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SUPREME COURT SCHEDULING

No. S-149837
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

TRINITY WESTERN UNIVERSITY and
BRAYDEN VOLKENANT

PETITIONERS

AND:

LAW SOCIETY OF BRITISH COLUMBIA

RESPONDENT

AND:

ATTORNEY GENERAL OF CANADA, THE ASSOCIATION FOR REFORMED
POLITICAL ACTION (ARPA) CANADA, CANADIAN COUNCIL OF CHRISTIAN
CHARITIES, CHRISTIAN LEGAL FELLOWSHIP, EVANGELICAL FELLOWSHIP OF
CANADA, JUSTICE CENTRE FOR CONSTITUTIONAL FREEDOMS, THE ROMAN
CATHOLIC ARCHDIOCESE OF VANCOUVER, THE CATHOLIC CIVIL RIGHTS
LEAGUE, THE FAITH AND FREEDOM ALLIANCE, SEVENTH-DAY ADVENTIST
CHURCH IN CANADA, WEST COAST WOMEN'S LEGAL EDUCATION AND ACTION
FUND, OUTLAWS UBC, OUTLAWS UVIC, OUTLAWS TRU AND QMUNITY

INTERVENERS

**WRITTEN ARGUMENT OF THE INTERVENER
CHRISTIAN LEGAL FELLOWSHIP**

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OVERVIEW

1. Is it contrary to the “public interest” for a prospective lawyer to study at an academically-accredited¹ religious law school that adheres to lawful - but perhaps unfashionable - religious and ethical beliefs? According to the Law Society of British Columbia’s (“LSBC”) Resolution to reject Trinity Western University (“TWU”)’s proposed law school and its graduates, the answer is “yes”.
2. It is the LSBC’s position that such graduates, while capable of practicing law competently and ethically², would nevertheless be “tainted”³ by virtue of attending a law school with an admissions policy that is seen as discriminating against those that do not share its religiously-informed beliefs and practices.⁴
3. By characterizing TWU’s admissions policy as discriminatory, and concluding that it is contrary to the public interest for TWU’s graduates to be licensed, LSBC overlooks the fact that a religious educational institution must have the freedom to promote values and ethics consistent with its underlying beliefs and teachings in order to maintain its religious identity and ethos.⁵ This freedom is explicitly recognized by the B.C. *Human Rights Code*.⁶
4. The fact that a religious institution’s admissions criteria may have an exclusionary effect on non-adherents should not automatically preclude its graduates from being licensed. Indeed, the practical effect of the LSBC’s Resolution (“Resolution”) – taken to its logical conclusion – is to deny a prospective licensee the right to study law at *any* religious institution, since all will, to some extent, be seen to be exclusive or discriminatory to those who do not share their beliefs.⁷

¹ TWU’s proposed law school was accredited by the Federation of Law Societies of Canada (FLSC) after an arduous process of consultation which included consideration of the Community Covenant at issue as well as of the public interest. There is no evidence that the TWU program is not academically sound: Petitioners’ written argument, paras 50, 56-61.

² This is acknowledged by the LSBC at paras 230 and 236 of its Amended Response.

³ LSBC Amended Response at para 183: “It is contrary to LSBC’s statutory mandate and constitutional obligations to admit graduates of a law program tainted by an exclusionary and mandatory Covenant.”

⁴ LSBC Amended Response at paras 5, 54-55.

⁵ TWU also has a statutory mandate to provide an education “with an underlying philosophy and viewpoint that is Christian”: *An Act Respecting Trinity Western University*, S.B.C. 1969, c 44, s 3(2). It is difficult to imagine how it could do so if denied the right to maintain a distinctly religious character and identity. See also *Loyola High School v. Quebec (Attorney General)*, 2015 SCC 12 at paras 62, 63, 67 and 143 [*Loyola*].

⁶ *Human Rights Code*, R.S.B.C. 1996, c. 210, s.41(1) [*Human Rights Code*].

⁷ LSBC’s position is that, because TWU is “dedicated to promoting a uniquely evangelical worldview, and expects its membership to abide by distinctly Christian precepts and teachings”, its “very purpose” as an institution is “incompatible with an open, accepting and inclusive educational environment in which all can feel comfortable”: LSBC Amended Response at para 212.

