



NOVA SCOTIA BARRISTERS' SOCIETY

## POLICY ON READMISSION FOLLOWING RESIGNATION

### 1.1 Application of Policy

**1.1.1** This policy applies to lawyers who have resigned from the Nova Scotia Barristers' Society, excepting lawyers who have been permitted to resign by a hearing panel. (See *Policy on Readmission Following Disbarment – name of policy likely to change*)

### Application for Readmission

**1.1.2** Pursuant to Regulation 5.10.1, a person who has resigned, and who is not a member of another law society in Canada, may apply to be readmitted to the Society.

### 2.1 Content of the Application

**2.1.1** The content of the application is prescribed by subregulation 5.10.2:

#### Content of Application

**5.10.2** An application under this regulation shall be in the prescribed form, accompanied by the prescribed fee, and shall provide

- a) contact information,
- b) professional history,
- c) information confirming good character,
- d) information confirming fitness,
- e) information confirming competence to practise law,
- f) if the member is or has been a member of a law society in a foreign jurisdiction, certificates of standing from each jurisdiction,
- g) provide the Executive Director with a criminal record check in a manner prescribed by the Executive Director;
- h) such other information that may be required by the Executive Director.

### 3.1 Options of the Executive Director

#### 3.1.1 Good Character or Fitness

The Executive Director may obtain additional information regarding the applicant's good character or fitness from the applicant or any other person.

#### Approval of Application

**3.1.2** The Executive Director may approve an application for readmission following resignation, with or without terms, and stipulate the effective date, if it is consistent with the public interest.

#### Terms of Approval – Decision of Executive Director

**3.1.3** The Executive Director may include in the approval of the application the following terms:

- a) that the applicant practice for a specified time under the supervision of a practising lawyer, who qualifies to act as a principal, in accordance with an education plan approved by the Executive Director;
- b) that the applicant successfully complete all or a portion of the Bar Admission Course;
- c) that the applicant satisfy the Executive Director of his or her fitness or competence for resumption of practice; and
- d) that the applicant complete other requirements of the Executive Director.

## **Denial of Application**

**3.1.4** The Executive Director may deny an application where it is in the public interest to do so, except for reasons of good character or fitness, which application will go to the Credentials Committee.

## **Application Denied or Approved with Terms**

**3.1.5** If the Executive Director makes a decision denying the application or approving it with terms, the Executive Director will provide the applicant with written reasons and inform the applicant of the internal review process.

## **4.1 Referral to Credentials Committee**

**4.1.1** The Executive Director will refer to the Credentials Committee any application for readmission raising an issue of good character or fitness, or public interest issues.

## **Options for the Committee**

**4.1.2** After considering the application and all information provided by the Executive Director, the Committee may:

- a) defer a decision and request the Executive Director obtain new information;
- b) approve the application, with or without terms; or
- c) deny the application.

## **Terms of Approval – Decision of Credentials Committee**

**4.1.3** The Credentials Committee may include in the approval of the application the following terms:

- a) that the applicant practice for a specified time under the supervision of a practising lawyer, approved by the Committee, in accordance with an approved education plan;
- b) that the applicant successfully complete all or a portion of the Bar Admission Course;
- c) that the applicant satisfy the Committee of his or her fitness for admission to membership and resumption of practice; and
- d) that the applicant complete other requirements of the Credentials Committee.

## **Review of Committee's Decision**

**4.1.4** If the Committee's decision denies the application, or approves the application with terms, the Committee will:

- a) provide the applicant with written reasons, and
- b) inform the applicant of the right to appeal to the Credentials Appeal Panel.

## **5.1 Supervision by Practising Lawyer**

**5.1.1** During any required period of supervision, the applicant is considered a practising lawyer and must be fully insured and pay the fees of a practising lawyer.

## **6.1 Call to the Bar Required**

**6.1.1** Upon approval of an application for readmission, the applicant must be called to the Bar.

*Approved by Credentials Committee on March 22, 2013*