawyers nationally.

- More than 6% of partners at these firms were women, up from less than 3% in 1981.
- Only 1.5% of lawyers at these large firms were black, a ratio that had not changed in three years; 0.8% were Hispanic, up from 0.5% in 1981.

### EARNINGS

While the number of women entering law may be approaching parity with men, for now the wage gap between men and women in the law remains enormous, though the difference reflects in part the dearth of senior women at management levels. A 1985 U.S. Bureau of the Census study indicates—though the sample in some categories was too small to be conclusive—that the very highest paid lawyers and judges almost always turn out to be men (see chart). And there seems to be little

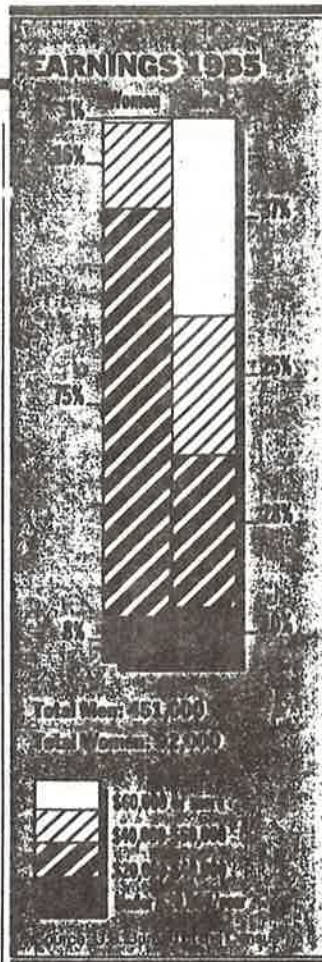
indication yet of women moving into the higher paid jobs: 17 percent of women lawyers and judges earned \$40,000 and above in 1985, about the same as in 1982.

## VISIBILITY

According to sociologist Cynthia Fuchs Epstein, women graduates of Harvard Law School were told in 1956 that "no woman can as yet hope for a niche in the litigation section of a large firm." A 1964 article in *Time* magazine said that the legal profession saw women lawyers as "unfitted for trial work, [and] suited only for matrimonial cases or such back-room fields as estates and trusts." At the same time the attorney for the southern district of New York reportedly refused to hire women for its criminal division.

By the 1980s women were certainly visible in the courtroom. In 1981, one third of the assistant district attorneys in the New York County office were women. And according to the 1983 *ABA Journal* survey, women's work was about evenly distributed among five areas of specialization: family law, litigation, real estate, criminal law, and corporate law.

Increased numbers of women in the courtrooms didn't spell the end of sexism, however. Two mid-eighties state task-force reports on gender bias in the courts, conducted by New Jersey and New York panels, cited numerous instances of judges' and lawyers' humiliating attitudes to women. One woman lawyer was asked to sit on a judge's lap, for example, while she was arguing a motion before him. Women lawyers were often addressed by endearments or as "little girl," even over their objections.



## CONTACTS

According to a 1981 article by Lynn Hecht Schafran, director of the National Judicial Education Program To Promote Equality for Women and Men in the Courts, women are excluded from full access to legal networking by the discriminatory policies of many private clubs. These clubs form significant centers of business activity.

The Women in Law Committee of the State Bar of California, in a 1986 report, said sex-discriminatory clubs were repeatedly raised as an issue by women attorneys throughout the state. At present, the ABA and the bar associations of New York State, New York City, and Los Angeles County have prohibited their committees and staffs from holding business or social functions at exclusionary clubs.

## PERSONAL CONCERNS

In the 1983 *ABA Journal* survey, women lawyers perceived their own major difficulty to be dealing with family responsibilities, and lawyers who were also mothers had fewer children than lawyers who were also fathers (see chart).

Forty-four percent of women surveyed in the 1983 *ABA Journal* study said their firms or organizations had no fixed maternity-leave policies, while 31 percent said they did. Six months was the maximum leave reported and more than one third of these leaves were with pay. Firms that had such policies tended to be large.

The 1986 State Bar of California report found that issues of childbearing or child-rearing were "acute" for those in their own practices or small firms, which do not have an economic cushion to accommodate such leaves. Women employed by the California state government get up to one year of childbearing or child-rearing leave, which the report says could serve as a prototype for the private law sector.

In a 1985 survey of Harvard law students by the Women's Law Association, more than 90 percent of respondents said they would find a law firm more attractive if it offered part-time work, maternity-paternity leaves, and child-care arrangements.

*Hattie-Jo P. Mullins is a free-lance writer based in New York City.*

## RESOURCES

For both a historical and contemporary view of women's changing roles and needs within the law profession, consult the following sources:

- Women in Law**, by Cynthia Fuchs Epstein (Anchor Books, 1983)
- The Invisible Bar: The Woman Lawyer in America 1638 to the Present**, by Karen Berger Morello (Random House, 1986)
- Women, the Courts, and Equality**, edited by Laura L. Crites and Winifred L. Hepperle (Sage Publications, 1987)
- Women's Rights Law Reporter**, 15 Washington St., Newark, N.J. 07102; \$6 per issue



## EXECUTIVE SUMMARY

### Race Survey

#### Description of Sample/Law Background

- The Race Survey consisted of 209 minority attorneys (31.3%) and 459 white attorneys (68.7%), including 320 women (47.9%) and 348 men (52.1%). Of the total sample, 14.5% were minority women, 16.8% were minority men, 33.4% were white women, and 35.3% were white men. Nonwhite attorneys are younger than their white counterparts, with 51.1% being age 35 and under compared with 44.1% of whites. Fewer nonwhites are married (59.9%/74.1%) and more report being childless (42.1%/37.1%, not significant).
- Only a small percent of each racial group reports being employed other than full time.
- More nonwhites than whites report financial difficulties (69.9%/49.4%), lack of encouragement (33.4%/13.9%) and "other" obstacles encountered in becoming an attorney. Family responsibilities and inadequate undergraduate education were similar for the groups.

#### Employment History

- Although white and minority attorneys interviewed at a similar average number of majority-white legal employers, whites received more job offers from these organizations.
- White attorneys have been in practice longer than nonwhite attorneys. More whites (38.0%) have been in practice 10 years or longer compared with 25.2% of nonwhites.

#### Present Employment

- More whites than nonwhites are in private practice and fewer report being employed by the government or Legal Services.
- More minorities than whites report annual individual incomes in their current position less than \$50,000 (64.3%/49.6%). 27.6% of white males report individual incomes over \$100,000, compared with 8.4% of white females, 3.4% of nonwhite females, and 12.5% of nonwhite males. Whites report higher incomes than nonwhites with the same number of years of experience practicing law.
- A higher percent of nonwhite attorneys practice in metropolitan Atlanta (77.8%/69.7%) and fewer are located in small towns or rural areas (4.9%/10.0%). Over half of the white attorneys (62.1%) practice in firms with no minority lawyers.
- Minority attorneys report a higher number of hours practicing law per month than whites (47.5% of minorities and 39.4% of whites work more than 200 hours) and a higher number of billable hours (36.5% of minorities and 22.9% of whites bill 176 hours or more).
- Among those lawyers who keep track of billable hours, there are no differences in current hourly rates, except that 21% of white attorneys bill at \$126 or more, compared to 16% of minority attorneys.
- Minority attorneys spend more time than whites in pro bono legal representation (46.3% of minorities v. 29.6% of whites spent 3 hours or more per week) and more time doing community, political and charitable activities (31% v. 13% spent 6 hours or more per week).

### Perceived Discrimination

- White attorneys view certain elements of current job satisfaction more positively than minority attorneys. The highest degree of satisfaction is generally reported by white males and the lowest by minority females.  
36.3% of whites/24.8% of minorities strongly agree that their opportunities for advancement are good in their present job.  
51.5% of whites/37.6% of minorities strongly agree that they are respected by their peers and superiors at work.  
32.2% of whites/28.1% of minorities strongly agree that their status with colleagues outside the job is high. (The percentage of men, both minority (33%) and white (41.9%), strongly agreeing is higher than the percentage of women, both minority (22.2%) and white (21.3%).)  
36.8% of whites/25.7% of minorities strongly agree that their colleagues think the respondent fits in socially.
- Although 85.3% of white attorneys believe that advancement criteria are applied equally for racial groups, only 62.5% of the nonwhite attorneys perceive equal application of criteria.
- Three-quarters of minority attorneys believe they have less opportunity than white attorneys for client or attorney contact that produces lucrative business. Approximately 10% of white attorneys believe they are disadvantaged in these areas compared to minority attorneys.
- In comparison to white attorneys, minority attorneys believe that their income is less (27.6%), advancement opportunities are less (43.8%), important assignments are fewer (29.0%), they receive less encouragement (33.3%), they have less management participation (35.0%), their superiors have higher expectations for their performance (32.0%), they receive less respect from judges (33.7%), and opposing attorneys (43.6%). In contrast, only small percentages of white attorneys believe that they are disadvantaged in these areas in comparison to their minority counterparts.

### Attitudes

- The majority of both racial groups agree that minority attorneys encounter racial discrimination (66.5% of whites, 98.0% of nonwhites), with more minorities strongly agreeing (66.3%) compared to 12.6% whites strongly agreeing.
- When asked a series of questions regarding "how minority attorneys have fared in certain areas of the profession as compared to white attorneys," a consistently larger percentage of minorities than whites believe that minorities have fared less well in terms of income, success in attracting clients and professional visibility.
- Close to half of the white attorneys (44.4%), but only 9.2% of the nonwhite attorneys, believe minority attorneys receive favorable treatment due to race.
- A large proportion of minority (99.4%) and white (68.1%) attorneys believe the State Bar should include more minorities in leadership roles.

### Experience of Discrimination

- Varying percentages of minority attorneys report a personal experience of racial discrimination in pay (23%), hiring (39.2%), promotion (17.7%), work assignments (24.4%), adverse rulings (28.2%), academic evaluations

(35%), verbal abuse (26.8%) and exclusion from social functions (45%).

- Significant percentages of minority attorneys have witnessed racial discrimination against another minority attorney in these areas (the range is 35.9% - 56.5%, depending on the area of discrimination). Smaller percentages of white attorneys have witnessed racial discrimination against a minority attorney (the range is 0.9% - 7.2%, except in the areas of hiring (12.6%) and exclusion from social functions (11.8%)).

### Gender Survey

#### Description of Sample/Law Background

- The sample consisted of 327 women (60.2%), of whom 236 were white and 91 nonwhite, and 216 men (39.8%), all of whom were white. Women attorneys are younger than their male counterparts, with 57.4% of the women age 35 and under compared to 38.7% of the men. Fewer women attorneys are married (51.6%/79.5%) and more report having no children (51.8%/28.4%).
- More women than men are employed part-time (8.0%/3.2%). Also, more women than men attribute their part-time employment to family responsibilities (69.7%/16.6%).
- Annual household income is less for women than men. White and nonwhite females earn significantly less income (less than \$50,000) than most white males who report annual household incomes from \$50,000 to \$75,000.
- More women (24.1%) than men (11.5%) report a lack of encouragement as a significant obstacle to overcome in order to become an attorney. Otherwise, men and women generally report the same obstacles.

#### Employment History

- Men have been in practice longer than women. More women (55.9%) than men (27%) have been in practice 5 years or less; more men (27.9%) than women (4%) have been in practice 16 years or more.
- More men than women started their own practice when they graduated from law school (17.5%/9.7%).
- More men than women were offered a job before graduating from law school (66.1%/52.8%).

#### Present Employment

- More women than men have been employed in their current position for one year or less (35.5%/16.8%). Just under 10% of the women have been in their current job more than 10 years compared to 34.6% of the men.
- More women than men report individual annual incomes in their current position less than \$30,000 (28.9%/10.8%); more men than women report incomes greater than \$100,000 (18.0%/2.0%). Men report higher incomes than women with the same number of years of experience practicing law.
- There are no significant differences between gender groups for current hourly billing rates. The largest group of men and women bill at the same rate of \$76-\$100 per hour; however, more women than men bill their time at less than \$75 per hour (34.3%/29.3%).
- More men than women are in private practice (85.5%/57.1%). More women than men are government attorneys (15.2%/4.8%) or Legal Services attorneys



(6.8%/0.4%).

- A higher percent of women attorneys practice in metropolitan Atlanta (79.7%/65.5%). Almost half of the men (47.0%) practice in firms with no women lawyers.
- Women with children work fewer hours per month practicing law than women without children or men with or without children. Almost one-half of the women with children work 160 hours or less per month, compared to 22.6% of women without children, 25.2% of men with children and 16.7% of men without children. At the highest level, however, the percentage of women with children who work 221 or more hours per month practicing law (13.4%) is virtually the same as the percentage of women without children (13.7%), is slightly greater than men without children (11.1%) and is slightly smaller than men with children (17.9%).
- The largest segment of women (33.8%) spend 15 or more hours per week on household tasks, while the largest segment of men (28.5%) allocate from 10-14 hours per week on these tasks.
- 53.8% of women spend 21 hours or more per week caring for children and other relatives, in contrast to 14.3% of men who report 21 hours or more on these tasks.

### Perceived Discrimination

- Male attorneys view certain elements of current job satisfaction more positively than female attorneys. In some instances, minority women are less positive even than white women.
  - 39.5% of white males/23.5% of white females/14.5% of minority females strongly agree that their opportunities for advancement are good in their present job.
  - 58.8% of white males/37.2% of white females/30.5% of minority females strongly agree that they are respected by their peers and superiors at work.
  - 54.6% of white males/33.8% of white females/38.7% of minority females strongly agree that they are respected by their clients.
  - 37.9% of white males/22.3% of white females/22.9% of minority females strongly agree that their status with colleagues outside the job is high.
  - 60.8% of white males/42.6% of white females/45.8% of minority females strongly disagree that they are dissatisfied with the amount of responsibility they have on case matters.
  - 33.5% of white males/29.1% of white females/21.1% of minority females strongly agree that their colleagues think that the respondent fits in socially.
- Although 94.1% of the men believe that advancement criteria are applied equally for women and men, only 66.8% of the women perceive equal application of criteria.
- More women than men believe that their income is less than that of the opposite sex (28.5%/5.6%), advancement opportunities are less (34.7%/2.1%), important assignments are fewer (23.9%/2.2%), contact with lucrative clients is less (58.2%/5.8%), and that they receive less respect from other attorneys, clients and judges. More minority women than white women believe they are disadvantaged in these areas. In contrast, only small percentages of white men believe they are disadvantaged in

comparison to their female counterparts.

### Attitudes

- The majority of both male and female attorneys agree that female attorneys encounter discrimination (60.1% of males/92.2% of females).
- When asked a series of questions regarding "how female attorneys have fared in certain areas of the profession" as compared to male attorneys, a consistently larger percentage of women, both minority and white, than men, and an even larger percentage of minority women than white women or white men, believe that women have fared less well in terms of income, success in attracting clients, relations with co-workers and other attorneys, and professional visibility.
- A larger majority of female (93.6%) than male (65.9%) attorneys believe the State Bar should include more women in leadership roles.

### Experience of Discrimination

- Varying percentages of white and minority female attorneys report a personal experience of gender discrimination in pay (22.5% of white female; 30.8% of minority females), hiring (22.5% of white females; 38.5% of minority females), promotion (14.4% of white females; 20.9% of minority females), work assignments (18.6% of white females; 29.7% of minority females), adverse ruling (6.8% of white females; 18.7% of minority females), academic evaluations (4.2% of white females; 23.1% of minority females), verbal abuse (26.7% of white females; 29.6% of minority females), sexual harassment (22.0% of white females; 24.2% of nonwhite females), exclusion from social functions (25% of white females; 37.4% of minority females).
- Significant percentages of female attorneys have witnessed gender discrimination against another woman in the areas listed above. More minority female attorneys than white female attorneys have witnessed such discrimination. Significantly smaller percentages of male attorneys than female attorneys have witnessed gender discrimination against a woman attorney.
- Women attorneys are more likely than men to have observed sexual jokes directed toward women in their firm or organization, inappropriate touching of women, reference to women as "girl," "gal," "sugar" or other endearments and gender "put-downs."

### Part-Time Employment and Parental Leave Issues

- Almost 60% of all lawyers report that their firm or organization does not allow part-time lawyers. In organizations which do allow part-time lawyers, one-third of the sample reports that part-time lawyers are eligible for partnership, one-third reports that their firms do not allow partnership for part-timers and another one-third is not sure.
- Most lawyers (77.0%) report that their firms have parental leave policies. In firms that have unpaid maternity leave available, 73.6% of the women have not used such maternity leave.



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Special Thanks to Lou Ann Hunt for organizing participation in our program by children and artists of the community and to all the officials and people of Santa Fe and New Mexico who welcomed us so warmly and made our visit a delight.

Santa Fe, the oldest state capitol and the second oldest city in the United States, was chosen as the site of our first regularly scheduled international meeting in the United States because it offers a glimpse into our history and the blending of three rich cultures woven into that history, the Spanish, Anglo and Native American (Indian).

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Sharon Montgomery

Governor Bruce King  
Lou Ann Hunt

Justice Dan Sosa, Jr.  
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## PRESIDENT'S OPENING ADDRESS

**Dora Aberlin**

Governor King, Mrs. King, Mayor Trujillo, distinguished jurists, fellow members of the bar and guests.

The warm welcome we have just received in this beautiful city will truly be a memory that we will cherish for years to come.

The State of New Mexico and the City of Santa Fe have opened their arms and doors to us in hospitality and friendship, yet knowing little about us other than that we are lawyers and that many of us have come from distant places. So it is fitting that we should tell you a little about ourselves.

We are a voluntary international non-governmental organization. That is, we accept into membership any person who qualifies, no matter where in the world that person resides and no matter what the ideology of the particular government under which such person lives. We brook no interference from governments either in the acceptance of members or in our support for principles in which we believe.

The International Federation of Women Lawyers is not the usual bar association devoted solely to the professional improvement of its members. Our interests are much broader. In 1944, frustrated by the lack of recognition accorded to women in the integrated bars and determined to improve the lot of women in general, a group of seven women lawyers from Cuba, El Salvador, Mexico, Puerto Rico and the U.S. mainland, met in Mexico City and started our Federation, primarily to promote equality for women. With the subsequent adoption of the Universal Declaration of Human Rights by the United Nations, which has been called its greatest achievement, our objectives broadened to include the promotion of human rights for all, including, of course, children.

John Humphrey, former director of the United Nations Human Rights Division, calls the attitude of the U.N. Charter towards human rights the most revolutionary innova-



tion and the one that distinguishes it from former international constitutions. He gives much of the credit for this innovation to the energetic lobbying of non-governmental organizations.

Voluntary non-governmental organizations, or NGOS as we call them, have historically been most active in the field of human rights. Many of the principles and freedoms enunciated in the Universal Declaration, now recognized as fundamental, were first promoted by non-governmental organizations. The Anti-Slavery Society spearheaded the abolition of slavery, suffragettes started the movement for the emancipation of women and voluntary peace groups and protesters finally forced the end of the Vietnam war.

Another revolutionary innovation in the U.N. Charter is the inclusion of non-governmental organizations in the structure of the United Nations. Organizations such as ours are granted consultative status at the United Nations, permitting us, but without any voting rights, to make interventions at the deliberations of the Economic and Social Council, thus giving ordinary people an opportunity to make known their views and to sway public opinion.

If there is anything that the events of this century have or should have taught us, it is that states governments within the shells of their physical boundaries and their stubborn adherence to outworn concepts of state sovereignty, can no longer protect their people from outside violence. Advances in technology, communications and travel have erased boundaries. Nuclear weapons are no respecters of state sovereignty. A new world order must be found if we are to survive at all and that order must be based on respect for and enforcement of human rights for all peoples. The alternative is thermonuclear catastrophe and self-destruction.

As the effectiveness of states boundaries has eroded, the impact of international non-governmental organizations on world politics has grown. Some international non-governmental organizations have more power and influence in their respective fields than many small governments, for example, the International Air Transport Assn. in connection with airplane hijacking. Multi-national corporations and international non-governmental

organizations have in some instances become an actual threat to the sovereignty of governments and have caused them to fall.

The growing effectiveness of non-governmental organizations is attested to by the growing hostility of totalitarian governments to them. Governments which consistently and persistently abuse and oppress their own people have been seeking to drastically cut the rights of these organizations at the United Nations, if not to dispense with them altogether.

As an international group of lawyers, dedicated to the enforcement of human rights, with membership now in more than 70 countries, numbering among our members some of the great women leaders of the world, we have a unique opportunity and a duty to make ourselves heard in the struggle for human rights. We have already made some headway. Our women have fought for and obtained the vote for women in countries where it was until very recently denied to them. They have stood up to be counted in the struggle for human rights, and in opposing oppression. One such has been jailed and deprived of her right to practice law because she fought oppression. Another resigned her senatorship in order to protest laws depriving women of basic human rights. Many of our members have established free legal aid clinics in their countries. In Iran we have just received a terribly tragic set back, but our women will continue the struggle and hopefully with perseverance, will be able to bring back these women out of the dark middle ages to which they have been consigned. We have an influx of brilliant young people into our membership and we expect some remarkable advances in the future.

We have come here to Santa Fe, for our 20th International Convention in this International Year of the Child to promote the rights of children, to study and compare laws for their protection and to help improve them so that children may grow into whole human beings, free from the ravages of abuse and neglect and exploitation. The future of the world and its survival depends on how we raise our children, for they are our future. Hopefully in the calm and beautiful atmosphere of Santa Fe, we will come forth with some good results.

Thank you.

