



ITL OBSERVERSHIP APPLICATION FORM

To be completed by referring staff or client:

Name	<i>(first)</i>	<i>(last)</i>
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Preferred name:	Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms. <input type="checkbox"/> Mx. <input type="checkbox"/> Other _____
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Date of application:

Employment Specialist:

Client address:

Phone number:	Email:
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Year arrived in Canada:

Country of origin:

Languages spoken:

Year of graduation:

Law School:

Number of years employed in your field outside Canada:

Resume attached:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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Describe your learning goals for this observership:

What is your current availability to participate in an observership?

Observership Program for Internationally Trained Lawyers in Legal Workplaces

BACKGROUND

An Internationally Trained Lawyer (ITL) is a lawyer who has graduated from law school outside of Canada. An ITL who has become a permanent resident and wishes to practice law in Canada must first complete a rigorous accreditation process. This process, despite being quite lengthy, does not address all aspects of a Canadian lawyer's day-to-day responsibilities or working environment. For this reason, it could greatly benefit ITLs to be able to observe local lawyers in practice through a formalized program.

The Observership Program is a partnership between an ITL and a Supervising Lawyer who is a practising lawyer in Nova Scotia. The Supervising Lawyer will provide an ITL with an opportunity to observe their legal practice for an agreed upon length of time.

PURPOSE & OBJECTIVES

The Observership Program is designed to expose ITLs to professional legal practice in Nova Scotia. The objective is to provide ITLs with a first-hand opportunity to learn about the legal profession by observing the practice of law in Canada and, more specifically, in Nova Scotia.

The program is not intended to fill in any gaps that may exist in substantive legal knowledge, but rather to familiarize ITLs with legal workplaces and Canadian norms and expectations, thus helping to identify next steps for the ITL in terms of accreditation and career path.

Participating legal workplaces will also benefit through exposure to new cultural perspectives, ideas, and connections to underserved communities and clients.

DESCRIPTION

An Observership is a volunteer arrangement between an ITL and a Supervising Lawyer in a field that is relevant to the ITL's career goals. The program is flexible; timeframe and arrangements are customized to fit well with both the objectives of the participating ITL and the availability of the Supervising Lawyer and legal workplace. Observerships generally last between one week and six months, with the ITL attending on either a full or part-time basis.

GUIDE FOR ITL

INTRODUCTION

The ITL Observership Program offers you the opportunity to:

- Gain a better understanding of the day-to-day activities in a legal workplace in Canada and the ethical rules governing lawyers in Nova Scotia.
- Facilitate decision-making regarding the accreditation process or alternative legal careers
- Develop relationships within the legal community of Nova Scotia

ITL ELIGIBILITY:

To be eligible for the Observership Program an ITL must have:

- Graduated from a Law School outside of Canada
- Live in Nova Scotia and be eligible to work in the province
- Completed the ISANS employment orientation process and be job ready
- Have a Canadian Language Benchmark (CLB) level of 6 or higher
- Ability to commit to full duration of the program

PROCESS FOR ITLS:

1. Contact ISANS or the NSBS.
2. If the initial meeting is with NSBS, you will be referred to the ISANS intake worker who will then refer you to the employment specialist.
3. The employment specialist will explain the pathway to licensure for ITLs in Nova Scotia and any other information on alternative legal careers. You will then complete goal-setting tool followed by work on job readiness through participation in pre-employment programs, if necessary, as well as resume and cover letter preparation.
4. The employment specialist will provide the Equity & Access Office of the NSBS with the application form, the self-assessment, and a resume.
5. The Equity & Access Office will meet with the ITL to discuss matching and logistics and provide each ITL with the NSBS *Code of Professional Conduct*.
6. Once an appropriate workplace has been identified, the Equity & Access Office will contact the Supervising Lawyer to determine their availability.
7. If both the Supervising Lawyer and ITL are agreeable to the Observership, the Equity & Access Office will arrange a first meeting between the two parties. Further details of the program, such as observation dates, frequency, or schedule, will be determined on a case-by-case basis between the ITL and the Supervising Lawyer. Agreement forms will be provided by ISANS.
8. ISANS will conduct a mid-way check-in to determine if outcomes are being met.

