



May 2008

LEAF Newsletter

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SAVE THE DATE

***Toronto Persons Day
Breakfast***

Rick v. Brandsema

LEAF and West Coast LEAF, its British Columbia affiliate, have entered into a partnership to apply for leave to intervene in *Rick v. Brandsema* at the Supreme Court of Canada.

Rick is a family law case arising out of B.C., dealing with the issue of separation agreements and division of assets. The case involves Mrs. Rick and her husband Mr. Brandsema who built a successful dairy farm and other businesses during their 27 years of marriage. The marriage which resulted in five children had a history of conflict which was frequent and physical. Additionally, Mrs. Rick has a longstanding history with mental illness, which the trial court judge agreed was evident at the time the parties separated and which persisted throughout the period in which the agreement for separation was negotiated, signed and implemented. The separation agreement subsequently resulted in Mr. Brandsema receiving \$1.3 million

Thursday October 16th, 2008
7:30 am
Royal York Hotel, Canadian
Room

Key Note Speaker
Madam Justice Louise Arbour

Be sure to check out our
website in the coming weeks
for ticket information and
sponsorship opportunities.

COMING EVENTS

West Coast LEAF
will be co-sponsoring

Women's Law,
Women's Rights Issues:
An African Canadian Dialogue

May 29th 2008
5:00 PM - 7:00 PM
Law Courts Inn Restaurant
Vancouver, B.C.

You are invited to join
in a rare opportunity
to hear from African
and Canadian women
lawyers about women's
laws, women's rights and
women's issues. Special

Guest Speakers:
Ms. Mahdere Paulos,
Executive Director, Ethiopian
Women Lawyers Association
and
Ms. Tsidi Kambula,
Prosecutor,
South African National
Prosecuting Authority

Reception to precede
panel and discussion.

Cost
\$20 per person
for CBA/West Coast Leaf
members
\$30 Non Members

For more information
contact:
africaevents@lawcourtseducation.ca

more in assets than Mrs. Rick. It has been argued that Mr. Brandsema deliberately underrepresented his financial state and took advantage of Mrs. Rick's mental ill health.

Some of the issues of importance in *Rick v. Brandsema* for LEAF and West Coast LEAF include:

- a women's consistent disadvantage and inequitable results in family law settlement agreements - leading to barriers of women's economic independence and survival;
- serious and unique challenges for rural farm wives;
- advancing equality analysis in an area of law which has enormous effects on women and children;
- re-defining the understanding and reviewing the value processes of negotiation-based resolutions in family law; and
- women, mental illness and family law

This case offers opportunity to influence and advance family law and thereby women's economic potential.

Leave for intervention was filed on April 20, 2008. The case is expected to be heard in the Supreme Court in October 2008.

Bill C-484

LEAF, along with other equality seeking organizations, is closely monitoring the progress of Private Member's Bill C-484, commonly known as *The Unborn Victims of Crime Act*, which is presently in front of the House of Commons Standing Committee awaiting debate.

Bill C-484 would amend the *Criminal Code* to allow charges to be laid in the death of an "unborn child" if the mother is a victim of violent crime.

There is growing concern and opposition to the Bill among a number of equality seeking groups including LEAF. The implications of this Bill are significant for women's equality and could affect women's access to abortion. "Bill C-484 appears to be little more than an attempt to grant legal person status to fetuses." says Audrey Johnson, LEAF's Executive Director. "It fails to provide any substantial measures to address violence against women, including pregnant women."

Pregnant women can be particularly vulnerable to acts of physical and emotional violence. Bill C-484 does not achieve the aim of taking seriously violence against women and does not add any meaningful legal remedies to those already present in criminal law to address violence against pregnant women. When a pregnant woman is abused or killed, loss of the fetus is harm to the pregnant woman herself. This harm can be considered an aggravating feature in sentencing.

