

**IN THE SUPREME COURT OF CANADA**  
(ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO  
AND THE BRITISH COLUMBIA COURT OF APPEAL)

B E T W E E N :

**TRINITY WESTERN UNIVERSITY and BRAYDEN VOLKENANT**

Appellants  
(Appellants)

– and –

**LAW SOCIETY OF UPPER CANADA**

Respondent  
(Respondent)

AND BETWEEN

**LAW SOCIETY OF BRITISH COLUMBIA**

Appellant  
(Appellant)

– and –

**TRINITY WESTERN UNIVERSITY and BRAYDEN VOLKENANT**

Respondents  
(Respondents)

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**FACTUM OF THE INTERVENER,  
LAW STUDENTS' SOCIETY OF ONTARIO**  
(Pursuant to Rule 42 the *Rules of the Supreme Court of Canada*)

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**B E T W E E N :**

**TRINITY WESTERN UNIVERSITY and BRAYDEN VOLKENANT**

Appellants  
(Appellants)

– and –

**LAW SOCIETY OF UPPER CANADA**

Respondent  
(Respondent)

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**AND BETWEEN**

**LAW SOCIETY OF BRITISH COLUMBIA**

Appellant  
(Appellant)

– and –

**TRINITY WESTERN UNIVERSITY and BRAYDEN VOLKENANT**

Respondents  
(Respondents)

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## TABLE OF CONTENTS

PART I - OVERVIEW AND STATEMENT OF FACTS	1
A. Overview	1
B. Statement of relevant facts	1
PART II - STATEMENT OF POSITION	3
PART III - STATEMENT OF ARGUMENT	3
A. No transparent, equitable alternative licensing process for TWU graduates exists	3
B. The existence of an alternative licensing process is necessary to determine the issues on appeal	5
i. Scope of LSUC's statutory objectives	6
ii. Infringement of freedom of religion protections under the <i>Charter</i>	7
iii. Reasonableness of LSUC's decision	8
C. This Court can strike the appropriate balance by exercising its remedial powers	9
PART IV - SUBMISSIONS CONCERNING COSTS	10
PART V - ORDER REQUESTED	10
PART VI - TABLE OF AUTHORITIES	11
PART VII - RELEVANT STATUTES REGULATIONS AND RULES	12

## PART I - OVERVIEW AND STATEMENT OF FACTS

### A. Overview

1 This intervention concerns the absence of an alternative licensing regime for graduates of unaccredited, Canadian law schools, such as Trinity Western University's (TWU) proposed faculty of law. The Law Society of Upper Canada (LSUC) and the Law Society of British Columbia (LSBC) (together, the **Law Societies**) decided not to accredit TWU. As a result of these decisions, TWU graduates – who would be properly trained and competent to practise law – will have no way to access the legal professions in Ontario and British Columbia (BC).

2 The Law Students' Society of Ontario (LSSO) views TWU's Community Covenant Agreement (the **Covenant**) as discriminatory because it undermines diversity within the legal profession by discouraging LGBTQA individuals from accessing legal education at TWU. However, the result of the Law Societies' decisions effectively excludes TWU graduates from accessing the licensing regimes in Ontario and BC for opting to exercise their freedom to study in accordance with their religion. This result also undermines diversity.

3 The exercises of ensuring that LGBTQA persons are not discriminated against and creating access for TWU graduates need not be mutually exclusive. An appropriate balance can be struck so long as graduates from unaccredited Canadian law schools, such as TWU's proposed law school, can access the licensing regimes in Ontario and BC through alternative means. The LSSO views the implementation of an equitable, alternative licensing process for TWU graduates as essential to maintaining diversity within the legal profession.

### B. Statement of relevant facts

4 The LSSO accepts the statement of facts set out in the *facta* of the Law Societies. The LSSO also relies on the following facts, which are relevant to the subject of its intervention.

5 In Ontario, there are two paths to becoming licensed under LSUC's relevant by-law: (i) graduate from an accredited Canadian law school or (ii) obtain a certificate of qualification from the National Committee on Accreditation (NCA).<sup>1</sup> Similarly, a candidate will be eligible for

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<sup>1</sup> LSUC, By-Law 4, *Licensing* (23 February 2017) [**LSUC By-Law 4**] at s. 9(1).



