

General Application Process

You should begin this application process well in advance of the date when you wish to commence Articles in Nunavut.

Your application will be considered by the Membership and Admissions Committee after it has been received in this office, complete with supporting documents and in original form.

The Committee may have questions, or recommend adjustments to your Student Articling Plan or other elements of the application.

The Membership and Admissions Committee recommends to the Executive whether and on what terms your application should be accepted. The Executive may accept or vary this recommendation, and we will endeavor to inform you of the Executive's decision **within ten weeks of your application**.

Your application may involve special requests or circumstances which require special waiver of usual requirements. The following are examples of requests submitted from applicants:

- a request for work already performed to be recognized as part of your Articles;
- a request for the Society to recognize a work placement outside Nunavut for longer than six months;
- a request for the Society to waive the usual "general practice" orientation of Articles in order to allow some degree of specialization.

All special requests and unusual circumstances must be submitted and explained in a **covering letter**.

Letters of Good Character

Applicants should be aware that the *Rules of the Law Society of Nunavut* provide that:

51. (1) In determining whether an applicant, under section 39, 40, 48 or 49, is of good character, the Executive is not bound by the letters of character provided by the applicant but may make such inquiries and hold such hearings as it deems necessary or desirable under the circumstances.

Student Articling Plan

Students-at-Law must submit a Student Articling Plan with their application, demonstrating that their proposed articles will support their development of professional competence, by ensuring that they will be exposed to important general practice skill areas, consistent with ss. 18(2) of the *Legal Professions Act*, namely:

- a) Professional Responsibility;
- b) Advocacy techniques and courtroom decorum;
- c) Criminal law research and memo writing;
- d) Civil law research and memo writing;
- e) Civil and criminal procedure research and memo writing;
- f) Critique of pleadings, proper drafting techniques, legal writing, etc;
- g) Legal problem analysis and fact analysis;
- h) Attendance on settlement conferences and pre-trials; and
- i) Attendance on contested motions, civil and criminal trials.

Where the student serves part of his or her Articles with a court, the student's remaining period of Articles in a general practice setting, should demonstrably expose the student to the broadest possible range of client skills and services, such as: interviewing, advising, investigating and documenting facts, strategic case planning, negotiation, advocacy, and basic file and practice management.

Bar Admission Course and Examination

- Articling in NU but first call to the bar is from another province or territory

A Student-at-Law who performs service under articles in Nunavut as a requirement to be called to the bar of another province or territory may apply for regular membership as a lawyer after being called to the bar of such other province or territory. Your application must include proof from the administrative authorities of the Bar Course of your choice, confirming your eligibility for enrollment.

The Student-at-Law may thus forego the requirement to pass the bar admission examination and complete the required readings.

- Articling in NU but first call is to the NU bar

When the LSN is the first Law Society the Student-at-Law enters, he or she must complete the bar admission examination.

The LSN is working with the Law Society of Manitoba so that Students-at-Law in NU can complete the bar admission examination requirement through the Manitoba CPLED (Canadian Centre for Professional Legal Education) online program. Contact the LSN for further details.

Special Examination – “Nunavut Statutes Examination”

The Executive may in its discretion administer a special examination under Section 16 (1) of the LPA which is commonly known as the Nunavut Statutes Examination. This special examination is a 3 hour open book exam at university standards in subjects pertaining to substantive law in force in Nunavut. Details are provided in the handbook under Section Bar Admission Course and examination II. (2) to (4).

These consolidations are not an official statement of the law. The authoritative text of Nunavut Statutes can be accessed by contacting the Legislation Division, Nunavut Department of Justice, or the Court Library, Nunavut Court of Justice

LEGAL PROFESSION ACT, R.S.N.W.T. 1988, c.L-2, as amended

Rules

- 8.** (1) The Executive shall make rules for the regulation of the Society, the management and conduct of its business affairs and for the exercise of the powers conferred or the performance of the duties imposed on the Society or the Executive by or under this Act and, without restricting the generality of these powers to make rules, may make rules
- (a) prescribing the terms and conditions on which approval for admission as members or as students-at-law may be given, and the manner of proof of those terms and conditions;
 - (b) prescribing and establishing a bar admission course, the contents of the course and fees for enrolment in the course for persons required to pass a bar admission examination;
 - (c) prescribing and establishing a bar admission examination or a special examination or both, and the contents of those examinations;
 - (d) fixing the admission fees and the annual and other fees payable to the Society by members and students-at-law; ...

