
NOVA SCOTIA
BARRISTERS'
SOCIETY
(NSBS)

Fair Registration
Practices Act (FRPA)
PROGRESS REPORT
JULY 2020

Province of Nova Scotia

Table of Contents

- Executive Summary..... 2
- Introduction 3
- Context of the Profession in Nova Scotia..... 4
 - Occupational Profile..... 4
 - Organizational Description 4
 - Active Membership Requirements 4
 - Registration Requirements 4
 - CFTA Transfers 5
 - International Applicants..... 5
 - Organizational Structure and Staffing..... 7
 - Types of Licenses/Certificates Issued 7
- Overview of Registration Process 7
 - Registration Information..... 7
 - Registration Process..... 8
- Summary from 2018 FRPA Review Report 9
- Exemplary Practice..... 10
- 2019 Registration Data 14
- FRPA Review Questionnaire and Assessment..... 18
- Action Plan 33
 - Further Recommendations / Next Steps 33
- Disclaimer..... 34
- Appendix 35

Executive Summary

The Nova Scotia Barrister Society's (NSBS) 2020 Action Plan was developed in response to findings based on their biennial review of registration practices, as per requirements of the Fair Registration Practices Act (FRPA). The review has identified both progress made to date and opportunities for continuous growth toward fairer assessment of all applicants and registration practices.

The NSBS have continued to improve their registration practices since the last FRPA review in 2018. Improvements include a process to regularly review the NSBS website ensuring that registration information is up to date and being shared with applicants in a transparent and accessible manner. This includes the provision of detailed information regarding requirements for foreign trained lawyers.

These improvements have been the foundation for the development of some exemplary registration practices. For instance, NSBS has prepared a guidebook for those with foreign law degrees. This guidebook pulls all information together in one place and assists with preparation and pre-arrival support by communicating information about what will be considered when making decisions about admission to the profession. In addition, a competency framework has been developed to clearly outline expectations of a newly called lawyer providing an objective measure and standards that are used to assist with a licensing decision and can also be used for self-assessment. In collaboration with other jurisdictions NSBS has implemented the PREP program which assesses the competence of lawyers and permits foreign trained lawyers to demonstrate the necessary competence to be able to take the final assessment, rather than completing the entire course of training, thus speeding up the process of getting licensed.

NSBS is compliant with requirements of the FRPA. They continue to demonstrate a commitment to improvement of registration practices via their 2020 FRPA Action Plan in which one action from the 2018 plan will be carried over. Though NSBS does not generally receive documents in languages other than English, they will provide clarity regarding this potential situation by documenting a policy regarding translation requirements for documents and make this policy accessible to applicants. Additionally, NSBS will continue to monitor their website to ensure transparency and post the policy regarding response time to applicant inquiries as well as providing a link to the NSBS Legitimate Objective Exception on the Transfers webpage.

This is the third review of registration practices that NSBS has participated in. Their practices consistently demonstrate a commitment to transparency, objectivity, impartiality and procedural fairness. Thanks to Jackie Mullenger, Director Education and Credentials and staff for their cooperation throughout this FRPA progress review.

Sincerely,



Patricia Mertins
Review Officer, Fair Registration Practices Act

Introduction

The Fair Registration Practices Act (FRPA) mandates that regulating bodies carry out registration practices that are transparent, objective, impartial and procedurally fair. ¹The FRPA review process was designed to fulfill the obligations of the legislation; it allows the FRPA Review Office and the regulating bodies to review existing registration practices for current compliance with the FRPA as well as continuous improvement of transparent, objective, impartial and procedurally fair registration practices. ²

The purpose of the Fair Registration Practices Act (FRPA) Progress Report is twofold. First, it allows the Nova Scotia Barristers' Society (NSBS) to review and report on its current registration practices. Second, it shares the NSBS's progress on previously identified areas for improvement and highlights the exemplary practices that have been developed by the NSBS since their previous review.

Through the 2020 FRPA Progress Report, the FRPA Review Officer aims to build on the progress made by NSBS to date and identify opportunities to further improve and evolve registration practices.

¹ The *Fair Registration Practices Code* is delineated in Sections 6-12 of the Fair Registration Practices Act. *Government of Nova Scotia*. Ch. 38 of the Acts of 2008, as amended by 2014, c. 14; 2015, c.52, s.32; N.S. reg. 50/2015; 2018, c.23, s.24

² For more information on the FRPA Review Process, see the *Guide to Fair Registration Practices Act*:

http://novascotia.ca/lae/RplLabourMobility/documents/FRPA_GuidetoReviewProcess_WEB.pdf

Context of the Profession in Nova Scotia

Occupational Profile

The practice of law in Nova Scotia is regulated by the Nova Scotia Barristers' Society. The practice of law is defined in section 16 of the Legal Profession Act:

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 persons 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).

Organizational Description

The Nova Scotia Barristers' Society 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, establishes standards for the professional responsibility and competence of members of the Society, regulates the practice of law in the province and seeks to improve the administration of justice in the Province

Membership in the Society is mandatory for all lawyers living and practising in Nova Scotia.

Active Membership Requirements

In order to maintain a license to practice law in Nova Scotia a member must pay their annual fees and insurance, complete their annual firm report, lawyers report and trust account report. They must also create and implement an annual professional development plan that includes at least 12 hours of education.

Registration Requirements

Articling

To apply to be an articled 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
- 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, and the Bar Admission program. At that time they will be required to pay an admission fee and practising fees; the current amount is \$404.25.

CFTA Transfers

In order to be called to the bar in Nova Scotia if you have practised in a reciprocal province in Canada, you must fall under the National Mobility agreement rules. All lawyers from all provinces who have common law degrees and have been called in that province can apply for transfer to Nova Scotia by completing an application form, paying the requisite fee and submitting the necessary documents. They will not be required to complete the Bar Admission Program but they will be asked to read the Nova Scotia Bar Review Outlines which outline the current state of the law in Nova Scotia in the major areas of law. Once called to the bar, the applicant will need to maintain a license and insurance if they wish to practice in Nova Scotia. If the applicant has only obtained a civil law degree from Quebec they must first apply to the National Committee on Accreditation (NCA) to have their degree certified prior to applying to Nova Scotia for admission here.

International Applicants

Non-Canadian Law Degree – Admitted to a Bar From Outside Canada

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 1 – Lawyer applies to the National Committee on Accreditation (NCA) of the Federation of Law Societies of Canada 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.

Step 2 Once the lawyer meets the requirements they are granted a Certificate of Qualification (CQ) and they may proceed to apply for admission in Nova Scotia by way of an application for Admission on Foreign Transfer.

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 Transfer- Foreign.

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 3 – 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 under the new regulations will have to complete the Bar Admission Program which consists of the PREP course or the final assessment and the cultural competence workshop. If the full course is required it will take approximately one year. If only the final assessment is required it may be completed within a six month period. These two together take approximately 1 year to complete. Whether other conditions would be imposed would depend on the lawyer’s experience, practice plans and the particulars of the Application.

Step 4– Upon successful completion of the conditions set by the Executive Director or the Credentials Committee (as per Step 3), the lawyer is eligible for admission to the Nova Scotia Barristers’ Society. Admission ceremonies happen 4 times per year so the applicant may have to wait for admission, depending on the month they complete their requirements. Admission ceremonies generally take place in January, April, June and October.

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

Step 1– Applicant applies to the NCA 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 2– 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 if requested to do so by the applicant.

