



February 19, 2014

Thomas G. Conway, Treasurer,  
Law Society of Upper Canada  
130 Queen Street West  
Toronto, ON M5H 2N6

Dear Mr. Conway:

**RE: Trinity Western University Proposed Law School**

I am writing to you on behalf of the Toronto Lawyers' Association (the TLA). As you know, the TLA represents the interests of its 3,200 members who practice law in all disciplines across the GTA. Our membership and our Board of Trustees hold diverse opinions, consistent with, and reflective of the diversity of the profession in Ontario.

We understand that at your upcoming meeting in April 2014, Convocation will be considering the Federation of Law Societies' preliminary approval of a law school at Trinity Western University (TWU), and in particular it will be considering the question of admission of TWU graduates to the bar admission programs in Ontario. We urge the Law Society to consider all aspects of this issue with the utmost care, taking into consideration its overarching duties to protect the public and to uphold the Rule of Law; and in doing so, to ensure that all licensees meet the requisite standards of professional competence, professional conduct, and education standards expected of all lawyers admitted to the practice in Ontario.

The TLA appreciates that both freedom of religion and freedom from discrimination on the basis of, *inter alia*, sexual orientation are protected rights in Canada. The TWU's mandatory Community Covenant Agreement raises an important and admittedly complex challenge for the Law Society in balancing those two interests. In the view of the TLA, the Supreme Court decision in *Trinity Western University v. British Columbia College of Teachers* regarding TWU's teachers program is not necessarily the definitive answer to whether the Law Society of Upper Canada should permit TWU graduates to apply to the LSUC's bar admission program, given the great importance of Charter rights and values, and the stated intention of TWU to teach its law program from its fundamentalist Christian worldview. The issues which Convocation is facing are more far-reaching than the question that the Supreme Court answered in the *BC College of Teachers* case. Furthermore, since that decision, *Charter* cases have continued to evolve in keeping with the changing mores of Canadian society.

We note that the Federation of Law Societies has granted only preliminary approval of the TWU law school. In its letter of December 16, 2013, the Federation highlighted that lawyers are required to adhere to principles of non-discrimination (in all respects) in the exercise of their profession. This duty applies equally to practitioners and to academic licensed lawyers who are teaching fundamental legal principles to law students.

It is therefore incumbent upon the Law Society in considering this matter, to take into consideration:

- a) The Law Society's overarching duties to protect the public and to ensure its membership meet all core competencies;
- b) Canadians' fundamental rights to freedom of association, freedom of religion and equality rights, and whether the law school program at TWU can ensure that its students graduate with sufficient legal, analytical and ethical training to meet the duties of lawyers practicing within this jurisdiction;
- c) The quality of legal education, competencies and skills which all students who apply to the bar admission program of the Law Society of Upper Canada are required to demonstrate;
- d) Whether the TWU policies would be in contravention of the laws of Ontario, if that university was located in this province; and if so, whether that should have any bearing on the ability of its graduates to seek admission to the Ontario bar admission program on an equal footing with graduates of other Canadian law schools; and,
- e) The fact that the Federation's approval of the law school at TWU is preliminary, and the Approval Committee has identified three areas of concern, which will be under scrutiny as the course outlines are further refined and then put into practice - particularly, the fact that TWU's proposal has raised concerns regarding the law school's teaching of ethics and professionalism, and Public Law in relation to the *Charter* and human rights principles within the context of its stated intention to teach from the university's Christian worldview.

We encourage the Law Society to give this matter thorough and careful consideration, and to consult broadly with members of the profession on this important matter. Convocation should not be rushed into making a decision based upon TWU's intended start date for its law school.

As a final matter, the TLA strongly encourages the Law Society to seek input and formal submissions from the TLA and other interested members of the profession if it intends to pursue the recommendation of the Special Advisory Committee to consider adding a non-discrimination provision to the National Requirement for accreditation. As a general principle, the TLA would laud such an addition to the National Requirement, as that would reflect the values which the profession is duty-bound to uphold. However, the terms of such a provision and how it would be imposed upon present and future law school graduates from around the globe is a matter of substantial consequence and importance to the profession. It merits receiving the benefits of broad discussion and input from the diverse members of the Ontario bar.

Sincerely,



Miriam Young  
President, Toronto Lawyers Association