



Southwest Women's Law Center

NEWS

June 2010 Volume 5, Issue 1

SWLC Executive

Director Jane Wishner will be honored with NM Humanitarian Award by The Jewish Community Center of Greater Albuquerque.

Thursday, August 19 at 5:30pm at Embassy Suites.

SWLC Launches Health Care Reform Implementation Project

In March of this year, health care reform became a reality. While the reform bill isn't perfect - for example, undocumented immigrants will still have limited or no access to health insurance, and insurance coverage of abortion is restricted - overall the changes will be very beneficial for most New Mexico women and their families. Numerous provisions have a direct impact on women's health, and SWLC is formulating long-term plans to ensure that state laws, regulations and policies offer maximum coverage to women.

New Mexico is currently the state with the second highest rate of uninsured residents. Reform will provide coverage for almost half a million uninsured residents. It will also improve the quality of coverage for almost a million New Mexico citizens who already have insurance by prohibiting annual and lifetime limits to coverage and eliminating co-pays for preventive health visits.

Reform will also help low-income residents and invest in community health. Medicaid will become available to low-income, childless adults, and states will be able to more easily continue and/or expand their Medicaid Family Planning programs. Community health centers - the "safety net" for many low-income women, particularly immigrant women - will receive additional funding, and there are training grants for primary care providers who will serve in health care shortage areas, such as many rural parts of New Mexico.

The 2,000+ page bill is very complicated and many questions remain about how exactly it will be implemented in the states. SWLC has participated in both the legislative and executive work groups on the implementation of health care reform in New Mexico. In addition, we are working with our partners on the Medicaid Coalition to ensure that coverage is maximized for low-income women and their families, and working with a variety of advocates to ensure that strong consumer protection mechanisms are in place in New Mexico.

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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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NM Civil Legal Services Commission
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Letter from the President



When Jane Wishner talked to me about her idea to found the Southwest Women's Law Center a little over five years ago, the conservative side of me kicked in. While I loved the idea, I advised her to get a grant for the Center before she left the job with her law firm. Thankfully, she did not listen to me! With support from her husband, Rob Rosenberg, she left her job and worked for two years for the center with no salary. And I didn't expect to end up being the president of a vibrant and active Board, nurturing and overseeing the development of an important resource on legal issues affecting women.

The Southwest Women's Law Center has grown dramatically and now has an important presence in New Mexico. Thanks to numerous foundations (see list of funders on this page), the New Mexico Civil Legal Services Commission, leadership gifts from Sallie Bingham and Barbara Dobkin and her family foundation, and generous individual support, the Center employs a dynamic and hard-working staff. We have Linda Malott, a well organized administrator; Elizabeth Buchen, a physician with intimate knowledge about women's health issues; and Jennifer Vega-Brown, a fabulous and energetic attorney – all led by Jane and her creative and powerful approach to addressing social and legal inequities for girls and women.

While we were saddened to lose board member Judge Shannon Bacon when she was appointed to the Bench, we were very happy for her in her new position. We will miss her wisdom and humor. And we are very lucky to welcome three new board members: Anita Miller was a founding board member who is rejoining us with energy and enthusiasm; Santa Fe attorney Lisa Enfield has agreed to join us and replace Judge Bacon as chair of the legal committee; and Claudia Medina will bring her wealth of community ties and experience as Executive Director of Enlace Comunitario, an organization that works with immigrant survivors of domestic violence.

Please read through the newsletter to learn about the diverse projects of the Center. With your help and support we can continue to grow and strive to see the day when work like ours will not be necessary because we will live in a society that values women and girls in New Mexico. A society that values women and girls is also a better society for men and boys! Thank you for supporting the Center. And, as always, please feel free to call me with ideas for supporting our work.

Antoinette Sedillo Lopez
Board President
Southwest Women's Law Center

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Heidi and Wyatt Heard	

2010 Legislative Session Wrap-Up

SWLC Lobbyist Julianna Koob

The 2010 legislative session brought many opportunities to implement SWLC's goal "to harness the power of law, research, and creative collaborations to create greater opportunities for women and girls in New Mexico to fulfill their personal and economic potential."

With a \$300 million budget shortfall going into the 2010 Legislative Session, legislators were divided on how to fill this tremendous gap, with some advocating for budget cuts, others advocating for revenue generators, and most advocating for both cuts and generators. After the regular legislative session and two special sessions, a combination of cuts and revenue generators passed.