Step 3 – 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 for Enrolment in Bar Admission Course 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 4 – 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 5– 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.

Organizational Structure and Staffing

The Society employs 37 individuals. The Society has four departments as follows:

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

The Education & Credentials department is responsible for all credentialing decisions, for articling, for admission to the bar, for Legal Services Support, for mandatory continuing professional development, for trust account assessments and for the Land Registration Act assessments.

There are six staff members including a Director, an Education & Credentialing Officer, two staff lawyers, a LSS Manager and an Executive Assistant.

In addition, the Lawyers Insurance Association of Nova Scotia (LIANS) insures all lawyers practising in the province.

Types of Licenses/Certificates Issued

The Society licenses lawyers who wish to practice 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 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, 2019 there were 1911 practising members. In 2019 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 until January 2020. Since then the requirements have changed.

Overview of Registration Process

Registration Information

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

Committee on Accreditation (NCA) before applying to the NSBS for admission. The pathway to licensure can be found on our website at <https://nsbs.org/wp-content/uploads/2019/12/ITLCareerPathway.pdf>

Registration Process

The registration process is set out above in the section called Registration Requirements.

Cost of Registration

Note: The cost of registration are the fees to become lawyer in Nova Scotia, not the annual fees.

Nova Scotia Foreign Transfer Fees:

1. NCA Fees – application fee \$350.00 plus tax
Exam fees – \$300.00 per exam.
2. NS Transfer Foreign Transfer Application Fee - \$1523.75
3. PREP course fees:
 - a. if required to do entire PREP course – \$6100 plus tax
 - b. if required to do only final assessment - \$1500.00 plus tax
4. Admission Fee - \$345.00 plus court fee of \$33.30 plus Notary Public fee of \$26.50 – total \$404.80

Nova Scotia Domestic Transfer Fees :

1. Application Fee - \$1523.75
5. Admission Fee - \$345.00 plus court fee of \$33.30 plus Notary Public fee of \$26.50 – total \$404.80

Nova Scotia Articling Clerk Fees:

1. Articling clerk application fee:
 - a. Canadian law degree \$258.75
 - b. Foreign law degree \$373.75
2. PREP course fee: 6100.00 plus tax
3. Admission Fee:
 - a. admin fee \$345.00
 - b. court fee \$33.30
 - c. Notary Public fee of \$26.50

Summary from 2018 FRPA Review Report

The following table summarizes the Action Plan from Nova Scotia Barristers' Society Review report and the progress that has been made by the NSBS in achieving each action item.

#	Action	FRPA Reference	Completed	Not Completed	Outcome/Rationale
1	<ul style="list-style-type: none"> Update table of fees to include all relevant fees, including references/links to external fees such as the document filing fee for the prothonotary and the notary application fee. 	7(f)		x	We will put this in a separate table for ease of reference. This will require annual updating as the fees change each year. We would prefer to keep this in our Fee Schedule which is here: https://nsbs.org/wp-content/uploads/2020/05/Final-Schedule-A-2020-21.pdf
2	<ul style="list-style-type: none"> Periodically review the NSBS website to ensure all relevant information is made available to applicants. 	16(3)(g)	x		We just did this as we have changed the Bar Admission Program and just completed a refresh of our entire website.
3	<ul style="list-style-type: none"> Provide clarification around the requirement of internationally trained lawyers to work under the supervision of a practicing lawyer, including what the NSBS considers in determining whether a period of supervised practice is required, as well as what documents are required from applicants. 	7(c)	x		We have created a Guide for foreign trained lawyers which is on our website. We explain what will be considered. https://nsbs.org/wp-content/uploads/2019/12/guide_applicantsforeignlawdegrees.pdf
4	<ul style="list-style-type: none"> Develop a policy regarding the translation requirements for documents, with reference to applicable third-parties where appropriate, and make this policy accessible to applicants. 	9(a)		x	We will create this policy in the coming year. It has not been a priority as we generally do not receive documents in languages other than English.

Exemplary Practice

A program, activity or strategy that has been shown to:

- improve transparency, objectivity, impartiality and fairness of registration practices,
- produce successful outcomes for regulators and/or applicants, and
- be effective in accordance with qualitative and/or quantitative data sources.

Name of the Exemplary Practice:	Guide book for those with foreign law degrees																
Exemplary Practice Category:	<table border="0"> <tr> <td><input type="checkbox"/> Acceptable alternatives for meeting registration requirements</td> <td><input type="checkbox"/> Training for decision-makers</td> </tr> <tr> <td><input type="checkbox"/> Recognition of Prior learning / work experience</td> <td><input type="checkbox"/> Governance</td> </tr> <tr> <td><input type="checkbox"/> Cultural competency, equity, diversity and inclusion</td> <td><input type="checkbox"/> Access</td> </tr> <tr> <td><input type="checkbox"/> Collaboration at regional, national level</td> <td><input type="checkbox"/> Outreach</td> </tr> <tr> <td><input checked="" type="checkbox"/> Making or communicating registration decisions</td> <td><input type="checkbox"/> Workforce integration</td> </tr> <tr> <td><input type="checkbox"/> Impartial, objective and consistent assessment</td> <td><input type="checkbox"/> Exams</td> </tr> <tr> <td><input checked="" type="checkbox"/> Preparation and pre-arrival support</td> <td><input type="checkbox"/> Appeals</td> </tr> <tr> <td><input type="checkbox"/> Assessment criteria and methods</td> <td></td> </tr> </table>	<input type="checkbox"/> Acceptable alternatives for meeting registration requirements	<input type="checkbox"/> Training for decision-makers	<input type="checkbox"/> Recognition of Prior learning / work experience	<input type="checkbox"/> Governance	<input type="checkbox"/> Cultural competency, equity, diversity and inclusion	<input type="checkbox"/> Access	<input type="checkbox"/> Collaboration at regional, national level	<input type="checkbox"/> Outreach	<input checked="" type="checkbox"/> Making or communicating registration decisions	<input type="checkbox"/> Workforce integration	<input type="checkbox"/> Impartial, objective and consistent assessment	<input type="checkbox"/> Exams	<input checked="" type="checkbox"/> Preparation and pre-arrival support	<input type="checkbox"/> Appeals	<input type="checkbox"/> Assessment criteria and methods	
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<input checked="" type="checkbox"/> Preparation and pre-arrival support	<input type="checkbox"/> Appeals																
<input type="checkbox"/> Assessment criteria and methods																	
Description:	<p>We have created a Guide for Foreign Trained lawyers as well as a new member guide https://nsbs.org/wp-content/uploads/2019/12/guide_applicantsforeignlawdegrees.pdf</p> <p>Our guide sets out what we will consider when making the decision about admission into the profession https://nsbs.org/wp-content/uploads/2019/12/guidenewlawyers.pdf</p>																
Value to Applicants:	The guide puts everything together in one place to make it easier for foreign transfers to navigate the process																
Value to Regulators:	It assists the Society in avoiding extra questions and inquiries about things disbursed throughout the website																
Link to further information:	https://nsbs.org/wp-content/uploads/2019/12/guide_applicantsforeignlawdegrees.pdf																

