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CHATTANOOGA CHAPTER OF THE FEDERAL BAR ASSOCIATION

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by Tonya Kennedy Cammon

The Equal Pay Act of 1963: Why Haven't We Come a Long Way, Baby?

The year 1963 was unexpectedly full of "I-remember-exactly-where-I-was" moments. On June 26th, the country watched as President Kennedy spoke in halting German, "Ich bin ein Berliner." On August 28th, Dr. Martin Luther King, Jr.,

inspired millions with his speech at the Lincoln Memorial, "I have a dream...." On November 22nd, the dream gave way to a nightmare when President Kennedy was assassinated in Dallas. Two days later, we were witnesses to murder when Jack Ruby shot Lee Harvey Oswald during a national television news broadcast. The young widow, all in black, the little boy, saluting as his father's casket rolled by-- historic moments, frozen in time.

June 9th does not claim our attention in the same way. But, June 9, 1963, was also an historic day, as President Kennedy signed into law the Equal Pay Act of 1963 (the EPA). President Kennedy envisioned the EPA as the first step toward a level economic playing field for women. Now, after 50 years, one might ask why we are still waiting for that level playing field to materialize. The more important question is why does it even matter?

In 1950, there were only 18.4 million women working outside the home, about 18% of the workforce. By 2003, that number had tripled to 65 million, fully half of America's labor force. Even though women have captured a larger share of the job market, as a group, women have yet to capture even a fair share of the earnings in that market.

It has been well-documented that, in 1963, a woman earned only 59 cents for every dollar earned by a man doing the same work. Today, 50 years later, women are still earning only 77 cents for every dollar a man earns for the same work, with the disparity even greater for African American and Hispanic women, with those women earning only 69 cents and 59 cents, respectively, in comparison to their male counterparts. Discouragingly, men who work in female-dominated professions, such as nursing, tend to earn more than women in those fields, doing the same work. The gap is even wider in traditionally male-dominated fields, such as medicine and law. As of 2009, there was not a single state in

which women had gained economic equality with men, a fact which cannot be explained away by "women's choices."

In spite of all the federal and state statutes, rules and regulations which require equal pay for equal work, and in spite of all the lawsuits demanding economic equality, economic inequality still has a significant negative impact on the economy of our nation and our state. In Tennessee, men, on average, earn \$41,019 per year, while women earn less than \$32,000. Tennessee ranks 31st in the pay gap between men and women. And, in Tennessee, women comprise 80-97% of the workers in traditionally low-paying jobs, such as cashiers, secretaries and administrative assistants, elementary and middle school teachers, clerks and home health aides.



President Kennedy signing the Equal Pay Act, courtesy of Washington State University Library

As more and more households are headed by single parents, the need for well paid jobs and benefits becomes more important. In Tennessee, 26% of our children live in poverty; 19% of Tennessee's women live in poverty; 37% of our children live in single-parent households; and, in single-parent households with children, fully 43% of the occupants are living in poverty. Often single mothers are faced with the dismal prospect of giving up whatever low-paying job they might be able to find in order to care for their children. Few who are living in poverty can afford to spend up to 40% of their income for child care.

The economic woes of the past decade have led to even more women entering the workplace in order to try to support their families. Increasing earnings for women directly impacts the quality of life for a majority of our state's citizens. As

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the lives of Tennessee's women improve, so do the lives of their families and their communities. Equal pay is not a "women's issue" or a "social issue." Equal pay is an economic issue that affects us all. After 50 years, are we serious about equal pay?

About the Author: Tonya Kennedy Cammon is a Director in the Chattanooga law firm, Grant Konvalinka & Harrison, P.C. She served as the President of the Chattanooga Chapter of the Federal Bar Association and is currently one of two Federal Bar Association Sixth Circuit Vice Presidents.



DID YOU KNOW?

- ◇ In 2012, women in the legal profession amounted to 33.3% of all attorneys
- ◇ In 2011, 15% of equity partners were women and 4% of participating firms had a woman as a managing partner
- ◇ Women constituted 47% of graduating lawyers in 2011
- ◇ 53 of the 164 active judges currently sitting on the thirteen federal courts of appeal are female (about 32%).
- ◇ Approximately 30% of active federal district court judges are women
- ◇ 30% of the Federal Bar Association members are women
- ◇ In the Chattanooga Chapter of the Federal Bar Association, 25% of its members are females



2013 FBA Annual Meeting San Juan, Puerto Rico

Pictured Above: Tonya Kennedy Cammon being sworn in as a Circuit Vice President

Pictured Below, L: United State District Court Judge Gustavo A. Gelpi, Jr. taking his oath as the new President of the Federal Bar Association. Judge Gelpi is the first district court judge to preside over the organization.

