



NOVA SCOTIA BARRISTERS' SOCIETY

APPLICATION FOR REINSTATEMENT AFTER APPOINTMENT TO JUDICIAL OFFICE – TO CATEGORY OF PRACTISING LAWYER

[Regulation 5.4]

This application must be completed **legibly**. All questions must be answered fully and precisely and the answers to Part 1 and Part 2 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 5.4 prior to completing this application.

APPLICATION FOR REINSTATEMENT AFTER APPOINTMENT TO JUDICIAL OFFICE

PART 1

PART A – IDENTIFICATION

1. Full Name: _____

2. Present Address: _____

Postal Code: _____ Telephone: _____

Fax: _____ Email: _____

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

PART B – PRACTICE INTENTIONS

4. I am applying to be reinstated to a practising category of membership.

5. On what date do you intend to commence practice?

6. With which firm or organization will you be practicing (if known)?

Address of law firm or employer:

Postal Code: _____ Telephone: _____

7. Describe the nature of your intended practice:

PART C – PROFESSIONAL HISTORY

8. Date of admission to the Nova Scotia Barristers' Society:

9. In which Court(s) did you preside, and on what dates?

10. On what date did your term in a judicial office end? _____

11. Describe what you have been doing since your judicial term ended. *Attach a separate sheet if the space provided is insufficient.*

12. Are you now or have you ever been a member of another law society? Yes No

If yes, list chronologically all law societies 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 other body governing the legal profession in any jurisdiction of which you are, or have ever been, a member.

13. 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 or governing body? Yes No

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

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

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

17. 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, provide relevant documents, including reports from your law society, and other applicable professional organization or governing body, if any, with full particulars.

PART D – GOOD CHARACTER

18. Do you presently have a record for having been convicted of a criminal offence? Yes No
19. Are there any outstanding charges against you pertaining to a criminal offence? Yes No
20. Have you ever been successfully sued in a civil action relating to fraud? Yes No
21. Have you been denied or had revoked any license or permit, the procurement of which required proof of good character? Yes No
22. Have you made an assignment in bankruptcy or petitioned into bankruptcy, or filed a proposal to creditors? Yes No
23. Are there any outstanding civil judgments against you or any actions outstanding against you that may result in a civil judgment? Yes No
24. Have you at any time not obeyed any Order of any court requiring you to do or abstain from doing any act? Yes No
25. 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 Nova Scotia Barristers' Society? Yes No

If the answer is yes to any question in Part D, attach relevant documents, including any Court orders, with full particulars.

AUTHORIZATION

I grant to the Society permission to make enquiry from any person, police authority, governing body, or other organization about anything relevant to this Application for Reinstatement after Appointment to Judicial Office. I authorize all persons enquired of pursuant to this authorization to provide all information requested.

UNDERTAKING

I undertake to the Nova Scotia Barristers' Society that, if reinstated in Nova Scotia, I will at all times well and truly keep and perform all of my obligations 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*.

DECLARATION OF APPLICANT

I, _____, the applicant in this Application for Reinstatement after Appointment to Judicial Office, 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 _____)

_____, or a Commissioner)

of the Supreme Court of Nova Scotia.)

Signature of Applicant

APPLICATION FOR REINSTATEMENT FOLLOWING APPOINTMENT TO JUDICIAL OFFICE

PART 2

FITNESS

In asking the following question, the Barristers' Society is seeking information pertaining to your fitness to practice law. 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 endeavour 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 practice 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 practicing 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 practicing 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 which 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 practice. The Society is not looking for information about past conditions which 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 reinstatement. 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.

On behalf of the Society, LIANS operates the Lawyers Assistance Program, which is completely confidential and open to all lawyers, their families and their staff. It is available to you once reinstated. The Society actively encourages individuals to seek the education and assistance they need. The LAP can be contacted at 1-866-299-1299.

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 practice 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 which is reasonably likely to substantially impair your ability to competently practice law? Yes No

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

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

Signature of Applicant

Date