## PROGRAM

### FIDA—20th INTERNATIONAL CONVENTION OCTOBER 14-21, 1979 SANTA FE, NEW MEXICO, U.S.A.

#### *Legal Protection For the Child*

#### SUNDAY, October 14, 1979

ALL DAY.....REGISTRATION  
*Santa Fe Hilton Inn*

#### MONDAY, October 15, 1979

9:00 A.M.....REGISTRATION CONTINUED

10:00 A.M.....EXECUTIVE COUNCIL MEETING

10:00 A.M.....WORKSHOP PANELISTS MEETING

2:00 P.M. . . . .OPENING SESSION.....SWEENEY CONVENTION CENTER  
*Delegates in National Dress* *Chaired By Barbara A. Levy*

PRESENTATION OF THE  
COLORS .....SANGRE DE CRISTO GIRL SCOUT COUNCIL,  
SANTA FE TROOPS  
*Sharon Montgomery, Director*

“THE STAR SPANGLED BANNER”.....KAUNE CHILDREN’S CHOIR  
“O, FAIR NEW MEXICO”  
“HELLO LAWYERS”  
(Grades 4, 5, 6, ages 8-11)  
*Kaune Elementary School*  
*Lou Ann Hunt, Director*  
*Elementary Music Coordinator*  
*and Instructor—Kaune School*  
*Santa Fe Public Schools*

WELCOMING ADDRESS.....The HONORABLE BRUCE KING  
*Governor of the State of New Mexico*

GREETINGS.....MRS. BRUCE KING  
*First Lady of New Mexico*  
*New Mexico State Chairman for the International Year of the Child*  
*Chairman of the Juvenile Justice Advisory Council*

WELCOME TO THE CITY OF SANTA FE....The HONORABLE ART TRUJILLO  
*Mayor of the City of Santa Fe*

RESPONSE.....DORA ABERLIN  
*President, International Federation of Women Lawyers*

- “IT’S A SMALL WORLD AFTER ALL” ..... ST. JOHN’S BELLS  
*Courtesy of St. John’s United Methodist Church*  
*Jeane Wood, Director*
- “THE RIGHTS OF THE CHILD” ..... SANGRE DE CRISTO  
 GIRL SCOUT COUNCIL
- “FOUNTAINHEAD” ..... ST. JOHN’S BELLS  
*Donald Allared, Composer*
- ADDRESS ..... The HONORABLE DAN SOSA, JR.  
*Chief Justice of the Supreme Court of New Mexico*
- SUPPORT FOR OUR IRANIAN COLLEAGUES ..... The HONORABLE  
 FLORENCE BERNSTEIN  
*Judge of the Supreme Court of California*
- KEYNOTE ADDRESS ..... The HONORABLE ROSE ELIZABETH BIRD  
*Chief Justice of the Supreme Court of California*  
*Introduction by Edna R. S. Alvarez*
- 5:50 P.M. to 7:00 P.M. .... RECEPTION IN HONOR OF JUSTICE BIRD  
*Lobby of the Sweeney Convention Center*
- 8:30 P.M. .... PLENARY SESSION  
*Santa Fe Hilton Inn Ballroom*

REPORTS

**TUESDAY, October 16, 1979**

- 8:30 A.M.—11:00 A.M. .... WORKSHOPS
- 11:00 A.M.—11:15 A.M. .... RECESS
- 11:15 A.M.—1:00 P.M. .... WORKSHOPS
- 2:30 P.M. .... WALKING TOUR OF THE CITY  
*Courtesy of and conducted by the Chamber of Commerce  
 Of Santa Fe*
- 5:30 P.M.—7:30 P.M. .... COCKTAIL PARTY IN HONOR OF THE DELEGATES  
 by the New Mexico State Bar Association  
*Sarah M. Singleton, Liaison Hostess*
- ENTERTAINMENT ..... De VARGAS JUNIOR HIGH CHOIR  
*Jim Barber, Director*
- 8:30 P.M. .... SPECIAL WORKSHOP MEETINGS ON LOCAL AND  
 NATIONAL ISSUES THAT AFFECT INDIAN TRIBES  
 AND THEIR CHILDREN  
*NANCY M. TUTHILL, Project Director, Juvenile Training  
 and Technical Assistance, American Indian Law Center*

**WEDNESDAY, October 17, 1979**

- 8:30 A.M.—11:00 A.M.....WORKSHOPS
- 11:00 A.M.—11:15 A.M.....RECESS
- 11:15 A.M.—1:00 P.M.....WORKSHOPS
- 2:30 P.M.—5:00 P.M.....WORKSHOPS
- 6:30 P.M.—7:15 P.M.....FILMS AT SWEENEY CONVENTION CENTER  
*Courtesy International Year of the Child, U.N. Secretariat*

“What Rights Has a Child”—The Declaration of the Rights of the Child is interpreted in color drawings and in the voices of children from many countries. In sharp counterpoint, black and white photos reveal how many children lack these rights to-day.

“Remember Me” Narrated by Dick Cavett. Vignettes of children around the world.

- 7:30 P.M..... SPONSORS’ BANQUET IN HONOR OF THE DELEGATES  
*Chaired by Professor Lynn Forsythe and Christina Chavez  
Sweeney Convention Center*

ADDRESS.....STELLA HOLLIS  
*Chairman of Industrial Tribunals, England*

MUSIC BY JAZZ ENSEMBLE.....SANTA FE SENIOR HIGH  
*22 members — ages 14-17  
Richard Snider, Director*

“LA LLORONA” DAVID HUCKABEE  
“LA BAMBA” *Singer/Guitarist*  
“TIJUANA TAXI” *6th Grade Student—Agua Fria  
Elementary School*

AUTHENTIC NEW MEXICAN & MEXICAN DANCES...BALLET FOLKLORICO  
DE SANTA FE  
*20-24 members — ages 6-16  
Judith Kane, Director*

**THURSDAY, October 18, 1979**

- 8:30 A.M.—11:00 A.M.....PLENARY SESSION  
CONTINUATION OF REPORTS  
REPORT OF NOMINATIONS COMMITTEE
- 11:00 A.M.—11:15 A.M.....RECESS
- 11:15 A.M.—1:00 P.M.....WORKSHOPS

1:30 P.M. .... TOUR BY BUS TO LOS ALAMOS, BANDELIER  
AND SAN IDELFONSO PUEBLO  
*Lynn Pickard, Leader*  
*(Box Lunch will be served on bus)*

EVENING ..... FREE TIME

ENTERTAINMENT ..... DE VARGAS JUNIOR HIGH CHOIR  
*Jim Barker, Director*

SHOWING OF PHOTOGRAPHS OF PRIOR CONVENTIONS ... FRANK HUBEL

### FRIDAY, October 19, 1979

8:30 A.M.—11:00 A.M. .... WORKSHOPS

11:00 A.M.—11:15 A.M. .... RECESS

11:15 A.M.—1:00 P.M. .... WORKSHOPS  
SUBMISSION OF RESOLUTIONS TO RESOLUTIONS COMMITTEE

2:30 P.M. .... BUSINESS PLENARY SESSION FOR MEMBERS ONLY

EVENING ..... FREE TIME

### SATURDAY, October 20, 1979

8:30 A.M.—11:00 A.M. .... PLENARY SESSION  
DISCUSSION AND ADOPTION OF CONSTITUTIONAL  
AMENDMENTS AND RESOLUTIONS

11:00 A.M.—11:15 A.M. .... RECESS

11:15 A.M.—1:00 P.M. .... PLENARY SESSION  
*Continued*

2:30 P.M. .... COMPLETION OF UNFINISHED BUSINESS  
ELECTIONS

7:30 P.M. .... CLOSING BANQUET  
*Chaired by Ann Yalman*  
*Sweeney Convention Center*

EXPRESSIONS OF SUPPORT FOR OUR  
IRANIAN COLLEAGUES ..... The HONORABLE MARY C. WALTERS  
*Judge of the Court of Appeals of New Mexico*

INSTALLATION OF  
NEWLY ELECTED OFFICERS ..... The HONORABLE LEILA ANDREWS  
*Judge of the Court of Appeals of New Mexico*

FASHION SHOW—TRADITIONAL AND  
CONTEMPORARY NATIVE AMERICAN  
FASHIONS.....THE INSTITUTE OF AMERICAN INDIAN ARTS

*Juanita Berry, Director  
& La Modista Shop  
9-10 Members  
Junior College Age*

“WAR DANCE”  
“COMANCHE DANCE”

NAMBE INDIAN PUEBLO DANCERS  
*Ages 10-13  
John Montuvine, Director*

FOUR SONGS

BONNIE JO HUNT  
*Vocal Artist from Albuquerque  
Sioux Indian Ford Foundation Winner  
Accompanied by Anna Husband*

**SUNDAY, October 21, 1979**

9:30 A.M.....BUS TRIP TO ALBUQUERQUE, stopping at  
Santo Domingo Pueblo, Old Town, Indian Cultural Center  
and Holiday Inn

EVENING.....ARABIAN HORSE SHOW

Art Display in Foyer of Sweeney Convention Center  
Courtesy of Elementary and Junior High  
Santa Fe Public Schools  
Mrs. Helen DeLayo (Salazar Elementary School) Chairman  
Mrs. Susan Rojas, (Kaune Elementary School) Aide

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On October 13, 1979 the Commission on the Status of New York Women's Bar Association at York University School of Law sponsored a symposium on "Approaches to Issues of Concern to Visiting members of the International Association of Women Lawyers as they meet with Edward I. Koch of New York City." The program and welcome were given by New York.

The speakers included judges and government officials from Nigeria and England who addressed issues of concern to women, such as traditional career opportunities, economic problems and the challenges faced by divorced women.

The New York City Commission on the Status of Women has long been concerned with the serious lack of day care facilities in New York and thus was particularly interested in the statement by the Swedish young women in her country.



## NEW YORK CITY HOSTS PRE-CONVENTION SYMPOSIUM

On October 13, 1979 the New York City Commission on the Status of Women, the New York Women's Bar Association and the New York University School of Law jointly sponsored a symposium on "Comparative Approaches to Issues of Concern to Women" with visiting members of the International Federation of Women Lawyers as speakers. Mayor Edward I. Koch of New York City officially opened the program and welcomed the IFWL to New York.

The speakers included judges, lawyers and government officials from Belgium, Sweden, Nigeria and England who addressed a variety of issues of concern to women including non-traditional career opportunities, child care, economic problems and the special difficulties faced by divorced women.

The New York City Commission on the Status of Women has long been concerned by the serious lack of day care facilities in New York and thus was particularly interested in the statement by the Swedish panelist that many young women in her country are delaying or

deciding against childbirth because of inadequate day care facilities. The Swedish government provides construction money for day care centers, but because communities know they will not have the operating funds to maintain them, these centers are often not even built. The panelists discussed with the audience the feasibility of requiring businesses to provide child care in office and factory buildings, which appeared to many people to be more desirable than depending on government funds.

The symposium was followed by a buffet luncheon which gave the New York audience an opportunity to talk informally with its IFWL guests about the issues raised during the morning and to make international acquaintances with whom we hope to join in future efforts to secure equality for women.

Lynn Hecht Schafran, Esq.  
Vice-Chairperson  
New York City  
Commission on the Status of Women



## KEYNOTE ADDRESS

by

**Rose Elizabeth Bird**  
Chief Justice of California

It is a great pleasure to take part in the opening ceremonies of your 20th International Convention. Welcome to the United States. It is an honor for our country to be hosting you. The state of New Mexico, with its blending of three cultures, seems a most appropriate place for this truly international organization to be gathering.

The International Federation of Women Lawyers is dedicated to advancing and promoting equal rights and opportunities for women and human rights for all. Over the course of the next several days, you will be considering how your organization can most effectively achieve those goals. In addition, as befits the fact that 1979 is the International Year of the Child, you will be discussing ways of ensuring that the rights of children are adequately protected by the laws of the various nations. This task is indeed an important one. For if we are ever to have a world free from oppression, prejudice, and discrimination, then we must see to it that our children grow up free from the crippling social restraints which such practices impose. To be sure, the task is a difficult one. However, for several reasons I think that your organization is particularly well suited to achieving these ends.

First, women, as a group and individually, realize that the goal of equality for people throughout the world has not yet been fully achieved. Regardless of race, national origin, or religious preference, most women at some time have experienced unequal treatment based on the fact that they are women. And I believe that such personal experience brings with it a greater sensitivity to the tragic personal costs that discrimination exacts.

Further, society has not demanded that women divorce themselves from their feelings to the extent that men are expected to do so. Though this double standard has undoubtedly

contributed to the characterization of women as the "weaker sex," it ironically may better enable women to recognize discrimination and confront it. Far from being a sign of weakness, this consequence of social conditioning should be seen as the advantage which it is.

Finally, as lawyers, you have the ability to translate your commitment to equal rights and your sensitivity to the human costs of discrimination into words of art, into plans of action. You have the skills and the abilities to effect change through the force of your reason. And that is a power that few people possess. I am confident that you will use it well.

However, it would be naive to predict that the dream of equal rights is shortly to become a full-fledged reality. That dream is as old as humankind, but it has never been completely achieved. And today seems to represent a time in world history when great shifts in the balance of power are imminent. At such times, it is particularly difficult to evoke the spirit of global community so necessary to consensus on issues of human rights.

Perhaps I can best illustrate the phenomenon to which I refer by turning for a moment to some of the problems which the United States is experiencing in its efforts to ensure equal rights for all of its people. One of the greatest assets of the American society has always been its diversity. If there is any hallmark of our political system, it is our ability to draw strength from that diversity of races and religions, with all of its richness of sociopolitical viewpoints. We have shown an aptitude in the past for taking that which is best from the various cultures and molding it into a uniquely practical and idealistic amalgam known as the American character.

By no means has this process always been smooth. We have stumbled many times along the way—from the bonds of slavery in the 19th

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century to the Japanese-American internment camps of the 20th century. But there has been a sense of progression about our efforts to bring about social justice and equality for all.

Now, however, the energies of the American civil rights movements of 5, 10, 15 years ago have become diffused. Without a doubt, this is an age of transition. In many ways, these are unkind and fearful times. In the United States, we live in a society where belief in our government and in the strength of our institutions is declining. Our society is characterized by impermanence and uncertainty, by mobility and alienation, by a curious blend of unrest and complacency. We are searching, but we are unsure of what we seek. Those institutions which once gave us strength and identity—the churches and synagogues, the schools, the neighborhood associations, even the family unit itself—are in disarray and retreat, unable at times even to protect themselves. Our governmental institutions are also undergoing the same crisis of confidence.

The optimism ushered in by an age of abundance only a generation ago is waning, overshadowed by the material worries of a new generation hemmed in and haunted by the resurgence of scarcity, inflation and unemployment. Unquestionably, the United States is in a period of retrenchment concerning the Bill of Rights. And I cannot help but think that this is due in large part to our nation's shifting fortunes in a global economy over which we can no longer claim mastery.

The past 25 years were a period of relative abundance for America. There was no gasoline shortage—40 cents a gallon, no waiting in line, “check your tires and oil” were the now almost forgotten phrases of the day. There was no rampant, double-digit inflation year after year. A \$75,000 house used to be a mansion. Now it's a bargain. And variable interest rate home loans, starting at 11, 12, 13 percent, are the order of the day—assuming you can borrow the money to make the down payment in the first place. We live on credit, constantly mortgaging our tomorrows to pay for what we consumed yesterday.

Yes, we Americans face a very different world now than we did a generation ago. In no way do I mean to underestimate the courage and commitment of those in the immediate past who fought to improve the lives of the poor and powerless among us. However, it is clear that the expenditure of national resources for those ends was not viewed with the same scrutiny as it would be today, with the economic pie shrinking and our respective portions diminishing accordingly.

That is not the sort of outlook that breeds a sense of security, and our national psyche reflects the age of uncertainty and instability in which we live. Frustration and fear are very natural reactions when people feel their lives are being shaped by forces over which they can exercise little or no control. Read the papers. Watch the television news. You cannot mistake it. The frustration and fear are there. And with them, arising out of them, comes the anger. A recent political cartoon by Paul Conrad in the Los Angeles Times put it very starkly: dozens of motorists sitting in a gas line shouting in unison, “I'm mad as hell and if I can ever find who's doing it to me, I'm not gonna take it anymore!”

There is power in such anger, but there is great danger as well. In the past, our nation has derived unity from its diversity. From the many strands which comprise our social fabric there has been woven a tapestry of richness and beauty and strength. But should those strands begin to unravel, should they be viewed as unlike and dissimilar rather than as part of a whole, then that tapestry will be destroyed. There is a very fine line between diversity and fragmentation, between respecting our differences and resenting them.

History has shown us that when economic uncertainty gives birth to fear and fear gives rise to anger, people tend to focus that anger on those who are not like them. In America, that means the poor and the minorities of various races and religions and national origins. And in many instances, it also means women. These groups are singled out as the object of anger not because they are the cause of the problems

which are perceived, but because they are the least able to defend themselves from criticism and attack. For the sort of anger to which I refer seeks not solutions but scapegoats. It demands not an answer but a sacrifice. And when anger is turned upon these groups, it inevitably extends itself to the Constitution, the Bill of Rights, and the courts, which are sworn to uphold the individual freedoms guaranteed by those documents as a protection against potential abuses of the power of the majority. We are living through a period of impatience now, and we should not underestimate its dangers. At the same time, we must not be blind to the opportunities with which we are presented.

The third world nations are beginning to exert significant influence on world affairs, and their economic power is growing. And yet the very name by which we refer to them emphasizes that they are regarded as "outsiders." We may have to treat them as economic equals, but in all other respects we tend to keep them separate and apart. Their diversity is viewed primarily as a threat to the established order.

Similarly, the efforts of women in the United States to achieve equal treatment and to exercise their rights as individuals are often viewed as threatening. Women may comprise a majority of the national population, but they are clearly a minority within the nation's establishment. In that community, they are still considered outsiders in much the same way as the third world nations are on a global scale. And we must not forget that women in many other countries throughout the world are much more severely limited by sexual status than are American women. All these forms of discrimination must be recognized for what they are. And they must end.

Here in America, we have a unique mixture of peoples which makes us a microcosm of the world. Many of our cities encompass more races and nationalities than do entire countries. In the past, we have learned to tolerate, respect, and even celebrate the differences among us. With the aid of the Bill of Rights and the courts' protection of those individual liberties

which it guarantees, we have drawn strength and unity from our diversity. We have provided the world with proof that such a democracy can survive and flourish. Today, in a shrinking world where our nation no longer exerts the relative economic and political dominance it once did, we are presented with perhaps an even greater opportunity to show that unity can still be achieved from diversity.

We have a very real choice confronting us. We can give in to the fears of uncertainty, join in the search for scapegoats, vent our anger against the easiest targets we can find, and perhaps destroy our system of ordered liberty in the process. Or we can understand the reasons for the uncertainties, accept the challenges which this shrinking world presents, and strive once again to achieve a society where respect for our differences will assure us our rights as individuals and our unity as a nation.

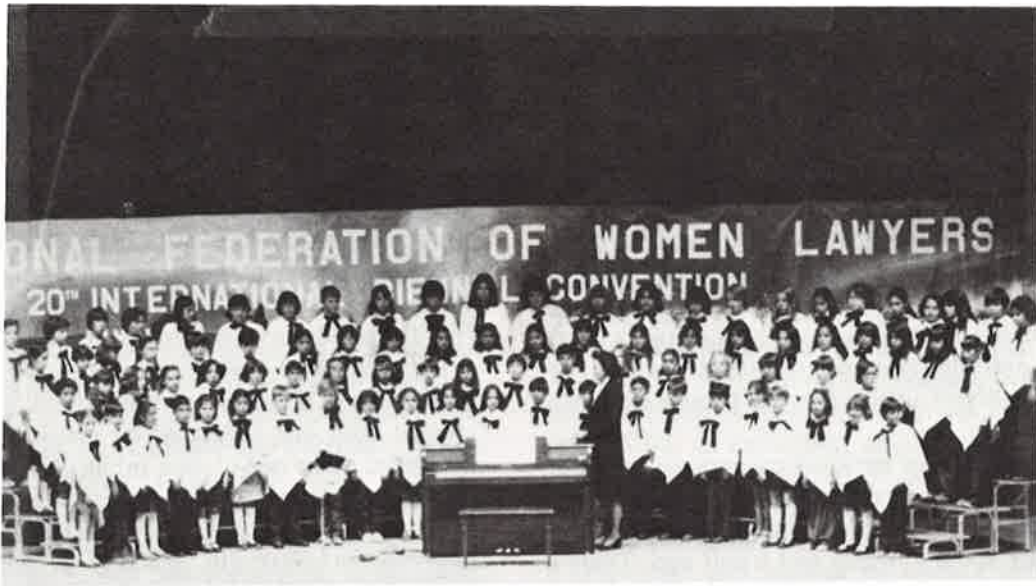
And today that same choice is confronting people in every nation throughout the world. Can unity be achieved from diversity? Or will we allow our differences to divide us and, ultimately, to destroy us? We must commit ourselves to establishing a global community, or we must resign ourselves to a perpetuation of prejudice and mistrust.

You who are members of this International Federation are in a unique position to help ensure that the mistakes of the past are not repeated. You are a powerful force for good within the global community of which I speak. I know that you will use all the skill, sensitivity, and compassion at your command to exert that force and speed the day when equal rights for all people become a reality.

May this conference represent an important step in that direction so that the children of today may grow up to find a better world tomorrow.

Thank you.





