



NOVA SCOTIA BARRISTERS' SOCIETY  
EDUCATION & CREDENTIALS

## APPLICATION FOR READMISSION FOLLOWING DISBARMENT

[Regulation 5.10]

This application must be completed **legibly**. All questions must be answered fully and precisely and the answers to Part 1 must be sworn/affirmed before a Notary Public or Commissioner of Oaths (if sworn/affirmed in Nova Scotia). Omissions or inaccuracies may be grounds for rejection. If the space provided for any answer is insufficient, the applicant may attach a rider to this form, provided it is duly signed.

This application is to be completed by a lawyer who:

1. was a member of the Nova Scotia Barristers' Society,
2. is not a member of another law society in Canada, and
3. wishes to again become a member of the Nova Scotia Barristers' Society.

To apply for Readmission following Disbarment, you will need to submit the following:

- Your application for Readmission following Disbarment
- Relevant documentation with full particulars for any affirmative responses in Parts B and C
- The application fee of \$2300.00 tax included\*
- A current Certificate of Standing from each jurisdiction in which you are, or have ever been, licenced to practice law. (Do not include with your application; each law society must send the Certificate directly to the Society)
- If applicable, a current Certificate of Standing from each governing body for each professional organization, excluding law societies, of which you are, or have ever been a member (Do not include with your application; certificate(s) must be sent to the Nova Scotia Barristers' Society directly by the governing body.)
- A criminal record check (*See the Society's [policy](#) on criminal record checks*)
- A statutory declaration\*\*
- Written statements from two individuals\*\*
- Written acknowledgment from applicant\*\*

**PLEASE NOTE:** Review [Regulation](#) 5.10 prior to completing this application

**\*Payment of fees may be made by credit card by telephone or in person at the Society offices, by cheque made out to the Nova Scotia Barristers' Society or by debit at the Society offices.**

**\*\*See the Society's [policy](#) on readmission following disbarment**

**PART A – IDENTIFICATION**

1. Full Name: \_\_\_\_\_

2. Present Address: \_\_\_\_\_

\_\_\_\_\_

Postal Code: \_\_\_\_\_ Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_ Email: \_\_\_\_\_

3. State any changes of name, formal or informal, or other surnames or given names you have used, and when:

\_\_\_\_\_

\_\_\_\_\_

4. Date of admission to the Nova Scotia Barristers' Society: \_\_\_\_\_

**PART B – PROFESSIONAL HISTORY**

5. Last date on which you were engaged in the practice of law in Nova Scotia: \_\_\_\_\_

Reason for disbarment: \_\_\_\_\_

\_\_\_\_\_

6. Date of disbarment from the Nova Scotia Barristers' Society: \_\_\_\_\_

7. Describe what you have been doing since you were last engaged in the practice of law in Nova Scotia. *Attach a separate sheet if the space provided is insufficient.*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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8. Are you now or have you ever been a member of another law society? Yes  No

If yes, list chronologically all law societies of which you are currently or were previously a member, noting current status and dates of admission.

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***Please have current Certificates of Standing sent directly to the Nova Scotia Barristers' Society from each law society or other body governing the legal profession in any jurisdiction of which you are, or have ever been, a member.***

9. Are you now or have you ever been a member of another governing professional body? Yes  No

If yes, list chronologically all governing professional bodies, excluding law societies, of which you are currently or were previously a member, noting current status and dates of admission.

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***Please have current Certificates of Standing sent directly to the Nova Scotia Barristers' Society from each law society or other body governing the legal profession in any jurisdiction of which you are, or have ever been, a member.***

10. In the space provided below, state fully the nature and extent of your practice and/or law-related experience, including dates (month, year). Please attach your curriculum vitae/resume.

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11. Have you ever been refused admission to, been disciplined by or been disbarred or struck from membership in a law society or other professional organization or governing body other than the NSBS?

Yes  No

12. Have you ever resigned or applied to resign from a law society or other governing body for any reason?

Yes  No

13. Are you currently the subject of a professional conduct or disciplinary complaint in any jurisdiction?

Yes  No

14. Are you aware of any complaint or charge pending against you in your professional capacity, which has not yet come to the attention of another law society or governing body? Yes  No

*If answer is yes to any of questions 11 to 14, provide relevant documents, including reports from your law society, and other applicable professional organization or governing body, if any, with full particulars.*

<b>PART C – GOOD CHARACTER</b>
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15. Do you presently have a record for having been found guilty of a criminal offence? Yes  No

*Please include with your application a Canadian Police Information Centre Criminal Record Synopsis (CPIC Check) and a provincial jurisdiction criminal record check (for each jurisdiction in which you have resided for the past five years).*

16. Are there any outstanding charges against you pertaining to a criminal offence? Yes  No

17. Have you ever been successfully sued in a civil action relating to fraud? Yes  No

18. Have you been denied or had revoked any licence or permit, the procurement of which required proof of good character? Yes  No

