



NOVA SCOTIA BARRISTERS' SOCIETY

Policy and Procedure for Applications for Leaves of Absence from Articling

1.1 Parameters for Leaves of Absence

1.1.1 Regulation 3.4.2 (f) sets out the parameters for articulated clerks wishing to take a leave of absence. It provides as follows:

Options for Articled Clerks

3.4.2 An articulated clerk may

....

(f) with the written consent of the principal, and approval of the Executive Director, take a leave of absence for an appropriate period under the circumstances, during which time the articulated clerk remains a member of the Society but is not entitled to act as an articulated clerk and that time does not count towards the period of articles required under these regulations.

2.1 Discretion of the Executive Director

2.1.1 The Executive Director has the discretion to permit an articulated clerk to take a leave of absence for purposes of sickness or personal matters, provided that such leaves are for a reasonable period of time.

“Reasonable” Analyzed Contextually

2.1.2 What is reasonable shall be determined in light of the circumstances of the clerk and the principal who may be affected by the clerk’s leave.

Missed Time

2.1.3 Subject to Regulation 3.2, the Executive Director will ensure that the articling time missed is made up by an extension of articles pursuant to 3.4.2(h).

Bar Admission Program

2.1.4 If an articulated clerk is on a leave of absence due to medical or like reasons, the articulated clerk may not participate in the Bar Admission Program. If the articulated clerk misses one or more a scheduled module of the Program, the modules will be made up as follows:

- (a) In-person modules – at the first available in-person session following the leave of absence, or in a later session, if appropriate,
- (b) Online modules – at the next available online session, or in a later session, if appropriate.

Discretion of Director, Education & Credentials

2.1.5 If an articulated clerk is on a leave of absence for other than medical or like reasons, the Director, Education & Credentials may exercise discretion on a case-by-case basis to permit the articulated clerk to participate in the Bar Admission Program.¹

¹ For example, we have had an articulated clerk take a leave of absence to participate in a workshop at the United Nations. Had an online module of Skills Course been occurring during this timeframe, it may have been an appropriate occasion for the Director, E&C to permit the articulated clerk to participate if the articulated clerk had capacity to do so.

Approved by the Credentials Committee - October 31, 2008
Revised by the Credentials Committee – December 10, 2009
Revised by the Credentials Committee – November 22, 2018
Revised by the Credentials Committee – March 26, 2020