



NOVA SCOTIA BARRISTERS' SOCIETY
ADMISSIONS & PROFESSIONAL DEVELOPMENT

APPLICATION FOR PERMIT TO ACT AS A FOREIGN LEGAL CONSULTANT
(Regulation 6.5)

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

PLEASE NOTE: Review Regulation 6.5 prior to completing this application.

PART 1

PART A – IDENTIFICATION

1. Full Name: _____
Attach a notarized copy of your passport, driver's licence or other government issued photo identification.

2. Date of Birth: _____

3. Address: _____

Postal Code: _____ Telephone: _____

Fax: _____ Email: _____

4. Firm Name: _____

5. Firm Address: _____

Postal Code: _____ Telephone: _____

Fax: _____ Email: _____

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

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

PART B – PROFESSIONAL HISTORY

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

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

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

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

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

If you are not a Canadian Citizen and do not have Canadian Landed Immigrant Status, please provide particulars of work permit or other authorization

Have you practised the law of your home jurisdiction for at least three complete years? Yes No
If “no”, please complete the undertaking pursuant to Regulation 6.5.2(e) located in this Application.

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

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

14. Are you currently the subject of a professional responsibility or disciplinary complaint in any jurisdiction? Yes No

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

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

If answer is yes to any of questions 12 to 16, attach relevant documents, including reports from your law society, with full particulars.

PART C – GOOD CHARACTER

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

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

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

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

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

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

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

24. 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 the issuance of a permit or warrant full inquiry by the Nova Scotia Barristers' Society? Yes No

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

Two Statements of Good Character from members of the Nova Scotia Barristers' Society or the legal profession in the jurisdiction in which you practice are to be submitted directly to the Nova Scotia Barristers' Society from each person completing a Certificate of Character.

PART D – PROFESSIONAL LIABILITY INSURANCE

25. I have professional liability insurance or a bond or indemnity or other security in a form and amount that is reasonably comparable to that maintained by the Society in its mandatory liability insurance program, and that specifically extends to the services rendered by me while acting as a foreign legal consultant in the Province of Nova Scotia. Yes No

A notarized copy of the insurance policy providing coverage to the applicant for errors, omissions must be forwarded directly by the insurance provider to the Nova Scotia Barristers' Society.

PART E – DEFALCATION COVERAGE

26. Under Regulation 6.5.2(i), you must prove to the Nova Scotia Barristers' Society that you participate in a defalcation program or carry a fidelity bond or other security satisfactory to the Society of a type and in the amount prescribed by Council which security is for purposes of reimbursing persons who sustain a pecuniary loss as a result of misappropriation or conversion by the foreign legal consultant of money or other property entrusted to or received by the consultant in his or her capacity as a foreign legal consultant in Nova Scotia.

A notarized copy of the insurance policy providing defalcation coverage to the applicant must be forwarded directly by the insurance provider to the Nova Scotia Barristers' Society.

PART F – FUTURE PLANS

27. If your Application is approved, when do you intend to commence acting as a foreign legal consultant?

28. Address in Nova Scotia:

Firm: _____

Address: _____

Postal Code: _____ Telephone: _____

Fax: _____ Email: _____

29. Do you intend to reside full-time in Nova Scotia? Yes No

If "no," describe your plans in detail, including the frequency with which you intend to act as a foreign legal consultant in Nova Scotia.

AUTHORIZATION

I grant to the Nova Scotia Barristers' Society full authority to make enquiry from any person, police authority, governing body, or other organization about anything relevant to this *Application to Act as a Foreign Legal Consultant*. I authorize all persons enquired of pursuant to this authorization to provide all information requested.

Signature

Date

UNDERTAKINGS

I undertake to the Nova Scotia Barristers' Society that, if approved to act as a Foreign Legal Consultant,

- (a) I will submit to the jurisdiction of the Nova Scotia Barristers' Society and will comply with the *Legal Profession Act*, the Regulations made pursuant to the Act, and all ethical guidelines and rules governing lawyers in the Province of Nova Scotia, including the *Legal Ethics and Professional Conduct Handbook*;
- (b) I will not accept, hold, transfer, or in any other manner deal with money or property which would, if accepted, held, transferred or dealt with by a member, constitute trust money or property;
- (c) I will notify the Executive Director if I fail to satisfactorily complete any continuing legal education program that is required by members of my home jurisdiction;
- (d) I will, when engaged in any promotional activities in the Province of Nova Scotia, use the term "foreign legal consultant," state the foreign jurisdiction in respect of which I am qualified to practice law and the professional title used in that jurisdiction, and state that I am not a member of the Nova Scotia Barristers' Society;
- (e) I will notify the Executive Director immediately if I cease to be entitled to practise law in my home jurisdiction; and
- (f) I will notify the Nova Scotia Barristers' Society immediately if either of my professional liability or defalcation insurance policies are cancelled or if there is a material change in either policy that would affect my professional liability or defalcation coverage while acting as a Foreign Legal Consultant.

Signature

Date

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

ADDITIONAL UNDERTAKING (if required)

This undertaking arises pursuant to Regulation 6.5.2(e), and you need only make this undertaking if you answered “no” to Question 11:

Please check the appropriate box:

- I have practised in my home jurisdiction for at least three complete years, and thus answered “yes” to Question 11. The undertaking pursuant to Regulation 6.5.2(e) does not apply to me.
- I answered “no” to Question 11, and thus make the following undertaking:

I hereby undertake to work, while acting as a foreign legal consultant in the Province of Nova Scotia, only under the direct supervision of a foreign legal consultant from my home jurisdiction who has satisfied the three-year practice requirement. I will be working under the direct supervision of:

_____.

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

DECLARATION OF APPLICANT

I, _____, the applicant in this *Application for a Permit to Act as a Foreign Legal Consultant*, DO SOLEMNLY DECLARE that the statements contained in my application are complete and true in every respect.

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

Declared before me at _____)

in the County of _____,)

Province of _____,)

this _____ day of _____, 20__)

)

)

)

)

Notary Public in and for the Province of)

_____,)

Applicant

APPLICATION FOR PERMIT TO ACT AS FOREIGN LEGAL CONSULTANT

PART 2

FITNESS

In asking the following question, the Barristers' Society is seeking information pertaining to your fitness to practise law pursuant to Regulation 6.5.2 (d). The Society's obligation to protect the public interest operates alongside the lawyers' ethical obligation to respect the human dignity and worth of all persons and to treat all persons with equality and without discrimination.

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

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

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

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

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

If you would like to discuss a personal concern confidentially, please contact the Director, Admissions & Professional Development or the Officer, Admissions at 422-1491.

1. Full Name: _____

2. Date of Birth: _____

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

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

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

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

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

Signature

Date