LEGAL momentum

Advancing Women's Rights

2004 Annual Report

Legal Momentum

advances the rights of women and girls by using the power of the law and creating innovative public policy.

Headquarters: New York, N.Y.

Policy Office: Washington, D.C.

Photo credit: top by Steve Simon; above by Maria Washington. Designer: Ed Kim. Editors: Bill Scher; Ann Friedman; Maureen McFadden

What an exciting year! We slipped into our new aspirational name, Legal Momentum, and it fit like a glove. It felt so right to have a name that perfectly describes our essence—how we use the power of the law, not just to defend rights, but to motivate and inspire. Each victory, advance, each expansion of rights, leads to another opportunity, another path to choose, another exercise of freedom. With every legal achievement, we are building momentum for women and girls everywhere.

However, despite how perfect our new name feels to us, it was no small matter to make such a decision, or to make it happen. We only went forward after extensive research and consultation, and it took the support of every staff and board member to carry it through.

President Kathy Rodgers

Chair Michele Coleman Mayes

And by some early barometers, we have had a smooth and successful transition. For example, our web site rankings have improved since the name change, indicating we have not lost our audience. And major media outlets continue to turn to us for expertise and insight, including the *New York Times*, ABC, and *National Law Journal*.

Most importantly, we continue to make a real difference in the lives of women. As you'll see in the following pages, we have ensured that women welfare recipients have the same right to be free of sexual and racial harassment in the workplace as all other Americans. We have made it easier for battered immigrant women to obtain legal immigration status in the United States (page 7). We have, for a third year, blocked the White House from passing coercive marriage promotion in Congress. And we have expanded workplace and housing rights for domestic violence victims in several states (page 5).

You'll also find through this report that our programs are surely and steadily moving women forward. The Women Rebuild program is creating precedents that will expand access to nontraditional careers (page 10). The National Judicial Education Program is continuing to eradicate gender bias from our nation's courtrooms (page 12). And the Family Initiative completed its first year of galvanizing support for greater investment in child care and quality education (page 8).

And we received some extra incentive to address the nation's child care crisis this year: three of our staff members got pregnant! Our work is cut out for us.

Of course, it's not just child care that will matter to the newborns in the Legal Momentum family. We need to fight our hardest in every one of these uphill battles so the next generation will have every opportunity and every right it deserves.

No matter what the next four years hold, entrenched forces in Washington are dedicated to rolling back rights we have won and denying us the rest. But they do not speak for the majority, and they cannot succeed if women band together and demand equality. Your continued financial support is crucial, and is making a difference in the lives of women and girls every day. We look forward to another year of working together to advance women's rights and give the next generation the ability to fashion their own futures.

Kathy Rodgers
President

Michele Coleman Mayes
Chairperson

Photos by Steve Simon

Violence Against Women

This year marks the tenth anniversary of Legal Momentum's fight to pass the landmark Violence Against Women Act, saving and protecting the lives of hundreds of thousands of women. Rates for both fatal and nonfatal acts of intimate partner violence have dropped dramatically since the law's enactment, and nearly $5 billon of crucial funds have flowed to rape crisis centers, shelters, research, law enforcement, treatment programs and prevention programs.

"We talked about that dirty little secret that no one wanted to say out loud," recalls Sen. Joseph Biden (D-DE) who along with Sen. Orrin Hatch (R-UT) co-sponsored VAWA. "We made women safer. We gave them someone to trust. And together, we transformed private family matters into very public crimes that had real consequences."

Yet despite our achievements, we have not been complacent, because the job is not done. Each year our country suffers nearly 600,000 instances of intimate partner violence and 250,000 sexual assaults. Our work to eradicate violence against women is no less important than it was then, and it is still going strong.

A Stable Home, A Steady Job

Legal Momentum took the lead in a state-by-state battle to stop domestic abuse, sexual assault and stalking victims from being further harmed by losing their housing or their jobs. To date, more than 20 states have passed laws intended to provide unemployment insurance to victims who are compelled to leave their jobs for safety reasons. Legal Momentum helped shape much of that legislation, and our website is the only resource of online materials for women to know their housing and employment rights in each state.

Following the December 2003 passage of particularly strong legislation in New York City, mandating employers to provide "reasonable accommodations" to employees who are victims, Legal Momentum partnered with the Safe@Work Coalition to create the Small Business Initiative on Domestic Violence (see sidebar for details).

