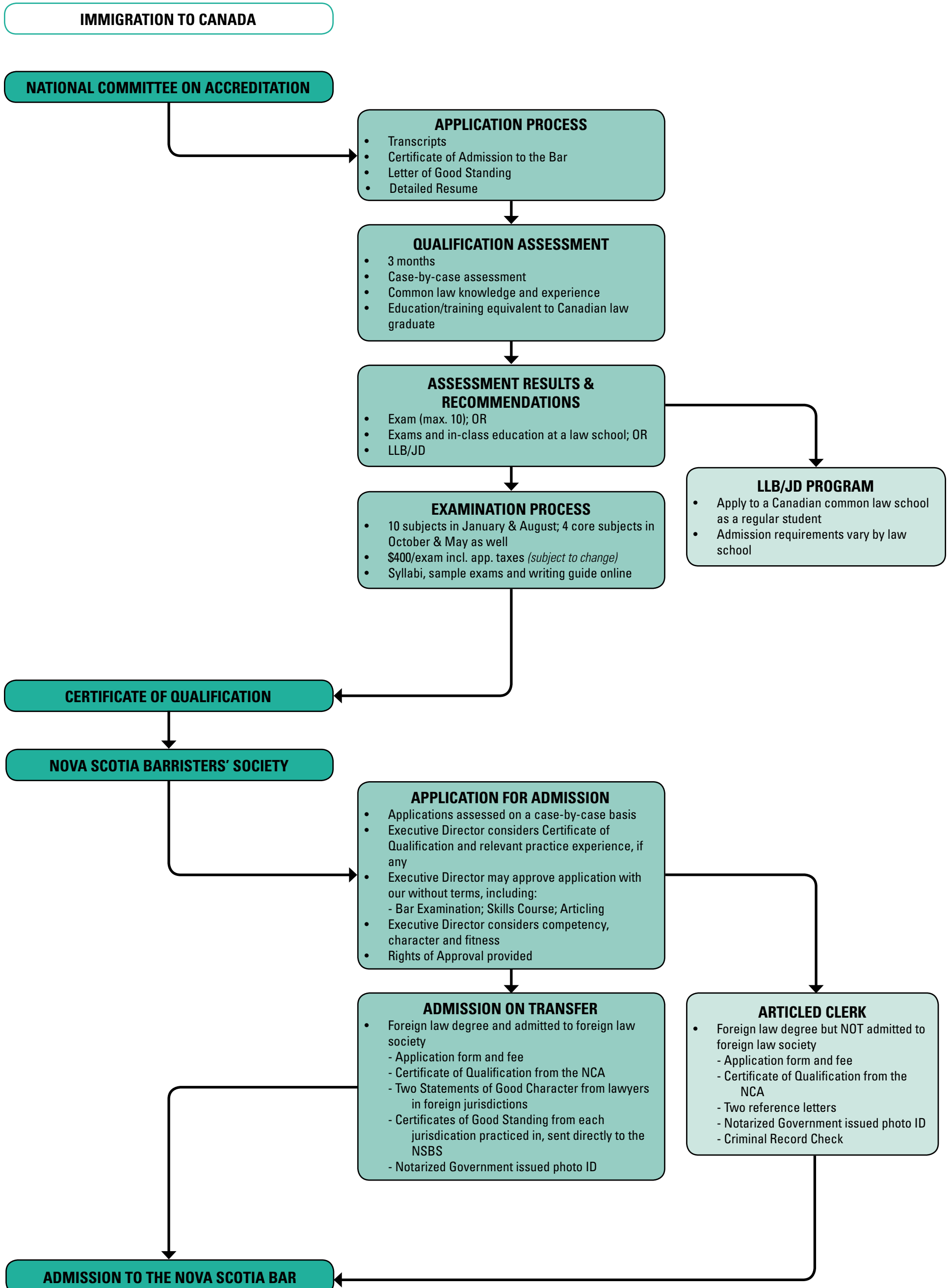




ACCREDITATION PROCESS FOR INTERNATIONALLY TRAINED LAWYERS IN NOVA SCOTIA





NOVA SCOTIA
BARRISTERS' SOCIETY

ACCREDITATION PROCESS FOR INTERNATIONALLY TRAINED LAWYERS IN NOVA SCOTIA

The accreditation process in Canada involves several separate and distinct steps. It is best to begin the process before arriving in Canada since it can take anywhere from one year to four or five years to complete. The length of the process will depend on many factors, such as country and legal jurisdiction of origin, access to necessary documentation, and time available for exam preparation.

