

**IN THE SUPREME COURT OF CANADA  
(ON APPEAL FROM THE SUPERIOR COURT OF ONTARIO)**

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

**TRINITY WESTERN UNIVERSITY and BRAYDEN VOLKENANT**  
APPELLANTS

**- and -**

**LAW SOCIETY OF UPPER CANADA**  
RESPONDENT

**- and -**

**THE ATTORNEY GENERAL OF ONTARIO, ASSOCIATION FOR REFORMED  
POLITICAL ACTION, THE ADVOCATES' SOCIETY, THE CANADIAN BAR  
ASSOCIATION, THE CHRISTIAN LEGAL FELLOWSHIP, THE  
INTERNATIONAL COALITION OF PROFESSORS OF LAW, THE NATIONAL  
COALITION OF CATHOLIC SCHOOL TRUSTEES, LAWYERS' RIGHTS  
WATCH CANADA, CRIMINAL LAWYERS' ASSOCIATION (ONTARIO), THE  
CANADIAN CIVIL LIBERTIES ASSOCIATION, THE CANADIAN COUNCIL  
OF CHRISTIAN CHARITIES, THE CANADIAN CONFERENCE OF  
CATHOLIC BISHOPS, THE CANADA ASSOCIATION OF UNIVERSITY  
TEACHERS, THE LAW STUDENTS' SOCIETY OF ONTARIO, THE SEVENTH-  
DAY ADVENTIST CHURCH IN CANADA, THE EVANGELICAL  
FELLOWSHIP OF CANADA and CHRISTIAN HIGHER EDUCATION  
CANADA, THE BRITISH COLUMBIA HUMANIST ASSOCIATION, THE  
CANADIAN SECULAR ALLIANCE, EGALE CANADA HUMAN RIGHTS  
TRUST, THE FAITH, FEALTY & CREED SOCIETY, THE ROMAN CATHOLIC  
ARCHDIOCESE OF VANCOUVER, THE CATHOLIC CIVIL RIGHTS  
LEAGUE, and THE FAITH AND FREEDOM ALLIANCE, THE WORLD SIKH  
ORGANIZATION OF CANADA, LESBIANS GAYS BISEXUALS AND TRANS  
PEOPLE OF THE UNIVERSITY OF TORONTO (LGBTOUT), THE UNITED  
CHURCH OF CANADA, START PROUD and OUTLAWS**  
INTERVENERS

---

**FACTUM OF THE INTERVENER, CRIMINAL LAWYERS' ASSOCIATION**  
**[Pursuant to Rule 37 of the *Rules of the Supreme Court of Canada*]**

---

**JOHN NORRIS**  
Barrister  
Simcoe Chambers  
100-116 Simcoe Street  
Toronto, ON M5H 4E2

**MATTHEW ESTABROOKS**  
Gowling WLG (Canada) LLP  
160 Elgin Street  
Suite 2600  
Ottawa, ON K1P 1C3

Tel: 416-596-2960  
Fax: 416-596-2598  
Email: john.norris@simcoechambers.com

**BREESE DAVIES**  
**Breese Davies Law**  
100-116 Simcoe Street  
Toronto, ON M4H 4E2

Tel: 416-649-5061  
Fax: 416-596-2598  
Email: bdavies@bdlaw.ca

*Counsel for the Criminal Lawyers' Association  
(Ontario)*

**ORIGINAL TO: THE REGISTRAR**

**COPIES TO: BENNETT JONES LLP**  
Suite 3400, P.O. Box 130  
One First Canadian Place  
Toronto, Ontario M5X 1A4

**Robert W. Staley**  
**Ranjan Agarwal**  
**Jessica M. Starck**

Tel: 416-777-4857  
Fax: 416-863-1716  
Email: staleyr@bennettjones.com  
agarwalr@bennettjones.com

**KUHN LLP**  
100-32160 South Fraser Way  
Abbotsford, BC V2T 1W5

**Kevin L. Boonstra / Jonathan B.**  
**Maryniuk / Andrew D. Delmonico**

Tel.: (604) 864-8877  
Fax: (604) 864-8867  
Email: kboonstra@kuhnco.net

*Counsel for the Appellants*

Tel: 613-786-0211  
Fax: 613-788-3509  
Email: matthew.estabrooks@gowlingwlg.com

*Ottawa Agent for the proposed intervener,  
Criminal Lawyers' Association (Ontario)*

**BENNETT JONES LLP**  
World Exchange Plaza  
45 O'Connor Street, Suite 1900  
Ottawa, Ontario K1P 1A4

**Mark Jewett QC**

Tel: 613-683-2328  
Fax: 613-683-2323  
Email: jewettm@bennettjones.com

*Ottawa Agent for the Appellants*

**AND TO: BORDEN LADNER GERVAIS LLP**  
40 King Street West, 44<sup>th</sup> Floor  
Toronto, Ontario M5H 3Y\$

**Guy Pratte**

Tel: 416-367-6000  
Fax: 416-367-6749  
Email: gprat@blg.com

*Counsel for the Respondent*

**BORDEN LADNER GERVAIS LLP**  
100 Queen Street, Suite 1300  
Ottawa, Ontario K1P 1J9

**Nadia Effendi**

Tel: 613-237-5160  
Fax: 613-230-8842  
Email: neffendi@blg.com

*Agent for the Respondent*

**AND TO: ATTORNEY GENERAL OF ONTARIO**  
720 Bay Street , 4<sup>th</sup> Floor  
Toronto, Ontario  
M7A 2S9

**S. Zachary Gree  
Josh Hunter**

Tel: 416-326-8517  
Fax: 416-326-4015  
Email: Zachary.green@ontario.ca

*Counsel for the AGO*

**BURKE-ROBERTSON**  
441 MacLaren Street, Suite 200  
Ottawa, Ontario  
K2P 2H3

**Robert E. Houston, Q.C.**

Tel: 613-236-9665  
Fax: 613-235-4430  
Email: rhouston@burkeroberston.com

*Agent for the AGO*

**AND TO: ASSOCIATION FOR REFORMED  
POLITICAL ACTION CANADA**  
130 Albert Street, Suite 1705  
Ottawa, ON K1P 5G4

**André Schutten**

Tel.: (613) 297-5172  
Fax: (613) 670-5701  
Email: Andre@ARPACanada.ca

*Counsel for the Intervener,  
the Association for Reformed Political  
Action Canada*

**SUPREME ADVOCACY LLP**  
340 Gilmour Street  
Suite 100  
Ottawa, ON K2P 0R3

**Eugene Meehan, Q.C.  
Marie-France Major**

Tel.: (613) 695-8855  
Fax: (613) 695-8580  
Email: emeehan@supremeadvocacy.ca  
mfmajor@supremeadvocacy.ca

*Ottawa Agent for the Intervener,  
the Association for Reformed  
Political Action Canada*

**AND TO: PALIARE ROLAND ROSENBERG  
ROTHSTEIN LLP**  
155 Wellington Street West, 35th Floor  
Toronto ON M5V 3H1

**Chris G. Paliare**

Tel.: (416) 646-4318  
Fax: (416) 646-4301  
Email: chris.paliare@paliareroland.com

