



## And the debate goes on

by Alison Brewin, Program Director

What role does the legal profession have in an environment of neo-liberal funding cuts? Where is the boundary between representing the interests of practicing lawyers, political ideology and fiscal restraint? Who should speak for those residents of British Columbia who find themselves needing legal advice? For any non-lawyers out there, what the heck is the difference between the Canadian Bar Association and the Law Society and why should we care? And finally, and most importantly for West Coast LEAF, how do these debates affect the women of British Columbia?

The impact of the cuts to the Legal Services Society and legal aid on women cannot be underestimated. There was ample evidence available *before* these cuts were announced that women's needs, particularly in the area of family law, were not being met by existing legal aid services. West Coast LEAF had been, in fact, looking for an opportunity to intervene in a case to argue that the government was not fulfilling its mandate under the Legal Services Act.

The W.A.L.S. (Women's Access to Legal Services) report, written by Shelley Crest, Penny Bain and Marina Morrow and published in the fall of 2000, found that there was substantial evidence of systemic inequality in the legal aid system in B.C. and further, that the LSS rules resulted in significant inequality in women's access to legal services. That was then.

The current government has slashed funding for Family Law Legal Aid by eliminating all Family Law Legal Aid unless there is violence involved. The nature of domestic violence and its effect on women and children makes it a

wholly inappropriate benchmark for the determination of eligibility for legal aid. To use it as such will only exacerbate an already complex and dangerous situation.

In cutting 40% of the Legal Services Society's budget over the next three years, the government aimed all of the pressure of those cuts on anyone not protected by past Charter litigation – people living in poverty, women, immigrants and refugees and the disabled. (For more information about the cuts to legal aid, and other cuts to BC Benefits, Women's Centres, Health and Education check out the websites listed on the next page.)

The legal profession in B.C. is facing an interesting dilemma in an upcoming Law Society special meeting. Because the Attorney

General, Geoff Plant, is a member of the profession, he is subject to the *Legal Profession Act* just as any other lawyer. On the other hand he is constrained by the fiscal decisions of his colleagues around the Cabinet table. Two lawyers have presented opposing motions to the Law Society, precipitating the meeting and presenting lawyers with an opportunity to make a decision: embarrass the current government by censuring its official leader of B.C.'s judicial system, or take a conservative approach and support the principle that elected officials can not be held accountable to their professional associations.

An analogy that might clarify the issue is this; while Attorney General's have always been expected to be members of the Bar – lawyers – the Minister of Health has never been expected to be a doctor. If they were, the current situation in Health care might raise the question as to whether or not the Doctor/Minister of Health was upholding the Hippocratic Oath. If not, the College of

**It is the object and duty of the society to uphold and protect the public interest in the administration of justice by preserving and protecting the rights and freedoms of all persons**

*(Section 3(a)(i) of the Legal Profession Act)*

**The CBA (BC Branch) recognizes that the Province faces fiscal challenges that make it unrealistic to expect that the Ministry could obtain additional funds...to fully restore or further increase legal aid funding at this time.**

*Joint Statement of the CBA(BC) President  
Carmen Overholt and Attorney General  
Geoff Plant*

## And the debate goes on (cont.)...

Physicians and Surgeons might consider expelling the Minister of Health from the College.

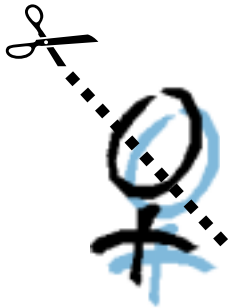
Ultimately lawyers will decide at the meeting on May 22<sup>nd</sup>. A more important issue - something that will have greater direct impact on women as a whole - is the Joint Statement between the CBA (BC)'s President, Carmen Overholt, and the Attorney General in which the parties agree that the CBA (BC) will be consulted in the search for 'economic efficiencies' and that any money saved in the process will go to the provision of legal aid.

