



Southwest Women's Law Center

NEWS

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Jane Wishner Recognized as One of "20 Women Who Make a Difference" in New Mexico

Sage Magazine, the Albuquerque Journal's monthly magazine for women, named Jane Wishner, Executive Director and Founder of the Southwest Women's Law Center, one of Sage's "20 Women Who Make a Difference," an award created to celebrate the magazine's own 20th anniversary.

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SWLC Participates in Historic Meeting at the White House

In late September, the Southwest Women's Law Center was one of 20 organizations that participated in a meeting at the White House to discuss the impact of federal immigration policy on immigrant women and their families. Jane Wishner represented the SWLC at this historic meeting, organized by the National Coalition for Immigrant Women's Rights (NCIWR). SWLC joined NCIWR in the spring of 2008 and is one of 40 local and national advocacy organizations working to promote equality for all immigrant women and their families living and working in the United States. The meeting was convened by the National Asian Pacific American Women's Forum and the National Latina Institute for Reproductive Health, co-chairs of the National Immigrant Women's Rights Coalition.

Participants at the meeting spoke on a wide range of immigration issues through a gender lens, including legalization, family immigration and detention policies. Ms. Wishner joined several other organizations in addressing public benefits issues and violence against immigrant women.

The meeting was led by Tina Tchen, Executive Director of the White House Council on Women and Girls. Ms. Tchen was joined by Dr. Kavita Patel, Policy Director of the White House Office of Public Engagement, and other advisors from the Office of Public Engagement and the Department of Homeland Security. "Everyone recognized that this was the first meeting of its kind," explained Jane Wishner, Executive Director of the SWLC. "Immigrant women currently comprise the majority of immigrants in the United States and play a central role in the family's gradual upward mobility in this country. The White House recognized through this meeting that women face unique challenges as immigrants and, as is true for non-immigrant families, play critical roles in sustaining their families and communities. White House officials committed to having ongoing dialogue with our coalition on these important policy issues."

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SWLC Mission

Create opportunities for women to realize their full economic & personal potential by:

- Eliminating gender bias, discrimination and harassment
- Lifting women and their families out of poverty
- Ensuring that all women have full control over their reproductive lives through access to comprehensive reproductive health services and information

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Letter from the President



It is an honor to serve as president of the Board of Directors of the Southwest Women's Law Center. I would like to personally express my appreciation to Cristy Carbón-Gaul who preceded me as president. She was remarkable in her commitment to the Center, and under her leadership, the Center thrived. I will work with the other energetic and committed members of the Board to ensure the continued success of the Center.

I will have the privilege to teach a class next spring semester on "Women in the Law" and as I prepare for the class, my appreciation for the Center grows. It serves a profound need in the state of New Mexico, indeed, in the Southwest region. Jane Wishner was truly a visionary when she founded the Center almost five years ago! As SAGE Magazine recently recognized, she is making a difference.

Addressing the pay gap, combating sexual harassment, furthering domestic violence policy issues, pursuing educational and athletic equity, fighting for reproductive and health issues--the ambitious agenda of the Southwest Women's Law Center will improve the lives of all New Mexicans. Women and girls and men and boys will someday all have the opportunity to reach their economic and personal potential. The Southwest Women's Law Center will contribute to the pursuit of that dream. I want to thank you for your past support of the Center and encourage you to donate your time and treasure to the work of the Center in the coming years. Please feel free to contact me or Jane if you would like to help.

All the best,
Antoinette Sedillo Lopez
Board President
Southwest Women's Law Center

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Southwest Women's Law Center Sponsors Reproductive Health Meetings in New Mexico

Healthcare Refusals by Providers Interfere with Patients' Rights to Healthcare

The Southwest Women's Law Center has continued to provide leadership in New Mexico on the issue of healthcare refusals, a growing trend throughout the country where medical providers refuse to provide health services or information based on their own personal beliefs. The Center has held follow-up meetings with state officials and officials of St. Vincent Hospital in Santa Fe to ensure patients' access to care following the hospital's merger with CHRISTUS Health in 2008 and its adoption of the Ethical and Religious Directives for Catholic Health Services. With funding from the Santa Fe Community Foundation's Lesbian and Gay Funding Partnership and a travel/learning grant from the Ford Foundation, the Center invited leading experts to a conference in Santa Fe in June 2009 to discuss the impact of healthcare refusals on reproductive health, end-of-life care and health services for lesbian, gay, bisexual and transgender patients. The Center continues to monitor federal policies addressing so-called "provider conscience" provisions, including proposals in the current health insurance reform debate in Congress that would allow providers to refuse to provide healthcare services that violate their own personal beliefs.

