CANADIAN COMMON LAW PROGRAM
APPROVAL COMMITTEE

REPORT ON
TRINITY WESTERN UNIVERSITY'S
PROPOSED SCHOOL OF
LAW PROGRAM

December 2013
Introduction

1. The Canadian Common Law Program Approval Committee (the “Approval Committee”) is responsible for determining whether existing and proposed common law programs meet the national requirement that establishes the knowledge and skills that all applicants for entry to the admission programs of the law societies in the Canadian common law jurisdictions must possess.

2. The Approval Committee has reviewed the application by Trinity Western University (“TWU”) for approval of its proposed law school program and has determined that, subject to the concerns and comment described below, if implemented as proposed, the program will meet the national requirement. The Approval Committee's detailed analysis is set out in the chart attached as Appendix “A”.

3. The Approval Committee’s decision is only one step in the process. Pursuant to the British Columbia Degree Authorization Act the proposed program also must be approved by the British Columbia Minister of Advanced Education.

4. The Approval Committee's report must also be considered by the law societies. Although, in the interests of consistency, the law societies mandated the Approval Committee to determine whether law degree programs meet the national requirement, the law societies continue to have the statutory authority to set policies for admission to the legal profession in their respective jurisdictions.

Background

5. Canada's law societies are mandated by provincial and territorial statute to regulate the legal profession in the public interest. A core aspect of this mandate is to determine the criteria for admission to the profession, including the academic requirements for entry into law society bar admission or licensing programs.

6. Each law society in the common law provinces and territories requires applicants to its bar admission or licensing program to hold a Canadian common law degree or its equivalent. Notwithstanding this common requirement, until a few years ago, there was no national standard for the Canadian common law degree. Recognizing the desirability of a common standard, in 2007 the Federation of Law Societies of Canada (the “Federation”) established the Task Force on the Canadian Common Law Degree (the “Task Force”) to recommend national academic requirements for Canadian common law degrees.

7. The Task Force report, released in October 2009 (available at www.flsc.ca), recommended the adoption of a national requirement outlining the knowledge and skills that all applicants for entry to the bar admission programs of the law societies in the Canadian common law jurisdictions must possess, and the law school academic program and learning resources law schools must have in place. The national
requirement was approved by Canada’s law societies in 2010 and will come into force for law school graduates in 2015. It is attached as Appendix “B” to this report.

8. Following approval of the national requirement, the Federation established the Common Law Degree Implementation Committee (the “Implementation Committee”) to make recommendations on how to measure compliance with the national requirement.

9. The Implementation Committee report, released in August 2011, recommended that the Federation establish the Approval Committee and that the committee be mandated to determine whether existing and proposed law school programs meet the national requirement. The Implementation Committee prescribed in some detail how the Approval Committee should assess compliance and also made recommendations on the composition of the Approval Committee. The full report of the Implementation Committee is available at www.flsc.ca.

**Canadian Common Law Program Approval Committee – Composition and Mandate**

10. The recommendations of the Implementation Committee were approved by each of the law societies, and the Approval Committee was established in January 2012.

11. The Approval Committee comprises seven members, each of whom possesses specific qualifications relevant to the role. The membership of the Approval Committee must include three current or former law deans or law school administrators, one law society CEO or designate, and three lawyers with experience in law society regulation. All members of the Approval Committee are appointed by the Council of the Federation.

12. The current members of the Approval Committee are Laurie H. Pawlitza, (Chair), former Treasurer of the Law Society of Upper Canada and Federation Council member for Ontario; Catherine S. Walker, Q.C., former President, Nova Scotia Barristers’ Society and Federation Council member for Nova Scotia; Stephen G. Raby1, Q.C., former President, Law Society of Alberta and Federation Council member for Alberta; Alan Treleaven, Director of Education and Practice, Law Society of British Columbia; Dean Lorne Sossin, Osgoode Hall Law School; Dean Mary Anne Bobinski, Faculty of Law, University of British Columbia; and Dean Daniel Jutras, Faculty of Law, McGill University.2

13. The core function of the Approval Committee is to determine whether law school programs, existing or proposed, comply with the national requirement. The committee’s complete mandate is attached as Appendix “C”.

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1 Stephen Raby, Q.C. joined the Approval Committee in October 2013, filling a vacancy on the committee created by the resignation in October 2013 of Babak Barin, former Council member for the Barreau du Québec.

2 As discussed below, Deans Sossin, Babinski and Jutras did not participate in the review of TWU’s proposed law school program.
14. The Approval Committee has begun the process of assessing the existing common law programs to ensure that their graduates will meet the requirements for entry into law society admission programs when the national requirement comes into effect in 2015. Since 2012, existing programs have been required to submit an annual law school report form for the Approval Committee’s review indicating how their programs meet the national requirement or how non-compliant aspects will be brought into compliance by 2015.

15. The process is an iterative one that may involve many exchanges between the Approval Committee and the institution. The process continues until the Approval Committee is satisfied that it has all of the information needed to properly assess the program.

16. If the Approval Committee has questions about a program’s compliance with the national requirement, the committee may seek additional information from the institution. Pursuant to the recommendations of the Implementation Committee, compliance issues are categorized as a deficiency, a comment, or a concern. The identification of a deficiency indicates non-compliance with one or more elements of the national requirement. In such cases the Approval Committee will engage in discussions with the institution until the deficiency has been resolved or the committee determines that a resolution is not possible. Where an element of the national requirement is currently met, but compliance is at a minimum level that could deteriorate to a deficiency, the Approval Committee may raise the matter as a concern. A school may choose to address the concern, but no action is required for approval of the program. A comment relates to a matter that does not affect compliance, but that the Approval Committee wishes to bring to the attention of the institution.

17. Prior to the development and adoption of the national requirement, there had been no new law schools in Canada for 30 years. Before the Approval Committee was established, new law school programs at three universities – Lakehead University, Thompson Rivers University, and the Université de Montréal – were approved by an ad hoc committee established by the Federation. The ad hoc committee determined that each of the programs, would, if implemented as proposed, meet the national requirement. Each was given preliminary approval and is now subject to annual review by the Approval Committee.

18. Since its establishment in 2012, the Approval Committee has been responsible for the assessment of proposed new law school programs. The process for assessing proposed new programs is essentially the same as the process for approving existing programs. The Approval Committee reviews the written proposal and implementation plan submitted by the institution to determine whether, if implemented as proposed, the program would meet the national requirement. As with existing programs, the process is iterative and may involve a number of exchanges of information. Until a program is operating and has produced its first graduating class, assessment of whether it meets the national requirement is prospective only. To reflect this, a proposed program that would meet the national requirement will be given preliminary approval. Once a new
program has received \textit{preliminary approval} it is subject to the annual review process in
the same manner as existing law school programs.

\textbf{Trinity Western University Proposal for a School of Law}

19. In June 2012, TWU submitted a proposal to the Approval Committee for the
establishment of a new law school program. A copy of the proposal is attached as
Appendix “D”.

20. Located in Langley, British Columbia, TWU was established in 1962 and was recognized
by the government of British Columbia as a degree-granting institution in 1979. It has a
student body of approximately 4,000 students. TWU currently offers more than 40
undergraduate and 16 graduate programs, including professional programs in nursing
(B,SC.N., M. Sc.N.), education (BA – Education), and business (M.B.A., B.B.A., B.A. –
Leadership).

21. TWU is an evangelical Christian university that requires all students, faculty and staff to
abide by a Community Covenant that sets out behavioural expectations. In addition to
detailing expected behaviour, the Community Covenant contains a list of prohibited
behaviour, the most controversial of which has been the requirement to abstain from
“sexual intimacy that violates the sacredness of marriage between a man and a woman.”
The Community Covenant distinguishes between faculty and staff on the one hand and
students on the other in terms of the precise commitment required. For faculty and staff
“[s]incerely embracing every part of the covenant is a requirement for employment.”
While students are required to abide by the expectations contained in the Community
Covenant, it is recognized that “not all affirm” the university’s theological views. A copy of
the Community Covenant is attached as Appendix “E”.

22. TWU’s proposal describes a comprehensive law school program that “will focus on
training students interested in practising law in small to medium sized firms outside of
the major B.C. urban areas.”\textsuperscript{3} The proposal contemplates a first year class of 60
students, with the student body growing to 170 by the third year of operation. The focus
of the proposed curriculum is on the development of the core competencies required for
the practise of law. To that end the program has a strong emphasis on the development
of practical skills. Two of the mandatory courses – Introduction to Practice Skills and the
Practice of Law, and Practice Management – focus on the development of practical skills
and knowledge, and assignments in upper year courses will address issues or problems
encountered in the practice of law. In addition, students will be required to complete
three practica during the program to “integrate the real-world practice of law with the
theoretical study of law.”\textsuperscript{4}

\textsuperscript{3} Trinity Western University School of Law Proposal, Appendix “D”, page 5.
\textsuperscript{4} Ibid., page 17.
23. All students will be required to take the following 19 mandatory courses:

- Introduction to Law
- Contract Law
- Tort Law
- Constitutional Law
- Property Law
- Criminal Law
- Fundamentals of Canadian Law: Common Law and Statutory Instruments
- Introduction to Practice Skills and the Practice of Law
- Ethics and Professionalism
- Practicum (two courses)
- Administrative Law
- Business Organizations
- Civil Procedure
- Evidence
- Jurisprudence
- Practice Management
- Real Estate Law
- Wills and Trusts

24. TWU’s proposal met with strong reaction. The Approval Committee reviewed the many letters and emails sent to the Federation from individuals and organizations both opposed to and supportive of approval of the proposed law school. The views of both the opponents and the supporters were clearly heartfelt and strongly held.

25. TWU’s requirement that all students, faculty and staff abide by its Community Covenant is the source of much of the opposition to approval of its proposed law school program. Many contacting the Federation argued that the Community Covenant discriminates against lesbian, gay, bisexual and transgendered (“LGBT”) individuals. Some suggested that TWU effectively bans LGBT students and such students would thus have access to fewer law school places than other students if the TWU proposal is approved.

26. TWU’s intention to teach law from a Christian worldview caused some to question the university’s ability to ensure that graduates of the proposed law school would acquire the required understanding of professionalism and legal ethics, and the substantive knowledge competencies related to the Canadian Charter of Rights and Freedoms and human rights law. Concerns were also raised about academic freedom at the university and the potential impact on the critical thinking skills of those who would attend the proposed school.

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5 The letters received by the Federation and TWU’s responses are available on Federation web site.
27. Others wrote in support of the proposed program, noting, for example, that TWU has an excellent academic reputation. Some responded directly to arguments made by those opposed to the school, challenging the suggestion that a TWU law school would not properly teach constitutional law or legal ethics and professionalism. Proponents suggested that as a faith-based institution TWU would be in a good position to ensure that its students develop an understanding of their ethical obligations.

28. Supporters also cited freedom of religion and some argued that there would be benefits to having a law school that holds views outside of the mainstream.

29. With one exception - the requirement for a dedicated course on professional responsibility - the national requirement does not address how the required competencies should be taught. In adopting an “outcomes” based approach (the acquisition of specified competencies) for all other aspects of the national requirement, the 2009 final report of the Task Force recommended that law schools be left to determine how their graduates would acquire the competencies. As the Task Force noted in its final report (at page 31), this approach “allows law schools the flexibility to address these competencies in the manner that best meets their academic objectives….”

30. In its final report the Task Force took a similar approach to other aspects of the national requirement, including law school admissions policies. Other than specifying a prerequisite for entry to law school of successful completion of two years of postsecondary education at a recognized university or CEGEP, the national requirement does not establish specific admissions criteria or practices.

31. As noted above, the mandate of the Approval Committee is to determine whether existing and proposed law school programs satisfy the national requirement. Except to the extent of considering whether TWU’s mission and commitment to teach law from a Christian worldview would constrain the teaching of the required competencies, inquiring into TWU’s teaching methods or philosophies, or its admission criteria would go beyond consideration of whether a program meets the national requirement. These questions are thus outside of the mandate of the Approval Committee.

32. To ensure that the issues falling outside of the mandate of the Approval Committee were given full consideration, the Federation established the Special Advisory Committee on Trinity Western University’s Proposed School of Law (the “Special Advisory Committee”). The Special Advisory Committee was tasked with considering whether there are additional public interest issues that should be taken into consideration in determining the eligibility of future graduates of TWU’s proposed law school program to enrol in law society admissions programs. The report of the Special Advisory Committee is available at www.flsc.ca.

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6 Other than requiring a stand-alone course, the national requirement does not dictate how legal ethics and professionalism are to be taught.
33. In determining whether TWU’s proposed law school would, if implemented as proposed, satisfy the national requirement, the Approval Committee had before it the following documents:

- TWU’s June 2012 Proposal for a School of Law (Appendix “D”)
- May 17, 2013 letter from TWU to the Chair of the Special Advisory Committee (Appendix “F”)
- August 13, 2013 letter from TWU to the Approval Committee responding to request for additional information (Appendix “G”)
- November 1, 2013 letter from TWU to the Approval Committee responding to second request for additional information (Appendix “H”)

34. The Approval Committee began its review of TWU’s proposal during a teleconference in September 2012. Consideration of the proposal continued during six days of in-person meetings and five conference calls between January and December 2013.

35. Early in the process an issue arose concerning participation in the review of TWU’s proposal by the law deans who are members of the Approval Committee. Public statements in opposition to approval of TWU’s proposal made by the president of the Council of Canadian Law Deans (the “CCLD”) raised questions about the deans’ impartiality.

36. In November 2012 Bill Flanagan, President of the CCLD, the organization of the deans of Canada’s law schools, wrote to the Federation on behalf of the CCLD expressing concern about TWU’s Community Covenant. The letter urged the Federation “to consider this covenant and its intentionally discriminatory impact on gay, lesbian and bisexual students when evaluating TWU’s application to establish an approved common law program.”

37. In subsequent public statements Dean Flanagan, speaking on behalf of the members of the CCLD, expressed strong opposition to approval of the proposed program on the grounds that TWU discriminates against gay, lesbian and bisexual students.

38. Dean Flanagan’s representation that in speaking out against approval of TWU’s proposed law school he was speaking on behalf of the members of the CCLD – all law deans in Canada – led some to question whether the involvement of the deans, who are also members of the CCLD, in the review of TWU’s proposal could lead to a reasonable apprehension of bias.

39. The Federation raised this concern with Deans Bobinski, Jutras and Sossin in April 2013. While making it clear that the position of the CCLD would not influence their assessment, Deans Bobinski, Jutras and Sossin offered to withdraw from participation in the review of TWU’s application. Although the Federation had complete confidence in the good faith of the three deans, to ensure that the review process was both fair and seen to be so, the Federation accepted their offer to withdraw.
40. With the recusal of Deans Bobinski, Jutras and Sossin a majority of the members of the Approval Committee remained and they continued their review of TWU’s proposal. In October 2013, Babak Barin, then former member of Council for the Barreau du Québec, resigned from the Approval Committee. Stephen G. Raby, Counsel member for the Law Society of Alberta, was appointed to replace M. Barin, ensuring that the TWU proposal was reviewed by a majority of the seven members of the committee.

41. The committee was assisted in its work by Professor Bruce P. Elman of the University of Windsor’s Faculty of Law. Following the withdrawal of the deans from the committee’s review of the TWU proposal, the remaining members felt that additional technical assistance would be useful. Professor Elman’s experience as a law professor and former law school dean (Windsor 2000-2011) enabled him to provide valuable insights into issues relating to the administration of a law school and the teaching of law. As Professor Elman has not been a member of the CCLD since his tenure as dean ended, concerns about possible apprehension of bias did not arise. It should be noted that Professor Elman was limited to providing technical advice; he did not participate in either the Approval Committee’s analysis or decision.

42. The Approval Committee began its assessment by reviewing TWU’s June 2012 proposal, a comprehensive document detailing the proposed law school program, including objectives, admission and graduation requirements, course descriptions, library plans, plans for housing the school, faculty and staff plans, and finances. The Committee also reviewed a May 17, 2013 letter from TWU to the Special Advisory Committee (see Appendix “F”), a copy of which was provided to the members of the Approval Committee. Although the letter primarily addresses matters outside the mandate of the Approval Committee, it also discusses the teaching of professionalism and legal ethics, and the substantive law competencies relating to Charter and human rights principles, matters squarely within the mandate of the Approval Committee.

43. Following the Approval Committee’s initial review of the proposal, it sought additional information from TWU on matters related to budget, contingency plans, facilities, library, and student services. The Approval Committee did not request any additional information on the teaching of professionalism and legal ethics, or the substantive knowledge competencies related to the Charter and human rights principles, but it did indicate that the committee was relying on certain statements from TWU’s May 17th letter in assessing whether its proposed program would ensure graduates would obtain the required competencies in the areas of ethics and professionalism and the Charter and human rights principles. The Approval Committee’s letter of June 28, 2013 and TWU’s August 13, 2013 response are attached as Appendix “G”.

44. In October 2013, the Approval Committee requested additional information from TWU relating to its criminal law courses and the legal research competency. The Approval Committee’s October 30, 2013 letter and TWU’s November 1, 2013 response are attached as Appendix “H”.
45. Having reviewed TWU’s proposal and the additional information provided, the Approval Committee has concluded that, subject to three concerns and one comment set out below, the program would, if implemented as proposed, meet the national requirement and should be given preliminary approval.

Analysis

46. To assess whether TWU’s proposed school of law would meet the national requirement, the Approval Committee analyzed the proposal against each individual element of the national requirement. That analysis is reflected in the chart attached as Appendix “A” identifying in detail how each competency will be met.

47. For the most part this was a straightforward task. The proposal is comprehensive and is designed to ensure that students acquire each competency included in the national requirement. The Approval Committee concluded that the program would, if implemented as set out in the proposal and subsequent correspondence from TWU, meet most elements of the national requirement.

48. The members of the Approval Committee did, however, identify three concerns about the proposal and one matter on which it wished to make a comment. The three concerns relate to i. the teaching of Ethics and Professionalism; ii. the teaching of the elements of the Public Law competency relating to the Canadian Charter of Rights and Freedoms and human rights law principles; and iii. the budget for the proposed school. The comment relates to the library acquisitions budget.

49. In the course of its analysis the Approval Committee considered TWU’s ability to ensure that its students obtain the required competencies in both Ethics and Professionalism, and Public Law. It was suggested by some that as a private, faith-based institution that requires students, faculty and staff to abide by a Community Covenant that includes what many consider to be provisions that discriminate against LGBT individuals, TWU would not be able to teach these subjects in a manner that would ensure that students could acquire the competencies.

50. Although the course outlines for TWU’s proposed Ethics and Professionalism and Constitutional Law courses are consistent with what one would expect for such courses, the members of the Approval Committee see a tension between the proposed teaching of these required competencies and elements of the Community Covenant. In particular, the Approval Committee is concerned that some of the underlying beliefs reflected in the Community Covenant, which members of faculty are required to embrace as a condition of employment, may constrain the appropriate teaching and thus the required understanding of equality rights and the ethical obligation not to discriminate against any person. This tension appears to be reflected in the description of the mandatory Ethics and Professionalism course (LAW 602), which states that the course “challenges students to reconcile their personal and professional beliefs within a framework of
service to clients and community while respecting and performing professional obligations and responsibilities.\(^7\)

51. The question of TWU’s ability to ensure that students acquire these competencies was addressed in the university’s May 17, 2013 letter to the Special Advisory Committee (see Appendix “F”). In that correspondence TWU stated that it is committed to “fully and appropriately addressing ethics and professionalism” and further recognized “its duty to teach equality and meet its public obligations with respect to promulgating non-discriminatory principles in its teaching of substantive law and ethics and professionalism.”\(^8\) TWU also stated that “it should be beyond question that TWU acknowledges that human rights laws and Section 15 of the \textit{Canadian Charter of Rights and Freedoms} protect against and prohibit discrimination on the basis of sexual orientation and that “the courses that will be offered at the TWU School of Law will ensure that students understand the full scope of these protections in the public and private spheres of Canadian life.”\(^9\)

52. Based on the proposed course outlines and TWU’s commitments and undertakings noted above, the Approval Committee concluded that the issue of whether students will acquire the necessary competencies in both Ethics and Professionalism, and Public Law is, at this stage, a \textit{concern}, rather than a \textit{deficiency}. As is indicated in the chart at Appendix “A” setting out the committee’s detailed analysis, to address these two \textit{concerns} TWU will be required to provide additional materials in future annual reports, including more detailed course outlines demonstrating exactly how the competencies will be met.

53. With regards to the budget for the proposed school, the Approval Committee was concerned about the lack of detail contained in the information provided by TWU. To address this concern, TWU has been asked to provide more details in future annual reports.

54. The Approval Committee’s one \textit{comment} on the TWU proposal relates to its proposed library acquisitions budget. The committee notes that although the initial budget is generous, the budget for annual acquisitions appears low. TWU has indicated that once it has hired a librarian it will engage a consultant to assist with refining plans for the library, which may lead to changes to the budget. The Approval Committee will review this matter based on the information provided in subsequent annual reports.

\(^7\) Trinty Western University School of Law Proposal, Appendix “D”, page 93.
\(^8\) Appendix “F” pages 4 and 5.
\(^9\) Ibid.
55. In keeping with the process for review of law school programs outlined by the Implementation Committee, TWU was given an opportunity to respond to the Approval Committee’s three concerns and one comment. By letter dated December 6, 2013 (attached as Appendix “I”) TWU indicated its willingness to provide more detailed course syllabi for its proposed Ethics and Professionalism and Public Law courses as they are developed. TWU also confirmed that it will provide detailed budget information as required by the Approval Committee. Finally, TWU advised that it is willing to reconsider its annual library acquisitions budget if, based on an acquisitions plan to be developed by the Director of the Law Library (to be hired approximately 18 months prior to the opening of the school) it proves inadequate.

Conclusion

56. The Implementation Committee identified only two possible outcomes when considering a proposal for a new law school program: preliminary approval, for a program that will meet the national requirement if implemented as proposed, and not approved, for a program that will not comply with the national requirement.10 The Approval Committee has concluded that, subject to the concerns expressed above, TWU’s proposed school of law will meet the national requirement if implemented as proposed. The proposed program is given preliminary approval.

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10 Implementation Committee Final Report, Table E, www.flsca.ca
Canadian Common Law Program Approval Committee

Trinity Western University Proposal

Evaluation Chart

December 2013
Applicant Submissions and their Alignment with the National Requirements – Summary
Trinity Western University

December 3, 2013
(Unless otherwise indicated References are to the Appendices in this Report)

The chart below reflects a summary of the Canadian Common Law Program Approval Committee’s analysis of Trinity Western University’s proposal for a law program. This analysis is based on the proposal submissions. The Approval Committee has determined that the proposal and implementation plan for a law program, if followed, will comply with the national requirement and preliminary approval is given, subject to the implementation of the program as proposed, and subject to the concerns and comment expressed.

The Approval Committee’s analysis is based on the 19 mandatory courses included in TWU’s proposal, which include three practica. A list of the mandatory courses follows the table. The course outlines for all courses including these mandatory courses are included in Appendix D to this report (Appendix 8 of the TWU proposal). Where additional information was provided to clarify how a competency is to be met, such additional information is noted in the submission column in the table below.

In its analysis, while the Approval Committee may have identified multiple proposed courses to satisfy each competency, the analysis in this table will only identify one example per competency or sub-competency. All examples are from mandatory courses.
A. COMPETENCY REQUIREMENTS

1. Skills Competencies
The applicant must have demonstrated the following competencies:

1.1 Problem Solving
In solving legal problems, the applicant must have demonstrated the ability to,

a. identify relevant facts;
b. identify legal, practical, and policy issues and conduct the necessary research arising from those issues;
c. analyze the results of research;
d. apply the law to the facts; and

e. identify and evaluate the appropriateness of alternatives for resolution of the issue or dispute.

This standard will be assessed within five mandatory first year courses: LAW 502 (Contract Law), LAW 503 (Tort Law), LAW 504 (Constitutional Law), LAW 505 (Property Law), and LAW 506 (Criminal Law). Learning will be reinforced in upper year substantive courses.

Each mandatory first year course includes a problem solving component that, collectively, will meet this requirement if implemented as proposed.

\[ \text{a. identify relevant facts} \]

In LAW 503 (Tort Law), students will be introduced to techniques for identifying elements of intentional torts and negligence.

\[ \text{b. identify legal, practical, and policy issues and conduct the necessary} \]

Appendix H November 1, 2013, letter and appendices from TWU

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1 Deficiency - indicates non-compliance with one or more requirements. If a “deficiency” has been identified and the school and the Approval Committee cannot agree on how to address it, the Approval Committee issues its final report.

Concern - indicates that although one or more requirements is currently met, it is at a minimum level that could deteriorate to become a deficiency. A school may note the “concern” without acting upon it, but it may be advisable for the school to resolve the concern, since it would be noted in the Approval Committee’s final report. The iterative process described under “deficiency” could be used to resolve the “concern” if the parties agree.

Comment - this addresses a missing detail, a question, or a suggestion for more information. A school may take note of a “comment” without taking action upon it, but if it wishes to clarify or respond the Approval Committee can then re-issue its report reflecting this.
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<th>National Requirement</th>
<th>Submission</th>
<th>Approval Committee Analysis</th>
<th>Concerns and Comments</th>
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<td>research arising from those issues</td>
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<tr>
<td>In LAW 504 (Constitutional Law), students will be taught to identify constitutional issues and arguments to support differing positions. They will also be required to conduct the necessary research in the course of preparing for the mandatory moot in LAW 508 (Introduction to Practice Skills and the Practice of Law).</td>
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<td>c. analyze the results of research</td>
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<tr>
<td>In LAW 506 (Criminal Law), students will be required to analyze a notice of violation.</td>
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<td>d. apply the law to the facts</td>
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<tr>
<td>In LAW 507 (Fundamentals of Canadian Law), students will be taught to develop the skill of applying principles from past legal cases to a new case.</td>
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<td>e. identify and evaluate the appropriateness of alternatives for resolution of the issue or dispute</td>
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<tr>
<td>National Requirement</td>
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<td>In LAW 708 (Real Estate), students will be taught the range of potential remedies available to parties in contracts for sale of land. The competencies a. to e. above, are supplemented by upper year courses such as LAW 602 (Ethics and Professionalism).</td>
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1.2 Legal Research

The applicant must have demonstrated the ability to,

a. identify legal issues;
b. select sources and methods and conduct legal research relevant to Canadian law;
c. use techniques of legal reasoning and argument, such as case analysis and statutory interpretation, to analyze legal issues;
d. identify, interpret and apply results of research; and

e. effectively communicate the results of research.

Legal research skills are a significant component of LAW 507 (Fundamentals of Canadian Law) and LAW 508 (Introduction to Practice Skills and the Practice of Law), mandatory first year courses, among other mandatory and optional courses. Learning will be reinforced in upper year courses.

Appendix H November 1, 2013, letter and appendices from TWU

Several mandatory courses include the development of the legal research competency which, collectively, will meet this requirement if implemented as proposed.

a. identify legal issues

In LAW 506 (Criminal Law), the students will be taught how to identify legal issues in a problem.

b. select sources and methods and conduct legal research relevant to Canadian law

In LAW 507 (Fundamentals of Canadian Law), students will
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<td>be taught how to conduct legal research, select sources of law and write a research paper.</td>
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<tr>
<td><strong>c. use techniques of legal reasoning and argument, such as case analysis and statutory interpretation, to analyze legal issues</strong></td>
<td>In LAW 507 (Fundamentals of Canadian Law), students will be taught how to undertake a case by case analysis, understand the legislative process and principles of statutory interpretation.</td>
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<td><strong>d. identify, interpret and apply results of research;</strong></td>
<td>In LAW 506 (Criminal Law), students will be required to prepare a memorandum of law.</td>
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<td><strong>e. effectively communicate the results of research</strong></td>
<td>In LAW 505 (Property Law), students will be required to prepare an opinion letter or academic paper.</td>
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<tr>
<td>The competencies a. to e.</td>
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</tr>
<tr>
<td>National Requirement</td>
<td>Submission</td>
<td>Approval Committee Analysis</td>
<td>Concerns and Comments¹</td>
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<td></td>
<td></td>
<td>above, are supplemented by upper year courses such as LAW 704 (Civil Procedure).</td>
<td></td>
</tr>
<tr>
<td>1.3 Oral and Written Legal Communication</td>
<td>Oral and written legal communication skills are taught in LAW 508 (Introduction to Practice Skills and the Practice of Law), a first year course and reinforced in all law courses.</td>
<td>Several mandatory courses include developing the oral and written legal communications skills competency that, collectively, will meet this requirement if implemented as proposed.</td>
<td></td>
</tr>
</tbody>
</table>

The applicant must have demonstrated the ability to, a. communicate clearly in the English or French language; b. identify the purpose of the proposed communication; c. use correct grammar, spelling and language suitable to the purpose of the communication and for its intended audience; and d. effectively formulate and present well reasoned and accurate legal argument, analysis, advice or submissions.

a) communicate clearly in the English or French language
The program will be taught in English. The communications aspect of the competency can be found throughout the program and in particular, in Law 508 (Introduction to Practice Skills and the Practice of Law), which includes interviewing, negotiating, a required first year moot and a factum.

b) identifying the purpose of the proposed communications
In Law 505 (Property Law),
<table>
<thead>
<tr>
<th>National Requirement</th>
<th>Submission</th>
<th>Approval Committee Analysis</th>
<th>Concerns and Comments¹</th>
</tr>
</thead>
</table>
|                      |            | students will be required to communicate the results of legal research in class.  
|                      |            | *c) using correct grammar, spelling, and language suitable to the purpose of the communications and for its intended audience*  
|                      |            | We assume that TWU’s program, as with all law programs in Canada, will have an appropriate standard for grammar and spelling. The development of language skills suitable to the purpose of the communications and its intended audience will be achieved through LAW 502 (Tort Law), where students will be required to draft an opinion letter.  
|                      |            | *d) effectively formulating and presenting well-reasoned and accurate legal argument, analysis, advice or submissions*  
|                      |            | In LAW 506 (Criminal Law), students will be required to draft a memorandum of law.  
<p>|                      |            | The competencies a. to d. |</p>
<table>
<thead>
<tr>
<th>National Requirement</th>
<th>Submission</th>
<th>Approval Committee Analysis</th>
<th>Concerns and Comments¹</th>
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</thead>
<tbody>
<tr>
<td>above, are supplemented by courses such as LAW 709 (Wills and Trusts).</td>
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</tbody>
</table>

2. Ethics and Professionalism

2. **Ethics and Professionalism**

*The applicant must have demonstrated an awareness and understanding of the ethical requirements for the practice of law in Canada, including,*

- **a. the duty to communicate with civility**;
- **b. the ability to identify and address ethical dilemmas in a legal context**;
- **c. familiarity with the general principles of ethics and professionalism applying to the practice of law in Canada, including those related to,**
  - **i. circumstances that give rise to ethical problems**;
  - **ii. the fiduciary nature of the lawyer’s relationship with the client**;
  - **iii. conflicts of interest**;

| LAW 508 (Practice Skills and the Practice of Law) and LAW 602 (Ethics and Professionalism) will fulfill the ethics and professionalism requirement. Also, faculty members will be encouraged to include ethics and professionalism content in each course. | Subject to the concern articulated by the Approval Committee, if this competency is implemented as proposed, it will be fulfilled through two courses: LAW 508 (Practice Skills and the Practice of Law), and LAW 602 (Ethics and Professionalism). LAW 602 is designated as three student hours, which will meet the national requirement for credits. |

- **a. the duty to communicate with civility**
  
  In LAW 508 (Introduction to Practice Skills), the students will learn how to appropriately engage with the client and other counsel. In addition, the prescribed text, Alice Wooley’s *Lawyer’s Ethics and* |

| Concern: Notwithstanding the Approval Committee’s analysis as more fully described in the Approval Committee’s report, the Approval Committee has a concern: it sees a tension between certain aspects of TWU’s Community Covenant, in particular the requirement that faculty “sincerely embrac[e] every part of this covenant [as] a requirement for employment”, and the teaching of ethics and professionalism. |

To satisfy the competency students must have demonstrated “an understanding of the ethical dimensions of the practice of law in Canada and an ability |

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¹ Trinity Western University’s Community Covenant, Appendix E
<table>
<thead>
<tr>
<th>National Requirement</th>
<th>Submission</th>
<th>Approval Committee Analysis</th>
<th>Concerns and Comments¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>iv. duties to the administration of justice;</td>
<td>Professional Regulation, covers civility in detail.</td>
<td>to . . . address ethical dilemmas in a legal context.” This includes the obligation not to discriminate against any person.</td>
<td></td>
</tr>
<tr>
<td>v. duties relating to confidentiality and disclosure;</td>
<td>b. the ability to identify and address ethical dilemmas in a legal context</td>
<td>The tension between the beliefs underlying the Community Covenant and the teaching of legal ethics is reflected in TWU’s description of the mandatory Ethics and Professionalism course (LAW 602) which states that the course “challenges students to reconcile their personal and professional beliefs within a framework of service to clients and community while respecting and performing professional obligations and responsibilities.”</td>
<td></td>
</tr>
<tr>
<td>vi. an awareness of the importance of professionalism in dealing with clients, other counsel, judges, court staff and members of the public; and</td>
<td>In LAW 508 (Introduction to Practice Skills), the students will be required to identify and address ethical issues. Further, in LAW 602 (Ethics and Professionalism), the students will be required to identify ethical issues in fact scenarios and from past cases where professional bodies have imposed discipline on lawyers for failure to meet ethical obligations.</td>
<td>TWU has committed to appropriately teaching ethics and professionalism both in its course description and its May 17, 2013 letter to the Special Advisory Committee.</td>
<td></td>
</tr>
<tr>
<td>vii. the importance and value of serving and promoting the public interest in the administration of justice.</td>
<td>c. familiarity with the general principles of ethics and professionalism applying to the practice of law in Canada</td>
<td>As plans for the proposed course are more fully developed, the Approval Committee.</td>
<td></td>
</tr>
<tr>
<td>National Requirement</td>
<td>Submission</td>
<td>Approval Committee Analysis</td>
<td>Concerns and Comments¹</td>
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<tr>
<td></td>
<td></td>
<td>practice of law.</td>
<td>Committee will require TWU to provide additional materials, including a more detailed course outline, to demonstrate precisely how the competency will be met.</td>
</tr>
<tr>
<td>ii. the fiduciary nature of the lawyer's relationship with the client</td>
<td></td>
<td>In LAW 602 (Ethics and Professionalism), the students will be introduced to the lawyer-client relationship.</td>
<td></td>
</tr>
<tr>
<td>iii. conflicts of interest</td>
<td></td>
<td>In LAW 602 (Ethics and Professionalism), the students will learn about the duty of loyalty and conflicts of interest</td>
<td></td>
</tr>
<tr>
<td>iv. duties to the administration of justice</td>
<td></td>
<td>In LAW 602 (Ethics and Professionalism), the students will be introduced to Code of Professional Conduct for British Columbia (the BC Code).</td>
<td></td>
</tr>
<tr>
<td>v. duties relating to confidentiality and disclosure</td>
<td></td>
<td>In LAW 602 (Ethics and Professionalism), the students will learn about confidentiality.</td>
<td></td>
</tr>
<tr>
<td>vi. an awareness of the</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Requirement</td>
<td>Submission</td>
<td>Approval Committee Analysis</td>
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</tbody>
</table>
|                      |            | *importance of professionalism in dealing with clients, other counsel, judges, court staff and members of the public*  
In LAW 508 (Introduction to Practice Skills), the students will learn about the role of the lawyer as professional.  

**vii. the importance and value of serving and promoting the public interest in the administration of justice**  
In LAW 508 (Introduction to Practice Skills), the students will learn about the role of the lawyer as advocate and understand the role of the lawyer as an agent of social change.  

In addition, prescribed readings include Alice Wooley's *Lawyer's Ethics and Professional Regulation*. |
### 3. Substantive Legal Knowledge

The applicant must have undertaken a sufficiently comprehensive program of study to obtain an understanding of the complexity of the law and the interrelationship between different areas of legal knowledge. In the course of this program of study the applicant must have demonstrated a general understanding of the core legal concepts applicable to the practice of law in Canada, including as a minimum the following areas:

#### 3.1 Foundations of Law

The applicant must have an understanding of the foundations of law, including,

- **a. principles of common law and equity**;
- **b. the process of statutory construction and analysis**; and
- **c. the administration of the law in Canada**.

<p>| | | |</p>
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<tbody>
<tr>
<td>Students will be required to take LAW 501 (Introduction to Law), a concentrated one week course designed to understand the Canadian legal system and how to read case law.</td>
<td>Several mandatory courses include the foundations of law and will meet this requirement if implemented as proposed.</td>
<td></td>
</tr>
<tr>
<td>First year students will also be required to take LAW 507 (Fundamentals of Canadian Law: Common Law and Statutory Instruments) which will cover all three of the identified foundations of law.</td>
<td><strong>a. principles of common law and equity</strong> In LAW 507 (Fundamentals of Canadian Law), the students will be required to understand the origins of common law, including principles of common law and equity, precedents and <em>stare decisis</em>, and the relationship between legislation and common law.</td>
<td></td>
</tr>
<tr>
<td>Appendix H November 1, 2013, letter and appendices from TWU</td>
<td><strong>b. the process of statutory construction and analysis</strong> In LAW 507 (Foundations of Canadian Law), the students will be required to understand the legislative process and principles of statutory interpretation.</td>
<td></td>
</tr>
</tbody>
</table>
In LAW 501 (Introduction to Law), students will be required to understand the basic structure of the Canadian legal system and the structure of Canadian courts.

### 3.2 Public Law of Canada

The applicant must have an understanding of the core principles of public law in Canada, including:

- **a. the constitutional law of Canada**, including federalism and the distribution of legislative powers, the Charter of Rights and Freedoms, human rights principles and the rights of Aboriginal peoples of Canada;
- **b. Canadian criminal law**;
- **c. the principles of Canadian administrative law**.

Public law of Canada will be taught through three mandatory first year courses and three mandatory upper year courses.

The first year courses are:
- LAW 504 (Constitutional Law),
- LAW 506 (Criminal Law), and
- LAW 507 (Fundamentals of Canadian Law).

The upper level courses are:
- LAW 702 (Administrative Law),
- LAW 706 (Jurisprudence) and
- LAW 708 (Real Estate).

Appendix H November 1, 2013, letter and appendices from TWU

Subject to the concern articulated by the Approval Committee, if implemented as proposed, this requirement will be fulfilled through several mandatory courses, including LAW 504 (Constitutional Law).

- **a. the constitutional law of Canada**, including federalism and the distribution of legislative powers, the Charter of Rights and Freedoms, human rights principles and the rights of Aboriginal peoples of Canada

In LAW 504 (Constitutional Law), the students will be required to complete an analysis of the Constitution Act, federal and provincial

Concern: Notwithstanding TWU’s acknowledgements and the Approval Committee’s analysis, the Approval Committee has a concern about this competency.

In its May 17, 2013, letter to the Federation, TWU acknowledged that it has a "duty to teach equality and meet its public obligation with respect to promulgating non-discriminatory principles in its teaching". TWU also asserted that "it should be beyond question that TWU acknowledges that human rights laws and Section 15 of the Canadian Charter of Rights and Freedoms protect against and prohibit

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3 Trinity Western University letter to the Federation dated May 17, 2013, appendix F
powers, the application of the Charter, fundamental rights and freedoms (including equality rights, heritage and aboriginal rights) and reasonable limits thereon.

**b. Canadian criminal law**
LAW 506 (Criminal Law) will be a comprehensive first year criminal law course.

**c. the principles of Canadian administrative law**
LAW 702 (Administrative Law) will be a comprehensive upper year administrative law course.

discrimination on the basis of sexual orientation”, and also that “TWU’s School of Law courses will ensure that students understand the full scope of these protections in the public and private spheres of Canadian life”.

The Approval Committee sees a tension between certain aspects of TWU’s Community Covenant, in particular the requirement that faculty “sincerely embrac[e] every part of this covenant [as] a requirement for employment⁴”, and the teaching of the core principles of public law in Canada including the *Canadian Charter of Rights and Freedoms* and human rights principles.

As plans for the proposed courses are more fully developed, the Approval Committee will expect TWU to provide additional materials, for example, more detailed course outlines, to demonstrate precisely how the competency will be met.

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⁴ Trinity Western University’s Community Covenant, Appendix E
3.3 Private Law Principles

The applicant must demonstrate an understanding of the foundational legal principles that apply to private relationships, including, a. contracts, torts and property law; and b. legal and fiduciary concepts in commercial relationships.

Private law principles are taught through three mandatory first year courses and two mandatory upper year courses.

The three first year courses are: LAW 502 (Contract Law), LAW 503 (Tort Law) and LAW 505 (Property Law).

The two upper year courses are: LAW 703 (Business Organizations) and LAW 708 (Real Estate Law).

Several mandatory courses include private law principles and will meet this requirement if implemented as proposed.

a. contracts, torts and property law

In LAW 502 (Contract Law), LAW 503 (Tort Law) and LAW 505 (Property Law), and in LAW 708 (Real Estate Law), students will gain an understanding of the foundational legal principles in the respective subject areas.

b. legal and fiduciary concepts in commercial relationships

In LAW 703 (Business Organizations), students will gain an understanding of legal and fiduciary relationships in various business structures.
B. APPROVED CANADIAN LAW DEGREE

The Federation will accept an LL.B. or J.D. degree from a Canadian law school as meeting the competency requirements if the law school offers an academic and professional legal education that will prepare the student for entry to a bar admission program and the law school meets the following criteria:

<table>
<thead>
<tr>
<th>1. Academic Program</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.1 The law school’s academic program for the study of law consists of three academic years or its equivalent in course credits.</strong></td>
</tr>
<tr>
<td>The J.D. is a three year 90 semester hour program.</td>
</tr>
<tr>
<td>The law program length and credit requirement will be met if implemented as proposed.</td>
</tr>
<tr>
<td><strong>1.2 The course of study consists primarily of in-person instruction and learning and/or instruction and learning that involves direct interaction between instructor and students.</strong></td>
</tr>
<tr>
<td>The program will be mainly delivered in class, supplemented by mentoring and practica.</td>
</tr>
<tr>
<td>The program mode of study will meet the national requirement if implemented as proposed.</td>
</tr>
<tr>
<td>Appendix D, page 30.</td>
</tr>
<tr>
<td><strong>1.3 Holders of the degree have met the competency requirements.</strong></td>
</tr>
<tr>
<td>The graduation requirements have been set to meet the national requirement. Any transfer students must satisfy requirements designed to meet the national requirement.</td>
</tr>
<tr>
<td>The review of students for graduation, including the law school’s rules on transfer students, will meet this requirement if implemented as proposed.</td>
</tr>
<tr>
<td>Appendix D, page 16.</td>
</tr>
<tr>
<td><strong>1.5 Subject to special, circumstances, the admission requirements for the law school include, at a minimum, successful</strong></td>
</tr>
<tr>
<td>Applicants to TWU must have completed three years (90 semester hours) of study toward a degree. Five of the 60 seats will be reserved for</td>
</tr>
<tr>
<td>The national requirement addresses only the pre-law educational admission requirements. TWU’s educational admission</td>
</tr>
</tbody>
</table>
### Learning Resources:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Exceptional Applicants</th>
<th>Requirement Will Meet the National Requirement</th>
<th>Concern</th>
</tr>
</thead>
<tbody>
<tr>
<td>Completion of two years of postsecondary education at a recognized university or CEGEP.</td>
<td>Exceptional applicants who may not meet the education requirements but who have demonstrated strength through related endeavours.</td>
<td>Requirement will meet the national requirement of two years of postsecondary education if implemented as proposed.</td>
<td><strong>Concern:</strong> The Approval Committee is concerned with the lack of detail in the preliminary budget provided. More detail must be provided to the Approval Committee in future annual reports.</td>
</tr>
</tbody>
</table>

#### 2. Learning Resources:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.1 The law school is adequately resourced to enable it to meet its objectives, and in particular, has appropriate numbers of properly qualified academic staff to meet the needs of the academic program.</strong></td>
<td>Plans have been developed to ensure that appropriate human and physical resources are in place to develop and sustain the proposed J.D. degree program. Subject to the concern articulated by the Approval Committee, while the budget provided to the Approval Committee was not detailed, it was sufficient for an initial application.</td>
</tr>
<tr>
<td><strong>2.2 The law school has adequate physical resources for both faculty and students to permit effective student learning.</strong></td>
<td>TWU will house its law school in a new building designed to meet the needs of the School of Law. The proposed building appears to provide adequate physical resources if implemented as proposed. A funding plan is in place, as is a contingency plan in case the building is not completed in time for the first law class.</td>
</tr>
<tr>
<td><strong>2.3 The law school has adequate information and communication technology to support its academic program.</strong></td>
<td>The report states that the new School of Law will be at the forefront of technology. IT support will be provided from central university services. The designs for the new School of Law appear to include appropriate information and communication technologies to support the students’</td>
</tr>
</tbody>
</table>

*Appendix D, pages 15-16.*

*Appendix D, pages 35-38, 151-161.*

*Appendix G.*
### 2.4 The law school maintains a law library in electronic and/or paper form that provides services and collections sufficient in quality and quantity to permit the law school to foster and attain its teaching, learning and research objectives.

<table>
<thead>
<tr>
<th>Details</th>
<th>Subject to the comment articulated by the Approval Committee, the proposed library appears to provide adequate services and collections sufficient to meet the requirement if implemented as proposed.</th>
<th>Comment: The Approval Committee comments that while the initial acquisition budget is generous, the annual acquisition budget appears low. We expect that these estimates will be refined as plans for the library continue to develop</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plans for the development of the library have been prepared in accordance with the national requirement and the Canadian Academic Law Library Standards. TWU’s initial library acquisition budget is $2M dollars with annual acquisition allocations of $200k thereafter. TWU plans to hire four library staff with the Director of the Law Library hired 12 to 15 months prior to the opening of the School of Law. Appendix D, pages 33-36, 155-156 and 162. Appendix G.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
List of Mandatory Courses (all courses referenced in the table are mandatory):

LAW 501 Introduction to Law
LAW 502 Contract Law
LAW 503 Tort Law
LAW 504 Constitutional Law
LAW 505 Property Law
LAW 506 Criminal Law
LAW 507 Fundamentals of Canadian Law: Common Law and Statutory Instruments
LAW 508 Introduction to Practice Skills and the Practice of Law
LAW 601 Practicum

LAW 602 Ethics and Professionalism
LAW 701 Practicum
LAW 702 Administrative Law
LAW 703 Business Organizations
LAW 704 Civil Procedure
LAW 705 Evidence
LAW 706 Jurisprudence
LAW 707 Practice Management
LAW 708 Real Estate Law
LAW 709 Wills and Trusts
National Requirement

A. Statement of Standard

1. Definitions

In this standard,

a. "bar admission program" refers to any bar admission program or licensing process operated under the auspices of a provincial or territorial law society leading to admission as a lawyer in a Canadian common law jurisdiction;

b. "competency requirements" refers to the competency requirements, more fully described in section B, that each student must possess for entry to a bar admission program; and

c. "law school" refers to any educational institution in Canada that has been granted the power to award an LL.B. or J.D. degree by the appropriate provincial or territorial educational authority.

