



**LAW SOCIETY OF NUNAVUT**

## Instructions for Renewing a Restricted Appearance Certificate

In order to renew your certificate, you need to submit:

- (a) A certificate from each provincial or territorial law society or comparable body of which the applicant is a member **dated not earlier than 30 days prior** to the presentation of the application
- (b) Form F – Statutory Declaration must be submitted if you are not maintaining a trust account in the Nunavut jurisdiction<sup>1</sup>
- (d) A completed Insurance Exemption Certificate and Undertaking or payment of the insurance levy (« Professional Liability Insurance»)
- (e) Payment of the assurance fund levy
- (f) A copy of the Restricted Appearance Certificate that is to be renewed
- (g) A signed authorization
- (h) Applicable fees

Once the above documents and fees have been processed a new certificate will be issued to you and the Court. **Please note that this Society requires at least 10 working days in order to process the forms so it is recommended that you apply early enough so that there will be no interruption in your ability to appear in a Nunavut Court of Justice.** If your Restricted Appearance Certificate does expire before you apply for a renewal, you will be required to resubmit a full Restricted Appearance Certificate application.

**1 TRUST ACCOUNT:** If you submitted a statutory declaration with your original RAC Application, you are bound by it and you must notify this office if you open a trust account in Nunavut.

**Current to May 14, 2012**

**49.** (1) A person who has been duly called to the bar of a province or territory or has been admitted to practice as an attorney, advocate, barrister or solicitor in the superior courts of a province or territory may apply to the Executive for a restricted appearance certificate to appear or to act as an active member on a single matter or for a number of matters over a limited period of time.

(2) An applicant under subsection (1) shall furnish to the Secretary

- (a) an application in Form D;
- (b) two letters of good character from members in good standing of a provincial or territorial law society or comparable body of which the applicant is a member or from judges of a provincial, territorial or superior court of the jurisdiction of the law society or body of which the applicant is a member;
- (c) a certificate from each provincial or territorial law society or comparable body of which the applicant is a member dated not earlier than 30 days prior to the presentation of the application showing
  - (i) that the applicant is in good standing,
  - (ii) the period of time during which the applicant has been listed as an active member of the society or body,
  - (iii) whether disciplinary proceedings are pending against the applicant, and
  - (iv) the nature and disposition of any disciplinary action that has been taken against the applicant;
- (d) an Accountants Report in Form E or a Statutory Declaration in Form F;
- (e) payment of the insurance levy or, where the applicant is exempt under subsection 93(4), proof that the applicant is

- (i) covered by errors and omissions insurance in the province or territory in which the applicant is an active member and that coverage under such policy extends to cover the applicant in respect of the matter or matters on which he or she intends to act or appear in Nunavut, or
- (ii) exempt under paragraph 93(4)(b);
- (f) payment of the assurance fund levy;
- (g) payment of the application and admission fees set out in Schedule A; and
- (h) if required by the Executive, proof that the applicant has passed such bar admission examinations as may be established under section 38.

*[49 (2)(e)(i) amended, 2004 03 13]*

*[49 (2)(a) amended, 2011 04 11]*

(3) On the recommendation of the Secretary, or on the recommendation of the Admissions Committee in respect of an application referred to the Admissions Committee, the Executive may, if it considers that the nature or circumstances of the matter or matters warrant, grant a restricted appearance certificate to the applicant to act or appear as an active member in the matter or matters in respect of which the applicant has applied to act or appear.

(4) A member granted a restricted appearance certificate ceases to be entitled to appear or act as an active member on the conclusion of the matter or matters in respect of which the applicant has applied to act or appear or, unless the certificate is renewed in accordance with subsection (5), on the anniversary of the day the certificate was granted, whichever first occurs.

(5) Prior to each anniversary of the day a restricted appearance certificate was granted, a member granted a restricted appearance certificate wishing to renew the certificate shall furnish to the Secretary

- (a) a current certificate in the form required by paragraph (2)(c)
- (b) payment of the renewal fee set out in Schedule A;
- (c) payment of the assurance fund levy; and
- (d) payment of the insurance levy or, where the member is exempt under subsection 93(4), proof that the member is
  - (i) covered by errors and omissions insurance required by paragraph (2)(e), or
  - (ii) exempt under paragraph 93(4)(b).

**Please submit:**

- Certificates from each provincial or territorial law society or comparable body where the applicant is a member, stating:
  - (i) that the applicant is in good standing;
  - (ii) the period of time during which the applicant has been listed as an active member;
  - (iii) whether disciplinary proceedings are pending against the applicant;
  - (iv) the nature and disposition of any disciplinary action that has been taken against the applicant.
- The Certificate must not be dated earlier than 30 days before the application package is received by the Law Society of Nunavut.
- If there is a change in the applicant's status between the time the Certificate of Standing is received and the applicant's Entitlement, the Law Society of Nunavut must be informed.
- Originals of all Certificates of Standing must be received by the Law Society of Nunavut.
- Copies of the Certificates of Standing may be scanned or faxed. This allows the Law Society of Nunavut to start processing the application before the original arrives by mail.

**Optional: Insurance Exemption Certificate and Undertaking;**

- This is effectively an “opt-out” form for the Law Society of Nunavut's Professional Liability (errors & omissions) insurance plan where an applicant does not require the coverage, typically:
  - Government Lawyers DO NOT require the Law Society of Nunavut's coverage as they do not provide legal services to the public;
  - Lawyers with Nunavut's Legal Services Board DO require the Law Society of Nunavut's coverage;
  - Out-of-province private practitioners who are covered under the insurance plan of their home province or territory DO NOT require the Law Society of Nunavut's coverage;
  - Private practitioners who primarily provide legal services to the public in Nunavut DO require the Law Society of Nunavut's insurance coverage;
  - In-house lawyers for a single employer who do NOT provide legal services to the public in Nunavut DO NOT require the Law Society of Nunavut's coverage;
  - **ALWAYS** check with your employer or the Law Society to find out if you are covered by the required insurance plans.

- If no form is submitted, it is assumed that the applicant DOES need the Law Society of Nunavut's coverage and an invoice for the insurance levy will be sent.

☐ **Prepare EITHER:**

- i) Accountants' Report (Form E);
- ii) Statutory Declaration: Trust Accounts (Form F); If you submit the Statutory Declaration, you must pay the Trust Account Levy.

☐ Copy of Restricted Appearance Certificate to be renewed

☐ A Signed Authorization

☐ **Total payment (including GST) of prescribed assurance levy, and application fee based on Schedule A are set out in the following page:**

## **II. Renew Restricted Appearance Certificate**

### **Fees payable to Renew a Restricted Appearance Certificate from the Law Society of Nunavut**

Fee Schedule (A)

[as amended, 2018 12 03]

*Law Society of Nunavut Rules, s. 103*

(For one who **does not** maintain trust accounts in Nunavut)

(For one who maintains trust accounts in Nunavut)

Renewal fee	\$1,750.00
Assurance levy	\$125.00
Trust account levy	100.00
Subtotal	1,975.00
GST (5%)	98.75
<b>Total</b>	<b>\$2,073.75</b>

Renewal fee	\$1,750.00
Assurance levy	\$125.00
Subtotal	\$1,875.00
GST (5%)	\$93.75
<b>Total</b>	<b>\$1,968.75</b>