LSBC’s licensing process by proving their academic qualifications as follows: (i) attending an “approved” Canadian common law school or (ii) obtaining an NCA certificate of qualification.<sup>2</sup>

6 An “accredited law school” is defined in LSUC’s by-laws as a “law school in Canada that is accredited by the Society”.<sup>3</sup> An “approved” common law faculty is one approved by the Federation of Law Societies of Canada (**FLSC**), unless LSBC’s benchers adopt a resolution declaring that the faculty is not approved.<sup>4</sup> Neither LSUC nor LSBC accredited TWU.<sup>5</sup> Despite the Law Societies’ decisions, there was no dispute that TWU’s program was approved by the FLSC nor any doubt that TWU’s students would possess the requisite legal competencies upon graduation.<sup>6</sup>

7 The NCA’s mandate is to assess the qualifications of internationally-trained candidates and domestic graduates from Civil law programs.<sup>7</sup> It does not have a mandate to assess graduates from unaccredited Canadian common law programs.<sup>8</sup>

8 The Law Societies are parties to the *National Mobility Agreement*,<sup>9</sup> which permits

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<sup>2</sup> LSBC, *Law Society Rules* (2014) [**LSBC Rules**], Part 2 at s. 2-54. Under s. 2-54(2)(c), a candidate can also satisfy the academic qualification requirement if he or she was a full-time lecturer at a Canadian common law faculty of law for a certain period of time and obtains approval from LSBC’s Credentials Committee. It seems unlikely that TWU graduates would fall within this exception.

<sup>3</sup> Decision of the Ontario Divisional Court [**ONDC Decision**] at para. 30, Appeal Book of the Appellants TWU and Volkenant [**AB**], Vol. III, Tab 4 at 404.

<sup>4</sup> LSBC Rules at s. 2-54(3).

<sup>5</sup> The reasons for and processes by which LSUC and LSBC denied accreditation differ drastically. The LSSO adopts the facts set out in LSUC’s Factum at paras. 21-29 and LSBC’s Factum at paras. 50-65.

<sup>6</sup> LSUC Factum at paras. 21, 46; *Trinity Western University v. The Law Society of British Columbia*, 2015 BCSC 2326 at para. 33 [**BCSC Decision**].

<sup>7</sup> NCA, *Policies and Guidelines* (January 13, 2014) [**NCA Policy**], Record of the Respondents TWU and Volkenant [**RR**], Vol. IV., Tab 13C at 30.

<sup>8</sup> Reasons for Decision – LSUC Convocation Transcript (April 24, 2014) [**Convocation Transcript #2**] at 182, AB, Vol. II, Tab 2 at 360.

<sup>9</sup> FLSC, *National Mobility Agreement* (August 16, 2002) [**NMA**], AB, Vol. XII, Tab 27D at 2210-2227. In 2013, the various provincial law societies and bar associations executed a new

members of the various Canadian Bars to transfer permanently to other jurisdictions, subject to certain requirements. Notwithstanding the *NMA*, LSUC released a report stating that TWU graduates would not have access to the Ontario Bar via the *NMA* process because it requires transferees to have attended an LSUC-accredited institution.<sup>10</sup> LSBC's position on whether TWU graduates could transfer to the BC Bar via the *NMA* is unclear.

## **PART II - STATEMENT OF POSITION**

9 The LSSO supports the Law Societies' authority to deny accreditation; however, the Law Societies' decisions would leave TWU graduates without the ability to access the licensing processes in Ontario and BC. Accordingly, the Law Societies' decisions cannot be reasonable absent a transparent and equitable alternative licensing process for TWU graduates to access the licensing regimes on an individual basis.

10 The LSSO submits the following: (A) no alternative licensing process for TWU graduates exists; (B) the absence of an alternative licensing process is a necessary consideration to determine the issues on appeal; and (C) a workable remedy in the circumstances would be to uphold the Law Societies' decisions and to order the Law Societies to develop an alternative licensing process in short order.<sup>11</sup>

## **PART III - STATEMENT OF ARGUMENT**

### **A. No transparent, equitable alternative licensing process for TWU graduates exists**

11 Since TWU was not accredited by the Law Societies, there is no path by which TWU graduates could pursue legal careers in Ontario or BC; however, it is not apparent that

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agreement to expand the scope of the *NMA* provisions such that Canadian lawyers would be allowed to transfer between Quebec and the common law provinces: see FLSC, *National Mobility Agreement 2013* (October 17, 2013).

