

LawFemme: CFLS News



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IN THIS ISSUE	
May Workshop Summary	1, 4, 5
CFLS Welcomes Kim Brooks	2, 3
Speaker Series Schedule	3
CJWL Call for Papers	3
Introducing the Women's Program under Status of Women Canada	6, 7
CFLS Summer Visitors	7
Annie Rochette to do Doctorate	7
Women in Law School: Are We Equal Now?	8
Congratulations Honourable Madame Justice Lynn Smith	9
NAWL & West Coast LEAF National Conference	10, 11

**MAY WORKSHOP SUMMARY:
FEMINISM, LAW AND SOCIAL CHANGE: (RE)ACTION AND RESISTANCE
BY KERRY LYNN OKITA (LAW II) WITH REPORT BY FIONA KELLY (PHD. STUDENT)**

In May, the Centre for Feminist Legal Studies, the SFU Feminist Institute for Studies on Law and Society, and the Peter Wall Institute for Advanced Studies, co-sponsored Susan Boyd's workshop "Feminism, Law, and Social Change: (Re)Action and Resistance." This event was attended by scholars from Australia, Canada, England and the USA who gathered to discuss issues relating to how feminist insights are currently viewed within society and the law. The sessions produced a wide range of discussion in diverse areas such as the father's rights movement, responses to 9/11, child poverty, and the media.

The first session, chaired by UBC Law Professor Claire Young, focused on sites of backlash within society. Throughout the discussions several dominant themes emerged. First, the role of liberalism within backlash was noted as a significant force. It was recognised that liberal conceptions such as sameness of treatment and individualism were consistently appropriated within backlash to distinguish feminism from perceived 'gender-neutral' equality. Dr. Robert Menzies discussed the presumption of gender-neutral formal equality as used by father's rights groups, while Professor Boyd analysed formal equality in the context of parliamentary discourse relating to family law.

Dr. Dorothy Chunn's research revealed the liberal parameters in relation to print media. Within these parameters dichotomies between women and feminists, as well as 'equality feminists' and 'gender feminists,' were created. In both divisions, the former were presented as rationally supporting the sameness as equality model, while the latter were presented as irrationally threatening societal norms. Professor Hester Lessard's presentation problematised the liberal framing of feminist issues in relation to sexual harassment policies by setting them within the fluctuating nature and structures of neo-liberal university campuses.

The second theme to emerge was the uneven nature of backlash towards feminism. Professor Boyd's work, particularly, examined the contrast between politicians advocating for substantive equality while at the same time seeking resolution in privatisation. Professor Lessard complicated the concept of backlash by analysing the intersectionality and systemic dynamics of inequality and resistance.

In each of the presentations it was made apparent that feminists face the difficult challenge of developing new and more effective strategies to combat appropriation of liberal feminist language as well as the often false pre-

Continued on p. 4

LAWFEMME IS:

Editor

Kerry Lynn Okita

Editing Professor

Susan B. Boyd

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Catherine Dauvergne

Kim Brooks

Margot Young

Fiona Kelly

Agnes Huang

Kerry Lynn Okita

THE CENTRE WELCOMES KIM BROOKS BACK TO THE FACULTY OF LAW

BY MAIA TSURUMI (LAW II)

Professor Kim Brooks joined the Centre for Feminist Legal Studies and the UBC Faculty of Law this July, specialising in tax and tort law. From 2001-2004, she taught at Queen's University in the Faculty of Law. Before accepting the position at Queen's, Kim was a tax lawyer for a major law firm in their Toronto and London (U.K.) offices. Kim completed a Bachelor of Arts degree at the University of Toronto in English and Economics (1990 – 1994), a Bachelor of Laws at UBC (1994 – 1997) and a Masters of Law (Taxation) at York University, Osgoode Hall Law School (1999 – 2001).

Almost immediately after her arrival at UBC in July, Kim graciously answered a few questions for the newsletter and revealed a great sense of humour.

After completing your LLB at UBC, why did you decide to move back East?

It was hard to choose between Vancouver and Ontario when I was looking for articles (I grew up in a town north of Toronto). I still had a lot of family and friends in Ontario at that time and I had only been in Vancouver for three years so I hadn't completely put down roots here yet. When the teaching opportunity at UBC came up, however, I was looking to move back to BC. I was very happy that it all worked out in terms of my areas of specialisation and what positions UBC was looking to fill!

