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TERMINOLOGY

Articles of Clerkship (Articles): An agreement between a principal and a Student-at-Law, or person intending to apply for admission as a Student-at-Law, in order to prepare the Student-at-Law for admission as a barrister and solicitor.

Bar Admission Course: This is the bar admission course established and operated by the LSN (LPA 1).

Bar Admission Examination: This is the examination in general subjects related to the practice of law, including practice, procedure, ethics and the Acts of Nunavut or the Acts of Canada or both (LPA 1).

LPA: Nunavut *Legal Profession Act*

LSN: Law Society of Nunavut

LSN Rules: *Rules of the Law Society of Nunavut*

MAC: Membership and Admissions Committee of the LSN

Student-at-Law: A person serving articles of clerkship approved by the Society to a member of the LSN (LPA 1).

Principal: A member of the LSN to whom articles of clerkship are being served by a Student-at-Law (LSN Rules s.1).

I. Students-at-Law

A. Student-at-Law

1) *Admissibility for articles in Nunavut*

In order to be admissible to articles of clerkship in Nunavut, a student must be a graduate of a law school approved by the LSN Executive, pursuant to section 18(2)(c)(i) LPA (See **Appendix P** below for the Executive's resolution and the list of approved law schools).

Members of other Canadian law societies are not required to perform articles, but may, at the Executive's discretion, be required to complete a special examination to qualify for membership (16(1) LPA).

2) *Timeframe for articling and application for membership*

a. Application deadline

An application for articles may be submitted to the LSN Secretary at any given time.

b. Duration

In order to be admitted to the LSN, a Student-at-Law must complete **12 months of continuous articles** (LPA 18(2)(a)).

c. Commencement

A Student-at-Law must commence his or her articles **within one (1) year** of the approval of the articles, otherwise the application lapses and the application fees are forfeited to the LSN.

d. Waiving

The Student-at-Law may petition the LSN Executive to waive the lapse and the forfeiture. He or she must then submit to the Executive two letters of good character from reputable persons dated not earlier than 30 days prior to the presentation of the petition, as well as any other information or documents that the Executive may request.

e. Application for membership

After the completion of his or her term of articles, the Student-at-Law has **two (2) years** to apply for membership to the LSN. Otherwise, the LSN Secretary may serve the Student-at-Law a notice to appear and make representations before the MAC. Based on the foregoing, the MAC may recommend to the LSN Executive that:

- i. The Student-at-Law serve a new term of articles;
- ii. The time for application for admission as a member be extended; or
- iii. The name of the Student-at-Law be struck from the Record. (LSN Rules, s.46)

3) *Is it possible to complete a shorter term of articles?*

The LSN Executive may waive the requirement to complete 12 months of continuous articling (LPA 17(3)). For example, the Executive may shorten the length of a Student-at-Law's articles as credit for bar admission courses taken prior to commencing articles in Nunavut, or for time spent as working as a clerk in a court of justice.

4) *Application package*

To apply for admission as a Student-at-Law, one must submit an application package containing all of the following documents:

- i. An application in Form G.1 (see Appendix A below);
- ii. Two letters of good character from reputable persons (see Appendix B);
- iii. Proof from the proper authority of graduation from a law school approved by the Executive (diploma or transcript);
- iv. A Student Articling Plan in Form G.2 (see Appendix C below);
- v. Articles of clerkship in Form H duly signed in triplicate (see Appendix D below);
and
- vi. Payment of the application and admission fees set out in Schedule A of the LPA.

5) *Process for approval*

Applicants should begin this application process well in advance of the date when they wish to commence Articles in Nunavut. The application will be considered by the MAC after it has been received in this office, complete with supporting documents and in original form. The MAC may have questions, or recommend adjustments to your Student Articling Plan or other elements of the application.

The MAC recommends to the LSN Executive whether and on what terms an application should be accepted. The Executive may accept or vary this recommendation, and we will endeavor to inform you of the Executive's decision within ten weeks of your application.

Upon the Student-at-Law's admission, the Secretary issues a certificate as to the compliance by the applicant with the rules respecting the admission of students-at-law.

