

# NOVA SCOTIA BARRISTERS' SOCIETY

## Procedure for the Bar Admission Ceremony

### 1.1 Procedure Regarding the Bar Admission Ceremony

**1.1.1** As a general rule, a person eligible for membership in the Nova Scotia Barristers' Society is, and should be, called to the Bar in person, pursuant to subsection 5(3) of the *Legal Profession Act*.

### Bar Admission Ceremony Location

**1.1.2** The Call to the Bar will be held in Halifax, unless the Executive Director determines otherwise. With the exception of the June Call, the ceremonies will be held at the Law Courts. Society staff will advise admittees of the assigned courtroom; however, the courtroom may change. Upon arriving at the Law Courts, admittees and their guests should check the docket in case the Call has been reassigned to a different courtroom. The June Call will be held in a conference room<sup>1</sup> to better accommodate the large number of admittees and guests.

### Exceptions

**1.1.3** The *Act* and Regulations recognize that there may be exceptions to the general rule on personal appearance, and that the Credentials Committee may excuse the admittee from personal appearance with the approval of the Court. (*See Policy respecting Calls to the Bar - by Telephone or Video Conference.*) Applicants should be aware, however, that approval from the Court would be rare.

### 2.1 Procedure

**2.1.1** The following procedure pertains to a Call to the Bar in the regular course. The conference room used for the June call is deemed to be a courtroom for the purpose of this procedure.

### Admission Package

**2.1.2** Approximately two months prior to the anticipated Call to the Bar, the Administrator, Education & Credentials will send the Admission package to each potential admittee.

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<sup>1</sup> For example: Pier 21

## **Filing Deadline & Completed Application**

**2.1.3** Pursuant to Regulation 3.8.3(a), the application for admission must be filed at least 30 and not more than 45 days before the anticipated call date, and must include:

- (a) Confirmation of completion of the Articling Agreement (or confirmation that the clerk will complete it prior to the date of call) – this is evidenced by the Certificate of Principal/Supervising Lawyer setting out the dates the clerk articulated;
- (b) Confirmation of completion of the Bar Admission Course – this is on file at the Society;
- (c) Evidence of competence – this is evidenced by the completed Final Report;
- (d) Evidence of good character – this is evidenced by the Statement of Good Character signed by the Principal/Supervising Lawyer;
- (e) Evidence that the applicant is lawfully entitled to be employed in Canada, and will be so entitled at the time of call, if applicable;
- (f) Evidence of fitness, if the Executive Director requires; and
- (g) Other information required by the Committee.

## **Further Materials Required**

**2.1.4** In addition, the potential admittee must provide:

- (a) A cheque payable to the Society in payment of the admission fee and Prothonotary filing fee;
- (b) Information Regarding Employment/Trust Accounts form – One of the items on the form advises the Society how the admittee wishes his/her name to appear on their scroll;
- (c) A completed Oath/Affirmation on Admission form and Oath/Affirmation of Allegiance (if applicable). The admittee must advise if he/she wishes to swear the oath on a book other than the Bible;
- (d) An email including biographical information requested by the Society for using during the Call to the Bar; and
- (e) Phonetic pronunciation information, if the admittee believes the Presenting Officer may have difficulty pronouncing his/her name or other information in the biography.

## **Notary Application**

**2.1.4a** If the potential admittee is applying to be a Notary Public, in addition to the documents set out in 2.1.4, they must provide a notary public application.

## **Staff Review**

**2.1.5** Staff will review the submitted documentation, do any necessary follow-up, arrange for the preparation of the scrolls and orders, and prepare and confirm an Admission List for the call.

## **3.1 Approval by Executive Director**

**3.1.1** Pursuant to Regulation 3.8.6, the Executive Director may approve the Application for Admission, unless the Application must be referred to the Credentials Committee because of issues about the applicant's competence, character, or fitness. Regulation 3.8.6 also sets out other authorized options available to the Executive Director.

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

**3.1.2** Pursuant to Regulation 3.9.2, staff will file the admission documents with the Prothonotary's Office at least five days in advance to the date of the date of the Call:

### ***Executive Director to Present Documents***

**3.9.2** *Five days prior to a scheduled date for a call to the Bar ceremony the Executive Director shall file with the Prothonotary*

- (a) a sworn affidavit attesting to the fact that each person being called to the Bar has satisfied all of the requirements of the Society entitling the person to be a practising lawyer,*
- (b) a form of order of the Court admitting each person as a practising lawyer,*
- (c) a brief biography of each person being called to the Bar, and*
- (d) the prescribed fees.*

## **Procedural Information**

**3.1.3** Staff will provide procedural information to the presiding justice, presenting officers, and admittees one week in advance of the ceremony.