2. General Standard

An applicant for entry to a bar admission program ("the applicant") must satisfy the competency requirements by either,

a. successful completion of an LL.B. or J.D. degree that has been accepted by the Federation of Law Societies of Canada ("the Federation"); or

b. possessing a Certificate of Qualification from the Federation’s National Committee on Accreditation.

B. Competency Requirements

1. Skills Competencies

The applicant must have demonstrated the following competencies:

1.1 Problem-Solving

In solving legal problems, the applicant must have demonstrated the ability to,

a. identify relevant facts;

b. identify legal, practical, and policy issues and conduct the necessary research arising from those issues;

c. analyze the results of research;
National Requirement

d. apply the law to the facts; and
e. identify and evaluate the appropriateness of alternatives for resolution of the issue or dispute.

1.2 Legal Research

The applicant must have demonstrated the ability to,

a. identify legal issues;
b. select sources and methods and conduct legal research relevant to Canadian law;
c. use techniques of legal reasoning and argument, such as case analysis and statutory interpretation, to analyze legal issues;
d. identify, interpret and apply results of research; and
e. effectively communicate the results of research.

1.3 Oral and Written Legal Communication

The applicant must have demonstrated the ability to,

a. communicate clearly in the English or French language;
b. identify the purpose of the proposed communication;
c. use correct grammar, spelling and language suitable to the purpose of the communication and for its intended audience; and
d. effectively formulate and present well reasoned and accurate legal argument, analysis, advice or submissions.

2. Ethics and Professionalism

The applicant must have demonstrated an awareness and understanding of the ethical requirements for the practice of law in Canada, including,

a. the duty to communicate with civility;
b. the ability to identify and address ethical dilemmas in a legal context;
c. familiarity with the general principles of ethics and professionalism applying to the practice of law in Canada, including those related to,
   i. circumstances that give rise to ethical problems;
   ii. the fiduciary nature of the lawyer's relationship with the client;
   iii. conflicts of interest;
   iv. duties to the administration of justice;
National Requirement

v. duties relating to confidentiality and disclosure;
vi. an awareness of the importance of professionalism in dealing with clients, other counsel, judges, court staff and members of the public; and
vii. the importance and value of serving and promoting the public interest in the administration of justice.

3. Substantive Legal Knowledge

The applicant must have undertaken a sufficiently comprehensive program of study to obtain an understanding of the complexity of the law and the interrelationship between different areas of legal knowledge. In the course of this program of study the applicant must have demonstrated a general understanding of the core legal concepts applicable to the practice of law in Canada, including as a minimum the following areas:

3.1 Foundations of Law

The applicant must have an understanding of the foundations of law, including,

a. principles of common law and equity;
b. the process of statutory construction and analysis; and
c. the administration of the law in Canada.

3.2 Public Law of Canada

The applicant must have an understanding of the core principles of public law in Canada, including,

a. the constitutional law of Canada, including federalism and the distribution of legislative powers, the Charter of Rights and Freedoms, human rights principles and the rights of Aboriginal peoples of Canada;
b. Canadian criminal law; and
c. the principles of Canadian administrative law.

3.3 Private Law Principles

The applicant must demonstrate an understanding of the foundational legal principles that apply to private relationships, including,

a. contracts, torts and property law; and
b. legal and fiduciary concepts in commercial relationships.
National Requirement

C. Approved Canadian Law Degree

The Federation will accept an LL.B. or J.D. degree from a Canadian law school as meeting the competency requirements if the law school offers an academic and professional legal education that will prepare the student for entry to a bar admission program and the law school meets the following criteria:

1. Academic Program:
   1.1 The law school’s academic program for the study of law consists of three academic years or its equivalent in course credits.
   1.2 The course of study consists primarily of in-person instruction and learning and/or instruction and learning that involves direct interaction between instructor and students.
   1.3 Holders of the degree have met the competency requirements.
   1.4 The academic program includes instruction in ethics and professionalism in a course dedicated to those subjects and addressing the required competencies.
   1.5 Subject to special circumstances, the admission requirements for the law school include, at a minimum, successful completion of two years of post-secondary education at a recognized university or CEGEP.

2. Learning Resources:
   2.1 The law school is adequately resourced to enable it to meet its objectives, and in particular, has appropriate numbers of properly qualified academic staff to meet the needs of the academic program.
   2.2 The law school has adequate physical resources for both faculty and students to permit effective student learning.
   2.3 The law school has adequate information and communication technology to support its academic program.
   2.4 The law school maintains a law library in electronic and/or paper form that provides services and collections sufficient in quality and quantity to permit the law school to foster and attain its teaching, learning and research objectives.
CANADIAN COMMON LAW PROGRAM APPROVAL COMMITTEE

MANDATE

• To determine law school program compliance with the national requirement for the purpose of entry of Canadian common law school graduates to Canadian law society admission programs. This will apply to the programs of established Canadian law schools and those of new Canadian law schools.

• To make any changes, revisions or additions to the annual law school report as it determines necessary, provided the changes, revisions or additions conform to the approved national requirement and reflect the purposes described in this report. [Implementation Committee Report dated August 2011]

• To make any changes, revisions or additions to the draft reporting timeline set out in Appendix 4 and any other reporting timelines as it determines necessary to ensure that the compliance process operates in an effective manner.

• To post its final annual reports on the Federation public website and to post information reports on the website, covering, at a minimum, the list of approved law school programs and issues of interest respecting the continuum of legal education.

• To participate in efforts and initiatives to enhance the institutional relationship between law societies and law schools at a national level. This could, for example, include efforts such as promoting a voluntary national collaboration on ethics and professionalism learning that would further enhance teaching, learning and practice in this area.

• To ensure appropriate training for its members.

• To undertake such other activities and make any necessary changes, additions or improvements to its processes as it determines necessary to ensure the effective implementation of the national requirement, provided these reflect the purposes described in this report.
June 15, 2012

Canadian Common Law Program Approval Committee  
Federation of Law Societies of Canada  
World Exchange Plaza  
45 O'Connor Street, Suite 1810  
Ottawa, Ontario K1P 1A4

Dear Committee members:

Re: Trinity Western University School of Law Proposal

I am pleased to submit the attached proposal for the establishment of a new School of Law at Trinity Western University ("TWU"). The proposal has been developed over the last several years with broad consultation with the profession. TWU is the largest privately-funded Christian university in Canada. It has grown over the past decade to now offer 42 undergraduate majors and 16 graduate programs. Many of our 4,000 students are enrolled in professional programs. Trinity Western University is proposing to move forward with its plan to develop a law school with a focus on excellence, strong ethics, public service and professionalism.

We are cognizant that the creation of a law school will be a formidable task. However, we believe that TWU's commitment to academic quality would provide a good foundation for the creation of a small law school with a program that would prepare lawyers with excellence for the practice of law.

The attached proposal has been developed with the FLSC Common Law Degree Implementation Committee Final Report requirements in mind and we are confident that our proposal fully complies with these standards.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Jonathan S. Raymond, Ph.D.  
President and Acting Chancellor
proposal for a school of law
at trinity western university

Submission for accreditation by
the Federation of Law Societies of Canada

june 2012
# TABLE of CONTENTS

I. EXECUTIVE SUMMARY ................................................................. 4

II. TRINITY WESTERN UNIVERSITY ............................................... 5
   A. History .......................................................... 5
   B. Academic Excellence ............................................ 6
   C. Research ......................................................... 6
   D. Academic Institutes and Centres of Excellence .......... 7
   E. Campus and Facilities ........................................... 7
   F. Community Engagement ...................................... 7

III. RATIONALE AND DEMAND FOR A SCHOOL OF LAW AT TWU .... 7
   A. Rationale for a School of Law .................................... 7
      1. Advancement of the Mission of Trinity Western
         University ....................................................... 8
      2. Expanded Access to the Legal Profession Without
         the Need for Public Funding ............................... 8
      3. Training for the Profession - An Integrated Curriculum ... 8
      4. Benefit to Sole Practitioner and Small Firm Practice ...... 9
      5. Specialization in Charities and Social Justice Law ....... 10
      6. Specialization in Small Business and Entrepreneurial Law ... 11
   B. Market Demand for a School of Law at TWU ................. 11
   C. Addressing the Articling Gap .................................... 12

IV. THE SCHOOL OF LAW JURIS DOCTOR (J.D.) PROGRAM .......... 12
   A. Objectives ......................................................... 13
   B. How the Objectives are Achieved in the Curriculum Design .... 13
   C. Admission and Graduation Requirements ...................... 14
      1. Admission .................................................... 14
      2. Transfer ...................................................... 15
      3. Graduation ................................................... 15
   D. Program Requirements ....................................... 15
   E. Course Descriptions .......................................... 19
      1. Required Courses .......................................... 19
      2. Elective Courses .......................................... 23
   F. Program Delivery ............................................ 29
   G. Legal Clinic .................................................. 30
### V. THE FACILITIES PLAN ................................................................. 30
   A. Development Process .............................................................. 30
   B. The School of Law Building ..................................................... 31

### VI. THE LAW LIBRARY PLAN ...................................................... 32
   A. Overall Library Objectives .................................................... 32
   B. The Law Library Facility ....................................................... 32
   C. Law Library Policies and Collections Policy ........................... 33
   D. Acquisition of Resources ..................................................... 33
   E. Resource Sharing Agreements .............................................. 34

### VII. FACULTY AND STAFF ........................................................... 34
   A. Faculty and Staff Requirements .............................................. 34
   B. Position Descriptions .......................................................... 34
   C. Recruitment and Hiring Timeline .......................................... 35

### VIII. ARTICLING AND CAREER CENTRE AND STUDENT SUPPORT SERVICES .................................................. 36

### IX. FINANCIAL PLAN ................................................................. 36

### X. ACCOUNTABILITY ................................................................. 37
   A. Structure .............................................................................. 37
   B. Evaluation and Assessment .................................................. 37

### XI. IMPLEMENTATION TIMELINE ................................................ 38
   A. Target Launch Date ............................................................. 38
   B. Enterprise Implementation Timeline ...................................... 38

### APPENDICES ................................................................. 39
   1. Members of the TWU School of Law Task Force [2008] .......... 40
   4. External Review: ALBERT H. OOSTERHOFF ......................... 43
   5. External Review: LYMAN R. ROBINSON, Q.C. ......................... 49
   6. Response to external reviews ............................................. 59
   7. Letters in Support ............................................................. 61
   8. New Course Outlines .......................................................... 78
   9. Summary of Faculty Qualifications ...................................... 137
   10. School of Law Building Cost Protection ............................... 138
   11. Preliminary Concept Drawings ........................................... 141
   12. Canadian Academic Law Library Standards ........................ 146
   13. Position Descriptions – Dean of School of Law, Director of the Law Library, Faculty Member ........................................... 150
   14. Analysis of Teaching Requirements ..................................... 157
   15. Alignment with Federation of Law Societies Canada National Standards ................................................................. 160
   16. Universities Outside Canada Accepting Canadian Law Students ...... 164
I. Executive Summary

This proposal is for the creation of a School of Law at Trinity Western University in Langley, B.C. The proposal is for the School of Law to open in September, 2015 in a new building on campus. The first year class would be 60 students with the total student body reaching 170 students by 2017. TWU seeks FLSC approval under the Program Approval Model.

Since 1992, Trinity Western University has had the development of a law school in its strategic plan. The university strives to develop excellence in its students and has a strong focus on developing leadership for the marketplaces of life. Within the last few years, several indicia have pointed to the need for new law schools in Canada: (1) the number of Canadian students attending law schools in other countries and then seeking to have those degrees recognized in Canada; (2) the need for new lawyers to practice in small firms and in smaller urban centres; and (3) the need for students to be trained in the law and in ethics.

Trinity Western University is proposing to move forward with its plan to develop a law school with a focus on excellence, strong ethics, public service and professionalism.

The School of Law will focus on training students interested in practising law in small to medium sized firms outside of the major B.C. urban areas. The School of Law will offer a J.D. degree based on an integrated curriculum that includes the development of core competencies needed for the practice of law. In keeping with the nature of Trinity Western University, specializations will be offered in charities and social justice law and in small business and entrepreneurial law.

The background, impetus and rationale for establishing a law school at Trinity Western University are provided below. Particulars of the proposed admissions policy, curriculum, library plan, and faculty/staff requirements are also provided. Operational details including the facilities plan are set out in the proposal as well.

This proposal is based on many years of work by a development committee at Trinity Western University and on the recommendation of the following:

- Dr. Jonathan Raymond, TWU President
- The TWU Board of Governors
This proposal was reviewed by two well qualified external reviewers, Albert H. Oosterhoff, LL.B., B.A., LL.M., Professor Emeritus (University of Western Ontario) and Lyman R. Robinson, Q.C., B.A., LL.B., LL.M., Professor Emeritus (University of Victoria). Their external reviews are included in Appendices Four and Five.

II. Trinity Western University

A. HISTORY

The university was founded in 1962 as a junior college. In 1969, TWU was created by the B.C. Legislature as Trinity Junior College.¹ In 1979 TWU was given the privilege to grant degrees² and in 1984, was accepted as a member of the Association of Universities and Colleges of Canada. In 1985, the B.C. Legislature changed the name of the college to Trinity Western University and granted the university the authority under its amended charter to offer graduate degrees.³ The university celebrated its 50th anniversary in 2012.

TWU is now the largest privately-funded Christian university in Canada. It offers over 40 undergraduate majors and 16 graduate programs. It has a current student body of approximately 3,600 students with over 22,000 alumni. Many of the 3,600 students are enrolled in TWU’s professional programs including Business (M.B.A., B.B.A., B.A. – Business), Leadership (M.A. – Leadership), Nursing (M.Sc.N., B.Sc.N.) and Education (B.A. – Education). TWU’s sports teams have excelled in Canadian Interuniversity Sport athletics, winning national championships in soccer and volleyball. TWU has a renowned choir which performs regularly with the Vancouver Symphony Orchestra.

TWU was successful in a key case before the Supreme Court of Canada in 2001.⁴ The Court

¹ *Trinity Junior College Act*, S.B.C. 1969, c. 44.
issued an order of mandamus requiring the British Columbia College of Teachers to accredit TWU’s Teacher Education program. In the 8 to 1 decision in favour of TWU, the Supreme Court of Canada made the following statements about a professional program at a faith based university:

The diversity of Canadian society is partly reflected in the multiple religious organizations that mark the societal landscape and this diversity of views should be respected. (para. 33)

In this particular case, it can reasonably be inferred that the B.C. legislature did not consider that training with a Christian philosophy was in itself against the public interest since it passed five bills in favour of TWU between 1969 and 1985. (para. 35)

Students attending TWU are free to adopt personal rules of conduct based on their religious beliefs provided they do not interfere with the rights of others. Their freedom of religion is not accommodated if the consequence of its exercise is the denial of the right of full participation in society. (para. 35)

TWU has been a member of the Association of Colleges and Universities and Colleges of Canada (AUCC) since 1984.

**B. ACADEMIC EXCELLENCE**

Professors at TWU are committed to high-quality teaching. Due to small class size, students regularly interact with their professors. TWU is a community-oriented campus and professors regularly interact with students outside the classroom. TWU has built a reputation for academic quality, earning an A+ for Quality of Education in the Globe and Mail University Report Card for five years running. In 2011, the Globe and Mail survey led to the university being rated an A+ in “enriching educational experience.”

**C. RESEARCH**

The university provides a stimulating environment for research. It has an Office of Research which assists faculty research and coordinates grant applications. Faculty members are funded through the Tri-Council Agencies, as well as through a wide variety of foundations and grants. This office holds regular professional development workshops to assist faculty in obtaining grants, publishing their research results and engaging in collaborative research. TWU has three Canada Research Council Chairs and is currently developing a fourth. TWU joined the Royal Society of Canada in 2009.
D. ACADEMIC INSTITUTES AND CENTRES OF EXCELLENCE

TWU has five academic Institutes and four Centres of Excellence. These include the Gender Studies Institute and the Religion in Canada Institute. The institutes provide opportunities for interdisciplinary collaboration, as well as special colloquia and lectures. The Religion, Culture and Conflict Research Group has, for the last five years, held annual inter-religious symposia on issues such as “Religion, Culture and Middle East Conflict,” and has produced several books of collected papers.

E. CAMPUS AND FACILITIES

Trinity Western University is a 157-acre campus located outside Langley, BC, Canada. Its location is 45 minutes from downtown Vancouver and an hour from the North Shore mountains. Housing undergraduate and graduate programs, the campus includes residences, food services, health services, fitness centres, mail resources, sports facilities, a bookstore, a library, and an ecosystem study area. The university has a strong student life and student leadership program as well as a career centre and a wellness centre. The Equity of Access Officer ensures that students with disabilities are accommodated both with respect to facilities and academically. The university also has extension campuses in Bellingham, Washington and Ottawa, Ontario. A further extension campus is currently being developed in Richmond, B.C.

F. COMMUNITY ENGAGEMENT

TWU has a strong focus on students engaging with the community, be it locally in British Columbia or internationally in Zambia or Guatemala. Faculty and staff members organize a variety of service opportunities from working with the homeless in Vancouver’s Downtown Eastside to summer programs to serve in hospitals in the developing world. TWU also facilitates students engaging in community work individually by connecting students with organizations. A significant focus of the university is that our graduates “serve the world’s deepest needs.” This starts while they are students.

III. Rationale and Demand for a School of Law at TWU

A. RATIONALE FOR A SCHOOL OF LAW

1. Advancement of the Mission of Trinity Western University

Over the last 15 years, Trinity Western University has developed several professional schools, including Nursing, Education and Business. With the development of student leadership and
excellence in these fields, a law school is a natural next step in the development of the university. It is in keeping with the mission and purpose of the university.

Trinity Western University has a mission focused on the development of leadership. TWU’s recent strategic plan entitled Envision the Century described the vision of the university as follows:

The vision for Trinity Western University’s future builds on its identity and essence as a Christian university of the liberal arts, sciences and professional studies, and on its historical mission to develop people of high competence and exemplary character who distinguish themselves as exceptional leaders in “the marketplaces of life.”

A law school that focuses on the development of highly competent, professional and ethical graduates who will no doubt distinguish themselves in the legal community and beyond is a natural and appropriate advancement of the TWU mission.

As well, Trinity Western University is a unique faith-based educational community where its members are “called to care about the well-being of others; and committed to knowledge and understanding that addresses the world’s deepest needs…” A law school that has strategic partnerships with agencies that serve the poor and the oppressed will give students unique opportunities to provide needed legal services to the less privileged and represents again a natural and appropriate advancement of the TWU mission.

2. Expanded Access to the Legal Profession Without the Need for Public Funding

In 2009, the Law Society of British Columbia held a public forum on access to justice. “Access to legal services is becoming more and more difficult for many individuals in our communities,” said John Hunter, QC, then-President of the Law Society. “The increasing number of self-represented litigants and growing reliance on self-help guides is well known to us all.” One of the barriers to training more lawyers has been the need for public funding. A law school at Trinity Western University has the great advantage of providing increased access to the legal profession without the need for public funding.

3. Training for the Profession - An Integrated Curriculum

A primary objective of the School of Law at TWU will be training students for the profession and ethical demands of the practice of law. The overarching curricular goal will be the

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5 Trinity Western University, Envision the Century, 2008.
6 Ibid.
development of core competencies that are the bedrock of the profession.

The 2008 Federation of Law Societies of Canada, Consultation Paper on the Canadian Common Law Degree (the “FLCS Consultation Paper”) emphasized the importance of embedding “framework” competencies in law school curricula. The paper indicated that legal educators in Canada proposed curriculum requirements where “academic instruction is more closely integrated with the development of practice skills so that upon a call to the bar lawyers are better prepared to advise clients and protect their interests.” These recommendations were substantially approved in the Federation of Law Societies Common Law Degree Implementation Committee Final Report.

The proposed TWU School of Law will integrate into its curriculum the formation of professionalism including the nature of the profession of law, ethics and client relations. In upper years, the law school curriculum will also include courses that develop skills used in the practice of law such as drafting documents, negotiation and advocacy. Each course at the proposed TWU School of Law will focus on practice elements and skills.

4. Benefit to Sole Practitioner and Small Firm Practice

The January 2007 Report of the Small Firm Task Force for the Benchers of the Law Society of B.C. indicated that 35% of the B.C. bar practises as sole practitioners and a further 20% in firms of two to four lawyers. These lawyers provide the “vast majority of legal services outside of the urban centres.” The Report indicates the following concern for the future of legal services in the province:

Younger lawyers do not enter sole and small firm practice with the same frequency as they enter practice in larger firms. Outside of the urban areas, where there are fewer medium size and larger firms, the absence of younger lawyers is more prevalent. These numbers raise concerns about whether the sole and small firm bar is renewing itself, particularly in less populated parts of the province…

The proposed TWU School of Law hopes to be able to serve the province of B.C. by attracting and training students interested in practising law in small firms, particularly outside of the major B.C. urban areas. The proposed law school will also work with small firms across the province to create

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articling positions for its graduates. TWU believes that the integrated approach indicated above is especially important for the development of needed competencies of those who will practice in small firms and has designed its curriculum accordingly. This integrated curricular approach will benefit B.C. and other provinces by providing graduates prepared for small firm practice.

5. Specialization in Charities and Social Justice Law

Charitable and Not-For-Profit organizations play a significant role in Canadian society. The 2003, National Survey of Non-Profit and Voluntary Organizations indicated the following:

- In 2003 there were approximately 161,000 non-profit or voluntary organizations in Canada with approximately 13% (20,000) in B.C.
- These organizations had a total revenue of $112 billion with B.C. non-profits reporting revenues of $11 billion.
- In B.C. these organizations provided employment for 147,000 people.
- Non-profits and voluntary organizations provided employment for almost 20% of the entire workforce across Canada

These organizations often have unique legal requirements in the areas of governance, human rights, employment, taxation etc. However, no law school in Canada provides a specialization in charities law, and many do not even offer a course related to this area. A key focus of the TWU School of Law will be in the area of charities and not-for-profit law. Trinity Western University already has considerable expertise and reputation in serving this area through its Non-Profit and Charitable Organization Management MBA program. By conducting scholarly legal research in this area and by giving students the option to have particular training in charities law, a law school at TWU would further contribute in a significant way to this important sector of Canadian society.

While charities and not-for-profit organizations have long been engaged in working for the public good, many are increasingly engaged in social innovation, working with social entrepreneurs to devise innovative solutions to society’s problems. Students interested in pursuing social innovation through a specialization in charities and not-for-profit organizations will be encouraged to fulfill their practica requirements in placements related to social innovation. Many charities and not-for-profit organizations have a focus on social justice; for example,

shelters for the homeless, international development agencies and food banks. Students pursuing this specialization will engage with theoretical issues, such as the meaning of “justice,” as well as practical issues such as advocacy for those who are marginalized.

6. Specialization in Small Business and Entrepreneurial Law

The Fraser Valley is a rapidly expanding business corridor. In the City of Surrey alone, approximately 18,600 business licenses were issued in 2011. The majority of these enterprises are small, growing, entrepreneurial businesses. Not surprisingly given its location, much of the TWU community is also from, or connected to, entrepreneurial, growing enterprises. TWU desires to serve this constituency through a specialization in small business and entrepreneurial law. Graduates from this specialization will be equipped to meet the legal needs of entrepreneurial, growing enterprises.

B. MARKET DEMAND FOR A SCHOOL OF LAW AT TWU

There is growing recognition across Canada that access to the legal profession must be expanded. Until 2010, no new law school had been approved in Canada for 30 years. For example, the population of B.C. has grown by 72% since the Faculty of Law at the University of Victoria was opened in 1976, without there being any significant increase in access to the legal profession in B.C. until the opening of the new law faculty at Thompson Rivers University. Canada has the lowest number of law schools per capita of any Commonwealth country.

Competition to get into existing law schools is now fierce, with many arguably qualified candidates unable to access a legal education. According to the LSAC Official Guide to Canadian Law Schools, the University of British Columbia, Faculty of Law had 2,188 applicants in 2010 with 182 being enrolled (2,006 applications being rejected). The University of Victoria, Faculty of Law had 1,346 applicants in 2010 with 113 being enrolled (1,233 applications being rejected). Many qualified candidates have been forced to look for international options for a legal education. (see Appendix Sixteen for a list of universities accepting Canadian students abroad) The province of Ontario reported having 272 international candidates registered for articles in that province in the 2010/11 licensing year.

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12 According to Statistics Canada the population of B.C. on January 1, 1976 was 2,520,425. On January 1, 2008 the population of B.C. was 4,346,201.
The university engaged a market research firm, Concerto Marketing, to conduct surveys to determine the level of interest in the proposed School of Law. The results indicate that there is a sustainable level of interest to meet enrollment targets at our proposed tuition.

C. ADDRESSING THE ARTICLING GAP

A common challenge faced by graduating law students is a shortage of articling placements. A recent report by the Law Society of Upper Canada Articling Task Force noted a 12.1% shortage in articling placements for the 2010/11 licensing group.\(^{15}\) The report also notes that the number of articling placements has remained static while the number of students seeking articles has increased. All Canadian law societies require completion of articles for licensing. This has similarly been a problem in British Columbia.\(^{16}\)

The proposed TWU School of Law curriculum has been designed to ensure that graduates will have the basic “turnkey” skills and knowledge to be immediately useful in the regular transactions that occur in small and medium sized firms. With mentorship that will have occurred in the practica that students are required to participate in, these skills and abilities will already have been brought into a workplace setting and will be readily adaptable to any new workplace situation.

Small and medium sized firms will see TWU School of Law graduates as already having many practical skills necessary to be valuable to the firm because of the practical opportunities gained through practice-oriented courses and required practica. They may be more inclined to offer articling positions.

The TWU School of Law will have an Articling Coordinator who will assist students to find articling placements and seek out new articling placements for graduates.

IV. The School of Law Juris Doctor (J.D.) Program

The three year J.D. curriculum, 90 semester hours, has been developed in accordance with the requirements set out in the Federation of Law Societies of Canada Common Law Degree Implementation Committee Final Report (August 2011). See Appendix Fifteen for a table detailing how the National Standards established in the Final Report are achieved in the curriculum.

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\(^{15}\) Ibid., iii.

A. OBJECTIVES

The innovative J.D. curriculum is designed to build skills within the context of law as public service. The J.D. program will:

1) focus on professionalism, practice competence, and high ethical standards;

2) integrate practical assignments;

3) emphasize leadership and character development; and

4) integrate a Christian worldview.

B. HOW THE OBJECTIVES ARE ACHIEVED IN THE CURRICULUM DESIGN

1. Each course will have a focus on professionalism, practice competence, and high ethical standards. This focus will begin during Orientation Week. A required first year course, LAW 508, Introduction to Practice Skills and the Practice of Law, introduces students to professionalism and ethics. There will also be a required second year course, LAW 602, Ethics and Professionalism, that examines and applies these concepts more fully. In third year, students will be required to take the capstone LAW 706, Jurisprudence course and LAW 707, Practice Management.

2. School of Law faculty will be encouraged to integrate practical assignments into all courses. For example, students must draft contracts in LAW 502, Contract Law. They will be required to walk through all the steps to incorporate a company in LAW 703, Business Organizations. While understanding the theoretical principles is important for all law students, students also should experience what lawyers do when they practice law. Students will, therefore, be required to complete three practica over the course of the program with the expectation that this will integrate the real-world practice of law with the theoretical study of law.

3. TWU has a strong focus on leadership and character development. This focus is particularly relevant to the J.D. program in that lawyers are leaders in their communities and through their profession. Leadership development is infused throughout the university, among faculty, and through the entire student life program, and will be integrated into the J.D. curriculum. Leadership will be emphasized in the first year mentoring relationships. As well, leadership will be addressed in LAW 602, Ethics and Professionalism, where students will be encouraged to understand the practice of law as public service and their role as professionals as leaders with their clients and in the community.
4. TWU was chartered by the Province of British Columbia to provide to students of diverse backgrounds a university education “with an underlying philosophy and viewpoint that is Christian” (*Trinity Junior College Act*, SBC 1969, c 44, s 3(2)). The program faculty will respect all students’ views and beliefs while integrating a Christian worldview into all courses. They will encourage all students to see the profession of law as a high calling in a life of service to God and to the community.

C. ADMISSION AND GRADUATION REQUIREMENTS

1. Admission

Entrance to the J.D. program will be determined by an Admissions Committee consisting of the Dean of the School of Law, three faculty members, and a student representative elected by the student body.

Applicants must have a degree from a recognized university or at a minimum have completed three years (90 semester hours) of study towards that degree having achieved a minimum GPA of 3.0 (or equivalent).

All applicants must complete an application form that lists work, leadership experience and community involvement, a personal statement, two academic references, transcripts and their LSAT score before a final decision will be made with respect to admission.

Grade Point Average (GPA) and the Law School Admissions Test (LSAT) will be two key factors in selecting students for admission. Other factors such as the personal statement, work experience, community involvement, public service, and leadership experience will also be considered. An interview with the Admissions Committee may be required.

If an applicant has written multiple LSAT exams the average score will be used. No LSAT score taken five years or more before the date of a candidate’s application will be considered by the Admissions Committee.

A rolling admissions process will be used with first offers being made in November. The application deadline will be February 1 for admission to that year’s incoming September cohort.

Up to five of the 60 places available will be reserved for exceptional applicants who may have a somewhat lower GPA and LSAT but elect to qualify for admission through the Special Access category. Special Access is designed for students who have had their academic careers impacted...
by factors beyond their control and who are able to demonstrate strength in related endeavors. Applicants in the Special Access category will still be evaluated by GPA and LSAT but a greater weight will be placed on other factors such as leadership ability, work experience, community involvement and public service. In all cases applicants being considered in the Special Access category will be interviewed by the Admissions Committee either in person or by telephone.

Students are annually required to read, understand and pledge to the terms of the Community Covenant Agreement prior to registering for classes.

2. Transfer

A limited number of students will be accepted from other law schools. Transfer students must meet the requirements for admission noted above and have a minimum GPA of 2.75 in the course of studies at law school. The law courses completed must be compatible with the TWU School of Law curriculum. In the Application for Transfer, students must submit all materials necessary for Application as well as a statement on why they wish to transfer. Transfer students must complete two years of study at TWU School of Law to be eligible for graduation from Trinity Western University.

3. Graduation

To graduate from the J.D. program, graduates must successfully complete a minimum of 90 semester hours with an overall GPA of at least 2.75/4.3. The 90 semester hours will include required and elective courses and internships as set out in the Program Requirements section. It is expected that students will complete the program in six terms of study.

D. PROGRAM REQUIREMENTS

The J.D. curriculum is designed to build skills within the context of law as public service. Each course will have a focus on professionalism, practice competence and high ethical standards. This focus will begin during Orientation Week. A required first year course, LAW 508, Introduction to Practice Skills and the Practice of Law, introduces students to professionalism and ethics. There will also be a required second-year course LAW 602, Ethics and Professionalism. In third year, students will be required to take the capstone LAW 706, Jurisprudence course and LAW 707, Practice Management.

As with most law schools across Canada, TWU’s first-year program will have a strong focus on learning to read and analyze case law. The first-year program will focus on understanding the legal system, recognizing authoritative legal sources, reading and analyzing cases, and becoming aware of the ethical calling of the practice of law.
During Orientation Week, students will take LAW 501, Introduction to Law, a concentrated course in understanding the legal system and how to read a law case. Throughout the first semester, students will also take LAW 507, Fundamentals of Canadian Law, to gain an understanding of how the Canadian legal system functions.

First-year students will be matched with a practitioner mentor for the first year. Mentors will be asked to invite students to their law firm to help them see first-hand how a law practice works and the ethical and professional framework at work in law offices. It will be up to the mentors and students if they wish to continue the mentoring relationship throughout law school.

As with most first-year law school programs across the country, all courses will be compulsory.

Note that the size of all first-year classes will intentionally be kept to approximately 30 students or less (so that there will be two sections of each class) in order to ensure a high degree of classroom interaction. LAW 507, Fundamentals of Canadian Law, includes the legal research component and writing lab while LAW 508, Introduction to Practice Skills and the Practice of Law includes the moot court.

Each student in first year will be required to complete a practicum, not for credit, either during the academic year or during the summer between first and second year. There will be an approved list of such practica, including: junioring an upper-year clinic student, participating in a familiarization tour and writing a report (visiting a prison as part of criminal law, for example) or completing a research report for a non-governmental organization.

The upper-year courses will each integrate a practice approach. Professors will be encouraged to ensure that each course includes assignments that include real-world issues or problems. The upper year courses will centre on practice-related courses, such as those required for sole or small firm practice. Students are required to take 20 courses in their combined second and third years of the J.D. program. With the exception of LAW 602, Ethics and Professionalism, which must be taken in second year and LAW 706, Jurisprudence, intended to be a capstone course for the J.D. program, which must be taken in third year, the remaining eight compulsory courses can be taken in any of the four terms of second and third year.

While understanding the theoretical principles is important for all law students, we believe that students should also experience what lawyers do when they practice law. Students will, therefore, be required to complete three practica over the course of their years in the J.D. program with the expectation that this will integrate the real-world practice of law with the theoretical study of law.
Juris Doctor Program Requirements

A. Required Courses – 60 Semester Hours

<table>
<thead>
<tr>
<th>COURSE NUMBER</th>
<th>COURSE NAME</th>
<th>S.H.</th>
<th>NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAW 501</td>
<td>Introduction to Law</td>
<td>0</td>
<td>Orientation</td>
</tr>
<tr>
<td>LAW 502</td>
<td>Contract Law</td>
<td>5</td>
<td>New course (full year)</td>
</tr>
<tr>
<td>LAW 503</td>
<td>Tort Law</td>
<td>5</td>
<td>New course (full year)</td>
</tr>
<tr>
<td>LAW 504</td>
<td>Constitutional Law</td>
<td>5</td>
<td>New course (full year)</td>
</tr>
<tr>
<td>LAW 505</td>
<td>Property Law</td>
<td>5</td>
<td>New course (full year)</td>
</tr>
<tr>
<td>LAW 506</td>
<td>Criminal Law</td>
<td>5</td>
<td>New course (full year)</td>
</tr>
<tr>
<td>LAW 507</td>
<td>Fundamentals of Canadian Law: Common Law and Statutory Instruments</td>
<td>2.5</td>
<td>New course (one semester)</td>
</tr>
<tr>
<td>LAW 508</td>
<td>Introduction to Practice Skills and the Practice of Law</td>
<td>2.5</td>
<td>Includes first-year practicum and moot court. New course (one semester).</td>
</tr>
<tr>
<td>LAW 601</td>
<td>Practicum</td>
<td>0</td>
<td>New course</td>
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<td>LAW 602</td>
<td>Ethics and Professionalism</td>
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<td>LAW 706</td>
<td>Jurisprudence</td>
<td>3</td>
<td>Capstone course. New course.</td>
</tr>
<tr>
<td>LAW 707</td>
<td>Practice Management</td>
<td>3</td>
<td>New course</td>
</tr>
<tr>
<td>LAW 708</td>
<td>Real Estate Law</td>
<td>3</td>
<td>New course</td>
</tr>
<tr>
<td>LAW 709</td>
<td>Wills and Trusts</td>
<td>3</td>
<td>New course</td>
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<td><strong>60</strong></td>
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</tbody>
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B. Electives – 30 Semester Hours

To complete their second and third-year course requirements, students may complete 10 courses from the following list. Students may choose to complete a specialization as part of their elective requirements (C.).

<table>
<thead>
<tr>
<th>COURSE NUMBER</th>
<th>COURSE NAME</th>
<th>S.H.</th>
<th>NOTES</th>
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<tbody>
<tr>
<td>LAW 611</td>
<td>Aboriginal Law</td>
<td>3</td>
<td>New course</td>
</tr>
<tr>
<td>LAW 612</td>
<td>Advanced Advocacy</td>
<td>3</td>
<td>New course</td>
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<tr>
<td>LAW 613</td>
<td>Alternative Dispute Resolution</td>
<td>3</td>
<td>New course</td>
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<tr>
<td>LAW 614</td>
<td>Bankruptcy and Insolvency Law</td>
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<td>New course</td>
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<td>LAW 615</td>
<td>Charities and Not-for-Profits Law</td>
<td>3</td>
<td>New course</td>
</tr>
<tr>
<td>LAW 616</td>
<td>Client Relations and Interviewing Skills</td>
<td>3</td>
<td>New course</td>
</tr>
</tbody>
</table>
LAW 617   Commercial Law    3 New course
LAW 618   Conflict of Laws    3 New course
LAW 619   Consumer Law    3 New course
LAW 620   Debtor and Creditor Law   3 New course
LAW 621   Employment and Labour Law   3 New course
LAW 622   Environmental Law    3 New course
LAW 623   Family Law    3 New course
LAW 624   Financial Institutions    3 New course
LAW 625   Health and Elder Law    3 New course
LAW 626   Human Rights Discrimination Law   3 New course
LAW 627   Immigration and Refugees Law    3 New course
LAW 628   Insurance Law    3 New course
LAW 629   Intellectual Property Law    3 New course
LAW 630   International Law    3 New course
LAW 631   Landlord and Tenant Law   3 New course
LAW 632   Municipal Law    3 New course
LAW 633   Natural Resource Law    3 New course
LAW 634   Advanced Negotiation    3 New course
LAW 635   Remedies    3 New course
LAW 636   Religion and the Law    3 New course
LAW 637   Securities Law    3 New course
LAW 638   Tax Law    3 New course
LAW 639   Advanced Tax Law    3 New course
LAW 640   Special Topics in Law    3 New course
LAW 641   Individual Directed Research    3 New course
LAW 642   External Moots    3 New course
LAW 701   Practicum    3-6 New course

C. Optional Specializations – 9 Semester Hours
To receive a specialization, students must complete the required courses and three of the six elective courses. In addition, students must complete one of their three practica requirements in the area of their specialization.

<table>
<thead>
<tr>
<th>COURSE NUMBER</th>
<th>COURSE NAME</th>
<th>S.H.</th>
<th>NOTES</th>
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</thead>
<tbody>
<tr>
<td>LAW 614</td>
<td>Bankruptcy and Insolvency Law</td>
<td>3</td>
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<tr>
<td>LAW 617</td>
<td>Commercial Law</td>
<td>3</td>
<td>Required</td>
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<tr>
<td>LAW 619</td>
<td>Consumer Law</td>
<td>3</td>
<td></td>
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<tr>
<td>LAW 620</td>
<td>Debtor and Creditor Law</td>
<td>3</td>
<td></td>
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<tr>
<td>LAW 621</td>
<td>Employment and Labour Law</td>
<td>3</td>
<td>Required</td>
</tr>
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E. COURSE DESCRIPTIONS

1. Required Courses

**LAW 501  Introduction to Law  (0 semester hours)**
This course introduces students to law, the legal system and the legal profession. It will teach students the basic skill of how to read and analyze a case. By the end of Orientation Week, students should be able to write a basic case brief.

**LAW 502  Contract Law  (5)**
This course sets out the rules for the formation of legally binding contractual relationships. The course will cover the formation and interpretation of contracts. Further, it will cover the enforcement of contracts including the remedies available in the event of a breach of contract. This is a full year course.

**LAW 503  Tort Law  (5)**
Tort law is a foundational component of the common law system beginning as a system covering legal wrongs between private individuals. Today tort law has evolved into a complex body of law encompassing interactions between public and private entities. This course will cover the common law claims and defences for intentional torts such as assault, battery, false imprisonment, trespass and nuisance. Further, it examines the area of negligence. Other topics which will be examined include strict liability, defences, the assessment of damages and modern alternatives to tort law such as statutory compensation. Students will look critically at legal
actions involving carelessness and recklessness. Students will critically examine the role of torts in society and explore new developments in Canadian tort theory. This is a full year course.

**LAW 504 Constitutional Law (5)**
Canada is governed by a variety of documents collectively called “the Constitution.” The first half of this course covers the “division of powers”; that is, the law that governs the relationship between different levels of government in Canada. The intended clear division between federal and provincial powers by the founding fathers of Confederation has been made more complex by new inventions, developments and circumstances such as aeronautics, telecommunications and commercial realities of the twenty-first century. The second half of the course will focus on the *Canadian Charter of Rights and Freedoms* and examine its application and interpretation. This will include an examination of the principles of human rights and Charter values. This is a full year course.

**LAW 505 Property Law (5)**
Canadian society, indeed Western society, places a high value on the ownership of property, including both land and things. This first part of the course examines the rules governing possession and ownership of real property (land). The second part of the course examines the rules governing possession and ownership of personal property (things). It will also examine the social context for use and ownership of property. This is a full year course.

**LAW 506 Criminal Law (5)**
This course examines the general principles of liability in Canadian criminal law as applied in the criminal trial process. Students will learn the legal elements of a crime and will use the *Criminal Code* to consider the elements of specific offences. Students will be provided with an introduction to common law and statutory defences as well as an overview of the process by which these various elements are proved in court. This course also canvases basic concepts, principles and institutions of criminal procedure, as well as focuses on the review of the most important rules governing the criminal process from the investigative phase through the laying of charges until conviction, sentencing and beyond. The student who successfully completes the course will have a good understanding of the norms of procedure set out in the *Criminal Code* and related statutes, as well as the procedural rights guaranteed by the *Charter of Rights and Freedoms*. This is a full year course.

**LAW 507 Fundamentals of Canadian Law: Common Law and Statutory Instruments (2.5)**
In this course, students will become familiar with the principles of the common law system, including the doctrines, principles and sources of the common law, how it is made and developed and the institutions within which law is administered in Canada. It further examines how laws are made and the principles of legislative interpretation and statutory analysis. It will also
examine how regulations are made under legislation and the relationship between legislation and regulations. Legal research will be a component of this course.

**LAW 508  Introduction to Practice Skills and the Practice of Law  (2.5)**
Beyond understanding legal principles, the lawyer must master a variety of skills to use in private practice, many of which are more relational and creative (right-brained) than cognitive and linear (left-brained). This course introduces students to professionalism, engaging with clients, the art of negotiation and advocacy (both written and oral) in the context of representing clients. It will include the first year practicum and a moot court.

**LAW 601  Practicum  (0)**
Upper year students must complete two practica. Law 601 will not be for credit but can include a broad range of possible placements.

**LAW 602  Ethics and Professionalism  (3)**
Is law a calling, a job or a business? The lawyer, as a professional, is governed by a professional body of peers that establishes a code of conduct and general practices. This course focuses on the practice of law as public service and addresses the question of what does it mean to be a professional? It will also address the principles of ethical practice, particularly issues covered by the Code of Ethics. It challenges students to reconcile their personal and professional beliefs within a framework of service to clients and community while respecting and performing their professional obligations and responsibilities.

**LAW 701  Practicum  (3)**
Upper year students must complete two practica. Law 701 will be a supervised practicum for academic credit.

**LAW 702  Administrative Law  (3)**
Administrative law broadly covers the exercise of government power excepting that of criminal law powers. It regulates how governments exercise their authority, including both political and administrative authority. Administrative law addresses both direct exercise of government decision-making and the host of tribunals governments establish. This course will cover the rules governing how governments make decisions and carry them out as well as the procedures to challenge those decisions, including judicial review. Students will have the opportunity to visit a tribunal hearing.

**LAW 703  Business Organizations  (3)**
This course will cover all aspects of business organizations from sole proprietorships to partnerships to corporations. The first question posed will be, “what type of business organization
is best?” Students will be required to complete all phases of incorporating and dissolving a corporation. They will also cover the legal effect of incorporation, responsibilities of directors, control and management of corporations and minority shareholder rights.

**LAW 704 Civil Procedures (3)**
An inquiry into the functions of a modern procedural system with specific consideration of the extent to which the litigation process aids in the achievement of just, speedy and economic resolutions of justiciable conflicts. Students will be introduced to the basic structure of a civil action and major items for consideration throughout the development of civil litigation. In the result, such matters as the expenses of litigation, jurisdiction, initial process, pleadings, amendment, joinder, discovery, disposition without trial and alternatives to adjudication will be discussed.

**LAW 705 Evidence (3)**
This course surveys the history of rules of evidence in Canadian law. The course introduces students to principles of admissibility, relevance, types of witnesses, written versus oral evidence and the use of demonstrative evidence in court and tribunal proceedings in Canada. It also examines concepts and rules relating to burdens of proof, presumptions, exclusionary rules, ethical issues in the law of evidence and the effects of the *Canadian Charter of Rights and Freedoms* on the law of evidence.

**LAW 706 Jurisprudence (3)**
Canadian law took shape from its British and French origins, both of which were heavily indebted to a Judeo/Christian understanding of law. This course explores the philosophical, social, historical, political, and religious underpinnings of the law and legal systems. Key questions include, “what is law?” and “do we have an obligation to obey the law?” Recurrent themes include the relationship between law and morals, legal reasoning and logic, and the relationship between law and liberty. The course will challenge students to understand, first through an historic lens, the development of notions of justice, fundamental rights of persons, and the use of force and punishment in society. Then the course will examine modern and postmodern legal theories as they affect current legal and ethical problems in Canadian and international discourse.

**LAW 707 Practice Management (3)**
The private practice of law is both a profession (calling) and a business; lawyers live and manage this tension on a daily basis. This course will introduce students to the business and administrative aspects of a law practice while keeping in view the duties owed by a lawyer to clients and the state. The class sessions will be highly interactive with many “hands on” experiences in the use of practice management tools and processes.
LAW 708 Real Estate Law (3)
This fundamental course will familiarize students with the mechanics and legalities of a real property transaction from its inception to post completion. The course examines the legal structure, the legal problems and the legal remedies associated with commercial transactions involving the sale, mortgaging and leasing of real estate. We will examine the agreement of purchase and sale that is the foundation of every real estate transaction, what should be included in it, how it should be drafted, how it is completed and what remedies are available for its breach. Other issues that will be examined include the two systems of land registration, real estate agents duties, mortgages and other security, development-related issues, leases, easements, title insurance, fraud and solicitor’s opinions.

LAW 709 Wills and Trusts (3)
Students will understand the rationale and principles for preparing wills and have an opportunity to draft one. They will also understand the consequences of not having a will. The rules governing the administration of estates, particularly, the terminal tax return, rules governing matrimonial property, the care of dependants and distribution of assets. So-called “living wills” and issues around incapacity and substitute decision-makers will also be covered. Students will become familiarized with the law of trusts and their formation, benefits, regulation and taxation. The role and responsibilities of trustees will also be addressed.