Before leaving your country, contact your university(s) and legal society (regulator of the legal profession) to inform them of the documentation you will require them to send to the Canadian accreditation bodies (*see diagram for list of documents needed*).

The first step in the accreditation process is to contact the [National Committee on Accreditation](#) (NCA – see diagram for more details). The NCA has been designated the national credential assessment organization and operates through the [Federation of Law Societies of Canada](#). The NCA verifies that internationally trained legal professionals applying to work in the Canadian legal profession have an education comparable to that of a Canadian common law school graduate. Before completing an application form contact the NCA for further information on potential Canadian educational requirements. If coming from a jurisdiction with little or no exposure to substantive common law, applicants may be required to apply for and attain an LLB or JD from a Canadian law school before being eligible to practise law in Canada. If, however, there is experience with common law systems, applicants may be required to write challenge exams or enrol in law school courses. Upon completion of NCA recommendations, lawyers receive a “Certificate of Qualification” that declares knowledge of Canadian substantive law. The steps necessary to attain the certificate depend on many factors, which are outlined on the diagram and the [NCA website](#).

With the Certification of Qualification, internationally trained legal professionals apply to their provincial law society, which regulates admission to the Bar and the legal profession. In Nova Scotia it is the Barristers’ Society (NSBS), a self-regulated body composed of elected Council members and appointed members of the public (see the [Legal Profession Act](#) for more details). The Executive Director is employed by Council and oversees the administration of NSBS.

In Nova Scotia, the admission process is divided into two categories: **(1) Transfer Applicants:** lawyers who have been admitted to a foreign legal jurisdiction and have experience practising law; **(2) Article Applicants:** individuals who have a foreign law degree but have not been admitted to a foreign legal jurisdiction. All applications are assessed on a case-by-case basis, which means that admission requirements depend on individual circumstances. All applicants are required to take the [Bar Exam](#). Depending on the applicant’s experience and exposure to legal practice, transfer applicants may be required to either take part in the [Skills Course](#), or work under the supervision of a practising lawyer (a lawyer admitted to the Nova Scotia Bar).

Once the admission criteria have been met (see diagram for more information on “admission criteria”), the internationally trained legal professional is called to the Bar and entitled to practise law in Nova Scotia (see diagram for more information on “admission to the Bar”).

IMMIGRATION TO CANADA

The NCA and NSBS have no role in the immigration process or attaining status in Canada. For further information on this topic, please visit the following websites.

- Citizenship and Immigration Canada www.cic.gc.ca
- Nova Scotia Office of Immigration <http://novascotiainmigration.com>
- Immigrant Settlement and Integration Services <http://www.isisns.ca>

The accreditation process is designed so several steps can be taken **prior to arrival in Canada**:

- Application to the NCA
 - Submission of university and law society documentation along with detailed resume, application form, and application fee
- NCA Examination Process
 - Upon issuance of assessment results, arrangements can be made to write exams in countries other than Canada, at the applicant's expense
 - Please visit the [NCA Examinations Page](#) for details
- Contact with NSBS
 - Even though transfer applicants must have a Certificate of Qualification from the NCA before applying for admission to NSBS, all applicants are encouraged to contact NSBS before arrival in Canada
 - For admission queries, please contact the [Admissions Officer](#).

NATIONAL COMMITTEE ON ACCREDITATION

c/o Federation of Law Societies of Canada

World Exchange Plaza

45 O'Connor, Suite 1810

Ottawa, Ontario

Canada K1P 1A4

Telephone: (613) 236-1700

Email: nca@flsc.ca

Website: <http://www.flsc.ca/en/foreignLawyers/foreignLawyers.asp>

- Please contact the NCA directly for further information
- Applicants are encouraged to apply before arriving in Canada

APPLICATION PROCESS

- May apply at anytime throughout the year but application cannot be assessed until ALL documentation is received:
 1. **Academic Record** – courses, grades, credits
 - a. Original transcripts may be sent for pre-legal education but legal education must be official documents sent directly from the university
 - b. Please see NCA [website](#) and application form for more information on the difference between “original” and “official” documentation
 2. **Certificate of Admission to Bar/Council/Law Society**
 - a. Must be official document sent from the Society
 3. **Transcript of courses or exams completed for call to the Bar/Council/Law Society**
 - a. Must be official document sent from the Society
 4. **Letter of Good Standing from Bar/Council/Law Society**
 - a. Must be official document sent from the Society

