

## INVESTING IN WOMEN'S EQUALITY...

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# LEAFlet

Newsletter of the West Coast  
Legal Education & Action Fund

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## Legal aid town-hall meeting

End of April 2009

Details to be posted at  
[www.westcoastleaf.org](http://www.westcoastleaf.org)

## THE WOMEN'S EQUALITY TOOL CHEST Access to justice & BC in the international context

At West Coast LEAF, we are well-known for our work on enforcing the equality provisions of the *Charter of Rights and Freedoms*. However, there are many tools in the women's equality tool chest, of which the *Charter* is only one (albeit a hefty one) – another important tool at our disposal is the **Convention on the Elimination of all forms of Discrimination Against Women – CEDAW** for short.

CEDAW sets out important measurable goals and provisions to ensure the equality of women in countries around the world.

In the fall of 2008, West Coast LEAF worked as part of a coalition of women's organizations called the BC CEDAW Group to prepare a "shadow report" on the government's compliance with CEDAW in BC. The report included issues such as violence against women, the state of family law legal aid, and the impact of inadequate minimum wage and social assistance rates.

The UN Committee's concluding observations on Canada's CEDAW compliance picked up on many of the shadow report's findings, and issued strong indictments against the actions of government on a number of issues impacting women's equality in BC. The Committee even took the unusual step of requiring the government to return to Geneva in one year's time to report on its progress on two issues of particular concern:

- (1) establishing and monitoring minimum standards for the provision of funding to social assistance programs, and carrying out an impact assessment of social programs related to women's rights; and
- (2) examining the failure to investigate the cases of missing and murdered Aboriginal women, and to address the failures.

West Coast LEAF will be drafting an annual report card to measure BC's CEDAW compliance, the first of which will coincide with Canada's next report to the UN Committee in October of 2009.

Much of our work on CEDAW has focused on the cuts to family law legal aid, and the UN Committee's concern that low income women in BC are being denied access to legal representation and legal services.

West Coast LEAF has corresponded with Attorney General Wally Oppal about this issue, and met with both the AG and with the NDP caucus (including leader Carole James) along with other members of the BC CEDAW Group. Joining our voices with other organizations across the province, and with over a thousand concerned citizens, we are calling on the government of BC to improve access to justice for women and to fulfill its obligations under CEDAW.

To sign our online petition on legal aid, please visit our website: [www.westcoastleaf.org](http://www.westcoastleaf.org)

## NOT WITH A TEN-FOOT POLE: Law Students Perceptions of Family Law Practice

This month, West Coast LEAF launched a research report highlighting an emerging trend of diminishing access to family law lawyers. Women's equality rights in BC have deteriorated with the disappearance of a family law legal aid system and fewer family law representatives available.

The report "Not with a ten foot pole", written by Zara Suleman, is based on the findings of the Family Law Student survey, conducted in 2008. This survey provided a snap-shot of law students' perceptions of family law as well as recommendations to address the issues raised.



*"My peers perceive family law as emotionally draining, overly litigious, and unprofitable for lawyers and parties involved"*

Richard Wright / National Film Board of Canada. Photothèque / Library and Archives Canada / PA-116159

### Rationale for the Family Law Survey:

- Advocates indicated that many family law lawyers changed their practice or left the practice completely, leaving fewer available for client referrals
- Some organizations identified up to a 50% decrease in family law lawyers available for referrals
- Family law lawyers willing to take on legal aid cases are even rarer
- Junior family lawyers leaving the family law practice in a few years
- Services in family law are hardest to find

### Key themes that emerged from the substantive survey questions:

- Just not interested
- Family law students perceived family law to be emotionally stressful
- Low financial compensation/under-funded legal aid
- Not perceived as "Real" law
- Safety concerns: fear of violence and threat

### Recommendations/What If?

- Students knew that all large firms had a family law practice section?
- Family Law was part of the mandatory first year law school curriculum?
- Those interested in practicing family law through legal aid were fairly compensated?
- Pro-bono culture and legal aid were embedded into the legal profession?
- Loan forgiveness or loan-payment assistance programs existed for lawyers who chose to practice in public interest law?