Setting Precedents

On the legal front, we have established major precedents. We have prevented abused women from being evicted in Oregon because of so-called "zero-tolerance" policies. And we stopped Massachusetts employers from being able to fire women after they take leave from work in order to ensure their physical safety.

This year, we have sought to build on those two precedents by championing the case of Antonette Greer, an Iowa woman who was fired from her job as a dishwasher the day after she obtained a protective order against her abusive co-worker and boyfriend.

Meanwhile we have continued to provide services that help:

- ❒ Victims find shelter and legal counsel, through our Public Education and Outreach program;
- ❒ Inform women of their rights, by offering a virtual library of publications, some of them in multiple languages;
- ❒ Train police, lawyers and social service providers regarding the rights of battered immigrant women, through Legal Momentum's Immigrant Women Program.

Strengthening the Law

And we have been looking forward to 2005 and Congress' renewal of VAWA. Legal Momentum once again chairs the National Task Force to End Sexual and Domestic Violence—the coalition of hundreds of organizations that previously rallied bipartisan support for VAWA in 1994 and its first reauthorization in 2000. The goal in 2005 is to further strengthen the law. This year, we began our efforts to:

- ❒ Press hard for anti-discrimination provisions that would improve upon the current patchwork of state laws with uniform federal rights;
- ❒ Fight for sufficient funding for comprehensive prevention programs so violence rates will continue to decline;
- ❒ Seek to address the problem of homelessness among domestic violence survivors;
- ❒ Push for improved services for children of families experiencing domestic violence;
- ❒ Stand up for immigrant victims who need better access to Medicaid, food stamps and legal services.

Like VAWA itself, Legal Momentum's program to fight violence against women is a thorough, multi-dimensional approach. It has been saving lives for one decade, and will continue for decades more.

Helping Business Understand Domestic Violence

In December 2003, Legal Momentum successfully persuaded the New York City Council to pass a law that mandates employers to provide "reasonable accommodations" to employees who are victims of domestic violence, sexual assault and stalking. But we didn't spend too much time savoring the victory. We realized there was more work to do.

Namely, we had to make sure the business community knew about the law, and also knew what else they could do to assist employees in need while keeping their businesses productive. For the law to be as effective as possible, we needed to see proactive implementation. We weren't interested in waiting around for someone to violate the law just so we could sue.

"As long as they have some guidance, most business owners and supervisors want to do the right thing for employees who are victims of domestic violence."

Deborah Widiss
Staff Attorney

So Legal Momentum, working with the Safe@Work Coalition—a coalition of private employers, trade unions, domestic violence advocacy groups, and government organizations — launched the "Small Business Initiative on Domestic Violence" in May 2004.

The kick-off event at the Cornell University School of Industrial and Labor Relations brought together domestic violence experts, including business owners and advocates, to brief employers on effective strategies for dealing with domestic violence in the workplace.

The initiative also developed simple brochures for businesses in New York State and New York City on "What Employers Need To Know About Domestic Violence And Their Legal Responsibility." The brochures succinctly explain the laws on discrimination, unemployment insurance, access to justice and other rights employees may have, helping businesses implement the law and keep women safe. You can find these brochures on our website at www.legalmomentum.org/issues/vio/smallbusinessinitiative.shtml.

This is the latest effort by Legal Momentum to work with the business community on the issue of safe workplaces. Legal Momentum also produced the popular 29-page guide "Creating Solutions, Creating Change," to help businesses create safe workplace strategies.

Immigrant Women Program

Thanks to the efforts of Legal Momentum's Immigrant Women Program, many immigrant victims of violence have found safety in the past year. Women were granted permission to stay in this country, at a safe distance from their abusers. Other immigrants and their children took refuge in shelters and temporary housing that were previously not accessible to them. Their advocates turned to IWP training and resource materials, or directly called program staff for advice.

We made great strides this year to enhance the ability of immigrant women to end the cycle of domestic violence, provide support to immigrant victims of sexual assault and trafficking, and help all immigrant women achieve economic self-sufficiency. IWP's work in creating educational materials, providing leadership, achieving courtroom victories and promoting legislation continues to keep Legal Momentum at the forefront in dealing with this important issue.

