

NOVA SCOTIA BARRISTERS' SOCIETY

Operational Policy No.

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| NAME OF POLICY | Policy on Timelines | | |
| DEPARTMENT | | | |
| Approved by DATE | Effective DATE | Reviewed | Revised |

Policy on Timelines

1.1 Timelines in effect

1.1.1 The timelines set out in this policy begin to run upon receipt by the Executive Director of the Nova Scotia Barristers' Society (the "Society") of an Application, as defined.

Definition of "Application"

1.1.2 For the purposes of this policy "Application" means a complete Application, with all supporting documents.

1.1.3 For the purposes of this policy "admittee" or "admittees" shall include both articulated clerk admittee and lawyer admittee unless specifically noted.

2.1 Interpretation of Timelines

2.1.1 The timelines in this policy will be interpreted consistent with Regulations 1.1.3 to 1.1.7 as follows:

1.1.3 The period of days in these Regulations that permits or requires something to be done in a number of days does not include any of the following:

- (a) the day the period begins;
- (b) a Saturday or Sunday in the period;
- (c) a weekday the office of the Society is closed during the period;
- (d) the day on which a thing is required, or first permitted, to be done.

1.1.4 A document delivered on a Saturday, a Sunday, or a weekday that the office of the Society is closed is considered to be delivered on the next weekday when the office of the Society is open.

1.1.5 A document delivered after four-thirty on an afternoon is considered to be delivered on the next weekday when the office of the Society is open.

1.1.6 A day is the period between midnight and the instant before midnight marking the beginning of the next day.

1.1.7 For the purpose of Section 3 of the *Time Definition Act*, a year is the 365 days from midnight of a day on the Gregorian calendar to the instant before midnight marking the beginning of the same numbered day, in the same month, in the following year, except a year that starts on the twenty-ninth day of February ends on the first day of March in the following calendar year.

3.1 Application Processing

3.1.1 During periods of normal Application volume (normal workload), the Executive Director will process the following Applications, other than Applications raising public interest issues, within ten days.

Public Interest Issues

3.1.2 If, following the Executive Director's review of an Application, the Application raises public interest issues, or otherwise requires additional follow-up, timelines will be extended on a case by case basis. An applicant will be kept advised of the status of the Application at reasonable intervals.

Anticipated Delays in Application Processing

3.1.3 During the following time periods, the Education & Credentials Department experiences a high workload, and the ten day time period may be extended:

- (a) April 1 to July 15; and
- (b) December 1 to January 15.

Unanticipated Delays in Application Processing

3.1.4 If workload is unusually heavy at other times and regular timelines cannot be met:

- (a) an applicant will be advised within two days that timelines may be extended, and will be advised when they may expect a ruling on their Application; and
- (b) an advisory notice will be posted on the Society's website.

4.1 Application to be an Articled Clerk

4.1.1 Given the large number of Applications to be an articled clerk received by the Education & Credentials Department in the same timeframe, an applicant must submit his or her Application to be an articled clerk at least 60 days in advance of the anticipated articling start date in order to allow the Executive Director sufficient time to process the Application and complete any necessary follow-up.

Law School Transcript Required

4.1.2 Notwithstanding paragraph 1.1.2, if the articling Application is submitted prior to convocation, the Executive Director will process the Application prior to receipt of the applicant's law school transcript; however, the official transcript confirming the law degree must be received by the Executive Director by the date set out in the applicant's ruling letter in order to avoid a delay in the commencement of articles or a suspension of articles.

Application Submitted Late

4.1.3 If an Application to be an articulated clerk is received less than 60 days in advance of the anticipated articling start date, section 9.1 respecting emergencies will apply.

5.1 Application for Admission to the Bar

5.1.1 The Executive Director determines the applicants eligible for admission 45 days prior to the date of Call.

Admission Package Provided

5.1.2 An admission package will be sent to each eligible admittee 30 days to 45 days prior to the date of Call.

Response Required

5.1.3 By the deadline provided in the package, each admittee must submit the admission and filing fees to the Society, and complete and return the following:

- (a) Oath/Affirmation on Admission form and, if applicable, Oath/Affirmation of Allegiance form;
- (b) Information Regarding Employment/Trust Accounts;
- (c) Biographical information;
- (d) Phonetic pronunciation information; and
- (e) Notary application, if applicant is applying to be a Notary Public.