The SWLC provided and continues to provide a valuable and unique voice in policy making efforts in 2010. Armed with in-depth research on how policies impact women and girls, the SWLC gained visibility and credibility on several issues. SWLC contributed education, testimony, and advocacy to the following pieces of legislation:

1. **Health Care Reform workgroup:** In coalition with non-profit organizations, the SWLC supported SJM1 (Sen. Dede Feldman and Rep. Danice Picraux), which created a workgroup to study the opportunities and challenges that federal health care reform might provide to New Mexico. SWLC Director Jane Wishner was asked to convene a consumer protection advisory committee to this workgroup and this work is in progress.
2. **Medicaid budget protected from further harm:** SWLC worked in coalition with many other advocates to protect New Mexicans dependent on Medicaid services from further cuts. Our broad base of advocacy successfully protected Medicaid during this year's stressful budget cutting process. In addition, SWLC supported coalition efforts to pass legislation creating a "Medicaid Importance Task Force" to study efficiency and improvements in the Medicaid program (Rep. Mimi Stewart, Sen. Dede Feldman).
3. **Law enforcement certification for officers convicted of domestic violence:** HB17 (Rep. Nathan Cote) added domestic violence crimes to a list of crimes already considered by a board that determines certification for law enforcement officers. The bill would allow the certifying Board to remove certification for officers convicted of domestic violence. The bill was a Governor's Domestic Violence Leadership Commission bill, of which our Director, Jane Wishner, is an appointed member. SWLC supported this bill.
4. **Health education required in schools:** Knowing that health education is important to the well-being of girls in school, SWLC supported HB44 (Rep. Mary Helen Garcia) which required ½ credit hour of health education in high school or middle school. This bill passed, thanks to the leadership of the New Mexico Religious Coalition for Reproductive Choice.
5. **Equal rights for gay and lesbian couples:** The SWLC supported domestic partner benefits (SB 183, Sen. Peter Wirth) legislation and opposed bills that defined marriage as only between a man and woman. Although the domestic partner benefits legislation failed, SWLC worked with coalition partners to successfully oppose legislation that defined marriage as between one man and one woman.
6. **Create the Domestic Violence Leadership Commission in statute:** As an appointed member of the Governor's DVLC, the SWLC supported the Commission's recommendation to create the entity in statute rather than executive order (SB26, Sen. Peter Wirth). SWLC supported allied organizations in their suggestions to add the following representatives to the Commission: a representative from the gay and lesbian advocacy community, a survivor of domestic violence, a representative from the child advocacy community. This bill passed, but unfortunately the amended additions were heatedly debated and resulted in an additional amendment that required the Commission to study the possibility of inequities against males (but not females) in domestic violence.
7. **End gender discrimination in insurance rates:** Under the leadership of the NM Governor's Women's Health Office and the NM Women's Policy Agenda, the SWLC supported the successful passage of SB148 (Sen. Nancy Rodriguez), which prohibits insurance companies from using gender to determine insurance rates.
8. **Create study group on adolescent birth rate reduction:** The SWLC supported bills intended to study teenage pregnancy and reduce unintended pregnancies (Sen. Linda Lopez and Sen. Eric Griego). SM28 (Sen. Linda Lopez) successfully passed.

SWLC Joins with Non-Attorney Professionals to Pilot Collaborative Advocacy for Women's Health

The Southwest Women's Law Center has worked for several years with the Contraceptive Access Working Group – a coalition of medical doctors, nurse practitioners, public health workers, pharmacists, and advocates that collaborate on strategies to increase access to emergency contraception and other forms of birth control for men and women throughout New Mexico. In May, the New Mexico Public Health Association recognized the significance of this collaboration by inviting members of the Working Group to present a workshop entitled, "A Model for Collaborative Advocacy in Women's Health: A Case Study on Emergency Contraception."

For the workshop, SWLC Executive Director Jane Wishner joined Dale Tinker (Executive Director of the New Mexico Pharmacists Association) and two of the founders of the Contraceptive Access Working Group: Dr. Diana Koster (Medical Director of Planned Parenthood of New Mexico) and Dr. Bruce Trigg (Medical Director of the NM Department of Health STD Program) to describe the challenges and opportunities created by cross-professional partnerships and advocacy.

The Southwest Women's Law Center has been a creative collaborator with public health officials and healthcare providers to advocate for policy changes that can improve women's health. The collaborative model created by the Contraceptive Access Working Group can help SWLC promote effective policies in family planning and as we conduct outreach to ensure that health care reform in New Mexico maximizes health benefits for women and girls.

