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# RULES OF THE LAW SOCIETY OF NUNAVUT

## INTERPRETATION

1. (1) In these rules,

"Act" means the *Legal Profession Act*;

"assurance fund levy" means the annual assessment levied by the Society under section 76 of these rules;

"auditor" means the auditor for the Society appointed under subsection 9(1) of the Act;

"conduct deserving of discipline" means professional misconduct or conduct unbecoming a barrister and solicitor or student-at-law;

"Deputy Secretary" means the Deputy Secretary appointed under subsection 6(2) of the Act;

"insurance levy" means the annual assessment levied by the Society under subsection 93(2) of these rules;

"principal" means a member to whom articles of clerkship are being served by a student-at-law;

"Record" means the record referred to in section 14 of the Act and sections 35 and 36 of these rules;

"resident" means resident in Nunavut;

"Secretary", unless the context otherwise requires, includes the Deputy Secretary;

"Treasurer" includes the Deputy Treasurer.

(2) A term defined in the Act has the same meaning when used in these rules.

(3) A reference in these rules to a form shall be construed as a reference to the appropriate form set out in Schedule B.

*[amended, 2004 03 13]*

2. The provisions of the *Interpretation Act*, R.S.N.W.T. 1988, c.1-8, as amended, apply to these rules.

*[amended, 2004 03 13]*

2.1 Each time these rules require sending a document to the *Law Society of Nunavut*, it may be done electronically as defined by the *Electronic Commerce Act*, S.Nu 2004, c.7.

*[amended, 2012 05 12]*

**PART I**  
**THE SOCIETY**

**3. Repealed, 2016/11/07**

4. (1) Subject to these rules, every instrument to which the seal of the Society is affixed shall be signed by the President or Vice-President and countersigned by the Secretary or Treasurer.

(2) The Secretary shall sign and affix the seal of the Society to annual certificates and certificates of admission.

**HONORARY EXECUTIVE MEMBERS**

5. (1) The Attorney General for Nunavut, the Attorney General for Canada and the past Presidents of the Society are honorary members of the Executive.

(2) An honorary member of the Executive may participate in meetings of the Executive but may not vote.

*[5 (1) amended, 2004 03 13]*

**ELECTION OF THE EXECUTIVE**

6. (1) Subject to these rules, two active members shall be elected to the Executive in each year.

(2) To be eligible for nomination or election to the Executive, a person must be a resident active member in good standing.

(3) No person is eligible for nomination or election to the Executive who

(a) has been struck off the Roll, or

(b) within five years prior to the date of an election, has been found guilty of conduct deserving of discipline,

unless the Executive, on the application of the person seeking nomination or election, waives the restrictions imposed by this subsection.

7. An election of members to the Executive must be conducted by secret ballot.

8. (1) In an election of members to the Executive, where anything to be done before a time fixed under these rules is not done, the Executive may direct another time for doing it, even if the time for doing it has expired.

(2) Anything done within the time specified in a direction under subsection (1) is valid as if it had been done within the time fixed under these rules.

9. (1) At least 45 days before the annual general meeting, the Secretary shall send a notice of election in Form A to each member entitled to vote.

- (2) A nomination for election to the Executive must be
    - (a) in writing;
    - (b) signed by three active members;
    - (c) accompanied by the written consent of the member nominated; and
    - (d) sent or returned to the Society's registered office at least 30 days before the annual general meeting.
- 10. At least 20 days before the annual general meeting, the Secretary shall send to each member entitled to vote
  - (a) a copy of instructions to vote in Form B;
  - (b) a ballot in Form C; and
  - (c) an envelope marked "Ballot".
- 11. (1) A member voting in an election shall
  - (a) mark and enclose the ballot in the envelope marked "Ballot";
  - (b) seal and enclose the envelope marked "Ballot" in a second envelope; and
  - (c) send or return the envelope to the registered office of the Society before 11 a.m. on the day preceding the annual general meeting.

(2) The Secretary shall, with the assistance of the auditor, open the envelopes marked "Ballot", scrutinize the ballots and count and record the votes cast for each candidate.
- 12. (1) A ballot that is not marked according to the instructions to vote in Form B shall not be counted.
- (2) A ballot that contains votes for more than the number of candidates to be elected shall not be counted.
- 13. A candidate or an agent of the candidate may be present at the opening and scrutinizing of ballots and the counting of votes.
- 14. (1) Subject to subsection (2), after the votes for the candidates are counted, the two candidates who receive the greatest number of votes shall stand elected as members of the Executive for a term of two years.
- (2) Where more than two candidates are to be elected to the Executive,

  - (a) the two candidates who receive the greatest number of votes shall stand elected as members of the Executive for a term of two years; and
  - (b) the candidate, or candidates where there are four vacancies, who receives the next highest number of votes shall stand elected as a member of the Executive for a term of one year.
- (3) A member appointed or elected under paragraph 18(4)(a), subsection 19(4) or paragraph 19(5)(a) holds office only until the next election of the Executive.
- 15. Where an equal number of votes is cast for two or more candidates, the Secretary shall, if it is necessary for the purposes of determining the outcome of the election,
  - (a) put into a ballot box the names of the candidates for whom an equal number of votes has been cast,
  - (b) mix the names together, and
  - (c) draw the name or names,

and the candidate whose name is first drawn is deemed to have received a higher number of votes than the candidate whose name is drawn second and so on.

16. The Secretary shall
  - (a) notify all candidates of the election results;
  - (b) provide, on request, a copy of the election results to a candidate; and
  - (c) cause the names of members elected to the Executive to be published in the *Nunavut Gazette*.
17. The Executive shall take office at the first meeting of the Executive following the election, which must be held within 30 days after the election, and the Executive in office prior to the election continues in office until that meeting.
18. (1) A member may dispute the validity of an election of a member of the Executive on application by way of originating notice to the Nunavut Court of Justice filed within 30 days after the date of the election.
  - (2) A judge of the Nunavut Court of Justice may hear the application in a summary way.
  - (3) Where it appears to a judge that an election was conducted substantially in accordance with the Act and these rules and that any non-compliance did not materially affect the result of the election, the judge may declare the election valid.
  - (4) Where a judge declares that an election of a member to the Executive is invalid, the judge shall
    - (a) direct the remaining members of the Executive to appoint another active resident member to fill the vacancy; or
    - (b) give directions for the holding of another election to fill the vacancy.
  - (5) Where the election of one member to the Executive is declared invalid and directions are given for the holding of another election under paragraph (4)(b), the following persons shall constitute the Executive until the meeting of the Executive referred to in section 17:
    - (a) the person appointed under paragraph 3(2)(a) of the Act;
    - (b) the persons whose elections are not declared invalid; and
    - (c) such other active member as may be appointed by the persons referred to in paragraphs (a) and (b).
  - (6) Where the election of more than one member to the Executive is found invalid and directions are given for the holding of another election under paragraph (4)(b), the members of the Executive who held office immediately prior to the election continue to hold office until the meeting of the Executive referred to in section 17.
  - (7) A declaration made by a judge under this section is final.

*[18(1) and 18(2) amended, 2004 03 13]*

19. (1) Where a member of the Executive other than the member appointed under paragraph 3(2) of the Act dies, resigns, is suspended, is struck off the Roll or is found guilty of conduct deserving of discipline, his or her office as a member of the Executive is deemed to be vacated.

(2) A member of the Executive may be removed for cause including, but not limited to, the refusal or inability of the member to perform his or her duties.

(3) Proceedings to remove a member of the Executive for cause shall be conducted at a special meeting of the Society called for that purpose and, to be carried, a motion for removal requires the approval of two-thirds of the members present and voting at the meeting.

(4) Subject to subsection (5), where a vacancy on the Executive occurs, the remaining members of the Executive shall appoint an active resident member to fill the vacancy.

(5) Where, as a result of vacancies, less than a quorum of the Executive remains in office,  
(a) the remaining members of the Executive shall direct the Secretary to hold an election for the purpose of filling the vacancies and sections 7 to 16 apply with such modifications as the circumstances require to the conduct of the election; and  
(b) the remaining members of the Executive continue to hold office and constitute a quorum for the conduct of the business of the Executive until the vacancies are filled.

#### **EXECUTIVE MEETINGS AND DUTIES OF OFFICERS**

**20.** (1) A meeting of the Executive may be called at any time by any two members of the Executive or by the President or, in the absence of the President, by the Vice-President.

(2) Subject to paragraph 19(5)(b), three members are necessary to constitute a quorum at a meeting of the Executive.

(3) Subject to subsection (6), notice in writing of each meeting stating the time, date and place shall be given at least 24 hours in advance of the meeting to the members of the Executive, unless such notice is waived in writing by the members.

(4) A resolution consented to in writing by all the members of the Executive is as valid and effective as if passed at a properly constituted and duly called meeting of the Executive.

(5) The members of the Executive may participate in a meeting of the Executive by telephone or by another facility that permits all members to hear each other, provided the members necessary for a quorum consent, and all members participating are deemed to be in attendance for the purposes of that meeting.

(6) Attendance of a member of the Executive at a meeting of the Executive is deemed to be a waiver of the notice required under subsection (3).

**21.** Minutes approved by the Executive shall be signed by the Secretary and by the President or Vice-President.

**22.** (1) Officers shall be appointed at the meeting referred to in section 17.

(2) In the temporary absence or inability of an officer to perform the duties of his or her office, such duties may be performed by any other member of the Executive.

- 23.** (1) The Deputy Secretary shall be paid such remuneration as may be fixed by the Executive and shall perform such duties as may be required by the Act or these rules or as may be directed by the Executive.  
(2) Where the Executive appoints a Deputy Secretary under subsection 6(2) of the Act, the person so appointed may be required to give security to the Society for the performance of his or her duties in a form and for such amount as may be directed by the Executive and the Society shall pay the cost of the security.
- 24.** The Secretary shall
- (a) keep the minutes of the proceedings of the meetings of the Executive;
  - (b) prepare or have prepared the certificates and other documents pertaining to the Society;
  - (c) be the custodian of the documents and correspondence belonging to or filed with the Society; and
  - (d) perform any other duty or service incidental to the office of the Secretary.
- 25.** The Treasurer shall
- (a) receive moneys payable to the Society and deposit them to the credit of the applicable accounts of the Society;
  - (b) pay the necessary expenses of the Society included in the estimate of expenditures and receipts referred to in section 27 and any other expenses authorized by the Executive;
  - (c) keep proper books of account; and
  - (d) perform any other duty or service incidental to the office of the Treasurer.
- 26.** The Treasurer shall present to a meeting of the Executive held prior to the annual general meeting an audited statement of the accounts of the Society for the preceding fiscal year.
- 27.** The Treasurer shall present to the Finance Committee prior to the second meeting of the Executive after the annual general meeting an estimate of expenditures and receipts for the coming year.

## **FINANCIAL MATTERS**

- 28.** A member of the Executive who is engaged in a matter related to his or her office at a place other than his or her place of residence shall be reimbursed out of the funds of the Society for reasonable transportation and living expenses.
- 29.** (1) The accounts of the Society shall be maintained at a chartered bank chosen by the Executive.  
  
(2) The funds of the Society deposited in a bank account of the Society shall be paid out by cheque signed by any two officers of the Society authorized to act as signing authorities by resolution of the Executive.
- 30.** The auditor shall audit the accounts of the Society as soon as possible after January 1 in each year and at such other times as may be directed by the Executive and the auditor's report shall be submitted to the Treasurer.
- 31.** The fiscal year of the Society begins on January 1 and ends on December 31 in the same

year.

## COMMITTEES

- 32.** (1) The Executive shall appoint the following standing committees to perform the following duties:
- (a) an Admissions Committee, to examine applications for admission as students-at-law and members and to make recommendations to the Executive on any other matter relating to admissions coming within the jurisdiction of the Executive;
  - (b) a Finance Committee, to administer the investment of the funds of the Society in accordance with policies determined by the Executive and to make recommendations to the Executive before the Society's fiscal year end concerning
    - (i) the funds of the Society,
    - (ii) the amount of the annual fees,
    - (iii) the amount of the assurance fund levy and
    - (iv) any other matter concerning the Society's revenue sources;
  - (c) a Legal Ethics and Practice Committee,
    - (i) to report and make recommendations on any question concerning the ethics of the profession submitted to the Committee,
    - (ii) to report and make recommendations regarding any complaint of unauthorized practice submitted to the Committee;
  - (d) an Insurance Committee, to supervise and investigate all aspects of insurance for the Society and to report and make recommendations to the Executive on matters of insurance.
- (2) The Finance Committee shall consider the estimate of expenditures and receipts of the general fund presented by the Treasurer under section 27 and submit to the Executive its recommendations on the estimate.
- (3) The Executive may, from time to time, appoint any other committees and may fill vacancies on or add to any committee.
- (4) A committee, in addition to the duties assigned to it by the Act and these rules, may be given additional duties by the Executive.
- (5) Where a committee consists of at least three members, two members are necessary to constitute a quorum for the transaction of business.
- (6) The President is *ex-officio* a member of each committee.
- (7) Each committee shall appoint from among its members a chairperson and vice-chairperson.

## SPECIAL COUNSEL

- 33.** (1) The Executive may retain the services of and authorize the payment of the fees and expenses of a special counsel.
- (2) A special counsel shall perform the duties assigned by these rules, the Executive or

the chairperson of the Discipline Committee.

(3) Where a complaint concerning a member is referred to the special counsel by the chairperson of the Discipline Committee for investigation, the special counsel shall advise on the preparation of any charges and shall prosecute the charges in accordance with the Act and these rules.

## **PART II**

### **MEMBERSHIP AND ENROLLMENT**

#### **THE ROLL**

- 34.** The Roll must contain the following information in respect of each member:
- (a) full name, date of birth, date of admission to the Society, address and number of the Roll assigned to the member;
  - (b) date and particulars of the member's removal from the Roll, if any;
  - (c) date and particulars of the member's reinstatement to the Roll, if any.

