



## NOVA SCOTIA BARRISTERS' SOCIETY

### Policy on Assignment of Articles

#### 1.1 Assignment of Articles

1.1.1 Pursuant to Regulation 3.4.2, an Articled Clerk may assign his or her articles:

##### Options for Articled Clerks

3.4.2 An articled clerk may

...

(f) with the written consent of the principal, or, when it is in the public interest, the consent of the Executive Director assign the Articling Agreement to another principal provided,

- i) the other principal has applied to and been approved by the Executive Director, and
- ii) the assignment is filed in the prescribed form before the assignment takes effect;

#### Application in Writing

1.1.2 If an Articled Clerk wishes to assign articles to a new principal, the Clerk must advise the Society in writing and confirm the reason for the assignment. The Society needs to know if there is a problem with the original articling experience, or if there is another reason for the assignment.

#### 2.1 New Principal

2.1.1 If an Articled Clerk wishes to assign articles to a new principal, the new principal must apply to the Nova Scotia Barristers' Society for approval pursuant to subregulation 3.5. The Executive Director may approve or deny the application unless it must be referred to the Credentials Committee pursuant to subregulation 3.5.9.

#### Principal's Application Requirements

2.1.2 The principal's application must contain:

##### Content of Application

3.5.4 An application to be a principal shall be in a prescribed form and shall provide:

- (a) the name of the practicing lawyer or law firm;
- (b) confirmation the practicing lawyer or law firm is eligible to be a principal;
- (c) a proposed or previously approved Education Plan;
- (d) a proposed Articling Plan to be used by the principal when entering into a specific Articling Agreement with an articled clerk;
- (e) such other information as may be required by the Executive Director.

#### New Education Plan Required

2.1.3 The new principal must prepare an Education Plan specific to the particular Articled Clerk for use during the remainder of the articling term. It is acceptable in creation of the Education

Plan for the new principal to review and accept or review, amend and accept the Education Plan under which the Articled Clerk was educated by the former principal. In doing so, the new principal must consider that Education Plans are unique to the practices, resources, and cultures of individual firms and/or principals.

### **Existing Educations Plans Must be Adapted**

**2.1.4** If the new principal already has an approved Education Plan which had been previously developed, it must be adapted to the needs of the particular Clerk, recognizing that the Clerk is not beginning articles, but has articling experience with the former principal. The new Education Plan must ensure that the Articled Clerk will meet the prescribed competency level (to the level of a newly-admitted lawyer) by the conclusion of the articling term, and should build on and expand the Clerk's experience.

### **Communication Between Former and New Principal Required**

**2.1.5** There must be communication between the former principal and the new principal with respect to the experience under the former Education Plan, as any areas in which the Clerk's experience is deficient must be covered in the new Education Plan, or it will not be approved by the Society.

### **3.1 Concluding Articles with Former Principal**

**3.1.1** To conclude the articles with the former principal, the Articled Clerk and former principal must complete and submit a final Mid-term Report, grading and setting out the experience the Clerk has received to the time of the assignment of articles.

### **Certificate of Principal Required**

**3.1.2** The former principal must complete the Certificate of Principal for the period of time the Clerk was articled to the former principal; it will form part of the Clerk's admission package.

### **Assignment of Articling Agreement Required**

**3.1.3** Before the assignment can take effect, an Assignment of Articling Agreement form (prescribed form) must be completed; signed by the former principal (First Principal), new principal (Second Principal), and Articled Clerk; and submitted to the Nova Scotia Barristers' Society, where possible.

### **4.1 Variations when Articled Clerk continuing in same firm**

**4.1.1** If the Articled Clerk is changing principals, but remaining in the same firm, the Clerk may continue under the same Education Plan. The rest of the general procedure remains the same.

### **Change of Supervising Lawyer Only**

**4.1.2** If the firm is the principal and the Supervising Lawyer is changing, **all that is required** is that the Society be informed of the name of the new Supervising Lawyer. The Society will do the internal checks to ensure the new Supervising Lawyer qualifies to be a principal. This is not a true Assignment of Articles as the principal is not changing.

*Approved by the Credentials Committee - October 31, 2008*  
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