



NOVA SCOTIA BARRISTERS' SOCIETY

THE NOVA SCOTIA BARRISTERS' SOCIETY STATEMENT OF ARTICLING AND ADMISSION PROCESS PURPOSE AND PRINCIPLES

PURPOSE

The objective of the Nova Scotia Barristers' Society (the Society) Admission Process is to ensure that applicants are competent and fit to be called to the Bar.

To fulfil this mandate, the Society offers a Bar Admission Program designed to prepare applicants for the practice of law in Nova Scotia and to foster a commitment to lifelong learning.

In order to be called to the Bar, the applicant must demonstrate appropriate knowledge of substantive law and procedure and the following necessary skills and attributes:

1. **Lawyering skills** including problem-solving, legal research, interviewing and advising, legal writing and drafting, negotiating and advocacy;
2. **Practice management skills** including file management, trust and general accounting, client communication and diarization systems;
3. **Professional Responsibility** including ethical standards, civility, a commitment to continuing professional education and an understanding of the limits of professional competency; and
4. **Good character.**

The skill level expected is that of a newly called lawyer. Acquisition of the necessary knowledge, skills and attributes that are required to demonstrate competence and fitness to be called to the Bar are facilitated and evaluated through the Bar Admission Program that is comprised of the following:

1. Articling and Admission Applications;
2. Period of articles;
3. Practice Readiness Education Program (PREP);
4. Cultural Competence Workshop;
5. Completion of all articling requirements;
6. Certificate of Principal/Supervising Lawyer; and
7. Statement of Good Character.

A successful applicant concludes the Admission Process by the Call to the Bar.

PRINCIPLES

It is the obligation of the Society and the responsibility of the Executive Director and the Credentials Committee (the Committee) pursuant to Regulations under the *Legal Profession Act* to ensure all aspects of the Admission Process assist applicants in meeting the Society's fitness and competency objective.

The Society recognizes the importance of the articling component of the Admission Process in assisting articulated clerks with the development of the necessary competencies to begin the practice of law. As such, the Admission Process is primarily an educational experience. A satisfactory articling experience will result in an articulated clerk being competent for admission to the Bar because the clerk has acquired and can demonstrate adequate knowledge of:

1. appropriate substantive law;
2. legal practice skills;
3. professional responsibility; and
4. practice and law office management.

To acquire appropriate knowledge of the above, the Society recommends, but does not require, that an articulated clerk be familiar with both a solicitor's and a barrister's practice by receiving significant exposure in at least one area of a barrister's practice and one area of a solicitor's practice.

The Committee will act to ensure all applicants receive a quality articling experience by creating policies specifying the content of the Admission Program. The articling component consists of the following:

1. An Education Plan for firms and articulated clerks submitted by any member or firm proposing to act as a principal, providing for development of the core lawyering skills and attributes identified by the Society (lawyering skills, practice management skills, professional responsibility and good character). It is not expected that an Education Plan will cover every substantive area of practice;
2. An Articling Plan for individual articulated clerks, which attaches the Education Plan. It is not expected that an Articling Plan will cover every substantive area of practice;
3. Mid-term Report filed by the principal;
4. Final Report filed by the principal;
5. A Statement of Good Character filed by the principal; and
6. Certification, filed by the Principal, that the articulated clerk possesses entry level skills, knowledge and attributes.

THE ROLE OF PRINCIPALS

The success of any articling experience depends on the willingness of principals to take an active role in providing the articulated clerk with knowledgeable and ethical guidance. This responsibility is significant, and it is a privilege for any member of the Society to be entrusted with this duty. While the Committee recognizes the value of the mentoring relationship between articulated clerk and principal in the traditional relationship between one articulated clerk who is assigned to one lawyer for the entire articling term, it also

recognizes that other acceptable arrangements exist. The privilege of having articled clerks is truly a “firm” responsibility. Thus, allowing “firms” to act as principals should they choose to do so is in keeping with the reality of current practice. Although assigned to a designated principal, a clerk is often assisted throughout the articling process by an Articling Committee and is mentored by other lawyers within the firm.