**MARTHA McCARTHY & COMPANY LLP**  
146 Davenport Road  
Toronto, ON M5R 1J2

**Joanna Radbord**

Tel.: (416) 238-7916  
Fax: (416) 862-9001

**ETHOS LAW GROUP LLP**  
702-2695 Granville Street  
Vancouver, BC V6H 3H4

**Monique Pongracic-Speier**

Tel.: (604) 569-3022  
Fax: (888) 591-0597  
Email: Monique@ethoslaw.com

*Counsel for the Intervener, the Advocates'  
Society*

**GOWLING WLG (CANADA) LLP**  
160 Elgin Street, Suite 2600  
Ottawa, ON K1P 1C3

**Jeffrey Beedell**

Tel.: (613) 786-0171  
Fax: (613) 788-3587  
Email: jeff.beedell@gowlingwlg.com

*Ottawa Agent for the Intervener,  
the Advocates' Society*

**AND TO: URSEL PHILLIPS FELLOWS  
HOPINKSON LLP**  
1200-555 Richmond Street West  
Toronto, ON M5V 3B1

**Susan Ursel**

Tel.: (416) 969-3515  
Fax: (416) 968-0325  
Email: sursel@upfhlaw.ca

**GOWLING WLG (CANADA) LLP**  
160 Elgin Street  
Suite 2600  
Ottawa, ON K1P 1C3

**Jeffrey Beedell**

Tel.: (613) 786-0171  
Fax: (613) 788-3587  
Email: jeff.beedell@gowlingwlg.com

**LOVETT WESTMACOTT**  
Suite 12 – 2544 Dunlevy Street  
Victoria, BC V8R 5Z2

**Angela Westmacott, Q.C.**

Tel.: (250) 480-7475  
Fax: (250) 480-7455  
Email: aw@lw-law.ca

*Counsel for the Intervener,  
the Canadian Bar Association*

*Ottawa Agent for the Intervener,  
the Canadian Bar Association*

**AND TO: CHRISTIAN LEGAL FELLOWSHIP**  
470 Weber Street, Suite 202  
Waterloo, ON N2L 6J2

**SUPREME ADVOCACY LLP**  
340 Gilmour Street, Suite 100  
Ottawa, ON K2P 0R3

**Derek B.M. Ross / Deina Warren**

Tel.: (519) 208-9200  
Fax: (519) 208-3600  
Email: execdir@christianlegalfellowship.org

**Eugene Meehan, Q.C.  
Marie-France Major**

Tel.: (613) 695-8855  
Fax: (613) 695-8580  
Email: emeehan@supremeadvocacy.ca  
mfmajor@supremeadvocacy.ca

*Counsel for the Intervener,  
the Christian Legal Fellowship*

*Ottawa Agent for the Intervener,  
the Christian Legal Fellowship*

**AND TO: SUPREME ADVOCACY LLP**  
340 Gilmour Street, Suite 100  
Ottawa, ON K2P 0R3

**SUPREME ADVOCACY LLP**  
340 Gilmour Street, Suite 100  
Ottawa, ON K2P 0R3

**Eugene Meehan, Q.C.  
Marie-France Major**

Tel.: (613) 695-8855  
Fax: (613) 695-8580  
Email: emeehan@supremeadvocacy.ca  
mfmajor@supremeadvocacy.ca

**Eugene Meehan, Q.C.  
Marie-France Major**

Tel.: (613) 695-8855  
Fax: (613) 695-8580  
Email: emeehan@supremeadvocacy.ca  
mfmajor@supremeadvocacy.ca

*Counsel for the Intervener,  
the International Coalition of Professors of  
Law*

*Ottawa Agent for the Intervener,  
the International Coalition of  
Professors of Law*

**AND TO: SUPREME ADVOCACY LLP**  
340 Gilmour Street, Suite 100  
Ottawa, ON K2P 0R3

**SUPREME ADVOCACY LLP**  
340 Gilmour Street, Suite 100  
Ottawa, ON K2P 0R3

**Eugene Meehan, Q.C.**

Tel.: (613) 695-8855  
Fax: (613) 695-8580

**Eugene Meehan, Q.C.  
Marie-France Major**

Tel.: (613) 695-8855

Email: emeehan@supremeadvocacy.ca

**DOUCETTE SANTORO FURGIUELE**

1100-20 Dundas Street West  
Toronto, ON M5G 2G8

**Daniel C. Santoro**

Tel.: (416) 922-7272

Fax: (416) 342-1766

*Counsel for the Intervener,  
the National Coalition of Catholic School  
Trustees' Associations*

Fax: (613) 695-8580

Email: emeehan@supremeadvocacy.ca

mfmajor@supremeadvocacy.ca

*Ottawa Agent for the Intervener,  
the National Coalition of Catholic  
School Trustees' Associations*

**AND TO:**

**GREY CASGRAIN, S.E.N.C.**

1155 René-Lévesque Ouest  
Suite 1715  
Montréal, QC H3B 2K8

**Julius H. Grey**

Tel.: (514) 288-6180 x 229

Fax: (514) 288-8908

Email: jhgrey@greycasgrain.net

*Counsel for the Intervener, Lawyers' Rights  
Watch Canada*

**GOWLING WLG (CANADA) LLP**

160 Elgin Street,  
Suite 2600  
Ottawa, ON K1P 1C3

**Guy Régimbald**

Tel.: (613) 233-1781

Fax: (613) 563-9869

Email: guy.regimbald@gowlingwlg.com

*Ottawa Agent for the Intervener,  
Lawyers' Rights Watch Canada*

**AND TO:**

**STIKEMAN ELLIOTT LLP**

5300 Commerce Court West  
199 Bay Street  
Toronto, ON M5L 1B9

**Alan L.W. D'Silva  
Alexandra Urbanski**

Tel.: (416) 869-5204

Fax: (416) 947-0866

Email: adsilver@stikeman.com

aurbanski@stikeman.com

*Counsel for the Intervener, the Canadian  
Civil Liberties Association*

**STIKEMAN ELLIOTT LLP**

50 O'Connor Street  
Suite 1600  
Ottawa, ON K1P 6L2

**Nicholas McHaffie**

Tel.: (613) 566-0546

Fax: (613) 230-8877

Email: nmchaffie@stikeman.com

*Ottawa Agent for the Intervener,  
the Canadian Civil Liberties  
Association*

**AND TO: CANADIAN COUNSEL OF CHRISTIAN CHARITIES**  
1-43 Howard Avenue  
Elmira, ON N3B 2C9

**Barry W. Bussey  
Philip A.S. Milley**

Tel.: (519) 669-5137  
Fax: (519) 669-3291  
Email: barry.bussey@cccc.org  
philip.milley@cccc.org

*Counsel for the Intervener,  
the Canadian Council of Christian Charities*

**SUPREME ADVOCACY LLP**  
340 Gilmour Street  
Suite 100  
Ottawa, ON K2P 0R3

**Eugene Meehan, Q.C.**

Tel.: (613) 695-8855  
Fax: (613) 695-8580  
Email: emeehan@supremeadvocacy.ca

*Ottawa Agent for the Intervener,  
the Canadian Council of Christian Charities*

**AND TO: BARNES, SAMMON LLP**  
200 Elgin Street, Suite 400  
Ottawa, ON K2P 1L5

**W.J. Sammon**

Tel.: (613) 594-8000  
Fax: (613) 235-7578

*Counsel for the Intervener, the Canadian  
Conference of Catholic Bishops*

**AND TO: CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS**  
2705 Queensview Drive  
Ottawa, ON K2B 8K2

**Peter Barnacle  
Immanuel Lanzaderas**

Tel.: (613) 820-2270 x192  
Fax: (613) 820-7244  
Email: barnacle@caut.ca  
lanzaderas@caut.ca

