

LAWFEMME: CFLS NEWS

Volume 1, Issue 1

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CFLS NEWSLETTER:

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Clinton Bauman

Kat Kinch

Special Thanks:

All Authors,
Women in Print &
Kim Snowden,

We want to acknowledge the Musqueam people, whose traditional territory we are on, and thank them for allowing us to be here.

The Poverty and Human Rights Project

The Poverty and Human Rights project is an initiative of the Canadian Human Rights Reporter Inc., in collaboration with the Centre for Feminist Legal Studies (CFLS) at the University of British Columbia.

PROJECT GOAL:

The goal of this project is to strengthen the rights of the poorest people, by enhancing understanding of rights to social and economic security, and increasing the capacity of legal and community advocates to argue for the realization of those rights.

Canada is a signatory to international human rights treaties which oblige governments to address conditions of poverty, and the

social and economic inequality experienced by disadvantaged groups. For example, the *International Covenant on Economic, Social, and Cultural Rights* commits governments in Canada to take positive measures to ensure that everyone has an adequate standard of living.

However, government social programmes are often not understood to be a fulfillment of the rights set out in these international human rights instruments. Consequently, changes or cuts to social programmes which threaten the social and economic security of the most disadvantaged groups in Canada are not easily understood as potential violations of rights.

There is also a lack of un-

Angela Cameron

derstanding of the connection between rights to social and economic security and the right to equality. The group "people living in poverty" is predominantly composed of women, Aboriginal people, people of colour, older people and people with disabilities. Various forms of discrimination contribute to the poverty of these groups, and the realization of rights to social and economic security is essential to their achieving equality. Unfortunately, attempts to assert rights to social and economic security are often expressed in a race and gender-neutral fashion which does not take into account

See Poverty Project, page 2

Welcome to the CFLS Newsletter

We are pleased to present the first Newsletter of the UBC Centre for Feminist Legal Studies. The Centre was established in 1997 to enhance the visibility of feminist legal studies at UBC. We also want to strengthen cooperation in research, teaching and graduate student supervision between scholars working with the Faculty of Law and elsewhere at UBC, as well as links and collabora-

tions between scholars working in different university and community settings in BC. We plan to publish the newsletter at least twice a year. We will tell you about events and activities at the Centre, new publications, and let you know about ways to get involved with the Centre. If you want to publicize any events, or submit a short article, please contact us at cfls@law.ubc.ca.

THE CFLS IS:

Director:

Susan B. Boyd

Steering Committee:

Susan Boyd
Ruth Buchanan
Annie Rochette
Claire Young
Cheryl Conibear
Jamala MacRae
Angela Cameron

Poverty Project continued

the diversity or needs of poor people.

In recent years, United Nations monitoring bodies for human rights treaties have expressed increasing concern about the need for enforcement of international human rights commitments within the domestic law enforcement regimes of State parties. The Supreme Court of Canada has affirmed the requirement that domestic law be interpreted consistently with international human rights law.

However, there are significant obstacles to be overcome if courts and tribunals in British Columbia and the rest of Canada are to become effective venues for the enforcement of rights to social and economic security and substantive equality.

This is a central, but neglected area of law, and it is an important movement to devote resources to its development. An infusion of energy, research, analysis and community collaboration is needed to meet the challenges.

ACTIVITIES OF THE POVERTY AND HUMAN RIGHTS PROJECT:

The Poverty and Human Rights project will function as a think tank that can undertake research, writing and education on poverty as a human rights issue. The discussion, analysis, research and information generated by the Project will contribute to efforts in legal for a to promote interpretations of the *Charter* and human rights legislation that will incorporate rights to social and economic security.

Activities will include:

- Development of inventive, well-researched approaches to addressing the current barriers to domestic enforcement of rights to social and economic security;

- Development of methodologies most appropriate for advancing the realization of rights to social and economic security within different legislative frameworks, such as the B.C. *Human Rights Code* and the *Charter*;

- Compilation of information on emerging case law-related to rights to economic and social security and of data to support submissions about the social and economic disadvantages of particular groups in B.C. society;

- Holding think tank consultations with community advocates, law students and interested academics focused on developing approaches for addressing particular challenges that B.C. legal and community advocates are facing;

- Holding seminars on the right to social and economic security and the developing research of the Project in conjunction with the Centre for Feminist Legal Studies and with community organizations;

- Providing stipends for law students and community advocates to support their involvement in the Project's research and other activities;

- Maintaining a website that provides links to Internet-available information for those working on rights to

social and economic security;

- Providing access to a repository of materials for those doing research or advocacy in this area;

- Disseminating the research through academic and community conferences;

- Conducting local community workshops to explain and promote understanding rights to social and economic security.

