

From: [Scott R. Campbell](mailto:Scott.R.Campbell)
To: Rene.gallant@emera.com; [equity](#)
Subject: RE: Memo from the President: NSBS Council to review Federation's preliminary approval of TWU law program
Date: Friday, January 24, 2014 11:56:00 AM

Dear Mr. Gallant / Ms. Halpern:

Further to the below, I write to express opinion and concerns raised by the proposed law school at Trinity Western University (“**TWU**”).

In Nova Scotia, the accreditation of an ultimate law degree from TWU falls to the Nova Scotia Barristers’ Society (“**NSBS**”). This authority has been delegated by the NSBS to the Federation of Law Societies of Canada (“**FLSC**”). In December 2013, the FLSC issued its preliminary approval of the TWU law programme.

As a practitioner and member of the NSBS, as well as a part-time lecturer at the Schulich School of Law at Dalhousie University, I have serious reservations about TWU’s policies towards LGBTQ students / faculty and the suitability of TWU as a forum to train future lawyers and to foster the academic freedom that is cherished in a necessarily secular subject area.

I urge the NSBS to oppose or otherwise place conditions on TWU’s accreditation, and to advance an accreditation requirement that prevents any law school from discriminating on a constitutionally protected ground, including sexual orientation. In saying this, I ultimately recommend at least a partial revocation of the NSBS’s delegated authority to the FLSC. In my view, as a regulator acting in the public interest, the NSBS cannot be seen to condone (indirectly or otherwise) the practices of TWU.

TWU proposes to teach law by integration of a “Christian worldview into the law school curriculum”. I, for one, have no idea what this means. So far as I understand, there is no singular and identifiable “Christian worldview”. More significantly, and as noted, the law is and remains a secular enterprise in Canada.

TWU compels its students and faculty to sign a Community Covenant Agreement requiring the student / faculty member to abstain from “sexual intimacy that violates the sacredness of marriage between a man and a woman”. I understand that students or faculty members who do not comply with the covenant may be removed from the university without readmission. In my view, this Community Covenant Agreement is inconsistent with the *Charter of Rights and Freedoms* and the *Nova Scotia Human Rights Act*.

Over the past year, a number of prominent stakeholders have echoed this sentiment. These include the Canadian Council of Law Deans, the Canadian Bar Association, the Canadian Federation of Students, numerous prominent lawyers and academics, editorial boards, and over one thousand law students. They have rightly pointed out that TWU is not an appropriate venue for teaching constitutional law, nurturing legal ethics, or promoting academic freedom.

Existing Canadian law schools have made great strides towards making legal education more accessible, practical, and representative of Canadian society. The leadership of the Nova Scotia profession should demonstrate the same interests in rendering a decision on TWU’s accreditation. I am committed to equality and promoting the values of the *Charter* and the *Human Rights Act* within my practice and my teaching. I believe such professional standards can only be fostered in a learning environment that enshrines these values in policy and in practice.

At a most basic level, it is unjust for a Nova Scotia institution to indirectly condone conduct that is contrary to Nova Scotia law. I therefore strongly recommend that the NSBS oppose or otherwise place conditions on any accreditation of TWU. I look forward to a properly balanced and progressive decision from the NSBS on this important issue, acting as a model for the right side of history.

Thank you for inviting submission on this very important topic.

Yours very truly,

Scott R. Campbell

From: Nova Scotia Barristers' Society [mailto:info@nsbs.org]

Sent: Friday, December 20, 2013 9:50 PM

To: Scott R. Campbell

Subject: Memo from the President: NSBS Council to review Federation's preliminary approval of TWU law program

Memo from J. René Gallant, President, Nova Scotia Barristers' Society

The Federation of Law Societies' Canadian Common Law Program Approval Committee has completed its work regarding Trinity Western University's ("TWU") Proposed School of Law.

Earlier this week, the Federation released the Committee's final report regarding TWU's proposed law school program. Preliminary approval has been granted by the Federation. We have also been provided with a report from the Federation's Special Advisory Committee dealing with issues that fall outside of the Approval Committee's mandate. On Wednesday, the Government of British Columbia granted permission for TWU to open a law faculty and offer a JD degree.

The Federation's website contains these reports and other materials, including comments from TWU and a legal opinion relied on by the Federation. They are available at <http://www.flsc.ca/en/twu-common-law-program/>.

The Society's Executive Committee and Council are aware of the concerns expressed about the granting of approval of the TWU application for a law school and we are sensitive to the concerns about discrimination, in particular, in connection with TWU's Community Covenant.

As we have said from the time this issue arose, Council will take the time necessary to carefully consider the Federation's reports, and determine what decisions are to be made by us, commencing at the next meeting of Council on January 24th, 2014.

As the public-interest regulator of the legal profession in this province, it is critical for the Society to have a robust, transparent discussion about the legal and societal issues addressed in the Federation's reports. This is even more important in the context of our strategic framework, which is examining the nature and extent of our role as a regulator, and in which the Society is committed to advocacy on the issue of access to justice for equity-seeking groups. The reasoning and decision making in the Federation reports is not the final word in the discussion here in Nova Scotia.

We encourage you to take part and have your voice heard. The reports and the materials referred to in them, including the legal opinions and analysis, will provide the basis for Council's deliberations and, as always, Council welcomes input from members of the profession and from the public.

We invite communications to the Society at info@nsbs.org or to me directly at

Rene.gallant@emera.com. Emma Halpern, the Society's Equity Officer, may also be contacted at equity@nsbs.org.

Best wishes for a safe and relaxing holiday season and a successful New Year.



Nova Scotia Barristers' Society

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