

Appendix A

A. Resolution to adopt the FLSC Model Code of Conduct as amended as the Law Society of Nunavut (LSN) Code of Conduct in replacement of the Canada Bar Association Code of Conduct adopted on March 15, 2005.

Whereas each of Canada's law societies enforces a code of conduct for members of the legal profession in their jurisdiction;

And Whereas with national mobility of the profession, the law societies recognize the benefit of moving toward a harmonized national standard of rules of conduct so that the public can expect the same ethical requirements to apply wherever their legal advisor may practice law;

And Whereas the LSN Working Group as per the mandate of the Ethics and Unauthorized Practice Committee completed its review of the FLSC Model Code in the spring of 2016;

And Whereas the LSN Executive provided opportunities in 2015 and in 2016 to inform the Membership of the ongoing review and to provide comments for the Working Group to consider;

And Whereas the final presentation of the Nunavut version of the FLSC Model Code was delivered on September 8, 2016 by the Working Group Vice-Chair;

And Whereas the LSN Executive acknowledges the invaluable contribution and commitment made by the Working Group;

Be it Resolved that the FLSC Model Code of Conduct as amended be adopted as the LSN Code of Conduct in replacement of the Canadian Bar Association Code of Conduct and hereby instructs the Deputy Secretary to make a donation to the Niqinik Nuatsivik Nunavut Food Bank on behalf of the Working Group Members.

**Moved by () And Seconded by ().
All in Favour. Motion Carried.**

Appendix B

B. Resolution to adopt a series of amendments to the *Rules of the Law Society of Nunavut* that are in line with the LSN's continuing efforts made to meet the requirements set out in the *Statutory Act*.

Whereas pursuant to Subsection 2(2) of the *Statutory Instruments Act* provides that where a regulation-making authority proposes to make a regulation, it shall cause the regulation to be forwarded in duplicate to the Registrar;

And Whereas the LSN failed to register all amendments to the *LSN Rules* since the duplication of the *LSN Rules* from the *Rules of the NWT* on April 1, 1999;

And Whereas the LSN has identified a series of amendment as set out in Appendix B that address issues with respect to but not limited to the Quebec Mobility regime; the trust account levy; and the reinstatement of LSN former Members who've resigned;

Be it Resolved that the LSN Membership moves to adopt the proposed amendments set out in Appendix B and so instructs the LSN to pursue its efforts in order to meet the requirements set out in the *Statutory Act* and to fully regularize the *LSN Rules* at its next Annual General Meeting.

**Moved by () And Seconded by ().
All in Favour. Motion Carried.**

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1. **The *Rules of the Law Society of the Northwest Territories* are amended by these Rules.**
 2. **The Rules are renamed the *Rules of the Law Society of Nunavut*.**
 3. **Section 3 is repealed.**
 4. **Subsection 39(1) is amended by striking out "18(1)(b)" in that and by substituting "18(1)".**
 5. **Subsection 39(3) is repealed and the following is substituted:**

Notwithstanding any other provision in these rules, the Executive, where it considers that special circumstances so warrant with respect to any person, may waive or vary the requirements for the taking of any bar admission examination.

6. Section 39.4 is repealed and the following is substituted:

In Rules 39.4 through 39.7, unless the context indicates otherwise, “Quebec Mobility Agreement” means the 2010 Quebec Mobility Agreement of the Federation of Law Societies of Canada, as amended from time to time.

7. Section 39.5 is repealed and the following is substituted:

Rules 39.4 through 39.7 are intended to implement the provisions of the 2010 Quebec Mobility Agreement and cease to have effect on the withdrawal of the Society from that Agreement.

8. Subsection 50(1) is amended by striking out “39.4” in that and by substituting “39.7”.

9. Subsection 50(3) is amended by striking out “39.4” in that and by substituting “39.7”.

10. Subsection 51(1) is amended by striking out “39.4” in that and by substituting “39.7”.

11. Subsection 52(1) is amended by striking out “39.4” in that and by substituting “39.7”.

12. Subsection 52(3) is amended by striking out “39.4” in that and by substituting “39.7”.

13. Subsection 52(4) is amended by striking out “39.4” in that and by substituting “39.7”.

14. Subsection 55(1)(d) is amended by striking out “trust fund levy” in that and by substituting “trust account levy”.

15. The following is added after section 59:

59.1

(1) A member who has resigned may apply to the Society to be reinstated as an active member.

