



The Advocates' Society La Société des plaideurs

June 21, 2024

VIA EMAIL: ministryofjustice@gov.ab.ca

The Honourable Mickey Amery, ECA, KC, MLA
Minister of Justice
Members of Executive Council
Executive Branch
424 Legislature Building
10800 - 97 Avenue NW
Edmonton, Alberta T5K 2B6

Dear Minister Amery:

RE: Recommended Amendment to the *Legal Profession Act*

The Advocates' Society writes to express our concern about the requirement in section 44(2)(a) of the *Legal Profession Act*¹ that an applicant for enrolment with the Law Society of Alberta as a lawyer swear the oath of allegiance prescribed by section 1(1) of Alberta's *Oaths of Office Act*,² which reads as follows:

"I, _____, swear that I will be faithful and bear true allegiance to His Majesty King Charles the Third, His heirs and successors, according to law. So help me God."³

As you know, The Advocates' Society is a not-for-profit organization representing approximately 5,500 diverse lawyers and students across the country—unified in their calling as advocates. As the leading national association of litigation counsel in Canada, The Advocates' Society and its members are dedicated to promoting a fair and accessible system of justice, excellence in advocacy, and a strong, independent, and courageous bar. A core part of our mission is to provide policymakers with the views of legal advocates on matters that affect access to justice, the administration of justice, the independence of the bar and the judiciary, the practice of law by advocates, and equity, diversity, inclusion, and reconciliation with Indigenous peoples in the justice system and legal profession.

The Advocates' Society is of the view that the requirement to swear or affirm an oath of allegiance to the British sovereign in order to gain admission to the bar has an adverse effect on the inclusiveness and representativeness of the legal profession in Alberta, and undermines efforts towards reconciliation with Indigenous peoples. Many prospective lawyers, including those belonging to certain religious communities,⁴ Indigenous communities,⁵ or other communities who have been subject to British

¹ [Legal Profession Act](#), R.S.A. 2000, c. L-8 (the "LPA").

² [Oaths of Office Act](#), R.S.A. 2000, c. O-1 (the "OOA").

³ The "Oath". The OOA allows a person to solemnly affirm the oath instead of swearing it, and also therefore omit the words "So help me God" (OOA, s. 4).

⁴ See e.g. [Wirring v. Law Society of Alberta](#), 2023 ABKB 580, currently on appeal to the Court of Appeal of Alberta.

⁵ See e.g. Katarina Szulc, "[3 Indigenous women challenge Alberta's mandatory oath to King amid lawsuit](#)" *CBC News* (September 26, 2022).

colonialism, may be unable (by virtue of conflicting religious convictions) or justifiably unwilling (by virtue of moral convictions) to swear or affirm the Oath. As such, these individuals may be entirely excluded from admission to the Law Society of Alberta. This exclusion would diminish the representativeness of the bar, and eventually, the representativeness of the bench, as well as the public's access to culturally sensitive legal representation, and by extension, the public's access to justice. Alternatively, prospective lawyers from these communities may simply decide to swear or affirm the Oath in order to gain admission to the bar, but thereby understandably feel excluded, disenfranchised, or ostracized by the requirement. In either case, the legal profession and our justice system are diminished.

To address these concerning issues, The Advocates' Society encourages the Government to remove from the LPA the requirement for prospective lawyers to swear the oath of allegiance in section 1(1) of the OOA as it is currently drafted or to make it optional, as several other provinces have done.⁶

If the requirement to swear the oath of allegiance is removed or made optional, prospective lawyers will still be required by section 44(2)(b) of the LPA to swear or affirm the official oath prescribed by section 2 of the OOA, in the following terms:

"I, _____, swear that I will diligently, faithfully and to the best of my ability execute according to law the office of _____. So help me God."

Moreover, prospective lawyers are required by section 44(2)(c) of the LPA to take any oath prescribed by the *Rules of the Law Society of Alberta*. Rule 65.2(8) requires an applicant to the Law Society to take and subscribe the following oath:

"I will as a Barrister and Solicitor conduct all causes and matters faithfully and to the best of my ability. I will not seek to destroy anyone's property. I will not promote suits upon frivolous pretences. I will not pervert the law to favour or prejudice anyone, but in all things will conduct myself truly and with integrity. I will uphold and maintain the Sovereign's interest and that of the public according to the law in force in Alberta."

The Advocates' Society is of the view the oath of allegiance does not add anything above and beyond these two oaths which would still be required.

The Advocates' Society further generally encourages the Government to ensure that the requirements for entry into the legal profession in Alberta remain relevant and meaningful to all prospective members, thereby strengthening the diversity of the bar and the bar's representativeness of the society it serves.

I invite you to contact The Advocates' Society with any questions about our submissions above.

⁶ See e.g. [Legal Profession Act, 2017](#), S.Y. 2017, c. 12, s. 14(2); Nova Scotia Barristers' Society, [Regulations](#), s. 3.9.6; Law Society of Ontario, [By-Law 4](#), art. 22.

Notably, the Law Society of Alberta supports making the oath optional (Law Society of Alberta, "[Statement on Oath of Allegiance in Alberta](#)" (updated September 28, 2022)); and this idea is also supported by many members of Alberta's legal academy (Katarina Szulc, "[32 Alberta law professors sign letter calling for government to make oath to Queen optional](#)" *CBC News* (July 14, 2022)).

Other provinces have chosen to do away with the requirement entirely – see e.g. [Legal Profession Act](#), R.S.P.E.I. 1988, c. L-6.1, s. 17, which was amended as of November 29, 2023, to completely remove from statute the requirement for an applicant to the bar to swear an oath to the sovereign.

Yours sincerely,



Dominique T. Hussey
President

CC: Deanna Steblyk, KC, President, Law Society of Alberta
Vicki White, Chief Executive Officer, The Advocates' Society

The Advocates' Society's Task Force

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