#### **THE RECORD**

- 35.** The Record pertaining to persons admitted to the Society as members must contain the following information in respect of each member:
- (a) full name, date of birth, address and number on the Roll assigned to the member;
  - (b) date on which the member's application for membership was approved by the Executive;
  - (c) details of membership in any other law society or comparable body;
  - (d) election of the member as a member of the Executive;
  - (e) dates of any findings of guilt for conduct deserving of discipline and any sanctions imposed;
  - (f) date and particulars of the member's removal from the Roll, if any;
  - (g) date and particulars of the member's reinstatement to the Roll, if any;
  - (h) such further particulars as the Executive may direct.
- 36.** The Record pertaining to persons admitted to the Society as students-at-law must contain the following information in respect of each student-at-law:
- (a) full name, date of birth and address;
  - (b) date on which articles of the student-at-law commenced;
  - (c) details of membership in any other law society or comparable body;
  - (d) dates of any findings of guilt for conduct deserving of discipline and any sanctions imposed;
  - (e) such further particulars as the Executive may direct.
- 37.** (1) The Secretary shall maintain a record of active members called the "practising list", which must contain the last known professional address of each active member.
- (2) The Secretary shall maintain a record of inactive members called the "non-practising list", which must contain the last known address of each inactive member.
- (3) The Secretary shall prepare such other records respecting members as may be directed by the Executive.

#### **BAR ADMISSION EXAMINATIONS**

- 38.** The Society may establish such written and oral bar admission examinations as it considers necessary.

## REGULAR MEMBERS

- 39.** (1) An applicant for admission under paragraph 18(1) of the Act may apply for membership as an active member or an inactive member and 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 a 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 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 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 or a statement indicating that the applicant is joining a partnership that, or is becoming associated with a member who, has filed a Certificate of Accountant and Member in Form V;
  - (e) if applicable, 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 referred to in paragraph 93(4)(a), or
    - (ii) exempt under paragraph 93(4)(b);
  - (f) if applicable, payment of the assurance fund levy; and
  - (g) payment of the application, admission and annual fees set out in Schedule A.
- (2) Subject to subsection (3), an applicant shall pass such bar admission examinations as may be established under section 38.
- (3) Notwithstanding any other provision in these rules, the Executive, where it considers that special circumstances so warrant with respect to any person, may waive or vary the requirements for the taking of any bar admission examination.

*[39(1) and 39(3) amended, 2016/11/07]*

## INTER-JURISDICTIONAL PRACTICE

### Definitions

**39.1** In rules 39.2 through 39.3, unless the context indicates otherwise,

"entitled to practise law" means allowed, under all of the legislation and regulation of a home jurisdiction, to engage in the practice of law in the home jurisdiction;

"governing body" means the Law Society or Barristers' Society in a Canadian common law jurisdiction, and the Barreau du Québec;

"lawyer" means a member of a governing body;

"liability insurance" means compulsory professional liability errors and omissions insurance required by a governing body;

"reciprocating governing body" means a governing body that has

- (a) signed the Territorial Mobility Agreement, and
- (b) adopted regulatory provisions giving effect to the requirements of the Territorial Mobility Agreement;

"resident" has the meaning respecting a province or territory that it has with respect to Canada in the *Income Tax Act* (Canada);

"Territorial Mobility Agreement" means the 2006 Territorial Mobility Agreement of the Federation of Law Societies of Canada, as amended from time to time.

#### Application and Interpretation

**39.2** Rules 39.1 through 39.3 are intended to implement the provisions of the Territorial Mobility Agreement and cease to have effect on the expiry of that Agreement.

### **TRANSFER UNDER TERRITORIAL MOBILITY AGREEMENT**

**39.3** (1) This Rule applies to an applicant for transfer from another Canadian jurisdiction, provided that the applicant is entitled to practise law in the jurisdiction of a reciprocating governing body of which the applicant is a member.

(2) An applicant under this Rule must fulfil all of the requirements in Rule 39 for call and admission on transfer from another Canadian jurisdiction and 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 a 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 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 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 or a statement indicating that the applicant is joining a partnership that, or is becoming associated with a member who, has filed a Certificate of Accountant and Member in Form V;
- (e) if applicable, 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 referred to in paragraph 93(4)(a), or

- (ii) exempt under paragraph 93(4)(b);
- (f) if applicable, payment of the assurance fund levy; and
- (g) payment of the application, admission and annual fees set out in Schedule A, except that he or she need not pass any bar admission examination.

(3) To qualify for call and admission, an applicant under this Rule must certify in a prescribed form that he or she has reviewed and understands all of the materials reasonably required by the Executive.

(4) A lawyer called and admitted under this Rule has no greater rights as a member of the Society than

- (a) the lawyer has as a member of the governing body of his or her home jurisdiction, or
- (b) any other member of the Society in similar circumstances.

*[39.1 to 39.3 passed 2007 05 05]*

*[39.3(2) amended 2009 05 02]*

**39.4** Quebec Mobility Agreement” means the 2010 Quebec Mobility Agreement of the Federation of Law Societies of Canada, as amended from time to time.

Application and Interpretation

**39.5** Rules 39.4 through 39.7 are intended to implement the provisions of the 2010 Quebec Mobility Agreement and cease to have effect on the expiry of that Agreement.

## **CANADIAN LEGAL ADVISORS**

**39.6** (1) A Canadian legal advisor may

- (a) give legal advice on
  - (i) the law of Quebec and matters involving the law of Quebec,
  - (ii) matters under federal jurisdiction, or
  - (iii) matters involving public international law,
- (b) draw, revise or settle a document for use in a proceeding concerning matters under federal jurisdiction, or
- (c) appear as counsel or advocate before any tribunal with respect to matters under federal jurisdiction.

(2) A Canadian legal advisor must not engage in the practice of law except as permitted under subsection (1).

(3) A member of the Society in good standing who is admitted as a Canadian legal advisor has all the duties and responsibilities of a practising lawyer under the Act, these Rules, the Canadian Bar Association Professional Conduct Handbook or any other rules of professional conduct adopted by the Society.

(4) A Canadian legal advisor must

- (a) be a member in good standing of the Barreau du Québec or the Chambre des notaires du Québec authorized to practise law in that Province,

- (b) undertake to comply with subsection (2), and
- (c) immediately notify the Secretary in writing if he or she ceases to be authorized to practise law in Quebec.

*[39.6 (4)(a) amended 2012 05 12]*

#### Canadian Legal Advisor Certificate

**39.7** (1) Subject to subsections (3) and (4), a person who has been duly called to the Barreau du Québec or the Chambre des notaires du Québec may apply to the Secretary for a Canadian legal advisor certificate to appear or to act as a Canadian legal advisor.

(2) An applicant under this Rule must fulfil all of the requirements in Rule 39 for call and admission on transfer from another Canadian jurisdiction and 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 the Barreau du Québec or the Chambre des notaires du Québec and 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 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 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; and
  - (i) an undertaking to comply with subsection 39.6 (1).

(3) This Rule does not apply to a member of the Barreau du Québec or the Chambre des notaires du Québec unless he or she has earned a bachelor's degree in civil law in Canada or a foreign degree and a certificate of equivalency from the Barreau or the Chambre.

(4) A lawyer called and admitted under this Rule has no greater rights as a member of the Society than

- (a) the lawyer has as a member of the governing body of his or her home jurisdiction,

- or  
(b) any other member of the Society in similar circumstances.

*[39.7 (1), (2)(c) & (3) amended 2012 05 12]*

#### Marketing of legal services

**39.8** A Canadian Legal Advisor, when engaging in advertising or any other form of marketing activity in Nunavut:

- (1) Shall use the term "Canadian Legal Advisor",
- (2) Shall state that he or she is only qualified to provide legal advice on matters dealing with public international law, the laws of Quebec, and matters under federal jurisdiction, and
- (3) Shall not use any designation or make any representation from which a recipient might reasonably conclude that the consultant is a regular unrestricted member of the Society or in any way qualified to practice in Nunavut except as a Canadian Legal Advisor.

*[39.4 to 39.8 enacted 2011 04 31]*

### **STUDENTS-AT-LAW**

- 40.** (1) An applicant for admission as a student-at-law under subsection 17(1) of the Act shall furnish to the Secretary
- (a) an application in Form G.1;
  - (b) two letters of good character from reputable persons;
  - (c) proof from the proper authority of graduation from a law school approved by the Executive;
    - (c.1) a Student Articling Plan in Form G.2;
  - (d) articles of clerkship in Form H duly signed in triplicate; and
  - (e) payment of the application and admission fees set out in Schedule A.
- (2) When the Admissions Committee has recommended and the Executive has approved an application for admission as a student-at-law, the applicant's term of service under the articles shall begin on the day the applicant complies with all requirements of the Act and these rules for admission or on a date fixed by the Executive, and the applicant is deemed to be admitted as a student-at-law as of that date.
- (3) On the admission of an applicant as a student-at-law, the Secretary shall issue a certificate of admission as a student-at-law.

*[40 (1) amended, 2006 03 18]*

- 41.** (1) The Executive may require a student-at-law to successfully complete a bar admission course and bar admission examinations of a province or territory of Canada.
- (2) In addition to satisfying the requirements of subsection (1), a student-at-law shall be required to pass such bar admission examinations as may be established under section

38.

*[41 (1) amended, 2004 03 13]*

- 42.** An active member of the Society may not act as a principal to more than two students-at-law at any time without the prior written approval of the Executive.
- 43.** (1) On the recommendation of the Admissions Committee and with the approval of the Executive, articles may be assigned by an assignment in Form I.1 to another barrister and solicitor who is qualified under subsection 18(2) of the Act.
- (2) The assignment shall be delivered promptly to the Secretary and, if approved, takes effect from the date of its delivery with payment of the fee set out in Schedule A.

*[43 (1) amended, 2012 05 12]*

- 44.** (1) Articles of a student-at-law terminate where a principal to whom the student-at-law is articulated dies, has his or her name struck off the Roll, is suspended from practising as a result of being found guilty of conduct deserving of discipline or ceases to be actively engaged in the practice of law in Nunavut.
- (2) Where a principal is found guilty of conduct deserving of discipline, the Executive may, on the advice of the chairperson of the Discipline Committee and in the interest of the student-at-law articulated to the principal, terminate the articles of the student-at-law.
- (3) A student-at-law may, on giving notice to his or her principal, apply to the Admissions Committee to be relieved from his or her articles and, on hearing the matter, the Admissions Committee may recommend to the Executive that the articles be terminated if the Admissions Committee determines that such termination is in the interests of the student-at-law.
- (4) When articles of a student-at-law are terminated under this section, the student-at-law may enter into new articles and, in that event, shall be allowed credit for the whole or such part of his or her service under the original articles as may be approved by the Executive, on the recommendation of the Admissions Committee.
- (5) When new articles are entered into under subsection (4), the student-at-law is not liable to pay any fee in respect of the new articles.

*[44(1) amended, 2004 03 13]*

- 45.** During the term of articles of a student-at-law, the student-at-law shall well and faithfully serve his or her principal as a student-at-law and shall not engage in any other employment without the written authorization of the Executive, which authorization shall not be given if the Executive is of the opinion that such other employment will adversely interfere with the service of the student-at-law under articles.
- 46.** (1) Where a student-at-law is not admitted as a member of the Society within two years after the completion of the term of his or her articles or after the requirement to serve articles is waived under subsection 16(2) of the Act, the Secretary may serve on the student-at-law a written notice to show cause before the Admissions Committee, at the

time and place specified in the notice, why the Admissions Committee should not recommend that the student-at-law's name be struck from the Record.

(2) At a hearing held under subsection (1), the student-at-law may appear and make representations and the Admissions Committee may recommend to the Executive that

- (a) the student-at-law serve a further term of articles;
- (b) the time for application for admission as a member be extended; or
- (c) the name of the student-at-law be struck from the Record.

47. On the recommendation of the Admissions Committee, the Executive may require a student-at-law who fails to successfully complete a bar admission course and bar admission examinations in accordance with subsection 41(1) or fails to pass such bar admission examinations as may be required under subsection 41(2), to do one or more of the following:
- (a) serve a further period of articles;
  - (b) successfully complete a further bar admission course or bar admission examinations;
  - (c) pass such further bar admission examinations as may be set by the Society.
48. A student-at-law may apply for membership at the completion of his or her articles as an active member or an inactive member and shall, in addition to any other requirements for membership, furnish to the Secretary
- (a) an application in Form J;
  - (b) except where service under articles has been waived under subsection 16(2) of the Act,
    - (i) an affidavit in Form K signed by the principal under whom the student-at-law has served his or her articles, and
    - (ii) an affidavit in Form L signed by the student-at-law;
  - (c) proof that the student-at-law has passed all bar admission examinations and bar admission courses required by or under the Act and these rules;
  - (d) an Accountant's Report in Form E or a Statutory Declaration in Form F or 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;
  - (e) if applicable, 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 referred to in paragraph 93(4)(a), or
    - (ii) exempt under paragraph 93(4)(b);
  - (f) if applicable, payment of the assurance fund levy; and
  - (g) payment of the application, admission and annual fees set out in Schedule A.

#### **RESTRICTED APPEARANCE CERTIFICATE**

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).

#### **GENERAL RULES APPLYING TO ALL APPLICATIONS FOR MEMBERSHIP**

**50.** (1) If an applicant under section 39, 39.3 or 39.4 whose application for admission is approved has not taken and subscribed the oath referred to in section 21(2) of the Act within one year after the date of such approval, then

- (a) the application lapses and any fees paid by the applicant are forfeited to the Society; or
- (b) the applicant may petition the Executive to waive the lapse and forfeiture referred to in subsection (1) and shall submit with his or her petition,
  - (i) a certificate of standing 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 petition; and
  - (ii) the other information or documents that the Executive may request.

(1.1) If an applicant under section 40 whose application for admission is approved as a student-at-law does not commence his or her articles within one year after the date of such approval, or if an applicant under section 48 whose application for admission is approved has not taken and subscribed the oath referred to in section 21(2) of the Act within one year after the date of such approval, then

- (a) the application lapses and any fees paid by the applicant are forfeited to the Society; or
- (b) the applicant may petition the Executive to waive the lapse and forfeiture referred to in subsection (1) and shall submit with his or her petition,
  - (i) two letters of good character from reputable persons dated not earlier than 30 days prior to the presentation of the petition; and
  - (ii) the other information or documents that the Executive may request.