<sup>10</sup> LSUC, *Background Information: Inter-Jurisdictional Mobility of Lawyers in Canada [LSUC Mobility Report]* at paras. 10-12, AB, Vol. XII, Tab 27D at 2204.

<sup>11</sup> Although the LSSO's submissions relate primarily to the issues raised in the Ontario appeal and are framed to reflect that, they are also relevant to this Court's analysis of the issues raised in the BC appeal and are of general importance to the licensing regimes across Canada.

Convocation or the courts below fully appreciated this fact.<sup>12</sup> The courts below addressed the existence of an alternative licensing process only in passing, and their comments were inconsistent. The Ontario Divisional Court concluded that TWU graduates would have the right to apply individually to the Ontario Bar.<sup>13</sup> However, the Court of Appeal came to the opposite conclusion, stating that “**currently there is no process by which a law graduate from an unaccredited law school in Canada could be admitted to the Ontario Bar.**”<sup>14</sup> Although this discrepancy highlights the uncertainty surrounding the existence of a suitable alternative, for the two reasons set out below, it is clear that TWU graduates have no access to the licensing regime in Ontario.

12 First, to be eligible for the licensing process in Ontario, a candidate must first obtain a degree from an accredited Canadian law school or a certificate of qualification issued by the NCA.<sup>15</sup> A law student’s path to become licensed is therefore affected by whether his or her law school is accredited by a law society. Although LSUC did not accredit TWU’s law school, it does not follow that graduates can access the Ontario Bar via the NCA process. The NCA’s mandate does not include any jurisdiction over graduates from domestic common law programs, such as the one proposed by TWU, and the NCA does not have the ability to change its mandate unilaterally.<sup>16</sup> Indeed, the Divisional Court has previously confirmed that the NCA process applies to people with either foreign legal qualifications or non-common law legal credentials.<sup>17</sup>

13 Second, even if TWU graduates became members of law societies in jurisdictions that accredited TWU, they would not have access to the Ontario licensing regime under the *NMA*. Prior to reaching its decision on accreditation, LSUC issued a report stating that TWU graduates

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<sup>12</sup> Several benchers assumed that TWU graduates would have access to the NCA process (see e.g. Reasons for Decision – LSUC Convocation Transcript (April 10, 2014) at 159, 172-173, AB, Vol. I, Tab 1 at 159, 172; Convocation Transcript #2 at 103-106, 109, AB, Vol. II at 281-284, 287).

<sup>13</sup> ONDC Decision at para. 121, Vol. III, Tab 4 at 429.

<sup>14</sup> Decision of the Court of Appeal for Ontario [**ONCA Decision**] at para. 96, AB, Vol. III, Tab 6 at 469 [emphasis added].

<sup>15</sup> LSUC By-Law 4 at s 9(1). See also LSBC Rules at rr. 2-52(1), 2-54.

<sup>16</sup> NCA Policy, RR, Vol. IV., Tab 13C at 30; Convocation Transcript #2 at 181-187, AB, Vol. II, Tab 2 at 358-365.

<sup>17</sup> *Grant-Kinnear v Law Society of Upper Canada*, 2013 ONSC 1671 at para. 4 (Div Ct). See also NCA Policy, RR, Vol. IV., Tab 13C at 30.

called to the Bars elsewhere would likely be unable to transfer to Ontario if LSUC were to deny accreditation.<sup>18</sup> LSUC's report notes that its licensing by-law requires an applicant to have graduated from an accredited law school,<sup>19</sup> and LSUC considers this accreditation requirement to be one of the "other qualifications that ordinarily apply for lawyers to be entitled to practise law in its jurisdiction" required before a transferee is eligible to transfer under section 32(c) of the *NMA*.<sup>20</sup> LSUC's report also acknowledges that a TWU graduate could challenge LSUC's refusal to allow a transfer under the *NMA* as being contrary to the *Agreement on Internal Trade*<sup>21</sup> (which has now been replaced by the *Canadian Free Trade Agreement*<sup>22</sup>), and the *Ontario Labour Mobility Act, 2009*.<sup>23</sup>