## SUPPORT FOR OUR IRANIAN COLLEAGUES

by

Mary C. Walters

Judge of the Court of Appeals of New Mexico

It is my understanding that our colleagues from Iran were not permitted to join us in this week's 20th International Convention for the International Federation of Women Lawyers. Their absence is but another cruel reminder of the ignominious and disdainful treatment to which Iranian women have been subjected recently. \* \* \* The Iranian women who have served as judges in their nation have been removed from office for no other reason than that they are women. Are women lawyers allowed to practice in Iran? I don't know—perhaps the subjugation of women has not reached that far.

Insofar as practical support for those women judges is concerned, there is little we can do to effect their reinstatement to the bench. We can go on record as condemning such mindless waste of intelligence, perception and talent; such unfeeling and unwarranted debasement of the quality of justice flowing from a woman's courtroom.

As a matter of personal encouragement I can add this heartening note. I had the honor of attending an international solar science meeting in Italy about a month and a half ago. There I had the opportunity to visit with two Iranian scientists—mature and respected men esteemed

in the scientific world and in their own nation. They both assured me that the degradation of women in Iran cannot last. They were proud that Iran had moved into the modern world in so many areas; they were positive that their ruler's anti-female decrees could not be supported much longer even by those who are otherwise in agreement with his policies. "We cannot turn back the clock," they said. "We cannot ignore the advances made by women as well as men; and the proud people of Iran will not tolerate treatment of its women that reflects the outmoded customs of centuries ago."

This expression of support from their own countrymen coupled with the indignation of women the world over will kindle, I hope, the necessary flame in the hearts of Iranians to return our women judges in Iran to their rightful positions of honor and respect.

I am proud to have been asked to voice the sentiments of this body on this issue. I join my request with one suggested by many of your members: make one of your prime objectives in the year to come the task of persuading the world, and Iran particularly, of the total equality of women in strength, in ability, in rightness, in goodness, and—not least, in justice and its dispensation.



## PALABRAS PRONUNCIADAS

por

Ana Lucina García Maldonado

Distinguidas colegas y amigas:

Esta noche me embarga una profunda emoción, como mujer, como abogadas, como latinoamericana y como venezolana, por la honrosa y alta distinción de que he sido objeto por parte de la Asamblea de la Convención, al elegirme como Presidenta de la Federación Internacional de Abogadas para el período 1979-1981.

La tarea que ustedes me han encomendado y que asumo, por cuanto la F I D A abarca en sus filas a las abogadas de todos los continentes, y, con exclusión de problemas ideológicos o de credos religiosos, desarrolla campañas tendientes a lograr reformas fundamentales en el campo de progreso social y hace oír su voz en todas las jornadas mundiales encaminadas a lograr el avance de las instituciones jurídicas.

Por otra parte, el compromiso es mayor por cuanto vengo a suceder en el cargo de Presidenta de la F I D A a personalidades muy destacadas en el campo del Derecho y de las luchas sociales como han sido Rosalind Goodrich Bates, Hilvi Spilla, mi compatriota latino-americana Filomena Quintana, Helga Stoedter. Y, mis dos antecesoras inmediatas: Aduke Alalika y nuestra muy querida y combatiente Dora Aberlin.

Me empeñaré en continuar los programas de trabajo y las orientaciones que a la F I D A han trazado sus últimas tres Presidentas, por cuanto expresan el propósito de consolidar el nombre de nuestra Organización y de poner en marcha los objetivos.

Esta noche, de excepcional significación en mi vida, quiero recordar ante la Asamblea el nombre de una ilustre jurista venezolana, la doctora Luisa Amelia Pérez Perozo, la primera abogada graduada en mi país, yo quien representó el centro de gravedad de quienes en Venezuela decidieron fundar la Federación Venezolana de Abogadas. Fue la doctora Pérez



Perozo quien me explicó los alcances de sus proyecciones y quien hizo empeño permanente en integrar a las abogadas venezolanas a las filas de la Federación Internacional de Abogadas.

Las tareas a desarrollar no pueden confinarse a la Presidenta designada, se trata de una empresa colectiva, que necesita la presencia activa de sus integrantes en cada uno de los países que forman parte de la Organización. Así lo pido encarecidamente, así lo reclamo. El éxito de la F I D A en este período que presido, depende, repito del éxito en coordinar acciones, en actuar al unísono en cada país, planteando nuestros puntos de vista y haciendo sentir el vigor de nuestra organización y el sentido progresista de nuestro pensamiento.

En 1981, con motivo de nuestra próxima Convención Mundial, será Venezuela la sede de las deliberaciones. Magnífica oportunidad para que conozcan a mi bello país y se pongan en contacto con la realidad latinoamericana, Venezuela brinda la actitud cordial y acogedora de sus gentes, la belleza de sus paisajes y el espectáculo de una nación en vías de pleno desarrollo, empeñada en superar dificultades y crear un modelo de sociedad en donde la democracia no sea solamente una experiencia política, sino una realidad económica y social. Mientras tanto, mantendremos las comunicaciones más constantes, intercambiaremos puntos de vista para hacer de la Convención de 1981, una gran jornada que consolide el nombre y prestigio mundiales de la F I D A.

Mis distinguidas colegas y amigas:

Para terminar estas emocionadas palabras, solo me resta repetir la expresion de mi profundo agradecimientos, reiterar mis promesas de continuar la obra que conta fe y responsabilidad han venido desarrollando mis ilustres antecesoras y decir que el honor en mi recaido esta noche, lo recibo fundamentalmente como un honor y un gesto de aprecio de esta asamblea mundial hacia las abogadas venezolanas y hacia todas las abogadas latinoamericanas.

Mucha gracias.

Santa Fe, New Mexico:

21 de Octubre de 1979.

#### **Address by Ana Lucina Garcia Maldonado**

Distinguished colleagues and friends:

Tonight I feel profoundly moved, as a woman, as a lawyer, as a Latin American and as a Venezuelan, for the honor and high distinction conferred on me by the Assembly of the Convention, electing me as the President of the International Federation of Women Lawyers for the period 1979-1981.

The task you have conferred on me and that I accept, since FIDA includes in its rank and file the women lawyers of all the continents, and, with exclusion of ideological problems or religious creeds, develops campaigns tending to obtain fundamental reforms in the field of social progress and to have its voice heard in all the world assemblies tending to obtain the advancement of juridical institutions.

On the other hand, the honor is greater, since I succeed as President of FIDA prominent personalities in the field of the law and social struggles, such as Rosalinda Goodrich Bates, Helvi Sepilla, my fellow countrywoman latin american Filomena Ruintana, Helga Stroedter, and my two immediate predecessors: Aduke Alakija and our much beloved and combatant Dora Aberlin.

I will persist in continuing the working program and the orientations that have been traced to FIDA by its last three Presidents, since they express the purpose to consolidate the name of our organization and to make its objectives march ahead.

Tonight, of exceptional significance in my life, I wish to remember before the Assembly

the name of an illustrious Venezuelan jurist, Dr. Luisa Amelia Pérez Perozo, the first woman who graduated as a lawyer in my country, and who represented the center of gravity around whom Venezuela decided to found the Venezuelan Federation of Women Lawyers. Dr. Pérez Perozo was the one who explained to me the scope of its projections and who made a permanent determination to integrate the Venezuelan Women Lawyers into the International Federation of Women Lawyers.

The tasks to be developed cannot be confined to the designated President, they are a collective enterprise, which require the active contribution of its members in each one of the countries which constitute the Organization. I earnestly request it and, so I claim it. The success of FIDA in the period that I preside, depends, I repeat, on the success in coordinating activities, in acting in unison in each country, establishing our points of view and making felt the vigor of our organization and the progressive sense of our thinking.

In 1981, Venezuela will be the seat of the deliberations of our next World Convention. A magnificent opportunity to know my beautiful country and to get in contact with latin american reality, Venezuela offers the cordial and hospitable attitude of its people, the beauty of its landscapes and the spectacle of a nation en route to plain development, determined to overcome its difficulties and to create a model of society where democracy will not be only a political experience, but an economic and social reality. Meanwhile, we will maintain most continuous communications, we will exchange points of view to make the 1981 Convention a great journey to consolidate the worldly name and prestige of FIDA.

My distinguished colleagues and friends:

To finish these touching words, it only rests on me to repeat my deep gratitude, reiterate my promises to continue the efforts that with such a big hope and responsibility have been accomplished by my illustrious predecessors, and to state that the honor granted to me tonight, I receive fundamentally as an honor and an expression of esteem of this World Assembly towards the Venezuelan women lawyers and towards all the Latin American women lawyers.

Thank you.



## PRESIDENT'S REPORT

### Location of our Administrative Office

Before leaving office, our former president, Aduke Alakija, at the request of the electorate, appointed a committee to look into the feasibility of changing the location of our administrative office to some place other than New York. The members of that committee, were Aduke as Chairman, Gertrude Aberlin, the Treasurer, Antoinette Rivollet, our U.N. representative, and myself as the new president. Geneva was proposed as a possible alternative.

We asked Antoinette and also Helene Pfander, our very active U.N. committee member in Geneva to find out about costs and the general advantage if any, of such a change. Both Antoinette and Helene are adamantly opposed to bringing the administrative office to Geneva or any change and insist that New York is the best place. Their arguments are compelling and the rest of us have agreed with them. Antoinette has presented a report of their reasons which is attached hereto as "Exhibit 1."

### The Liaison Committee

The question of whether we should fuse or cooperate in some way with our counterpart based in Paris, the International Federation of Women in Legal Careers, was again and still is on the agenda. I appointed Anca Postelnicu chairman of that Committee with Judge Therese Striggner-Scott of Ghana and Aliza Ben-Artzi of Israel as members.

The Committee was quite active. Anca had many meetings with the president and other members of the other group and Therese and Anca as well as some of our other members went to the Congress held by the International Federation of Women in Legal Careers, or FIFCJ as it is known, in Dakar, Senegal in July 1978. Its theme was also "The International Year of the Child." Attached as "Exhibit 2" and "Exhibit 3" are the address given by Therese at that meeting and also her report.

The result of all the meetings and the pro-

posals made was that fusion is out of the question. We may find ways of cooperating, but FIFCJ does not seem to be too interested in cooperation. Their president and members were invited to attend this meeting, but have not done so, other than some who also belong to our organization. The proposals made by FIFCJ for cooperation were also unacceptable, for example that we should have a joint representative at the United Nations. This might limit our independence of action and we cannot permit that especially since it appears that our views in some matters are at opposite ends of the pole. We should cooperate but in a loose and unhampered way so that we have complete freedom of action at all times.

### Committee on Statistics of Participation of Women in Government

The electorate in Lagos asked that a committee be appointed to gather statistics on the participation of women in government. All country vice-presidents were asked to send in brief reports on such statistics in their country and Fulvia Mombello Russo was appointed chairman of that committee to receive such reports and summarize them. Unfortunately the country vice-presidents were not too responsive. Fulvia received all told, four reports, from Ghana, Nigeria, Sweden and Turkey. Three of these just came in recently, one in French and the Swedish report which was early has already been printed in the newsletter. Since there was neither sufficient time nor material for a proper report, the material will be turned over to the next committee to be appointed by your new president and hopefully the response will be better.

### Committee on the Legal Status of Women in the Various Countries

For this committee again the country vice-presidents were asked to send in reports to the chairman, Lauren Mathon. There was better

response on this and Lauren received reports from thirteen countries, Argentina, Belgium, Colombia, Ghana, Hong Kong, Israel, Korea, Luxembroug, Portugal, Sweden, Taiwan, Thailand and Uganda. However most of them are long, some came in French and Spanish and all but a few came in within the last month. There was no time to read and digest all the material, let alone have it translated and so a comprehensive report was utterly impossible. It is respectfully suggested that the next president appoint a tri-lingual committee to whom these reports and others, which hopefully may come in, may be turned over so that we may have a good report at the next convention.

#### **Our Publications**

There has been a good deal of complaint that the membership was not getting news about our Federation and its activities, timely. Because of the high cost of postage, our twelve page newsletters had to be sent by surface mail and these often took three months to reach some of our members. I therefore started sending out single page bulletins by air-mail to help the situation since our Federation cannot exist without proper communication.

#### **Membership**

You have already been told of the situation that had previously existed in South America which greatly curtailed our membership on that continent because of some misunderstanding. In March, 1978 there was a meeting in Caracas of all South and Latin American Women Lawyers, joined in by our counterpart organization, FIFCJ. We were also invited to participate. I went to that meeting for the sole

purpose of mending fences and happily I can report the effort was successful with the good and energetic help of several of our dedicated members, Panchita Soubllette and Ana Lucina Garcia Maldonado both of Venezuela and Raquel Moch de Martinez of Mexico who had also attended that convention. How our Federation has increased on that continent has already been reported to you and we are still growing.

Also we can now report that both our former Philippine affiliates that had been quiescent for far too long, the U.P. Women Lawyers' Circle known as WILOCI and the Women Lawyers' Association of the Philippines, known as WLAP, are now reactivated and we are looking forward to productive action by them.

As we have grown in numbers and strength we have also grown in fame and other organizations now wish to work with us. The Association of Trial Lawyers of America has suggested that we explore the possibilities of co-sponsoring educational programs. A copy of the letter from their president, Michael F. Colley is attached as "Exhibit 4." Nova University of Fort Lauderdale, Florida, which recently held a joint program with some South American countries has suggested that we join with them in a regional congress. These are matters which your next president and executive council may wish to explore.

UNESCO is still asking us to expel our members from Taiwan. In line with our policy approved by you at the last convention, attached hereto as "Exhibit 5" is a copy of our response.

Dora Aberlin  
President



## EXHIBIT 1

### TO OUR PRESIDENT AND MEMBERS OF THE EXECUTIVE COUNCIL

Concerning the matters mentioned in our President's letter dated September 7, 1978, due to be discussed at the Santa Fe convention.

*1. ADMINISTRATION.* About moving the Federation's Administrative office to another location than New York.

I have been surprised about this proposition and I cannot understand the reason for it. I have already written to Dora Aberlin on this subject on Nov. 6, 1977, my opinion has not changed. I think that the members who are in favour of such a proposition are not sufficiently aware of the real situation. I am convinced that our Administrative Office should stay in NEW YORK for the following reasons:

*Stability*—The address of our office in New York has been known by the United Nations and the Specialized Agencies for a long time. In our Federation, the President is changing every two years. This is a very good thing to assure the representation of all countries and to enhance the importance of FIDA in the whole world. But two years is a very short time and the different offices of the U.N. are often confused about these changes. We ought to keep the same and permanent address for our administrative office.

*Relations with the United Nations*—It is at the U.N. Headquarters in New York that the decisions concerning the relations between the United Nations and the NGOS continue to be

taken. Even if some main U.N. Offices have been transferred to Geneva and even if the last two NGOS CONFERENCE ASSEMBLIES have been held in Geneva, this was necessary occasionally for practical reasons. We must not forget that this NGOs Conference Assembly takes place only during a few days every three or four years. New York however is the real center for the U.N./NGOS relations.

*Cost of an office in Geneva*—The rents in Geneva are very high. They are a little lower in the building reserved for the International Organizations near the U.N. Palais because of a financial participation of the City of Geneva. Despite this, the cost is still high and this building is fully occupied.

Moreover, if we had an office in Geneva, it would be necessary to have a person there at regular times and able to work on her own responsibility. This will also cost a lot. Neither Mme. Claude Chevallier, nor Helene Pfander or myself could do it even though we would wish to help the Federation as much as possible. H. Pfander has written to Dora Aberlin already in the past.

But on this point of having an office in Geneva, perhaps have you yourself some member who would be willing to come here to assume the post? I am not sufficiently aware of your discussions concerning this.

Our office in New York is well organized with many members acquainted with U.N. affairs and the Federation. Why a change? It would be a mistake.

M. Antoinette Rivollet



## EXHIBIT 2

### REPORT ON THE FIFCJ CONVENTION AT DAKAR 10TH JULY—16TH JULY, 1978

The theme chosen for the Convention was the "Rights of the Child"—in conformity with the U.N.'s proclamation of 1979 as the "Year of the Child."

I fear there is very little to report on the convention. The convention did not appear to have been planned to benefit the English speaking group. Its conduct was entirely in French and though some sort of simultaneous translation was available it was neither intelligible nor audible; the male translator being unfortunately endowed with a rather high-pitched voice, harsh to the ears, making it impossible to listen and to follow the translation. Very much in the minority, none of the documents were translated for the benefit of the English speaking delegates. There were three in the Ghanaian delegation, i.e. Gloria Mintah, Rose Taylor and myself; one person from Nigeria, the Mexican delegation, and one or two delegates from Israel. Evidently the lack of translated documents made it virtually impossible to keep abreast of the progress of the Convention, since documents circulated before discussions were all in French and had little or no meaning to us. Of the five working Committees I believe only one had an interpreter. We were assured however that translated documents would follow by post.

Pursuant to a resolution passed at the FIDA Africa Regional Conference in Accra in May of 1976, calling on all African Women Lawyers to form a Federation, a draft Constitution (with copies in English this time) was discussed at the FIFCJ convention on an afternoon set aside for that purpose. Proposals and amendments suggested by the English speaking group were persistently brushed aside as being incongruous to the French text. Feeling it was a waste of our time to participate, I in due course walked out, followed later by Miss Taylor. Later in the day information reached us that the draft was adopted, that apart from one office which went to Ivory Coast and the office of Sub Treasurer to Ghana, all other offices went to Senegal.

Mame Bassine Niang who represented Senegal at the Accra Conference, and who sold the idea of the Federation to Senegalese Women Lawyers after the Accra Conference, was, I believe, greatly embarrassed by it all. She approached the Ghana delegation with a suggestion that we challenge the whole procedure pertaining to the adoption of the Constitution. We drafted a floor motion accordingly, to be moved by Miss Taylor. But the affairs of the African Women Jurists were not to be mixed up with those of FIFCJ so there was never an opportunity to move the motion since no further time was set down for discussions on the matter before I left Dakar on July 15th. The text of the motion was to move that if the intention was to involve all African Women Lawyers in the Federation and consequently the adopted Constitution, then we felt that there was inadequate representation to bind the absentee Countries. We suggested that the draft be remitted to all the countries not represented at the meeting, for their comment. What transpired after my departure as regards further discussions on the matter forms a separate report by Gloria Mintah. The impression we the Anglophiles felt was that they wanted to keep the Federation, which they called "*Federation of African Women Jurists*" pure Francophiles.

It took my committee—that is the Liaison committee of FIDA—four days to sit down to a meeting with the liaison committee of FIFCJ for the purpose of exploring avenues of fusion (or whatever) between the two Federations. Anca Postelnicu of Belgium, the Chairman of my Committee and I concluded that fusion was not possible and the FIFCJ members shared this view; though perhaps in certain areas we could collaborate. For one thing FIFCJ is political from my observation, FIDA is not.

On arrival at Dakar I received a message from Dora Aberlin, through Anca suggesting that with the Convention taking place on African soil, it would be more gracious if I ad-

dressed the convention rather than Anca Postelnicu the Chairman of the Committee; the gist of the address was simply to bring greetings of our World President to the Convention, to wish them well, and in particular to explain what FIDA stands for to those of FIFCJ members who were not familiar with FIDA. The short address is reproduced as Exhibit 3.

**EXHIBIT 3**  
**ADDRESS AT FIFCJ**  
**CONVENTION—DAKAR**  
**10TH-16TH JULY, 1978**

Anca POSTELNICU and I bring you warm greetings and best wishes from our World President Dora Aberlin in New York, and from FIDA members all over the world generally. Dora would have liked to have come personally and did so wish very much to come, but was unfortunately prevented from so doing by other circumstances.

A great many of you here may not be familiar with what the initials FIDA stand for. If I may be permitted to explain, it is the abbreviated form of "Federation Internacional de Abogadas"—Spanish for International Federation of Women Lawyers. Spanish, because it was in Spanish-speaking Mexico that the Federation was founded some thirty-four years ago by a handful of women lawyers from the Americas. The Federation is non-political and strictly confined to women admitted to the practice of law in their respective countries. Amongst its aims, FIDA is concerned with the establishment of friendly relations on the basis of equality and mutual respect of all peoples, the promotion and study of comparative law, the promotion of the principles and aims of the United Nations in their legal and social aspects, and in advancing opportunities for women particularly in the legal profession.

It would appear that the objectives of our two Federations are not unsimilar. I believe we overlap, particularly in areas of

concern for the enhancement and promotion of the welfare of women and children, realizing that on their well-being depends the happiness of the home and the strength of society. It is evident then that we are aiming in achieving similar goals, and consequently that in certain areas, perhaps, there may be possibilities of collaboration within FIDA and FIFCJ.

It is significant that the Chairman of the liaison Committee of FIDA, Anca POSTELNICU should have so graciously relinquished her right to speak on behalf of FIDA at this convention to me, and I am honoured to accept it. It is also significant that this Convention should have been planned to take place on African soil. Significant, because I am an African from this continent where the laws governing the rights of the child are so diverse and complex, and where customary laws are so entangled with statutory laws, as to render those rights virtually impossible to disentangle and where the laws governing the child are by no means as clearly defined as those of European and other countries. Instances may arise in parts of Africa today where a child can inherit neither parent because of the prevailing tribal laws governing the administration of the estates of either parent upon death.

This meeting and its theme, "The Rights of the Child," therefore could not have taken place on a more appropriate soil than in Africa. To us women of the world in general, and to the African woman in particular the importance of the theme cannot be over-emphasized. With the coming year earmarked the "Year of the Child" by the United Nations, it is the fervent hope of FIDA that the "Rights of the Child" may be as successfully protected and defended, in better, if not in similar terms, as in many ways did the "Rights of the Woman" in the year of the woman.

