

LEGAL PROFESSION ACT

**RULES OF THE LAW SOCIETY OF THE NORTHWEST TERRITORIES**

R-044-2012

**INCLUDING AMENDMENTS MADE BY**

R-077-2012

R-078-2012

R-079-2012

R-080-2012 (In force April 1, 2013)

R-081-2012 (In force April 1, 2013)

R-090-2013

R-005-2014 (Sections 1 and 3 Not In Force)

R-136-2014

R-137-2014

R-138-2014

R-139-2014

R-136-2016

R-019-2017

R-096-2017

R-097-2017

This consolidation is not an official statement of the law. It is an office consolidation prepared by the Rules Committee of the Law Society of the Northwest Territories, for convenience of reference only. This consolidation is current to December 2, 2017.

Copies of this consolidation and regulations amending the rules are available on the website of the Law Society of the Northwest Territories ([www.lawsociety.nt.ca](http://www.lawsociety.nt.ca)) or can be obtained from the Law Society at the following address:

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LEGAL PROFESSION ACT

**RULES OF THE LAW SOCIETY OF THE NORTHWEST TERRITORIES**

The Executive of the Law Society of the Northwest Territories, under section 8 of the *Legal Profession Act* and every enabling power, makes the *Rules of the Law Society of the Northwest Territories*.

INTERPRETATION

1. (1) In these rules,

"Act" means the *Legal Profession Act*;

"assurance fund levy" means the annual assessment levied by the Society under rule 87;

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

"Code of Professional Conduct" means the *Code of Professional Conduct* adopted under rule 86.1;

"conduct deserving of discipline" means unprofessional conduct by a barrister and solicitor or student-at-law;

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

"Executive member" means a person elected or appointed to the Executive;

"insurance levy" means the annual assessment levied by the Society under subrule 119(2);

"lawyer" means, in the Province of Québec, an advocate or a notary and, in any other province or territory, a barrister and solicitor;

"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;

"resident" means resident in the Northwest Territories;

"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. R-136-2014,s.1.

**PART 1  
THE SOCIETY**

2. The registered office of the Society is in Yellowknife in the Northwest Territories.

3. (1) Subject to these rules, each instrument to which the seal of the Society is affixed must 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, certificates of admission and certificates of standing. R-136-2016, s.1.

#### HONORARY EXECUTIVE MEMBERS

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

(2) The Executive may, by resolution, authorize at least two officers of the Society to act as signing authorities of the Society.

(3) The authorized signing authorities referred to in subrule (2) may cause funds to be paid out from the accounts of the Society as they consider necessary, in the manner and up to the limit, if any, specified by the Executive.

(4) The authorized signing authorities shall report all payments made under subrule (3) to the Executive. R-136-2016, s.2.

#### ELECTION OF THE EXECUTIVE

5. (1) Not more than five active members may be elected to the Executive under paragraph 3(2)(b) of the Act, and each must be

- (a) resident in the Northwest Territories;
- (b) in good standing with the Society; and
- (c) elected in accordance with these rules.

(2) No person is eligible for nomination or election to the Executive if he or she

(a) has been struck off the Roll, or  
(b) has, within five years before the date of an election, 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 subrule. R-077-2012,s.1.

6. (1) The election of an Executive member must be conducted by secret ballot.

(2) Electronic processes, including online voting systems and databases, may be used for

- (a) circulating election notices, forms, ballots, documents and other materials;
- (b) voting; and
- (c) counting and recording votes.

(3) The Executive may approve procedures by which an election is to be conducted, including the giving of instructions to vote. R-078-2012,s.1.

7. (1) At an election of Executive members, if anything required to be done before a time fixed under these rules has not been done, the Executive may, in its discretion and before or after the time has expired, direct another time for doing it.

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

8. (1) At least 45 days before the annual general meeting, the Secretary shall send a Notice of Election in Form 1.1 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.

R-090-2013,s.1.

- 9. (1) At least 20 days before the annual general meeting, the Secretary shall send each member entitled to vote
  - (a) a Copy of Instructions to Vote in Form 1.2;
  - (b) a Ballot in Form 1.3; and
  - (c) an envelope marked "Ballot".

(2) Notwithstanding subrule (1), if electronic processes are used under rule 6, the Secretary shall, at least 20 days before the annual general meeting,

- (a) send to each member entitled to vote a copy of the instructions to vote approved by the Executive under subrule 6(3); and
- (b) provide an opportunity to vote for each member entitled to vote.

R-078-2012,s.2; R-090-2013,s.2.