What does Mr. Overholt's agreement mean for women? It means that the CBA (BC) branch supports this government's belief that the B.C. government is in a financial crisis. It means that the CBA (BC) branch will be taking no action to stop the dismantling of the current legal aid system. And it means that the Attorney General must consult with

the CBA (BC) in trying to find 'efficiencies' in the system. There is nothing in the Joint Statement that requires the Attorney General to act on any advice the CBA (BC) might provide, and it does not provide women with any likelihood of substantial and meaningful legal aid coverage in the near future.

The reality will remain that women's equality rights have been set back decades by the actions of this government. West Coast LEAF has begun the long, arduous task of developing potential Charter arguments for possible test-case interventions. We are providing community workshops on the Charter and the state of equality rights in Canada. And we are writing submissions and letters to the government when the opportunity for input arises (and even when it doesn't.) I hope you will join us in this work whenever and however possible.

### For more information about the cuts:



- BC Coalition of Women's Centres: [www.bcwomen.cjb.net](http://www.bcwomen.cjb.net)
- Canadian Centre for Policy Alternatives: [www.policyalternatives.ca](http://www.policyalternatives.ca)
- PovNet: [www.povnet.org](http://www.povnet.org)
- Women for Women Needing Welfare in B.C.: [www.wwwinbc.ca](http://www.wwwinbc.ca)
- Access to Justice: [www.accesstojustice.ca](http://www.accesstojustice.ca)
- BC Federation of Labour: [www.campaignbc.ca](http://www.campaignbc.ca)

### WCLEAF Legal Update

LEAF has been granted official intervenor status in the *Demers*. Coalition counsel, Nitya Iyer and Andrea Zwack of Heenan Blaikie, appeared in the Court of Appeal on April 18th and our application for intervenor status was granted. Mr. Demers did not oppose our motion. The filing date for our legal argument (the factum) is September 30th. The hearing panel for the case will decide whether our Coalition will be permitted to make oral submissions. The Coalition in *Demers* consist of West Coast LEAF, the Elizabeth Bagshaw Clinic, Pro-Choice Action Network, B.C. Women's Hospital and Everywoman's Health Centre.

In *Demers* the Coalition is defending the 'bubble zone' legislation that protects women seeking abortion services and clinic staff from harassment.



### WCLEAF PLE Update

The Public Legal Education Committee welcomed a number of new volunteers last month and with them came new ideas to broaden the reach of the No Means No project, explore the use of video or film in legal education work and re-launch the speaker's bureau to enhance and reinforce the guidebook workshop messages on how our charter rights can help us in this time of provincial government assault.

#### "No Means No" Summary of Workshops Conducted

| Project Coordinator Led Workshops | Sessions  | Students   |
|-----------------------------------|-----------|------------|
| Shaughnessy Elementary            | 2         | 60         |
| Carleton Elementary               | 4         | 120        |
| Lord Roberts Elementary           | 9         | 90         |
| Youth Facilitator Led Workshops   |           |            |
| Minnehada Middle School           | 12        | 360        |
| Kwayquitlam Middle School         | 4         | 120        |
| Facilitation Training Sessions    |           |            |
| Terry Fox Secondary School        | 8         | 20         |
| <b>TOTAL</b>                      | <b>39</b> | <b>770</b> |

Note: Each session is approximately 1 hour in length

# WCLEAF Law Reform Update

Our volunteers on the Law and Government Liaison Committee (LGLC) make law reform submissions to government bodies and tribunals on key issues of concern to women, particularly regarding violence and economic/poverty rights and how best to frame legislation and policy.

In April 2002, we were pleased to find that the parliamentary committee making recommendations for federal *Immigration and Refugee Protection Regulations*, agreed with our January 2002 submission that it is desirable to define the term “humanitarian and compassionate” (H&C) grounds in proposed new regulations. By defining H&C grounds in the Regulations, it ensures there are mandatory factors in considering applications for permanent resident status, rather than leaving it to the discretion of policy interpretation. This is a major step for women and children under the threat of violence or being victimized by human trafficking, and ensures the best interests of children are properly considered.

