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NUNAVUMI MALIGALIQUQTIT
LAW SOCIETY OF NUNAVUT
BARREAU DU NUNAVUT



LAW SOCIETY OF NUNAVUT

RULES OF THE LAW SOCIETY OF NUNAVUT

(Current to: November 26, 2020)

TABLE OF CONTENTS

Rule/
Form

INTERPRETATION

Definitions	1
Interpretation Act	2
Electronic Commerce Act	2.1

PART I

THE SOCIETY

[Repealed]	3
Seal of the Society	4

Honorary Executive Members

Honorary Executive Members	5
----------------------------	---

Election of the Executive

Eligibility as candidate	6
Vote by Ballot	7
Extension of dates	8
Nomination procedure	9
[Repealed]	10
[Repealed]	11
[Repealed]	12
Electronic voting	12.1
[Repealed]	13
Successful candidates	14
Resolving tied votes	15
Notice of election results	16
Commencement of office	17
Disputing validity of election	18
Vacancy on Executive, removal of member for cause	19

Executive Meetings and Duties of Officers

Meetings of Executive	20
Signing of Minutes	21
Appointment of Officers	22
Duties and remuneration of Deputy Secretary	23
Duties of Secretary	24
Duties of Treasurer	25
Treasurer's presentation of audited statements	26
Treasurer's presentation of budget estimates	27

Meetings of the Society

Procedure at meetings	27.1
-----------------------	------

Financial Matters

Reimbursement of travel expenses	28
Society Banker, cheque signing authority	29
Auditor's Reports	30
Fiscal year of Society	31

Committees

Standing committees of the society	32
------------------------------------	----

Special Counsel

Society counsel	33
-----------------	----

PART II

MEMBERSHIP AND ENROLLMENT

The Roll

Roll of the Society	34
---------------------	----

The Record

Record pertaining to members	35
Record pertaining to students-at-law	36
Practising and non-practising records	37

Bar Admission Examinations

Establishment of exams	38
------------------------	----

Regular Members

Application under section 18(1)(b) of Act	39
---	----

Interjurisdictional Practice

Definitions	39.1
Application & Interpretation (Territorial Mobility Agreement)	39.2
Transfer under Territorial Mobility Agreement	39.3
Quebec Mobility Agreement	39.4
Application & Interpretation (Quebec Mobility Agreement)	39.5
Canadian Legal Advisor	39.6
[Repealed]	39.7
[Repealed]	39.8

Students-at-Law

Application under section 17(1) of Act	40
Bar admission course and exam requirements	41

Number of articling students per principal	42
Assignment of articles	43
Termination of articles	44
Other employment	45
Time limit for admission after articles	46
Failure to pass bar course or exam	47
Admission as member on completion of articles	48

Restricted Appearance Certificate

Restricted Appearance Certificate	49
-----------------------------------	----

General Rules Applying to all Applications for Membership

Application lapse, withdrawal, or non-approval	50
Determination of good character	51
Admission process	52

Change of Status from Inactive to Active Member

Application by inactive member	53
--------------------------------	----

Renewal of Membership

Notice of renewal to members	54
Membership renewal procedure	55
Failure to renew	56
Issuance of annual certificate	57

Withdrawal from Private Practice

Prior notice of cessation of practice	58
---------------------------------------	----

Resignation of Member

Resignation from Society	59
Reinstatement of member who resigned	59.1

PART III

DISCIPLINE

[Repealed]	60
Member service on Discipline Committee	61
Laying and investigation of complaint	62
[Repealed]	63
Chairperson's report to Executive	64
Appointment of Sole Inquirer/Committee of Inquiry	65
Conduct of Inquiry	66
Provision of copy of Rule 66	67
Authority of Chairperson to act on own motion	68
Publication where member found guilty	69
Publication where member found not guilty	70

Reinstatement and Striking of Suspended Member

Suspension under s. 48.1 of Act or Rules of Society	71
Suspension under s. 30 or 31 of Act	72
Striking from Roll after five years	73
Publication of suspension or striking off	74

Appointment to the Bench and Reinstatement as a Member

Cessation of membership, readmission	75
--------------------------------------	----

PART IV

ASSURANCE FUND

Annual levy	76
Conditions of payment of claim	77
Submission and investigation of claim	78

PART V

ACCOUNTS

[Repealed]	79
Definitions	80
Cash transactions	80.1
Responsibility to identify client	80.2
Client identify information to be recorded	80.3
When requirement to verify client identity applies	80.4
When requirement to verify client identity does not apply	80.5
Requirement to verify client identity	80.6
Documents and information for verification	80.61
Requirement to verify directors, shareholders and owners	80.62
Timing of verification for individuals	80.63
Timing of verification for organizations	80.64
Records to be kept	80.7
Application of rules to all matters	80.8
Monitoring	80.9

BOOKS OF ACCOUNT

Books of accounts required to be maintained	81
Order and form of books of accounts	81.1
Trust books of accounts	81.2
Non-trust books of accounts	81.3
Prompt recording of transactions	81.4
Reconciliation of cash books	81.5
Current and previous years' transactions	81.6
Financial record re cash transactions	81.61

Monthly Trust Reconciliation

Monthly trust reconciliation	81.7
------------------------------	------

Shortage in a clients' trust fund	81.8
Unable to deliver up trust money when due	81.9

Fiscal Year

Notification of fiscal year end, and any change	82
---	----

Forms required on termination or commencement of practice

Forms required on termination or commencement of practice	83
---	----

Clients' Trust Accounts

Clients' trust accounts	84
Withdrawal of funds from trust account	85
Other circumstances permitting withdrawal	86
Insufficient balance in trust account to meet member's gross liability	86.1
Receipt of advance on fees or disbursements	87
Exceptions to Rules 84 to 87	88
Use of separate trust accounts	89
Procedure for withdrawing trust funds	90

Spot Audit

Assistance of forensic auditor for audit under section 47 of Act	90.1
Audit under section 47 of Act	91
Costs of audit under section 47 of Act	92

Annual Certificates of Member and Accountant

Annual certificates of member and accountant	92.1
Review of annual certificates	92.2

Professional Liability Claims

Professional Liability Claims Fund	93
Reporting of change in exemption eligibility	94
Pro-rating of insurance levy	95
Obligation to give notice of potential claim	96
Authorization to release information	97

PART IV

GENERAL

Member's duty to self-report	98
Reporting of member's change of address	99
Provision of Certificate of Standing	100
Date falling on Saturday or holiday	101

