

Law Society of Nunavut Member Resolution – 2013-14 AGM

Resolution 1

WHEREAS it is desirable to adopt common standards for law school curricula across the common law jurisdictions of Canada;

WHEREAS the Law Society upholds the principles of the *Human Rights Act*;

WHEREAS ending discrimination in the legal profession benefits the profession by enabling it to represent itself with integrity as an advocate for justice;

WHEREAS discrimination in legal education undermines the ethical underpinnings of the legal profession;

WHEREAS the existence of discrimination may contribute to an educational environment in which freedom of expression is inhibited;

WHEREAS the formation of values in law school has a long-term impact on Canada's future lawyers;

WHEREAS discrimination is not a recognized protected form of freedom of expression;
NOTING the Final Report of the Task Force on the Canadian Common Law Degree; and
NOTING Resolution 14-04-M of the Canadian Bar Association on Non-Discrimination in Legal Education;

BE IT RESOLVED THAT THE RULES OF THE LAW SOCIETY BE AMENDED BY ADDING THE FOLLOWING AFTER SECTION 40:

40.1 (1) Subject to subsection (2), the Executive may only approve for the purposes of paragraph 40(1)(c) of these rules and of subparagraph 18(2)(c)(i) of the *Legal Profession Act*, a law school that, in the opinion of the Executive:

(a) provides a curriculum of study that is substantially in conformity with the “National Requirement” adopted by the Federation of Law Societies of Canada; and

(b) provides equal opportunity and equal treatment without discrimination on the basis of any of the prohibited grounds of discrimination enumerated in subsection 7(1) of the *Human Rights Act* to applicants for admission, enrolled students, graduates, faculty, employees and administrators. Law Society of Nunavut Member Resolution – 2013-14 AGM

2) The following are deemed to not be discriminatory for the purposes of paragraph (1)(a):

(a) any program, practice, rule or activity at a law school that, in the opinion of the Executive,
(i) has as its objective the amelioration of conditions of disadvantaged individuals or groups,
(ii) achieves or is likely to achieve that objective, and
(iii) does not perpetuate discrimination against other disadvantaged individuals or groups;
and

(b) any justified occupational requirement.

(3) Where the Executive becomes aware that a previously approved law school does not meet the criteria set out in subsection (1), the Executive shall immediately revoke the approval of the law school for the purposes of paragraph 40(1)(c) of these rules and of subparagraph 18(2)(c)(i) of the *Legal Profession Act*.

(4) For further clarity, a revocation under subsection (3) is without prejudice to any person whose application for admission as a student-at-law has been approved by the Executive prior to the revocation.

(5) The Executive shall notify the membership of the Society of any approvals or revocations of approval of a law school.