5. This denial is not only inconsistent with the B.C. *Human Rights Code*⁸, it is also contrary to Canada's principle of pluralism and the constitutional framework that guarantees the rights of religious educational institutions.⁹ In addition, the Resolution contravenes the principles laid out by the Supreme Court of Canada in *Charter* jurisprudence that is binding on the LSBC.¹⁰

6. Christian Legal Fellowship ("CLF") submits that all Canadians, including the Christian law students and legal professionals who form its membership,¹¹ have the right to religious freedom, to freely express their beliefs, and to associate with others who share those beliefs, free from state interference. This includes the right not to be deprived of the opportunity to obtain a professional licence and the right not to suffer state-imposed educational or professional impediments or sanctions because of one's religious views.

7. The effect of the Resolution, if it is not reversed, will be to allow state actors to deny benefits to members of religious communities solely on the basis of their faith, and their desire to associate with others of the same faith in order to pursue secular or public objectives. Allowing the Resolution to stand will also have implications for the *Charter* rights of all those in the legal profession – Christian or otherwise – who hold and express religious or conscientious beliefs that may be a minority opinion. Such a decision is not in the public interest and cannot be justified in a free and democratic society.

FACTS & ISSUES

8. CLF was granted leave to intervene in this judicial review by the Honourable Chief Justice Hinkson on May 14, 2015, and to file a written submission of 10 pages. CLF accepts the facts as set out in the Petitioner's petition and will address the following issues:

- A. ***Charter* freedoms of religion and association are broadly defined and robustly protected.**
- B. **Canadian law protects diversity of views on marriage and sexual morality.**
- C. **The Resolution violates TWU students' *Charter* rights and freedoms.**
- D. **The implications of allowing the Resolution to stand are far-reaching and chilling.**

⁸ *Human Rights Code*, *supra* note 7, s.14.

⁹ *Constitution Act, 1867* s. 93; *Trinity Western University v. College of Teachers*, 2001 SCC 31 at para 34 [BCCT].

¹⁰ *Canadian Charter of Rights and Freedoms*, Schedule B to the *Canada Act 1982*, 1982, c. 11 [*Charter*]; BCCT, *ibid*.

¹¹ The CLF has nearly 600 members, including law students, professors, lawyers, and retired judges who share the Christian faith: Affidavit of Robert Reynolds on CLF's Motion to Intervene, para 3.

ARGUMENT

A. *Charter* freedoms of religion and association are broadly defined and robustly protected

9. In performing its statutory functions, the LSBC must act to “uphold and protect the public interest in the administration of justice.”¹² It is to accomplish this, in part, by “preserving and protecting the rights and freedoms of all persons.”¹³ In order for the LSBC to properly exercise this statutory function, the *Charter* rights of all persons affected by its Resolution must be properly understood. CLF submits that a proper understanding of the *Charter* rights and freedoms at play, namely freedoms of religion, expression, and association, and equality rights, demonstrates that the Resolution unjustifiably violates each one.¹⁴

Freedom of Religion (s. 2(a))

10. Freedom of religion is “broad and jealously guarded in our *Charter* jurisprudence”.¹⁵ It extends protection to not only thought, but actions. Its well-known definition set out by the Supreme Court of Canada in *Big M Drug Mart* is replete with action verbs, including “declare”, “manifest”, “worship”, “practice”, “teach”, and “disseminate”.¹⁶ LSBC, however, adopts a very shallow understanding of freedom of religion, suggesting that unless an act constitutes a “necessary precondition” to one’s faith, or that abiding by the tenets of one’s religion would be “impossible” without it, it either does not engage s. 2(a), or it is less deserving of recognition.¹⁷

11. Such reasoning has been soundly rejected by the Supreme Court of Canada. Freedom of religion has never been understood as protecting only the mandatory obligations of a religious adherent. To the contrary, freedom of religion affords individuals a protected sphere in which they have wide latitude to pursue truth, explore a conception of the good, and foster a connection with the divine.¹⁸ The Supreme Court emphasized this clearly in *Amselem*:

[B]oth obligatory as well as voluntary expressions of faith should be protected under the Quebec (and the Canadian) *Charter*. It is the religious or spiritual essence of an action, not any mandatory or perceived-as-mandatory nature of its observance, that attracts protection. [...]

¹² *Legal Profession Act*, SBC 1998, c.9 s.3 [*LPA*].

¹³ *Ibid* s. 3(a).

¹⁴ To avoid duplication, CLF adopts the submissions of the Petitioners at paras. 400-405 and 425-411 of their written argument on the issues of freedom of expression and equality rights, respectively.

