

Western
Pennsylvania

Women's Law Project

NEWSLETTER

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Pittsburgh Clinic Buffer Zone Praised by Patients, Escorts But Lone Protester Sues City to Strike Ordinance Down

Last year, in response to an atmosphere of heightened conflict and confrontational protests in front of women's health clinics, the Women's Law Project researched and organized support for a Pittsburgh ordinance that established limited medical safety zones around health care facilities, including those that provide abortion care. After nearly a year of experience with this new law, patients, escorts, medical staff and police have hailed it as an effective measure for maintaining public safety while still permitting protesters to communicate their messages effectively.

"The Ordinance prevents protesters from hanging onto patients as they try to get into the door of women's health clinics," explained Sue Frietsche, staff attorney for the Women's Law Project's Western Pennsylvania office. "It

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Slippery Rock University Women Score Title IX Win

On July 21, 2006, U.S. Chief District Judge Donetta Ambrose ruled that Slippery Rock University intentionally discriminated against its female student-athletes by eliminating the women's swimming and water polo teams after shortchanging its women athletes of their fair share of athletic opportunities for more than 25 years. The federal judge ordered Slippery Rock to reinstate the women's swimming and water polo teams immediately.

Judge Ambrose's ruling was issued in response to a lawsuit, *Choike v. Slippery Rock University*, brought by 12 Slippery Rock student athletes represented by the Women's Law Project, after the school announced plans to cut three women's varsity sports (swimming, water polo, and field hockey). Slippery Rock reversed its decision to cut field hockey after Women's Law Project lawyers notified the school of their intent to challenge the cuts under Title IX of the Educa-

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WLP Presents the Women's Rights Seminar Series!

October 23, 2006

"Winning the Vote" with Robert P.J. Cooney, Jr., Women's Suffrage Movement Author

January 30, 2007

Reproductive Justice, Women's Liberty, and The New Supreme Court

February 2007

Justice on the Playing Field: Title IX and Women's Athletics in Western PA

March 2007

Young Women and Sexual Harassment: Strategies for Change

April 19, 2007

Lesbian and Gay Marriage Rights with Evan Wolfson, Freedom to Marry

All events are free and open to the public.



If you are interested in interning, volunteering, or would like to be added to our mailing list, please contact us:

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Contributions to the Women's Law Project make our work possible.

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Buffer Zone, *continued*

doesn't stop anyone from protesting. It just sets reasonable limits on protesters so they don't maul the patients or clog up the clinic entrance."

Not unexpectedly, this ordinance has been challenged in a lawsuit brought by a lone protester, Mary Kathryn Brown, who is claiming that the ordinance is only enforced against "pro-life" speakers and that it violates her right to counsel women "in muted personal conversations." U.S. District Judge Thomas Hardiman is currently considering Brown's motion for a preliminary injunction.

WLP Organizes Broad-based National Amicus Campaign for Abortion Rights in Supreme Court

This fall, the Women's Law Project participated in outreach to hundreds of organizations and individuals for amicus ("friend of the court") briefs filed on behalf of supporters of women's equality, physicians and medical organizations, religious organizations, and abortion clinics, in *Gonzales v. Carhart* and *Gonzales v. Planned Parenthood Federation of America*, United States Supreme Court cases challenging the Partial Birth Abortion Ban Act of 2003 (the "Federal Abortion Ban").

The Federal Abortion Ban is virtually identical to the Nebraska statute invalidated just six years ago in *Stenberg v. Carhart*. In that case, the Supreme Court ruled that the Nebraska law was unconstitutional because it (1) lacked an exception to protect the health of the woman and (2) was worded so broadly that it would ban the safest and most common procedures used pre-viability in the second trimester of pregnancy.

The Federal Abortion Ban has been declared unconstitutional by three federal district courts and three United States Courts of Appeals. These will be the first reproductive rights cases to be decided by a newly constituted Supreme Court, and could severely undermine the strong protections that the Court has previously accorded women's health in the context of abortion.

The cases were argued on November 8th, and a decision is expected by summer 2007.

Slippery Rock, *continued*

tion Amendments of 1972, the federal law prohibiting discrimination on the basis of sex in federally funded educational programs.

Chief Judge Ambrose found that the student-athletes had demonstrated a substantial, ongoing disparity between the gender composition of the student body and available athletic opportunities. She also found that Slippery Rock had not added a women's varsity team since 1993, and that the fact that it had cut viable, competitive women's teams showed that it was failing to accommodate the interests of its female students in athletic competition.

Further proceedings are ongoing in the case to address the school's unequal treatment of the women athletes across the board, including unfair allocation of facilities, equipment, coaching and training staff, publicity, travel, recruitment, and other resources.

Title VII Victory for Transgender Employee

In the first case of its kind in the Western District of Pennsylvania, a federal court has ruled that a transgender employee's sex discrimination claim against her employer could proceed under Title VII, the federal statute that prohibits gender discrimination in the workplace. After an appeals court refused to review that ruling, the parties settled in December, 2006.

The case, *Mitchell v. Axcan Scandipharm, Inc.*, began after Danny Lee Mitchell was fired from her job after telling her employer that she intended to transition from male to female. Her employer argued that federal sex discrimination law provides no protection from discrimination based on a person's transgender status, but the U.S. District Court rejected this argument and denied the employer's motion to dismiss the lawsuit. The District Court stated, "Having included facts showing that [Mitchell's] failure to conform to sex stereotypes of how a man should look and behave was the catalyst behind defendant's actions, [Mitchell] has sufficiently pleaded claims of gender discrimination." The Women's Law Project and Lambda Legal Defense and Education Fund prepared an *amicus* ("friend of the court") brief in this case and congratulate Ms. Mitchell on her victory.