Strengthening the Law

IWP is a national leader on issues of violence against women in large part because of our collaborative approach. Our role as co-director of the National Network to End Violence Against Immigrant Women, a coalition of over 1,000 organizations, strengthens the effectiveness of our work by allowing us to reach out to groups at the state and local levels.

"The National Network's strength is the unparalled diversity among its leaders in ethnicity, geography and professional background," says IWP director Leslye Orloff. "This group has worked across traditional boundaries to secure and implement legislation that benefits immigrant women and children during anti-immigrant times."

Taking the Lead

Over the past decade, IWP has played a leadership role in the passage and implementation of every major piece of federal legislation that has defined and protected the legal rights of immigrant victims of violence. We spent the past year building on that history.

On Capitol Hill, IWP worked to change the way the Department of Homeland Security handles permanent residence applications from battered immigrants. Immigrant victims were allowed to file for a U-visa to protect them from deportation, but as a practical matter the statute was not in use. There had only been 10 immigrants granted residency between 2000 and 2003 because no one was processing the cases.

IWP stepped up and convinced the government to process all U-visa applications at a service center where people would actually get help. Since the change, more than 500 victims nationally have been given permission to remain safely in the U.S.

IWP pushed for several other pieces of important legislation this year, including the Women Immigrants Safe Harbor Act, which gained the lead sponsorship of Senator Hillary Rodham Clinton. Additionally, we worked with officials to make more housing options available to immigrant women. Thanks in part to our efforts, the Department of Housing and Urban Development decided that immigrant women do indeed have a right to battered women's shelters.

"We're working to ensure that, across the country, battered immigrants are able to get and keep public assistance housing," Orloff says.

IWP not only works for legislation that will benefit immigrant victims of violence; we also ensure that advocates and professionals are up to speed on the complicated and ever-changing laws and policies that affect immigrant women.

"We bring together mainstream people, people who control state domestic violence funding, and advocates to say what has to change so we can really serve immigrant victims in each state," Orloff says. "They go home with a plan to begin to reform those processes."

IWP staff provided expertise and training at workshops for more than 5,000 attorneys, advocates, social services providers, law enforcement officers and other professionals this year. We also produced several important publications.

"We're changing the way services are provided to immigrant victims in the states, which makes a real difference in people's lives," Orloff says.

IWP director Leslye Orloff (left) and Laura Luis Hernandez

A Life Protected

After suffering years of her husband's abuse, Laura Luis Hernandez couldn't take it anymore. She fled her home in Mexico to stay with her sister in Los Angeles. But her husband, a U.S. citizen, persuaded her to return to Mexico. He promised to change his ways.

She went back home, but the pattern of abuse continued. On one occasion, he sliced her hand to the bone. Hernandez again sought refuge in the U.S. This time, her husband followed her. Fearing for her life, Hernandez filed for a suspension of deportation under the Violence Against Women Act, which allows immigrant victims abused by a U.S. citizen to remain in the country.

Legal Momentum's Immigrant Women Program spent 2004 defending the rights of women like Hernandez to be protected from abusers with U.S. citizenship. IWP filed an *amicus* brief on her behalf, arguing that her husband's acts of violence were "part of an overall pattern of violence qualifying as extreme cruelty."

In a precedent-setting ruling, the Ninth Circuit Court of Appeals found that, even though the abuse occurred outside the U.S., Hernandez could stay in the country. With Legal Momentum's role in this victory, we reaffirmed our commitment to protecting the rights of battered immigrant women.

"This decision holds that courts must not view domestic violence by incidents of violence, but rather look at the relationship in its entire context, considering not only physical violence, but other manifestations of domestic violence as well," says IWP Staff Attorney Joyce Noche.

Hernandez now lives in the Seattle area, and works with a domestic violence shelter to help other women break the cycle of abuse.

child Care
Family Initiative

The Family Initiative, launched by Legal Momentum in June 2003, had a productive and exciting first year, as it began to lay the foundation for what we expect will be a long but fruitful struggle to secure access to quality child care and early education.

As most parents know, there's little about today's hodgepodge of child care options to cheer about. Working parents often scramble to find a safe, caring environment for their children—for a reasonable price, in a nearby location and with a suitable schedule—only to discover that it doesn't exist, especially when it comes to infants and toddlers. At-home parents have struggles as well, often finding that early education options are insufficient.

Seeing a need for greater public investment in child care and early education, Legal Momentum created the Family Initiative to mobilize families and create partnerships between the public and private sectors.

Broad-Based Coalition

The Family Initiative started by forming a broad-based National Advisory Commission, composed of academic experts, service providers, leaders of children's, business and women's organizations as well as corporate and union representatives. Former Vermont Governor Madeleine Kunin and former U.S. Representative Carrie Meek co-chair the Commission.

The Commission then adopted a set of principles for our mission, which have received formal support from over 60 organizations—from Women in Advertising and the Women's Sports Foundation to large membership groups like Church Women United and the National Council of Women's Organizations. NCWO alone represents a coalition of 160 groups with six million members. Furthermore, we identified 400 women's organizations and caucuses to connect women leaders to the initiative, and have already developed strong strategic partnerships with organizations such as the Afterschool Alliance, National Council of Jewish Women, Business and Professional Women/USA and Lifetime Television.

A cornerstone of the initiative is its action-oriented website www.familyinitiative.org. We are using the site to build a grassroots membership list, calling attention to child care issues that are hot in Congress, encouraging users to contact their elected representatives on those issues, and providing a clearinghouse of reports, statistics, media coverage and links. Throughout the year, we have been keeping members armed with the latest information with a semi-monthly e-newsletter. And in June, we made available online the Family Initiative Action Kit, a 30-page set of resources to help citizens advocate locally and nationally for better child care and early education.

Resource In Congress

Because of all this successful organizing and outreach, the Family Initiative has quickly become a valued resource in the halls of Congress.

In May, we were invited to brief the House Democratic Caucus' Task Force on Families and Children. Family Initiative Director Leslie Calman stressed how child care reform will benefit the overall economy, deeming quality care and early education "an investment, not a handout," which would "yield solid economic returns to children's school performance and retention, to families and household budgets, and to communities and job creation." Also, Legal Momentum's Jennifer Grayson, at the time an expectant mother (see below) shared her difficulties trying to find child care in the Washington area.

In June, we hosted a policy briefing on Capitol Hill, co-sponsored by the Congressional Caucus for Women's Issues and the Congressional Child Care Caucus. A large audience of congressional aides heard from women leaders including National PTA President Linda Hodge, Business and Professional Women/USA CEO Jane Smith and The Institute for Family Development/Centro Familia Executive Director Nancy Navarro.

Legal Momentum President Kathy Rodgers addressed the crowd and shared the results from a series of focus groups the Family Initiative held. One of the key findings was how frustrated mothers are that politicians don't speak to their concerns. Rodgers said:

"Mothers see no leadership on the issue among politicians, in the press, or among organizations. They resent its invisibility. Politicians, the mothers said, just don't talk about many of the issues that concern them, nor offer them what they need. This was a source of anger to them. That means it's an area ripe for political mobilization."

Despite our early progress, we are well aware that the Family Initiative is a multi-year effort, and we can't expect easy success. We have to instigate a major change in attitude within the Beltway regarding the prioritization of child care and early education, and foster a better understanding of how greater public investment will spark huge benefits to our economy, our kids, our personal freedoms and our quality-of-life. But we are making strides, and the pieces are coming together for us to bring about real change in the way our society cares for families.

A Mother Who Works; A System that Doesn't

New mom and Legal Momentum Policy Analyst Jennifer Grayson (left) found out about the nation's child care crisis first-hand long before she gave birth. Early on in her pregnancy, Jennifer began exploring care options. It didn't take long before she ran into a wall. Or in this case, a cellar.

"Even though I contacted child care centers very early in my pregnancy, the only center that I could get into was in a dank basement with no windows. It was not the right environment for a baby," Jennifer says. Another two places put her on multi-year wait lists. "I had no idea you had to plan two or three years ahead. I don't know many couples that could successfully do that."

Jennifer, who has been with Legal Momentum since 2003, is still looking around for care options near her home in Washington, D.C. With no access to quality child care centers, she is exploring the more expensive option of hiring a nanny. But paying the health care costs and taxes for a nanny, in addition to a salary, can be prohibitive. She and her husband are looking into defraying the cost by sharing a nanny with other parents, an increasingly popular arrangement.