School Athletics Equity Act: First Reporting Year Begins in August

In 1972 the historical passage of Title IX sparked a movement of equality for women and girls. Also known as the Education Amendments Act, Title IX prohibits discrimination on the basis of sex for any education program or activity that receives federal funding. No area affected by Title IX has seen greater change or more controversy than athletics. Since its passage, female athletic participation in the United States has increased ten-fold. Despite the gains, however, significant inequities still exist for girls in middle schools and high schools throughout the country. The Southwest Women's Law Center took action in 2009, partnering with State Representative and SWLC Board Member Danice Picraux to advocate for the introduction and passage of the New Mexico School Athletics Equity Act. The Act requires transparency in public school athletic programs and moves New Mexico one step closer to a guarantee that equal opportunities exist for girls.

Beginning on August 31, 2011, all middle and high schools in New Mexico will be required to report specific data to the Public Education Department (PED) and both are required to publish the data and make it accessible to the public. data that is required in the first year of implementation for the 2010-2011 school year includes:

- student enrollment by gender
- athletics participation by gender
- the number of teams by sport
- gender and competition level
- gender of athletic directors and coaches
- stipend amounts for coaches

In 2012, schools will be required to report additional data about their athletic programs, including

- capital outlay expenditures for athletics programs
- specifics on team expenditures
- game and practice schedules
- access to training facilities
- information on assistance in obtaining scholarships

SWLC has met with the New Mexico Activities Association and will continue to advocate for effective and useful reporting mechanisms. The ultimate goal of SWLC is to gain valuable and reliable information that will promote equal participation opportunities and fairness for girls in the state. The benefits of athletic participation are many and well documented. They include greater graduation rates, increased health benefits, lower drug use and lower pregnancy rates. New Mexico is one of only a handful of states that will require high schools and middle schools to report this information. SWLC will continue to advocate for accurate and efficient reporting and remain in the forefront to promote equitable athletic opportunities for girls. The positive effect on the experiences of young women and girls in school will be immeasurable and will continue into adulthood.

IN THE COURTS



The Southwest Women’s Law Center signed on two amicus curiae briefs in 2009.

Is it a violation of First Amendment rights to require that abortion protestors remain a safe distance away from those seeking and providing medical care?

Hoye v. Oakland, 642 F. Supp. 2d 1029 (2009).

In August 2009, the District Court for the Northern District of California upheld an Oakland, California city ordinance that creates a “bubble zone” around reproductive health care facilities against a constitutional challenge by an anti-abortion protester. Intimate approaches by strangers are distressing and threatening in general but particularly so given the violent backdrop that unfortunately surrounds reproductive health care facilities in this country. These unwanted, close physical encounters were detrimental to the health and safety of patients and clinic personnel.

The Ordinance was enacted to address these problems and ensure safe access to reproductive health care facilities. Walter Hoye filed suit after he was arrested for violating the ordinance. He claimed that the law violated his First Amendment rights and also on grounds that the law is unconstitutionally vague and a violation of Equal Protection. He was represented by the Life Legal Defense Foundation and appealed the district court’s decision to the Ninth Circuit Court of Appeals. SWLC signed onto an amicus brief that argued the ordinance does not violate the First Amendment and that it is a necessary means to achieve safe and unencumbered access to reproductive health care facilities.

Decision: The U.S. District Court for the Northern District of California granted Defendant City of Oakland’s Motion for Summary Judgment. The case is now before the Court of Appeals for the Ninth Circuit.

What is the time period for filing a Title VII disparate impact claim based on an employer’s discriminatory practice: when the practice is adopted or when it is used against someone?

Lewis v. City of Chicago, 2010 U.S. Lexis 4165 (2010)

On May 24, 2010, the U.S. Supreme Court unanimously reversed a harmful Seventh Circuit decision that required individuals to file an EEOC charge within 300 days of the adoption of a discriminatory work practice. The suit began when African American firefighters were denied positions with the City of Chicago Fire Department based on the results of a flawed exam that had an adverse impact on African American male and female applicants. The Court examined the question of whether a Title VII plaintiff must file an EEOC charge within 300 days of when the discriminatory practice was initially adopted or within 300 days of when the practice was used by the employer to hire or promote someone. SWLC joined an amicus brief urging the Court to rule that the 300-day time period should run each time the discriminatory practice is used.

Decision: The Court held that the time period for filing a claim under Title VII is triggered anew each time an employer hires or promote some individuals and not others based on a discriminatory employment practice. Justice Scalia wrote the opinion. He had previously voted against Lilly Ledbetter’s right to sue her employer.

Meet our New Staff and Law Fellows

Linda Malott

Office Administrator

Ms. Malott joined the Southwest Women’s Law Center in October, 2009. She grew up in New Mexico and has been a career paralegal. Before joining the Center, she served as Office Administrator and Paralegal at Malott Law Offices. She has over twenty-five years’ legal experience with primary

emphasis in civil litigation, including torts, product liability, wrongful death, and personal injury claims. She has previously served on the Paralegal Advisory Board of CNM Community College and Escuela del Sol Montessori. She is also a Realtor and member of Greater Albuquerque Association of Realtors and NAR.

