

NOVA SCOTIA BARRISTERS' SOCIETY

Policy on Applications for Transfer from a Jurisdiction Outside Canada

1.1 Application for Transfer

1.1.1 Applicants for transfer from a jurisdiction outside Canada are governed by Regulation 6.5.

Eligibility Requirements

1.1.2 Regulation 6.5.2 sets out the eligibility requirements:

Eligibility

6.5.2 To be eligible to be a practising lawyer an applicant must:

- (a) have a law degree¹,
- (b) be a lawyer in a jurisdiction in which the legal profession is regulated,
- (c) be of good character,
- (d) be a fit and proper person to be a lawyer
- (e) be competent to carry on the practice of law in the Province; and
- (f) be lawfully entitled to be employed in Canada.

Law Degree Defined

1.1.3 If an applicant's law degree was obtained outside Canada, the applicant must apply to the National Committee on Accreditation to have the law degree assessed. Once the applicant has received a Certificate of Qualification, the applicant can commence the process to transfer to Nova Scotia.

Application Requirements

1.1.4:

Regulations 6.5.3 and 6.5.4 set out the content of the application and additional information that may be required:

Content of Application

6.5.3 An application under this regulation, accompanied by the prescribed fee, shall be in a prescribed form and shall provide:

- (a) contact information;

¹ "Law degree" is defined in Regulation 3.1.1(f):

"law degree" means

- i) a Bachelor of Laws degree or a Juris Doctor degree from a faculty of common law at a Canadian university approved by the Federation of Law Societies of Canada for the granting of such degree;
- ii) a degree in civil law, if the holder of the degree has passed a comprehensive examination in common law or has successfully completed a common law conversion course approved by the Credentials Committee; or
- iii) a Certificate of Qualification issued by the National Committee on Accreditation of the Federation of Law Societies of Canada;

- (b) confirmation of a law degree;
- (c) the professional history of the applicant;
- (d) information confirming good character;
- (e) information confirming fitness;
- (f) information confirming competence to practice law in the Province;
- (g) a certificate of standing from each jurisdiction in which the applicant is or has practiced law;
- (h) information about any outstanding complaint pending in a jurisdiction in which the applicant has practiced law; and
- (i) such other information as may be required by the Executive Director or the Committee.

Additional Information

6.5.4 The Executive Director may require additional information or additional proof of information provided in the application².

No Greater Rights

1.1.5 A transfer applicant, or a lawyer called to the Bar on transfer, has no greater rights as a member of the Nova Scotia Barristers' Society than:

- (a) they have as a member of the governing body of their home jurisdiction;
- (b) any other member of the Nova Scotia Barristers' Society in similar circumstances.

2.1 Options of the Executive Director

2.1.1 Good Character or Fitness

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 a transfer application, with or without terms, and stipulate the effective date, if it is consistent with the public interest.

Applications to be Considered on a Case-by-Case Basis

2.1.3 The Executive Director will consider each transfer application case-by-case, and when assessing the application will consider the background of the individual applicant, the legal system of the applicant's home jurisdiction, and the manner of regulation of the legal profession in the home jurisdiction.³

² This may include the information directly from other law societies outlining the status of their admission application in that jurisdiction. If it's impossible for an applicant to provide the required documentation, the applicant must submit a written explanation. Circumstances where alternative documentation would be considered include, for example, refugee situations or if an applicant's law school or law society has been destroyed (See Policy for Submission of Alternative Documentation).

³ In determining how similar the legal system in the home jurisdiction is to the Canadian/Nova Scotian legal system, the Executive Director will refer to:

Terms of Approval

2.1.4 The Executive Director may include in the approval of the application the following terms:

- (a) that the applicant serving a period under the supervision of a practising lawyer who would qualify to be a principal under Part 5 of these Regulations
- (b) that the applicant satisfy the Executive Director of their character and fitness for admission as a lawyer; and
- (c) that the applicant complete other requirements of the Executive Director.

Requirements of Articled Clerks

2.1.5 As the reason applicants referenced in paragraph 2.1.4 are being enrolled as articled clerks is to meet insurance requirements, if it is in the public interest, pursuant to Regulation 3.4.1, the Executive Director may vary the requirements otherwise expected of an articled clerk by waiving one or more of the requirements for admission.⁴

Practice Readiness Education Program (PREP)

2.1.6 Based on the nature and extent of their practice experience, the Executive Director may require applicants to complete all or portions of PREP, including the Capstone which is the final evaluation.

Other Requirements:

Comprehension of Materials

2.1.7 Pursuant to 2.1.4 (c) Other requirements of the Executive Director may include certifying review and comprehension of the materials including but is not limited to: Bar Review Materials, *Code of Professional Conduct*, Section 16 of the *Legal Profession Act*, and the Regulations made pursuant to the *Legal Profession Act*.

Denial of Application

2.1.8 The Executive Director may deny an application for any reason, except for reasons of good character or fitness.

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- (a) The Juri Globe website with information on the world's legal systems – This contains a list of political entities and their corresponding legal systems; and
 - (b) GlobaLex – an electronic legal publication published by the Hauser Global Law School Program at NYU School of Law devoted to international and foreign law research.

The National Committee on Accreditation also uses these websites when assessing foreign law degrees.

⁴ Among other requirements, articled clerks are required to article for 12 months and must complete the Bar Admission Program, which consists of PREP and the Cultural Competence Workshop. By way of example, if it is felt that the public interest would be served by requiring an applicant to pass the Capstone and work under supervision for six months, pursuant to Regulation 3.4.1, the Executive Director could shorten the articling period to six months and eliminate the requirement that the applicant attend the balance of PREP.

Application Denied or Approved with Terms

2.1.9 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 them of the internal review process.

3.1 Referral to Credentials Committee

3.1.1 The Executive Director must refer to the Credentials Committee any application for transfer 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 written reasons, and
- (b) inform the applicant of the right to appeal to the Credentials Appeal Panel.

4.1 Eligible for Call to the Bar

4.1.1 An applicant who has completed all requirements under Regulation 6.5 is eligible to be called to the Bar.

Notification on Approval

4.1.2 Upon approval of an application on transfer, the Executive Director will notify the applicant and advise of the date for the call to the Bar, and will amend the Nova Scotia Barristers' Society records to reflect the approval and call date.

Approved by the Credentials Committee – April 23, 2010
Revised by the Credentials Committee – March 26, 2020
Revised by the Credentials Committee – January 20, 2023