Forms Contain Information

Information Regarding Employment/Trust Accounts form

5.1.4 The Executive Director requires information contained on the *Information Regarding Employment/Trust Accounts* form to prepare the applicant's membership scroll. To guarantee delivery of the scroll to the admittee at the bar admission ceremony, the form must be provided to the Executive Director according to the timeline noted in paragraph 5.1.6.

Oath/Affirmation Form

5.1.5 On the *oath/affirmation form*, the admittee gives notice to the Executive Director that he or she wishes to take the oath/affirmation on admission in his or her mother tongue, if applicable. To guarantee sufficient time for the Executive Director to arrange for a certified translation of the oath/affirmation, the *oath/affirmation form* must be provided to the Executive Director according to the timeline noted in paragraph 5.1.6.

Preparation of Scroll

5.1.6 Admittees must submit the forms noted in paragraph 5.1.3 to the Administrator, Education & Credentials at least 30 days and not more than 45 days before the anticipated date for call to the Bar, as per Regulation 3.8.3(a).

Deadline for Receipt of Application from a Lawyer Admittee

5.1.7 Lawyer admittees must submit their Application for admission to the Bar 45 days in advance of a Call date. If there are no public interest issues, and the Education & Credentials Department is processing a routine number of Applications, the applicant will be eligible for the next Call to the Bar.

Deadline for Receipt of Application from an Articled Clerk Admittee

5.1.8 Pursuant to Regulation 3.8.3(a), Applications by articled clerks for admission to the Bar must be filed at least 30 and no more than 45 days before the anticipated date for call to the Bar.

Deadline for Submission of Admission Documents

5.1.9 With the exception of the documents referred to in paragraph 5.1.3, the applicant must submit any other admission documentation no less than ten days prior to the date of Call.

Documents to be filed with Prothonotary

5.1.10 Pursuant to Regulation 3.9.2, the Executive Director must file all admissions documents with the Prothonotary five days prior to the scheduled date of Call.

6.1 Internal Review by the Credentials Review Subcommittee

6.1.1 When the Executive Director makes a decision pursuant to the Regulations listed in Regulation 3.10.5, the Executive Director will provide the applicant with written reasons and inform the applicant of his or her right to request a review by the Review Subcommittee.

Timelines for Internal Review

6.1.2 The pertinent timelines for this internal review process are set out in the Society's *Policy on Internal Review by Credentials Subcommittee of Executive Director Decisions*.

7.1 Applications to Credentials Committee

7.1.1. If an Application must be placed before the Credentials Committee, it must be received **at a minimum**, 45 days prior to the meeting date, as the following timeline applies:

- (a) 45 days prior to meeting – Application processing;
- (b) 30 days prior to meeting – preparation of Credentials Committee meeting package that includes the Executive Director's submissions on the Application. The Executive Director will provide the applicant with a copy of his or her submission to the Committee;

- (c) 20 days prior to meeting – The applicant has 7 days to respond;
- (d) 14 days prior to meeting – The Society finalizes the Committee’s meeting package by including the applicant’s response;
- (e) 7 days prior to meeting – The meeting package is forwarded to the Committee.

When Additional Information Required

7.1.2 If the applicant must submit additional information to the Society, this additional information must be received four weeks prior to the Credentials Committee meeting date. Accordingly, it is anticipated that rulings on Applications requiring Committee review will take longer than the initial 45 days.

8.1 Appeal to Credentials Appeal Panel

8.1.1 When the Credentials Committee makes a decision pursuant to the Regulations listed in Regulation 3.11.1, an applicant may appeal to the Credentials Appeal Panel.

Timelines for Appeal

8.1.2 The pertinent timelines for this appeal process are set out in the Society’s *Policy on Appeals to Credentials Appeal Panel of Credentials Committee Decisions*.

9.1 Emergency Situations

9.1.1 The Society will abridge timelines to process an Application more quickly, where possible, in an emergency situation.

Definition of “Emergency”

9.1.2 Emergency means:

- (a) a delay which will interfere unduly with an applicant’s ability to practice, **but only if the applicant has not delayed submission of the Application**; and
- (b) circumstances deemed by staff to be exceptional. At a minimum, these circumstances must be unforeseen by the applicant and otherwise beyond the applicant’s control.

Approved by the Credentials Committee – January 22, 2010

Revised – May 25, 2016

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