Name of the Exemplary Practice:	Cultural Competence Workshop for all new admittees
Exemplary Practice Category:	<input type="checkbox"/> Acceptable alternatives for meeting registration requirements <input type="checkbox"/> Recognition of Prior learning / work experience <input checked="" type="checkbox"/> Cultural competency, equity, diversity and inclusion <input type="checkbox"/> Collaboration at regional, national level <input type="checkbox"/> Making or communicating registration decisions <input type="checkbox"/> Impartial, objective and consistent assessment <input type="checkbox"/> Preparation and pre-arrival support <input type="checkbox"/> Assessment criteria and methods <input type="checkbox"/> Training for decision-makers <input type="checkbox"/> Governance <input type="checkbox"/> Access <input type="checkbox"/> Outreach <input type="checkbox"/> Workforce integration <input type="checkbox"/> Exams <input type="checkbox"/> Appeals
Description:	The Society has designed and implemented a one-day interactive workshop for all articulated clerks and now all foreign trained lawyers to orient them to topics such as implicit bias and the various cultural groups and realities in Nova Scotia.
Value to Applicants:	Will assist them in getting to know the cultural landscape in Nova Scotia for lawyers.
Value to Regulators:	It assists us in ensuring that the profession is inclusive and culturally proficient
Link to further information:	

Name of the Exemplary Practice:	We have created a competency framework which clearly spells out the competencies expected of a newly called lawyer.
Exemplary Practice Category:	<input type="checkbox"/> Acceptable alternatives for meeting registration requirements <input type="checkbox"/> Recognition of Prior learning / work experience <input type="checkbox"/> Cultural competency, equity, diversity and inclusion <input type="checkbox"/> Collaboration at regional, national level <input type="checkbox"/> Making or communicating registration decisions <input checked="" type="checkbox"/> Impartial, objective and consistent assessment <input type="checkbox"/> Preparation and pre-arrival support <input checked="" type="checkbox"/> Assessment criteria and methods <input type="checkbox"/> Training for decision-makers <input type="checkbox"/> Governance <input type="checkbox"/> Access <input type="checkbox"/> Outreach <input type="checkbox"/> Workforce integration <input type="checkbox"/> Exams <input type="checkbox"/> Appeals

Description:	We have a framework that sets out the expected competencies of a newly called lawyer in Nova Scotia. It lists the competency as well as behaviours that demonstrate competency in that skill, knowledge or attribute.
Value to Applicants:	It assists foreign transfers in knowing what competencies will be expected when they commence the practice in Nova Scotia. It also helps them do a self-assessment prior to applying for licensure.
Value to Regulators:	It gives the Society an objective measure and standards for those wanting to practise law in Nova Scotia. It assists us in being consistent in licensing decisions.
Link to further information:	https://nsbs.org/wp-content/uploads/2019/12/NSBSCompetencyFramework.pdf

Name of the Exemplary Practice:	The Society has implemented a new program PREP which assesses the competence of lawyers.
Exemplary Practice Category:	<input type="checkbox"/> Acceptable alternatives for meeting registration requirements <input checked="" type="checkbox"/> Recognition of Prior learning / work experience <input type="checkbox"/> Cultural competency, equity, diversity and inclusion <input checked="" type="checkbox"/> Collaboration at regional, national level <input type="checkbox"/> Making or communicating registration decisions <input checked="" type="checkbox"/> Impartial, objective and consistent assessment <input type="checkbox"/> Preparation and pre-arrival support <input checked="" type="checkbox"/> Assessment criteria and methods <input type="checkbox"/> Training for decision-makers <input type="checkbox"/> Governance <input type="checkbox"/> Access <input type="checkbox"/> Outreach <input type="checkbox"/> Workforce integration <input type="checkbox"/> Exams <input type="checkbox"/> Appeals
Description:	<p>The new program is in collaboration with the three prairie provinces. This will ensure that all new admittees have been trained and assessed in the same way. In addition it permits each law society to permit a foreign trained lawyer to demonstrate that they do have the necessary competencies by testing them in those areas as opposed to testing them in substantive law which is not the basis for most complaints or insurance claims against lawyers.</p> <p>Foreign applicants who have substantially similar experience in their home jurisdiction may be able to take the final assessment rather than completing the entire course.</p>

Value to Applicants:	For some, this will speed up the process of getting licensed. For all applicants it will ask them to demonstrate their competence in skills, knowledge and attributes as opposed to studying for a substantive law exam. This should be ultimately less burdensome to most.
Value to Regulators:	It assists us in knowing that all new applicants are competent to begin the practice of law and ensures consistency across the participating provinces.
Link to further information:	https://cpled.ca/students/cpled-prep/

Name of the Exemplary Practice:	Division of foreign applicant applications
Exemplary Practice Category:	<input type="checkbox"/> Acceptable alternatives for meeting registration requirements <input type="checkbox"/> Recognition of Prior learning / work experience <input type="checkbox"/> Cultural competency, equity, diversity and inclusion <input type="checkbox"/> Collaboration at regional, national level <input type="checkbox"/> Making or communicating registration decisions <input type="checkbox"/> Impartial, objective and consistent assessment <input checked="" type="checkbox"/> Preparation and pre-arrival support <input type="checkbox"/> Assessment criteria and methods <input type="checkbox"/> Training for decision-makers <input type="checkbox"/> Governance <input type="checkbox"/> Access <input type="checkbox"/> Outreach <input type="checkbox"/> Workforce integration <input type="checkbox"/> Exams <input type="checkbox"/> Appeals
Description:	We have divided the materials for foreign trained lawyers into two sections – one for those who have not been admitted elsewhere and one for those who have; The application form is on the page where the information is rather than having to search for it.
Value to Applicants:	This makes the application process less confusing for the two types of applicants
Value to Regulators:	Cuts down on inquiries and explaining process because of confusion
Link to further information:	https://nsbs.org/legal-profession/mobility/foreign-law-degree/

2019 Registration Data

#	Question	Response
1	Total number of individuals with practicing licenses/certifications. Do not report on any licenses or certificates you issue to a business, school or group.	2075
2	Number of registrations for the reporting year, from applicants who received their qualifications as indicated below.	
	<ul style="list-style-type: none"> Received qualifications (training/work experience for trades) In NS, new applicant. 	62
	<ul style="list-style-type: none"> Received qualifications In Canada, new applicant - n/a for trades - issue a Certification of Qualification. 	15
	<ul style="list-style-type: none"> Received qualifications (training/work experience for trades) Internationally, new applicant. 	2
	<ul style="list-style-type: none"> CFTA Transfers, applicants already registered in another Canadian jurisdiction. 	30
	<ul style="list-style-type: none"> Total number of applicants. 	109
3	Types of practicing licenses/certificates you issue and total number of individuals for each type identified for the reporting year.	
	<ul style="list-style-type: none"> Practising Lawyer: 	2075
4	Number of completed applications submitted by applicants who received their qualifications as indicated below.	
	<ul style="list-style-type: none"> Received qualifications (training/work experience for trades) in NS, new applicant: 	
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> Accepted: 	54
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> Rejected: 	0
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> Still in process: 	53
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> Withdrawn: 	0
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> File inactive or closed: 	0