How did you decide to switch career tracks from private practice to academia?

In the summer of my second year, I finally figured out that you have to article to become a lawyer! I wasn't sure what I wanted to do, but I knew that I loved tax and every tax related subject (How can you not enjoy Claire Young - she's so fabulous!). I ended up articling in tax and corporate law in Toronto. I never thought that I would remain in private practice after my articles. I thought that after articling I would move into government and/or some kind of policy-making arena. However, I LOVED my tax articles and enjoyed the work and



Professor Kim Brooks

Photo courtesy of the Faculty of Law, Queen's University.

the work environment. I found the people a bit nerdy (a great environment for me), but very down to earth, and as enthusiastic about tax as I was.

After my articles I was hired to work in tax and then practised for three years. Every month I figured would be my last one, but I liked the work so I kept at it. In the meantime, I did an LLM at Osgoode Hall. After I finished my LLM, although I was still enjoying private practice, I realized how much I missed the conversations and discussions that I had had at law school, so I decided that I would quit work and do a PhD. My idea was to drink coffee, do a bit of writing, and talk about tax! While I was busy applying for PhD programs, I got a call from Kathleen Lahey (Queen's University) about a job opportunity at Queen's and I was fortunate to land a job drinking coffee and having conversations at Queen's as a professor instead of doing more graduate work.

You won a teaching award at Queens - can you give us some thoughts on teaching?

I had never taught before taking up the position at Queen's and I didn't know if I would like it, but I loved it. In particular, I love teaching first year students. Everything is so exciting and new when you're in first year, and the material is so fresh. If you think back to the difference between when you started first year and at the end of that year, it is amazing how much you've learned. In second and third year you fine-tune your knowledge and skills, but it's not *all new* the way it is in first year. Instead, in upper years you're focusing on different skills, like statutory interpretation, perhaps, or clinic skills, and on developing some expanded knowledge in different substantive topics.

Torts and tax are a great combination because they are so different and therefore offer a good contrast to each other. Tax is really mostly about statutory interpretation and there is not much precedence/history – after all the tax system was only introduced in Canada in 1917. Torts, in contrast, has a long history of precedence and building on previous cases. At least the way it's often taught, it's much more about the development

of the law through cases as opposed to by legislative enactment.

Was it hard to leave Queen's?

Yes, very hard as I really liked it there. As a professor, you have a real investment in the students and want to see things through with them. While I was at Queen's, I saw my first small group graduate and it was such an awesome feeling. You're really pulling for them all and to see them finally become lawyers is amazing. It was hard, though, to leave the students, particularly those in my torts small groups, who hadn't finished yet. BUT, there's a vibrancy at UBC that is a real draw and it's exciting and fun to be a part of what feels like a period of renewal and vitality here. Plus, there will be new torts small groups!

How does the feminist legal community at Queen's compare to ours at UBC?

Both have great feminist faculty representation, but the UBC community is more organised, in part at least because of the Centre as an organisational nexus. Also, here the faculty have done a number of collaborative research projects and at Queen's, the scholarly agendas haven't converged in the same way. Part of the difference may also lie in the fact that at Queen's, the faculty is smaller so as a result the teaching is more focused on the core curriculum and there may not be as much time or opportunity to develop feminist courses and networks.

Kim will be teaching half of a Torts small group, Legal Institutions, and Taxation I this year. Her research interests are in tax and tax policy, corporate tax, and a small vein of research into pedagogy. Kim has also agreed to join the CFLS Steering Committee.

CFLS LECTURE SERIES: SEPTEMBER SCHEDULE

All talks are on Thursdays in Curtis Room 157 from 12:30-1:30pm.