In recognition of this, the role of principal is restricted to either a lawyer¹ residing in Nova Scotia or a firm meeting the eligibility criteria set out in Regulation 3.5.2:

Eligibility

- 3.5.2** To be a principal, a practising lawyer or a law firm must,
- (a) if the applicant is a practising lawyer, have practised for at least five years immediately preceding becoming a principal;
 - (b) if the applicant is a law firm or an office of a law firm of at least 2 practising lawyers, designate one practising lawyer of the firm or office who individually qualifies to be a principal, to be the supervising lawyer responsible for the Education Plan and individual Articling Plans and to oversee the educational experience;
 - (c) not be prohibited from being a principal by a Hearing Panel or as a result of the processes prescribed by Part III of the Act;
 - (d) not have been convicted of any charges pursuant to Part III within 3 years from the date of the application to be a principal;
 - (e) not have any outstanding charges pursuant to Part III of the Act;
 - (f) not be charged with or plead guilty to or be found guilty of any offence under the
 - i) *Criminal Code* (Canada);
 - ii) *Controlled Drug and Substances Act* (Canada);
 - iii) *Income Tax Act* (Canada); or
 - iv) *Securities Act* of any province of Canada;within 3 years from the date of the application to be a principal;
 - (g) not be participating in the Fitness to Practise program;
 - (h) not have been suspended pursuant to Part III;
 - (i) not have any practice restrictions imposed by order of the Complaints Investigation Committee or otherwise under the Act or Regulations;
 - (j) have an Education Plan that meets the Committee’s prescribed requirements for Education Plans;
 - (k) have an Articling Plan that meets the Committee’s prescribed requirements for Articling Plans;
 - (l) demonstrate a commitment and ability to provide articled clerks with an articling experience in which the educational component is of paramount importance; and
 - (m) demonstrate a commitment and ability to provide supervision and feedback to articled clerks.

The Executive Director may exempt an applicant from the 5 year requirement (Regulation 3.5.3). See [Policy on Waiver of Five-Year Requirement](#).

¹ “lawyer” means a person who has been called to the Bar in the province or a foreign jurisdiction and who is eligible to carry on the practice of law within the meaning of the *Legal Profession Act* and the regulations and includes a barrister, a barrister-at-law, a barrister of the Supreme Court, a solicitor of the Supreme Court and a member of the Bar, an attorney-at-law and an avocat or notaire.

Additionally, in order to allow for adequate supervision and feedback, an individual lawyer may only act as principal to one articulated clerk at a time. Similarly, if a firm is the principal, it may not have more articulated clerks than there are lawyers who are also otherwise qualified to act as principals.

EDUCATION PLANS AND ARTICLING PLANS

To aid principals and law firms in structuring a meaningful and educational articling experience, any member or law firm proposing to act as a principal must submit an Education Plan to the Executive Director for approval prior to hiring an articulated clerk. This Education Plan will be used as a model for any Articling Program the member or law firm offers. Education Plans may be modified, upon approval by the Executive Director. Only Education Plans incorporating the following concepts will be approved:

1. The Education Plan must allow for a primarily educational experience with emphasis on the acquisition and assessment of core competencies;
2. The Education Plan need not provide for exposure to a comprehensive range of practice areas, but the Society recommends that articulated clerks gain experience in both barristers' and solicitors' practice; and
3. Throughout the articling term, the principal or any supervising lawyer must assist in the articulated clerk's development by providing the articulated clerk with ongoing, meaningful feedback.

Members and law firms who are approved to act as principals must, upon hiring an articulated clerk, submit to the Society an Articling Plan that is specific to the needs of that articulated clerk and attaches the approved Education Plan. Articling Plans that deviate from the approved Education Plan must be approved by the Executive Director.

SOCIETY COMMITMENTS TO PRINCIPALS

The Society appreciates the crucial role played by principals throughout the articling experience. Because of this, the Society is committed to providing assistance to principals by offering the following:

1. An Articling Handbook to be used as a reference by articulated clerks and others involved in the articling experience;
2. A model Education Plan suitable for both large and small law firms;
3. Society staff assistance for firms drafting their own Education Plans;
4. Detailed lists of the skills outcomes expected of articulated clerks; and
5. Training for principals and supervising lawyers in assessing skills and providing feedback to articulated clerks.