- 10. (1) A member voting in an election shall
  - (a) mark and enclose the ballot in the envelope marked "Ballot";
  - (b) seal and enclose the envelope marked "Ballot" in a second envelope; and
  - (c) send or return the envelope to the registered office of the Society before 11 a.m. on the day preceding the annual general meeting.

(2) The Secretary shall, with the assistance of the auditor, open the envelopes marked "Ballot", scrutinize the ballots and count and record the votes cast for each candidate.

(3) Notwithstanding subrules (1) and (2), if electronic processes are used under rule 6, the Secretary shall ensure that the procedures approved under subrule 6(3) are followed. R-078-2012,s.3.

- 11. (1) A ballot that is not marked according to the Instructions to Vote in Form 1.2 must not be counted.

(2) A ballot marked for more votes than the number of candidates to be elected must not be counted.

R-090-2013,s.3.

- 12. (1) A candidate or his or her agent may be present at the opening and scrutinizing of ballots and the counting of votes.

(2) If electronic processes are used, a candidate or his or her agent may request to inspect the data files used as part of the electronic processes.

- (3) A copy of a data file referred to in subrule (2)
  - (a) must be stripped of information that identifies individual voters in order to ensure that the voting remains secret;
  - (b) must only be provided to a candidate or his or her agent; and
  - (c) remains the property of the Society.

R-078-2012,s.4.

- 13. After the votes for the candidates are counted, those candidates who have received the greatest number of votes for each available position are elected as Executive members for a term of three years. R-077-2012,s.2.

**14.** 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.

**15.** The Secretary shall

- (a) notify all candidates of the election results;
- (b) on request, provide a copy of the election results to a candidate; and
- (c) submit a notice of members elected to the Executive for publication in the *Northwest Territories Gazette*.

**16.** The Executive takes office at the first Executive meeting following the election, which must be held within 30 days after the election, and the Executive in office before the election continues in office until that meeting.

**17.** (1) A member may dispute the validity of an election of an Executive member on application by way of originating notice to the Supreme Court filed within 30 days after the date of the election.

(2) A judge may hear the application in a summary way.

(3) A judge who determines that an election has been conducted substantially in accordance with the Act and these rules and that any noncompliance did not materially affect the result of the election, may declare the election valid.

(4) A judge who declares that an election of an Executive member is invalid, shall

- (a) direct the remaining Executive members 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 Executive member is declared invalid and directions are given for the holding of another election under paragraph (4)(b), the following persons constitute the Executive until the Executive meeting referred to in rule 16:

- (a) the person appointed under paragraph 3(2)(a) of the Act;
- (b) the persons whose elections have not been declared invalid; and
- (c) such other active members 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 Executive members who held office immediately before the election continue to hold office until the Executive meeting referred to in rule 16.

(7) A declaration made by a judge under this rule is final.

**18.** (1) Where an Executive member 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 Executive member is deemed to be vacated.

(2) An Executive member 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 an Executive member for cause must be conducted at a special meeting of the Society called for that purpose, and a motion for removal requires the approval of two-thirds of the members present and voting at the meeting.



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

(5) Where a quorum of the Executive has been lost as a result of vacancies,

- (a) the remaining Executive members shall direct the Secretary to hold an election for the purpose of filling the vacancies, and rules 6 to 15 apply to the conduct of the election with such modifications as the circumstances require; and
- (b) the remaining Executive members 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

**19.** (1) An Executive meeting may be called at any time by any two Executive members, by the President, or in his or her absence, by the Vice-President.

(2) Subject to paragraph 18(5)(b), three members constitute a quorum at a meeting of the Executive.

(3) Subject to subrule (6), written notice stating the time, date and place of a meeting must be given at least 24 hours in advance to each Executive member.

(4) A resolution approved in writing by all Executive members is as valid and effective as if it had been approved at a properly constituted and duly called Executive meeting.

(5) Executive members may participate in an Executive meeting by telephone or by another means that permits all members to hear each other, and all members so participating are deemed to be in attendance for the purposes of the meeting.

(6) An Executive member's attendance at an Executive meeting is deemed to constitute a waiver of the notice required under subrule (3).

**20.** The Secretary and either the President or the Vice-President shall sign minutes approved by the Executive.

**21.** (1) Officers shall be appointed at the meeting referred to in rule 16.

(2) Any Executive member may act in the temporary absence or inability of an officer to perform the duties of his or her office.

**22.** (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 such security.

**23.** The Secretary shall

- (a) keep minutes of the proceedings of Executive meetings;
- (b) prepare or have prepared the certificates and other documents pertaining to the Society;
- (c) serve as 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 Secretary.

**24.** The Treasurer shall

- (a) receive money payable to the Society and deposit it 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 rule 26 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 Treasurer.

