

Resolution to adopt a series of amendments to the *Rules of the Law Society of Nunavut* and to recommend amendments to the *Legal Profession Act* to adopt a compulsory professional development program on continuing legal education

Whereas the purpose of the compulsory program is to ensure that members of the Law Society of Nunavut meet and maintain high standards of competency by undertaking continuing legal education throughout their careers;

And whereas it is desirable to incorporate the compulsory professional development program on continuing legal education into the *Rules of the Law Society of Nunavut*;

Be it Resolved that the Law Society of Nunavut moves to adopt the proposed amendments to the *Rules of the Law Society of Nunavut* and to recommend amendments to the *Legal Profession Act* as set out here.

Moved by () and Seconded by ().

1. Subsection 1(1) of the *Rules of the Law Society of Nunavut* is amended by adding the following in alphabetical order:

“eligible activities ” means continuing legal education activities, including those held outside of Nunavut, that contain significant substantive or practical content with the primary objective of increasing a lawyer’s professional competence.

“restricted self-study” means an educational gain through one’s independent means by using material or programs specifically designed for professional development or legal education, including participating in self-directed online programs, reviewing recorded seminars, and legal writing where the intended reader is not a specific client

“unrestricted self-study” means an educational gain through one’s independent means, including the reading of journals and informative publications, and listening to podcasts relating to the practice of law

2. The following is added after Section 104:

105. (1) All active members must complete 12 hours of eligible activities of continuing legal education per calendar year.

(2) At least one hour of eligible activities must be devoted to professional responsibility and ethics.

(3) Forms of eligible activities for continuing legal education include:

- (a) up to two hours of unrestricted self-study and two hours of restricted self-study;
- (b) group study of two or more individuals completing professional development programs offered by independent third parties;
- (c) traditional courses and programs;

- (d) online courses, web and teleconference courses;
 - (e) participation in a legal mentorship program;
 - (f) educational training provided by a law association or employer;
 - (g) teaching of a course related to law or the practice of law, with three hours of credit given for each hour taught, if the teaching is not part of the member's full-time employment;
 - (h) up to four hours per calendar year of legal writing, research and publications;
 - (i) up to one hour per calendar year for official language training;
 - (g) lawyer wellness.
- (4) The following activities are not recognized as eligible activities for continuing legal education:
- (a) any activity designed for or targeted at clients;
 - (b) topics relating to law firm or profit maximization; or
 - (c) activities prepared and delivered in the ordinary and usual course of practice.
- (5) The following exemptions to subsections (1) apply:
- (a) members who are subject to and comply with comparable requirements of eligible activities of continuing legal education in another jurisdiction are not required to undertake additional eligible activities for the Law Society of Nunavut;
 - (b) newly called members who complete the bar admissions program of a Canadian law society during the calendar year will be fully exempt for that year;
 - (c) members who have previously been or are members of a law society in another jurisdiction who have been called to the Nunavut bar during the calendar year must complete one hour of eligible activities of continuing legal education for each full or partial calendar month that they have practiced law from the time of their call to the bar in Nunavut to the end of that calendar year;
 - (d) members who change their status from inactive to active, or from active to inactive, during the calendar year must complete one hour of eligible activities of continuing legal education for each full or partial calendar month in the calendar year that they maintain active status;
 - (e) members who maintain their active status but are not engaged in the practice of law within the calendar year may submit a written declaration to the Executive prior to the end of the calendar year to request an exemption. Examples include but are not limited to:
 - (i) members on maternity or parental leave,
 - (ii) members on medical leave, or
 - (iii) members taking a sabbatical leave.
- (6) Upon review of the written declaration submitted under paragraph (e), the Executive has the discretion to provide an exemption to the requirement to complete eligible activities for the member who has submitted the declaration.
- (7) The Executive has the discretion to determine the following:
- (a) whether specific activities constitute recognized eligible activities as defined in subsection 1(1),
 - (b) whether the continuing legal education requirements of another jurisdiction are comparable to the continuing legal education requirements contained within these Rules for the purposes of paragraph 105(5)(a); and
 - (c) and whether specific activities are devoted to professional responsibility and ethics.

106. (1) Members must report to the Law Society their eligible activities for the calendar year by January 31 of the following calendar year, including course name or activity description, activity category, date of course, number of hours, and number of hours dedicated to ethics and professional responsibility.

(2) Members who are exempt from complying with the requirements to complete eligible activities for continuing legal education must identify their exemption in their report.

(3) Members must keep a record of documents supporting their completion of eligible activities for continuing legal education for the calendar year until December 31 of the following calendar year.

(4) Members must produce the documents set out in subsection (3) upon request by the Executive, by the deadline provided by the Executive, for the purpose of auditing the members' compliance with the requirement to complete eligible activities for continuing legal education.

107. (1) The Executive may notify in writing a member who fails to complete the minimum requirement for continuing legal education by January 31 and is not exempt under subsection 105(5) issuing a late completion fee and a requirement for the member to complete the required eligible activities of continuing legal education.

(2) A member who, in response to a notice under subsection (1), pays the late completion fee and completes the required hours of eligible activities for continuing legal education by May 1 will be deemed to have been in compliance with the rules during the relevant calendar year.

(3) A member who has received a notice under subsection (1) and does not complete and report completion of the required hours of eligible activities for continuing legal education by May 1 may be placed on administrative suspension by the Executive.

(4) A member who has been suspended under subsection (3) may be reinstated by the Executive once the Executive is satisfied that the late completion fee has been paid and the required hours of eligible activities for continuing legal education have been completed and reported.

(5) The Executive may recommend that administrative action for non-compliance be delayed for a specific period of time, under special circumstances.

3. Subsection 8(1) of the *Legal Profession Act* is amended by adding the following:

(s) establishing consequences for contravening any rules respecting continuing legal education, including fees and suspension