*Counsel for the Intervener,  
the Canadian Association of University Teachers*

**GOLDBLATT PARTNERS LLP**  
30 Metcalfe Street  
Suite 500  
Ottawa, ON K1P 5L4

**Colleen Bauman**

Tel.: (613) 482-2463  
Fax: (613) 235-3041  
Email: cbauman@goldblattpartners.com

*Ottawa Agent for the Intervener,  
the Canadian Association of University Teachers*

**AND TO: NORTON ROSE FULBRIGHT  
CANADA LLP**  
Royal Bank Plaza, South Tower  
Suite 3800, 200 Bay Street, P.O. Box 84  
Toronto, ON M5J 2Z4

**Rahool P. Agarwal  
Kristine Spence**

Tel.: (416) 216-3943 / (416) 216-2434  
Fax: (416) 216-3930  
Email: rahool.agarwal@nortonrosefulbright.com  
kristine.spence@nortonrosefulbright.com

*Counsel for the Intervener,  
Law Students' Society of Ontario*

**AND TO: MILLER THOMSON LLP**  
3000, 700 – 9th Avenue SW  
Calgary, AB T2P 3V4

**Gerald Chipeur, Q.C.  
Jonathan Martin  
Grace MacKintosh**

Tel.: (403) 298-2434  
Fax: (403) 262-0007  
Email: gchipeur@millერთhompson.com  
jomartin@millერთhompson.com  
Mackintosh.grace@adventist.ca

*Counsel for the Intervener,  
Seventh-Day Adventist Church in Canada*

**AND TO: VINCENT DAGENAIS GIBSON LLP**  
260 Dalhousie Street, Suite 400  
Ottawa, ON K1N 7E4

**Albertos Polizogopoulos  
D. Geoffrey Cowper, Q.C.  
Kristin Debs  
Geoffrey Trotter**

Tel.: (613) 241-2701  
Fax: (613) 241-2599  
Email: albertos@vdg.ca

**NORTON ROSE FULBRIGHT  
CANADA LLP**  
45 O'Connor Street, Suite 1600  
Ottawa, ON K1P 1A4

**Sally A. Gomery**

Tel.: (613) 780-8604  
Fax: (613) 230-5459  
Email: sally.gomery@nortonrosefulbright.com

*Ottawa Agent for the Intervener,  
Law Students' Society of Ontario*

**SUPREME ADVOCACY LLP**  
340 Gilmour Street, Suite 100  
Ottawa, ON K2P 0R3

**Eugene Meehan, Q.C.  
Marie-France Major**

Tel.: (613) 695-8855  
Fax: (613) 695-8580  
Email: emeehan@supremeadvocacy.ca  
mfmajor@supremeadvocacy.ca

*Ottawa Agent for the Intervener,  
Seventh-Day Adventist Church in  
Canada*

**VINCENT DAGENAIS GIBSON  
LLP**  
260 Dalhousie Street, Suite 400  
Ottawa, ON K1N 7E4

**Albertos Polizogopoulos  
D. Geoffrey Cowper, Q.C.  
Kristin Debs  
Geoffrey Trotter**

Tel.: (613) 241-2701  
Fax: (613) 241-2599  
Email: albertos@vdg.ca



*Counsel for the Interveners,  
the Evangelical Fellowship of Canada and  
Christian Higher Education Canada*

**AND TO: HAKEMI & RIDGEDALE LLP**  
1500-888 Dunsmuir Street  
Vancouver, BC V6C 3K4

**Wesley J. McMillan**

Tel.: (604) 259-2269  
Fax: (604) 648-9170  
Email: wcmillan@hakemiridgedale.com

*Counsel for the Intervener,  
the British Columbia Humanist Association*

**AND TO: JFK LAW CORPORATION**  
340-1122 Mainland Street  
Vancouver BC V6B 5L1

**Tim Dickson**

Tel.: (604) 687-0549  
Fax: (604) 687-2696  
Email: tdickson@jfkclaw.com

*Counsel for the Intervener, the Canadian  
Secular Alliance*

**AND TO: GOLDBLATT PARTNERS LLP**  
20 Dundas Street West, Suite 1039  
Toronto, ON M5G 2C2

**Steven Barrett  
Adriel Weaver**

Tel.: (416) 977-6070  
Fax: (416) 591-7333  
Email: aweaver@goldblattpartners.com

*Counsel for the Intervener,  
Egale Canada Human Rights Trust*

*Ottawa Agent for the Interveners,  
the Evangelical Fellowship of  
Canada and Christian Higher  
Education Canada*

**GOWLING WLG (CANADA) LLP**  
160 Elgin Street, Suite 2600  
Ottawa, ON K1P 1C3

**Guy Régimbald**

Tel.: (613) 786-0197  
Fax: (613) 788-9869  
Email: guy.regimbald@gowlingwlg.com

*Ottawa Agent for the Intervener, the  
British Columbia Humanist  
Association*

**GOWLING WLG (CANADA) LLP**  
160 Elgin Street, Suite 2600  
Ottawa, ON K1P 1C3

**Guy Régimbald**

Tel.: (613) 786-0197  
Fax: (613) 788-9869  
Email: guy.regimbald@gowlingwlg.com

*Ottawa Agent for the Intervener,  
the Canadian Secular Alliance*

**GOLDBLATT PARTNERS LLP**  
30 Metcalfe Street, Suite 500  
Ottawa, ON K1P 5L4

**Colleen Bauman**

Tel.: (613) 482-2463  
Fax: (613) 235-3041  
Email: cbauman@goldblattpartners.com

*Ottawa Agent for the Intervener,  
Egale Canada Human Rights Trust*

**AND TO: BENEFIC LAWYERS**  
Suite 1250 – 1500 West Georgia Street  
Vancouver, BC V6G 2Z6

**Blake Bromley**

Tel.: (604) 683-7006  
Fax: (604) 683-5676  
Email: blake@beneficgroup.com

*Counsel for the Intervener, Faith, Fealty  
and Creed Society*

**AND TO: FOY ALLISON LAW**  
210-2438 Marine Drive  
Vancouver, BC V7V 1L2

**Gwendoline Allison**

Tel.: (604) 922-9282  
Fax: (604) 922-9283  
Email: gwendolin.allison@foyallison.com

**PHILIP H. HORGAN LAW OFFICE**

**Philip H. Horgan**

Tel.: (416) 777-9994  
Fax: (416) 777-9921  
Email: phorgan@carltonlaw.ca

*Counsel for the Interveners, the Roman  
Catholic Archdiocese of Vancouver, the  
Catholic Civil Rights League, and the Faith  
and Freedom Alliance*

**AND TO: SHERGILL & COMPANY**  
286, 8128 128<sup>th</sup> Street  
Surrey, BC V3W 1R1

**Palbinder K. Shergill, Q.C.  
Balpreet Singh Boparai  
Avnish Nanda**

Tel.: (604) 597-8111  
Fax: (604) 588-8133

**MICHAEL SOBKIN**  
331 Somerset Street West  
Ottawa, ON K2P 0J8

**Michael Sobkin**

Tel.: (613) 282-1712  
Fax: (613) 288-2896  
Email: msobkin@sympatico.ca

*Ottawa Agent for the Intervener,  
Faith, Fealty and Creed Society*

**VINCENT DAGENAIS GIBSON LLP**  
260 Dalhousie Street, Suite 400  
Ottawa, ON K1N 7E4

**Albertos Polizogopoulos**

Tel.: (613) 241-2701  
Fax: (613) 241-2599  
Email: albertos@vdg.ca

*Ottawa Agent for the Interveners,  
the Roman Catholic Archdiocese of  
Canada, the Catholic Civil Rights  
League, and the Faith and Freedom  
Alliance*

