



NOVA SCOTIA BARRISTERS' SOCIETY

APPLICATION FOR CHANGE OF CATEGORY FROM PRACTISING TO RETIRED

(Pursuant to regulation 5.5)

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 **Retired Member**, pursuant to Regulation 5.5.1.

I confirm that, upon my retirement, I will not be earning employment income from the practice of law. YES

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.

1) CONTACT INFORMATION

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) ******

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.

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.

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 8.2.3.3.2, 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)

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

NOTE: Pursuant to Regulations 5.5.2, your application to change category 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.

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.