For more information about the Project, phone 604-872-0750, or email ajacameron@aol.com.

PROJECT PERSONNEL:

The Project has two half-time directors, Gwen Brodsky and Shelagh Day. They are assisted by a part-time Project Coordinator and Senior Researcher, Angela J. Cameron.

The Project also has four Student Research Associates: Sadaf Aziz, Renee Hoggard, Andrea Ormiston and Deanne Okunachuf. Finally three Community Associates complete the Project's staff.

"Poverty is a
human rights
violation"

FEMINIST PUBLICATIONS

Child Custody Law Reform: Six Feminist Working Papers

The Centre has released its first official publication, *Child Custody Law Reform: Six Feminist Working Papers* (2000). It is edited by Susan Boyd, and includes papers by student authors from a seminar on gender and child custody law reform. Copies are available from the Centre for \$15. Call (604) 822-6523, or email cfls@law.ubc.ca.

Canadian Journal of Women and the Law: The *Canadian Journal of Women and the Law* recently published volume 13, no. 1 (2001), with UBC professors

Ruth Buchanan as English Book Reviews Editor, Christine Boyle as English Case Comments Editor, and Susan Boyd as transitional English Co-Editor. The volume includes papers on women's constitutional activism, grounds of discrimination, the needs of abused women, culture in the courtroom, the Canadian Human Rights Review Panel, and the *Blencoe* case. For subscriptions, call (800) 221-9985 or email journals@utpress.utoronto.ca. To submit a paper, email cjwl.law@utoronto.ca.

MARGOT YOUNG: INTERVIEW WITH A FEMINIST LEGAL SCHOLAR

MARGOT IS SPENDING A YEAR TEACHING AT UBC AS THE WALTER S. OWEN PROFESSOR, ON LEAVE FROM THE UNIVERSITY OF VICTORIA.

I'm enjoying teaching Charter to 2nd and 3rd year students here at UBC. I teach Constitutional Law to 1st year students [at UVic], and so it's really fun to teach it to students in upper years. I think both law schools are great places. UBC has some wonderful aspects: it has an exciting dynamic faculty, there are many people here whose work I know and whose work I respect, so it's wonderful to have a chance to talk to them and be part of their community.

MARGOT'S RESEARCH & ACTIVISM

My primary interest is in equality law and theory, particularly the constitutional aspects of it. One aspect of my work relates to legal activism and the other aspect is scholarship, though, of course, there is an exchange between the two.

In terms of my academic work, I'm currently working on a couple of problems that have to do with elaboration of section 15 equality rights under the *Charter* as they pertain to women and the disproportionate negative impact [women suffer] from cutbacks to social programs.

The legal activism I do is with NGO's and focuses on issues of women's equality rights at both the domestic level and at the international level. I've done a lot of work for the National Association of Women and the Law (NAWL). Most recently I've been a part of the litigation

committee involved in drafting the factum for NAWL's intervention in the *Gosselin* case at the Supreme Court of Canada. NAWL's intervention in this case specifically addresses the impact on women of the age restriction in the welfare rates in the province of Quebec. Obviously my work around women's equality rights, particularly women's social and economic rights, has been implicated in this issue, and was very relevant to this intervention.

I also served on the litigation committee for LEAF's intervention in the *Falkiner* case that is about to be heard at the Ontario Court of Appeal. It involves a challenge to Ontario's version of the spouse in the house rule and change to social assistance legislation. Again this is about women's equality and here it is specifically about a challenge under s. 15 of the *Charter*.

I'm involved in a new project that I'm very excited about: I'm on the advisory board of the Poverty and Human Rights Project, which has connections to the Centre for Feminist Legal Studies here at UBC law [see pages 1-2].

One of the things that is very valuable about being involved in projects outside the University is that they provide you with an opportunity to meet some really great women doing important, useful and exciting work as lawyers, as policy advisors, and as activists. NAWL sees its primary purpose as one of intervening in the political process, so it's very effective and very active in lobbying Parliament and provincial legislatures. It's

very good at getting media attention, getting issues to be noticed by the media, and at getting particular feminist perspectives on issues to be taken up by the media.

