



November 28, 2014

Honourable Amrik Virk
Minister of Advanced Education
PO Box 9080 Stn Prov Govt
Victoria BC V8W 9E2

Minister Virk,

We write in response to your letter of November 17, 2014. You indicate that you are “considering revoking [your] consent” for our JD program. This follows the decision of the Benchers of the Law Society of British Columbia (“LSBC”) to reverse their earlier decision in favour of recognizing graduates of the TWU School of Law.

Under section 5 of the *Degree Authorization Act* (“DAA”), you are permitted to “suspend or revoke” your consent, or “change or remove terms and conditions attached to the consent” on limited grounds. You may do so if a person who has received consent “fails to comply with the [DAA] or the regulations or with the terms and conditions of the consent”.

That precondition to revoking or suspending your consent does not yet exist. TWU has not failed to comply with the DAA, the regulations, or the terms and conditions of your consent. We have moved expeditiously in both Nova Scotia and Ontario to challenge decisions made in those jurisdictions. We intend to move as expeditiously with respect to having the October 31, 2014 decision of the Benchers of the LSBC reviewed by the Courts.

As you know, on April 11, 2014, the Benchers of the LSBC voted against a resolution that would have denied our School of Law graduates the ability to article and practice law in B.C. They recognized then that the law supports TWU and the approval of our School of Law.

The special meeting that occurred in June may have been conducted under s.13 of the *Legal Profession Act*, however, the same cannot be said about the subsequent referendum or the October 31, 2014 decision of the LSBC Benchers. The Benchers were not in a position to bind themselves to a vote of the membership and their decision was not a proper or lawful exercise of their statutory decision making power. We also note that, unlike Mr. Mulligan who advocated against our School of Law, TWU was never given the opportunity to communicate directly with the LSBC membership. We are confident that the decision of the LSBC cannot ultimately be sustained at law.

While your letter contemplates that a “final determination by the courts” may take years, that is not necessarily the case and, in fact, judicial decisions affirming the rights of TWU’s community may come in ample time.

TWU’s School of Law has been the target of unfair attacks, none of which validly impugn the quality of the JD program or establish that our graduates will be unprepared or unqualified for the practice of law. The Degree Quality Assessment Board and its expert panel recognized this. The Federation of Law Societies of Canada has also recognized this, and a number of law societies have adopted that decision. Even if the LSBC decision is not quickly quashed, our graduates have opportunities to article and practice in other jurisdictions in Canada.

In the result, it is TWU’s submission that there is no proper basis for you to revoke your consent under s.5 of the DAA. Given the lack of any substantive legal basis to revoke your consent, it would not be fair or just in the circumstances to compel TWU to create a new application and seek a new consent in the future. Our JD proposal has been widely recognized as an excellent proposal and there is no basis upon which we should be compelled to commence a new process to seek consent under future, unknown, circumstances. As such, we respectfully request that we be given the time set out in the original consent to deal with the challenges before us.

Sincerely,

A handwritten signature in cursive script that reads "Bob Kuhn". The signature is written in dark ink and is positioned above the printed name and title.

Bob Kuhn, J.D.
President