

From: [Peter Hubley](#)
To: [equity](#)
Subject: FW: Memo from the President: NSBS Council to review Federation's preliminary approval of TWU law program
Date: Friday, January 24, 2014 11:06:48 AM

From: Sheree Conlon [mailto:sconlon@stewartmckelvey.com]
Sent: Friday, January 24, 2014 11:05 AM
To: Nova Scotia Barristers' Society
Subject: RE: Memo from the President: NSBS Council to review Federation's preliminary approval of TWU law program

I am writing to advise that I am opposed to TWU being approved as an accredited law school for the purposes of NSBS admission, on the basis that TWU forces its students to sign a Community Covenant Agreement requiring them to abstain from "sexual intimacy that violates the sacredness of marriage between a man and a woman", or risk expulsion, the effect of which is to exclude LGBT individuals from applying to or living openly within TWU.

I must start by stating that notwithstanding what is no doubt a complicated political backdrop in NSBS's dealings and arrangements with the Federation, I frankly find it very surprising that this issue is even being debated.

I also agree with the position of the CBA that the Covenant is prima facie discriminatory, but also raises serious public policy issues that the NSBS has an obligation to consider.

While I understand the Federation has examined TWU generally, I am not aware that it has done so in the context of the charter/human rights issues the Covenant raises. That issue, as I understand it, was essentially delegated back to the individual law societies across the country. In its deliberations, I urge the Council to ask:

- Does TWU violate the Charter (if it applies)? If the answer is yes, how can NSBS defend an approval of TWU? I do not believe it is as simple as concluding the 2001 TWU case would govern the result in this case, and in light of Charter developments since then.
- Would the TWU Covenant violate Nova Scotia's human rights legislation if it were situated here? If the answer is yes, how can the NSBS defend an approval of TWU?
- How is approving TWU consistent with the obligation on the NSBS to protect the interests of the public? We are a self-governed profession; in return for that privilege, we have an obligation to protect the interests of the public. Surely that obligation engages a responsibility to protect and defend historically disadvantaged groups in our society. If we are not going fulfill that obligation, what example are we setting for the public generally? The NSBS should be the leader in protecting the public from discrimination, and certainly should play no role in allowing it occur.
- How is approving TWU consistent with the current NSBS mandate on Access to Justice?
- If the Covenant engaged racial segregation or a prohibition on inter-racial

marriages, would we even be having this debate? Why is it any different for sexual orientation?

It seems to me this issue is heading to judicial determination regardless of the outcome. It is my hope that the NSBS will take this opportunity to be a leader and find itself on right side of this issue when the challenge comes.

Thank you,

Sheree



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From: Nova Scotia Barristers' Society [<mailto:info@nsbs.org>]
Sent: Friday, December 20, 2013 7:54 PM
To: Sheree Conlon
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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