	<ul style="list-style-type: none"> Received qualifications In Canada, new applicant: 	
	<ul style="list-style-type: none"> ○ <i>Accepted:</i> 	20
	<ul style="list-style-type: none"> ○ <i>Rejected:</i> 	0
	<ul style="list-style-type: none"> ○ <i>Still in process:</i> 	20
	<ul style="list-style-type: none"> ○ <i>Withdrawn:</i> 	0
	<ul style="list-style-type: none"> ○ <i>File inactive or closed:</i> 	0
	<ul style="list-style-type: none"> Received qualifications (training/work experience for trades) internationally, new applicant: 	
	<ul style="list-style-type: none"> ○ <i>Accepted:</i> 	5
	<ul style="list-style-type: none"> ○ <i>Rejected:</i> 	0
	<ul style="list-style-type: none"> ○ <i>Still in process:</i> 	5
	<ul style="list-style-type: none"> ○ <i>Withdrawn:</i> 	0
	<ul style="list-style-type: none"> ○ <i>File inactive or closed:</i> 	0
	<ul style="list-style-type: none"> CFTA transfers, applicants already registered in another Canadian jurisdiction: 	
	<ul style="list-style-type: none"> ○ <i>Accepted:</i> 	31
	<ul style="list-style-type: none"> ○ <i>Rejected:</i> 	0
	<ul style="list-style-type: none"> ○ <i>Still in process:</i> 	5
	<ul style="list-style-type: none"> ○ <i>Withdrawn:</i> 	0
	<ul style="list-style-type: none"> ○ <i>File inactive or closed:</i> 	0
5	For those new Canadian applicants (not NS), list the provinces in Canada (and associated numbers) where the level of education to qualify the applicant for licensure (training or work experience for trades) was obtained.	
	<ul style="list-style-type: none"> New Brunswick: 15 Ontario: 3 Quebec: 1 Manitoba: 1 	Total: 20

6	For new international applicants, list the source countries (and associated numbers) where the applicant received the level of education to qualify them for licensure (training or work experience for trades).	
	<ul style="list-style-type: none"> India: 1 Nigeria: 1 England: 5 	Total: 7
7	Average length of time (in days) between receipt of a completed application and response to the applicant, for those who received their qualifications as indicated below. Response to the applicant to include whether they meet the requirements, partially meet and need to fill gaps, or there is no match and other pathways might be a consideration.	
	<ul style="list-style-type: none"> Received qualifications (training/work experience for trades) In NS, new applicant: 	7
	<ul style="list-style-type: none"> Received qualifications In Canada, new applicant: 	7
	<ul style="list-style-type: none"> Received qualifications (training/work experience for trades) Internationally, new applicant: 	30
	<ul style="list-style-type: none"> CFTA transfers, applicants already registered in another Canadian jurisdiction: 	7
8	Average registration process time (or application approval) for those who received their qualifications as indicated below.	
	<ul style="list-style-type: none"> Received qualifications (training/work experience for trades) In NS, new applicant: 	365
	<ul style="list-style-type: none"> Received qualifications In Canada, new applicant - n/a for trades - issue a Certification of Qualification 	365
	<ul style="list-style-type: none"> Received qualifications (training/work experience for trades) Internationally, new applicant 	365
	<ul style="list-style-type: none"> CFTA transfers, applicants already registered in another Canadian jurisdiction 	90
9	Total costs (to the applicant) associated with registration (certification) for applicants who received their qualifications as indicated below. Separate costs that the regulatory body themselves imposes on the applicant from other necessary costs incurred related to registration.	
	<ul style="list-style-type: none"> Received qualifications (training/work experience for trades) In NS, new applicant: 	Regulatory Body Costs: \$4917 Other Costs: \$148

	<ul style="list-style-type: none"> Received qualifications In Canada, new applicant: 	Regulatory Body Costs: \$4917 Other Costs: \$148
	<ul style="list-style-type: none"> Received qualifications (training/work experience for trades) internationally, new applicant: 	Regulatory Body Costs: \$2473 Other Costs: \$175
	<ul style="list-style-type: none"> CFTA transfers, applicants already registered in another Canadian jurisdiction: 	Regulatory Body Costs: \$1869 Other Costs: \$175
10	Number of appeals, internal reviews or challenges related to a registration decision from applicants who received their qualifications as indicated below:	
	<ul style="list-style-type: none"> Received qualifications (training/work experience for trades) In NS, new applicant: 	0
	<ul style="list-style-type: none"> Received qualifications In Canada, new applicant: 	0
	<ul style="list-style-type: none"> CFTA transfers, applicants already registered in another Canadian jurisdiction: 	0
	<ul style="list-style-type: none"> Total number of appeals, internal reviews or challenges related to a registration decision: 	0
11	Length of time the appeals or internal review process took for applicants who received their qualifications as indicated below:	
	<ul style="list-style-type: none"> Received qualifications (training/work experience for trades) In NS, new applicant: 	N/A
	<ul style="list-style-type: none"> Received qualifications In Canada, new applicant: 	N/A
	<ul style="list-style-type: none"> Received qualifications (training/work experience for trades) Internationally, new applicant: 	N/A
	<ul style="list-style-type: none"> CFTA transfers, applicants already registered in another Canadian jurisdiction: 	N/A
12	What does registration with your organization authorize?	Other; you are granted a license to practice law in Nova Scotia and permitted to hold yourself out as a practicing lawyer. We do not grant conditional licenses. You either have a license to practice or not.

FRPA Review Questionnaire and Assessment

	Question	Respondent Answer	Compliance Guideline	Review Finding	FRPA Reference
1a	How (what methods) do you use to provide information to potential applicants on your registration practices? (i.e. internet, individual counselling, hard copies)?	<p><i>Internet</i> <i>Email</i> <i>Telephone</i></p> <p><i>Information including all applications can be found on our website under Mobility https://nsbs.org/legal-profession/mobility/foreign-law-degree/</i> This provides guidance to both those who have been called in a foreign jurisdiction and those who have not.</p> <p>Information for those with Canadian law degrees or credentials is also provided. https://nsbs.org/legal-profession/mobility/transferring-from-another-canadian-province/</p> <p><i>Applicants who contact us via phone or email also receive an email containing links to relevant resource material (including the NSBS website and other relevant organizations i.e. National Committee on Accreditation (NCA), ISANS, etc). We also provide assistance with application via telephone or email.</i></p> <p><i>Policies relating to admission can also be found on our website here: https://nsbs.org/legal-profession/mobility/policies-and-procedures/</i></p>	<p>Level 1 Paper forms and information made available to applicants via regular post, Telephone</p> <p>Level 2 E-mail forms and information, telephone.</p> <p>Forms and information can be downloaded from website to be emailed / faxed / mailed in after completion</p> <p>Level 3 Automated on-line form on website and information is easily accessible on a website</p> <p>Process in place for applicants to track application status</p>	Level 3	16(3)(g)
1b	Can applicant begin the process outside of Canada?	<p>Yes</p> <p><i>Our website provides information and applications: https://nsbs.org/legal-profession/mobility/foreign-law-degree/</i></p> <p><i>Applicants must go through the NCA process. The pathways diagram is also posted on our website: https://nsbs.org/wp-content/uploads/2019/12/ITLCareerPathway.pdf</i></p>	<p>Level 1 No</p> <p>Level 2 Yes</p>	Level 2	
2	Please provide a link to your website.	https://nsbs.org/legal-profession/	<p>Level 1 No website</p>	Level 3	16(3)(g)