Payment of fees/levies extend to applicable taxes	102
Law Society forms – Schedule A	103
Law Society forms – Schedule B	104

SCHEDULE A - FEES

SCHEDULE B – FORMS

Notice of Election	A
Instructions to Vote	B
Instructions to Vote – Electronic Voting	B.1
Ballot	C
Application for Admission as a Member	D
Accountant's Report	E
Statutory Declaration	F
Application for Admission as a Student-at-Law	G.1
Student Articling Plan	G.2
Articles of Clerkship	H
Assignment of Articles of Clerkship	I.1
Temporary Assignment of Articles of Clerkship	I.2
Application for Admission as a Member	J
Affidavit of Principal	K
Affidavit of Student-at-Law	L
Certificate of Entitlement	N
Canadian Legal Advisor Certificate of Entitlement	N.1
Certificate of Admission	O
Canadian Legal Advisor Certificate of Admission	O.1
Certificate of Enrolment	P
Restricted Appearance Certificate	Q
Application for Change of Status to Active Member	R
Notice to Pay Annual Fees and Assurance Fund Levy	S
Application for Renewal	T
Annual Certificate	U
Certificate of Member and Accountant	V

APPENDIX A – Carriage of Files

APPENDIX B – Continuing Legal Education Activities

APPENDIX C – Lawyer Referral Service Form

APPENDIX D – Procedures at Meetings

RULES OF THE LAW SOCIETY OF NUNAVUT

INTERPRETATION

Definitions

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.

[1 amended, 2004 03 13]

Interpretation Act

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

[2 amended, 2004 03 13]

Electronic Commerce Act

- 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.

[2.1 amended, 2012 05 12]

PART I

THE SOCIETY

3. Repealed, 2016/11/07

Seal of the Society

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

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

Eligibility as candidate

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.

Vote by ballot

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

Extension of dates

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.

Nomination procedure

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. **Repealed, 2020 11 26.**
11. **Repealed, 2020 11 26.**
12. **Repealed, 2020 11 26.**

Electronic voting

- 12.1 (1) The election of members to the Executive shall be conducted electronically in accordance with the following procedure:
- (a) At least 20 days before the annual general meeting, the Deputy Secretary shall send or cause to be sent by electronic mail to each member entitled to vote:
 - (i) a copy of instructions to vote in Form B.1; and
 - (ii) a one-time random-access password to allow the member to login online and select the name of the candidate or candidates for whom the member wishes to vote.
 - (b) On or before 11:00 a.m. Eastern Time on the day preceding the annual general meeting each member who is entitled to vote and who wishes to do so shall, in accordance with the instructions provided, log in and select the name or names of the candidate or candidates for whom the member wishes to vote.
 - (c) A ballot will be rejected by the electronic voting system if the member attempts to vote after the deadline.
- (2) A candidate or an agent of a candidate may request a copy of:
- (a) the cumulative report showing the total number of electronic ballots cast for each candidate;
 - (b) each ballot cast in a manner that does not allow the ballot to be connected to the individual who cast it.

[amended 2020 11 26]

13. **Repealed, 2020 11 26.**

Successful candidates

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.

Resolving tied votes

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.

Notice of election results

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*.

Commencement of office

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.

Disputing validity of election

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]

Vacancy on Executive, removal or member for cause

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

Meetings of Executive

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).

Signing of minutes

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

Appointment of officers

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.

Duties and remuneration of Deputy Secretary

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.

Duties of Secretary

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.

Duties of Treasurer

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.

Treasurer's presentation of audited statements

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.

Treasurer's presentation of budget estimates

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.

Meetings of the Society

Procedure at meetings

- 27.1 (1) Unless otherwise provided, the procedure at special meetings of the Society shall be governed by the procedures contained in Appendix D.

(2) Notwithstanding subsection (1), the procedures for meetings may be amended or suspended at any meeting of the Society, with respect to that meeting, by majority vote of the members present at the meeting.

[27.1 new 2020 11 26]

FINANCIAL MATTERS

Reimbursement of travel expenses

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.

Society Banker, cheque signing authority

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.

Auditor's reports

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.

Fiscal year of Society

31. The fiscal year of the Society begins on January 1 and ends on December 31 in the same year.

COMMITTEES

Standing committees of the Society

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

Society 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

Roll of the Society

- 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

Record pertaining to members

- 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.

Record pertaining to students-at-law

- 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.

Practising and non-practising records

- 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

Establishment of exams

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

REGULAR MEMBERS

Application under section 18(1)(b) of the Act

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;

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

[39.1 new 2007 05 05; amended 2020 11 26]

Application and Interpretation (Territorial Mobility Agreement)

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.

[39.2 new 2007 05 05]

TRANSFER UNDER TERRITORIAL MOBILITY 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 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.

[39.3 new 2007 05 05; amended 2009 05 02, 2020 11 26]

Quebec Mobility Agreement

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 (Quebec Mobility Agreement)

39.5 Rules 39.4 through 39.6 are intended to implement the provisions of the 2010 Quebec Mobility Agreement and cease to have effect on the expiry of that Agreement.

[39.5 amended 2020 11 26]

CANADIAN LEGAL ADVISORS

Canadian legal advisor

39.6 (1) In this section, “Québec Mobility Agreement” means the 2010 Québec Mobility Agreement of the Federation of Law Societies of Canada, as amended from time to time.

(2) This section is intended to implement the provisions of the 2010 Québec Mobility Agreement and ceases to have effect on the expiry of that Agreement.

(3) A category of membership in the Society to be known as a “Canadian Legal Advisor” is hereby created with a limited scope of practice as described in this section.

(4) A member in good standing of the Chambre des notaires du Québec, may apply for a Canadian legal advisor certificate to appear or to act as a Canadian legal advisor.