**25.** The Treasurer shall present, to an Executive meeting held before the annual general meeting, an audited statement of the accounts of the Society for the preceding fiscal year.

**26.** The Treasurer shall present to the Finance Committee, before the second meeting of the Executive after the annual general meeting, an estimate of expenditures and receipts for the coming year.

#### EXPENSES

**27.** An Executive member 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 for reasonable transportation and living expenses.

#### BANKING AND FINANCIAL MATTERS

**28.** (1) The accounts of the Society must be maintained at a chartered bank chosen by the Executive.

(2) The Executive may, by resolution, authorize at least two officers of the Society to act as signing authorities of the Society.

(3) The authorized signing authorities referred to in subrule (2) may cause funds to be paid out from the accounts of the Society as they consider necessary, in the manner and up to the limit, if any, specified by the Executive.

(4) The authorized signing authorities shall report all payments made under subrule (3) to the Executive.

**29.** The auditor shall audit the accounts of the Society as soon as is reasonably practicable after January 1 in each year and at such other times as may be directed by the Executive, and the auditor's report must be submitted to the Treasurer.

**30.** The fiscal year of the Society begins on January 1 and ends on December 31 in the same year. R-136-2016, s.2.

#### COMMITTEES

**31.** (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 revenues;
- (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 respecting 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 rule 26, and shall submit its recommendations on the estimate to the Executive.

(3) The Executive may, from time to time, appoint any other committees and may fill vacancies on or add members 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 a chairperson and vice-chairperson from among its members.

#### SPECIAL COUNSEL

**32.** The Executive or the chairperson of the Discipline Committee may retain the services of legal counsel and authorize the payment of their reasonable fees and expenses.

### **PART 2 MEMBERSHIP AND ENROLMENT**

**33.** In this Part,

"Canadian legal advisor" means a person admitted to the Society under rule 52;

"law student" means a person who is not a member or a student-at-law but is admitted to the Society as a law student under rule 53 to pursue temporary articles.

#### THE ROLL

**34.** The Roll must contain the following information in respect of each member:

- (a) full name, 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. R-097-2017,s.1.

#### THE RECORD

**35.** The Record pertaining to persons admitted to the Society as members must contain the following information in respect of each member:

- (a) full name, 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 to 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. R-097-2017,s.1.

**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 and address;
- (b) date on which articles of the student-at-law commence;
- (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. R-097-2017,s.1.

**37.** The Record pertaining to persons admitted to the Society as law students must contain the following information in respect of each law student:

- (a) full name and address;
- (b) date on which temporary articles of the law student commence and cease;
- (c) details of the law student's academic program or pending application as a student-at-law;
- (d) details of membership in any other law society or comparable body;
- (e) dates of any findings of guilt for conduct deserving of discipline and any sanctions imposed;
- (f) such further particulars as the Executive may direct. R-097-2017,s.1.

**38. (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 the Executive may direct.

#### 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 for Admission as Member 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) 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 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.
- (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.
- (4) Notwithstanding paragraph (1)(d), when an applicant applies for the first time for membership as an active or inactive member, he or she may petition the Executive for a postponement of submission of the documents required under paragraph (1)(d) for up to 90 days, for the purposes of obtaining the documents set out in that paragraph, by submitting a petition in a form approved by the Executive. R-079-2012,s.1; R-090-2013,s.4,5; R-139-2014,s.1; R-136-2016, s.3(1),(2); R-097-2017,s.2..

#### STUDENTS-AT-LAW

- 41.** (1) An applicant for admission as a student-at-law under subsection 17(1) of the Act shall submit to the Secretary
  - (a) an Application for Admission as Student-at-Law in Form 2.5;
  - (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;
  - (d) Articles of Clerkship in Form 2.6 duly signed, with two additional copies;
  - (e) an education plan in a form approved by the Executive; and
  - (f) 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 begins 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. R-081-2012,s.1; R-090-2013,s.4,6; R-136-2016,s.4.
- 42.** (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.
- (2) In addition to satisfying the requirements of subrule (1), a student-at-law is required to pass such bar admission examinations as may be established under rule 39.
- 43.** An active member of the Society may not act as principal to more than two students-at-law at any time without the prior written approval of the Executive.
- 44.** (1) On the recommendation of the Admissions Committee and with the approval of the Executive, articles may be
  - (a) assigned by an Assignment of Articles of Clerkship in Form 2.7 to a barrister and solicitor who is qualified under subsection 18(2) of the Act; or
  - (b) assigned by a Temporary Assignment of Articles of Clerkship in Form 2.8 to a barrister and solicitor who is qualified under subsection 18(2) of the Act.
- (2) The assignment must 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.
- 45.** (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 the Northwest Territories.

