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Preface

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PREFACE

Neither complacency nor apathy play a role in this journal. Rather, intense criticism and meaningful reform set the tone for Volume 27 of Golden Gate University Women's Law Forum. Though the topics in this journal vary, each writer advocates changes in the law that surpass mere technical fine points and shades of legal definitions. These writers challenge the core problem for working women, working mothers, battered women, and adoptive families: systemic intolerance which is manifested in the lack of legal recognition for people who fall outside of antiquated normative assumptions.

One writer exposes a loophole at the intersection of the Family and Medical Leave Act, Title VII, and the Pregnancy Discrimination Act through which employers may avoid liability for firing a woman when she exercises her right to take maternity leave. The writer recommends a mandatory time period for which a woman is guaranteed her position at the end of her leave. This requirement would more adequately protect women by raising the burden for employers who assert the position-elimination defense to a Title VII claim. Another writer critiques the Michigan Supreme Court's decision to adopt a Reasonable Person Standard for assessing whether certain conduct constitutes sexual harassment in employment settings. This writer criticizes the court's decision as contrary to the trend in many states to adopt a Reasonable Woman Standard as the objective test for determining whether a person's behavior amounts to harassment.

In her survey of the adoption screening process, another writer argues that most screening factors which do not relate to parenting ability or the parent-child relationship, are arbitrary and discriminatory. When agencies attempt to artificially construct what *looks* like a real family, they not only fail to create the best family, but also invariably delay or prevent most adoptions to the detriment of the children whom the system is purportedly intended to protect. Finally, a student from the University of Oregon contributes a survey of the law regarding a hearsay exception to allow testimony of a battered woman's statements made during her life about incidents of abuse by the batterer who is on trial as the woman's murderer.

These writers' hard work, thoughtfulness, and passion honor all women, children, and parents who have been denied justice by the current legal system. Discussing issues in everyday life, though key to garnering strength for any social movement, is not

enough when the law fails to incorporate the messages from those social movements. The lawmakers and decision-makers would remain reluctant to remedy inconsistencies and injustices in the law were those problems not brought to the fore by men and women such as these writers.

I would like to acknowledge and thank the Faculty Advisor Roberta Simon and the faculty mentors who lent their valuable support and guidance throughout this arduous process. Most importantly, I want to express my gratitude and deep admiration for the writers, the entire editorial staff, and the mighty friends and family behind the scenes who contributed to the success of this journal. May your accomplishments here inspire us to continue striving to improve the law and to secure justice for people of every background and lifestyle.

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