Her struggles taught her the importance of government support for child care, and particularly infant care. "Because a lower ratio of caregivers to children is required, a lot of centers don't find taking infants to be cost-effective. Government subsidies to centers providing infant care would make a big difference to new parents. Increasing child care tax credits would also help many families who are struggling to make ends meet."

in the trades

Women Rebuild

The terrorist attacks on the World Trade Center, not far from Legal Momentum's downtown headquarters, gave new meaning to our work on behalf of women in non-traditional jobs. After all, hundreds of women in the municipal services—police officers, firefighters and emergency medical technicians—worked side by side with their male counterparts as first responders in New York, Washington and Pennsylvania. And, given the size of the work force that would be needed to rebuild Lower Manhattan, women would finally find their rightful place in the construction trades.

Or so we reasoned. But post-9/11 America found itself at a cultural turning point. By continuing to use yesterday's excuses for excluding women from jobs that paid well and offered good benefits, it could maintain the status quo: a construction workforce that in the past 20 years has been made up of fewer than three percent women. Or, by allowing skill, talent and commitment—rather than gender—determine who should be hired, it could serve as a shining example for the world about inclusiveness, diversity and the American ideal.

Redefining Women's Work

It was Legal Momentum's mission to persuade opinion makers and public officials that the time had come to redefine "women's work." Thus was born our Women Rebuild program.

Photos by Emily Baron

Since 9/11, we have worked continuously with local groups of tradeswomen and firefighters, such as Operation Punch List and United Women Firefighters of New York, as well as national groups, like Tradeswomen Now and Tomorrow and Women in the Fire Service, to raise the profile of women already proving the stereotypes wrong and to increase the opportunities for other women who want to enter non-traditional fields.

In the past year we have succeeded in:

- Doubling the numbers of qualified women candidates for recruitment in the fire departments of New York and Washington D.C., through physical training programs established by Legal Momentum, Town Sports International and the fire departments.

- Co-sponsoring "Opportunity Downtown: Women Working," an event for women who wanted to see first-hand what the building trades entail and to learn from those who were already working in the field. Held at New York's Pace University, the event attracted more than 700 women who stood outside in a cold rain to register for the program.

- Partnering with the New York State-run Lower Manhattan Development Corporation and with Nontraditional Employment for Women to ensure that women are able to pursue an interest in the trades through pre-apprenticeship training programs, and that veteran tradeswomen will find a place in the rebuilding of Ground Zero and in other building sites around the city.

- Advocating for independent, on-site monitoring of publicly funded construction sites in and around Ground Zero to ensure the recruitment, training and retention of women in the trades.

Successful Litigation

This year's litigation on behalf of women in non-traditional roles includes the successful settlement of a lawsuit brought on behalf of a woman elevator mechanic (one of three in her company), who was being sexually harassed and denied opportunities to earn lucrative overtime pay. The settlement of *Mahl v. Millar Elevator Services Corporation* in the Southern District of New York, reached in cooperation with Schindler Elevator, includes prospective relief that will result in more women being hired into the company and fairer treatment of women employees.

Lillian Kraemer
Fighting Narrow Thinking

Financial support from individual donors like Lillian Kraemer is what makes Legal Momentum's work possible. And, like any personal interaction, the relationship between donor and organization must be built on trust, respect and mutual interest. Lillian's involvement with Legal Momentum is a case in point. While she had been supporting women's organizations throughout the years, "I never really felt connected until I found out about all the things Legal Momentum was doing," she recalls. "They seemed to have their fingers in the issues I was most interested in. I basically stopped focusing on other women's groups and concentrated my involvements, legal and otherwise, on Legal Momentum."

A retired attorney from Simpson Thacher & Bartlett, in New York, Lillian has always counted herself fortunate. "I loved practicing law and I was well paid for it," she says. "I got to work out my dream at a time when people said women couldn't be lawyers at Wall Street firms. Well, I proved them wrong."

She balks at the same kind of narrow thinking that once claimed women couldn't drive buses, couldn't be firefighters or police officers. "We can and we are all of these things," she says, calling arguments against women in these fields "pure nonsense."

And adds, "Legal Momentum's Women Rebuild program is consistent with my belief that we must work toward economic independence and fairness for all women. It's obvious to me that many women are capable of doing heavy labor and want to. And to the extent that women are able to get these jobs, they're much better paid than other heavy labor, like child care and nursing."

