



NOVA SCOTIA BARRISTERS' SOCIETY

**APPLICATION FOR CHANGE OF CATEGORY FROM PRACTISING TO RESIGNED**

*\*Applications to resign must be approved by Council*

(Pursuant to regulation 5.8)

This application must be completed **legibly**. All questions must be answered fully and precisely. 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.

I, \_\_\_\_\_, make application to the Society to change my membership category from that of **Practising Lawyer** to **Resigned** pursuant to Regulation 5.8.1.

I wish to change membership category because: \_\_\_\_\_

\_\_\_\_\_

Will you be or do you intend to practise law in another jurisdiction?  YES  NO  N/A

If so, where?

\_\_\_\_\_

**\*Please note:** Lawyers wishing to practice in another Canadian jurisdiction must hold practising status in a Canadian jurisdiction in order to transfer under the National Mobility Agreement. Lawyers who are residing in Nova Scotia and are members of the Nova Scotia Barristers' Society but practising the law of a jurisdiction outside of Canada must be practising members in Nova Scotia to avoid breaching s.16 of the Legal Profession Act.

**\*Please note:** Resignation is withdrawal from membership in the Society. This means that should you wish to return to practice law, you would need to be re-admitted to the Bar of Nova Scotia. Readmission can often be a lengthy process with additional associated costs.

**1) CONTACT INFORMATION**

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Current Employer: \_\_\_\_\_

After my Change of Category application has been completed, I can be contacted as follows:

Address: \_\_\_\_\_

\_\_\_\_\_

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

Telephone: \_\_\_\_\_

**2) CLIENT MATTERS \*\*\*\* (Please answer all questions fully. All questions relate to the practice of law in Nova Scotia) \*\*\*\***

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a) I confirm that all client matters have been completed.  YES  NO  N/A

**If your answer was “no”, please answer the following:**

**OPEN FILES**

b) I confirm that all open client files have been dealt with as follows:

- i. Client documents and papers have been returned to client.  YES  NO  N/A
- ii. Arrangements have been made to turn open files to a practising lawyer (or my firm).  YES  NO  N/A
- iii. All notices of change of solicitor required pursuant to the *Civil Procedure Rules*  YES  NO  N/A have been given.

If you answered No or N/A to any of the above please explain.

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If files have been turned over to a lawyer, please provide the name and contact information. Otherwise, please provide the name of the contact person at your firm/individual.

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**CLOSED FILES**

c) I confirm that all closed client files (other than real estate files), have been turned over to \_\_\_\_\_  
\_\_\_\_\_ (name of lawyer/firm).

**OR**

d) I confirm that all closed files (other than real estate files), are stored at \_\_\_\_\_  
\_\_\_\_\_ (address).

These files may be accessed by contacting \_\_\_\_\_  
\_\_\_\_\_ (name and contact information).

**REAL ESTATE FILES**

i. Are you LRA certified?  YES  NO

ii. Have you ever practiced Real Estate Law?  YES  NO

**FOR LAWYERS WHO HAVE OR HAD A REAL ESTATE PRACTICE:**

e) I confirm that all foundation documents and real estate files have been transferred to \_\_\_\_\_  
\_\_\_\_\_ (name of lawyer/firm and contact information) in accordance with Part 8 of the *Legal Profession Act* and the Regulations.

f) The written consent of \_\_\_\_\_ (name of lawyer/firm),  
agreeing to maintain the files and documents in accordance with Regulation 8.2.4, is attached to this application.

\*A consent to receive foundation documents can be found at the end of this application.

**3) TRUST ACCOUNTS** (complete the applicable questions)

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- a) In the last 12 months, I did use a trust account.  YES  NO

If yes, answer the following:

- b) During the past 12 months, I used my firm's trust account:  YES  NO

- i. I confirm that those monies have either been paid over to the person entitled to them or remain in possession of the firm.  YES  NO

- ii. Do you currently hold any money in trust?  YES  NO

**OR**

- c) I am a sole practitioner, operating my own trust account.  YES  NO

- d) I confirm that all money or property held in trust has been accounted for and either paid over to the person entitled to it or has been transferred to \_\_\_\_\_ (*practising lawyer/firm*) for the benefit of the person or persons entitled to it.  YES  NO

- e) My trust account is closed.  YES  NO

- f) My final Trust Account Report and Accountant's Report are attached, showing that my trust account is closed and that all trust money or property has been disbursed.  YES  NO

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**NOTE: Pursuant to Regulations 5.5.2 and 5.8.3, your application to resign will not be processed until your trust account is closed and your final trust account report, including the accountant's report, is filed with the Society and approved.**

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**MEMBER’S PRACTICE:**

Are you aware of any claim or complaint against you in your professional capacity or in respect of your practice that has not been reported to the Lawyers’ Insurance Association of Nova Scotia?  YES  NO

If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I acknowledge that my change in membership category is not effective until this application is approved by the Executive Director. I further acknowledge that, until this application is approved, I am bound by the obligations of a practising lawyer, including my obligation to pay the fees associated with being a practising lawyer.

I confirm that, upon approval of this application, I will not engage in the practice of law as defined by the *Legal Profession Act*.

\_\_\_\_\_  
*Signature of Member*

\_\_\_\_\_  
*Date*

## CONSENT TO RECEIVE FOUNDATION DOCUMENTS

I, \_\_\_\_\_ (*Name of Receiving Lawyer*), confirm that I am willing to accept the Foundation Documents (as defined in the Regulations made pursuant to the *Legal Profession Act*, S.N.S. 2004, c. 28) from \_\_\_\_\_ (*Name of Original Lawyer*). Arrangements have been made to have these documents turned over to me by \_\_\_\_\_ (*date*). I undertake to advise the Executive Director if the transfer of documents has not been completed by that date. I undertake to maintain these documents in accordance with the Regulations.

\_\_\_\_\_  
(*Signature*)

\_\_\_\_\_  
(*Date*)

"**foundation documents**" means information on which a practicing lawyer relied in support of the exercise of professional judgment in rendering an opinion of title or certificate of legal effect, and includes an abstract of title, searches, documents, notes, survey fabric, or other title information, whether prepared by the lawyer or others and all information required to be kept pursuant to the Land Registration Administration Regulations.

Foundation documents required to be kept may be stored in paper or electronic form and must be capable of being reproduced (by the document holder) upon the request of those entitled to request a copy.(Reg. **8.2.5**)

The agreement to receive foundation documents does not make a lawyer liable for the work completed in those files.