Rule respecting qualifications

(3) No rule respecting the qualifications that must be satisfied by a person in order to become a member shall have effect until it is confirmed by resolution of the Society...

EVALUATION OF QUALIFICATIONS

Qualifications of applicants

16. (1) The Executive shall evaluate the academic qualifications of every applicant for admission as a member of the Society and may, in its discretion, administer a special examination to any applicant.

Waiving and varying requirements

(2) Notwithstanding anything in this Part, the Executive, where it considers that special circumstances so warrant with respect to any person, may waive or vary paragraph 18 (2)(a) or (b).

STUDENTS-AT-LAW

Certificate

17. (1) An applicant for admission to the Society as a Student-at-Law shall obtain from the Secretary a certificate as to the compliance by the applicant with the rules respecting the admission of students-at-law.

Articles with judge of Nunavut Court of Justice

(2) The Executive may, subject to terms and conditions that it considers proper, permit an applicant for admission as a Student-at-Law to serve a part of his or her period under articles with

- (a) a judge of the Nunavut Court of Justice;
- (b) a judge of the Supreme Court of Canada, the Federal Court of Canada or a judge of a superior court of a province or territory; or a barrister or solicitor who does not reside in Nunavut, but
- (c) a barrister and solicitor who does not reside in Nunavut, but
 - (i) who is an active member in good standing; and
 - (ii) who is and has been engaged in the practice of law for not less than five years.

Waiving and varying requirements

(3) Where the Executive considers that special circumstances so warrant, the Executive may, subject to the terms and conditions that it considers proper, waive or vary the requirements set out in paragraph 18(2)(a) in respect of the articles of an applicant for admission as a student-at-law.

QUALIFICATIONS FOR MEMBERSHIP

Qualifications for membership

18. (1) Subject to subsection 16(1), a person is qualified for admission to the Society who

- (a) has been duly called to the bar of a province or territory or has been admitted to practice as an attorney, advocate, barrister or solicitor in any superior court of a province or territory, and
- (b) is of good character and of good standing in the law society of the province or territory of which he or she is an attorney, advocate, barrister and solicitor.

(2) A person is qualified for admission to the Society who

- (a) Except as provided in subsection 17(2) and (3), has completed 12 months of continuous service under articles as a Student-at-Law approved by the Executive to a barrister and solicitor residing in Nunavut

- (i) who is in good standing;

- (ii) who is and has been engaged in the practice of law for not less than five years of which not less than two years were spent in Nunavut; and
 - (iii) whose practice affords reasonable opportunity for the instruction and training of the Student-at-Law in the general practice of the profession of a barrister and solicitor.
- (b) has taken a bar admission course and passed a bar admission examination, and
- (c) is of good character, and
 - (i) is a graduate of a law school approved by the Executive, or
 - (ii) has been duly called to the bar in a country that is a member of the British Commonwealth of Nations and has been actively engaged in the practice of law in that country for a period of not less than three years within the five years immediately before the date of his or her application and who has a legal education that, in the opinion of the Executive, is equivalent to graduation from a law school approved by the Executive.

Student-at-Law as counsel

66. (1) A Student-at-Law may

- (a) act as counsel or agent before a justice
 - (i) in a civil proceeding, or
 - (ii) in a proceeding pertaining to an offence punishable on summary conviction;
- (b) act as counsel or agent before a judge in a proceeding pertaining to an indictable offence in respect of which a judge of the Nunavut Court of Justice has absolute jurisdiction under section 553 of the Criminal Code; or
- (c) act as counsel on any motion, petition or other proceeding before a judge sitting in chambers.

(2) Where a Student-at-Law acts under subsection (1) the Student-at-Law shall advise his or her client that he or she is a Student-at-Law before so acting.

Offences and Punishment

68. (1) No person shall engage in the practice of law unless he or she is an active member of the society.

(2) Subsection (1) does not apply to...

- (e) a Student-at-Law in the course of acting as counsel in any of the cases set out in subsection 66(1) or in doing anything in the course of his or her service under articles, if it is done under the direction or supervision of an active member

Rules of the Law Society

(Current to May 14, 2012)

BAR ADMISSION EXAMINATIONS

- 38.** The Society may establish such written and oral bar admission examinations as it considers necessary.

...

STUDENTS-AT-LAW

- 40.** (1) An applicant for admission as a Student-at-Law under subsection 17(1) of the Act shall furnish to the Secretary
- (a) an application in Form G.1;
 - (b) two letters of good character from reputable persons;
 - (c) proof from the proper authority of graduation from a law school approved by the Executive;
 - (c.1) a Student Articling Plan in Form G.2;
 - (d) articles of clerkship in Form H duly signed in triplicate; and
 - (e) payment of the application and admission fees set out in Schedule A.