(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 or a principal may, on giving notice to his or her principal or student-at-law as the case may be, apply to the Admissions Committee to be relieved of the articles, and the Admissions Committee may recommend to the Executive that the articles be terminated or make any other recommendation that is appropriate in the circumstances.

(4) When articles of a student-at-law are terminated under this rule, 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 subrule (4), the student-at-law is not liable to pay any fee in respect of the new articles.

**46.** 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 must not be given if the Executive considers that such other employment could adversely interfere with the service of the student-at-law under articles.

**47.** (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 subrule (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.

**48.** 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 subrule 42(1) or fails to pass such bar admission examinations as may be required under subrule 42(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.

**49.** 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, submit to the Secretary

- (a) an Application for Admission as Member by Student-at-Law in Form 2.9;
- (b) except where service under articles has been waived under subsection 16(2) of the Act,
  - (i) an Declaration of Principal in Form 2.10 signed by the principal under whom the student-at-law has served his or her articles, and
  - (ii) an Declaration of Student-at-Law in Form 2.11 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 2.2, an Application and Lawyer's Undertaking in Form 2.3 or a statement indicating the student-at-law
  - (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) if applicable, 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) if applicable, 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; R-090-2013,s.4,5,7; R-136-2016,s.5; R-097-2017,s.3.

#### LEGAL SERVICES A STUDENT-AT-LAW MAY PROVIDE

- 50.** (1) A student-at-law may act as counsel in the Court of Appeal in
- (a) a civil proceeding before a judge in chambers;
  - (b) a proceeding for speaking to the list in a civil or criminal matter;
  - (c) a taxation of costs before the Registrar;
  - (d) an application with respect to judicial interim release pending appeal; or
  - (e) an interlocutory application in a criminal matter.
- (2) A student-at-law may act as counsel in the Supreme Court of the Northwest Territories in
- (a) a civil proceeding before a judge in chambers, other than a pre-trial conference or a mini-trial;
  - (b) an examination for discovery;
  - (c) an examination of a debtor in aid of execution;
  - (d) any other examination provided for in the *Rules of the Supreme Court of the Northwest Territories* if it is conducted before an officer of the Court or a person authorized by the Court to conduct it;
  - (e) a proceeding for the taxation of costs before an officer of the Court;
  - (f) an appeal respecting a civil claim taken under the *Territorial Court Act*; or
  - (g) an application in a criminal proceeding, if the application relates to any of the following:
    - (i) entering an election respecting the mode of trial,
    - (ii) entering a plea of not guilty,
    - (iii) fixing the date for a trial or a hearing,
    - (iv) an application for an adjournment, where the matter has been brought forward to speak to the adjournment, or
    - (v) an application pertaining to judicial interim release.
- (3) A student-at-law may act as counsel in the Territorial Court, whether the Court is sitting as a youth court or adult court, in
- (a) a proceeding pertaining to an offence punishable on summary conviction;
  - (b) a proceeding pertaining to an offence prosecutable either as an indictable offence or a summary conviction offence, where the Crown elects or is deemed to have elected to proceed by summary conviction procedure;
  - (c) a proceeding pertaining to an indictable offence in respect of which a Territorial Court judge has absolute jurisdiction; or
  - (d) a proceeding pertaining to any other kind of indictable offence, if it relates to any of the following:
    - (i) entering an election respecting the mode of trial,
    - (ii) entering a plea of not guilty,
    - (iii) fixing the date for a trial, a preliminary inquiry or a hearing,
    - (iv) an application for an adjournment, where the matter has been brought forward to speak to the adjournment, or
    - (v) an application pertaining to judicial interim release.
- (4) A student-at-law may act as counsel in the Territorial Court in
- (a) an application for a maintenance order or for the enforcement of a maintenance order;
  - (b) an application for an order for custody of or access to a child or an application for a review of such an order;

- (c) a proceeding under the *Children's Law Act* or the *Child and Family Services Act*; or
  - (d) a civil claim action under the *Territorial Court Act*.
- (5) A student-at-law may act as counsel in any matter properly before a justice of the peace.
- (6) A student-at-law may, with leave of the court, act as counsel in any matter, whether contested or not, before the Court of Appeal, the Supreme Court of the Northwest Territories or the Territorial Court, if
- (a) the student-at-law is present for the purpose of assisting a member who is that student-at-law's principal or who is qualified to be a principal; and
  - (b) the student-at-law acts in the presence of and under the supervision of the member.
- (7) This rule does not affect the obligation of the principal of a student-at-law to ensure
- (a) that the student-at-law is instructed to act as counsel only on matters where the services of a member are unnecessary; and
  - (b) that the student-at-law is properly prepared before appearing before a court or an officer of a court.
- (8) This rule does not operate to entitle a student-at-law to act as counsel before a court if he or she is prohibited from doing so by an enactment of Canada or 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 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..