¹⁵ *Reference re Same-Sex Marriage*, 2004 SCC 79 at para 53.

¹⁶ *R. v. Big M Drug Mart Ltd.*, [1985] 1 SCR 295 at 336-337 [*Big M*].

¹⁷ LSBC Amended Response at paras 281-282.

¹⁸ *Syndicat Northcrest v. Amselem*, 2004 SCC 47 at para 39 [*Amselem*].

[T]o frame the right either in terms of objective religious “obligation” or even as the sincere subjective belief that an obligation exists and that the practice is required would lead to arbitrary and hierarchical determinations of religious “obligation”, would exclude religious custom from protection, and would disregard the value of non-obligatory religious experiences by excluding those experiences from protection.¹⁹

12. It is not for LSBC to question whether particular beliefs and ethics are actually required by a religious faith. Provided that a claimant demonstrates a sincere belief that a certain practice “engenders a personal, subjective connection to the divine or to the subject or object of his or her spiritual faith, and as long as that practice has a nexus with religion” it is protected by the *Charter*.²⁰ According to the Supreme Court, it is deserving of the same level of recognition as a belief or practice that could be perceived as a “strict obligation” of religious adherence.²¹

13. Adherence to a specific set of behaviours, and joining a community with others who do likewise, allows individuals to affirm their religious beliefs²² and to foster such a “connection with the divine”. That these practices take place within the context of a university institution, rather than, for example, a church, does not negate the protection accorded by the *Charter*.²³

Freedom of Association (s. 2(d))

14. Freedom of association recognizes “the profoundly social nature of human endeavours” and protects “the individual from state-enforced isolation in the pursuit of his or her ends”.²⁴ Association permits individuals to determine and control “the rules, mores and principles which govern the communities in which they live”.²⁵

15. In terms directly relevant to this case: the faith-based Community Covenant is an associational means by which individuals can determine and control the rules, mores and

¹⁹ *Ibid* at paras 47, 68 [emphasis added].

²⁰ *Ibid* at para 69.

²¹ *Ibid* at para 68: “Jewish women...do not have a biblically mandated “obligation” to dwell in a succah during the Succot holiday. If a woman, however, nonetheless sincerely believes that sitting and eating in a succah brings her closer to her Maker, is that somehow less deserving of recognition simply because she has no strict “obligation” to do so?...Surely not” [emphasis added].

²² *BCCT*, *supra* note 10 at paras 32, 35.

²³ *Loyola*, *supra* note 6 at paras 60, 67: referring specifically to the educational context, and considering a religious school, the SCC articulated that “measures which undermine the character of lawful religious institutions and disrupt the vitality of religious communities represent a profound interference with religious freedom.”

²⁴ *Mounted Police Association of Ontario v. Canada (Attorney General)*, 2015 SCC 1 at para 35, citing *Reference Re Public Service Employee Relations Act (Alberta)*, [1987] 1 S.C.R. 313 at para 86.

²⁵ *Ibid*.

principles governing the educational community in which they live. The fact of such association should not disqualify an individual from the practice of law in B.C., nor should it impose on an individual the additional burden of having to prove fitness to practice law above and beyond the requirements for a secular law school graduate. LSBC has not expressed any concern with the academic or professional qualifications of prospective TWU graduates;²⁶ freedom of association protects those graduates from having their satisfactory qualifications rendered unsatisfactory by virtue of their affiliation with TWU.

B. Canadian law protects diversity of views on marriage and sexual morality

16. There is more than one view on marriage. Some are founded in religious belief, some in conscience and all are certainly protected under the *Charter*. Additionally, the freedom to hold and publicly express a traditional view of marriage, without censure or sanction, is enshrined in the same statute that recognizes same-sex marriage. The *Civil Marriage Act* affirms that “it is not against the public interest to hold and publicly express diverse views on marriage”.²⁷

17. It is therefore wrong for the LSBC to suggest that availing oneself of these protections disqualifies one from practicing law in B.C. The Resolution in effect considers the fitness of applicants who (for a limited period of time) agree to conduct themselves in accordance with a view of marriage that is legitimate and protected, and finds the fitness wanting. The personal religious views of TWU’s graduates are irrelevant to their ability to practice law and abide by the *Rules of Professional Conduct*. They will be otherwise qualified to practice law in B.C.; no evidence has been adduced to the contrary. The LSBC cannot deny a license to a prospective lawyer simply because he or she “exercises an unchallengeable right totally irrelevant to” the practise of law.²⁸

C. The Resolution violates TWU students’ *Charter* rights and freedoms

18. No freedom is absolute, and the rights and freedoms of TWU and its students must be measured in relation to other rights that may be impacted by their exercise, as well as the LSBC’s statutory objectives.²⁹ In this case, the *Charter* values at issue are the rights to religious

²⁶ See LSBC Amended Response at paras 230 and 236.