2. Elective Courses

LAW 611 Aboriginal Law (3)
Aboriginal peoples in Canada belong to more than 50 nations. This course will examine the historical development of treaty rights and aboriginal title. It will consider the complex issue of self-government and aboriginal justice. Students will examine the Indian Act along with federal government proposals for amendment. As well, students will examine the legal cases involving aboriginal rights.

LAW 612 Advanced Advocacy (3)
The lawyer is an advocate. Students will learn to write effective legal arguments and how to express themselves persuasively. Students will be required to prepare written submissions, including a factum, and argue a moot court.

LAW 613 Alternative Dispute Resolution (3)
While most of the emphasis and popular attention in the arena of dispute resolution has focussed on litigation and the drama of the courtroom, increasingly, in practice, disputes are managed and resolved outside of trial. Lawyers who are assisting clients with disputes have an array of options.
available to them including negotiation, mediation, arbitration and litigation, each of which is useful and appropriate in different circumstances. This course will focus on the “alternative” dispute resolution options with a balance of theory and practice.

**LAW 614 Bankruptcy and Insolvency Law (3)**
Bankruptcy and insolvency law assumes an important economic and social role in contemporary credit economies. The course will consider liquidation and reorganization as the two basic approaches to bankruptcy and focus on three legislative arenas: the *Bankruptcy and Insolvency Act* (BIA), the *Companies’ Creditors Arrangement Act* (CCAA) and relevant provincial legislation. Students will become familiar with the fundamentals of the business and personal bankruptcy process including the various actors in the system. This course will familiarize students with monetary obligations, the rights and obligations of creditors and debtors, priorities among creditors, and certain restrictions on the discharge in bankruptcy of categories of debt. Students will apply the relevant statutory framework and case law to fact patterns in each stage of the bankruptcy process. The course will consider the broader public policy and institutional interests at play.

**LAW 615 Charities and Not-for-Profits Law (3)**
This course examines the special legal principles which apply to charities and not-for-profit corporations, with particular emphasis on the new federal and provincial not-for-profit legislation. It will cover incorporation, fundraising, taxation, and governance issues.

**LAW 616 Client Relations and Interviewing Skills (3)**
The practice of law is driven by the needs of clients. This course gives students practical skills for interviewing and advising clients, using a client-centred approach. It will help students understand the needs of clients during transactions and during challenges such as litigation. Students will discuss issues such as professionalism and ethical issues. Over half of the course time will be in practice scenarios.

**LAW 617 Commercial Law (3)**
Commercial law is that branch of private law concerned primarily with starting a business, financing a business, and the supply of goods or services by merchants and other businesses for profit. Commercial law includes such topics as sale of goods, bailment and carriage of goods, documents of title and negotiable instruments, banking, the various forms of secured credit and an introduction to the law of insolvency and bankruptcy. This course therefore provides the student with a basic understanding of the law affecting the operation of any business doing commercial transactions.
LAW 618 Conflict of Laws (3)
This practical course considers the increasingly prevalent issue of conflict of laws. The course will consider which court has jurisdiction to decide a case, what law should apply to the dispute, and whether the judgment will be recognized and enforced. Students will be introduced to common scenarios faced by lawyers in the context of globalization. The course will engage students in applying the Canadian rules of conflict of laws to problem-solving exercises drawn from all private law areas, including torts, contracts, property, succession and family law. This course will analyze Canadian rules of conflict of laws and equip students to assess legal situations that engage multiple jurisdictions, particularly the US and Asia.

LAW 619 Consumer Law (3)
This course focuses on the consumer law relating to the sale of goods and services, including an examination of the Sale of Goods Act and the Business Practices and Consumer Protection Act. Students will have an opportunity to develop practical problem-solving skills by applying relevant authority to contemporary scenarios. Students will also be introduced to the Vienna Convention on the International Sale of Goods.

LAW 620 Debtor and Creditor Law (3)
This course provides an examination of the methods by which unsecured creditors may enforce money judgments. There will be an overview of the general principles and forms of relief offered by provincial and federal legislation. A review will also be made of exemptions from enforcement that are available to debtors as well as other legal rights accorded to debtors after judgment. The course will be a combination of lecture, case analysis, and discussion of practice problems.

LAW 621 Employment and Labour Law (3)
All aspects of the employment relationship will be covered in this course including the employment relationship, the contract, implied rights and obligations and terminating the employment relationship. As it is termination of employment that is most frequently litigated, it will be examined in detail including constructive dismissal, reasonable notice, dismissal for cause and damages. Human rights legislation, as it applies to employment, will also be a significant topic. This course also addresses the relationship between management and labour when there is a union. It will include the historical development of unions in Canada. It will also cover all aspects of unionization including certification, bargaining in good faith, the collective agreement and industrial conflict.

LAW 622 Environmental Law (3)
This course examines the regulatory framework for environmental law, including federal and provincial jurisdictions. As well, it addresses the wide variety of environmental issues, including pollution, biodiversity and climate change.
LAW 623 Family Law (3)
The family is said to be the basic building block of society. This course will examine the state’s regulation of the family and critically assess whether state regulation has changed the family or responded to social changes. It will also include an assessment of the current challenges in family law, especially the backlog in the courts, and alternative dispute resolution and mediation as alternatives.

LAW 624 Financial Institutions (3)
This course examines the law relating to banks and other deposit-taking institutions, such as credit unions. Particular emphasis will be on the regulatory framework, the bank and customer relationship and clearing systems such as ACSS, LVTS, Interac, credit cards and third party payment providers.

LAW 625 Health and Elder Law (3)
This course introduces students to the law relating to the Canadian health care system with a particular focus on care for the elderly. The first half of the course will cover the regulation of the health care system including health care professionals, informed consent to medical treatment, malpractice, confidentiality and disclosure of health information. The second half of the course will address specific issues related to our aging population, including mental disability, substitute decision-making and end-of-life decision-making.

LAW 626 Human Rights and Discrimination (3)
This course examines the historical roots for human rights legislation in Canada. Students will examine the structure of the human rights codes in terms of prohibited grounds and specific discriminatory practices. It will include critically examining human rights procedure, including the transition of provinces like British Columbia and Ontario to new systems that change the role of the Human Rights Commissions.

LAW 627 Immigration and Refugees Law (3)
Canada is largely a country of immigrants. This course will cover the regulatory framework for immigration to Canada. It will also critically assess the issues raised by Canadian immigration policy. As well, students will be introduced to the international and national rules governing refugees.

LAW 628 Insurance Law (3)
This course will examine the theory and elements of the practice of insurance law, with reference to the most common forms of both first party and third party insurance: property, life and motor vehicle insurance. It will cover the basic theory of insurance as a loss spreading mechanism; the
nature of insurance contracts; the insurance industry; principles of indemnity insurance; the duty of good faith and obligation of full disclosure; and the claims process. It will also cover selected issues on interpreting insurance policies.

LAW 629  Intellectual Property Law  (3)
Intellectual property laws protect ideas, creativity and designs. These are protected by patents, trademarks, copyright and industrial design. This course will examine the rules governing each of these, the protection they offer and enforcement of each of these protections. Other rules and remedies, such as passing off, will also be covered.

LAW 630  International Law  (3)
This course will cover the sources, development and institutions of international law. It will address the relationship between international law in its customary and conventional forms and the domestic laws of Canada. Trade, investment, peace and security and international human rights will be canvassed. Students will have the opportunity to assess bilateral and multi-lateral international agreements including the NAFTA, WTO and UN Agency-generated treaties.

LAW 631  Landlord and Tenant Law  (3)
This course considers the essential landlord-tenant relationship in both residential and commercial contexts. It introduces students to the critical legal elements of the relations, including the requirements for the formation of a valid agreement, the rights and duties of the parties under the agreement, and remedies for breach. Students will become familiar with the statutory regimes governing landlord-tenant relationships. The course will provide opportunities for students to critically assess commercial and residential tenancy agreements for compliance with the relevant statutory provisions. Students will also engage in problem-solving exercises in order to advise clients on the best course for pursuing remedial action.

LAW 632  Municipal Law  (3)
Issues of development and planning have become increasingly controversial. This course is an introduction to the basic structure, functions and powers of municipal or local governments. It will start with where municipal governments get their powers and how they make by-laws. It will include municipal taxation. A significant part of the course will focus on municipal planning and land use.

LAW 633  Natural Resource Law  (3)
The course begins with an overview of the development of Canadian natural resource law, including some underlying philosophies, principles and ethics. This foundation will lead to an examination of the natural resource law framework in Canada from federal, provincial, municipal and Aboriginal perspectives. The course will also explore the legislation and common
law principles that govern natural resource protection, compliance, enforcement and liability for natural resource harm, natural resource rights, public participation and environmental assessment. Emphasis will be placed on the specific example of forestry, but will also include mining, oil and gas and fisheries.

LAW 634 Advanced Negotiation (3)
This skills-based course will develop negotiating theory and skills through practical assignments and readings on negotiation theory. Each week, students will have opportunity to participate in a practice scenario and to analyze the results. Coaching and peer input will be provided.

LAW 635 Remedies (3)
This course introduces students to legal and equitable remedies in the area of private law, predominantly torts, property and contract law. The class will emphasize principles governing remedial selection. Students will become familiar with the range of remedial options available in law, and will practice developing creative strategies to best meet clients’ needs. The course will provide opportunities for students to apply their learning by analyzing problems, drafting opinion letters, and offering client advice in a client counselling session.

LAW 636 Religion and the Law (3)
This course examines the relationship between religion and the state in a wide variety of contexts. Chief Justice McLachlin noted that “both law and religion are comprehensive doctrines,” that is, they place total claims on lives of citizens and adherents. This will inevitably lead to conflicts. Specific focus will be on Canada and will include human rights, regulation of religious institutions and accommodation of religious difference.

LAW 637 Securities Law (3)
This course covers securities regulation, predominantly through the raising of funds for corporate development through selling securities to the public. The course will focus specifically on the B.C. Securities Act. The course will include registration requirements for persons trading in securities, prospectus requirements to trade in securities, exemptions from the prospectus requirement, restrictions on the resale of securities, remedies for failure to comply with securities legislation, continuous disclosure requirements and take-over bid legislation.

LAW 638 Tax Law (3)
This course covers the fundamental principles, concepts, and application of Canadian federal income tax legislation. Topics include the concepts of income and liability for tax; income from employment, business, and property; shareholder benefits; deductions; capital gains and losses; computation of taxable income and tax planning for individuals. The course emphasizes
understanding of the conceptual structure of the *Income Tax Act* and the application of its rules to practical cases.

**LAW 639  Advanced Tax Law  (3)**
This advanced course covers the principles of taxation that apply to entities other than individuals. It surveys tax implications that apply to corporate reorganizations, tax planning, and the application of tax principles and concepts to complex tax situations like trusts, partnerships, and corporations. Topics include shareholder benefits; transfer of property to corporations; anti-avoidance and other rules; purchase or sale of a business; partnerships; death; trusts; and intra-family property transfers.

**LAW 640  Special Topics in Law  (3)**
To be established where faculty expertise exists.

**LAW 641  Individual Directed Research  (3)**
To be established where student interest exists.

**LAW 642  External Moots  (3)**
To be established when student teams participate in external moots.

For new course outlines, see Appendix Eight.

**F. PROGRAM DELIVERY**

The program will be delivered mainly through the classroom, supplemented by mentoring and practica. The size of all first year classes will intentionally be kept to approximately 30 students or less (so that there will be two sections of each class) in order to ensure a high degree of classroom interaction. The majority of first year courses will be taught as full year courses with upper year courses as one semester courses.

The program emphasizes practical experience. Supervised practica may include the legal aid clinic, competitive moot, or a pro bono placement with an NGO such as the Red Cross, International Justice Mission, Amnesty International, Christian Legal Fellowship or Christian Prison Fellowship. Non-credit placement, which can be paid, may include a summer job with law firm, a summer placement with government, a courthouse or tribunal placement, correctional services, legal research for an NGO, or a political office. TWU has a small campus in Ottawa, the Laurentian Leadership Centre (LLC), which will offer practicum opportunities for students in the summer months with federal government, political offices and NGOs.
Students in the J.D. program will be able to accrue practicum experience through the pro-bono legal clinic TWU plans to establish with the partnership of a charitable organization serving the less fortunate in Vancouver and the Fraser Valley. Many clients of this type of organization have legal issues and often do not have the resources to get the assistance of a lawyer. Students working in the clinic will work one day a week under the supervision of a staff lawyer.

**G. LEGAL CLINIC**

TWU proposes to establish a pro bono legal clinic with the partnership of a charitable organization serving the less fortunate in Metro Vancouver and the Fraser Valley. Many clients of this type of organization have legal issues and often do not have the resources to get the assistance of a lawyer.

Students working in the clinic will work one day a week under the supervision of a staff lawyer. The legal clinic will be developed once approval for the TWU School of Law is granted. An expression of interest from Union Gospel Mission in the downtown east side is included with the Letters in Support in Appendix Seven.

**V. The Facilities Plan**

**A. DEVELOPMENT PROCESS**

The proposed School of Law will be housed in a new state of the art building (the “School of Law Building”). The School of Law Building will be a spacious and inviting building (see Appendix Ten for a cost estimate). It will have a prominent presence on the campus and will become a “signature” building for Trinity Western University. The proposed building is a “live-learn centre,” meaning that there are dormitory facilities included in the building. While not all students will be able to take advantage of on-site dormitory facilities, those who do will have an enhanced community experience.

Appendix Eleven includes preliminary concept drawings. These drawings are based on research conducted on existing law school buildings in Canada and the U.S. The preliminary concept drawings have been drafted to ensure there are adequate classrooms and other facilities to properly offer the number and type of courses in the proposed J.D. program. TWU has been advised that, including the six months for architectural drawings, the School of Law Building could likely be completed in 18 months to two years from the date that approvals are provided.
B. THE SCHOOL OF LAW BUILDING

In particular the School of Law Building will include the following:

Spacious Lobby/Student Commons
People arriving at the School of Law Building will enter into a spacious lobby area. This lobby area or student commons will include a number of seating areas. It will be designed to create a welcoming and warm atmosphere for students and visitors.

Student Collegium
The School of Law Building will include a student collegium (lounge) modelled after the successful Graduate Collegium at TWU. The collegium will include comfortable seating, a partial kitchen area, coffee machine, computer stations with printers etc.

Law Library
The Law Library will be housed on two floors in approximately 14,250 square feet of space. The Law Library is more fully described in the Library Plan (Section VII below).

State of the Art Moot Court Room/ Lecture Theatre
This 2,200 square foot, 200 seat, high quality, lecture theatre will be designed to simulate a large courtroom. It will provide a fully equipped mooting facility but also will be useable for overall School of Law events, special lectures, law conferences and larger classes.

Large Classroom
This more general classroom will seat up to 75 students.

Skills Training Facility (Client Meetings, Witness Interviews, Negotiation and Mediation)
This multi-purpose room will be designed to assist students to develop some of the practical skills needed in the practice of law. This room will be used to teach interviewing, negotiation and mediation skills. It will include an observation area.

Two Medium (45 Seat) Classrooms
The School of Law Building will include two medium-sized classrooms designed for classes with up to 45 students.

Six Breakout/Meeting/Small Classrooms
Six breakout, meeting or small classrooms will be strategically located throughout the School of Law Building.
Executive Meeting Room
This 30 seat executive meeting room will be designed in boardroom style. It will be used for staff and faculty meetings and other School of Law business.

Faculty and Staff Offices
The School of Law Building office area will include 20 offices for full-time and adjunct faculty and staff. One office will be larger and executive-style to be used by visiting judges, lawyers or other visiting scholars. The office area will also include adequate space for School of Law staff.

Dean’s Office
The Dean’s Office will incorporate a professional meeting area for six to eight people.

Faculty Lounge
A faculty lounge will be included in the office area. This will be designed to encourage a collegial atmosphere between faculty members. It will include a comfortable seating and a partial kitchen.

Articling and Career Centre
An Articling and Career Centre will be maintained to provide students with information and advice on a range of career goals and opportunities, with a particular focus on articling placements. In particular, the Articling and Career Centre will run a variety of programs to prepare students for summer, articling, and clerking positions. It will also have an outreach function in working with small law firms to develop new articling positions.

Law Student Association Office
It is anticipated that the TWU School of Law will include a Law Student Association. While formation of such an association will be at the discretion of law students, space has been allocated for this purpose.

VI. The Law Library Plan

A. OVERALL LIBRARY OBJECTIVES

The library plan will be developed in accordance with the Canadian Academic Law Library Standards, which is included in Appendix Twelve.

The School of Law will maintain a law library that is an active and responsive force in the educational life of the law school. The law library’s effective support of the School of Law’s teaching, scholarship, research and service programs will require a direct, continuing and informed relationship with the faculty, students and administration of the School of Law.
The law library shall have sufficient financial resources to support the School of Law’s teaching, scholarship, research, and service programs. These resources shall be supplied on a consistent basis. The School of Law will keep the law library abreast of contemporary technology and adopt it when appropriate. The law library will have its own librarian and staff, sufficient to meet the needs of faculty and students.

B. THE LAW LIBRARY FACILITY

The law library will be housed in approximately 14,250 square feet within the new School of Law Building. It is recognized that this space allocation is lower than other Canadian law school libraries. However, given the vast availability of legal resources in an electronic format, and the availability of interlibrary loans, this will provide faculty and students more than adequate access to legal resources.

The law library will include 75 computer stations and study carrels. Law students will be given priority for the use of these computer stations/study carrels.

C. LAW LIBRARY POLICIES AND COLLECTIONS POLICY

Approximately 12 to 15 months prior to the opening of the School of Law the Director of the Law Library (see position description at Appendix Thirteen) will be hired. The Director will be tasked to develop within three months the administration and staffing structure, overall library policy and collection policy for the law library. The collection policy will be based on research of collection policies at other Canadian law schools and on the Canadian Academic Law Library Standards (see Appendix Twelve). In particular the collections policy will include the following:

- An Overall Law Library Mission Statement
- Funding Policies and Requirements
- Law Library Coverage Levels and Priorities
- Resources Evaluation Criteria

D. ACQUISITION OF RESOURCES

In accordance with the collections policy, the Director will begin the acquisition of electronic, media and print resources approximately one year prior to the opening of the School of Law. An initial budget of $2 million has been established for the creation of the Law Library with $1,750,000 allocated for monographs and $250,000 for electronic databases. (It is recognized that electronic resources will require annual funding for licence renewals with a component allocated for rate increases). The university currently has subscriptions for several electronic
databases that will be used by law students, including Quicklaw, JSTOR and EBSCOhost. TWU is cognizant that this budget is an estimate only and may need to be adjusted as the acquisition phase proceeds.

E. RESOURCE SHARING AGREEMENTS

The Norma Alloway Library at TWU is a full participant in the InterLibrary Loan system. The law library will also provide access to resources beyond TWU through resource sharing agreements with other academic law libraries in Canada and the United States.

VII. Faculty and Staff

A. FACULTY AND STAFF REQUIREMENTS

The School of Law will strive to appoint only the most highly qualified professors to teach in the School. It is recognized that an LL.M. (or equivalent) is considered sufficient for appointment as a faculty member at Canadian law schools. The School of Law will strive to have some faculty members with doctoral degrees in law. As well, given the focus on practice skills, the School of Law will prefer candidates with solid experience in the practice of law.

Appendix Fourteen outlines the teaching requirements in the School of Law. These teaching requirements, along with the leadership and administrative needs of the School of Law and law library will necessitate over a three-year period the hiring of:

- a Dean of the School of Law
- an Assistant to the Dean
- a Faculty Secretary
- a Director of the Law Library
- an Associate Law Librarian
- two Law Library Support Staff
- a Marketing and Communications Director
- an Articling and Career Centre Coordinator
- 12 full-time faculty
- approximately 14 adjunct faculty

B. POSITION DESCRIPTIONS

Position descriptions for the Dean of the School of Law, the Director of the Law Library and a faculty member are included in Appendix Thirteen.
C. RECRUITMENT AND HIRING TIMELINE

Recruitment for the Dean of the School of Law will begin approximately two years prior to the opening of the School of Law. The objective will be that the Dean begin her/his position approximately 18 months prior to the opening of the School.

The Dean, in conjunction with the Provost, will seek to recruit and hire the Director of the Law Library approximately 12 to 15 months prior to the opening of the School of Law.

The Dean, in conjunction with the Provost, will begin recruitment of faculty 18 months prior to the opening of the School. Some potential faculty have already been contacted by TWU and have expressed interest in a position in the School of Law. However, the Dean will have primary responsibility for building the faculty team. As TWU currently does not have any law-related programs or courses, new faculty members will be hired.

As indicated in Appendix Fourteen the hiring of faculty will be a graduated process. Six full-time faculty will be needed for the opening of the School of Law. Four additional full-time faculty will be hired for the commencement of second year. Two further faculty members will be added for the commencement of the third year, bringing the full-time faculty to 12 members.

The objective will be for the Associate Law Librarian, the Marketing and Communications Director, and the Articling and Career Centre Coordinator to be recruited and commence their positions four to six months in advance of the School of Law opening. This will allow adequate time for the development of their offices and related policies.

The proposal developers, Janet Epp Buckingham and Kevin Sawatsky, both of whom are current faculty members of Trinity Western University, are potential faculty members for the School of Law. They have specializations in constitutional law, human rights, corporate and commercial law, charities and contracts. As well, during the consultation process, the Professors Buckingham and Sawatsky have had discussions with numerous potential faculty members. In particular, serious discussions have been held with potential faculty members qualified in the following areas: aboriginal law, administrative law, constitutional law, criminal law, employment law, human rights, labour law, international law, jurisprudence and torts. Numerous lawyers within easy driving distance from the University have indicated an interest in teaching courses as adjunct professors. We are confident we can obtain sufficient qualified faculty members.
VIII. Articling and Career Centre and Student Support Services

The School of Law will include an Articling and Career Centre to provide advice and information to law students on their career goals. The Articling and Career Centre will operate a variety of programs and services to ensure law students are prepared for, and are able to obtain, summer, articling and clerk positions. The Articling and Career Centre will provide personalized career counselling and assistance in resume and interview preparation. The Articling and Career Centre will be responsible for bringing guest speakers on career options to the School of Law. The Articling and Career Centre will also host career fairs for law firms and other organizations interested in School of Law students and graduates. The Articling and Career Centre will also be responsible for assisting students in locating mentors and good practicum opportunities. It will also have an outreach function in working with small law firms to develop new articling positions.

The Articling and Career Centre will be staffed by an Articling and Career Centre Coordinator along with administrative support staff.

IX. Financial Plan

TWU has developed a financial plan (the “Financial Plan”) for the School of Law that has been reviewed by the Board of Governors. This Financial Plan is based on the following principles:

• The School of Law will be a distinct business unit under the direction of the Dean of the School of Law.

• The School of Law must be adequately funded to ensure there is consistent excellence in the provision of academic programs.

• The School of Law will be operating in a highly competitive environment with respect to the ability to recruit and retain high quality faculty. The School of Law salary budget will need to be structured to recognize this competitive environment.

• The law library must have sufficient financial resources to support the School of Law’s teaching, scholarship, research, and service programs

• The School of Law must be self-sustaining by its third year of operation.
• The School of Law cannot have a detrimental impact on the overall finances of the University nor negatively impact other areas of campus.

Highlights of the Financial Plan include the following:

• The Financial Plan is based on a first year cohort of 60 students with the total student body increasing to 170 students by year three. Market research has been conducted by Concerto Research Inc. which indicates that “…demand for the Trinity Western Law School projects to safely meet enrollment targets.”

• The School of Law will not be publically funded and will therefore be dependent on tuition. Tuition will be just slightly higher than undergraduate tuition rates at TWU, commencing at $25,500 in 2015. Again market research by Concerto Research Inc. confirms there is adequate demand at that tuition price.

• By year three the School of Law will have a salary budget of $2,225,000 for faculty and support staff.

• By year three the School of Law will have a direct operating expense budget of approximately $600,000. (This is direct operating expenses only and excludes salaries, capital expenditures and facility overhead costs.)

• Following required approvals, TWU will immediately commence a capital campaign to fund building costs, pre-commencement development costs, library acquisitions, scholarships and endowment. It is anticipated that the capital campaign will be in the 18 to 20 million dollar range.

X. Accountability

A. STRUCTURE

The J.D. program will be administered by the Dean of the School of Law, who will report to the Provost.

B. EVALUATION AND ASSESSMENT

The J.D. program will be subject to the normal academic review procedures of the Academic Division at TWU. It will be assessed regularly to ensure it meets its goals, objectives and expected learning outcomes. In particular the program will be assessed by regular student evaluations,
surveys of School of Law graduates, credentials and research of faculty and an overall program review every five years.

The School of Law is also committed to working closely with the Federation of Law Societies of Canada and the Law Society of B.C. and fully complying with any program evaluation and assessment requirements they establish.

XI. Implementation Timeline

A. TARGET LAUNCH DATE

The target launch date for the J.D. program is September 2015.

B. ENTERPRISE IMPLEMENTATION TIMELINE

If all needed approvals are completed by early 2013, there will be sufficient time to construct the School of Law building, purchase library resources, hire required faculty and staff, and to recruit the first class.
Appendices
APPENDIX ONE

Members of the TWU School of Law Task Force (2008)

1. Jonathan S. Raymond, Ph.D., President – TWU, Langley, B.C.

2. Dr. Donald Buckingham, Law Professor, Lawyer – Federal Department of Justice, Ottawa, ON

3. Dr. Janet Epp Buckingham, Director of Laurentian Leadership Centre of Trinity Western University, Ottawa, ON

4. Geoffrey Cowper Q.C., Partner – Fasken Martineau LLP, Vancouver, B.C.

5. Dr. Dennis Jameson, Provost – TWU, Langley, B.C.

6. Robert G. Kuhn, Partner – Kuhn and Company, Abbotsford, B.C.

7. Dr. Eugene Meehan Q.C., Partner – Supreme Advocacy LLP, Ottawa, ON

8. Kevin G. Sawatsky, Lawyer, Professor of Law – TWU, Langley, B.C.

9. Elizabeth, Davis, Facilitator, London, ON

Note: additional members of this task force asked that their involvement be kept confidential.
APPENDIX TWO


1. Dr. Donald Buckingham, Law Professor, Lawyer – Federal Department of Justice, Ottawa, ON
2. Dr. Janet Epp Buckingham, Director of Laurentian Leadership Centre of Trinity Western University, Ottawa, ON
3. Dr. Eugene Meehan Q.C., Partner – Supreme Advocacy LLP, Ottawa, ON
4. Prof. Kevin Sawatsky, Professor of Law – Trinity Western University School of Business, Langley, B.C.

Note: Two additional members of this working group, who are faculty in other law programs in Canada, asked that their involvement be kept confidential.
APPENDIX THREE

Law School Advisory Council (2011- )

1. Kevin Boonstra, Partner, Kuhn LLP, Abbotsford, B.C.

2. Dr. Donald Buckingham, Chairperson, Canada Agricultural Review Tribunal, Ottawa, ON

3. Lorne Jacobson, Partner, Triwest, Calgary, AB

4. Dr. Eugene Meehan Q.C., Partner – Supreme Advocacy LLP, Ottawa, ON

5. Peter Mogan, Partner, Access Law, Vancouver, B.C.

6. Amber Pashuk, Public Prosecution Service of Canada, Toronto, ON

7. Earl Phillips, Partner, McCarthy Tétrault LLP, Vancouver, B.C.

Note: additional members of this advisory council asked that their involvement be kept confidential.
APPENDIX FOUR

External Review: ALBERT H. OOSTERHOFF

REPORT

on the Academic Soundness
of the Proposal for a

JURIS DOCTOR PROGRAM

at

TRINITY WESTERN UNIVERSITY

by

Albert H. Oosterhoff
Professor Emeritus
Faculty of Law
The University of Western Ontario

January 24, 2012
REVIEWER’S QUALIFICATIONS

Education

- The University of Western Ontario, J.D., 1964
- The Law Society of Upper Canada, Barrister & Solicitor, 1966
- The University of Western Ontario, B.A., 1968
- University of Toronto, LL.M., 1970

Work Experience

- Practiced law in London, Ont., 1966-68
- University of Windsor, Faculty of Law
  - Assistant Professor, 1969-70
  - Associate Professor, with tenure, 1970-72
- The University of Western Ontario
  - Associate Professor, 1972-80
  - Professor, 1980-2005
  - Associate Dean (Student Affairs), 1982-85
  - Associate Dean (Administration), 1989-92
  - Acting Dean, January 1999 – June 2000
  - Associate Dean (Academic), 2001-03
  - Retired June 30, 2005, with title of Professor Emeritus
  - Member of the University Senate for three terms and served on numerous University and Faculty Committees
  - Co-Director of the Joint LL.B./MBA Program, 1982-85 and 2001-03
- University of Toronto
  - Adjunct Professor, 2005-10 (teaching Trusts)

Academic Specialization

Property, Trusts and Wills

Publications

Numerous publications in the form of peer reviewed articles, comments, monographs, reviews, reports, and studies, and continuing legal education materials. Frequently cited in all levels of courts.

Other Activities and Memberships

Associate Editor for many years of the Dominion Law Reports, Canadian Criminal Cases, and Ontario Reports.
Consultants on a number of occasions to the Ontario Law Reform Commission, and the Uniform Law Conference of Canada, Consultant to law firms.
Member of the Law Society of Upper Canada, and the Canadian Bar Association.
1. GENERAL COMMENTS

The proposed Juris Doctor program is a very thorough and carefully considered proposal. It is very meritorious on many levels:

- The program is compatible with and builds on the University's mission.
- It satisfies the requirements of the Federation of Law Societies of Canada. There is demonstrated student demand for sound legal education in Canada and the demand greatly exceeds available spaces.
- The unique position of the University as a faith-based educational institution permits it to offer a program that emphasizes professionalism, high ethical standards, leadership, and character development, while integrating a Christian worldview.
- The proposed curriculum includes all the courses essential to a sound legal education and requires all students to take a core list of courses, but also leaves plenty of room for student choice.
- The proposed program permits a certain degree of specialization in charities and social justice law, and small business and entrepreneurial law. The emphasis on placing graduates in smaller communities which are underserviced is a desirable goal.

In my opinion, therefore, the proposal is a sound one and highly relevant in the current Canadian market.

2. SPECIFIC COMMENTS

2.1 Program Aspects

The Program Aspects have been developed carefully and, in my opinion, are more than adequate.

2.1.1 Objectives

The objectives are, in some respects, unique, for a common law Canadian law school. While a renewed emphasis on professionalism and ethics has become a feature in most Canadian law schools in the last decade, and while practical assignments have been part of Canadian legal education for many years, the program takes these desirable objectives to a new level by also emphasizing leadership and character development and integrating a Christian worldview into the program.

2.1.2 Curriculum Design

The Curriculum has been designed carefully to achieve the program’s objectives.

2.1.3 Admission and Graduation Requirements

These requirements are fairly standard for a Canadian law school and are unexceptional.
2.1.4 Program Requirements

The program requirements elaborate on the design of the Curriculum. While the first year and upper year curricula are typical of the average Canadian law school, the emphasis on professionalism, practical competence, and high ethical standards sets this program apart, especially since these come into play from the outset and are built into all courses, including particularly three capstone courses.

The emphasis on a built-in practice approach is to be applauded, since it appears likely that law societies will get out of the business of operating bar admission courses.

The small-group approach in first-year is also to be applauded. This is common in many Canadian schools and is highly desirable from a pedagogical viewpoint.

2.1.5 Course Descriptions

Subject to a couple of suggestions in Section 2.3, the course descriptions are adequate and unexceptional.

2.1.6 Overall Program Design

The design of the program is adequate and unexceptional.

2.1.7 Program Delivery

As is to be expected, the program will be delivered mainly through classroom instruction. However, the program goes further than many Canadian schools by the features of mentoring and practica, important features that will set the program apart. The wide range of practicum placements sounds particularly exciting.

2.2 Strengths

In my opinion, the strengths of the program are the emphases on: (a) professionalism and high ethical standards; (b) practical competence; (c) social service; (d) a core curriculum; and the opportunity to specialize to some extent in underserviced areas of law.

2.3. Suggestions for Improvement

I have three suggestions that I believe may improve the program. I list them in no particular order:

A number of schools teach an Ethics course in the First Year. The program proposal states that the focus on professionalism, practical competence, and high ethical standards begins during Orientation Week, but there is no indication that professionalism and ethics will be taught further in the First Year. I realize that the First Year curriculum is already quite full, but I wonder if it
would not be possible to have a stronger focus on these matters throughout the First Year, perhaps by incorporating these matters in First Year courses, or during a break-out week at the start of the second term.

The second suggestion betrays my own interests, but I am concerned that there is only a joint course for Wills and Trusts, worth three semester hours. I doubt that one can do justice to both topics in such a short time frame and would prefer to see them divided into two separate courses. Lawyers practicing in smaller communities especially will be faced with wills and trusts issues on a regular basis and they will need more than an introductory course to prepare them for such a practice.

The list of required courses in the upper years has, I suspect, been considered carefully, so I am somewhat hesitant in questioning the choices. However, I am of the view that both might have made the list: Tax Law (the basic course), and Trusts. My reasons are: both Tax Law and Trusts are so pervasive in our legal system and a basic knowledge of the two subjects is essential in many areas of practice. I realize that they cannot simply be added to the list, since that would overload the required course list and have deleterious consequences for student choice. But to delete courses from the list may not be attractive to the developers of the program either. However, if it were my choice, I would delete Family Law and Real Estate Law. Neither course has the same pervasiveness as Tax and Trusts.

2.4 Resources

2.4.1 Facilities

I believe that the facilities in the form if the proposed state-of-the-art School of Law building will be adequate for delivery of the program. I assume that the building will be appropriately wired for state-of-the-art audio-visual presentations and for internet access, especially throughout the library, the classrooms, and student common areas. In my experience, seminar rooms are always in great demand and you may wish to increase their number from four to six.

2.4.2 Library

Since the library plan will be developed in accordance with the Canadian Academic Law Library Standards, I believe that the library will adequately serve the needs of the program. It is an exciting time to be planning a new law library when so many resources are now online, and, there, fewer hard copies will likely be needed. However, based on my experience, it will still be important to maintain and adequate monograph collection, both historical and current.

2.4.3 Personnel

The proposals for hiring a dean, a director of the library, and other staff and faculty have been developed with careful thought. I believe that the staffing of the Law School will be adequate for the delivery of the new program. Further, the proposed hiring of the faculty and staff over a three-year period once the program is approved and comes on stream is appropriate.
2.5 Timeline

It is a bit difficult for me to judge whether the timeline is realistic. Based on the information provided in the Proposal, it seems clear that internal approval should not present a problem and ministerial approval should not present a difficulty either. However, as the proposal indicates, the approval process of the Federation of Law Societies of Canada is new and the members of the new Canadian Common Law Program Approval Committee will be “learning on the job” so this part of the process may take a bit longer. I do not know how long it will take the Law Society of British Columbia to give its approval. Assuming that the approval time of both of these bodies is not more than a year in total, the working timeline for a launch of the J.D. Program in September 2015 is indeed realistic.

2.6 Other Observations

I believe that the proposal has demonstrated a need for a new Canadian common law school. The statistics clearly show that many qualified applicants cannot gain admission to the limited number of places. Further, from a marketing viewpoint, the special focus of the program, with its emphasis on professionalism, practical competence, high ethical standards, social service, a core curriculum, and its focus on placing graduates in smaller communities will be attractive to many applicants. So will the fact that the University provides an integrated Christian worldview for its students.

3. SUMMARY

In conclusion, it is my considered opinion that the Proposal is academically sound, will have adequate resources attached to it, satisfies regulatory requirements, and proposes a realistic timeline. In addition, the proposed program builds on the strength of the University’s mission and existing programs.

Further, there is a demonstrated need for the program. And finally, the program will be attractive to many applicants because of its emphasis on social justice, high ethical standards, professionalism, and practical competence, as well as a core curriculum and the integration of a Christian worldview into the legal studies.

Respectfully submitted.

Albert H. Oosterhoff  
Professor Emeritus  
Faculty of Law  
The University of Western Ontario
Lyman R. Robinson, Q.C., B.A., LL.B., LL.M.

January 30, 2012

Dr. Elsie Froment,
Dean of Research, Trinity Western University,
7600 Glover Road, Langley, B.C., V2Y 1Y1

Dear Dr. Froment:

RE: EXTERNAL REVIEW of PROPOSED Juris Doctor PROGRAM at TRINITY WESTERN UNIVERSITY

I understand that it is customary for an External Program Reviewer to provide a summary of his qualifications to provide an External Review.

My academic qualifications include substantial experience in both professorial and administrative positions at two Canadian law schools, namely Queen’s University and the University of Victoria (hereinafter referred to as “UVic”). At UVic, I was one the founding members of the Faculty of Law where I participated extensively in the design and development of its curriculum. I subsequently became the second Dean of the Faculty (1980-85). I also served as Associate Vice-President, Legal Affairs at UVic (1996-2000).

In the early 1990s, I was a member of the Board of Trustees of the Law School Admissions Council (LSAC), a not-for-profit U.S. corporation that designs and administers the LSAT test. I served as the Chair of the Budget and Legal Affairs Committee of the LSAC for several years. During that period I became quite familiar with the accreditation standards and processes for the accreditation of law schools in the United States. The LSAC does not accredit proposed law schools; however, the LSAC was named as a defendant, along with the American Bar Association (ABA) and the American Association of Law Schools (AALS), in litigation involving the accreditation of law schools.

My understanding of the competency requirements that are needed by a practicing lawyer began in 1963 when I articled with and subsequently practiced with the law firm of Crease & Company in Victoria, B.C. Throughout my academic career, I have been periodically engaged as a consultant in legal matters and I have appeared as counsel at both the trial and appellate level. During the period from 1986 to 1996, I served as a chair of adjudicative tribunals on two federal tribunals. I have also served as chair of several public inquiries and I have been the
member of a number of arbitration panels.

1. EVALUATION OF ACADEMIC SOUNDNESS
Prior to writing my Review, I carefully read Draft 6 of the proposed Juris Doctor Program at Trinity Western University dated January 10, 2012 (hereinafter called “J.D. Program, Draft 6”) and the Final Report of the Common Law Degree Implementation Committee of the Federation of Law Societies of Canada dated August 2011 (hereinafter called the “Federation Committee’s Final Report on Accreditation Requirements”). I also read the draft Proposal for a School of Law at Trinity Western University, (hereinafter called the “Proposal for a Law School”).

My evaluation of the academic soundness of the proposed J.D. Program of Trinity Western University (hereinafter referred to as “TWU”) included an examination of several factors including:

(1) The Objectives of the Program;
(2) The structure and course content of the curriculum;
(3) The teaching methodologies proposed to be used in the courses;
(4) The adequacy of the resources that TWU proposes to allocate to the Program; and
(5) The likelihood of accreditation by the legal profession’s governing bodies.

After considering these factors in relation to my knowledge of the J.D. Programs of other Canadian law schools and my understanding of the substantive legal knowledge and practical skills that are required to practice law as a profession, I have concluded that the proposed J.D. Program is academically sound. My reasons for this conclusion are described in the following paragraphs.

OBJECTIVES OF THE PROGRAM: The objectives of the proposed J.D. Program are described in the J.D. Program, Draft 6, at pages 1 and 4. These objectives include a focus on professionalism, practice competence and ethical standards. These objectives are based, in part, on two reports regarding the relationship between academic legal education and the practice of law as a profession. The Federation of Law Societies of Canada Consultation Paper on the Canadian Common Law Degree dated September 2008, at page 15, paragraph 23, commented favourably upon the development of academic programs where “…academic instruction is more closely integrated with the development of practice skills”. The Federation Committee’s Final Report on Accreditation identified the competency requirements of law graduates who seek to enroll in provincial bar admission programs. This Report also emphasized the need to integrate the teaching of ethics and professionalism into law school curricula. The 2007 Report of the Small Firm Task Force prepared for the Law Society of British Columbia, at page 6, identified a need to educate law students who will be capable of practicing as sole practitioners or in small firms in less populated areas of the province. This followed an observation that when older lawyers, who are practicing in these areas retire, they are not being replaced by young lawyers. The objectives of the proposed J.D. Program respond to
needs that were identified in the above mentioned reports.

STRUCTURE AND CONTENT OF THE CURRICULUM: The structure of the curriculum of the proposed J.D. Program is similar to the structure of J.D. programs of other Canadian law schools whose degrees have been accredited by the provincial law societies, namely, 90 semester hours of course work over six terms (3 years). As is the case with most J.D. programs, all courses in the 1st Year of the curriculum are required courses because they serve as the foundation for upper year courses. It is in the 2nd and 3rd years of the TWU J.D. Program that both the structure and the content of curriculum are different than most Canadian J.D. programs. In the proposed TWU J.D. Program, students must complete 10 required courses in subjects that are regarded as essential for a graduate who is preparing to enter the legal profession. This is a significant improvement compared to many J.D. programs because it will ensure that graduates have a broader understanding of the legal subjects that are the foundation of the Canadian legal system. In many J.D. programs, it is common to have only one or two required courses in the combined 2nd and 3rd Years of the program. The course content of the proposed TWU J.D. Program is distinctive in that there is a much greater emphasis on the development of practice skills and a focus on professionalism and ethical standards. For example, two of the required courses are LAW 225 ETHICS AND PROFESSIONALISM and LAW 330 PRACTICE MANAGEMENT. I have examined the Course Description of each of the proposed courses in the J.D. curriculum and, in each case, I am satisfied that the course is academically sound and will contribute to the satisfaction of the objectives of the proposed J.D. Program.

TEACHING METHODOLOGIES: The teaching methodologies, which are proposed to be used the various courses, are suitable for the respective courses. In many cases, these methodologies will contribute to the development of practice skills and they are a significant improvement compared to the typical lecture format that is often used in basic substantive law courses in other J.D. programs.

RESOURCES: The resources, which TWU proposes to allocate to the J.D. Program, including the appointment of faculty and staff, the establishment of a law library, and the construction of a law school building, are relatively comparable to those of other Canadian law schools when the size of the proposed student body is considered. These resources will enable the School of Law to deliver the proposed J.D. Program and provide the students with a proper learning environment.

PROFESSIONAL ACCREDITATION: The likelihood of professional accreditation by the governing bodies of the legal profession is an important consideration in the evaluation of an academic program when it is proposed that the degree will serve as the credential for professional qualification. The Law Society of British Columbia will make its own decision regarding the accreditation of the proposed J.D. Program for the purpose of enrollment in its Bar Admission Program. Similarly, the Canadian Common Law Program Approval Committee (“the Approval Committee”) established under the auspices of the Federation of Law Societies of Canada will
make its own decision regarding accreditation of the J.D. Program for the purpose of determining whether graduates of the proposed J.D. Program will be eligible for enrollment in bar admission programs of other provincial law societies. In developing the proposed J.D. Program, the developers have sought to develop the J.D. Program in accordance with the requirements set out in the Federation Committee’s Final Report on Accreditation Requirements [See J.D. Program, page 4]. My analysis of the curriculum and course content of the proposed J.D. Program measured against the competency requirements described in the Federation Committee’s Final Report on Accreditation Requirements provides me with encouragement that the proposed J.D. Program will be favourably received by the governing bodies of the legal profession when accreditation of the J.D. Program is considered by them. By way of a separate document, I have provided TWU with a copy of my analysis.

On the basis of my examination of the proposed J.D. Program I am completely satisfied that the proposed J.D. Program is academically sound and that the structure and content of the curriculum will satisfy the Program’s objectives of producing law graduates who will have a comprehensive knowledge of the fundamental legal subjects of Canadian legal system and the practical skills to serve clients particularly in small law firms outside major metropolitan areas.

2. OVERALL SOUNDNESS and RELEVANCY OF THE PROPOSED J.D. PROGRAM

Program Aspects

FIRST YEAR

All of the 1st Year courses in the J.D. program are required courses. The courses are similar to those found in the 1st year program of many Canadian law schools. I have examined the structure of the 1st Year program, the course objectives, course outlines and suggested texts for each course. Subject to the two suggestions that I will make below under the heading “Suggestions for Improvements”, I have concluded that the structure and content of the 1st Year of the J.D. program will provide students with the requisite knowledge of substantive law and an introduction to practice related skills that will serve as a proper foundation for upper year courses. Where texts are suggested for a course, the texts are appropriate for the course. An important feature of the 1st Year of the J.D. program is the proposal to divide the proposed enrollment of 60 students into two sections of 30 students or less [J.D. Program, Draft 6, pages 7 and 22]. In the 1st year of a law program, it is important to provide students with an opportunity to learn to “think like a lawyer”. This involves regularly calling upon each student to articulate his or her understanding of the meaning and effect of a judicial decision or statutory provision, provide arguments in support of his or her understanding or interpretation, and respond to any contrary arguments. This teaching technique develops a student’s analytical skills as well as the skill of making oral presentations. In my experience, this technique is most effective in classes with 30 or fewer students.
The structure of the 2\textsuperscript{nd} and 3\textsuperscript{rd} Year of the J.D. Program requires each student to complete 10 required credit courses (one of which must be taken in 2\textsuperscript{nd} Year) and two practicums (LAW 200 does not have any semester hour credit). After examining the structure of the proposed 2\textsuperscript{nd} and 3\textsuperscript{rd} program, the course outline for each course, and the proposed teaching methodology for each course, I have concluded that they are academically sound and consistent with objectives of the J.D. program. The proposed texts have been written and prepared by well-known and respected legal authors. The proposed teaching methodologies are suitable for the respective courses.

\textbf{Strengths of the Proposed Program}

There are several strengths of the proposed J.D. Program that merit emphasis. They include:

(a) DEVELOPMENT OF PRACTICE COMPETENCIES AND SKILLS: The integration of practice competencies and skills into the J.D. curriculum is an objective of the J.D. Program. The proposed J.D. program accomplishes this objective in many courses, including:

- \textsc{LAW 111A and LAW 111B CONTRACT LAW} [J.D. Program, Draft 6, pages 29 & 30]: In both of these courses, students will be introduced to the principles of drafting contracts and given practice in negotiating and drafting contracts.
- \textsc{LAW 117 INTRODUCTION to PRACTICE SKILLS and the PRACTICE OF LAW} [Draft 6, page 40];
- \textsc{LAW 305 BANKRUPTCY AND INSOLVENCY LAW} [J.D. Program, Draft 6, page 49]: Students will be given practice drafting bankruptcy documents (proposals, assignments, etc).
- \textsc{LAW 306 BUSINESS ORGANIZATIONS} [J.D. Program, Draft 6, pages 4, 13 & 51]: Students will be required to complete or “walk through” all steps of incorporating and dissolving a corporation.
- \textsc{LAW 308 CIVIL PROCEDURE} [J.D. Program, Draft 6, page 53]: One of the course objectives is to develop legal drafting skills including the drafting of civil pleadings.
- \textsc{LAW 309 CLIENT RELATIONS and INTERVIEWING} [J.D. Program, Draft 6, page 54]: Over half of the course time will be devoted to practice scenarios.
- \textsc{LAW 329 NEGOTIATION (Advanced)} [J.D. Program, Draft 6, page 78];
- \textsc{LAW 331 REAL ESTATE LAW} [J.D. Program, Draft 6, page 80]: The course objectives include developing practical skills through problem solving exercises.
- \textsc{LAW 332 REMEDIES}: The Course Description includes “drafting opinion letters”.
- \textsc{LAW 337 WILLS and TRUSTS}: Students will be given practice in taking instructions for drafting a will [J.D. Program, Draft 6, page 87] and drafting a simple will [J.D. Program, Draft 6, page 20].