I would encourage law students to become involved in this and other similar organizations, and to continue that involvement as they move onto whatever it is they do after law school. The payoffs of getting involved in such an organization can be quite substantial.

I ASKED MARGOT IF SHE BELIEVES IT IS IMPORTANT FOR FEMINISTS TO ENGAGE WITH THE LAW

Obviously I do, although I think it is important to be self-reflective about the work you do. It's a question that's particularly relevant in terms of *Charter* litigation because *Charter* litigation has been criticized by many as being unduly expensive, time consuming and really not that effective in terms of bringing about real change for real people and for more than just for one person. I think that what happens under section 15 matters on a number of levels: it matters in the political sense as much as it matters in a purely legal sense. So the Supreme Court, when it issues section 15 judgments, can have a significant impact on critical pieces of legislation. Such decisions may have to do materially and substantially with conditions of real women's lives. Even when a decision doesn't have a direct impact, or even when a section 15 case is lost, there are important political messages that can

Margot was interviewed by Cheryl Conibear

Margot Young will speak at the Law Courts Inn, Law Courts, 800 Smithe St., 4th Floor, 5:30 pm, Wed. Nov. 28th, 2001 "Equality Rights and Political Wrongs: Liberation Confronts Neo-Liberalism." email falbo@law.ubc.ca for more information

MARLEE KLINE RECIPIENT OF 2001 J.C. SMITH SCHOLAR AWARD

We are pleased to tell you that in October, 2001, our colleague Professor Marlee Kline was awarded the 2001 J.C. Smith Scholar Award, in recognition of her outstanding contributions to our Faculty of Law in teaching, research, and administration. Professor Kline's work on the complex interactions between race, Anti-Semitism and gender, as well as other class and social structures of domination has been foundational. It has inspired many legal academics in Canada and around the world. Professor Kline has also had a significant impact on many students, particularly those who were marginalized within society or within the law school. Many kept in touch with her after they graduated, and since her illness. It is no exaggeration to say that some student's lives were changed by Professor Kline's approach to law, law teaching and her

insight about law and relations of power. We are pleased that her hard work has been acknowledged.

As you may know, Professor Kline has been fighting a serious form of leukemia since March 2000. Professor Kline has therefore generously donated half of the money award to the Centre for Feminist Legal Studies for special projects. We intend to establish a prize for the best research paper by a UBC LL.B. student examining the intersection of gender and race/class/disability/culture/sexuality in relation to a legal issue. A prize would be awarded each year for the next five years. The paper would be published as a Centre working paper. We also intend to fund a special lecture or workshop focused on gender, racism and law to honour Professor Kline's work.

CFLS FEMINIST LEGAL MENTORSHIP PROGRAM

The Centre for Feminist Legal Studies has a mentorship program. We pair law students with feminists and women in the legal community for information, guidance and support. If you are interested in getting involved, please email the Centre at cfls@law.ubc.ca, or call 604-822-6523.

come out of law school, and that time really helped crystallize my political perspectives on issues.

DOES SHE FEEL LIKE HER WORK AS A TEACHER AND ADVOCATE INFLUENCES OTHER FEMINISTS AND STUDENTS?

I don't know if I'd put it that strongly. My job is to engage in thinking critically about subjects that grab me, and so it's really a privilege to have this job. I find teaching to be very exciting; I love meeting students and every semester I teach I learn new perspectives from my class. The classroom is a dynamic place and I don't know if students realize how much teaching is a part of building the instructor's knowledge base as well. Law schools are full of incredibly able and talented people, and are potentially very exciting places. Law schools are places where there are often real controversies, because you have articulate, confident, able people who come with different perspectives and want to engage with one another. I think, then, that's another reason to get involved with organizations like NAWL. It takes you outside the law school, it gives you a perspective on what's happening inside the law school and the profession, and it gives you an opportunity to meet similar people who are working on issues of concerns similar to yours.

Finally, I'd just like to say that I'm really pleased to be here and I anticipate having a very enjoyable year.

MARGOT YOUNG Continued

be conveyed by the Court that shape attitudes. There are also educational effects to *Charter* litigation, so it can change the political agenda. It can make certain issues and perspectives a part of the political agenda, so that even a loss under section 15 can turn out to be a political victory if what you've done is effectively politicized, publicized or problematized a particular issue. You then see political change following either directly through change in legislators' opinions, or through a change in public opinion.

