Dear Members of NSBS Council for the Halifax and Central District:

I am writing at this time as an NSBS member to express serious concerns in regards to the recent decision by the Federation of Law Societies of Canada to approve Trinity Western University’s proposal for a School of Law. My understanding is that TWU is a faith-based Christian university, which requires as a condition of admission or employment that students and staff pledge not to engage in same-sex sexual behaviour. The Supreme Court of Canada found that the impact of TWU’s mandatory code of conduct would probably prevent homosexual students and faculty from applying (Trinity Western University v British Columbia College of Teachers, [2001] 1 SCR 772 at ¶34).

The role of the NSBS is protection of the public. It is not in the public interest to train lawyers in an institution with discriminatory policies. Under our Code of Professional Conduct, “A lawyer must not discriminate against any person” (6.3-5).

In Elaine Craig, “The Case for the Federation of Law Societies Rejecting Trinity Western University's Proposed Law Degree Program”, Canadian Journal of Women and the Law, Vol. 25, No. 1, 2013, Professor Craig notes on page 156:

The law societies should also consider the possibility that a decision by them to approve a program from an institution that discriminates in its admissions policies would violate section 15 of the Charter. The Charter applies to a law society’s policies and regulations regarding eligibility for admission to the bar. A law society that adopted criteria for admission to the bar that precluded eligibility for gays and lesbians would violate the Charter.

All of this being the case, and in the interest of brevity as I am sure that you are receiving many emails on this subject, I wish to state that I am opposed to TWU running a law school with its current discriminatory policies in place. Given the society’s role in protecting the public, I believe that the NSBS has a responsibility to do whatever is still possible to forestall the admission of members of the bar who have been produced by these discriminatory law school admission requirements. If enough pressure is applied, perhaps TWU will abandon the offending policies.

Regards,

Jeremy Smith