#### CANADIAN LEGAL ADVISOR

**52.** (1) A person who has been duly called to the *Barreau du Québec* or *Chambre des notaires du Québec* or who has been admitted to practice as an attorney, advocate, barrister or solicitor in the superior courts of Québec may apply to the Executive for a Canadian legal advisor certificate or to act as a member who is a Canadian legal advisor.

(2) An applicant for admission as a Canadian legal advisor shall submit to the Secretary

- (a) an Application for Admission as Canadian Legal Advisor in Form 2.13;
- (b) two letters of good character reference from reputable persons;
- (c) a certificate from the *Barreau du Québec* or *Chambre des notaires du Québec*, dated not earlier than 45 days prior to the presentation of the applicant, stating
  - (i) the standing of the applicant,
  - (ii) the period of time during which the applicant has been listed as a member of the *Barreau* or *Chambre*,
  - (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) proof of having earned
  - (i) a bachelor's degree in civil law in Canada, or
  - (ii) a foreign degree and certificate of equivalency from the *Barreau* or *Chambre*;
- (e) an Accountant's Report in Form 2.2, an Application and Lawyer's Undertaking in Form 2.3 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 2.4;
- (f) payment of the insurance levy or, where the applicant is exempt under subrule 119(4), proof that the applicant is
  - (i) covered by errors and omissions insurance referred to in paragraph 119(4)(a), or
  - (ii) exempt under paragraph 119(4)(b);
- (g) payment of the assurance fund levy; and
- (h) payment of the application, admission and annual fees set out in Schedule A.

(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 grant a Canadian legal advisor certificate to the applicant to act or appear as an active member who is a Canadian legal advisor.

(4) A Canadian legal advisor who is a member of the *Barreau du Québec* 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 matters under federal jurisdiction.
- (5) A Canadian legal advisor who is a member of the *Chambre des notaires du Québec* may
- (a) give legal advice on
    - (i) the law of Québec and matters involving the law of Québec, or
    - (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, if expressly permitted by a federal enactment; or
  - (c) appear as counsel or advocate before any tribunal with respect to matters under federal jurisdiction, if expressly permitted by a federal enactment.
- (6) A Canadian legal advisor shall not engage in the practice of law except as permitted under this rule.
- (7) A member granted a Canadian legal advisor certificate ceases to be entitled to appear or act as an active member if
- (a) he or she ceases to be authorized to practice law in Québec or ceases to be a member in good standing of the *Barreau du Québec* or the *Chambre des notaires du Québec*; or
  - (b) the certificate granted under subrule (3) is not renewed by the anniversary of the day it was granted.
- R-079-2012,s.1; R-090-2013,s.4,5; R-139-2014,s.1; R-136-2016,s.7; R-097-2017,s.5.

#### LAW STUDENTS AND TEMPORARY ARTICLES

- 53.** (1) An applicant for admission as a law student shall submit to the Secretary
- (a) an application in a form approved by the Admissions Committee;
  - (b) a temporary articling agreement in a form approved by the Admissions Committee;
  - (c) two letters of good character from reputable persons;
  - (d) proof of
    - (i) registration as a student at a common law faculty of law in a Canadian university, or
    - (ii) qualification to practice law in a member state of the Commonwealth of Nations that was issued at least two years before the date of the application; and
  - (e) payment of the application and enrolment fees set out in Schedule A.
- (2) The Secretary may, on the recommendation of the Admissions Committee,
- (a) enrol as a law student an applicant who applies under subrule (1); and
  - (b) grant temporary articles to that law student.
- (3) Temporary articles are void if
- (a) the law student ceases to be registered as a student at a common law faculty of law in a Canadian university;
  - (b) the law student becomes a student-at-law or a member; or
  - (c) the law student is disqualified from the practice of law in a member state of the Commonwealth of Nations.
- (4) A grant of temporary articles must
- (a) specify a start date and termination date;
  - (b) be for a period not exceeding four months; and
  - (c) be granted no earlier than six weeks before the start date.
- (5) Time spent in temporary articles must not be considered as time spent articling as a student-at-law.
- (6) Except as otherwise specified in these rules, a law student has the rights, privileges and responsibilities of a student-at-law.

(7) A law student may appear in court only on a summary conviction matter and under the direct supervision of an active member who is not a Canadian Legal Advisor.