Equality advocates have identified systemic causes of violence against women and proffered a wide range of meaningful solutions to those causes. These include adequate financial security for women and children trying to leave abusive situations; more stable funding and education opportunities for women with children; better training for police, lawyers and judges; and increased funding for transition houses and women's groups serving the needs of abused women. There is a wealth of recommendations made over the years by a range of community-based organizations with expertise in



[\[Click here for more information\]](#)

LEAF National has partnered with Progressive Choices: Canadian Women in Business Magazine. A mailing of a free copy of Progressive Choices has been sent out to our members. And if you enjoy the magazine, please consider taking out an annual subscription. When you do, 30% of your subscription fee will be donated to LEAF by Progressive Choices.

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assisting women and children victims of violence. This information would serve the government well in developing meaningful legislation to address violence against women, including pregnant women.

LEAF will present a brief to the committee reviewing Bill C-484 to ensure that an equality analysis of it is available for consideration.

Vriend v. Alberta 10 years later

Last month marked the 10 year anniversary of this historic Supreme Court decision *Vriend v. Alberta*; a defining moment in the rights of gays and lesbians in Canada. It was also a proud occasion in the history of the Women's Legal Education and Action Fund (LEAF), an intervener in the case.

The *Vriend* decision was powerful in that it remedied a grave injustice against gays and lesbians in the province of Alberta, most notably, its government's refusal to extend complete protection of anti-discrimination legislation to the lesbian, gay, bisexual, and transgender community - rights available to the LGBT community in practically every other jurisdiction in Canada. The Supreme Court decision marked another small victory to a previously disadvantaged group in our society.

[\[Click here for the rest of the story\]](#)

Equality Day Celebrations



Justice Bertha Wilson Fund Committee Members: Linda Silver Dranoff, Mary Jane Mossman, Justice Claire L'Heureux-Dubé
Missing from photo: Ellen Anderson and Teresa Nahanee

Toronto

LEAF was pleased to launch the Justice Bertha Wilson Fund at its annual Equality Day Celebration in Toronto on April 17th, 2008. Established with the support of interested members from the legal community, the Fund honours the legacy of Justice Wilson, the first woman appointed to the Supreme Court of Canada. The Bertha Wilson Fund will direct urgently needed resources to legal education, research on gender issues and jurisprudence, as well as intervention in important precedent-setting equality rights cases.

Approximately 120 guests attended the reception event hosted and sponsored by RBC Financial Group. They were inspired and entertained by the compelling and insightful comments of guest speakers Ellen Anderson, author and biographer of *Judging Bertha Wilson: Law as Large as Life* (2001) and Madam Justice Claire L'Heureux-Dubé who served with Justice Wilson between 1987 and 1991. Guests also received greetings from the

Honourable Deb Matthews, Minister Responsible for Women's Issues on behalf of the Government of Ontario.



Author Ellen Anderson

The event raised \$21,000 - the first of many contributions toward the goal of \$150,000 per year over the next five years. For more information about the Justice Bertha Wilson Fund or to make a donation please contact us at donate@leaf.ca.

[\[Click here fo Ellen Anderson's Keynote Speech\]](#)

Prince Edward Island

PEI held a Membership and Branch Renewal drive as part of its Equality Day celebration event on April 17th, 2008.

The event included a panel and open discussion around the issues of healthy work, family and life balance. LEAF PEI Chair, Lisa Murphy introduced panel members: Kirstin Lund from the Coalition for Women in Government Coordinator, Mediator, Sue Connolly, Lawyer and PEI Advisory Council on the Status of Women member, and Jacinta Gallant from the Collaborative Lawyer and Mediator with Resolution PEI.

The panel raised some important points about work/life balance and the weight that economics played in the struggle. The 25 to 30 attendees of the event included lawyers, social justice advocates, and previous LEAF PEI volunteers.

Local newspaper, *The Guardian* covered the event, interviewing a founding mother of LEAF, Daphne Dumont, Lisa Murphy and the panel. The afternoon was successful in adding fourteen new members to the PEI branch.



Photo: Panel Members: Sue Connolly,

Jacinta Gallant, Kristin Lund

LEAF - the Women's Legal Education and Action Fund - is a national charitable organization that works toward ensuring the law guarantees substantive equality for all women in Canada

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