



## NOVA SCOTIA BARRISTERS' SOCIETY

### Policy and Procedure for Applications to Commence Articles On Non-Regular Start Date

#### 1.1 Regular Start Dates

1.1.1 Regulation 3.3.7 sets out the regular articling start dates:

*“Unless the Executive Director otherwise permits, persons shall be enrolled as articulated clerks on the 1<sup>st</sup> day of the month following the approval of their application.”*

#### 2.1 Application in Writing

2.1.1 Any applicant who wishes to commence articles on a different date must apply in writing to the Executive Director, and demonstrate that exigent circumstances exist which necessitate a commencement of articles on a date other than those prescribed by Regulation 3.3.7.

Applications will be reviewed and processed by the Officer, Education & Credentials.

#### Non-Regular Start Dates

2.1.2 If the non-regular start date is approved, articles will commence on the date as determined by the Officer, Education & Credentials. An applicant must have a good reason for commencing articles on a date other than a regular start date. Applications will not be approved as a matter of course, but only in exigent circumstances.

#### Non-Regular Start Dates in June

2.1.3 Notwithstanding paragraph 2.1.2, given the large numbers of clerks commencing articles on June 1, if any application is not finalized and approved by June 1, but is so finalized and approved within the first week of June, the applicant may commence articles immediately, without applying in writing for a non-regular start date.

#### Exigent Circumstances

2.1.4 The definition of exigent circumstances will be determined on a case by case basis. While the Society maintains discretion to determine “exigent circumstances”, generally an application demonstrates exigent circumstances if economic hardship is involved. The following scenarios are illustrative of the thought-process guiding the Society’s decision-making, and are examples of situations where irregular start dates have been approved:

- (a) The applicant secures articles with a small firm that has different budgeting timeframes, which do not easily mesh with the approved start dates. The applicant has been permitted to commence articling on an irregular start date, in order to accommodate the firm’s financial year.
- (b) The applicant is unemployed for several months prior to securing an articling position. The Society has not required the applicant to wait for an approved start date.
- (c) If an applicant completes his or her law degree requirements in December, and it would cause economic hardship to wait until March to commence articling, the applicant has been permitted to start in January or February, once the Society has

received confirmation that the degree requirements have been met, and all articling documents have been received.

- (d) An applicant secures articles with a law firm that has not previously offered articles. The firm is unfamiliar with the new requirements, resulting in the firm missing the filing deadline for its documentation, specifically the Education and Articling Plans. In such cases, the applicant has been permitted to start on an irregular start date, so as not to penalize the applicant for the firm's learning curve.
- (e) An applicant was to article with a small firm with only one qualified principal. Firm already had one Clerk whose articles were extended in order to pass the Bar Examination. The new Clerk was permitted to start on an irregular start date once the previous Clerk completed articles.
- (f) Applicant was originally scheduled to commence articles on an approved start date, but there were issues to resolve before Clerk was able to start. Clerk started on an irregular start date, after all issues were resolved.

*Approved by the Credentials Committee – October 31, 2008*  
*Revised by the Credentials Committee – December 10, 2009*  
*Revised by the Credentials Committee – March 26, 2020*