(8) The Secretary may revoke temporary articles at any time and for any reason without giving notice to the law student and without holding a hearing. R-005-2014,s.4.

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

**54.** (1) Where an applicant under rule 40, 49 or 51 whose application for admission is approved is not admitted as a member of the Society within one year after the date of such approval, the application lapses and any fees paid by the applicant are forfeited to the Society.

(2) Where an applicant whose application for admission is approved as a student-at-law under rule 41 does not commence his or her articles within one year after the date of such approval, the application lapses and any fees paid by the applicant are forfeited to the Society.

(3) Where an application for admission under rule 40, 41, 49, 51, 52 or 53 is not approved or is withdrawn, the Secretary shall refund all fees and levies paid by the applicant other than the application fee, which is forfeited to the Society.

**55.** (1) In determining whether an applicant under rule 40, 41, 49, 51, 52 or 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.

(2) On receiving information adverse to the character of an applicant, the Executive shall inform the applicant of the information and give him or her a reasonable opportunity to respond.

**56.** (1) The Secretary shall review each application made under rule 40, 41, 49 or 53 and may refer the application or any other application to the Admissions Committee, which shall notify the Executive whether approval of the application is recommended, and if not recommended, the reasons why not.

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

(3) Where an application made under rule 40, 41, 49 or 51 is not approved, the applicant may apply to the Supreme Court under section 19 of the Act.

(4) An applicant for admission under rule 40 or 49 must be presented to a judge of the Supreme Court 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 2.14.

(6) The form of the certificate referred to in subsection 21(3) of the Act is set out in Form 2.15.

(7) On enrolling a person as a member of the Society under subsection 21(3) or (4) of the Act, the Secretary shall provide

(a) a Certificate of Enrolment in Form 2.16, a Restricted Appearance Certificate in Form 2.17 or a Canadian Legal Advisor Certificate in Form 2.18, as is appropriate; and

(b) an Annual Certificate in Form 2.19.

R-090-2013,s.9; R-136-2016,s.8.

## CHANGE OF MEMBERSHIP STATUS

57. (1) A member may apply to the Executive to change his or her status from that of
- (a) an active member to an inactive member; or
  - (b) an inactive member to an active member.
- (2) A member applying under subrule (1) shall submit to the Secretary
- (a) an Application for Change of Status from Active to Inactive Member in Form 2.20, or an Application for Change of Status from Inactive to Active Member in Form 2.21, whichever is applicable;
  - (b) where the member is applying to change his or her status from that of an inactive member to an active member and 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 45 days before the presentation of the application, stating
    - (i) the standing of the applicant, if the member is applying for a change of status from inactive member to active member,
    - (ii) the period of time during which the applicant has been listed as a 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) where the member is applying to change his or her status from that of an inactive member to an active member,
    - (i) an Accountant's Report in Form 2.2 or an Application and Lawyer's Undertaking in Form 2.3 or a statement indicating the member
      - (A) is joining a partnership that has filed a Certificate of Accountant and Member in Form 2.4, or
      - (B) is becoming associated with a member who has filed a Certificate of Accountant and Member in Form 2.4,
    - (ii) payment of the insurance levy, or if the member is exempt under subrule 119(4), proof that he or she is
      - (A) covered by errors and omissions insurance referred to in paragraph 119(4)(a), or
      - (B) exempt under paragraph 119(4)(b), and
    - (iii) payment of the assurance fund levy; and
    - (iv) payment of the fee for a change of status set out in paragraph (f) of item 1 in Schedule A.
- (3) The Executive may require a member applying to change his or her status from that of an inactive member to an active member under subrule (1), to pass such bar admission examinations as may be established under rule 39, if
- (a) the applicant has not previously been admitted as an active member and had been 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 before the day the application is received by the Secretary.
- (4) Where the Executive so directs, the Secretary shall refer an application made under subrule (1) to the Admissions Committee, which shall recommend to the Executive that the applicant's status either be changed, or 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 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 subrule (1) is approved under subrule (5), the change of status takes effect on the date the application is approved by the Executive or at a later date requested by the member and approved by the Executive.

(7) Where an application made under subrule (1) is not approved under subrule (5) or is withdrawn, the Secretary shall refund the fee for a change of status application and any other levies paid by the applicant in respect of the application.

(8) Where an application made under subrule (1) is not approved, the member may apply to the Supreme Court under section 19 of the Act.  
R-079-2012,s.1; R-090-2013,s.4,5; R-139-2014,s.1; R-136-2016,s.9; R-097-2017,s.6.