14 Therefore, the only alternative for TWU graduates wishing to become licensed in Ontario (besides abandoning their intentions to attend TWU and, instead, enrolling in an accredited Canadian school)<sup>24</sup> would be to become licensed in another jurisdiction, apply for a transfer to Ontario under the *NMA* (knowing that LSUC will not allow the transfer) and then commencing a proceeding or complaint to challenge LSUC's refusal to permit the transfer on the basis of the *AIT* (or, now, *CFTA*) or *OLMA*. This alternative presents a substantial barrier for TWU graduates with an uncertain chance of admission to the Ontario Bar.

**B. The existence of an alternative licensing process is necessary to determine the issues on appeal**

15 Despite concluding that there is currently "no process by which a law graduate from an unaccredited law school in Canada could be admitted to the Ontario Bar", the Court of Appeal

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<sup>18</sup> LSUC Mobility Report at ss. 9, 13, AB, Vol. XII, Tab 27D at 2204.

<sup>19</sup> LSUC By-Law 4 at s. 9(1).

<sup>20</sup> LSUC Mobility Report at ss. 10-12, AB, Vol. XII, Tab 27D at 2204.

<sup>21</sup> *Agreement on Internal Trade* (Consolidated), Canada, Newfoundland and Labrador, Nova Scotia, Prince Edward Island, New Brunswick, Quebec, Ontario, Manitoba, Saskatchewan, Alberta, British Columbia, the Northwest Territories and Yukon (entered into force July 1, 1995, as amended) [*AIT*] at Chapter 7 – Labour Mobility (the current Chapter 7 was implemented as part of the Ninth Protocol of Amendment).

<sup>22</sup> *Canadian Free Trade Agreement*, Canada, Ontario, Quebec, Nova Scotia, New Brunswick, Manitoba, British Columbia, Prince Edward island, Saskatchewan, Alberta, Newfoundland & Labrador, Yukon, Northwest Territories, Nunavut (entered into force July 1, 2017) [*CFTA*].

<sup>23</sup> S.O. 2009, c. 24 [*OLMA*] at ss. 1, 14, 16; LSUC Mobility Report at s. 26, AB, Vol. XII, Tab 27D at 2209.

<sup>24</sup> ONCA Decision at para. 98, AB, Vol. III, Tab 6 at 470.

held that it was premature to assess the consequences of having no process. This issue is not premature. The absence of an alternative licensing process has a direct bearing on this Court's assessment of (i) the scope of LSUC's statutory objectives and whether it discharged its duties; (ii) whether the absence of access infringes any religious rights in a nontrivial or substantial way; and (iii) whether LSUC struck an appropriate balance in making its decision.

**i. Scope of LSUC's statutory objectives**

16 LSUC has an obligation to implement an alternative licensing process in light of its decision not to accredit TWU. Not only did the Ontario Divisional Court hold that LSUC has a duty to provide TWU graduates "with a timely, open and efficient accreditation process in order to minimally impair their freedom of religion and association,"<sup>25</sup> but also such an obligation is consistent with the concept that "equality of opportunity is a value of fundamental importance to our country".<sup>26</sup> There are two main reasons grounding LSUC's obligation to implement an alternative licensing process: (i) its public interest mandate demands it; and (ii) it is statutorily required to provide fair and transparent access to its licensing regime.

17 First, the LSSO adopts and relies on LSUC's arguments at paragraphs 44-50 of its factum: LSUC's "duty to protect the public interest" with respect to its functions, duties and powers under the *LSA* encompasses a duty to ensure diversity within the profession such that the legal profession is open to the best and brightest.<sup>27</sup> The removal of barriers to LGBTQA individuals' ability to access legal education undoubtedly helps to achieve this goal. However, this goal will not be *fully* achieved if TWU graduates cannot access the Ontario Bar.<sup>28</sup>

18 The absence of an alternative path bars competent, properly trained students from being able to practise law in Ontario, and it undermines the diversity of the legal profession, contrary to LSUC's public interest mandate. Just as LGBTQA law students enrich the diversity of the

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<sup>25</sup> ONDC Decision at paras. 121, 127-128, AB, Vol. III, Tab 4 at 429-431.

