



**BY E-MAIL**

December 4, 2012

Dean William Flanagan, President  
Council of Canadian Law Deans  
57 Louis Pasteur  
Ottawa, Ontario K1N 5N5

**Re: Trinity Western University School of Law Proposal**

Dear Dean Flanagan,

Thank you for your letter of November 20, 2012.

As you are aware, the Federation of Law Societies of Canada's "national requirement" specifies the required competencies that graduates must have attained and the law school academic program and learning resource requirements that law schools in common law jurisdictions must have in place to enable entry of graduates to law society admissions programs. The national requirement focuses on *entry to law society licensing programs* because law societies have no jurisdiction to approve law schools, which is within provincial government authority and responsibility. Law societies only have authority over their own admission rules and practices.

The Federation's Task Force on the Common Law Degree recommended that a committee be established to determine compliance with the national requirement. In 2011 the Federation's Common Law Degree Implementation Committee recommended the establishment of a Federation committee to be called the Canadian Common Law Program Approval Committee ("the Approval Committee") and set out its mandate and authority. Law societies in Canada have approved the national requirement and the mandate of the Approval Committee. The reports of the Task Force and the Implementation Committee are available on the Federation's website.

The Approval Committee's mandate is specified in the Implementation Committee Report at Recommendation 16. The Approval Committee has no authority to go beyond the specific provisions of its mandate. It is not a policy-making committee. Its primary stated function is to "determine law school program compliance with the national requirement...". All the components of the national requirement are addressed in the Task Force Report, as clarified or elaborated upon in the Implementation Committee Report. The Federation's Approval Committee has no authority to ask for information beyond that specified in the national requirement.

There is no discretion in the Approval Committee to add or delete anything to or from the national requirement or otherwise alter it. The Approval Committee may make changes, revisions or additions to the annual law school report as it determines necessary, provided these “conform to the approved national requirement” and “reflect the purposes described in this report.” It may make necessary changes, revisions or additions or improvements to the reporting timelines necessary to ensure the compliance “process” operates in an effective manner. It may undertake other activities and make any necessary changes, additions or improvements to its *processes* to ensure effective *implementation* of the national requirement, provided these reflect the purposes described in the Implementation Committee Report.

Schools with existing programs and those with proposed new programs complete the same reporting form whose questions are directed at the components of the national requirement. Applying the national requirement to proposed new Canadian law programs, the Approval Committee is required to determine prospectively whether the proposal, including the implementation plan, if implemented would *comply with the national requirement*. That is the extent of the inquiry.

When my colleagues and I met with you in Kingston on November 9, 2012, we indicated that determinations of the Approval Committee would be referred to the law societies for consideration. On verification, we have determined that in fact the Implementation Committee Report makes clear that the mandate of the Approval Committee is to make the final determination on compliance for both existing and proposed law degree programs and to post its final report respecting each such program on the Federation website in accordance with the Implementation Committee Report. I regret any confusion we may have caused on this point.

The national requirement, approved by law societies, does not contemplate or authorize an inquiry into the admission philosophy of a law school program, either existing or new, or an investigation into whether the admission policies of an educational institution are consistent with federal or provincial law. The only reference to admissions policy in the national requirement pertains to the minimum number of years of post-secondary instruction required to be completed prior to entry to law school.

I hope this addresses the inquiry set out in your letter.

Yours truly,



Gérald R. Tremblay, C.M., O.Q., Q.C., Ad. E.  
President

cc. Jonathan S. Raymond, Ph.D., President, Trinity Western University  
Laurie H. Pawlitza, Chair, Canadian Common Law Program Approval Committee