2a	I believe that information on our website is: clear and understandable, written in plain language?	 <p>1 (Strongly Agree)</p> <p>2</p> <p>3</p> <p>4</p> <p>5 (Strongly Disagree)</p>	<p>Level 2</p> <p>Website is not up to date</p> <p>Website is not in plain language</p> <p>Website does not have links for international applicants</p>		
2b	On what basis do you make changes to your website?	<p><i>Feedback from Applicants</i></p> <p><i>Policy Change</i></p> <p><i>News Postings</i></p>	<p>Website does not contain all forms and/or guidelines</p>		
2c	When was the section of the website pertaining to registration last updated?	<p><i>On-going</i></p> <p><i>We are transitioning to a new skills course and have recently launched a new website. We are in the process of updating the website to reflect the changes. The process changes are reflected in the materials online.</i></p>	<p>Level 3</p> <p>Website content is reviewed for accuracy and updated annually</p> <p>Website is in plain language</p> <p>Website is easy to navigate (e.g. international applicants)</p> <p>Website contains all forms and/or guidelines</p> <p>Information on pathway to licensure</p>		
3a	Are your requirements (e.g. education, work experience, examination and fees) for registration specified by legislation, regulation and/or policy?	<p><i>Regulation</i></p> <p><i>Policy</i></p>	<p>Level 1</p> <p>Policy describing the registration process does not exist or is not documented</p> <p>Documents only available upon specific request</p>	Level 3	7(a), 7(c), 7(f), 16(3)(a), 16(3)(d)
3b	Specify the appropriate section(s)	<p><i>Our Regulations can be found here – https://nsbs.org/wp-content/uploads/2019/11/NSBSRegulations.pdf</i></p> <p><i>All policies can be found here https://nsbs.org/legal-profession/mobility/policies-and-procedures/</i></p> <p><i>All admission information and applications can be found under Mobility and Articled Clerks. https://nsbs.org/legal-profession/</i></p>	<p>Policy exists to describe certain aspect of registration process</p> <p>Available to the applicant</p> <p>Level 3</p> <p>Policy exist to describe all aspects</p>		

3c	Is this information made available to applicants	<p>Yes</p> <p><i>The Regulations, relevant policies and the transfer application are posted on our website. In addition, there is a page on our website that sets out a path for ITL's and provides information. It can be found here: https://nsbs.org/wp-content/uploads/2019/12/ITLCareerPathway.pdf</i></p> <p><i>The material on the 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 for transfers provides guidance for creating an appropriate plan. The policy can be found here: https://nsbs.org/wp-content/uploads/2019/11/Tempeducationplanstransfers.pdf</i></p> <p><i>A more detailed explanation of the requirements as well as related policies can be found in our Guide for Applicants with Foreign Law Degrees: https://nsbs.org/wp-content/uploads/2019/12/guide_applicantsforeignlawdegrees.pdf</i></p>	of the registration practices Available to the applicant		
4	Are you waiting for legislation to be passed?	<p>No</p> <p><i>We are not waiting for legislation to be passed. We have had an amended Legal Profession Act sitting with the government; we have been waiting for changes for the last 5 or so years.</i></p>	N/A	N/A	
5a	Is the criteria for meeting the requirements of registration documented?	<p>Yes</p> <p><i>Requirements for all applicants are set out on our website and in our regulations.</i></p>	Level 1 Criteria is made available to applicants verbally but no	Level 3	7(d), 16(3)(b)

5b	Do you provide applicants with the description of the criteria used to assess whether the requirements have been met (i.e. the number of years of schooling needed to be considered equivalent to a degree)?	<p>No</p> <p><i>With respect to ITL's - 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 completing some skills assessments 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:</i></p> <p>https://nca.legal/</p>	<p>supplemental documentation</p> <p>Level 2 Criteria is documented and made available to applicants</p> <p>Limited information about the standard you will be assessed against</p> <p>Level 3 Criteria is documented and made available to applicants</p> <p>Criteria clearly outlines all assessment methods to be used and what competencies are being assessed by each method</p> <p>Applicants know the required standards that they will be assessed to</p>		
6	If you require translation of specific documents how is the applicant informed?	<p><i>Email</i> <i>Telephone</i></p> <p><i>If we need certificates of standing from other countries translated, we secure the service and the applicant pays for it. They are told this when they apply and ask what they need to do.</i></p>	<p>Level 1 No indication of translation requirements</p> <p>Available to applicants upon request</p> <p>Level 2 Translation requirements indicated but not specific</p> <p>Available to applicants</p> <p>Level 3 Translation requirements documented with specific instruction</p> <p>Available to applicants</p>	Level 1	7(a)

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 / Canada Free Trade Agreement)?	<p>Yes</p> <p><i>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:</i></p> <p>https://nsbs.org/legal-profession/mobility/transferring-from-another-canadian-province/</p> <p><i>The policy on applications for transfer from another Canadian jurisdiction can be found on our website:</i></p> <p>https://nsbs.org/wp-content/uploads/2019/11/Temptransferanothercanadianjurisdiction.pdf</p>	<p>Level 1 Yes – process not documented</p> <p>Level 2 Yes – process documented</p> <p>Level 3 Yes – process documented and made public on website</p> <p>Any additional requirements approved by government are explained on website</p>	Level 3	3
8	Does your organization make accommodation for applicants with physical or mental disability?	<p>Yes</p> <p><i>We will accommodate issues provided we have medical confirmation of the problem and the needed accommodation. The policy regarding accommodation during the Bar Admission Course can be found on our website:</i></p> <p>https://nsbs.org/wp-content/uploads/2019/11/BarAdaccommodationbaradmissioncourse.pdf</p> <p><i>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.</i></p>	<p>Level 1 Yes – process not documented</p> <p>Level 2 Yes – process documented</p> <p>Level 3 Yes – process documented and available to applicant</p>	Level 3	16(3)(h)
9a	Is any of your assessment process conducted by a third party (i.e. national bodies, credential assessment agencies, etc.)?	<p><i>Before applying to Nova Scotia, all foreign applicants must apply to the National Committee on Accreditation to obtain a Certificate of Qualification.</i></p>	<p>Level 1 Regulatory body assumes that the certifying organization meets FRPA standards</p> <p>Level 2 Regulatory body has received documentation indicating that the certifying</p>	Level 2	16(3)(i)
9b	If so, please specify the name of the organization and describe their role.	<p><i>National Committee on Accreditation – they assess foreign law degrees and issue rulings requiring those with foreign degrees to pass certain exams so their degree is the equivalent of a Canadian Law Degree</i></p>			

9c	Please indicate the types of activities that they assist with.	<i>Credential Assessment</i>	organization meets FRPA standards Level 3 Regulatory body has influence with the certifying organization (e.g. membership) or has an agreement with the certifying organization		
9d	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?	<i>Participation on Board – the Nova Scotia Barristers’ Society has a member on the Board of the Federation of Law Societies. This body oversees the work of the NCA.</i>			
9e	Are you informed of all decisions made by third parties on applicants?	<i>If the applicants are applying to us and also through our Internationally Trained Stakeholders Group.</i>			
9f	Does the third party have an internal review process for unsuccessful applicants?	Yes <i>They have an appeal process set out on their website. Again, this is not really our responsibility as the applicant has no standing to come to us until they receive their certificate of qualification from the NCA.</i>			
10a	What types of supports do you provide to applicants during the registration process?	<i>We offer them assistance in any way we can. We speak to them on telephone and we also use email, internet, etc.</i>	Level 1 None Level 2 Multiple types of supports exist but not well documented Level 3 Multiple types of support exist, well defined and accessible	Level 3	7(e), 16(3)(k)
10b	Have you had applicants who need support mechanisms that you can’t provide or are not available?	<i>No</i>			