Anca POSTELNICU and I hope to take back with us the resolutions which you will no doubt pass at the end of this convention, hoping that where we are in accord within our principles for the common good of our two Federations, we can pass resolutions supporting them at our next Convention in Santa Fe, for the United Nations' and our respective governments' implementation. On this note I am instructed to inform this Convention that the FIDA Convention in Santa Fe, New Mexico, (U.S.A.) is scheduled

for the period 14-21 October, 1979. Our world President extends FIDA's invitation to you all, hopeful that we can look forward to seeing as many of you as possible in Santa Fe.

We thank you for giving us the opportunity of saying these few words and wish you a very successful convention.

\* \* \* \*

THERESE SCOTT

**EXHIBIT 4**  
**LETTER FROM THE ASSOCIATION OF TRIAL LAWYERS OF AMERICA**

April 26, 1979

Dora Aberlin, Esq.  
Chairman, International Federation of Women  
Lawyers  
150 Nassau Street  
New York, N.Y. 10038

Dear Ms. Aberlin:

The Association of Trial Lawyers of America, a 35,000 member national Bar Association, was founded for educational purposes in 1946. The Association has been presenting educational seminars and programs throughout the United States since that time. I understand that your organization has also been extensively involved in education. Education is essential in keeping our memberships and the legal profession up-to-date.

The issues facing the legal profession in the United States are many and varied. We recognize the need for today's practitioner to be skilled in many different areas of the law, and

that all areas of the law are becoming more complex. We at ATLA are interested in expanding our educational resources base to bring new programs to the profession. Briefly, we are interested in exploring the possibility of co-sponsorship of educational programs.

As President of the Association of Trial Lawyers of America, I would like to discuss the potential of utilizing resources of both our organizations in the interests of the legal profession. Please let me know if we can get together in the near future to discuss areas of mutual cooperation and mutual interest.

Sincerely,  
s/Michael F. Colley

MFC/aak

**EXHIBIT 5**  
**LETTER TO MR. DRAGOLJUB NAJMAN**  
**DATED JULY 16, 1979**

Mr. Dragoljub Najman  
Assistant Director General for Co-operation  
for Development and External Relations  
UNESCO  
7, place de Fontenoy  
75700 Paris, France

Dear Mr. Najman:

Our organization has repeatedly advised UNESCO about our position in the matter referred to in your letter of July 9, 1979, this day received.

We are a non-profit, *non-political organization*. We do not let the politics of any country interfere with our organization. We accept women lawyers as members no matter in what country they reside.

We have living in Taiwan some four or five members who joined us many years ago when

Taiwan was a member of the United Nations. They are good members and in good standing. We have no valid reason to expel them and we cannot do so because the status of the country in which they live has changed or the politics of the country has changed. If we were to consider the politics of any country in connection with our membership, we might find ourselves unable to keep up with the changes in many countries, and we will not permit ourselves to get involved in such matters.

At our recent convention, September 1977 in Lagos we reported this matter at a plenary session to the membership at large and they were unanimously in accord with this position.

Very truly yours,  
Dora Aberlin  
President

DA/sb







## LA F.I.D.A. et LES NATIONS UNIES 1978-1979

La FIDA collabore avec les Nations Unies dans les domaines des Droits de l'Homme, du Statut de la Femme et des Droits de l'Enfant. Elle s'est spécialement attachée à ces derniers au cours de cette année décrétée "Année internationale de l'Enfant."

Dans ces trois domaines, cette période 1978-1979 a été riche en conférences, comités et cycles d'étude, en raison surtout, du 30e anniversaire de la Déclaration universelle des Droits de l'Homme et de l'Année internationale de l'Enfant. Les Représentantes de la FIDA auprès des Nations Unies se sont intéressées à tous ces colloques et ont participé personnellement à la plupart d'entre eux. Elles ont adressé, en collaboration avec d'autres Organisations non gouvernementales dotées du statut consultatif auprès de l'ECOSOC, des déclarations écrites à l'ECOSOC et à la Commission des Droits de l'Homme.

### DROITS DE L'HOMME

La Déclaration universelle des Droits de l'Homme, adoptée par l'Assemblée générale le 10 Décembre 1948, fixe à tous les peuples de la terre un idéal commun: le respect des libertés fondamentales et des droits inhérents à la personne humaine. Son impact a été immense mais elle n'a pas de force exécutoire. Ce n'est qu'avec les Pactes internationaux relatifs aux Droits de l'Homme que des obligations impératives ont surgi.

Ces pactes sont entrés en vigueur:

Le Pacte international sur les Droits économiques, sociaux et culturels . . . . le 3 janvier 1976,  
le Pacte international sur les Droits civils et politiques . . . . . le 23 mars 1976,  
le Protocole facultatif aux Droits civils et politiques . . . . . le 23 mars 1976.

Malgré ces Pactes et les nombreuses conventions se rapportant aux Droits de l'Homme, la violation de ces droits est flagrante aux quatre coins du monde.

C'est pourquoi l'Assemblée générale par sa Résolution 32/123 et la Commission des Droits de l'Homme par sa Rés. 3 (XXXIII) demandent qu'une activité accrue se manifeste à l'égard des Droits de l'Homme et que le respect de ces droits soit assuré par tous les moyens possibles, y compris l'enseignement et l'éducation.

Pour donner suite à ces deux Résolutions et répondre à un sentiment d'inquiétude grandissant, trois réunions spéciales ont eu lieu:

*A) La Conférence mondiale de la Lutte contre le Racisme et la Discrimination raciale — Genève, 14-25 août 1978*

Son but était d'intensifier le combat mené contre le racisme et la discrimination raciale. Mais cette conférence s'est très vite politisée. Deux blocs s'opposant l'un à l'autre. Elle a montré quel abîme existait encore entre l'acceptation de principes et leur application.

Dès le départ, deux Etats étaient absents: les Etats-Unis et Israël, pour protester contre la Résolution de l'Assemblée générale des N.U. de 1975 assimilant le sionisme au racisme. Au cours des débats, plusieurs pays occidentaux se retirèrent.

Après maintes discussions et beaucoup de heurts, une Déclaration et un Programme d'action ont été adoptés qui donneront satisfaction au Tiers-monde et lui apporteront un sérieux appui.

Parlant des discriminations encore existantes, la Représentante de la Commission du Statut de la Femme des N.U. a rappelé que l'égalité entre les Femmes et les Hommes n'était pas encore atteinte. Elle a fait remarquer également combien la situation des femmes migrantes était difficile, de même que celle des femmes vivant sous le régime de l'Apartheid.

*B) Le Congrès international de Vienne sur l'Enseignement des Droits de l'Homme — Vienne (Autriche) 12-16 Sep. 1978.*

Convoqué par le Directeur général de l'UNESCO, ce Congrès avait comme objectif de promouvoir l'enseignement des Droits de l'Homme.

C'est une véritable campagne d'éducation dans le domaine de ces droits que lance l'UNESCO. Et ceci à tous les niveaux de l'enseignement ainsi qu'en dehors du cadre scolaire, dans la famille, dans les programmes d'éducation permanente, dans les cours d'alphabetisation. L'UNESCO suggère que la presse, la radio, la télévision orientent l'opinion publique, que les enseignants et spécialement les juristes fassent connaître ces droits de l'Homme.

L'UNESCO étudie l'opportunité de l'élaboration d'une convention sur l'éducation et l'enseignement en matière de droits de l'Homme. Cette étude sera soumise à sa Conférence générale, à sa vingt et unième session, qui se tiendra à Belgrade (Yougoslavie) en 1980.

*C) Le Séminaire des Nations Unies sur les Institutions nationales et locales pour la Protection des Droits de l'Homme — Genève, 18-29 Septembre 1979.*

Ce séminaire a arrêté des directives (Guidelines) pour la mise en pratique des Droits de l'Homme par les Institutions nationales et locales, en insistant sur l'éducation, l'enseignement, l'organisation de la justice, la possibilité d'enquêtes sur les violations de ces droits. Il est intéressant de noter qu'un délégué du Tiers-monde a demandé que le droit à l'alimentation et le droit à l'éducation soient admis comme prioritaires, un homme insuffisamment nourri ou analphabète ne pouvant faire valoir ses droits. C'est le côté pratique qui a prévalu.

Une attitude nouvelle a donc été prise au cours de tous ces colloques traitant des Droits de l'Homme. Les délégués ont veillé à l'application de ces droits et non plus seulement à leur reconnaissance dans les textes qui souvent res-

»Depuis ce temps elle a été adoptée et bien reçue à Copenhague en Juillet.

tent "lettre morte." La FIDA a étudié ces directives et programmes pour tenter de leur donner une suite efficace dans les limites de ses possibilités.

Cette attitude réaliste a été également celle de la Commission des Droits de l'Homme, composée de délégués gouvernementaux et celle de la Sous-commission de la lutte contre les mesures discriminatoires et de la Protection des minorités dont les membres sont des experts indépendants, et qui se réunissent régulièrement chaque année.

### STATUT DE LA FEMME

La Commission de la Condition de la Femme a tenu sa 27<sup>e</sup> session à New York du 20 mars au 5 avril 1978. Elle se réunit tous les deux ans. Cette session s'était donné comme tâche principale: la préparation de la "Conférence mondiale de la Décennie des Nations Unies pour la Femme" qui se tiendra à Copenhague en 1980. A mi-parcours de la "Décennie des N.U. pour la Femme — 1976-1985 —" il convient d'évaluer le travail accompli et d'examiner le programme pour ces cinq prochaines années.

Les projets en faveur des femmes font, semble-t-il, peu de progrès. "L'Institut international de Recherche et de Formation pour la promotion des Femmes" qui devait être installé en 1977, ne l'est pas encore. La "Convention sur l'Elimination de la Discrimination à l'égard des Femmes" adoptée par la Commission de la Condition de la Femme en 1976, n'est pas encore adoptée par l'Assemblée générale.»

Les ONG expriment leur profonde préoccupation devant cette lenteur. Le Sous-comité du Statut de la Femme, ONG étudie et organise une participation des ONG intéressées à la Conférence de Copenhague de 1980.

### DROITS DE L'ENFANT

Pour participer à l'Année internationale de l'Enfant, les Organisations non gouvernementales ont créé un Comité spécial: le Comité ONG/AIE, sous la présidence du Chanoine Moerman, Secrétaire général du Bureau inter-

national de l'Enfance. La FIDA est membre de ce Comité et y participe activement.

Dans le cadre des activités en faveur de l'enfant, un certain nombre de femmes, membres d'organisations internationales non gouvernementales, ont formé un groupe d'études sur la circoncision féminine.

Ce groupe de travail dépend du Comité ONG des Droits de l'Homme de Genève ainsi que de son Sous-comité de la Condition de la Femme. Notre Représentante auprès des Nations Unies à Genève, Hélène Pfander, s'en occupe très sérieusement. Ce groupe a pris un certain essor.

Cette mutilation qu'est l'excision féminine est pratiquée, sous des formes diverses, dans plus de 26 pays. Elle l'est souvent dans de mauvaises conditions d'hygiène, sur des fillettes très jeunes qui restent affectées dans leur santé pour toute leur vie. Il semblerait juste d'essayer d'éviter à l'avenir d'inutiles souffrances, mais il est délicat et difficile de toucher à des traditions.

Un séminaire régional organisé par l'Office d'Alexandrie de l'Organisation mondiale de la Santé (OMS) s'est tenu à Khartoum en février 1979 pour étudier les "Pratiques coutumières affectant la santé des Femmes." Deux journées entières ont été consacrées à l'excision féminine. Un autre séminaire aura lieu à Yaoundé (Cameroun) du 12 au 15 décembre 1979 organisé par l'Institut international d'Etudes sociales. Cet Institut a été créé en 1960 par l'OIT pour favoriser une meilleure compréhension des problèmes du travail dans le monde. Le thème de ce séminaire sera: "Le Monde du Travail et la Protection de l'Enfance." Le point du jour qui traitera de la protection de l'enfant contre la violence, traitera aussi de la question de l'excision féminine.

*Convention sur les Droits de l'Enfant.* La Déclaration des Droits de l'Enfant a été adoptée en 1959. Mais ce n'est qu'une Déclaration donc une référence. A l'initiative de la Délégation polonaise, une Convention sur les Droits de l'Enfant a été proposée. Ce projet de Convention sera examiné à la 36e session de la Commission des Droits de l'Homme en 1980.

La FIDA avec un certain nombre d'autres ONG avait déposé le 23 février 1978, auprès de la Commission des Droits de l'Homme, une Déclaration demandant que cette convention ne soit pas rédigée avant la fin de l'Année internationale de l'Enfant, pour éviter une rédaction hâtive et pouvoir tenir compte des expériences de cette AIE.

### ASSEMBLEE GENERALE DE LA "CONFERENCE DES ONG"

Un nombre important d'ONG ayant le statut consultatif auprès de l'ECOSOC, dont la FIDA, se sont groupées sous la dénomination "CONFERENCE DES ONG." Cette Conférence tient son Assemblée générale tous les trois ans. La dernière a eu lieu à Genève du 2 au 5 juillet 1979. Aux deux Assemblées générales précédentes, la FIDA avait posé sa candidature pour être membre du conseil exécutif (Bureau), elle n'avait pas été élue. Cette année 1979, elle ne s'est pas présentée.

M. Kurt Waldheim, Secrétaire général des Nations Unies,

M. Hugo Scheltema, Président de l'ECOSOC,

M. K.F. Nyamekye, Président du Comité de l'ECOSOC chargé des ONG, et encore d'autres hautes personnalités participèrent à cette Assemblée générale. Leurs paroles ont été un véritable encouragement. Tous ont reconnu le travail important et indispensable des ONG.

### ORGANISATION INTERNATIONALE DU TRAVAIL

La FIDA est régulièrement représentée à la Conférence internationale du Travail qui se tient, chaque année, en Juin à Genève. Elle l'est également à d'autres colloques.

L'OIT, dès sa création, s'est soucié de la Condition féminine. A sa prochaine Conférence en 1980, un point de l'ordre du jour intitulé "Egalité de chances et de traitement pour les travailleurs des deux sexes: travailleurs ayant des responsabilités familiales" aura un intérêt certain pour les femmes.

Je dis un grand merci à toutes celles qui nous ont aidées. Notre tâche auprès des Nations Unies augmente sans cesse. Le statut consultatif auprès de l'ECOSOC n'est accordé que sous certaines conditions et, en Juin 1978, nous avons dû présenter un rapport sur nos quatre dernières années d'activité. Ce rapport était demandé à toutes les ONG par le Comité de l'ECOSOC chargé des Organisations non gouvernementales.

août 1979

M. Antoinette Rivollet

### FIDA and the UNITED NATIONS

FIDA cooperates with the United Nations in the fields of Human Rights, the Status of Women and the Rights of the Child. It has shown special interest in the last during this year which has been designated the "Year of the Child" in the three fields. This period, 1978-1979 has been rich in lectures, committees and cycles of studies, especially since it is the thirtieth anniversary of the Universal Declaration of Human Rights and the International Year of the Child.

The representatives of FIDA at the United Nations have been interested in these programs and have participated in most of them. In cooperation with other organizations having consultative status with ECOSOC, they have submitted written statements to ECOSOC and to the Commission on Human Rights.

### HUMAN RIGHTS

The Universal Declaration of Human Rights adopted by the General Assembly on December 10, 1948, established common ideals for all peoples to respect the fundamental freedoms and inherent rights of the human person. Its impact has been tremendous but it lacks binding force. It is only through the international agreements relative to human rights that compliance has become obligatory.

These pacts came into force:

The international agreement on economic cultural and social rights..... January 3, 1976  
The international agreement on civil and political rights..... March 23, 1976  
The optional protocol to civil and political rights..... March 23, 1976

Notwithstanding those agreements and the many conventions pertaining to human rights, violations of those rights is flagrant everywhere.

That is why the General Assembly by resolution 32/123 and the Commission on Human Rights by resolution 3 (XXXIII) urged increased activity in the field of human rights and that respect for those rights be assured by every possible means including teaching and education.

To encourage compliance with those resolutions and in recognition of the increasing feelings of anxiety, three special meetings took place:

(A) *The World Conference on the Struggle Against Racism and Racial Discrimination*  
—Geneva August 14-25, 1978.

The aim of this meeting was to intensify the fight against racism and racial discrimination. But the conference soon became politicized—two blocks opposing each other, showing what an abyss still exists between the acceptance of principles and their implementation.

From the start, two states were absent, the United States and Israel, to protest the General Assembly resolution of 1975 equating zionism with racism. During the debate, several occidental countries withdrew.

After much discussion and lots of hurt feelings, a declaration and program of action were adopted to satisfy the Third World and give it some genuine help.

Speaking about the discrimination still existing the representative of the Commission on the Status of Women stated that equality between women and men has not yet been reached. She also remarked on the difficult situation of migrant women and those living under the regime of apartheid.

*(B) The International Congress of Vienna on the Teaching of Human Rights—Vienna (Austria)—September 12-16, 1978*

Assembled by the General Director of UNESCO, that congress had as its objective, the teaching of human rights.

UNESCO is launching a true educational campaign, on every level of the educational system as well as in the family. UNESCO suggests that the press, radio, and television influence public opinion and that teachers and especially jurists make human rights known.

UNESCO is studying the possibility of formulating a convention on teaching the subject of human rights. This survey will be presented at its general conference in Belgrade (Yugoslavia) in 1980.

*(C) The Seminar of the United Nations on National and Local Institutions for the Protection of Human Rights—Geneva—September 18 and 20, 1979.*

This seminar gave guidelines to national and local institutions for implementing human rights through education, teaching, organization of justice and inquiry into violations of those rights. It is interesting to note that a member of the Third World asked that the right to sustenance and education be given priority—a man insufficiently nourished or illiterate being unable to assert his rights. It is the practical side that prevails.

A new position was taken during the talks on human rights. The delegates looked to the implementation of those rights and not only to their acknowledgement in texts which often remain "dead letter." FIDA has examined those directives and programs to try to bring about some effective results within the periphery of its limitations.

This realistic attitude was also shared by the Commission on Human Rights, composed of government delegates and that of the Sub-Commission on the Elimination of Discrimination and the Protection of Minorities whose members are independent experts meeting regularly every year.

\*It has since been adopted and its adoption celebrated in Copenhagen in July, 1980.

## WOMEN'S STATUS

The Commission on the Status of Women held its 27th session in New York from March 20-April 5, 1978. It meets every two years. That session had chosen for its principal work, preparation for the "World Conference on the United Nations Decade for Women," to be held in Copenhagen in 1980. At halfway in the decade (1976-1985) it is proper to evaluate the accomplishments to date and to set up a program for the next five years.

Projects favoring women, it seems, progress very slowly. The International Institute for Research and Planning for the Advancement of Women which was supposed to be established in 1977 is still non-existent. The Convention for the Elimination of Discrimination Against Women, adopted by the Commission on the Status of Women in 1976 has still not been adopted by the General Assembly.\*

The NGOs voice their deep concern at such a sluggish pace. The NGO Sub-Committee on the Status of Women is planning and organizing participation by interested NGO members in the Copenhagen conference in 1980.

## RIGHTS OF THE CHILD

To participate in the International Year of the Child, non-governmental organizations created a special committee, the NGO/IYC Committee under the presidency of Canon Moerman, General Secretary of the International Bureau for Children. FIDA is a member of this committee, actively participating in its activities.

In the frame of the activities for the child, a number of women members of international organizations have formed a group to study the problem of the circumcision of women.

This group is connected with the NGO Committee on Human Rights of Geneva and also the Sub-Commission on the Status of Women. Our representative at the United Nations in Geneva, Helene Pfander assiduously works with it. The group has lately taken a very positive position.

The circumcision of women, a mutilation, is practiced, under many forms, in more than 26 countries. It is often done under bad hygienic conditions on very young girls often affecting their health for the rest of their lives. It seems just to try to eliminate this useless suffering in the future, but meddling with traditions is a delicate matter.

A regional seminar organized by the office of the World Organization of Health (WHO) of Alexandria, was held in Khartoum in February 1979 to study the customary practices affecting women's health. Two whole days were devoted to the study of female circumcision. Another seminar will be held in Yaounde (Cameroun) from the 12th to the 15th of December, 1979 organized by the International Institute of Social Studies. This institute was created in 1960 by the ILO to favor a better understanding of labor problems in the world. The topic of this seminar will be: The World of Labor and the Protection of the Child. The day that discussion takes place on the protection of the child against violence, female circumcision will also be discussed.

*Convention on the Rights of the Child*—The Declaration on the Rights of the Child was adopted in 1959, but it is only a declaration for reference. On the initiative of the Polish Delegation, a Convention on the Rights of the Child was proposed. The project for such a convention will be examined during the 36th session of the Commission on Human Rights in 1980.

FIDA, with a number of other NGOs gave evidence on February 23, 1978 to the Commission on Human Rights, asking that such a convention not be drafted before the end of the international year of the child, to avoid a hasty formulation and to make use of the experiences of the IYC.

#### **GENERAL ASSEMBLY OF THE CONFERENCE OF NGOS**

An important number of NGOs with consultative status, joined by FIDA, have formed a

group under the denomination of "Conference of NGOs." This conference holds a general assembly every three years. The last one took place in Geneva July 2-5, 1979. The two preceding general assemblies had candidates for membership in the executive council (Bureau), but they were not elected. In 1979, no candidates from FIDA were presented.

