

'SIT DOWN GIRLIE'

Legal issues from a feminist perspective

BAD BOY ON THE BENCH

And Girlie thought being told to 'sit down' was wicked. In October 1997, the New York Law Journal reported that, following five weeks of closed door hearings, the New York State Commission on Judicial Conduct made a recommendation that Judge Lorin Duckman be removed from the bench.

The investigation into the judge's conduct was prompted by a decision he made in 1996, one that had tragic consequences. Duckman had reduced the bail of an accused awaiting trial on a charge of harassing his former girlfriend, Galina Komar. A few weeks after his release Oliver killed Komar and himself. The subsequent investigation revealed that the judge had a long history of bullying prosecutors into dismissing criminal cases, or dismissing the cases himself for 'lack of evidence' (in 1995 he told prosecutors that 'domestic violence charges brought in my court are often exaggerated').

In the course of disregarding the law, the judge also indulged in some fairly robust abuse of various Assistant District Attorneys (ADAs), accusing them of being 'Nazis', 'bullies' and 'unjust'. Some of his insults were creatively personalised, with individual ADAs being nicknamed 'the Princess' and 'Mr Nuisance', others more indiscriminately referred to as 'mannequin' or 'puppet'. He took a non-gendered approach to use of the term 'a good little soldier', using it to address both male and female ADAs.

Not surprisingly, Judge Duckman did reserve some of his finer observations for the female lawyers appearing before him. In 1992 in a conversation in his courtroom, he told a Bronx County ADA that she was 'just too sexy to wear flats' and that 'there is nothing like a well-turned heel', adding that he thought she 'would like to be a bad girl'. And in an ironic twist on the 'appropriate attire' for women in the courtroom debate here in Australia, he told another female lawyer that the skirt she had worn the day before was 'much too long' and that 'shorter skirts are better on you'.

Judge Duckman will attempt to defend himself against the 45 pages of allegations and the Commission's recommendation that he be dismissed in a hearing scheduled in the New York Court

of Appeals. Having read over the charges, Girlie's advice to the judge would be 'Stand down, Boyo'.

SEX DISCRIMINATION SETTLEMENT

Also in the US, Reuters (18 November 1997) reports that another company has learned about the human and economic costs of allowing sexual harassment and discrimination to go unchecked. Smith Barney Inc., a Wall Street firm, has sought court approval of a settlement package that includes a deep pocket clause with no limits on damages and an offer for the company to spend \$15 million over four years on programs to recruit and promote women and minorities. The monetary costs could be in the hundreds of millions.

In making the offer, Smith Barney is trying to put an end to the highly publicised allegations of women being denied promotion and the company's failure to act on numerous complaints of abuse and unwanted sexual advances, including women who were groped and humiliated by senior male employees in a basement meeting room known as the 'boom-boom room'.

In a statement to the court, Mark Belnick, a lawyer for Smith Barney, really pulled the heartstrings of those assembled: 'The suit has been a source of real pain and anguish to Smith Barney ... because it involved allegations pitting Smith Barney against people who make the firm, its employees'. The 25 women plaintiffs in the suit, also pained and anguished after years of being undervalued and abused will have to decide on whether to accept the offer, or take the suit to trial in the federal court. In a statement on behalf of the majority of the plaintiffs, lawyer Linda Friedman indicated that there was some satisfaction with the offer: 'We believe the process established today can serve as a model for Wall Street and for corporate America in providing fair and equitable treatment of women and minorities'.

Perhaps one day the boom-boom room will be opened up as a museum housing displays on the long-outdated

practices of systemic discrimination and harassment of women on Wall Street.

CONJUGAL RIGHTS SOUTH OF THE BORDER

The *National Clearinghouse on Marital and Date Rape* reports that last June the Supreme Court of Mexico ruled that rape within marriage was an 'undue exercise of a right' rather than a crime. The ruling left men who rape their wives (and who are reported, prosecuted and convicted) facing a small fine or a short jail term, instead of the previous punishment of 8-14 years in prison with-

out probation (in cases where judges actually exercised their judicial discretion to impose these sorts of sentences — Girlie would like to see the sentencing statistics). The ruling contradicts the 1995 resolution signed by every UN country at the Beijing conference on women's rights, including Mexico, that guarantees all women, regardless of marital status, the right to say no to sex. It also violates Mexico's Constitutional clause that forbids anyone using violence to demand any real or supposed rights.

The Mexican Congress was voting on a Bill to overturn the ruling in late November. Hopefully the parliament will understand the relevant law better than the judges of its highest court. A vote on allocating resources to judicial education on domestic and international human rights might not go astray.

HO HO HO!

In Australia, corporate giants know when to give in before the stakes get too high. The *Adelaide Advertiser* in a deeply analytical treatment of a gender issue (the story was headed 'Ho, ho, ho, he, he, he, her, her, her') reported that Coles Myer aborted a legal bid to hire only white male Santas and has embraced girl power for Christmas. The first female Santas are graduating from the Myer Santa School and will be dispensing Christmas cheer alongside their male counterparts in a store near you this silly season.

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