RECOMMENDED ACTIVITIES:

- Observe day-to-day procedures of the legal workplace
- Conduct legal research
- Attend client meetings
- Attend staff meetings
- Learn about filing systems, administrative procedures, civil procedures, policies and techniques
- View files, electronic documents, filing systems, legal documents and software programs
- Attend court, chambers or hearings
- Attend networking activities
- Participate in continuing legal education sessions such as lunch-and-learns
- Consult the ethical rules applicable to Canadian lawyers.

EXPECTATIONS FOR ITLS

Although an Observership is not a job, observers are still expected to adhere to the workplace's policies, including those regarding confidentiality, dress, punctuality, and conduct.

GUIDE FOR SUPERVISING LAWYER

INTRODUCTION

The ITL Observership Program offers you the opportunity to:

- Provide an ITL with an introduction to the legal work environment in Nova Scotia
- Discuss the culture and practice of law in other jurisdictions around the world
- Learn more about the experiences of those immigrating to Nova Scotia
- Establish new and diverse networking connections and potential clients

PROCESS FOR SUPERVISING LAWYERS:

1. Contact the NSBS to be added to the list of legal workplaces and Supervising Lawyers interested in participating in the program.
2. The Supervising Lawyer will be given a package detailing the specifics of the program and providing information on the accreditation process for ITLs in Canada.
3. Matching will be based on the skill set and goals of the ITL and subject to the availability of the supervising lawyer.
4. Details of the program, such as observation dates, frequency, or schedule, will be determined on a case-by-case basis between the ITL and Supervising Lawyer. Normally, the program will range from between one week up to six months.
5. Prior to commencement of the Observership, the ITL will sign a confidentiality agreement and any other policies as required by the legal workplace.
6. ISANS will conduct a mid-way check-in to determine if outcomes are being met.

RECOMMENDED FIRST DAY ACTIVITIES:

- Meet with the ITL to review Observership plan
- Clarify and agree upon Observership goals
- Describe the Supervising Lawyer's legal work/law practice as well as the overall activities of the legal workplace
- Establish a meeting schedule and/or establish a set of activities
- Ensure that all confidentiality documentation is signed, and relevant workplace policies are reviewed
- Provide the ITL with a tour of the office, including introducing them to any relevant staff members

WHAT OTHER ACTIVITIES MAY TAKE PLACE THROUGHOUT THE PROGRAM?

Throughout the Observership, the ITL may:

- Observe day-to-day procedures of the legal workplace
- Conduct legal research
- Attend client meetings
- Attend staff meetings
- Learn about filing systems, administrative procedures, civil procedures, policies and techniques
- View files, electronic documents, filing systems, legal documents and software programs
- Attend court, chambers or hearings
- Attend networking activities
- Participate in continuing legal education sessions
- Discuss legal practice and law office management with the Supervising Lawyer or others in the office
- Review the *Legal Ethics Handbook* and *Code of Professional Conduct*

CONFIDENTIALITY

The ITL may gain access to confidential information through conversations with lawyers and clients, interactions with staff members of the legal workplace, files, documents, and through observation of the day-to-day activities at the legal workplace. It is crucial that the confidentiality of both clients and the legal workplace be maintained at all times.

In order to maintain the strict confidentiality of both Supervising Lawyers and legal workplaces, the ITL should sign a confidentiality agreement ensuring that a high level of confidentiality is maintained for any conversations, files, or practices that may be observed during the course of the program. The confidentiality agreement, which should be customized for each legal workplace, will outline the particular confidentiality policies that will be followed by the ITL.

As a point of caution and reminder, confidentiality is between the client and the lawyers. If any task involves a client in any way, the client's permission would always be secured before the observer was included in the interaction. Although the NSBS takes no role in monitoring confidentiality, an ITL who breaches confidentiality could see their application to become a lawyer in Nova Scotia affected.

A sample confidentiality agreement can be provided upon request. Individual legal workplaces may also require ITLs to comply with specific policies, which will be determined on a case-by-case basis.