19. Have you made an assignment in bankruptcy or petitioned into bankruptcy, or filed a proposal to creditors? Yes  No

20. Are there any outstanding civil judgments against you or any actions outstanding against you that may result in a civil judgment? Yes  No

21. Have you at any time not obeyed any order of any court requiring you to do or abstain from doing any act? Yes  No

22. Is there, to your knowledge or belief, any event, circumstance, condition or matter not disclosed in your replies to the preceding questions that touches or may concern your conduct, character and reputation, and that you know is or believe might be thought to be an impediment to your admission or warrant full inquiry by the Nova Scotia Barristers' Society? Yes  No

*If the answer is yes to any question in Part C, attach relevant documents, including any court orders, with full particulars.*

## AUTHORIZATION

I grant to the Society permission to make enquiry from any person, police authority, governing body, or other organization about anything relevant to this application. I authorize all persons enquired of pursuant to this authorization to provide all information requested.

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Signature

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Date

## UNDERTAKING

I undertake to the Nova Scotia Barristers' Society that, if admitted in Nova Scotia, I will at all times well and truly keep and perform all of my obligations and will follow the rules and requirements of the Society. I also hereby undertake to comply with all ethical guidelines and rules governing lawyers in the Province of Nova Scotia, including the *Code of Professional Conduct*.

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Signature

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Date

**DECLARATION OF APPLICANT**

I, \_\_\_\_\_, the applicant in this Application for Readmission following Disbarment, DO SOLEMNLY DECLARE that the statements contained in my Application are complete and true in every respect.

AND I make this solemn declaration believing it to be true and know that it is of the same force and effect as if made under oath or solemn affirmation.

Declared before me at \_\_\_\_\_ )

in the County of \_\_\_\_\_, )

Province of \_\_\_\_\_, )

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ )

)

\_\_\_\_\_ )

Notary Public in and for the Province of )

\_\_\_\_\_, or a Commissioner )

of the Supreme Court of Nova Scotia. )

\_\_\_\_\_

Signature of Applicant

# APPLICATION FOR READMISSION FOLLOWING DISBARMENT

## PART 2

<b>FITNESS</b>
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In asking the following question, the Barristers' Society is seeking information pertaining to your fitness to practise law pursuant to Regulation 5.10.2 (d). The Society's obligation to protect the public interest operates alongside the lawyers' ethical obligation to respect the human dignity and worth of all persons and to treat all persons with equality and without discrimination.

To that end, the Society will endeavor to deal with issues of capacity without causing unnecessary pain and anxiety for applicants, without discouraging those who need help from seeking it and without contributing to the stigma surrounding mental health issues in particular.

In order to protect your right to privacy, the information you provide will be held in confidence, and will only be provided to the Credentials Committee where it is deemed relevant to a concern regarding your fitness to practise law, and only after you have been notified of the information to be provided to the Committee.

The practice of law is often rigorous, demanding a high level of functioning. Any circumstance that would render you incapable of practising law competently puts clients' interests at risk, and harms the profession's reputation. Having said that, the Barristers' Society recognizes that everyone experiences pressures in life, and we all respond to those pressures differently. You may be quite capable of practising law competently, in spite of your past difficulties. It is the Society's goal as the governing body of the profession to determine if an applicant has an impairment that effectively disables that individual from carrying out the functions normally required of a lawyer. To this end, the Society is looking for information about conditions that you are currently experiencing and which could impair your ability to practise. The Society is not looking for information about past conditions that have been resolved and are not currently affecting your ability to complete the duties of a lawyer. You need only report **current** circumstances which could affect your ability to perform the duties of a lawyer.

The fact that you may have sought professional assistance for a problem is not a bar to readmission. In most cases, evidence of having sought professional assistance is positive evidence, as it suggests that you are actively seeking to deal with the circumstances and take control of your life.

On behalf of the Society, LIANS operates the Lawyers Assistance Program, which is completely confidential and open to all lawyers, their families and their staff. It is available to you upon readmission. The Society actively encourages individuals to seek the education and assistance they need. The LAP can be contacted at 1-866-299-1299.

If you answer "yes" to the question below you may be asked to provide further information from a source that the Society deems appropriate.

If you would like to discuss a personal concern confidentially, please contact the Director, Education & Credentials or the Administrator, Education & Credentials at 422-1491.

1. Full Name: \_\_\_\_\_

2. Date of Birth: \_\_\_\_\_

3. State any changes of name, formal or informal, or other surnames or given names you have used, and when:

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4. ***In asking the following question, the Society is not concerned with issues that have been satisfactorily resolved and do not affect your present ability to practise law competently.***

Based upon your personal history, your current circumstance or any professional opinion or advice you have received, are you currently experiencing any condition that is reasonably likely to substantially impair your ability to competently practise law?

Yes  No

5. If the answer is “yes” to (4), please provide a general description of the “impairment” that is likely to substantially impair your ability to perform the duties of a lawyer.

*Depending upon your response, the Society may ask for additional information from you or another appropriate source.*

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*Signature of Applicant*

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*Date*