Her dream for the Women Rebuild program? "I believe women should have economic independence and they should be treated fairly. "Also," she adds, "I so much want to see women have a significant role in rebuilding a city I love. A city where I have lived all of my life."

NJEP
National Judicial Education Program

Gender bias in our nation's courtrooms remains a persistent problem, denying women, especially victims of domestic and sexual violence, real access to justice. As we saw this year in the Kobe Bryant case (see page 13), we have a long way to go before women can expect fair treatment in a court of law.

But thanks to our National Judicial Education Program, efforts are underway to rid the justice system of gender bias. Most state chief justices have appointed task forces to root out bias, and NJEP curricula and videos help train legal professionals nationwide in how to treat women victims fairly. Through our work with judges, lawyers, bar associations, prosecutors, probation officers, sexual assault coalitions, victim advocates and others, NJEP has increased awareness about the ways that gender bias undermines fairness in decision making and court interactions.

This year, NJEP published the 500-page *Gender, Justice & Law: From Asylum to Zygotes, Issues and Resources for Judicial, Legal and Continuing Legal Education,* which promotes understanding of the many intersections of gender and the law. This new resource was written by NJEP Director Lynn Hecht Schafran with Kirkland and Ellis attorney Elizabeth Vrato and research assistance from the University of Pennsylvania Law School and NJEP's Mary Mitchell. *From Asylum to Zygotes* has already made a big impact in the legal community, winning accolades from judges and law professors. "We demonstrate that gender bias and gender fairness are not just concerns in sexual assault and child custody cases, but cut across the spectrum of civil, criminal, family and juvenile law," Schafran said.

NJEP also went out in the field to eradicate bias by promoting its *Understanding Sexual Violence* curricula. In June, NJEP traveled to New Mexico to hold a two-day program for the state's judges. The session provided "a tremendous amount of information" said one participating judge, information that can "immediately [be used] to assist victims and jurors in [the] courtroom," according to another. And in August, NJEP ran a train-the-trainers conference for judges, judicial educators, probation officers and state sexual assault coalition members. Now, the participants are tailoring the curricula for presentations in their home states of Mississippi, North Carolina, Ohio and Oregon.

Kobe Bryant: Case In Point

When professional basketball player Kobe Bryant was accused of rape this year, issues such as victims' rights, rape shield laws, juror bias, and misconceptions about nonstranger sexual assault were at the forefront of media coverage.

Of special interest to the staff of NJEP was juror bias, one of the program's chief concerns. NJEP trains judges to recognize the importance of selecting a jury pool that does not have prior misconceptions about sexual assault cases.

Although the Bryant criminal case ended before it reached trial, "you could see this play out vividly," said NJEP Director Lynn Hecht Schafran. "People in the media were offering opinions without hearing any of the evidence."

Many circumstances of the case raised issues covered in NJEP's curriculum *Understanding Sexual Violence: The Judicial Response to Nonstranger Rape and Sexual Assault*. In fact, Schafran was asked to comment on NPR's Justice Talking about different victims' reactions to assault, jurors' attitudes toward rape and judges' responsibilities in sexual assault cases like the one involving Bryant.

Schafran said the case highlighted the bias many people hold against rape victims. Because much of the information in the press had come from Bryant's defense team, many people were unaware of the prosecution's case. After the criminal case was dismissed, documents were released that contained some very damning evidence against Bryant, including his admission that he strangled the young woman.

THE DENVER POST
Voice of the Rocky Mountain Empire
Bryant team may bulldoze rape statute
EAGLE — They talk in this small town about not letting the sex-assault case against Kobe Bryant turn into a sideshow. Nobody ever mentions Chinese water torture.
Next week is the six-month anniversary of the professional basketball star's alleged rape of a 19-year-old desk clerk at a Rocky Mountain resort. That charge is unresolved.
A recent blizzard of defense motions and a seven-hour preliminary hearing helped sustain the limbo. The People vs. Kobe Bean
Voice of the Rocky Mountain Empire
THE SUNDAY DENVER POST
Small-town accuser faces big-time ugliness
Eagle woman at center of media maelstrom
By Karen Auge
Denver Post Staff Writer
EDWARDS — Everyone in this valley knows who she is.
They may not have met her. They may have never been inside her home on the shady cul de sac — where the shutters are now shut tight.
They haven't read the name of the 19-year-old who says Kobe Bryant raped her in any mainstream newspaper, or heard it on any
INSIDE
In Eagle County: FBI investigates threats against DA's office, 20A.
"American Idol."
Regardless of who is telling the truth about what happened at the Cordillera resort on June 30, this daughter of a small town has learned it's not easy to accuse a big-time, beloved athlete. And Eb-