5. Detailed CV/resume of legal work and professional experience

- a. This is a document detailing the tasks and responsibilities involved in your legal career. It is best to include lots of detail and information on exposure to common law systems and subjects. For more information contact the NCA directly.
- Must include application fee with application package
 - Payment methods include: certified cheque drawn on a Canadian account, money order, bank draft, or Canadian credit card
- Applicant is responsible for providing certified English translations of any documents not in French or English

QUALIFICATION ASSESSMENT

- Each application is **assessed individually** and unique circumstances are taken into consideration.
- During assessment, the NCA will consider legal work experience within legal systems largely of a common law nature.
- The NCA refers to [Juri Globe](#) and [Globlex](#) in comparing foreign legal systems to the Canadian legal system
- The NCA considers the following, when determining compatibility of the applicant's legal education and legal work experience to the Canadian legal system:
 - The country and jurisdiction in which the applicant was educated;
 - The quality and substance of legal education attained:
 - § Nature of the degree-granting institution, length of degree, subject matters studied, content of courses, academic standing, and age of legal degree;
 - The length and substance of professional legal experience:
 - § Standing at current Bar Society, the type and level of law practised; and
 - Continuing legal education and development.
- The application assessment may take up to three months.

ASSESSMENT RESULTS AND RECOMMENDATIONS

- There are three categories of NCA recommendations:
 - Specific number of challenge exams
 - Combination of exams and in-class instruction at a Canadian Common Law School
 - Requirement to complete a law degree at a Canadian Common Law School
- The NCA focuses on ten core common law subjects in which applicants must demonstrate an understanding:
 1. Foundations of Canadian Law
 2. Canadian Criminal Law and Procedure
 3. Canadian Constitutional Law (with Aboriginal component)
 4. Principles of Canadian Administrative Law
 5. Professional Responsibility
 6. Contracts
 7. Torts
 8. Property
 9. Evidence
 10. Corporate Law
- The determination of these recommendations is generally based on the legal jurisdiction of the applicant:
 - **“Pure” Common Law** (e.g. England, Australia, the United States, India)
 - § All applicants are required to complete the four Canadian-specific common law subjects.
 - § Sometimes applicants are required to take additional courses depending on experience, education, and academic standing.

- § In-class participation is typically recommended only for applicants who obtained a significant portion of their education through distance learning.
- **“Hybrid”** (e.g. India, Pakistan, Philippines, South Africa, Sri Lanka)
 - § This is a VERY broad category so each applicant is assessed individually on the extent of his or her common law education and experience. The NCA looks for **significant** common law exposure.
 - § Typically four to eight challenge exams are assigned.
 - § In-class participation is typically recommended only for applicants who obtained a significant portion of their education through distance learning.
- **“Other”** (e.g. China, Columbia, Iran, Mexico)
 - § These are legal jurisdictions with very little or no exposure to common law. Considering the significant differences in interpretation and application of legal principles, the NCA recommends that these applicants apply to a Canadian common law school to attain an LLB or JD.
 - § However, if an applicant from an “other” jurisdiction has gained experience and knowledge of Canadian or other common law systems through an LLM or work at the level of a lawyer, the NCA will take a serious look at this experience.

EXAMINATION PROCESS

- All NCA exams are offered twice a year, in January and August
- The four core courses are offered in October and May as well
- Fee charged per exam
- Exams are offered in Calgary, Toronto, and Vancouver, but arrangements can be made to write in other Canadian cities or internationally (at the applicant’s expense)
- Exams are similar to Canadian law school exams and are written by professors across the country
- Syllabi, sample exams, exam schedule and an exam-writing guide are all provided on the [NCA Examination website](#)
 - Study materials can be obtained through websites for international applicants

CERTIFICATE OF QUALIFICATION

This certificate is achieved after completing the recommendations assigned by the NCA. It signifies comprehension of Canadian substantive law comparable to a graduate of a Canadian common law school. The certificate is required by the Canadian Law Societies/Barristers’ Society.