**SUPREME ADVOCACY LLP**  
340 Gilmour Street, Suite 100  
Ottawa, ON K2P 0R3

**Marie-France Major**

Tel.: (613) 695-8855  
Fax: (613) 695-8580

Email: pkshergill@shergilllaw.com

Email: mfmajor@supremeadvocacy.ca

*Counsel for the Intervener, the World Sikh Organization of Canada*

*Ottawa Agent for the Intervener, the World Sikh Organization of Canada*

**AND TO:**

**PARADIGM LAW GROUP LLP**  
80 Richmond Street West, Suite 1401  
Toronto, ON M5H 2A4

**FASKEN MARTINEAU DUMOULIN LLP**  
55 Metcalfe Street, Suite 1300  
Ottawa, ON K1P 6L5

**Angela Chaisson**  
Tel.: (416) 868-1694  
Fax: (888) 351-9215  
Email: ac@plg-llp.ca

**Yael Wexler**

Tel.: (613) 696-6860  
Fax: (613) 230-6423  
Email: ywexler@fasken.com

**SYMES STREET & MILLARD LLP**  
366 Adelaide Street West, Suite 102  
Toronto, ON M5V 1R9

**Marcus McCann**

Tel.: (416) 920-2504  
Fax: (416) 920-3033  
Email: mccann@ssmlaw.com

*Counsel for the Intervener, Lesbian and Gays Bisexuals and Trans People of the University of Toronto (LGBTOUT)*

*Ottawa Agent for the Intervener, Lesbian and Gays Bisexuals and Trans People of the University of Toronto (LGBTOUT)*

**AND TO:**

**DEWART GLEASON LLP**  
102-366 Adelaide Street West  
Toronto, ON M5V 1R9

**Sean Dewart / Tim Gleason**

Tel.: (416) 971-8000  
Fax: (416) 971-8001  
Email: sdewart@dgllp.ca  
tgleason@dgllp.ca

*Counsel for the Intervener, the United Church of Canada*

**AND TO:**

**GOLDBLATT PARTNERS LLP**  
20 Dundas Street West, Suite 1039  
Toronto, ON M5G 2C2

**Marlys Edwardh**  
**Vanessa Payne**

Tel.: (416) 979-4380  
Fax: (416) 979-4430  
Email: medwardh@goldblattpartners.com

*Counsel for the Intervener, Start Proud and  
OUTlaws*

**GOLDBLATT PARTNERS LLP**  
30 Metcalfe Street, Suite 500  
Ottawa, ON K1P 5L4

**Colleen Bauman**

Tel.: (613) 482-2463  
Fax: (613) 235-3041  
Email: cbauman@goldblattpartners.com

*Ottawa Agent for the Interveners, Start  
Proud and OUTlaws*

**TABLE OF CONTENTS**

		<b><u>Pages</u></b>
PART I	Overview	1
PART II	Questions in Issue	2
PART III	Argument	2
	A. <i>Doré v. Barreau du Québec</i> Provides an Effective Analytic Framework	2
	B. Applying the <i>Doré</i> Framework	3
	1. What is the Statutory Mandate?	3
	2. What is the Impact of the Refusal to Accreditate on Freedom of Religion?	5
	3. Can the Limitations be Justified?	6
	a) Is the Decision Rights-Protecting?	6
	b) Is the Impact on <i>Charter</i> Rights Proportionate to the Statutory Goals?	8
PART IV	Costs	10
PART V	Order Sought	10
PART VI	Table of Authorities	12
	Legislation	13

## **PART I – OVERVIEW**

1. By the order of Wagner J. dated July 27, 2017 (varied by the Chief Justice on July 31, 2017) the Criminal Lawyers' Association (Ontario) ("the CLA") has been granted leave to intervene in the within appeal.

2. The CLA submits that many of the complexities in this case stem from a misalignment of rights and obligations. Assuming there are individuals whose right to be free from discrimination would be limited by Trinity Western University ("TWU") operating a law school, TWU is not under any legal obligation to respect their rights. The Law Society of Upper Canada, on the other hand, is legally obliged to act in a manner that is consistent with its enabling statute, the *Charter* and other human rights protections. LSUC's decision not to accredit TWU's proposed law school limits *Charter* rights and those limits must be justifiable on judicial review. The CLA submits that this justification will not be found by asking whether the law society justifiably promoted or protected one set of rights (freedom from discrimination) at the expense of another (freedom of religion). The decision not to accredit TWU's proposed law school does not in fact meaningfully promote or protect a right to equal access to legal education and the legal profession. If, however, the decision is understood instead as an affirmation of the fundamental importance to the legal profession of the values of equality, dignity and respect for diversity, it may be justifiable under the proportionality test articulated by this Honourable Court in *Doré v. Barreau du Québec*.<sup>1</sup> Under that framework, the critical question is whether the Respondent's decision promotes these values in a way that is proportionate to any limitations it may impose on the Appellants' exercise of their *Charter* rights. The CLA submits that the values affirmed by the Respondent's decision are core shared values which the state (including bodies which regulate the legal profession) always has a legitimate interest in protecting and promoting. While religious freedom is also of fundamental importance, as this Court held in *Loyola High School v. Quebec (Attorney General)*, it must "be understood in the context of a secular, multicultural and democratic society with a

---

<sup>1</sup> 2012 SCC 12; [2012] 1 S.C.R. 395 ("*Doré*").

strong interest in protecting dignity and diversity, promoting equality, and ensuring the vitality of a common belief in human rights.”<sup>2</sup>

3. The CLA takes no position on the facts as summarized by the parties.

## **PART II – QUESTIONS IN ISSUE**

4. The CLA’s position on the Appellants’ questions is set out above.

## **PART III – ARGUMENT**

### **A. *Doré v. Barreau du Québec* Provides an Effective Analytic Framework**

5. Acting pursuant to statutory authority, Convocation of the Law Society voted to refuse to accredit the law school which TWU wishes to establish. As a result, graduates of TWU’s law school will not have direct access to the process for becoming licensed to practise law in Ontario. The Appellants did not challenge the statutory authority under which Convocation made this decision. Rather, they challenged the decision itself on various grounds, including the principal objection that it is an unjustified limitation on their right to freedom of religion guaranteed by s. 2(a) of the *Charter*.

6. It has been settled law since *Baker v. Canada (Minister of Citizenship and Immigration)* that administrative decision-makers must consider fundamental values, including those enshrined in the *Charter*, when exercising their discretion.<sup>3</sup> Recently, the Court noted that it “goes without saying that administrative decision-makers must act consistently with the values underlying the grant of discretion, including *Charter* values.”<sup>4</sup> Less clear, at least until *Doré*, was precisely how an administrative decision-maker ought to proceed when its decision engages *Charter* values and, further, what framework a court should use to scrutinize how those values figured in the decision, especially when reviewing an administrative decision that is said to limit *Charter* rights.<sup>5</sup>

---

<sup>2</sup> 2015 SCC 12, [2015] 1 S.C.R. 613, at para. 47 (per Abella J.) (“*Loyola*”).

<sup>3</sup> [1999] 2 S.C.R. 817, at paras. 53-56 (per L’Heureux-Dubé J.).

<sup>4</sup> *Doré* at para. 24.

<sup>5</sup> The jurisprudential and academic debates on this point are summarized in *Doré* at paras. 23-42.