6) Special requests

An application may involve special requests or circumstances which require special waiver of usual requirements. The following are examples of requests submitted from applicants:

- i. A request for work already performed to be recognized as part of your Articles;
- ii. A request for the Society to recognize a work placement outside Nunavut for longer than six months; and
- iii. A request for the Society to waive the usual “general practice” orientation of Articles in order to allow some degree of specialization.

All special requests and unusual circumstances must be submitted and explained in a covering letter.

7) What are the application and the admission fees?

Application fee: \$25 (plus 5% GST)

Admission fee: \$100 (plus 5% GST)

Fee payable upon filing of the Student-at-Law’s articles of clerkship: \$15 (Schedule A LPA)

8) To what extent can a Student-at-Law engage in the practice of law?

A Student-at-Law is allowed to engage in the practice of law in the course of articling, under the supervision of an active member of the LSN, provided that he or she has advised the client that he or she is acting as a Student-at-Law.

More specifically, a Student-at-Law may:

- i. Act as a counsel or agent before a justice in a civil proceeding or in a proceeding pertaining to an offence punishable on summary conviction;
- ii. Act as counsel or agent before a judge in a proceeding pertaining to an indictable offence in respect of which a judge of the Nunavut Court of Justice has absolute jurisdiction under section 553 of the *Criminal Code*; or
- iii. Act as counsel on any motion, petition or other proceeding before a judge sitting in chambers (LPA 66, 68).

9) Can students-at-law engage in other employment during their term of articles?

Students-at-law may not engage in other employment during their term of articles.

Exceptionally, the LSN Executive may allow a Student-at-Law to engage in other employment if the Executive is satisfied that such other employment will not adversely interfere with the service of the Student-at-Law under articles (LSN Rules, s.45).

10) Under what circumstances are articles terminated?

The articles are terminated if a principal to whom the Student-at-Law is articulated:

- i. Dies;
- ii. Has his or her name struck off the Roll;
- iii. Is suspended from practising as a result of being found guilty of conduct deserving of discipline; or
- iv. Ceases to be actively engaged in the practice of law in Nunavut.

In the case of a principal who is found guilty of conduct deserving of discipline but not suspended, the Discipline committee may decide that termination of the articles is in the best interest of the Student-at-Law. The Student-at-Law may also apply to the Membership and Admissions Committee to be relieved from his or her articles.

When the articles are terminated for any of the reasons stated above, the Student-at-Law may enter new articles and be allowed credit in whole or in part for the original articles, subject to a decision of the LSN Executive (LSN Rules, s.44).

B. Principal

11) Who can act as principal?**a. General approval**

A Student-at-Law must serve under articles with a barrister and solicitor who:

- i. Resides in Nunavut;
- ii. Is a member in good standing of the LSN;
- iii. Has been engaged in the practice of law for at least 5 years, of which a minimum of 2 years were spent in Nunavut; and
- iv. Through his or her practice, allows the Student-at-Law a reasonable opportunity to learn about the general practice as a barrister and solicitor (LPA 18(2)(a)).

b. Specific approval

Subject to specific approval and according to the terms and conditions determined by the LSN Executive, a Student-at-Law may serve under articles with:

- 1) A judge of the Nunavut Court of Justice;
- 2) A judge of the Supreme Court of Canada, the Federal Court of Canada or a judge of a superior court of a province or territory; or
- 3) A barrister and solicitor who does not reside in Nunavut, but is a member in good standing of the LSN and has been engaged in the practice of law for a minimum of 5 years (LPA 17(2)).

c. Transfer of articles

A Student-at-Law may also arrange for a transfer of articles to another principal for part of the articling period in order to benefit from training in a wider variety of areas of practice. The transfer has to be indicated in the student articling plan, and the student must attach a temporary assignment of articles of clerkship in Form I.2 (see Appendix F below).

12) Documents to be signed by the principal

- 1) Student Articling Plan Form G.2;
- 2) Articles of Clerkship Forms H, I.1 or I.2 as applicable; and
- 3) Affidavit in Form K after completion of the applicant's articling for admission to the Nunavut bar.

C. LSN Recordkeeping

The LPA provides that the LSN Secretary must keep a record of all persons admitted as students-at-law (LPA 14(2)). This record must contain the following information:

- 1) The Student-at-Law's full name, date of birth and address;
- 2) The date on which the articles of the Student-at-Law commenced;
- 3) All details of membership in any other law society or comparable body;
- 4) The dates of any findings of guilt for conduct deserving of discipline and any sanctions imposed; and
- 5) Any other information determined by the Executive (LSN Rules, s.36).

