

## **Interim Report**

**Organization:** David Asper Centre for Constitutional Rights

**Student:** Tina Cody, J.D. Candidate at the University of Toronto

**Position:** Summer Fellowship at the West Coast Women's Legal Education and Action Fund (LEAF)

I began my fellowship with West Coast LEAF two weeks ago. In the time I've been here, I have worked on three projects.

One involved updating a memo on costs in public interest litigation. In April, West Coast LEAF (jointly with the BC Public Interest Advocacy Centre) filed a civil claim on behalf of one institutional and two individual plaintiffs challenging British Columbia's family law legal aid regime. As this is a new endeavor for West Coast LEAF, the organization would like to understand the risk to plaintiffs of an adverse costs award if they are unsuccessful in the suit. My research for this memo has entailed reading both provincial and federal cases to understand what principles courts apply to costs assessments in public interest litigation, and to see whether, and to what extent, costs will be assessed against an unsuccessful plaintiff.

I have also begun preparing a memo researching the actuarial tools the Correctional Service of Canada uses to classify an inmate's security level. Mr. Ewert, an indigenous man, challenged the use of these tools as culturally inappropriate. He argues that they violate his s.7 and s.15 rights. Mr. Ewert was successful at trial on the basis that his s. 7 rights were violated. The s. 15 claim was not addressed substantively. That judgment was overturned on appeal to the Federal Court of Appeal. Leave was granted by the Supreme Court of Canada. West Coast LEAF may be interested in intervening in the case to ensure that the discriminatory impact of these actuarial tools is understood through an intersectional lens.

As well, I have assisted West Coast LEAF in its preparation of the annual CEDAW Report Card, which evaluates the government of British Columbia's commitment and steps to end gender-based discrimination. I have been responsible for researching changes in provincial and federal policy that impact women's ability to access housing in the province.

Probably the most memorable part of my fellowship has been watching the court proceedings of a constitutional challenge to administrative segregation. West Coast LEAF is currently intervening in the case, and I've learned so much from just observing the litigation process. Overall, I've had an extremely fulfilling experience at West Coast LEAF thus far and would certainly recommend this fellowship to any interested students.