



NOVA SCOTIA BARRISTERS' SOCIETY

NSBS CPD REQUIREMENT HANDBOOK

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I. GENERAL QUESTIONS

What is the NSBS Continuing Professional Development (CPD) Requirement, and what does it mean to me?

Mandatory CPD is the requirement that all practising lawyers create and implement a professional development plan. Mandatory CPD is intended to preserve and enhance a lawyer's knowledge, skills and professionalism and is a natural extension of our commitment to the public to ensure the highest standards in our profession.

Practising lawyers are required to report that they have created and implemented a plan on their Annual Lawyer Report, filed in June each year. The failure to fulfil this, or any, requirement set by the Society may result in administrative and/or disciplinary action.

In addition to the mandatory requirement, the Society continues to recommend that all lawyers engage in at least 12 hours of CPD activity and 50 hours of self-learning/self-study annually.

What are the key elements of the CPD Requirement?

Your professional development plan should include education that is relevant to your practice and covered not only substantive law but also risk and practice management and professionalism.

When did CPD become mandatory?

CPD became mandatory on June 1, 2012.

Why make CPD mandatory?

An overwhelming majority of professions have some form of ongoing, mandatory CPD requirements. This is a matter of public confidence in the profession and therefore a public interest issue.

Is there evidence that making CPD mandatory works?

While no empirical evidence exists, common sense suggests it does. Most lawyers already participate in CPD and making it mandatory will change very little for them. Those few that don't will have to start doing so and the end result will be a more competent Bar.

Isn't it going to be more expensive and inconvenient for rural practitioners to meet the CPD requirements?

The CPD requirements are broad and flexible enough that they can be met within the office (e.g. participating in study groups, writing articles, mentoring), electronically or through programs offered by the various county Bar associations. Your participation in education sessions over the phone and/or via webinars also counts. The Society will be working to ensure that lawyers find a sufficient range of accessible and effective CPD offerings.



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II. WHAT CPD IS ELIGIBLE TOWARD THE MANDATORY REQUIREMENT?

The [Chart](#) expands on these three areas.

What CPD may be included in my Professional Development Plan?

Although the Society will not be tracking individual programs or hours the principles behind continuing professional development remain the same.

The expectation is that a lawyer will determine what education they need in any given year in a comprehensive and purposeful way. The general test should be is the activity primarily for an educational purpose and is it relevant to your practice?

The Society is not dictating what you can put in your plan but every lawyer is subject to audit and therefore you need to keep track of your plans and your implementation of those plans for a five year period. You may be asked to provide your plan and verify that you have completed your education. If you make a plan and then change your mind during the year and take something different, that's okay. Just amend your plan and record what you've done for verification purposes. The purpose of the plan is to assist you in thinking about what education you need in any given year. It is not simply to fulfill an "hours" requirement. The Society wants to work with lawyers and ensure that they are able to make plans and to find the resources they need.

In making your plan you may want to reference **the CPD Chart**. It gives you an idea of the kinds of activities you may want to consider when planning your professional development plan.

The Society strongly recommends that you ask yourself questions about what your career goals are, where you want to be and what you need in terms of skills, practice management and Professionalism as part of your plan. We have templates available on the website for your use and we are also happy to work with you to create a plan. The Society is often asked questions about what cpd activities should be included in a cpd plan. Below are the answers to some of the questions posed.

May I include mentoring a student/lawyer in my cpd plan?

Yes. Acting as a mentor or practice advisor can be included but should not be the only education in your plan. Being a principal for instance should not be included as the only item in your cpd plan. In addition to helping newer lawyers a practicing lawyer should also be updating their own education and skills each year.

May I include CBA section meetings in my plan?

Yes. Again, you should include only those parts that are for an educational purpose and not the business meetings of a section or committee.

May I include reading in my plan?

Yes. Self study is an important part of professional development. The Society recommends that every lawyer complete at least 50 hours of self study per year that is separate from the reading they do to prepare a case. But again, this should never be the only item included in your plan. Part of a robust professional development plan is participating in activities that will challenge you to go beyond your comfort zone and to learn new skills and gain new knowledge in a situation where you can discuss with other lawyers.

