



NOVA SCOTIA BARRISTERS' SOCIETY

Policy on Internal Review by Credentials Subcommittee of Executive Director Decisions

1.1 Executive Director Decisions Subject to Internal Review

1.1.1 Applicants are entitled to a review of credentialing decisions of the Executive Director pursuant to subregulations:

- 3.3.3 (Application for enrolment as an articled clerk),
- 3.6.12 (Bar Exam – not permitted to rewrite),
- 3.6.20 (Failure of the Bar Admission Program decision under 3.6.19),
- 3.7.5 (Dalhousie Law School decision under 3.7.4),
- 3.7.9 (Dalhousie Law School decision under 3.7.8),
- 3.8.7 (Application for Admission),
- 5.4.5 (Reinstatement of Former Judges),
- 5.6.4 (Change of Category to Practising),
- 5.10.5 (Application for Readmission), and
- 6.5.6 (Application for Permanent Mobility by a lawyer from outside Canada).

REVIEW SUBCOMMITTEE

2.1 Authority

2.1.1 The review process is conducted by the Review Subcommittee of the Credentials Committee (the “Subcommittee”), in accordance with Regulation 3.10.

Standard for Review by the Subcommittee

2.1.2 The standard for review is *de novo*: the Subcommittee will review the matter afresh.

2.2 Appointment

2.2.1 The Credentials Committee will appoint the Subcommittee at the first meeting of the Credentials Committee following the Annual Meeting of the Nova Scotia Barristers’ Society. The Subcommittee will be reappointed annually.

Composition

2.2.2 The Review Subcommittee will be comprised of no less than 3 and no more than 5 members, and will be selected from current Credentials Committee members. The public representative will be one of the 5 members. The Subcommittee may ask that additional members be appointed, if needed.

Appointment of Subcommittee Chair

2.2.3 The Credentials Committee appoints the Chair of the Subcommittee.

2.3 Meeting Logistics

2.3.1 Frequency of Meetings

The Review Subcommittee will meet as required: The Subcommittee Chair will determine when to complete the review. Generally, review requests will be considered at the next meeting of the Subcommittee; however, the timing of receipt of the applicant’s review request and the length of the next meeting agenda, may delay the review.

Form of Meeting

2.3.2 The Chair may decide to conduct reviews by way of in-person meetings, teleconferences, or e-mail, as appropriate, and may ask staff to assist with co-ordinating a meeting.

Recording Decision

2.3.3 At each meeting, the chair will determine the process for recording decisions of the Subcommittee (e.g.: minutes, notes). In addition to recording its decision, the Subcommittee will also identify its reasons for making the decision.

Executive Director Not Present

2.3.4 The Executive Director will not be present at, or participate in any way, in Subcommittee meetings where Executive Director decisions are reviewed.

Function of Staff

2.3.5 Nova Scotia Barristers' Society staff will collect information on behalf of the Subcommittee and ensure its timely delivery to the Subcommittee Chair, but will not be present at, nor participate in any way, in Subcommittee meetings.

INTERNAL REVIEW PROCEDURE

3.1 Review of Dismissal by Executive Director

3.1.1 When the Executive Director makes a decision pursuant to the Regulations listed in paragraph 1.1.1, the Executive Director will provide the applicant with written reasons and inform the applicant of the internal review process.

Internal Review Request

3.1.2 Within 30 days from the day the Executive Director's decision was sent to the applicant, the applicant may request an internal review of the Executive Director's decision. This request must be made in writing to the Executive Director, and must clearly outline the basis/reasons for the review request.

Responsibility of Executive Director

3.1.3 Upon receipt of an internal review request, the Executive Director will:

- (a) acknowledge the request;
- (b) determine if the request was made within the 30 day timeframe, and
 - (i) if the request was made in a timely manner,
 - a. forward it to the Chair of the Subcommittee, in accordance with subregulation 3.10.8; and
 - b. within 30 days of the receipt of the request, provide the Subcommittee and the applicant with:
 - i. a copy of the Executive Director's written decision;
 - ii. a copy of all records related to the application in the possession of the Society, subject to any lawful restrictions; and
 - iii. other written information as the Executive Director deems necessary
 - or,
 - (ii) if the request was not made within the 30 day timeframe, notify the applicant that the request is out of time.

Review Committee Contact Information

3.1.4 Together with the information provided pursuant to paragraph 3.1.3, the Executive Director will provide the applicant with the Subcommittee's contact information.

Responsibility of the Applicant

3.1.5 Within 15 days of the date the Executive Director's written information and disclosure was sent to the applicant, the applicant:

- (a) may provide new information and written submissions to the Subcommittee, and
- (b) if any new information or written submissions are provided to the Subcommittee, must also provide a copy to the Executive Director.

Extension of Time – Responsibility of Applicant

3.1.6 If the applicant requires an extension of time to file additional information and submissions, the applicant must apply to the Subcommittee for an extension. The Subcommittee may extend the filing deadline.

After Information and Submissions Filed

3.1.7 The Subcommittee will review the Executive Director's decision within a reasonable time following the filing deadline.

Review by Subcommittee

3.1.8 A review of a decision under Regulation 3.10 will be made by at least three members of the Subcommittee, which

- (a) will review all material and submissions provided to it;
- (b) may decide the matter without holding an oral hearing or meeting with the applicant; and
- (c) by majority ruling, may make any decision the Executive Director could have made with respect to the application.

Written Decision containing Reasons

3.1.9 The Subcommittee will render its decision within a reasonable time, and must provide a written decision with reasons within 30 days of the date of the meeting at which it made its decision.

Decision is Final

3.1.10 The Subcommittee's internal review decision is final.

Approved by the Credentials Committee - January 22, 2010

Revised by the Credentials Committee – March 26, 2020