## **4.1 Society Member Checklist on Day of the Call**

**4.1.1** Society staff member will bring the following on the day of the ceremony:

- (a) the list of admittees,
- (b) the biographies, including phonetic spellings (as required), and
- (c) a list of oaths to be taken.

## **Roll of Lawyers**

**4.1.2** **With the exception of the June admission ceremony**, Society staff member will obtain the Roll of Lawyers from the Prothonotary's Office, and will return the Roll to the Prothonotary's Office following the ceremony. The Prothonotary will transport the Roll of Lawyers to and from the June ceremony.

## **5.1 Bar Admission**

**5.1.1** Before entering the assigned court room, admittees will be lined up alphabetically left to right for each counsel table. First in line sits at the front counsel table on the presenting officer's immediate right. The Society staff member will identify where the breaks for each row will occur.

## **Entering Courtroom**

**5.1.2** Society staff member will advise guests when to enter the court room. Admittees will enter the court room, as instructed by society staff member, in the assigned order. Once the admittees and presenting officer are seated, the presiding justice will enter and the court will be opened in the normal fashion. All must stand when the justice enters, then sit.

### **Admittee Shall Stand throughout Application**

**5.1.3** The justice will recognize the presenting officer, who will stand, make a few introductory remarks and then proceed to introduce the first admittee. When the name of the admittee is called, they stand and remains standing, while the following takes place:

- (a) The presenting officer reads the biography of the admittee.
- (b) The admittee swears or affirms the Oath on Admission and, if applicable, the Oath of Allegiance (this oath is optional). There will be a Bible at the counsel table. If an admittee wishes to swear on a different religious book, they will bring it to the ceremony and keep it with them.<sup>2</sup>
- (c) The justice will likely prompt each admittee to take the oaths, so the admittee should pause a moment and if there is no prompt, proceed with reading the oaths.
- (d) The justice grants the order of admission.

### **Admittee Shall Sit Following Granting of the Order**

**5.1.4** Once the order is granted, the admittee thanks the justice, sits down, and passes the Bible to the next admittee on their right. Admittees at the far end of the table should give the Bible to the table behind them.

### **Admittees Shall be Introduced in Sequence and the Process Repeated**

**5.1.5** The presenting officer will introduce the second admittee, who will immediately stand and the above procedure is repeated for each of the admittees.

### **Justice's Address**

**5.1.6** Once all admittees have been presented and the orders granted, the justice will deliver a short address.

### **6.1 Signing the Role**

**6.1.1** After the ceremony Society staff member will instruct admittees regarding signing the Roll of Lawyers and will provide a package of materials and scroll. **Admittees must sign the Roll of Lawyers in order to be called to the Bar.**

### **Questions Regarding Fees**

**6.1.2** If admittees have any questions regarding fees, they should contact the Accounting Administrator at the Society's offices.

### **Registration of Law Firm Required**

**6.1.3** If admittees plan to set up a new law firm, which includes a sole practice, admittees must submit a New Firm Registration form to the Officer, Legal Services Support and advise the Law Foundation regarding trust accounts. . Admittees should contact the Officer, Legal Services Support for further information regarding the New Firm Registration process.

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<sup>2</sup> We decided against providing all religious books required for each ceremony as, in an effort to be inclusive, we could run the risk of offending admittees. Due to our lack of knowledge of world religions, we could inadvertently provide a book that appeared appropriate, but, in fact, was not. As Nova Scotia becomes a more culturally diverse province, it is likely that more religions and different sects of major religions will become commonplace, and we recognize that different sects may subscribe to different versions of what to non-adherents may appear to be the same book.

**Trust Account Exam Required**

**6.1.4** If admittees plan to open a trust account, they must first pass the trust account examination. Admittees should contact the Director, Education & Credentials for further information regarding the trust account examination.

**Maintaining Relationship with Society**

**6.1.5** The admittees must be advised that it is important to file forms and pay fees on time in order to avoid automatic suspension. They should ensure that they are familiar with the Society's Regulations and always keep the Society up to date on address changes and contact information.

*Revised – May 12, 2008*

*Revised by the Credentials Committee – December 10, 2009*

*Revised – May 26, 2016*

*Revised – November 22, 2018*

