



Statement by President Jan Lindsay, QC, April 11, 2014

Welcome everyone, and thank you for joining us.

In late 2013, both the Federation of Law Societies Approval Committee and BC's Ministry of Advanced Education approved the establishment of law school at Trinity Western University. As you will know by now, the Benchers of the Law Society have also decided to approve the proposed Faculty of Law at TWU. This means that graduates from that law school will be eligible to enter the Law Society's admissions program.

From the outset of our consideration of a faculty of law at TWU, we have attempted to maintain an open, fair and transparent decision-making process.

Early on, the Law Society invited written submissions from the public and lawyers and by the time the deadline on March 3, the Law Society had received nearly 300 submissions. Together, the submissions of TWU and interested organizations, lawyers and the public totaled nearly 800 pages. I would like to thank everyone who took the time to make a submission. We appreciate the contribution the submissions made to the discussion and I would like to emphasize that the submissions were carefully considered by the Benchers.

Because of the public interest in this matter, the Law Society has webcast the Benchers' discussion and decision. This permitted more people, including lawyers and the public, to watch and hear the proceedings than could have been reasonably accommodated in our usual meeting room. The webcast will be archived for future reference and is now a matter of public record.

The Benchers arrived at their decision through a process that has been open, thorough and fair – from the beginning, right through to the decision. It has involved consideration of legal advice from a number of advisors, review and consideration of the Federation reports and the proposal from TWU and the public submissions. It has occupied our attention for some time and the decision was thoroughly considered and not taken lightly.

Because of the administrative nature of the decision the Benchers have made, I cannot comment on the decision itself or the reasons behind it. However, I can make a few observations about the discussion.

Many Benchers spoke meaningfully about their personal struggle with the decision. For those of you who had the opportunity to view the webcast, I believe you will have seen how seriously the Benchers have taken this decision, regardless of whether they supported or opposed the resolution.

The necessity of balancing two Charter Rights; the right to equality and the right to freedom of religion, was discussed by many of the Benchers. It was obvious that the Bencher discussion reflected a deep and abiding belief in the equality rights in the Charter but also the range of views, opinions and perspectives was impressive in its diversity and thoroughness.

A number of Benchers mentioned the necessity of supporting and deciding in a manner consistent with the Rule of Law and the 2001 Supreme Court of Canada in *Trinity Western University v. British Columbia College of Teachers*. On the other hand, several Benchers noted that the issues before the Court in that case might be decided differently if before the Court today.

Finally, many Benchers expressed the hope that TWU embrace tolerance, work with the legal community and consider whether it needs to maintain the Covenant as it is currently worded to reflect its faith, despite the legal protection afforded to the Covenant by the 2001 Supreme Court of Canada decision.

Lawyers in British Columbia take an oath to uphold the Rule of Law and fundamental constitutional values set out in the Constitution of Canada, including the Charter of Rights and Freedoms and human rights legislation. In British Columbia, all articulated students – no matter which law school they graduate from – complete Law Society training and evaluation in the core aspects of professional responsibility, including non-discrimination. And the Law Society requires that lawyers not discriminate in the exercise of their professional duties. If anyone feels that he or she has experienced discrimination by a lawyer, he or she should make a complaint to the Law Society.

Going forward, we will continue to protect the public interest in the administration of justice, by setting and enforcing standards of professional conduct for lawyers. And as always, the Law Society will continue to ensure that the public is well served by legal professionals who are competent, honourable and independent.

Thank you.