<sup>26</sup> ONDC Decision at para. 119, Vol. III, Tab 4 at 428.

<sup>27</sup> *Law Society Act*, R.S.O. 1990, c. L.8 [*LSA*] at s. 4.2 at s. 4.2, para. 3; ONDC Decision at paras. 97-100, AB, Vol. III, Tab 4 at 422-423. See also LSUC's Factum at paras. 44-50.

<sup>28</sup> The LSSO submits that LSBC also has an obligation to provide an alternative licensing process for TWU graduates under its public interest duty: see *Legal Profession Act*, S.B.C. 1998, c. 9 at s. 3.

legal profession, so too will evangelical Christians and other students who decide to study at TWU. TWU's proposed curriculum was approved by the FLSC and there is no dispute that TWU's graduates would possess the competencies required to enter the Ontario licensing regime.<sup>29</sup> A transparent, alternative licensing process is the only way to ensure that a truly equitable system, i.e. one accessible to all potential licensees, is achieved such that diversity in the profession is maintained.<sup>30</sup>

19 Second, LSUC has a duty under the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006*<sup>31</sup> to provide transparent, objective and fair access to the Ontario Bar.<sup>32</sup> The stated purpose of *FARPA* is "to help ensure that regulated professions and individuals applying for registration by regulated professions are governed by registration practices that are **transparent, objective, impartial and fair**".<sup>33</sup> In addition, LSUC has specific duties to provide information to individuals intending to apply for licenses, such as future TWU graduates, with, *inter alia*, information about the "registration process".<sup>34</sup> By failing to have a transparent, clearly delineated process, LSUC is in breach of its *FARPA* obligations.

## ii. Infringement of freedom of religion protections under the *Charter*

20 Consideration of the absence of an alternative path to licensing is necessary in analyzing whether LSUC's decision breached religious freedoms guaranteed under the *Charter*.<sup>35</sup> It is undisputed that TWU students sincerely hold their religious beliefs.<sup>36</sup> However, a violation of their freedom of religion will only be established if LSUC's decision interferes, in a non-trivial

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<sup>29</sup> LSUC Factum at paras. 21, 46; BCSC Decision at para. 33.

<sup>30</sup> *LSA* at s. 4.2, para. 3.

<sup>31</sup> S.O. 2006, c. 31 [*FARPA*].

<sup>32</sup> *FARPA* at s. 6. To the extent that *FARPA* and the *LSA* conflict, *FARPA* prevails: see *FARPA* at s. 31.

<sup>33</sup> *FARPA* at s. 1 [emphasis added].

<sup>34</sup> *FARPA* at s. 7.

<sup>35</sup> *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act, 1982* (UK), 1982, c 11 [*Charter*] at s. 2(a).

<sup>36</sup> The LSSO takes no position with respect to TWU's religious beliefs and freedoms.

or not insubstantial manner, with their ability to practice their religion.<sup>37</sup>

21 “‘Trivial or insubstantial’ interference is interference that does not threaten actual religious beliefs or conduct.”<sup>38</sup> If TWU graduates had a clear right to access the Ontario licensing regime through the NCA or *NMA* processes, then it could be argued that the interference is trivial: state-imposed costs or burdens do not meet the threshold required to establish an infringement.<sup>39</sup> However, there is no alternative licensing process for TWU graduates, except to become enrolled at an accredited school elsewhere or to bring a legal challenge with uncertain success if LSUC denies a transfer under the *NMA*. These burdens are more than insubstantial because, at best, TWU graduates can only study law to the detriment of their religious practices, or, at worst, they are completely denied the opportunity to access the Ontario Bar.<sup>40</sup>

### iii. Reasonableness of LSUC’s decision

22 The existence of an alternative licensing process goes to the heart of the *Doré v Barreau de Québec* analysis.<sup>41</sup> This Court has held that when a discretionary administrative decision engages the protections enumerated in the *Charter*, the decision-maker must proportionately balance the *Charter* protections in play to ensure that they are limited no more than necessary given the applicable statutory objectives.<sup>42</sup> LSUC’s decision will only have been reasonable if it represented a reasonable balance of the *Charter* rights in issue as against LSUC’s statutory

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<sup>37</sup> *Loyola High School v Quebec (Attorney General)*, 2015 SCC 12, [2015] 1 S.C.R. 613 [*Loyola*] at para. 134.