²⁷ *Civil Marriage Act*, SC 2005, c 33, ss 3, 3.1.

²⁸ *Roncarelli v. Duplessis*, [1959] S.C.R. 121 at 141.

²⁹ *Doré v. Barreau du Québec*, 2012 SCC 12 at paras 41, 55-56.

freedom and conscience, expression, and association of TWU students and other current and future LSBC members whose religion, expression and association align with those of TWU students and graduates.³⁰ Also engaged is the LSBC's statutory objective to "uphold and protect the public interest in the administration of justice" by, among other things, ensuring the competency of lawyers and "preserving and protecting the rights and freedoms of all persons".³¹

19. However, the LSBC has limited its statutory objective of protecting the public interest for all persons to promoting a singular aspect of equality for one group (prospective students who may feel excluded by TWU's Community Covenant), while ignoring the equality rights and fundamental freedoms of other groups. This lopsided approach is contrary to the established principle that decision-making in the public interest must consider the broader interests of other groups and of society generally, and not just one segment of the population.³²

No conflict of rights

20. When there is a suggested collision of rights, it must first be determined whether the rights alleged to be in conflict can be reconciled in a manner that fully respects the importance of both sets of rights.³³ In the present case there is no true conflict of rights; as explained in *BCCT*:

...the admissions policy of TWU alone is not in itself sufficient to establish discrimination as it is understood in our s.15 jurisprudence. [...] To state that voluntary adoption of a code of conduct based on a person's own religious beliefs, in a private institution, is sufficient to engage s.15 would be inconsistent with freedom of conscience and religion, which co-exist with the right to equality.³⁴

21. There is no evidence of competing rights here³⁵; LSBC has not adduced any evidence that the equality rights of specific LGBT individuals would be violated by the approval of TWU's law school.³⁶ The Community Covenant is lawful and does not violate the B.C. *Human Rights Code* or the *Charter* (which does not apply to bind TWU).³⁷ In this sense, the only *Charter* rights

³⁰ The impact of the Resolution on other current and future lawyers is discussed in Section D below.

³¹ *LPA*, *supra* note 13 at s 3.

³² *Waycobah First Nation v. Canada (Attorney General)*, [2010] F.C.J. No. 1486, at para 31, *aff'd* [2011] F.C.J. No. 847 (F.C.A.).

³³ *BCCT*, *supra* note 10 at para 31.

³⁴ *Ibid* at para 2.

³⁵ *Trinity Western University v. Nova Scotia Barristers' Society*, 2015 NSSC 25 at para 239 [*Nova Scotia Decision*].

³⁶ *Ibid*.

³⁷ *BCCT*, *supra* note 10 at para 25: "the admissions policy of TWU alone is not in itself sufficient to establish discrimination as it is understood in our s. 15 jurisprudence... this is a private institution that is exempted, in part, from the British Columbia human rights legislation and to which the Charter does not apply."

in play are those of TWU and its students who are denied the ability to practice law in B.C.

22. Even if a balancing of rights is required, LSBC has not articulated why its understanding of equality should trump the *Charter* rights of all future TWU law graduates (including LGBT³⁸ and heterosexual students) who wish to practice in B.C. Where there are competing rights between members of two groups, the dignity of both groups is important, and their rights must be interpreted in harmony and in context.³⁹

23. The LSBC already has the ability to ensure equality rights are protected, but that is not the issue here.⁴⁰ The Resolution does not seek to exclude those who unlawfully discriminate from practicing law in B.C., nor is it purported to advance the LSBC's objective of "ensuring the competence of lawyers".⁴¹ Rather, the Resolution excludes competent, ethical, prospective licensees simply because they belong to a community that holds and expresses certain religious views, including a minority view on marriage.

