



NOVA SCOTIA BARRISTERS' SOCIETY

POLICY ON CRIMINAL RECORD CHECKS

1.1 Rationale

Section 4 of the *Legal Profession Act* charges the Nova Scotia Barristers' Society (the "Society") with regulating the profession in the public interest. Per this mandate, one of the concerns of the Society is ensuring that lawyers are persons of "good character."

Due Diligence

1.2 As part of the Society's due diligence process, the Society requires all applicants seeking membership to provide a criminal record check as past conduct may reflect on current character.

2.1 Not Automatic Bar

Applicants will be made aware that past criminal conviction is not an automatic bar to admission.

Factors for Assessment

2.2 Applications evidencing past criminal charges or convictions will be considered by the Credentials Committee (the "Committee"). The Committee will weigh evidence of good conduct against evidence of the criminal offence and, in doing so, will assess these factors:

- (a) applicant's age at the time of the offence in question;
- (b) how long ago the offence occurred;
- (c) frequency of occurrence;
- (d) seriousness of the offence;
- (e) factors underlying the offence;
- (f) evidence of rehabilitation; and
- (g) applicant's positive social contributions since the offence.

3.1 Criminal Record Check

Applicants must:

- (a) answer all questions pertaining to good character set out in the Application for Enrolment in Bar Admission Course and as an Articled Clerk; and
- (b) include with their applications a Canadian Police Information Centre Criminal Record Synopsis (CPIC Check) dated within the six-month period prior to the date of enrolment.

3.2 International Criminal Record Check

In addition to the checks required in paragraph 3.1, international applicants on temporary work visas must also obtain an international criminal record check from each country in which the applicant has resided or practiced law, dated within six months prior to the date of enrolment as an articled clerk.

4.1 Subsequent Circumstance

An applicant who at any time following completion of the Application for Enrolment in the Bar Admission Course and as an Articled Clerk, either before or after enrolment, encounters a circumstance that would alter their answers to the questions initially asked on the Application, must report the matter to the Executive Director immediately.

Approved by the Credentials Committee – January 22, 2010