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?	<p>Yes</p> <p><i>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 6.5.5 (d) and 6.5.8. The policy for that can be found on our website: https://nsbs.org/wp-content/uploads/2019/11/Temptransferjurisdictionoutsidecanada.pdf</i></p> <p><i>Otherwise, we would agree to register them upon filling certain conditions; generally writing and passing the bar examination and perhaps a period of supervision as set out in regulation 6.5.8. We always tell applicants that they have a right to request an internal review of any decision as set out in regulation 6.5.6. They are provided with the policy on internal review which is also on our website: https://nsbs.org/wp-content/uploads/2019/11/internalreview_credsubcommittee.pdf</i></p>	<p>Level 1 Only upon request</p> <p>Not documented</p> <p>Level 2 Yes – not documented</p> <p>Level 3 Yes – documented and available to applicant</p> <p>Applicants are told what their competencies gaps are that need to be addressed</p>	Level 3	8(d)
12	Do you have a reasonable timeframe to respond to inquiries from applicants?	<p> 1 Very Reasonable</p> <p> 2</p> <p> 3</p> <p> 4</p> <p> 5 Very Unreasonable</p> <p><i>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. Our policy on timelines policy can be found on our website: https://nsbs.org/wp-content/uploads/2019/11/BarAdtimelinespolicy.pdf</i></p> <p><i>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 voicemail and email messages. When we have busy times, we tell applicants what they can expect by email or in telephone calls. We also add alerts to our website during periods of high application volume.</i></p>	<p>Level 1 No policy</p> <p>Level 2 Policy in Place</p> <p>Level 3 Policy in place and accessible</p>	Level 2	7(b), 8(a), 8(b), 8(c)

13a	Do you provide written decisions, responses and reasons for acceptance or rejection of an application?	Yes	Level 1 Upon request, limited documentation and no standard timeline	Level 3	8(b), 8(c), 10
13ai	Do you have a formal policy for this process?	Yes https://nsbs.org/wp-content/uploads/2019/11/Temptransferjurisdictionoutidecanada.pdf https://nsbs.org/wp-content/uploads/2019/11/Temptransferanothercanadianjurisdiction.pdf	Level 2 Some documentation Level 3 Well-documented process with clearly established timelines		
13aii	Do you have a standard timeline	<i>No, Our policy on timelines policy can be found on our website: https://nsbs.org/wp-content/uploads/2019/11/BarAdtimelinespolicy.pdf We are able to make a decision about licensing relatively quickly once we have all the necessary documentation. At times this takes months to receive from applicant. Once the decision is made there are always conditions such as writing the bar exam or now taking the PREP course. The time will vary depending on the time of year the application takes place as the course and exam are only offered twice per year. The PREP course takes 12 months to complete if you are required to do the entire course. If you are required to do the Capstone that will only happen in April and October each year.</i>			
13b	Do you provide applicants who are not granted registration with information regarding an internal review process (including the opportunity to make submissions respecting such reviews?)	Yes <i>All decisions refer to the regulation that sets out the Internal Review Process. IF the applicant requests a review they are given the policy and sent a letter setting out the process that will be used.</i>	Level 1 Yes – upon request, limited documentation Level 2 Yes – limited documentation Level 3	Level 3	

13c	Based on the previous questions, describe ways your organization could improve the timeliness of your decisions and/or how you could communicate the results.	<p><i>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 continue to do it quite quickly as is. We do not refuse registration, we simply put conditions that must be met.</i></p> <p><i>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.</i></p>	Yes – well documented process		
14a	Do you provide information on what documentation of qualifications must accompany an application?	<p>Yes</p> <p><i>Applications include a checklist of all required documentation.</i></p>	<p>Level 1 Documents indicated and communicated verbally</p> <p>Level 2 List of required documents indicated on website</p>	Level 2	9(a), 16(3)(a), 16(3)(b), 16(3)(e)
14b	Do you include a process for verification of documentation authenticity?	<p>Yes</p> <p><i>All documentation must come directly from the issuing institution.</i></p>	<p>Process to verify document authenticity</p> <p>Level 3 N/A</p>		
15	Do you provide information on the steps in the registration process including supporting documentation required at the various steps?	<p>Yes</p> <p><i>These are provided on the website:</i></p> <p><i>Articled Clerks: https://nsbs.org/legal-profession/articled-clerks/about-articling/</i></p> <p><i>Domestic Transfers: https://nsbs.org/legal-profession/mobility/transferring-from-another-canadian-province/</i></p> <p><i>Foreign Trained Lawyers: https://nsbs.org/legal-profession/mobility/foreign-law-degree/</i></p> <p><i>Once they submit their documents, applicants receive an email outlining required / missing documentation and or information.</i></p>	<p>Level 1 General information</p> <p>Not broken into steps</p> <p>Level 2 Step by step process indicate where applicant needs to supply information</p> <p>Level 3 Step by step process indicate where applicant needs to supply information</p> <p>Pathway to licensure</p>	Level 3	7(c), 16(3)(a), 16(3)(b)

16	Do you accept alternative information if required documents cannot be obtained for reasons beyond the applicant's control (i.e. a sworn statement in lieu of full documentation)?	Yes <i>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.</i>	Level 1 Yes – on a case by case basis Level 2 Yes – examples documented Process not clearly laid out or documented Level 3 Yes – process clearly documented	Level 2	9(b), 16(3)(c)
17	What difficulties or obstacles are faced by applicants who received their qualifications in a country other than Canada?	<i>Identifying and Participating in Gap Training Programs Language Proficiency or Professional Technical Language</i> <i>While we are not the entity responsible for these issues, we do see that people sometimes have difficulty securing work.</i>	N/A	N/A	6, 9(b), 16(3)(c)
18a	Do you have a process for which requests for access documentation related to registrations are considered?	Yes <i>The policy on Member's access the member file can be found on our website: https://nsbs.org/wp-content/uploads/2019/11/policyonmembersaccessstome mberfile.pdf</i>	Level 1 Not documented Level 2 Documented Level 3 Documented and made available to applicants	Level 3	12, 16(3)(j)
18b	Is this made available to applicants?	Yes			
18c	What information may you exclude?	<i>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.</i>			
18d	Do you charge a fee?	No <i>We do not charge a fee for this.</i>			
19	Does your Act include an authority to conduct an internal review of the registration decision?	Yes <i>See regulation 3.10 - https://nsbs.org/wp-content/uploads/2019/11/NSBSRegulations.pdf</i>	Level 1 N/A Level 2 N/A Level 3 Yes	Level 3	7(a)

20	Do you have a regulation or by-law that defines the internal review process?	<p>Yes</p> <p><i>See regulation 3.10. The policy on internal review by credentials subcommittee of Executive Director Decisions is available on the NSBS website: https://nsbs.org/wp-content/uploads/2019/11/internalreview_credsubcommittee.pdf</i></p>	<p>Level 1 N/A</p> <p>Level 2 N/A</p> <p>Level 3 Yes</p>	Level 3	7(a), 10
21	When are unsuccessful candidates informed of their right to internal review of the registration decision?	<p><i>Included with a Registration Decision</i></p> <p><i>Applicants receive a ruling letter outlining the registration decision. This ruling also advises them of their right to appeal the decision within 30 days.</i></p>	<p>Level 1 No specific timeline</p> <p>Level 2 Specific timeline Not documented</p> <p>Level 3 Specific timeline Documented and communicated</p>	Level 3	7(a), 10(1)
22a	Do you have an internal review process and procedures document (policy document)?	<p>Yes</p> <p><i>The policy and process document for internal reviews by ED can be found here: https://nsbs.org/wp-content/uploads/2019/11/internalreview_credsubcommittee.pdf</i></p> <p>The document for Appeals to the Credentials Appeal Committee can be found here: https://nsbs.org/wp-content/uploads/2019/11/credentialsappealpanel.pdf</p> <p>These are on our website and always available to the applicant. We also include them with our correspondence should the Applicant request a review or appeal.</p>	<p>Level 1 Yes Not documented</p> <p>Level 2 Yes Documented</p> <p>Level 3 Yes Documented and available to applicant</p>	Level 3	7(a), 10(1)
22b	Does this include time frames for the internal review?	<p>Yes</p> <p><i>Process and timelines are outlined in the policy.</i></p>			
23a	With regards to the internal review process you make available to applicants that are not granted registration: summarize the process of the internal review.	<p><i>If an applicant wants the decision of the ED reviewed they have 30 days to request. Once the request is made the entire file which was used by the ED to make the decision, along with the applicant's request is forwarded to the Chair of the IRS. That person then appoints two other members of the committee to deal with the review. Staff ensure that the file is also given to the applicant. The committee then meets to consider the decision. They make their own written decision and communicate it to the Society and the Applicant. Staff</i></p>	<p>Level 1 Not documented</p> <p>Level 2 Documented</p> <p>Level 3 Documented and made available to applicant</p>	Level 3	7(a), 10, 16(3)(m)