(1.2) The Executive may, if the Executive considers that the circumstances expressed in a petition referred to in subsections (1) to (1.1) are reasonable,

- (a) waive the forfeiture of fees;
- (b) extend, for a specified time, the period during which the approved applicant is eligible for admission as a member of the Society.

(3) If an application for admission under section 39, 39.3, 39.4, 40, 48 or 49 is not approved or is withdrawn, the Secretary shall refund all fees and levies paid by the applicant except the application fee, which is forfeited to the Society.

*[50 (1) to (3) amended 2009 05 02]*

*[50 (1) and (3) amended 2011 04 30]*

**51.** (1) In determining whether an applicant under section 39, 39.3, 39.4, 40, 48 or 49 is of

good character, the Executive is not bound by letters of character provided by the applicant but may make such inquiries and hold such hearings as it deems necessary or desirable under the circumstances.

*[51 (1) amended 2011 04 30]*

(2) When the Executive receives information adverse to the character of an applicant, the Executive shall inform the applicant of such information and give the applicant a reasonable opportunity to respond.

**52.** (1) The Secretary shall refer each application made under section 39, 39.3, 39.4, 40, or 48 and may refer an application made under section 49 to the Admissions Committee and the Admissions Committee shall notify the Executive whether approval of the application is recommended and, if not recommended, the reasons therefore.

(2) On receiving a recommendation of the Admissions Committee, the Executive shall consider the recommendation and shall inform the applicant of its decision.

(3) Where an application made under section 39, 39.3, 39.4, 40, 48 or 49 is not approved, the applicant may apply to the Nunavut Court of Justice under section 19 of the Act.

(4) An applicant for admission under section 39, 39.3, 39.4, or 48 shall be presented to a judge of the Nunavut Court of Justice by an active member of the Society.

(5) The form of the certificate referred to in subsection 21(1) of the Act is set out in Form N or N.1.

(6) The form of the certificate referred to in subsection 21(3) of the Act is set out in Form O or O.1.

(7) Where the Secretary has enrolled a person as a member of the Society under subsection 21(3) or (4) of the Act, the Secretary shall furnish that person with a certificate of enrolment in Form P or Form Q, respectively.

*[52 (3) and (4) amended, 2004 03 13]*

*[52 (1), (3), (4), (5), and (6) amended, 2011 04 30]*

## **CHANGE OF STATUS FROM INACTIVE TO ACTIVE MEMBER**

**53.** (1) An inactive member may apply to the Society to change his or her status to that of an active member.

(2) A person applying under subsection (1) shall furnish to the Secretary

(a) an application in Form R;

(b) where the member is a member of another provincial or territorial law society or comparable body, 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 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 in 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;
  - (c) an Accountant's Report in Form E or a Statutory Declaration in Form F or a statement indicating the member is joining a partnership that, or is becoming associated with a member who, has filed a Certificate of Accountant and Member in Form V;
  - (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 referred to in paragraph 93(4)(a), or
    - (ii) exempt under paragraph 93(4)(b);
  - (e) payment of the assurance fund levy; and
  - (f) payment of the fee for a change of status to an active member set out in Schedule A.
- (3) The Executive may require an applicant under subsection (1) to pass such bar admission examinations as may be established under section 38 where
- (a) the applicant has not previously been admitted as an active member and was granted a waiver of the requirement to take bar admission examinations before being admitted as an inactive member; or
  - (b) the applicant is shown on the Record as having been an inactive member for more than three years prior to the day the application is received by the Secretary.
- (4) Where the Executive so directs, the Secretary shall refer an application made under subsection (1) to the Admissions Committee and the Admissions Committee shall recommend to the Executive that
- (a) the applicant's status be changed to that of an active member; or
  - (b) the applicant's status not be changed.
- (5) The Executive shall consider each application and any recommendation made by the Admissions Committee and shall
- (a) approve the change of status of the applicant to that of an active member or refuse to approve the change of status of the applicant; and
  - (b) advise the applicant of its decision under paragraph (a).
- (6) Where an application made under subsection (1) is approved under subsection (5), the change of status takes effect on the date the application is approved by the Executive or upon a later date requested by the member and approved by the Executive.
- (7) Where an application made under subsection (1) is not approved under subsection (5) or is withdrawn, the Secretary shall refund the fee for a change of status to an active member and levies paid by the applicant in respect of the application.
- (8) Where an application made under subsection (1) is not approved, the member may apply to the Nunavut Court of Justice under section 19 of the Act.

*[53(8) amended, 2004 03 13]*

## RENEWAL OF MEMBERSHIP

54. (1) The Secretary shall, before December 31 in each year, send to each member on the Record a written notice in Form S requiring the renewal of membership for the following year and payment of all fees and levies required to be paid by the member.
- (2) The Law Society may defer the requirement to pay any levy to another time.

*[54 confirmed 2009 05 02, with effect from 2008 12 15]*

55. (1) Except as provided in subsections 54(2) and 55(2), to renew his or her membership, the member shall submit to the Secretary on or before January 31 of the year for which the renewal is sought, all of the documents, fees and levies set out below:
- (a) an original application for renewal in Form T;
  - (b) an original certificate in the form provided by the Society, certifying to the Executive the circumstances entitling a member to an exemption under subsection 93(6), if applicable;
  - (c) payment of the assurance fund levy, if applicable;
  - (d) payment of the trust fund levy, if applicable; and
  - (e) payment of the applicable annual fee set out in Schedule A.
- (2) The documents referred to in subsection 55(1) may be submitted as copies.
- (3) The originals of those documents shall be retained by the member and upon the request of the Law Society shall be submitted to the Law Society forthwith.

*[55 confirmed 2009 05 02, with effect from 2008 12 15]*

56. (1) If a member fails to renew his or her membership on or before January 31, the member is without notice automatically suspended from membership.
- (2) For the purpose of determining whether a membership has been renewed on or before January 31, all of the documents, fees and levies set out in subsection 55(1) must be received by the Law Society on or before January 31 of the year for which the renewal is sought.

*[56 confirmed 2009 05 02, with effect from 2008 12 15]*

57. The Secretary shall issue an annual certificate in Form U to each active member who has renewed his or her membership.

## WITHDRAWAL FROM PRIVATE PRACTICE

58. (1) A member who ceases the private practice of law in Nunavut shall provide written notice to the Executive before the cessation occurs and shall obtain the approval of the Executive with respect to the intended disposition of all

(a) open and closed files,  
(b) wills, titles and other important or valuable documents,  
(c) non-documentary valuables, and  
(d) trust moneys, trust accounts and books of account,  
that relate to the practice of the member in Nunavut and are within the control of the member.

(2) A member who ceases the private practice of law in Nunavut shall, within three months after the cessation occurs, provide a written report to the Executive advising of the disposition of the

- (a) files, documents and valuables referred to in paragraphs (1)(a),(b) and (c); and
- (b) trust accounts and books of account referred to in paragraph (1)(d), including a statement confirming that
  - (i) all the balances have been remitted to the clients or other persons on whose behalf they were held, or have been transferred to another member at the request of the client with written instructions concerning the conditions attaching to them, and
  - (ii) the net interest earned on a pooled trust account has been remitted to the Nunavut Law Foundation in accordance with the provisions of the *Legal Profession Act*.

(3) On the written application of the member, the Executive may extend the time for providing a report under subsection (2).

*[58(1) and 58(2) amended, 2004 03 17]*

## **RESIGNATION OF MEMBER**

**59.** (1) A member may submit to the Executive his or her resignation as a member and, on acceptance by the Executive, all rights and privileges of the member in the Society cease.

(2) The Secretary shall promptly make a note of each resignation on the Roll adjacent to the name of the member who has resigned and shall provide notice of the resignation to the clerks or registrars of the Nunavut Court of Justice.

(3) A member who has resigned may apply for reinstatement in accordance with section 59.1.

(4) The Secretary shall promptly make a note of each reinstatement on the Roll adjacent to the name of the member who has resigned and shall provide notice of the reinstatement to the clerks or registrars of the Nunavut Court of Justice.

*[59(2), 59(3) and 59(4) amended, 2016/11/07]*

## **APPLICATION FOR REINSTATEMENT OF MEMBER WHO RESIGNED**

**59.1** (1) A member who has resigned may apply to the Society to be reinstated as an active member.

- (2) A person applying under subsection (1) shall furnish to the Secretary
- (a) an application in Form R;
  - (b) two letters of good character from members in good standing of a provincial or territorial law society or a comparable body of which the applicant is or was 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 or was a member, or such other evidence of good character as the Secretary considers satisfactory;
  - (c) where the member is a member of another provincial or territorial law society or comparable body, 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 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 in 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 Accountant's Report in Form E or a Statutory Declaration in Form F or a statement indicating the applicant is joining a partnership that, or is becoming associated with a member who, has filed a Certificate of Accountant and Member in Form V;
  - (e) payment of the insurance levy or, where the applicant, on reinstatement, would be exempt under subsection 93(4), proof that the reinstated member will be
    - (i) covered by errors and omissions insurance referred to in paragraph 93(4)(a), or
    - (ii) exempt under paragraph 93(4)(b);
  - (f) payment of the assurance fund levy; and
  - (g) payment of the fee for reinstatement of a member who has resigned set out in Schedule A.
- (3) The Executive may require an applicant under subsection (1) to pass such bar admission examinations as may be established under section 38 where the applicant has not been an active member of the Society or the governing society or body of another province or territory for more than two years prior to the day the application is received by the Secretary.
- (4) Where the Executive so directs, the Secretary shall refer an application made under subsection (1) to the Admissions Committee and the Admissions Committee shall recommend to the Executive that
- (a) the applicant be reinstated as an active member; or
  - (b) the applicant not be reinstated as an active member.
- (5) The Executive shall consider each application and any recommendation made by the Admissions Committee and shall
- (a) approve the reinstatement of the applicant as an active member or refuse to approve the reinstatement of the applicant; and
  - (b) advise the applicant of its decision under paragraph (a).
- (6) Where an application made under subsection (1) is approved under subsection (5), the reinstatement takes effect on the date the application is approved by the Executive or upon a later date requested by the member and approved by the Executive.

(7) Where an application made under subsection (1) is not approved under subsection (5) or is withdrawn, the Secretary shall refund the fee for reinstatement as an active member and levies paid by the applicant in respect of the application.

(8) Where an application made under subsection (1) is not approved, the applicant may apply to the Nunavut Court of Justice under section 19 of the Act.

*[59.1 amended, 2016/11/07]*

## PART III

### DISCIPLINE

**60. Repealed, N.W.T R-097-95**

- 61.** (1) In order to be eligible to serve on the Discipline Committee a person must
- (a) be a member in good standing;
  - (b) not have been found guilty of conduct deserving of discipline within five years prior to an appointment to the Discipline Committee; and
  - (c) be a member engaged in the practice of law for a minimum of five years.

(2) A member of the Discipline Committee who is engaged in a matter related to the member's office at a place other than his or her place of residence shall be reimbursed out of the funds of the Society for reasonable transportation and living expenses.

(3) A member of the Discipline Committee may be paid such honorarium as the Executive may determine.

*[61(1)(c) amended 2009 05 02]*

- 62.** (1) Subject to subsection (2), a person who wishes to make a complaint about a member or student-at-law shall make the complaint to the Secretary in writing and shall sign the complaint.

(2) Where a complaint is made orally to the Secretary, the Secretary shall, on the request of the complainant, reproduce it in writing and provide it to the complainant.

(3) A complaint shall not be acted on unless it is signed by the complainant.

(4) The Secretary shall notify the complainant in writing that the complaint is being referred to the chairperson of the Discipline Committee and shall enclose with the notification a copy of the relevant sections of the Act and these rules respecting the initial procedures followed by the Society in dealing with complaints.

(5) The Secretary shall, immediately on receipt of a complaint, forward a copy of the complaint to the chairperson of the Discipline Committee and to the member or student-at-law in respect of whom the complaint is made.

(6) The chairperson of the Discipline Committee, after receiving a complaint, shall request an explanation from the member or student-at-law in respect of whom the complaint is made.

(7) Failure of a member or student-at-law to reply to a request from the chairperson of the Discipline Committee for an explanation within a reasonable period of time may constitute conduct deserving of discipline.

**(8) Repealed, NWT R-097-95**

(9) Failure of a member or student-at-law to comply with rulings and directives of the Society may constitute conduct deserving of discipline.

**63. Repealed, NWT R-097-95**

**64.** On disposing of a matter under section 24.1 of the Act, the chairperson of the Discipline Committee shall prepare a written report concerning the investigation of the complaint and the direction taken, and shall provide copies of the report to the Executive, the member or student-at-law complained of, the complainant and any other person having a legitimate interest in the report.

**65.** (1) In appointing a Sole Inquirer or the members of a Committee of Inquiry, the chairperson of the Discipline Committee

- (a) shall not appoint persons who have been involved in the investigation of the conduct of the member or student-at-law whose conduct is being inquired into; and
- (b) shall, where practical, appoint resident members of the Discipline Committee.

(2) Subject to section 32.3 of the Act, a Committee of Inquiry shall consist of three members of the Discipline Committee.

**(3) Repealed, NWT R-097-95**

**66.** (1) Subject to this section, a Sole Inquirer or Committee of Inquiry shall conduct an inquiry in public.

(2) A Sole Inquirer or Committee of Inquiry shall conduct all or portions of an inquiry *in camera* where

- (a) an application to have all or portions of the inquiry held *in camera* is made by the complainant or the member or student-at-law whose conduct is being inquired into in accordance with subsection (3); and
- (b) the Sole Inquirer or Committee of Inquiry is of the opinion, after considering the nature of the complaint and any submissions made on the issue, that the interest in holding all or portions of the inquiry *in camera* outweighs all other interests, including the public interest, that may be better served by holding the inquiry in public.

(3) An application to have all or portions of the inquiry held *in camera* must

- (a) be in writing and signed by the applicant;
- (b) set out the reasons for the application; and
- (c) be delivered to the chairperson of the Discipline Committee not less than 14 days prior to the commencement of the inquiry.