Pictured Below, R: Katharine McCallie Gardner and Donna Mikel receiving the Presidential Chapter Achievement award and the Meritorious Newsletter award on behalf of the Chattanooga Chapter



Constitution Day 2013

On September 17, 2013, the Chapter held its annual Constitution Day celebration at the Federal Courthouse. Students from Red Bank and East Hamilton High Schools had the unique opportunity to hear presentations about the Constitution and Bill of Rights from Judges Collier, Carter, and Lee and to participate in a trivia game hosted by Judge Rucker. The students also took home copies of the Constitution. The Chapter would like to thank all those who participated in Constitution Day for making it a success again this year.

HUMAN TRAFFICKING AND THE INTERNATIONAL JUSTICE MISSION

by Kent Dickson

Human rights law in Cambodia is an ongoing struggle to persuade courts to take action on behalf of victims who are legally entitled to vindication, but who rarely reap the benefits of the laws designed to protect them. Sorphea was one such victim. After losing a mother to a forgotten landmine and a father to alcoholism, Sorphea earned her living in a coastal town far from the fishing village where she was born. She became a captive of the sex trade when she was thirteen, abused repeatedly by a man who would first pay her, then renew his threat to kill her if she ever told anyone what he did to her. When she summoned up the courage to flee from him, she took a job as a server in a karaoke bar, only to find herself being rented out to customers by the bar owners after a few months of work. Finally, Sorphea succumbed to her fear that she was a bad person who deserved her situation and resigned herself to a meaningless life.

The global sex trade victimizes nearly two million children every year, and human trafficking for sex or labor rivals the illegal arms trade for the second largest worldwide criminal industry. Cambodia has suffered under the sex trade more than many countries. Nestled between Thailand and Vietnam, Cambodia is a small Southeast Asian country that has been ravaged by fifty years of nearly continuous war and a major genocide. Now, democracy is on the rise in Cambodia and society as a whole is steadily, if slowly, stabilizing, yet human rights abuses there remain prominent.

At the turn of the twenty-first century, Sorphea's story was typical. Cambodia had become an international hotspot for pedophilia. Any tourist could find a brothel selling children just by asking the front desk clerk at his guesthouse or the guy driving his rickshaw. The problem has improved, due to the work of many organizations and government leaders, but the sex trade remains prominent. Currently, victims range from young teenage girls who are sold as specialty items to wealthy businessmen, to young women in their twenties who are sold to half a dozen customers in an evening for ten or fifteen dollars at a time. The sex trade has infiltrated the culture so thoroughly that most Cambodian men have their first sexual experience with a prostitute, gang rape has become a culturally normalized



trend, and brothel patronage is considered a typical recreational activity for working men to let off steam with their friends.

Cambodian sexual exploitation is perpetuated by the breakdown in the national justice system. Committed legal advocacy could overcome many of these problems, but, as of 2010, Cambodia has approximately one lawyer to every 22,400 people. There are fewer lawyers working in the whole country than in some New York law firms. Furthermore, those lawyers that do exist do not always behave in an ethical, or even legal, manner. Actions that would get an American lawyer

financed, disbarred, or imprisoned are common tactics practiced by the best attorneys. In one case, an agent of the perpetrator's defense attorney approached several victims and falsely claimed to be an officer of the court authorized by the victim's attorneys to offer a settlement well below the statutory minimum. His deception, combined with the hired security he used to make his offer more compelling, would have cost the victims their recovery, and perhaps allowed their abuser to escape accountability, had it not been for the quick intervention of a few dedicated human rights attorneys.

International Justice Mission came onto this scene over ten years ago and began to work against the commercial sexual exploitation of children in a systematic, deliberate mission that has helped to transform Cambodia from a pedophilia hotspot to a developing country that is well-aware of its trafficking problem and eager to continue solving it. IJM investigators, lawyers, and social workers have been working with Cambodian law enforcement and courts to prosecute traffickers and pimps and partnering with a network of anti-trafficking organizations to provide survivors with housing, vocational training, and therapy in order to help them become new, thriving members of society. IJM carries out similar work in sixteen field offices spread across ten different countries on four continents. Those offices work against a broad range of human rights abuses, including illegal land seizure, slave labor, illegal detention, and various forms of sexual abuse. In all of this work, IJM is dedicated to equipping foreign nationals to carry on the work themselves. Ninety-five percent of IJM staff are nationals of the country in which the office is based.

