

## INVESTING IN WOMEN'S EQUALITY

West Coast LEAF is grateful for the ongoing support we receive from our donors, our members, and the Law Foundation of British Columbia. We also receive project support from our public funders.



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To learn more about sponsorship opportunities for next year's Equality Breakfast please contact Stephanie Sersli at 604.684.8772 ext 113.

## JOIN THE THEMIS MONTHLY GIVING CLUB!

The Themis Monthly Giving Club is our fastest-growing group of donors! Monthly giving is the best way to support West Coast LEAF. It provides sustainable revenue, reduces administrative costs, and helps us plan for the future. Themis Club donors receive a bimonthly Themis e-newsletter to stay current with all the latest news. Please contact Stephanie Sersli at 604.684.8772 ext. 113 for more details.

## DINE AND DONATE FUNDRAISER

Need a fresh idea for a dinner party? Why not host a Dine and Donate event for West Coast LEAF! Raise funds and awareness about our organization while you, your family, and friends make a memorable evening of it. To help you plan your event, there is now a dinner party kit available for download on our website. Have fun while supporting an important cause!



### 2012 Equality Breakfast Silent Auction Donors

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# LEAFlet

Newsletter of the West Coast  
Legal Education & Action Fund

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## TRANSFORMING OUR FUTURE WORKSHOP

May 31 & June 1, 2012  
9:00 AM – 4:00 PM  
Vancouver

See [www.westcoastleaf.org](http://www.westcoastleaf.org)  
for registration details

## WHAT'S NEXT IN THE STRUGGLE FOR LEGAL AID

By Sania Ahmed



The underfunding of legal aid has reached crisis proportions in BC. Without adequate access to legal aid, low income individuals do not have fair and equal access to the justice system. This crisis is a gendered one; women are the primary users of family law services, thus the drastic cuts to these services in the last decade disproportionately affect women. A fair and equal justice system is essential to human rights and women's rights in particular.

From 2002 to 2004, the BC government cut funding to the Legal Services Society (LSS), the body that administers legal aid, by almost 40%, resulting in the closing of 45 of the Society's branch offices and leaving only 7 regional offices to handle services for the entire province. All poverty and some family law services were eliminated. In 2009, LSS received further funding cuts, resulting in the closure of 5 regional offices, closure of the family law clinic in Vancouver, and limitation of legal information services through the LawLINE.

Many community and legal organizations are taking action. To call attention to the lack of proper funding for legal aid and its implications for access to justice, the Trial Lawyers Association of BC has undertaken escalating strikes. Strikes started in January 2012 when it withdrew duty counsel services for 1 week. That was followed by withdrawing services for the first 2 weeks of February, then by withdrawal for the first 3 weeks in March, and then for the entire month of April.

For years, West Coast LEAF has been engaged in extensive work on legal aid and access to justice issues. We are also a member and co-chair of the Coalition for Public Legal Services (CPLS), a group of non-profit legal organizations, NGOs, labour unions, and community advocacy groups from around BC. Earlier this year CPLS challenged Premier Clark regarding her statement about "putting more money" into the justice system. CPLS demonstrated, using the government's own budget estimates, that the funding allocated to the judiciary has actually steadily declined every year over the past 5 years, while the volume of cases has increased. Currently CPLS is asking constituents to approach their MLAs to restore legal aid funding. Resources available on West Coast LEAF's website explain the importance of legal aid, the serious impacts of underfunding it, and common misconceptions.

Recently, the government announced a review of the justice system, with LSS assigned to review legal aid. Minister Shirley Bond requested LSS to tell the government how it could improve services without receiving any further funding. CPLS urges LSS to reject this framework and make a strong public statement that legal aid and the entire justice system is severely underfunded, and cannot operate effectively without government investment.

## LITIGATION UPDATE

West Coast LEAF is intervening in *Friedmann v. MacGarvie*. In this case, a female tenant was sexually harassed by her male landlord and, as a result, ended her tenancy. She filed a human rights complaint with the BC Human Rights Tribunal who found the harassment constituted sex discrimination.

The BC Supreme Court disagreed, however. The tenant appealed to the BC Court of Appeal. West Coast LEAF will argue that sexual harassment constitutes sex discrimination and is a violation of women's equality rights. In a landlord-tenant relationship, the inherently unequal power dynamics are intensified by sex inequalities when the landlord is male and the tenant is female. Given this imbalance, enduring a landlord's harassing behaviour may be perceived by tenants as an implicit condition of their tenancy.

We've also intervened at the Supreme Court of Canada (SCC) in *British Columbia (Ministry of Education) v. Moore*. In this case, a special education program necessary for meeting the educational needs of students with learning disabilities was cancelled for financial reasons, despite the continuation of funding for other discretionary programs.

The father of one of the students, Moore, filed a claim against the School District and the Ministry of Education with the BC Human Rights Tribunal. The Tribunal found that the District and Ministry had violated the *BC Human Rights Code* by discriminating against severely learning disabled students through not accommodating their educational needs.

The BC Supreme Court and the BC Court of Appeal disagreed. West Coast LEAF argued two important points at the SCC. The first point concerns the proper test for assessing discrimination under human rights legislation. The second concerns the standard to which governments should be held when they cite a lack of funds as a justification for discrimination. This case was heard by the SCC in March 2012. We are awaiting a final decision.