I WANTED TO KNOW HOW MARGOT'S EDUCATION AND EXPERIENCES INFLUENCED HER TOWARDS HER CURRENT WORK AND PHILOSOPHY

I did my undergraduate degree in political science at UBC, then I went to the University of Toronto where I did my law degree. I then did a master's of political science at U of T, primarily in Canadian politics and political theory. And I did graduate work and received a master's degree at the University of California at Berkeley in an interdisciplinary program. I then started teaching at the University of Victoria, where I was given

a wonderful teaching package of Constitutional law, social welfare law, and civil liberties law.

As for my activism, I wasn't a member of any associations like NAWL during law school, but I was a part of the Women and the Law Caucus. I found law school to be quite a radicalizing experience, which is interesting because many people think law school is a process of indoctrination into conservative perspectives. But I found it to be a very dynamic experience, and influential in shaping my current perspective on issues.

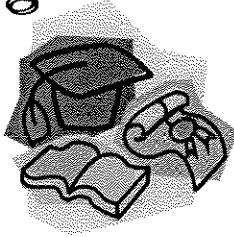
I COMMENTED THAT PERHAPS THE FEELING OF BEING RADICALIZED BY LAW SCHOOL IS A RESULT OF THE SOMEWHAT MORE CONSERVATIVE PEOPLE WHO GO TO LAW SCHOOL, AND THE CLIMATE THAT CREATES

That's true, but you might be surprised at the number of people who end up doing different sorts of work. I met some wonderful people at law school. I met a lot of people there who had vastly different political opinions than me, but some of my life friends have

ANOTHER PERSPECTIVE ON THE CFLS

Clinton Bauman

The Student Page



My name is Clinton and I'm a feminist.

Perhaps this is not possible. I don't know about that and I won't argue about it. However, I am open to discussion about exactly what feminism entails, and I am truly interested in interacting with other feminists with other ideas about what feminism is.

On September 20, the Centre for Feminist Legal Studies held their annual open house for new law students. With some trepidation, I entered, thankful for the conscientious invitation extended to anyone, male or female, who wished to attend.

I was immediately affected by two details: First, as I predicted, I was the only male in the room (in fact there was one other, but I only noticed him later). Though this by itself is not significant, I know how intimidating it can be to enter into a situation where you are a minority of some sort. Second, and more profound, was how welcome this group of women made me feel. Several women thanked me individually for attending, and everywhere I turned there was a warm smile. I was impressed and deeply touched by these women who realized that I may feel

out of place, and who took steps to put my fears to rest by genuinely welcoming me.

I found myself wondering if I extend the same welcome when I am a member of a majority. I am glad that I could answer in the affirmative, but I realize that often I have to make a conscious effort to do so. The heartfelt welcome I received felt genuine and effortless, as if the idea of excluding an "other" who wished to be there was unthinkable. Perhaps it is my cynical nature, but I have rarely been in a situation where, with the roles reversed, we men have tried to make an atmosphere so compassionate and open.

LESSONS IN INEVITABILITY

Kat Kinch

Mixed reactions greeted my decision to go to law school. So many were excited, supportive ... they thought law school and I were supposed to go together, and they were glad ... because of them, I could laugh at the other responses.

But I don't think every woman who comes to law school has a cushion of safety like me. From my own experiences I can only imagine, with sympathy, what other women have gone through on their paths in this direction.

1999: I'm considering law and I tell my roommate on a lazy living room afternoon. He's educated in science, but since his dad is a lawyer, he postures as an expert. He lectures on the obstacles women lawyers encounter when they look for work. On account of babies, you see. Frustrates the firm to no end when articling students get all swollen up and expect leave for maternity. It's my first stage of dreaming of this potential

future and he thinks he is being kind with his insider information.

2001: I'm with male acquaintance, "M". I mention that I might be a politician some day. Immediately I receive an enumeration of all of M's campaign work from 1997 to 2001, although of course this has jaded him from further involvement in politics. On account of women candidates winning nominations only in ridings where the party is expected to lose. The winning posts are reserved for the "old boys' club". Tacitly he suggests that I'll be lucky to get whatever I can manage, since the position of women is inevitable, immutable...

