

MEMORANDUM

TO: All Applicants

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

Lawyers may be granted a restricted appearance certificate to deal with a single matter or a number of matters over a limited period of time.

1. In civil matters, this may include initiation of proceedings, examinations for discovery or trial, including ancillary pleadings and appeals.
2. In criminal matters, this may include all appearances and appeals.
3. Federal Department of Justice lawyers may be granted a restricted appearance certificate to attend one prosecution, one clearly identified court circuit, or one assize sitting of the Supreme Court and any appeals arising from such prosecution, court circuit or assize.

Attached please find information with regards to an application for a restricted membership in the Law Society of the Northwest Territories:

1. A copy of rule 51 of the Rules of the Law Society;
2. Application for Restricted Appearance Certificate (Form 2.12);
3. Application and Lawyer's Undertaking (Form 2.3);
4. Insurance Exemption Certificate and Undertaking.

You will find these forms quite straightforward with the following explanatory notes to meet the requirements of the *Legal Profession Act* and the Rules of the Law Society:

a) Persons giving the letters of good character should 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 on the view that the Applicant is of good character; and
- a telephone number and email address where the referee can be contacted, if necessary.

A letter of good character must not be from one of the Applicant's partners or associates.

b) The Certificate(s) of Good Standing must be in the form prescribed by each Law Society of which the Applicant is a member and must be dated not earlier than forty five days prior to the presentation of the application.

c) EITHER the Accountant's Report OR the Statutory Declaration as to trust funds is required.

d) If the Applicant cannot, without alteration to the document, make one of the declarations contained in the Insurance Exemption Certificate, the Applicant may be required to enroll in our Society's liability insurance program. If that is the case, a current quotation of the premium cost will be provided. 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.

e) If the applicant is of the opinion that a particular question is not applicable, please signify by marking the question N/A. This will serve to advise that you have indeed read the question and that it is not applicable to you.

The fees for a Restricted Appearance Certificate are:

Application fee	\$205.00
Fee for Restricted Membership	\$430.00
	\$635.00
Federal Goods & Services Tax (5%)	\$31.75
TOTAL:	\$666.75

Fees must be submitted in full with the Application before it will be processed.

A person granted a Restricted Appearance Certificate is entitled to act for up to one year from the date of 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 applying to the Law Society and providing an updated Certificate of Good Standing from his/her home jurisdiction(s), proof of insurance and payment of the fee prescribed for a Restricted Appearance Certificate.

Approval of a Restricted Appearance Certificate may take up to four weeks from the date that the Law Society receives a complete application..

Therefore, 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 NWT 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, 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 NWT

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 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) 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..