May I include writing in my plan?

Yes. Writing or editing a book, article or blog- for primarily educational purposes may be included. Writing for a client is remunerative work and should not be part of your plan.



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May I include presentations I give to my clients or to others in my plan?

Yes, if they are for primarily educational purposes.

May I include teaching in my plan?

If the teaching you are doing, even if it is paid for, is not a core function of your regular employment, then you may include it.

May I include my firm's in-house education programs in my plan?

Yes, as long as they are relevant to your practice you may count any type of in-house education.

If you have questions about your cpd plan please contact the Society at cpd@nsbs.org or phone the **NSBS CPD line: 902-422-1491 ext. 371**. Someone will respond to your inquiry within 5 business days.



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III. DOES THE CPD REQUIREMENT APPLY TO ME?

From July 1, 2016, all practising lawyers will be required to create and implement an annual continuing professional development plan.

I'm a government lawyer/in-house counsel/corporate lawyer/law professor/part-time lawyer and/or otherwise engaged in a non-traditional law career. Do I have to fulfill the same CPD requirements?

Yes. All practising lawyers are subject to the same basic requirements listed above. However, you have the freedom to choose the eligible CPD activities (and content) that are the most relevant to you and your practice.

I am a non-practising lawyer, but I intend to change my status to practising within the year. Do I have to meet the full CPD requirements for the year?

You will be required to have a plan for whatever portion of the year you hold practicing status.

I am a practising lawyer, but I intend to change my status to non-practising within the year. Do I still have to meet the full CPD requirements for the year?

CPD activity is reported together with your Annual Lawyer Report in June each year. If you change to non-practising prior to June, you are not required to file your Report (or your CPD hours). However, should you apply to change back to practising status, your CPD activity during that time will be among the factors considered in determining the terms of your approval.

I will be on maternity leave/parental leave/sick leave/education leave for up to a year. Do I have to create a plan while I am off?

If you are planning to take leave from practice but are maintaining your practice certificate, you can apply for an exemption from the CPD Requirement for the duration of your leave. To apply for an exemption, please fill out the [CPD Exemption Form](#) and email it to naube@nsbs.org.

I am a suspended lawyer. Do I still have to meet the CPD requirement?

Yes, suspended LLBs are expected to have and implement an annual plan.

If your reinstatement falls after the June 1 deadline and therefore, you do not file an Annual Lawyer Report for the previous year, a condition of your reinstatement will be demonstrating that you fulfilled the CPD requirement for the previous reporting period.

You are encouraged to fulfil your plan while you are suspended, so as to avoid any delay when you seek reinstatement.

Are there any circumstances in which I don't have to fulfill the mandatory CPD requirement?

The Executive Director has discretion to waive or reduce the requirement in exceptional circumstances. Please consult the NSBS if such circumstances arise.

I'm a member of other provincial law societies. Will my CPD activities in those jurisdictions count as eligible CPD?

Yes. Provided they otherwise meet the requirements listed above (both in terms of form and content), your CPD activities – even those in other provinces – count as eligible CPD activities.



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V. RESOURCES

Where can I find CPD resources?

There are a number of places to find available CPD resources. Here are a few to get you started:

- the **Society's website** offers two ways of accessing details about upcoming CPD activities
 - the Events Calendar (www.nsbs.org/calendar/month);
 - the Upcoming events page (<http://nsbs.org/events>)
- the **CBA website** (www.cba.org) provides a list of all upcoming events and online CBA programs available to its members.

Lawyers can also find details of upcoming events in the Society's electronic newsletter, *InForum*.

If you still need clarification, please email us at cpd@nsbs.org, or phone the **NSBS CPD line: 902 422 1491 ext. 371**. Someone will respond to your query within five business days.

How can I find out more about the Society's CPD requirement?

Look to our website (www.nsbs.org), the *Society Record* and *InForum* for regular updates.

If you have specific questions, please email us at cpd@nsbs.org, or phone the NSBS CPD line: 902 422 1491 ext. 371. Someone will respond to your query within five business days.