A secondary benefit, which flows from the development of practice skills, is that it demonstrates the importance of having a thorough understanding of the relevant substantive legal principles.

(b) DESIGNATION OF REQUIRED COURSES: The designation of 10 courses in the 2\textsuperscript{nd} and 3\textsuperscript{rd} years of the J.D. program [J.D. Program, Draft 6, Page7 & 8] as required courses is an important strength of the J.D. program. Over the past 40 years, the trend in most Canadian law schools has been to make the 2\textsuperscript{nd} and 3\textsuperscript{rd} year curriculum largely optional subject to one
or two required courses. Consequently, a student who has chosen an esoteric selection of optional courses, may not have a broad knowledge of the fundamental legal subjects that are the foundation of the Canadian legal system and may not have developed the practical skills that a lawyer needs to engage in the general practice of law with a small firm or as a solo practitioner. The proposed J.D. program, by designating 10 courses as required courses, ensures that each graduate of the program will have thorough knowledge of the legal subjects that are fundamental to the Canadian legal system and the practice skills to engage in the practice of law.

(c) ETHICS AND PROFESSIONALISM: An objective of the proposed J.D. Program is to focus upon and integrate ethical standards and professionalism into the curriculum. The proposed J.D. program accomplishes this objective in many courses and it is an important strength of the program. LAW 225 ETHICS and PROFESSIONALISM [J.D. Program, Draft 6, pages 12 & 43] is a required second year course where these topics are the center of attention. Examples of specific aspects of ethics and professionalism, which are expressly incorporated into other courses, include: LAW 117 INTRODUCTION TO PRACTICE SKILLS and the PRACTICE OF LAW; LAW 303 ADVANCED ADVOCACY; LAW 309 CLIENT RELATIONS AND INTERVIEWING SKILLS; LAW 313, DEBTOR and CREDITOR LAW; LAW 316 EVIDENCE, a required course; LAW 330 PRACTICE MANAGEMENT a required course; LAW 334 SECURITIES LAW; LAW 335 TAX LAW; LAW 336 TAX LAW (Advanced); and LAW 337 WILLS and TRUSTS.

Suggestions for Improvement of the Proposed Program

My comments in this section should not be interpreted as a criticism of the proposed J.D. Program but rather as observations that the developers of the Program may wish to consider as they proceed with the implementation of the Program.

FIRST YEAR CURRICULUM:

LAW 110 INTRODUCTION TO LAW [J.D. Program, Draft 6, page 28] is a required, not for credit, course that will be completed by first year students in the first week of the Fall Term. The objectives of this course include introducing students to the study of law, law as a profession and a calling, and teaching students how to read, analyze and brief a reported legal case. For most students, the study of law is an entirely new academic discipline with many components. While the stated course objectives are important, “case briefing” is a significant component of other first year courses (see, for example, LAW 112A and LAW 112B TORTS) . I think that is equally important that students in an introductory course of this nature be given a framework of how the various components of the legal system relate to one another. The framework should include the basic structure of the constitution (division of powers), the legislative system (federal and provincial), the role of the courts in the interpretation of the constitution, legislation, and the development of the common law, and the role of private law where parties structure their own legal relationships by means of contracts, wills, and other legal arrangements. Students, who have a framework of this
nature, will be in a better position to understand how the content of the remainder of the 1st Year courses relate to legal system as a whole.

LEGISLATION and the PRINCIPLES OF STATUTORY INTERPRETATION:
The J.D. Program, Draft 6 at page 6, states:
“As with most law schools across Canada, TWU’s first year program will have a strong focus on learning to read and analyze case law.”
This statement is followed, in the next paragraph, by a reference to Law 116, FUNDAMENTALS OF CANADIAN LAW, where students will “… gain an understanding of how the common law and the Canadian legal system function”. My concern is the balance in the 1st Year curriculum between the development of the common law and the importance of legislation and the principles of statutory interpretation in Canada’s legal system. LAW 111A and B CONTRACT LAW, LAW 112A and B TORT LAW, and LAW 114A and B PROPERTY LAW place heavy emphasis on the development of the common law on a “case-by-case” basis. There is a question in my mind whether LAW 116, FUNDAMENTALS OF CANADIAN LAW needs to devote much further time to the development of the common law. In my opinion, the typical 1st first year curriculum in most Canadian law schools does not give enough emphasis to statutes, regulations and municipal bylaws that are prominent components of the Canadian legal system. One of the core competencies identified in the Federation Committee’s Final Report on Accreditation Requirements, under the headings of both “Skills Competencies - Legal Research” and “Foundations of Law”, is statutory interpretation and analysis. The Course Description of LAW 116 FUNDAMENTALS OF CANADIAN LAW [J.D. Program, Draft 6, page 39] does include, among other topics, the principles of statutory interpretation, delegated legislative authority and regulations. However, for example, the UVic Law Program devotes an entire first year course to the legislative process and the principles of statutory interpretation. When I taught that course during its inception, I was often struck by how few students (other than those who had majored in political science) understood the legislative process in Canada. Lawyers have frequently told me that UVic law students (who may work in law firms as early as after 1st Year) had greater familiarity with legislation, regulations and the principles of statutory interpretation than their counterparts from other law schools. I submit that LAW 116 FUNDAMENTALS OF CANADIAN LAW could be strengthened by increasing the emphasis on the legislative process and the principles of statutory interpretation.

2nd and 3rd YEAR COURSES:
LIST OF REQUIRED COURSES: In a discussion about the designation of required courses, there is often a debate about the courses that should be included on the required list. The debate is often shaped by the debaters’ personal experience in practice. Notwithstanding that I practiced family law for several years, I don’t think that it is essential that every lawyer have knowledge of family law. Nevertheless, I recognize that one of the objectives of the J.D. program at TWU is to prepare students for practice in small law firms particularly outside the major B.C. urban areas. Most lawyers who practice in this context will, almost
inevitably, have some clients who will require the advice of a lawyer who has knowledge of family law. Therefore, I understand why LAW 317 FAMILY LAW has been designated as a required course. There is an old axiom that only two things in life are certain, namely death and taxes. On the basis of this axiom, it could be argued that LAW 337 WILLS AND TRUSTS and LAW 335 TAXATION are just as important as Family Law and should be designated as required courses.

LAW 317 FAMILY LAW [J.D. Program Draft 6, page 63]: An important function of a lawyer who practices family law is the negotiation and drafting of separation agreements. This topic is not specifically mentioned in the Course Outline. Students would benefit from the inclusion of this topic in this course.

LAW 328 NATURAL RESOURCES LAW [J.D. Program, Draft 6, page 76]: Natural resources are an important part of British Columbia’s economy. The content of this course would benefit from a greater focus on specific natural resource issues that lawyers in small firms outside the large urban areas may encounter. For example, legal issues relating to forest industry could be one focus of the course.

LAW 331 REAL ESTATE LAW [J.D. Program, Draft 6, page 80]: The following 3 topics are not specifically mentioned in the course description:
(a) The acquisition of an interest in or on land situated on Indian Reserve Land. Both commercial and residential developments on Reserve land are becoming more common.
(b) Strata property transactions: Many commercial and residential property holdings are now governed by Strata Property legislation. This course does cover the purchase and sale of real estate and this may include strata lots. The course content does not appear to cover aspects of the ongoing relationship between a strata lot owner and the strata corporation.
(c) Conflicts of Interest: Circumstances arise in many real estate transactions where there is a potential for a lawyer to become involved in a conflict of interest.

This course would benefit from the inclusion of these topics.

Adequacy of Resources
FACULTY and STAFF: When it reaches full strength, the proposed faculty complement will consist of a Dean, a 12 full-time faculty, and approximately 14 adjunct faculty members [J.D. Program, Draft 6, page 23 and Appendix B, pages 89 & 90]. Given the range of proposed course offerings in the curriculum, this number should be sufficient to deliver the proposed curriculum.

Upon the enrollment of its initial first year class, TWU proposes to have 6 full-time faculty and one adjunct faculty member [J.D. Program, Draft 6, Appendix B, page 88]. The UVic Faculty of
Law had a similar number of full-time faculty in when it enrolled its initial 1st Year class. The commencement of a new law school including the development of new courses requires a great deal of time and energy by the founding faculty members. I don’t think that an attempt should be made to begin the first year of operation with less than 6 full-time faculty members.

The planned number of support staff is suitable for the planned number of faculty and students.

LIBRARY: The law library will be developed in accordance with the Canadian Academic Law Library Standards [J.D. Program, Draft 6, page 22-23]. Many electronic legal data bases are now available. This dramatically reduces the need to acquire hard copies of many series of law reports and the shelf space that would be required to house them. Provision will need to be made to enable law students in the J.D. program to gain access to these data bases. A criticism of recent law graduates, which I occasionally hear from law firms, is that they tend to rely exclusively on electronic legal data bases when they are conducting research. Law students will still require instruction to develop their knowledge of and skill in using traditional printed material, including legal digests and monographs that are frequently relied upon as legal authorities.

LAW SCHOOL BUILDING - CLASSROOMS and STUDENT FACILITIES: I have visited almost 20 law schools in Canada and the United States. As the chair of the UVic law school building committee, I carefully examined, in the company of an architect, the design and the space configurations of 6 law schools in Canada and the U.S. On the basis of the projected enrollment at TWU, and bearing in mind that electronic data has reduced the space needs of a law library, I believe that the components of the proposed new school law building [J.D. Program, Draft 6, page 22] and the proposed square footage and room configurations [See: Proposal for a School of Law, pages 25-28] are relatively comparable to those of other law schools and the proposed facilities of will properly serve the needs of students, faculty and staff. For a reader of this Review who has not have participated in the overall learning process in a law school, it is important to recognize a significant amount of learning takes place in informal settings with a law school building where students debate legal principles and the merits of various legal cases and statutory provisions. I regard the Student Collegium as a critical component of the proposed law school building.

Timeline for Development of the Proposed Program – Is it Realistic?
The timeline for recruiting a Dean, Law Librarian and faculty members [See: Proposal for a School of Law, pages 30-31] is comparable to the timeline followed by the UVic law school and it is realistic and achievable. The timeline for preparing architectural drawings and completing the construction the School of Law Building [J.D. Program, Draft 6, page 22 and 25; Proposal for a School of Law, page 25] by September, 2015 may be tight without much room for any unexpected delays.
Other Considerations
MARKET VALUE OF THE PROGRAM: There is a need for a law school where the primary emphasis of the J.D. Program will be to provide students with a knowledge of the substantive legal subjects that are the foundation of the Canadian legal system and the practical skills that will enable them to engage in the general practice of law in areas outside major urban areas. I expect that there are many prospective law students, whose primary objective is to become a practicing lawyer, who will find the J.D. Program at TWU to be very attractive.

3. SUMMARY
I have carefully reviewed the proposed J.D. Program and I have concluded that it is an academically sound program. Graduates from the Program will have a sound knowledge of the substantive legal subjects that are the foundation of the Canadian legal system. The Program’s emphasis on ethical standards and professionalism and the development of the legal skills and competencies will likely result in the Program being favourably received by the governing bodies of the Canadian legal profession.

Yours truly,

Lyman R. Robinson, Q.C
APPENDIX SIX

Response to external reviews

The two external reviewers were very favourable in their assessments of the soundness and academic soundness of the program. Each made some suggestions for improvement of the proposed program, although they indicated that these were suggestions only.

Albert H. Oosterhoff

Suggestion 1: Professionalism and ethics should be incorporated into the First Year curriculum either by incorporating them in the courses or during a break-out week at the start of the second term.
It is crucial to have a focus on ethics in first year to underscore its importance. It will be incorporated into each of the first year courses. Issues of professionalism will be incorporated into LAW 508, Introduction to Practice Skills and the Practice of Law.

Suggestion 2: Divide the Wills and Trusts course, LAW 709.
After consultation with lawyers in small firms, or sole practitioners, this suggestion has not been taken. The lawyers felt that the course as designed was adequate.

Suggestion 3: Change the required upper year courses such that Family Law and Real Estate Law are not required but Tax and Trusts are.
The Wills and Trusts course has been made mandatory, replacing Family Law. However, the small firm lawyers consulted recommended that Real Estate Law remain a required course over Tax Law.

Suggestion 4: Increase the number of seminar rooms from four to six.
This is a helpful suggestion and this information has been incorporated into the proposal.

Lyman R. Robinson

Suggestion 1: In LAW 110 (renumbered LAW 501), include an introduction to the legal system.
This is an excellent suggestion and the course description has been amended accordingly.
Several of the topics mentioned in this suggestion are included in the course on the Fundamentals of Canadian Law, a required course in the first semester.

Suggestion 2: Increase the emphasis on legislation and principles of statutory interpretation in LAW 116 (renumbered LAW 507).
This course was developed in accordance with the requirements of the Federation of Law Societies of Canada. The FLSC requires that graduates of law schools must have an understanding of the foundations of law, including,
• Principles of common law and equity;
The process of statutory construction and analysis; and
The administration of law in Canada.

We believe that all three components are important. They will be addressed in other first year, and upper year courses but this is where the foundation is laid. Prof. Robinson makes the point that several of the first year courses focus on common law. As this is the case, LAW 507 will have more of an emphasis on statutory instruments and interpretation.

Suggestion 3: Change the required upper year courses such that Family Law is not required but Tax and Wills and Trusts are. This is similar to a suggestion made by Albert H. Oosterhoff. Wills and Trusts has been made a mandatory course and Family Law has been removed as a mandatory course.

Suggestion 4: Add to LAW 317 (renumbered LAW 706) negotiation and drafting of separation agreements. This is an excellent suggestion and the course description has been amended accordingly.

Suggestion 5: The Natural Resources Law course, LAW 328 (renumbered LAW 632) would benefit from a greater focus on specific natural resource issues that lawyers in small firms outside the large urban areas might encounter – forestry, for example. The course description and outline have been amended to include forestry.

Suggestion 6: Real Estate Law, LAW 331 (renumbered LAW 709) should be amended to include the following three topics: (a) land on Indian Reserve Land; (b) Strata property transactions; and (c) conflicts of interest. The course outline has been amended accordingly.
Ms Elsie Froment, PhD  
Dean of Research  
Trinity Western University  
7600 Glover Road  
Langley, BC V2Y 1Y1

Dear Ms. Froment:

Re: Trinity Western University Law School

1. I am an irregular church goer, but more regular Law School attendee (four times) – so I probably know more about the latter than the former.

2. I do believe however in something greater than me.

3. But this new Law School is doing something special, and big in my view, that I acknowledge, respect, and support – it will be open to:
   - all faiths
   - Christian or non-Christian
   - those of no faith.

4. Though the Law School will be small (in terms of graduates being produced) they will serve a very necessary need for lawyers in:
   - small to medium sized firms
   - rural Canada (in this particular respect I attach the article "Nova Scotia Needs More Rural Lawyers", Canadian Lawyer magazine, Feb 2012)

5. This Law School will produce lawyers with strong moral values together with a sense of local community – something most positive for the legal profession throughout Canada.

6. Because this Law School will focus on:
   - practical training
   - clinical programs
   - how-to programs as well as academic-type programs
7. My firm would be pleased to take anyone from the first graduating class as an articling student.

8. And to speak personally and directly, I do put my money where my mouth is – I have personally contributed $25,000 to this Law School initiative. I will contribute more.

9. And last, the Law School I (first) attended was the University of Edinburgh – the University being founded in 1583 and the Law School 1707 – we do this now, we do this forever. In other words, creating something that wasn’t there before, and doing so for the benefit of others, is something greater than us.

Yours very truly,

Eugene Meehan, Q.C.
LL.B. (Edinburgh, 1975)
LL.M. (McGill, 1977)
LL.B. (Ottawa, 1978)
D.C.L. (Doctor of Civil Law, McGill, 1984)
Partner | Bio
T 613-695-8855
F 613-695-8580
e.meehan@supremeadvocacy.ca

Supreme Advocacy LLP
supremeadvocacy.ca
February 27, 2012

BY EMAIL AND POST

Trinity Western University
7600 Glover Road
Langley, BC V2Y 1Y1

Attention: Dr. Elsie Froment, Dean of Research

Dear Sir/Mesdames:

I am pleased to express my support for the Juris Doctor proposal of Trinity Western University.

There are three features of the proposal that stand out as particularly important:

- better preparing law graduates for the practice of law,
- emphasizing ethics and professionalism, and
- promoting service to the community.

The traditional articling system is under strain and there is serious discussion of other ways to meet Law Society requirements for being qualified to practise law. It seems inevitable that some of the training burden will have to be assumed by law schools. There is also a need for more lawyers outside the major cities, but lawyers in the smaller centres must be convinced that law graduates have the training and practice skills that will make them worthy of hire.

Lawyers in Canada have the great privilege of being a self-regulating profession. But that privilege can only be sustained by a constant emphasis on ethics and professionalism. Law schools have an important role to play, introducing and teaching law students about the ethical obligations of practising law, being officers of the court, and serving clients. Closely related is the need to emphasize what it means to be a professional, to act so as to truly profess the ideals of the rule of law, justice and equity.

Perhaps service to the community is part of professionalism, but it deserves special mention. This is a time of great legal complexity; it is also a time when access to justice is seriously strained. Lawyers must be prepared to offer their legal knowledge and skills in service to their communities and to those who lack real, practical access to justice. A law school curriculum and experience that is rich with encouragement and opportunity for community service will be of great benefit. It will bolster a key foundation of our society - the right of all people and organizations to have their rights honoured and their disputes resolved in a legal system that is available, accessible and fair.
I have been practising law for almost 32 years. The firm I joined in downtown Vancouver has grown from about 25 lawyers to 100 or so, and has been part of a national firm of 600+ lawyers since 1989. The changes we have seen in our firm have been matched by changes in our profession and our society. But those changes have only served to highlight the importance of the fundamentals of practising law: knowledge and skills, ethics and professionalism, and service. It is from that perspective that I gladly endorse the TWU proposal.

Yours truly,

Earl Phillips

EP/lsb
March 9, 2012

Trinity Western University
7600 Glover Road
Langley, BC V2Y 1Y1

ATTENTION: Jonathan S. Raymond, Ph.D., President

Dear Sir:

Re: Law School and Juris Doctor Degree Program at Trinity Western University

I am writing to express my support for the pending proposal for a Law School and a Juris Doctor degree program at Trinity Western University. I have read the proposals, and as a lawyer and an employer, I would strongly encourage and endorse this program. I understand the program proposal will soon be submitted to the BC Ministry of Advanced Education for approval. You have my permission to include this letter as part of an appendix to that submission.

I understand that the Law School will have a particular focus on charity and not-for-profit law. As the Managing Partner of Carters Professional Corporation, one of the leading firms in Canada in the area of charity and not-for-profit law, our firm has a particular interest in the development of a Law School program that puts forth a valuable curriculum with a charity and not-for-profit law focus. Two of our lawyers, Karen Cooper and Jane Burke-Robertson, have taught at the University Of Ottawa Faculty Of Common Law, teaching advanced seminars on charity and not-for-profit law. As well, I have given lectures as part of those courses over the last five years. Our firm also participates in an extensive number of seminars each year to assist churches, charities and not-for-profits in understanding developing trends in the law in order to reduce unnecessary exposure to legal liability. A Law School at Trinity Western University would enhance the knowledge base of future lawyers in Charity and Not-for-Profit Law, and provide a Christian environment in which to learn.

I strongly recommend that this degree program be offered at Trinity Western University.

Yours truly,
Carters Professional Corporation

Per: Terrance S. Carter

TSC: wmes

cc: Janet Epp Buckingham, Laurentian Leadership Centre, 252 Metcalfe St., Ottawa, ON K2P 1R3

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March 26, 2012

Dr. Elsie Froment
Dean of Research
Trinity Western University
7600 Glover Road
Langley, BC, V2Y 1Y1

Dear Dr. Froment:

RE: Trinity Western University’s (“TWU”) Juris Doctor Proposal Endorsement Request

Thank you for your letter of March 6, 2012. I am delighted to be asked to give my opinion concerning the Juris Doctor degree program proposal. I have read the proposal with interest, including the appendices. The proposal is well written and engaging.

I heartily endorse this program for the following reasons:

1. The program's objectives set a new and high standard in Canadian legal education.

The integration of practical assignment with the study of case material will be much appreciated by the students. Although all courses may not lend themselves to this type of integration, those that do will add a “real life” element to the course. There were few of these available when I attended law school 20 years ago. The lack of practical experience was a constant complaint among students. I am pleased this proposal addresses that complaint.

The objective of integrating the study of law with a Christian worldview is intriguing, vital and distinctive. If fact, without this component, there really is no reason for TWU to have a School of Law, other than for general, educational purposes. However, in keeping with TWU’s mission of approaching all of life with a Christian worldview in mind, this proposal is totally appropriate. The curriculum, as taught from a Christian perspective, will allow students and faculty alike to explore the dialectical relationship between love and justice. The late Reinhold Niebuhr’s thought in this regard is instructive. “Justice is the embodiment of love in complex human relations. On the one hand, justice without love ceases to be justice. On the other hand, love without justice ceases to be love.” To the best of my knowledge, there is no other Canadian law school that has as one of its objectives, to
wed the best of Canadian legal scholarship with the best of Christian theological scholarship.

I believe that TWU's Law School graduates will add a healthy dimension to B.C.'s and Canada's pluralistic society.

2. A new state-of-the-art Law School building will provide students and faculty with a valuable resource for years to come.

I am of the opinion that a great law school program is built on a great law school library. The fact that TWU is going to build and equip a new library from the ground-up will allow it to take advantage of the newest in legal technological resources, as well as current hard copy resources. I am also of the opinion that the new library will not only be a valuable resource for those on campus, but will be a valuable resource for those who live throughout the Fraser Valley area of B.C.

3. There will be a unique curriculum design focused on leadership, character development and ethics.

Although alluded to above, under section 1, the focus on ethics and professional responsibility begins during Orientation Week and continues throughout the entire three year curriculum. The first year mentoring program is a wonderful idea. It is one which should be followed in all law schools. The second year course in Ethics and Professionalism is very positive, as are the third year courses in Practice Management and Jurisprudence.

However, most importantly, is the emphasis that law is a calling that has service to others, regardless of their economic status or social class, as its highest goal. I hope the Practice Management class will emphasize service to the poor and oppressed as being a virtue highly prized by Christ.

4. There will be an emphasis on the core subjects of legal education.

There may be some who will think that a law school that emphasizes a Christian worldview will be "soft" in terms of course content and methodology. This does not seem to be the case. The first year program will have a strong focus on learning to read and analyze case law. The five basic first year courses will be taught: Contracts, Torts, Property, Constitutional and Criminal Law. In addition, the first year students will take two half courses: Fundamentals of Canadian Law: Common Law & Statutory Instruments, and, Introduction to Practice Skills and the Practice of Law. Thirty-six credit hours in core subjects in first year law do not make for a "soft" legal program. Upper year courses also appear to be just as rigorous.

5. There are plenty of elective courses.

In many law schools there is the reoccurring complaint that there are too many mandatory courses and not enough electives. This does not appear to be the case as set out in the
propose. Any student should be able to find courses that appeal to their tastes and interests and be useful in their legal practices after graduation.

6. There will be small class sizes.

It has been my experience, both as a student and a teacher, that small class sizes are more conducive to class participation than larger ones. Engaging in a give-and-take discussion or debate is more likely to happen in a smaller class setting than a larger one. I am pleased to see that first year classes will be kept to approximately 30 students or less per section.

7. There will be optional specializations.

A feature that I found particularly appealing is the option to specialize, either in Small Business and Entrepreneurial Law, or in Charities and Social Justice. I am unaware of this being offered in other law schools in Canada. This is particularly appealing for those students who have a firm view in mind of the area of the law they want to practice in.

8. The introduction of the requirement that each student must complete three practica over the course of their years in the J.D. program is an appealing feature of the program.

This requirement is in keeping with the objective that the TWU – J.D. program will have a practical, as well as a theoretical focus to it. I am certain that each student will greatly appreciate this emphasis. It will give each student the feel of what legal practice is all about, and hopefully a love for the law.

Overall Strengths and Weaknesses

Overall, I am greatly impressed by the proposal to offer a J.D. program at TWU. If I were to make several small criticisms, the first would be that there is no Legal History course being offered. Although this course seems to have fallen out of favour in many law schools, I do think there is some merit in knowing the lineage of the law. It may be that this focus will be picked up as part of another class. If so, I would be in favour of it.

My second criticism is actually more a suggestion than a criticism. It pertains to the Charities and Social Justice specialization. I would think that you may want to include course LAW 626 – Human Rights Discrimination Law and course LAW 622 – Environmental Law under the same heading, particularly since they represent a major focus of Social Justice.

My last criticism concerns the task of teaching with a focus on a Christian worldview. Although the law school is not a seminary, it would be helpful that there be an optional course in Christian apologetics or a survey course in biblical/theological studies. It may be easy to say that the students are going to be taught with a Christian worldview in mind, but if students have little or no theological background or training, this may be difficult to achieve. It may even be the case that some instructors have little or no theological training. This criticism may become moot if some of these issues are addressed in the Religion and Law course or the Jurisprudence course.
Some of the strengths of the proposed program I have already mentioned above. However, what I did not mention is the overall environment of this new law school. I suspect, given the nature and focus of TWU’s mission, that the law school may have a more collegial or cooperative bent to the program than many law school programs in Canada. If such be the case, we may be seeing a new paradigm in legal education at TWU.

In conclusion, I am very much impressed by this proposal. As a partner of a mid-size law firm in Kelowna, B.C., I am sure that we would give serious consideration to any law school student from the School of Law at TWU looking for summer employment, articles or for permanent employment at our firm, depending on our needs of course at that time. We would treat a TWU School Law graduate no differently than we would a graduate from any other law school in Canada. That is, we will assume they are well trained and ready to make a contribution to the practice of law.

This is a very exciting proposal and one I hope comes to full fruition. There is definitely a need for another law school in British Columbia.

Thank you once again for inviting me to give my thoughts on this proposal. Should you have any questions or require any clarification concerning what is written herein, please feel free to contact me at your convenience.

Kind regards,

Donald L. Wilkinson

cc. Dr. Janet Epp Buckingham
May 1, 2012

Trinity Western University
7600 Glover Road,
Langley, BC V2Y 1Y1

Attention: Elsie Froment, PhD
Dean of Research

Dear Sirs/Mesdames,

Re: Proposed Law School at Trinity Western University

It is with deep sense of gratitude, as well as unhesitating endorsement, that I write in full support of the establishment of a law school at Trinity Western University.

I graduated from what was then Trinity Western College in 1972 with an Associate of Arts diploma. Having been born and raised in the interior British Columbia, it proved to be the perfect accelerant to ignite and fuel my educational aspirations. Even then, as only a two-year school, it gave me an extraordinary opportunity to experience a post-secondary education in an environment that actually cared about me. Its faculty and staff invested in me as a young man, providing ample opportunity and encouragement to excel academically, as well as develop as a well-rounded person with something to contribute to our province and country. Trinity invested in me in a way that I believe no other school would have. They taught me to reinvest, which I believe my firm and I have been able to do through contributions made to the charity and not-for-profit sector of this province.

I have remained involved with TWU ever since I was a student, both personally and professionally. I have watched TWU mature into a first class, leading institution of higher learning. It rightfully has taken its place among other prestigious universities in British Columbia through membership in a number of organizations, including the Association of Universities and Colleges of Canada.

There are relatively few private universities in Canada. I believe that TWU is the largest and, given the economic, enrollment and regulation requirements, this must be recognized as a significant accomplishment. In academics, sports, community, national and international involvement, as well as numerous other arenas of comparison, Trinity has become 'the little school that could', challenging, effectively competing with and overcoming numerically superior universities in Canada in many ways. TWU has had to contend with numerous challenges in a relatively short period of time in order to achieve its size and superlative reputation, all without
receiving public funds. This is a testament to the outstanding quality of its leadership, faculty and students. Many of its graduates who have taken their places as professional, business and political leaders in Canada are proud to be TWU alumni, attributing to that institution much of what provided them with the opportunity, skills and vision to become who they are.

I understand that TWU is the only university in Canada to receive an A+ award for overall quality of education in the Globe and Mail University report card in each of 2006, 2007, 2008, 2009 and 2010. It also received an A+ for Quality of Teaching and Learning in the 2011 and 2012 editions of this report (it was the only university in Canada to receive this A+ rating in 2012). This reputation is not deemed because of a lucrative funding base, but rather these widely accepted public "report cards" reflect and constitute compelling evidence that Trinity's educational excellence and vibrant, caring student life are worthy of respect and recognition.

TWU has succeeded brilliantly in establishing other professional schools, including ones for education and nursing. It also has a wide variety of very successful graduate programs in a variety of fields, including counselling psychology and leadership. Of particular note is its Master of Business Administration program, as the TWU School of Business was selected by the Globe and Mail as the best business school in British Columbia.

Given its track record for development of important educational programming and professional development, a law school is a logical next step for TWU. It will bring its standard of excellence, highly successful student life environment, and ability to attract both highly qualified and yet caring faculty to legal education. As a graduate of TWU, and a lawyer who has practiced in Vancouver and the Lower Mainland for over 30 years, I know first-hand that the educational program at a law school developed and launched by Trinity would, as have its many other successes, leave the uninformed observer amazed. It is only those who carefully examine the educational environment created by TWU who will understand its amazing ability to transform its students by helping them to actualize their potential and realize their hopes and dreams, as it did for me.

A TWU law school would be the only one in the Fraser Valley. The Fraser Valley is probably the fastest growing geographic area of our Province, not just in a residential sense, but for business and institutional growth. Further, it is sustainable, and diverse and community-oriented growth. As a resident, and as founding partner of a medium-sized law firm with its head office in Abbotsford, I am fully convinced that a law school at Trinity would be well situated not only for present needs, but for the future of the Province.

A Trinity law school would educate lawyers that can serve in small to medium sized firms, like the one in which I am a partner. These firms serve the families and small to medium-size businesses that are the backbone of our economy. I fully expect that TWU's law school graduates would also be attracted to some of the rural areas of BC, which in my experience have been underserved by the legal profession. The practical legal education proposed at TWU would be very welcome and much-needed addition to our profession.
My firm has been committed to hiring and training articling students, and we typically take at least one articling student each year. We have trained a number of lawyers whose undergraduate degrees were from TWU. From my experience I can say that these Trinity-educated students now comprise some of our brightest and best legal talent. I know that my partners and I would welcome applications for articling position who would graduate from a TWU law school program.

In conclusion, I cannot be more enthusiastic in my support of the development of a law school at Trinity Western University. I say this with the benefit of an education first grounded there, which has stood me in good stead in a dynamic and demanding legal profession. I say this knowing what it takes to succeed in that profession, especially in the Fraser Valley. I say this knowing the invaluable, well-rounded, educational experience received by students who attend Trinity. I say this in full confidence that a Trinity Western University law school would soon become an exemplar, a model of what a law school can be.

Yours truly,

KUHN LLP

Robert G. Kuhn
Law Corporation
Dr. Janet Epp Buckingham
Director, Laurentian Leadership Centre
Associate Professor, Trinity Western University
252 Metcalfe Street, Ottawa ON K2P 1R3

February 24, 2012

Dear Janet,

Warm greetings from rainy Vancouver! I trust this finds you well.

It was good to meet you last month and to hear of Trinity Western’s University’s interest in establishing a law program.

As I shared at that time, at Union Gospel Mission we serve a wide diversity of clients, many of whom come from marginalized and difficult situations, who need legal advice regarding all sort of personal matters. Many sadly have histories of convictions and crime and need help dealing with pardons, advice or other legal counsel. We have over 100 recovery and long-term residents living in this facility, and serve hundreds more each day in both our Hastings facility and Cordova’s Womens’ Centre.

All this to say, the idea of having legal clinic staffed by Trinity Western legal interns is exciting to us, and we anticipate would be huge help to our programs and our people.

We are very interested in exploring this idea with Trinity, and hope the law program becomes a reality.

I would be happy to meet and dialogue about this further.

Warm regards,

[Signature]

Dan Russell, DMin
Director of Programs
May 2, 2012

Dr. Elsie Froment  
Dean of Research  
Trinity Western University  
7600 Glover Road  
Langley, BC, V2Y 1Y1

Dear Dr. Froment:

Re: School of Law and Juris Doctor Program at Trinity Western University

I am writing to express my support of the proposal to establish a School of Law at Trinity Western University and offer a Juris Doctor Program. Trinity Western University has a strong academic reputation. The university also has an excellent track record for graduates of strong character, high ethical standards, and exemplary leadership qualities. The graduates of this university that I have met and worked with, including Members of Parliament, political staffers, and Manning Centre for Building Democracy staff contribute substantially to the public good of their communities and indeed to Canada. I recommend approval of a School of Law and a Juris Doctor program to be offered at Trinity Western University.

Yours sincerely,

[Signature]

Preston Manning, C.C.  
President and CEO

PM:jmc
June 13, 2012

Janet Epp Buckingham, LL.B, LL.D.
Director | Laurentian Leadership Centre
252 Metcalfe St., Ottawa, ON K2P 1R3
Associate Professor
Trinity Western University

Dear Dr. Buckingham:

Re: Trinity Western University School of Law Proposal

Thank you for meeting with me to discuss the exciting project that you and others associated with Trinity Western University are putting together for the establishment of a law school.

Thus far, three of my children have attended Trinity Western University. Our eldest daughter went through the sciences program, is now completing a Masters in Science at the University of Western Ontario and has been accepted into the School of Medicine at the University of British Columbia. Our second daughter graduated with a B.A. majoring in political science and is carrying on her studies at the University of Leicester in the UK studying law. Our third daughter is currently pursuing a program in the Trinity Western arts faculty and is aiming at finishing the requirements for her B.A. degree in three years instead of the usual four. In each case, our children have appreciated the high standards, teaching and research abilities of the faculty, the collegiality of the students and the leadership provided by the university administration.

With regard to the proposal for a new law school in British Columbia, I have to say that I enthusiastically support it. I attended the University of British Columbia years ago for both my B.A. and LL.B. and then obtained an LL.M at Yale. The University of British Columbia, the University of Victoria and Thompson River University law schools are all largely funded by the provincial government and each provides, in their own way, a perspective on the law that is similar to that of other Canadian law schools.

In my view, it would be useful having another law school with another perspective offered. The mission statement and principles of Trinity Western University clearly would form a distinctive voice among Canadian law schools. Anyone truly committed to academic freedom and excellence and vigorous intellectual debate and discussion would have to concede that point.

I offered my views to you on how Trinity Western University would, of course, have to provide a solid grounding in core courses in law that are required in Canadian law schools and by Canadian law societies for admission to the bar. I have already noted my own family’s
experience with the high standards that Trinity Western University displays in relation to the programs of study and the courses it already offers. I added that Trinity Western could readily draw upon the talents of other faculty members, particularly relating to philosophy, history, government, political science and other disciplines, so as to offer courses involving legal philosophy, legal ethics, professional obligations and legal history not emphasized or offered elsewhere. I have in mind courses relating to the natural law tradition as but one example.

Trinity Western University makes a point of developing among its students not just academic excellence, but also an understanding of principles of leadership and service. Given that the legal community prizes all three of those that creates an opportunity and potential advantage for students graduating in law from Trinity Western University. Having what would perhaps amount to an even greater appreciation and understanding of the possibilities that a legal education and career in law affords would be very useful, in my view.

I am pleased to join in support of the proposal by Trinity Western University to open a law school.

Yours truly,

HOLMES & KING

per: [Signature]

Robert D. Holmes, Q.C.
APPENDIX EIGHT

New Course Outlines
LAW 501  Introduction to Law  (0 s.h.)

**Description**
This course introduces students to law, the legal system and the legal profession. It will teach students the basic skill of how to read and analyze a case. By the end of Orientation Week, students should be able to write a basic case brief.

**Course Objectives**
The objectives of this course are to:
1) address what is, and is not, “law”;
2) introduces students to the foundational principle of law as a profession and a calling;
3) enable students to understand the basic structure of the Canadian legal system;
4) teach students the basic skill of how to read and analyze a case;
5) enable students to write a basic case brief.

**Course Outline**
1. What is law?
2. The nature of the legal profession.
3. The structure of Canadian courts.
4. A framework for understanding law and the legal system.
5. Reading and analyzing cases.
6. Writing a case brief.

**Texts**
No Text
LAW 502, Contract Law (Formation) (5 s.h.)

Description
This course sets out the rules for the formation of legally binding contractual relationships. The course will cover the formation and interpretation of contracts. Further, it will cover the enforcement of contracts including the remedies available in the event of a breach of contract.

Course Objectives
This course is designed to:
1) describe and assess the role of contracts in the Canadian economy and society;
2) explain how a legally enforceable agreement is formed;
3) explain the requirements for the content and characteristics of a legally enforceable agreement;
5) give students an in-depth understanding of how the common law functions including legal interpretation, *stare decisis* and applying and distinguishing cases;
6) explain the role of standard form contracts and how courts control abusive use;
7) explain principles which may vitiate a contract at formation or performance;
8) introduce principles for remedies;
9) introduce students to ethical issues related to the formation, performance and breach of contracts;
10) practice negotiating and drafting contracts.

Course Outline
1. What is a contract?
2. How a contract is formed:
   a. Offer and acceptance
   b. Capacity
   c. Intention
   d. Consideration
3. Standard form contracts
4. The content of contracts including standard form contracts:
   a. Letter of intent vs. contract
   b. Oral vs. written contracts
   c. Form
   d. Priority
   e. Misrepresentation
   f. Terms
5. Exclusion clauses
6. Principles which may vitiate a contract at formation:
   a. Mistake
   b. Duress
   c. Undue Influence

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1 This is a full year course.
d. Economic duress

7. Principles which may vitiate a contract at performance:
   a. Unconscionability
   b. Illegality
   c. Frustration

8. Remedies
9. Negotiating contracts
10. Drafting contracts
11. Ethical aspects of contract law

Texts
Law 503, Tort Law (5 s.h.)

Description
Tort law is a foundational component of the common law system beginning as a system covering legal wrongs between private individuals. Today tort law has evolved into a complex body of law encompassing interactions between public and private entities. This course will cover the common law claims and defences for intentional torts such as assault, battery, false imprisonment, trespass and nuisance. Further, it examines the area of negligence. Other topics which will be examined include strict liability, defences, the assessment of damages and modern alternatives to tort law such as statutory compensation. Students will look critically at legal actions involving carelessness and recklessness. Students will critically examine the role of torts in society and explore new developments in Canadian tort theory.

Course Objectives
The objectives of this course are to:
1) familiarize students with the history of tort law and liability from its English origins to its modern day incarnations in Canada;
2) familiarize students with various theories of tort liability;
3) introduce students to the different types of intentional torts;
4) introduce students to techniques for identifying the elements of each of the intentional torts;
5) introduce students to defences available to intentional torts;
6) enable students to read and analyze cases where an intentional tort is the cause of action, to identify the elements of an intentional tort raised in the cases, and the defences that were successfully (or unsuccessfully) raised in the case, and identify arguments that could have been used to support either side of the argument with respect to issues raised;
7) familiarize students with the theory and impact of negligence as a legal principle regulating the injurious conduct of persons in Canada;
8) familiarize students with the increasingly important role and scope of negligence law and responsibility in Canadian law;
9) assist students to identify the elements of a negligence action;
10) introduce students to expanding bases for negligence and related liability for wrongful or injurious conduct in Canada;
11) explain defences available to negligence claims;
12) equip students to read and analysis cases where negligence is the cause of action, to identify the elements of negligence raised in the cases, and the defences that were successfully (or unsuccessfully) raised in the case, and identify arguments that could have been used to support either side of the argument with respect to issues raised;
13) identify and discuss ethical issues in torts;
14) teach students to prepare short case briefs and prepare oral précis concerning cases covered to present in class.

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2 This is a full year course.
Course Outline
1. Development of tort liability and tort theory in Canada
2. Intentional torts
   a) Trespass to the person
   b) Intentional interference with the person
   c) Trespass to property
   d) Nuisance
   e) Defences
3. Negligence
   a). Duty of care
   b) Standard of care
   c) Causation
   d) Remoteness
   e) Defences and remedies
4. Tort liability of public authorities
5. Misrepresentation/pure economic loss
6. New developments in Canadian tort theory
7. Ethical issues related to intentional and unintentional torts

Texts
Law 504, Constitutional Law (5 s.h.)

Description
Canada is governed by a variety of documents collectively called “the Constitution.” The first half of this course covers the “division of powers”; that is, the law that governs the relationship between different levels of government in Canada. The intended clear division between federal and provincial powers by the founding fathers of Confederation has been made more complex by new inventions, developments and circumstances such as aeronautics, telecommunications and commercial realities of the twenty-first century. The second half of the course will focus on the Canadian Charter of Rights and Freedoms and examine its application and interpretation. This will include an examination of the principles of human rights and Charter values.

Course Objectives
The objectives of this course are to:
1) familiarize students with the structure and substance of Canadian constitutional law, including both division of powers and the Charter of Rights;
2) familiarize students with techniques of Constitutional interpretation;
3) introduce students to the literature which expounds the Constitution, including case law and doctrine;
4) introduce students to methods of analysis which involve the Constitution in resolving legal problems;
5) teach students to identify constitutional issues, identify relevant facts, advise a client about what a court is likely to decide concerning the issue identified, and identify arguments that could be used to support either side of the argument with respect to issues and proposed legislation;
6) familiarize students with the specific rights and freedoms protected by the Charter, the structure of Charter arguments and assembling evidence to advance Charter claims and to create section 1 defences;
7) introduce students to the available remedies under the Charter including possible remedies that continue to be developed by the courts;
8) introduce students to written and oral advocacy skills in relation to the constitutionality of a proposed piece of legislation.

Course Outline
1. Pre-Confederation constitutional documents
2. Constitution Act, 1867, additional constitutional documents and amendments
3. Federal powers
4. Provincial powers
5. Concurrent and shared powers
6. Quasi-constitutional powers accorded to other bodies
7. Application of the Charter and the “notwithstanding” clause: Sections 32 and 33
8. The fundamental freedoms:

3 This is a full year course.
Section 2(a): freedom of conscience and religion
Section 2(b): freedom of thought, belief, opinion and expression
Section 2(c) and (d): freedoms of assembly and association

9. Democratic rights: sections 3 through 5
10. Mobility rights: Section 6
11. Legal rights:
   Section 7: right to life, liberty and security of the person
   Sections 8 through 14: search, seizure, arrest, and criminal proceedings
12. Equality rights: sections 15(1) and (2), 27 and 28
13. Official languages, heritage and aboriginal rights: section 16 through 22, 25 and 27
14. Minority language educational rights: sections 23 and 29
15. Reasonable limits on rights: section 1, including the use of legislative facts and other
   methods of proof.
16. Ethical issues in Constitutional litigation

Texts
L.I. Rotman, B.P. Elman, G.L. Gall, *Constitutional Law: Cases, Commentary and Principles*
(Carswell, 2008)
LAW 505, Property Law (5 s.h.)

Description
Canadian society, indeed Western society, places a high value on the ownership of property, including both land and things. This first part of the course examines the rules governing possession and ownership of real property (land). The second part of the course examines the rules governing possession and ownership of personal property (things). It will also examine the social context for use and ownership of property.

Course Objectives
This course is designed to enable students to:
1) understand the rules governing acquisition, possession and ownership of land;
2) understand and critique the social context for property law in comparative perspective (including aboriginal concepts of property and some community ownership such as the Hutterian Brethren);
3) understand the rules governing acquisition, possession and ownership of personal property (things);
4) understand and critique the social context for property law in comparative perspective;
5) identify and discuss ethical issues relating to property law;
6) analyze and critique cases related to property law;
7) conduct legal research and communicate the results.

Course outline
1. What is private property? Classifications of property
2. Transfer of property
3. Tenure, life estates, leaseholds
4. Contingent vs. vested interests
5. Rule against perpetuities
6. Matrimonial property
7. Easements
8. Restrictive covenants
9. Security interests on real property – mortgages
10. Possession, finders law and ownership
11. Gifts
12. Security interests on personal property
13. Registration of interests
14. Ethical issues related to property law

Texts
Bruce H. Ziff, Jeremy deBeer, Douglas Harris, and Margaret McCallum, A Property Law Reader: Cases, Questions and Commentary (Carswell, 2008)

4 This is a full year course.
LAW 506, Criminal Law (5 s.h.)

Description
This course examines the general principles of liability in Canadian criminal law as applied in the criminal trial process. Students will learn the legal elements of a crime and will use the Criminal Code to consider the elements of specific offences. Students will be provided with an introduction to common law and statutory defences as well as an overview of the process by which these various elements are proved in court. This course also canvasses basic concepts, principles and institutions of criminal procedure, as well as focuses on the review of the most important rules governing the criminal process from the investigative phase through the laying of charges until conviction, sentencing and beyond. The student who successfully completes the course will have a good understanding of the norms of procedure set out in the Criminal Code and related statutes, as well as the procedural rights guaranteed by the Charter of Rights and Freedoms.

Course Objectives
Through this course, students will:
1) understand and critically assess (a) the role of police, prosecutors, defence counsel and judges in the administration of the criminal law process, (b) the principles of criminal responsibility and punishment, and (c) the effect of the Canadian Charter of Rights and Freedoms upon both criminal procedure and substantive criminal law;
2) understand and critically assess theories and perspectives on the purposes and functions of the criminal law and criminal justice system and on the competing interests that both serve;
3) demonstrate practical competence in identifying legal issues in a problem and to present, in an acceptable legal style, arguments in relation to such issues;
4) gain a working knowledge of Canadian criminal procedure;
5) gain practical tools necessary for the practice of law in the area;
6) develop the necessary skills to identify procedural errors in various fact scenarios;
7) understand the criminal procedure governing various offences;
8) develop basic trial advocacy skills through participation in a mock trial;
9) produce high-quality critical writing about themes and issues within the criminal law;
10) identify and discuss critically ethical issues related to criminal law.

