



NOVA SCOTIA BARRISTERS' SOCIETY

## POLICY ON CANADIAN LEGAL ADVISORS

### 1.1 Application to be a Canadian Legal Advisor

1.1.1 Applicants to be a Canadian Legal Advisor are governed by Regulation 6.6.

#### Eligibility Requirements

1.1.2 Regulation 6.6.2 sets out the eligibility requirements:

##### Eligibility

6.6.2 To be eligible to be a Canadian Legal Advisor an applicant must:

- a) be a member of the Barreau du Québec entitled to practice law; or
- b) be a member of the Chambre des notaires du Québec entitled to practice as a notary;
- c) be of good character,
- d) be a fit and proper person to practice law;
- e) be competent to carry out the practice of law in the province as a Canadian Legal Advisor; and
- f) be lawfully entitled to be employed in Canada.

#### Application Requirements

1.1.3 Regulation 6.6.3 prescribes the contents of the Canadian Legal Advisor application. The applicant must complete and submit to the Executive Director an application in the prescribed form, accompanied by the prescribed fee, containing the following information:

- a) contact information;
- b) professional history;
- c) information confirming good character;
- d) information confirming fitness;
- e) a certificate of standing from:
  - (i) the Barreau du Québec and any other law society in which the applicant is or has been a member, or
  - (ii) the Chambre des notaires du Québec and any other law society in which the applicant is or has been a member;
- f) information about any outstanding complaint pending in a jurisdiction other than the province in which the applicant has practiced; and
- g) such other information as may be required by the Executive Director or the Committee.

#### Additional Information

1.1.4 The Executive Director may require additional information or additional proof of information provided in the application.

### 2.1 Options of the Executive Director

#### 2.1.1 Good Character or Fitness

Where it is in the public interest to do so, the Executive Director may obtain additional information regarding the applicant's good character or fitness from the applicant or any other person.

#### Approval of Application

2.1.2 The Executive Director may approve an application to be a Canadian Legal Advisor, with or without terms, and stipulate the effective date, if it is consistent with the public interest.

#### Terms of Approval

- 2.1.3** The Executive Director may include in the approval of the application the following terms:
- a) that the applicant serve a period under the supervision of a practising lawyer, who is acceptable to the Executive Director, and who qualifies to act as a principal;
  - b) that the applicant satisfy the Executive Director of his or her character and fitness for admission to membership in the Society; and
  - c) that the applicant complete other requirements of the Executive Director,
- but may not include the requirement to write and pass the Bar Examination.

### **Denial of Application**

**2.1.4** Where it is in the public interest to do so, the Executive Director may deny an application for any reason, except for reasons of good character or fitness, which shall go to the Credentials Committee.

### **Application Denied or Approved with Terms**

**2.1.5** If the Executive Director makes a decision denying the application or approving it with terms, the Executive Director will provide the applicant with written reasons and inform the applicant of the internal review process.

### **3.1 Referral to Credentials Committee**

**3.1.1** Where it is in the public interest to do so, the Executive Director may refer to the Credentials Committee any application to be a Canadian Legal Advisor raising an issue of good character or fitness.

### **Options for the Committee**

- 3.1.2** After considering the application and all information provided by the Executive Director, the Committee may:
- a) defer a decision and request the Executive Director obtain new information;
  - b) approve the application, with or without terms, and stipulate the effective date of enrolment; or
  - c) deny the application.

### **Review of Committee's Decision**

- 3.1.3** If the Committee's decision denies the application, or approves the application with terms, the Committee will:
- a) provide the applicant with a written decision with reasons, and
  - b) inform the applicant of the right to appeal to the Credentials Appeal Panel.

### **4.1 Supervision by Practising Lawyer**

**4.1.1** During any required period of supervision, the applicant is considered a Canadian Legal Advisor and must pay the fees of a Canadian Legal Advisor.

### **5.1 Eligible for Call to the Bar**

**5.1.1** An applicant who has completed all requirements under Regulation 6.6 to be a Canadian Legal Advisor is eligible to be called to the Bar.

### **No Greater Rights**

**5.1.2** An applicant to be a Canadian Legal Advisor has no greater rights as a member of the Nova Scotia Barristers' Society than:

- a) he or she has as a member of the governing body of his or her home jurisdiction; or
- b) any other member of the Nova Scotia Barristers' Society in similar circumstances.

### **Notification on Approval**

- 5.1.3** Upon approval of an application, the Executive Director will:
- a) notify the applicant that the application is approved and advise of the date for the call to the Bar,
  - b) amend the Nova Scotia Barristers' Society records to reflect the approval and call date, and
  - c) issue a Canadian Legal Advisor certificate to the applicant.

### **6.1 Continuing Obligations on Canadian Legal Advisor**

#### **6.1.1 Professional Membership in Quebec**

The Canadian Legal Advisor has a continuing obligation to be a member in good standing of the:

- i. Barreau du Québec authorized to practise law in Québec; or
- ii. (ii) Chambres des notaires du Québec entitled to practise as a notary

and must immediately notify the Executive Director in writing if he or she ceases to be authorized to practise law in Québec.

### **Subject to Regulation**

**6.1.2** A Canadian Legal Advisor is subject to the Regulations under the *Legal Profession Act* as specified in Regulation 6.6.16.

### **Restrictions on Practice in Nova Scotia**

**6.1.3** The Canadian Legal Advisor must undertake to comply with Regulation 6.6.15 and restrict his or her practice to those areas permitted by Regulations 6.6.14 and 6.6.14.1 (copied below):

#### **Practice of Canadian Legal Advisor**

**6.6.14** A Canadian Legal Advisor who is a member of the Barreau du Québec may:

- a) give legal advice on
  - i. the law of Quebec and matters involving the law of Quebec;
  - ii. matters under federal jurisdiction; or
  - iii. matters involving public international law.
- b) (b) Draw, revise or settle a document for use in a proceeding concerning matters under federal jurisdiction; or
- c) Appear as counsel or advocate before any tribunal with respect to matters under federal jurisdiction.

**6.6.14.1** A Canadian Legal Advisor who is a member of the **Chambre des notaires du Québec** may:

- a) give legal advice and consultation on legal matters involving the law of Québec or involving matters under federal jurisdiction or public international law;
- b) prepare and draw up a notice, motion, proceeding or similar document intended for use in a case before a judicial or quasi-judicial body in a matter under federal jurisdiction where expressly permitted by federal statute or regulations;
- c) plead or act before a judicial or quasi-judicial body in a matter under federal jurisdiction where expressly permitted by federal statute or regulations.

### **Payment of Fees**

**6.1.4** A Canadian Legal Advisor will pay the fees prescribed by Regulation 4.7.1.

### **Professional Liability Insurance Coverage**

**6.1.5** A Canadian Legal Advisor will maintain professional liability insurance coverage satisfactory to the Society, and must inform the Executive Director immediately of the cancellation of, or any significant change to, his or her coverage.

### **Exemption from Professional Liability Insurance Coverage**

**6.1.6** A Canadian Legal Advisor may apply to the Executive Director for exemption from the requirement to:

- a) maintain professional liability insurance, and
- b) pay the insurance fee,

and the Executive Director must grant the exemption, provided the Canadian Legal Advisor maintains full mandatory professional liability insurance coverage as required by the Barreau du Québec or Chambres des notaires du Québec that extends to his or her practice in Nova Scotia.