NOVA SCOTIA BARRISTERS’ SOCIETY

1101-1645 Granville Street
 Halifax, Nova Scotia B3J 1X3
 Telephone: (902) 422-1491
 Website: www.nsbs.org

The Barristers’ Society (NSBS) is the regulatory body of the legal profession in Nova Scotia. It is responsible for admitting and maintaining membership and ensuring protection of the public interest in the practice of law.

For admission queries, please contact the [Admissions Officer](#).

For equity concerns, please contact the [Equity Officer](#).

APPLICATION FOR ADMISSION

- All applications are assessed on a case-by-case basis by the Executive Director and the Admissions & Professional Development Department of NSBS
 - See [Regulations 6.2](#) for more information
- In assessing applications, the Executive Director considers:
 - Certificate of Qualification – **sent directly to NSBS from the NCA**
 - Any relevant practice experience
- If the applicant has not been admitted to a Foreign Legal Bar, they must apply as an [Article Applicant](#)
- If the applicant has been admitted to a Foreign Legal Bar, they must apply as a [Transfer Applicant](#)
- **Executive Director may approve a transfer application with or without terms, including:**
 - **Bar Examination**
 - § Two days of examination, offered twice a year (January and July)
 - § Tests competency in specific areas of law (*see [Bar Admission page](#) on NSBS website for details*)
 - **Skills Course**
 - § Offered three or four times a year
 - § Teaches lawyering skills: Interviewing and Counselling, Negotiation, Litigation, Legal Writing, and Legal Drafting
 - **Articling**
 - § 12-month period of supervised work
 - § Work must take place in the office of a qualified “principal” (*see [Articling page](#) on NSBS website for more details*)
- Executive Director considers competency, character and fitness for each applicant
- All applicants must be entitled to work in Canada
- Rights of Approval are provided upon assessment

ADMISSION ON TRANSFER

- This process is for applicants who have a foreign law degree and have been admitted to a foreign Bar/Council/Law Society
- Application Documents:
 1. Application form and fee
 2. Certificate of Qualification from the NCA
 3. Two Statements of Good Character from lawyers in foreign jurisdiction
 4. Certificates of Good Standing from each jurisdiction practised in, **sent directly to NSBS**
 5. Notarized government-issued photo ID
- Factors taken into consideration in the application assessment include: the legal system of the foreign jurisdiction; the applicant’s legal work experience and overall background; and the manner of regulation of the legal profession in the home jurisdiction
 - Similar to the NCA, NSBS also refers to [Juri Globe](#) and [Globlex](#) in assessing similarities of jurisdictions
- The Executive Director may approve a transfer application “with or without terms” to allow flexibility in meeting admission requirements. **All applicants must write the Bar Examination.**
- Depending on qualifications, an applicant may be required to take part in the Skills Course, or work under the supervision of a practising lawyer for a specified amount of time. Supervision is referred to as “articles” for insurance purposes only.

ARTICLED CLERK

- This process is for applicants who have a foreign law degree but have not been admitted to a Bar/Council/Law Society
- Application Documents
 1. Application Form and Fee
 - a. Fee charged for Article Clerk application
 - b. Fee charged for enrolment in Bar Admission Course (Bar Exam and Skills Course)
 2. NCA Certificate of Qualification
 3. Two Reference Letters
 4. Notarized government-issued photo ID
 5. Criminal Record Check
- Applicant must find an Articled Clerk position in Nova Scotia with a firm, lawyer or organization that qualifies to act as a Principal (more information available on the [Articling Forms and Information page](#) of the NSBS website)

ADMISSION TO THE NOVA SCOTIA BAR

- Admission to the Bar in Nova Scotia entitles an individual to legally practise law in Nova Scotia in accordance with the *Legal Profession Act*, s.16(1):

16 (1) The practice of law is the application of legal principles and judgement with regard to the circumstances or objectives of a person that requires the knowledge and skill of a person trained in the law, and includes any of the following conduct on behalf of another:

- a) giving advice or counsel to persons about the persons' legal rights or responsibilities or to the legal rights or responsibilities of others;
- b) selecting, drafting or completing legal documents or agreements that affect the legal rights or responsibilities of a person;
- c) representing a person before an adjudicative body including, but not limited to, preparing or filing documents or conducting discovery;
- d) negotiating legal rights or responsibilities on behalf of a person.