Mr. Kurt Waldheim, Secretary General of the United Nations, Mr. Hugo Scheltela, president of ECOSOC, Mr. M.K.F. Nyamekye, President of the Committee of ECOSOC in charge of NGOs and many other dignitaries participated in this general assembly. Their words were really encouraging. All acknowledged the importance and the indispensableness of the work of the NGOs.

#### **THE INTERNATIONAL LABOR ORGANIZATION (ILO)**

FIDA is regularly represented at the International Conference of Labor that is held every year in June in Geneva. It is also represented at other conferences.

The ILO, right from its beginning has shown concern about the condition of Women. At its next conference in 1980 one of the subjects called "Equality of opportunities and of treatment for the workers of both sexes: workers having the responsibility of family" will certainly be of interest to women.

I sincerely thank all those who have helped us. Our work at the U.N. is always increasing. The consultative status at ECOSOC is granted only under certain conditions and in June 1978, we had to present a report on our activities for the last four years. This report was asked from all the NGO's by the Committee of ECOSOC, in charge of the non-governmental organizations.

August 1979

M. Antoinette Rivollet

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Roadrunner



**STATE VEGETABLE**  
Pinto Bean



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## THE WORK OF THE CONVENTION

The primary object of this convention in this International Year of the Child was to adopt resolutions for future use and reference for the legal protection of the rights of children to realize their full potential as whole human beings and to enjoy a better quality of life. The resolutions emanating from the workshops organized for that purpose, and adopted by the convention, are here printed in full.

As usual we also had other matters to consider concerning the interior affairs of our Federation, such as amendments, etc.

### THE EXECUTIVE MEETING

Just prior to the opening of the convention, the president called a meeting of the executive council. Present were six members, the president, the first vice-president, Lourdes Bengzon,\* the recording secretary, Dr. Titania J.T. Chien, the treasurer, Gertrude Aberlin, the editor-in-chief, Farideh Namazie, and the immediate past president, Aduke Alakija. Our U.N. representative, Antoinette Rivollet, regrettably could not come, but she made known her views and sent in a detailed report and recommendations on some matters which had been troubling us. The following matters were discussed:

#### Location of the Administrative Office:

Ms. Rivollet reported that she believed it would be a mistake to change the location of the administrative office (see her report, Exhibit 1, attached to President's report, p. 25). After some discussion it was decided to leave the office where it was.

#### The Use of the FIDA Name by Affiliates

Apparently some affiliates were still not complying with the amendment passed in 1977 in Lagos, forbidding the use of our organization's name by affiliates. It was decided that this provision of By-Laws (Article 1, Section 3) must be strictly enforced.

#### Circulation of the Newsletter

There have been numerous complaints by members, (Ms. Rivollet for one), that our 12 page newsletters, sent from necessity by sea mail, take so long to arrive as to render them virtually useless as a medium for circulating news about our Federation. It was suggested

that it would be more useful to send out important news in one or two page newsletters that could be sent by minimum air-mail. The newsletter should be primarily a harbinger of news not a law review.

#### Raising the Dues

It was generally conceded that our Federation which is growing rapidly in numbers, needs additional financing to meet the expense of running a central office, and that the dues should be raised. However the members of the Council present, found it difficult to decide by what amount. It was decided to explore the views of the electorate present at the plenary, in this respect.

### THE PLENARY SESSIONS

#### Amendments to the Constitution and By-Laws

With a few exceptions the proposed amendments which had been circulated to the membership as mandated by the constitution, were adopted. Some attempt was made to add some additional clauses, but since these additions had not been circulated at least 60 days before the convention, they could not be embodied in our constitution. The amendments adopted are herein printed in full.

#### Raising the Dues

The matter of the amount by which the dues should be raised was discussed at the last plenary session. The electorate made certain recommendations but the matter never went back to the executive council. Since our constitution gives the power to raise dues only to the executive council, the recommendations will perforce have to wait until the next executive council meeting before the next convention. Until such time as dues are fixed in accordance with the constitutional provisions, the amounts must remain in status quo.

#### The Use of the FIDA Name by Affiliates

Affiliates were again admonished that the provisions of the constitution would be strictly enforced.

#### Conferring of Honorary Titles

The electorate at plenary session voted to confer the title of Honorary Life President upon Dora Aberlin.

\* Deceased summer 1980

## AMENDMENTS ADOPTED

### CONSTITUTION

#### ARTICLE VI

##### Section 2:

Delete "Present incumbents as of November 1964, may be elected for another term." No longer necessary.

Add: The office of the president shall be filled by rotation among the regions and within the regions by rotation among the various countries within that region. No country, having once had the honor of having the presidency and a general convention may again have such honor unless there is no member in any other country in that region, qualified, ready and willing to undertake the presidency. When there is no qualified person in any country in the region ready and willing to undertake the presidency, it shall go to the next region in line therefore. No region offering a qualified president may be by-passed out of consideration for the preference of any member.

##### Section 3:

Add: The outgoing President, if she so chooses, may appoint a special editor for the "La Abogada Internacional" which is a report of her convention.

### BY-LAWS

#### ARTICLE V

##### Section 7:

Add: The treasurer shall pay all life membership dues collected into a separate account, or accounts, labeled life membership accounts, in savings banks paying the highest rate of interest then prevailing. Only the interest from such accounts may be used for current expenses and only if necessary. The principal or any part thereof may not be invaded for any purpose without the unanimous consent of the Executive Council.

##### Section 9:

Starting with (a) change the rest of entire section to read as follows:

(a) The Editorial Board shall control and supervise the compilation of and mailing to all members of FIDA and the libraries and others on our mailing lists "La Abogada Newsletter" to be issued four times a year quarterly. These newsletters shall contain news about the activities of the Federation and its members and articles of special interest written by the members and other items pertinent to and in furtherance of the objectives of the Federation.

(b) The outgoing president shall have the right and privilege of choosing a special editor to compile and edit and publish and distribute "La Abogada Internacional" (tri-lingual, if possible) to be issued every two years as soon after the General Convention as possible. It shall be a complete report of the convention and the work of the Federation for the prior two years and must contain, among other matters, the resolutions adopted at the convention and decisions made and action taken by the executive council both at the convention and during the prior two years.

(c) Paragraph now called (b) shall be retermed (c).

Add as paragraph (d):

(d) Proposed budgets for the cost of the publications and the mailing thereof shall be submitted for approval to the Executive Council as soon as practicable after the General Convention. The amount of the authorized budget shall not be payable to any editor, but the treasurer shall pay only for materials actually furnished and services actually rendered directly to those furnishing the materials and services upon presentation of bills therefor. In no event may the treasurer pay more than the authorized total amount without special permission from the Executive Council.

#### ARTICLE VI

##### Section 1.

Add: 10. Follow up Committee on Laws for the Protection of Children.

Add as Section 9:

The Follow Up Committee on Laws for the

Protection of Children shall monitor and follow up changes in laws and new laws passed in the various countries for the welfare of children. It shall be comprised of an overall chairperson to be appointed by the President and such additional persons as the chairperson may select, and all country vice presidents whose duty it shall be to follow up and report current legislation about children in their respective countries. At each convention the chairperson shall give a written report of the changes and additions in the various countries in such legislation affecting children.

#### ARTICLE VIII

##### Section 4: Voting

(b) Change second paragraph of (b) to read as follows:

(b) Affiliates shall send current lists of the names and addresses of their officials and members in good standing to the treasurer as needed and at least 60 days before a general convention. No affiliate member not on the last list so sent may be accepted as a delegate or permitted to cast a vote for or with that affiliate unless she brings with her to the convention duly authenticated credentials so authorizing her, signed by two current officers of the affiliate.

Add as (f):

(f) In the case of a country that has both an affiliate and individual members, an individual member claiming the right to exercise the complete voting rights of that country when no affiliate delegate is present, must have a signed consent from the affiliate, duly authenticated by two current officers of the affiliate, authorizing her to vote for the affiliate.

#### RECTIFICATIONS

#### CONSTITUTION

#### ARTICLE VI

##### Section 2:

Supprimer: "Les fonctionnaires étant au pouvoir en Novembre 1964 pourront être réélus pour une autre session." Cette clause n'est plus nécessaire.

Ajouter: Le poste de présidente sera occupé à tour de rôle parmi les régions, et dans la région même, à tour de rôle parmi les pays de cette région. Aucun pays n'ayant déjà eu l'honneur d'avoir la présidence et une Assemblée Générale, ne pourra avoir cet honneur de nouveau, à moins qu'il n'y ait aucun membre, dans n'importe quel autre pays de cette région qui soit qualifiée, prête et disposée d'entreprendre la présidence. Quand il n'y a personne de qualifié dans aucun des pays de la région qui soit prête et disposée d'entreprendre la présidence, donc ce rôle sera entrepris par la région suivante en ligne.

Aucune région offrant une présidente qualifiée ne pourra être refusée et la préférence donnée à n'importe quel autre membre.

##### Section 3:

La présidente terminant son terme pourra, si elle le désire, désigner une éditrice spéciale pour "La Abogada Internacional," ceci étant un rapport de son Assemblée.

#### REGLEMENTS

#### ARTICLE V

##### Section 7:

Ajouter: La trésorière versera toutes les cotisations dans un compte bancaire séparé, ou bien des comptes marqués "comptes de cotisation" dans des banques offrant le plus haut taux d'intérêt du jour. Le principal ou bien nulle partie de cette somme ne pourra être utilisée, sous aucun prétexte, sans le consentement unanime du Conseil Administratif.

##### Section 9:

A partir de (a), changer le reste de la section de façon suivante:

(a) Le Comité Editorial comptrollera et sera responsable de la rédaction et l'envoi de "La Abogada Newsletter" à tous les membres, bibliothèques et n'importe qui d'autre sur notre annuaire. Ces bulletins paraîtront quatre fois par an, trimestriellement, et ils contiendront un compte rendu sur les activités de la Fédération,

ainsi que les activités de ses membres; des articles d'un intérêt spécial écrits par les membres, et toute sorte d'entrefilet ayant rapport aux activités de la Fédération.

(b) La présidente quittant son poste aura le droit et le privilège de choisir une éditrice spéciale pour rédiger, éditer, publier et distribuer "La Abogada Internacional" (si possible tri-lingue) qui paraîtra chaque deux ans, aussitôt que possible après l'Assemblée Générale. Cela sera un rapport complet sur la convention et le travail fourni par la Fédération pendant ces deux années précédentes, ainsi que, parmi autres choses, les résolutions adoptées à la convention et les décisions prises par le conseil administratif pendant la convention et pendant les deux années précédentes.

(c) le paragraphe (b) actuel sera renommé (c).  
Ajouter comme paragraphe (d):

(d) Le budget tentatif proposé pour le coût de la publication et l'expédition de ce bulletin, sera soumis au Conseil Administratif pour leur approbation, aussitôt que possible après l'Assemblée Générale. Le montant autorisé ne sera remi à aucunes des éditrices, par contre la trésorière payera pour les matériaux qui seront actuellement fournis et pour les services rendus, directement aux fournisseurs de ces matériaux et services, dès reception de leur facture. La trésorière ne pourra absolument pas verser un montant supérieur au montant autorisé, à moins qu'elle n'ait une permission spéciale du Conseil Administratif.

## ARTICLE VI

### Section 1:

Ajouter: 10. Comité Poursuivant les Lois pour la Protection des Mineurs.

Ajouter comme Section 9:

Le Comité Poursuivant les Lois pour la Protection des Mineurs veillera sur les changements de loi ainsi que les nouvelles lois, passées dans les divers pays, pour la bienfaisance des enfants. Ce comité sera composé par une directrice générale qui sera désignée par la présidente, ainsi que plusieurs autres personnes que la directrice choisira et toutes les vice-

présidentes qui auront la tâche de poursuivre et rendre compte sur les législations actuelles regardant les mineurs, dans leurs pays respectifs. A chaque Assemblée Générale la directrice donnera un rapport par écrit concernant tous les changements et additions aux législations ayant rapport aux mineurs, dans les divers pays.

## ARTICLE VIII

### Section 4: Le Vote

(b) Changer le second paragraphe (b) de façon suivante:

(b) Les Affiliations devront envoyer à la trésorière, au moins 60 jours avant l'Assemblée Générale, tous les noms et addresses de leurs fonctionnaires et leurs membres actuels. Aucun membre de l'affiliation qui apparaît sur cette dernière liste ne sera acceptée comme déléguée, ou bien permise de voter, à moins qu'elle n'ait avec elle, à la convention, des lettres d'autorisation identifiées, signées par deux fonctionnaires actuels.

Ajouter comme paragraphe (f):

(f) Au cas où un ays a des membres affiliés ou individuels, un membre individuel réclamant le droit de vote de ce pays, quand une affiliation déléguée n'est présente, devra avoir une autorisation signée par l'affiliation, identifiée par deux associées actuelles de l'affiliation, lui donnat la permission de voter pour l'affiliation.



Judge Leila Andrews & Mr. Andrews

**EMMIENDAS**  
**CONSTITUCION**

**ARTICULO VI**

*Sección 2:*

Suprimir "La presidenta titular desde Noviembre des 1964, puede ser elegida por otro término." No es necesario por mas tiempo.

Adicionar: El cargo de presidenta será ocupado por rotación entre las regiones y dentro de las regiones por rotación entre los distintos países de cada región. Ningún país que haya tenido el honor de ocupar la presidencia y de haber tenido una convención general alguna vez, podrá tener otra vez ese honor, a menos que no haya algún miembro en otro país de esa región que esté calificado, dispuesto y deseoso de hacerse cargo de la presidencia. Cuando no haya una persona calificada en algún país en la región, dispuesta y deseosa de ocupar la presidencia, esta pasará a la región mas próxima que le correspondiera después. Ninguna región que ofrezca una presidenta calificada podrá ser postergada para darle preferencia por cualquier motivo a algún otro miembro.

*Sección 3:*

Adicionar: La presidenta saliente, si lo deseara, podrá nombrar una editora especial para "La Abogada Internacional" que es un informe de su convención.

**ESTATUTOS**

**ARTICULO V:**

*Sección 7:*

La tesorera ingresará todas las cuotas de miembros vitalicios cobradas en una cuenta separada, o en cuentas tituladas cuentas de miembros vitalicios, en bancos de ahorros que paguen el máximo interés entonces en vigor. Solamente al interés de esas cuentas podrá ser usado para gastos corrientes y solamente si fuera necesario.

*Section 9:*

Embezando con (a) cambiar el resto de toda la sección para que se lea como sigue:

(a) La Junta Editorial controlará y supervisará la compilación y envío por correo a todos los miembros de Fida, a las bibliotecas y demás en nuestras listas de correo, "La Abogada Newsletter" que se publicará cuatro veces al año, trimestralmente. Estas publicaciones contendrán noticias acerca de las actividades de la Federación y sus miembros y artículos de especial interés escritos por las asociadas, así como otros asuntos que sean pertinentes y beneficiosos para la Federación.

(b) La presidenta saliente tendrá el derestro y el privilegio de escoger una editora especial para compilar, editar, publicar y distribuir "La Abogada Internacional" (tri-lingue, de ser posible) que será publicada cada dos años tan pronto como sea posible después de la Convención General. Será una información completa de la convención y del trabajo de la Federación durante las dos años anteriores a la misma y deberá contener, entre otras materias, las resoluciones adoptadas en la convención, las decisiones tomadas y las acciones realizadas por el consejo ejecutivo en la convención y durante los dos años anteriores a la misma.

(c) El párrafo señalada ahora como (b) será el (c).

Adicionar como párrafo (d):

(d) Los presupuestos que se propongan para el costo de las publicaciones y de su envío por correo serán sometidos al Consejo Ejecutivo para su aprobación tan pronto como sea practicable después de la Convención General. El monto del presupuesto autorizado no será pagadero a ningún editor, sino que el tesorero pagará solamente por el material efectivamente entregados y por los servicios realmente prestados, directamente a aquellos que nos entregan el material y nos prestan los servicios a la presentación de las correspondientes cuentas a tal efecto. Por ningún motivo puede el tesorero pagar más que la cantidad total autorizada sin permiso especial del Consejo Ejecutivo.



## ARTICULO VI:

### Sección 1:

Adicionar: 10. Comité para insistir sobre las Leyes de Protección a Menores.

### Adicionar como sección 9:

El Comité para insistir sobre las Leyes de Protección a Menores estará atento a los cambios en las leyes y a las nuevas leyes aprobadas en los distintos países para el beneficio de los menores. Se compondrá de una presidenta que será nombrada por la Presidenta de la Federación, de las personas adicionales que su presidenta pueda seleccionar y de las vice-presidentas de todos los países la obligación de las cuales será estar atentas e informar sobre la presente legislación acerca de los menores en sus respectivos países. En cada convención la presidenta del comité dará un informe escrito de los cambios y adiciones que se hayan hecho en los distintos países en la legislación que afecte a los menores.

## ARTICULO VIII:

### Sección 4: Votacion.

(b) Cambiar el segundo párrafo de (b) para que se lea como sigue:

(b) Las afiliadas enviarán al tesorero listas actualizadas de sus funcionarios y miembros en activo tantas veces como sea necesario y, al menos, 60 días antes de una convención general. Ningún miembro de una afiliada que no aparezca en la lista enviada puede ser aceptado como delegado o permitido a emitir un voto para, o con esa afiliada, a menos que traiga a la convención credenciales debidamente autorizadas que la autoricen a ello firmadas por dos funcionarias de la afiliada.

### Adicionar como (f):

(f) En el caso de que un miembro individual de un país que tenga una afiliación y miembros individuales, reclame en derecho a ejercitar todos los derechos de votación de ese país cuando una delegada del mismo no esté presente, debe tener una autorización firmada de la afiliada, debidamente autenticada por dos funcionarios en activo de la misma, autorizándola a votar por la afiliada.



## WORKSHOP I—EMPLOYMENT OF MINORS

Chairperson Dr. Titania J. T. Chien  
Co-Chairperson Margaret Thorslund  
Secretary Sigma Huda

### WHEREAS

Workshop 1, Employment of Minors, under the able chairperson, Dr. Titania J.T. Chien, together with the cooperation of the resource persons, HAVING RECEIVED the pertinent provisions of the Declaration of the Rights of the Child and those of the International Labor Organization on the subject matter; and

HAVING RECEIVED 21 comprehensive papers from participating FIDA delegates on the present laws and conditions of their countries; and

HEARING of the excellent activities which members of this workshop have delivered directly to those in need in the problem areas; and

RECOGNIZING that there are current laws within sovereign states aimed at the problems but not currently enforced in all instances; and

DEPLORING the practice of child marriages which actually create bondage of the female in this situation; and

NOTING that the discrimination of the female minor at work presents additional hardship compared to that of the male minor; and

HAVING DISCUSSED the problems of subsistence of the total family, housing, adult education, vocational training, transistor delivery systems of education, minimum wage, violations stemming from the use of minors in pornography, and special problems of migrant and abandoned children; and

HAVING REVIEWED the role of trade unions and the responsibilities of sovereign states and their relative social agencies; and

NOTING that in some parts of the world even small children are obliged to serve as economic resources and not regarded as individuals whose childhood should be devoted to preparing the child for the future; and

PERCEIVING that the ultimate aim be the elimination of child labor through progressive economic and social change; and

BELIEVING in the talents, professionalism and energies of our FIDA members to take a leading role in creating positive changes within their sovereign states and at the international level,

### BE IT RESOLVED:

1) that FIDA endorse the development of the Conventions on the Rights of the Child stemming from the Declaration of the Rights of the Child, and work toward ratification by all sovereign states in order to give the force of law to the aims of the Declaration and in particular to Articles 6 and 9 of the Declaration;

2) that the provisions of the International Labor Organization Minimum Age Convention, 1973 (No. 138), should be implemented by the respective governments and where they have not already done so, they shall ratify the Convention as early as possible and insure effective implementation of all national laws;

3) that governments must recognize that children of all ages, including those under 12, serve as breadwinners, and therefore should take all necessary social and legislative action towards the elimination of child labour and, during the interim, regulate it by implementing special standards for children in all categories of work, taking into account periodic medical examinations, night work, underground work, working hours, making allowance for hours spent on formal or vocational training, weekly rest, paid annual leave, certain types of dangerous and hazardous work, and work detrimental to their moral welfare;

4) that every effort be made to introduce relevant educational courses including the vocationalization of school education, appropriate to the conditions prevailing in each country, and to increase measures towards achieving total literacy;

5) that every effort be made to establish effective compulsory education, to implement it according to the economy of the country;

6) that flexible programs be launched for the training of apprentices and that fair remuneration be paid during apprenticeship, and for the absorption of children into those programs, particularly those under the stipulated minimum age who are deprived of formal education for reasons of poverty or lack of facilities;

7) that minors over the age of 15 be paid their wages directly;

8) that a minor up to the age of 15 have, if possible, some wages set aside for his or her own future even though an adult of the immediate family has control of the minor's earnings for subsistence of the immediate family;

9) that compulsory registration of the births of all children within each sovereign state takes place to ensure protection of each child until majority;

10) that work permits be issued to minors prior to employment;

11) that Trade Unions be urged to take minor workers into account and use their power to eradicate exploitation of minors and that minors should be able to become full members of trade unions;

12) that governments should launch a national campaign involving non-governmental organizations, voluntary bodies, youth organizations, etc., aimed at creating awareness among the general public of the adverse effects of child labour on the development of the child;

13) that UNESCO be asked to assist in developing and implementing suitable educational programmes,

14) that the International Labor Organization in conjunction with UNESCO increase their assistance in respect of vocational training programs;

15) that World Health Organization be asked to undertake and sponsor research on the effects on children of various kinds and conditions of work;

16) that we call upon the nations of the world to extend the work begun during the International Year of the Child into a Decade of the Child, 1980-89.