Check for updates and more information at: <http://faculty.law.ubc.ca/cfls/framesets/centre%20home-frameset.htm>

Sept. 23rd: **ANN LIVINGSTON** (Project Manger for Vancouver Area Network of Drug Users)

Sept. 30th: **EMMA CUNLIFFE** (Ph.D. student, UBC Faculty of Law): *Have Women Changed the Law and has the Law Changed Women?*

Oct. 7th: **CLAIRE YOUNG** (Professor of Law and Associate Dean, UBC Faculty of Law): *Women, Pensions and Poverty*

CANADIAN JOURNAL OF WOMEN AND THE LAW:

20TH ANNIVERSARY SPECIAL ISSUE: DEFINING MOMENTS

CALL FOR PAPERS

The Canadian Journal of Women and the Law will celebrate its 20th anniversary in 2005. Conceived in 1982 by women academics, lawyers, researchers, and activists, the first issue of the Journal, titled "Women and Equality," debuted in 1985.

For a special 20th anniversary issue, we are seeking submissions analyzing, critiquing, defending, exploring, setting in context, or telling the story of a defining moment, good or bad, in feminist engagement with law during the last twenty years. We plan to publish a diverse array of contributions and so ask that submissions not exceed 5,000 words. Submissions must be received on or before September 15, 2004. All submissions will go through a peer review process.

PLEASE SEND SUBMISSIONS TO:
Kate Sutherland
English Co-Editor
Canadian Journal of Women
and the Law
Osgoode Hall Law School
York University
4700 Keele Street
Toronto, ON
M3J 1P3
cjwl@osgoode.yorku.ca

Continued from Page 1

MAY WORKSHOP SUMMARY

sumptions inherent within them.

The second session was a public panel chaired by host Professor Boyd. This session was extremely well attended and focused on diverse issues facing contemporary feminism. While there was no uniform topic, each of the panellists discussed macro trends shaping the backlash debate.

One of the central themes of discussion for this panel was the erasure of gender and women's experiences within wider neo-liberal discourses. This process, as discussed, removes gender from primary focus and detaches women's actual experiences from the presumed experiences of the neo-liberal individual.

Professor Margot Young approached this issue in relation to social policy reform. She suggested that distinctions in women's experiences are subsumed and assimilated within rhetoric of formal equality and by imposition of the 'unencumbered rational individual'. Dr. Dorothy Smith's presentation similarly argued that institutional discourses, such as those within universities, are characterised by language that subsumes and objectifies women's voices. Both women continued their analyses to question not only whether these systems had the capacity to ensure women's substantive rights, but also whether there were points of entry for this engagement.

Dr. Richard Collier and Dr. Sunera Thobani addressed the silencing of women's experiences by

examining how women's voices have been recast in light of "new fatherhood" and the "post 9/11" state, respectively. In his discussion of the new politics of fatherhood, Dr. Collier suggested that father's rights groups have transformed women's voices in order to construct fathers as victims. This new conceptualization at once obfuscates the issue of gender and mutes the voices of women. Dr. Thobani's presentation examined how the "war on terrorism" constructed women's voices solely as those of victims who required rescue and redemption from Western intervention.

The third session focused on sexual violence and the rendering of women and women's experiences invisible. The subjects discussed in this session revived themes such as neo-liberalism and the silencing of women's experiences, but placed these themes within particular legal issues.

Dr. Elizabeth Adjin-Tettey focused on the problematic assumptions embedded in constructive consent, a battery tort defence. Her discussion illustrated how this defence leaves women of colour particularly vulnerable as they must not only overcome muting of their gender, but also racialized myths and stereotypes regarding sexual accessibility and aggressiveness. Dr. Adjin-Tettey argued that within the legal system, the ex-

periences of women of colour become misappropriated by the neo-liberal construction of the reasonable person.

Dr. Lise Gotell also addressed the confiscation of women's experiences by neo-liberal discourse in regard to the individualization of sexual assault complaints. Dr. Gotell suggested that neo-liberal discourses act to re-privatise rape law, eliminating structural understandings of sexual violence and removing all socio-political context. Her presentation further argued that conceptions embedded within these laws have evolved to mimic the neo-liberal economic citizen.

The fourth session continued on the theme of rendering women and women's experiences invisible, but shifted focus to the family and children. Discussions centred on recent policy and strategy reforms in family law and social policies leading to an emphasis on children's rights, which acts to dissolve the voices and interests of women and minimises many experiences of abuse by intimate partners.