(2) When the Admissions Committee has recommended and the Executive has approved an application for admission as a Student-at-Law, the applicant's term of service under the articles shall begin on the day the applicant complies with all requirements of the Act and these rules for admission or on a date fixed by the Executive, and the applicant is deemed to be admitted as a Student-at-Law as of that date.

(3) On the admission of an applicant as a Student-at-Law, the Secretary shall issue a certificate of admission as a Student-at-Law.

[40(1) amended, 2006 03 18]

- 41.** (1) The Executive may require a Student-at-Law to successfully complete a bar admission course and bar admission examinations of a province or territory of Canada.
- (2) In addition to satisfying the requirements of subsection (1), a Student-at-Law shall be required to pass such bar admission examinations as may be established under section 38.

[41 (1) amended, 2004 03 13]

- 42.** An active member of the Society may not act as a principal to more than two students-at-law at any time without the prior written approval of the Executive.
- 43.** (1) On the recommendation of the Admissions Committee and with the approval of the Executive, articles may be assigned by an assignment in Form 1 to another barrister and solicitor who is qualified under subsection 18 (2) of the Act.
- (2) The assignment shall be delivered promptly to the Secretary and, if approved, takes effect from the date of its delivery with payment of the fee set out in Schedule A.

[43 (1) amended, 2012 05 12]

- 44.** (1) Articles of a Student-at-Law terminate where a principal to whom the Student-at-Law is articulated dies, has his or her name struck off the Roll, is suspended from practicing as the result of being found guilty of conduct deserving of discipline or ceases to be actively engaged in the practice of law in Nunavut.
- (2) Where a principal is found guilty of conduct deserving of discipline, the Executive may, on the advice of the chairperson of the Discipline Committee and in the interest of the student-at-law articulated to the principal, terminate the articles of the Student-at-Law.
- (3) A Student-at-Law may, on giving notice to his or her principal, apply to the Admissions Committee to be relieved from his or her articles and, on hearing the matter, the Admissions Committee may recommend to the Executive that the articles be terminated if the Admissions Committee determines that such termination is in the interests of the Student-at-Law.
- (4) When articles of a Student-at-Law are terminated under this section, the Student-at-Law may enter into new articles and, in that event, shall be allowed credit for the whole or such part of his or her service under the original articles as may be approved by the Executive, on the recommendation of the Admissions Committee.
- (5) When new articles are entered into under subsection (4), the Student-at-Law is not liable to pay any fee in respect of the new articles.

[44(1) amended, 2004 03 13]

- 45.** During the term of articles of a Student-at-Law, the Student-at-Law shall well and faithfully serve his or her principal as a Student-at-Law and shall not engage in any other employment without the written authorization of the Executive, which authorization shall not be given if the Executive is of the opinion that such other employment will adversely interfere with the services of the Student-at-Law under articles.
- 46.** (1) Where a Student-at-Law is not admitted as a member of the Society within two years after the completion of the term of his or her articles or after the requirement to serve articles is waived under subsection 16(2) of the Act, the Secretary may serve on the Student-at-Law a written notice to show cause before the Admissions Committee, at the time and place specified in the notice, why the Admissions Committee should not recommend that the Student-at-Law's name be struck from the Record.
- (2) At a hearing held under subsection (1), the Student-at-Law may appear and make representations and the Admissions Committee may recommend to the Executive that
- (a) the Student-at-Law serve a further term of articles;
 - (b) the time for application for admission as a member be extended; or
 - (c) the name of the Student-at-Law be struck from the Record.
- 47.** On the recommendation of the Admissions Committee, the Executive may require a Student-at-Law who fails to successfully complete a bar admission course and bar admission examinations in accordance with subsection 41(1), or fails to pass such bar admission examinations as may be required under subsection 41(2), to do one or more of the following:
- (a) serve a further period of articles;
 - (b) successfully complete a further bar admission course or bar admission examinations;
 - (c) pass such further bar admission examinations as may be set by the Society.
- 48.** A Student-at-Law may apply for membership at the completion of his or her articles as an active member or an inactive member and shall, in addition to any other requirements for membership, furnish to the Secretary
- (a) an application in Form J;
 - (b) except where service under articles has been waived under subsection 16(2) of the Act,
 - (i) an affidavit in Form K signed by the principal under whom the student-at-law has served his or her articles, and
 - (ii) an affidavit in Form L signed by the Student-at-Law;