Meet our New Staff and Law Fellows, *Continued*

Elizabeth Buchen, MD

Director of Women's Health Policy

Dr. Buchen is a trained Obstetrician/Gynecologist with a long history of reproductive rights work, both as an advocate and provider. She has served as a board member for both the New Mexico NARAL and Planned Parenthood chapters, and as an organizer for Medical Students for Choice. She is a recipient of the NARAL Pro-Choice New Mexico Pass the Torch Award. She completed medical school and residency at the University of New Mexico. As a physician, she provided family planning services at a community health center serving a diverse population of low-income and immigrant women. She recently left her medical practice to pursue community education and advocacy to promote women's health. A native New Mexican and fluent Spanish speaker, she is excited about the opportunity to advance access to health care services for New Mexico women.



Jennifer Vega-Brown

Senior Staff Attorney

Ms. Vega-Brown is a 2003 University of New Mexico Law School graduate. During law school she was a research assistant for the Innocence and Justice Project, as well as secretary, vice-president and president of the organization, and a member of the Clemency Project. After law school she worked at the Second Judicial District Attorney's Office as an Assistant District Attorney. She prosecuted domestic violence and DWI crimes in metropolitan court and then moved to the Community Crimes Division where she worked under a H.I.D.T.A. grant (High Intensity Drug Trafficking Area) prosecuting felony narcotic crimes in the Second Judicial District Court. From late 2005 to 2010 she worked at the City of Albuquerque City Attorney's Office assigned to the Safe City Strike Force and DWI Vehicle Seizure Unit. She was the Supervising Attorney of the Seizure Unit from 2007 to 2010. In 2009, the National Highway Traffic Safety Admin-

istration informed her that the program would be featured as one of the ten most successful self-sustained DWI prevention programs in the country. Prior to attending law school she was a stay at home mother of three children, did volunteer work for several non-profit organizations, worked as a freelance journalist, and completed a Master's degree in Curriculum and Instruction from the NMSU college of Education with particular emphasis in multicultural education.

Erin Armstrong

Reproductive Justice Law Fellow, Summer 2010

Ms. Armstrong is in her third year of law school at the University of California, Berkeley School of Law. During the summer of 2009, she was a legal intern at UCSF's Advancing New Standards in Reproductive Health (ANSIRH) where she worked to support a study that trained advanced practice clinicians in the provision of early abortion care. She currently serves on the board of NARAL Pro-Choice California PAC and on the national board of Law Students for Reproductive Justice. Before law school, Erin worked for the Society of Family Planning, a national membership and grants organization composed of medical and social researchers in the areas of contraception and abortion. Before moving to California, she worked in drug policy reform and HIV/AIDS advocacy in New Mexico, providing further familiarity with issues of sexual health and the struggle to prioritize science, social justice, and human rights in health policy. Erin has also volunteered as a patient escort at an abortion clinic to help ensure safe access to reproductive health services.

Kyle Marie Stock

Reproductive Justice and Health Law Fellow, 2010-2012

Ms. Stock will be joining the staff of the SWLC at the end of the summer. She is the recipient of a two-year George M. Fleming Fellowship in Health Law from the University of Texas School of Law. She has just graduated from the UT School of Law, where she was a co-founder and one of the Student Coordinators of the Texas chapter of Law Students for Reproductive Justice. Kyle also serves as the Vice President of the Public Interest Law Association at UT and is a member of the Student Advisory Board of the William Wayne Justice Public Interest Law Center. Kyle spent a summer working as a law clerk at the South Texas Civil Rights Project on cases concerning deaf individuals' access to services under the Americans with Disabilities Act. She also worked as a law clerk at the Texas Advocacy Project, a non-profit organization devoted to assisting domestic violence survivors with their legal needs. In addition Kyle participated in the Capital Punishment Clinic and the Immigration Clinic at the UT School of Law. Kyle is the Class of 2010 recipient of the Equal Justice Scholarship, a full tuition award for individuals pursuing a public interest law career, which will support her to reproductive justice advocacy at the SWLC beginning in the fall of 2010.



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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
- One in four New Mexican women will experience sexual assault
- New Mexico has the highest teen pregnancy rate in the U.S.
- New Mexico has the 2nd highest rate of uninsured women in the country
- New Mexico has the 7th highest rate of women living in poverty in the U.S., and 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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CONTACT THE CENTER

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