7. *Doré* now provides the following guidance to administrative decision-makers:

How then does an administrative decision-maker apply *Charter* values in the exercise of statutory discretion? He or she balances the *Charter* values with the statutory objectives. In effecting this balancing, the decision maker should first consider the statutory objectives.

...

Then the decision-maker should ask how the *Charter* value at issue will be best protected in view of the statutory objectives. 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>6</sup>

8. On judicial review, “the question becomes whether, in assessing the impact of the relevant *Charter* protection and given the nature of the decision and the statutory and factual contexts, the decision reflects a proportionate balancing of the *Charter* protections at play.”<sup>7</sup> If the decision-maker has properly balanced the relevant *Charter* value with the statutory objectives, the decision will be found to be reasonable.<sup>8</sup> As the Court further explained in *Loyola*, a “proportionate balancing is one that gives effect, as fully as possible to the *Charter* protections at stake given the particular statutory mandate.”<sup>9</sup> Deference must be shown to an administrative decision-maker exercising a discretionary power under his or her home statute.<sup>10</sup> The *Doré* analysis is “a highly contextual exercise” and under it there “may be more than one proportionate outcome that protects values as fully as possible in light of the applicable statutory objective and mandate.”<sup>11</sup> If, however, a decision lacks this proportionate balancing, it will be found to be unreasonable on review.

## **B. Applying the *Doré* Framework**

### **1) What is the Statutory Mandate?**

9. The starting point of the *Doré* analysis is to identify the statutory mandate pursuant to which the decision at issue was made.

10. Section 4.2 of the *Law Society Act* states in part that in carrying out its functions, duties and powers under that Act the Respondent shall have regard to several principles,

---

<sup>6</sup> *Doré* at paras. 55-56.

<sup>7</sup> *Ibid.*, at para. 57.

<sup>8</sup> *Ibid.*, at para. 58.

<sup>9</sup> *Loyola* at para. 39 (per Abella J.).

<sup>10</sup> *Doré* at para. 47.

<sup>11</sup> *Loyola* at para. 41.



including: “The Society has a duty to protect the public interest.”<sup>12</sup> The Ontario legislature has thus given the Respondent a broad public interest mandate and broad regulatory powers to accomplish this mandate. This mandate must be interpreted using a broad and purposive approach.<sup>13</sup>

11. In *Edwards v. Law Society of Upper Canada*, this Court held that decisions made by the Respondent “require the exercise of legislatively delegated discretion and involve pursuing a myriad of objectives consistent with public rather than private law duties.”<sup>14</sup> Moreover, as a body acting under the authority of provincial legislation, the Respondent must act consistently with the *Charter* as well other human rights laws in force in Ontario.<sup>15</sup>

12. The decision to refuse to accredit TWU’s proposed law school was an exercise of the Respondent’s statutory authority as the gatekeeper to the legal profession in Ontario. The Respondent has exclusive authority to grant licences to practise law in Ontario. It also has exclusive authority to prescribe the qualifications and other requirements for obtaining such a licence, including qualifications with respect to legal education.<sup>16</sup> Whether administered directly by the Respondent or delegated to the National Committee on Accreditation, these requirements ensure that prospective licensees have met minimum legal education standards before they enter the licensing process. This helps to ensure that only those who are competent to practise law in Ontario receive a licence to do so.

13. A central question raised in this appeal is whether, in the accreditation context, the statutory duty to protect the public interest is broader than simply ensuring that prospective licensees have graduated from a law school whose curriculum has been judged to be adequate. No one questions the competence of prospective graduates of TWU. Nor is it suggested that they would necessarily be unable to fulfill the oath of an Ontario barrister and solicitor to “safeguard the rights and freedoms of all persons,”<sup>17</sup> that they would not

---

<sup>12</sup> *Law Society Act*, s. 4.2.

<sup>13</sup> Cf. *Green v. Law Society of Manitoba*, 2017 SCC 20, at para. 28.

<sup>14</sup> 2001 SCC 80, [2001] 3 S.C.R. 562, at para. 14.

<sup>15</sup> *Eldridge v. British Columbia (Attorney General)*, [1997] 3 S.C.R. 624, at para. 21.

<sup>16</sup> *Law Society Act*, s. 4.1(a) (R.S.O. 1990, c. L.8).

<sup>17</sup> By-Law 4 – Licensing, s. 21.

discharge the “special responsibility” of Ontario lawyers to respect the requirements of human rights laws in force in Ontario or that they would fail to honour the obligation not to engage in discriminatory conduct.<sup>18</sup> Rather, the issue is whether the Respondent could justifiably withhold from TWU the public benefit of direct access for its graduates to the licensing process in Ontario because of that institution’s discriminatory practices in respect of admissions and student discipline, even if its curriculum is sufficient to prepare prospective licensees to be competent, ethical and professional lawyers.

14. The meaning of “public interest” in this context is for the Respondent to determine.<sup>19</sup> The CLA agrees with the Respondent that the mandate conferred by s. 4.2 of the *Law Society Act* is not restricted to maintaining standards of learning, professional competence and professional conduct. The broad language of s. 4.2 and its overarching place in guiding the Respondent’s activities suggest that the regulation of the legal profession can encompass, among other things, adhering to and promoting respect for the dignity and worth of all persons, the importance of treating all persons without discrimination, and the importance of diversity within the legal profession. In *Trinity Western University v. British Columbia College of Teachers*, this Court held that the College of Teachers properly considered concerns about equality and the school’s discriminatory practices under the public interest component of its enabling statute.<sup>20</sup> The same should be true of a law society mandated to protect the public interest.

## **2) What is the Impact of the Refusal to Accredite on Freedom of Religion?**

15. The next question under *Doré* is whether the Respondent’s decision engages the *Charter* by limiting its protections in some way.<sup>21</sup> In the present context, the question to be asked is whether the decision impedes the Appellants’ ability to act in accordance with their religious beliefs in a way that is more than trivial or insubstantial.<sup>22</sup>

---

<sup>18</sup> Rule 6.3.1-1 of the *Rules of Professional Conduct*.

<sup>19</sup> Cf. *Green v. Law Society of Manitoba*, *supra*, at para. 29.

<sup>20</sup> *Trinity Western University v. British Columbia College of Teachers*, 2001 SCC 31; [2001] 1 S.C.R. 772, (“TWU #1”) at paras. 11-14 and 26-27.

<sup>21</sup> Cf. *Loyola* at para. 39 (per Abella J.).

<sup>22</sup> *Mouvement laïque Québécois v. Saguenay (City)*, 2015 SCC 16, [2015] 2 S.C.R. 3, at para. 85.

16. The CLA observes that the analysis of this issue here is complicated for at least two reasons. First, since the Respondent cannot prevent TWU from opening a law school, the effects of its decision will be felt only indirectly.<sup>23</sup> Second, since TWU has not opened its law school yet, any effects it or its students may feel from the Respondent's decision are only hypothetical at the moment.

17. Nevertheless, the CLA submits that it is reasonable to assume that the Respondent's decision will limit freedom of religion rights in two ways that are not trivial or insubstantial. First, the decision to deny accreditation because of a measure – the Community Covenant – TWU has adopted to express its religious beliefs and to constitute its religious community could make it more difficult for its law school to be viable. It may be a less attractive option for at least some prospective law students than it would be if it were accredited by the Respondent. The refusal to accredit the law school thus places a burden on TWU solely because of a choice the latter has made in the exercise of its religious freedoms. Second, a student who chooses to attend TWU's law school for religious reasons will face a barrier to access to the legal profession in Ontario that he or she would not face if the law school were accredited (i.e. having to demonstrate the adequacy of the legal education he or she received at TWU).<sup>24</sup> These limitations must be justifiable for the decision to be reasonable.