The professional basketball star was accused in June 2003 of raping a 19-year-old employee at a resort in Eagle, Colorado. A media circus ensued, with everyone from avid basketball fans to sexual assault counselors watching the case with interest. So when the accuser's name—normally protected in rape cases—was accidentally leaked to the press by a court clerk, it was no small mistake.

The woman was also questioned in a closed session about her sexual history before and after the alleged rape; such questioning is normally prevented by Colorado's Rape Shield Laws. But the judge ruled that such questioning was permissible.

Soon after Bryant's defense team published allegations regarding the alleged victim's sexual history, NJEP attorney Claudia Bayliff, based in Colorado, penned an op-ed piece for the *Rocky Mountain News* that showed how the Colorado Supreme Court outlawed the kind of tactic employed by Bryant's counsel.

"Historically rape victims were constantly asked humiliating, prying questions about their private sexual history and this irrelevant information was routinely admitted into evidence in rape trials," Bayliff wrote. "Unfortunately, that practice continues today as we recently witnessed in the Kobe Bryant case."

The criminal case was dismissed in September because the alleged victim was unable to move forward. "She was physically ill. Her anticipation of what was going to be done to her … was very frightening," her attorney told the *Rocky Mountain News*.

Many of the documents central to the prosecution's case became public after the dismissal, including an interview with police after the incident in which Bryant admitted to grabbing and holding the woman by the neck.

"After the criminal case was dismissed the reality of this incident begins to come into the public eye," Schafran says.

legal forefront

Legal Momentum's Cases

Continuing our mission, Legal Momentum successfully used the power of the law in a wide range of cases this past year to make a real difference in our lives by advancing the rights of women who are:

On Welfare. In *Norma Colon v. City of New York*, we prevented an effort to strip women welfare recipients of their civil rights and turn them into second-class citizens. The City of New York attempted to block a lawsuit from a group of welfare recipients who participated in the city's "workfare" program. The women claimed their workfare supervisors had racially or sexually harassed them, a violation of Title VII of the 1964 Civil Rights Act. But the City said workfare participants aren't employees, so the workplace rights in Title VII don't apply. While the City's view prevailed in federal district court, it didn't hold up in federal appeals court. Legal Momentum effectively argued that when you work for your welfare check, you are an employee and deserve Title VII protection.

Harassed On the Job. In another advancement for fair workplaces, we won a favorable settlement in *Mahl v. Millar Elevator Service Corporation*. The lawsuit alleged that since Nancy Mahl entered the elevator mechanic apprenticeship program in 1996, she was subjected to sexual harassment, beginning with the use of overtly sexist training materials and including frequent, egregious harassment by her supervisor. The company denied the allegations, but agreed in the settlement to take affirmative steps to help women get into the elevator trade, a career which can pay more than $100,000 a year, offers good benefits and provides opportunities for career advancement. The company also agreed to train its employees in sexual harassment prevention and improve its anti-discrimination policies.

Immigrants and Abused. Legal Momentum and its allies made a critical contribution in an enormous victory for battered immigrant women. *Hernandez v. Ashcroft* involved Laura Luis Hernandez, a Mexican living in the United States. She had fled Mexico twice because of her terribly abusive husband, who had been calling and pressuring her to return to Mexico. A federal appeals court ruled that even though the physical abuse happened in Mexico, the phone calls to her in the U.S. constituted "extreme cruelty," which under the Violence Against Women Act, cancelled her deportation. The ruling quoted our Immigrant Women Program staff as well as our *amicus* brief, which provided key psychological research data. The decision is expected to have wide-ranging impact on immigrant domestic violence cases.