The restraint of violent oppression through litigation and legal advocacy is a critical component of human rights work and community development. For example, recent studies have demonstrated that when young girls have access to education, they, their families, and their villages stand a far better chance of attaining healthy development. However, as IJM field offices have seen far too often, no amount of schooling will help a girl or her family to rise above their station if, on her way to school, the girl is kidnapped for trafficking or sexually assaulted and thus driven down into the cycles of abuse, neglect, and fatalism which perpetuate the poverty that her education was meant to ameliorate. Where the violent abuse of power holds sway, lasting change cannot occur until the violence is permanently restrained by effective legal systems.

In Cambodia, IJM was often told that its legal strategy would not work because the justice system was too broken. Yet IJM continued its fight and began to win. IJM trained local police to care about the abuse and to address it well. By advocating to politicians and judges, IJM became part of a rapidly growing body of people and organizations demanding justice for victims of the sex trade and helped the government to draft policies that would allow victims to successfully seek justice. And by investigating leads on individual instances of abuse and following through with legal assistance for victims, IJM helped to build a justice movement against the status quo, with every verdict against a perpetrator telling dozens of other pimps and brokers that Cambodia was no longer under their control. Now, after more than a decade, IJM is working in a Cambodia where less than one percent of the girls sold in brothels are under age sixteen, and victims can be confident of receiving justice under an almost universally-implemented body of law that effectively addresses the commercial sexual exploitation of children.

IJM has been able to rescue over a thousand girls throughout the world from sexual exploitation. IJM Cambodia alone has rescued and helped in the rehabilitation of hundreds of victims of the sex trade. One of those victims was the girl I told you about at the beginning of this article. Sorphea was not left to the whims of the bar owners. Another girl who had been a victim of the same system reported Sorphea's first abuser, and the Cambodian police helped IJM to discover Sorphea in the karaoke bar where she was being sold. IJM helped Sorphea to find a home, counseling, and vocational training with other survivors of the sex trade and assisted in the criminal prosecution of her abuser. Sorphea received a civil settlement from him amounting to a year's wages. In a final gesture of freedom from her nightmare, Sorphea declined to keep what she viewed as a last payment for her forced prostitution, and instead donated the large settlement to charity. Now, Sorphea is a confident, ambitious baker who dreams of becoming a chef. That dream is now a real possibility for her.

About the Author: Kent Dickson is a Chattanooga native. His interests in community development have led him to work with several marginalized and impoverished communities on four continents. After his first year of legal studies, at Belmont University College of Law, Kent spent a summer in Cambodia working as a Summer Legal Intern for the International Justice Mission in Phnom Penh. He currently is employed at the Park Center, a mental health agency in Nashville, Tennessee.

For more information about the IJM, visit <http://www.ijm.org/>

To learn more about human trafficking and prevention efforts in the United States, the FBA's Transportation and Transportation Security Law Section directs readers to <http://www.dot.gov/stophumantrafficking>.

For the Criminal Practitioner

NOTICE FROM THE COURT REGARDING CHANGE IN CJA COMPENSATION RATES

Due to a temporary funding emergency, effective September 1, 2013, the hourly CJA compensation rate(s) decreased by \$15 for work performed between September 1, 2013 and September 30, 2014.

Because of this rate change, Panel attorneys **MUST** download the updated version of the CJA 20 voucher1 from the Services tab of your voucher.

MESSAGE FROM THE CHAPTER PRESIDENT

By Katharine M. Gardner

If a young attorney with limited resources was able to join only one bar organization and she asked me which one she should join, I would tell her to join her local bar association first. A good local bar organization, such as Chattanooga is blessed to have, provides abundant opportunities to network, make friends, find a mentor, improve skills as a lawyer through CLE classes, and become part of a vibrant legal community. Then I would say that later, when resources are more abundant, she should also join a bar organization whose focus targets her practice. For anyone who practices regularly in federal court, that bar organization would be the Federal Bar Association. The FBA seeks to inform and improve the practice of law in the federal courts. One might ask why is it necessary to have a separate bar organization to accomplish such goals – couldn't we simply be a division of the local bar organization? The answer is "no" because the FBA promotes on a *national* level "the sound administration of justice and integrity, quality and independence of the judiciary." In other words, the 16,000 members of the FBA, including 1,200 federal judges, in the 80 chapters nationwide come together as one cohesive unit to advocate for the federal judiciary. For example, the FBA's chair of the Governmental Relations Committee, West Allen, recently testified before appropriations committees to remind Congress of the need to adequately fund the judiciary and to fill the many judicial vacancies. In addition, the FBA provides a national network for attorneys who practice federal law across state lines. These tasks are not intended to be the function of a local bar association, no matter how vibrant.