Southwest Women's Law Center Partners with New Reproductive Justice Coalition in New Mexico

The Southwest Women's Law Center, through the leadership of its former Outreach and Communications Coordinator, Jessica Aranda, co-sponsored a Reproductive Justice and Health Convening in September with Women Building Community, a collaborative of women of color organizations in New Mexico funded through the New Mexico Community Foundation. Women Building Community is part of an emerging national movement initiated and led by community-based women of color organizations that promote Reproductive Justice, a holistic approach to the numerous factors that impact women's reproductive health, including environmental and economic factors. Reproductive Justice also addresses healthcare disparities, racism and marginalization of women of color. The Center has been exploring ways to link this significant community-based movement to more traditional reproductive rights and health organizations. The September Convening provided the first such opportunity. The Convening focused on immigrant and Latina reproductive health and the release of results from focus groups and telephone surveys on immigrant and U.S.-born Latinas' attitudes and beliefs on the subject. Fifty representatives from 26 organizations from across New Mexico participated in the Convening. After the presentations, the participants generated a shared list of policy recommendations on improving reproductive health services for immigrant and U.S.-born Latinas.

New Mexico Medicaid Program Covers Emergency Contraception

After nearly two years of advocacy by the Southwest Women's Law Center, the New Mexico Medicaid Program announced in July that it would cover emergency contraception (Plan B) without a prescription for adult women. This is an important victory for low-income women in New Mexico. Two years ago, the Food and Drug Administration announced that Plan B could be distributed "over-the-counter" to adult women. But this new policy tended to benefit wealthier women who could afford the \$40-50/dose price at the pharmacy. New Mexico's Medicaid Program still required a prescription for this form of back-up birth control that is most effective if taken within three days of unprotected sex. The new policy eliminates this unnecessary barrier and enables women, who need emergency contraception and who are covered by the Medicaid Program, to go to their local pharmacy and obtain Plan B without a prescription.

Work on this project was made possible by a major grant from the Compton Foundation, the first national funder to support the Southwest Women's Law Center, and later by the National Institute for Reproductive Health, which enabled the SWLC to continue to monitor and follow up on this important policy with state officials.

Jane Wishner Recognized as One of “20 Women Who Make a Difference” in New Mexico

Sage Magazine, the Albuquerque Journal’s monthly magazine for women, named Jane Wishner, Executive Director and Founder of the Southwest Women’s Law Center, one of Sage’s 20 Women Who Make a Difference, an award created to celebrate the magazine’s own 20th anniversary. The award focused on 10 different professional fields. Jane was selected along with Justice Petra Maes, the first Hispanic woman to serve on the New Mexico Supreme Court and currently the only woman on that court, for her work in the law. “When we launched this list, we knew many New Mexico women had moved into highly visible and influential roles on the state’s most pressing problems,” SAGE editor Carolyn Flynn said. “I’m inspired by not just their achievements, but the generous spirit and positive outlook they bring to their work.”

Other recipients of the *Sage Magazine* Award are:

State Sen. Cynthia Nava, D-Las Cruces, superintendent of the Gadsden Independent; *Karen Sanchez-Griego*, Atrisco Heritage Academy School principal; *LaDonna Hopkins*, vice president and chief development officer at the United Way; *Patricia Serna*, co-founder and executive director of North Central Community Based Services; *Supreme Court Justice Petra Maes*; *Lt. Gov. Diane Denish*; *Rachel O’Connor*, the state DWI czar; *Linda Davis*, a fourth-generation cattle rancher; *Tracy Hephner*, co-owner of Wagon Mound Ranch; *Bette Korber*, an immunologist at Los Alamos National Laboratory; *Margaret Werner-Washburne*, a UNM biological sciences professor; *Joan Woodward*, executive vice president for integrated technology systems at Sandia National Laboratories; *Susie Marbury*, an architect who founded Sustainability Week and the GreenBuilt Tour; *Dr. Cheryl Willman*, director and chief executive officer of the state-of-the-art UNM Cancer Center; *Dr. Arti Prasad*, director and founder of the UNM Center for Life; *Nancy Youngblood*, an award-winning third-generation Santa Clara potter; *Valerie Martinez*, poet laureate of Santa Fe and executive director of Littlelobe; *Kathleen Avila*, philanthropist and businesswoman; *Barbara Stoller*, director of New Mexico Small Business Innovative Research.