- (c) proof that the Student-at-Law has passed all bar admission examinations and bar admission courses required by or under the Act and these rules;
- (d) an Accountants Report in Form E or a Statutory Declaration in Form F or a statement indicating that the Student-at-Law is joining a partnership that, or is becoming associated with a member who, has filed a Certificate of Accountant and Member in Form V;
- (e) if applicable, payment of the insurance levy or, where the applicant is exempt under subsection 93(4)(a) proof that the applicant is
 - (i) covered by errors and omissions insurance referred to in paragraph 93(3)(a), or
 - (ii) exempt under paragraph 93(4)(b);
- (f) if applicable, payment of the assurance fund levy; and
- (g) payment of the application, admission and annual fees set out in Schedule A.

GENERAL RULES APPLYING TO ALL APPLICATIONS FOR MEMBERSHIP

- 50.** (1) If an applicant under section 39, 39.3 or 39.4 whose application for admission is approved has not taken and subscribed the oath referred to in section 21(2) of the Act within one year after the date of such approval, then
- (a) the application lapses and any fees paid by the applicant are forfeited to the Society; or
 - (b) the applicant may petition the Executive to waive the lapse and forfeiture referred to in subsection (1) and shall submit with his or her petition,
 - (i) a certificate of standing from each provincial or territorial law society or comparable body of which the applicant is a member dated not earlier than 30 days prior to the 18 presentation of the petition; and
 - (ii) the other information or documents that the Executive may request.
- (1.1) If an applicant under section 40 whose application for admission is approved as a student-at-law does not commence his or her articles within one year after the date of such approval, or if an applicant under section 48 whose application for admission is approved has not taken and subscribed the oath referred to in section 21(2) of the Act within one year after the date of such approval, then
- (a) the application lapses and any fees paid by the applicant are forfeited to the Society; or
 - (b) the applicant may petition the Executive to waive the lapse and forfeiture referred to in subsection (1) and shall submit with his or her petition,

- (i) two letters of good character from reputable persons dated not earlier than 30 days prior to the presentation of the petition; and
- (ii) the other information or documents that the Executive may request.

(1.2) The Executive may, if the Executive considers that the circumstances expressed in a petition referred to in subsections (1) to (1.1) are reasonable,

- (a) waive the forfeiture of fees;
- (b) extend, for a specified time, the period during which the approved applicant is eligible for admission as a member of the Society.

(3) If an application for admission under section 39, 39.3, 39.4, 40, 48 or 49 is not approved or is withdrawn, the Secretary shall refund all fees and levies paid by the applicant except the application fee, which is forfeited to the Society.

[50 (1) to (3) amended 2009 05 02]

[50 (1) and (3) amended 2011 04 30]

- 51.** (1) In determining whether an applicant under section 39, 39.3, 39.4, 40, 48 or 49 is of good character, the Executive is not bound by letters of character provided by the applicant but may make such inquiries and hold such hearings as it deems necessary or desirable under the circumstances.

[51 (1) amended 2011 04 30]

(2) When the Executive receives information adverse to the character of an applicant, the Executive shall inform the applicant of such information and give the applicant a reasonable opportunity to respond.

- 52.** (1) The Secretary shall refer each application made under section 39, 39.3, 39.4, 40, or 48 and may refer an application made under section 49 to the Admissions Committee and the Admissions Committee shall notify the Executive whether approval of the application is recommended and, if not recommended, the reasons therefore.

(2) On receiving a recommendation of the Admissions Committee, the Executive shall consider the recommendation and shall inform the applicant of its decision.

(3) Where an application made under section 39, 39.3, 39.4, 40, 48 or 49 is not approved, 19 the applicant may apply to the Nunavut Court of Justice under section 19 of the Act.

(4) An applicant for admission under section 39, 39.3, 39.4, or 48 shall be presented to a judge of the Nunavut Court of Justice by an active member of the Society.

(5) The form of the certificate referred to in subsection 21(1) of the Act is set out in Form N or N.1.

(6) The form of the certificate referred to in subsection 21(3) of the Act is set out in Form O or O.1.

(7) Where the Secretary has enrolled a person as a member of the Society under subsection 21(3) or (4) of the Act, the Secretary shall furnish that person with a certificate of enrolment in Form P or Form Q, respectively.

[52 (3) and (4) amended, 2004 03 13]

[52 (1), (3), (4), (5), and (6) amended, 2011 04 30]