...as though he's not concealing his contempt under the guise of acting and feeling like a "feminist man", and as though I'm actually going to let this stop me...

Then there is the near stranger who says "so it'll be family law then," as though it were a given that family law is

what women practice. I'm one of the little soft people and wouldn't I be cute and friendly sorting out custody disputes. M said that the ones who win political nominations are the guys who have been learning (and working) the connections since the age of 18 (like him?).

There's the girl at the party the first month of law school who screamed at the guy who untied the back of her shirt, then turned to a more acceptable man to assure him that she's "not a feminist or anything, but he was just making me so angry." And the upper year student in our first week who commented that "Sexuality and the Law" was not a class you take if you have a penis.

But I'm as sneaky as hell. I nod sweetly as they talk and maintain an agreeable expression; I am so damned pleasant they don't even notice I am taking notes.

**"I have rarely been
in a situation
where, with the
roles reversed, we
men have tried to
make an
atmosphere so
open"**

I was infinitely relieved to find the Centre. It's warm and comfortable and full of books and feminist posters and literature. I thought about how marginalization functions in the larger community here: the Center is in a portable, at the edge of a parking lot and completely separate from the law school proper. But rather than a place of relegation, it's alive and creative and genuinely welcoming. I wonder if peripheries are appealing, chosen by their dwellers because that kind of energy can come out, play and grow up, without people stomping it. Without being told it is better swallowed and silenced. I was infinitely relieved to find the Centre.

NATIONAL ASSOCIATION
OF WOMEN AND THE LAW
CONFERENCE 2002
WOMEN, THE FAMILY AND THE STATE
MARCH 7—10

Throughout the twentieth century, as women we have fought hard for our rights and won important victories. Not only did we obtain the formal right to equality and non-discrimination, women lobbied for and won a major change in the mandate of the state through the constitutionalization of the *Canadian Charter of Rights and Freedoms*. Through the use of the *Charter*, we have recently started to win recognition in the courts that the government must actually take positive measures to promote women's equality. However, at the same time, the very role of government as a "welfare state" is being challenged and we are at

risk of losing more than we have gained.

Indeed, globalization and the new world order are redefining the role of the state, forcing governments to downsize, reduce or eliminate public services and privatize a range of activities. These policies will have extremely negative consequences for women in all regions of Canada, and around the world, by forcing women back into the private family sphere, where they are unequal, protected and subject to arbitrary abuse and power. The "fathers' rights" agenda, and the recent trend to abandon any form of gender-based analysis are concrete manifestations of this shift.

Women, especially if they belong to historically disadvantaged communities, need the benefit of state support and public programs and services to deal with inequality, oppression, exploitation and violence in the home, in the workplace and in their communities. In the place of needed services, state action is being reduced to criminal sanctions against the most vulnerable.

With this conference, NAWL wishes to assess what is actually going on for women; the challenges that we face; and the alternatives that we can put forward. We propose to start this exploration from a place we all know well, all

**Women, especially
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have to deal with and are more and more strongly bound to in the law: the family.

The National Association of Women and the Law's 14th Biannual Conference will be held in Ottawa, Ontario from March 7 to 10, 2002. If you would like information about the Conference, please visit the conference website at www.nawl.ca.

GWEN BRODSKY: 2002 SEMINAR

Dr. Gwen Brodsky, Vancouver lawyer and consultant, taught a seminar on Social and Economic Rights at UBC's Faculty of Law in spring 2001 and will offer it again in spring 2002. The seminar is held in the Centre for Feminist Legal Studies (Annex I, UBC Law).

Dr. Brodsky was co-counsel for the National Association of Women and the Law in their recent intervention in the *Gosselin* case at the Supreme Court of Canada. In 1989, Louise Gosselin went to court in Quebec to challenge draco-

nian reductions in welfare imposed by Quebec's experiment in "workfare." Gosselin argued that her right to equality had been violated by grossly inadequate benefits imposed on the basis of her age. At the time, she was under 30, and legally was defined as single and employable.

NAWL has highlighted that women unable to access adequate social assistance are vulnerable to abuse and exploitation.

THE PURPLE ROSE CAMPAIGN: FUNDRAISER

On Friday, November 2nd, the Philippine Women's Centre put on the Purple Rose Campaign, a fabulous night of dinner and entertainment to raise money for the Centre. The evening was hosted by Lynn Morales and Monica Urrutia, whose discussion included a statistical analysis of the impacts of the sex trade, the mail order bride industry, and foreign domestic work policies on Filipino women.