II. Bar Admission Course and Examination

1) *When do students-at-law have to undergo the LSN bar admission course and when do students-at-law have to undergo the LSN bar admission examination?*

Articling in NU but first call to the bar is from another province or territory

A Student-at-Law who performs service under articles in Nunavut as a requirement to be called to the bar of another province or territory may apply for regular membership as a lawyer after being called to the bar of such other province or territory.

The Student-at-Law may thus forego the requirement to pass the bar admission examination and complete the required readings.

Articling in NU but first call is to the NU bar

When the LSN is the first Law Society the Student-at-Law enters, he or she must complete the bar admission examination.

The LSN is working with the Law Society of Manitoba so that students-at-law in NU can complete the bar admission examination requirement through the Manitoba CPLED (Canadian Centre for Professional Legal Education) online program. Contact the LSN for further details.

2) *Special Examination Requirement – “Nunavut Statutes Examination”*

In addition, the Executive may in its discretion administer a special examination under Section 16 (1) of the LPA which is commonly known as the Nunavut Statutes Examination. This special examination is an open book exam at university standards in subjects pertaining to substantive law in force in Nunavut. Details are provided below.

3) *What is the special examination process – “Nunavut Statutes Examination”?*

The examination is open book and lasts **3 hours**. A complete list of statutes and authorities for the exam is available in electronic form.

The format of the exam is **short-answer** which are to be based on the laws of Nunavut, being the *Revised Statutes of the Northwest Territories, 1988*, as duplicated for Nunavut pursuant to the federal Nunavut Act. This includes any relevant amendments made by either Nunavut or by the NWT prior to April 1, 1999.

The special examination must be invigilated by a member in good standing in the Law Society of Nunavut with whom you are NOT professionally associated. If you do not know a qualified member, please contact the Law Society.

The examination has to be written at the LSN boardroom, the Student-at-Law's own office or office of the invigilator.

The completed examination must be returned **no later than 45 days** after the date of the official letter regarding the bar admission examination from the Student-at-Law. The invigilator submits the completed examination to the LSN administrator or to the CEO.

A member of the MAC proceeds to grade the examination. The passing grade is set at 70%.

4) What are the options in the event that a Student-at-Law fails the special examination?

If a student fails to complete the special examination as required by the LSN Executive, the MAC may recommend that the student:

- i. Serve a further period of articles;
- ii. Successfully complete a further bar admission course or bar admission examinations; or
- iii. Pass such further bar admission examinations as may be set by the LSN.

5) What documents must be submitted after the bar admission examination and special examination (if applicable)?

The following documents for the application for membership must be submitted by the Student-at-Law after writing and successful completion of the bar admission examination and special examination (if applicable):

- i. An application in Form J (see Appendix G below);
- ii. An affidavit in Form K (see Appendix H below) signed by the principal under whom he or she has served his or her articles;
- iii. An affidavit in Form L (see Appendix I below) signed by the Student-at-Law; and
- iv. A signed authorization (see Appendix N below).

The appropriate financial forms among the following:

- i. An Accountant's Report in Form E (see Appendix J below); or
- ii. A Statutory Declaration in Form F (see Appendix K below); or
- iii. A statement indicating that the Student-at-Law is joining a partnership that, or is becoming associated with a member who, has filed a Certificate of Accountant and Member in Form V (see Appendix L below). (LSN Rules, s.48(d))

And payment of the applicable fees:

- i. Payment for the insurance levy/"Professional Liability Insurance" provided through the Law Society of Nunavut OR submission of the Insurance Exemption Certificate and Undertaking (see Appendix M below) (LSN Rules, s. 48(e));
- ii. If applicable, payment of the assurance fund levy; and
- iii. Payment of the application, admission and annual fees set out in Schedule A.

The payment of the appropriate membership fees and levies must be submitted by the Student-at-Law after writing the bar admission examination, special examination (if applicable)and receiving a passing grade.

Once all the forms are completed and all payments received, the LSN Executive makes a decision regarding the admission of the Student-at-Law as a member of the LSN.

Once a positive decision is made, the Student-at-Law may arrange to take the oath with the Nunavut Court of Justice (LPA 21(2)).