## WORKSHOP 2—CHILDREN IN TROUBLE UNDER THE LAW

Culled from the papers read by representatives from Australia, Philippines, U.S.A., Venezuela, Egypt, Belgium, Nigeria.  
Chairperson Marjorie Childs; Secretary Regina Benitez

### I. Improvement of Residential and Placement Facilities.

RESOLVED, that all residential and placement facilities for minors removed from their homes under Court order shall be improved, with special attention being directed toward the individual needs of each minor, with the ultimate aim of assisting in the minor's early reintegration into the community.

### 2. Monitoring the Juvenile Justice System.

RESOLVED, that each minor be entitled to have available to him an individual friend (Ombudsman) at all stages of the juvenile justice proceedings, and to receive prompt attention to any and all inquiries or complaints concerning his treatment.

### **3. Sealing of Records and Confidentiality of Records**

RESOLVED, that where a minor has been arrested or charged before any Court and the charges against him or her have been dropped or dismissed, it shall be mandated that all records in the matter shall be expunged by the Court on its own motion.

RESOLVED FURTHER, that where a charge against a minor has been sustained and the records indicate that he or she has satisfactorily completed the Court's order in the case, and that said minor has reached the age of majority, it shall be mandated that all records in the matter shall be sealed by the Court on its own motion.

RESOLVED FURTHER, that the records of a minor remain confidential, and may only be released by Court order on a showing of good cause.

### **4. Due Process of Law.**

RESOLVED, that all minors shall be entitled to due process of law, including the right to free legal representation at all stages of the juvenile court proceedings.

### **5. Juvenile Courts and Judges.**

RESOLVED, that the status of all juvenile courts be upgraded, and that all judges presiding therein receive special training in the handling of youths prior to and subsequent to their appointment.

### **6. Commitment of Minors to Institutions.**

RESOLVED, that no minor shall be committed to an institution or correctional facility unless such confinement is determined by the Court to be absolutely necessary for his protection or for the protection of the public after a full hearing wherein the minor is represented by counsel.

RESOLVED FURTHER, that in the event it becomes necessary to commit said minor to an institution or correctional facility, the Court must be satisfied that the particular placement

is adequate to provide the treatment and care essential to meet his individual needs.

### **7. Periodic Review of the Juvenile Court Laws.**

RESOLVED, that the governing body or bodies of the legal profession be encouraged to review on a regular basis the laws affecting minors to insure that the Juvenile Court continues to perform its function of delivering justice to meet the best interest of the minor and the community. Special attention should be given to improving the expertise of all personnel working in the juvenile justice system.

### **8. Treatment of Mentally or Emotionally Disturbed Minors.**

RESOLVED, that each Juvenile Court have an adequately staffed placement facility for the treatment of minors who are mentally or emotionally disturbed.

RESOLVED FURTHER, that the Court have at its disposal for referral of cases, experts in the field of psychology and psychiatry, and a staff of probation officers and social workers trained to understand the minor and his parents in their home environment.

### **9. Education of Parents in Child-Rearing.**

RESOLVED, that there be available in the community and without cost to the family courses designed to educate parents in the care and upbringing of children and youth.

### **10. Control and Eradication of Prostitution and Drug Abuse.**

RESOLVED, that there be a general policy to create programs to control and eradicate prostitution through the education system, and to educate the public on drug-related problems, particularly as they affect children and youth.

### **11. Special Training for the Mentally Retarded Child.**

RESOLVED, that mentally retarded minors shall receive special training directed towards eliminating physical and economic dependency upon the state and/or their family.

## 12. Regulation of the Mass Media in Relation to Minors.

RESOLVED, that the mass media be regulated by legislation consistent with any constitutional guarantee of freedom of the press regarding the presentation of violence, crime and sex to minors. The following considerations should be incorporated in the proposed legislation:

(a) Laws determining the age for the admission of minors to films.

(b) Laws determining the adult programs which begin at 7:00 p.m. and requiring that advance notice be given to the general public concerning their content.

(c) Laws restraining owners and operators of theatres and movie houses from admitting minors to censored subject matter.

## 13. Educating the Public in Matters Concerning Minors.

RESOLVED, that the public should be educated in regard to matters pertaining to minors, particularly with minors in trouble with

the law; a community effort should be made to assist in the public's understanding of the problems of minors, and to the role played in the delinquency and acting-out behavior of minors by, inter alia, lack of education, unemployment, poverty, poor housing, inadequate professional attention to the needs of minors with mental and emotional disabilities, racial discrimination, and to the problems of alcohol and drugs. Emphasis should be given to the concept of the responsibility (including monetary responsibility) of parents for the anti-social acts of their minors; and necessary assistance by governmental and non-governmental agencies should be extended to parents in this respect.

## 14. Special Provisions for Children Confined with their Mothers in Institutions.

RESOLVED, that where minors are confined in prisons and detention with babies or very young children, separate facilities be provided for nursery and day care with staff and educational and vocational training for mothers to avoid the jail atmosphere.



Church with Miraculous Staircase

### WORKSHOP 3—CHILD ABUSE

**Chairperson—Kayer Loder**  
**Co-Chairperson—Hortense Landau**  
**Secretary—Mary Bell Hammerman**

#### The INTERNATIONAL FEDERATION OF WOMEN LAWYERS

RECOGNIZING that child abuse is a universal problem comprised of both acts of commission and omission by the immediate caretaker of the child and/or by the society in which the child lives resulting in damages to the physical, mental and emotional well-being and development of the child; and

RECOGNIZING further the need for government intervention to insure that the needs of the child are properly met;

EXHORTS its members to urge their respective governments to institute programs to combat and prevent child abuse as follows:

1. Pass legislation giving the child legal status and accompanying rights; adopt a Universal Children's Code encompassing minimally the United Nations Declaration on the Rights of the child; emphasize the child's right to proper medical care, good nutrition, love and affection and proper parenting by the physical, and emotional support of both parents in order to equip the child to be autonomous.

2. Make available mechanism to enforce such legislation providing the child with an ombudsman or impartial organization (public or private) to intervene on the child's behalf in any proceeding whether against the government, individuals or organizations.

3. Provide for a multi-disciplinary approach in any proceeding to protect the child from abuse and violation of its rights by

a. Providing for the special and continuing training in the appropriate disciplines of judicial officers in charge of any judicial proceedings.

b. Establishing a special training program for all persons working in the field of child abuse, including doctors, educators, nurses, police officers, lawyers and making it man-

datory for all judges qualified to deal with child abuse cases to participate in such programs.

c. Making available<sup>3</sup> to all judges the assistance of experts to further proper assessment of and planning for the children concerned.

d. Providing for free access to legal representation by any child involved in any judicial proceeding and taking a non-punitive approach.

e. Recognizing the social nature of child abuse and the need for assisting the family however defined.

4. Make illegal and enforce laws against pornography, prostitution, access to drugs, alcohol, child labor and corporal punishment of children.

5. Extend the protection of such laws and judicial process to the handicapped child, the abandoned child, the child placed under care, and institute programs to keep the well-being of such children under regular and constant supervision.

#### THE INTERNATIONAL FEDERATION OF WOMEN LAWYERS,

DEPLORING the practice of female circumcision with its deleterious often disastrous and sometimes lethal effects

URGES, strongly, that the practice be made universally illegal and that their members in countries where the custom still exists, help institute educational programs to eradicate the practice.



## WORKSHOP 4—CUSTODY

Chairperson Dr. Doris Jonas Freed

Co-chairperson Joan G. Smith

Secretary Maureen F. Tehan

### Resolution 1

RECOGNIZING that in all custody suits the needs of the child are paramount and it is necessary to ensure that any custody arrangements made, whether consensual or otherwise, are in the best interest of the child and also that decision-makers should be fully informed of all relevant facts,

BE IT RESOLVED that members of FIDA urge the appropriate agencies in their respective countries to utilize all available support services and wherever possible social and psychological counsellors in the making of any custody orders and to advocate the establishment of such services where these do not exist.

### Resolution 2

RECOGNIZING that wherever possible the involvement of two caring and responsible parents in the life of a child is the ideal and that both parents are entitled to participate in the decisions affecting the lives of their children,

BE IT RESOLVED that where no dispute exists and where the family unit remains intact both parents be entitled jointly to custody of the child of the marriage;

AND BE IT FURTHER RESOLVED that where disputes arise between the parents the court or decision-maker be empowered to

award legal custody to

a) one parent with visitation rights to the non-custodial parent where possible; or

(b) to both parents with a sharing of legal responsibility and control, the welfare of the child being at all times the paramount consideration.

### Resolution 3

WHEREAS members of FIDA at its 20th Convention held in Santa Fe New Mexico U.S.A. from 14-21 October 1979 expressed concern at the increase of incidents of children being illegally removed from the care and control of the legal custodial party and from the jurisdiction of the court making the custody order

AND RECOGNIZING the need for children to live in a secure and stable environment and the need for governments to protect and enforce this right, the welfare of the child being of paramount importance.

BE IT RESOLVED that FIDA working as a non-governmental organization at the United Nations use its best offices to press vigorously for an international convention for the enforcement of extra-territorial custody orders and for the ratification of the convention by all members of the United Nations.



## WORKSHOP 5—SUPPORT

Chairperson—Elizabeth Burke

Co-Chairperson—Judge Panchita Soublette

Secretary—Eugenia Charles

1. WHEREAS it is the duty and right of both parents to support and educate their children, regardless of the circumstances of birth.

The INTERNATIONAL FEDERATION OF WOMEN LAWYERS  
RESOLVES

(a) That the members of FIDA use every possible means of communication to make parents aware of such responsibility and right;

(b) That the State take all possible steps to ensure that parents have every opportunity to fulfill their duties and exercise their rights;

(c) That every child shall have the right to seek maintenance and education from his or her parents and that adequate measures be adopted to make children aware of such rights;

(d) That governments enact legislation to provide proper procedures by which the child may enforce such rights.

### 2. The INTERNATIONAL FEDERATION OF WOMEN LAWYERS

NOTING that in some countries the State by its almost complete control of the educational system and its monopoly of the means of support for children removes from parents the obligation of support and deprives them of the right to maintain and educate their children, leading to a break in family relations

RESOLVES

(a) that the State should limit its activities to enable parents to perform their duties and exercise their rights;

(b) That concomitantly, the State when necessary, shall adequately supplement parents' means to ensure that the child be properly supported and educated to the full extent of his or her potential;

(c) That parents in fulfillment of this duty and exercise of this right must respect the child's right to an opportunity for the full development of his or her personality.

### 3. The INTERNATIONAL FEDERATION OF WOMEN LAWYERS

CONSIDERING that orders for the maintenance of children become inoperative on the death of the parent; and

OBSERVING that minors are often or may be deprived of maintenance from the estate of the deceased parent by the inadvertent or willful failure of the parent to make appropriate provision therefor,

RESOLVES

(a) That legislation be enacted by governments providing that on the making of a maintenance order, the parent must sign a covenant to continue the maintenance until the child shall have reached the age of at least 18 years, and making the cost of such maintenance a first charge on the estate of the covenanting parent in case of his death;

(b) That on application a percentage of the parent's income be paid into an insurance fund to be utilized, after his death, if necessary, for payment of such maintenance order;

(c) That legislation be enacted to ensure that a will of a parent which does not provide for the maintenance of dependents after death, be considered null and void in so far as such provision has been omitted.

4. WHEREAS the enforcement of support rights across international boundaries becomes increasingly important as people become more mobile; and

WHEREAS international treaties and reciprocal laws provide the procedural means for enforcing such rights,

The INTERNATIONAL FEDERATION OF WOMEN LAWYERS

RESOLVES

That all nations be encouraged to sign and ratify the international treaties on support enforcement, particularly the United Nations Convention on the Recovery Abroad of Maintenance (New York, 1956) and be encouraged to utilize reciprocal legislation to enforce that right.



5. WHEREAS in some countries there is a paucity of laws to ensure adequate support for children; and

WHEREAS in those countries that do have comprehensive laws, they have often proven to be inadequate to guarantee that children receive their proper due;

The INTERNATIONAL FEDERATION OF WOMEN LAWYERS  
RESOLVES

(a) that all countries enact legislation which will ensure to the child such maintenance;

(b) that all such legislation provide proper procedures to enforce child support orders;

(c) that the procedures provide that child support orders have priority over all other enforceable charges or orders except that of a wife or widow; and

(d) that a defaulting parent, after default, be directed to make payments in advance chargeable against his property.

## WORKSHOP 6—INHERITANCE

Chairperson—Aliza Ben-Artzi

Co-Chairperson—Judge Therese Striggner-Scott

Secretary—Jamesina G. L. Jamieson

The INTERNATIONAL FEDERATION OF WOMEN LAWYERS

CONSIDERING the injustices and hardships caused by the existence of plurality and discrimination in tribal and religious customs and laws of succession and intestacy affecting women and children, particularly female children,

RESOLVES

1. That members of FIDA urge the governments of their respective countries which have not already done so, to codify the civil law of succession to protect the rights of women and children to equitable distribution of property regardless of sex, circumstances of birth or marriage or non-marriage of parents.

2. That tribal authorities be urged to rectify injustices and discrimination, if any, existing in

the devolution of tribal and commune property because of sex or circumstances of birth.

3. That FIDA welcomes and appreciates the consideration given by the United Nations Commission on the Status of Women to the situation of adopted children and urges its members to work with their national legislatures and other relevant bodies to ensure that adopted children shall have legal status identical with that of other children particularly as regards rights to education, social security and inheritance.

4. That on the death of a parent, the child's rights should be safeguarded by legislation which empowers the courts to ensure that any arrangements between parents are in the interests of the child and that governments which have no statutory provisions for official guardians or trustees responsible for protecting the property rights of minor children be urged to create such office.

5. The INTERNATIONAL FEDERATION OF WOMEN LAWYERS having been made especially cognizant in this International Year of the Child, that the earliest years of individuals are the formative years in which future attitudes and thinking are established, urges all parents, fathers as well as mothers, all educators, institutions and all persons and agencies concerned with the future of children, to ensure that children are brought up with tolerance and respect for the sex, race, nationality and religious and cultural background of all others.



**GRUPO DE TRABAJO I  
EMPLEO DE MENORES**

**Presidenta—Dr. Titania J.T. Chien  
Co-Presidenta—Margaret Thorslund  
Secretaria—Sigma Huda**

**POR CUANTO:**

El Grupo de Trabajo 1, Empleo de menores, bajo la competente presidencia de la Dra. Titania J. T. Chien, con la cooperación de personas capacitadas, HABIENDO RECIBIDO las pertinentes disposiciones de la Declaración de los Derechos del Niño y otras de la Organización Internacional del Trabajo sobre la materia; y

HABIENDO RECIBIDO 21 informes comprensivos de delegadas participantes de la FIDA sobre las actuales leyes y condiciones de sus países; y

TENIENDO NOTICIAS de excelentes informaciones que miembros de este grupo de trabajo han remitido directamente a aquellos que lo han necesitado en áreas con problemas; y

RECONOCIENDO que hay leyes vigentes en estados soberanos encaminadas a recolver esos problemas, pero que al presente no se aplican en toda su integridad; y

DEPLORANDO la práctica de los matrimonios de menores que realmente le crea una servidumbre a la mujer que lo contrae; y

NOTANDO que la discriminación de la menor mujer en el trabajo presenta una dificultad adicional en comparación con la del menor hombre; y

HABIENDO DISCUTIDO los problemas de subsistencia de toda la familia, de vivienda, de educación de adultos, entrenamiento profesional, transistor delivery systems of education, salario mínimo, violaciones que se derivan del uso de menores en pornografía y problemas especiales de niños emigrantes y abandonados; y

HABIENDO EXAMINADO la participación de los sindicatos y las responsabilidades de los estados soberanos y sus correspondientes agencias sociales; y

NOTANDO que en algunas partes del mundo aún niños pequeños son obligados a servir

como recursos económicos y no se les considera como individuos cuya niñez<sup>23</sup> debe dedicarse a preparar al niño para el futuro; y

PERCIBIENDO que la última finalidad debe de ser la eliminación del trabajo de los menores como consecuencia de progresivos cambios económicos y sociales; y

CONFIANDO en la capacidad, profesionalismo y energía de los miembros de nuestra FIDA para adoptar un papel directivo en la creación de cambios positivos en sus estados soberanos y a un nivel internacional.

**SE RESUELVE:**

1) Que FIDA apoye el desenvolvimiento de la convenciones sobre los Derechos de Niño procedentes de la Declaración de Derechos del Niño, y trabaje por la ratificación por todos los estados soberanos para darle vigencia legal a los objetivos de la Declaración en particular a los artículos 6 y 9 de la Declaración;

2) Que las disposiciones de la convención de la Edad Mínima de 1973 de la Organización Internacional del Trabajo (No. 138) sean establecidos por los respectivos gobiernos y donde no se haya hecho, que ratifiquen esta convención tan pronto como sea posible y aseguren la efectiva aplicación de todas las leyes nacionales;

3) Que los gobiernos deben reconocer que los menores de todas las edades, incluso a aquellos menores de 12 años sirven de sostenedores de la familia y, por tanto, deben tomar todas las medidas sociales y legislativas para la eliminación del trabajo del niño y, mientras tanto regularlo estableciendo niveles especiales para niños en todas las categorías de trabajo, teniendo en consideración exámenes médicos periódicos, trabajo nocturno, trabajo subterráneo; horas de trabajo, haciendo abonos por horas empleadas en entrenamiento convencional o vocacional, descanso semanal, descanso anual retribuido, ciertos tipos de trabajos riesgosos y trabajo perjudicial para su bienestar moral;

4) Que todo esfuerzo debe ser hecho para introducir cursos de una educación apreciable incluyendo escuelas vocacionales apropiadas a la condiciones prevalecientes en cada país y para

incrementar las medidas para alcanzar una completa ilustración;

5) Que debe hacerse todo esfuerzo para crear una educación obligatoria establecida de acuerdo con la economía del país.

6) Que programas flexibles sean puestos en efecto para el entranamiento de aprendices y que una remuneración adecuada sea pagada durante el aprendizaje, y para la atracción de menores a estos programas, particularmente aquellos privados de educación adecuada por razones de pobreza o falta de facilidades.

7) Que a menores de mas de 15 años se les paguen sus jornales directamente;

8) Que a los menores hasta la edad de 15 años, si fuera posible, se les separe para su futuro algo de sus jornales aunque un adulto de su inmediata familia tenga control de sus ganancias para la subsistencia de la familia;

9) Que el registro obligatorio de todos los niños en cada estado soberano se realice para asegurar la protección de cada menor hasta su mayor edad.

10) Que permisos para trabajar se les expidan a los menores antes de emplearlos.

11) Que se solicite de los sindicatos para que tomen en consideración a trabajadores menores y utilicen sus poderes para erradicar la explotación de los menores y que los menores puedan venir a ser miembros de los sindicatos.

12) Que los gobiernos deben promover una campaña nacional incluyendo organizaciones no-gubernamentales, cuerpos de voluntarios, organizaciones juveniles, etc., encaminada a crear conciencia en el público en general sobre los efectos perjudiciales del trabajo del niño en su desarrollo.

13) Que se requiera de la UNESCO que coopere en la creación y desenvolvimiento de programas educacionales adecuados.

14) Que la Organización Internacional del Trabajo conjuntamente con la UNESCO aumenten su ayuda con respecto a programas de entranamiento vocacional.

15) Que se le pida a la Organización Mundial de Salubridad que promueva y patrocine investigaciones sobre los efectos de ciertas clases y condiciones de trabajos en los niños.

16) Que solicitemos de las naciones del mundo que extiendan la labor comenzada durante el Año Internacional del Niño a la Década del Niño, 1980-89.

## **GRUPO DE TRABAJO 2 MINORES CON DIFICULTADES CON LA LEY**

**Han sido seleccionadas de los trabajos leídos por representantes de Australia, Filipinas, Estados Unidos de America, Venezuela, Egipto, Belgica y Nigeria**

**Presidenta—Marjorie Childs  
Secretaria—Regina Benitez**

### **1. Mejoras de Establecimientos Residenciales y de Permanencia**

SE RESUELVE que todo establecimiento residencial y de permanencia para menores extraídos de sus hogares por orden judicial, sean mejorados, con especial cuidado dirigido a las necesidades de cada menor, con la finalidad de ayudar en la mas pronta reintegración, del menor en la comunidad.

### **2. Vigilar el Sistema de Justicia Juvenil.**

SE RESUELVE que todo menor tenga derecho de tener asequible una persona amiga (Ombudeman) en todas las etapas de los procedimientos de justicia juvenil, y a recibir rápida atención con respecto a las investigaciones y quejas concernientes a su tratamiento.

### **3. Sello de los Registros y Confidencialidad de los Registros.**

SE RESUELVE, que cuando un menor ha sido arrestado o acusado ante una Corte y los cargos han sido retirados o sobreseidos, será compulsorio que todos serán suprimidos por propia resolución de la Corte.

SE RESUELVE ADEMAS, que cuando un cargo contra un menor ha sido mantenido y los autos sobre la materia indican que él o ella ha cumplido satisfactoriamente lo ordenado por la Corte en ese caso, y ese menor ha alcanzado la mayoría de edad, será compulsorio que todos los antecedentes de la materia serán sellados por propia resolución de la Corte.