Course Outline
1. Introduction to criminal law
2. The structure of criminal proceedings
3. Burdens of proof
4. Elements of an offence
   a. Actus reus
   b. Mens rea
   c. Mens rea and the Charter
5. Types of offences

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5 This is a full year course.
6. Defences
7. Criminal procedure: what is it, what is its purpose and what are its sources?
8. The levels of the criminal courts in British Columbia
9. The criminal process and the roles of police, Crown and defence
10. Investigative powers of police
11. Charge approval and commencing proceedings
12. Compelling appearance and judicial interim release
13. Arraignment, pre-trial case management, elections, re-elections and preliminary hearings
14. Pre-trial and other applications
   a. Disclosure and procedural applications
   b. Charter applications
   c. Trial management
15. Jury selection
16. Trials
17. Sentencing
18. Youth court
19. Mentally disordered offenders
20. Appeals
21. Ethical issues in criminal law

Texts
Stephen Coughlan, *Criminal Procedure* (Irwin Law, 2008)
LAW 507, Fundamentals of Canadian Law (2.5 s.h.)

Description
In this course, students will become familiar with the principles of the common law system, including the doctrines, principles and sources of the common law, how it is made and developed and the institutions within which law is administered in Canada. It further examines how laws are made and the principles of legislative interpretation and statutory analysis. It will also examine how regulations are made under legislation and the relationship between legislation and regulations. Legal research will be a component of this course.

Course Objectives
Students in this course will:
1) learn the historical development of the common law system and its origins in Britain;
2) understand how common law works on an incremental, case-by-case basis, and develop skills in applying principles from past legal cases to a new case;
3) recognize that legislation supersedes common law but that legal principles are applied to interpret legislation and regulations;
4) understand the legislative process and the procedure to draft, pass and implement legislation, including the concept of delegated authority;
5) understand the administration of the law in Canada;
6) critically reflect on the interface between law and society.

Course Outline
1. Origins of common law, including principles of law and equity
2. Precedents and stare decisis
3. Differences between common law and civil law
4. The legislative process -- how are laws made?
5. Principles of statutory interpretation
6. Delegated authority and process to make regulations
7. The relationship between legislation and common law
8. The administration of law, including the organization of the courts and tribunals in Canada
9. Appeal processes
10. Law as an instrument of social change

Texts
J. Horner, Canadian Law and the Legal System, (Pearson Education Canada, 2006)
LAW 508, Introduction to Practice Skills and the Practice of Law (2.5 s.h.)

Description
Beyond understanding legal principles, the lawyer must master a variety of skills to use in private practice, many of which are more relational and creative (right-brained) than cognitive and linear (left-brained). This course introduces students to professionalism, engaging with clients, the art of negotiation and advocacy (both written and oral) in the context of representing clients. It will include the first year practicum and a moot court.

Course Objectives
This course, taught primarily by guest practitioners, will be weighted heavily towards learning by practice and application. Students will have opportunities to:
1) understand the role of the lawyer as professional, advocate, problem-solver and negotiator;
2) become familiar with and engage in several of the skills used by lawyers in regular practice including interviewing, researching, drafting, negotiating and advocating;
3) be equipped to identify and address ethical issues;
4) understand the role of the lawyer as an agent of social change.

Course Outline
1. The role and activities of the practitioner: what is lawyering about and what are the activities that lawyers in private practice engage in?
2. The practice of law as a profession.
3. The lawyer as agent of social change.
4. Engaging with the client: an introduction to interviewing skills – what is the lawyer seeking to achieve in an interview and how is this accomplished? Practice interviews.
5. Engaging with the client and other counsel - communications skills: review of the tools by which the lawyer communicates with clients, opposing counsel and others and how these tools are most appropriately and effectively used.
6. Legal research: how lawyers use library and web-based tools to build and support their case and their opinions.
7. Legal drafting: an introduction to the language and strategies of legal drafting and to plain language concepts.
8. Negotiation: an introduction to the basic theories of negotiation including interest-based negotiation; an overview of negotiation styles and how they are used and practice.
9. Problem solving: many clients come to their lawyer presenting a problem, often one that is not easily categorized. A primary task of the practitioner is to listen, understand and develop a strategy. Through the use of case studies, students will consider real situations involving problem-solving skills.
10. Basic advocacy: a key role of the lawyer is to advocate for her client. In this course, students will be introduced to basic advocacy and will have opportunities to strategize and practice based on actual past cases.
11. Mootling: following the advocacy classes and practicums, each student will prepare for and participate in a moot trial, one of the highlights of the first year law school experience.
Texts
LAW 601, Practicum (0 s.h.)

Description
Upper-year students must complete two practica. Law 601 will not be for credit but can include a broad range of possible placements. Non-credit placement can be paid and will include:

- Summer job with law firm
- Summer placement with government
- Courthouse or tribunal placement
- Correctional services
- Legal research for NGO
- Political office

Course Objectives
Students will complete a variety of experience in their practica. The objectives are to give students exposure to the practical aspects of law. Students will set learning objectives and be required to write a summative detailing how they met their objectives.

Course Outline
Students must get approval for their practicum. There will be required documentation and a summative. The first week of third year, students will meet in small groups to discuss their learning experience.

Texts
No Text
LAW 602, Ethics and Professionalism* (3 s.h.)

Description
Is law a calling, a job or a business? The lawyer, as a professional, is governed by a professional body of peers that establishes a code of conduct and general practices. This course focuses on the practice of law as public service and addresses the question of what does it mean to be a professional? It will also address the principles of ethical practice, particularly issues covered by the Code of Ethics. It challenges students to reconcile their personal and professional beliefs within a framework of service to clients and community while respecting and performing their professional obligations and responsibilities.

Course Objectives
The objectives of this course are to:
1) familiarize students with the history of the legal profession in Canada;
2) familiarize students with various notions of the role of the legal profession in Canadian culture and business;
3) familiarize students with the ethical issues arising from the practice of law;
4) familiarize students with the duties owed to clients and the legal profession;
5) introduce students to the Code of Professional Conduct and Professional Conduct Handbook;
6) enable students to identify ethical issues in fact scenarios and from past cases where professional bodies have imposed discipline on lawyers for failure to meet ethical obligations;
7) enable students to identify relevant facts and arguments to respond to various scenarios where professional obligations are raised and reconcile those arguments with personal beliefs and obligations to serve the public and to pursue justice.

Course Outline
1. The history and evolution of the legal profession in Canada
2. Lawyer-client relationship
3. Confidentiality and privilege
4. Duty of loyalty and conflicts of interest
5. Ethics and criminal law practice
6. Civil litigation and ethics in advocacy
7. Lawyers in organized settings

Texts
Alice Wooley et al., Lawyers’ Ethics and Professional Regulation (LexisNexis Canada, 2008)
D. Buckingham, J. Bickenbach, D. Bronaugh & B. Wilson, Legal Ethics in Canada (Harcourt Brace, 1996)
Gordon Turriff, Q.C., Annotated British Columbia Legal Profession Act (Carswell: looseleaf)
LAW 611, Aboriginal Law  (3 s.h.)

Description
Aboriginal peoples in Canada belong to more than 50 nations. This course will examine the historical development of treaty rights and aboriginal title. It will consider the complex issue of self-government and aboriginal justice. Students will examine the Indian Act along with federal government proposals for amendment. As well, students will examine the legal cases involving aboriginal rights.

Course Objectives
Through this course, students will:
1) develop an understanding of the history of state-first nations relations;
2) understand the legal framework for state-first nations relations;
3) critically assess the legal position of various first nations in Canada;
4) analyze impact of the Charter on Aboriginal peoples in Canada.

Course Outline
1. Aboriginal peoples in Canada: First Nations, Inuit, Metis
2. The Indian Act
3. Aboriginal land title
4. Residential schools
5. Criminal justice
6. Taxation
7. The Bill of Rights and the Charter and Aboriginal Peoples
8. Treaty rights and enforcement of Treaty rights
9. Governance and self-government
10. Aboriginal peoples and international law
11. Proposals for reform of the governance of Aboriginal peoples in Canada

Texts
J. Burrows and L. Rotman, Aboriginal Legal Issues (LexisNexis Canada, 2007)
J. Y. Henderson, First Nations Jurisprudence and Aboriginal Rights (Native Law Centre, University of Saskatchewan)
LAW 612, Advocacy (Advanced) (3 s.h.)

Description
The lawyer is an advocate. Students will learn to write effective legal arguments and how to express themselves persuasively. Students will be required to prepare written submissions, including a factum, and argue a moot court.

Course Objectives
Following on the basic level of instruction on advocacy in LAW 508, this course is designed to help students understand and practice the skills of advocacy so that they are prepared for advocacy in practice. It will:
1) provide students with a more advanced understanding of the theory of a case;
2) teach the steps involved in developing a case through discoveries, pre-trial motions, trial and appeal, the use of experts, interlocutory and summary applications and the evidentiary and ethical issues that counsel deal with in advocating for clients;
3) require students to practice advocacy skills, written and oral, including persuasive writing, pleadings and mooting.

Course Outline
1. The theory and development of a case: an examination of how to approach and strategize about a case. Students will have a hands-on opportunity to analyze a new case and write a strategic approach.
2. The steps in an action: how does a practitioner advance a case to resolution?
3. Where do ADR opportunities arise and how can they be used?
4. Pleadings: students will draft and be critiqued on pleadings.
5. Motions and interlocutory applications: what options are available; when and how to use them.
6. Evidentiary issues: how to recognize them and approach them.
7. Experts: when and how to select and use them.
9. Case management: how to move a case along and maintain momentum
10. Trial preparation: getting ready; anticipating the unexpected.
11. Oral advocacy: how to build a persuasive argument and present a case.

Texts
H. Selby, Advocacy: Preparation and Performance (Irwin Law, 2009)
LAW 613, Alternative Dispute Resolution  (3 s.h.)

**Description**

While most of the emphasis and popular attention in the arena of dispute resolution has focussed on litigation and the drama of the courtroom, increasingly, in practice, disputes are managed and resolved outside of trial. Lawyers who are assisting clients with disputes have an array of options available to them including negotiation, mediation, arbitration and litigation, each of which is useful and appropriate in different circumstances. This course will focus on the “alternative” dispute resolution options with a balance of theory and practice.

**Course Objectives**

Students will leave this course with:
1) a solid understanding of conflict; 
2) the dispute resolution options and when to use them;
3) the underlying theoretical basis for each method of dispute resolution;
4) practical knowledge of how to access each methodology;
5) practical experience in mediation both as counsel and as mediator.

**Course Outline**

1. Anatomy of a dispute – an examination of the nature and breadth of disputes that legal counsel encounter in practice.
2. Conflict theory
3. Interest-based negotiation
4. Negotiation practicum – students will have opportunities to role play negotiation scenarios where they will be encouraged to use interest-based methodologies.
5. Mediation – the underlying theory and methodology of mediation
6. Mediation practicum I - students will have opportunities to role play mediation scenarios taking turns as counsel, client and mediator
7. Challenges in mediation: power imbalances, the “third-party neutral”, managing gender, race and cultural issues.
8. Mediation practicum II
9. The practice of mediation: service providers, mediation agreements, settlement agreements, failed mediations
10. Arbitration – theory and practice
11. Putting it all together

**Texts**

LAW 614, Bankruptcy and Insolvency Law (3 s.h.)

Description
Bankruptcy and insolvency law assumes an important economic and social role in contemporary credit economies. The course will consider liquidation and reorganization as the two basic approaches to bankruptcy and focus on three legislative arenas: the Bankruptcy and Insolvency Act (BIA), the Companies’ Creditors Arrangement Act (CCAA) and relevant provincial legislation. Students will become familiar with the fundamentals of the business and personal bankruptcy process including the various actors in the system. This course will familiarize students with monetary obligations, the rights and obligations of creditors and debtors, priorities among creditors, and certain restrictions on the discharge in bankruptcy of categories of debt. Students will apply the relevant statutory framework and case law to fact patterns in each stage of the bankruptcy process. The course will consider the broader public policy and institutional interests at play.

Course Objectives
This course is intended to:
1) describe the role of bankruptcy and its socio-economic significance;
2) familiarize students with the procedural steps involved in the bankruptcy process in relation to commercial and consumer bankruptcies;
3) explain the reasons for bankruptcy process procedures;
4) introduce students to the administration of the bankruptcy, including creditors generally, the priority of claims, and the administration of the estate;
5) introduce students to corporate reorganizations;
6) equip students to walk a client through the procedure to file under both the BIA and the CCAA;
7) practice drafting simple bankruptcy documents (proposals, assignments, etc.).

Course Outline
1. Purpose of bankruptcy/insolvency law
2. Introduction to bankruptcy legislation
3. Commencement of bankruptcy
4. Property of the bankrupt
5. Third party proprietary claims
6. Preservation of the bankrupt estate
7. Enhancement of the bankrupt estate
8. Administration of the bankrupt estate
9. Secured creditors and receivers
10. Creditors meetings
11. Property of debtor and claims to specific property, goods, or fund
12. Liquidation
13. Orderly payment of debts
14. Proof of claims
15. Discharge of bankrupt
16. Special commercial bankruptcy issues
17. Special consumer bankruptcy issues
18. Bankruptcy offences

Texts
*Federal and Ontario Insolvency Legislation* (Canada Law Book, 2011-2012)
LAW 615, Charities and Not-For-Profits Law (3 s.h.)

Description
This course examines the special legal principles which apply to charities and not-for-profit corporations, with particular emphasis on the new federal and provincial not-for-profit legislation. It will cover incorporation, fundraising, taxation, and governance issues.

Course Objectives
This course is designed to:
1) describe and assess the role of charities and not-for-profits in Canada;
2) explain how not-for-profits may be organized, structured, governed and regulated
3) explain how lawyers interact and advise not-for-profits on an ongoing basis;
4) practice incorporating a not-for-profit organization;
5) enable students to understand how a Christian worldview impacts on charitable giving and volunteering and how rules governing charities can enhance or hinder the practice of religion.

Course outline
1. Charities and not-for-profits in societal context
2. Constitutional jurisdiction
3. Definition of “charity” and “charitable purpose”
4. Legal structures
5. Governance issues – duties and liabilities of the board of directors, members and volunteers
6. Incorporating the charity or not-for-profit
7. Restrictions on charities – political activity and business activities.
8. Employment and volunteers
9. Human rights considerations
10. Fundraising – the rules of getting
11. Philanthropy – the rules of giving
12. The special tax rules – income tax, property tax, GST exemptions
13. Issues in social innovation

Texts
LAW 616, Client Relations and Interviewing Skills  (3 s.h.)

Description
The practice of law is driven by the needs of clients. This course gives students practical skills for interviewing and advising clients, using a client-centred approach. It will help students understand the needs of clients during transactions and during challenges such as litigation. Students will discuss issues such as professionalism and ethical issues. Over half of the course time will be in practice scenarios.

Course Outcomes
Students completing this course will:
1) have a solid grounding in the purposes, methodologies and challenges of oral and written communications with clients;
2) understand and apply client confidentiality and solicitor/client privilege;
3) confidently approach client relationships based on their many hours of practice interviews and written communications.

Course Outline
1. The lawyer-client relationship: formation, engagement and ending the relationship
2. The lawyer as counsellor: listening, advising, responding
3. The interview: purposes, methods, challenges
4. The belligerent client
5. The reluctant client
6. Power imbalances: spouses, business partners
7. The organizational client: business, NGOs
8. Written communication: how to write, electronic vs. letter communications, goals and methodologies
9. Fees: managing the financial side of the relationship
10. Conflicts of interest: how to manage emerging conflicts in the client relationship and when to terminate the relationship
11. Confidentiality
12. Solicitor/client privilege

Texts
LAW 617, Commercial Law (3 s.h.)

Description
Commercial law is that branch of private law concerned primarily with starting a business, financing a business, and the supply of goods or services by merchants and other businesses for profit. Commercial law includes such topics as sale of goods, bailment and carriage of goods, documents of title and negotiable instruments, banking, the various forms of secured credit and an introduction to the law of insolvency and bankruptcy. This course therefore provides the student with a basic understanding of the law affecting the operation of any business doing commercial transactions.

Course Objectives
The objectives of this course are to:
1) familiarize students with the history and development of commercial transaction and the law that governs such transactions in Canada;
2) familiarize students with the division of powers between the federal and provincial legislatures in the area of commercial law;
3) familiarize students with the steps needed to buy or sell a business;
4) familiarize students with the basics of a commercial transactions and the chain of purchase, carriage and insurance contracts that arise from such transactions;
5) familiarize students with an understanding of financing commercial transactions and the types of security that are available to lenders and sellers;
6) familiarize students with a basic understanding of the operation of Canadian law when commercial enterprises can no longer meet their financial and commercial obligations;
7) enable students to learn how commercial entities require legal services at various junctures of their operation;
8) enable students to analyze various business challenges facing commercial clients and develop an understanding of how to advise clients on the legal implications of sales and service contracts, financing and eventually, if necessary, insolvency and bankruptcy issues facing them.

Course Outline
1. Division of powers over commercial transactions
2. Buying and selling a business
   a. Sale of a business by assets
   b. Sale of a business by shares
   c. Stages of a transaction
   d. Drafting an agreement
3. Financing the business – security in commercial transactions
   a. Bank Act security
   b. The PPSA
4. Sales law
5. Bills of Exchange and negotiable instruments
6. Introduction to insolvency and bankruptcy
7. The impact of technology on commercial law
8. Future directions for commercial law in Canada

**Texts**
LAW 618, Conflict of Laws (3 s.h.)

Description
This practical course considers the increasingly prevalent issue of conflict of laws. The course will consider which court has jurisdiction to decide a case, what law should apply to the dispute, and whether the judgment will be recognized and enforced. Students will be introduced to common scenarios faced by lawyers in the context of globalization. The course will engage students in applying the Canadian rules of conflict of laws to problem-solving exercises drawn from all private law areas, including torts, contracts, property, succession and family law. This course will analyze Canadian rules of conflict of laws and equip students to assess legal situations that engage multiple jurisdictions, particularly the US and Asia.

Course Objective
The objectives of this course are to:
1) introduce students to the principles and concepts of private international law;
2) familiarize students with the issues of jurisdiction, choice of law theories, and recognition and enforcement of extra-territorial judgments;
3) develop practical skills by applying conflict of law rules to problems drawn from various areas of private practice;
4) acquaint students with the policy concerns, such as the impact of globalization and technology, underlying the development of private international law;
5) provide students an opportunity to make and defend submissions on jurisdiction in a mock court setting.

Course Outline
1. Choice of law
2. Adjudicatory jurisdiction
3. Marriage
4. Contractual obligations
5. Extra-contractual obligations
6. Substance and procedure
7. Proof of foreign law
8. Jurisdiction
9. Recognition and enforcement of foreign judgments and awards

Texts
Dicey, Morris and Collins on the Conflicts of Laws (Sweet and Maxwell, 2006)
LAW 619, Consumer Law (3 s.h.)

Description
This course focuses on the consumer law relating to the sale of goods and services, including an examination of the Sale of Goods Act and the Business Practices and Consumer Protection Act. Students will have an opportunity to develop practical problem-solving skills by applying relevant authority to contemporary scenarios. Students will also be introduced to the Vienna Convention on the International Sale of Goods.

Course Objectives
Through this course, students will:
1) learn fundamental legal principles applying to sales transactions;
2) become familiar with the legal framework for consumer protection;
3) develop practical skills by analyzing fact scenarios according to relevant statute and case law.

Course Outline
1. Historical development, context and overview of Sale of Goods Act
2. Sale of goods
   a. Transfer of property
   b. Transfer of title
   c. Assumption of risk
   d. Statutory contract
   e. Delivery
   f. Payment and acceptance
   g. Seller’s remedies
   h. Buyer’s remedies
3. Consumer protection legislation

Texts
LAW 620, Debtor and Creditor Law (3 s.h.)

Description
This course provides an examination of the methods by which unsecured creditors may enforce money judgments. There will be an overview of the general principles and forms of relief offered by provincial and federal legislation. A review will also be made of exemptions from enforcement that are available to debtors as well as other legal rights accorded to debtors after judgment. The course will be a combination of lecture, case analysis, and discussion of practice problems.

Course Objectives
The objects of this course are to:
1) explain debtor and creditor law and relations;
2) critically analyze debtor and creditor legal issues and policy considerations;
3) equip students with a basic understanding of the procedures and practical aspects of how to enforce money judgments;
4) enable students to understand professional responsibility matters especially important to lawyers acting for debtors and creditors.

Course Outline
1. Overview of the law governing debtor and creditor relations
2. Credit—credit reporting, credit cards and lines of credit, interest rates
3. Debt collection practices
4. Initiating proceedings—limitations, choice of registry, initiating the action, service of process
5. Proceeding to judgment—default judgment, summary judgment and summary trial
6. Registration and actions on foreign judgments
7. Pre-judgment execution—the Mareva injunction, preservation orders, prejudgment garnishment
8. Post-judgment execution—examination in aid of execution, subpoena to debtor, Small Claims Court
9. Post-judgment garnishment
10. Execution against land
11. Execution against personal property—goods, chattels, effects, money and securities for money, shares
12. Equitable execution—equitable receivers, equitable charging order
13. Execution priorities
14. Exemptions and immunities—federal and provincial
15. Fraudulent transactions—fraudulent conveyances, fraudulent preferences
16. Bankruptcy and insolvency—property, income, claims against the estate, and discharge
17. Professional responsibility

Texts
F. Bennett, Bennett on Creditors’ and Debtors’ Rights and Remedies (5th edition) (Carswell, 2006)
C.R.B. Dunlop, Creditor-Debtor Law in Canada (2nd edition) (Carswell, 1995)
L.R. Robinson, British Columbia Debtor - Creditor Law and Precedents (Student Edition) (Carswell, 2009)
LAW 621, Employment and Labour Law (3 s.h.)

Description
All aspects of the employment relationship will be covered in this course including the employment relationship, the contract, implied rights and obligations and terminating the employment relationship. As it is termination of employment that is most frequently litigated, it will be examined in detail including constructive dismissal, reasonable notice, dismissal for cause and damages. Human rights legislation, as it applies to employment, will also be a significant topic. This course also addresses the relationship between management and labour when there is a union. It will include the historical development of unions in Canada. It will also cover all aspects of unionization including certification, bargaining in good faith, the collective agreement and industrial conflict.

Course Objectives
The objectives of this course are to:
1) give students a historical understanding of the development of employment law and trade unions and collective bargaining;
2) equip students with a basic knowledge of the nature of employment contracts, the rights and responsibilities of employers and employees specifically on termination of the employment relationship;
3) equip students with a basic knowledge of the role of trade unions, certification, negotiating collective agreements and strikes and lockouts;
4) assist students to understand the crucial role of the Charter and human rights law in the employment context.

Course Outline
1. The employment relationship as distinct from other relationships
2. The employment contract
3. Statutory minimum standards
4. Rights and responsibilities of employees and employers
5. Terminating the employment relationship
6. Unions and certification
7. Collective bargaining and the collective agreement
8. Industrial conflicts -- strikes and lock-outs
9. The trade union and its members
10. The Charter and trade unions
11. Human rights in employment law

Texts
David Harris, Wrongful Dismissal (Carswell, looseleaf)
LAW 622, Environmental Law (3 s.h.)

Description
This course examines the regulatory framework for environmental law, including federal and provincial jurisdictions. As well, it addresses the wide variety of environmental issues, including pollution, biodiversity and climate change.

Course Objectives
The course aims to instill in students:
1) an understanding of the economic, social and political context of environmental policy and law;
2) an appreciation of the limits of the common law and historical property law principles in approaching environmental issues;
3) a basic familiarity with environmental statutes and regulations and the federal and provincial levels;
4) an understanding of enforcement principles and regulatory powers;
5) an appreciation of specific topics in First Nations issues, the role of local governments and wilderness and wildlife protection;
6) practical considerations arising from land sales and other transactions, pollution abatement and responding to governmental enforcement will be emphasized throughout.

Course Outline
1. The common law
   a. Applying traditional tort law and understanding their limits;
   b. Class action suits and environmental tort claims
2. Jurisdiction of the environment – division of powers
3. Environmental regulation – sectoral regulatory regimes
4. Compliance and enforcement
   a. Using the courts and tribunals to protect the environment
   b. Using administrative decision making
   c. Corporations and harnessing market forces
5. Judicial review of environmental decision making, including public interest standing
6. Federal environmental assessment
7. Species protection

Texts
Meinhard Doelle, Chris Tollefson, Environmental Law: Cases and Materials (Carswell, 2009)
Muldoon, Lucas, Gibson and Pickfield, An Introduction to Environmental Law and Policy in Canada (Edmond Montgomery, 2009)
LAW 623, Family Law (3 s.h.)

Description
The family is said to be the basic building block of society. This course will examine the state’s regulation of the family and critically assess whether state regulation has changed the family or responded to social changes. It will also include an assessment of the current challenges in family law, especially the backlog in the courts, and alternative dispute resolution and mediation as alternatives.

Course Objectives
This course aims to:
1) promote an interest in family law and the legal and social issues in familial relationships;
2) communicate basic principles that underlie and inform regulation of families through law;
3) explore relevant legislation and case law and identify current family law issues in order to make effective family arguments;
4) provide students with practical experience in drafting agreements related to family law;
5) provide an opportunity to examine and consider the law reform and theoretical debates that shape and inform family law in Canada.

Course Outline
1. Histories and changing definitions: What is “family”?
2. The legal framework for family law
3. Creating the “family”: marriage and marriage-like relationships
4. Children: determining parentage and adoption
5. Legal regulation of family life: abuse, violence and child protection
6. Family breakdown and corollary issues, including alternative dispute resolution
7. Negotiating and drafting prenuptial and separation agreements (and practice drafting)
8. Economic consequences of family breakdown
9. Policy directions in family law
10. Ethical issues in family law

Texts
Statutes are available online:
- Supreme Court Family Rules
- The Family Law Act (note: bill passed in the BC Legislature on November 23, 2011 and will replace the Family Relations Act)
- Family Relations Act and Regulations
- Divorce Act

Harold Niman (ed.), Evidence in Family Law (Canada Law Book, looseleaf)
LAW 624, Financial Institutions (3 s.h.)

Description
This course examines the law relating to banks and other deposit-taking institutions, such as credit unions. Particular emphasis will be on the regulatory framework, the bank and customer relationship and clearing systems such as ACSS, LVTS, Interac, credit cards and third party payment providers.

Course Objectives
The objective of this course is that students learn to:
1) describe and explain the role of banks and other deposit-taking institutions in Canada;
2) describe and explain the institutional context within which Canadian banks operate;
3) explain how banks and other deposit-taking institutions are regulated and what they may do;
4) explain how the bank and customer relationship operates with respect to paper and electronic transactions, including the mutual duties owed by each party;
5) understand the international context for financial institutions and financial transactions.

Course Outline
1. Banks and Credits Unions
2. Definition of “banking”
3. Regulation and prudential oversight of financial institutions, including federal/provincial jurisdiction
4. Financial institutions as businesses
5. Financial institutions and the customer
6. Bills of Exchange
7. Account operation
8. Loans
9. Electronic fund transfer
10. Electronic payments
11. Credit cards
12. Dispute resolution
13. Monitoring of financial transactions -- money laundering and terrorist financing

Texts
LAW 625, Health and Elder Law (3 s.h.)

Description
This course introduces students to the law relating to the Canadian health care system with a particular focus on care for the elderly. The first half of the course will cover the regulation of the health care system including health care professionals, informed consent to medical treatment, malpractice, confidentiality and disclosure of health information. The second half of the course will address specific issues related to our aging population, including mental disability, substitute decision-making and end-of-life decision-making.

Course Objectives
The course aims to instill students with a basic understanding of fundamental principles and issues in health law and policy, including:
1) legal foundations of health care law and health care funding;
2) regulation of health care professionals and institutions, both private and public;
3) negligence law and patient safety;
4) consent to treatment and mental capacity;
5) privacy and confidentiality in health care;
6) public health law, including laws relating to infectious disease control;
7) ethical and legal issues in end-of-life care.

Course Outline
1. Regulation of health care professionals and complementary health care professionals
2. The Canadian health care system, including federal and provincial statutes
3. Private and public health care providers and statutes regulating the same
4. Applicable tort law, including medical malpractice
5. Informed consent
6. Minors and health care
7. Elderly and health care
   a. Personal autonomy and capacity
   b. Financial planning, powers of attorney and elder abuse
   c. Private elder care and regulation
   d. Family support and the elderly
8. Mental health law
9. Health information and privacy
10. Public health law
11. End of life
12. Decision-making at the end of life (including living wills)

Texts
LAW 626, Human Rights and Discrimination  (3 s.h.)

Description
This course examines the historical roots for human rights legislation in Canada. Students will examine the structure of the human rights codes in terms of prohibited grounds and specific discriminatory practices. It will include critically examining human rights procedure, including the transition of provinces like British Columbia and Ontario to new systems that change the role of the Human Rights Commissions.

Course Objectives
The course aims to instill students with a basic understanding of fundamental principles and issues in human rights law and policy, including:
1) interaction between ideas of morality social justice and human rights and the purpose of protecting human rights;
2) development of human rights post-WW II;
3) competing conceptions of equality and discrimination;
4) the impact of human rights laws on private relationships and contracts;
5) preparing and assembling evidence for human rights complaints;
6) defending against human rights complaints.

Course Outline
2. Meaning of discrimination – substantive equality v. formal equality
3. Structure of human rights statutes – process
   a. Human rights commissions
   b. Human rights tribunals
   c. Practice issues
4. Structure of human rights statutes – substantive protections
   a. Areas of protection (employment, wages, employment advertisements, purchase of property, discriminatory/hateful speech, tenancy, services customarily available to the public, association/union membership, etc.)
   b. Grounds on which discrimination is prohibited
5. BFOR/BFOQ defences
6. Special interest exemptions
7. Charter limitations on scope of human rights prohibitions

Texts
Stanley Corbett, Canadian Human Rights Law and Commentary (LexisNexis, 2007)
Anita Braha, Annotated British Columbia Human Rights Code (Canada Law Book, looseleaf)
LAW 627, Immigration and Refugees Law (3 s.h.)

Description
Canada is largely a country of immigrants. This course will cover the regulatory framework for immigration to Canada. It will also critically assess the issues raised by Canadian immigration policy. As well, students will be introduced to the international and national rules governing refugees.

Course Objectives
The course aims to instill students with a basic understanding of fundamental principles and issues in immigration and refugees law in Canada including:
1) the constitutional and international basis for migration laws;
2) social, political and economic context and consequences of migration control;
3) practical skills for representing immigrants and refugee claimants;
4) obtaining protection as a refugee;
5) border protection;
6) process and principles for settling in Canada;
7) losing the ability to stay in Canada.

Course Outline
1. Introduction to migration, borders and mobility
2. Canada’s place in the world: the Charter and international legal instruments
3. Citizenship and permanent residency requirements
4. Introduction to asylum law
5. Security, human trafficking and smuggling
6. Definition of refugee in Canada, persecution and ability to return
   a. Interdiction
   b. Refoulement
   c. Expulsion of refugees
7. Immigrating to Canada
   a. Decision-making structure and process, including immigration and refugee board
   b. Standard of review
   c. Economic criteria and classes of immigrants
   d. Family class immigration
   e. Humanitarian and compassionate immigration
8. Exclusion, removals and deportation
   a. Criminality
   b. War crimes
   c. Medical and health issues.

Texts
Lorne Waldman, Canadian Immigration & Refugee Law Practice 2011 (LexisNexis, 2011)
Annotated Immigration and Refugee Protection Act (Carswell, 2012)
Benjamin A. Kranc, North American Relocation Law (Canada Law Book, looseleaf)
LAW 628, Insurance Law (3 s.h.)

Description
This course will examine the theory and elements of the practice of insurance law, with reference to the most common forms of both first party and third party insurance: property, life and motor vehicle insurance. It will cover the basic theory of insurance as a loss spreading mechanism; the nature of insurance contracts; the insurance industry; principles of indemnity insurance; the duty of good faith and obligation of full disclosure; and the claims process. It will also cover selected issues on interpreting insurance policies.

Course Objectives
This course will allow students to:
1) gain an appreciation of the principles of insurance law and the particular operation of contract law in the insurance context;
2) develop an ability to analyze insurance problems and apply legal doctrine and policy considerations to them;
3) develop skills in working with mixed jurisprudence based in part on statute and in part on common law;
4) acquire insight into the structure and substance of insurance policies;
5) evaluate the effectiveness of legislation and common law principles in controlling the insurance industry and protecting consumers of insurance products.

Course Outline
1. Introduction to insurance
2. Nature of insurance
3. Insurable interest
4. Principle of indemnity
5. The insurance contract
6. Duty of good faith and obligation of full disclosure
7. Selected issues in interpreting insurance contracts
8. Public policy restrictions
9. The claims process
10. Valuation

Texts
Barbara Billingsley, General Principles of Canadian Insurance Law (Student Edition) (LexisNexis, 2008)
LAW 629, Intellectual Property Law (3 s.h.)

Description
Intellectual property laws protect ideas, creativity and designs. These are protected by patents, trademarks, copyright and industrial design. This course will examine the rules governing each of these, the protection they offer and enforcement of each of these protections. Other rules and remedies, such as passing off, will also be covered.

Course Objectives
In this course, students will be exposed to the legal protection for inventions and creativity. They will:
1) understand the various protections, and length of protection, for patents, industrial design, trademarks and copyright;
2) understand the issues for international protection for intellectual property, or lack of protection, as the case may be;
3) have a basic understanding of the procedures of the Canadian Intellectual Property Office (CIPO) to protect intellectual property;
4) know how to search CIPO databases;
5) be challenged to think about innovation and how that affects the protection of intellectual property.

Course Outline
1. What is intellectual property and why protect it?
2. The global context for intellectual property protection
3. Patents
   a. Novelty
   b. Non-obvious
   c. Utility
   d. Claim construction
   e. Infringement
   f. Defences
   g. Remedies
4. Industrial design
5. Trademarks
   a. Registrable?
   b. Official/non-official
   c. Infringement
   d. Defences
6. Passing off
   a. Misrepresentation
   b. Damages
7. Copyright
   a. Works
   b. Infringement
   c. Moral rights
d. Defences

8. New issues with intellectual property coming out of new technologies

Texts
David Vaver, *Copyright Law* (Irwin Law, 2000)
LAW 630, International Law (3 s.h.)

Description
This course will cover the sources, development and institutions of international law. It will address the relationship between international law in its customary and conventional forms and the domestic laws of Canada. Trade, investment, peace and security and international human rights will be canvassed. Students will have the opportunity to assess bilateral and multi-lateral international agreements including the NAFTA, WTOA and UN Agency-generated treaties.

Course Objectives
The objectives of this course are that students be able to:
1) explain the relationship between the historical origins and nature of international law and the current international legal system;
2) outline the key characteristics and fundamental principles of international law, particularly with respect to customary and conventional law;
3) identify the principal attributes of the main players in the international legal system;
4) describe how international law is generated, the theories advanced to explain its legal effects, and the manner in which it interacts with domestic (particularly Canadian) law;
5) articulate key substantive doctrines of international law, including rules relating to the sovereign equality of states, the prohibition of intervention in the domestic affairs of states, state succession, the principle of self-determination of peoples, the law of treaties, state jurisdiction, the law of the sea, air and space law, sovereign and diplomatic immunities, state responsibility, and the international protection of human rights and/or the use of force in international relations;
6) identify international legal issues in various fact scenarios and analyze such issues in light of the foregoing knowledge in order to provide well-reasoned, persuasive international legal advice;
7) engage in critical and informed debate concerning the nature, reality, content, strengths and shortcomings of current international law.

Course Outline
1. Sources of international law
2. Customary international law
3. Jus Cogens norms and Erga Omnes obligations
4. Jurisdiction and immunities
5. The law of treaties
6. Trade law
7. Human rights

Texts
LAW 631, Landlord and Tenant Law (3 s.h.)

Description
This course considers the essential landlord-tenant relationship in both residential and commercial contexts. It introduces students to the critical legal elements of the relations, including the requirements for the formation of a valid agreement, the rights and duties of the parties under the agreement, and remedies for breach. Students will become familiar with the statutory regimes governing landlord-tenant relationships. The course will provide opportunities for students to critically assess commercial and residential tenancy agreements for compliance with the relevant statutory provisions. Students will also engage in problem-solving exercises in order to advise clients on the best course for pursuing remedial action.

Course Objectives
This course will:
1) introduce students to the nature of the landlord-tenant relationship;
2) familiarize students with the essential elements of a valid tenancy agreement and the distinctions between commercial and residential relationships;
3) equip students to identify flaws, inconsistencies and deficiencies in tenancy agreements;
4) develop skills to provide effective client advice on remedial options under tenancy agreements and applicable legislation.

Course Outline
1. Creation of landlord-tenant relationship
2. Application of landlord and tenant statutes
3. Leases and tenancy agreements
4. Agreements for lease
5. Obligations of landlord
6. Obligations of tenant
7. Rent
8. Assignment and subletting
9. Renewals and options
10. Merger and surrender
11. Forfeiture and re-entry
12. Abandonment
13. Termination by Notice to Quit
14. Statutory remedies
15. Fixtures

Texts
Donald H.D. Lamont, Q.C., Residential Tenancies (Carswell, 2000)
Description
Issues of development and planning have become increasingly controversial. This course is an introduction to the basic structure, functions and powers of municipal or local governments. It will start with where municipal governments get their powers and how they make by-laws. It will include municipal taxation. A significant part of the course will focus on municipal planning and land use.

Course Objectives
This course will enable students to:
1) understand the unique role of municipalities in regulating planning and property taxation;
2) be equipped to make applications to the relevant municipal bodies for planning approvals, and understand the appeals processes;
3) understand and apply the relevant legislation for municipal regulation.

Course Outline
1. Where do municipalities derive their authority?
2. Scope of municipal authority
3. Municipal taxation
4. The scope of the zoning power
5. Land use, non-conformity and variances
6. Subdivision
7. Municipal regulation of houses of worship
8. First Nations issues
9. Liability issues for municipalities
10. Liability issues for planners
11. Municipal services

Texts
W. Buholzer, *British Columbia Planning Law and Practice* (LexisNexis, looseleaf)
LAW 633, Natural Resource Law (3 s.h.)

Description
The course begins with an overview of the development of Canadian natural resource law, including some underlying philosophies, principles and ethics. This foundation leads to an examination of the natural resource law framework in Canada from federal, provincial, municipal and Aboriginal perspectives. The course also explores the legislation and common law principles that govern natural resource protection, compliance, enforcement and liability for natural resource harm, natural resource rights, public participation and environmental assessment. Emphasis will be placed on the specific example of forestry, but will also include mining, oil and gas and fisheries.

Course Objectives
This course will enable students to:
1) gain an appreciation of the social, political and economic context of natural resource law and policy making and enforcement;
2) consider the challenges of natural resource law making and regulation within the Canadian federation, including First Nations issues and the role of local government;
3) understand the scope and limitations of common law actions and remedies in the natural resource context;
3) gain a basic familiarity with natural resource regulation and law making at the federal and provincial levels including standard-setting, the emerging debate with respect to “smart regulation” and related issues of public participation, enforcement, judicial review and standing;
4) evaluate the efficiency and effectiveness of these models within a broader socio-political context, and consider possibilities for reform;
5) consider the role of the criminal law in natural resource regulatory enforcement including private prosecution;
6) acquire an understanding of the natural resource assessment and species protection processes, with an emphasis on federal issues and emerging critiques;
8) consider the impact of climate change on selected areas of natural resource law and policy.

Course Outline
1. Overview of Canadian natural resource law
2. Sources of jurisdiction and natural resource legislation
3. Using the courts for natural resource protection
4. Regulation of natural resources
5. The future of natural resource law
6. Practicing natural resource law

Texts
Jamie Benidickson, Environmental Law (3rd edition) (Irwin Law, 2008)
LAW 634, Negotiation (Advanced) (3 s.h.)

Description
This skills-based course will develop negotiating theory and skills through practical assignments and readings from on negotiation theory. Each week, students will have the opportunity to participate in a practice scenario and to analyze the results. Coaching and peer input will be provided. Prerequisite(s): LAW 613 Alternative Dispute Resolution.

Course Outcomes
Students will have:
1) a comprehensive understanding of how and why we negotiate;
2) the moral and practical benefits of principled (interest-based) negotiation;
3) skills to understand the client’s interests;
4) the methods used to lead people to engage in principled negotiation ;
5) personal testing of their negotiation styles and many hours of negotiation practice and observation in a variety of scenarios;
6) honed skills and outcomes in all aspects of life: professional, family and community.

Course Outline
1. Negotiation methodologies and styles. (Course participants will get a personal negotiation style assessment.)
2. Negotiation theory – building on the basic theoretical models discussed in Law 304, a comprehensive examination of how individuals, groups, organizations and nations engage in negotiations, how to measure results based on maximizing interests, and optimization
3. Distributive and integrative bargaining
4. Taking instructions from a client
5. Single issue vs. multiple issue negotiations: identifying and mapping interests
6. Negotiating in the business context
7. Negotiating in the family context
8. Negotiating between organizations
9. International negotiations
10. Documenting the course of negotiations and documenting the outcome
11. Challenges for negotiators: ethical issues, getting to the table, power imbalances, the “hard bargainer”, cultural and gender issues, managing personal emotions
12. Using negotiation software as an optimization tool

Texts
W. Ury, Getting Past No: Negotiating in Difficult Situations (Bantam Books, 1993)
LAW 635, Remedies (3 s.h.)

Description
This course introduces students to legal and equitable remedies in the area of private law, predominantly torts, property and contract law. The class will emphasize principles governing remedial selection. Students will become familiar with the range of remedial options available in law, and will practice developing creative strategies to best meet clients’ needs. The course will provide opportunities for students to apply their learning by analyzing problems, drafting opinion letters, and offering client advice in a client counselling session.

Course Objectives
The objects of this course are to:
1) introduce students to the method of remedial choice, and the factors that influence various choices;
2) familiarize students with principles governing the assessment of damages and the rationale;
3) develop practical skills by applying rules and authority to client scenarios in order to identify the benefits and drawbacks for clients in pursuing various remedial strategies;
4) consider public policy considerations that influence courts’ choice of remedies, including social justice concerns.

Course Outline
1. Basic principles of remedies
2. Damages
   a. Expectation damages
   b. Reliance damages
   c. Restitutionary remedies
   d. Aggravated and punitive damages
   e. Damages for personal injury
   f. Limiting principles
3. Equitable remedies
4. The social and policy implications of various remedies

Texts
Jamie Cassels and Elizabeth Adjin-Tetty, Remedies: The Law of Damages (Irwin Law, 2008)
LAW 636, Religion and the Law (3 s.h.)

Description
This course examines the relationship between religion and the secular state in a wide variety of contexts. Chief Justice McLachlin noted that “both law and religion are comprehensive doctrines,” that is, they place total claims on lives of citizens and adherents. This will inevitably lead to conflicts. Specific focus will be on Canada and will include human rights, regulation of religious institutions and accommodation of religious difference.

Course Objectives
This course will allow students to:
1) critically analyze the place of religion in Canada’s pluralistic, multicultural state;
2) understand the historical roots of many of Canada’s current religious conflicts;
3) understand and evaluate regulation of religious institutions;
4) understand the legal framework for religious freedom including the Charter and human rights codes.

Course Outline
1. Understanding religion and religious diversity in Canada
2. The Constitutional background
3. Religion and education
4. Religion and family law
5. Accommodation of religious practices
6. Limits on religious expression
7. Regulation of religious institutions
8. The place of religious law
9. Competing and conflicting rights

Texts
Janet Epp Buckingham, *Crosses, Kirpans and Conflict*, (McGill-Queen’s University Press, forthcoming)
Law 637, Securities Law (3 s.h.)

Description
This course covers securities regulation, predominantly through the raising of funds for corporate development through selling securities to the public. The course will focus specifically on the B.C. Securities Act. The course will include registration requirements for persons trading in securities, prospectus requirements to trade in securities, exemptions from the prospectus requirement, restrictions on the resale of securities, remedies for failure to comply with securities legislation, continuous disclosure requirements and take-over bid legislation.

Course Objectives
The objectives of this course are to:
1) familiarize students with the origins of regulation of securities transactions;
2) explain the concepts of public offerings, private placements, market disclosures, insider trading;
3) understand the law regulating offerings and trading of traditional domestic equity securities;
4) analyze court decisions, security commission rules, disclosure forms, regulatory explanations, and formulate ways in which they would assist clients raising funds through security offerings;
5) familiarize students with the effects of the Canadian Charter of Rights and Freedoms on securities law especially with regards to enforcement actions against individuals;
6) analyze ethical issues in advising clients in securities law matters generally and when representing clients before the securities commissions or before federal judicial bodies while still meeting the lawyer’s professional responsibility obligations.

Course Outline
1. The history and evolution of the regulation of raising money for industry
2. The registration process for newly issued securities
3. Civil liability for deficiencies and misrepresentations in the registration materials
4. Exemptions from registration
5. Definition of security
6. Regulation of securities trading markets
7. Liability for securities fraud (and insider trading)
8. Regulation of securities industry participants
9. Cross-border regulation of securities transactions
10. Ethical considerations in securities law

Texts
M. Condon, A. Anand, J. Sarra, Securities Law in Canada (Emond Montgomery, 2005)
The (British Columbia) Securities Act, R.S.B.C. 1996, c. 418
The (Ontario) Securities Act, R.S.O. 1990, c. S.5
LAW 638, Tax Law (3 s.h.)

Description
This course covers the fundamental principles, concepts, and application of Canadian federal income tax legislation. Topics include the concepts of income and liability for tax; income from employment, business, and property; shareholder benefits; deductions; capital gains and losses; computation of taxable income and tax planning for individuals. The course emphasizes understanding of the conceptual structure of the *Income Tax Act* and the application of its rules to practical cases.

Course Objectives
The objectives of this course are to:
1) familiarize students with the history and evolution of tax law in Canada;
2) explain the fundamental principles of Canadian federal income taxation;
3) explain how individuals calculate income tax payable under Canadian law for different types of income earned including employment, professional, business, rental and investment income;
4) explain the kinds of deductions available to individuals when calculating income tax payable;
5) understand the Canada Revenue Agency’s tax administration, audit and enforcement under the *Income Tax Act*;
6) familiarize students with the effects of the *Canadian Charter of Rights and Freedoms* on the law of income tax especially with regards to enforcement actions against individuals;
7) enable students to read and interpret provisions effectively relating to individuals in the *Income Tax Act*;
8) analyze various ethical issues relating to advising clients in tax matters generally and when representing individuals before the Canada Revenue Agency or before federal judicial bodies while still meeting the lawyer’s professional responsibility obligations.