(4) On receipt of an application to hold the inquiry *in camera*, the chairperson of the Discipline Committee shall immediately forward a copy of the application to the Sole Inquirer or Committee of Inquiry and to

- (a) the complainant, where the applicant is the member or student-at-law whose conduct is being inquired into; or
- (b) the member or student-at-law whose conduct is being inquired into, where the applicant is the complainant.

**67.** Not less than 30 days prior to the commencement of an inquiry, the chairperson of the Discipline Committee shall provide a copy of section 66 to the complainant and to the

member or student-at-law whose conduct is being inquired into.

68. (1) Notwithstanding any provision to the contrary, the chairperson of the Discipline Committee may on his or her own motion consider any conduct on the part of a member or student-at-law coming to the chairperson's attention that might constitute conduct deserving of discipline.

(2) Where the chairperson of the Discipline Committee decides to consider any conduct under subsection (1), he or she shall notify the Secretary that the conduct of a member or student-at-law is under review and the Secretary shall notify the member in question of the review and provide particulars.

(3) On notifying the Secretary under subsection (2), the chairperson of the Discipline Committee shall proceed in accordance with subsections 62(6) and (7) and sections 64 to 67 with such modifications as the circumstances require.

*[68(3) amended 2016/11/07]*

69. (1) Where the Executive receives a report of a Sole Inquirer or Committee of Inquiry under section 32 of the Act indicating that a member or student-at-law has been found guilty of conduct deserving of discipline, the Secretary shall send a notice to all members and students-at-law setting out

- (a) the nature of the conduct deserving of discipline of which the member or student-at-law has been found guilty;
- (b) a brief summary of the facts with respect to the conduct deserving of discipline of which the member or student-at-law has been found guilty; and
- (c) the disciplinary action taken in respect of the member or student-at-law.

(2) Where the Executive so directs, the Secretary shall also set out in the notice the name of the member or student-at-law who has been found guilty of conduct deserving of discipline.

**(3) Repealed, NWT R-118-92**

70. (1) Where the Executive receives a report of a Sole Inquirer or Committee of Inquiry under section 32 of the Act indicating that a member or student-at-law has been found not guilty of conduct deserving of discipline or where a finding of guilt is reversed on appeal under section 33 of the Act, the Secretary shall, on receipt of a written request from the member or student-at-law whose conduct was inquired into, send a notice to all members and students-at-law setting out

- (a) the name of the member or student-at-law whose conduct was inquired into;
- (b) the nature of the conduct that was inquired into; and
- (c) the findings of the Sole Inquirer or Committee of Inquiry or the decision of the Court of Appeal, as the case may be.

(2) Where a request received from a member or student-at-law under subsection (1) specifies that public notice be given of the findings of the Sole Inquirer or Committee of Inquiry or the decision of the Court of Appeal, as the case may be, the Secretary shall, in addition to the notice required under subsection (1), give public notice of the findings or decision, as the case may be, in the manner and form and at the time determined by the

Executive.

## REINSTATEMENT OF AND STRIKING OFF SUSPENDED MEMBERS

71. (1) A member suspended under section 48.1 of the Act or under section 56 or subsection 83(3), 90.1(2), 92(3) or 93(11) of these rules shall be reinstated on payment of the reinstatement fee set out in Schedule A and, where the suspension was made
- (a) under section 48.1 of the Act or subsection 83(3) for failure to file an Accountants Report in Form E or a Certificate of Accountant and Member in Form V, on the member filing the required form with the Secretary;
  - (a.1) under section 48.1 of the Act or subsection 90.1(2) for failure to make his or her books of account fully available for examination, on the member complying with those provisions;
  - (b) under section 56, on the member filing an application for renewal in Form T and paying the fees and levies payable to the Society at the time of reinstatement;
  - (c) under subsection 92(3), on compliance with the order made under subsection 92(2);
  - (d) under paragraph 93(11)(a) or (d), on payment of the insurance levy payable to the Society at the time of reinstatement;
  - (e) under paragraph 93(11)(c), on the member certifying in writing the facts entitling the member to the exemption; and
  - (f) under paragraph 93(11)(b), on the member providing the proof required under subsection 93(6).
- (2) Where a member is suspended under section 48.1 of the Act or under section 56 or subsection 83(3), 92(3) or 93(11) of these rules for more than two years, the Executive may require the member to pass such bar admission examinations as may be established under section 38.
72. (1) Where a member is suspended for a specified period of time under section 30 of the Act, the member shall be reinstated at the conclusion of the period if the Secretary is satisfied that the member
- (a) has paid any fines or costs levied within the time fixed for payment;
  - (b) has paid any fees and levies owed by the member; and
  - (c) has submitted an Accountants Report in Form E or a Statutory Declaration in Form F, unless the member joins a partnership that, or becomes associated with a member who, has filed a Certificate of Accountant and Member in Form V.
- (2) Where articles of a student-at-law are suspended for a specified period of time under section 31 of the Act, the articles shall be reinstated at the conclusion of the period on the Secretary being satisfied that the student-at-law has paid any fines or costs levied within the time fixed for payment.
- (3) Where the articles of a student-at-law are reinstated under this section, the Executive, on the recommendation of the Admissions Committee, shall determine what further period the student-at-law is required to serve under his or her articles.
73. (1) Where a member is suspended under these rules and the suspension continues for

five years, the member ceases to be a member and his or her name shall be struck from the Roll.

(2) The Secretary shall

- (a) promptly make a note on the Roll adjacent to the name of each member who is suspended under the Act or these rules or whose name has been struck under subsection (1); and
- (b) provide notice of the suspension or striking off to the member, the law societies of each province and territory, and the clerks or registrars of the Nunavut Court of Justice, the Federal Court of Canada and the Supreme Court of Canada.

*[73(2)(b) amended, 2004 03 13]*

**74.** (1) The Secretary shall,

- (a) where a member is struck from the Roll, or
- (b) if so directed by the Executive, where a member is suspended or the articles of a student-at-law are suspended or terminated,

give public notice of the striking from the Roll, termination or suspension in the manner and form and at the time determined by the Executive.

**(2) Repealed, NWT R-118-92**

#### **APPOINTMENT TO THE BENCH AND REINSTATEMENT AS A MEMBER**

**75.** (1) A member who is appointed as a judge of the Supreme Court of Canada, the Federal Court of Canada, the Nunavut Court of Justice, or a superior, district, county, provincial or territorial court of any other province or territory automatically ceases to be a member on such appointment.

(2) When a former judge referred to in subsection (1) re-applies for membership in the Society, he or she shall not appear in a court in Nunavut without first obtaining the approval of the Executive.

*[75(1) amended, 2004 03 13]*

## PART IV

### ASSURANCE FUND

76. An annual assessment shall be levied on active members in such amount as may be fixed by the Executive from time to time for the purpose of maintaining and augmenting the Assurance Fund.
77. (1) No payment shall be made from the Assurance Fund in respect of a matter that arose prior to January 1, 1978.
- (2) No payment in respect of a claim shall be made from the Assurance Fund where a loss arises from the misappropriation or wrongful conversion by a member outside Nunavut unless it is directly related to the member's practice in Nunavut.
- (3) Subject to subsection (4), no payment in respect of a claim shall be made from the Assurance Fund unless notice of the claim is given to the Society within one year after the day notice of the misappropriation or wrongful conversion came to the attention of the claimant.
- (4) The Executive may extend the period during which a claim may be made if it considers that special circumstances warrant the extension.

*[77(2) amended, 2004 03 13]*

78. (1) A claimant shall apply in writing to the Executive for reimbursement from the Assurance Fund, stating the full particulars of the loss alleged to have been sustained by the claimant, including
- (a) the name and address of the member whose misappropriation or wrongful conversion is alleged to have led to the loss;
  - (b) the amount of the alleged loss;
  - (c) the business or transaction out of which it is alleged that the loss arose; and
  - (d) the date on which the alleged loss first came to the knowledge of the claimant.
- (2) The Executive may require a claimant to give further or better written particulars of the facts on which the application is based.
- (3) The Executive shall consider the application and may appoint a committee to inquire into the matter for the purpose of
- (a) determining the facts on which the claimant relies;
  - (b) determining whether the application comes within subsection 34(1) of the Act;
  - (c) determining whether the claimant is in need of assistance; and
  - (d) recommending to the Executive whether a payment should or should not be made to the claimant.
- (4) At the conclusion of an inquiry under subsection (3) the committee shall report its findings and recommendations in writing to the Executive.
- (5) The Executive may, after reviewing the written report and recommendations of the committee, determine that no payment is to be made to the claimant or that a payment is to be made to the claimant in such amount as the Executive considers appropriate to

relieve or mitigate the loss of the claimant in whole or in part.

- (6) A payment made under subsection (5) is subject to
  - (a) a condition, unless waived by the Executive, that the claimant will assign to the Society whatever rights the claimant has against the member who caused the loss;  
and
  - (b) such other conditions as may be specified by the Executive.

**PART V**  
**ACCOUNTS**

**79. Repealed, 2016/11/07**

**80.** In this Part,

“books of account” means the books, ledgers, journals, records and accounts referred to in section 43 of the Act;

“cash” means coins referred to in section 7 of the *Currency Act*, notes issued by the Bank of Canada pursuant to the *Bank of Canada Act* that are intended for circulation in Canada and coins or bank notes of countries other than Canada;

"electronic funds transfer" means an electronic transmission of funds conducted by and received at a financial institution or a financial entity headquartered in and operating in a country that is a member of the Financial Action Task Force, where neither the sending nor the receiving account holders handle or transfer the funds, and where the transmission record contains a reference number, the date, transfer amount, currency and the names of the sending and receiving account holders and the conducting and receiving entities.

"Financial Action Task Force" means the inter-governmental body first established in 1989 by the G-7 Summit held in Paris, and whose present mandate includes the development, promotion and monitoring of national and international standards for detecting and combating money laundering, the financing of crime or terrorism and other emerging threats to the integrity of global financial systems.

“financial institution” means

- (a) an authorized foreign bank within the meaning of section 2 of the *Bank Act* in respect of its business in Canada or a bank to which the *Bank Act* applies,
- (b) a cooperative credit society, savings and credit union or caisse populaire that is regulated by a provincial or territorial Act,
- (c) an association that is regulated by the *Cooperative Credit Associations Act* (Canada),
- (d) a company to which the *Trust and Loan Companies Act* (Canada) applies,
- (e) a trust company or loan company regulated by a provincial or territorial Act,
- (f) a department or agent of Her Majesty in right of Canada or of a province, or a department or agent of a territorial government, where the department or agent accepts deposit liabilities in the course of providing financial services to the public, or
- (g) a subsidiary of the financial institution whose financial statements are consolidated with those of the financial institution.

“funds” means cash, money as defined in section 42 of the Act, securities and negotiable instruments or other financial instruments that indicate the person’s title or interest in them;

“organization” means a body corporate, partnership, fund, trust, co-operative or an unincorporated association;

"proceedings" means a legal action, application or other proceeding commenced before a court of any level, a statutory tribunal in Canada or an arbitration panel or arbitrator established pursuant to provincial, territorial, federal or international legislation and includes proceedings before foreign courts.

"public body" means

- (a) a department or agent of Her Majesty in right of Canada or of a province, or a department or agent of a territorial government,
- (b) a municipality in Nunavut or an agent of a municipality in Nunavut,
- (c) an incorporated city, town, village, metropolitan authority, township, district, county, rural municipality or other incorporated municipal body or an agent or local board of a municipal body incorporated by or under an Act of a province or territory other than Nunavut,
- (d) an organization that operates a public hospital and that is designated by the Minister of National Revenue as a hospital authority under the *Excise Tax Act* (Canada) or an agent of the organization,
- (e) a body incorporated by or under the law of an Act of a province or territory for a public purpose, or
- (f) a subsidiary of a public body whose financial statements are consolidated with those of the public body.

"reporting issuer" means an organization that is a reporting issuer within the meaning of the securities laws of any province or territory of Canada, or a corporation whose shares are traded on a stock exchange that is prescribed by the Income Tax Regulations (Canada) and operates in a country that is a member of the Financial Action Task Force, and includes a subsidiary of that organization or corporation whose financial statements are consolidated with those of the organization or corporation.

"securities dealer" means a person or entity that is authorized under provincial or territorial legislation to engage in the business of dealing in securities or any other financial instruments or to provide portfolio management or investment advising services.

*[80 amended, 2008 12 15, confirmed 2009 05 02]*

## **CASH TRANSACTIONS**

**80.1** (1) A lawyer shall not receive or accept from a person, cash in an aggregate amount of \$7,500 or more in Canadian dollars in respect of any one client matter or transaction.

(2) For the purposes of this rule, when a lawyer receives or accepts cash in a foreign currency from a person the lawyer shall be deemed to have received or accepted the cash converted into Canadian dollars at

- (a) the official conversion rate of the Bank of Canada for the foreign currency as published in the Bank of Canada's Daily Noon Rates that is in effect at the time the lawyer receives or accepts the cash, or
- (b) if the day on which the lawyer receives or accepts cash is a holiday, the official conversion rate of the Bank of Canada in effect on the most recent business day

preceding the day on which the lawyer receives or accepts the cash.

(3) Paragraph 1 applies when a lawyer engages on behalf of a client or gives instruction on behalf of a client or gives instructions on behalf of a client in respect of the following activities:

- (a) receiving or paying funds;
- (b) purchasing or selling securities, real properties or business assets or entities;
- (c) transferring funds by any means.

(4) Despite paragraph 3, paragraph 1 does not apply when the lawyer receives cash

- (a) from a financial institution or public body,
- (b) from a peace officer, law enforcement agency or other agent of the Crown acting in his or her official capacity,
- (c) pursuant to a court order, or to pay a fine or penalty, or
- (d) in an amount of \$7,500 or more for professional fees, disbursements, expenses or bail, provided that any refund out of such receipts is also made in cash.

*[80.1 amended, 2004 09 18]*

## **CLIENT IDENTITY**

**80.2.** (1) Subject to subsection (3), a lawyer who is retained by a client to provide legal services must comply with the requirements of this Rule.

