



NOVA SCOTIA BARRISTERS' SOCIETY

POLICY AND PROCEDURE FOR APPLICATION FOR TERMINATION OF ARTICLES

1.1 Application Procedure

1.1.1 Any articulated clerk or principal who wishes to terminate articles, pursuant to Regulation 3.4.2(g) or Regulation 3.5.24, may apply to the Executive Director in writing outlining the reasons for the requested termination.

1.1.2 Relevant Regulation – Application by Articled Clerk

The regulation pertaining to an articulated clerk's application to terminate follows:

Options for Articled Clerks

3.4.2 An articulated clerk may

...

(g) apply to the Executive Director to terminate the Articling Agreement by providing information required to allow the Executive Director to consider the application and the Executive Director may approve the application on such terms as the Executive Director deems appropriate;

1.1.3 Relevant Regulation – Application by Principal

The regulations pertaining to a principal's application to terminate follows:

Termination by Principal

3.5.24 A principal may apply to the Executive Director to terminate an Articling Agreement by providing information required to allow the Executive Director to consider the application.

Approval on terms

3.5.25 The Executive Director may approve an application under subregulation 3.5.24 on such terms as the Executive Director deems appropriate.

2.1 Review and Processing

2.1.1 The Executive Director will review and process the applications, and may seek information from both the principal and the articulated clerk to determine if there is any concern about the actions of either the articulated clerk or principal which may have given rise to the need to terminate the articles, or to discover if there has been a breakdown in the relationship.

Principal to Assist Articled Clerk

2.1.2 If reasonable in the circumstances, the Executive Director may require the principal to assist the articulated clerk to locate another articling position: for instance, if the termination is due to circumstances beyond the articulated clerk's control, or if a breakdown in the principal/articled clerk relationship is due to issues with the principalship.

Executive Director May Assist Articled Clerk

2.1.3 There may be situations in which it is appropriate that the Executive Director assist the articulated clerk to locate another articling position. This would occur only in exceptional circumstances where the termination is the result of an unexpected or unforeseen circumstance. (Example: If a principal dies or is no longer eligible to act in this capacity due to restrictions imposed through the Professional Responsibility process, and is a sole practitioner or a member of a small firm where another lawyer is unavailable or unable to step into the role of principal.)

3.1 Application Approval

3.1.1 The Executive Director may approve the termination request, and will provide a ruling letter to the articulated clerk and the principal.

Three Year Limitation Period To Be Clearly Articulated

3.1.2 The Executive Director will provide the articulated clerk with a letter that clearly states the following: Pursuant to Regulation 3.4.1(d), if the articulated clerk wishes to obtain credit for articles served to date, all articling requirements must be completed within three years of the date of registration on the Register of Articled Clerks (which is the articling start date).¹

Letter Confirming Status of Articles and Bar Admission

3.1.3 The Executive Director will also provide the articulated clerk with a letter confirming the current status of the articulated clerk's articles and bar admission. An example of this letter is provided in Appendix "A."

Approved by the Credentials Committee - May 26, 2010

¹ To ensure that an articulated clerk's knowledge and skills are current, the Regulations require that an articulated clerk complete all articling requirements (12 months articles, pass Bar Examination and all components of the Skills Course) and be called to the Bar within three years of enrolment as an articulated clerk.

Appendix A

Dear *:

Re: Status of Articling and Admission Requirements

This letter is sent to you in light of the ruling approving the termination of your Articling Agreement with *, pursuant to Regulation 3.4.2(g). Given that you have not yet completed all articling requirements, we thought it would be helpful to set out the status of your articles and what needs to be done in order for you to be called to the Bar.

The Regulations require that an articulated clerk complete all articling requirements (12 months articles, pass Bar Examination and all components of the Skills Course) and be called to the Bar within three years of enrolment as an articulated clerk. You were enrolled as an articulated clerk on *. As such, you would have to complete all of these requirements by *. Pursuant to Regulation 3.4.1(d), you would not receive credit for any period of articles that occurred more than three years ago. This is to ensure that an articulated clerk's knowledge and skills are current.

Status of your Articles

- (i) *Articles*
Enrolled as an Articled Clerk on *.
[if applicable] Commenced a leave of absence from articles on *. You have served * days of articles (*insert dates*).
Required: Serve a further * days of articles. This will equal the required 12 months of articles.
- (ii) *Bar Exam*
Required: Pass the Bar Examination. The dates of the next two sessions are - * and * . You will need current Bar Review Materials to study for the Exam, available in May of each year. *[Or note that the exam has been taken successfully, if that is the case.]*
- (iii) *Skills Course*
Required: Register for the Skills Course and pass each component of the Skills Course. *[Or note that the Skills Course has been successfully completed, or specific portions of the Skills Course have been successfully completed, if that is the case.]*

Status of your Bar Admission

You have to meet the requirements set out in items (i), (ii), and (iii) by * in order to be called at the next scheduled bar admission ceremony for which you are eligible.

Sincerely,