Course Outline
1. History, objectives and the legislative process that applies to taxation in Canada
2. Jurisdiction and liability to tax
3. Tax administration and enforcement
4. Types of taxable assets and income
5. Deductions and credits
6. Capital gains
7. Tax avoidance and tax evasion
8. Provincial and other taxes
9. Professional ethics in tax planning and tax litigation

Texts
LAW 639, Tax Law (Advanced) (3 s.h.)

Description
This advanced course covers the principles of taxation that apply to entities other than individuals. It surveys tax implications that apply to corporate reorganizations, tax planning, and the application of tax principles and concepts to complex tax situations like trusts, partnerships, and corporations. Topics include shareholder benefits; transfer of property to corporations; anti-avoidance and other rules; purchase or sale of a business; partnerships; death; trusts; and intra-family property transfers. Prerequisite(s): LAW 638, Tax Law.

Course Objectives
The objectives of this course are to:
1) familiarize students with the fundamental principles of Canadian federal income taxation as it applies to entities other than individuals;
2) familiarize students with how entities calculate income tax payable under Canadian law for different types of income earned by corporations, partnerships, limited partnerships and trust;
3) explain the kinds of deductions available to corporations, partnerships and trusts when calculating income tax payable;
4) explain the implications and techniques of corporate reorganization to minimize tax under the Income Tax Act;
5) explain concepts under the Income Tax Act relating to purchase or sale of a business and intra-family property transfers;
6) explain concepts under the Income Tax Act relating to the death of an individual and the winding-up of a corporation;
7) enable students to read and interpret provisions effectively relating to partnerships, corporations and trust in the Income Tax Act;
8) analyze various ethical issues relating to advising corporate clients in tax matters generally and when representing corporate clients before the Canada Revenue Agency or before federal judicial bodies while still meeting the lawyer’s professional responsibility obligations.

Course Outline
1. Overview of differences in the taxation of income earned by various business organizations
2. Taxation of the corporation, its officers and its shareholders
3. Transfers of property into and out of a taxable Canadian corporation
4. Corporate reorganizations and its tax implications
5. Anti-avoidance rules
6. Purchase and sale of a business
7. Partnerships, limited partnerships and trusts
8. Transfers of property among family members or family-held corporations
9. Death of a taxpayer

Texts
Vern Krishna, Fundamentals of Income Tax Law (Carswell, 2009)
LAW 701, Practicum* (3-9 s.h.)

Description
Upper year students must complete two practica. LAW 701 will be a supervised practicum for academic credit. The supervised practicum eligible for credit for LAW 701 will include:

- Legal aid clinic
- Competitive moot
- Private law firm, government legal services department
- *Pro bono* placement with a non-governmental organization
- Internship with a Member of Parliament or Senator, or provincial MLA (or equivalent)
- Tribunal or court

Course Objectives
Students will gain a practical experience of law and/or advocacy through the 3rd year placement.

Course Outline
Students must get approval for their practicum. There will be required documentation and a summative.

Texts
No Text
LAW 702, Administrative Law* (3 s.h.)

Description
Administrative law broadly covers the exercise of government power excepting that of criminal law powers. It regulates how governments exercise their authority, including both political and administrative authority. Administrative law addresses both direct exercise of government decision-making and the host of tribunals governments establish. This course will cover the rules governing how governments make decisions and carry them out as well as the procedures to challenge those decisions, including judicial review. Students will have the opportunity to visit a tribunal hearing.

Course Objectives
The objectives of this course are to:
1) familiarize students with the history and development executive-branch agencies and tribunals in Canada;
2) explain the differences between the judiciary and administrative tribunals and agencies;
3) familiarize students with an understanding of the operation of government decision-making and that of agencies and tribunals and the process that governs challenging their decisions;
4) critique the social, religious and political implications of challenging governmental authority;
5) enable students to identify issues arising from governmental decision-making action that would permit legal review of such decisions;
6) enable students to learn to analyze and critique the rapidly changing area of administrative law; and to formulate arguments to address the ambiguity of conflicting decisions by different courts and to communicate their results to colleagues and clients.

Course Outline
1. History and development of administrative law in Canada
2. Constitutional basis for judicial review
3. Expertise and statutory purpose
4. Procedural fairness
5. Bias and lack of impartiality
6. Jurisdictional issues and discretionary decisions
7. Remedies

Texts
Sara Blake, Administrative Law in Canada (5th edition) (LexisNexis, 2011)
Guy Régimbald, Canadian Administrative Law (LexisNexis, 2008)
LAW 703, Business Organizations* (3 s.h.)

Description
This course will cover all aspects of business organizations from sole proprietorships to partnerships to corporations. The first question posed will be, “what type of business organization is best?” Students will be required to complete all phases of incorporating and dissolving a corporation. They will also cover the legal effect of incorporation, responsibilities of directors, control and management of corporations and minority shareholder rights.

Course Objectives
Students in this course will:
1) understand and be able to identify benefits and liabilities of various business structures;
2) know the steps to incorporate a company;
3) understand the legal effects of incorporation;
4) understand fiduciary relationships in various business structures;
5) understand legal liabilities of corporations.

Course Outline
1. Sole proprietorships
2. General partnerships and limited liability partnerships
3. Joint ventures
4. Corporations
   a. benefits of incorporation
   b. legal status of a corporation
   c. incorporating a company – federal and provincial corporations
   d. fiduciary relationships and the corporation
   e. control and management of a corporation
   f. closely held corporations
   g. rights of shareholders
   h. tort liability of corporations
   i. contracting with a corporation
   j. criminal liability of corporations
   k. piercing the corporate veil
   l. transferability of shares
5. Franchises

Texts
Fasken Martineau DuMoulin LLP, Annotated British Columbia Business Corporations Act (Carswell, looseleaf)
LAW 704, Civil Procedures* (3 s.h.)

Description
An inquiry into the functions of a modern procedural system with specific consideration of the extent to which the litigation process aids in the achievement of just, speedy and economic resolutions of justiciable conflicts. Students will be introduced to the basic structure of a civil action and major items for consideration throughout the development of civil litigation. In the result, such matters as the expenses of litigation, jurisdiction, initial process, pleadings, amendment, joinder, discovery, disposition without trial and alternatives to adjudication will be discussed.

Course Objectives
This course will:
1) introduce the fundamentals of civil procedure and familiarize students with the structure of a civil action;
2) provide a theoretical framework for the rules of procedure and identify the values and policies on which the rules are based;
3) place these rules in a practical context to encourage future practitioners to wield the rules in a responsible, strategic, and cost-effective manner;
4) develop practical legal drafting skills including: drafting a Notice of Civil Claim, Response to Civil Claim, Notice of Application and affidavits.

Course Outline
1. Theoretical perspectives on civil litigation
2. Commencement of proceedings
3. Pleadings and parties
4. Document discovery
5. Examinations for discovery, other discovery, applications, and examinations for discovery
6. Complex litigation
7. Interim relief and summary trials
8. Costs and access to justice
9. Trial procedure and experts’ reports

Texts
Bouck, Dillon, and Turriff, British Columbia Annual Practice 2010-2011 (Canada Law Book Inc.)
LAW 705, Evidence* (3 s.h.)

Description
This course surveys the history of rules of evidence in Canadian law. The course introduces students to principles of admissibility, relevance, types of witnesses, written versus oral evidence and the use of demonstrative evidence in court and tribunal proceedings in Canada. It also examines concepts and rules relating to burdens of proof, presumptions, exclusionary rules, ethical issues in the law of evidence and the effects of the Canadian Charter of Rights and Freedoms on the law of evidence.

Course Objectives
This course is designed to:
1) explain the history and development of the law of evidence in Canada;
2) identify and critically assess the basic principles and rules governing the burden of proof and admissibility in respect of the presentation and evaluation of evidence in adjudicative proceedings;
3) understand the types of witnesses and the types of evidence that are part of an adjudicative proceeding;
4) understand the ethical issues in the law of evidence and professional responsibilities as a lawyer;
5) familiarize students with the effects of the Canadian Charter of Rights and Freedoms on the law of evidence;
6) enable students to identify effectively admissibility issues with respect to evidence;
7) analyze various issues relating to admissibility issues and to advise clients on how such issues should be addressed before a court or tribunal so as to provide the client with the best representation possible while still meeting the lawyer’s professional responsibility obligations.

Course Outline
1. Why are rules of evidence important?
2. Burden of proof
3. Admissibility and relevance
4. Character evidence and exclusionary rules
5. Expert evidence
6. Ethical issues in the law of evidence
7. Effects of the Canadian Charter of Rights and Freedoms on the law of evidence

Texts
LAW 706, Jurisprudence (capstone course)* (3 s.h.)

Description
Canadian law took shape from its British and French origins, both of which were heavily indebted to a Judeo/Christian understanding of law. This course explores the philosophical, social, historical, political, and religious underpinnings of the law and legal systems. Key questions include, “what is law?” and “do we have an obligation to obey the law?” Recurrent themes include the relationship between law and morals, legal reasoning and logic, and the relationship between law and liberty. The course will challenge students to understand, first through an historic lens, the development of notions, of justice, fundamental rights of persons, and the use of force and punishment in society. Then the course will examine modern and postmodern legal theories as they impact on current legal and ethical problems in Canadian and international discourse.

Course Objectives
In this course, students will:
1) analyze and critique the concepts of “law”, “legal systems” and “justice” in historical and modern day Canadian context;
2) explain the interaction and evolution of law, philosophy and religion from antiquity to the present;
3) explain the major schools of legal thought and the leading legal thinkers providing intellectual depth for more theoretical debates based on traditional modern theories like legal positivism and natural law and postmodern ones like feminist legal theory and critical race theory;
4) argue the competing positions on the justification and limits of legal rights;
5) critically analyze law in its social context, including how law shapes and is shaped by society
6) understand the philosophical basis of law;
7) articulate the issues in the foundations of law and assess the plausibility of alternative views;
8) analyze legal cases to determine the philosophical assumptions with which legal decisions are made.

Course Outline
1. Introduction and survey of legal doctrine in the New Testament
2. Survey of legal doctrine in the Old Testament and in other religions
3. Legal thought in Greek and Neo- Greek thought
4. The Reformation, Luther and the law
5. Law and modernity – Natural Law, Positive Law and Legal Realism
6. Law in a postmodern world – Feminism, Critical Legal Studies and Race Theory
7. Human rights, war, terrorism and humanitarian intervention
8. Crime and punishment, reconciliation and forgiveness in the legal system
9. The just use of property and science, bioethics, and the environment
10. Christianity, justice, equity and the practice of law
11. The separation and convergence of Church, Synagogue, Mosque and State
12. Current challenges in Canadian jurisprudence relating to worldviews
Texts
Neil Simmonds, *Central Issues in Jurisprudence* (Sweet & Maxwell, 2008)
LAW 707, Practice Management* (3 s.h.)

Description
The private practice of law is both a profession (calling) and a business; lawyers live and manage this tension on a daily basis. This course will introduce students to the business and administrative aspects of a law practice while keeping in view the duties owed by a lawyer to clients and the state. The class sessions will be highly interactive with many “hands on” experiences in the use of practice management tools and processes.

Course Objectives
This course is designed to:
1) familiarize students with all aspects of the establishment and maintenance of a private practice of law and the requirements imposed by law and policy;
2) introduce strategies to maintain personal health and balance while in practice;
3) develop an understanding of what is required to enter practice;
4) have rich resources to turn to once they enter the profession.

Course Outline
1. Structure of practice: sole practitioner, associations, partnership, LLP, the law corporation and the agreements governing these relationships
2. Getting started: staffing, leasing office space, equipping and fixturing, service contracts
3. Marketing: getting clients in the door
4. Staying on side: the requirements of Law Society Rules and Professional Conduct Handbook on practitioners
5. Managing work flow: time and case management systems, conflict management systems, using precedents
7. Managing accounting: a review legal accounting software
8. Managing space and the quest to go paperless: document management systems, archiving
9. Managing technology: computer hardware and software, document management systems, case management software, backup systems, cloud computing, virus protection, copiers/printers/scanners, phone systems
10. Managing risk: insurance, tickler systems
11. Law office economics
12. Managing self: maintaining physical, emotional, social and spiritual health

Texts
Milton W. Zwicker, Developing and Managing a Successful Law Firm (Carswell, 1995)
LAW 708, Real Estate Law* (3 s.h.)

Description
This fundamental course will familiarize students with the mechanics and legalities of a real property transaction from its inception to post completion. The course examines the legal structure, the legal problems and the legal remedies associated with commercial transactions involving the sale, mortgaging and leasing of real estate. We will examine the agreement of purchase and sale that is the foundation of every real estate transaction, what should be included in it, how it should be drafted, how it is completed and what remedies are available for its breach. Other issues that will be examined include the two systems of land registration, real estate agents duties, mortgages and other security, development-related issues, leases, easements, title insurance, fraud and solicitor's opinions.

Course Objectives
This course will enable students to:
1) understand the legal framework governing real estate transactions;
2) understand the basic legal duties of real estate licensees and the legal implications of the listing contract, and be aware of conflict of interest issues;
3) evaluate and analyze the legal significance of problems that occur between signing the contract for purchase and sale and registration of land transfer documents in the Land Title Office;
4) understand the range of potential remedies available to parties in contracts for sale of land;
5) develop practical skills through problem solving exercises in evaluating and strategizing about breaches of contract;
6) scrutinize a purchase and sale agreement for compliance with the relevant rules and authorities.

Course Outline
1. Pre-contract
   a. General - Brokers
   b. Deposits
2. Contract formation – essential considerations
3. Special considerations for acquisition of an interest in or on land situated on Indian Reserve Land
4. Strata property transactions
5. Post-formation
   a. Conditional contracts
   b. The effect and implications of the contract
   c. Misdoscriptions of the contract subject-matter
   d. Other defects of quality
   e. Title
   f. The Planning Act
   g. The Registry Act and priorities
   h. The Land Titles Act and priorities
6. Contract completion
a. Time
b. Tender
c. Remedies

7. Post-contract completion
   a. Defects in quality and title

8. Conflicts of interest in real estate transactions

**Texts**
Law 709, Wills and Trusts*  (3 s.h.)

Description
Students will understand the rationale and principles for preparing wills and have an opportunity to draft one. They will also understand the consequences of not having a will. The rules governing the administration of estates, particularly, the terminal tax return, rules governing matrimonial property, the care of dependants and distribution of assets. So-called “living wills” and issues around incapacity and substitute decision-makers will also be covered. Students will become familiarized with the law of trusts and their formation, benefits, regulation and taxation. The role and responsibilities of trustees will also be addressed.

Course Objectives
The objectives of this course are to:
1) explain the history of wills, estates and trusts as they developed from English law to their introduction and evolution in Canada;
2) explain all aspects of establishing and managing trusts;
3) familiarize students to the principles governing the creation, administration, variation and termination of express private trusts as well as statutory, resulting and constructive trusts;
4) understand the duties and powers of the trustees as well as their fiduciary responsibilities;
5) understand the rights and duties of trust settlors, trustees and beneficiaries under a trust and remedies for breach of trust;
6) familiarize students with the basic concepts of taxation of trusts;
7) practice interviewing a client and taking instructions for drafting a will for that person;
8) identify and analyze various ethical issues relating to advising clients in wills, estates and trust matters while still meeting the lawyer’s professional responsibility obligations.

Course Outline
1. Introduction to the law of trusts
2. Creation of express trusts
3. Changing or ending a trust
4. Statutory trusts
5. Resulting trusts and constructive trusts
6. Appointment, retirement, and removal of trustees
7. Duties of trustees
8. Powers and rights of trustees
9. Breach of trust
10. “Living” wills and powers of attorney

Texts
Chambers, McInnes, Oosterhoff & Smith, Oosterhoff on Trusts: Text, Commentary and Cases (7th edition) (Carswell, 2009)
James Kessler and Fiona Hunter, Drafting Trusts and Will Trusts in Canada (3rd edition) (LexisNexis 2011)
APPENDIX NINE

Summary of Faculty Qualifications

The program developers, Dr. Janet Epp Buckingham and Prof. Kevin G. Sawatsky, are currently faculty members at Trinity Western University in other departments. They may be faculty members in the proposed TWU School of Law.

**Janet Epp Buckingham**

Specialization: Human Rights, Constitutional Law, Religion and the Law

Education: B.A. History (Western Ontario), LL.B. (Dalhousie), LL.D. (Stellenbosch)

Professional Certifications: Member of the Law Society of Upper Canada


Professional Experience: Director of Laurentian Leadership Centre and Associate Professor Trinity Western University (tenured), Director of Law and Public Policy and General Legal Counsel for the Evangelical Fellowship of Canada, Executive Director of the Christian Legal Fellowship, Researcher for Public Legal Education Association of Saskatchewan, UN representative for the World Evangelical Alliance, private practice lawyer, academic and professional presentations and publications.

**Kevin G. Sawatsky**

Specialization: Charities Law, Business Organizations, Employment Law, Human Rights


Professional Certifications: Member of the Law Society of British Columbia


Professional Experience: Vice-Provost (Business), Trinity Western University Legal Counsel, TWU School of Business Professor of Law (tenured), Dean of the School of Business (2001-2008), private practice lawyer, academic and professional presentations and publications.
APPENDIX TEN

School of Law Building Cost Protection
<table>
<thead>
<tr>
<th>Room Types</th>
<th>No.</th>
<th>Size (sq.ft.)</th>
<th>Extension</th>
<th>Totals</th>
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### Initial Cost Estimate

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APPENDIX ELEVEN

Preliminary Concept Drawings
Preamble

CALLD Standards for Law Libraries aim at providing general provisions in the areas of administration, staffing, services, collections and facilities. These standards shall adhere to the provisions of the Access to Information Act (R.S.C., 1985, c. A-1) and shall be interpreted in a manner that respects and supports academic freedom.

General Provisions

a) An academic law library shall be an active and responsive force in the educational life of the law school. A law library’s effective support of the school’s teaching, scholarship, research and service programs requires a direct, continuing and informed relationship with the faculty, students and administration on behalf of the law school.

b) A law library shall have sufficient financial resources to support the law school’s teaching, scholarship, research and service programs.

c) A law library shall keep abreast of technology and adopt it when appropriate.

Administration

a) An academic law library shall have sufficient administrative autonomy to direct its development of the law library and to control the use of its resources.

b) The director of the law library, in consultation with the Faculty of Law and University Librarian, as appropriate, shall determine law library policy.

c) The director of the law library is responsible for the selection and retention of personnel; the provision of law library services; and the collection development and maintenance.

d) The budget of the law library may be determined as part of the law school budget or, according to institutional policy, allocated under the university library budget, but it should be administered by the law library director.

Note. This standard requires that decisions that materially affect the law library be enlightened by the needs of the law school educational program. This envisions law library participation in University library decisions that may affect the law library. This standard shall not be interpreted to restrict continuing support, collaboration and co-operation with University library initiatives designed to enhance institution-wide access to information services and collections.
**Director of the Law Library**

a) The law library shall be administered by a director whose principal responsibility is the management of the law library.

*Note: It is not a violation of this standard for the director of the law library also to have other administrative or teaching responsibilities, provided sufficient resources and staff support are available to ensure effective management of law library operations.*

b) The director of the law library shall have a degree in Library or Information Science. A law degree and experience in academic library administration are desirable.

c) The director of the law library shall be selected according to the institutional policies of the University, but opportunity must be provided for input by the dean and faculty of the law school.

**Personnel**

The law library shall have a competent staff, sufficient in number to provide appropriate library and informational resource services.

*Note: Factors relevant to the number of librarians and informational resource staff needed to meet this standard include the following: the number of law faculty and law students; the variety and number of research and teaching programs (including civil and common law programs as well as graduate programs); the level of informational resource and instructional support provided to faculties and departments outside the law school; the level of access and services provided to non-academic users; the growth rate of the collection.*

**Services**

a) The law library shall provide the appropriate range and depth of reference, instructional, bibliographic and other services to meet the legal information needs of members of the University community. Appropriate services include reference services, instruction in legal research techniques and information literacy, access services (cataloging, indexing, research guides), interlibrary loan and document delivery, and producing library publications (including web sites).

b) Where the law library serves users outside the University community, the library’s mandate shall make clear the levels of informational and instructional service provided to its different user groups.

**Collection**

a) The law library shall provide access to a core collection of essential materials. The appropriate mixture of collection formats depends on the needs of the library and its clientele. The core collection of a Canadian academic law library shall consist of the following:

   i. all reported Supreme Court of Canada and Federal Court decisions as well as the reported decisions of the appellate court of each province and territory;

   ii. all federal, provincial and territorial statute revisions and annual volumes;
iii. all federal, provincial and territorial regulations;
iv. all international treaties to which the government of Canada is a signatory;
   those federal and provincial administrative decisions appropriate to the
   teaching, scholarly and research needs of the University community;
v. those federal and provincial administrative decisions appropriate to the
   teaching, scholarly and research needs of the University community;
vi. the legislative materials (hansard, debates, bills) of the Parliament of Canada
   and of the province in which the law school is located;
vii. significant secondary works (journals, treatises, texts and monographs)
   necessary to support the programs of the law school and the University
   community; and
viii. those citators, periodicals indexes, bibliographies and encyclopedias necessary
   to identify primary and secondary legal information sources and to update
   primary legal information sources.

b) In addition to the core collection of essential material, a law library shall also provide a
   collection that through ownership or reliable access:
i. meets the research needs of the law school’s students, satisfies the demands of
   the law school curriculum, and facilitates the education of its students;
ii. contributes to the teaching, scholarship, research and service interests of the
    faculty;
iii. serves the law school’s special teaching, scholarship, research and service
    objectives; and
iv. meets the University community’s needs for interdisciplinary law-related
    materials.

c) A law library shall formulate and periodically update a written plan for the development of
   the collection.

d) All materials necessary to support the programs of a law school shall be complete and current
   and in sufficient quantity or with sufficient access to meet faculty and student needs. The law
   library shall ensure continuing access to all information necessary to the law school’s
   programs.
i. In order to support and encourage the instruction and research of students and
   faculty, the law library shall facilitate access to a wide array of materials
   including central collections, databases, jointly held special collections,
   interdisciplinary materials and other types of off-side auxiliary resources.

ii. Agreements for sharing information resources, except for the core collection, satisfy the Collection standard if:

   a. the agreements are in writing; and
b. the agreements provide faculty and students with the ease of access and availability necessary to support the programs of the law school.

Facilities

a) The physical facilities for the law library shall be sufficient in size, location and design in relation to the law school’s programs and enrollment to accommodate law school students and faculty, and the law library’s services, collections, staff, operations and equipment.

Note: Off-site storage for non-essential library materials is acceptable so long as the material is organized and readily accessible in a timely manner.

b) The law library shall provide a variety of work spaces to accommodate quiet study, research, collaborative learning and access to technology.

c) The law library must provide suitable space and adequate equipment to access and use all information in whatever formats are represented in the collection. Such equipment may include:

i. microform reader(s)/printer(s);

ii. computer hardware and software (including infrastructure support and services) in sufficient quantity and of acceptable currency to support the teaching and research programs of law students and faculty; and,

iii. audio-visual equipment relevant to the formats in the collection.
APPENDIX THIRTEEN

Position Descriptions – Dean of School of Law, Director of the Law Library, Faculty Member

DEAN OF SCHOOL OF LAW
Position Description

The Dean of the School of Law will be a dynamic and proactive leader. His/her role includes initiating, shaping, implementing, supervising, and evaluating programs in the School of Law as well as managing its day-to-day operations. She/he will possess the commitment, personal characteristics, insights and abilities not only of a strong faculty member but also those of an effective administrative and organizational leader. The Dean oversees the work of program directors, faculty and staff, and reports to the Provost and/or his/her designate. The Dean will responsibly represent and implement the academic and administrative policies and decisions of the University. In this context, the successful candidate will:

- Serve as an effective spokesperson for the School of Law and University in legal, academic and community circles;
- Demonstrate a commitment to academic freedom in a faith affirming academic environment;
- Effectively represent the academic administration and institutional matters to the faculty and report on faculty matters to the academic administration;
- Provide a servanthood model of leadership in setting and implementing School of Law goals and managing to institutional and Board policies;
- Demonstrate a collegial style of leadership and governance with departments and faculty members under his/her jurisdiction;
- Promote strategic planning and assessment on behalf of the School of Law’s programs and personnel annually and in accord with institutional planning initiatives;
- Provide and prepare annual professional development reviews/reports for each faculty member in accord with the Office of the Provost;
- Articulate and engage others in the focused vision of Trinity Western University’s mission and the integration of Christian faith and learning in disciplines beyond his/her own;
- Unreservedly adhere to the University’s Statements of Faith and Community Covenant; and
- Exemplify the characteristics and qualifications of a leader with a mature Christian faith;
JOB DESCRIPTION

1. Academic Leadership

The Dean will provide academic leadership to the School of Law including:

a. Initiate and implement new programs and courses in the School of Law in conjunction with faculty, the Office of the Provost, and University Councils;

b. Represent the School on the Graduate Academic Council, the Dean’s Council, and on other committees, as appropriate;

c. Represent School of Law’s interests within the broader context of the University’s priorities and the University’s policies, goals, and priorities to the School of Law;

d. Promote, monitor, evaluate, and provide support for the work of the faculty with respect to teaching, scholarship and research, and service to the University community;

e. Promote mission fulfillment, the achievement of the University’s core values, and the integration of faith and learning in all aspects of the School of Law’s operations;

f. Effectively articulate University standards and policies both orally and in writing;

g. Monitor course syllabi and their implementation as well as how students are evaluated, and work with the faculty in developing new course syllabi;

h. Direct School of Law reviews as determined by the Provost;

i. Plan appropriate professional development sessions and stimulate academic activities such as faculty colloquia in cooperation with the Office of Research and Faculty Development;

j. Demonstrate academic expertise in an area encompassed by the School of Law by teaching a prescribed number of courses per year as approved by the Provost or his/her designate.

2. Staffing and Personnel

The Dean will enable all faculty and staff in the School of Law to exercise their duties effectively:

a. Supervise and evaluate all teaching in the School of Law, assisting instructors to improve their teaching skills;

b. Review and assess annual professional development agreements with all full-time faculty;

c. Review and assess, for the appropriate committees, all faculty applying for tenure, promotion, sabbatical leaves, and research funding within the School of Law;

d. Meet regularly with and provide supervision to program directors, and work with a faculty assistant in a spirit of warm interpersonal relations;

e. Cooperate with the Provost’s Office when recruiting and/or appointing all full and part-time faculty;

f. Hire and supervise any Assistant/Associate Deans, teaching assistants and other School of Law support staff; and
g. Lead the recruitment and selection of faculty members for the School of Law and provide advice to the Academic Unit of the University on offers of employment to the faculty of the School of Law.

3. **General Administration**

The Dean will provide effective and efficient administration of all matters pertaining to the operation of the academic departments in her/his School:

a. Create and articulate a clear vision for the School of Law;
b. Administer relevant academic, faculty and staff policies;
c. Evaluate course viability (student demand and enrolment), student evaluations of courses, and grade distribution reports, and, when desirable, take corrective action;
d. Prepare each semester’s course schedule in conjunction with the faculty;
e. Prepare and manage operating, capital, and salary budgets for the School of Law (envelope system), including the supervision and approval of purchases;
f. Give general oversight to the usage and development of specialized departmental teaching facilities as needed;
g. Handle final student appeals pertaining to grades, dropping courses, changes in final examination schedules, exemption forms for graduation requirements, student discipline regarding academic dishonesty, and student complaints about faculty as it relates to competence; and
h. Recommend assignment of faculty and staff office space.

4. **External Relations**

The Dean will provide effective leadership and show willingness to work with external relations and the development of fundraising initiatives:

a. Have networking experience with other law schools and faculties, agencies, and organizations and have knowledge of the funding structures in Canada
b. Serve as the faculty lead for strategic planning, faculty recruitment, and fundraising.
c. Connect with influential legal and business leaders such that the School of Law remains well grounded in marketplace realities and well positioned within the marketplace.

**TERM OF REFERENCE**

**Term of Office**

The Dean must be qualified to teach in one or more of the academic disciplines in the School of Law. Initial appointment is for a five-year term with renewals every three years following. The Dean will preferably have an earned doctorate in his or her discipline or a minimum of a LLM or other relevant Masters degree and significant academic and professional experience. Eight to ten years of senior leadership experience is preferred. Leading candidates will be interviewed by a
President’s/Provost’s Committee, a committee of faculty representatives, a committee of student representatives, and a committee of members of the Board of Governors.

Salary

The salary scale will be based on the level achieved on the faculty salary scale plus an administrative stipend.

Campus Responsibilities

The Dean will be on campus between August 15 and May 30 unless leave has been authorized by the Provost. He/she will take regular holidays between June 1 and August 14 but will periodically check in to her/his office to ensure that necessary administrative work is completed during the summer months. This will be particularly important when there are vacancies in full-time or part-time positions that may be filled before the semester begins.
Position Summary

Reporting to the Dean of the School of Law and a member of the TWU faculty, the Director of the Law Library gives leadership in developing, implementing and monitoring the Law Library mission, budget and policies. The Director will in particular develop and manage the Law Library collections policy. The Director will also manage all aspects of the Law Library operations including personnel, technology, purchasing and facilities, and will support the overall School of Law’s fundraising objectives.

Duties and Responsibilities

1. Establish policies, procedures and systems that produce an effective Law Library operation.
2. Acquire, organize, and process the library resources necessary to support the curriculum needs of the School of Law.
3. Plan, coordinate and implement budgets required to ensure an efficient Law Library operation.
4. Develop, coordinate, and implement long range plans related to future needs for Law Library services.
5. Hire, direct, and evaluate personnel required to carry out various Law Library related functions.
6. Prepare, write, and submit reports on progress in meeting Law Library goals.
7. Establish and implement programs for in-service development of Law Library personnel.
8. Promote, participate, and contribute to Law Library cooperation with other law schools and the legal community.
9. Investigate, evaluate, and implement new technologies which enhance Law Library services.
10. Promote, solicit, and facilitate communication with faculty colleagues about the various facets of Law Library operations.
11. Support, contribute to, and encourage the mission and goals of the University.
12. Provide leadership as a cooperating team member to ensure the performance of duties essential to an efficient Law Library operation.

Supervision

Given: Assistant librarians, staff
Received: Dean of School of Law, Provost

Job Standards/Requirements

Education: Law Degree, Master's Degree in Library and Information Science.
Experience: Substantial relevant experience including several years in a senior administrative role in a law library.

Salary

Remuneration will be commensurate with qualifications and experience.
POSITION DESCRIPTION: FACULTY MEMBER, SCHOOL OF LAW

Position Summary

A faculty member of the School of Law will be a dynamic and proactive leader. She/he will possess the commitment, personal characteristics, insights and abilities not only of a strong faculty member, including demonstrated ability to research and publish, and to teach students at the law school level.

Duties & Responsibilities

1. Teach courses as assigned by the Dean of the School of Law;
2. Engage in scholarly activity such as research and writing, organizing conferences and symposia, and giving scholarly papers. Contribute generally to the scholarly life of the School of Law and Trinity Western University.
3. Serve on School of Law and Trinity Western University committees as assigned.
4. Advise students.

Job Standards & Requirements

Education:  LL.M. or equivalent, Doctorate preferred.

Experience:  Some teaching experience at law school preferred.

Skills:  Able to teach courses. Demonstrated ability to research and publish.

Personal:  Warm-hearted, dedicated, committed and mature evangelical Christian with a keen desire to serve in family, church, work and community. A firm commitment to TWU’s mission, Statement of Faith and Community Covenant. Impeccable character and reputation, a pleasant personality with a positive and friendly attitude in the midst of a very busy and challenging environment.

Supervision

Received:  This position reports to the Dean of the School of Law.
Given:  None

Campus Responsibilities

Faculty members are required to be on campus between August 15 and May 30 unless leave has been authorized by the Dean. He/she will take regular holidays between June 1 and August 14 but will periodically check in to her/his office to ensure that necessary administrative work is completed during the summer months.
APPENDIX FOURTEEN

Analysis of Teaching Requirements

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Year One Teaching Requirements:

- Six Full-Time Faculty
- One Adjunct Faculty (Fundamentals of Canadian Law)

Assumes in Year One that full-time faculty will develop courses. As well, with the exception of the Dean and adjunct faculty members, each full-time faculty member will teach four classes in Year One. The Dean and adjunct faculty members will teach two classes each in Year One.

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<td>Property Law</td>
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<td>LAW 506</td>
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SCHOOL OF LAW at TRINITY WESTERN UNIVERSITY | 157
| LAW 507 | Funds of Canadian Law | Section A | LAW 508 | Intro to Practice Skills | Section A |
| LAW 507 | Funds of Canadian Law | Section B | LAW 508 | Intro to Practice Skills | Section B |
| LAW 601 | Ethics and Professionalism | | LAW 601 | Ethics and Professionalism | |
| LAW 702 | Administrative Law | | LAW 702 | Administrative Law | |
| LAW 613 | Alt Dispute Resolution | | LAW 612 | Advanced Advocacy | |
| LAW 703 | Business Organizations | | LAW 703 | Business Organizations | |
| LAW 704 | Civil Procedure | | LAW 704 | Civil Procedures | |
| LAW 618 | Conflict of Laws | | LAW 617 | Commercial Law | |
| LAW 621 | Employment and Labour Law | | LAW 705 | Evidence | |
| LAW 705 | Evidence | | LAW 626 | Human Rights and Discrimination | |
| LAW 623 | Family Law | | LAW 628 | Insurance Law | |
| LAW 629 | Intellectual Property Law | | LAW 630 | International Law | |
| LAW 634 | Advanced Negotiation | | LAW 708 | Real Estate | |
| LAW 708 | Real Estate | | LAW 635 | Remedies | |
| LAW 709 | Wills and Trusts | | LAW 638 | Tax Law | |

**Year Two Teaching Requirements:**

- 10 Full-Time Faculty
- Six Adjunct Faculty (one course per instructor)

Assumes faculty teaching a first year course also teach one section of a second or third year course. Also assumes faculty teaching only second or third year students will teach four sections.

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<td>Intro to Practice Skills</td>
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<td>Family Law</td>
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<td>LAW 709</td>
<td>Wills and Trusts</td>
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</table>
APPENDIX FIFTEEN
Alignment with Federation of Law Societies Canada National Standards

Part 1: Proposed Learning Resources

1.1 The law school is adequately resourced to enable it to meet its objectives, and in particular, has appropriate numbers of properly qualified academic staff to meet the needs of the academic program.

- This proposal is for a class size of 60 students per year over 3 years. We are planning for a full-time faculty complement of 12 plus approximately 14 adjunct faculty members. We also anticipate having a Dean with support staff, and two additional staff members, including an Articling and Career Centre Coordinator. We anticipate having a Director of the Law Library plus three additional staff.
- As this is a new program, we cannot give specifics of the faculty members. A draft position description for a Faculty Member is found in Appendix Thirteen. In general, the preference is for all faculty members, including adjunct faculty, to have at least an LL.M. or equivalent as well as significant practice experience.
- The proposal is for a class size of 60 full-time equivalent students in a J.D. program each of three years. We expect some attrition so when the program is in its third year, we anticipate a class of 170.
- The proposed School of Law will have an Articling and Career Centre to facilitate practicum placements and articling positions. The university has additional student support services, including a Wellness Centre, counselling services, financial aid, student life, food services and housing services. The library has access to interlibrary loans. There is a bookstore on campus. The campus is well equipped with sports facilities and fitness centres. IT support is also available to students and these services will be enhanced in anticipation of the opening of the School of Law.

1.2 The law school has adequate physical resources for both faculty and students to permit effective student learning.

- The proposed School of Law will be located in a new building on campus. Concept drawings for this building are found at Appendix Eleven.
- The proposed building includes a large lecture theatre, a moot court room, a large classroom, two medium-sized classrooms, six breakout rooms, the library, an executive meeting room, a skills-training facility, student commons, a student collegium, an Articling and Career Centre, and space allocated for student associations. An outdoor lounge area is available on the third floor.
• The proposed building is on three floors, accessible by elevator. The front door is at ground level.

1.3 *The law school has adequate information and communication technology to support its academic program.*

• With the development of the School of Law as a new undertaking, it will be on the forefront of technology. Wireless internet is available across campus for all students and faculty. Most students bring their own laptop computers to university, including tablet computers. A section of the library will be equipped with computers for student use but it is anticipated that these will not be in high demand.

• TWU has shared IT services across all Schools and Faculties. Students and faculty have access to a “Helpdesk” function that gives fairly rapid service for IT difficulties. As noted above, it is anticipated that the IT department will enhance its support complement in anticipation of additional students and faculty on campus.

1.4 *The law school maintains a law library in electronic and/or paper form that provides services and collections sufficient in quality and quantity to permit the law school to foster and attain its teaching, learning and research objectives.*

• A position description for a Director of the Law Library has been included at Appendix Fourteen. We anticipate hiring an Associate Law Librarian and two Law Library Support Staff.

• The first Director of the Law Library will have significant input in developing the collection and collections policies. The Director will adhere to the Canadian Academic Law Library Directors Association’s standards.

• An initial budget of $2 million has been established for the creation of the Law Library with $1,750,000 allocated for monographs and $250,000 for electronic databases. (It is recognized that electronic resources will require annual funding for licence renewals with a component allocated for rate increases). The university currently has subscriptions for several electronic databases that will be used by law students, including Quicklaw, JSTOR and EBSCOhost. TWU is cognizant that this budget is an estimate only and may need to be adjusted as the acquisition phase proceeds.

• In addition to law library staff, the university library staff are also available to support faculty, students and other library users. The university has reciprocal COPPUL and inter-library loan agreements with most universities across Canada.

**Part 2**

TWU is applying to have the program approved under the Program Approval Model.
## Competency Requirements

<table>
<thead>
<tr>
<th>National Requirements</th>
<th>TWU School of Law proposal fulfillment</th>
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<tbody>
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<td><strong>1. Skills Competencies</strong></td>
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</tr>
<tr>
<td>1.1 Problem-Solving</td>
<td>Problem-solving is a standard skill taught in first year substantive courses, LAW 502, Contract Law, LAW 503, Tort Law, LAW 504, Constitutional Law, LAW 505, Property Law, LAW 506, Criminal Law. It is reinforced in upper year substantive courses.</td>
</tr>
<tr>
<td>1.2 Legal Research</td>
<td>Legal research skills are a significant component of LAW 507, Fundamentals of Canadian Law, which is taught in first year. These skills are reinforced in upper year courses.</td>
</tr>
<tr>
<td>1.3 Oral and Written Legal Communication</td>
<td>Oral and written legal communication are a significant component of LAW 508, Introduction to Practice Skills and the Practice of Law, which is taught in first year. These skills are reinforced all law school courses. Certain upper year electives particularly focus on these skills, including LAW 612, Advanced Advocacy, LAW 613, ADR, and LAW 642, External Moots.</td>
</tr>
<tr>
<td><strong>2. Ethics and Professionalism</strong></td>
<td>Fulfilled through LAW 508, Practice Skills and the Practice of Law and LAW 602, Ethics and Professionalism. All faculty members will be encouraged to include issues of ethics and professionalism in each course.</td>
</tr>
<tr>
<td><strong>3. Substantive Legal Knowledge</strong></td>
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<tr>
<td>3.1 Foundations of Law</td>
<td>Fulfilled through LAW 507, Fundamentals of Canadian Law, a required first year course. Note that LAW 706, Jurisprudence, is a required capstone course that is intended to draw together substantive legal knowledge through a philosophical framework.</td>
</tr>
</tbody>
</table>
| 3.2 Public Law of Canada | The Public Law of Canada is taught through a number of required courses:  
- LAW 504, Constitutional Law, is a first year course and teaches federalism and the distribution of legislative powers, the Charter of Rights and Freedoms and human rights principles. The rights of Aboriginal peoples of Canada is addressed in LAW 504, LAW 507, Fundamentals of Canadian Law (a required first year course) and LAW 708, Real Estate (a required upper year course). |
- Students may also take LAW 611, Aboriginal Law, an upper year elective.
- Canadian criminal law is taught in LAW 506, Criminal Law, a required first year course.
- The principles of Canadian administrative law is taught in LAW 702, a required upper year course.

3.3 Private Law Principles

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<tr>
<th>Course</th>
<th>Description</th>
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<td>LAW 502</td>
<td>Contract Law, a required first year course, teaches the principles of contract law.</td>
</tr>
<tr>
<td>LAW 503</td>
<td>Tort Law, a required first year course, teaches the principles of tort law.</td>
</tr>
<tr>
<td>LAW 505</td>
<td>Property Law, a required first year course, teaches the principles of property law. LAW 708, a required upper year course, teaches the principles of property transactions.</td>
</tr>
<tr>
<td>LAW 703</td>
<td>Business Organizations, a required upper year course, teaches the principles of legal and fiduciary concepts in commercial relationships. Students also have a number of upper year electives that also address these concepts: LAW 614, Bankruptcy and Insolvency Law; LAW 617, Commercial Law; LAW 620, Debtor and Creditor Law; LAW 637, Securities Law; LAW 638, Tax Law; and LAW 639, Advanced Tax Law.</td>
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## APPENDIX SIXTEEN

### Universities Outside Canada Accepting Canadian Law Students

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<th>Country</th>
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Trinity Western University

Community Covenant Agreement
TRINITY WESTERN UNIVERSITY

Community Covenant Agreement

Our Pledge to One Another

Trinity Western University (TWU) is a Christian university of the liberal arts, sciences and professional studies with a vision for developing people of high competence and exemplary character who distinguish themselves as leaders in the marketplaces of life.

1. The TWU Community Covenant

The University’s mission, core values, curriculum and community life are formed by a firm commitment to the person and work of Jesus Christ as declared in the Bible. This identity and allegiance shapes an educational community in which members pursue truth and excellence with grace and diligence, treat people and ideas with charity and respect, think critically and constructively about complex issues, and willingly respond to the world’s most profound needs and greatest opportunities.

The University is an interrelated academic community rooted in the evangelical Protestant tradition; it is made up of Christian administrators, faculty and staff who, along with students choosing to study at TWU, covenant together to form a community that strives to live according to biblical precepts, believing that this will optimize the University’s capacity to fulfill its mission and achieve its aspirations.

The community covenant is a solemn pledge in which members place themselves under obligations on the part of the institution to its members, the members to the institution, and the members to one another. In making this pledge, members enter into a contractual agreement and a relational bond. By doing so, members accept reciprocal benefits and mutual responsibilities, and strive to achieve respectful and purposeful unity that aims for the advancement of all, recognizing the diversity of viewpoints, life journeys, stages of maturity, and roles within the TWU community. It is vital that each person who accepts the invitation to become a member of the TWU community carefully considers and sincerely embraces this community covenant.

2. Christian Community

The University’s acceptance of the Bible as the divinely inspired, authoritative guide for personal and community life is foundational to its affirmation that people flourish and most fully reach their potential when they delight in seeking God’s purposes, and when they renounce and resist the things that stand in the way of those purposes being fulfilled. This ongoing God-enabled pursuit of a holy life is an inner transformation that actualizes a life of purpose and eternal significance. Such a distinctly Christian way of living finds its fullest expression in Christian love, which was exemplified fully by Jesus.

The Biblical passages cited in this document serve as points of reference for discussion or reflection on particular topics. TWU recognizes the necessity of giving careful consideration to the complexities involved in interpreting and applying biblical passages to contemporary issues and situations.

1 Deuteronomy 6:4-9; Psalm 19:7-11; 2 Timothy 3:16
3 2 Peter 1:3-8; 1 Peter 2:9-12; Matthew 5:16; Luke 1:74-75; Romans 6:11-14, 22-23; 1 Thessalonians 3:12-13, 4:3, 5:23-24; Galatians 5:22; Ephesians 4:22-24, 5:8.
Christ, and is characterized by humility, self-sacrifice, mercy and justice, and mutual submission for the good of others.\(^4\)

This biblical foundation inspires TWU to be a distinctly Christian university in which members and others observe and experience truth, compassion, reconciliation, and hope.\(^5\) TWU envisions itself to be a community where members demonstrate concern for the well-being of others, where rigorous intellectual learning occurs in the context of whole person development, where members give priority to spiritual formation, and where service-oriented citizenship is modeled.

### 3. Community Life at TWU

The TWU community covenant involves a commitment on the part of all members to embody attitudes and to practise actions identified in the Bible as virtues, and to avoid those portrayed as destructive. Members of the TWU community, therefore, commit themselves to:

- cultivate Christian virtues, such as love, joy, peace, patience, kindness, goodness, faithfulness, gentleness, self-control, compassion, humility, forgiveness, peacemaking, mercy and justice\(^6\)
- live exemplary lives characterized by honesty, civility, truthfulness, generosity and integrity\(^7\)
- communicate in ways that build others up, according to their needs, for the benefit of all\(^8\)
- treat all persons with respect and dignity, and uphold their God-given worth from conception to death\(^9\)
- be responsible citizens both locally and globally who respect authorities, submit to the laws of this country, and contribute to the welfare of creation and society\(^10\)
- observe modesty, purity and appropriate intimacy in all relationships, reserve sexual expressions of intimacy for marriage, and within marriage take every reasonable step to resolve conflict and avoid divorce\(^11\)
- exercise careful judgment in all lifestyle choices, and take responsibility for personal choices and their impact on others\(^12\)
- encourage and support other members of the community in their pursuit of these values and ideals, while extending forgiveness, accountability, restoration, and healing to one another\(^13\)

In keeping with biblical and TWU ideals, community members voluntarily abstain from the following actions:

---


\(^{5}\) From TWU’s “Envision the Century” Strategic Directions Document, p 5 (“Ends”).

\(^{6}\) Galatians 5:22-24; Colossians 3:12-17; Isaiah 58:6-8; Micah 6:8.

\(^{7}\) Proverbs 12:19; Colossians 3:9; Ephesians 4:25; Leviticus 19:11; Exodus 20:16; Matthew 5:33-37.

\(^{8}\) Ephesians 4:29; Proverbs 25:11; 1 Thessalonians 5:11.

\(^{9}\) Genesis 1:27-28; Psalm 139:13-16; Matthew 19:14; Proverbs 23:22.

\(^{10}\) Romans 13:1-7; 1 Peter 2:13-17; Genesis 1:28; Psalm 8:5-8; 2 Thessalonians 3:6-9.

\(^{11}\) Genesis 2:24; Exodus 20:14,17; 1 Corinthians 7:2-5; Hebrews 13:4; Proverbs 5:15-19; Matthew 19:4-6; Malachi 2:16; Matthew 5:32.

\(^{12}\) Proverbs 4:20-27; Romans 14:13,19; 1 Corinthians 8:9,12-13, 10:23-24; Ephesians 5:15-16.