**3) Can the Limitations be Justified?**

**a) Is the Decision Rights-Protecting?**

18. Some aspects of the Community Covenant are deeply antithetical to the values of respect for diversity, respect for the dignity and inherent worth of all persons and the fundamental importance of treating all persons equally without discrimination. As a result,

---

<sup>23</sup> This contrasts with the circumstances of *TWU #1*, where the B.C. College of Teachers refused to permit TWU to offer a teacher training program in the manner it wished.

<sup>24</sup> Similarly, in *TWU #1*, this Court concluded that the B.C. College of Teachers' refusal to permit TWU to offer a complete teacher education program taught in accordance with its Christian world view (as opposed to its students studying at TWU for four years and then taking their final year at another university) "places a burden on members of a particular religious group and in effect, is preventing them from expressing freely their religious beliefs and associating to put them into practice" (*supra*, at para. 32).

there is an understandable impulse to see TWU's practices as rights-infringing and to seek to justify the Respondent's decision as rights-protecting. The CLA submits, however, that this approach is not the most appropriate way to assess whether the Respondent's decision is justified or not.

19. First, the requirement to adhere to the Community Covenant places a burden on anyone who wishes to attend TWU but who sincerely objects to its terms. However, the weight of that burden (and whether it is ultimately unacceptable) will vary from person to person. In the context of the present litigation, where no individual rights-claimant is challenging the requirement to adhere to the Community Covenant, the discriminatory impact of this requirement can be considered only at a high level of generality.

20. Second, how is the relevant class of rights-bearing individuals to be defined? The Divisional Court referred to "the rights of the members of the respondent, both current and future," to equal access to the legal profession in Ontario.<sup>25</sup> This seems too broad. The Community Covenant cannot limit the right to equal access to the legal profession of someone who is already a member. Even if one considers only those who aspire to join the legal profession, it is difficult to determine how the class of rights claimants is to be defined. Should it include all such individuals, only those who would consider attending TWU, only those for whom TWU is the only available option for attending law school, or some other selection?

21. Third, even if the relevant class of rights-holders can be identified, as a private institution TWU is under no legal obligation to respect their rights or to act in a non-discriminatory manner.<sup>26</sup> Though TWU's conduct is discriminatory, the school is under no legal obligation to act otherwise. On the contrary, it has a constitutional right to conduct itself as it does. There being no legal remedy against TWU, it is unhelpful to characterize its conduct as rights-infringing.

---

<sup>25</sup> *Reasons for Judgment (Div. Ct.)*, at para. 102.

<sup>26</sup> Cf. *TWU #1*, *supra*, at para. 25.

22. Finally, refusing accreditation does not improve equality of access to positions in law schools; at best, it preserves the *status quo* for accredited schools.<sup>27</sup> The Respondent cannot prevent TWU from opening a law school that requires adherence to the Community Covenant, a discriminatory barrier to receiving a legal education there. The Respondent's decision would ensure non-discriminatory access to legal education and the legal profession only if it caused TWU to abandon its plan to open a law school. Short of this, if TWU opens a law school, legal education and the legal profession will be less accessible to anyone who is unwilling or unable to sign the Community Covenant. These individuals will be competing for a smaller number of seats compared to those who are willing or able to sign it. Unless the Respondent took the additional (and certainly unconstitutional) step of categorically barring graduates of TWU from the practice of law in Ontario, equal access to the legal profession in Ontario for anyone detrimentally affected by the Community Covenant is not assured or even meaningfully advanced by the refusal of accreditation.

23. In short, it is difficult to see how the Respondent's decision protects or promotes rights that conflict with those asserted by the Appellants.<sup>28</sup> Nor is it ultimately helpful to frame an objection to what the Community Covenant stands for in terms of rights-violations and rights-protection.

24. This is not the end of the matter, however. Under the *Doré* framework, the Court can consider instead the objectives (including values) that the Respondent is statutorily mandated to consider and to evaluate the reasonableness of the accreditation decision as an affirmation of fundamental values as opposed to a measure that protects rights.

**b) Is the Impact on *Charter* Rights Proportionate to the Statutory Goals?**

---

<sup>27</sup> Cf. the discussion of this issue by the British Columbia Court of Appeal in the decision below in the companion appeal: see *Trinity Western University v. The Law Society of British Columbia*, 2016 BCCA 423, at paras. 171-80.

<sup>28</sup> This is in contrast, for example, to *R. v. N.S.*, 2012 SCC 72, [2012] 3 S.C.R. 726, and the *Dagenais/Mentuck* line of cases discussed therein (at paras. 7-9). While considering the Respondent's statutory objectives under the *Doré* framework, the Court of Appeal below sometimes also framed the issue as involving a "clash" or "collision" between the "competing" *Charter* rights of religious freedom and equality: see *Reasons for Judgment (ONCA)* at paras. 4, 72 and 113.

25. The final issue under *Doré* is the proportionality between the contribution a decision makes to statutory objectives and the limits it entails for *Charter* rights. Specifically, does the accreditation decision limit the *Charter* rights of the Appellants no more than is necessary to achieve the Respondent's statutory mandate?

26. Given the direct link this Court has drawn between the proportionality exercise and the *Oakes* test,<sup>29</sup> the burden should rest on the Respondent to demonstrate proportionality.

27. The Respondent's decision can be understood as an unequivocal affirmation of its commitment to the values of equality, diversity and non-discrimination in the legal profession. It is consistent with this commitment that the Respondent would oppose a discriminatory barrier to access to a legal education and the legal profession. On the other hand, accrediting TWU's law school despite its discriminatory practices would be antithetical to the Respondent's duty to promote these fundamental values. Unlike the Ministry that decides whether TWU may grant law degrees, the Respondent cannot advance these goals directly. Indeed, if it could prevent TWU from granting law degrees, the impact on the Appellants' *Charter* rights would potentially be more significant. But that is not what happened. Instead, with its decision denying accreditation the Respondent sought to pursue its statutory mandate as much as possible within the scope of its legal authority.

28. While the limitations the Respondent's decision places on freedom of religion are not trivial or insubstantial, they are modest at most. Notwithstanding the Respondent's decision, TWU may still open a law school and integrate it into its religious community as it sees fit, including by requiring its students to adhere to the Community Covenant. While the school may be less marketable to prospective students because it is not accredited in Ontario, its viability is presumably also contingent on many other factors that are beyond the Respondent's control. The Respondent has not prevented prospective students from attending the law school based on religious beliefs should it open, nor has it prevented

---

<sup>29</sup> *Doré* at paras. 2-7, 56-57.

graduates from becoming members of the Ontario Bar.<sup>30</sup> More broadly, nothing the Respondent has done prevents evangelical Christians from going to a religiously based law school or becoming lawyers in Ontario.

29. In assessing whether the accreditation decision strikes a proportionate balance, it is important to recall that in a secular state, respect for religious differences cannot trump core national values. Religious freedom must “be understood in the context of a secular, multicultural and democratic society with a strong interest in protecting dignity and diversity, promoting equality, and ensuring the vitality of a common belief in human rights.”<sup>31</sup> The legal profession plays a critical role in the pursuit of these goals.

30. It is also significant to the proportionality exercise that the Respondent’s statutory mandate itself incorporates *Charter* values, as discussed above.