The LCLC position was outlined in West Coast LEAF’s 2001 brief to the parliamentary committee which considered Bill C-11, the proposed amendments to the *Immigration Act*. It can be viewed on the website of the B.C. Branch of the Canadian Bar Association at [www.cbabc.org](http://www.cbabc.org). Special thanks to Tami Friesen and Jennifer Khor who co-ordinated the case law and

international conventions research underlining our position.

Like many British Columbians, committee members have been overwhelmed by the sweeping reviews initiated by the B.C.

government. Though LGLC members are volunteers, we continue to track the impacts of these actions on women and hope to find opportunities to respond to them whenever possible. We have managed to complete and submit a brief to the B. C. Task Force on Pay Equity, focusing on the need for legislation and the government’s current obligations under international treaties and conventions and Canadian jurisprudence.

In addition, we are finalizing our brief to the Attorney-General of B.C. setting out basic principles that should inform any changes to the *Human Rights Code*, the Commission and Tribunal; emphasizing and preserving access to justice, the right to legal representation and the importance of attacking systemic and substantive inequality. The Committee plans to respond to the draft legislation on Human Rights that is expected at the end of the month.

The LGLC was very pleased to welcome several new and old members of the committee including Sarah Woolgar, Suzanne Forestell, Grace Bellamy, Tara Shannon, Susie Milne, Xiau Ping Lee, Amy Francis and Meera Tharkar.

## Transforming our Future: Assessing and Using Legal Tools in the Struggle for Equality Rights A Workshop Series from West Coast Legal Education and Action Fund

### Workshop # 1: Sources of Equality Law in Canada

Participants will review the various sources of equality law in Canada and explore legal terminology that has developed around Equality Rights law. The workshop will assess of how those concepts relate to real life. What is the legal framework within which we are making these equality rights claims?

### Workshop # 2: Equality Rights in British Columbia Today

Where do community advocates and activists stand in the face of current provincial government actions? How do past equality rights successes relate to the cutbacks and closures? This workshop will include a review of the gains made in women’s equality rights in the past two decades. Participants will identify the major themes still to be faced by those seeking equality in Canada.

### Workshop # 3: Assessing the Legal Tools

Working from the Major Themes identified in Workshop #2, participants will review the various options for legal action and discuss their strengths and weaknesses including, the problems with equality as a legal concept, the slowness of the litigation

approach, myths about class proceedings in Canada, administrative tribunals and their role in advancing equality rights. In addition participants will look at alternatives to litigation such as the role of lobbying, consultation and public legal education in the struggle for equality rights in the law.

### Workshop # 4: A Guide to Creating a Legal Strategy

This workshop will be a hands on, skill-based learning environment. Participants will identify equality rights issues in a legal framework, review legal avenues and look at developing allies in the creation of a long-term legal strategy. The workshop will review test-case litigation, International bodies, Human Rights Tribunals and lobbying legislative bodies. In addition participants will look at the role of public relations and media strategies in developing a legal framework.

Workshop #1 & 2 will be offered June 19th and 26th. Please contact the office to register at (604) 684-8772 or email Alison at [programdirector@westcoastleaf.org](mailto:programdirector@westcoastleaf.org)

# THANK YOU!

West Coast LEAF wishes to recognize and thank those individuals, *businesses and organizations* who renewed their membership, contributed to the organization or to the BC Litigation Fund.

