

For Immediate Release

***Supreme Court of Canada affirms equality principles in family law
Decision a victory for women in Rick v Brandsema***

February 19, 2009

The Supreme Court of Canada has upheld and taken equality principles in family law one step further today in its decision in *Rick v Brandsema* – a move welcomed by West Coast LEAF and LEAF.

“In our intervention in the case, we argued that a separation agreement should not be treated like a commercial contract in the law,” says LEAF counsel, Nitya Iyer. “We’re pleased that the Court agreed that the negotiation of separation agreements presents a unique set of circumstances, power relations, and vulnerabilities for women.”

In dispute was 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. Mr. Brandsema’s full disclosure of his assets was also in question.

In its unanimous decision, The Supreme Court of Canada found that the parties’ separation agreement was unfair and invalid because Mr. Brandsema exploited Ms. Rick’s vulnerabilities and purposely misled her about the state of their financial affairs. The decision establishes a firm right to equality in the negotiation of separation agreements.

“Another important principle established in this case,” says West Coast LEAF Executive Director Alison Brewin, “is a firm statement that getting legal advice does not automatically mean both parties are equal. The Court of Appeal initially suggested that just because Ms. Rick had *some* access to legal advice, the agreement was fair – which was not the case. If the Court of Appeal decision had stood, imagine the implications for women in the current climate who can only access a patchwork of legal advice.”

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For more information about the case please go to
<http://www.westcoastleaf.org/index.php?pageID=58&parentid=20>
And for the decision, go to:
<http://scc.lexum.umontreal.ca/en/2009/2009scc10/2009scc10.pdf>

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The West Coast Legal Education and Action Fund (West Coast LEAF) formed when the equality guarantees of the Canadian *Charter of Rights and Freedoms* came into force. Our mission is to achieve equality by changing historic patterns of systemic discrimination against women through BC-based equality rights litigation, law reform and public legal education.

LEAF is a national, non profit organization committed to using the *Charter of Rights and Freedoms* to promote equality for women and girls. Through legal action, public education, and law reform, LEAF is committed to confront all forms of discrimination in its efforts to achieve equality for women.