<sup>38</sup> *Alberta v Hutterian Brethren of Wilson Colony*, 2009 SCC 37, [2009] 2 S.C.R. 567 [*Hutterian*] at para. 32.

<sup>39</sup> *Hutterian* at para. 34.

<sup>40</sup> *Hutterian* at para. 34; *Syndicat Northcrest v Amselem*, 2004 SCC 47, [2004] 2 S.C.R. 551 at para. 58.

<sup>41</sup> 2012 SCC 12, [2012] 1 S.C.R. 395 [*Doré*]. While the parties have argued differing perspectives on whether *Doré* is the appropriate framework for reviewing LSUC’s decision (see e.g. TWU’s Factum at para. 51ff, and LSUC’s Factum at para. 33ff), this Court has held that the proportionality analysis is effectively the same, regardless of whether the *Doré* or *R v Oakes*, [1986] 1 S.C.R. 103, frameworks are applied: see *Loyola* at paras. 40-41.

<sup>42</sup> *Loyola* at paras. 3-4, 39; *Doré* at paras. 43-45, 57.

objectives.<sup>43</sup> Accordingly, the issue of TWU graduates' access to the Ontario licensing regime, whether through an alternative process or not at all, is vital to the determination of whether their rights to freedom of religion have been limited more than necessary.

23 In *Doré*, this Court noted that a consideration of how the *Charter* rights at play will be protected is essential to determining whether the decision-maker's decision was reasonable:

[T]he decision-maker should ask how the *Charter* value at issue will best be protected in view of the statutory objective. This is at the core of the proportionality exercise and requires the decision-maker to balance the severity of the interference of the charter protection with the statutory objectives.<sup>44</sup>

24 LSUC's benchers acknowledged that religious freedoms were at stake in debating their decision at Convocation, and some even acknowledged that TWU graduates would not be able to access the Ontario licensing regime through the NCA process.<sup>45</sup> However, the benchers did not adequately consider how TWU graduates' freedoms would be best protected in light of the fact that no alternative licensing process exists. As a result, LSUC essentially imputed the blame for the discriminatory effects of TWU's Covenant to TWU's students without sufficiently considering the discriminatory effect its accreditation decision would have on TWU graduates as individuals. By failing to articulate an alternative means by which TWU graduates could gain access to the system, LSUC failed to ensure that TWU graduates' religious rights were "limited no more than necessary". This failure, particularly in light of LSUC's obligations to provide a transparent, alternative path to licensing, amounts to an unreasonable decision.

### **C. This Court can strike the appropriate balance by exercising its remedial powers**

25 These appeals call for this Court to exercise its broad powers under section 24(1) of the *Charter* to craft an appropriate remedy that is just in the circumstances. The LSSO reiterates that there were valid reasons to deny accreditation to TWU (the discriminatory effects of the

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<sup>43</sup> *Doré* at para. 24.

<sup>44</sup> *Doré* at para. 56 [emphasis added].

<sup>45</sup> See e.g. Speech of Bencher Krishna, Convocation Transcript #2 at 181-187, AB, Vol. II. at 359-365 (Bencher Krishna was the only bencher who identified that the NCA did not have a mandate over graduates from domestic common law programs. Neither he nor the other benchers suggested a possible alternative regime).



Covenant are certainly contrary to the public interest), and, but for the fact that TWU graduates have no alternative option to seek membership to the Bar of Ontario, LSUC's decision might have been reasonable. Accordingly, the LSSO submits that the most just remedy in the circumstances would be an Order that upholds the Law Societies' decisions to deny accreditation and directs the Law Societies to create a transparent, equitable alternative licensing process for graduates from unaccredited, Canadian law schools.

