LAW SOCIETY
OF THE NORTHWEST TERRITORIES

MEMORANDUM

TO: **All Applicants**

RE: **Application for a Restricted Appearance Certificate in the Northwest Territories**

Lawyers may be granted a **Restricted Appearance Certificate (RAC)** to deal with a single matter, or a number of related matters, over a limited period of time.

1. In civil matters, this may include the conduct of a matter (a trial or administrative tribunal hearing), including ancillary pleadings, preliminary matters and appeals.
2. In criminal matters, this may include all appearances and appeals.
3. In corporate matters, this may include one transaction.
4. It may include giving advice on one ssue.
5. Lawyers may be granted a Restricted Appearance Certificate to attend one prosecution or one clearly identified court circuit and any appeals arising from such prosecution or court circuit.

Attached is a copy of rule 51 of the *Rules of the Law Society*.

The following items must be submitted in full, before it will be processed:

1. Application for Restricted Appearance Certificate (Form 2.12);
2. Application and Lawyer's Undertaking (Form 2.3);
3. Certificate of Indemnity/Insurance, if applicable;
4. Two letters of good character;
5. Certificate(s) of Standing from each Law Society of which the Applicant is a member. Each Certificate of Standing must be dated not earlier than forty-five days prior to receipt of the application by the Law Society;
6. Notarized copy of photo identification, such as a driver's license or passport.
7.

Application fee	$205.00
Admission fee	$430.00
	$635.00
GST (5%)	$31.75
TOTAL:	**$666.75**

Payment Authorization Form – Restricted Appearance Certificate

Please note:

Referees giving the letters of good character must state:

- which Law Society in Canada they belong to and that they are in *good standing* in that Society;
- Referees must be members of the same Law Society, the applicant is applying from.
- the capacity in which the referee knows the Applicant;
- how long the referee has known the Applicant;
- why the referee is of the view that the Applicant is of good character;
- a telephone number and email address where the referee can be contacted, if necessary.

Letters of good character must not be from one of the Applicant's current partners or associates, or any of the Applicant's family members.

In completing section 4 of the Application, we require full particulars, including the name of the client(s) on whose behalf the Applicant wishes to act and, if applicable, the court number and style of cause. The Applicant will be entitled to appear on that one matter only.

Once granted a RAC, a member who applies for active membership within 90 days of the approval of the RAC, will have the full RAC fee, credited towards the active membership fee.

A person granted a RAC is entitled to act for up to one year from the date of approval and admission to the Law Society as a restricted member. Prior to the expiration of the one year period, an extension may be granted for a further one year period, upon the restricted member providing:

1. an updated Certificate of Standing from his/her home jurisdiction(s);
2. Insurance Exemption Certificate and proof of insurance;
3. Payment of the RAC renewal fee.

Approval of a RAC may take up to two weeks from the date that the Law Society receives a completed application. We recommend that the application be submitted well in advance of the date on which the Applicant wishes to appear in the Northwest Territories.

Applicants should be aware that the Rules of the Law Society of the Northwest Territories provide that:

> *55.(1) In determining whether an Applicant under rule 40,41, 49, 51, 52, 53 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.*

Persons providing letters of character should be prepared to be contacted with respect to their letter, if the need arises. Further, in the event the Executive receives information adverse to an Applicant's character, the Applicant will be informed of the information and given a reasonable opportunity to respond.

In the event the application is refused, section 19 of the *Legal Profession Act* provides that:

Where the Society refuses or neglects to admit a person as a member, that person may, on 10 days written notice to the Society, apply to the Supreme Court and, on due cause being shown, the Supreme Court may:

> (a) make an order directing the Society to admit the person; or
>
> (b) make such other order as is warranted.

If you require any further information, please do not hesitate to contact our office.

RULES OF THE LAW SOCIETY OF THE NORTHWEST TERRITORIES

RESTRICTED APPEARANCE CERTIFICATE

51. (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 closely related matters over a limited period of time.

(2) An applicant under subrule (1) shall submit to the Secretary

(a) an Application for Restricted Appearance Certificate in Form 2.12;

(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 superiorcourt 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 45 days before the presentation of the application, stating

(i) the standing of the applicant,

(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 Accountant's Report in Form 2.2 or an Application and Lawyer's Undertaking in Form 2.3;

(e) payment of the insurance levy, or if the applicant is exempt under subrule 119(4), proof that he or she is

(i) covered by errors and omissions insurance referred to in paragraph 119(4)(a), or

(ii) exempt under paragraph 119(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 rule 39.

(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 in Form 2.17 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 holding a Restricted Appearance Certificate ceases to be entitled to appear or act as an active member if

(a) the matter or matters in respect of which he or she has applied to act or appear conclude; or

(b) the certificate granted under subrule (5) is not renewed by the anniversary of the day it was granted.

(5) A member holding a Restricted Appearance Certificate may renew the certificate before each anniversary of the day it was granted, by submitting 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 if the member is exempt under subrule 119(4), proof that he or she is

(i) covered by errors and omissions insurance as required by paragraph (2)(e), or

(ii) exempt under paragraph 119(4)(b).

R-078-2012,s.5; R-079-2012,s.1; R-090-2013,s.4,5; R-005-2014,s.2(1),(2); R-139-2014,s.1; R-136-2016,s.6(1),(2); R-097-2017,s.4..