- (5) An applicant under this section shall furnish to the Secretary:
- (a) the documents and payments listed in section 39; and
 - (b) an undertaking to comply with subsection (7).
- (6) A Canadian legal advisor may:
- (a) give legal advice on:
 - (i) the law of Québec and matters involving the law of Québec;
 - (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 uncontested or non-contentious matters under federal jurisdiction.
- (7) A Canadian legal advisor shall not engage in the practice of law except as permitted under subsection (6).
- (8) A member in good standing of the Chambre des notaires du Québec who is admitted as a Canadian legal advisor has all the duties and responsibilities of a practising member under the Act, these rules, the Law Society of Nunavut Model Code of Professional Conduct or any other rules of professional conduct adopted by the Society.
- (9) A Canadian legal advisor shall immediately notify the Secretary in writing if he or she ceases to be authorized to practise law in Québec.
- (10) A member in good standing of the Chambre des notaires du Québec admitted under this section has no greater rights as a member of the Society than:
- (a) the member has as a member of the Chambre in Québec; or
 - (b) any other member of the Society in similar circumstances.
- (11) A Canadian Legal Advisor, when engaging in advertising or any other form of marketing activity in Nunavut, shall:
- (a) use the term “Canadian Legal Advisor”;
 - (b) state that he or she is only qualified to provide legal advice on matters dealing with public international law, the laws of Québec, and matters under federal jurisdiction; and
 - (c) 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.

[39.6 new 2020 11 26]

39.7. Repealed, 2020 11 26.

39.8. Repealed, 2020 11 26.

STUDENTS-AT-LAW

Application under section 17(1) of Act

- 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]

Bar admission course and exam requirements

- 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 14

[41 (1) amended, 2004 03 13]

Number of articling students per principal

- 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.

Assignment of articles

- 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]

Termination of articles

- 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]

Other employment

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.

Time limit for admission after 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.

Failure to pass bar course or exam

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.

Admission as member on completion of articles

- 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

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.

(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).

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

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

GENERAL RULES APPLYING TO ALL APPLICATIONS FOR MEMBERSHIP

Application lapse, withdrawal, or non-approval

- 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]

Determination of good character

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.

(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.

[51 (1) amended 2011 04 30]

Admission process

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

Application by inactive 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

Notice of renewal to members

- 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]

Membership renewal procedure

- 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]

Failure to renew

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]

Issuance of annual certificate

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

Prior notice of cessation of 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

Resignation from Society

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]

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

Member service on discipline committee

- 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]

Laying and investigation of complaint

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

Chairperson's report to Executive

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.

Appointment of sole inquirer/Committee of Inquiry

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

Conduct of Inquiry

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.

Provision of copy of Rule 66

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.

Authority of Chairperson to act on own motion

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]

Publication where member found guilty

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

Publication where member found not guilty

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

Suspension under s. 48.1 of Act or Rules of Society

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.

Suspension under s. 30 or 31 of Act

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.

Striking from Roll after five years

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]

Publication of suspension or striking off

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

Cessation of membership, readmission

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

Annual levy

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.

Conditions of payment of claim

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]

Submission and investigation of claim

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

Definitions

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;

“credit union central” means a central cooperative credit society, as defined in section 2 of the *Cooperative Credit Associations Act*, or a credit union central or a federation of credit unions or caisses populaires that is regulated by a provincial or territorial Act other than one enacted by the legislature of Quebec;

“disbursements” means amounts paid or required to be paid to a third party by a member or a member’s firm on a client’s behalf in connection with the provision of legal services to the client by the member or the member’s firm which will be reimbursed by the client;

“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;

“expenses” means costs incurred by a member or a member’s firm in connection with the provision of legal services to a client which will be reimbursed by the client including such items as photocopying, travel, courier/postage, and paralegal costs;

“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) a bank that is regulated by the Bank Act;
- (b) an authorized foreign bank within the meaning of section 2 of the Bank Act in respect of its business in Canada;
- (c) a cooperative credit society, savings and credit union or caisse populaire that is regulated by a provincial or territorial Act;
- (d) an association that is regulated by the *Cooperative Credit Associations Act* (Canada);
- (e) a financial services cooperative;
- (f) a credit union central;
- (g) a company that is regulated by the Trust and Loan Companies Act (Canada);
- (h) a trust company or loan company that is regulated by a provincial or territorial Act;

- (i) a department or an entity that is an agent of Her Majesty in right of Canada or of the government of a province or territory when it accepts deposit liabilities in the course of providing financial services to the public; or
- (j) a subsidiary of the financial institution whose financial statements are consolidated with those of the financial institution;

“financial services cooperative” means a financial services cooperative that is regulated by *An Act respecting financial services cooperatives*, CQLR, c. C-67.3, or *An Act respecting the Mouvement Desjardins*, S.Q. 2000, c.77, other than a caisse populaire;

“funds” means cash, currency, securities and negotiable instruments or other financial instruments that indicate the person’s title or right to or interest in them;

“lawyer” means, in the province of Quebec, an advocate or a notary and, in any other province or territory, a barrister or solicitor;

“money” includes cash, cheques, drafts, credit card transactions, post office orders, express and bank money orders, and electronic transfer of deposits at financial institutions;

;
 “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;

“professional fees” means amounts billed or to be billed to a client for legal services provided or to be provided to the client by a member or a member’s firm;

“public body” means:

- (a) a department or agent of Her Majesty in right of Canada or of the government of a province or territory;
- (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 in Canada or an agent in Canada of any of them;
- (d) a local board of a municipality incorporated by or under an Act of a province or territory of Canada, including any board or commission established by a council pursuant to section 31.1 of the *Cities, Towns and Villages Act* or section 31.1 of the *Hamlets Act*, or a similar body incorporated under the law of another province or territory;
- (e) an organization that operates a public hospital authority and that is designated by the Minister of National Revenue as a hospital under the *Excise Tax Act* (Canada) or an agent of the organization;
- (f) a body incorporated by or under an Act of a province or territory of Canada for a public purpose; or
- (g) 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 designated under section 262 of the *Income Tax Act* (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 persons and entities 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, other than persons who act exclusively on behalf of such an authorized person or entity.

[80 amended, 2008 12 15; confirmed 2009 05 02; amended 2020 11 26]

Cash transactions

- 80.1.** (1) A member shall not receive or accept cash in an aggregate amount greater than \$7,500 Canadian in respect of any one client matter.
- (2) For the purposes of this section, when a member receives or accepts cash in a foreign currency the member is 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 member receives or accepts the cash; or,
 - (b) if the day on which the member 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 member receives or accepts the cash.
- (3) Subsection (1) applies when a member engages 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 subsection (3), subsection (1) does not apply when the member receives cash in connection with the provision of legal services by the member or the member's firm:
- (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) to pay a fine, penalty, or bail; or
 - (d) for professional fees, disbursements, or expenses, provided that any refund out of such receipts is also made in cash.