Your support is greatly appreciated. Thanks to:

**Catherine Aikenhead ♦ Milnor Alexander ♦ Mary Atkins ♦ Tonie Beharrell ♦ Cheryl Bell-Gadsby ♦ Jane Bern ♦ Joshua Berson ♦ Patricia Bond ♦ Cleta Brown ♦ Sandra Brown ♦ Barbara Buchanan ♦ Barbara Budd ♦ Capilano College ♦ Natalie Clark ♦ Jennifer Conkie ♦ Clare Cullen ♦ Susan Doi ♦ Dr. Robert Makaroff and Dr. Shauna Little ♦ Lorraine Fenkner ♦ Corrine Fiesel ♦ Amy Francis ♦ Joelle Frigon ♦ Lesley Giroday ♦ Susan Griffin ♦ Valerie Gruson ♦ Nancy Harwood ♦ Susan Hayne ♦ Cyndy Hill ♦ Karen Hoffmann ♦ Sandra Jakab-Hancock ♦ Jennifer Johnstone ♦ Ron Keras ♦ Esther Kornfeld ♦ Heather Leighton ♦ Hester Lessard ♦ Claudia Losie ♦ Linda Lucier ♦ Darlene Marzari ♦ Natalie Mazur ♦ Linda McLaughlin ♦ Lucie McNeill ♦ Barbara Murray ♦ Caroline Nevin ♦ Dianne Newell ♦ Jennifer Newman ♦ Heather Paton ♦ Sarah Rauch ♦ Shirley Ribout ♦ Sandra Robson ♦ Jennifer Rorison ♦ Elaine Samwald ♦ Suzanne Schiltz ♦ Allan Seckel ♦ Gillian Smith ♦ Marion Smith ♦ Sheilagh Sparks ♦ Barbara Stark ♦ Sue Watson ♦ Lorrie Williams ♦ Val Wilson ♦ Mary Woo Sims ♦ Katherine Young ♦ Karen Zimmer ♦ Hospital Employees' Union ♦ Kamloops & District Elizabeth Fry Society ♦ Victory Square Law Office ♦ Elliot Pimentel of Wavetek Communications Inc.**

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Monday to Thursday

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*LEAFlet* covers the activities of West Coast LEAF and reports on the cases that LEAF sponsors or is involved in, particularly those that originate in B.C.

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LEAF is a national organization committed to promoting women's equality before Canadian courts, government agencies and human rights commissions; and to providing public legal education on the issue of equality-rights for women.



## West Coast LEAF (Legal Education and Action Fund)

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(h) \_\_\_\_\_ fax \_\_\_\_\_ e-mail \_\_\_\_\_  
Membership Fees: Regular (voting)  \$45  
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Organization (non-voting)  \$75  
Life Member  \$500

3 Year Membership  
 \$100

I would like to assist WCLEAF in achieving equality for women by making a tax deductible donation:

\$250  \$100  \$50  \$25 \$ \_\_\_\_\_ Other amount

I prefer to enclose 12 monthly post-dated cheques in the amount of \$ \_\_\_\_\_ or bill my  VISA  MASTERCARD  
Signature \_\_\_\_\_ Card number \_\_\_\_\_ Expiry date \_\_\_\_/\_\_\_\_/\_\_\_\_

Please make all cheques payable to West Coast LEAF Association and mail to:  
# 1517-409 Granville Street, Vancouver, B.C. V6C 1T2

## YES, you *can* make a difference...

- Become a LEAF member
- Make a donation
- Volunteer your time.

Are you interested in volunteering with LEAF? What would be your area of interest?

- Fundraising
- Law Reform
- Legal Case Work
- Public Legal Education
- Speakers Bureau
- Newsletter
- Special Events
- Office Assistance

# Equality Breakfast 2002 a Success!

The 15<sup>th</sup> Annual Equality Breakfast 2002 held on March 8<sup>th</sup> was a tremendous success for West Coast LEAF. Nearly 450 guests attended the early morning event at the Pan Pacific Hotel in support of our public legal education programs and law reform work. In addition to enjoying a delicious meal, many patrons bid over \$4000 on a variety of silent auction items ranging for authentic fresh water pearls to weekend adventures in Victoria.

After hearing about the exciting of work undertaken by the organization over the past year from West Coast LEAF president, Alisa Noda, guests anxiously awaited the words of keynote speaker, Barbara Budd, host of CBC Radio One's *As It Happens*.

