



NOVA SCOTIA BARRISTERS' SOCIETY

NAME OF POLICY	Policy regarding Articled Clerks' character and fitness during articling period		
DEPARTMENT			
Approved by DATE	Effective DATE	Reviewed	Revised

Preamble

The character and fitness of an Articled Clerk may become an issue during the articling period. An initial investigation of an Articled Clerk's character and fitness will be conducted by the Executive Director.

Notification

1.1.1 An Articled Clerk shall notify the Executive Director, in writing immediately of anything occurring during the articling period that would alter the responses given to any of the questions contained in Part 1 or 2 of the questionnaire set out in the Application for Enrolment in Bar Admission Course and as an Articled Clerk. The Articled Clerk must immediately advise the Executive Director if they have been charged with any type of offense.

1.1.2 An Articled Clerk shall as soon as possible, after notifying the Executive Director, provide them with full details of the circumstances resulting in the change of their response or the charges involved.

Informal Investigation

1.1.3 Upon receipt of the full details from an Articled Clerk, the Executive Director will initiate an informal investigation of the Articled Clerk's character and fitness. Should the Executive Director, after completing the informal investigation, determine there is a question regarding the character and/or fitness of the Articled Clerk the matter shall be referred to the Credentials Committee in accordance with regulation 3.8.6. Should the Executive Director determine there is no question of character and/or fitness of the Articled Clerk no further steps will be taken.

Public Interest to be Considered

1.1.3a The Executive Director shall take the public interest into consideration at all steps of the informal investigation.

Formal Investigation

1.1.4 Upon receipt of the full details, by the Credentials Committee, the Credentials Committee may initiate a formal investigation to obtain additional information to assist them in determining whether or not there is an issue with the Articled Clerk's character and/or fitness.

Decision

1.1.5 Upon completing the formal investigation, if needed, the Credentials Committee, shall make a determination as to whether the Articled Clerk's character and/or fitness is at issue.

1.1.6 The Executive Director shall provide the Articled Clerk with a copy of the decision in writing pursuant to regulation 3.8.7.

1.1.7 If it is determined by the Executive Director, that the matter should be referred to the Credentials Committee, it will be dealt with by the Credentials Committee pursuant to "Policy on Credentials Committee Admissions Decisions on Applications referred by Executive Director" and regulation 3.8.8.

Approved by the Credentials Committee – February 23, 2017

Revised by the Credentials Committee – November 22, 2018