Responsibility to identify client

- 80.2.** (1) A member's responsibilities under sections 80.1 to 80.9 may be fulfilled by any member, associate or employee of the member's firm, wherever located.

- (2) Sections 80.3 to 80.9 do not apply to:
- (a) a member who provides legal services or 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 member:
 - (i) who is engaged as an agent by the lawyer for a client to provide legal services to the client;
 - (ii) to whom a matter for the provision of legal services is referred by the lawyer for a client, when the client's lawyer has complied with sections 80.3 to 80.9; or
 - (c) a member providing legal services as part of a duty counsel program sponsored by a non-profit organization, except where the lawyer engages in or gives instructions in respect of the receiving, paying or transferring of funds other than an electronic funds transfer.

Client identity information to be recorded

80.3. A member who is retained by a client to provide legal services shall obtain and record, with the applicable date, the following information:

- (a) for individuals:
 - (i) the client's full name;
 - (ii) the client's home address and home telephone number;
 - (iii) the client's occupation or occupations; and
 - (iv) the address and telephone number of the client's place of work or employment, where applicable;
- (b) for organizations:
 - (i) the client's business address and business telephone number;
 - (ii) other than a financial institution, public body or reporting issuer, the organization's incorporation or business identification number and the place of issue of its incorporation or business identification number, if applicable;
 - (iii) 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
 - (iv) the name and position of and contact information for the individual who is authorized to provide and gives instructions to the member with respect to the matter for which the member is retained;
- (c) if the client is acting for or representing a third party, information about the third party as set out in clause (a) or (b) as applicable.

When requirement to verify client identity applies

80.4. Section 80.6 applies where a member who has been retained by a client to provide legal services engages in or gives instructions in respect of the receiving, paying or transferring of funds.

When requirement to verify client identity does not apply

80.5. Sections 80.6 to 80.64 do not apply:

- (a) where the client is a financial institution, public body or reporting issuer;
- (b) in respect of funds:
 - (i) 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;

- (ii) received by a member from the trust account of another lawyer;
 - (iii) received from a peace officer, law enforcement agency or other public official acting in their official capacity;
 - (iv) paid or received to pay a court order or to pay a fine or penalty; or
 - (v) paid or received for professional fees, disbursements, or expenses; or
- (c) to an electronic funds transfer.

Requirement to verify client identity

- 80.6.** (1) When a member is engaged in or gives instructions in respect of any of the activities described in section 80.4, the member shall:
- (a) obtain from the client and record, with the applicable date, information about the source of funds described in section 80.4; and
 - (b) verify the identity of the client, including the individuals described in subparagraph 80.3(b)(iv), and, where appropriate, the third party, using the documents or information described in section 80.61.
- (2) A member may rely on an agent to obtain the information described in subsection (1) to verify the identity of an individual client, third party, or individual described in subparagraph 80.3(b)(iv), provided the member and the agent have an agreement or arrangement in writing for this purpose and the member has complied with subsection (4).
- (3) Notwithstanding subsection (2), where an individual client, third party or individual described in subparagraph 80.3(b)(iv) is not physically present in Canada, a member must rely on an agent to obtain the information described in subsection (1) to verify the person's identity, provided the member and the agent have an agreement or arrangement in writing for this purpose and the member has complied with subsection (4).
- (4) A member who enters into an agreement or arrangement referred to in subsection (2) or (3) shall:
- (a) obtain from the agent the information obtained by the agent under that agreement or arrangement; and
 - (b) be satisfied that the information is valid and current and that the agent verified identity in accordance with section 80.61.
- (5) A member may rely on the agent's previous verification of an individual client, third party or an individual described in subparagraph 80.3(b)(iv) if the agent was, at the time of verifying the identity:
- (a) acting in the agent's own capacity, whether or not required to verify identity under this section; or
 - (b) acting as an agent under an agreement or arrangement in writing, entered into with another lawyer who is required to verify identity under these rules, for the purpose of verifying identity under section 80.61.

Documents and information for verification

- 80.61.** For the purposes of paragraph 80.6(1)(b), a member shall verify a client's identity by referring to the following documents, which must be valid, original and current, or the following information, which must be valid and current, and which must not include an electronic image of a document:
- (a) if the client or third party is an individual:
 - (i) an identification document containing the individual's name and photograph that is issued by the federal government, a provincial or

- territorial government or a foreign government, other than a municipal government, that is used in the presence of the individual to verify that the name and photograph are those of the individual;
- (ii) information that is in the individual's credit file if that file is located in Canada and has been in existence for at least three years that is used to verify that the name, address and date of birth in the credit file are those of the individual; or
 - (iii) any two of the following with respect to the individual:
 - A. information from a reliable source that contains the individual's name and address that is used to verify that the name and address are of those of the individual;
 - B. information from a reliable source that contains the individual's name and date of birth that is used to verify that the name and date of birth are those of the individual; or
 - C. information that contains the individual's name and confirms that they have a deposit account or a credit card or other loan amount with a financial institution that is used to verify that information;
- (b) for the purposes of subparagraph (a)(iii), the information referred to must be from different sources, and the individual, member and agent cannot be a source;
 - (c) to verify the identity of an individual who is under 12 years of age, the member shall verify the identity of one of the individual's parents or a guardian;
 - (d) to verify the identity of an individual who is at least 12 years of age but not more than 15 years of age, the member may refer to information under clause (a)(iii)(A) that contains the name and address of one of the individual's parents or a guardian and verifying that the address is that of the individual;
 - (e) 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
 - (f) 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 constituting documents, such as a trust or partnership agreement, articles of association, or any other similar record that confirms its existence as an organization.

Requirement to identify directors, shareholders and owners

- 80.62.** (1) When a member 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 paragraph 80.61(e) or (f), the member shall obtain and record, with the applicable date:
- (a) the names of all directors of the organization, other than an organization that

- is a securities dealer;
- (b) the names and addresses of all persons who own, directly or indirectly, 25 per cent or more of the organization or of the shares of the organization;
- (c) the names and addresses of all trustees and all known beneficiaries and settlors of the trust; and
- (d) in all cases, information establishing the ownership, control and structure of the organization.

(2) A member shall take reasonable measures to confirm the accuracy of the information obtained under subsection (1).

(3) A member shall keep a record, with the applicable dates, that sets out the information obtained pursuant to subsection (1), and the measures taken to confirm the accuracy of that information pursuant to subsection (2).