(2) A lawyer's responsibilities under sections 80.1 to 80.10 may be fulfilled by a member, associate or employee of the lawyers firm or office, wherever located.

(3) Sections 80.3 through 80.9 do not apply to

- (a) a lawyer when he or she provides legal services and engages in or gives instructions in respect of any of the activities described in section 80.4 on behalf of his or her employer,
- (b) a lawyer
  - (i) who is engaged as an agent by the client's lawyer to provide legal services to the client, or
  - (ii) or provides legal services as the result of a referral by the client's lawyer, when the client's lawyer has complied with sections 80.3 to 80.9; or
- (c) a lawyer providing legal services as part of a duty counsel program sponsored by a non-profit organization, except if the lawyer engages in or gives instructions in respect of the receiving, paying or transferring of funds other than an electronic funds transfer.

**80.3.** A lawyer who is retained by a client as described in section 80.2(1) shall obtain and record the following information:

- (a) the client's full name,
- (b) the client's business address and business telephone number, if any,
- (c) if the client is an individual, the client's home address and home telephone number, if any,
- (d) if the client is an organization, other than a financial institution, public body or company that is not a private company, the organization's

- incorporation or business identification number and the place of issue of its incorporation or business identification number, if applicable,
- (e) if the client is an individual, the client's occupation or occupations, if any,
- (f) if the client is an organization,
  - (i) other than a financial institution, public body or a reporting issuer, the general nature of the type of business or businesses or activity or activities engaged in by the client, where applicable, and
  - (ii) the name and position of and contact information for each individual who is authorized to provide and gives instructions for the lawyer with respect to the matter for which the lawyer is retained,
- (g) if the client is acting for or representing a third party, information about the third party as set out in paragraphs (a) to (f) as applicable.

**80.4.** Section 80.6 applies where a lawyer who has been retained by a client to provide legal services engages on behalf of a client in or gives instructions on behalf of a client in respect of the receiving, paying or transferring of funds, other than an electronic funds transfer.

**80.5.** (1) Section 80.6 does not apply where the client is a financial institution, public body or reporting issuer.

(2) Section 80.6 does not apply in respect of funds,

- (a) paid by or to a financial institution, public body or a company that is not a private company, or a subsidiary of a public body or a reporting issuer;
- (b) received by a lawyer from the trust account of another lawyer;
- (c) received from a peace officer, law enforcement agency or other public official acting in their official capacity;
- (d) paid or received pursuant to a court order or to pay a fine or penalty;
- (e) paid or received as a settlement of any legal or administrative proceedings; or
- (f) paid or received for professional fees, disbursements, expenses or bail.

**80.6.** (1) When a lawyer is engaged in or gives instructions in respect of any of the activities described in section 80.4, including non-face-to-face transactions, the lawyer shall take reasonable steps to verify the identity of the client, including the individuals described in subparagraph 80.3(f)(ii) and, where appropriate, the third party, using what the lawyer reasonably considers to be reliable, independent source documents, data or information.

(2) For the purposes of subsection (1), independent source documents may include:

- (a) if the client or third party is an individual, valid original government issued identification, including a driver's licence, birth certificate, provincial or territorial health insurance card, passport or similar record;
- (b) if the client or third party is an organization such as a corporation or society that is created or registered pursuant to legislative authority, a written confirmation from a government registry as to the existence, name and address of the organization, including the names of its directors, where applicable, such as
  - (i) a certificate of corporate status issued by a public body,
  - (ii) a copy obtained from a public body of a record that the

organization is required to file annually under applicable legislation, or

(iii) a copy of a similar record obtained from a public body that confirms the organization's existence; and

(c) if the client or third party is an organization, other than a corporation or society, that is not registered in any government registry, such as a trust or partnership, a copy of the organization's constating documents, such as a trust or partnership agreement, articles of association, or any other similar record that confirms its existence as an organization.

(3) When a lawyer is engaged in or gives instructions in respect of any of the activities in section 80.4 for a client or third party that is an organization referred to in subsection (2)(b) or (c), the lawyer shall make reasonable efforts to obtain, and if obtained, record,

(a) the name and occupation of all directors of the organization, other than an organization that is a securities dealer, and

(b) the name, address and occupation of all persons who own 25 per cent or more of the organization or of the shares of the organization.

(4) When a lawyer engages in or gives instructions in respect of any of the activities in section 80.4 for

(a) a client or third party who is an individual who is not physically present before the lawyer but is present elsewhere in Canada, the lawyer shall verify the client's identity by obtaining an attestation from a commissioner of oaths in Canada, or a guarantor in Canada, that the commissioner or guarantor has seen one of the documents referred to in subsection (2)(a).

(b) a client that is an organization is instructed by an individual described in subparagraph 80.3(f)(ii) who is not physically present before the lawyer but is present elsewhere in Canada, the lawyer shall verify the individual's identity by obtaining an attestation from a commissioner of oaths in Canada, or a guarantor in Canada, that the commissioner or guarantor has seen one of the documents referred to in subsection (2)(a).

(5) For the purpose of subsection (4), an attestation shall be produced on a legible photocopy of the document and shall include

(a) the name, profession and address of the person providing the attestation;

(b) the signature of the person providing the attestation; and

(c) the type and number of the identifying document provided by the client, third party or instructing individuals.

(6) For the purpose of subsection (4), a guarantor must be a person employed in one of the following occupations in Canada:

(a) dentist;

(b) medical doctor;

(c) chiropractor;

(d) judge;

(e) magistrate;

(f) lawyer;

(g) notary (in Quebec);

(h) notary public;

(i) optometrist;

(j) pharmacist;

(k) professional accountant, meaning an APA (Accredited Public

Accountant), CA (Chartered Accountant), CGA (Certified General Accountant), CMA (Certified Management Accountant), PA (Public Accountant) or RPA (Registered Public Accountant);

- (l) professional engineer;
- (m) veterinarian;
- (n) peace officer;
- (o) paralegal licensee in Ontario;
- (p) nurse; or
- (q) school principal.

(7) A lawyer may, and where an individual client third party or individual described in section 80.3 clause (f)(ii) is not physically present and its outside Canada a lawyer shall, rely on an agent to obtain the information described in subsection (2) to verify the persons identity, which may include, where applicable, an attestation described in this section, provided the lawyer and the agent have an agreement or arrangement in writing for this purpose.

(8) A lawyer who enters into an agreement or arrangement referred to in subsection (7) shall obtain from the agent the information obtained by the agent under that agreement or arrangement.

(9) Upon engaging in or giving instructions in respect of any of the activities described in section 80.4, a lawyer shall verify the identity of

- (a) a client who is an individual, and
- (b) each individual authorized to provide and who gives instructions on behalf of an organization with respect to the matter for which the lawyer is retained.

(10) Where a lawyer has verified the identity of an individual, the lawyer is not required to subsequently verify that same identity if the lawyer recognizes that person.

(11) A lawyer shall verify the identity of a client that is an organization within 60 days of engaging in or giving instructions in respect of any of the activities described in section 80.4.

(12) Where the lawyer has verified the identity of a client that is an organization and obtained information pursuant to subsection 6(3), the lawyer is not required to subsequently verify that identity or obtain that information.

**80.7.** (1) A lawyer shall obtain and retain a copy of every document used to verify the identity of any individual or organization for the purposes of section 80.6(1).

(2) The documents referred to in subsection (1) may be kept in a machine-readable or electronic form, if a paper copy can be readily produced from it.

(3) A lawyer shall retain a record of the information and any documents obtained for the purposes of sections 80.3 and 80.6(3) and copies of all documents received for the purposes of section 80.6(1) for the longer of

- (a) the duration of the lawyer and client relationship and for as long as is necessary for the purpose of providing service to the client, and
- (b) a period of at least six years following completion of the work for which

the lawyer was retained.

**80.8.** Sections 80.2 through 80.7 of this Rule do not apply to matters in respect of which a lawyer was retained before this Rule comes into force but they do apply to all matters for which he or she is retained after that time regardless of whether the client is a new or existing client.

**80.9.** (1) If in the course of obtaining the information and taking the steps required in sections 80.3 and 80.6(1) or (3), a lawyer knows or ought to know that he or she is or would be assisting a client in fraud or other illegal conduct, the lawyer must withdraw from representation of the client.

(2) This section applies to all matters, including new matters for existing clients, for which a lawyer is retained after this Rule comes into force.

**80.10.** (1) If while retained by a client, a lawyer knows or ought to know that he or she is or would be assisting the client in fraud or other illegal conduct, the lawyer must withdraw from representation of the client.

(2) This section applies to all matters for which a lawyer was retained before or is retained after this Rule comes into force.

*[80.2 to 80.10 amended 2008 12 15, confirmed 2009 05 02]*

## **BOOKS OF ACCOUNT**

**81.** Unless otherwise authorized by the Executive, a member shall maintain the books of account described in sections 81.2 and 81.3 in order to record all money received and disbursed in connection with the law practice.

**81.1.** (1) A member's books of account must be maintained in

- (a) legibly handwritten form, in ink or other duplicated or permanent form;
- (b) printed form; or
- (c) an electronic form that can readily be transferred to printed form on demand.

(2) The transactions recorded in a member's books of account must be in chronological order and in a form that is easily traceable.

**81.2.** A member shall maintain at least the following trust books of account:

- (a) a trust cash book or synoptic showing,
  - (i) for all trust money received for each client, the date of receipt, the source of the money and the identity of the client on whose behalf the trust money is received,
  - (ii) for all money disbursed out of trust for each client, the cheque or voucher number, the date of each disbursement, the name of each recipient and the identity of the client on whose behalf the trust money is disbursed;
- (b) a trust ledger showing separately for each client on whose behalf trust money has been received, all such money received and disbursed and the unexpended balance;

- (c) a record
  - (i) showing each transfer of money between clients' trust ledgers,
  - (ii) containing an explanation of the purpose for which each transfer is made, and
  - (iii) containing the member's written approval of the transfer;
- (d) monthly trust reconciliations required to be prepared under section 81.7, and any detailed listings, documents, banking documents and vouchers prepared in support of the reconciliations;
- (e) file copies of all billings for fees charged or other billings made to clients, which copies
  - (i) show the dates such charges are made,
  - (ii) identify the clients charged, and
  - (iii) are filed in chronological, alphabetical or numerical order;
- (f) copies of bank validated duplicate deposit slips for all deposits made;
- (g) all supporting vouchers and documents, including monthly bank statements, pass books, cancelled cheques, bank vouchers and similar documents and invoices.

**81.3.** (1) A member shall maintain, at a minimum, the following non-trust books of account:

- (a) a non-trust cash book or synoptic showing,
  - (i) for all non-trust money received relating to the law practice, the date of receipt and the source of the money, and
  - (ii) for all non-trust money disbursed, the cheque or voucher number, the date of each disbursement and the name of each recipient;
- (b) an accounts receivable ledger or other suitable system to record, for each client, the member/client position on all non-trust transactions with respect to which a bill has been delivered or a disbursement made, and including
  - (i) a record of all transfers from a trust account,
  - (ii) any other receipts from or on behalf of the client, and
  - (iii) the balance, if any, owed by the client;
- (c) file copies of all billings for fees charged or other billings made to clients, which copies
  - (i) show the dates such charges are made,
  - (ii) identify the clients charged, and
  - (iii) are filed in chronological, alphabetical or numerical order;
- (d) copies of bank validated duplicate deposit slips for all deposits made;
- (e) all supporting vouchers and documents, including monthly bank statements, pass books, cancelled cheques, bank vouchers and similar documents and invoices.

(2) The information required to be recorded on the accounts receivable ledger referred to in paragraph (1)(b) may be recorded on the trust ledger referred to in paragraph 81.2(b) if the entries are clearly identified and are not combined with trust account information.

**81.4.** (1) A member shall record each trust transaction promptly and, in any event, not more than seven days after the transaction.

(2) A member shall record each non-trust transaction promptly and, in any event, not more than 30 days after the transaction.

**81.5.** (1) A member shall add and balance each trust cash book at least monthly and, in any event, not more than 21 days after the effective date of the trust reconciliation prepared pursuant to section 81.7.

(2) A member shall add and balance each non-trust cash book at least monthly and, in any event, not more than 30 days after the end of the month in which the transaction was required to be recorded.

- 81.6.** The books of account of a member must show current transactions and the transactions for the six previous years as determined by the member's fiscal year end.

### **MONTHLY TRUST RECONCILIATION**

- 81.7.** (1) A member shall prepare a monthly trust reconciliation of the total of all unexpended balances of trust money held for clients as they appear in the trust ledger, with the total of balances held in the trust account or accounts, together with the reasons for any differences between the totals and supported by the following:

- (a) a detailed monthly listing showing the unexpended balance of trust money held for each client, and identifying each client for whom trust money is held;
- (b) a detailed monthly bank reconciliation for each trust account held for more than one client;
- (c) a listing of balances of each separate trust account, identifying the client for whom each account is held;
- (d) a listing of balances of trust money received pursuant to paragraph 88(a).

(2) The member shall retain the detailed listings described in paragraphs (1)(a) to (d) as records supporting the monthly trust reconciliations.

(3) The member shall prepare the monthly trust reconciliation required by subsection (1) not more than 30 days after the effective date of the reconciliation.

- 81.8.** Where there is a shortage in a clients' trust fund that is not rectified within five days after the shortage has come to the member's attention, the member shall, without delay, report the shortage and the circumstances surrounding it to the Secretary in writing.
- 81.9.** A member who discovers that he or she is or will be unable to deliver up when due any trust money held by the member shall, without delay, report that fact and the reasons for it to the Secretary in writing.

### **FISCAL YEAR**

- 82.** A member shall inform the Secretary in writing of the day that his or her fiscal year ends and, where the member's fiscal year end changes, the member shall file a report of the change with the Secretary within 20 days after the day on which the change is made.