LIABILITY

The ITL will be acting mainly as a passive observer at the legal workplace and will not personally undertake any tasks or work duties that would involve liability. The list of activities that an ITL might take part in include (but are not limited to): attending court, client meetings and discoveries, and observing the day to day duties of the workplace while being monitored and reviewed by a practicing lawyer (*see page 6 for a more detailed list of activities*). Legal insurance will thus not be required for ITLs.

NOVA SCOTIA BARRISTERS' SOCIETY

BASIC TERMINOLOGY

The people you might meet in a legal workplace are:

Associate

An associate is a junior or senior lawyer who does not hold ownership interest in a firm.

Partner

After spending several years as an associate, a lawyer may become eligible for partnership. A partner in a law firm is a person who is a joint owner and business director of the law firm.

Paralegal

A person who is employed in a law office, who has some knowledge of law and legal procedures. A paralegal works as a lawyer's assistant and handles paperwork and research on behalf of the lawyer.

Administrative Assistant

A legal administrative assistant is an office administrator who also possesses knowledge and skills that are relevant to the legal field.

Articled Clerk

A law student who has entered into an articling agreement within a legal workplace, for the purpose of being trained in the principles and practice of the law.

Principal

A lawyer at the legal workplace who is the supervisor of the articled clerk for a period of up to one year.

Examples of paperwork you may encounter in a legal workplace:

Memo

'memo' is short form for a memorandum. It is a document that describes a case or situation in brief.

Factum

A statement of facts and law which each party files in an application, appeal, or motion. It is your written submissions for your argument.

Statement of Claim

This is the first legal document that is filed when pursuing a claim. It is a set of facts, not evidence that supports your claim. It must contain a cause of action and request relief.

Statement of Defence

This is a defendant's reply to the statement of claim. This is less of a narrative than the statement of claim and should include the basis of defence. There is no need to state the requested relief.

Affidavit

The purpose of an affidavit is to provide evidence. An affidavit is a document that states the personal knowledge of the facts of the incident of the affiant. An affiant is the person who swears to an affidavit.

Notice of Motion

A motion is an interlocutory or intermediate step in the proceedings. Notice must be filed in order to begin a motion.

Types of Courts in Nova Scotia:**Superior Courts**

There are two superior courts in Nova Scotia: The Supreme Court and the Court of Appeal. There is also a Family Law Court which has become a special branch of the Supreme Court in Halifax and Cape Breton. Everywhere else the Family Law court is an inferior court.

Inferior Courts

There are several inferior courts in Nova Scotia: Small Claims Court, and Provincial Courts. These courts are created by statute and have only the jurisdiction and powers granted by the statute.

Federal Courts

There are two Federal Courts in Nova Scotia: The Federal Court Trial Division and the Federal Court of Appeal.

These courts were established through the *Federal Courts Act* and have general, not inherent jurisdiction. Their most significant role is providing judicial review for tribunals and administrative bodies.

Supreme Court of Canada

The Supreme Court of Canada was established pursuant to the Supreme Court Act. It usually sits nine judges with judicial representation from all parts of Canada.

The elements of a trial in Nova Scotia:**Notice**

In Nova Scotia, an action is begun when the plaintiff files notice. The notice can be either an action or application.

Service

When a proceeding has begun, notice must be served by the plaintiff on the defendant in order to inform them that they are involved in a proceeding.

Discovery

The discovery phase of the proceeding is when the parties get the opportunity to learn what the argument is against them.

Disclosure

Part of the discovery phase is called disclosure. This is when the parties must share all of the evidence in their possession, relating to the claim with their opponent.

Settlement

Most proceedings in Nova Scotia end with a trial. Most parties prefer settlements to trial as they are less costly, faster and the parties can retain control instead of giving it over to the judge. A settlement occurs when one party offers to resolve the dispute and the other party accepts.

Trial

An examination of evidence by a tribunal or court of law, in order to resolve a dispute.

For more detailed terminology we recommend the two following dictionaries:

1. Barron's Canadian Law Dictionary (in book format)
2. The Law Dictionary: <https://thelawdictionary.org/>

Additional Resource: CANLII - <https://www.canlii.org/en/> (CANLII is a search engine that provides open online access to judicial decisions, legislative documents, and commentary)