

## **Treasurer's Public Remarks respecting TWU for February Convocation (in public)**

The purpose of this statement is to outline the process that the Law Society of Upper Canada will follow in determining the accreditation of TWU.

The decision must be made in the public interest, which is part of the Law Society's mandate, and the process must,

- preserve the impartiality of members of Convocation as decision-makers;
- provide appropriate information to Convocation upon which the decision can be made;
- provide appropriate procedural fairness; and
- comply with legal requirements including the *Charter*, *Human Rights Code*, common law, the *Law Society Act* and Law Society by-laws, rules and policies.

I have determined that only Convocation should consider and decide the accreditation of TWU. The matter will not be referred to a committee or committees for review or consideration prior to Convocation.

As I have said previously, when making the decision on accreditation the Law Society is making an administrative decision that affects rights, privileges and interests. Convocation as a whole is vested with this decision-making power. My role will be to act as the chair, ensuring that the proceeding in convocation is conducted in an orderly fashion.

### **The Question for Convocation**

The question to be put to Convocation is as follows:

Given that the Federation Approval Committee has provided conditional approval to the TWU law program in accordance with processes Convocation approved in 2010 respecting the national requirement and in 2011 respecting the approval of law school academic requirements, should the Law Society of Upper Canada now accredit TWU pursuant to section 7 of By-Law 4?

### **Timing**

The Law Society will hold two Convocations dedicated to the TWU accreditation, the first on April 10, 2014 commencing at 9:00 a.m. and the second on April 24, 2014 commencing at 9:00 a.m. Benchers may participate either in person or by phone.

In anticipation of the first Convocation, the Law Society will invite TWU to provide a written submission for Convocation's consideration.

The Law Society will also invite written submissions from the public and the profession beginning today, February 27, 2014 until March 28, 2014. No submissions received before February 27 or after 5:00 p.m. on March 28, 2014 will be considered by Convocation. Anyone who has previously provided a written comment or submission who wishes it to be considered will have to resubmit it.

## **The Material**

The material before Convocation will consist of the following:

- TWU's written submission prepared in response to the Law Society's invitation.
- The Report of the Federation Approval Committee respecting the TWU application, dated December 2013.
- The Report of the Federation Special Advisory Committee dated December 2013.
- The submissions the Federation received in the course of its consideration of the issues.
- Written submissions the Law Society receives between February 27 and March 28, 2014.
- After the first Convocation and prior to the second Convocation,
  - the transcript of the first Convocation proceeding; and
  - any written submission from TWU in response to the issues raised at the first Convocation.
- Such other material as I determine is relevant to Convocation's consideration.

This material will also be posted on the Law Society public website as it becomes available and also made available to benchers as it is received. Benchers will have received all the material no later than April 4, 2014.

## **The Decision**

At the first Convocation on April 10, 2014 the Secretary will read the question.

Convocation will then be provided with a factual overview of (a) the process that has been followed to date and (b) the material before Convocation.

The debate will commence. Benchers will be invited to raise any questions or concerns they have relevant to the issues before them.

At the end of the debate on April 10 Convocation will adjourn.

Any benchers who cannot attend or participate by phone at the Convocation on April 10 must provide any comments or concerns in writing to the Secretary by noon on April 10 so that these may be provided to TWU following April 10 Convocation.

Benchers who do not attend or participate by phone at the April 10 Convocation may nonetheless attend or participate by phone at the April 24 Convocation.

The transcript of the April 10 proceeding will be provided to TWU, which will be invited to provide a written response to the issues raised. Any written response from TWU will be provided to Convocation by April 22, 2014. The response will also be posted on the Law Society website.

Other than TWU's written response and the transcript from the April 10 Convocation no further written material will be before Convocation on April 24. No further submissions will be accepted.

On April 24 Convocation will consider TWU's written response and will then vote in public on the question before it.

Convocation's decision will be made in public and will be provided to TWU and posted on the Law Society website.

Both Convocations will be held entirely in public and will be webcast. In addition, there will be a media room at the Law Society in which members of the public may watch the proceedings, subject to seating availability.

In making its decision on the accreditation of TWU Convocation is sitting in its deliberative capacity, rather than addressing a question of policy. It will make its decision based on the material described above that all benchers receive, including submissions received from February 27, 2014 to March 28, 2014 at 5:00 p.m. In keeping with this process benchers,

- should not use social media, either by sending or receiving communications, during the course of Convocations on April 10 and 24 on the issues being considered;
- should refrain from expressing their views or considering additional submissions they may receive following the first Convocation on April 10;
- should refrain from reaching a final view until the decision is made on April 24.

A court reporter will be present at both Convocations and the proceedings will be transcribed and made available for public inspection in accordance with By-Law 3.