

For Immediate Release

***LEAF and West Coast LEAF address Supreme Court of Canada today:  
Urging fairness and equality in separation agreements***

October 14, 2008 – LEAF and West Coast LEAF (the Women's Legal Education and Action Fund) will present oral arguments in *Rick v. Brandsema* at the Supreme Court of Canada today.

*Rick v. Brandsema* is a B. C. family law case in which the parties entered a separation agreement that left Mr. Brandsema with substantially more assets than Ms. Rick after 27 years of marriage. Ms. Rick suffered mental health challenges when the agreement was signed and identified herself as a survivor of domestic violence. The trial judge determined that Mr. Brandsema failed to disclose, or properly value, family and jointly held business assets and awarded Ms. Rick funds to equalize the property division. The Court of Appeal overturned that result.

West Coast LEAF maintains that separating spouses have a common law duty to provide full and accurate financial disclosure, and when a spouse has exploited the known vulnerabilities of the other to obtain an unfair bargain, the agreement should be set aside as unconscionable.

The intervention in Ms. Rick's appeal to the Supreme Court of Canada urges the court to include considerations of substantive sex equality (s. 15(1), *Charter of Rights and Freedoms*) in development of common law principles around separation agreements.

“The constitutional value of sex equality mandates recognition of the disproportionately negative economic impact of family breakdown on women, and of the systemic disadvantages experienced by women relative to men in the negotiation of separation agreements,” says Joanna Radbord, co-counsel in the case. “LEAF submits that this recognition should inform the Court's determination of what constitutes an unconscionable bargain, and when a separation agreement should be set aside on grounds of financial misrepresentation or unconscionability.”

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West Coast LEAF strives to make the promise of the Charter a reality for the women of British Columbia. LEAF is the Women's Legal Education and Action Fund, a national non-profit organization founded in 1985. LEAF works

to advance the equality of all women and girls in Canada through litigation, law reform and public education using the *Canadian Charter of Rights and Freedoms*.

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