31. The Respondent’s decision can thus be seen as entailing limitations on freedom of religion which are not disproportionate to its significance as an expression of the Respondent’s firm commitment to the fundamental values of equality, diversity and non-discrimination in the legal profession. If the refusal to accredit does not limit rights any more than was reasonably necessary to achieve important statutory objectives, then the decision was reasonable and was properly upheld on judicial review.

#### **PART IV – COSTS**

31. The CLA does not seek costs and asks that none be awarded against it.

#### **PART V – ORDER SOUGHT**

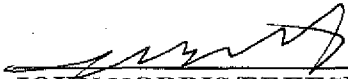
32. The CLA takes no position on the ultimate disposition of the appeal.

---

<sup>30</sup> In measuring the latter impact, it is appropriate to consider that, as the Divisional Court held, should future TWU graduates seek to be admitted to the Ontario Bar, the Respondent will be obliged to consider the request in a way that minimally impairs their rights: see *Reasons for Judgment (Div. Ct.)* at para. 128. As well, non-accreditation does not pose a barrier at all for graduates of TWU who become licensed in another province and then apply to transfer their licence to Ontario.

<sup>31</sup> *Loyola* at para. 47 (per Abella J.). See also *Alberta v. Hutterian Brethren of Wilson Colony*, 2009 SCC 37, [2009] 2 S.C.R. 567, at para. 90 (per McLachlin C.J.).

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 1<sup>st</sup> of September, 2017.

  
EsR **JOHN NORRIS/BREESE DAVIES**  
*Counsel for the Intervener, CLA*



**PART VI – TABLE OF AUTHORITIES**

<b>Jurisdiction</b>	<b>Paragraph No.</b>
<i>Alberta v. Hutterian Brethren of Wilson Colony</i> , 2009 SCC 37, [2009] 2 S.C.R. 567	29
<i>Baker v. Canada (Minister of Citizenship and Immigration)</i> , [1999] 2 S.C.R. 817	6
<i>Doré v. Barreau du Québec</i> 2012 SCC 12; [2012] 1 S.C.R. 395	2, 6, 7, 8, 26
<i>Edwards v. Law Society of Upper Canada</i> , 2001 SCC 80, [2001] 3 S.C.R. 562	11
<i>Eldridge v. British Columbia (Attorney General)</i> , [1997] 3 S.C.R. 624	11
<i>Green v. Law Society of Manitoba</i> , 2017 SCC 20	10, 14
<i>Loyola High School v. Quebec (Attorney General)</i> , 2015 SCC 12, [2015] 1 S.C.R. 613	2, 8, 15, 29
<i>R. v. N.S.</i> , 2012 SCC 72, [2012] 3 S.C.R. 726	23
<i>Trinity Western University v. British Columbia College of Teachers</i> , 2001 SCC 31; [2001] 1 S.C.R. 772	14, 16, 17, 21
<i>Trinity Western University v. The Law Society of British Columbia</i> , 2016 BCCA 423	22
<i>Mouvement laïque Québécois v. Saguenay (City)</i> , 2015 SCC 16, [2015] 2 S.C.R. 3	15

<b>Legislation</b>	<b>Paragraph No.</b>
<i>Law Society Act</i> , R.S.O. 1990, c. L.8, ss. 4.1(a) and 4.2	10, 12
By-Law 4 of the <i>Law Society Act</i> – Licensing, s. 21	13
<u><i>Rules of Professional Conduct</i>, Rule 6.3.1-1</u>	13

*Law Society Act, R.S.O. 1990, c. L.8, ss. 4.1(a) & 4.2*

<p><b>Function of the Society</b></p> <p><b>4.1</b> It is a function of the Society to ensure that, (a) all persons who practise law in Ontario or provide legal services in Ontario meet standards of learning, professional competence and professional conduct that are appropriate for the legal services they provide; Principles to be applied by the Society</p> <p><b>4.2</b> In carrying out its functions, duties and powers under this Act, the Society shall have regard to the following principles:</p> <ol style="list-style-type: none"><li>1. The Society has a duty to maintain and advance the cause of justice and the rule of law.</li><li>2. The Society has a duty to act so as to facilitate access to justice for the people of Ontario.</li><li>3. The Society has a duty to protect the public interest.</li><li>4. The Society has a duty to act in a timely, open and efficient manner.</li><li>5. Standards of learning, professional competence and professional conduct for licensees and restrictions on who may provide particular legal services should be proportionate to the significance of the regulatory objectives sought to be realized. 2006, c. 21, Sched. C, s. 7.</li></ol>	<p><b>Fonction du Barreau</b></p> <p><b>4.1</b> L'une des fonctions du Barreau est de veiller à ce que :</p> <p>a) d'une part, toutes les personnes qui pratiquent le droit en Ontario ou fournissent des services juridiques en Ontario respectent les normes de formation, de compétence professionnelle et de déontologie qui sont appropriées dans le cas des services juridiques qu'elles fournissent;</p> <p>Principes applicables au Barreau</p> <p><b>4.2</b> Lorsqu'il exerce ses fonctions, obligations et pouvoirs en application de la présente loi, le Barreau tient compte des principes suivants :</p> <ol style="list-style-type: none"><li>1. Le Barreau a l'obligation de maintenir et de faire avancer la cause de la justice et la primauté du droit.</li><li>2. Le Barreau a l'obligation d'agir de façon à faciliter l'accès à la justice pour la population ontarienne.</li><li>3. Le Barreau a l'obligation de protéger l'intérêt public.</li><li>4. Le Barreau a l'obligation d'agir de façon opportune, ouverte et efficiente.</li><li>5. Les normes de formation, de compétence professionnelle et de déontologie applicables aux titulaires de permis ainsi que les restrictions quant aux personnes qui peuvent fournir des services juridiques donnés devraient être fonction de l'importance des objectifs réglementaires visés. 2006, chap. 21, annexe C, art. 7.</li></ol>
--	---

*Law Society Act – Licensing, s. 21*

**Required oath: licence to practise law in Ontario as a barrister and solicitor**

21. (1) The required oath for an applicant for the issuance of a licence to practise law in Ontario as a barrister and solicitor is as follows:

I accept the honour and privilege, duty and responsibility of practising law as a barrister and solicitor in the Province of Ontario. I shall protect and defend the rights and interests of such persons as may employ me. I shall conduct all cases faithfully and to the best of my ability. I shall neglect no one's interest and shall faithfully serve and diligently represent the best interests of my client. I shall not refuse causes of complaint reasonably founded, nor shall I promote suits upon frivolous pretences. I shall not pervert the law to favour or prejudice any one, but in all things I shall conduct myself honestly and with integrity and civility. I shall seek to ensure access to justice and access to legal services. I shall seek to improve the administration of justice. I shall champion the rule of law and safeguard the rights and freedoms of all persons. I shall strictly observe and uphold the ethical standards that govern my profession. All this I do swear or affirm to observe and perform to the best of my knowledge and ability.