LSBC's "symbolic statement" does not promote rights; violates duty of neutrality

24. Promoting equality and removing barriers to the practice of law, particularly for equity-seeking groups, are laudable objectives. However, a denial of admission to the Bar *en masse* to graduates of TWU's law school - where there is no denial that they will be competent, ethical lawyers - does nothing to advance those objectives. To the contrary, it undermines them.

25. LSBC argues that its Resolution is necessary to ensure members of all groups have the same opportunity to participate in the legal profession. Again, however, there is no evidence to support the conclusion that rejecting TWU's law school will create any more opportunities for LGBT students, students of other faiths, or anyone else.⁴² Instead, it denies opportunities to any such individuals who wish to study in a community characterized by certain Christian values.

³⁸ TWU's student body includes LGBT students whose evidence was that the environment at TWU made them feel accepted for who they are: Affidavits of I. Cook, at paras. 23-45; A. Davies at para 40, A. Strikwerda, at paras 4, 12,19,25, 35-37, 42.

³⁹ *Dagenais v. Canadian Broadcasting Corp.*, [1994] 3 S.C.R. 835 at para 72, cited in *BCCT*, *supra* note 10 at para 31.

⁴⁰ For example, LSBC lawyers have a "special responsibility" to comply with human rights laws, including a responsibility not to discriminate: *Code of Professional Conduct for British Columbia*, LSBC: 2013, ch 6.3; failure to comply with the *Code* can lead to disciplinary action, ranging in severity based on the particular circumstances: LSBC, *Discipline Process*, online: Law Society <<https://www.lawsociety.bc.ca/page.cfm?cid=26&t=Discipline-Process>>.

⁴¹ *LPA*, *supra* note 13 at ss. 3(b),(c).

⁴² *Nova Scotia Decision*, *supra* note 36 at para 247.

26. In reality, the Resolution serves as a symbolic statement – one that does not actually protect anyone’s fundamental rights and freedoms⁴³ but which amounts to a moral condemnation of TWU’s, and its members’, position on sexuality and marriage. This begs the question: is it in the public interest for a state actor to make such a symbolic statement? Put another way: is it the role of a law society to exercise moral judgment over law students’ and lawyers’ religious beliefs or those of the organizations to which they belong?

27. CLF submits that, unless there is evidence that those religious beliefs are unlawful, objectively cause harm, or affect a licensee’s ability to practice in accordance with his/her professional and ethical obligations, the LSBC has no such jurisdiction.⁴⁴ Otherwise, the LSBC would breach its duty of neutrality. As the Supreme Court unanimously held in *Saguenay*, true neutrality “requires that the state neither favour nor hinder any particular belief, and the same holds true for non-belief...It requires that the state abstain from taking any position and thus avoid adhering to a particular belief.”⁴⁵

28. The LSBC is therefore not permitted to take the position that a lawful religious belief or practice is “good” or “bad”, nor to favour graduates of a non-religious law school over graduates of a religious law school.⁴⁶ While individual Benchers, and perhaps even the majority of LSBC’s membership, may disagree with the religious beliefs of TWU and its students, LSBC as a public body may not use its statutory authority to pass moral judgment on the lawful exercise and manifestation of those beliefs. In fact, LSBC has a positive duty to “encourage everyone to participate freely in public life regardless of their beliefs.”⁴⁷

29. Even if LSBC did have the authority to reject TWU’s law school in furtherance of making a symbolic statement, and even if it could do so in a way that would not violate its duty of neutrality, it is prohibited from infringing TWU and its students’ *Charter* rights. Yet that is precisely what has occurred, as the LSBC’s decision denies law students the right to practice law in B.C. solely because of their choice to study in an academically accredited institution

⁴³ *Ibid* at paras. 264 and 269.

⁴⁴ *BCCT*, *supra* note 10 at para 42: “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.”

⁴⁵ *Mouvement laïque québécois v. Saguenay (City)*, 2015 SCC 16 at para 72 [emphasis added].

⁴⁶ *Ibid* at para 84: “the state may not profess, adopt or favour one belief to the exclusion of all others”.

⁴⁷ *Ibid* at para 75 [emphasis added].

characterized by their religious faith and values.⁴⁸

D. The implications of allowing the Resolution to stand are far-reaching and chilling

30. The message of the Resolution is that it is contrary to the public interest for lawyers to publicly express or endorse beliefs which conflict with the political norms of the day (as determined, it would seem, by a majority vote of LSBC's membership). This has implications for all professionals subject to regulation, as foreshadowed by the Supreme Court in *BCCT*.⁴⁹ If LSBC holds it to be contrary to the public interest for a law school and its students to support a religiously-informed view of marriage, then LSBC could penalize any lawyer who associates with a similar organization, or who rejects the state's view on various religious or ethical issues.