#### RENEWAL OF MEMBERSHIP

**58.** (1) The Secretary shall, before February 1 in each year, send each member on the Record,  
(a) a Notice to Pay Annual Fees and Assurance Levy in Form 2.22; and  
(b) a blank Application for Renewal in Form 2.23. R-090-2013,s.10;

(2) During the first week of March in each year, the Secretary shall send a reminder notice to each member on the Record whose membership has not been renewed before that time.

(3) The Secretary may send by electronic means a notice that is required to be sent by this rule.  
R-078-2012,s.6; R-090-2013,s.10; R-097-2017,s.7..

**59.** (1) A member may renew his or her membership by submitting to the Secretary  
(a) an Application for Renewal in Form 2.23;  
(b) a continuing professional development report and plan in a form approved by the Executive;  
(c) 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);  
(d) payment of the assurance fund levy, if applicable; and  
(e) payment of the applicable annual fee set out in Schedule A.

(2) A member may submit the documents referred to in paragraphs (1)(a), (b) and (c) by electronic means in a manner directed by the Secretary.  
R-078-2012,s.6; R-090-2013,s.4; R-097-2017,s.8..

**60.** If a member fails to renew his or her membership or make payment of the fees and levies payable by him or her in respect of the renewal on or before March 31 in a year the member is, without notice, automatically suspended from membership.

**61.** The Secretary shall issue an Annual Certificate in Form 2.19 to each active member who has renewed his or her membership. R-090-2013,s.11.

**61.1.** An active member who engages in the private practice of law in the Northwest Territories from a location outside of the Northwest Territories, shall ensure that the Secretary  
(a) has the most current professional address at that location; and  
(b) is notified of any change of address 14 days before any change of address. R-079-2012,s.2;  
R-090-2013,s.12.

#### WITHDRAWAL FROM PRIVATE PRACTICE

**62.** (1) An active member engaged in the private practice of law shall submit to the Executive a cessation of practice plan if he or she intends to cease  
(a) the private practice of law in the Northwest Territories; or  
(b) to be an active member of the Society.

- (2) The cessation of practice plan referred to in subrule (1) must be submitted not less than 14 days before the anticipated cessation of practice, and must include
- (a) the date when the anticipated cessation is to occur; and
  - (b) the intended disposition of all of the following that are within the control of the member and relate to his or her practice in the Northwest Territories:
    - (i) open and closed files,
    - (ii) wills, titles and other important or valuable documents,
    - (iii) non-documentary valuables,
    - (iv) trust money, trust accounts and books of account.
- (3) The Executive may, in respect of a cessation plan submitted under subrule (1),
- (a) approve of the plan; or
  - (b) provide direction to the member as to what is required in the plan so that it complies with subrule (2) and addresses any concerns that the Executive has.
- (4) A person who submits a cessation of practice plan under subrule (1) shall, not more than 90 days after the cessation occurs, submit to the Executive a written report that includes a confirmation
- (a) of the disposition of those items referred to in paragraph (2)(b);
  - (b) that all balances have been remitted to former clients or other persons on whose behalf they were held, or have, at the request of the former clients, been transferred to another active member with written instructions as to the conditions attaching to the balances; and
  - (c) that the net interest earned on a pooled trust account has been remitted to the Northwest Territories Law Foundation in accordance with the Act.
- (5) On the written application of a member, the Executive may extend the time required for submitting a plan under subsection (1) or a written report under subsection (4). R-079-2012,s.3.

#### RESIGNATION OF MEMBER

- 63.** (1) A member may submit to the Executive his or her resignation as a member, and on acceptance by the Executive, his or her rights and privileges as a member cease.
- (2) A member who has resigned may not be reinstated as a member, but may apply for membership in the same manner as a new member.
- (3) The Secretary shall make a note of each resignation on the Roll adjacent to the name of a member who has resigned and shall provide notice of the resignation to the clerks or registrars of the Supreme Court of Canada, the Federal Court of Canada, the Supreme Court and the Territorial Court.

#### GENERAL

- 64.** A member shall notify the Secretary of any change in the contact information last provided in the Application for Admission as Member in Form 2.1 or the Application for Renewal in Form 2.23. R-097-2017,s.9.
- 65.** The Secretary shall, on application, issue a certificate of standing in respect of a member, and such certificate must disclose any findings of guilt for conduct deserving of discipline and the sanctions imposed, and any disciplinary proceedings pending against the member.
- 66.** (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.

**67.** (1) A provision of these rules requiring the payment of a fee or levy includes the requirement to pay any federal or Territorial taxes payable in respect of the fee or levy.

