



March 25, 2019

Senator Clarence K. Nishihara, Chair
Senate Committee on Public Safety, Intergovernmental, and Military Affairs

Re: SCR 12 / SR 11, REQUESTING MEMBERS OF THE UNITED STATES CONGRESS TO AMEND FEDERAL LAW TO ENSURE THAT VICTIMS OF SEXUAL HARASSMENT AND SEXUAL ASSAULT WHO MIGHT OTHERWISE BE FORCED INTO ARBITRATION AND SILENCE INSTEAD HAVE ACCESS TO THE COURTS.

Hearing: Monday, March 25, 2019, 3:00 p.m., Room 414

Dear Chair Nishihara and Members of the Committee on Public Safety, Intergovernmental, and Military Affairs:

Hawaii Women Lawyers (“HWL”) **supports SCR 12 / SR 11**, which requests that members of the United States Congress requested to amend federal law to ensure that victims of sexual harassment and sexual assault have access to the court and are not forced in to arbitration through mandatory arbitration clauses.

The mission of Hawaii Women Lawyers is to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

Last year, HWL conducted a survey of its members as to the incidences and experiences of sexual harassment in the legal community.¹ 76 attorneys responded to the survey. Nearly 60% (42 attorneys) reported being sexually harassed at some time during their legal career, with approximately 13% (10 attorneys) reporting having been sexually harassed in the workplace within the last two years.

¹ HWL has 357 active members, who are all members of the Hawaii State Bar Association. The survey was conducted between January 12, 2018 and February 4, 2018. The survey was done on a strictly voluntary and anonymous basis, and with the understanding that any stories provided by survey respondents may be shared publicly to raise awareness of the occurrence of sexual harassment in the legal community. The survey was conducted for informational purposes only, and HWL has not conducted an independent investigation as to and cannot guaranty the accuracy of the results of the survey or the specific instances of harassment shared by survey respondents. HWL recognizes that terminology may carry different connotations for different parties and did not define “sexual harassment” in the survey. HWL also recognizes that men are victims of sexual harassment as well as women, but as the mission of HWL is to improve the lives and careers of women in all aspects of the legal profession, the main focus of the article is on the experiences of female victims.

It is common for victims of sexual assault and harassment not to report abuse for fear of retaliation. Mandatory arbitration clauses that apply to sexual harassment claims have the impact and effect of further silencing victims. They can also allow repeat offenders to continue to engage in serial harassment. HWL supports this resolution, which would encourage members of the United States Congress to advance legislation to address this issue.

Thank you for the opportunity to submit testimony on this measure.

SR-11

Submitted on: 3/22/2019 8:40:25 PM

Testimony for PSM on 3/25/2019 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Pride Work HI	Testifying for Pride at Work Hawaii	Support	Yes

Comments:

Aloha Senators,

Pride@Work Hawaii supports the passage of SCR 12/SR 11.

Mahalo for the opportunity to testify.

Pride@Work Hawaii

SR-11

Submitted on: 3/22/2019 9:21:11 AM

Testimony for PSM on 3/25/2019 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Allix Hessick	Individual	Support	No

Comments: