
Nova Scotia Barristers' Society

FRPA Review Report

Province of Nova Scotia

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Background of the Regulatory Body

Definition of the Profession

The Nova Scotia Barristers' Society (NSBS) is the regulator of the legal profession in Nova Scotia. Its purpose, as set out at Section 4(1) of the *Legal Profession Act*, is to uphold and protect the public interest in the practice of law. In carrying out that purpose, the Society establishes standards for the qualifications of those seeking the privilege of membership in the Society. Membership in the Society is mandatory for all lawyers living and practising in Nova Scotia.

The *Legal Profession Act* (LPA) defines the practice of law as follows:

16 (1) The practice of law is the application of legal principles and judgement with regard to the circumstances or objectives of a person that requires the knowledge and skill of a person trained in the law, and includes any of the following conduct on behalf of another:

- (a) giving advice or counsel to persons about the person's legal rights or responsibilities or to the legal rights or responsibilities of others
- (b) selecting, drafting or completing legal documents or agreements that affect the legal rights or responsibilities of a person
- (c) representing a person before an adjudicative body including, but not limited to, preparing or filing documents or conducting discovery
- (d) negotiating legal rights or responsibilities on behalf of a person

The Act also permits a variety of others to engage in what would otherwise be considered the practice of law. Those individuals include articled clerks, Dalhousie Legal Aid students, public officers, trust companies, accountants, self-represented litigants, corporations, insurance agents or adjusters, mediators and arbitrators and employees of trade unions (see s. 16).

It is incumbent upon the Society to not only set the standards for qualification but also to deal with those who are involved in the unauthorized practice of law (see s. 17 of the *Legal Profession Act*).

Staffing

The Society employs 35 individuals. The Society has four departments as follows:

1. Administration and Finance
2. Education & Credentials
3. Professional Responsibility
4. Library and Information Services

Education & Credentials is responsible for all credentialing decisions and for continuing professional development.

There are five staff members including a Director, an Education & Credentialing Administrator, two Officers and an administrative assistant. In addition, the Lawyers Insurance Association of Nova Scotia (LIANS) insures all lawyers practising in the province.

Types of Licences/Certificates Issued

The Society licenses lawyers who wish to practise within Nova Scotia. The categories of membership are as follows:

1. Practising
2. Non-practising
3. Retired
4. Life member
5. Honourary member
6. Canadian Legal Advisor
7. Articled clerk

Registration, as it is used in FRPA, relates to individuals becoming articled clerks and practicing lawyers. The other categories of membership result when lawyers cease to practise but wish to remain members of the Society. The Canadian Legal Advisor is a form of membership reserved for lawyers from Quebec, who may engage in a limited form of practice (and membership) in Nova Scotia as long as they also remain as practising lawyers in Quebec. This category has resulted from an agreement among all law societies in Canada.

In addition, the Society grants temporary practice permits to lawyers from other jurisdictions, including Foreign Legal Consultants.

As of December 31, 2012 there were 1911 practising members. In 2012 the Society had 27 transfer applications, two of which were from outside Canada. None of the applications were rejected; however, some applicants had conditions placed on their transfer. For instance, any foreign transfer would be required to write and pass the Nova Scotia Bar Examination.

Protected Titles

Section 2(z) of the Legal Profession Act defines a “lawyer” as follows:

(z) “lawyer” means a person who has been called to the Bar in the Province or a foreign jurisdiction and who is eligible to carry on the practice of law in accordance with this Act and the regulations and includes a barrister, a barrister-at-law, a barrister of the Supreme

Court, a solicitor of the Supreme Court and a member of the Bar, an attorney-at-law and an avocat or notaire;

Section 16(3) of the LPA states that only a lawyer, a law firm or a law corporation may advertise or hold out that the services as a lawyer are available to the public. Therefore only those who have been admitted to the bar and are “eligible to practise” may hold themselves out as offering legal services.

When a lawyer is granted a licence to practise law, they are permitted to carry on the practice of law in any area in which they are competent. We do not have specialist licences, nor do we limit a licence. If you hold a practising certificate, then you are permitted to practise.

Labour Market Outlook

The employment outlook for this occupational group is Fair, which indicates the chances of a qualified individual finding work is around average.

In addition to opportunities with private firms and government, self-employment is an option for practicing law. Openings should arise in some disciplines, such as arbitration and mediation, international law, intellectual property, the environment, new information technologies and e-commerce, taxation and public funding, corporate mergers and acquisitions, etc. The lawyer’s consulting function is gaining importance, especially with the advent of multidisciplinary firms offering professional services to companies and organizations. Prospects for Crown attorneys within Nova Scotia’s Public Prosecution Service are good. In addition to those leaving, the prosecution service expects to lose several lawyers to retirement in the next two to five years.¹

Registration Practices

Registration requirements and steps in the registration process are outlined below.

Articling

To apply to be an articulated clerk, the applicant will need to submit the following:

- Application for Enrolment in Bar Admission Course and as an Articled Clerk, Parts 1 and 2
- relevant documentation with full particulars for any affirmative responses in Parts B, C and D
- Articling Plan
- Articling Agreement
- an official transcript to be sent directly to the Nova Scotia Barristers’ Society from the applicant’s law school confirming the granting of their law degree

¹ Canadian Occupational Projection System (COPS); NS Department of Labour & Advanced Education & Service Canada, 2011.

- an official transcript to be sent directly to the Nova Scotia Barristers' Society from any additional law school attended other than as an exchange student
- a criminal record check
- a notarized copy of a government issued photo ID
- two letters of reference
- application fee of \$225.00 plus HST (\$258.75)
- a letter from your law school confirming that you have met the requirements for graduation, if from a law school other than the Schulich School of Law at Dalhousie or the University of New Brunswick, and the transcript confirming the law degree will not be received by the Society two weeks prior to your enrolment date
- proof of English language proficiency if the applicant's first language is not English, and if the Executive Director requires
- particulars of the applicant's work permit or other authorization allowing you to work in Canada, if applicable

The applicant must apply to be called to the bar once they have completed the articling period, the Skills Course and the Bar Examination. At that time they will be required to pay an admission fee and practising fees.

Non-Canadian Law Degree – Admitted to a Foreign Bar

To be eligible to practise in Nova Scotia, a lawyer from outside of Canada must transfer his or her qualifications or re-qualify in Canada.

Step One – Lawyer applies to the National Committee on Accreditation (NCA) of the Federation of Law Societies of Canada² to have the lawyer's law degree and credentials assessed. In order to be admitted to the Nova Scotia Barristers' Society, the lawyer must have the equivalent of a Canadian law degree. The NCA assesses the lawyer's education and credentials, determines if the lawyer has to take any additional courses and/or pass any equivalency examinations in order to make the foreign law degree equivalent to a Canadian law degree.

Nova Scotia is a Common Law jurisdiction. The NCA criteria are generally greater for lawyers with a Civil Law Degree and who practise in a country with a Civil Code than they are for lawyers with a non-Canadian Common Law degree.

Step Two – NCA issues a Certificate of Qualification, once the lawyer has successfully completed the NCA criteria for the Canadian law degree equivalent. The NCA sends the Certificate of Qualification directly to the Nova Scotia Barristers' Society.

² See <http://www.flsc.ca/en/nca/>

Step Three – Once the NCA Certificate has been issued, lawyer submits an Application for Admission on Transfer to the Nova Scotia Barristers’ Society. A number of other required documents include a Statement of Good Character; for full details about the specific requirements, please see the Application for Admission on Transfer³.

The lawyer must be lawfully entitled to be employed in Canada in order to apply for Admission on Transfer. This means the lawyer has to be a Canadian citizen or have Landed Immigrant Status or provide evidence of a current work permit or other authorization issued by Canadian authorities.

Step Four – The application is considered by the Executive Director unless it raises issues of character or fitness. Applications that raise character or fitness issues are considered by the Credentials Committee of the Nova Scotia Barristers’ Society. The Executive Director or the Credentials Committee will issue a ruling on the Application. The Executive Director will issue a written decision which will set out the reasons for the decision. If the applicant is unhappy with the decision they may request an internal review of the decision. The review generally takes three months.

The Regulations provide the Executive Director and the Credentials Committee with a number of options when considering Applications for Admission on Transfer from foreign lawyers. A lawyer from a foreign jurisdiction would at least have to pass the Nova Scotia Barristers’ Society Bar Examination as a condition of admission. Whether other conditions would be imposed would depend on the lawyer’s experience, practice plans and the particulars of the Application.

Step Five – Upon successful completion of the conditions set by the Executive Director or the Credentials Committee (as per Step Four), the lawyer is eligible for admission to the Nova Scotia Barristers’ Society.

Non-Canadian Law Degree – Not Admitted to a Foreign Bar

Step One – Applicant applies to the NCA⁴ to have the non-Canadian law degree and credentials assessed. This process should be commenced before immigrating to Canada as it may take time.

In order to be enrolled as an Articled Clerk and admitted to the Nova Scotia Barristers’ Society, the applicant must have the equivalent of a Canadian law degree.

Step Two – NCA issues a Certificate of Accreditation, once the applicant has successfully completed the NCA criteria for the Canadian law degree equivalent. The NCA sends the Certificate of Accreditation directly to the Nova Scotia Barristers’ Society.

Step Three – Applicant obtains an Articled Clerk position in Nova Scotia with a firm, lawyer or organization that qualifies to act as a Principal to an Articled Clerk and submits an Application

³ <http://nsbs.org/forms/credentials-admissions-transfers-change-category-membership/application-admission-transfer>

⁴ See fn 1. supra

for Enrolment in Bar Admission Course⁵ and as an Articled Clerk. Full details about Articling and Principals are available on the Nova Scotia Barristers' Society website under the Articling section.

The applicant must be lawfully entitled to be employed in Canada in order to apply for enrolment as an Articled Clerk.

Step Four – Completed application is considered. If no public interest issues are raised by the application, it is approved by the Executive Director and the applicant will be enrolled as an Articled Clerk on the designated date.

If there are public interest issues with the application, it is reviewed by the Credentials Committee of the Nova Scotia Barristers' Society and a ruling is issued.

The Regulations provide the Credentials Committee with a number of options when considering applications which raise public interest issues. The rulings of the Credentials Committee will depend on the particulars of the application.

Step Five – Upon successful completion of all articling requirements, the Articled Clerk is eligible for admission to the Nova Scotia Barristers' Society.

The Nova Scotia Barristers' Society provides an admission information package to each applicant for admission.

Access to Registration Information

NSBS provides access to information through the internet (www.nsbs.org), email and telephone. Applicants can begin the registration process before coming to Canada. Internationally trained lawyers must go through the NCA.

Fees Charged

The following fees (as of April 2013) were charged by the Society:

- practising fee if paid in one lump sum by June 30, 2013 \$1,795.00
- amount due to the Lawyers' Insurance Association of Nova Scotia for the period July 1, 2013 to July 1, 2014, by July 1 is \$2,154.00, which amount is subject to a surplus credit of \$694.00 from the mandatory insurance program for a net amount due of \$1,460.00
- non-practising member fee \$250.00
- retired member fee \$50.00

⁵ http://nsbs.org/sites/default/files/ftp/Forms_ArticledClerks/BarAdmin_ClerkApp.pdf

2012 Data

Length of time (from receipt of completed application) to registration takes slightly more than one year for an articling clerk (as there are 12 months of articling) and for others the elapsed time, depends on the type of application and the conditions set.

There were no Internal Reviews in 2012.

In 2012, there were 27 transfer applications. Two had foreign law degrees. Both were accepted with conditions. Of the 27, eight had degrees from Nova Scotia, 17 from elsewhere in Canada and two were from outside Canada. The countries were Australia and Scotland.

In 2012, 55 articulated clerks were admitted to the practice of law. Of those, 41 had degrees from Nova Scotia, ten were from elsewhere in Canada and four were from outside Canada. The foreign law degrees were from Australia and England.

No applications were rejected.

The Legal Profession Act

The Act was last amended in 2005, and the regulations can be amended by Council of the Society. Amendments happen on a regular basis as matters arise that need to be dealt with.

Summary

NSBS had representation and involvement in the development of the *Fair Registration Practices Act* (proclaimed December 7, 2009). They have made modifications to their processes since that time, including a complete overhaul of the credentialing process and the regulations dealing with the process to ensure openness, transparency, objectivity and fairness. Specifically, measures were taken to ensure that every decision made about the registration of an applicant can be subjected to an internal review. All decisions made are in writing and the reasons for the decision are clearly communicated to the applicant. The process for internal review was created and those making the decisions were trained to ensure fairness and consistency.

Overall, NSBS is currently in compliance with FRPA. Some of the deficiencies identified are detailed in the action items below. These actions must be completed on or before the next FRPA review in 2015.

Two-year Action Plan

NSBS will review the content of the website and reorganize to allow the user to better navigate the site.

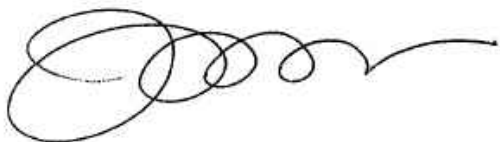
NSBS will write a policy on the acceptance of alternate information.

NSBS will follow up with the NCA about barriers faced by international applicants.

NSBS will write a policy regarding access to records.

Disclaimer

The Nova Scotia Barristers' Society hereby declares that the information contained in this report is a true and accurate representation of current registration practices for their organization.

A handwritten signature in black ink, consisting of several loops and a trailing line.

Director, Education & Credentials

August 1, 2013

Date

Appendix A – FRPA Review Assessment Questionnaire

Regulatory Body – **Nova Scotia Barristers’ Society**

Last updated – Thursday, July 4, 2013 – 15:13

SECTION – INFORMATION

Question 1

How (what methods) do you use to provide information to potential applicants on your registration practices? Can an applicant begin the process outside of Canada?

Survey Options: internet, email, hard copy, telephone or other

Regulator Response

Internet, Email, Telephone

Regulator explanation, clarification or comment

Yes, applicants may begin the process before coming to Canada.

Our website provides information and applications.

Any foreign trained lawyer must first go through the National Committee on Accreditation

See the website:

http://nsbs.org/become_a_lawyer/transfers_from_other_countries_internationally_trained_lawyers

and the form here:

http://nsbs.org/sites/default/files/cms/forms/applicationforadmissionontransfer_0.pdf

Review Finding

Level 3

Regulator Action

No action required at this time.

Section 16(3)(g)

Question 2

Please provide a link to your website.

Regulator Response

<http://www.nsbs.org>

Question 2a

a. I believe that information on our website is: clear and understandable; written in plain language?

Survey Options: 1 (Strongly Agree) - 5 (Strongly Disagree)

Regulator Response

1 (Strongly Agree)

Question 2b

b. On what basis do you make changes to your website?

Survey Options: feedback from applicants, policy change, news postings, or other

Regulator Response

Feedback from Applicants, Policy Change, News Postings

Question 2c

c. When was the section of the website pertaining to registration last updated?

Survey Options: on-going, within the last 6 months, within the last year, within the last 2 years, or never

Regulator Response

within the last 6 months

Regulator explanation, clarification or comment

None Offered

Review Finding

Level 3 - consider re-organizing web to make it easier to navigate.

Regulator Action

NSBS will review the content of the website and looks for better ways for the user to navigate the site.

Section 16(3)(g)

Question 3a

a. Are your requirements (e.g. education, work experience, examination and fees) for registration specified by legislation, regulation, and/or policy?

Survey Options: legislation, regulation, or policy

Regulator Response

Regulation, Policy

Question 3b

b. Specify the appropriate section(s)?

Regulator Response

regulation dealing with foreign trained lawyers is found at regulation 6.1

Question 3c

c. Is this information made available to applicants?

Survey Options: yes, no or not applicable

Regulator Response

Yes

Regulator explanation, clarification or comment

The regulations governing this are regs. 6.2.1 and 6.2.2. In addition there are policies, which are attached and the information is available in various places on our website. The form for the application sets out the fees and other needed requirements. It can be found here:

http://nsbs.org/sites/default/files/cms/forms/applicationforadmissionontransfer_0.pdf. In addition, there is a page on our website that sets out a path for ITLs and provides information. It can be found here: http://nsbs.org/sites/default/files/ftp/EQ012011_ITLCareerPathway.pdf. The material on ITL's talks about the NCA and points out the requirements the NCA looks at, as well as those looked at by the Society when considering internationally trained lawyers who have worked elsewhere.

If the ITL is required to work under supervision, the policy on education plans provides guidance for creating an appropriate plan. The policy is attached.

Review Finding

Level 3 - consider including pertinent policies on the website.

Regulator Action

Website will be re-organized as per info-q2.

Sections 7 (a), 7(c), 7(f), 16(3)(a), 16(3)(d)

Question 4

Are you waiting for legislation to be passed?

Survey Options: yes, no or N/A

Regulator Response

No

Regulator explanation, clarification or comment

None Offered

Review Finding

Accepted

Regulator Action

No action required at this time.

Sections 7(d), 16(3)(b)

Question 5a

a. Is the criteria for meeting the requirements of registration documented?

Survey Options: yes or no

Regulator Response

Yes

Question 5b

b. Do you provide applicants with the description of the criteria used to assess whether the requirements have been met (e.g the number of years of schooling needed to be considered equivalent to a degree)?

Survey Options: yes or no

Regulator Response

No

Regulator explanation, clarification or comment

We do not do this; it is done by the National Committee on Accreditation. by the time the applicant gets to the Society, they have the equivalent of a canadian law degree. We do tell them what they need to do to practice here, but that generally involves writing an exam and possibly working under supervision for up to one year. The NCA does set out their criteria at their website which can be found here: <http://www.flsc.ca/en/nca/applying-to-the-nca/how-we-assess-your-file/>

Review Finding

Level 3

Regulator Action

No action required at this time.

Sections 7(d), 16(3)(b)

Question 6

If you require translation of specific documents how is the applicant informed?

Survey Options: web site, email, telephone or other

Regulator Response

Email

Regulator explanation, clarification or comment

We use all these methods, but the computer will only let me select one.

Review Finding

Level 3

Regulator Action

No action required at this time.

Section 7(a)

Question 7

Do you have a streamlined registration process for those applicants already registered in another Canadian jurisdiction (as per Chapter 7 Agreement on Internal Trade)?

Survey Options: yes or no

Regulator Response

Yes

Regulator explanation, clarification or comment

If you are already a member in another province you are entitled to mobility and you do not have to write a bar examination. There is a specific form which can be found here:

http://nsbs.org/sites/default/files/cms/forms/applicationforadmissionontransfer_0.pdf In addition there is a policy which is included and there is reference on our site to the National Mobility Agreement. See here:

http://nsbs.org/become_a_lawyer/transfers_from_other_provinces_in_canada

Review Finding

Level 3 - consider including accompanying policy on the website.

Regulator Action

Website will be re-organized as per info-q2.

Sections 7(a), Ch 7

Question 8

Does your organization make accommodations for applicants with physical or mental disability?

Survey Options: yes or no

Regulator Response

Yes

Regulator explanation, clarification or comment

We will accommodate issues provided we have medical confirmation of the problem and the needed accommodation. There is a policy which is attached. As well, we ask the applicant to indicate on the application form if they need any accommodation. The only accommodation provided would be for writing the bar examination, or taking the skills course. Other than that, we do not accommodate people in terms of granting licenses. We do accommodate if someone has difficulty getting proof of their credentials, for example if they are a refugee. In that case we would get affidavit evidence from others to prove their credentials.

Review Finding

Level 3 - consider including policy on the website.

Regulator Action

Website will be re-organized as per info-q2.

Section 16(3)(h)

Question 9a

a. Is any or all of your assessment process done by a third party (e.g. national bodies, credential assessment agencies, etc.)?

Survey Options: yes or no

Regulator Response

No

Question 9b

b. If so, please specify the name of the organization and describe their role.

Regulator Response

Individuals are not entitled to apply to be lawyers here until they have the equivalent of a Canadian law degree

Question 9c

c. Please indicate the types of activities that they assist with?

Survey Options: data collection, data storage, credential assessment, verification of documents, examinations, recognition of prior learning or other

Regulator Response

Credential Assessment

Question 9d

d. Can you describe how they adhere to the General Duties of the Regulatory Body as outlined in the Act including transparency, objectivity, impartiality and procedural fairness?

Survey Options: MOU, service level agreement, participation on board or other

Regulator Response

Other (please specify)

Question 9e

e. Are you informed of all decisions made by third parties on applicants?

Survey Options: yes or no

Regulator Response

No

Question 9f

f. Does your third party have an internal review process for unsuccessful applicants?

Survey Options: yes or no

Regulator Response

Yes

Regulator explanation, clarification or comment

The National Committee on Accreditation determines whether an internationally trained lawyer has appropriate Credentials to even apply to a Canadian law society. Until the lawyer obtains a certificate of qualification, they are not entitled to apply to our Society. In that way, I do not consider the NCA a third party provider. Many people with civil law degrees would never even qualify at the NCA level and therefore I would never see them. In any event, the NCA's procedures are well documented on their website which I provided earlier. They are transparent about what they assess and how they assess it. I believe that they provide an appeal of failing grades but I do not know the specifics. We do not advise applicants about these processes because to us, they are not our applicants until they have successfully completed their NCA requirements. I am attaching the answers given by the NCA to the Manitoba Fairness Commissioner in 2012. In addition I am attaching the answers given to the MFC in 2013.

Review Finding

Level 3 - Federation of Law Societies of Canada (National Committee on Accreditation) is a third party - NSBS is not directly involved with the NCA; however, they receive reports and regular contact.

Regulator Action

No action required at this time.

Section 16(3)(i)

Question 10a

a. What types of supports do you provide to applicants during the registration process?

Survey Options: internet, telephone, print material or other

Regulator Response

Internet, Telephone

Question 10b

b. Have you had applicants who need support mechanisms that you can't provide or are not available?

Survey Options: yes or no

Regulator Response

No

Regulator explanation, clarification or comment

None Offered

Review Finding

Level 3

Regulator Action

No action required at this time.

Sections 7(e), 16(3)(k)

Question 11

Where practical, do you provide unsuccessful applicants with information on programs and services they can participate in to facilitate successful registration in the future?

Survey Options: yes or no

Regulator Response

Yes

Regulator explanation, clarification or comment

There is information on our website as set out earlier about qualifying under the NCA. Once lawyers apply to us, we do not deny them registration unless there is a character and fitness issue, in which case it would go to the Credentials Committee as set out in regulation 6.2.5(d) and 6.2.8. The policy for that is also attached. Otherwise, we would agree to register them upon fulfilling certain conditions; generally writing and passing the bar examination and perhaps a period of supervision as set out in regulation 6.2.7. We always tell applicants that they have a right to request an internal review of any decision as set out in regulation 6.2.6. They are also provided with the policy on internal review which is attached.

If they fail the bar exam NSBS will review the exam and provide advice about what they need to do to be successful.

Review Finding

Level 2 - consider letting applicants know how to improve chances of success on the bar exam (exam writing seminar) as well as support provided if they are unsuccessful in writing the exam. Additionally, allowing writing outside the province.

Regulator Action

Website will be re-organized as per info-q2.

Section 8(d)

SECTION - COMMUNICATION

Question 1a

a. Do all applications come directly to your regulatory body or does a third party assessor receive initial applications?

Survey Options: direct or third party

Regulator Response

Direct

Question 1b

b. At what point in the registration process do you gain access to an application from an individual?

Regulator Response

Immediately

Regulator explanation, clarification or comment

They can apply to us as soon as they have a canadian law degree or the equivalent of a canadian law degree. The application actually begins the process. Until they have their certificate of qualification, they cannot apply to the Society. I am aware of what the NCA does, but I do not involve myself in that process.

Review Finding

Accepted

Regulator Action

No action required at this time/.

Section 16(3)(i)

Question 2

Do you have a reasonable timeframe to respond to inquiries from applicants?

Survey Options: 1 (very reasonable) - 5 (very unreasonable)

Regulator Response

1 Very Reasonable

Regulator explanation, clarification or comment

We generally respond in 24 hours or sooner. There is no written policy about responding to inquiries. As a Society we have a rule that we respond in 24 hours at the very latest unless we tell applicants otherwise. We do have a timelines policy which is attached and the Policy on internal reviews very clearly states timelines. We ensure that they are adhered to by monitoring the work. I am primarily responsible for these requests and my policy is to respond within 24 hours. If I am unable to, I post a message on my voice mail and email messages. When we have busy times, we tell applicants what they can expect by email or in telephone calls.

Review Finding

Consider including all credentialing decisions in the Policy on Timelines (already on the website).

Regulator Action

Website will be re-organized as per info-q2.

Sections 7(b), 8(a), 8(b), 8(c)

Question 3a

a. Do you provide written decisions, responses and reasons for acceptance or rejection of an application?

Survey Options: yes or no

Regulator Response

Yes

Question 3ai

i. Do you have a formal policy for this process?

Survey Options: yes or no

Regulator Response

Yes

Survey Options: yes or no

Question 3aii

ii. Do you have a standard timeline?

Survey Options: yes or no

Regulator Response

No

Question 3b

b. Do you provide applicants who are not granted registration with information regarding an internal review process (including the opportunity to make submissions respecting such review)?

Survey Options: yes or no

Regulator Response

Yes

Question 3c

c. Based on the previous questions, describe ways your organization could improve the timeliness of your decisions and/or how you communicate the results?

Regulator Response

I believe that we do an excellent job of communicating our decisions. If we had additional resources we might be able to get the decisions out more quickly, however I think we do it quite quickly as is.

Regulator explanation, clarification or comment

We use templates for all ruling letters that involve credentialing work. In that way, we ensure that we ask ourselves the same questions with each decision and provide the same type of information. Each ruling is tailored to its specific facts, however we always use the same criteria for measurement. Those criteria are set out in each ruling letter. In addition, to ensure consistency, one person makes all the rulings. Also, we keep all rulings so we are able to refer back to similar circumstances, should the need arise.

Review Finding

Level 2 - timelines should be included in the Policy on Timelines

Regulator Action

Website will be re-organized as per info-q2.

Sections 8(b), 8(c)

SECTION - DOCUMENTATION

Question 1a

a. Do you provide information on what documentation of qualifications must accompany an application?

Survey Options: yes or no

Regulator Response

Yes

Question 1b

b. Do you include a process for verification of documentation authenticity?

Survey Options: yes or no

Regulator Response

No

Regulator explanation, clarification or comment

Our application form which was included earlier sets out what documentation is needed and what form is acceptable. We ensure the veracity of documentation by making certain that it comes from a third party, such as a law school, Insurer, law society, etc. The Federation would do the same thing at their end. We ask applicants for law school transcripts, proof of insurance, certificates of standing from other law societies, criminal record checks, statements of good character.

Review Finding

Level 3

Regulator Action

No action required at this time.

Section 9(a)

Question 2

Do you provide information on the steps in the registration process including supporting documentation required at the various steps?

Survey Options: yes or no

Regulator Response

Yes

Regulator explanation, clarification or comment

Yes, these are provided on the website.

http://nsbs.org/become_a_lawyer/transfers_from_other_countries_internationally_trained_lawyers/non_canadian_law_degree_admitted_to_a_foreign_bar

Review Finding

Level 3

Regulator Action

No action required at this time.

Sections 7(c), 16(3)(a), 16(3)(b)

Question 3

Do you accept alternative information if required documents cannot be obtained for reasons beyond the applicant's control (e.g. a sworn statement in lieu of full documentation)?

Survey Options: yes or no

Regulator Response

Yes

Regulator explanation, clarification or comment

This rarely happens but we are able to take affidavits, etc. if they cannot get their certificates of standing. For example, if an applicant cannot get a document from their home jurisdiction stating that they are a member in good standing, we may be able to accept affidavits from those who know them and know that they were called to the bar in the home jurisdiction and that they practised there. We would only accept this in the rarest of circumstances.

Certificates of standing are documents that come from other law societies or regulators stating that a lawyer was called to the bar in that jurisdiction and that they are members in good standing, meaning that they are not in trouble either in discipline or insurance.

Review Finding

Level 2 - consider writing a policy to capture this process.

Regulator Action

NSBS will write a policy on the acceptance of alternate information.

Sections 9(b), 16(3)(c)

Question 4

What difficulties or obstacles are faced by applicants who received their qualification in a country other than Canada?

Survey Options: obtaining original documents, verification of credentials, identifying and participating in gap training programs, access to qualifying exam, language proficiency or professional technical language or other

Regulator Response

Other (please specify)

Regulator explanation, clarification or comment

I'm not aware that they have any obstacles. We generally have no issue getting things to these.

Review Finding

This would be a good question to ask the NCA.

Regulator Action

NSBS will follow up with the NCA.

Sections 9(b), 16(3)(c)

Question 5a

a. Do you have a process for which requests for access to records are considered?

Survey Options: yes or no

Regulator Response

Yes

Question 5b

b. Is this made available to applicants to applicants?

Survey Options: yes or no

Regulator Response

Yes

Question 5c

c. What information may you exclude?

Regulator Response

We will give them any documentation they've submitted or we've sent to them. We do not permit them to go through the file on their own. No, it is not documented that I'm aware of.

Question 5d

d. Do you charge a fee?

Survey Options: yes or no

Regulator Response

No

Regulator explanation, clarification or comment

None Offered

Review Finding

Level 1 - Consider writing a policy on access to documents and records.

Regulator Action

NSBS will write a policy regarding access to records.

Section 12(1), 16(3)(j)

SECTION - INTERNAL REVIEW

Question 1

Does your Act include an authority to conduct an internal review of the registration decision?

Survey Options: yes or no

Regulator Response

Yes

Regulator explanation, clarification or comment

See regulation 3.10

Review Finding

Level 3

Regulator Action

No action required at this time.

Section 7(a)**Question 2**

Do you have a regulation or by-law that defines the internal review process?

Survey Options: yes or no

Regulator Response

Yes

Regulator explanation, clarification or comment

see regulation 3.10

Review Finding

Level 3

Regulator Action

No action required at this time.

Section 7(a)**Question 3**

When are unsuccessful candidates informed of their right to internal review of a registration decision?

Survey Options: upon application, included with a registration decision, upon request or other

Regulator Response

Included with a registration decision

Regulator explanation, clarification or comment

None Offered

Review Finding

Level 3

Regulator Action

No action required at this time.

Sections 7(a), 10(1)

Question 4a

a. Do you have an internal review process and procedures document (policy document)?

Survey Options: yes or no

Regulator Response

Yes

Question 4b

b. Does this include time frames for the internal review?

Survey Options: yes, no or not applicable

Regulator Response

Yes

Regulator explanation, clarification or comment

None Offered

Review Finding

Level 3

Regulator Action

No action required at this time.

Sections 7(a), 10(1)

Question 5a

For the internal review process you make available to applicants that are not granted registration:

- a. Summarize the process of the internal review?

Regulator Response

We never refuse registration unless there is a character of fitness issue. However, all foreign applicants would be required to write and pass the NS Bar Examination before they can commence practice. In addition they may have to work under the supervision of a practising lawyer for a period of time.

Question 5b

- b. Describe the opportunities made available to an applicant to make submissions respecting such review.

Regulator Response

The applicant can write to the Internal Review sub-committee and make representations about their file.

Question 5c

- c. Specify the format for the internal review submission

Survey Options: oral, written or other

Regulator Response

Written

Question 5d

- d. What is the timeline for submitting supporting evidence?

Regulator Response

the applicant must make the request within 30 days of the registration decision

Question 5e

e. Do you believe this is enough time to receive supporting evidence from outside Canada?

Survey Options: yes or no

Regulator Response

Yes

Regulator explanation, clarification or comment

None Offered

Review Finding

Level 3

Regulator Action

No action required at this time.

Sections 7(a), 10(1), 10(2), 10(4), 16(3)(m)

Question 6a

a. Are the results of the internal review made available to applicants in writing, with reasons?

Survey Options: yes or no

Regulator Response

Yes

Question 6ai

i. In what timeframe are the results of the internal review made available to applicants?

Survey Options: less than 1 month, 1-2 months or greater than 6 months

Regulator Response

1-2 months

Question 6aii

ii. Are these timeline communicated?

Survey Options: yes or no

Regulator Response

Yes

Regulator explanation, clarification or comment

The time is actually more like three months but you didn't give me that option

Review Finding

Level 3

Regulator Action

No action required at this time.

Sections 7(a), 10(3)**Question 7**

Have individuals who make internal review decisions received appropriate training?

Survey Options: yes or no

Regulator Response

Yes

Regulator explanation, clarification or comment

We train them before they are asked to make decisions. To date, all of these individuals have been committee members who have made these decisions at the committee level under the old legislation

Review Finding

Accepted

Regulator Action

No action required at this time.

Sections 7(a), 11, 16(3)(p)

Question 8

Do you have a prohibition that states ‘no one who acted as a decision-maker in respect of a registration decision acted as decision maker in an internal review’?

Survey Options: yes or no

Regulator Response

Yes

Regulator explanation, clarification or comment

Section ?? of the regulation. Section 2.3.4 and 2.3.5 of the policy on internal review.

Review Finding

Accepted

Regulator Action

No action required at this time.

Sections 7(a), 10(5), 16(3)(n)

Appendix B – Forms for Registration



NOVA SCOTIA BARRISTERS' SOCIETY

EDUCATION & CREDENTIALS

Articling Document Checklist

Review the following to ensure your application is complete. Incomplete applications will not be processed.

To apply to be an articled clerk, you will need to submit the following:

- ☐ Application for Enrolment in Bar Admission Course and as an Articled Clerk, Parts 1 and 2
- ☐ Relevant documentation with full particulars for any affirmative responses in Parts B, C and D.
- ☐ Your Articling Plan
- ☐ Your Articling Agreement
- ☐ An official transcript to be sent directly to the Nova Scotia Barristers' Society from your law school confirming the granting of your law degree (Cannot be ordered until you have graduated)
- ☐ An official transcript to be sent directly to the Nova Scotia Barristers' Society from any additional law school you have attended other than as an exchange student. (Example: You may have attended one law school for first year and then transferred to a different law school.)
- ☐ A criminal record check
- ☐ A notarized copy of a government issued photo ID
- ☐ Two letters of reference
- ☐ Your application fee of \$225.00 plus HST (\$258.75)
- ☐ If you are from a law school **other than** the Schulich School of Law at Dalhousie or the University of New Brunswick, and your transcript confirming your law degree will not be received by the Society two weeks prior to your enrolment date, you must provide a letter from your law school confirming that you have met the requirements for graduation.



NOVA SCOTIA BARRISTERS' SOCIETY

EDUCATION & CREDENTIALS

APPLICATION for Enrolment in Bar Admission Course and as an Articled Clerk

This Application must be completed legibly. All answers must be answered fully and precisely and the answers to Part 1 must be sworn/affirmed before a Notary Public (or Commissioner of Oaths, if sworn/affirmed in Nova Scotia). Omissions or inaccuracies may be grounds for rejection. If the space provided for any answer is insufficient, the applicant may attach a rider to this form, provided it is duly signed.

NOTE: Please review “Instructions – Enrolment in Bar Admission Course & as an Articled Clerk” prior to completing this Application.

Applicant’s Questionnaire – PART 1

The Applicant’s Questionnaire – Part 1 must be completed legibly and signed by both the **Applicant** and the **Principal**.

Part A – Name and Identification

IMPORTANT: We will use your home address, phone number and/or personal email to contact you about your application. Information and notices will also be sent to you at this address/email. It is your responsibility to notify us of any changes. Once you begin articling, if you would prefer email us to use your work contact information, please advise so we can amend our records.

Name:

(Mr. / Ms.) (Surname) (Given Name) (Initial)

Attach a notarized copy of your passport, driver’s licence or other government-issued photo identification.

If you use a name other than your given name, please indicate it here:

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EDUCATION & CREDENTIALS

(Other Name)

State any changes of name, formal or informal, or other surnames or given names you have used, and when:

Home address:

(Street Address) *(City)*

Telephone: _____

(Province) *(Postal Code)* *(Area Code)*

Personal email: _____

Articling Firm:

Principal:

Supervising Lawyer (if applicable):

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EDUCATION & CREDENTIALS

Address:

(Street Address) *(City)*

Telephone:

(Province) *(Postal Code)* *(Area Code)*

Work email (if known):

Part B – education

State all universities attended (with location of each), the dates of attendance and any degrees granted.

<u>Universities</u>	<u>Dates Attended</u>	<u>Degrees Granted</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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EDUCATION & CREDENTIALS

Were you ever expelled from university or law school?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Has disciplinary action ever been instituted against you by any university or law school?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have you applied for registration as a student-at-law or Articled Clerk in any other jurisdiction?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

If answer is “yes” to any question in Part B, please provide details on a separate sheet.

You must arrange for your law school to provide directly to the Nova Scotia Barristers’ Society an official transcript confirming the granting of your law degree. (As the transcript must confirm you have a law degree, you cannot order it until you have graduated.) The transcript must be received by the NSBS within two weeks of your convocation date. If you have studied at more than one law school, each law school must provide an official transcript directly to the NSBS.

If you do not attend law school at Dalhousie University Schulich School of Law or the University of New Brunswick, and your official transcript confirming your law degree will not arrive at the offices of the NSBS at least two weeks prior to your articling start date, please arrange for your law school to provide a letter directly to the NSBS confirming that you have completed all requirements for your law degree. This letter will provide evidence of your law degree in advance of our receipt of your official transcript. Given the numbers of Articled Clerks graduating from Dalhousie and UNB, these law schools provide this letter annually upon the request of the NSBS.

Part C – employment

Are you lawfully entitled to be employed in Canada? <i>If you are not a Canadian citizen or do not have Canadian landed immigrant status, please provide particulars of work permit or other authorization.</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have you ever been discharged, suspended or asked to resign from any employment?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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EDUCATION & CREDENTIALS

<i>If answer is "yes" to question 8, please provide details on a separate sheet.</i>	
Are you, or have you ever been, a member of a law society? <i>If answer is "yes" to question 9, note date of admission and current status.</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Part D – Good Character

Do you presently have a record for having been found guilty of a criminal offence?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are there any outstanding charges against you pertaining to a criminal offence?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Have you ever been successfully sued in a civil action relating to fraud?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Have you ever been suspended, disqualified, censured or had disciplinary action instituted against you as a member of any profession or organization?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Have you ever been denied or had revoked any licence or permit, the procurement of which required proof of good character?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Have you ever made an assignment in bankruptcy or petitioned into bankruptcy, or filed a proposal to creditors?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are there any outstanding civil judgments against you or any actions outstanding against you that may result in a civil judgment?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Have you at any time not obeyed an Order of any court requiring you to do or abstain from doing any act?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is there, to your knowledge or belief, any event, circumstance, condition or matter not disclosed in your replies to the preceding questions that touches or may concern your conduct, character and reputation, and that you know is or believe might be thought to be an impediment to your admission or warrant	Yes <input type="checkbox"/> No <input type="checkbox"/>



NOVA SCOTIA BARRISTERS' SOCIETY

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full inquiry by the Nova Scotia Barristers' Society?	
Have you ever been refused registration as a student-at-law or Articled Clerk?	Yes <input type="checkbox"/> No <input type="checkbox"/>

If answer is "yes" to any question in Part D, please attach relevant documents, including any court orders with full particulars.

You are required to provide a Name Based Criminal Record Check. Please refer to the Nova Scotia Barristers' Society website for the Policy on Criminal Record Checks.

Authorization and Undertaking

I grant to the Society full authority to make enquiry from any police authority or other authority with regard to any criminal record or with regard to any or the matters referred in Part D, and I authorize all persons enquired of pursuant to this authorization to provide all information requested.

I undertake to the Nova Scotia Barristers' Society that I will report to the Barristers' Society should anything occur during my articling period that would alter my responses to any of the questions contained in Parts 1 and 2 of this questionnaire.

I further undertake that I will at all times well and truly keep and perform all of my obligations as an Articled Clerk and will follow the rules and requirements of the Society. I also hereby undertake to comply with all ethical guidelines rules governing lawyers in the Province of Nova Scotia, including the *Code of Professional Conduct*, as if the definition of "lawyer" therein includes a reference to "Articled Clerk."

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Signature of

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NOVA SCOTIA BARRISTERS' SOCIETY

EDUCATION & CREDENTIALS

Declaration of applicant

I, _____, the applicant for enrolment as an Articled Clerk, DO
SOLEMNLY DECLARE that the statements contained in my Applicant's Questionnaire – Part 1 are
complete and true in every respect.

AND I make this solemn declaration believing it to be true and know that it is of the same force and effect
as if made under oath.

Declared before me at _____,

in the County of _____,

Province of _____,

this _____ day of _____,

Notary Public in and for the Province of

Signature of Applicant

_____, or a Commissioner

for taking affidavits for _____.

Declaration of principal/SUPERVISING LAWYER

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I, _____, principal/supervising lawyer of _____
_____ acknowledge that:

1. I have agreed to act as principal/supervising lawyer to the person described in this Applicant's Questionnaire; and
2. I have read his or her completed Applicant's Questionnaire – Part 1.

*Date
Lawyer*

Signature of Principal/Supervising



NOVA SCOTIA BARRISTERS' SOCIETY

EDUCATION & CREDENTIALS

Skills Course

***NOTE:** The following sessions will be in person and will cover interviewing and advising, negotiation, ethics and advocacy. Legal writing, legal drafting and practice management will be offered online at separate times.*

Please indicate your first, second and third choices for the **in person** Skills Course sessions below. There may be slight changes to the session dates.

Session One: Tuesday, September 3 – Friday, September 20, 2013 _____

Session Two: Monday, October 7 – Friday, October 25, 2013 _____

Session Three: Tuesday, November 12 – Friday, November 29, 2013 _____

If you have a special circumstance (e.g. personal commitments, religious holidays), which you believe should entitle you to a priority in selecting a Skills Course session, please describe the circumstance on a separate sheet of paper and check here ☐.

The online course will occur according to the following schedule:

Practice Management & Trust Accounting August 2013

Legal Writing TBD*

Legal Drafting TBD*

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Please note: During these timeframes Articled Clerks must have access to a computer in order to obtain course materials and submit assignments. Assignment deadlines are firm and extensions to the due dates will only be granted in exceptional circumstances. If you plan to take vacations, etc. during these timeframes, you must ensure you will have online access. There will be no assignments during the week of the public school March Break.

** Legal Writing and Legal Drafting will occur during the timeframe of January to April 2014. Exact dates TBD.*

Bar Examination

Exam sitting you are applying for (*check one*):

- | | | | |
|-----------------------|--------------------------|--------------------|--------------------------|
| July 15 & 16 2013 | <input type="checkbox"/> | July 21 & 22, 2014 | <input type="checkbox"/> |
| January 13 & 14, 2014 | <input type="checkbox"/> | | |

Articling start date

Articling start date you are applying for (*check one*):

- | | |
|--|--------------------------|
| June 1, 2013 | <input type="checkbox"/> |
| September 1, 2013 | <input type="checkbox"/> |
| December 1, 2013 | <input type="checkbox"/> |
| March 1, 2014 | <input type="checkbox"/> |
| Other (<i>to be approved by Barristers' Society</i>) | <input type="checkbox"/> |

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NOTE: The Bar Admission Course and Call to the Bar ceremony are scheduled to coincide with the June 1 articling start date. If you are approved to start on a different start date, your call to the Bar may be delayed at the conclusion of your articles as admission ceremonies do not occur every month.

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To be completed by Principal/Chair of Articling Committee:

I consent to the applicant taking any one of the Skills Course Sessions.

NOTE: If your firm has more than one clerk, or other circumstances that may affect the sessions for which your clerk is available, please provide a written request for a skills course priority with this application.

No changes will be made once the skills course assignments have been made.

Date Signature of Principal/Chair of Articling Committee

(Please print name here: _____)

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NOVA SCOTIA BARRISTERS' SOCIETY

EDUCATION & CREDENTIALS

Equity & Diversity

The Nova Scotia Barristers' Society is committed to increasing opportunities for all law graduates from communities that have historically been under-represented in the legal profession. The Society is working with the Department of Justice, Schulich School of Law at Dalhousie and Nova Scotia law firms to make the legal profession more representative of the public it serves. One aspect of this initiative requires gathering relevant data on the representation of individuals from historically disadvantaged communities in programs of the Nova Scotia Barristers' Society.

Your voluntary response to the question below will assist our understanding of equity and diversity in the legal profession.

I am a member of one or more of the following communities:

- | | | |
|----|------------------------------------|--------------------------|
| 1. | African Canadian | <input type="checkbox"/> |
| 2. | Aboriginal | <input type="checkbox"/> |
| 3. | Visible minority | <input type="checkbox"/> |
| 4. | Disabled | <input type="checkbox"/> |
| 5. | Lesbian Gay Bisexual Transgendered | <input type="checkbox"/> |
| 6. | Female | <input type="checkbox"/> |

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EDUCATION & CREDENTIALS

I certify that all the information I have provided in this Application is correct to the best of my knowledge.

Date

Signature of Applicant

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NOVA SCOTIA BARRISTERS' SOCIETY

EDUCATION & CREDENTIALS

Special Accommodation request

The Nova Scotia Barristers' Society will ensure there is reasonable accommodation for those requiring it both during the Skills Course and for writing the Bar Examination. **If you require accommodation for disability or other reasons, you must notify us three months prior to the start of the Skills Course or Bar Examination in which you are enrolled.**

To enable us to deal with your request, please complete the following:

What disability necessitates this request? (*For example, if you have dyslexia, what kind?*) Please give both the medical and lay terms.

Submission of documentation of your disability from a medical doctor, therapist or educational specialist is mandatory.

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- ☐ You must also provide a description and confirmation of the accommodation that was provided by your college or law school for this disability.

If your request does not result from a disability, please explain the reason for the request.

- ☐ Once the Executive Director reviews your request, you will be advised of any supporting documentation required.

What accommodation do you request? Please be specific and note any special requirements you have. If you are requesting additional time for exam writing, state how much additional time.

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The reasonable accommodation that will be provided will not compromise the integrity or security of the Nova Scotia Barristers' Society Bar Examination or affect the standards set for the Skills Course and Bar Examination.

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NOVA SCOTIA BARRISTERS' SOCIETY

EDUCATION & CREDENTIALS

Instructions for Completion of
Letter of Reference regarding Character and Fitness

An application for enrolment must be accompanied by two letters of reference attesting to good character, pursuant to Regulation 3.3.1(g) of the *Legal Profession Act* and Regulations.

The letters of reference endorsing the enrolment of the applicant as an Articled Clerk must be completed by individuals who have known the applicant personally for at least two years, are not related to the applicant, and are included in one of the following groups:

Judge

Lawyer, Police Officer

Medical Doctor, Dentist

Minister of Religion

Person occupying a senior university administrative position or teaching appointment

Professional Accountant

Professional Engineer

If you have any questions in this regard, please contact Education & Credentials at the Nova Scotia Barristers' Society (902-422-1491).

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NOVA SCOTIA BARRISTERS' SOCIETY

EDUCATION & CREDENTIALS

Letter of Reference Regarding GOOD Character

To: DIRECTOR, EDUCATION & CREDENTIALS

I, _____, of _____ in the Province of _____, hereby certify as follows:

My occupation is _____

I have personally known _____ of _____ in the Province of _____ for the last _____ years.

I am not related to the applicant.

My opportunities to observe the character of the applicant during those years were as follows:

I conscientiously believe that the applicant is of good character and support his/her application for enrolment as an Articled Clerk.

DATED at _____, in the Province of _____ on the _____ of _____, 20____.

Signature

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NOVA SCOTIA BARRISTERS' SOCIETY

EDUCATION & CREDENTIALS

Address

APPLICATION for Enrolment in Bar Admission Course &
as an Articled Clerk

Applicant's Questionnaire - PART 2

The Applicant's Questionnaire – Part 2 must be completed legibly and signed by the applicant only.

In asking the questions in Part 2, the Nova Scotia Barristers' Society is seeking information pertaining to your fitness to practise law pursuant to Regulation 3.3.1. The Society's obligation to protect the public interest operates alongside the lawyers' ethical obligation to respect the human dignity and worth of all persons and to treat all persons with equality and without discrimination.

To that end, the Society will endeavour to deal with issues of capacity without causing unnecessary pain and anxiety for applicants, without discouraging those who need help from seeking it and without contributing to the stigma surrounding mental health issues in particular.

In order to protect your right to privacy, the information you provide will be held in confidence, and will only be provided to the Credentials Committee where it is deemed relevant to a concern regarding your fitness to practise law, and only after you have been notified of the information to be provided to the Committee.

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NOVA SCOTIA BARRISTERS' SOCIETY

EDUCATION & CREDENTIALS

No information contained in Part 2 will be provided to your principal except as required by law.

The practice of law is often rigorous, demanding a high level of functioning. Any circumstance that would render you incapable of practicing law competently puts clients' interests at risk, and harms the profession's reputation. Having said that, the Society recognizes that everyone experiences pressures in life, and we all respond to those pressures differently. You may be quite capable of practising law competently, in spite of your past difficulties. It is the Society's goal as the governing body of the profession to determine if an applicant has an impairment that effectively disables that individual from carrying out the functions normally required of a lawyer. To this end, the Society is looking for information about conditions you are currently experiencing and that could impair your ability to article. The Society is not looking for information about past conditions that have been resolved and are not currently affecting your ability to complete the duties of an articulated clerk. You need only report **current** circumstances that could affect your ability to perform the duties of an Articled Clerk.

The fact that you may have sought professional assistance for a problem is not a bar to enrolment. In most cases, evidence of having sought professional assistance is positive evidence, as it suggests that you are actively seeking to deal with the circumstances and take control of your life.

On behalf of the Society, LIANS operates a Lawyers Assistance Program, which is completely confidential and open to all lawyers, their families and their staff. It is available to you once you are enrolled as an Articled Clerk. The Society actively encourages individuals to seek the education and assistance they need. The LAP can be contacted at 1-866-299-1299.

If you answer "yes" to the question below, you may be asked to provide further information from a source that the Society deems appropriate.

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NOVA SCOTIA BARRISTERS' SOCIETY

EDUCATION & CREDENTIALS

If you would like to discuss a personal concern confidentially, please contact the Director, Education & Credentials, or the Officer, Education & Credentials, at 902-422-1491.

1. Full Name:

2. Date of Birth:

3. State any changes of name, formal or informal, or other surnames or given names you have used, and when:

If the change in your name was made by a Court order, attach a certified copy of the order.

4. *In asking the following question, the Society is not concerned with issues that have been satisfactorily resolved and do not affect your present ability to practise law competently.*

Based upon your personal history, your current circumstances or any professional opinion or advice you have received, are you currently experiencing any condition that is reasonably likely to substantially impair your ability to perform the duties of an Articled Clerk? Yes ☐ No ☐

5. If the answer is “yes” to (4), please provide a general description of the “impairment” that is likely to substantially impair your ability to perform the duties of an Articled Clerk.

Cogswell Tower, 800–2000 Barrington Street, Halifax, NS B3J 3K1 | t: 902.422.1491 | f: 429.4869 | nsbs.org



NOVA SCOTIA BARRISTERS' SOCIETY

EDUCATION & CREDENTIALS

Depending upon your response, the Society may ask for additional information from you or another appropriate source.

Signature of Applicant

EDUCATION & CREDENTIALS

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APPLICATION FOR ADMISSION ON TRANSFER

(Regulations 6.1 - 6.2)

This application must be completed legibly. All questions must be answered fully and precisely and the answers to Part 1 must be sworn/affirmed before a Notary Public or Commissioner of Oaths (if sworn/affirmed in Nova Scotia). Omissions or inaccuracies may be grounds for rejection. If the space provided for any answer is insufficient, the applicant may attach a rider to this form, provided it is duly signed.

If you are applying to transfer from a jurisdiction that does not participate in the National Mobility Agreement, we strongly suggest that you contact the Administrator, Education & Credentials, well in advance of your transfer.

To apply to transfer to Nova Scotia under the National Mobility Agreement, you will need to submit the following:

- ☐ Your transfer application
- ☐ A notarized copy of a government issued photo ID
- ☐ Two Statements of Good Character
- ☐ A current Certificate of Standing from each jurisdiction in which you are, or have ever been, licensed to practice law. (Do not include with your application; each law society must send the Certificate directly to the Society.)
- ☐ Pay the transfer fee of \$1437.50 (HST included)
- ☐ Relevant documentation with full particulars for any affirmative responses in both Parts B and C
- ☐ If applicable, confirmation of liability insurance and defalcation coverage for your permit pending call to the Bar. (Do not include with your application; the insurer must send confirmation directly to the Society.)
- ☐ If applicable, a copy of your Certificate of Qualification (Do not include with your application; the National Committee on Accreditation must send the Certificate directly to the Society.)

☐ If applicable, a current Certificate of Standing from each governing body for each professional organization, excluding law societies, of which you are, or have ever been, a member (Do not include with your application; governing bodies must send certificate(s) directly to the Society.)

Review to ensure your application is complete. Incomplete applications will not be processed. A complete application must be received at least six weeks prior to your anticipated call date. If your complete application has not been received in this time, you may not be called until the following call to the Bar. Your call to the Bar may also be delayed if your application requires additional follow-up or consideration by the Credentials Committee.

Review Regulations 6.1 and 6.2 prior to completing this application.

PART 1

PART A - IDENTIFICATION

1. Full Name:

Attach a notarized copy of your passport, driver's licence or other government-issued photo identification.

2. Date of Birth:

3. Present Address:

Postal Code: _____ Telephone: _____

Fax: _____ Email: _____

4. State any changes of name, formal or informal, or other surnames or given names you have used, and when:

If the change in your name was made by a court order, attach a certified copy of the order.

PART B - PROFESSIONAL HISTORY

5. (a) From which law school did you receive your degree?

Is it a common law or civil law degree?

On what date was your law degree issued?

(b) Applicants with a law degree outside Canada: Please have your Certificate of Qualification from the National Committee on Accreditation forwarded directly to us.

6. Are you lawfully entitled to be employed in Canada? Yes ☐ No ☐

If you are not a Canadian citizen or do not have Canadian landed immigrant status, please provide particulars of work permit or other authorization.

7. List chronologically all law societies of which you are currently or were previously a member, noting current status and dates of admission.

Please have current Certificates of Standing sent directly to the Nova Scotia Barristers' Society from each law society or other body governing the legal profession in any jurisdiction of which you are, or have ever been, a member.

8. List chronologically all governing professional bodies, excluding law societies, of which you are currently or were previously a member, noting current status and dates of admission.

Please have current Certificates of Standing sent directly to the Nova Scotia Barristers' Society from each governing body in any jurisdiction of which you are, or have ever been, a member.

9. State your complete employment history since the date of your call to the Bar, including name of law firm/employer, address and period employed. If you have been called in more than one jurisdiction (including outside Canada), begin your employment history with your earliest call.

10. In the space provided below, state fully the nature and extent of your practice and/or law-related experience, including dates. Attach a separate sheet if the space provided is insufficient.

11. Have you ever been refused admission to, been disciplined by, or been disbarred or struck from membership in a law society or other professional organization or governing body? Yes ☐
No ☐

12. Have you ever resigned or applied to resign from a law society or other governing body for any reason? Yes ☐ No ☐

13. Are you currently the subject of a professional conduct or disciplinary complaint in any jurisdiction?

Yes ☐ No ☐

14. Are you aware of any complaint or charge pending against you in your professional capacity, which has not yet come to the attention of your law society or governing body? Yes ☐ No ☐

15. Have you ever been the subject of an insurance claim under a policy for professional liability insurance? Yes ☐ No ☐

If answer is yes to any of questions 12 to 16, attach relevant documents, including reports from your law society and other applicable professional organization or governing body, if any, with full particulars.

PART C - GOOD CHARACTER

16. Do you presently have a record for having been found guilty of a criminal offence? Yes ☐
No ☐

17. Are there any outstanding charges against you pertaining to a criminal offence? Yes ☐ No ☐

18. Have you ever been successfully sued in a civil action relating to fraud? Yes ☐ No ☐

19. Have you been denied or had revoked any licence or permit, the procurement of Yes ☐ No ☐
which required proof of good character?

20. Have you made an assignment in bankruptcy or petitioned into bankruptcy, or filed a
proposal to creditors? Yes ☐ No ☐

21. Are there any outstanding civil judgments against you or any actions outstanding against Yes
☐ No ☐ you that may result in a civil judgment?

22. Have you at any time not obeyed any order of any court requiring you to do or abstain from
doing any act? Yes ☐ No ☐

23. Is there, to your knowledge or belief, any event, circumstance, condition or matter not
disclosed in your replies to the preceding questions that touches or may concern your conduct,
character and reputation, and that you know is or believe might be thought to be an impediment
to your admission or warrant full inquiry by the Nova Scotia Barristers' Society? Yes ☐ No ☐

If answer is yes to any question in Part C, attach relevant documents, including any court orders,
with full particulars.

Attach two Statements of Good Character from other lawyers. Use prescribed form.

PART D – PRACTICE INTENTIONS

24. If admitted in Nova Scotia, do you intend to commence practising law here? Yes ☐ No ☐

25. On what date do you intend to commence practice?

26. With which firm or organization will you be practising (if
known)? _____

Address of law firm or employer:

Postal Code _____ Telephone _____

27. Describe the nature of your intended practice:

28. If you do not intend to practise law in Nova Scotia, state your reason(s) for requesting admission in Nova Scotia:

PART E – APPLICATION FOR PERMIT PENDING CALL TO THE BAR

If you require a permit to practice pending your anticipated call date and are a member of a reciprocating jurisdiction pursuant to the National Mobility Agreement, please complete the following permit application.

PLEASE NOTE: Permit applications cannot be processed until you have a confirmed job and the Nova Scotia Barristers' Society receives your Certificate(s) of Standing and confirmation of

liability insurance and defalcation coverage from your insurer. Until you are called to the Bar in Nova Scotia, you must maintain your practicing status and liability insurance and defalcation coverage in your home jurisdiction.

I hereby apply for a permit to practise pending my call to the bar.

Signature

AUTHORIZATION AND UNDERTAKING

I grant to the Society permission to make enquiry from any person, police authority, governing body, or other organization about anything relevant to this Application for Admission on Transfer. I authorize all persons enquired of pursuant to this authorization to provide all information requested. I undertake to the Nova Scotia Barristers' Society that, if admitted in Nova Scotia, I will at all times well and truly keep and perform all of my obligations and will follow the rules and requirements of the Society. I also hereby undertake to comply with all ethical guidelines and rules governing lawyers in the Province of Nova Scotia, including the L Code of Professional Conduct.

DECLARATION OF APPLICANT

I, _____, the applicant in this Application for Admission on Transfer, DO SOLEMNLY DECLARE that the statements contained in my Application are complete and true in every respect.

AND I make this solemn declaration believing it to be true and know that it is of the same force and effect as if made under oath or solemn affirmation.

Declared before me at _____

in the County of _____ ,

Province of _____,

this _____ day of _____, 20__

Notary Public in and for the Province of Signature of Applicant

_____, or a Commissioner of the Supreme Court of Nova Scotia.)

APPLICATION FOR ADMISSION ON TRANSFER

PART 2

FITNESS

In asking the following question, the Barristers' Society is seeking information pertaining to your fitness to practise law pursuant to Regulation 6.2.2 (d). The Society's obligation to protect the public interest operates alongside the lawyers' ethical obligation to respect the human dignity and worth of all persons and to treat all persons with equality and without discrimination.

To that end, the Society will endeavour to deal with issues of capacity without causing unnecessary pain and anxiety for applicants, without discouraging those who need help from seeking it and without contributing to the stigma surrounding mental health issues in particular.

In order to protect your right to privacy, the information you provide will be held in confidence, and will only be provided to the Credentials Committee where it is deemed relevant to a concern regarding your fitness to practice law, and only after you have been notified of the information to be provided to the Committee.

The practice of law is often rigorous, demanding a high level of functioning. Any circumstance which would render you incapable of practising law competently puts clients' interests at risk, and harms the profession's reputation. Having said that, the Barristers' Society recognizes that everyone experiences pressures in life, and we all respond to those pressures differently. You may be quite capable of practising law competently, in spite of your past difficulties. It is the Society's goal as the governing body of the profession to determine if an applicant has an impairment which effectively disables that individual from carrying out the functions normally required of a lawyer. To this end, the Society is looking for information about conditions that you are currently experiencing and which could impair your ability to practise. The Society is not looking for information about past conditions which have been resolved and are not currently affecting your ability to complete the duties of a lawyer. You need only report current circumstances which could affect your ability to perform the duties of a lawyer.

The fact that you may have sought professional assistance for a problem is not a bar to enrolment. In most cases, evidence of having sought professional assistance is positive evidence, as it suggests that you are actively seeking to deal with the circumstances and take control of your life.

On behalf of the Society, LIANS operates a Lawyers Assistance Program, which is completely confidential and open to all lawyers, their families and their staff. It is available to you upon admission to the Nova Scotia Bar. The Society actively encourages individuals to seek the education and assistance they need. The LAP can be contacted at 1-866-299-1299.

If you answer "yes" to the question below, you may be asked to provide further information from a source that the Society deems appropriate.

If you would like to discuss a personal concern confidentially, please contact the Director, Education & Credentials or Administrator, Education & Credentials, at 902-422-1491.

1. Full Name:

2. Date of Birth:

3. State any changes of name, formal or informal, or other surnames or given names you have used, and when:

4. In asking the following question, the Society is not concerned with issues which have been satisfactorily resolved and do not affect your present ability to practise law competently.

Based upon your personal history, your current circumstance or any professional opinion or advice you have received, are you currently experiencing any condition which is reasonably likely to substantially impair your ability to competently practise law? Yes ☐ No ☐

5. If the answer is “yes” to (4), please provide a general description of the “impairment” which is likely to substantially impair your ability to perform the duties of a lawyer.

Depending upon your response, the Society may ask for additional information from you or another appropriate source.

Signature of Applicant Date

EDUCATION & CREDENTIALS

STATEMENT OF GOOD CHARACTER

TO: The Executive Director of the Nova Scotia Barristers' Society

I, _____, of
_____, state:

1. I understand that a lawyer of good character is a person who demonstrates qualities of honesty, fairness, candour, trustworthiness, observance of fiduciary responsibility, respect for and obedience to the laws of Canada and Nova Scotia, respect for and compliance with the legal ethics standards governing lawyers and respect for the rights of all involved in legal and court processes.

2. I understand that the Nova Scotia Barristers' Society may need to conduct further investigation into the character of applicants who possess traits that are likely to result in injury to clients, the obstruction of the administration of justice or a breach of the legal ethics standards governing lawyers.

3. I am a lawyer in good standing in _____, and have personally known _____ for the last _____ years. My opportunities to observe the good character of the applicant during those years were _____:

4. In my opinion, the applicant is a person of good character. Yes ☐ No ☐

5. Whether you have answered “yes” or “no” to question 4, are there any issues regarding the applicant’s character to raise with the Society: [Insert N/A if this is not applicable.]

Dated at _____, _____, this _____ day of _____, 20 ____.

Signature

Name and Address of Firm:

STATEMENT OF GOOD CHARACTER

TO: The Executive Director of the Nova Scotia Barristers' Society

I, _____, of
_____, state:

1. I understand that a lawyer of good character is a person who demonstrates qualities of honesty, fairness, candour, trustworthiness, observance of fiduciary responsibility, respect for and obedience to the laws of Canada and Nova Scotia, respect for and compliance with the legal ethics standards governing lawyers and respect for the rights of all involved in legal and court processes.

2. I understand that the Nova Scotia Barristers' Society may need to conduct further investigation into the character of applicants who possess traits that are likely to result in injury to clients, the obstruction of the administration of justice or a breach of the legal ethics standards governing lawyers.

3. I am a lawyer in good standing in _____, and have personally known _____ for the last _____ years. My opportunities to observe the good character of the applicant during those years were _____:

4. In my opinion, the applicant is a person of good character. Yes ☐ No ☐

6. Whether you have answered “yes” or “no” to question 4, are there any issues regarding the applicant’s character to raise with the Society: [Insert N/A if this is not applicable.]

Dated at _____, _____, this _____ day of _____, 20 ____.

Signature

Name and Address of Firm:
