

# 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 Course

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 Course. If the articulated clerk misses one or more a scheduled module of the Course, 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 if the next available session is scheduled to occur after the articulated clerk’s anticipated date of call, at a mutually convenient time as discussed between the articulated clerk and Officer, Education & Credentials, that takes into account workload and other articling and Course commitments.

### 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 Course.<sup>1</sup>

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

*Revised by the Credentials Committee – December 10, 2009*

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<sup>1</sup> 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.