“I am deeply honored to be selected by Sage Magazine to be one of their “20 Women who Make a Difference” and to be included in a group of such extraordinary, accomplished women. I received this award because I left the private practice of law to start the Southwest Women’s Law Center. Thus, the award also belongs to the Center and to everyone who has worked to help create and grow the Center: board, staff, volunteers, and hundreds of supporters who believe that we can create the systemic changes to improve women’s lives in New Mexico. I share the award with everyone who believes that something is terribly wrong when 1 in 3 women in New Mexico will suffer abuse at some time in her life, when the poverty rate for women in New Mexico is nearly 30 percent higher than the poverty rate for men and when Native American women earn only 55 cents, and Hispanic women earn only 53 cents for every dollar earned by white men in our state. The award deepens my own commitment and resolve to ensure that the Southwest Women’s Law Center grows and continues to increase opportunities for women and girls throughout New Mexico.”

- Jane Wishner

Top: Jane Wishner with Lieutenant Governor Diane Denish, another recipient of the Sage Magazine Award

Bottom: Southwest Women’s Law Center supporters and board members attend the award luncheon. From left to right: Ellen Goldstein, Leslie Adler, Anita Miller, Linda Malott, Jane Wishner, Award recipient Justice Petra Maes, Shannon Bacon, Bonnie Cundiff and Cristy Carbón-Gaul

IN THE COURTS



The Southwest Women's Law Center has joined an increasing number of amicus, or "friend of the court" briefs, in cases throughout the country that raise important women's rights issues.

Sexual Assault Victim Accused of Theft Committed by her Assailant

Reedy v. Evanson, No. 09-2210 (Appeal to the United States Court of Appeals for the Third Circuit)

Sara Reedy, a nineteen-year-old convenience store clerk, was sexually assaulted at gunpoint by a serial sex offender who also stole money from the cash register. She reported the crime and, despite the similarity of her assault to an almost identical unsolved crime, the detective charged Ms. Reedy with false reporting and the theft. The charges were dropped when the assailant admitted to sexually assaulting her and committing the theft she was charged with. Ms. Reedy brought a lawsuit claiming that her civil rights were violated. The trial court ruled against Ms. Reedy, saying that the detective had probable cause to believe she had committed the crimes. The Southwest Women's Law Center joined numerous organizations in a brief written by colleagues at the Women's Law Project in Pennsylvania, describing how the detective had improperly and erroneously relied on myths about sexual assault victims to support his arrest affidavit.

Numerous Victories in Cases Joined by the Southwest Women's Law Center

Victory in a Gender Stereotyping Case: *Prowel v. Wise Business Forms, Inc.*, 579 F.3d 285 (3d Cir. 2009)

An employee faced constant ridicule and insults at work because he was considered to be effeminate and did not conform to masculine norms of behavior. In 2008, the Southwest Women's Law Center joined an amicus brief in support of the employee prepared by our colleagues at the Women's Law Project, another regional women's law center, and Legal Momentum, a national women's rights organization. On August 28, 2009, the U.S. Court of Appeals for the Third Circuit ruled for the employee, stating clearly that a plaintiff can bring a claim of gender stereotyping sex discrimination under Title VII even if there is also evidence of sexual orientation discrimination.

Woman Shackled During Labor: *Nelson v. Correctional Medical Services*, 2009 U.S. App. LEXIS 21730 (8th Cir. Oct. 2, 2009) (en banc). Shawanna Nelson was imprisoned for credit card fraud and writing checks with insufficient funds when she was six months pregnant. When she went into labor, she was handcuffed placed into leg restraints and taken to the hospital. There, she was shackled to the bed during most of her labor. Ms. Nelson sued for civil rights violations. The federal appeals court held that there was no constitutional violation. SWLC joined numerous organizations in a brief asking the full Eighth Circuit Court of Appeals to hear the case and reverse the decision. The full Court agreed to reconsider the case and in October 2009 reversed and held that the shackling inflicted cruel and unusual punishment on Ms. Nelson, in violation of the 8th Amendment of the United States Constitution.

Victory for Patients Seeking Access to Lawfully Prescribed Contraceptives: *Stormans, Inc. v. Selecky*, Civil Action No. CV-05374-RBL (October 2008).

