



NOVA SCOTIA BARRISTERS' SOCIETY

## POLICY ON TIMELINES

### 1.1 Timelines in effect

1.1.1 The timelines set out in this policy begin to run upon receipt by the Executive Director of the Nova Scotia Barristers' Society (the "Society") of an application, as defined.

### Definition of "Application"

1.1.2 For the purposes of this policy "application" means a complete application, with all supporting documents.

### Discretion regarding Foreign Applicants

1.1.3 The Executive Director is cognizant that foreign applicants may have difficulty obtaining certain third party documentation, and retains discretion to place incomplete applications before the Credentials Committee for preliminary review.

### 2.1 Interpretation of Timelines

2.1.1 The timelines in this policy will be interpreted consistent with Regulations 3.1.2 to 3.1.6 as follows:

3.1.2 The period of days in this Part that permits or requires something to be done in a number of days does not include any of the following:

- (a) the day the period begins;
- (b) a Saturday or Sunday in the period;
- (c) a weekday the office of the Society is closed during the period;
- (d) the day on which a thing is required, or first permitted, to be done.

3.1.3 A document delivered on a Saturday, a Sunday, or a weekday that the office of the Society is closed is considered to be delivered on the next weekday when the office of the Society is open.

3.1.4 A document delivered after four-thirty on an afternoon is considered to be delivered on the next weekday when the office of the Society is open.

3.1.5 A day is the period between midnight and the instant before midnight marking the beginning of the next day.

3.1.6 For the purpose of Section 3 of the *Time Definition Act*, a year is the 365 days from midnight of a day on the Gregorian calendar to the instant before midnight marking the beginning of the same numbered day, in the same month, in the following year, except a year that starts on the twenty-ninth day of February ends on the first day of March in the following calendar year.

### 3.1 Application Processing

3.1.1 During periods of normal application volume (normal workload), the Executive Director will process the following applications, other than applications raising public interest issues, within ten days:

- (a) Membership Category Change to Practising Lawyer;
- (b) Readmission;
- (a) Transfer;
- (b) Permits for Visiting Canadian Lawyers; and
- (c) Permits for Visiting Foreign Lawyers.

### **Public Interest Issues**

**3.1.2** If, following the Executive Director's review of an application, the application raises public interest issues or otherwise requires additional follow-up, timelines will be extended on a case-by-case basis. An applicant will be kept advised of the status of the application at reasonable intervals.

### **Anticipated Delays in Application Processing**

**3.1.3** During the following time periods, the Admissions Department experiences a high workload, and the 10-day time period may be extended:

- (a) April 1 to July 15; and
- (b) December 1 to January 15.

### **Unanticipated Delays in Application Processing**

**3.1.4** If workload is unusually heavy at other times and regular timelines cannot be met:

- (a) an applicant will be advised within two days that timelines may be extended, and will be advised when they may expect a ruling on their application; and
- (b) an advisory notice will be posted on the Society's website.

### **4.1 Application to be an Articled Clerk**

**4.1.1** Given the large number of applications to be an articled clerk received by the Admissions Department in the same timeframe, an applicant must submit his or her application to be an articled clerk at least two months in advance of the anticipated articling start date, in order to allow the Executive Director sufficient time to process the application and complete any necessary follow-up.

### **Law School Transcript Required**

**4.1.2** Notwithstanding paragraph 1.1.2, if the articling application is submitted prior to convocation, the Executive Director will process the application prior to receipt of the applicant's law school transcript; however, the official transcript confirming the law degree must be received by the Executive Director within two weeks of the applicant's convocation date in order to avoid a delay in the commencement of articles or a suspension of articles.

### **Application Submitted Late**

**4.1.3** If an application to be an articled clerk is received less than two months in advance of the anticipated articling start date, section 9.1 respecting emergencies will apply.

### **5.1 Application for Admission to the Bar**

**5.1.1** The Executive Director determines the applicants eligible for admission six weeks prior to the date of Call.

### **Admission Package Provided**

**5.1.2** An admission package will be sent to each eligible admittee, except articled clerks, one month prior to the date of Call. Admission packages will be sent to articled clerks two months prior to the date of Call.

### **Immediate Response Required**

**5.1.3** Upon receipt of the admission package, each admittee must immediately complete and return the following forms:

- (a) oath/affirmation form; and
- (b) Information Regarding Employment/Trust Accounts.

### **Forms Contain Information**

#### ***Information Regarding Employment/Trust Accounts form***

**5.1.4** The Executive Director requires information contained on the *Information Regarding Employment/Trust Accounts* form to prepare the applicant's membership scroll. To guarantee delivery of the scroll to the admittee at

the Bar Admission Ceremony, the form must be provided to the Executive Director according to the timeline noted in paragraph 5.1.6.

### **Oath/Affirmation Form**

**5.1.5** On the *oath/affirmation form*, the admittee gives notice to the Executive Director that he or she wishes to take the oath/affirmation on admission in his or her mother tongue, if applicable. To guarantee sufficient time for the Executive Director to arrange for a certified translation of the oath/affirmation, the *oath/affirmation form* must be provided to the Executive Director according to the timeline noted in paragraph 5.1.6.

### **Preparation of Scroll**

**5.1.6** The Executive Director must receive the forms noted in paragraph 5.1.3 according to the following timeline:

- (a) from all applicants, three weeks prior to the date of Call for all ceremonies except June,
- (b) from articulated clerks applying for admission at the June Call, six weeks prior to the date of Call, or
- (c) from applicants, other than articulated clerks, applying for admission at the June Call, three weeks prior to the date of Call.

### **Deadline for Receipt of Application**

**5.1.7** With the exception of articulated clerks applying for admission to the Bar, all other applications involving admission to the Bar (for example, transfer applicants) must be received six weeks in advance of a Call date. If there are no public interest issues, and the Admissions Department is processing a routine number of applications, the applicant will be eligible for the next Call to the Bar.

### **Deadline for Receipt of Application from an Articled Clerk**

**5.1.8** Pursuant to Regulation 3.8.3(a), applications by articulated clerks for admission to the Bar must be filed at least 30 and no more than 45 days before the anticipated date for call to the Bar.

### **Deadline for Submission of Admission Documents**

**5.1.9** With the exception of the documents referred to in paragraph 5.1.3, the applicant must submit the admission documents no less than ten days prior to the date of Call.

### **Documents to be filed with Prothonotary**

**5.1.10** Pursuant to Regulation 3.9.2, the Executive Director must file all admissions documents with the Prothonotary five days prior to the scheduled date of Call.

## **6.1 Internal Review by the Credentials Review Subcommittee**

**6.1.1** When the Executive Director makes a decision pursuant to the Regulations listed in Regulation 3.10.5, the Executive Director will provide the applicant with written reasons and inform the applicant of his or her right to request a review by the Review Subcommittee.

### **Timelines for Internal Review**

**6.1.2** The pertinent timelines for this internal review process are set out in the Society's *Policy on Internal Review by Credentials Subcommittee of Executive Director Decisions*.

## **7.1 Applications to Credentials Committee**

**7.1.1.** If an application must be placed before the Credentials Committee, it must be received **at a minimum**, six weeks prior to the meeting date, as the following timeline applies:

- (a) 6 weeks prior to meeting – application processing;
- (b) 4 weeks prior to meeting – preparation of Credentials Committee meeting package that includes the Executive Director's submissions on the application. The Executive Director will provide the applicant with a copy of his or her submission to the Committee;
- (c) 3 weeks prior to meeting – The applicant has one week to respond;

- (d) 2 weeks prior to meeting – The Society finalizes the Committee’s meeting package by including the applicant’s response;
- (e) 1 week prior to meeting – The meeting package is forwarded to the Committee.

**When Additional Information Required**

**7.1.2** If the applicant must submit additional information to the Society, this additional information must be received four weeks prior to the Credentials Committee meeting date. Accordingly, it is anticipated that rulings on applications requiring Committee review will take longer than the initial six weeks.

**8.1 Appeal to Credentials Appeal Panel**

**8.1.1** When the Credentials Committee makes a decision pursuant to the Regulations listed in Regulation 3.11.1, an applicant may appeal to the Credentials Appeal Panel.

**Timelines for Appeal**

**8.1.2** The pertinent timelines for this appeal process are set out in the Society’s *Policy on Appeals to Credentials Appeal Panel of Credentials Committee Decisions*.

**9.1 Emergency Situations**

**9.1.1** The Society will abridge timelines to process an application more quickly, where possible, in an emergency situation.

**Definition of “Emergency”**

**9.1.2** Emergency means:

- (a) a delay which will interfere unduly with an applicant’s ability to practice, **but only if the applicant has not delayed submission of the application;** and
- (b) circumstances deemed by staff to be exceptional. At a minimum, these circumstances must be unforeseen by the applicant and otherwise beyond the applicant’s control.

*Approved by the Credentials Committee – January 22, 2010*