

Articling and Bar Admissions Committee Terms of Reference

Mandate:

The Mandate of the Articling and Bar Admissions Committee (“Committee”) is to support the ongoing review, oversight and support of the overall articling and bar admissions process in Nunavut.

The Committee is tasked with oversight of the overall articling and bar admissions process in Nunavut to ensure students-at-law admitted as such are best positioned to succeed in becoming a practicing lawyer in the Territory.

The Committee reports annually at the AGM and makes recommendations to the Executive Committee (“Executive”) about articles of clerkship, the bar admission course, bar admission examination and any special examinations as required under subsections 8(b), 8 (c), 16(1) and 18(2) of the *Legal Profession Act* (LPA).

The terms of reference for the Committee are:

- Reviewing and finalizing a proposed draft Articling Handbook to better clarify the duties of both principals and students-at-law;
- Engaging with CPLED on their review of the Practice Readiness Education Program (PREP) and providing guidance on best practices for bar admission courses and bar admission examinations in Nunavut;
- Making recommendations to the Executive on the bar admissions course and bar admission examination as defined in section 1 of the LPA;
- Making recommendations to the Executive on any special examination as defined in section 1 of the LPA and required by the Executive in accordance with section 16 of the LPA; or, where no special examination is in place, the Committee’s recommendations, if any, for a special examination;
- Considering the necessity, content, and requirements of a special examination, if recommended, relating to the substantive law in Nunavut;
- If recommending a special examination and/or preparatory course, if the Committee feels it would benefit the process, designating a sub-committee, to prepare or review content and processes;
- Considering the outstanding recommendations of the Taskforce on the revision of the Nunavut Statutes Examination;
- Holding annual debriefing meetings with students-at-law and principals involved in the overall articling and bar admission process in the current year to identify challenges and opportunities that may be considered during ongoing review; and
- If and when a subsequent law school program is delivered in Nunavut, designating a sub-committee responsible for working directly with any law program to prepare for larger cohorts of students-at-law upon any cohort’s graduation from the law program.

Composition & Quorum:

The Committee will be composed of five members:

- Three lawyers, with at least one of whom is resident in Nunavut, who have engaged in the practice of law in Nunavut for not less than five years and at least two of whom have acted as a principal for a student-at-law in Nunavut;
- Two lawyers who are resident in Nunavut, who have engaged in the practice of law for less than five years;

Quorum of the Committee is three members.

Meeting Practices:

The Committee shall aim to meet at least monthly.

Two additional, separate meetings shall be held at least once a year, in or about spring and fall of each year:

- with any students-at-law who were admitted in the preceding or current year to debrief their experience navigating the bar admission process; and
- with any lawyers who acted as principal to a student(s)-at-law in the preceding or current year to debrief on the bar admission program for students-at-law.

Ad hoc meetings may be held to address particular requirements.

Accountability:

The Committee is accountable for:

- Making recommendations to the Executive on the bar admissions course and bar admission examination as defined in section 1 of the LPA;
- Making recommendations to the Executive on any special examination as defined in section 1 of the LPA and required by the Executive in accordance with section 16 of the LPA; or, where no special examination is in place, the Committee's recommendations, if any, for a special examination;
- Recommending processes and best practices to ensure students-at-law and principals are kept informed of requirements and issues relating to bar admissions and articles of clerkship including identifying relevant content for either a Guide to Articling for Students-at-Law and Principals or to be added directly to LSN's website;
- Ensuring reports and recommendations are made following jurisdictional scans and broad consultation in accordance with the mandate and terms of reference of the Committee;
- Ensuring the overall articling and bar admission process is best positioned to operate on a continuous improvement model that allows for a process that best positions students-at-law to succeed in completing the regulatory requirements of articles of clerkship, the bar admissions course, bar examinations and/or special examinations required.

- Ensuring recommendations relating to changes or improvements under the mandate of the Committee are considerate of the size, resourcing and operational and technical realities of Nunavut and the LSN.

Consultation guidelines

Consultation and the consideration of diverse perspectives is important to the success of the work of LSN committees. To support achieving the mandate of the Committee, general consultation on issues and proposed changes with participants in articles of clerkship, the membership, jurisdictional scanning, and providing opportunities for consultation with organizations that help provide a diverse view of the impact of processes in Nunavut are important.

The Committee shall consult with:

- Educators who may be able to provide specific guidance on best practice education standards;
- Inuit organizations and groups to ensure practices for admission balance the role of the LSN regulator with Nunavut's unique cultural history and considerations;
- The Treasurer to discuss proposed changes that may require financial consideration or planning; and/or
- Other groups or perspectives that the Committee considers important to achieving its mandate.

Where the Committee is recommending substantive changes to current processes for articles of clerkship and bar admissions that may impact students-at-law currently engaged in articles of clerkship, the Committee shall ensure that wherever practical, current and former students-at-law and principals, and the membership are given the opportunity to be consulted. Where the Committee is declining to consult on a particular recommendation, they are required to confirm for the Executive why the consultation is not proceeding in the particular circumstances.

The LSN Committee's operate on a volunteer basis. Where the Committee may wish to engage in a contract for services, specific approval is required in advance from the Executive.

Committee Reporting requirements:

At least once annually, in or about May of each year, the Committee makes recommendations to the Executive relating to:

- The processes and procedure for articles of clerkship, bar admissions course requirements or content, bar admission examination requirements, and special examination requirements (if any); and
- The Terms of Reference for the Committee.

The Committee may also prepare ad-hoc reports on issues raised by the Executive.

The Committee prepares and annual report to the Membership for the AGM.

Dates of TOR Approval and Review:

v.1 – Approved in principle by the Executive with subsequent revisions completed on January 12, 2024.