31. For example, would LSBC deny a license to someone who studied as an undergraduate at TWU or Boston College, or as a law student at Brigham Young University or Notre Dame?⁵⁰ What about the student who completes one year of law school at TWU then transfers to a different law school: does the year of TWU education disqualify that graduate from practice in B.C.? How does this align with the National Mobility Agreement,⁵¹ the purpose of which is to facilitate temporary and permanent mobility of lawyers between Canadian jurisdictions? How might this Resolution impact the TWU graduate who is called to the Alberta Bar, practices for two years and then moves to B.C.? Where does this leave lawyers, judges, and law professors who hold beliefs similar to those on which TWU is founded and who currently work in B.C.?

32. These scenarios would apply to many individuals, including members of CLF, who are currently practicing law in Canada.⁵² Will each of these lawyers now be subject to additional scrutiny from LSBC to ensure that any past or current associations, religious beliefs or expression align with the LSBC definition of the public interest? If the Resolution is upheld, it would create a climate in which many legal professionals with such views will be afraid to speak

⁴⁸ See *Andrews v. Law Society of British Columbia*, [1989] 1 S.C.R. 143 at 174: "[d]istinctions based on personal characteristics attributed to an individual solely on the basis of association with a group will rarely escape the charge of discrimination."

⁴⁹ *BCCT*, *supra* note 10 at para 33: "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."

⁵⁰ These institutions also have codes of conduct similar to TWU's: Affidavit #1 of E. Phillips, Exhibit N at 455-479.

⁵¹ Federation of Law Societies of Canada, *National Mobility Agreement*, 7 December 2002.

⁵² Affidavit of Robert Reynolds on CLF's Motion to Intervene, para 7: "The CLF includes among its current law student and lawyer members, those who hold undergraduate degrees from Trinity Western University."

out for fear of being professionally penalized. Some may say this is an admirable goal. But fear of expressing religious views is never a good thing in a free and democratic society.⁵³

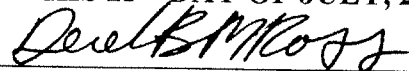
33. The LSBC defends its Resolution as promoting the diversity of people and views involved in the justice system, but in reality, it does not; LSBC's promotion of "diversity" ends at the point of conflicting, unpopular views. This is not diversity, but intolerance. True diversity demands grace and tolerance to live respectfully with conflict and disagreement.⁵⁴

34. The LSBC also asserts that its Resolution was designed to prevent harm to the "honour and integrity of the profession."⁵⁵ However, the legal profession strives to maintain independence from the state and to promote diversity amongst lawyers.⁵⁶ In order to do so, religious minorities must be accommodated, even if their religious beliefs differ from the "state-approved consensus".⁵⁷ LSBC's blanket prohibition on future TWU law students constitutes a violation of their *Charter* rights. It undermines the very principles of natural justice, diversity and the rule of law for which the legal profession exists to protect. To quote *Big M*: "a truly free society is one which can accommodate a wide variety of beliefs, diversity of tastes and pursuits, customs and codes of conduct."⁵⁸ A truly free society is one which can accommodate opposing views and competing notions of virtue. A truly free society can accept that lawyers have religious beliefs, and can allow them to freely associate.

COSTS

35. CLF does not seek costs and asks that no costs be awarded against it.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 23rd DAY OF JULY, 2015.



Derek B.M. Ross
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Deina Warren

Lawyers for Christian Legal Fellowship

⁵³ *Big M*, *supra* note 17 at para 95: "If... compelled by the state or the will of another to a course of action or inaction which he would not otherwise have chosen, he is not acting of his own volition and he cannot be said to be truly free."

⁵⁴ *BCCT*, *supra* note 10 at para 33: "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."

⁵⁵ LSBC Amended Response at para 231.

⁵⁶ *Mangat (Re)*, 2013 LSBC 20, at para 40: "It is in the public interest to admit lawyers from diverse backgrounds with a view to meeting the needs of all sectors of society."

⁵⁷ *Nova Scotia Decision*, *supra* note 36 at para 15.

⁵⁸ *Big M*, *supra* note 17 at para 336.

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