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Foreword

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IN CRITICAL CONDITION:
The State of Women’s Health
and Access to Care

Saturday, September 22, 2001
Boalt Hall School of Law
University of California at Berkeley
Foreword

On September 22, 2001, the Berkeley Women's Law Journal hosted a symposium exploring recent developments and emerging trends in law and policy related to women's health and access to care, entitled "In Critical Condition: The State of Women's Health and Access to Care." We chose women's health and access to care as our topic because these issues are deeply connected to women's political, legal, and socioeconomic status in our society. The lack of universal health care coverage in the United States means that many women face significant economic barriers to receiving the health services, information, and preventive care that they need.

After over a year of preparation for the symposium, the events of September 11th gave all of us great pause as we contemplated whether to go forward with the symposium. While it was a very difficult time for everyone, we decided to proceed because we wanted to demonstrate our commitment to the community, the participants, and underrepresented women. "In Critical Condition" succeeded in providing a forum not only for discussing important developments and emerging trends in law and policy but also new strategies to affect change at the community and grassroots levels. The topic seemed especially timely in light of the current administration's attempts to severely restrict—if not eliminate—women's reproductive freedom. We were thrilled that so many of our speakers and fellow journal members were able to attend and contribute to such a vital discussion.

Throughout the day, scholars and advocates addressed the inadequacies of the existing health care and political systems and presented some promising strategies to improve these systems. We also challenged one another to confront the institutionalized forms of inequality and discrimination that amplify these inadequacies. Speakers and audience members grappled with the reality that women from diverse backgrounds face very different obstacles to getting the care and support that they need to live healthy lives. The statistical disparities in health status and access to care among women of different races and socioeconomic classes demonstrate a disturbing trend toward greater inequality along those axes of subordination. During Professor Marjorie Shultz's morning presentation, for example, symposium participants heard striking statistics on race and
gender disparities in doctors’ decisions about whether and how to treat patients who have presented the same symptoms and/or illnesses. Thus, in addition to economic and structural inequalities, such data demonstrate that many women of color suffer from overt and/or unconscious bias within the doctor-patient relationship.

“In Critical Condition” drew participants from across the country and was attended by students, faculty, health professionals, policymakers, and community members. We had a fabulous roster of speakers, including California Assemblywoman Dion Aroner, Chair of the California Assembly Human Services Committee; and Sylvia Law, Professor of Law, Medicine, and Psychiatry at New York University. Morning panelists addressed recent trends and policy developments at state and national levels. Afternoon panelists focused on coalition-based strategies for improving health access and outcomes for underserved women. The afternoon breakout sessions covered a wide array of topics, including implementing legal and grassroots strategies to improve health care conditions for incarcerated women; organizing local networks of family planning clinic escorts and defenders; and addressing the impact of race on access to care for women with disabilities.

“In Critical Condition” gave participants an opportunity to explore the ways that we can work together to improve health outcomes and expand access for all women while paying close attention to our different perspectives and experiences. We would like to extend many thanks to the Boalt Hall administration and our corporate sponsors for their financial support and express our appreciation for the hard work of so many dedicated Berkeley Women’s Law Journal members. The symposium would not have been such a success without these contributions.

What follows is an edited version of Professor Sylvia Law’s keynote address and selected portions of the symposium transcript. We hope that you enjoy reading them. We are confident that thoughtful articles, meaningful coalitions, and innovative social activism will come out of our 2001 symposium.

Jennifer A. Reisch & Racheal Turner
Symposium Editors
Berkeley Women’s Law Journal
Symposium 2001

Symposium Schedule & Panelists

WELCOME & INTRODUCTION:
John Dwyer, Dean, Boalt Hall School of Law

OPENING REMARKS:
Dion Aroner, Assemblywoman, Dem-14th District, Chair of California Assembly Human Services Committee

MORNING PANEL:
Recent Trends and Policy Developments at State & National Levels
Marjorie Shultz, Professor of Law, Boalt Hall School of Law

Lauren Sorrentino, Student, Boalt Hall School of Law

Susan Berke Fogel, Legal Director, California Women’s Law Center

KEYNOTE ADDRESS:
Patients' Rights without Health Rights?
Sylvia Law, Elizabeth K. Dollard Professor of Law, Medicine, and Psychiatry, New York University School of Law

AFTERNOON PANEL:
Coalition-Based Strategies for Improving Health Access and Outcomes for Underserved Women
“Barriers Facing Immigrant Women”
Raquel Donoso, Senior Program Manager, Latino Issues Forum

“Redefining Reproductive Freedom to Build Multicultural Coalitions”
Lisa Cheyemi Ikemoto, Professor of Law, Loyola Law School

“Unheard Voices: Defining Black Women’s Advocacy Agenda”
Latonya Slack, Executive Director, California Black Women’s Health Project
BREAKOUT SESSIONS:
“Harsh Sentences: Conditions of Confinement and Barriers to Health Care for Incarcerated Women”
Lauren Leslie & Cassie Pierson, Staff Attorneys, Legal Services for Prisoners with Children

“Building Coalitions Across Borders: Using Transnational Mechanisms to Promote and Protect Reproductive Rights”
Angeles Cabria, Senior Program Officer, Latin America, Pacific Institute for Women’s Health

“Health Access Issues for Women with Disabilities”
Robin Goldfaden, NAPIL Fellow, Disability Rights Advocates

“Legal but Out of Reach? Organizing Clinic Escorting and Defense Networks to Defend Women’s Access to Health Care”
Barbara Hoke, Community Activist and East Bay Clinic Escorting Coordinator; Gretchen Dent, Reproductive Rights Coordinator, Boalt Hall Women’s Association

CLOSING REMARKS:
Elizabeth Saviano, Chief, Office of Women’s Health, California Department of Health Services