		<p>are not involved in the review except to transmit information.</p> <p>On issues of good character or fitness the Credentials Committee makes the first decision, which can involve meeting with the applicant and/or their counsel. If the applicant is unhappy with the decision then they can request an Appeal. This is a more formal procedure that involves a panel struck from the Hearing Panel of the Professional Responsibility Department. No one involved in the original decision is involved. This appeal is more like a formal disciplinary hearing where both the Society and the applicant are represented, evidence is taken and a decision is made and communicated to both the Society and the applicant.</p>			
23b	Describe the opportunities made available to an applicant to make submissions respecting such review.	<p>The applicant can write to the Internal Review sub-committee and make representations about their file. The committee can make whatever decision it determines is appropriate.</p>			
23c	Specify the format for the internal review submission	Written			
23d	What is the timeline for submitted supporting evidence?	<p>Days</p> <p>The applicant must make the request within 30 days of the registration decision.</p> <p>The process is outlined in the policy - https://nsbs.org/wp-content/uploads/2019/11/internalreview_credsubcommittee.pdf</p>			
23e	Do you believe this is enough time to receive supporting evidence from outside Canada?	<p>Yes</p> <p>Generally, additional evidence from outside Canada would not be required as applicants would have submitted all necessary documentation when they originally applied.</p>			
24a	Are the results of the internal review made available to applicants in writing with reasons?	Yes	<p>Level 1 Yes</p> <p>Level 2 Yes</p> <p>Specific timeline</p>	Level 3	
24b	In what timeframe are the results of the internal review made available to applicants?	<p>1-2 Months</p> <p>The regulation provides that the committee must meet within a reasonable time which is not defined due to the nature of the work. Once they meet they have 30 days to communicate their decision. Generally it takes several</p>	<p>Level 3 Yes</p> <p>Specific timeline and communicated</p>		7(a), 10(3)

		<p><i>months for the committee to get together and to reach a decision. The chair then has to write the decision and communicate it to the applicant.</i></p> <p><i>This is in keeping with other processes under taken in the regulatory work of the legal profession. As decisions are made by practising lawyers due to the nature of being a self-regulated profession it can take time to find a date when lawyers who are practising can gather to make a decision.</i></p>			
24c	Are these timelines communicated?	Yes			
25	Have individuals who make internal review decisions received appropriate training?	<p>Yes</p> <p><i>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.</i></p>	N/A	N/A	7(a), 11, 16(3)(p)
26	Do you have a prohibition that states that 'no one who acted as a decision-maker in respect of a registration decision acted as a decision-maker in an internal review?	<p>Yes</p> <p><i>Section 3.10.8 of the regulation. Section 2.3.4 and 2.3.5 of the policy on internal review.</i></p>	<p>Level 1 N/A</p> <p>Level 2 N/A</p> <p>Level 3 Yes</p>	Level 3	7(a), 10(5), 16(3)(n)
27	Do you have any international agreements (i.e. reciprocal recognition) endorsed by your regulatory body or national organization?	<p>No</p> <p><i>We do not have any such agreements.</i></p>	N/A	N/A	7

28	Has your organization experienced any unintended consequences—defined as an unintended negative impact on labour market, economic, social or other condition—arising as a result of the implementation of Chapter 7 of the Agreement on Internal Trade?	No	N/A	N/A	3
29	Does your legislation and/or regulations include labour mobility provisions (i.e. the ability to accept applicants already certified in another Canadian jurisdiction regardless of the requirements in the previous jurisdiction?	Yes <i>See our National Mobility Agreement:</i> https://nsbs.org/legal-profession/mobility/transferring-from-another-canadian-province/	N/A	N/A	Chapter 7, CFTA
30	Do you review the requirements of the other provincial regulatory bodies regularly?	No	N/A	N/A	3, Chapter 7, CFTA

31a	Has your organization made any changes to the occupational standards in your legislation, regulations and/or by-laws (i.e. entry to practice standards, continuing education requirements, codes of ethics) within the last two years?	Yes	N/A	N/A	
31b	If yes, did you work with the Labour Mobility Coordinator or a Provincial Government representative to complete an AIT notification (i.e. notification form sent prior to approval that informs other Canadian jurisdictions of the proposed change)?	No	N/A	N/A	

Action Plan

The FRPA Action Plan outlines measures required to either comply and/or improve registration practices in accordance with the Fair Registration Practices Code.

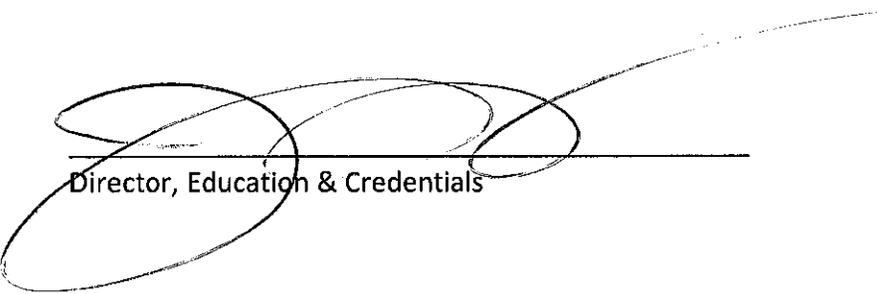
Further Recommendations / Next Steps

The actions listed in this section address registration practices are compliant with the FRPA and therefore focus on areas for improvement. NSBS will address these actions over the next two years.

#	Action	Questionnaire Reference	FRPA Reference
1	Document a policy regarding translation requirements for documents and make this policy accessible to applicants.	Q. 6	9(a)
2	Website enhancements to improve transparency: <ul style="list-style-type: none">- Post the policy regarding response time to applicant inquiries- Post a link to the NSBS Legitimate Objective Exception on the Transfers webpage	Q. 12 Q. 7	8(a) 3, Chapter 7, CFTA, Article 705.5

Disclaimer

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



Director, Education & Credentials

Date

August 6, 2020

Appendix

- ✓ Articling Application Checklist



NOVA SCOTIA BARRISTERS' SOCIETY

Articling Application Checklist

Prior to completing your application, please review the [Articling Handbook](#).
To apply to be an articulated clerk you must provide the following documents:

Please submit completed and signed documentation by [email](#), mail or hand delivery to:
Education & Credentials Department
Nova Scotia Barristers' Society, Cogswell Tower, 800–2000 Barrington Street, Halifax, NS B3J 3K1

- Application fee:
 - Applicants with Canadian law degree – \$225 plus HST (\$258.75).