Our colleagues at Legal Voice (formerly known as the Northwest Women's Law Center) and Planned Parenthood in Seattle have been working for several years to ensure that women are able to fill contraceptive prescriptions at their local pharmacies. They urged the State Board of Pharmacy to pass a rule requiring pharmacies to fill patients' prescriptions unless there is a medical reason not to do so. After the State adopted such a rule, a group of pharmacists and a pharmacy sued, contending that the rule violates their First Amendment right to religious liberty. In a significant ruling in the case, the 9th Circuit Court of Appeals held that "the new rules do not aim to suppress, target or single out in any way the practice of religion, but, rather, their objective was to increase access to all lawfully prescribed medications." We congratulate our colleagues on this important ruling.

Cristy Carbón-Gaul: An Advocate for Women's Rights



Cristy Carbón-Gaul just completed her term as President of the Southwest Women's Law Center. Many people serve on boards and volunteer their time, but Cristy's commitment to the creation of this new organization was exceptional.

Cristy was President of the New Mexico Women's Bar Association when she first heard that Jane Wishner was leaving private practice to start a women's law center. She offered to meet with Jane and volunteered to prepare all of the Center's initial nonprofit documents, including the extensive application to obtain tax exempt status from the IRS as a 501(c)(3) charitable organization. Without the pro bono contribution of Cristy Carbón-Gaul and the law firm of Sutin Thayer and Browne, the Center would not have been able to launch its program so quickly and effectively.

As the President of a start-up organization, Cristy recognized that her role was to help lead the organization from infancy to an established nonprofit. She participated directly in fundraising, helped frame the programmatic priorities of the Center, and spearheaded the Board's planning that resulted in the Center's first major public event with Lilly Ledbetter in April 2009. Cristy also donated her legal expertise to the Center by conducting a volunteer training for members of the LGBT community in Santa Fe concerned about controlling their own healthcare decisions following the merger of St. Vincent Hospital with CHRISTUS Health, a Catholic health system.

As a mother of two young children, juggling her full-time law practice in corporate law, nonprofit law, probate and estate planning, Cristy consistently gives of her time, her legal skills and her financial resources to support the causes she believes in. In addition to her significant leadership as the President and founding board member of the Southwest Women's Law Center, Cristy also served as President of the Women's Bar Association and as one of the initial board members of Emerge New Mexico, which trains women Democrats to run for public office. She is also a member of the Albuquerque Advisory Committee of the New Mexico Community Foundation, a director of the APS Foundation, and a director of Special Projects Youth Assistance Foundation.

We would like to thank Cristy Carbón-Gaul for her years of hard work to improve the lives of women and girls throughout New Mexico and for her dedication to the creation and growth of the Southwest Women's Law Center.

JOB SECURITY LAW FOR DOMESTIC ABUSE SURVIVORS WENT INTO EFFECT JULY 1, 2009

This fall marks the fourth anniversary of the Southwest Women's Law Center's advocacy to increase economic self-sufficiency for survivors of domestic violence, sexual assault and stalking. SWLC believes that domestic abuse survivors will more likely leave their batterers and attain independence if they do not risk losing their jobs or their homes in the aftermath of the abuse. SWLC's leadership in this area led to the adoption of an important new law signed by the Governor in the spring that enables domestic abuse survivors to get time off from work to obtain an order of protection, consult with an attorney, meet with law enforcement officials and participate in legal proceedings related to the domestic abuse. SWLC has provided trainings to statewide and regional advocates for DV survivors and to employers and is working closely with Sharon Pino, the Governor's Domestic Violence Policy Advisor, the NM Domestic Violence Leadership Commission and the New Mexico Coalition Against Domestic Violence to advocate for effective implementation of the new law.

In recognition of the Southwest Women's Law Center's leadership on economic justice issues impacting domestic abuse survivors, Governor Bill Richardson appointed Jane Wishner to serve on the Governor's Domestic Violence Leadership Commission.



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Why Does New Mexico Need a Women's Law Center?

- One in three New Mexican women will experience domestic abuse in their lifetimes
- A quarter of New Mexican women will experience sexual assault
- New Mexico has the 2nd highest teen pregnancy rate in the country
- New Mexico has the 2nd highest rate of uninsured women in the U.S.
- The poverty rate for women in New Mexico is nearly 30% higher than the poverty rate for men

The Southwest Women's Law Center also recognizes that for women of color, these rates are even worse and are part of larger systemic problems that need systemic solutions. We believe that these facts can and must change. SWLC strives to harness the power of law, research, and creative collaborations to change these realities and to create greater opportunities for women and girls in New Mexico to fulfill their personal and economic potential.

BECOME A SUPPORTER!

Send your tax-deductible contribution to:
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