Professor Wanda Wieggers discussed this issue in relation to the new child poverty discourse, suggesting that both anti-poverty groups and government have been able to endorse this shift because of the liberal construction of the child as a dependent, vulnerable, new citizen. Conversely, Professor Wieggers asserted that this discourse denies access within the debate to women and allows adults, particularly mothers, to be

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cast as independent and self-reliant citizens. This conceptualisation of poverty situates poor women as deviant and undeserving of aid and protection. The debate neither has the capacity to address women's experiences, nor to account for the fundamental connection between women's and children's poverty.

The invisibility of abuse was discussed by Dr. Margaret Jackson in her presentation on custody and access assessments. She argued that a significant disjuncture exists between women's experiences in the family and the 'official' versions as determined by counsellors and judges. Her research revealed that experiences of abuse were either minimised, disbelieved, or women were actually blamed for having allowed the abuse to occur.

The fifth session contained papers regarding very distinct areas of law, all of which confronted the inadequacies of traditional equality paradigms. Discussion accentuated the sites of feminist focus as well as the fragility of successes. Professor Sheila McIntyre discussed the Supreme Court's legal formalism despite the acceptance of substantive equality. Professor Sanda Rodgers pointed out the irony of formal abortion laws, which are empty and lacking protection of substantive rights of access. Both issues emphasise that the recognition of substantive rights without significant alterations to dominant ideology renders change ineffective.

Professor Julie Shapiro discussed the conflict in presenting same-

sex marriage litigants to the courts when such an inclusion does not necessarily adhere to feminist theoretical conceptions. The danger in arguing that same-sex couples can only achieve equality when seen as identical to heterosexual marriages is that a hierarchy of relationships could be created whereby couples are seen as more or less affirming traditional gendered roles. Conversely, Professor Jenny Morgan discussed the relative resilience of sexual harassment law to backlash because of its equality based principles.

Forms of backlash are indicative of the strength of the feminist movement.

The final session consisted of discussion regarding the recurring themes throughout the workshop, as well as exploring prospects for future feminist engagement. On a positive note, it was stated that forms of backlash are indicative of the strength of the feminist movement. If the movement was not seen as a significant challenge to traditional standards, resistance would be unnecessary. The examination of these sites, therefore, can become empowering as the knowledge of resilient traditional ideologies and structures produces nuanced and more effective feminist understandings and strategies.

Another point of discussion was the perception that young women had become disengaged with feminism for a variety of reasons. There was comment that women may have become discouraged by resistance and feel hopeless regarding feminist progress. Conversely, it was also suggested that involvement may no longer be a priority for women who perceive that activ-

ism is no longer required because progress has been made. With the demands of the competitive job market and increases in tuition, women may also feel that they do not have the energy or time to invest in the feminist movement. All of these possible trends indicate that challenges to feminist engagement have evolved over the last decade; however, this does not mean that they are more difficult to overcome.

Another alternative to participation and engagement of young women was the emergence of feminist analysis in other social movements. Young feminists may be engaging with feminism through other political projects such as transsexualism or anti-racism. This expansion perhaps allows for a wider range of advancement and a stronger front in light of threats to solidarity.

The session concluded with general discussion on the need to remain positive in light of backlash. By recognizing our own sites of privilege and power, and defying boundaries, the issue of backlash can be recast and complicated in order to form more effective resistance. Formulating additional strategies not only to confront backlash, but also to remain constructive is a constant challenge of feminism. If the past and this workshop are at all suggestive of the future of feminism, however, there is no doubt these tests will not only be met, but extraordinarily surpassed.

Workshop Programs, including paper abstracts, are available at the CFLS.

REPRESENTATION, DIVERSITY AND MEANINGFUL PARTICIPATION:**AN INTRODUCTION TO THE WOMEN'S PROGRAM UNDER STATUS OF WOMEN CANADA****BY MICHELLE GLEN (BA SFU AND STATUS OF WOMEN CANADA CO-OP STUDENT)**

Created in 1976, Status of Women Canada (SWC) is the federal department mandated to promote gender equality and the full participation of women in the economic, social, cultural, and political life of the country. To accomplish this, SWC works with women's equality groups, other NGO's, federal departments as well international organizations to advance three priorities: improving women's economic autonomy and well-being; eliminating systemic violence against women; and advancing women's human rights.

Creating a government department to address systemic gender inequality that has resulted in part from the historic exclusion of women from the state has not gone unchallenged by many feminists. Working for substantive change within a traditionally oppressive system puts women at great risk of co-optation and for this reason, many feminists resist working for change within the state. Cognizant of this risk and the slow pace of progress offered by this approach, SWC continues to work towards women's equality through its policy development and analysis, research, and Women's Program fund.

The Women's Program (WP) is one of the most important facets of SWC as it supports projects by women's organizations seeking to improve women's economic, social, political, and legal situation. Distinct from most other federal programs, the WP regards women's groups as experts on issues in their communities. It also asserts SWC's role as that of a supporter, as opposed to an administrator that decides community priorities and merely chooses groups to carry out work on these designated issues. Support by SWC, including financial and technical, is provided by the regional offices in each province and territory. This allows local priorities to be heard and addressed at a local level, which lessens the possibility of national issues usurping smaller-scale community objectives.

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A pivotal issue that has impacted every aspect of women's equality has arisen in the BC/Yukon region as a result of both community and academic advocacy. This issue is the challenge of having adequate representation and meaningful participation of diverse groups of women in all areas of the struggle against women's subjugation. The mainstream (able-bodied, middle-class, and white) feminist movement has a long history of fighting for women's equality with men while overlooking inequality among women. Consequently, the distinct concerns of Aboriginal women, women of colour, lesbians and women with disabilities have often been disregarded. Given this exclusionary tendency and the harm it causes to women facing multiple oppressions, SWC places priority for the WP support to women's equality organizations that actively engage women from diverse backgrounds and experiences in a context where all women can meaningfully participate in the work of the group.

A prominent example of such a group is Justice for Girls (JFG). This Vancouver based feminist group promotes support, justice, and equality for adolescent girls who live in poverty and have experienced violence. This organization incorporates into all the work they do a critical understanding of how intersections of multiple oppressions play out in women's lives.

In 2001, JFG undertook a three year in-depth, qualitative analysis of the criminal justice system's treatment of low-income and street involved girls. This inquiry included the police, courts, corrections, and legislators. For example, as part of this project JFG monitored court cases involving girls, including those who were accused of crimes, such as Kelly El-lard. In this instance, JFG brought public attention to the fact that racism was an important factor in the murder of Reena Virk and criticized Crown Counsel for not addressing this issue during the first trial. JFG also monitored court cases involving male violence against girls, such as that of Robert Dezwaan who murdered Cherish Oppenheimer. In this case JFG was successful in calling substantial media and government attention to the epidemic of male violence against Aboriginal girls that was revealed by this case. JFG called for an inquiry into the issue.

Under the WP, JFG is also currently working on a feminist housing strategy initiative for girls in BC which will respond to the specific needs of diverse girls with respect to sexual orientation, race, class, ability and culture. This initiative will also identify the kinds of public policy program reforms required to support this strategy.

JFG has achieved, with modest resources, a remarkable amount of progress in the advancement of equality for girls within the justice system and society. The capacity to do this is a result of their adherence to the principle that young women are experts of their own experiences. JFG is comprised of women and girls who have experienced poverty and violence first hand. In essence, members have a theoretical and a practical understanding of multiple forms of oppression that intersect the daily lives of girls in Canada and this contributes notably to the quality and substance of their work.

Dealing with diversity and addressing such a multifarious amalgamation of perspectives is always difficult. Different experiences lead to different and often conflicting views of what the root causes of the problem are and how to improve conditions. This has been a central issue for another group funded under the WP, the BC Coalition Against Violence Against Women and Children. This provincial coalition formed to identify and analyze the impact of social and economic restructuring on women's experiences of violence

Addressing diversity within the feminist movement is a complex and intricate task.

in BC. The initial phase of this project is an experimental effort to ascertain and address barriers to marginalized women's participation within the coalition. This essential component of meaningful participation in attaining equality for women has not been fully achieved in previous coalitions.

Comprehensive attentiveness to difference within a coalition has been difficult because it requires a critical examination of one's own preconceptions and biases while actively changing the way one thinks. At times it has put the stability of the coalition at risk, but women in the group continue to seek the understanding of one another and the incorporation of everyone's perspectives with the intended outcome of reducing violence against women.

The BC Coalition project, similar to the work of JFG, reveals that addressing diversity within the feminist movement is a complex and intricate task. These projects also demonstrate that continuous integration into all feminist work is essential because when the experiences of a diverse range of women and girls are meaningfully included, the effects of equality are far more profound.

More information on Status of Women Canada, including the Women's Program, is available at: <http://www.swc-cfc.gc.ca/>. Several Status of Women Canada publications are also available in the CFLS Resource Centre (please consult our on-line library holdings).

Information on Justice for Girls is available at: <http://www.justiceforgirls.org/>.

CFLS WELCOMES SUMMER VISITORS

This summer the Centre for Feminist Legal Studies welcomed visitors from all over the world. New Faculty members at UBC Law were given grand tours, as were participants in Susan Boyd's summer workshop. The Centre was also fortunate to meet three Korean students from Sookmyung Women's University. Hye Jim Kim, Hae Jung Park, and Ji Hyun Kim, who were in Vancouver on exchange for the summer, dropped by to discuss the status of women in Canada with Director Susan Boyd and student coordinator Kerry Lynn Okita. Their main points of interest were the status of divorced women in Canadian law and the effects of family law on women.

ANNIE ROCHETTE LEAVING TO DO DOCTORATE

The CLFS wishes Annie Rochette well, as she leaves UBC (temporarily!) to do her doctorate (D.C.L.) at McGill's Faculty of Law on: *Teaching and Learning in Canadian Law Schools: What is the Relationship between the Construction of "Law" and the Delivery of Legal Education?* Annie has cheerfully served on the CFLS Steering Committee for several years, and we will miss her!

WOMEN IN LAW SCHOOL: ARE WE EQUAL NOW? By Kerry Lynn Okita (Law II)

Women have made up more than fifty percent of the student body in recent years at many Canadian law schools. The UBC Faculty of Law reflected this trend as evidenced by the 2003-2004 academic year when fifty-four percent of law students were women. And while this achievement should be celebrated, as students are admitted on the basis of their LSAT scores, grades, and credentials, the question remains to be asked: Has the presence of women effectively altered the study of a profession previously dominated by men?

Director of the Centre for Feminist Legal Studies, Susan Boyd, was asked to give a presentation at the end of June to the CBABC Women's Practice and Equality Issues Section and she chose the topic of women law students. Her talk: "Aren't We All Equal Now? Women Law Students in the Early 21st Century" posed the question of whether a critical mass of women in law school is indicative of the elimination of sexism. In order to answer this question Susan enlisted the aid of several female law students. A discussion session was organised with various law students and graduates. A literature review was also completed and the results from both were remarkably similar.

Women law students, both participants in the discussion group and those recorded in academic literature, felt that the number of female students made a difference in their legal education by normalizing female participation. Accompanying these statements, however, was the strong sentiment that women studying law did not feel as though they actually belonged to the law

school nor did the law school belong to them. Echoed in various forms, female students revealed that their legal studies were not free from discrimination. Rather sexism was a constant theme. Students experienced sexism through professors, other students, and organizations within the institution.

Several explanations for this phenomenon were explored such as the isolation of law faculties from the larger university institutions, the privileged composition of the student body, and the relative self doubt experienced by students entering into the competitive realm of law school. The student discussions and the literature reveal, however, that all of these explanations are mere symptoms of the problematic underlying authority and stature of the legal profession. The law, and those who practise it, are seen as carrying a high degree of social status and authority. This authority, however, creates a situation where it is more difficult to challenge inadequacies, such as sexism, within the law without challenging the basic assumptions that grant the law its privilege.

Students rarely reported experiences of overt sexism at law school. Similar to many locations in society, sexism in law school seems to have become more complicated. Glaring and relatively straightforward, however, is the opposition some show to the mere acknowledgement that gender issues exist. Feminist students are subject to negative reaction not only within the walls of the law school, but also during their interviews and articles. In the classroom the integration of even the slightest feminist perspec-

tive into core courses, such as first year Criminal Law, has also resulted in frustration from some students. These students felt that due to the inclusion of gender or race issues, their education in 'black letter law' had suffered. This attitude not only assumes that social issues, such as gender, are outside of the "real" law, but also that future clients would not require that their lawyers were educated in these issues.

Results from both the discussion group and the literature review reveal that the infusion of social issues within law school has yet to take hold. One student suggested that the law is presented as a business, and only secondarily as a public service. This conception of the law, along with the sense of entitlement that frequently accompanies it, has left little room for the integration of issues such as gender.

Through discussions with students and engagement with those recorded in academic literature, there seems to be agreement that sexism has persisted in law school. However, as stated by Justice Lynn Smith, "achieving equality is a process, not an event," and perhaps through hard work legal education can effectively address social issues, such as sexism, and finally live up to the social status it is accorded.

Bibliographical information on the literature review is available in the CFLS Resource Holdings in the Feminist Bibliography Collection.



**THE CENTRE FOR FEMINIST LEGAL STUDIES
CONGRATULATES THE
HONOURABLE MADAME JUSTICE LYNN SMITH
FOR RECEIVING AN
HONORARY DOCTOR OF LAW DEGREE FROM
SIMON FRASER UNIVERSITY**

BY SUSAN BOYD, CHAIR IN FEMINIST LEGAL STUDIES

On June 3, 2004, Madam Justice Lynn Smith (LL.B. UBC 1973) received an honorary doctor of laws degree from Simon Fraser University. Justice Smith was the first female dean of the UBC Faculty of Law (1991-1997) and a founder, director and chair of the Women's Legal Education and Action Fund (LEAF). She had a distinguished career as a legal academic before being appointed to the B.C. Supreme Court, and has published widely on equality rights. She was appointed Queen's Counsel in 1992. She has designed and contributed to several judicial education initiatives, including through the National Judicial Institute.

Justice Smith addressed the morning ceremony for SFU's Faculty of Arts, emphasizing to the graduates the importance of spending time in a university environment that emphasizes "the formulation, advancement and careful investigation of ideas and their consequences". She observed that "an original mind is above all a passionate mind", quoting Eleanor Wachtel. Moreover, she stressed that one way to make a difference in the world is through the advancement of ideas and that "daring ideas are not necessarily the product of the rare genius or the rarified climate – they can come from any of us, wherever we may be." She illustrated her points by reference to Margaret Benston's idea that housework should be counted as productive labour; Joel Bakan's idea that the legal construct of corporate personality has had unintended consequences and its contours should be reconsidered; and finally, LEAF's argument in constitutional litigation that equality should be a substantive goal, not a formal one.

The Centre for Feminist Legal Studies congratulates Madam Justice Lynn Smith on her honorary doctorate.



Justice Smith with daughters
Krista and Elin.



Justice Smith accepting her
Honorary degree.

WOMEN'S RIGHTS AND FREEDOMS: 20 YEARS (IN) EQUALITY

NAWL & WEST COAST LEAF NATIONAL CONFERENCE

APRIL 28 – MAY 1st, 2005

West Coast Legal Education and Action Fund (West Coast LEAF) and the National Association of Women and the Law (NAWL) are hosting a national conference in Vancouver from April 28 to May 1, 2005 at the Hilton Vancouver Metrotown Hotel. The Conference will be bilingual and will strive towards accessibility.

The focus of the Conference will be the 20th anniversary of the equality requirements ("section 15") of the *Canadian Charter of Rights and Freedoms*. Section 15, which is part of the supreme law of Canada, prohibits discrimination by Government on the basis of race, national or ethnic origin, colour, religion, sex, age, disability, sexual orientation, and other grounds. The Conference will include discussions on how the *Charter* affects women and our rights.

The Conference is expected to provide information on the law and discrimination, as well as a unique opportunity to meet, strategize and share information with activists, community workers, lawyers, and others from across the country about what actions we can take to advance women's rights.

WE NEED COMMUNITY INVOLVEMENT

We envision a conference with strong community presence. We are striving to challenge the isolation between lawyers and communities and combine our strengths to develop strategies that ensure women's equality rights, including legal equality strategies that are grounded in the lived experiences of women.

Our goal is to have a conference that is relevant to all women in communities. We would appreciate your assistance in:

- giving us suggestions on how the Conference may be relevant to you, your organization, legal practice, or community;
- letting us know what issues are most pressing priorities for you, your organization or community, and how these might form part of the Conference content; and
- letting us know how we can best access your organization or community for input into the structure and content of the Conference.

HOW YOU CAN BECOME INVOLVED IN THE CONFERENCE

PRESENTING:

If you are working on issues that are relevant to women's rights and are interested in setting up a display, running a workshop, making a presentation, or communicating through another medium, please submit a brief description of your proposal by September 15, 2004. Artistic, musical, academic, poetic, and other mediums are welcome. We encourage participants to avoid the use of technical language or legal or academic jargon.

We are seeking travel funding for those who would not otherwise be able to attend. Please let us know if you will require partial or full travel funding.

PARTICIPATING:

Send us your contact information so we can send you registration information when it becomes available.

CONTENT:

We are still in the early planning stages of the Conference and are looking for feedback. However, we expect that the Conference will include panel presentations and workshops on various topics relevant to equality and fairness for diverse groups of women including women who face multiple barriers to equality. We expect the Conference will include discussions about:

- public legal education to make rights more meaningful for women in communities;
- strategies to advance women's rights;
- assessing law, government policy and practices in light of equality rights;
- law reform.

Specific topics that have been suggested so far include:

- Cut-backs & the increasing feminization of poverty
- Addressing ableism and equality rights for women with disabilities and strategies for dealing with health care systems such as mental health
- The impact of racism, increasingly regressive immigration laws, globalization, war, national I.D. cards, and “anti-terrorism” on women in Canada and internationally
- Colonialism and the impact on Aboriginal women on and off “reserves”
- Beyond marriage: equality issues for lesbian and bisexual women
- Religion and women’s equality
- Over-apprehension of First Nations’ children and corresponding lack of government cooperation in handing over child welfare governance rights
- Police and Crown violence against women policy & practice including diversion and double charging
- Transgender oppression
- Feminizing the law firm
- Precarious work & women in the sex trade: implications of race, class, globalization
- Criminalizing women: counter charging, prostitution law, application of the *Divorce Act*, poor bashing
- The politics of mothering—custody & access, child apprehensions
- Issues for girls including body image, eating, peer pressure, racism, gender identity, sex, sexual orientation, rape
- Responding to trafficking in women and girls
- Evaluating women’s equality and fairness in written law, policy and the court system
- Missing Women: policing priorities and public opinions that allow for the disappearance of women
- Dismantling of the legal system and access to justice: cuts to legal aid and alternative dispute mechanisms
- Reproductive technologies: racism, ableism, regulation and criminalization

NAWL is a national non profit women's organization which promotes the equality rights of women through legal education, research and law reform advocacy. We recognize that each woman's experience of inequality is unique due to systemic discrimination related to race, class, sexual orientation, disability, age, language and other factors. In our view, a just and equal society is one that values diversity and is inclusive of it. We are committed to working collectively, and in coalition with other groups to dismantle barriers to all women's equality. For 25 years, NAWL has used its unique research as a foundation for effective action and advocacy. Through its educational work NAWL has played a vital role in raising public awareness about legal issues affecting women. For more information, see our website at www.nawl.ca, or call 613-241-7570.

West Coast LEAF is the BC branch of the national Women’s Legal Education and Action Fund (LEAF), and a federally registered charity. West Coast LEAF works in partnership with LEAF to advance women’s equality through conducting public legal education in schools and communities, by advocating for changes to laws that adversely impact women and through test case litigation using the Canadian Charter of Rights and Freedoms. For further details of our work visit our website at www.westcoastleaf.org.

Please contact the Conference Planning Committee at:

Phone: 604-684-8772,
Toll-Free in BC only: 1-866-737-7716
Fax: 604-684-1543
Email: conference@westcoastleaf.org

University of British Columbia, Faculty of Law

Centre for Feminist Legal Studies
Faculty of Law, UBC
1822 East Mall
Vancouver, BC V6T 1Z1

Phone: 604-822-6523
Fax: 604-822-6531
Email: cfls@law.ubc.ca
Web: <http://faculty.law.ubc.ca/cfls>



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