(2) A person applying under subsection (1) shall furnish to the Secretary

- (a) an application in Form R;
- (b) two letters of good character from members in good standing of a provincial or territorial law society or a comparable body of which the applicant is or was a member or from judges of a provincial, territorial or superior court of the jurisdiction of the law society or body of which the applicant is or was a member, or such other evidence of good character as the Secretary considers satisfactory;
- (c) where the member is a member of another provincial or territorial law society or comparable body, a certificate 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 presentation of the application stating
 - (i) that the applicant is in good standing,
 - (ii) the period of time during which the applicant has been listed as an active member in the society or body,
 - (iii) whether disciplinary proceedings are pending against the applicant, and
 - (iv) the nature and disposition of any disciplinary action that has been taken against the applicant;
- (d) an Accountant's Report in Form E or a Statutory Declaration in Form F or a statement indicating the applicant 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) payment of the insurance levy or, where the applicant, on reinstatement, would be exempt under subsection 93(4), proof that the reinstated member will be
 - (i) covered by errors and omissions insurance referred to in paragraph 93(4)(a), or
 - (ii) exempt under paragraph 93(4)(b);
- (f) payment of the assurance fund levy; and
- (g) payment of the fee for reinstatement of a member who has resigned set out in Schedule A.

(3) The Executive may require an applicant under subsection (1) to pass such bar admission examinations as may be established under section 38 where the applicant has not been an active member of the Society or the governing society or body of another province or territory for more than two years prior to the day the application is received by the Secretary.

(4) Where the Executive so directs, the Secretary shall refer an application made under subsection (1) to the Admissions Committee and the Admissions Committee shall recommend to the Executive that

- (a) the applicant be reinstated as an active member; or
- (b) the applicant not be reinstated as an active member.

(5) The Executive shall consider each application and any recommendation made by the Admissions Committee and shall

- (a) approve the reinstatement of the applicant as an active member or refuse to approve the reinstatement of the applicant; and
- (b) advise the applicant of its decision under paragraph (a).

(6) Where an application made under subsection (1) is approved under subsection (5), the reinstatement takes effect on the date the application is approved by the Executive or upon a later date requested by the member and approved by the Executive.

(7) Where an application made under subsection (1) is not approved under subsection (5) or is withdrawn, the Secretary shall refund the fee for reinstatement as an active member and levies paid by the applicant in respect of the application.

(8) Where an application made under subsection (1) is not approved, the applicant may apply to the Nunavut Court of Justice under section 19 of the Act.

16. The heading "APPLICATION FOR REINSTATEMENT OF MEMBER WHO RESIGNED" is added before section 59.1.

17. Subsections 59(2) and (3) are repealed and the following is substituted:

(2) The Secretary shall promptly make a note of each resignation on the Roll adjacent to the name of the member who has resigned and shall provide notice of the resignation to the clerks or registrars of the Nunavut Court of Justice.

(3) A member who has resigned may apply for reinstatement in accordance with section 59.1.

(4) The Secretary shall promptly make a note of each reinstatement on the Roll adjacent to the name of the member who has resigned and shall provide notice of the reinstatement to the clerks or registrars of the Nunavut Court of Justice.

18. Subsection 68(3) is amended by striking out "63" in that and by substituting "64".

19. Section 79 is repealed.

20. The heading "DEFINITIONS" before section 80 is deleted.

21. Subsection 83(3) is repealed and the following is substituted:

The Executive may suspend a member who does not comply with this section.

22. Subsection 92(1) is amended by striking out "subsection 47(2)" in that and by substituting "section 47".

23. Schedule A is amended by adding the following after Item 9:

9.1 Fee payable for the reinstatement of a member who resigned under section 59.1 of the Rules

(a) application fee - \$200 and

(b) the applicable annual membership fees for an active member.

24. Schedule B is amended by repealing Form D and by substituting Form D as attached to these rules.

25. Schedule B is amended by repealing Form R and by substituting Form R as attached to these rules.