### **FORMS REQUIRED ON TERMINATION OR COMMENCEMENT OF PRACTICE**

- 83.** (1) Where a member terminates a partnership or an association with another member, the member shall, before continuing the practice of law in Nunavut,
- (a) file with the Secretary an Accountants Report in Form E or a Statutory Declaration in Form F; or
  - (b) where the member intends to join a partnership that, or become associated with

another member who, has filed a Certificate of Accountant and Member in Form V inform the Secretary of that intention.

(2) Where a member intends to commence the private practice of law in Nunavut or ceases to be exempt under subsection 48(3) of the Act, the member shall, before commencing the private practice of law,

(a) file with the Secretary an Accountants Report in Form E; or

(b) where the member intends to join a partnership that, or become associated with a member who, has filed a Certificate of Accountant and Member in Form V, inform the Secretary of that intention.

(3) A member who does not comply with this section may be suspended.

*[83 (1) and (2) amended, 2004 03 13]*

### **CLIENTS' TRUST ACCOUNTS**

**84.** (1) Every member who holds or receives trust money, except money referred to in section 88, shall, as soon as practicable, pay the money into a clients' trust account maintained in accordance with section 44 of the Act.

(1.1) Every resident member who holds or receives trust money, except money referred to in section 88, shall, as soon as practicable, pay money into a clients' trust account, maintained in accordance with section 44 of the Act, in Nunavut.

(2) A member may keep as many clients' trust accounts as he or she thinks fit.

(3) Where a member receives money representing in part money due to the member, the member may where practicable divide the money and pay into the clients' trust account only that part representing trust money, but in any other case the member shall pay all the money into the clients' trust account.

*[84 (1) amended, 2004 03 13]*

**85.** No money shall be withdrawn from a clients' trust account other than

(a) money properly required for payment to or on behalf of a client; and

(b) money properly required for payment due to the member from a client relating to an account rendered, but money so withdrawn must not exceed the total of the money held for the client at the time the money is withdrawn.

**86.** Where money was paid into a clients' trust account by mistake or in contravention of these rules, the money may be withdrawn.

**86.1.** A transaction that reduces the balance in a trust account below an amount sufficient to meet the member's gross liability, as described in section 45 of the Act, shall not be considered to be a violation of that section where the transaction that caused the shortage resulted from

(a) a bank debit memo for bank charges or service charges,

(b) an error on the part of the bank,

(c) a delay by the bank in posting a cheque deposited to the account, or

(d) a cheque deposited to the account being returned by the bank on which it was drawn,  
if the member, within three banking days of notification of the problem, deposits sufficient money in the clients' trust account to offset the shortage.

- 87.** (1) A clients' trust account shall not be used as a general account.
- (2) Subject to section 88, money received by a member from a client as an advance on fees or disbursements is deemed to be trust money.
- 88.** Sections 84 to 87 do not apply to money
- (a) where a client requests in writing that a member withhold that money from the clients' trust account; or
  - (b) that is paid to a member as the member's fee when the fee is earned prior to or on the same day the money is paid.
- 89.** Where an arrangement is made between a member and a client in accordance with subsection 57(4) of the Act, a member may deposit money received from or on behalf of the client or to which the client is entitled in a separate interest bearing account and the interest earned is the property of the client and shall be payable in accordance with the arrangement.
- 90.** No member may pay an amount out of a clients' trust account except by cheque bearing the signature or countersignature of the member or of another member that he or she has designated as a signing authority.

### **SPOT AUDITS**

- 90.1.** (1) The chairperson of the Discipline Committee may obtain the assistance of a forensic auditor or other expert for an audit under section 47 of the Act and where such assistance is obtained, the member shall, without delay, make his or her books of account fully available for examination by the forensic auditor or other expert.
- (2) The Executive may suspend a member who does not comply with subsection (1) from the practice of law until the member has fully complied.
- 91.** (1) Where an accountant does an audit under section 47 of the Act and finds that
- (a) sections 43, 44, 45 and 48 of the Act and sections 81 to 90 of these rules have been complied with, the accountant shall furnish the Secretary and the member concerned with a certificate to that effect;
  - (b) sections 43, 44, 45 or 48 of the Act or sections 81 to 90 of these rules have not been complied with, the accountant shall furnish the Secretary and the member concerned with a report specifying the breach and, when the member has or has had insufficient money on deposit in a clients' trust account to meet all liabilities as recorded in the member's trust ledger, the report must state the period during which there was insufficient money in the clients' trust account.
- (2) The Executive shall review every report made under paragraph (1)(b) and may, where the Executive considers it appropriate, forward the report to the chairperson of the Discipline Committee.

(3) A report forwarded to the chairperson under subsection (2) is deemed to be a complaint concerning the member and Part III applies, with such modifications as the circumstances require, to the complaint.

**92.** (1) Subject to subsection (2) and subsection 47 of the Act, where the books and accounts of a member have been audited under section 47 of the Act, the Executive may order that the cost of the audit be paid from the Assurance Fund.

(2) Where the books and accounts of a member have been audited under section 47 of the Act and an accountant provides a report to the Secretary under paragraph 91(1)(b), the chairperson of the Discipline Committee may order that the cost of the audit be paid by the member.

(3) Where a member fails to comply with an order made under subsection (2) within 30 days after the day the order was made, the member is, without further notice, automatically suspended from membership.

*[92(1) amended, 2016/11/7]*

#### **ANNUAL CERTIFICATES OF MEMBER AND ACCOUNTANT**

**92.1.** (1) The form of the certificates of a member and of a chartered accountant or certified general accountant referred to in subsection 48(1) of the Act is set out in Form V.

(2) The member shall complete Part A of Form V, then provide that form, with the instructions to the accountant that are provided by the Society and a signed engagement letter, to a chartered accountant or certified general accountant for the completion of Part B.

(3) Part B of Form V of a member who, in the opinion of the accountant preparing Part B, is not fully in compliance with the Act and the rules, must set out the exceptions and qualifications and an explanation of the circumstances of and reasons for them.

(4) On receipt of the completed Part B of Form V, the member shall complete Part C of that form and deliver the Form V to the Secretary in accordance with subsection 48(1) of the Act.

(5) Every Form V must be completed in accordance with the minimum standards established by the Executive.

**92.2.** (1) On receipt, the Secretary shall review every certificate received under subsection 48(1) of the Act and forward to the Executive any certificate in which exceptions and qualifications are set out pursuant to subsection 92.1(3).

(2) The Executive shall review every certificate forwarded to it under subsection (1) and may, where the Executive considers it appropriate,

(a) accept the explanation and reasons referred to in subsection 92.1(3);

(b) accept the explanation and reasons referred to in subsection 92.1(3) subject to any conditions specified by the Executive; or

- (c) forward the certificate to the chairperson of the Discipline Committee.
- (3) Where a member does not comply with conditions specified by the Executive within the time period set by the Executive, the Executive may, where the Executive considers it appropriate, forward the certificate to the chairperson of the Discipline Committee.
- (4) A certificate forwarded to the chairperson of the Discipline Committee under paragraph (2)(c) or subsection (3) is deemed to be a complaint concerning the member and Part III applies, with such modifications as the circumstances require, to the complaint.

### **PROFESSIONAL LIABILITY CLAIMS**

- 93.** (1) There shall be a fund called the Professional Liability Claims Fund into which shall be paid moneys collected from members for the payment of premiums payable by the Society under a group contract entered into by the Society under subsection 61(1) of the Act.
- (2) An annual assessment shall be levied on active members, not exempted by subsection (4), in such amount as may be fixed by the Executive from time to time for the purpose of maintaining and augmenting the Professional Liability Claims Fund, and such annual assessment may, in the discretion of the Executive, be paid in one or more instalments on such dates as may be specified by the Executive.
  - (3) The Executive, in determining the amount or amounts of the assessment referred to in subsection (2), may include in the levy on particular members an additional amount, based on the paid claims record of those members.
  - (4) The following categories of active members are exempt from payment of the assessment and are not entitled to indemnification under the group contract entered into under subsection 61(1) of the Act:
    - (a) an active member who does not ordinarily reside in nor carry on his or her principal practice of law in and proves to the satisfaction of the Executive that he or she has errors and omissions insurance that covers him or her in the practice of law in Nunavut and that entitles him or her to indemnification to such limits as are established by the Executive annually;
    - (b) an active member who is employed by and whose professional services are provided exclusively to
      - (i) a government or government agency, or
      - (ii) an employer who does not practice law.
  - (5) The exemption under paragraph (4)(b) does not apply to an active member however employed who renders legal services to the public in Nunavut, other than approved pro bono legal services referred to in subsection (5.1).
  - (5.1) Despite subsection (4), members who are not otherwise entitled to indemnification under the group contract referred to in that subsection are entitled to indemnification under the group contract for approved pro bono legal services rendered through the Access to Justice Program as adopted by the Society at its Annual General Meeting or Special General Meeting.
  - (6) Each applicant for membership and each active member who by virtue of subsection

(4) claims to be exempt from payment of the insurance levy shall provide proof to the satisfaction of the Executive of his or her entitlement to the exemption with his or her application and annually on or before January 31 in each year.

(7) In addition to the requirements of subsection (6), each member who claims to be exempt from payment of an assessment under subsection (4) shall, at the request of the Secretary, and within the time specified in the request, certify in writing to the Executive the circumstances entitling the member to the exemption.

(8) An active member who does not carry on the principal practice of law in Nunavut and who does not qualify for an exemption pursuant to subsection (4), shall participate in the indemnity program and pay the assessment referred to in subsection (2).

(9) The coverage provided under subsection (8) shall be restricted to the member's practice of law in Nunavut.

(10) Where the Executive considers that a member no longer qualifies for exemption under subsection (4), the Executive shall request the member to pay to the Society the full amount of the assessment payable by that member.

(11) A member who fails

- (a) to pay the assessment,
- (b) to comply with subsection (6),
- (c) to comply with a request made under subsection (7), or
- (d) to comply with subsection 94(2),

is, without notice, automatically suspended from membership.

(12) Notwithstanding subsection (4), an active member who is exempt under subsection (4), or an inactive, deceased or former member or a suspended member shall be entitled to indemnification provided under the group contract entered into under subsection 61(1) of the Act, but only with respect to professional services performed while the member was not exempt and was an active member in good standing.

*[93 (4)(5)(8)(9) amended, 2004 03 13]*

*[93 (6) amended, confirmed 2009 05 02, with effect from 2008 12 15]*

*[93 (5)(5.1) amended, 2014 12 04]*

**94.** (1) Where a member exempted under subsection 93(4) intends to practice law in Nunavut in circumstances where the exemptions are no longer applicable,

- (a) the member shall so notify the Secretary; and
- (b) the Secretary shall, on receiving notification, promptly give to the member written notice of the amount of the insurance levy payable by him or her and the date payment is due to the Society.

(2) No member exempted under subsection 93(4) shall begin to practice law in Nunavut in circumstances where the exemptions are no longer applicable until the member has paid to the Society the full amount of the insurance levy payable by him or her.

*[91 (1) and 91(2) amended, 2004 03 13]*

**95.** Where a member is enrolled under subsection 21(3) of the Act or where a member who is exempted under subsection 93(4) begins to practice law in Nunavut in circumstances where the exemptions are no longer applicable, the insurance levy shall be pro-rated so that the member is levied one-twelfth of the insurance levy for each month or unexpired portion of a month remaining in the period for which the levy is payable.

*[amended, 2004 03 13]*

**96.** A member shall promptly notify the Secretary and the insurer under the group contract of any situation that might result in a claim being made against the Professional Liability Claims Fund or the group contract entered into by the Society under subsection 61(1) of the Act.

**97.** A member is deemed to have instructed the insurer under the group contract to release to the Society sufficient information respecting a professional liability claim, excluding the name of the member, to enable the Society to

- (a) publish bulletins for the education of its members to assist them in avoiding similar claims and to improve the profession's service to the public;
- (b) compile claims experience under the group contract.

## PART VI

### GENERAL

98. (1) In this section,

"insolvent member" means a member who

- (a) is the respondent of a petition for a receiving order under section 43,
- (b) has made an assignment of all his or her property for the general benefit of the member's creditors under section 49,
- (c) has made a proposal under section 50,
- (d) has filed a notice of intention to make a proposal under section 50.4, or
- (e) has applied for a consolidation order under section 219,

of the *Bankruptcy and Insolvency Act* (Canada);

"monetary judgment" includes an order nisi of foreclosure.

(2) A member shall, in writing, forthwith notify the Secretary of

- (a) the laying of a charge against the member under the *Criminal Code*, the *Narcotic Control Act*, the *Food and Drugs Act*, the *Income Tax Act* (Canada) and the income tax legislation of any province or territory, the *Securities Act* and the securities legislation of a province or the Yukon Territory; and
- (b) the disposition of the charge referred to in subsection (a).

(3) A member against whom a monetary judgment is entered and who does not satisfy the judgment within 30 days after the date of entry shall forthwith notify the Secretary, in writing of

- (a) the circumstances of the judgment, including whether the judgment creditor is a client or former client of the member, and
- (b) the member's proposal for satisfying the judgment, whether or not an appeal respecting the judgment has been commenced.

(4) An insolvent member shall forthwith

- (a) notify the Secretary in writing that he or she has become an insolvent member; and
- (b) deliver to the Secretary
  - (i) a copy of all material filed in the proceedings dealing with the insolvency,
  - (ii) all information relating to any professional relationship between the member and any creditor,
  - (iii) all information respecting any debts which arose from the member's practice of law, and
  - (iv) such other information including copies of any books, records, accounts and other documents and information in his or her possession that are relevant to the said proceedings that the Secretary may request.

(5) After receiving the information and material required under this section, the Secretary shall refer the information and material to the chairperson of the Discipline Committee for his or her attention pursuant to section 68.

(6) Insolvency is not of itself conduct deserving of discipline.