(4) If a member is not able to obtain the information referred to in subsection (1) or to confirm the accuracy of that information in accordance with subsection (2), the member shall:

- (a) take reasonable measures to ascertain the identity of the most senior managing officer of the organization; and
- (b) treat the activities in respect of that organization as requiring ongoing monitoring and, if necessary, take the steps such monitoring may require, as described in section 80.9.

Timing of verification for individuals

80.63. (1) upon engaging in or giving instructions in respect of any of the activities described in section 80.4, a member shall verify the identity of:

- (a) a client who is an individual; and
- (b) the individual authorized to provide and giving instructions on behalf of an organization with respect to the matter for which the member is retained.

(2) Where a member has verified the identity of an individual, the member is not required to subsequently verify that same identity unless the member has reason to believe the information, or the accuracy of it, has changed.

Timing of verification for organizations

80.64. (1) A member shall verify the identity of a client that is an organization upon engaging in or giving instructions in respect of any of the activities described in section 80.4, but in any event no later than 30 days thereafter.

(2) Where the member has verified the identity of a client that is an organization and obtained information pursuant to subsection 80.62(1), the member is not required to subsequently verify that identity or obtain that information, unless the member has reason to believe the information, or the accuracy of it, has changed.

Records to be kept

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

(3) A member shall retain a record of the information, with the applicable date, and any documents obtained for the purposes of sections 80.3, 80.62(1) and 80.9(2) and copies of all documents received for the purposes of section 80.6(1) for the longer of:

- (a) the duration of the client relationship and for as long as is necessary for the purpose of providing service to the client; and
- (b) a period of a least six years following completion of the work for which the member was retained.

Application of rules to all matters

80.8. Sections 80.2 to 80.7 do not apply to matters in respect of which a member was retained before those sections came into force but do apply to all matters for which the member is retained after that time, whether or not the client is a new or existing client.

Monitoring

80.9. During a retainer with a client in which the member is engaged in or gives instructions in respect of any of the activities described in section 80.4, the member shall:

- (a) monitor on a periodic basis the professional business relationship with the client for the purposes of:
 - (i) determining whether:
 - A. the client's information in respect of their activities;
 - B. the client's information in respect of the source of the funds described in section 80.4; and
 - C. the client's instructions in respect of transactions;are consistent with the purpose of the retainer and the information obtained about the client as required by these rules; and
 - (ii) assessing whether there is a risk that the lawyer may be assisting in or encouraging dishonesty, fraud, crime or illegal conduct; and
- (b) keep a record, with the applicable date, of the measures taken and the information obtained with respect to the requirements of paragraph (a).

[80.2 to 80.10 amended 2008 12 15, confirmed 2009 05 02; 80.1 to 80.9 new 2020 11 26]

BOOKS OF ACCOUNT

Books of account required to maintained

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.

Order and form of books of account

- 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.

Trust books of account

- 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.

Non-trust books of account

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.

Prompt recording of transactions

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.

Reconciliation of cash books

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.

Current and previous year's transactions

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.

Financial record re cash transactions

81.61. (1) Every member shall maintain, in addition to existing financial recordkeeping requirements to record all money and other property received and disbursed in connection with the member's practice:

(a) a book of original entry identifying the method by which money is received in trust for a client; and

(b) a book of original entry showing the method by which money, other than money received in trust for a client, is received.

(2) Every member who receives cash for a client shall maintain, in addition to existing financial recordkeeping requirements, a book of duplicate receipts, with each receipt identifying the date on which cash is received, the person from whom cash is received, the amount of cash received, the client for whom cash is received, any file number in respect of which cash is received and containing the signature authorized by the member who receives cash and of the person from whom cash is received.

(3) The financial records described in subsections (1) and (2) may be entered and posted by hand or by mechanical or electronic means, but if the records are entered and posted by hand, they shall be entered and posted in ink.

(4) The financial records described in subsections (1) and (2) shall be entered and posted so as to be current at all times.

(5) A member shall keep the financial records described in subsections (1) and (2) for at least the six-year period immediately preceding the member's most recent fiscal year end.

[81.61 new 2020 11 26]

MONTHLY TRUST RECONCILIATION

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.

Shortage in a client's trust fund

- 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.

Unable to deliver up trust money when due

- 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

Notification of fiscal year end, and any change

- 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

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

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]

Withdrawal of funds from trust account

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

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

Other circumstances permitting withdrawal

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

Insufficient balance in trust account to meet member's gross liability

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.

Receipt of advance on fees and disbursements

- 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.

Exceptions to Rules 84 to 87

- 88.** Sections 84 to 87 do not apply to money
- (e) where a client requests in writing that a member withhold that money from the clients' trust account; or
 - (f) 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.

Use of separate trust accounts

- 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.

Procedure for withdrawing trust funds

- 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

Assistance of forensic auditor for audit under s. 47 of Act

- 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.

Audit under s. 47 of Act

- 91.** (1) Where an accountant does an audit under section 47 of the Act and finds that
- (g) 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;
 - (h) 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.

Cost of audit under s. 47 of Act

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

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.

Review of annual certificates

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

Professional Liability Claims Fund

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

(c) to pay the assessment,

(d) to comply with subsection (6),

(e) to comply with a request made under subsection (7), or

(f) 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]

Reporting of change in exemption eligibility

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]

Pro-rating of insurance levy

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]

Obligation to give notice of potential claim

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.

Authorization to release information

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

Member's duty to self-report

98. (1) In this section,

"insolvent member" means a member who

- (i) is the respondent of a petition for a receiving order under section 43,
 - (j) has made an assignment of all his or her property for the general benefit of the member's creditors under section 49,
 - (k) has made a proposal under section 50,
 - (l) has filed a notice of intention to make a proposal under section 50.4,
- or
- (m) 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.

Reporting of member's change of address

99. A member shall notify the Secretary of any change in his or her office or mailing address.

Provision of certificate of standing

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.

Date falling on Saturday or holiday

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.

Payment of fees/levies extend to applicable taxes

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]

Law Society Forms – Schedule A

103. The fees set out in Schedule A are

(n) payable in advance to the Society; and

(o) 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]

Law Society Forms – Schedule B

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; 2020 11 26]

(Section 103)

FEES

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. 39.6 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. 39.6 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

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BARREAU DU NUNAVUT



LAW SOCIETY OF NUNAVUT

FORM A

[Form A amended, 2004 03 13]

(Subsection 9(1))

NOTICE OF ELECTION

TAKE NOTICE THAT an election of members to the Executive will be held on, 20
..... pursuant to the *Legal Profession Act* and the *Rules of the Law Society of Nunavut*.