OR

 - Applicants with foreign law degree – \$325 plus HST (\$373.75).
- Articling Application – Part 1.
- Articling Application – Part 2 (**Not to be disclosed to principal. To be submitted directly to the Society by applicant.**)
- Relevant documentation for any affirmative responses in Parts B, C and D.
- Articling Plan (completed in conjunction with your principal).
- Articling Agreement (completed in conjunction with your principal).
- Education Plan (completed in conjunction with your principal).
- Criminal record check (see the Society's [Policy](#) on Criminal Record Checks).
- Notarized* **colour copy** of a government-issued photo ID.
 - * **INSTRUCTIONS FOR NOTARY** - Write the following statement on the copy – “I have reviewed the original document and can state that this copy is a true copy of the original (INSERT NAME OF DOCUMENT ex. Driver’s Licence/Passport) of (INSERT APPLICANT’S NAME)”
 - Be sure to sign, stamp and date the notarized copy.
- Official transcript:
 - Applicants with Canadian law degree:
 - an official transcript to be sent directly to the Society from your law school **confirming** you have received your law degree (**request after convocation**); and
 - an official transcript from any additional law school you have attended other than as an exchange student.

OR

 - Applicants with foreign law degree:
 - Certificate of Qualification to be sent directly to the Society from the National Committee on Accreditation.
- If applicable, particulars of your work permit or other authorization allowing you to work in Canada.
- Registered with CPLED for PREP.

PLEASE NOTE:

- If you are from a law school **other than** the Schulich School of Law (Dalhousie University) 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 articling start date, you must request your **law school provide a letter directly to the Society** confirming you have met the requirements for graduation.
- If your first language is not English (and if the Executive Director requires), you may be asked to provide proof of English language proficiency.

Application for Enrolment in Bar Admission Program & as an Articled Clerk

NOTE: This application must be completed legibly. Do not skip any questions. Omissions or inaccuracies may be grounds for rejection.

The answers to Part 1 must be sworn/affirmed before a notary public (or Commissioner of Oaths, if in Nova Scotia). If the space provided for any answer is insufficient, you may attach additional pages to this form provided they are duly signed.

Applicant's Questionnaire – Part 1

Part A

1. Personal and Contact Information

IMPORTANT: We will use your personal email to contact you with information, notices or any deficiencies regarding your application. It is your responsibility to notify us of any changes to your email address, phone number, home address or any other contact information.

Full Legal Name: _____
Preferred prefix (Mr. / Ms. / Mrs. / None)

(Attach a notarized **colour 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 here: _____

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

Date of Birth (month/day/year): _____

Home Address: _____

Telephone: _____

Personal Email: _____

Work Email (if known): _____

2. Firm and Principal Information

Principal Name (firm or individual lawyer): _____

Supervising Lawyer Name (if firm is principal): _____

Articling Firm: _____

Firm Address: _____

Telephone: _____

Email: _____

Are you related to your principal? Yes No

If yes, please state relationship: _____

Part B – Education

3. State all universities attended (with location of each), dates of attendance, and any degrees granted (including month of graduation).

University	Dates Attended (month/year)	Degree(s) Granted (include graduation month)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

4. Were you ever expelled from university or law school? Yes No

5. Has disciplinary action ever been instituted against you by any university or law school? Yes No

6. Have you applied for registration as a student-at-law or articled clerk in any other jurisdiction? Yes No
If "yes", please provide particulars including copies of any correspondence, ruling letters, etc.

7. Have you ever been expelled or suspended from a bar admission program by a law society or other organization running such a program? Yes No

Part C – Employment

8. Are you lawfully entitled to be employed in Canada?
If you are not a Canadian citizen or do not have Canadian landed immigrant status, please provide particulars of your work permit or other authorization. Yes No
9. Have you ever been discharged, suspended or asked to resign from any employment? Yes No
10. Are you, or have you ever been, a member of a law society? Yes No
- If “yes”, please note date of admission and current status.
-
-

Part D – Good Character

11. Do you presently have a record for having been found guilty of a criminal offence? Yes No
12. Are there any outstanding charges against you pertaining to a criminal offence? Yes No
13. Have you ever been successfully sued in a civil action relating to fraud? Yes No
14. Have you ever been suspended, disqualified, censured or had disciplinary action instituted against you as a member of any profession or organization? Yes No
15. Have you ever been denied or had revoked any licence or permit, the procurement of which required proof of good character? Yes No
16. Have you ever made an assignment in bankruptcy or petitioned into bankruptcy, or filed a proposal to creditors? Yes No
17. Are there any outstanding civil judgments against you or any actions outstanding against you that may result in a civil judgment? Yes No
18. Have you at any time not obeyed an order of any court requiring you to do or abstain from doing any act? Yes No
19. Have you ever been refused registration as a student-at-law or articled clerk? Yes No
20. Have you ever had your articles terminated? Yes No

21. 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 Society? Yes No

NOTE: If answer is “yes” to any question in Part B, C, or D **other than #8**, please attach all relevant documents, including any court orders with full particulars.

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 of 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 Society that I will report to the Society at my earliest convenience should anything occur before or during my articling period that would alter my responses to any of the questions contained in Part 1 and Part 2 of my application.

I further undertake that I will at all times well and truly keep and perform all of my obligations as an articulated clerk 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 *Code of Professional Conduct*, as the definition of “lawyer” therein includes an “articled clerk.”

Signature of Applicant

Declaration of Applicant

I, _____, the applicant for enrolment as an articulated 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 _____,
Province of _____,
this _____ day of _____, _____.

Notary Public in and for the Province of
_____ or a Commissioner of
Oaths¹ taking affidavits for _____.

Signature of Applicant

Declaration of Principal/Supervising Lawyer

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 their completed Applicant's Questionnaire – Part 1.

Date

Signature of Principal/Supervising Lawyer

¹ Only a Commissioner of Oaths in Nova Scotia may swear this declaration.

Preferred Articling Start Date

June 1, 2020

Other _____
(to be approved by the Society)

NOTE: The Bar Admission Program 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 occur quarterly and you must successfully complete the Bar Admission Program prior to your Call to the Bar.

Bar Admission Program Schedule

The Bar Admission Program currently consists of the Practice Readiness Education Program (PREP) (offered in Nova Scotia twice per year beginning in June and December) and a one-day Cultural Competence Workshop.

The upcoming PREP schedule can be found on the [Canadian Centre for Professional Legal Education \(CPLED\) website](https://cpled.ca/students/cpled-prep/program-schedule/). (<https://cpled.ca/students/cpled-prep/program-schedule/>)

The Cultural Competence Workshop is scheduled for July 6, 2020 at the Schulich School of Law (Dalhousie University), Room W105, 6061 University Avenue, Halifax, Nova Scotia.

NOTE: All dates and timing as well as course order and session delivery are subject to change.

PREP Payment

Payment for PREP will be made by:

Firm

Applicant

Combination

Equity and Diversity

The Society is committed to increasing opportunities for all law graduates from communities that have historically been underrepresented in the legal profession. The Society is working with the Department of Justice, Schulich School of Law at Dalhousie University 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 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 Nova Scotian
2. Black
3. Mi'kmaq
4. Indigenous
5. Racialized
6. Persons with a Disability
7. 2SLGBTQ+
8. Other: _____

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

Date

Signature of Applicant