- (7) An insolvent member shall not operate a trust account except:
- (a) with the permission of the Executive, and
  - (b) with a second signatory who is a member of the Society and not an insolvent member.
- (8) The restrictions in subsection (7) shall remain in force until removed by the Executive.
- (9) This section applies to students-at-law with such modifications as the circumstances require.
- 99.** A member shall notify the Secretary of any change in his or her office or mailing address.
- 100.** The Secretary shall, on application, issue a certificate of standing in respect of a member and such certificate shall disclose any findings of guilt for conduct deserving of discipline and the sanctions imposed and any disciplinary proceedings against the member.
- 101.** (1) Where in these rules the time limited for the doing of a thing expires or falls on a Saturday or on a holiday, the thing may be done on the day next following that is not a Saturday or a holiday.
- (2) Notwithstanding any other provision in these rules, where anything to be done before a time fixed under these rules is not done, the Executive may, in its discretion and before or after the time has expired, direct another time for doing it.
- 102.** (1) A provision of these rules requiring the payment of any fee or levy is deemed to also require the payment of any federal or Territorial taxes payable in respect of the fee or levy.
- (2) A provision of these rules providing for the suspension of a member for failure to pay any fee or levy is deemed to also provide for the suspension of a member for failure to pay any federal or Nunavut taxes payable in respect of the fee or levy.
- (3) Unless these Rules provide otherwise, payment of all fees, levies, fines, penalties, insurance premium assessments, insurance deductibles, custodianship costs and any other amount assessed, levied or imposed at any time under the Act or these Rules is a condition of the practice of law in Nunavut and must be paid to the Society prior to the issuance by the Society of an annual certificate of membership, a certificate of admission as a student-at-law or a restricted appearance certificate.

*[102(2) amended, 2004 03 13]*

- 103.** The fees set out in Schedule A are
- (a) payable in advance to the Society; and
  - (b) exclusive of any assurance fund levy or trust account levy that may apply, and of any federal or Nunavut taxes payable in respect of the fees.

*[amendment confirmed 2011 04 30]*

- 104.** The forms set out in Schedule B shall be used with such variations as the circumstances require.



**SCHEDULE A**  
[as amended 2018 12 04]  
**FEES**

(Section 103)

**Regular Membership**

Active

1. (1) Fees payable by a person for active membership under S. 18 of the *Legal Profession Act*
  - (a) application fee .....\$ 200
  - (b) admission fee .....\$ 1,750
  
- (2) Fees payable by a person for membership as a Canadian Legal Advisor under S. 39.7(2)(a) of the *Rules*
  - (a) application fee .....\$ 200
  - (b) admission fee ..... \$ 1,750
  
- (3) Annual renewal fee payable by an active member under S. 55 of the *Rules* (other than a member granted a restricted appearance certificate) .....\$ 1,750

Inactive

2. (1) Fees payable by a person for inactive membership under S. 18 of the *Legal Profession Act*
  - (a) application fee .....\$ 200
  - (b) admission fee ..... \$ 550
  
- (2) Annual renewal fee payable by an inactive member under S. 55 of the *Rules*..... \$ 550

**Canadian Legal Advisor Certificate**

3.

- (1) Fees payable by a person for a Canadian Legal Advisor Certificate under S. 39.7(2)(a) of the *Rules*
  - (a) application fee .....\$ 200
  - (b) admission fee ..... \$ 1,750
  
- (3) Annual renewal fee payable by a Canadian Legal Advisor under S. 55 of the *Rules*...\$ 1,750

**Students-at-law**

4. (1) Fees payable for admission to the Society as a student-at-law
  - (a) application fee..... \$ 25
  - (b) admission fee .....\$ 100
  
- (2) Annual renewal fee payable by a student-at-law .....\$ 100
  
- (3) Fee payable on filing of assignment of articles of clerkship .....\$ 15

**Restricted Appearance Certificate**

5. (1) Fees payable for a restricted appearance certificate
  - (a) application fee ..... \$ 200
  - (b) admission fee .....\$ 1,750
  
- (2) Renewal fee payable for a restricted appearance certificate .....\$ 1,750

**Combined Application**

6. Restricted Appearance Certificate and Regular Membership  
OR

Restricted Appearance Certificate and Canadian Legal Advisor Certificate

(1) Fees payable for a combined application

- (a) application fee ..... \$ 400
- (b) admission fee .....\$ 1,750

**Other applications**

7. Fee payable for certificate of standing, including that required for judicial applications ..... \$ 75

8. Fee payable for sitting for a special examination administered under Ss. 16(1) of the *Act*....\$ 25

9. (1) Fees payable for a change of status from inactive to active under S. 53 of the *Rules*

- (a) application fee ..... \$ 200
- and
- (b) the difference between the annual fee for an active member and the annual fee paid by the inactive member, if the change of status occurs after January 31 in a year.

9.1 (1) Fees payable for the reinstatement of a member who resigned under section 59.1 of the *Rules*

- (a) application fee ..... \$ 200
- and
- (b) the applicable annual membership fees for an active member.....\$1,750

10. Fee payable for reinstatement of a suspended member, for every year or part of a year that the member is suspended ..... \$ 125

11. Application fee payable for the readmission of a former member struck from the Roll ..... \$500













**PART B: CONTACT INFORMATION - CONFIDENTIAL**

1. Correspondence Address

Street	
City	Province/Territory
Postal code	Telephone (      )
Email	

2. Address at which office is or will be located (if different from above)

Street	
City	Province/Territory
Postal code	Telephone (      )
Email	

**PART C: PROFESSIONAL INFORMATION**

1. Current Employer (PUBLIC INFORMATION TO BE PUBLISHED ON LSN WEBSITE)

Name	
Street	
City	Province/Territory
Postal code	Telephone (      )
Email	

2. (1) List chronologically all of the law societies or governing bodies of which you are or have been a member.

Date of admission (YYYY/MM/DD)	Society/Jurisdiction	Status (active, inactive, retired, honorary)	Date of resignation (if applicable)

(2) I have NO disciplinary proceeding pending or that have been taken against me as a member of the societies or bodies in subsection (1) , EXCEPT the following:

.....  
.....

The results of any disciplinary proceedings taken against me were:

.....  
.....

(3) I have NO claims for lawyers' professional liability insurance that are pending or have been made against me as a member of the societies or bodies listed in subsection (1) , EXCEPT the following:

.....  
.....

The results of any claims for lawyers' professional liability insurance made against me were:

.....  
.....

3. State the jurisdiction in which you will principally be practicing law: .....

4. Please respond by marking the appropriate column.

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| (a) I have since attaining the age of 18 years been convicted of an offence under the <i>Criminal Code</i> , the <i>Narcotic Control Act</i> , the <i>Food and Drugs Act</i> , the <i>Income Tax Act</i> , the <i>Income Tax Act (Canada)</i> , the <i>Bankruptcy Act</i> , the <i>Excise Tax Act</i> , legislation of any province or territory respecting securities or income tax or any legislation similar to any of the foregoing in any other jurisdiction. |                              |                             |
| (b) I have been adjudged a bankrupt in a legal proceeding.                                                                                                                                                                                                                                                                                                                                                                                                         |                              |                             |
| (c) I have changed my name.                                                                                                                                                                                                                                                                                                                                                                                                                                        |                              |                             |
| (d) I have had a civil judgment made against me relating to fraud.                                                                                                                                                                                                                                                                                                                                                                                                 |                              |                             |
| (e) I am a judgment debtor.                                                                                                                                                                                                                                                                                                                                                                                                                                        |                              |                             |
| (f) I have been found guilty in a disciplinary action instituted against me as a member of a professional organization.                                                                                                                                                                                                                                                                                                                                            |                              |                             |
| (g) I have been held in civil contempt.                                                                                                                                                                                                                                                                                                                                                                                                                            |                              |                             |

Attach the full particulars in respect of each affirmative response to the statements set out in paragraphs (a) through (g).

5. Annexed to this application are:

- Certificates from each provincial or territorial law society or comparable body of which I am a member stating:
  - (i) that I am in good standing;
  - (ii) the period of time during which I have been listed as an active member of the society or body;
  - (iii) whether disciplinary proceedings are pending against me; and
  - (iv) the nature and disposition of any disciplinary action that has been taken against me.
- Two letters of good character, as referred to in paragraph 39(1)(b), 39.7(2), or 49(2)(b) of the *Rules of the Law Society of Nunavut*;
- Accountants' Report (Form E) OR a Statutory Declaration (Form F) and trust fund levy;  
Payment for the insurance fund levy "Professional Liability Insurance" provided through the Law Society of Nunavut OR an Insurance Exemption Certificate and Undertaking;
- The assurance fund levy;
- Statutory Declaration for Reading List (Rule 39.3), if applying for regular membership;
- The prescribed application, admission and annual fees set out in Schedule A.

**PART D: DECLARATION OF APPLICANT AND AUTHORIZATION**

<p>1. I certify that the information I have provided in or annexed to this application is correct</p> <p>2. I undertake with the Law Society of Nunavut that I will, during my enrollment as a Regular, Restricted Appearance Certificate or Canadian Legal Advisor member, well and faithfully keep and perform all my obligations as a barrister and solicitor and as a member of the Society and abide by the <i>Legal Profession Act</i>, the <i>Rules of the Law Society of Nunavut</i>, and any other requirements of the Society.</p> <p>3. I authorize the Law Society of Nunavut to make enquiries concerning my background, character and fitness for admission, and I also authorize the disclosure of information about myself to the Law Society of Nunavut by any person or body possessing it, provided that such information will be used by the Law Society of Nunavut, and will otherwise be treated in strict confidence.</p> <p>Dated at _____ on this _____ day of _____, 20 _____</p> <p>_____</p> <p style="text-align: center;"><i>(signature of applicant)</i></p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------





- (e) I make this declaration in lieu of completing an Accountant's Report in Form E under the *Rules of the Law Society of Nunavut*, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED BEFORE ME at the \_\_\_\_\_ )

of \_\_\_\_\_ in the \_\_\_\_\_ )

this \_\_\_\_\_ day of \_\_\_\_\_, )

20\_\_\_\_\_ )

)

)

)

\_\_\_\_\_ )

Commissioner for Oaths, Notary Public, or  
other authorized person )

\_\_\_\_\_

*(Declarant's Signature)*

NB. IF THIS DOCUMENT IS EXECUTED OUTSIDE OF NUNAVUT, IT MUST BE SWORN BEFORE A NOTARY PUBLIC UNDER SEAL, A PERSON AUTHORIZED UNDER THE LAWS OF QUEBEC TO ADMINISTER OATHS IN THAT PROVINCE, OR ANY OTHER PERSON ENUMERATED IN SECTION 67 OF NUNAVUT'S *EVIDENCE ACT*.

IF EXECUTED WITHIN NUNAVUT, IT CAN BE WITNESSED BY EITHER A NOTARY PUBLIC OR A COMMISSIONER OF OATHS.



(2) No disciplinary proceedings have been taken against me as a member of the law societies or bodies listed in subsection (1) except:

.....  
 .....  
 .....

(3) The results of any disciplinary action taken against me were:

.....  
 .....  
 .....

(4) No claims for lawyers' professional liability insurance are pending or have been made against me as a member of the societies or bodies listed in subsection (1) except:

.....  
 .....  
 .....

(5) The results of any claims for lawyers' professional liability insurance made against me were:

.....  
 .....  
 .....

**5. (1) Instructions: Please respond to the following statements by marking the appropriate column:**

	YES	NO
(a) I have since attaining the age of 18 years been convicted of an offence under the <i>Criminal Code</i> , the <i>Narcotic Control Act</i> , the <i>Food and Drugs Act</i> , the <i>Income Tax Act (Canada)</i> , the <i>Bankruptcy and Insolvency Act</i> , the <i>Excise Tax Act</i> , legislation of any province or respecting securities or income tax or any legislation similar to any of the foregoing in any other jurisdiction.	( )	( )
(b) I have been adjudged a bankrupt in a legal proceeding. ( )		( )
(c) I have changed my name.	( )	( )
(d) I have had a civil judgment made against me relating to fraud.	( )	( )
(e) I am a judgment debtor.	( )	( )
(f) I have been found guilty in a disciplinary action instituted against me as a member of a professional organization.	( )	( )
(g) I have been held in civil contempt.	( )	( )

**(2) I have attached full particulars in respect of each affirmative response to the statements set out in paragraphs (a) to (g).**

6. Annexed to this application are:
- (a) a copy of my degree of law or my transcript showing completion of a law programme;
  - (b) two letters of good character;
  - (b.1) a Student Articling Plan in Form G.2;
  - (c) Articles of Clerkship in Form H, duly signed in triplicate;
  - (d) payment of the prescribed application and admission fees.

7. I authorize the Society to make inquiries regarding any information provided in or annexed to this application.

8. I undertake with the Law Society of Nunavut that I will, during my enrollment, well and faithfully keep and perform all my obligations as a barrister and solicitor and as a member of the Society and abide by the *Legal Profession Act*, the *Rules of the Law Society of Nunavut* and the requirements of the Society.

Dated at .....,this ..... day of .....,20...

.....  
(Applicant's Signature)

**AFFIDAVIT**

I, ....., of .....  
in Nunavut make oath and say that I am the applicant in the above application and the information contained in the application is true.

Sworn before me at .....,  
this ..... day of ....., 20...

.....  
(Applicant's Signature)

.....  
Commissioner for Oaths, Notary Public or  
other authorized person

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<p>To be completed by the Secretary</p> <p>Date application received</p> <p>.....</p> <p>Comments.....</p> <p>.....</p>
-------------------------------------------------------------------------------------------------------------------------



.....  
**6) AREAS OF LAW, ETHICAL AND PRACTICE SKILLS**

The areas of law, ethical and practice skills to which the student will be exposed while under my supervision include:

.....  
.....  
.....  
.....

**7) OTHER SUPERVISION DURING ARTICLES**

Although the Principal is charged with the overall supervision of the Student, the following additional counsel will be available and are willing to serve as mentors and senior advisors in the following additional areas and activities:

.....  
.....  
.....

**8) ROTATIONS OR TRANSFERS**

To ensure that these articles meet the statutory requirement for "*instruction and training of the student-at-law in the general practice of the profession of a barrister and solicitor*" the student will also participate in

a) Rotation arrangements with .....,  
....., for the period .....  
and addressing the following legal practice areas.....

.....  
.....

b) A transfer of articles to .....,  
....., for the period ..... and  
addressing the following legal practice areas.....

.....  
.....

..... Please find attached, Form I.1 or I.2 (*underline as appropriate*).