DATED at Iqaluit, Nunavut this day of, 20

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

Application

Law Society of Nunavut Membership

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NUNAVUMI MALIGALIQUUITT
LAW SOCIETY OF NUNAVUT
BARREAU DU NUNAVUT



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Turaarut 149
Iqaluit, NU X0A 0H0
P.O. Box 149
Iqaluit, NU X0A 0H0
Case postale 149
Iqaluit, NU X0A 0H0

Tel: 867-979-2330
Fax: 867-979-2333
Email: administrator@lawsociety.nu.ca
Website: www.lawsociety.nu.ca

Complete this application form fully and precisely; **omissions or inaccuracies in your answers may delay your enrolment.** The Membership Admissions Committee may investigate or verify any information supplied on this application form, and may require further explanation from you before your enrolment commences. **Please review eligibility requirements before completing or filing out this form.**

MEMBERSHIP TYPE

- Regular Membership Active Inactive
- Canadian Legal Advisor Active Inactive
- Restricted Appearance Certificate
- Restricted Appearance Certificate & Active Regular Membership
- Restricted Appearance Certificate & Canadian Legal Advisor

If applying under the Restricted Appearance Certificate Category, please state the nature of the cause or matter on which you will be appearing or acting: I will be appearing on the following at :

.....

.....

...

PART A: PERSONAL INFORMATION

1. Name

Last name	First name	Middle name(s)
-----------	------------	----------------

2. Birth date

YYYY/MM/DD

3. Place of birth

--

4. Law Degree

Name of University Civil Degree <input type="checkbox"/> Common Law Degree <input type="checkbox"/>	Date Degree Received YYYY/MM/DD
Name of University Civil Degree <input type="checkbox"/> Common Law Degree <input type="checkbox"/>	Date Degree Received YYYY/MM/DD

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</i> (Canada), 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. | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) I have been adjudged a bankrupt in a legal proceeding. | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) I have changed my name. | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) I have had a civil judgment made against me relating to fraud. | <input type="checkbox"/> | <input type="checkbox"/> |
| (e) I am a judgment debtor. | <input type="checkbox"/> | <input type="checkbox"/> |
| (f) I have been found guilty in a disciplinary action instituted against me as a member of a professional organization. | <input type="checkbox"/> | <input type="checkbox"/> |
| (g) I have been held in civil contempt. | <input type="checkbox"/> | <input type="checkbox"/> |

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), 39.6, 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

1. I certify that the information I have provided in or annexed to this application is correct
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 *Legal Profession Act*, the *Rules of the Law Society of Nunavut*, and any other requirements of the Society.
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.

Dated at on this day of , 20

(signature of applicant)

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NUNAVUMI MALIGALIUQTIT
LAW SOCIETY OF NUNAVUT
BARREAU DU NUNAVUT



LAW SOCIETY OF NUNAVUT

FORM E

[Form E amended, 2004 03 13]

(Paragraphs 39(1)(d), 49(2)(d),
53(2)(c), 71(1)(a), 72(1)(c),
83(1)(a) and 83(2)(a))

ACCOUNTANTS' REPORT

1. On _____, 20_____, I (*or we*) inspected the books of account of the legal practice of _____.
2. The purpose of my (*or our*) attendance was to ascertain the nature of the books of account kept by the member.
3. Based on the inspection, I (*or we*) report:
 - (a) that the books of account kept by the member are sufficient to meet the requirements of section 81 of the *Rules of the Law Society of the Nunavut*;
 - (b) that the member has opened an account designated as a client's trust account for trust moneys as required by section 44 of the *Legal Profession Act*;
 - (c) that the fiscal year of the member ends on _____ in each year.

Dated at _____ in Nunavut on the _____ day of _____, 20_____.

(signature of accountant)

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 NUNAVUMI MALIGALIUQTIT
 LAW SOCIETY OF NUNAVUT
 BARREAU DU NUNAVUT



LAW SOCIETY OF NUNAVUT

FORM F

[Form F amended, 2004 03 13]

*(Paragraphs 39(1)(d), 49(2)(d),
53(2)(c) and 83(1)(a))*

STATUTORY DECLARATION

To: The Law Society of Nunavut

I, _____

of _____ in _____.

SOLEMNLY DECLARE THAT:

(a) I am applying for membership in the Law Society of Nunavut;

OR

(b) I am applying for a change in status from an inactive to an active member of the Law Society;

[delete (a) or (b) as applicable]

(c) I will not maintain a client trust account in Nunavut with respect to that membership;

(d) If I do set up a client trust account in Nunavut I will immediately notify the Law Society of Nunavut and I will comply with the *Rules of the Law Society of Nunavut* and any other requirements of the Law Society; and

- (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.

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NUNAVUMI MALIGALIUQTIT
LAW SOCIETY OF NUNAVUT
BARREAU DU NUNAVUT



LAW SOCIETY OF NUNAVUT

FORM G.1

[Form G amended, 2006 03 18]

(Paragraph 40(1) (a))

APPLICATION FOR ADMISSION AS A STUDENT-AT-LAW

TO: The Secretary
Law Society of Nunavut

I,, of
hereby apply for admission to the Law Society of Nunavut as a student-at-law.

1. The address to which correspondence is to be sent to me is
.....
.....
.....
Telephone () Fax ()

2. My date of birth is

3. I received my degree of law from
(Name of University)
on
(Date)

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

(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

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.

<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)

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.

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)

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 NUNAVUMI MALIGALIUQTIT
 LAW SOCIETY OF NUNAVUT
 BARREAU DU NUNAVUT



LAW SOCIETY OF NUNAVUT

FORM J

[Form J amended, 2004 03 13]

(Paragraph 48 (a))

APPLICATION FOR ADMISSION AS A MEMBER

TO: The Secretary
 Law Society of Nunavut

I,, of
 hereby apply for admission as an active..... or inactive..... (*check one*) member of
 the Law Society of Nunavut.