Jamala MacRae
Cheryl Conibear

Following the discussion were three performances: a jazz duo, a reading of powerful topical and original poetry, and an original dance piece. Altogether it was an informative and extremely enjoyable evening. For more information on the Philippine Women's Centre or the Purple Rose Campaign, email pwc@netcom.ca.

THE CENTRE FOR FEMINIST LEGAL STUDIES LECTURE SERIES SPRING 2002 SCHEDULE

Nitya Iyer Practitioner, Heenan Blaikie Chair, Task Force on Pay Equity	"Negotiating Work and Family: Feminism after Law School"	Thursday, January 10
Pat McDonald Practitioner, Public Interest Advocacy Centre (PIAC)	"Practising Law in the Public Interest"	Thursday, January 17
Dr. Jennifer Chan-Tiberghien Post-Doctoral, UBC Political Science	"The Intersection of Gender and Race: Report from the Durban World Conference"	Thursday, January 24
Angela J. Cameron LLM Candidate, UBC; Adjunct Professor, Criminology, SFU	"Restorative Justice: Feminist Perspectives"	Thursday, January 31
Rebecca Johnson Professor of Law, UVic	"On Bars, Breasts and Ba- bies: The Moral Regulation of the Nursing Mother"	Thursday, February 7
Madame Justice Lynn Smith British Columbia Supreme Court	"The Legal Profession and Women's Equality"	Thursday, February 28
Dr. Patricia Hughes Dean of Law, University of Calgary	"The Impact of Equality Analysis on Labour Law"	Thursday, March 7
Angela White Crown Prosecutor, Crown Counsel, Ministry of AG	"You've Come a Long Way Baby: Three Decades of Progress"	Thursday, March 14

All lectures in the
CFLS Lecture
Series are held at:

UBC
Faculty of Law
Room 157

From 12:30 to 2pm



A woman? On the
Bench? What will
these feminists
think up next?

EVENTS & ANNOUNCEMENTS

CFLS BOOK LAUNCH & CELEBRATION:

The Centre's annual book launch and celebration will be held Thursday evening, January 24th, 2002, at the Centre. We will launch the new book by Professor Joan Brockman, School of Criminology, Simon Fraser University: *Gender in the Legal Profession: Fitting or*

Breaking the Mould (2001).

The evening is also an opportunity for mentors and students participating in CFLS Feminist Legal Mentor Programme to meet and mingle.

Congratulations to Victoria Gray Q.C. of Bull Houser and Tupper who was recently appointed to the Supreme Court of British Co-

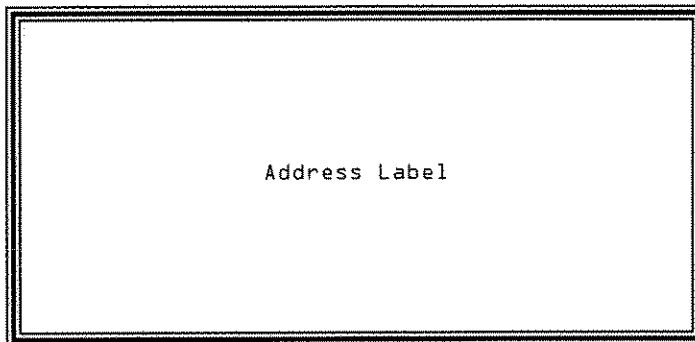
lumbia. Madam Justice Gray taught civil litigation as an adjunct professor at law school for several years. She has also been very involved with LEAF and was legal counsel for LEAF in their intervention in *Norberg v. Wynrib*.

Jamala MacRae is
the Student
Coordinator for
the CFLS Lecture
Series.

UBC, Faculty of Law

Centre for Feminist Legal Studies
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Address Label

**Mark your calendars:
January 24, 2002
Book Launch &
Celebration,
6:30 pm.**

CFLS ADVISORY BOARD

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**BECOME A
"FRIEND OF THE CENTRE"**

You may become a Friend of the Centre for \$25, which will entitle you to notices of Centre events, copies of our newsletter, and access to the resource centre and library. Further donations are welcome, and we will send you a tax receipt. Please send your cheque to the Centre, and fill out the form below.

I WANT TO SUPPORT THE CENTRE FOR FEMINIST LEGAL STUDIES

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