Potential conflicts of interest occasioned by the above arrangements have been assessed and will be dealt with as follows .....

.....

**The undersigned Principal and Student-at-Law certify that they have discussed the contents of the Articling Plan.**

**DATED at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.**

\_\_\_\_\_  
*Signature of Student*

\_\_\_\_\_  
*Signature of Principal*



- e) will take proper care of and account for all property of the Solicitor, the office of the Solicitor and any of its clients that may be entrusted to the Student-at-law.
3. The Solicitor will, for the term,
    - a) accept the Student-at-Law as his or her student-at-law;
    - b) use all reasonable means to advise and instruct the Student-at-Law in the profession of a barrister and solicitor; and
    - c) at the expiration of the term, assist the Student-at-Law at the request and expense of the Student-at-Law to be admitted as a barrister and solicitor in Nunavut, provided that the Student-at-Law has faithfully and diligently served his or her articles and has passed any examinations required of him or her and properly qualified him or herself to be admitted to the practice of law in Nunavut.
  4. The Student-at-Law shall, as part of his or her service under articles:
    - a) successfully complete a bar admission course and bar admission examinations as are required by the Executive Committee of the Law Society; and
    - b) successfully complete any further bar admission examinations as are established by the Executive Committee of the Law Society.
  5. Subject to the approval of the Executive Committee of the Law Society, these articles commence on .....,the ..... day of .....,20... or on a later date fixed by the Executive Committee of the Law Society.

IN WITNESS OF THESE ARTICLES OF CLERKSHIP, the parties have set their hands

SIGNED SEALD AND DELIVERED  
by each of the parties in the presence of:

.....  
(Solicitor's Signature)

.....  
Witness

.....  
(Solicitor's Signature)

.....  
Witness



of the term.

2. The New Solicitor covenants with the Student-at-Law that
  - (a) he or she will take the Student-at-Law as his or her student-at-law for the residue of the term; and
  - (b) he or she will perform all the covenants in the articles of clerkship as if the New Solicitor were named in the articles of clerkship instead of the Assignor.
  
3. The Student-at-Law covenants with the New Solicitor that
  - (a) he or she will faithfully serve the New Solicitor as the New Solicitor's student-at-law for the residue of the term; and
  
  - (b) he or she will perform the covenants in the articles of clerkship as if the New Solicitor were named in the articles of clerkship instead of the Assignor.

IN WITNESS OF THIS ASSIGNMENT, the parties have set their hands.

SIGNED, SEALED AND DELIVERED  
by each of the parties in the presence of:

.....  
(signature of Assignor)

.....  
(signature of Student-at-Law)

.....  
(signature of New Solicitor)

CANADA  
NUNAVUT  
TO WIT:

I, ....., of the ..... in Nunavut, MAKE OATH AND SAY:

- (a) I was personally present and did see the assignment of articles of clerkship executed by ..... and ..... and ....., the parties to it;
- (c) the assignment of articles of clerkship were executed by the parties at ..... in the ..... on the ..... 20 .....
- (d) I know the parties; and
- (d) I am the subscribing witness to the assignment of articles of clerkship.

SWORN BEFORE ME at the .....  
of ..... in  
Nunavut this .....  
day of ..... 20 .....

.....  
Commissioner for Oaths, Notary Public or  
other authorized person

.....  
(signature of deponent)

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period. The temporary assignment shall commence on the ..... day of ....., ..... and conclude on the ..... day of ....., ..... . Upon the conclusion of the temporary assignment, the articles of clerkship shall automatically and without further application revert to the Assignor.

2. The Temporary Solicitor covenants with the Student-at-Law that
  - (a) he or she will temporarily take the Student-at-Law as his or her student-at-law for the period set out in paragraph 1 herein; and
  - (b) he or she will perform all the covenants in the articles of clerkship as if the Temporary Solicitor were named in the articles of clerkship instead of the Assignor.
  
3. The Student-at-Law covenants with the Temporary Solicitor that
  - (a) he or she will faithfully serve the Temporary Solicitor as the Temporary Solicitor's student-at-law for the period set out in paragraph 1 herein; and
  
  - (b) he or she will perform the covenants in the articles of clerkship as if the Temporary Solicitor were named in the articles of clerkship instead of the Assignor.

IN WITNESS OF THIS ASSIGNMENT, the parties have set their hands.

SIGNED, SEALED AND DELIVERED  
by each of the parties in the presence of:

.....  
(Assignor)

.....  
(Student-at-Law)

.....  
(Temporary Solicitor)

CANADA  
NUNAVUT  
TO WIT:

I, ....., of the ..... in Nunavut,  
MAKE OATH AND SAY:

- (a) I was personally present and did see the assignment of articles of clerkship executed by ..... and ..... and ....., the parties to it;
- (b) the assignment of articles of clerkship were executed by the parties at ..... in the ..... on the ..... 20 .....
- (c) I know the parties; and
- (d) I am the subscribing witness to the assignment of articles of clerkship.

SWORN BEFORE ME at the .....  
of ..... in  
Nunavut this .....  
day of ..... 20 .....

.....  
Commissioner for Oaths/Notary Public

.....  
(signature of deponent)



4. I undertake with the Law Society of Nunavut that I will, during my reenrollment, well and faithfully keep and perform all my obligations as a barrister and solicitor and as a member of the Society and abide by the *Legal Profession Act*, the *Rules of the Law Society of Nunavut* and any other requirements of the Law Society.

Dated at .....,this ..... day of .....,20....

.....  
(Applicant's Signature)



.....  
.....

(e) the Student-at-Law is in my opinion a fit and proper person to be admitted as a member of the Law Society of Nunavut.

Sworn before me at .....,  
this ..... day of ....., 20...

.....  
Commissioner for Oaths, Notary Public or  
other authorized person

.....  
*(Deponent's Signature)*

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IF EXECUTED WITHIN NUNAVUT, IT CAN BE WITNESSED BY EITHER A NOTARY PUBLIC OR A COMMISSIONER OF OATHS.



Sworn before me at .....,  
this ..... day of ....., 20...

.....  
Commissioner for Oaths, Notary Public or  
other authorized person

.....  
*(Deponent's Signature)*

NB. IF THIS DOCUMENT IS EXECUTED OUTSIDE OF NUNAVUT, IT MUST BE SWORN BEFORE A NOTARY PUBLIC UNDER SEAL, A PERSON AUTHORIZED UNDER THE LAWS OF QUEBEC TO ADMINISTER OATHS IN THAT PROVINCE, OR ANY OTHER PERSON ENUMERATED IN SECTION 67 OF NUNAVUT'S *EVIDENCE ACT*.

IF EXECUTED WITHIN NUNAVUT, IT CAN BE WITNESSED BY EITHER A NOTARY PUBLIC OR A COMMISSIONER OF OATHS.





SIGNED at ..... on ....., 20 ..... under the seal of the Law Society.

.....  
Secretary of the Law Society of Nunavut











3. As an active member, I will be practising law with the following firm or employer or under the firm name of:

.....  
(name of firm or employer)

.....  
(business address of firm or employer)

4. I will be principally practising law in:.....  
(name of jurisdiction)

5. (1) I am or have been a member of the following law societies, or comparable bodies, for the following periods of time:

.....  
.....

(2) Since the later of my Application for Admission (Form D) or my last Application for Renewal (Form T), I have been actively engaged in practising law in the following jurisdictions for the following periods of time:

.....  
.....

(3) Since the later of my Form D or last Form T, no disciplinary proceedings are pending or have been taken against me as a member of the societies or bodies listed in subsection (1) except:

.....  
.....

(4) The results of any disciplinary proceedings taken against me were:

.....  
.....

(5) Since the later of my Form D or last Form T, no claims for lawyers' professional liability insurance are pending or have been made against me as a member of the societies or bodies listed in subsection (1) except:

.....  
.....

(6) The results of any claims for lawyers' professional liability insurance listed in subsection (5) were:

.....  
.....

6. Annexed to this application are:

- (a) a certificate from each provincial or territorial law society or comparable body of which I am a member stating:
  - (i) that I am in good standing;
  - (ii) the period of time during which I have been listed as an active member of the society or body;
  - (iii) whether disciplinary proceedings are pending against me;
  - (iv) the nature and disposition of any disciplinary action that has been taken against me;
- (b) an Accountants Report in Form E or my Statutory Declaration in Form F or a statement indicating that I am joining a partnership that, or am becoming associated with a member who, has filed a Certificate of Accountant and Member in Form V;
- (c) the insurance levy or my Insurance Exemption Certificate and Undertaking;
- (d) the assurance fund levy; and
- (e) the prescribed fees for a change of status to an active member or reinstatement of a member who resigned, as applicable.

7. I certify that the information I have provided in or annexed to this application is correct.

Dated at.....on ....., 20 . . . .

.....  
(signature of applicant)



AND FURTHER TAKE NOTICE that any member who fails to complete and submit the Application for Renewal Form T which accompanies this form, or fails to pay the required annual fee and levies on or before January 31, 20 ..... is, without further notice, automatically suspended as a member.

.....

Secretary of the Law Society of Nunavut





1. Current Employer (PUBLIC INFORMATION TO BE PUBLISHED ON LSN WEBSITE)

Name	
Street	
City	Province/Territory
Postal code	Telephone (      )
Email	

2. (1) List chronologically all of the law societies or governing bodies of which you are or have been a member.

Date of admission (YYYY/MM/DD)	Society/Jurisdiction	Status (active, inactive, retired, honourary)	Date of resignation (if applicable)

(2) I have NO disciplinary proceeding pending or that have been taken against me as a member of the societies or bodies in subsection (1) , EXCEPT the following:

.....  
 .....

The results of any disciplinary proceedings taken against me were:

.....  
 .....

(3) I have NO claims for lawyers' professional liability insurance that are pending or have been made against me as a member of the societies or bodies listed in subsection (1) , EXCEPT the following:

.....  
 .....

The results of any claims for lawyers' professional liability insurance made against me were:

.....  
.....

5. Annexed to this application are:

- Insurance Exemption Certificate and Undertaking, if applicable;
- Nunavut matters or files of which I have carriage or closed in 2011, noted by percentage of the total of Nunavut matters and files (Appendix A);
- Education programs that I attended or for which I was a presenter in 2011 (Appendix B)
- Lawyer referral service form attached hereto as Appendix C (unless previously submitted via email);
- A cheque payable to the "Law Society of Nunavut" in the sum of \$ \_\_\_\_\_ for ;
- The prescribed annual fee
- The assurance fund levy, if applicable (*check if included*)
- Trust account levy (*check if included*)
- Applicable taxes (5% GST)

#### **PART D: DECLARATION OF APPLICANT AND AUTHORIZATION**

<p>1. I certify that the information I have provided in or annexed to this application is correct</p> <p>2. I undertake with the Law Society of Nunavut that I will, during my enrollment well and faithfully keep and perform all my obligations as a barrister and solicitor and as a member of the Society and abide by the <i>Legal Profession Act</i>, the <i>Rules of the Law Society of Nunavut</i>, and any other requirements of the Society.</p> <p>3. I authorize the Law Society of Nunavut to make public the information I provided under "Part C: Professional Information" by making it available on the Law Society of Nunavut's website and in response to direct requests from the public.</p> <p>Dated at _____ on this _____ day of _____, 20 _____</p> <p style="text-align: right;">_____ (signature of applicant)</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------







5. The practice maintains a system for logging and opening a file for each separate client matter whether or not trust funds are held: Yes ..... No .....

If not, in what circumstances is a file not opened?

.....

**For sections 6 through 8, if space is insufficient attach a schedule, signed and dated on each page.**

6. Details of the individual members of the firm at any time during the reporting period: (If less than the full reporting period, give dates)

Name of Member	Position	Dates
.....	.....	.....
.....	.....	.....
.....	.....	.....

7. Details of all individual members of the firm who, in addition to acting in the capacity of barrister or solicitor, acted alone as a personal representative of a person, or as a trustee (including as executor), where the appointment derived from a solicitor-client relationship:

Name	of	member
.....		
.....		
...		
.....		
.....		
.....		

8. List all clients' trust accounts, including term investments, operated during the reporting period. Include accounts and investments in respect of the appointments described in 7 above. (If less than full reporting period, give dates)

Savings Institution Name and Branch

.....

Account No.

.....

I/We .....

will disclose all books, ledgers, journals, records and accounts of this law practice to my/our accountant.

Signature..... Date .....

Signature..... Date .....

Signature..... Date .....



City/Town: .....

Signed: ..... Date:.....  
Chartered Accountant(s) / Certified General Accountant(s)





Commercial							
Corporate							
Criminal – Defence							
Criminal – Prosecution							
Family / Matrimonial – Excluding Real Estate And Wills & Estates							
Government							
Institutional							
Motor Vehicle – Defendant							
Motor Vehicle – Plaintiff							
Pro Bono							
Property							
Real Estate / Mortgages – Commercial							
Real Estate / Mortgages – Residential							
Wills & Estates							
other:							
other:							





- |                       |                          |                      |                          |
|-----------------------|--------------------------|----------------------|--------------------------|
| Franchise             | <input type="checkbox"/> | Human Rights         | <input type="checkbox"/> |
| Immigration           | <input type="checkbox"/> | Real Estate          | <input type="checkbox"/> |
| Insurance             | <input type="checkbox"/> | Residential Schools  | <input type="checkbox"/> |
| Intellectual Property | <input type="checkbox"/> | Securities           | <input type="checkbox"/> |
| Labour                | <input type="checkbox"/> | Sexual Harassment    | <input type="checkbox"/> |
| Landlord & Tenant     | <input type="checkbox"/> | Taxation             | <input type="checkbox"/> |
| Medical Malpractice   | <input type="checkbox"/> | Welfare              | <input type="checkbox"/> |
| Military              | <input type="checkbox"/> | Wills/Estates/Trusts | <input type="checkbox"/> |
| Municipal             | <input type="checkbox"/> | Workers Compensation | <input type="checkbox"/> |
| Property              | <input type="checkbox"/> | Youth Court          | <input type="checkbox"/> |

Other (please specify) \_\_\_\_\_