Threatened in the Courts. In the Supreme Court, Legal Momentum filed an *amicus* brief for the victorious side in *Frew v. Hawkins*. A lower court ruling—regarding the unwillingness of Texas to provide indigent children with medical screening and treatment services as required by the Medicaid Act—limited the enforceability of "consent decrees" against states, using a novel "federalist" interpretation of the 11th Amendment sovereign immunity doctrine. Left undisturbed, that ruling would have upset countless settlements and seriously hampered the ability of civil rights advocates to enforce federal laws against state officials. Thankfully, the Supreme Court unanimously rejected the ruling.

Disabled. Legal Momentum helped win an important victory for families of disabled parents who rely on welfare in Nebraska. In *Mason v. State,* the Nebraska Supreme Court unanimously ruled that the state's "family cap" law, which denies welfare assistance to newborn children whose parents already receive such benefits, does not apply to families unable to leave public assistance programs because of disabilities that make it impossible to achieve self-sufficiency.

special events

Special Events

Thanks to our committed supporters, Legal Momentum's two biggest events—the Equal Opportunity Awards dinner and Aiming High Luncheon—grossed nearly $2 million. Those contributions directly support Legal Momentum's programs that advance the rights of women every day.

Above: EOA Honoree Paul R. Charron, Chairman & CEO, Liz Claiborne, Inc.; Michele C. Mayes; EOA Honoree Catherine R. Kinney, President, Co-Chief Operating Officer & Executive Vice Chairman, The New York Stock Exchange; and Kathy Rodgers

Below: Aiming High Honoree Esta Eiger Stecher (left), Executive Vice President and General Counsel, The Goldman Sachs Group, Inc.; and former Aiming High Honoree Stephanie Mudick, Executive Vice President & Chief Administrative Officer, Citigroup Inc.

Above: Aiming High honoree Maggie Wilderotter addresses the luncheon

Left: EOA honorees Paul R. Charron (left) and William C. Weldon,with Mrs. Weldon

Above: Aiming High Honorees (L to R): Maggie Wilderotter (Microsoft); Esta Stecher (The Goldman Sachs Group, Inc.); Ellen Kullman (DuPont); Barbara Yastine (Credit Suisse First Boston); Colleen Barrett (Southwest Airlines Co.); and Sallie Krawcheck (Smith Barney)

Below: Virginia Rometty, Managing Partner, IBM Business Consulting Services accepting the EOA honor for Sam Palmisano, Chairman & CEO, IBM Corporation with Michele C. Mayes

Right: Honoree Colleen C. Barrett, President, Chief Operating Officer & Corporate Secretary, Southwest Airlines Co. being interviewed by CNBC at the Aiming High ceremony

Supreme Court Press Briefing

Legal Momentum's Legal Director Jennifer Brown speaking at the briefing

Legal Momentum also continued our annual Supreme Court Press Briefing series, where we bring the nation's leading legal reporters together and share our insights into the coming year's docket. In 2004, journalists from ABC, *USA Today*, the *Christian Science Monitor* and others joined us at the National Press Club in Washington, D.C., and heard about threats to the exercise of civil rights, particularly concerning Title IX and age discrimination.

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The Equal Rights Legacy Society unites individuals whose personal commitment to achieving equal rights for women and girls is reflected by gifts to Legal Momentum made through their estate plans. In making their bequest and other planned gift intentions known to us, Society members also serve as examples for others who may wish to have an impact on our ongoing ability to remain strong advocates for women. We gratefully recognize the following members:

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financials

Financials

	Year Ended June 30, 2004	Year Ended June 30, 2003
Income		
Major Gifts	1,041,769	747,493
Corporations and Foundations	820,949	802,968
Government Grants	650,000	1,255,000
Direct Mail Income	584,444	544,242
Legacies and Bequests	19,847	974,130
Special Events	1,561,620*	1,738,150
Other Income	963,172	1,147,930
Total Income	5,641,801	7,209,913
Expenses		
Violence Against Women	509,136	393,853
Public Information and Education	402,407	351,776
Economic Justice	528,758	505,899
Child Care	456,443	467,657
Gender Fairness in the Courts	602,567	840,489
Immigrant Women Program	721,413	606,834
Program Planning and Organizational Development	189,472	654,514
Communications	751,109	665,775
Management and General	535,478	640,469
Fundraising	1,231,798	1,262,579
Total Expenses	5,928,581	6,389,845
Net Revenue	(286,780)	820,068
Fund Balance July 1	5,800,969	4,980,901
Fund Balance June 30	5,514,189	5,800,969

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