We encourage all readers to read this very insightful report. It is the hope of West Coast LEAF that the insights from this report will work towards creative approaches to rebuild the family law system.

## FACTS ON FAMILY LAW

In a survey of 433 Canadian lawyers done by Payscale.com, family law was the lowest paid practice area. Corporate, business, criminal and insurance law paid higher salaries.

The average amount of debt incurred during law school was \$45,246.00.

The 2007 Annual Report indicated that Family Law complaints made up the majority of complaints received by the Law Society in 2006.

Brown and Macalister stated in a 2006 article that 86.4% of family divorce practitioners received one or more threats – the highest of any area.

For sources, please see full report at [www.westcoastleaf.org](http://www.westcoastleaf.org)

## From the West Coast LEAF Family Law Project report:

*"A very large volume of 'social justice' family law will be (under) funded by legal aid and will often be for clients who will not be able to help with their cases in ways that wealthy, literate and otherwise empowered clients would. Conscientious practitioners will end up doing a lot of pro-bono work -- not so much from choice as from moral obligation"*

*"I've heard family law described as the 'female ghetto' of law practice".*

*"If I knew that I would be working with someone that would mentor me and offer an articling position I would consider it".*

## VOLUNTEER PROFILE

### Daria Capostagno



Daria Capostagno began her volunteer work with West Coast LEAF only one year ago but she has quickly become indispensable. Daria arrived in Canada from Italy in January 2008 and by August she was

volunteering two days a week with West Coast LEAF. She has been involved in the Law and Policy Committee in addition to providing an incredible body of research on international law for the upcoming Youth Website.

Daria obtained her law degree from Ferrara University in Italy and an LLM from the University of Leiden in the Netherlands where she studied international public law with an international criminal law specialization. Her research work with West Coast LEAF has been focused on International Law but adding the substantial challenge of explaining international legal procedures and human rights conventions in a youth-friendly manner.

Daria currently works at SFU and the Italian Cultural Centre teaching Italian.

## HEAD, HEART AND HANDS

In February and March, No Means No workshops were held at Kerrisdale, Mount Pleasant and Simon Fraser elementary schools

The workshops are taught by youth and use a transformative, peer-training model. The primary objectives are to raise awareness of legal rights and responsibilities, examine links between stereotyping and vulnerabilities to violence, and prevent and/or reduce the incidences of assault and sexual assault.

At the end of the workshops, participants were asked to reflect on the people they came into contact with that day and picture each face one by one. What words were used in conversation with these people? Were any of these words hurtful? What could be done differently tomorrow?

*"I learned that not all stereotypes are true," wrote one participant. "I'm going to be nicer to my friends."*



PHOTO, LEFT TO RIGHT: Education Intern Mona Muker, No Means No facilitator Adam James, Family Law Intern Jillian Humphreys and volunteer Dia Montgomery, at the 22nd annual Equality Breakfast.

## FUNNY, HOPEFUL AND SERIOUS: 2009 Equality Breakfast

Acclaimed Canadian actor and director Helen Shaver was the keynote speaker at the 2009 West Coast LEAF Equality Breakfast. In her humorous and genuine address, she discussed the possibility of change and the importance of knowledge on matters of equality.

*"My perception of humankind is that we're at our adolescence. We act as though we're alone in this world, that the problems faced by other women do not affect us. But as we become adults, we need to become more conscious and take responsibility to cement changes in a new foundation."*

Her sincere and insightful remarks acknowledged the reality that too many individuals are unaware of the inequality issues that plague us. Shaver asks us all to consider what we can do as individuals to heighten awareness about "profoundly sane organizations" such as West Coast LEAF so that together, we can continue to give voices to women in BC



Board member Mary Salaysay, MP Hedy Fry, with keynote speaker Helen Shaver at the 22nd annual Equality Breakfast. Speaking about the importance of West Coast LEAF, Shaver commented,

*"It is so necessary to have legal reform, because the honour system doesn't seem to work."*