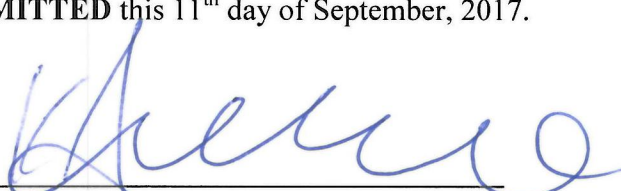
**PART IV - SUBMISSIONS CONCERNING COSTS**

26 The LSSO seeks no costs and requests that none be awarded against it.

**PART V - ORDER REQUESTED**

27 The LSSO respectfully requests an Order consistent with the arguments set out herein.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED** this 11<sup>th</sup> day of September, 2017.

  
\_\_\_\_\_  
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**PART VI  
TABLE OF AUTHORITIES**

<b>Cases</b>	<b>Para. Ref. in Factum</b>
<i>Alberta v Hutterian Brethren of Wilson Colony</i> , 2009 SCC 37, [2009] 2 S.C.R. 567 <a href="https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/7808/index.do">https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/7808/index.do</a>	21
<i>Doré v. Barreau du Québec</i> , 2012 SCC 12, [2012] 1 S.C.R. 395 <a href="https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/7998/index.do">https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/7998/index.do</a>	22, 23
<i>Grant-Kinnear v Law Society of Upper Canada</i> , 2013 ONSC 1671 (Div Ct) <a href="https://www.canlii.org/en/on/onsc/doc/2013/2013onsc1571/2013onsc1571.html?resultIndex=1">https://www.canlii.org/en/on/onsc/doc/2013/2013onsc1571/2013onsc1571.html?resultIndex=1</a>	12
<i>Loyola High School v Quebec (Attorney General)</i> , 2015 SCC 12, [2015] 1 S.C.R. 613 <a href="https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14703/index.do">https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14703/index.do</a>	20, 22
<i>Oakes, R v</i> , [1986] 1 S.C.R. 103 (S.C.C.) <a href="https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/117/index.do">https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/117/index.do</a>	22
<i>Syndicat Northcrest v Amselem</i> , 2004 SCC 47, [2004] 2 S.C.R. 551 <a href="https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2161/index.do">https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2161/index.do</a>	21
<i>Trinity Western University v. The Law Society of British Columbia</i> , 2015 BCSC 2326 <a href="https://www.canlii.org/en/bc/bcsc/doc/2015/2015bcsc2326/2015bcsc2326.html">https://www.canlii.org/en/bc/bcsc/doc/2015/2015bcsc2326/2015bcsc2326.html</a>	6, 18

