

MEMORANDUM

TO: All Applicants
RE: Application for Membership in the Northwest Territories Bar

Attached is a copy of Rule 40 of the *Rules of the Law Society* and the portion of the *Legal Profession Act*, which deals with membership.

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

1. [Application for Admission as a Member \(Form 2.1\)](#);
2. Either an [Application and Lawyer's Undertaking \(Form 2.3\)](#) or [Accountant's Report \(Form 2.2\)](#);
3. [Insurance Exemption Certificate and Undertaking](#) and certificate of insurance or the insurance levy;
4. [Permanent Mobility Reading Requirement & Declaration](#);
5. Two letters of good character;
6. 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;
7. Notarized copy of photo identification, such as a driver's license or passport;
8. Application fee \$205.00
Admission fee \$230.00
Annual fee \$1230.00 (Annual fees are pro-rated according to Rule 68 and its subrules.)
\$1665.00
GST (5%) \$83.25
TOTAL: \$1748.25

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;
- 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. Referees must be members of the same Law Society that the applicant is applying from.

NOTE: To qualify under the Territorial Mobility Agreement, your certificate of standing must state: “is entitled/authorized to practice law in this jurisdiction”.

Upon receipt of your properly completed application, accompanying documentation and payment of fees, all documentation is referred to the Admissions Committee for review. If the Admissions Committee is satisfied, they will recommend to the Executive that your application be accepted.

Approval of an Application for Full Membership may take up to four 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.

If your application for admission is approved by the Executive, you will be entitled to become a member of our Law Society. Please be aware, however, that ***before you can engage in the practice of law in the Northwest Territories, you will be required to take an Oath of Office in person, before a Justice of the Supreme Court.***

Applicants should be aware that the *Rules of the Law Society of the NT* provide that:

55. (1) *In determining whether an applicant under section 39, 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.*

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 your character, you will be informed of the information and given a reasonable opportunity to respond.

In the event your 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.”*

Relevant materials required to complete the Reading Requirements and Declaration are available online, on the Law Society Website¹, Department of Justice Website² and the website for NWT Courts³

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

¹ <http://www.lawsociety.nt.ca>

² <http://www.justice.gov.nt.ca/Legislation/SearchLeg&Reg.shtml>

³ <http://www.nwtcourts.ca/Leg.htm>

RULES OF THE LAW SOCIETY OF THE NORTHWEST TERRITORIES

April 2013

BAR ADMISSION EXAMINATIONS

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

REGULAR MEMBERS

40. (1) An applicant for admission under paragraph 18(1)(b) of the Act may apply for membership as an active member or an inactive member and shall submit to the Secretary
- (a) an application in Form 2.1;
 - (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 45 days before 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 2.2 or an Application and Lawyer's Undertaking in Form 2.3 or a statement indicating the applicant
 - (i) is joining a partnership that has filed a Certificate of Accountant and Member in Form 2.4, or
 - (ii) is becoming associated with a member who has filed a Certificate of Accountant and Member in Form 2.4;
 - (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; and
 - (g) payment of the application, admission and annual fees set out in Schedule A. R-079-2012, s.1.
- (2) Subject to subrule (3), an applicant shall pass such bar admission examinations as may be established under rule 39.
- (3) An applicant may petition the Executive to waive the requirement for the taking of any bar admission examination.

Legal Profession Act

R.S.N.W.T. 1988, c. L-2

[February 4, 2009]

QUALIFICATIONS FOR MEMBERSHIP

Qualifications
for
membership

18. (1) The following persons are qualified for admission to the Society:
- a) a person who immediately before April 1, 1978, was registered in the Barristers and Solicitors Register under the *Legal Profession Ordinance*, R.S.N.W.T. 1974, c.L-3, and every such person is a member of the Society;
 - b) subject to subsection 16(1), a person who,
 - i. has been duly called to the bar of a province or territory or has been admitted to practise as an attorney, advocate, barrister or solicitor in any superior court of a province or territory, and
 - ii. is of good character and of good standing in the law society of the province or territory of which he or she is an attorney, advocate, barrister or solicitor;
 - c) a person who,
 - i. has, subject to subsection (2), completed 12 months of continuous service in the Territories under articles as a student-at-law approved by the Executive to a barrister and solicitor and has taken a bar admission course and passed a bar admission examination, and
 - ii. is of good character, and
 - a. is a graduate of a law school approved by the Executive, or
 - b. has been duly called to the bar in a country that is a member of the British Commonwealth of Nations and has been actively engaged in the practice of law in that country for a period of not less than three years within the five years immediately before the date of his or her application and who has a legal education that, in the opinion of the Executive, is equivalent to graduation from a law school approved by the Executive.

Articles of
student-at-law

- (2) Except as provided in subsection 17(2), the articles of a student-at-law referred to in subparagraph (1)(c)(i) shall be with a barrister and solicitor residing in the Territories
- a) who is in good standing;
 - b) who is and has been engaged in the practice of law for not less than five years of which not less than two years were spent in the Territories; and
 - c) whose practice affords reasonable opportunity for the instruction and training of the student-at-law in the general practice of the profession of a barrister and solicitor.

Entitlement
to admission

- (3) Every person who
- a) produces evidence and testimonials satisfactory to the Executive that he or she is qualified under subsection (1), and
 - b) sends to the Secretary the admission fee fixed by the rules,
- is entitled to be admitted as a member of the Society.

Attorney
General

- (4) Notwithstanding anything in this Act, a person who is Attorney General of the Northwest Territories, if he or she is a barrister and solicitor, is entitled to be enrolled as a member of the Society without complying with this Act or any of the rules of the Society with respect to admission, examinations, payment of fees or otherwise, and on enrollment is entitled to practise at the Bar of Her Majesty's courts in the Territories. S.N.W.T. 2004, c.10, s.6.