

1. The heading before section 58 and section 58 are repealed and the following substituted:

CESSATION OF PRACTICE AND CHANGE OF STATUS

Notice Required

58. (1) A member who wishes to cease their private practice of law in Nunavut, change their practice status to inactive, or to resign from the Law Society of Nunavut shall submit a notice in Form R.1 to the Executive not less than 14 days before the anticipated date on which the cessation or change of status will occur, including:

- (a) the date when the anticipated cessation or change is to occur; and
- (b) the intended disposition of all of the following that are within the control of the member and relate to their practice in Nunavut:
 - (i) open and closed files;
 - (ii) wills, titles and other important or valuable documents;
 - (iii) non-documentary valuables; and
 - (iv) trust moneys, trust accounts and books of account.

(2) The Executive may, in respect of a notice submitted under subsection (1):

- (a) approve the intended disposition described in the notice;
- (b) provide direction to the member with respect to the intended disposition described in the notice; or
- (c) require the member to submit an official statement confirming the disposition described in the notice.

(3) The Secretary shall send a member who fails to comply with subsection (1) a notice of failure to comply requiring the member to comply within 30 days.

(4) The licence of a member who fails to comply with a notice provided pursuant to subsection (3) is suspended until the member has submitted the notice required pursuant to subsection (1) and it is approved by the Executive.

(5) Where the circumstances warrant and in the discretion of the Executive, a failure to comply with this section may be referred to the Chair of the Discipline Committee for investigation.

2. Section 71 is amended by:

(a) adding “, subsection 58(4)” after “56” where it appears in subsections (1) and (2); and

(b) adding the following paragraphs after paragraph (1)(b):

(b.1) under subsection 58(4) for failure to submit a notice in Form R.1, on the approval by the Executive of the form submitted by the member.

3. The following form is added after Form R:

FORM R.1

Notice of Cessation of Practice or Change of Status

TO The Executive
Law Society of Nunavut

I, _____, of _____ hereby
provide notice in accordance with section 58 of the Law Society Rules that effective
_____, 202_:

- I am changing my practice status in Nunavut from active to inactive
- I am withdrawing from private practice in Nunavut but am remaining an active member of the Society
- I am ceasing my practice in Nunavut and am resigning from the Law Society of Nunavut

1. My contact information is:

City/Town: _____ Territory/Province: _____
Postal Code: _____
Telephone: _____ Fax: _____
Email: _____

2. My business contact information is (if different from above):

City/Town: _____ Territory/Province: _____
Postal Code: _____
Telephone: _____ Fax: _____

Email: _____

Answer the questions below that apply to your situation:

3. If you are leaving the practice of law in Nunavut within a **law firm**, please answer the following questions. If you answer “no”, please give further information.

a) law firm’s name and address:

b) All open & closed files within my control that relate to my practice in Nunavut will remain with the law firm. Yes No

c) All wills, titles and important or valuables documents within my control that relate to my practice in Nunavut will remain with the law firm. Yes No

d) All non-documentary valuables within my control that relate to my practice in Nunavut will remain with the law firm. Yes No

e) Money held in trust by me was held in the trust account of the law firm, and other property held in trust, if any, was held in trust by the law firm. Yes No

f) I have returned any money and/or property held in trust by me to the client or other person on whose behalf it was held, or, the money and/or property will continue to be held in trust by the law firm under a written arrangement with the client or other person on whose behalf the money and/or property was held, subject to any conditions that may apply: Yes No

4. If you are leaving the practice of law in Nunavut as a **sole practitioner**, please answer the following questions. If you answer “no”, please give further information.

a) I have arranged with each of my clients to transfer or close my open files with those clients. Yes No

b) I have arranged for wills, titles and any other important or valuable documents within my control that relate to my practice in Nunavut to be returned to the client or transferred to the possession of another person as instructed by the client. Yes No

c) I have arranged for non-documentary valuables within my control that relate to my practice in Nunavut to be returned to the client or transferred to the possession of another person as instructed by the client Yes No

d) With respect to **all** money and other property held in trust for a client or other person, I have returned the money and property to the client or other person on whose behalf it is was held, or under a written arrangement with the client or other person on whose behalf it was held, transferred the money or property to another active member subject to any conditions that apply to the money or property under the written arrangement. Yes No

e) My books, records and accounts and any important documents in relation to my practice in Nunavut will be stored at the following address:

7. If you are leaving the practice of law in Nunavut as an **employee**, please answer the following

questions. If you answer "no", please give further information.

a) Please indicate your employer's name and address:

b) All open and closed files and important documents within my control that relate to my practice in Nunavut will remain with my employer. Yes No

8. If you are changing your practice status in Nunavut to **inactive**, please indicate the address where your files, books, records and accounts and any important documents that relate to your practice in Nunavut will be stored.

I solemnly declare that the information provided in this notice is complete and accurate as of today's date. I make this declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Dated at _____ in _____ on the _____ day of _____, 20_____ Signature: _____

If signed electronically, Signature: _____ Date: _____ <input type="checkbox"/> By checking the box, I hereby <ul style="list-style-type: none">• certify that all information provided by me in this document is true.• acknowledge that my electronic signature is the legally binding equivalent of my handwritten signature.

4. These amendments come into force effective June 30, 2022.

Rules Committee's Review

The Rules Committee had the chance to review the resolution and is of the opinion that no outstanding matter needs to be referred to the attention of the Executive and the member of the Society under section 8.1 of the Legal Profession Act.