1. My date of birth is
2. I was admitted to the Law Society of Nunavut as a student-at-law on
(Date)
3. Annexed to this application are:
 - (a) if applicable, my affidavit respecting service under my articles of clerkship;
 - (b) if applicable, the affidavit of my principal (or principals) respecting service under my articles of clerkship;
 - (c) proof that I have successfully completed the bar admission courses and exams required by the Executive of the Law Society;
 - (d) an Accountants Report in Form E or my Statutory Declaration in From F or a statement indicating that I am joining a partnership that, or becoming associated with a member who has filed a Certificate of Accountant and Member in Form V;
 - (e) if applicable, the insurance levy or my Insurance Exemption Certificate and Undertaking;
 - (f) if applicable, the assurance fund levy;
 - (g) the prescribed application, admission and annual fees.

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)

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NUNAVUMI MALIGALIUQTIT
LAW SOCIETY OF NUNAVUT
BARREAU DU NUNAVUT



LAW SOCIETY OF NUNAVUT

FORM K

[Form K amended, 2006 03 18]

(Paragraph 48 (b)(i))

AFFIDAVIT OF PRINCIPAL

I,, a member of the Law Society of Nunavut carrying on the practice of the profession of a barrister and solicitor at in Nunavut MAKE OATH AND SAY:

- (a)(the "Student-at-Law") has well and faithfully served me as my student-at-law in the general practice of the profession of a barrister and solicitor under articles of clerkship from, to (dates) at the office where I carry on my practice;
 - (a.1) the Student-at-Law and I as principal have achieved the goals and carried out the activities set out in the Student Articling Plan submitted on(date), except:.....
- (b) the Student-at-Law has been diligent and honest and conducted himself or herself with propriety throughout the whole term of his or her service and has not been engaged or concerned in any other profession, business or employment except:
.....
- (c) the Student-at-Law has not at any time during the term of the articles of clerkship been absent from service to me without my permission except:
.....
- (d) the Student-at-Law did not during the term of the articles of clerkship carry on any of my professional business other than at my office and under my personal supervision, or the supervision of an associate of mine duly qualified as a barrister and solicitor, except:

.....
.....

(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)

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.

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.

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NUNAVUMI MALIGALIUQTIT
LAW SOCIETY OF NUNAVUT
BARREAU DU NUNAVUT



LAW SOCIETY OF NUNAVUT

FORM N.1

[Form N.1 enacted, 2011 04 30, amended 2020 11 26]

(Subsection 52(5))

Canadian Legal Advisor

Certificate of Entitlement

To: _____
(name of applicant)

And to: The Clerk of the Nunavut Court of Justice

I, _____ Secretary of the Law Society of Nunavut, hereby certify that

_____ of _____
(name of applicant)

has complied with the provisions of Subsection 39.6 of the *Rules of the Law Society of Nunavut* and has been approved by the Executive Committee as a Canadian Legal Advisor member of the Law Society of Nunavut and is therefore entitled under section 21 of the *Legal Profession Act* to appear before a justice of the Nunavut Court of Justice and subscribe the oath set out in the *Legal Profession Act* and thereafter be enrolled as a Canadian Legal Advisor member of the Law Society.

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

Secretary of the Law Society of Nunavut

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 NUNAVUMI MALIGALIUQTIT
 LAW SOCIETY OF NUNAVUT
 BARREAU DU NUNAVUT



LAW SOCIETY OF NUNAVUT

FORM O

[Form O amended, 2004 03 13]

(Subsection 52(6))

CERTIFICATE

To: The Secretary,
 Law Society of Nunavut

I,, Clerk of the Nunavut Court of Justice, hereby
 certify that, on 20, took and
 (name)

subscribed the oath set out in subsection 21(2) of the *Legal Profession Act* before the Honourable
 Mr. or Madam Justice, one of the justices of the Nunavut Court of Justice, at
 in Nunavut, and I do so certify under subsection 21(3) of the *Legal
 Profession Act*.

SIGNED AND SEALED with the seal of the Nunavut Court of Justice this day of
 20

.....
 Clerk of the Nunavut Court of Justice

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NUNAVUMI MALIGALIUQTIT
LAW SOCIETY OF NUNAVUT
BARREAU DU NUNAVUT



LAW SOCIETY OF NUNAVUT

FORM R

[Form R amended, 2016/11/07]

(Paragraph 53(2)(a) and 59.1(1)(a))

**APPLICATION FOR CHANGE OF STATUS TO AN ACTIVE MEMBER
or for REINSTATEMENT OF A MEMBER WHO RESIGNED**

TO: The Secretary
Law Society of Nunavut

I, _____, of _____ hereby apply
(full name)

_____ to change my status from an inactive member to an active member of the Law Society of Nunavut.

OR

_____ for reinstatement as an active member of the Law Society of Nunavut after having resigned.

1. The address to which correspondence is to be sent to me is _____

Telephone number () _____ Fax number () _____

2. I have been an inactive member since _____

OR

I resigned as a member on _____

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

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LAW SOCIETY OF NUNAVUT

FORM T

[Amended 2011 12 09]

[Form T amended, 2012 05 12]

(Section 55)

*(Part A (s.1))
(Part B (Heading), (s.1), & (s.2))
(Part C (s.1))*

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;">_____ <i>(signature of applicant)</i></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

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BARREAU DU NUNAVUT



LAW SOCIETY OF NUNAVUT

PART B

This Part is to be completed by a chartered accountant or certified general accountant, on the accountant's letterhead, after Part A has been fully completed.

To: The Law Society of Nunavut
Box 149
Iqaluit, NU
X0A 0H0

Pursuant to section 48 of the *Legal Profession Act*, and in accordance with the Instructions to Accountants provided by the Law Society of Nunavut, I/we have performed the following procedures in connection with the financial records and accounts of **[name of member]** maintained during the year ended **[year-end date]**:

(list procedures)

As a result of applying the above procedures, I/we can confirm that **(name of member)** appears to be in compliance, in all material respects, with the requirements of sections 43, 44 and 45 of the *Legal Profession Act* and also sections 79, 81 to 81.9 and 84 to 90, inclusive, of the *Rules of the Law Society of Nunavut*.

OR, in the event of non-compliance:

As a result of applying the above procedures, I/we can confirm that it appears that **(name of member)** is not fully in compliance with the requirements established by section **(list relevant sections)** of the *Legal Profession Act* and sections **(list relevant sections)** of the *Rules of the Law Society of Nunavut* as disclosed in the attached supplemental report **(attach a report listing all exceptions and qualifications on your letterhead, signed and dated on each page.)**

These procedures do not constitute an audit of the member's financial records and accounts of **[name of member]** maintained during the year ended **[year-end date]**.