## COURT WATCH PROJECT

By Ashley McClare



West Coast LEAF has initiated a new Court Watch project. We have trained volunteer court watchers to observe and record details of interactions between judges and parties in child protection hearings. Based on the data

collected, West Coast LEAF will analyze how the courts treat marginalized women in these difficult and highly charged cases.

With support from the Canadian Bar Association Law for the Future Fund and the Health Sciences Association of BC, this project was designed in conjunction with Sheway, a community-based health and social service program assisting pregnant women and new mothers struggling with drug and alcohol issues. There were concerns raised regarding

## VOLUNTEER PROFILE

### Adam James



Adam James is one of West Coast LEAF's most involved volunteers, and one of the friendliest faces at the office. At UBC he majored in business with a focus on human

resource management, and a minor in international relations. Adam began volunteering with West Coast LEAF in his first year after learning about our "No Means No" youth workshops and loved his experience.

#### As a man, why do you find it important to be involved in the fight for gender equality?

**Adam:** I am surrounded by many important women in my life and it's upsetting to know the discrimination they face. Equality doesn't exist in isolation. When you challenge inequality in any regard, you challenge the wide net of inequalities people face. I believe in the importance of allies: allies not only broaden your network of support but also discourage social reform-minded groups from becoming too insular.

#### Tell us about your involvement with this year's Equality Breakfast.

**Adam:** I was the silent auction coordinator, involved in all aspects of the auction including: compiling a list of potential donors and managing initial and follow-up communication; promoting the auction through West Coast LEAF's website and other social media; and training volunteers to help out on the day of the event. This is my third year working on the auction. I'm pleased to say we raised more money this year than any other year where I've been involved.

#### What are your plans for the future?

**Adam:** I'll continue to be involved with West Coast LEAF. I've decided to apply to law school this fall. And yes, West Coast LEAF played an important part in my decision!

## DONOR PROFILE

### Lisa Vogt

Elizabeth "Lisa" Vogt is a partner at the McCarthy Tétrault Vancouver office. A strong advocate for women and families, in 2010 she was recognized by LEAF National for her leadership, passion, and dedication to advancing women in the legal profession. She has spoken at leadership conferences on the topic of advancing women in law and is involved with other organizations, including the YWCA (Vancouver), the Vancouver Children's Festival, and the Minerva Foundation for BC Women.

#### What sparked your interest in women's equality, particularly in the field of law?

**Lisa:** I noticed the disproportionate number of female lawyers advancing into equity partnerships compared to men, as well as the numbers of women leaving the practice altogether. My colleagues and I formed a diversity committee to stop the exodus and support advancement. As a member of that committee, I found there was an environment of self-sufficiency that many senior businesswomen and woman lawyers insisted upon. Mining entrepreneur Peggy Witte famously said, "Why should women set themselves apart and eat breakfast together and yap about how badly they're being treated by men?" In law school I remember a group of students asking a highly respected and prominent woman lawyer to speak about the difficulties encountered by women practising law. This lawyer responded, "I am NOT a woman!" and hung up the phone. Although both these women were making incorrect statements, they were essentially saying the same thing: neither thought that gender was, or should be, a factor in determining success. But the reality is that for many women it is. The very acknowledgment of that, and our talking about it, is a beginning and a necessary step forward. And West Coast LEAF is our collective voice.



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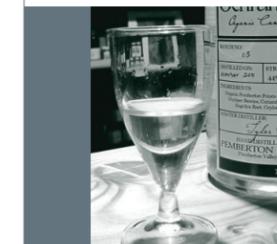
the treatment women received during child protection hearings, the ability of highly marginalized mothers to actively participate in these court processes, and the lawfulness of the decisions that judges were handing down.

The value of this study is multi-fold. Having visible observers in a courtroom encourages fairness in court proceedings and makes courts more accountable. Participants observe and record the behaviour of judges and other court officers with regard to gender bias, denial of due process, racial disparities, and general judicial conduct. The collected data will be analyzed to determine whether individual experiences reflect systemic issues. The project also provides learning and mentorship opportunities for emerging social justice advocates.

Stay informed on project details by visiting our website and Facebook page regularly. We'll be posting a series of short posts on the experiences of our Court Watch volunteers, who have much to say about the interactions they have witnessed in the courtrooms. The project is set to conclude in December 2012.

## PARTNER IN EQUALITY PROFILE

### Pemberton Distillery



When life gives you world-renowned potatoes and clear glacier water, there's only one thing to do: make spirits! Since 2009, Pemberton Distillery has been creating astoundingly tasty vodka, gin, and other distilled products.

One of West Coast LEAF's staff, a long-time fan of Pemberton Distillery, enthusiastically notes, "We never pass through Pemberton without a visit. Master Distiller Tyler Schramm gives an outstanding tour and tasting that we recommend to all our friends. We love the artisan tonic elixir, but we also relish Schramm Gin with plain soda water so we can enjoy its flavour and subtleties."

Schramm's secret is to use whole, organic ingredients and a craft method of production that ensures each batch has a unique flavour reflecting the local character of Pemberton. Not only are ingredients organic and locally sourced, the company cuts down on its energy usage by drawing on geothermal energy.

Another factor is the social conscience Pemberton Distillery brings to its product, sponsoring a diverse range of organizations. Since opening its doors, it has supported the West Coast LEAF Equality Breakfast as a silent auction donor. "We have a couple of requirements when we offer sponsorship — that the request comes from a local organization and that we believe in the work the organization undertakes," explains Schramm. "West Coast LEAF perfectly exemplifies whom we choose to support and we look forward to being part of the Equality Breakfast well into the future."