SE RESUELVE ADEMAS, que los antecedentes de un menor permanecerán confidenciales, y solamente podrán ser revelados previa resolución judicial si existe justa causa.

#### **4. Proceso Legal**

SE RESUELVE, que todos los menores tengan derecho a un proceso legal, incluyendo el derecho de representación letrada gratuita en todas las etapas de los procedimientos de la corte juvenil.

#### **5. Cortes Juveniles y Juices.**

SE RESUELVE, que las condiciones de todas las cortes juveniles sean mejoradas y que los jueces que las presidan reciban un entrenamiento especial en el tratamiento de la juventud, antes y después de sus nombramientos.

#### **6. Envío de Menores a Instituciones.**

SE RESUELVE, que ningún menor será enviado a una institución o establecimiento correccional a no ser que su confinamiento sea determinado por la corte como absolutamente necesario para su protección o para la protección del público después de una audiencia en la que el menor tenga representación letrada.

SE RESUELVE ADEMAS que en el caso de que sea necesario enviar ese menor a una institución o establecimiento correccional la corte debe estar convencida de que esa particular permanencia es adecuada para proporcionarle el tratamiento y cuidado esencial que requieren sus necesidades individuales.

#### **7. Revisión Periódica de las Leyes de las Cortes Juveniles.**

SE RESUELVE, que los organismos direc-

tivos de la profesión legal sean excitados a revisar regularmente las leyes que afectan a los menores para asegurar que la Corte Juvenil continúe desarrollando su función de hacer justicia para lograr el mayor beneficio para el menor y para la comunidad. Especial atención debe dispensársele al mejoramiento de la preparación de todo el personal que trabaja en el sistema de la justicia juvenil.

#### **8. Tratamiento de Menores Mental o Emocionalmente Perturbados.**

SE RESUELVE, que cada Corte Juvenil disponga de un establecimiento de permanencia con personal adecuado para el tratamiento de menores mental o emocionalmente perturbados.

SE RESUELVE ADEMAS, que la Corte tenga para el servicio profesional de los casos, expertos en sicología y siquiatría y un cuerpo de oficiales de prueba y de trabajadores sociales entrenados para que entiendan al menor y a sus padres en el ambiente de su hogar.

#### **9. Educación de Padres para Criar Niños.**

SE RESUELVE, que deben haber obtenibles en la comunidad sin costo para la familia destinados a educar a los padres en el cuidado y educación de los niños y jóvenes.

#### **10. Control y Erradicación de la Prostitución y el Uso de Drogas.**

SE RESUELVE, que haya una política general para crear programas para controlar y erradicar la prostitución por un sistema de educación, y educar al público en los problemas relacionados con las drogas, en particular en cuanto ellos afectan a los menores y jóvenes.

#### **11. Especial Entrenamiento para los Menores Mentalmente Retardados.**

SE RESUELVE, que los menores mentalmente retardados habrán de recibir entrenamiento especial dirigido a eliminar su dependencia física y económica del estado y de la familia.

## **12. Regulación de los Medios de Divulgación en Relación con los Menores.**

SE RESUELVE, que los medios de divulgación sean regulados por legislación acorde con las garantías de libertad de prensa constitucionales en cuanto a presentarle violencia, crimen y sexo a los menores. Los siguientes consideraciones deberán incorporarse a la legislación que aquí se propone:

- a) Leyes determinando la edad para la admisión de menores a las películas.
- b) Leyes determinando los programas para adultos que empiecen a las 7.00 p.m. y requiriendo se de aviso anticipado de su contenido al público en general.
- c) Leyes que restrinjan a los dueños y operadores de teatros y cinematógrafos a que admitan a menores a materias censuradas.

## **13. Educación del Público en Materias Concerniente a Menores.**

SE RESUELVE, que el público debe ser educado en cuanto a materias que atañan a menores, particularmente a menores con problemas con la ley; debe hacerse un esfuerzo por la comunidad para ayudar a la comprensión por el público de los problemas de los menores y la parte que tienen en la delincuencia y en el comportamiento impropio de los menores por, entre otras cosas, la falta de educación, el desempleo, la pobreza, la mala vivienda, la inadecuada atención profesional necesaria a los menores con incapacidades mentales y emocionales, la discriminación racial y a los problemas de alcohol y drogas. Debe dársele énfasis al concepto de la responsabilidad (incluyendo la responsabilidad monetaria) de los padres por los actos anti-sociales de sus menores; y ayuda necesaria debe extenderse a los padres en este respecto por las agencias gubernamentales y no-gubernamentales.

## **14. Disposiciones Especiales para Menores Confinados en Instituciones con sus Madres.**

SE RESUELVE que cuando las madres de los menores son confinadas en prisiones y casas de detención con bebés o niños muy pequeños se tengan espacios especiales con lugar para

niños con el personal necesario y entrenamiento educacional y vocacional para las madres a fin de evitar la atmósfera carcelaria.

## **GRUPO DE TRABAJO 3 MALTRATO DEL MENOR**

**Presidenta—Kaye Loder**  
**Co-Presidenta—Hortense Landau**  
**Secretaria—Mary Bell Hammerman**

### **LA FEDERACION INTERNACIONAL DE ABOGADAS**

RECONOCIENDO que el maltrato del menor es un problema universal, comprensivo de actor por comisión y por omisión por el inmediato guardian del menor y por la sociedad en la que el menor vive dañando su bienestar físico, mental y emocional así como su desarrollo; y

RECONOCIENDO además la necesidad de la intervención del gobierno para asegurar que la necesidades del menor sean, debidamente atendidas

EXHORTA a sus miembros urgir a sus respectivos gobiernos para que instituyan programas para combatir e impedir el maltrato del menor, como sigue:

1. APROBAR legislación que de a los menores consideración legal con derechos concurrentes adoptar un código Universal de menores que incluya cuando menos la Declaración de la Naciones Unidas sobre los derechos del niño e enfaticé el derecho de los menores a una adecuada atención médica, buena nutrición, cariño y afecto así como propia atención paternal con el soporte físico y emocional de ambos padres, al objeto de obtener que el menor sea autónomo.

2. Crear mecanismos para hacer cumplir esa legislación proporcionándole al menor un "ombudsman" o una organización imparcial (pública o privada) para que intervenga en beneficio del menor en cualquier procedimiento, ya sea contra el gobierno, individuos u organizaciones.

3. Proveer un acceso multi-disciplinario en todo procedimiento para proteger al menor contra abusos y violaciones de sus derechos.

a. Proporcionando un especial y continuado adiestramiento de disciplinas apropiadas a los funcionarios judiciales que conozcan de los procedimientos judiciales.

b. Estableciendo un programa de adiestramiento especial para todas las personas que trabajen en la materia del maltrato del menor, incluyendo médicos, educadores, enfermeros, policías, abogados y haciendo obligatorio que todos los jueces que intervengan en casos de maltrato del menor participen en esos programas.

c. Haciendo asequible a todos los jueces la asistencia de expertos para una mas propia valoración y planeamiento en interés del menor.

d. Proporcionando libre acceso a representación letrada a cualquier menor complicado en cualquier procedimiento judicial y tomando una via no-punitiva.

e. Reconociendo la naturaleza social del maltrato del menor y la necesidad de asistir a la familiar como quiera que exista.

4. Declarando ilegal y haciendo cumplir las leyes contra la pornografía, la prostitución, el uso de las drogas y el alcohol, el trabajo del niño y el castigo corporal de los menores.

5. Extender la protección de esas leyes y del proceso judicial al menor retrasado mental, al abandonado, al puesto bajo custodia, e instituyendo programas para el bienestar de esos menores bajo regular y constante supervisión.

#### LA FEDERACION INTERNACIONAL DE MUJERES ABOGADAS

DEPLORANDO la práctica de la circuncisión femenina con su deletereos, frecuentemente desastrosos y a veces mortales efectos.

URGE fuertemente que esa práctica sea con-

siderada ilegal universalmente y que sus miembros en países donde la costumbre todavía existe, ayuden a establecer programas educacionales para erradicar esa practica.

#### GRUPO DE TRABAJO 4 CUSTODIA

Presidenta—Dr. Doris Jonas Freed  
Co-Presidenta—Joan G. Smith  
Secretaria—Maureen F. Tehan

#### Resolución 1:

RECONOCIENDO que en toda custodia la satisfacción de las necesidades del niño es esencial y que es necesario asegurar que cualesquiera arreglos sobre custodia que se hagan, ya sea consensualmente o de otra manera, serán en el mejor interés del niño y también que quienes tomen la decisión serán debidamente informados de todos los hechos pertinentes.

SE RESUELVE, que los miembros de FIDA exhorten las agencias correspondientes en sus respectivos países para que utilicen todo servicio obtenible en su apoyo y siempre que sea posible consejeros sociales y sicólogos en la confección de todo orden de custodia y de procurar el establecimiento de tales servicios donde los mismo no existan.

#### Resolución 2

RECONOCIENDO que siempre que sea posible la intervención de los dos padres, que se preocupen y sean responsables, en la vida del niño es lo ideal, así como que ambos padres tienen derecho a participar en las decisiones que afecten las vidas de sus hijos.

SE RESUELVE, que cuando no existan disputas y cuando la unidad de la familia permanezca intacta, ambos padres tienen derecho conjuntamente a la custodia del hijo del matrimonio.

SE RESUELVE ADEMÁS, que cuando surjan disputas entre los padres, la corte o quien tome la decisión tenga la autoridad de otorgarle la custodia legal:

- a) a uno de los padres con derecho de visita al que no recibe la custodia cuando sea posible, o
- b) a ambos padres con una participación de responsabilidad legal y control, pero el bienestar del niño será la consideración máxima.

### Resolución 3

POR CUANTO miembros de FIDA en su 20a Convención celebrada en Santa Fe, nuevo Méjico, Estados Unidos de América, del 14 al 21 de Octubre de 1979, expresaron su preocupación por el aumento de incidentes de niños ilegalmente extraídos del cuidado y control de sus custodios legales y de la jurisdicción de la corte que emitió la orden de custodia.

Y RECONOCIENDO la necesidad que tienen los niños de vivir en un ambiente seguro y estable y lo necesario de que los gobiernos protejan y hagan cumplir sus derechos siendo el bienestar de los niños de máxima importancia,

SE RESUELVE, que FIDA actuando como organización no-gubernamental utilice sus buenos oficios en las Naciones Unidas para presionar vigorosamente por un convenio internacional para el cumplimiento de órdenes de custodia extra-territoriales y para la ratificación del convenio por todos los miembros de las Naciones Unidas.

#### GRUPO DE TRABAJO 5 MANTENIMIENTO

Presidenta—Elizabeth Burke  
Co-Presidenta—Juez Panchita Soubllette  
Secretaria—Eugenia Charles

1. POR CUANTO es el deber y el derecho de ambos padres mantener y educar a sus hijos, cualesquiera que sean las circunstancias de su nacimiento,

#### LA FEDERACIÓN INTERNACIONAL DE ABOGADAS

#### RESUELVE:

(a) Que los miembros de la FIDA utilicen todos los medios de comunicación posibles para hacer concientes a los padres de tales responsabilidad y derecho;

(b) Que el Estado adopte las medidas posibles para asegurar que los padres tengan todas las oportunidades de cumplir sus deberes y ejercitar sus derechos;

(c) Que todo menor tenga el derecho de procurarse mantenimiento y educación de sus padres y que medidas adecuadas sean adoptadas para hacer a los menores concientes de esos derechos;

(d) Que los gobiernos promulguen legislaciones para proporcionar procedimientos adecuados mediante los cuales el menor pueda hacer eficaces esos derechos.

#### 2. LA FEDERACIÓN INTERNACIONAL DE ABOGADAS

CONSIDERANDO que en algunos países el Estado por su control casi absoluto del sistema educacional y de su monopolio de los medios de asistencia para los menores, releva a los padres de la obligación de asistirlos y los priva del derecho de mantener y educar a sus hijos, propiciando un rompimiento en las relaciones familiares

#### RESUELVE:

(a) Que el Estado deberá limitar sus actividades a capacitar a los padres para el cumplimiento de sus deberes y el ejercicio de sus derechos;

(b) Que, concomitantemente, el Estado, cuando fuera necesario, suplementará adecuadamente los medios de los padres para asegurar que el menor sea propiamente mantenido y educado hasta el límite máximo de su capacidad.

(c) Que los padres, en cumplimiento de este deber y ejercicio de este derecho, deben respetar el derecho del menor a cualquier oportunidad que le permita el completo desarrollo de su personalidad.

### 3. LA FEDERACIÓN INTERNACIONAL DE ABOGADAS

CONSIDERANDO que las resoluciones para el mantenimiento de los menores se hacen inoperantes al fallecimiento de los padres; y

OBSERVANDO que los menores frecuentemente son o pueden ser, privados de mantenimiento por las representantes de la herencia del padre fallecido por inadvertencia de los padres o por la voluntaria omisión de hacer disposiciones apropiadas para ello,

RESUELVE:

(a) Que los gobiernos promulguen legislaciones proveyendo que al hacerse una disposición de mantenimiento uno de los padres deba firmar un convenio para continuar el mantenimiento hasta que el menor haya alcanzado una edad, a lo menos, de 18 años, haciendo que el costo de tal mantenimiento sea una carga primordial para la herencia del padre contratante, en el caso de su fallecimiento;

(b) Que a petición un porcentaje de las rentas de los padres sea ingresado en un fondo de seguro para ser utilizado después de su muerte, si fuera necesario, para el pago de esa disposición de mantenimiento;

(c) Que se promulgue legislación para asegurar que el testamento de un padre, que no provee para el mantenimiento de quienes de él dependan después de su muerte, sea considerado nulo y sin valor en tanto que tal disposición sea omitida.

4. POR CUANTO el hacer cumplir los derechos de mantenimiento a través de fronteras internacionales se hace cada día mas importante ya que la gente se hace mas móvil; y

POR CUANTO los tratados internacionales y las leyes recíprocas proveen los medios procesales para hacer cumplir esos derechos.

### LA FEDERACIÓN INTERNACIONAL DE ABOGADAS

RESUELVE:

Que todas las naciones sean estimuladas a firmar y ratificar los tratados internacionales para hacer cumplir el mantenimiento, particularmente la Convención de las Naciones

Unidas sobre Recuperación y Mantenimiento (New York, 1956) y sean estimuladas para que utilicen legislaciones recíprocas para hacer cumplir ese derecho.

5. POR CUANTO en algunos países hay insuficiencia de leyes para asegurar mantenimiento adecuado para los menores; y

POR CUANTO en esos países que tienen leyes comprensivas, las mismas han demostrado a veces que son inadecuadas para garantizar que los menores reciban lo que les es debido

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RESUELVE

(a) que todos los países promulguen legislación que asegure al menor ese mantenimiento;

(b) que toda esa legislación contenga procedimiento apropiado para hacer cumplir las disposiciones de mantenimiento de menores;

(c) que los procedimientos dispongan que las disposiciones de mantenimiento de menores tengan prioridad sobre cualquier otra providencia o disposición, excepto aquellas para una esposa o viuda; y

(d) que un padre que incumpla, después del incumplimiento, sea ordenado a hacer pagos por adelantado que puedan cargarse contra sus propiedades.

### GRUPO DE TRABAJO 6—HERENCIA

Presidenta Aliza Ben-Artzi

Co-Presidenta Juez Therese Striggner-Scott

Secretaria—Jamesina G. L. Jamieson

### LA FEDERACIÓN INTERNACIONAL DE ABOGADAS

CONSIDERANDO las injusticias y escaseces, causadas por la existencia de numerosas y discriminatorias costumbres tribales y religiosas y por leyes sucesorias y de herencia intestada que afectan a las mujeres y menores, particularmente a menores femeninas,

RESUELVE:

1. Que los miembros de FIDA urjan a los gobiernos de sus respectivos países, que no lo



ayan hecho, a codificar la ley de sucesión para proteger los derechos de las mujeres y menores para que obtengan una distribución equitativa de las propiedades, sin tener en consideración el sexo, las circunstancias del nacimiento o del estado matrimonial o no matrimonial de los padres.

2. Que las autoridades tribales sean urgidas a rectificar las injusticias y discriminaciones, si las hubiere, existentes en la distribución de la propiedad tribal y común, debido a sexo y a las circunstancias del nacimiento.

3. Que FIDA acepta y aprecia el tratamiento dado por la comisión sobre el Estado de la mujer, de las Naciones Unidas, a la situación de menores adoptados y urge a sus miembros a trabajar con sus legislaturas nacionales y otros organismos pertinentes para asegurar que los menores adoptados tendrán una situación legal idéntica a de los otros menores, particularmente con respecto a los derechos de educación, seguridad social y herencia.

4. Que a la muerte de un padre los derechos del menor serán salvaguardados por la legislación que facultará a los tribunales para asegurar que cualquier arreglo entre los padres será en interés del menor y que los gobiernos que no tienen disposiciones legales para tutores especiales o fiduciarios responsables para proteger los derechos de propiedad del menor, sean urgidos a crear ese cargo.

5. LA FEDERACIÓN INTERNACIONAL DE ABOGADAS habiéndose especialmente persuadido en este Año Internacional del Niño que los primeros años de una persona son sus años formativos, en que sus futuras aptitudes y pensamientos quedan establecidos, urge a todos los padres, padres tanto como madres, a todas las instituciones, a todas las personas y agencias relacionadas con el futuro de los menores, asegurarse que los menores son criados con tolerancia y respeto para el sexo, la raza, la nacionalidad y el bagaje religioso y cultural de los demás.

## SEMINAIRE I—L'EMPLOI DES MINEURS

Directrice—Dr. Titania J. T. Chien

Co-Directrice—Margaret Thorsland

Secrétaire—Sigma Hada

Attendu que la comité, au sujet des enfants employés, sous la capable présidence de Mme Titania J.T. Chien, avec la coopération des spécialistes consultés, ayant reçu les articles pertinents de la Déclaration des droits de l'enfant, et les articles à ce sujet de l'Organisation internationale du travail; et

AYANT REÇU 21 papiers de connaissance étendue des participantes de la FIDA au sujet des lois et des conditions de leurs pays, et

AYANT APPRIS les excellents secours que les membres de cette comité ont portés directement à ceux qui avaient de problèmes dans ces domaines, et

RECONNAISSANT qu'ils existent dans les états souverain de lois orientées vers la correction de ces problèmes, mais que ces lois ne sont pas toujours mises en vigueur, et

DÉPLORANT le coûtume du mariage des enfants, lequel sert à remettre la mineure en servitude, et

OBSERVANT que la discrimination contre la mineure employée lui fait souffrir de privations encore pire que celles du mineur, et

AYANT DISCUTÉ les problèmes des moyens de subsistance de la famille entière, du logement, de l'éducation des adultes, de l'enseignement professionnel, de l'éducation par transistors, du salaire minimum, de l'emploi des mineurs dans la pornographie, et les problèmes particuliers des enfants des travailleurs migrants et des enfants abandonnés, et

AYANT REVU la fonction des syndicats et les responsabilités des états souverains et de leurs services sociaux, et

OBSERVANT que dans certaines parties du monde on considère même le plus petit enfant comme ressource économique et non comme individu dont l'enfance devrait être une préparation à l'avenir; et

CONSTATANT que son but est l'élimination de l'emploi des enfants par moyens de progrès économique et d'évolution sociale, et

SE FIANT des dons, du caractère professionnel, et de l'énergie de nos membres de la FIDA qui se mettent à la tête de ceux qui transforment leurs états souverains et la communauté mondiale;

*SOIT-IL RESOLU:*

1) que la FIDA vienne à l'appui du développement des convenances des Droits de l'enfant issues de la Déclaration des droits de l'enfant, et souscrive à la ratification par tous les états souverains, à fin d'achever l'autorité d'une loi pour la Déclaration, et surtout pour les articles 6 et 9 de la Déclaration,

2) que les articles des actes à propos de l'âge minimum de travailleurs de l'Organisation internationale du travail (1973: no 138) soient mis en vigueur par les gouvernements respectifs. Ceux qui ne l'ont pas encore fait devraient ratifier ces convenances aussitôt que possible, et nous rassurer de la mise en vigueur de toutes les lois du pays,

3) que les gouvernements reconnaissent que les enfants de n'importe quelle âge, même ceux qui n'ont pas encore atteint l'âge de 12 ans, servent à soutenir la famille, donc les gouvernements devraient prendre des mesures sociales et législatives à fin de réaliser l'élimination de l'emploi des mineurs. Entretemps, les gouvernements devraient régler l'emploi des mineurs dans toutes les catégories du travail, se concernant des examens physiques périodiques, du travail pendant la nuit et sous la terre, des heures de travail, des heures réservées à l'enseignement professionnel, du repos tous les huit jours, des vacances, du travail dangereux, et du travail au détriment de leur bien-être moral,

4) que l'on fasse le tout possible pour établir une éducation utile, y compris un enseignement professionnel qui rapporte aux conditions prédominantes de chaque pays, et pour apprendre à la population à lire et à écrire,

5) que l'on fasse le tout possible pour faire adopter une éducation obligatoire et pour accomplir cette formation selon les ressources économiques du pays,

6) que l'on introduise un projet réalisable de l'apprentissage, du réminération de l'apprentissage, et de la sélection des enfants pour l'apprentissage, surtout les enfants qui ne sont pas rémunérés du salaire minimum et qui ont été privés d'une éducation convenable à cause de leur pauvreté ou de la manque d'établissements d'éducation,

7) que les mineurs âgés de plus de 15 ans soient payés directement,

8) qu'une partie de la paie des mineurs jusqu'à l'âge de 15 ans soit mise de côté pour son avenir, même si un adulte de la famille contrôle sa rémunération pour le soutien de la famille,

9) que l'enregistrement des naissances soit obligatoire dans tous les états souverains, à fin de protéger l'enfant jusqu'à sa majorité,

10) qu'une autorisation de travail soit obligatoire avant que l'enfant ne soit employé,

11) que les syndicats se rendent compte de l'emploi des enfants et se servent de leur pouvoir pour effacer l'exploitation des mineurs, et fassent entrer dans leurs organisations les mineurs à titre égal aux adultes,

12) que les gouvernements fassent lancer une campagne nationale, employant les institutions en dehors du gouvernement, les établissements bénévoles, et les organisations pour la jeunesse, dont le but soit d'aviser le grand public des effets détritiaux de travail sur le développement de l'enfant,

13) que l'on demande à l'UNESCO de prêter assistance aux pays dans le développement de l'emploi des projets pertinents,

14) que l'Organisation internationale du travail, de concert avec l'UNESCO, augmentent l'aide dans le domaine de l'enseignement professionnel,

15) que l'on demande à l'Organisation mondiale de la santé de lancer et de subventionner des recherches au sujet des effets sur les enfants des travaux divers et des conditions différentes,

16) que nous fassions appel à toutes les nations du monde de faire continuer les efforts commencé dans l'Année internationale de l'enfant, pendant la décade de l'enfant, 1980-1989.