**PART VII**  
**RELEVANT STATUTES, REGULATIONS AND RULES**

<b>Statutes, Regulations and Rules</b>	<b>Para. Ref. in Factum</b>
<p><i>Canadian Charter of Rights and Freedoms</i>, Part I of the <i>Constitution Act, 1982</i>, being Schedule B to the <i>Canada Act, 1982</i> (UK), 1982, c 11, ss. 2(a), 15, 24(1)</p> <p><a href="http://laws-lois.justice.gc.ca/eng/Const/page-15.html">http://laws-lois.justice.gc.ca/eng/Const/page-15.html</a> <a href="http://laws-lois.justice.gc.ca/fra/Const/page-15.html">http://laws-lois.justice.gc.ca/fra/Const/page-15.html</a></p>	20, 22, 23, 25
<p><i>Fair Access to Regulated Professions and Compulsory Trades Act, 2006</i>, S.O. 2006, c. 31, ss. 1, 6, 7, 31</p> <p><a href="https://www.ontario.ca/laws/statute/06f31">https://www.ontario.ca/laws/statute/06f31</a> <a href="https://www.ontario.ca/fr/lois/loi/06f31">https://www.ontario.ca/fr/lois/loi/06f31</a></p>	19
<p><i>Legal Profession Act</i>, S.B.C. 1998, c. 9, s. 3</p> <p><a href="https://www.lawsociety.bc.ca/support-and-resources-for-lawyers/act-rules-and-code/legal-profession-act/part-1-organization/">https://www.lawsociety.bc.ca/support-and-resources-for-lawyers/act-rules-and-code/legal-profession-act/part-1-organization/</a></p>	19
<p><i>Law Society Act</i>, R.S.O. 1990, c. L.8, ss. 4.2, 62(0.1)</p> <p><a href="https://www.ontario.ca/laws/statute/90l08#BK9">https://www.ontario.ca/laws/statute/90l08#BK9</a></p>	17, 18, 19
<p>Law Society of British Columbia, <i>Law Society Rules</i> (2014), Part 2, rr. 2-52(1), 2-54</p> <p><a href="https://www.lawsociety.bc.ca/support-and-resources-for-lawyers/act-rules-and-code/law-society-rules/part-2---membership-and-authority-to-practise-law/#d2">https://www.lawsociety.bc.ca/support-and-resources-for-lawyers/act-rules-and-code/law-society-rules/part-2---membership-and-authority-to-practise-law/#d2</a></p>	5, 6, 12
<p>Law Society of Upper Canada , <i>By-Law 4 – Licensing</i> (23 February 2017), s. 9(1)</p> <p><a href="https://www.lsuc.on.ca/uploadedFiles/By-Law-4-Licensing-02-23-17.pdf">https://www.lsuc.on.ca/uploadedFiles/By-Law-4-Licensing-02-23-17.pdf</a></p>	5, 12, 13
<p><i>Ontario Labour Mobility Act, 2009</i>, S.O. 2009, c. 24, ss. 1, 14, 16</p> <p><a href="https://www.ontario.ca/laws/statute/09o24">https://www.ontario.ca/laws/statute/09o24</a> <a href="https://www.ontario.ca/fr/lois/loi/09o24">https://www.ontario.ca/fr/lois/loi/09o24</a></p>	13, 14

<b>Treaties and Other Inter-Jurisdictional Agreements</b>	
<p><i>Agreement on Internal Trade</i> (Consolidated), Canada, Newfoundland and Labrador, Nova Scotia, Prince Edward Island, New Brunswick, Quebec, Ontario, Manitoba, Saskatchewan, Alberta, British Columbia, the Northwest Territories and Yukon (entered into force July 1, 1995), Chapter 7 – Labour Mobility</p> <p><a href="https://www.cfta-alec.ca/wp-content/uploads/2017/06/CFTA-Consolidated-Text-Final-Print-Text-English.pdf">https://www.cfta-alec.ca/wp-content/uploads/2017/06/CFTA-Consolidated-Text-Final-Print-Text-English.pdf</a></p> <p><a href="https://www.cfta-alec.ca/wp-content/uploads/2017/06/CFTA-Consolidated-Text-Final-Print-Text-French-.pdf">https://www.cfta-alec.ca/wp-content/uploads/2017/06/CFTA-Consolidated-Text-Final-Print-Text-French-.pdf</a></p>	13, 14
<p><i>Canadian Free Trade Agreement</i> (Consolidated), Canada, Ontario, Quebec, Nova Scotia, New Brunswick, Manitoba, British Columbia, Prince Edward island, Saskatchewan, Alberta, Newfoundland &amp; Labrador, Yukon, Northwest Territories, Nunavut (entered into force July 1, 2017), Chapter 7 – Labour Mobility</p> <p><a href="https://www.cfta-alec.ca/wp-content/uploads/2017/06/CFTA-Consolidated-Text-Final-Print-Text-English.pdf">https://www.cfta-alec.ca/wp-content/uploads/2017/06/CFTA-Consolidated-Text-Final-Print-Text-English.pdf</a></p> <p><a href="https://www.cfta-alec.ca/wp-content/uploads/2017/06/CFTA-Consolidated-Text-Final-Print-Text-French-.pdf">https://www.cfta-alec.ca/wp-content/uploads/2017/06/CFTA-Consolidated-Text-Final-Print-Text-French-.pdf</a></p>	13, 14
<p>Federation of Law Societies of Canada, <i>National Mobility Agreement 2013</i> (October 17, 2013)</p> <p><a href="http://flsc.ca/wp-content/uploads/2014/10/mobility2.pdf">http://flsc.ca/wp-content/uploads/2014/10/mobility2.pdf</a></p>	8