Introduced by Patricia Graham, Managing Editor of The Vancouver Sun, Barbara Budd gave a witty, yet thought provoking speech about the Truth – the irony of which is not lost on the lawyers in the room.

Equality Breakfast 2002 raised over \$16,000 for West Coast LEAF. The success was achieved because of the support of all our attendees, as well as the contributions of our sponsors, many businesses in the community, and through the hard work of volunteers and staff. We take this opportunity to acknowledge and thank them again for their help.

## In-Kind Contributors

Allegro Café • Bard On The Beach Shakespeare Festival • Blue Ruby • Brix Restaurant & Wine Bar • Café Brio • Carberry Gardens Bed & Breakfast • Cathy's Pearls • Cooper Boating • Full Bloom Flowers • GAIA Adventures for Women • Halo Gallery • It's All Fun & Games • It's Yoga • Lucy Mae Brown Restaurant • M.A.C. Cosmetics • MICA Management • Pacific Cinematheque • Pan Pacific Hotel • The Plum Clothing Co. • Pure Radiant Energy Fine Body Essentials • Rodier Paris, Oakridge • Sooke Harbour House • Spirit of the West Adventure Tours • Tribeca Restaurant & Bar • Urban Organics • Vancouver Opera • VanDusen Botanical Gardens Association • Women in Print • YMCA of Greater Vancouver


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## Pre to Post Event Assistance


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# Notice of Annual General Meeting

Wednesday, June 19, 2002  
6:30 pm - 8:30 pm

Royal Bank Room  
YWCA Hotel Residence  
733 Beatty Street, Vancouver

Guest Speaker  
**Carol Rosset**  
Managing Lawyer - Community Law  
Legal Services Society

Join us for light refreshments; hear about the exciting work of West Coast LEAF over the last year and plans for the future; mingle with friends and colleagues. **Call (604) 684-8772 to RSVP by June 14, 2002.**

## BC Litigation Fund has a New Home!

West Coast LEAF's BC Litigation Fund is now held in trust with the VanCity Community Foundation.

"Allowing VanCity Community Foundation to manage the BC Litigation Fund for us is a great opportunity to grow the Fund", says Executive Director, Audrey Johnson. "Not only will we benefit from its investment returns, the Litigation Fund will also be exposed to a wider audience of potential donors through VanCity's promotional programs."

Donations to the BC Litigation Fund can now be made either through West Coast LEAF or at any VanCity Credit Union branch in the province. Contributors will receive a charitable tax receipt directly from the VanCity Community Foundation, just as they would from West Coast LEAF.

In 1990, with a seed grant from the Law Foundation of BC, the BC Litigation

Fund was established for the express purpose of providing a funding base for equality litigation that would benefit women in this province. As part of our agreement with the Law Foundation, the BC Litigation Fund can only be used for litigation-related costs, and cannot fall below \$50,000. The goal of West Coast LEAF is to maintain a balance of \$100,000. Currently, the balance stands at about \$88,000, of which up to \$30,000 has been committed this year for a case regarding the protection of abortion service providers and their clients (*R v Demers*); and a case involving access to legal aid.

Since its inception, the BC Litigation Fund has enabled LEAF to intervene in important equality rights cases that addressed issues of sexual harassment (*Blencoe v. BC Human Rights Commission*), gender discrimination in the workplace (*B.C.G.E.U. v P.S.E.R.C.*:

*the "Firefighter's" case*) and reproductive rights in *R v. Lewis* and the current *R v. Demers*.

West Coast LEAF is grateful for the many contributions made by individuals and organizations to the BC Litigation Fund since 1990. The legacy of that support ensures we have the ability to help women in BC fully realize their rights as equal members of Canadian society. Through our partnership with the VanCity Community Foundation, it is now even easier to demonstrate your commitment to women's equality by contributing generously to the BC Litigation Fund.