## SEMINAIRE 2—L'ENFANCE DELINQUANTE

Résolutions recueillies dans les communications des représentantes de l'Australie, des îles Philippines, des »Etats-Unis d'Amérique, du Venezuela, de la Belgique, de l'»Egypte, et de la Nigeria.

Directrice: Marjorie Childs

Secrétaire: Regina Benítez

### 1. Amélioration des résidences

RÉSOLU que l'on améliore les résidences et les demeures temporaires pour les mineurs enlevés de leurs familles par injonction de la cour. Les besoins de chaque mineur retiendront une attention particulière à fin de le faire partie de nouveau à la société aussitôt que possible.

### 2. Surveillance de la procédure judiciaire

RÉSOLU qu'un ami individual (ombudsman) soit disponible à chaque mineur pour la durée de la procédure judiciaire. Au sujet de son traitement, le mineur aura droit à une réponse immédiate à une question ou à une plainte quelconque.

### 3. Nature confidentielle des enrégistrement

RÉSOLU que l'enrégistrement du fait soit effacé par le tribunal de sa propre demande si la plainte contre le mineur est rejetée.

RÉSOLU aussi que le tribunal appose son sceau à l'enrégistrement du procès si le mineur convaincu s'acquitte des obligations qui lui ont été imposées par le tribunal, et si ce mineur a atteint sa majorité.

RÉSOLU aussi que la nature de cet enrégistrement soit confidentielle et que la cour n'en lève pas son sceau sans bonne cause.

### 4. La procédure judiciaire

RÉSOLU que chaque mineur ait droit à la procédure judiciaire, y compris les services gratuits d'un juriste.

### 5. Le tribunal pour enfants

RÉSOLU que le tribunal pour enfants soit placé à un niveau supérieur, et que les juges du tribunal soient formés au traitement des mineurs lors de leurs désignations, et que leurs formations continuent lorsqu'ils sont en fonction.

### 6. La maison de correction

RÉSOLU que le tribunal n'envoie pas le mineur convaincu à la maison de correction qu'à condition qu'il constate que cette action est nécessaire pour la protection soit du mineur soit de la société, et ceci après une audition où le mineur comparaît avec avoué.

RÉSOLU aussi que dans ce cas le tribunal constate que la maison de correction fournira au mineur le traitement et le soin particulier dont il aura besoin.

### 7. Revision des lois

RÉSOLU que la profession judiciaire s'occupe d'une revision périodique des lois concernant les mineurs pour se rassurer que le tribunal pour enfants sert d'une manière juste aux intérêts du mineur et de la société. Elle devrait porter surtout son attention sur le perfectionnement de la compétence des fonctionnaires du tribunal.

### 8. Le traitement du mineur désavantagé

RÉSOLU que chaque tribunal pour enfants ait à sa disposition un établissement, muni d'un personnel suffisant, pour le traitement des mineurs désavantagés par suite d'un dérangement mental ou émotionnel.

RÉSOLU aussi que le tribunal ait également à sa disposition des spécialistes en psychiatrie et psychologie, et un personnel de délégués à la liberté surveillée et d'assistants sociaux formés à la compréhension du mineur et de ses parents dans le milieu de leur famille.

### 9. L'éducation des parents

RÉSOLU qu'il existe dans la communauté une instruction gratuite pour les parents au sujet du soin et de l'éducation des enfants et des adolescents.

### 10. La prostitution et l'usage des narcotiques

RÉSOLU que, comme ligne de conduite générale, des méthodes d'effacer la prostitution par l'éducation du grand public soient établies, et que l'on renseigne le public au sujet de la crise de l'usage des narcotiques, surtout en ce qui concernent les enfants et les adolescents.

### 11. La formation de l'enfant attardé

RÉSOLU que le mineur attardé ait une formation spéciale orientée vers le but de le rendre indépendant aux points de vue physique et économique de sa familles ou de l'état.

### 12. Contrôle de la publicité

RESOLU que les journaux, la radio et la télévision soient réglés conformément à la loi en ce qui concernent l'exposition des faits de nature violente, sexuelle ou criminelle aux mineurs. Une législation devrait comprendre les considérations suivantes:

a) Une loi qui constate l'âge minimum d'un mineur à l'entrée d'un film

b) Une loi qui exige que le publique soit avisé d'avance du sujet des programmes de télévision commençant à partir de 19:00 h.

c) Une loi qui interdit aux propriétaires des cinémas et des théâtres de laisser entrer les mineurs aux séances ou aux représentations passées par la censure.

### 13. L'éducation du publique

RÉSOLU que le publique soit éduqué au sujet des mineurs, surtout les accusés mineurs, et qu'un effort communal soit orienté vers la compréhension de leurs problèmes: parmi d'autres causes, le fondement de la délinquance juvenile dans le manque d'éducation et du travail, la pauvreté, le logement inférieur, une attention insuffisante aux soins des mineurs désavantagés d'un dérangement mental ou émotionnel, la discrimination raciale, et l'usage de l'alcool et des narcotiques. En particulier, les parents devraient être avisés de la responsabilité (y compris la responsabilité monétaire) des actions de leurs enfants, et devraient recevoir une assistance en ceci soit du gouvernement soit d'une institution d'intérêt public.

### 14. Les enfants enfermés avec leurs mères

RÉSOLU que les mères enfermées dans les prisons ou les maisons de correction avec leurs bébés ou leurs tout petits enfants aient à leur disposition une crèche et une garderie pour s'échapper du milieu prisonaire. Elles recevront également une éducation et un enseignement professionnel.

## SEMINAIRE 3—L'ENFANT MALTRAITE

Directrice: Kaye Loder

Co-Directrice: Hortense Landau

Secrétaire: Mary Bell Hammerman

LA FÉDÉRATION Internationale des Femmes Juristes

RECONNAISSANT que le mauvais traitement des enfants est un problème universel qui comprend et la comission des abus, et la négligence des devoirs, soit par le gardien immédiat de l'enfant, soit par la société dans laquelle demeure l'enfant, et reconnaissant que ce traitement endommage le bien-être physique, mental et émotionnel de l'enfant et restreint son développement, et

RECONNAISSANT en plus la nécessité pour l'intervention du gouvernement pour assurer que les besoins de l'enfant soient satisfaits.

EXHORTE à ses membres d'encourager leurs gouvernements respectifs d'établir des procédés pour lutter contre le mauvais traitement des enfants et pour empêcher ces abus, dans les manières suivantes:

1. Faire adopter une législation qui donnera à l'enfant un statut légal et les droits qui l'accompagnent; adopter un Code Universel des enfants qui comprendra au minimum la Déclaration des droits de l'enfant, et qui mettra en relief le droit de l'enfant aux soins médicaux nécessaires, à la bonne nutrition, à l'amour, à l'affection et la tendresse de ces parents, aussi bien que le soutien physique et émotionnel des deux parents, à fin de le rendre indépendant.

2. Faire disponible des façons de mettre en vigueur cette législation, en fournissant à l'enfant un ombudsman, ou bien les services d'une organisation impartiale publique ou privée, qui plaidera en faveur de l'enfant dans une procédure quelconque contre le gouvernement, des portauliers, ou des organisations.

3. Fournir une methode multilatérale dans une procédure quelconque pour protéger l'enfant des abus et des violations de ses droits; accomplir ceci par:

a. Fournissant une formation spéciale et continue dans les domaines convenables

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pour les fonctionnaires judiciaires, et pour ceux qui se chargent des procédures judiciaires.

b. Établissant un stage d'enseignement spécial pour tous ceux qui travaillent dans le domaine du mauvais traitement des enfants, y compris les médecins, les éducateurs, les infirmières, les officiers de la police, et les juristes. Cet enseignement sera obligatoire pour tous les juges qualifiés de se concerter avec les procédures judiciaires dans lesquelles ils s'agissent du mauvais traitement des enfants.

c. Faisant disponible à tous les juges l'assistance des spécialistes, pour faire avancer une disposition convenable du cas et un plan pour l'enfant concerné.

d. Fournissant à l'enfant des services gratuits de comparaison par avoué dans une procédure quelconque, et s'adressant à une disposition non-punitive.

e. Reconnaissant la nature sociale du mauvais traitement de l'enfant et le besoin de prêter assistance à la famille malgré sa définition.

4. Interdire la pornographie, la prostitution, les abus des narcotiques et de l'alcool, le travail des enfants, et la punition corporelle des enfants.

5. Étendre la protection des lois et des procédures judiciaires à l'enfant handicapé, l'enfant abandonné, et l'enfant sous garde; établir des méthodes de veiller sur le bien-être de l'enfant d'une manière régulière et constante.

#### LA FÉDÉRATION INTERNATIONALE DES FEMMES JURISTES

DÉPLORANT la coutume de la circoncision des enfants du sexe féminin, lequel a des effets nuisibles, souvent désastreux, et parfois mortels,

TIENNENT VIVEMENT à ce que cette coutume soit interdite universellement et à ce que les membres de la FIDA des pays où cette coutume existe encore aident à l'établissement d'une éducation qui l'effacera.

#### SEMINAIRE 4—LA GARDE DES ENFANTS

Directrice—Dr. Doras Jonas Freed  
Co-Directrice—Joan G. Smith  
Secrétaire—Maureen F. Tehan

##### Résolution 1.

RECONNAISSANT que dans la procédure judiciaire de la garde des enfants, les besoins de l'enfant sont d'une suprême importance, et qu'il faut assurer que la décision, soit-elle unanime ou non, soit dans les meilleurs intérêts de l'enfant, et qu'il faut également que ceux qui en font la décision soient au courant de tous les faits pertinents,

SOIT-IL RÉSOLU que les membres de la FIDA encouragent les agences convenables de leurs pays respectifs d'utiliser les services disponibles, y compris le conseil des spécialistes en psychologie et des assistants sociaux, en préparant la disposition de la garde de l'enfant, et qu'aux pays où ils n'existent pas de services pareils, qu'ils soient établis.

##### Résolution 2.

RECONNAISSANT qu'au point de vue de l'enfant, la situation préférée est que ses parents se chargent tous les deux de l'élever, et que les parents ont tous les deux le droit de faire partie des décisions à l'égard de l'enfant,

SOIT-IL RÉSOLU qu'aux cas où il n'y a pas de contestation, et où la famille ne se sépare pas, que les parents restent tous les deux responsables de la garde de l'enfant,

ET SOIT-IL RÉSOLU aussi qu'aux cas de contestation entre les parents, la garde de l'enfant passe par action du tribunal ou de ceux qui en font la décision, soit

a) à un seul parent, en gardant les droits de visite à l'autre parent, soit

b) aux deux parents, les deux acceptant la responsabilité de veiller sur l'enfant. La bien-faisance de l'enfant sera en tout cas d'une suprême importance.

*Résolution 3.*

CONSIDÉRANT que les membres de la FIDA participantes à la 20<sup>ième</sup> convention à Santa Fé, Nouveau Mexique, du 14 au 21 octobre 1979, ont exprimé leur souci à l'égard de l'incidence croissante de la prise des enfants du soin et de la garde de leurs gardiens et de la juridiction de la cour,

ET RECONNAISSANT que les enfants ont besoin de vivre dans un milieu stable et ferme, et que les gouvernements devraient leur protéger ce droit, la bienfaisance de l'enfant étant d'une suprême importance,

SOIT-IL RÉSOLU que la FIDA, en capacité d'organisation indépendante, et l'Organisation des Nations Unies, se servant de leurs meilleurs offices, tiennent vivement à la formation d'un accord international au sujet de l'exécution des ordres de la cour à propos de la garde de l'enfant en dehors de la juridiction immédiate de la cour, et à la ratification de cet accord par toutes les nations de l'O.N.U.

**SEMINAIRE 5—SOUTIEN DE L'ENFANT**

**Directrice—Elizabeth Burke**

**Co-Directrice—L'Honorable Panchita Soublotte**

**Secrétaire—Eugenia Charles**

1. CONSIDÉRANT qu'il est le droit et le devoir des deux parents de soutenir et d'éduquer leurs enfants, sans se soucier des circonstances de leurs naissances,

**LA FÉDÉRATION INTERNATIONALE DES FEMMES JURISTES**

**A RÉSOLU**

(a) Que les membres de la FIDA se servent de tous les moyens de communication de rendre compte les parents de cette responsabilité et de ce droit;

(b) Que l'état prenne toutes les mesures possibles d'assurer que les parents sont capables de faire leurs devoirs et d'exercer leurs droits;

(c) Que chaque enfant ait le droit d'attendre le soutien et l'éducation de ses parents, et que

les mesures suffisantes soient adoptées pour rendre compte les enfants de leurs droits;

(d) Que les gouvernements promulguent une législation qui fournira des procédés convenables par lesquels l'enfant peut faire valoir ses droits.

**2. LA FÉDÉRATION INTERNATIONALE DES FEMMES JURISTES**

OBSERVANT que dans quelques pays l'état, par son contrôle entier du système d'éducation et son monopole des moyens de soutien des enfants, enlèvent des parents l'obligation du soutien, et les prive du droit de soutenir et d'éduquer leurs enfants, et que ceci mène à une dissolution des relations familiales

**A RÉSOLU**

(a) Que l'état limite ses activités à fin de rendre capables les parents de remplir leurs devoirs et de faire valoir leurs droits;

(b) Que l'état à la fois, quand il le faudra, augmente les ressources des parents pour assurer que l'enfant est soutenu d'une manière convenable, et qu'il reçoit une formation de tout son potentiel;

(c) Que les parents, en s'acquittant du devoir et en faisant valoir leurs droits, reconnaissent le droit de l'enfant à un développement total de sa personnalité.

**3. LA FÉDÉRATION INTERNATIONALE DES FEMMES JURISTES**

CONSIDÉRANT que les ordres pour le soutien de l'enfant sont inopérants au moment de la mort du parent; et

OBSERVANT que les mineurs sont souvent privés du soutien que leur pourraient fournir les biens du parent décédé puisque les dispositions nécessaires pour ceci n'ont pas été prises, soit ce manque commis par inadvertance ou avec intention,

**A RÉSOLU**

(a) Que les gouvernements adoptent une législation qui exige qu'en faisant des ordres du soutien le parent soit obligé de signer un contrat dans lequel il promettra de continuer de soutenir l'enfant jusqu'à l'âge de 18 ans minimum, et d'accepter que le soutien de cet enfant est le premier privilège à ses biens au cas de son décès;

Directrice: Aliza Ben-Artzi

Co-Directrice: L'Honorable Thérèse Striggner-Scott

Secrétaire: Jamesina G. L. Jamieson

LA FÉDÉRATION INTERNATIONALE  
DES FEMMES JURISTES

CONSIDÉRANT les injustices et les privations causées par l'existence de la pluralité et de la discrimination dans les coutûmes religieux et tribaux du droit successif et du fait de mourir intestat, en ce qu'ils se concernent des femmes et des enfants, surtout les enfants du sexe féminin,

## A RÉSOLU

1. Que les membres de la FIDA encouragent les gouvernements de leurs pays respectifs qui ne l'ont déjà fait de codifier une loi civile de la succession pour protéger le droit des femmes et des enfants à une distribution équitable des biens, sans regarder au sexe, aux circonstances de naissance, ou du mariage ou non-mariage des parents,

2. Que les autorités tribaux soient encouragées de rectifier les injustices et la discrimination, s'ils existent, dans la dévolution des biens communaux ou tribaux, à l'égard du sexe ou des circonstances de naissance,

3. Que la FIDA accueille et apprécie la considération faite par la Commission sur le statut des femmes de l'Organisation des Nations Unies à la situation des enfants adoptés, et que la FIDA encourage ses membres de coopérer avec leurs législatures nationales et avec les autres organisations pertinentes pour assurer que les enfants adoptés ont un statut légal égal à celui des autres enfants, en particulier en ce qui concerne le droit à l'éducation, à la sécurité sociale, et à la succession.

4. Qu'au cas de la mort d'un parent, les droits de l'enfant soient protégés par une législation qui rend le tribunal capable d'assurer que les dispositions arrangées par les deux parents sont dans les intérêts de l'enfant. Les gouvernements qui n'ont pas de statuts qui pourvoient à la garde officielle de l'enfant devraient être encouragés de protéger les droits

(b) Qu'une partie du revenu du parent soit donné sur demande à une caisse d'assurances qui servira, s'il sera nécessaire après sa mort à payer les frais des ordres du soutien;

(c) Qu'une législation soit adoptée pour assurer que les dernières volontés d'un parent sont nulles et de nul effet si le parent n'a pas pourvu aux ordres pareils.

4. CONSIDÉRANT que la mise en vigueur des droits du soutien à travers les frontières internationales devient de plus en plus importante au fur et à mesure que les gens deviennent plus mobiles; et

CONSIDÉRANT que les convenances internationales et les lois réciproques fournissent les procédés pour les mettre en vigueur,

LA FÉDÉRATION INTERNATIONALE  
DES FEMMES JURISTES

## A RÉSOLU

Que l'on encourage toutes les nations de signer et de ratifier les convenances internationales au sujet de la mise en vigueur des ordres de soutien, en particulier la Convention des Nations Unies sur la revendication et le soutien (New York, 1956), et d'utiliser la législation réciproque pour mettre ce droit en vigueur.

5. CONSIDÉRANT que dans quelques pays il y a un manque de lois qui assurent un soutien efficace des enfants; et

CONSIDÉRANT qu'au pays où il existe une législation étendue à ce sujet, elle se montre souvent insuffisante pour garantir que les enfants reçoivent tout ce qui leur est dû;

LA FÉDÉRATION INTERNATIONALE  
DES FEMMES JURISTES

## A RÉSOLU

(1) que tous les pays adoptent une législation qui garantira le soutien de l'enfant;

(2) que cette législation fournisse des procédés pour mettre en vigueur les ordres du soutien;

(3) que ces procédés stipulent que les ordres du soutien auront priorité sur tous les autres ordres et frais, à part ceux de la femme ou la veuve; et

(4) qu'après un défaut le parent qui fait le défaut soit obligé de faire ses paiements d'avance, et de les faire à la charge de ses biens.

de mineurs aux biens de leurs parents en établissant des dispositions convenables

5. LA FÉDÉRATION INTERNATIONALE DES FEMMES JURISTES, ÉTANT dans cette Année internationale de l'enfant particulièrement bien instruit du fait que les premières années d'une personne sont les années formatives dans lesquelles les opinions et les manières futures de penser sont établies,

encouragent tous les parents, mères et pères également, tous les éducateurs et les institutions, tous les fonctionnaires et les organisations qui se concernent avec l'avenir des enfants d'assurer que les enfants sont élevés dans un milieu de tolérance et de respect pour le sexe, la race, la nationalité, et la formation religieuse et culturelle des autres.





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# *Women Lawyers Division*

*National Bar Association, Inc.  
1225 11th Street N.W.  
Washington, D.C. 20001-4217  
(202) 842-3900*

## PURPOSE

### The Women Lawyers Division

*is dedicated to addressing the concerns of black women in the legal profession, law schools, and community.*

- It provides a forum where attention can be focused on issues of special importance to women.
- It works to enhance and promote the professional growth and development of minority attorneys.
- It recognizes and honors the efforts and achievements of minority attorneys.
- It encourages and supports active participation by women lawyers in the NBA.
- It encourages participation in community service.
- It fosters interactions between minority and other Bar Associations.
- It promotes admission to practice at all levels of the judicial system.
- It encourages and supports affiliate pursuit of Women Lawyers Division objectives.

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### The Women Lawyers Division

- Sponsors an annual scholarship for a deserving woman law school student.

- Sponsors seminars and activities related to professional growth and development.

- Honors and presents awards to distinguished members of the legal profession.

- Sponsors National Bar Association Group admissions before the U.S. Supreme Court.

- Sponsors an annual awards breakfast and retreat at each National Bar Association annual convention.

- Networks with Women National Bar Association annual convention.

- Speaks out on issues of special importance to women lawyers.

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**devoted to  
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women lawyers**



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ANY ATTORNEY WHO IS A MEMBER IN GOOD STANDING OF THE BAR OF ANY STATE; MALE MEMBERS ARE WELCOMED

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