It has been an honor to serve the FBA-CC this year, and I cannot thank the Board and committee members enough for the many hours of hard work they have put into this organization. I will turn the reins over to Gary Henry at the Annual Meeting in January, and I hope I will see all of you there.



The Sixth Circuit: A Year in Review

October 11, 2013

The Chattanooga Chapter hosted the Sixth Circuit Review Seminar with guest speaker The Honorable Jane Branstetter Stranch, from the United States Court of Appeals, Sixth Circuit. The Review Seminar also featured a panel presentation, including Chief District Judge Thomas A. Varlan, District Judge Curtis L. Collier, District Judge Harry S. Mattice, Jr., Bankruptcy Judge Shelley D. Rucker, and moderator Magistrate Judge William B. Mitchell Varter., along with special guest Clerk Debra C. Poplin. District Judge J. Ronnie Greer concluded the event with an ethics presentation. The Chapter thanks all of the presenters, including John C. Harrison, Tonya Kennedy Cammon, Russell W. Gray, Perry H. Piper, Leslie Cory, and Anthony Martinez. A special thanks also to committee members Crews Townsend, Lynzie Archibald, Neil Brunetz, Chris Varner, and Jeff Granillo and to Magistrate Judge Susan K. Lee and District Court nominee Pamela Reeves for introducing our esteemed speakers.

Top: Crews Townsend, Katharine M. Gardner, and Judge Jane Branstetter Stranch

Bottom: Presenters Rusty Gray, John Harrison, and Tonya Cammon

Chattanooga Chapter

Chattanooga Chapter President: Katharine M. Gardner

President-Elect: Gary L. Henry

Treasurer: Aaron Love

Secretary: Donna J. Mikel

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Social Committee Chair: Jeffrey S. Matukewicz

Membership Chair: Ryan W. Mitchem

Special Projects: Terra L. Bay and Katharine M. Gardner

Journal Editor/Committee Chair: Donna J. Mikel

*Journal Committee: William H. Payne, IV and Douglas
Hamill*

**THE QUARTERLY JOURNAL IS THE PROUD RECIPIENT
OF THE 2013 MERITORIOUS NEWSLETTER
RECOGNITION AWARD FROM THE NATIONAL
FEDERAL BAR ASSOCIATION.**

UPCOMING FBA EVENTS AND CLE

Murder, Mystery, and Masterpieces:

The Fate of World War II Stolen Art

October 31, 2013, 6 p.m.

Hunter Museum of American Art

New York IP Attorney Raymond J. Dowd, from
Dunnington, Bartholow & Miller, LLP

Cash Bar 5:30, Program 6:15

Free for Hunter Museum members

\$20 for 1 hour of CLE, \$9.95 for those not seeking CLE

Sponsored by the Chattanooga Chapter, Grant
Konvalinka & Harrison, P.C., and the Hunter Museum of
American Art

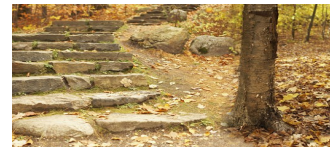
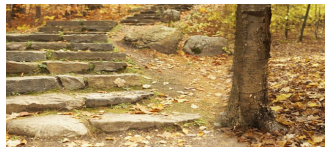
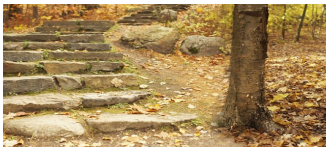
WE ARE ON THE WEB:

www.fedbar.org/

MILESTONE MEMBERS

The Chattanooga Chapter congratulates the following members who
have reached milestones of continuous membership in the FBA:

10 Years: Jeffrey S. Matukewicz and The Honorable Shelley D. Rucker





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ATTN: JOURNAL EDITOR