**Required oath: licence to provide legal services in Ontario**

2) The required oath for an applicant for the issuance of a licence to provide legal services in Ontario is as follows:

I accept the honour and privilege, duty and responsibility of providing legal services as a paralegal in the Province of Ontario. I shall protect and defend the rights and interests of such persons as may employ me. I shall conduct all cases faithfully and to the best of my ability. I shall neglect no one's interest and shall faithfully serve and diligently represent the best interests of my client. I shall not refuse causes of complaint reasonably founded, nor shall I promote suits upon frivolous pretences. I shall not pervert the law to favour or prejudice any one, but in all things I shall

**Serment requis : permis d'exercer le droit en Ontario à titre d'avocat ou d'avocate**

21. (1) Le serment requis d'un requérant ou d'une requérante qui demande la délivrance d'un permis l'autorisant à exercer le droit en Ontario à titre d'avocat ou d'avocate est le suivant:

J'accepte l'honneur, le privilège, les devoirs et les responsabilités liés à l'exercice du droit en qualité d'avocat plaçant et de procureur dans la Province de l'Ontario. Je protégerai et défendrai les droits et les intérêts des personnes qui m'embauchent. Je conduirai toutes les instances avec fidélité et au mieux de ma compétence. Je ne négligerai les intérêts de personne, j'assurerai un service fidèle et représenterai avec diligence l'intérêt véritable de mes clients. Je ne refuserai pas les plaintes dont les fondements sont raisonnables, ni n'intenterai aucune cause frivole.

Je ne détournerai pas la loi pour favoriser ou défavoriser qui que ce soit, mais en toutes choses, j'agirai avec honnêteté, intégrité et politesse. Je chercherai à assurer l'accès à la justice et aux services juridiques. Je chercherai à améliorer l'administration de la justice. Je mettrai de l'avant la primauté du droit et veillerai à respecter les droits et libertés de tous. Je me soumettrai strictement aux normes de déontologie qui régissent ma profession. Je jure ou affirme solennellement que je traiterai toutes ces questions au mieux de ma connaissance et de ma compétence.

**Serment requis : permis autorisant à offrir des services juridiques en Ontario**

(2) Le serment requis pour un requérant ou la requérante qui demande la délivrance d'un permis l'autorisant à offrir des services juridiques en Ontario est le suivant :

J'accepte l'honneur, le privilège, les devoirs et les responsabilités liés à la prestation des services juridiques en qualité de parajuriste dans la Province de l'Ontario. Je protégerai et défendrai les droits et les intérêts des personnes qui m'embauchent. Je conduirai toutes les instances avec fidélité et au mieux de ma compétence. Je ne négligerai les intérêts de personne, j'assurerai un service fidèle et représenterai avec diligence l'intérêt véritable de mes

<p>conduct myself honestly and with integrity and civility. I shall seek to ensure access to justice and access to legal services. I shall seek to improve the administration of justice. I shall champion the rule of law and safeguard the rights and freedoms of all persons. I shall strictly observe and uphold the ethical standards that govern my profession. All this I do swear or affirm to observe and perform to the best of my knowledge and ability.</p>	<p>clients. Je ne refuserai pas les plaintes dont les fondements sont raisonnables, ni n'intenterai aucune cause frivole. Je ne détournerai pas la loi pour favoriser ou défavoriser qui que ce soit, mais en toutes choses, j'agirai avec honnêteté, intégrité et politesse. Je chercherai à assurer l'accès à la justice et aux services juridiques. Je chercherai à améliorer l'administration de la justice. Je mettrai de l'avant la primauté du droit et veillerai à respecter les droits et libertés de tous. Je me soumettrai strictement aux normes de déontologie qui régissent ma profession. Je jure ou affirme solennellement que je traiterai toutes ces questions au mieux de ma connaissance et de ma compétence.</p>
---	---

**Rules of Professional Conduct, Rule 6.3.1-1**

<p><b>6.3-0</b> In rules 6.3-1 and 6.3-3, sexual harassment is one incident or a series of incidents involving unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature</p> <p>(a) when such conduct might reasonably be expected to cause insecurity, discomfort, offence, or humiliation to the recipient(s) of the conduct;</p> <p>(b) when submission to such conduct is made implicitly or explicitly a condition for the provision of professional services;</p> <p>(c) when submission to such conduct is made implicitly or explicitly a condition of employment;</p> <p>(d) when submission to or rejection of such conduct is used as a basis for any employment decision (including, but not limited to, allocation of files, matters of promotion, raise in salary, job security, and benefits affecting the employee); or</p> <p>(e) when such conduct has the purpose or the effect of interfering with a person's work performance or creating an intimidating, hostile, or offensive work environment.</p> <p><b>Commentary</b></p> <p>[1] Types of behaviour that constitute sexual harassment include, but are not limited to,</p> <p>(a) sexist jokes causing embarrassment or offence, or that are by their nature clearly embarrassing or offensive;</p> <p>[Amended - January 2009]</p> <p>(b) leering;</p> <p>(c) the display of sexually offensive material;</p> <p>(d) sexually degrading words used to describe a person;</p> <p>(e) derogatory or degrading remarks directed towards members of one sex or one's sexual orientation;</p> <p>(f) sexually suggestive or obscene comments or gestures;</p> <p>(g) unwelcome inquiries or comments about a person's sex life;</p> <p>(h) unwelcome sexual flirtations, advances, or propositions;</p>	<p><b>6.3-0</b> Dans les règles 6.3-1 et 6.3-3, le harcèlement sexuel s'entend d'un incident ou d'une série d'incidents comportant des avances sexuelles importunes, des demandes de faveurs sexuelles ou d'autres gestes ou remarques de nature sexuelle, dans l'une ou l'autre des situations suivantes :</p> <p>a) on peut raisonnablement s'attendre que ces gestes ou remarques causeront de l'insécurité, de la gêne, de l'humiliation ou des vexations à une autre personne ou à un groupe;</p> <p>b) la soumission à ces gestes ou remarques est implicitement ou explicitement présentée comme une condition à la prestation de services professionnels;</p> <p>c) la soumission à ces gestes ou remarques est implicitement ou explicitement présentée comme une condition d'emploi;</p> <p>d) L'acceptation ou le rejet de ces gestes ou remarques sert à fonder une décision reliée à l'emploi (notamment en matière de promotion, d'augmentation de salaire, de sécurité d'emploi ou d'avantages touchant l'employé);</p> <p>e) ces gestes ou remarques ont pour but ou pour effet de nuire au rendement d'une personne ou de créer un cadre de travail intimidant, hostile ou offensant.</p> <p><b>Commentaire</b></p> <p>[1] Les types de comportements qui constituent du harcèlement sexuel comprennent notamment :</p> <p>a) les plaisanteries sexistes embarrassantes ou blessantes ou manifestement de nature embarrassante ou blessante;</p> <p>b) les regards concupiscent;</p> <p>c) l'affichage de matériel érotique choquant;</p> <p>d) la description d'une personne en termes dégradants à caractère sexuel;</p> <p>e) les remarques désobligeantes ou avilissantes adressées aux personnes d'un sexe donné ou d'une orientation sexuelle donnée;</p> <p>f) les gestes ou propos obscènes ou suggestifs;</p>
---	---

<p>(i) persistent unwanted contact or attention after the end of a consensual relationship;</p> <p>(j) requests for sexual favours;</p> <p>(k) unwanted touching;</p> <p>(l) verbal abuse or threats; and</p> <p>(m) sexual assault.</p> <p>[2] Sexual harassment can occur in the form of behaviour by men towards women, between men, between women, or by women towards men.</p>	<p>g) les questions ou commentaires importuns sur la sexualité d'une personne;</p> <p>h) les flirts offensants et les avances et propositions sexuelles;</p> <p>i) les attentions et contacts persistants et non désirés après la fin d'une relation amoureuse;</p> <p>j) les demandes de faveurs sexuelles;</p> <p>k) les attouchements importuns;</p> <p>l) les menaces ou insultes verbales;</p> <p>m) les agressions sexuelles.</p> <p>[2] Le harcèlement sexuel peut être le fait de l'homme ou de la femme, envers des personnes du sexe opposé ou du même sexe.</p>
---	--