\(^{13}\) James 5:16; Jude 20-23; Romans 12:14-21; 1 Corinthians 13:5; Colossians 3:13.
• communication that is destructive to TWU community life and inter–personal relationships, including gossip, slander, vulgar/obscene language, and prejudice\textsuperscript{14}
• harassment or any form of verbal or physical intimidation, including hazing
• lying, cheating, or other forms of dishonesty including plagiarism
• stealing, misusing or destroying property belonging to others\textsuperscript{15}
• sexual intimacy that violates the sacredness of marriage between a man and a woman\textsuperscript{16}
• the use of materials that are degrading, dehumanizing, exploitive, hateful, or gratuitously violent, including, but not limited to pornography
• drunkenness, under-age consumption of alcohol, the use or possession of illegal drugs, and the misuse or abuse of substances including prescribed drugs
• the use or possession of alcohol on campus, or at any TWU sponsored event, and the use of tobacco on campus or at any TWU sponsored event.

4. Areas for Careful Discernment and Sensitivity

A heightened level of discernment and sensitivity is appropriate within a Christian educational community such as TWU. In order to foster the kind of campus atmosphere most conducive to university ends, this covenant both identifies particular Christian standards and recognizes degrees of latitude for individual freedom. True freedom is not the freedom to do as one pleases, but rather empowerment to do what is best.\textsuperscript{17} TWU rejects legalisms that mistakenly identify certain cultural practices as biblical imperatives, or that emphasize outward conduct as the measure of genuine Christian maturity apart from inward thoughts and motivations. In all respects, the TWU community expects its members to exercise wise decision-making according to biblical principles, carefully accounting for each individual’s capabilities, vulnerabilities, and values, and considering the consequences of those choices to health and character, social relationships, and God’s purposes in the world.

TWU is committed to assisting members who desire to face difficulties or overcome the consequences of poor personal choices by providing reasonable care, resources, and environments for safe and meaningful dialogue. TWU reserves the right to question, challenge or discipline any member in response to actions that impact personal or social welfare.

Wise and Sustainable Self-Care

The University is committed to promoting and supporting habits of healthy self-care in all its members, recognizing that each individual’s actions can have a cumulative impact on the entire community. TWU encourages its members to pursue and promote: sustainable patterns of sleep, eating, exercise, and preventative health; as well as sustainable rhythms of solitude and community, personal spiritual disciplines, chapel and local church participation,\textsuperscript{18} work, study and recreation, service and rest.

\textsuperscript{14} Colossians 3:8; Ephesians 4:31.
\textsuperscript{15} Exodus 20:15; Ephesians 4:28.
\textsuperscript{16} Romans 1:26-27; Proverbs 6:23-35.
\textsuperscript{17} Galatians 5:1,13; Romans 8:1-4; 1 Peter 2:16.
\textsuperscript{18} Ephesians 5:19-20; Colossians 3:15-16; Hebrews 10:25.
Healthy Sexuality

People face significant challenges in practicing biblical sexual health within a highly sexualized culture. A biblical view of sexuality holds that a person’s decisions regarding his or her body are physically, spiritually and emotionally inseparable. Such decisions affect a person’s ability to live out God’s intention for wholeness in relationship to God, to one’s (future) spouse, to others in the community, and to oneself. Further, according to the Bible, sexual intimacy is reserved for marriage between one man and one woman, and within that marriage bond it is God’s intention that it be enjoyed as a means for marital intimacy and procreation. Honouring and upholding these principles, members of the TWU community strive for purity of thought and relationship, respectful modesty, personal responsibility for actions taken, and avoidance of contexts where temptation to compromise would be particularly strong.

Drugs, Alcohol and Tobacco

The use of illegal drugs is by definition illicit. The abuse of legal drugs has been shown to be physically and socially destructive, especially in its potential for forming life-destroying addictions. For these reasons, TWU members voluntarily abstain from the use of illegal drugs and the abuse of legal drugs at all times.

The decision whether or not to consume alcohol or use tobacco is more complex. The Bible allows for the enjoyment of alcohol in moderation, but it also strongly warns against drunkenness and addiction, which overpowers wise and reasonable behaviour and hinders personal development. The Bible commends leaders who abstained from, or were not addicted to, alcohol. Alcohol abuse has many long-lasting negative physical, social and academic consequences. The Bible has no direct instructions regarding the use of tobacco, though many biblical principles regarding stewardship of the body offer guidance. Tobacco is clearly hazardous to the health of both users and bystanders. Many people avoid alcohol and/or tobacco as a matter of conscience, personal health, or in response to an addiction. With these concerns in mind, TWU members will exercise careful discretion, sensitivity to others’ conscience/principles, moderation, compassion, and mutual responsibility. In addition, TWU strongly discourages participation in events where the primary purpose is the excessive consumption of alcohol.

Entertainment

When considering the myriad of entertainment options available, including print media, television, film, music, video games, the internet, theatre, concerts, social dancing, clubs, sports, recreation, and gambling, TWU expects its members to make personal choices according to biblical priorities, and with careful consideration for the immediate and long-term impact on one’s own well-being, the well-being of others, and the well-being

19 1 Corinthians 6:18-19.
20 Genesis 2:24; Exodus 20:14,17; 1 Corinthians 7:2-5; Hebrews 13:4; Proverbs 5:15-19; Matthew 19:4-6.
21 Matthew 5:27-28; 1 Timothy 5:1-2; 1 Thessalonians 4:3-8; Job 31:1-4; Psalm 101:2-3.
22 1 Peter 3:3-4; 1 Timothy 2:9-10
26 Daniel 1:8, 10:3; Luke 1:15; 1 Timothy 3:3,8; Titus 2:3.
of the University. Entertainment choices should be guided by the pursuit of activities that are edifying, beneficial and constructive, and by a preference for those things that are “true, noble, right, pure, lovely, admirable, excellent, and praiseworthy,” recognizing that truth and beauty appear in many differing forms, may be disguised, and may be seen in different ways by different people.

5. Commitment and Accountability

This covenant applies to all members of the TWU community, that is, administrators, faculty and staff employed by TWU and its affiliates, and students enrolled at TWU or any affiliate program. Unless specifically stated otherwise, expectations of this covenant apply to both on and off TWU’s campus and extension sites. Sincerely embracing every part of this covenant is a requirement for employment. Employees who sign this covenant also commit themselves to abide by TWU Employment Policies. TWU welcomes all students who qualify for admission, recognizing that not all affirm the theological views that are vital to the University’s Christian identity. Students sign this covenant with the commitment to abide by the expectations contained within the Community Covenant, and by campus policies published in the Academic Calendar and Student Handbook.

Ensuring that the integrity of the TWU community is upheld may at times involve taking steps to hold one another accountable to the mutual commitments outlined in this covenant. As a covenant community, all members share this responsibility. The University also provides formal accountability procedures to address actions by community members that represent a disregard for this covenant. These procedures and processes are outlined in TWU’s Student Handbook and Employment Policies and will be enacted by designated representatives of the University as deemed necessary.

By my agreement below I affirm that:

I have accepted the invitation to be a member of the TWU community with all the mutual benefits and responsibilities that are involved;

I understand that by becoming a member of the TWU community I have also become an ambassador of this community and the ideals it represents;

I have carefully read and considered TWU’s Community Covenant and will join in fulfilling its responsibilities while I am a member of the TWU community.

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27 Philippians 4:8.
Correspondence from
Trinity Western University
re: Mandate of Special Advisory Committee
BY E-MAIL
(Original By Mail)

May 17, 2013

Federation of Law Societies of Canada
World Exchange Plaza
45 O’Connor Street, Suite 1810
Ottawa, ON K1P 1A4

Attention: John J. L. Hunter, QC
Chair of the Special Advisory Committee on Trinity Western University’s Proposed School of Law (the “Special Advisory Committee”)

Dear Sirs/Mesdames:

Re: Response to Special Advisory Committee

We write in relation to your letter of May 3, 2013 to Dr. Jonathan Raymond and the mandate given to the Special Advisory Committee by the Federation of Law Societies of Canada (the “Federation”). We thank you for your letter, but TWU continues to have serious concerns with the creation of the Special Advisory Committee.

Canada’s law societies are charged with regulating the legal profession in the public interest. They have each approved a national requirement that reflects their collective view as to what is necessary to ensure that potential new members graduating from a law degree program in Canada are competent to practice and understand their professional and ethical obligations. With the express approval of each law society in Canada, the Federation established the Canada Common Law Program Approval Committee (the “Approval Committee”), which applies the national requirement to each proposed new law degree program. As you have noted, TWU’s Proposal for a School of Law (the “Proposal”) is in the process of being reviewed by the Approval Committee.

As has been clearly and correctly articulated by the Federation, the Approval Committee has no mandate or authority to consider TWU’s Community Covenant (the “Covenant”) outside of the national requirement. The authority of the Federation arises only from the express approval
given by each of the 14 Canadian law societies to the national requirement and the Approval Committee. The Federation has no mandate with respect to matters outside of the national requirement. You have attempted to address this lack of mandate by indicating that the Special Advisory Committee will only provide advice to the Federation. While this may be true, it does not address the fact that the Federation itself has no jurisdiction from the law societies to consider or make recommendations with respect to the Covenant.

On its website, the Federation attempts to justify the existence and role of the Special Advisory Committee on the basis that issues raised about the Covenant by certain advocates opposing TWU’s Proposal “were not anticipated when the national requirement was developed”. With respect, this is not a justification for reaching outside of the Federation’s mandate. In accordance with administrative law principles, the Federation must remain within that mandate.

TWU accepts that it must, and will, provide an institutional setting that appropriately prepares lawyers for public practice and for the diversity that its graduates will encounter. In *Trinity Western University v. B.C. College of Teachers* (“TWU v. BCCT”), the Supreme Court of Canada found that such was the case with respect to TWU’s education program and further held that denial of approval was unlawful since there was no “specific evidence” that graduates would not uphold the basic values of non-discrimination. If such were not also the case with respect to TWU’s School of Law Proposal, presumably the Approval Committee would address that in considering whether graduates would meet the “Ethics and Professionalism” component of the “Competency Requirements” of the national requirement. In the context of the national requirement and the role of the Approval Committee, it is not relevant that the Covenant was not specifically anticipated. Either TWU’s Proposal meets the national requirement or it does not (and we obviously believe strongly that it does).

The only purpose for the proposed work of the Special Advisory Committee is to provide advice to the Federation, and presumably through the Federation to its member law societies, pertaining to the religious foundations of TWU. It does not appear that the law societies have solicited this advice. The Federation is interposing itself into an area that the law societies themselves may not wish, or be statutorily permitted, to tread. For these reasons, TWU objects to the establishment and mandate of the Special Advisory Committee. We urge the Special Advisory Committee to recommend to the Federation that this matter is, as has been maintained by the Federation in the past, outside of the Federation’s mandate. To the extent that matters are external to the national requirement and the work of the Approval Committee, they are of a political nature and, if relevant at all, best left to the Ministry of Advanced Education in British Columbia.

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1 http://www.flsc.ca/_documents/TWUQuestionsandAnswers.pdf
2 [2001] 1 S.C.R. 772
3 *TWU v. BCCT* at para.38. See also paras. 12-13.
It is clear that there has been an organized political campaign to oppose TWU’s Proposal, which commenced with the letter from the Council of Canadian Law Deans. You should be aware that in preparing the Proposal, TWU specifically consulted with a number of law deans, including all of the law deans in British Columbia. None of them raised any issues or concerns about the Covenant or TWU’s religious nature.

All of that having been said, there are responses to all of the significant objections raised in the various submissions that you provided TWU with your letter of May 3, 2013. Below you will find TWU’s responses, but these are provided with an express reservation of all of TWU’s rights to seek legal redress against the Federation and any individual law society arising from the work of the Special Advisory Committee, including with respect to jurisdictional challenges, should that be necessary in the future.

RESPONSES TO OBJECTIONS RAISED BY OPPONENTS OF TWU’s PROPOSED SCHOOL OF LAW

It would be very difficult to respond to each and every discrete point raised in the unsolicited letters and submissions sent to the Federation, particularly given the short period of time you allowed. The letters in opposition to the Covenant and TWU’s Proposal raise a number of similar arguments and we will address these in a summary format. We will provide examples of statements of opposition as appropriate to demonstrate the flaws in the reasoning of TWU’s opponents. As part of the legal team that represented TWU in TWU v. BCCT, the writer can say that most of these arguments were also made in that case and were rejected by the Supreme Court of Canada.

(a) Compatibility of the Covenant with Training in Ethics and Professionalism

A number of opponents have suggested that the Covenant is incompatible “with the ethical and legal training appropriately required of those seeking entry into the legal profession”⁴. West Coast LEAF has gone so far as to argue that, because of the Covenant, TWU “cannot impart on prospective lawyers a sufficient understanding of the ethical duty not to discriminate and to honour the obligations enumerated in human rights laws”⁵. Others suggest that TWU is “not up to the challenge of having an open, honest, meaningful discussion about its policies and practices”⁶ and that TWU “cannot be trusted to promote [a] constitutionally mandated understanding” of equality⁷.

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⁴ Egale Canada letter, January 25, 2013
⁵ See West Coast LEAF letter, February 25, 2013, page 3.
⁶ Letter from students of Schulich School of Law, undated
⁷ National Association of Women and the Law, March 8, 2013
These arguments are wrong at law, intellectually flawed, discriminatory in themselves and, at a minimum, deeply offensive to lawyers and students who hold religious beliefs similar to those on which TWU is founded.

It should be beyond question that TWU acknowledges that human rights laws and section 15 of the Charter protect against and prohibit discrimination on the basis of sexual orientation. The courses that will be offered at the TWU School of Law will ensure that students understand the full scope of these protections in the public and private spheres of Canadian life. We trust that you have access to TWU’s full proposal, including the course outlines contained therein. You will note that standard texts are proposed for such topics, which reference the historical inequality suffered by homosexuals. No course covering section 15 of the Charter or educating students on provincial human rights protections would be complete without fully addressing cases such as Vriend v. Alberta⁸, Egan v. Canada⁹, and Reference re Same-Sex Marriage.¹⁰ We are certain that the Approval Committee will be reviewing these course outlines as part of its work in assessing the academic program to be offered at TWU.

You will also note that TWU’s program of study will include a required first year course (LAW 508) that will introduce students to professionalism and ethics. There will also be a required second year course on Ethics and Professionalism (LAW 602). A summary description of this mandatory course in TWU’s proposal states:

Is law a calling, a job or a business? The lawyer, as a professional, is governed by a professional body of peers that establishes a code of conduct and general practices. This course focuses on the practice of law as public service and addresses the question of what does it mean to be a professional? It will also address the principles of ethical practice, particularly issues covered by the Code of Ethics. It challenges students to reconcile their personal and professional beliefs within a framework of service to clients and community while respecting and performing their professional obligations and responsibilities.¹¹ [Emphasis added]

TWU is committed to fully and appropriately addressing ethics and professionalism and the opponents of the Porposal cannot credibly argue otherwise. We are certain that the Approval Committee will find more than sufficient coverage of these topics.

The opponents of our Proposal must therefore be suggesting that the very fact of the Covenant and the religious beliefs inherent therein, undermine the otherwise appropriate education to be provided at TWU on ethics and professionalism. This is the same error made by the B.C. College of Teachers, which argued that teachers graduating from TWU would not be “equipped to deal with students” and be unable to “offer comfort and support to

⁹ [1995] 2 S.C.R. 513
¹⁰ [2004] 3 S.C.R. 698
¹¹ TWU Proposal, page 22. See also full description of course at page 93.
The Supreme Court of Canada clearly rejected this argument and line of reasoning:

While the BCCT says that it is not denying the right to TWU students and faculty to hold particular religious views, it has inferred without any concrete evidence that such views will limit consideration of social issues by TWU graduates and have a detrimental effect on the learning environment in public schools. ... TWU’s Community Standards, which are limited to prescribing conduct of members while at TWU, are not sufficient to support the conclusion that the BCCT should anticipate intolerant behaviour in the public schools. 13

TWU recognizes its duty to teach equality and meet its public obligation with respect to promulgating non-discriminatory principles in its teaching of substantive law and ethics and professionalism. TWU agrees with Egale Canada that “the dignity and value of all individuals irrespective of their sexual orientation ... now form part of the fabric of professional ethics and the rule of law”. 14 Each graduate of a TWU School of Law will be expected to meet all of their professional obligations once in practice, including those related to non-discrimination and equality. This is no different than the obligation of lawyers already in practice who hold religious beliefs similar to those articulated in the Covenant. In this regard, we note that there are many TWU graduates who have gone on to Canadian law schools and are now successfully practicing law across Canada.

As evident from the submissions received by the Federation, there are students currently at public law schools that hold these same religious beliefs 15. They are and will be expected to uphold the law and meet their ethical and legal obligations when in practice and no one suggests that they will not do so.

The oaths that graduating law students will take before being admitted to practice law require them to uphold the laws and rights and freedoms of all persons. For example, the oaths used in Ontario and British Columbia contain the following statements, respectively:

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12 B.C. College of Teachers Factum in TWU v. BCCT, para. 121. Note that when intervening in TWU v. BCCT, Egale Canada made similar arguments.
13 TWU v. BCCT, paras. 32-33
14 See letter from Egale Canada, dated January 25, 2013
15 See letter from “Christian law students across Canada” dated March 10, 2013 indicating that the students “hold [the Biblical principles on which TWU’s Covenant is based] trust regardless of the law school [they] attend”. See also letter from current UBC law students dated March 19, 2013 where they make this same point: “Students at TWU law school would be taught the law, and will be required to uphold the law. To suggest otherwise does not accord with how our justice system works: judge and lawyers, regardless of their personal beliefs, are expected to apply the law.”
I shall champion the rule of law and safeguard the rights and freedoms of all persons\(^{16}\).

...uphold the rule of law and the rights and freedoms of all persons according to the laws of Canada and of the Province of British Columbia.\(^{17}\)

If the opponents’ line of reasoning prevails, it equates to denying accreditation to individuals on the basis of religious belief. The Supreme Court of Canada specifically addressed this concern in *TWU v. BCCT*:

Indeed, if TWU’s Community Standards could be sufficient in themselves to justify denying accreditation, it is difficult to see how the same logic would not result in the denial of accreditation to members of a particular church.\(^{18}\)

... Absent concrete evidence that training teachers at TWU fosters discrimination in the public schools of B.C., the freedom of individuals to adhere to certain religious beliefs while at TWU should be respected. The BCCT, rightfully, does not require public universities with teacher education programs to screen out applicants who hold sexist, racist or homophobic beliefs. For better or for worse, tolerance of divergent beliefs is a hallmark of a democratic society.\(^{19}\)

It would clearly be abhorrent to suggest that the many lawyers across Canada holding similar religious views to those addressed in the Covenant are unworthy to practice law or unable to uphold their professional obligations. We have long ago moved away from prejudging behaviours based on personal beliefs\(^{20}\). While the opponents of TWU’s Proposal clearly do not share its religious beliefs, neither those beliefs nor their manifestation in the Covenant are a basis upon which TWU’s application should be delayed or denied. As found by the Supreme Court of Canada, they are not a basis upon which the Federation should anticipate that graduates will fail to meet their professional and ethical obligations.

**\(b\) TWU Graduates will require “Additional Study”**

In a related argument, a number of opponents say that TWU should not have a School of Law as its students should “undertake additional study ... similar to the process for foreign trained lawyers”\(^{21}\) or that TWU graduates should not “become licensed to practice law without

\(^{16}\) Oath to practice law in Ontario as a barrister and solicitor (Bylaw 4(21)): http://www.lahec.on.ca/WorkArea/DownloadAsset.aspx?id=2147485805

\(^{17}\) Barristers’ and Solicitors’ Oath: http://www.lawsociety.bc.ca/docs/publications/mmv/oath.pdf

\(^{18}\) *TWU v. BCCT*, para. 33.

\(^{19}\) *TWU v. BCCT*, para. 36

\(^{20}\) See *Martin v. Law Society of British Columbia*, [1950] 3 D.L.R. 173 where admission to practice law was denied as the applicant was a communist. See also *Smith & Rhuland v. The Queen*, [1953] 2 S.C.R. 95 in which the court overturned an administrative decision which denied certifying a union because its secretary-treasurer was communist.

\(^{21}\) West Coast LEAF letter, February 5, 2013.
further study and entrance requirements.” This is presumably because such opponents believe that the Covenant will “impair the development of critical thought and legal analytical skill” or the TWU students will not “remain independent and appropriately value-oriented.”

We have already noted how deeply offensive this reasoning is to lawyers and law students holding religious beliefs similar to those embodied in the Covenant. It suggests that persons holding such beliefs, or wishing to be educated in an environment that respects and encourages them, require some form of contrary educational experience in order that they be competent to practice law.

There is a serious logical flaw in the argument. It is clear from the submissions sent to the Federation that existing law schools have: (1) students currently enrolled who hold religious beliefs similar to those on which TWU is founded; and (2) have produced lawyers who also hold such views. The current law schools have apparently not undermined these students’ and lawyers’ religious beliefs; and neither should they try to do so. Lawyers are not required to all believe the same way concerning issues of sexual morality. It is only required that their conduct be ethical and professional.

Again, we note that this same point was argued in *TWU v. BCCT*. The College of Teachers said that TWU education students should be required to “complete their fifth year of professional teacher education through an approved program at a public university.” The Supreme Court of Canada rejected this reasoning:

> There is no denying that the decision of the BCCT 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. If TWU does not abandon its Community Standards, it renounces certification and full control of a teacher education program permitting access to the public school system. **Students are likewise affected because the affirmation of their religious beliefs and attendance at TWU will not lead to certification as public school teachers unless they attend a public university for at least one year.**

[Emphasis added]

These arguments evidence a presumption about TWU students (and in fact all those holding similar religious beliefs) and stereotypes them as intolerant. As stated by a number of Christian law students across the country in their submission to the Federation: “If commitment to Biblical principles results in the denial of a private institution as capable of

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23 Letter from UBC law students, March 14, 2013.
24 Letters from students at a number of law schools. See for example, letter from UVic law students dated March 12, 2013.
25 B.C. College of Teachers Factum in *TWU v. BCCT*, para. 118.
26 *TWU v. BCCT*, para. 32
teaching law, this implicates our competence as future lawyers also. ... [A]dhering to religious beliefs does not equate to future discriminatory conduct”. 27 The Supreme Court of Canada agrees with these Christian students:

The evidence in this case is speculative, involving consideration of the potential future beliefs and conduct of graduates from a teacher education program taught exclusively at TWU. 28

... TWU’s Community Standards, which are limited to prescribing conduct of members while at TWU, are not sufficient to support the conclusion that the BCCT should anticipate intolerant behaviour in the public schools. 29

... In addition, there is nothing in the TWU Community Standards that indicates that graduates of TWU will not treat homosexuals fairly and respectfully. Indeed, the evidence to date is that graduates from the joint TWU-SFU teacher education program have become competent public school teachers, and there is no evidence before this Court of discriminatory conduct by any graduate. ... Students attending TWU are free to adopt personal rules of conduct based on their religious beliefs provided they do not interfere with the rights of others. Their freedom of religion is not accommodated if the consequence of its exercise is the denial of the right of full participation in society. 30

... Absent concrete evidence that training teachers at TWU fosters discrimination in the public schools of B.C., the freedom of individuals to adhere to certain religious beliefs while at TWU should be respected. 31

The Supreme Court of Canada equated this type of argument with a failure to accommodate religious belief and a denial of full participation in Canada. This should be conclusive in your deliberations as well.

(e) TWU v. BCCT is Binding Law

The opponents of TWU argue that TWU v. BCCT is not determinative. This argument takes a number of forms.

Some TWU opponents suggest that acknowledging TWU’s freedom of religion and association rights to maintain the Covenant would involve a “race to the bottom” 32 since not all human rights legislation across the country contain the same provisions.

Similarly, others argue that the Supreme Court of Canada’s analysis related to TWU’s right to equal treatment is “limited to BC law” and is simply a finding that TWU is in “compliance with B.C. legislation”. 33 It has been argued that human rights provisions recognizing religious associational rights are not applicable (despite the Supreme Court of Canada’s

28 TWU v. BCCT, para. 19
29 TWU v. BCCT, para. 33
30 TWU v. BCCT, para. 35
31 TWU v. BCCT, para. 36
33 For example, see SOGIC letter, dated March 18, 2013, pages 2 and 4.
ruling in TWU v. BCCT) and that refusing TWU's application because of the Covenant would not violate freedom of religion or freedom of association. In particular, SOGIC draws on American jurisprudence, where there is no constitutional equality guarantee such as s.15 of the Charter, to argue that it is acceptable to allow TWU to exist, but also deny it approval of its programs. This is a surprisingly impoverished view of Canadian equality rights.

As already noted, many of the arguments advanced by the opponents of TWU's Proposal were also made by the B.C. College of Teachers and expressly rejected by the Supreme Court of Canada. It should be clear that the decision in TWU v. BCCT was a recognition and balancing of TWU's constitutional rights and not, as suggested by others, a narrow and reluctant decision to allow TWU to exist within British Columbia. We will address a number of the specific legal arguments made by opponents in their attempt to distinguish TWU v. BCCT.

(i) Section 41 of the B.C. Human Rights Code (and similar provisions)

In TWU v. BCCT, the Court made reference to section 41 of the Human Rights Code in acknowledging that the B.C. legislature recognized the right of TWU to be a religious institution. These were passing references, but the Court's analysis was much broader, based on preserving human rights and Charter values in acknowledging TWU's right to a teacher education program. This is conveniently summarized by the following quotes:

Consideration of human rights values in these circumstances encompasses consideration of the place of private institutions in our society and the reconciling of competing rights and values. Freedom of religion, conscience and association coexist with the right to be free of discrimination based on sexual orientation...

...it cannot be reasonably concluded that private institutions are protected but that their graduates are de facto considered unworthy of fully participating in public activities. In Ontario Human Rights Commission v. Simpsons-Sears Ltd., [1985] 2 S.C.R. 536, at p. 554, McIntyre J. observed that a "natural corollary to the recognition of a right must be the social acceptance of a general duty to respect and to act within reason to protect it". ... Students attending TWU are free to adopt personal rules of conduct based on their religious beliefs provided they do not interfere with the rights of others. Their freedom of religion is not accommodated if the consequence of its exercise is the denial of the right of full participation in society.

This is consistent with the broad interpretation that courts have afforded provisions such as section 41. They are treated as rights-granting provisions deserving of an expansive interpretation, and not as narrow exemptions. In Caldwell v. Stuart, the Supreme Court of Canada wrote that the predecessor of section 41 "confers and protects rights" and "permits the promotion of religion". In Brossard (Town) v. Quebec (Commission des droits de la

34 TWU v. BCCT, paras.32 and 35.
35 TWU v. BCCT, paras. 34-35
36 [1984] 2 S.C.R. 603
37 At 626 (S.C.R.)
Beetz J. held that a similar provision promotes “the fundamental rights of individuals to freely associate in groups for the purpose of expressing particular views or engaging in particular pursuits.” Provisions such as s.41 protect freedom of religion and freedom of association, but also serve an important equality seeking purpose, recognizing that true equality sometimes allows, or even necessitates, treating different people differently in ways that recognize their actual needs.

This approach is consistent with how courts and tribunals protect religious beliefs in the context of all human rights legislation in Canada, not just in B.C. It is trite to point out that all such legislation must be interpreted and applied in a manner consistent with Charter rights and freedoms, including the freedom of religion, freedom of association and equality rights of TWU and the members of its community. It is nonsensical to suggest that TWU is permitted to exist as a religious educational community only in British Columbia or possibly a few other jurisdictions within Canada. The Charter applies to protect TWU and the members of its community across the country.

We would also note that SOGIC has been under inclusive in listing protections granted to religious groups such as TWU in human rights legislation. For example, no reference is made to sections 4 and 6 of the Saskatchewan Human Rights Code, which state:

Right to freedom of conscience
4. Every person and every class of persons shall enjoy the right to freedom of conscience, opinion and belief and freedom of religious association, teaching, practice and worship.

Right to free association
6. Every person and every class of persons shall enjoy the right to peaceable assembly with others and to form with others associations of any character under the law.

SOGIC also argues that s.41 and similar provisions do not protect TWU as, they say, TWU does not promote the interests of individuals as members of an identifiable group nor “exclude individuals who do not share its religious beliefs.” This misinterprets and misapplies the Human Rights Code. Specifically, it ignores the decision in Vancouver Rape Relief Society v. Nixon where the Court of Appeal held that an organization is not required

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38 [1988] 2 S.C.R. 279
40 Gillis v. United Nations Native Society, [2005] BCHRT 301 at para. 21, Sahota, supra. at para. 37
42 SOGIC letter, March 18, 2013, page 5.
to demonstrate that it exclusively provides services to a group enumerated under s. 41 in order to be protected by that section.\(^{44}\)

**(ii) Civil Marriage Act**

While it is without question that there have been some important societal changes since *TWU v. BCCT* was decided, these changes have not undermined the constitutional protection afforded TWU and the members of its community. In this regard, the preamble and section 3.1 of the *Civil Marriage Act*\(^{45}\) are worth noting:

WHEREAS nothing in this Act affects the guarantee of freedom of conscience and religion and, in particular, the freedom of members of religious groups to hold and declare their religious beliefs and the freedom of officials of religious groups to refuse to perform marriages that are not in accordance with their religious beliefs;

WHEREAS it is not against the public interest to hold and publicly express diverse views on marriage;

...  
3.1 For greater certainty, no person or organization shall be deprived of any benefit, or be subject to any obligation or sanction, under any law of the Parliament of Canada solely by reason of their exercise, in respect of marriage between persons of the same sex, of the freedom of conscience and religion guaranteed under the Canadian Charter of Rights and Freedoms or the expression of their beliefs in respect of marriage as the union of a man and woman to the exclusion of all others based on that guaranteed freedom.

This language again shows that the recognition of same-sex marriage was not intended to undermine freedom of religion or freedom of association by those holding religious beliefs that marriage is “the union of a man and woman to the exclusion of all others”. The portion of the Covenant to which TWU’s opponents object indicates nothing beyond such religious beliefs.


Opponents have argued that denying approval of TWU’s School of Law Proposal because of the Covenant will not impair the constitutional rights of TWU and the individuals comprising its community.\(^{46}\) They promote a penurious view of these *Charter* rights.

Citing *Saskatchewan (Human Rights Commission) v. Whatcott*\(^{47}\), SOGIC argues that denying TWU’s application for a School of Law would not infringe s.2(a) of the *Charter* as it would not threaten religious belief or conduct. This ignores the fact that the Supreme Court of

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44 *Nixon, supra.*, para. 58.  
46 SOGIC letter, March 18, 2013, pages 5-6  
47 2013 SCC 11
Canada in *Whatcott* also relied on the oft-cited words of Dickson J. in *R. v. Big M Drug Mart*\(^4^8\) that the “essence of the concept of freedom of religion is the right to entertain such religious beliefs as a person choses, the right to declare religious beliefs openly and **without fear of hindrance** or reprisal…”\(^4^9\) (emphasis added).

In *Alberta v. Hutterian Brethren of Wilson Colony*\(^5^0\), it was accepted that Alberta’s mandatory photo requirement for driver’s licensing breached the s.2(a) rights of the Hutterian Brethren because of their religious objection to having their photos taken. Applying the logic of TWU’s opponents, there would have been no breach of freedom of religion since the Hutterian Brethren would be able to maintain their beliefs without having driver’s licenses. The courts disagree, as removing or denying a benefit as a result of religious belief imposes a burden on, and hinders, religious belief and practice. This is precisely how the Supreme Court of Canada analyzed the matter in *TWU v. BCCT*:

> Their freedom of religion is not accommodated if the consequence of its exercise is the denial of the right of full participation in society. Clearly, the restriction on freedom of religion must be justified by evidence that the exercise of this freedom of religion will, in the circumstances of this case, have a detrimental impact on the school system.\(^5^1\)

SOGIC draws on American jurisprudence to suggest that only the **existence** of TWU as a religious community ought to be tolerated, but that its programs need not receive “official imprimatur” or be granted “equal access”\(^5^2\). In *TWU v. BCCT*, the College of Teachers made the same argument, relying on similar cases (including *Bob Jones University*), that it was right to withhold the imprimatur that approval of TWU’s program would bring.\(^5^3\) These arguments were clearly rejected by the Supreme Court of Canada.

Further, and surprisingly, SOGIC fails to recognize the importance of the equality right in the Canadian context. Section 15 of the *Charter* prohibits the imposition of burdens or withholding of benefits on account of personal characteristics, including based on religion. The leading definition of discrimination is still as articulated by McIntyre J. in *Andrews v. Law Society of British Columbia*\(^5^4\):

> … discrimination may be described as a distinction, whether intentional or not but based on grounds relating to personal characteristics of the individual or group, which has the effect of imposing burdens, obligations, or disadvantages on such individual or group not imposed upon others, or which withholds or limits access to opportunities, benefits, and advantages available to other members of society.

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48 [1985] 1 S.C.R. 295
49 At p.336
50 [2009] SCC 37
51 TWU v. BCCT, para. 35
53 B.C. College of Teachers Factum in TWU v. BCCT, paras. 57, 79, 111, 116
54 [1989] 1 S.C.R. 143
Distinctions based on personal characteristics attributed to an individual solely on the basis of association with a group will rarely escape the charge of discrimination, while those based on an individual's merits and capacities will rarely be so classed.[55] [Emphasis added]

The denial of approval of TWU's School of Law application because of the Covenant would unquestionably deny access to an opportunity or benefit available to students at public institutions based on the religious beliefs of the TWU community. As evidenced by many of submissions received by the Federation, opponents of TWU's proposal presume that Christians at TWU have "hostility to gay and lesbian people"[56] and hide "homophobia in Christian values"[57]. There is absolutely no evidence for these statements about TWU or the members of its community. These opponents are guilty of the same type of prejudice and stereotyping about which they say the Federation should be concerned.

All of the opponents of TWU's proposal focus solely on the Covenant. This is, in fact, a focus by them on TWU's sectarian nature[58]. The Federation's creation of the Special Advisory Committee continues this disturbing focus and we strongly encourage both the Special Advisory Committee and the Federation to carefully consider the following words of the majority in TWU v. BCCT:

We would add that the continuing focus of the BCCT on the sectarian nature of TWU is disturbing. It should be clear that the focus on the sectarian nature of TWU is the same as the original focus on the alleged discriminatory practices. It is not open to the BCCT to consider the sectarian nature of TWU in determining whether its graduates will provide an appropriate learning environment for public school students as long as there is no evidence that the particularities of TWU pose a real risk to the public educational system.[59] [Emphasis added]

If there are pedagogical or other problems with the education to be provided at TWU's proposed School of Law, they will presumably be detected by the Approval Committee, the Ministry of Advanced Education, or both. As a matter of constitutional and human rights, it is not open for the Federation to focus solely on the sectarian nature of TWU, as communicated by the Covenant, to undermine the normal approval processes. The Federation and its law society members are not permitted to express moral disapproval of the Christian beliefs on which TWU is founded. Again, we urge that the Special Advisory Committee advise the Federation to discontinue any further consideration of the Covenant and TWU's religious nature as separate from the Approval Committee.

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[57] Letter from UBC law students, dated March 14, 2013
[58] Which is derided by the lawyers at Ruby Shiller Chan Hassan as a "fundamentalist and narrow interpretation of Christianity"
[59] TWU v. BCCT, para. 42
(d) Diversity in the Legal Profession and Academic Freedom

Some opponents suggest that approval of TWU’s program will “diminish diversity in the legal profession”\textsuperscript{60}. It is peculiar, to say the least, that these advocates seek to silence a perspective different from their own within the Canadian legal community in name of diversity. While they express a concern that TWU’s School of Law will have a “limited tolerance of diversity”, their opposition exhibits exactly that trait.

There is nothing inimical to Canadian society contained in the Covenant. Its contents are to be expected in the context of an evangelical Christian university. As noted by a number of others, including uOttawa OUTLaw, the Covenant promotes positive values, expecting community members to “treat all persons with respect” and “cultivate Christian virtues such as love, joy, peace, patience, kindness, goodness, faithfulness, gentleness, self-control, compassion, humility, forgiveness, peacemaking, mercy and justice”. As we are sure you will agree, the legal profession encourages lawyers to be inculcated in these values. All opponents focus on only one aspect of the Covenant, ignoring the balance of its contents, which are not only unobjectionable but universally laudable.

As stated by Dickson J. in \textit{Big M Drug Mart}, “a truly free society is one which can accommodate a wide variety of beliefs, diversity of tastes and pursuits, customs and codes of conduct”\textsuperscript{61}. As then noted in \textit{TWU v. BCCT}, “the diversity of Canadian society is partly reflected in the multiple religious organizations that mark the societal landscape and this diversity of views should be respected”\textsuperscript{62}. The TWU School of Law would enhance, not undermine, diversity in legal education in Canada.

TWU’s proposed School of Law should be assessed on its merits, based on the national requirement. As the only privately funded law school in Canada, it may provide a slightly different perspective, but this should be welcomed. As the Supreme Court of Canada suggested, Canada is enriched by having a diversity of institutions. There is no principled reason that secular, public institutions should have a monopoly on legal education in Canada\textsuperscript{63}.

A few opponents have questioned academic freedom at TWU. While we expect that this issue is outside of what will be considered by the Special Advisory Committee, we would note for your benefit that TWU maintains a strong policy on academic freedom that was

\textsuperscript{60} Letter from UBC law students, dated March 14, 2013
\textsuperscript{61} At p.336.
\textsuperscript{62} \textit{TWU v. BCCT}, para. 33.
\textsuperscript{63} Law students from UBC have written in their letter of March 19, 2013 that, in their experience, their religious beliefs are “often openly derided” in the context of the explicitly secular emphasis at that institution. Not all secular law schools should be judged by this experience, but it does provide context for the opposition made by students at a number of law schools in Canada.
affirmed by British Columbia’s Degree Quality Assessment Board in 2004. TWU is a member of the Association of Universities and Colleges of Canada and fully complies with its Statement on Academic Freedom and Institutional Autonomy. TWU has a long history of excellence in research and scholarship. During its almost thirty year history as a university there has not been a single allegation of a lack of academic freedom related to research despite a broad range of scholarship. There will be a full range of academic inquiry and debate within TWU’s School of Law.

Conclusion

The arguments of opponents to TWU’s proposed School of Law relate to the Covenant and TWU’s religious character. As set out above, most of these arguments have already had a thorough hearing before, and been rejected by, the Supreme Court of Canada. One opponent, Egale Canada, raised some of the exactly same arguments as an intervenor in TWU v. BCCT as it now references in its letter to the Federation. The Supreme Court of Canada decision in that case should be considered determinative for the reasons set out above.

There is no “specific evidence” that TWU graduates will fail to uphold the basic values of non-discrimination. This does not leave a legitimate role for the Special Advisory Committee. We submit that the appropriate course is for the Special Advisory Committee to advise the Federation and its members that there are no relevant additional considerations to be taken into account in determining whether graduates of a TWU School of Law should be eligible to enroll in the admissions program of any Canadian law society.

We believe that we have answered the important points raised by TWU’s opponents. If there are other issues on which you would like to receive TWU’s position or views, or if there are additional documents that you would like to review that we may be able to provide, please do not hesitate to contact the writer.

Yours truly,

Kevin G. Sawatsky
Vice-Provost (Business) and University Legal Counsel

cc: Gerald R. Tremblay, President
Kuhn LLP

64 TWU v. BCCT at para.38. See also paras. 12-13.
Exchange of Correspondence between
Trinity Western University and the
Canadian Common Law Approval Committee
August 13, 2013

Federation of Law Societies of Canada
World Exchange Plaza
1810 – 45 O'Connor Street
Ottawa, ON K1P 1A4

Attention: Laurie H. Pawlitza, Chair, Canadian Common Law Program Approval Committee

Dear Ms. Pawlitza:


Thank you for your letter of June 28, 2013 asking for further information with respect to the proposal for a School of Law at Trinity Western University.

We first note that the B.C. Minister of Advanced Education appointed a Review Panel to make a site visit to the campus and issue a report advising on the program. In response to issues raised by the Review Panel, we propose to make minor amendments to the program of studies. LAW 708, Real Estate Law will not be compulsory, but will instead be highly recommended. LAW 506, 1st year Criminal Law will be split such that the first year course covers the principles of criminal law and a new upper year, elective course will be developed to address criminal procedure (See Appendix A for the new course descriptions). We do not believe that these changes will affect the requirements for a common law degree program established by the FLSC, but thought it appropriate to advise of these minor amendments.

We have addressed the questions you raise in your letter in the same outline order that you have posed them as follows:

1. Budgeting:

   a) Your letter requests further information with respect to the financial plan for the School of Law. We have attached as Appendix B a pro-forma budget for the proposed School of Law. In addition, the Review Panel appointed by the Minister of Advanced Education requested very similar information. We have attached as Appendix C the document provided to the Review Panel entitled School of Law Financial Information. We trust these documents will be of assistance in providing
further detail with respect to the financial aspects of the School of Law proposal. We would request that this financial information be kept confidential by the Approval Committee.

In addition to the documents attached as Appendices B and C, we have provided below a response on each of the areas requested in paragraph 1(a):

**Anticipated Law School Revenue Over and Above Tuition**

Trinity Western University is privately funded, largely through tuition fees. However, other revenues are generated through ancillary services such as student residences, food services, retail sales etc. With respect to the School of Law these additional revenues are not included in the pro-forma budget as these monies will be utilized to cover a portion of general University overhead. In addition, TWU is supported by donations from alumni and other friends to the University. It is anticipated that there will be on-going donation support for the School of Law. The exact amount of on-going donation income for the School of Law can’t be projected with accuracy and we have not therefore included such in the pro-forma budget.

**Salary Costs**

As indicated in Appendix B, total faculty and staff salary cost by year five will be $2,365,000. We would note that the actual salary cost is higher than this amount. Some positions will be added in other departments to support the School of Law and the cost of such will be absorbed outside of the direct School of Law budget (as part of University overhead). This includes additional staff in I.T., Admissions, Financial Aid and the Registrar’s Office.

We would note that Appendix C provides a more detailed staffing/faculty Rollout Plan. It also provides a more detailed breakdown of “Teaching Requirements”.

**Initial Library Acquisitions Budget**

The initial library acquisitions budget is $2,000,000.
Annual Library Budget

The annual library acquisitions budget is currently set at $200,000. However, we are cognizant that this budget may need adjustment pending the development of a full library plan.

The staffing plan for the library includes the Director, an Associate Director, two full-time library support staff and other part-time staff as may be required. Library staffing costs are incorporated into the general School of Law budget.

Costs for Physical Infrastructure

The $18,700,000 capital campaign for commencement of the School of Law includes approximately $15,000,000 for the School of Law building. This includes all needed infrastructure such as water, sewer, electrical, mechanical, telecomm as well as furnishings. Appendix 10 to the Proposal provided a detailed breakdown of building and infrastructure costs. (We are cognizant that the $14.4 million projection set out in Appendix 10 was created for us in April of 2011 and costs have increased somewhat. However, based on information from our professionals, we believe that $15 million is still a reasonable estimate for building and infrastructure costs.)

Costs for Student Clinics

Leadership for student clinics will be included as part of the teaching load of a faculty member. The salary cost for such is included in the overall faculty budget. In addition, $40,000 is included in the annual budget for the operation (non-salary) cost of the clinics. While this dollar amount may appear low, we believe it is feasible because the clinics will be operated in conjunction with other charitable organizations, utilizing their facilities.

University Taxes and Overhead Charges

We are assuming the meaning of “taxes” in your letter is that the University requires a percentage of tuition to be paid back to the University in order to fund overhead costs. In the TWU context that would be correct. Given that TWU is privately funded, all academic programs must return a healthy percentage of revenue in order
to fund general University overhead (including scholarships and financial aid). By year five, it is projected that the School of Law will return approximately 40% of gross tuition revenue to the University.

**Anticipated Changes to Student Numbers and Tuition Levels**

We are not anticipating changes to projected enrollment numbers. Concerto Research Inc. ("Concerto") conducted an extensive market research study on behalf of TWU in the Spring of 2012. Concerto determined that there was more than adequate demand to sustain enrollment of 60 students per year. See final page of Appendix C.

Tuition is projected to increase approximately 2.5% to 3.0% per year.

b) The following are contingency plans in each of the areas requested in your letter:

**Fundraising**

Potential donors have demonstrated considerable interest in the School of Law. Significant monies have already been raised for this project. It is not anticipated that a "fundraising" contingency will be required. However, if the capital campaign took longer than anticipated, delaying the completion of the School of Law building, the University would explore situating the School of Law in the Richmond campus (see paragraph 2 below and Appendices D and E) for a short time.

**Construction Timelines**

Please see paragraph 2 below which outlines the contingency plan should construction timelines result in the School of Law building not being completed by September 2016.

**Enrollment Targets**

As indicated above, market research conducted on behalf of the University by Concerto Research Inc. concluded that there is more than adequate demand to sustain a first year enrollment of 60 students. As indicated on the pro-forma budget, there will be a significant surplus being returned to the University by year four. That surplus provides a healthy buffer (contingency) should enrollment targets not be met.
Ability to Offer a Full Range of Classes

We are uncertain whether this request was with respect to there not being sufficient students to take a course or a concern with respect to securing instructors.

With respect to inadequate student enrollment for a particular course, the contingency would be to offer such as a directed study (to one or more students) in accordance with University policy.

With respect to the ability to hire high quality instructors, Trinity Western University offers a broad range of programs and has not had difficulty in attracting high calibre instructors in other professional areas. We have already had numerous inquiries from qualified potential full-time and sessional instructors for the proposed School of Law even though it is not yet approved and the University is not yet recruiting faculty.

c) The School of Law will be financially self-supporting. As indicated above, financial aid and other University overheads are not included in the pro-forma budget. However, the University is comfortable that these overheads are more than covered by ancillary revenues and by the tuition surplus that is returned to the University.

We note that with respect to student financial aid, the School of Law expects to have its own financial aid system in place, although it will be administered, and budgeted for, through the University Financial Aid Office. Most of Admissions, Registration and Financial Aid are completed on-line. If a student wishes to attend these offices in person, they are housed together in a centrally located office on campus.

2. Facilities:

As indicated above, given the length of the approvals process we believe it is prudent to move the anticipated commencement date to September 2016. This will allow adequate time to complete the School of Law building.

While this is not anticipated, should the School of Law building not be completed by September 2016, we would create a temporary home for the entire year of 2016–17. We believe it would be too disruptive to the first class to have to move part way through the
academic year. Should space be necessary to house the School for 2016-17, TWU would follow one of the following two options:

- Locate the School of Law for 2016-17 in the new Richmond campus. Please see Appendices D and E which describe the Richmond campus and provide the floor-plan as currently designed. As the Richmond campus will largely be utilized for Adult Degree Completion programs offered in the evenings, adequate classroom space would be available during the day for the School of Law. The classrooms on the second level could relatively easily be converted into a temporary space for the law library. Overall, close to 20,000 sq. feet of space would be available to the School of Law which would be adequate for the first year of operation.