This letter is for use solely in connection with the requirements of section 48 of the *Legal Profession Act*.

City/Town:

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

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 BARREAU DU NUNAVUT



LAW SOCIETY OF NUNAVUT

Part C

This Part is to be completed by the member or members who signed Part A, after the accountant has completed Part B.

I/We, the member(s), certify that I/we have disclosed, to the above-named accountant, all books, ledgers, journals, records and accounts of this law practice, including all funds, securities and other investments received on behalf of clients.

Signature..... Date

Signature..... Date

Signature..... Date

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 LAW SOCIETY OF NUNAVUT
 BARREAU DU NUNAVUT



LAW SOCIETY OF NUNAVUT

Appendix A

Categories and percentages of Nunavut matters or files of which I have carriage and closed in 20__

_____ (member's name)

_____ %
 Percentage of Nunavut matters and files of my total caseload

Categories	Percentage of matters and files of my Nunavut caseload (check box closest to the percentage of matters and files; total percentage need not add to 100% given these ranges)						
	0 to 10%	11 to 20%	21 to 30%	31 to 40%	41 to 50%	51 to 75%	76 to 100%
Aboriginal							
Administrative							
Alternative Dispute Resolution – Mediation And Arbitration							
Civil Litigation – Defendant, Including Commercial							
Civil Litigation – Plaintiff, Including Commercial							
Commercial Lending – For Borrower							
Commercial Lending – For Lender							

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:							

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Appendix C

LAWYER REFERRAL SERVICE FORM

Name	Firm
Address	
Phone	Fax
Email	
Year of Call	Language(s)

I do not wish to participate

I am an employee and do not provide legal services to the public

Areas of Practice

Aboriginal Law	<input type="checkbox"/>	Consumer Protection	<input type="checkbox"/>
Administrative	<input type="checkbox"/>	Corporate law/Non-Profits	<input type="checkbox"/>
Agriculture	<input type="checkbox"/>	Criminal	<input type="checkbox"/>
Aviation	<input type="checkbox"/>	Employment-Dismissal	<input type="checkbox"/>
Bankruptcy/Creditors Rights	<input type="checkbox"/>	Employment Insurance	<input type="checkbox"/>
Child Protection	<input type="checkbox"/>	Entertainment Welfare	<input type="checkbox"/>
Civil Court Actions	<input type="checkbox"/>	Environmental	<input type="checkbox"/>
Commercial/Corporate	<input type="checkbox"/>	Expropriation	<input type="checkbox"/>
Condominium	<input type="checkbox"/>	Family	<input type="checkbox"/>

- | | | | |
|-----------------------|--------------------------|----------------------|--------------------------|
| 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) _____

Appendix D
Law Society of Nunavut
PROCEDURES AT MEETINGS
(Section 27.1)

Parliamentary Authority

The most current edition of Roberts Rules of Order Newly Revised shall govern the Society in all procedural matters not otherwise covered by the Legal Profession Act, the rules made pursuant to that Act, or these procedures.

Voting Eligibility

Each member of the Society is entitled to one vote at a meeting of the Society. Only those voting members in attendance at the meeting are eligible to vote. If the meeting is held virtually, eligible voting members of the Society are provided with the necessary links and a unique, random access code to allow them to participate. Those who log in to the meeting virtually are considered to be in attendance and able to vote.

Scrutineers

In the case of a meeting that is held in person, scrutineers shall be appointed at the commencement of the meeting. Scrutineers are not required for a meeting that is held virtually.

Presiding Officer

The President shall act as Chairperson of the meeting and does not participate in the debate on any issue.

Rules of Debate

The Chairperson shall exercise the responsibility of the chair to limit the debate.

Consideration of any item of business, whether introduced by motion or resolution shall be limited to 30 minutes.

Each speaker may speak for a maximum of two minutes.

The chairperson shall warn the members present at the meeting that the question will be called within the next five minutes.

Debate may be extended by a majority vote of the members present at the meeting.

Speakers

In the case of a meeting that is held in person, members who wish to speak shall stand at a microphone set up for that purpose and wait to be recognized by the chair. The Chairperson will recognize speakers in the order in which they stand behind the microphones.

In the case of a meeting that is held virtually, members who wish to speak shall indicate their wish in accordance with the process available on the meeting platform and the Chairperson shall call on speakers in the order in which they have indicated their wish to speak.

In any meeting, when recognized, speakers shall state their name and place of residence and address the chair.

Motions

Motions must be made by a member and seconded by a member. To ensure accuracy, motions must be submitted in writing and signed by the mover and the seconder. In the case of a virtual meeting, motions submitted electronically are considered to be motions in writing and the mover and seconder shall provide their names and registration numbers indicating that they wish to be the mover or seconder of the motion.

Each person except the mover of a motion may speak once to each motion. The mover of a motion may speak twice, to move the motion and to close debate.

In making the motion, the mover shall identify the seconder of the motion, then continue to speak to the rationale and/or reasons for proposing the motion.

At the request and on the invitation of the Chairperson, the mover may correct misconceptions or offer explanation. This will not be considered speaking for the second time or closing debate.

The seconder shall speak immediately following the mover in order to formally second the motion and speak in support of it.

Amendments

Amendments must be introduced by motion, in accordance with the rules for motions set out above and be voted on before the main motion is put to a vote.

The mover of an amendment may speak only at the time of proposing the amendment.

No more than two amendments may be on the floor at the same time.

Resolutions and Motions

Resolutions and motions shall be decided by the majority of votes cast, ignoring abstentions. Because abstentions are not “votes” they are not counted in the total votes cast. The practical effect of an abstention is an indication of support for the prevailing side on the vote. While it is the duty of members who have an opinion on the question to express it by their vote, persons cannot be compelled to vote.

Abstentions shall not be counted or recorded because they are not included in the vote count. However, in a conflict of interest situation, the name of the member who abstained shall be recorded at the member’s request.

Voting Procedure

In the case of a meeting that is held in person, the meeting room will be divided into voting sections. One scrutineer shall be assigned to count the votes in each of the voting sections. Members shall vote by a show of hands, using their voting identification cards. In a situation where the Chairperson cannot clearly determine a majority, the Chairperson shall call for the scrutineers to count and shall request the assembly to vote again.

In the case of a meeting that is held virtually, voting will be administered through an electronic process that can be validated and that will only permit each virtual attendee to vote once in respect of each motion.