- Lease adequate space close to the TWU campus for 2016-17.

3. Library:

As stated in the proposal, the law library will be housed in approximately 14,250 square feet within the new School of Law Building. Library resources are an area of great change as substantial on-line resources become available. As we have met with deans and law librarians both in the U.S. and in Canada, the strong message we heard is that there is considerable transition. Law libraries are redesigning and culling hard copy resources. While a full library plan could possibly have been prepared for the Proposal, we felt that it was prudent to wait until the program was approved and the Law Librarian hired before finalizing a library plan. We plan to hire an expert consultant to assist with the development of the law library.

The TWU Library has experience in developing print and digital library collections to support new graduate and undergraduate programs. The TWU Law Library will consult with faculty members to ensure that library materials, both core and supplemental, are available for students in their courses. The TWU Law Library aims to establish a balanced collection of both print and online resources. Collaborative initiatives and partnerships will be pursued to develop a strong academic law library collection and services for the TWU School of Law. The TWU Law Library will meet the requirements established by the Canadian Academic Law Librarians Association. As this will be the second library on campus, we anticipate that there will be significant work needed to integrate the two libraries, and the Law Librarian and needed staff will be hired well in advance of the opening of School of Law.

Please see Appendix F for a preliminary list of Required Resources for the Law Library.
4. Admissions and Student Services:

a) Special Admissions Categories: The TWU School of Law proposal reserves up to five places for special admissions. There are several categories of persons who could qualify for these places:

- Aboriginal students: We will consider for admission First Nations students conditional on successful completion of the Program of Legal Studies for Native People offered at the University of Saskatchewan along with strong references. The University has support systems in place for student success for Aboriginal students.

- Mature students: The University has an Adult Degree Completion program for adult learners who have not completed the required university degree. Completion of the B.A. Leadership with the recommendation of Adult Degree Completion faculty, along with significant work experience will be considered if the student has met the threshold LSAT score.

- Students with disabilities: Some students will not meet the usual admissions requirements due to a recognized disability. Students who do not meet the threshold requirements for GPA or LSAT scores will be considered in the special admissions category if they have strong references and based on their personal statement and leadership experience.

b) Centralized services:

- Admissions: The University has centralized Admissions services, although staff are assigned certain programs. We anticipate hiring a full-time Admissions officer for the School of Law. As the admissions process is paperless, Admissions will ensure that the file is complete before it is transferred to the School of Law Admissions Committee for a decision on admissions. The University currently has several programs with particular admissions requirements. Admissions can customize procedures such that admissions files are categorized according to specified criteria; in the case of law students, for example, that they meet a threshold for LSAT scores. Once files are completed and categorized, they can be accessed by the Admissions Committee for a decision on an admissions offer.
- Student Services: The University has a Student Success Office that includes writing assistance, study skills development, and the Equity of Access Office. The latter provides accommodations for all students with disabilities across the campus. The writing skills and study skills development is intended to assist undergraduate students. The School of Law will have its own articling and career centre, which will also provide student assistance in terms of writing skills and study skills. Academic advisors also provide some assistance to students in these areas. Trinity Western University regularly receives an A+ in student-faculty interaction as our faculty genuinely care about student success. We have an early warning system in place to identify students at risk of failing classes.

- Academic Advisory Services: All students at the University are assigned an academic advisor. This is a professor in their department, faculty or school that will advise them on course selection and also be available as a primary contact for referral to academic support services. While the assignment of the academic advisor is done on a centralized basis by the Admissions Department at the University, the academic advisors will be in the School of Law for all law students.

Finally, we note the Approval Committee’s references to Trinity Western University’s approach to meeting the Ethics and Professionalism competency and the substantive legal knowledge competency, particularly with respect to constitutional law. It was unclear to us if the letter was simply noting a step taken by the Committee or whether a concern was being identified. We have attached the proposed course outlines for the courses that meet the specific competencies you raise (Appendix G) and are not aware of anything in these proposed courses that would raise concerns. The description of Trinity Western University’s approach, outlined in the two numbered paragraphs at the top of the third page of your letter, is accurate. If the Approval Committee does have concern about specific matters in the proposed courses, we would be pleased to address those concerns. The University has successfully launched professional programs in business, education and nursing with great success. These programs have received accreditation from numerous professional bodies and associations. Our graduates are highly sought after, particularly because they have high ethical standards and exemplary professional competencies.
We trust this fully answers the questions posed.

Yours truly,

TRINITY WESTERN UNIVERSITY

Bob Kuhn
Bob Kuhn, J.D.
Interim President

BK/hkp

Appendices (A-G)
APPENDIX A – Course Descriptions

Criminal Law

Description

This course introduces students to substantive Canadian criminal law. This course teaches the basic principles underlying criminal culpability and focuses on the elements of specific substantive offences. Students will use the Criminal Code to identify the elements of various offences, in particular the various forms of mens rea as developed in law. Students will also explore the nature and application of various defences, such as self-defence, provocation, automatism and necessity, and mental disorder. Students will consider theories of punishment and the various purposes underlying sentencing. Students will also be introduced to the limits of provincial jurisdiction in creating offences and learn to distinguish between true crimes and regulatory offences.

Course Objectives

Through this course, students will:

1. understand and critically assess the principles of criminal responsibility and punishment;
2. understand and critically assess theories and perspectives on the purpose and function of the justice system, and the competing interests they serve;
3. develop practical skills by identifying the elements of various offences as set out in the Criminal Code;
4. apply substantive knowledge to fact scenarios by identifying the evidence that supports and negates various offences and corresponding defences;
5. identify whether an offence is properly characterized as a regulatory or a criminal offence;
6. produce high-quality, critical writing about themes and issues within the criminal law; and
7. identify and critically discuss ethical issues related to substantive criminal law.

Course Outline

1. Introduction to criminal law
2. Theories of criminal liability
3. Burdens of proof
4. Principles of criminal liability
5. Elements of an offence
   - Actus reus
   - Mens rea
   - Mens rea and the Charter
5. Types of offences
   - Regulatory
   - Summary
   - Indictable
   - Hybrid
7. Specific offences
8. Raising a defence
9. Specific defences
10. Not criminally responsible by reason of mental disorder
11. Theories of punishment and principles of sentencing
12. Aboriginal offenders
13. Gender and racial critiques of the criminal law

Texts

Stephen Coughlan, *Criminal Procedure* (Irwin Law, 2008)
Criminal Procedure

Description

This course examines the principles of Canadian criminal procedure. It canvasses the various sources of criminal procedure; basic concepts, principles, and institutions; and the most significant rules governing the criminal process. This course focuses on the dynamic impact of the Charter, as developed through the common law, on safeguarding the accused’s rights and circumscribing state power at each phase of the criminal process. Students will be introduced to the substance and application of these rules from the investigative phase through the laying of charges, to the trial, conviction, sentencing and beyond.

Course Objectives

Through this course, students will:

1. understand and critically assess the competing interests and values animating rules of criminal procedure;
2. gain a working knowledge of criminal procedure;
3. demonstrate practical competence by identifying procedural errors in various fact scenarios, applying the proper legal framework and analyzing the effects of these errors;
4. understand the criminal procedure governing various offences;
5. apply their knowledge of criminal procedure participating in, observing and critiquing mock exercises, including a bail hearing, Charter application and sentencing;
6. develop basic advocacy skills through participation in a mock trial; and
7. identify and critically discuss ethical issues arising in the criminal law process.

Course Outline

1. Introduction to criminal procedure
2. Sources of criminal procedure
3. Overview of the structure of criminal proceedings
4. Levels of courts in British Columbia
5. Roles of police, Crown and Defence
6. Investigative powers of police
7. Charge approval and commencing proceedings
8. Compelling appearance and judicial interim release
9. Arraignment, pre-trial case management, elections, re-elections and preliminary hearings
10. Pre-Trial and other applications
11. Disclosure and procedural applications
12. Charter applications and exclusion of evidence
13. Trial management
14. Jury selection
15. Trials
16. Sentencing
17. Youth court
18. Mentally disordered offenders
19. Appeals
20. Ethical issues in criminal law

**Texts**

**TRINITY WESTERN UNIVERSITY PRO-FORMA SCHOOL OF LAW BUDGET**

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**Note:** The costs for Financial Aid, IT Support, Admissions and Registrar’s Office, Student Life, Administration, Building Maintenance, etc. are all funded from University Overhead.
APPENDIX D – Richmond Campus Floor Plans
Education. Transformation. IMPACT.

Trinity Western University Richmond

TWU Richmond will be every student's connection to an outstanding university experience.

DISCOVER GROW ENGAGE
OUR VISION AT TWU RICHMOND – IS TO GIVE OUR STUDENTS NEW PERSPECTIVE. IT MEANS LEARNING, GROWING AND GAINING INSIGHT INTO A GLOBAL COMMUNITY. A UNIQUE PLACE THAT GIVES STUDENTS THE TOOLS TO REACH THEIR TRUE POTENTIAL.

FULL OF DISCOVERY AND ENGAGEMENT, OUR TWU RICHMOND CAMPUS WILL HELP THEM ACHIEVE AND REALIZE THIS VISION.

TWU Richmond will be a state-of-the-art campus complete with executive classrooms, faculty offices, seminar rooms, a learning resource centre, lounge areas, private study areas, and a coffee and food services kiosk.
Creating a place of rigorous academic scholarship combined with people of a common vision – we are in a position to reach out and engage with students from Asia and all around the world.

As a comprehensive university, TWU offers a broad array of undergraduate and graduate degree programs across many disciplines.

Our faculty members are known for their extraordinary accessibility to students and strong record of published, globally-recognized research. The result of the outstanding instruction and strong Christian community at TWU is skilled and committed graduates, people who make a positive difference wherever they go.

We welcome people from all around the world to join our community. Since 1962, we have been training leaders of character, capable of addressing the challenges of our changing world. What can you do at TWU? I invite you to watch our impact videos and envision how you can be the difference.

Jonathan S. Raymond, Ph.D.
President (2006 – 2013) and Senior Fellow

“You don’t have to be big to be world class. We are bringing an intentionally designed program to meet the needs of Richmond.”
TWU Richmond is an integrated, collaborative environment that emphasizes global engagement. It will offer students expansive opportunities for education, transformation, and impact like no other university in Canada.
TWU – OUR IDENTITY

TWU Richmond, located at the hub of the downtown core, is tailored to the needs of its community guided by the same mission, vision and strategic direction of Trinity Western University. TWU develops leaders of character and competence who, by engaging in a transformational education experience, make a positive impact in the world.

1. Cosmopolitan
TWU Richmond will be a Christ-centered institution based on the multiversity concept, which embraces people of different backgrounds in a learning community centered on a Christian world view. The campus will be characterized by ethnic diversity and focused programs that meet the applied education needs of global learners.

TWU Richmond will be programmatically focused, yet diverse, offering an array of certificate and degree options. The Centre for Global Engagement, a signature space on the upper floor, will ensure that meeting the needs of global learners remains a driving goal across all the campus’ programming. The Centre will also further the development of bilateral Canadian-Asian business, cultural and social relationships.

2. Professional
TWU Richmond will provide a range of educational choices at executive levels of post-secondary education, including adult degree completion and professional graduate programs. TWU Richmond’s curricular options will focus on business, leadership, communication, globalization, and social services. Students will be able to choose from stand-alone learning options, classes that are part of degree programs, or graduate and certificate options.

International degree completion courses will be available during the day, while adult degree completion courses will take place in the evening. In addition, four professional graduate programs will be offered to support the campus’ emphasis on executive education. These master’s level programs will allow students to complete their graduate degree while working.

3. Urban
In the centre of Richmond and focused on the urban student, TWU Richmond will provide an array of accessible programming, including lunchbox lecture series, corporate info sessions, evening meet-and-greets, and professional certificate programs.

Students will learn about issues and problems around the world and help develop innovative solutions.

Not only will students analyze problems, but also work towards solutions, making an impact from their very first class.
TWU Richmond will be a cosmopolitan, urban, efficient, and professionally-oriented campus catering to the broad spectrum of learners in the Richmond community. It will offer cohort-based learning programs, executive certificates, international degree programs, degree completion and master’s degree programs.

Cohort learning prepares students for work in the professional world – through collaborative team projects, problem analysis, solution-based strategy development – and offers learners the opportunity to develop lifelong friendships.

TWU Richmond will provide many of the amenities of a larger campus through partnerships with local vendors. Food services, recreation services, shopping, bookstore services, technology sales, and library services will be provided through strategic relationships with urban partners near the campus or technological interface with the TWU main campus in Langley. In this way, TWU Richmond will be viewed as an educational and business partner in the City of Richmond. As TWU Richmond grows, it will work with the Richmond community to support mutual growth goals, and it will also provide business to local merchants through its strategic relationships.

4. Efficient

TWU Richmond will be recognized for environmental, programmatic, and operational efficiency, making it a strong local and global education partner. Consistent with the vision presented by Phileo development, environmental efficiencies will be achieved in building and construction, choice of finishing products, natural lighting, thoughtful use of technology, and learning management. Programmatic efficiencies will be attained through:

• focused programming around high-yield educational options that meet both local and global demand;

• certificate to degree ladderling structures, which provide students lifelong learning; and

• year-round learning to keep TWU Richmond vibrant 12 months a year.

Operational efficiencies will be attained through:

• accommodating the largest number of students possible in the campus’ 22,000 square feet of learning space by offering programs during the day, evening, and weekends;

• producing a high-yield and highly efficient campus operation through programmatic densification; and

• strategic relationships with local urban partners to provide non-educational campus services, such as bookstore, food services, parking services, recreational services, and technology services, allowing TWU Richmond to focus on its core business — education.

“The Centre will be an international destination and venue for cultural dialogue.”
– Jonathan Raymond, Ph.D. President (2006 – 2013) and Senior Fellow
TWU will bring its focus on student and community enrichment into Richmond by providing students with real-world experience.

RICHMOND PROGRAMS AND IMPACT STATEMENTS

Adult Degree Completion Format (evenings and online/mixed-mode)
The Adult Degree Completion format is for middle managers and emerging professionals who want to increase their value to an organization and advance their career. Although the number of students entering the traditional undergraduate market in Metro Vancouver is expected to decline over the next decade, non-traditional markets (adult, executive, professional, and online learners) are expected to grow significantly.

The TWU Richmond campus can leverage the strong TWU brand to promote value-added applied degrees that meet marketplace demand. With the foundation of a Christian worldview, TWU Richmond will help learners find their core strengths and identify their personal calling in life. Believing that all people were created to make a positive difference in their communities, the staff and faculty of TWU Richmond will cultivate the potential of adult learners through higher education. As at TWU's main campus, the educational experience at TWU Richmond will transform students’ knowledge base, sense of self, and commitment to serve others such that, through their leadership and personal example, they will make a positive impact in their community and the world.

International Degree Completion Format (full-time program during the day)
The International Degree Completion format is for international learners who have attained at least two years of qualifying education, a diploma, or a certificate from a recognized university in Canada or abroad.

The goal of this program is to equip the international learner to understand modern leadership in the tradition of Christian leadership taught throughout TWU's curriculum. Many international learners’ normative experiences with leadership emphasize power and control. Students in the TWU program, however, will learn how to lead effectively through influence and relationship, how to understand people within organizations through assessment and analysis, and how to communicate effectively and resolve conflict. International learners will be equipped to lead people with care, empathy, and emotional intelligence. Most learners in this program will come from international families of influence whose parents desire to see them equipped to take on key roles in their companies. Through this program, we demystify leadership and challenge leadership assumptions, preparing people to lead from a value reference point that builds positive outcomes for people and business.

Students will learn in cohorts—where they can develop lifelong friendships and, like in the professional world, work in collaborative teams solving real problems.
MA in Leadership (full-time program during the day)

The Richmond campus will offer a new opportunity in 2015 for expanding the popular Leadership degree into Richmond and surrounding communities. The MA in Leadership program is based on principles of transformational servant leadership that see the leader as essential in helping employees reach their full potential. In focusing on the needs, attributes, and aspirations of employees, a transformational leader learns how to accomplish far more with and through others.

The MA in Leadership program has operated for the past 15 years at TWU Langley and offers specialized streams in non-profit and business. The Masters in Leadership degrees at TWU Richmond will be one-year, full-time programs offering international and domestic learners a Master of Arts in Leadership. Students who complete this program will be valuable assets to organizations. They will be able to understand leadership at a deep level, enabling them to transform corporations and organizations to make a significant impact in the world.

Supportive Programs

Two support programs will be offered learners to meet basic needs and provide progression opportunities into the existing array of programs (see above).

a. UT Program

The University Transitions program is provided for international learners whose language level is not sufficient to commence full-time studies in their chosen degree program. The UT program provides students language support and assistance, while they complete lower-level university courses for credit. Attributes of the UT program are: for-credit coursework, bilingual support structure, learning coaches, and writing support in addition to the regular University support systems.

b. Certificate Programs

The University-wide Market Research study conducted in 2012 found that many adult learners are interested in taking the next step in their career development through the completion of a University Certificate. As an urban, professionally-oriented campus, TWU Richmond is an ideal location to design and deliver certificates to the professional community. Learners often pursue certificates to take the next step in their career or to achieve credentialing that validates their existing knowledge base. It is anticipated that certificates will provide a rich base of learners (1 or 2 semesters) who will become candidates for either the BA in Leadership or MA in Leadership program.

In addition, certificates will become applied skills that BA in Leadership students will be able to complete within their elective program credits.
Richmond Overview
- 26 international brand-name hotels / 4,500 rooms
- Total combined square feet of meeting space: 145,000
- Richmond is located at the mouth of the 1,375 km long mighty Fraser River
- Steveston Fishing Port is the largest commercial fishing harbour in Canada
- 20 minutes by freeway from the US/Canada border
- 36% of Richmond’s land is in the Agricultural Land Reserve
- Richmond is home to the iconic Richmond Olympic Oval
- Largest producer of cranberries in North America
- 1.4 million birds migrate through Richmond on the Pacific Flyway

Richmond Facts
- 60% percent of the Richmond population is of Asian descent
- The top 3 places that immigrants have arrived from are Hong Kong, China, and Taiwan
- Average life expectancy is 83.4 years – higher than Japan, who are at the top of the UN (WHO) ranking

Richmond is British Columbia’s fourth-largest city. It’s located on 17 flat islands in the Fraser River, and boasts 80 km (50 miles) of bike routes and dyke trails. This multicultural 2010 Olympic Venue city lies just 20 minutes south of downtown Vancouver and is a perfect location for education, business, and global engagement.

Richmond is home to the Vancouver International Airport (YVR) which supports 16.8 million airport passengers annually

Richmond Economy
- Richmond currently has over 100,000 jobs in a variety of sectors
- Film and television production have grown significantly in Richmond
- The Agricultural Land Reserve preserves over 4,900 hectares of farmland which hosts 247 local farms
- The dominant crops that are grown in Richmond are blueberries and cranberries but you can also find strawberries, corn, pumpkins, potatoes and more
- Opened in 2009, the Canada Line SkyTrain system has made Richmond more accessible from Vancouver International Airport and throughout the Lower Mainland
Appendix F – Required Library Resources

Core Collection Recommendations

The following are recommendations for a core Canadian legal academic collection. This list will consist of essential primary sources and secondary sources, and their respective finding tools. Where there are comparable electronic and print media we indicate such. The collection will be further developed based on the intended foci and faculty expertise. Except for basic print and online texts have not included textbooks in this list. Textbook acquisitions should be 50% of the collections budget.

The collection will support the teaching of the J.D. degree, university programs that would benefit from a law collection, and the wider research and legal community. The communities the collection will serve will inform the balance of online/print and the cost of the licenses for online access. There will be a conservative balance of electronic and print.

I. Free Online Tools

There has been substantial growth in free online legal information tools and resources. Law Societies and academic institutions have developed tools primarily for the use of practitioners and professionals. Most of their collections are voluntary submissions and are therefore not comprehensive. They often lack the depth of editing and annotation work done by the subscription services. They are increasingly adding additional tools such as citators that will increase value to these resources.

a. CanLII
The Canadian Legal Information Institute (CanLII) is a not-for-profit organization initiated by the Federation of Law Societies of Canada. CanLII seeks to gather and make accessible online legislative and judicial texts, as well as legal commentaries, from federal, provincial and territorial jurisdictions on a single Web site.

b. CommonLII
The Commonwealth Legal Information Institute service is comprised of 981 databases from 59 Commonwealth and common law countries and territories via the Free Access to Law Movement.

c. BAILII
British and Irish case law & legislation, European Union case law, Law Commission reports, and other law-related British and Irish material.

d. Cornell LII
Cornell’s most-accessed website, the LII provides the full online hypertext of the U.S. Code and other U.S. laws and court decisions
II. Complimentary Subscription Services

Currently all Canadian Law students (LLB, JD, LLM, JSD), full-time law faculty, and academic law librarians are provided free access and training to several practitioner services. These services provide access to digital versions of many of the primary and secondary materials collections below. These will be accessed through individual user accounts..

a. **LexisNexisQuicklaw (QL)**
   As a qualified law schools including students, academic staff, and law librarians, TWU will receive free access to this superior online legal content coupled with free, high-quality training and support.

   (Note: we will consider a campus subscription to LexisNexis Academic Plus)

b. **WestlawCanada (WL)**
   With Westlaw Canada, law school faculty and staff are able to help students with tools and resources designed for classroom instruction, article creation, legal library needs, and more.

c. **Maritime Law Book** (National Reporter System)
   Any student is entitled to one free trial period of 15 days. However as a law school library that maintains multiple subscriptions we understand we will be able to make arrangements for free law student access for the entire school term.

   Note: We will consider negotiating a campus subscription to MLB.

III. Primary Sources and Finding Tools

a. Canadian Legislation

   Most legislation collections are available online through free and subscription services. However many of the online source are not official. We will provide a selective collection of legislative materials for most jurisdictions and comprehensive collection of B.C. legislative materials.

   i. Federal Annual Statutes and Regulations (Print)
   ii. All Provincial and Territorial Annual Statutes and Regulations (Print)
   iii. All Legislative materials for Federal and British Columbia – Hansards, Journals, and Committee reports (Print)
   iv. Legislation Citators for Federal and British Columbia (Print)

b. Canadian Caselaw
We will provide online sources for caselaw with the following exceptions for Federal and British Columbia. Topic reports can be collected based on teaching specializations.

i. British Columbia Law Reports (Print)
ii. Western Law Reports (Print)
iii. Supreme Court Law Reports (Print)
iv. Federal Court Reports (Print)

c. United Kingdom

A commonwealth collection is essential for understanding the development of Canadian law, and for locating precedent.

i. ICLR Online

d. Finding Tools

i. Halsbury’s Laws of Canada (Print)
ii. Halsbury’s Law of England (Print)
iii. Canadian Abridgment (Print)
iv. Canadian Encyclopedic Digest (Print)
v. The Digest UK (Print)

IV. Secondary Sources

a. Journal Indices and Full Text

i. Index to Canadian Legal Literature (Print and WL/QL)

Index to Canadian Legal Literature (ICLL) is a bibliographic index providing thorough coverage of Canadian law journal literature. ICLL indexes journals, law reports, books, book reviews, theses, essay collections and Canadiana Forthcoming Books. ICLL records relate to articles, monographs, case comments, annotations, seminar proceedings, etc., as selected by ICLL's legal editors.

ii. LegalTrac Fulltext (Online Gale)

Provides full-text coverage of major law reviews, legal newspapers, bar association journals and international legal journals offers law students, faculty and legal researchers the publications they need for their research and practicum. Each title included is selected on the basis of criteria provided the American Association of Law Libraries.
iii. **Index to Legal Periodicals** Full Text and ILP Retrospective (Online EBSCO)

Indexes articles from 615+ legal periodicals published in the United States, Canada, Great Britain, New Zealand and Australia. The retrospective database indexes over 750 legal periodicals published in the United States, Canada, Great Britain, Ireland, Australia and New Zealand.

iv. **Index to Foreign Legal Periodicals** (Online HeinOnline)

Produced by the American Association of Law Libraries, the Index to Foreign Legal Periodicals (IFLP) is the preeminent multilingual index to articles and book reviews appearing in 470 legal journals published worldwide. It provides in-depth coverage of public and private international law, comparative and foreign law, and the law of all jurisdictions other than the United States, the U.K., Canada, and Australia.

b. Full Text Online Collections – Journals and Books

i. **HeinOnline**


ii. **Irwin Law E-Library** Essentials of Canadian Law

Irwin Law’s E-Library, using ebrary technology, will allow students to access authoritative Irwin Law titles anytime, anywhere, as well as to take advantage of powerful technology that increases productivity and efficiency.

iii. **O’Brien’s Encyclopedia of Forms** (Online)
Canada's most comprehensive collection of legal forms and precedents, covering the broadest range of legal topics.

iv. Canadian law journals (Print/Online)

We will consider where possible print as well as online access to Canadian law journals depending on research foci.

- The Advocates' Quarterly
- Alberta Law Review
- Annals of Air and Space Law
- Appeal: review of current law and law reform
- Asper Review of International Business and Trade Law
- Banking & Finance Law Review
- Les Cahiers de Droit
- The Canadian Bar Review
- Canadian Business Law Journal
- Canadian Criminal Law Review
- Canadian Family Law Quarterly
- Canadian Journal of Administrative Law and Practice
- Canadian Journal of Criminology and Criminal Justice
- Canadian Journal of Family Law
- Canadian Journal of Human Rights (2010-)
- Canadian Journal of Insurance Law
- The Canadian Journal of Law and Jurisprudence
- Canadian Journal of Law and Society
- Canadian Journal of Law and Technology (2002-)
- Canadian Journal of Women and the Law
- Canadian Labour & Employment Law Journal
- Canadian Law Library Review
- Canadian Tax Journal
- Canadian Yearbook of International Law
- Constitutional Forum
- The Criminal Law Quarterly
- Dalhousie Journal of Legal Studies
- Dalhousie Law Journal
- Education & Law Journal
- Estates, Trusts & Pensions Journal
- Health law in Canada
- Health Law Journal
- Health Law Review
- The Indigenous Law Journal (2002-)
- Intellectual Property Journal
- Journal of Environmental Law & Practice
• Journal of International Law and International Relations
• Journal of Law & Equality (2002-)
• Journal of Law and Social Policy
• Journal of Parliamentary and Political Law (2008-)
• Journal of Politics and Law (2008-)
• The Journal of Public Policy, Administration and Law (2009-)[online]
• Manitoba Law Journal
• McGill International Journal of Sustainable Development Law and Policy (2005-)
• McGill Journal of Law and Health (2007-)
• McGill Law Journal
• National Banking Law Review
• National Journal of Constitutional Law
• Ocean Yearbook
• Osgoode Hall Law Journal
• Ottawa Law Review
• Queen's Law Journal
• Review of Constitutional Studies
• Revue de droit de l'Université de Sherbrooke
• Revue de la common law en français
• Revue générale de droit
• Revue juridique des étudiants et étudiantes de l'Université Laval
• Revue juridique Thémis
• Revue québécoise de droit international
• Saskatchewan Law Review
• The Supreme Court Law Review
• University of British Columbia Law Review
• University of New Brunswick Law Journal
• University of Ottawa Law and Technology Journal (2003-)
• University of Toronto Faculty of Law Review
• University of Toronto Law Journal
• Windsor Review of Legal and Social Issues
• The Windsor Yearbook of Access to Justice

v. Textbooks
• Black’s Law Dictionary
• Canadian Law Dictionary
• Canadian Guide to Uniform Legal Citation
• The ultimate guide to Canadian legal research
• Legal writing and research manual
• The practical guide to Canadian legal research
• Legal Research and writing manual
Appendix G – Proposed Course Outlines
LAW 602, Ethics and Professionalism* (3 s.h.)

Description
Is law a calling, a job or a business? The lawyer, as a professional, is governed by a professional body of peers that establishes a code of conduct and general practices. This course focuses on the practice of law as public service and addresses the question of what does it mean to be a professional? It will also address the principles of ethical practice, particularly issues covered by the Code of Ethics. It challenges students to reconcile their personal and professional beliefs within a framework of service to clients and community while respecting and performing their professional obligations and responsibilities.

Course Objectives
The objectives of this course are to:
1) familiarize students with the history of the legal profession in Canada;
2) familiarize students with various notions of the role of the legal profession in Canadian culture and business;
3) familiarize students with the ethical issues arising from the practice of law;
4) familiarize students with the duties owed to clients and the legal profession;
5) introduce students to the Code of Professional Conduct and Professional Conduct Handbook;
6) enable students to identify ethical issues in fact scenarios and from past cases where professional bodies have imposed discipline on lawyers for failure to meet ethical obligations;
7) enable students to identify relevant facts and arguments to respond to various scenarios where professional obligations are raised and reconcile those arguments with personal beliefs and obligations to serve the public and to pursue justice.

Course Outline
1. The history and evolution of the legal profession in Canada
2. Lawyer-client relationship
3. Confidentiality and privilege
4. Duty of loyalty and conflicts of interest
5. Ethics and criminal law practice
6. Civil litigation and ethics in advocacy
7. Lawyers in organized settings

Texts
Alice Wooley et al., Lawyers’ Ethics and Professional Regulation (LexisNexis Canada, 2008)
D. Buckingham, J. Bickenbach, D. Bronaugh & B. Wilson, Legal Ethics in Canada (Harcourt Brace, 1996)
Gordon Turriff, Q.C., Annotated British Columbia Legal Profession Act (Carswell: looseleaf)
Description
Canada is governed by a variety of documents collectively called “the Constitution.” The first half of this course covers the “division of powers”; that is, the law that governs the relationship between different levels of government in Canada. The intended clear division between federal and provincial powers by the founding fathers of Confederation has been made more complex by new inventions, developments and circumstances such as aeronautics, telecommunications and commercial realities of the twenty-first century. The second half of the course will focus on the Canadian Charter of Rights and Freedoms and examine its application and interpretation. This will include an examination of the principles of human rights and Charter values.

Course Objectives
The objectives of this course are to:
1) familiarize students with the structure and substance of Canadian constitutional law, including both division of powers and the Charter of Rights;
2) familiarize students with techniques of Constitutional interpretation;
3) introduce students to the literature which expounds the Constitution, including case law and doctrine;
4) introduce students to methods of analysis which involve the Constitution in resolving legal problems;
5) teach students to identify constitutional issues, identify relevant facts, advise a client about what a court is likely to decide concerning the issue identified, and identify arguments that could be used to support either side of the argument with respect to issues and proposed legislation;
6) familiarize students with the specific rights and freedoms protected by the Charter, the structure of Charter arguments and assembling evidence to advance Charter claims and to create section 1 defences;
7) introduce students to the available remedies under the Charter including possible remedies that continue to be developed by the courts;
8) introduce students to written and oral advocacy skills in relation to the constitutionality of a proposed piece of legislation.

Course Outline
1. Pre-Confederation constitutional documents
2. Constitution Act, 1867, additional constitutional documents and amendments
3. Federal powers
4. Provincial powers
5. Concurrent and shared powers
6. Quasi-constitutional powers accorded to other bodies
7. Application of the Charter and the “notwithstanding” clause: Sections 32 and 33
8. The fundamental freedoms:
   Section 2(a): freedom of conscience and religion
   Section 2(b): freedom of thought, belief, opinion and expression

1 This is a full year course.
Section 2(c) and (d): freedoms of assembly and association

9. Democratic rights: sections 3 through 5
10. Mobility rights: Section 6
11. Legal rights:
   Section 7: right to life, liberty and security of the person
   Sections 8 through 14: search, seizure, arrest, and criminal proceedings
12. Equality rights: sections 15(1) and (2), 27 and 28
13. Official languages, heritage and aboriginal rights: section 16 through 22, 25 and 27
14. Minority language educational rights: sections 23 and 29
15. Reasonable limits on rights: section 1, including the use of legislative facts and other methods of proof.
16. Ethical issues in Constitutional litigation

Texts
Re : Trinity Western University School of Law Proposal

Dear Dr. Raymond,

The Canadian Common Law Program Approval Committee ("Approval Committee") is continuing its review of Trinity Western University’s new law degree proposal, and thanks you for the helpful documentation submitted by Trinity Western University.

The Approval Committee, in its review of law school degrees, both existing and proposed, focuses on whether the elements of the Federation’s national requirement will be met. While Trinity Western University’s proposal provides much of the information required to complete this evaluation, we do have some additional questions, primarily in the area of those elements of the national requirement that deal with law school resources. These questions are set out as follows.

1. Budgeting:

   a) Consistent with the reviews the Federation has carried out with respect to other proposed law degree programs in recent years, please provide a more detailed financial plan that includes anticipated law school revenue over and above tuition if any, salary costs, an initial library acquisition budget and an estimated annual library budget including acquisition costs, costs for physical infrastructure, costs for student clinics, university “taxes,” and any overhead charges. Please include any anticipated changes to the student numbers and tuition levels set out in your proposal;

   b) Please provide the contingency plans in place to deal with potential challenges to the law school start-up plans, including fundraising, construction timelines, enrollment targets, ability to offer the full range of classes noted in the report, and other possible challenges; and
c) With respect to the statement at page 38 of your proposal that the law faculty will be financially self-supporting, please clarify the extent, identified in your proposal, to which the law faculty intends to draw upon central university personnel with respect to, for example, student financial aid and other resources.

2. Facilities: With the proposed law school start date for classes being in 2015, please indicate what plans are in place if the new dedicated law school building is not ready by that time. Please provide more information about space plans for any period prior to the occupancy of the new building.

3. Library: Please provide additional information about the proposed library collections, including the space that is expected to be allocated to paper and electronic materials.

4. Admissions and Student Services

a) As part of our process of review of all law degrees, we are inquiring about admissions policies that result in the waiver of the national requirement minimum of two years of post-secondary education. Please provide a detailed description of any proposed special admissions categories; and

b) Please provide details about how admissions services, student services and academic advisory services will be provided, for example, through hiring of additional staff such as admissions staff, a Registrar, Assistant Deans, or academic advisors, or through arrangements with the university.

Kevin Sawatzky’s May 17, 2013 letter to John Hunter, in his capacity as Chair of the Federation’s Special Advisory Committee on Trinity Western University’s Proposed School of Law, has been forwarded to the Approval Committee.

The Approval Committee, as a part of its consideration of your application in the context of the national requirement, has addressed whether Trinity Western University would with respect to:

1. the Ethics and Professionalism competency, ensure that graduates possess the skills to identify and engage in critical thinking about ethical issues in legal practice, and

2. the substantive legal knowledge competency, ensure that graduates fully understand the effect of the Canadian Charter of Rights and Freedoms in its totality, and in particular section 15 of the Charter and human rights principles.

The Approval Committee, in its consideration of these two matters, has taken particular note of the following elements of Mr. Sawatzky’s letter:
1. Trinity Western University acknowledges it has a duty to teach equality. In meeting its obligation to promulgate non-discriminatory principles in its teaching of substantive law, and ethics and professionalism, Trinity Western University agrees that the dignity and value of all individuals irrespective of their sexual orientation form part of the fabric of professional ethics and the rule of law; and

2. Trinity Western University acknowledges that human rights laws and section 15 of the Canadian Charter of Rights and Freedoms protect against and prohibit discrimination on the basis of sexual orientation, and that TWU’s courses will ensure that students understand the full scope of these protections in the public and private spheres of Canadian life.

Finally, as a point of information only, the Approval Committee has noted, at page 12 of the Trinity Western University proposal, that the statistics regarding the number of applications accepted and rejected do not reflect the actual number of acceptances and rejections, given the application process that Trinity Western University plans to employ. The Approval Committee is not asking for a response to this point, but is identifying it only for your consideration.

We invite you to provide any additional comments with respect to these matters, and look forward to receiving your answers to our questions. Please direct your responses and any requests for additional information or clarification to Deborah Wolfe.

Sincerely,

Laurie H. Pawlitza
Chair, Canadian Common Law Program Approval Committee

cc: Deborah Wolfe, P.Eng.
Director, Law School Programs
Exchange of Correspondence between Trinity Western University and the Canadian Common Law Approval Committee
November 1, 2013

Laurie H. Pawlitza
Chair, Canadian Common Law Program Approval Committee
Federation of Law Societies of Canada
1810-45 rue O'Connor Street
Ottawa, ON K1P 1A4

Dear Ms. Pawlitza:

Re: Trinity Western University School of Law Proposal

Thank you for your letter of October 30, 2013 asking for clarification on two program issues with respect to the TWU School of Law proposal. I am pleased to provide the answers as follows:

1. Criminal Law Course. The credit value of the revised first year course will be 5 semester hours, the same as it was in the original proposal. The credit value of the new upper year Criminal Procedure course will be 3 semester hours, consistent with other upper year electives. Please see attached Appendix 1 for the revised course descriptions.

2. Legal Research. While legal research and writing is a key component of all first year law programs, there is a wide variety of methods and approaches to teaching this material. Some law schools have a specific course, others include it in one first year course, others include it across the first year curriculum and still others have it as a self-taught, on-line module. The approach at the proposed TWU School of Law will be to include the legal research module in LAW 507 but spread the writing and advocacy skills requirements across the first year curriculum. We also intend to have significant resources on-line to assist students with specific research issues. Please see the revised LAW 507 curriculum attached as Appendix 2. The proposed practical writing and advocacy skills to occur across the curriculum are attached as Appendix 3.

Thank you again for the consideration given to our proposal.

Yours truly,

Robert G. Kuhn, J.D.
President
Appendix 1 – Revised Criminal Law Course Descriptions

LAW 506, Criminal Law (5 s.h.)

Description
This course introduces students to substantive Canadian criminal law. This course teaches the basic principles underlying criminal culpability and focuses on the elements of specific substantive offences. Students will use the Criminal Code to identify the elements of various offences, in particular the various forms of mens rea as developed in law. Students will also explore the nature and application of various defences, such as self-defence, provocation, automatism and necessity, and mental disorder. Students will consider theories of punishment and the various purposes underlying sentencing. Students will also be introduced to the limits of provincial jurisdiction in creating offences and learn to distinguish between true crimes and regulatory offences.

Course Objectives
Through this course, students will:

1. understand and critically assess the principles of criminal responsibility and punishment;
2. understand and critically assess theories and perspectives on the purpose and function of the justice system, and the competing interests they serve;
3. develop practical skills by identifying the elements of various offences as set out in the Criminal Code;
4. apply substantive knowledge to fact scenarios by identifying the evidence that supports and negates various offences and corresponding defences;
5. identify whether an offence is properly characterized as a regulatory or a criminal offence;
6. produce high-quality, critical writing about themes and issues within the criminal law; and
7. identify and critically discuss ethical issues related to substantive criminal law.

Course Outline
1. Introduction to criminal law
2. Theories of criminal liability
3. Burdens of proof
4. Principles of criminal liability
5. Elements of an offence
   - Actus reus
   - Mens rea
   - Mens rea and the Charter
6. Types of offences
   - Regulatory
   - Summary
   - Indictable
   - Hybrid
7. Specific offences
8. Raising a defence
9. Specific defences
10. Not criminally responsible by reason of mental disorder
11. Theories of punishment and principles of sentencing
12. Aboriginal offenders
13. Gender and racial critiques of the criminal law

Texts
Stephen Coughlan, *Criminal Procedure* (Irwin Law, 2008)
Criminal Procedure (course number still to be assigned) 3 s.h.

Description
This course examines the principles of Canadian criminal procedure. It canvasses the various sources of criminal procedure; basic concepts, principles, and institutions; and the most significant rules governing the criminal process. This course focuses on the dynamic impact of the Charter, as developed through the common law, on safeguarding the accused’s rights and circumscribing state power at each phase of the criminal process. Students will be introduced to the substance and application of these rules from the investigative phase through the laying of charges, to the trial, conviction, sentencing and beyond.

Course Objectives
Through this course, students will:
1. understand and critically assess the competing interests and values animating rules of criminal procedure;
2. gain a working knowledge of criminal procedure;
3. demonstrate practical competence by identifying procedural errors in various fact scenarios, applying the proper legal framework and analyzing the effects of these errors;
4. understand the criminal procedure governing various offences;
5. apply their knowledge of criminal procedure participating in, observing and critiquing mock exercises, including a bail hearing, Charter application and sentencing;
6. develop basic advocacy skills through participation in a mock trial; and
7. identify and critically discuss ethical issues arising in the criminal law process.

Course Outline
1. Introduction to criminal procedure
2. Sources of criminal procedure
3. Overview of the structure of criminal proceedings
4. Levels of courts in British Columbia
5. Roles of police, Crown and Defence
6. Investigative powers of police
7. Charge approval and commencing proceedings
8. Compelling appearance and judicial interim release
9. Arraignment, pre-trial case management, elections, re-elections and preliminary hearings
10. Pre-Trial and other applications
11. Disclosure and procedural applications
12. Charter applications and exclusion of evidence
13. Trial management
14. Jury selection
15. Trials
16. Sentencing
17. Youth court
18. Mentally disordered offenders
19. Appeals
20. Ethical issues in criminal law
Texts
Appendix 2 – Revised LAW 507, Fundamentals of Canadian Law (2.5 s.h.)

LAW 507, Fundamentals of Canadian Law (2.5 s.h.)

Description
In this course, students will become familiar with the principles of the common law system, including the doctrines, principles and sources of the common law, how it is made and developed and the institutions within which law is administered in Canada. It further examines how laws are made and the principles of legislative interpretation and statutory analysis. It will also examine how regulations are made under legislation and the relationship between legislation and regulations. Legal research will be a component of this course.

Course Objectives
Students in this course will:
1) learn the historical development of the common law system and its origins in Britain;
2) understand how common law works on an incremental, case-by-case basis, and develop skills in applying principles from past legal cases to a new case;
3) recognize that legislation supersedes common law but that legal principles are applied to interpret legislation and regulations;
4) understand the legislative process and the procedure to draft, pass and implement legislation, including the concept of delegated authority;
5) understand the administration of the law in Canada;
6) learn how to conduct legal research, sources of law, secondary sources and write a research paper; and
7) critically reflect on the interface between law and society.

Course Outline
1. Origins of common law, including principles of law and equity
2. Precedents and *stare decisis*
3. Differences between common law and civil law
4. The legislative process -- how are laws made?
5. Researching the law – using the library and on-line research tools, primary and secondary sources of law
6. Principles of statutory interpretation
7. Delegated authority and process to make regulations
8. The relationship between legislation and common law
9. The administration of law, including the organization of the courts and tribunals in Canada
10. Appeal processes
11. Law as an instrument of social change

Texts
Appendix 3 – Practical Assignments for First Year

While TWU anticipates that the founding Dean and faculty members will ultimately decide the details of the practical assignments in the First Year curriculum, the University will commit to the following practical assignments as the minimum required for First Year:

1. Contract Law (LAW 502)
   a. One short, simple contract
   b. One more complex contract
2. Tort Law (LAW 503)
   a. One memorandum of law on Intentional Torts
   b. One opinion letter on a Negligence issue
3. Constitutional Law (LAW 504)
   a. One case comment on a division of powers issue
   b. One factum on a Charter issue
   c. Moot
4. Property Law (LAW 505)
   a. At least one written assignment that could include a memorandum of law, an opinion letter or an academic paper
5. Criminal Law (LAW 506)
   a. One analysis of some type of notice of violation (could be anything from a parking ticket to a criminal violation)
   b. One memorandum of law
6. Fundamentals of Canadian Law (LAW 507)
   a. One research paper
7. Introduction to Practice Skills and the Practice of Law (LAW 508)
   a. Mock negotiation
BY EMAIL

October 30, 2013

Bob Kuhn, J.D.
Acting President
Trinity Western University
7600 Glover Road
Langley, BC V2Y 1Y1

Re: Trinity Western University School of Law Proposal

Dear Mr. Kuhn,

The Canadian Common Law Program Approval Committee (“Approval Committee”) is continuing its review of Trinity Western University’s new law degree proposal, and would like to thank you for your response to our June 28, 2013, letter.

As the Approval Committee continues its analysis of your proposal we have two more questions:

1. Criminal Law Course. Given the changes to the first year Criminal Law course, please provide the credit value for both the revised first year course and the new upper year Criminal Procedure course.

2. Legal Research: We ask for some clarification with regard to the manner in which the legal research competency is met as outlined in your proposal (page 162). The proposal states that LAW 507, Fundamentals of Canadian Law, contains a “significant component” of legal research. However, the course particulars for LAW 507, while indicating that ‘legal research will be a component’ in the description, does not reference legal research in either the course objectives or outline. Please provide further particulars as to where in the program the students will build their legal research competencies, including in the legal research sub-competencies.

We invite you to provide the response to these questions directly to Deborah Wolfe.

Sincerely,

Laurie H. Pawlitza
Chair, Canadian Common Law Program Approval Committee

cc: Deborah Wolfe, P.Eng.
    Director, Law School Programs
Correspondence
from
Trinity Western University
re: Draft Report

December 2013
December 6, 2013

Federation of Law Societies of Canada
World Exchange Plaza
1810 – 45 O'Connor Street
Ottawa, ON K1P 1A4

Attention: Deborah Wolfe, Managing Director, National Committee on Accreditation and Director, Law School Programs

Dear Ms. Wolfe:

Thank you for your communication of December 2, 2013 attaching the draft report. We very much appreciate the work of the Approval Committee and are happy to provide a brief response to the three concerns and one comment expressed.

Ethics and Professionalism

As indicated in the Proposal and in our letter of May 17, 2013 Trinity Western University is committed to fully and appropriately teaching ethics and professionalism. We do believe that the faculty who originally teach LAW 508 and LAW 602 should have the freedom to more fully develop the syllabus and curriculum for those classes. However, the University is more than willing to provide more detailed outlines and syllabi for those courses as they are developed.

Constitutional Law

TWU is committed to comprehensively teaching all aspects of public law in Canada, including a full and complete examination of the Charter of Rights and Freedoms and human rights principles. Once the faculty initially teaching the relevant courses have more fully developed syllabi and course materials we would be happy to provide such.

Budget

When providing future annual reports TWU will certainly provide budget information at the level of detail requested by the Approval Committee.
Library Budget

In accordance with the Staffing Rollout Plan a Director of the Law Library will be hired approximately one and half years prior to the opening of the School of Law. The Director will be charged with the development of an initial and on-going acquisitions plan. If the annual acquisitions budget as indicated currently is not adequate, TWU will be happy to re-examine such as part of that plan.

Again, our thanks for the work of the Approval Committee.

Yours truly,

TRINITY WESTERN UNIVERSITY

Bob Kuhn

Bob Kuhn, J.D.
President