(2) A provision of these rules requiring the suspension of a member for failure to pay a fee or levy includes the suspension of a member for failure to pay any federal or Territorial 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 the Northwest Territories and must be paid to the Society before 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. R-005-2014,s.2(1).

**68.** (1) Subject to subrule (2), the fees set out in Schedule A are

(a) payable in advance to the Society; and

(b) exclusive of the assurance fund levy and any federal or Territorial taxes payable in respect of those fees.

(2) The following fees may be prorated, in accordance with subrule (3), if the fee applies to a period of not more than from January 1 to March 31 of any given year:

(a) if an active or inactive member is required to pay an annual fee under paragraph 40(1)(g);

(b) if an active or inactive Canadian Legal Advisor is required to pay an annual fee under paragraph 52(2)(h).

(3) If a fee is to be prorated under subrule (2), it must be determined by the following formula:

$$RF \times \frac{NUM}{12}$$

where

(a) RF is the regular fee that applies under subsection (1) without any prorating applied; and

(b) NUM is

(i) the number 3 if the month when the fee payment is required is January,

(ii) the number 2 if the month when the fee payment is required is February, and

(iii) the number 1 if the month when the fee payment is required is March.

R-090-2013,s.13; R-005-2014,s.5.

**69.** The forms set out in Schedule B may be used with such modifications as the circumstances require.

#### CONTINUING PROFESSIONAL DEVELOPMENT

**70.** (1) The Executive may approve any activity for credit as continuing professional development unless the activity is

(a) political in nature; or

(b) oriented towards marketing or promotion of legal services.

(2) A member shall, in each reporting year commencing April 1, engage in 12 hours of continuing professional development, two hours of which must be oriented towards legal ethics or law practice management.

(3) A member shall submit, at the time of his or her renewal of membership under rule 59, the following to the Executive Director:

(a) a completed continuing professional development report and plan referred to in paragraph 59(b) certifying compliance with subrule (2); and

(b) any other information that demonstrates the member complying with the requirement under subrule (2).

(4) Notwithstanding subrules (2) and (3), a member who in a reporting year successfully completes a bar admission program or its equivalent in another Canadian jurisdiction is deemed to have fulfilled the annual requirement for continuing professional development for that year.

(5) Notwithstanding subrules (2) and (3), the Executive may vary the required continuing professional development hours for a member.

(6) Subject to rule 71, credit for continuing professional development must be recognized only for the reporting year in which it is completed.

**71.** (1) Where a member is unable to comply with rule 70 by March 31 of that reporting year, the member may, before March 31 of that year, request an extension by submitting to the Executive

- (a) a form approved by the Executive Director;
- (b) an undertaking to comply with rule 70 within the extension period;
- (c) a completed continuing professional development report and plan referred to in paragraph 59(b) for the extension period; and
- (d) late fee set out in Schedule A.

(2) The Executive may, in respect of a member who submits a request for an extension in accordance with subrule (1), grant

- (a) an extension of 90 days; or
- (b) a further extension as the Executive considers appropriate; or
- (c) a waiver of the continuing professional development requirement for that reporting year.

(3) Where a member meets the requirements of rule 70 under an extension granted under subrule (2), the member is deemed to have complied with that rule for the reporting year in default.

- (4) A member is automatically suspended if the member fails to
  - (a) comply with rule 70 and does not seek an extension under subrule (2); or
  - (b) fails to meet his or her undertaking made under subrule (1).

(5) The Executive may, in addition to the suspension under subrule (4), refer the member to the Chair of the Discipline Committee in accordance with Part 3.

### **PART 3 DISCIPLINE**

**72.** (1) In order to be eligible to serve on the Discipline Committee a person must

- (a) be a member in good standing or a layperson appointed under paragraph 23(1)(a) of the Act;
- (b) not have been found guilty of conduct deserving of discipline within five years before an appointment to the Discipline Committee; and
- (c) be a member engaged in the practice of law in the Northwest Territories for a minimum of three years, where the member is a resident, or for a minimum of five years, where the member is a non-resident.

(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 for reasonable transportation and living expenses.

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

**73.** (1) Subject to subrule (2), a person may make a complaint about a member or student-at-law by submitting to the chairperson of the Discipline Committee a written complaint in a form directed by the chairperson.

(2) If a person makes an oral complaint about a member or student-at-law, the chairperson of the Discipline



Committee shall make a written record of the complaint and have the complainant sign the record.

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

(4) On receipt of a signed or adopted complaint, the chairperson of the Discipline Committee shall provide to the complainant 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) After receipt of a signed or adopted complaint, the chairperson of the Discipline Committee shall provide a copy of the complaint to the member or student-at-law in respect of whom the complaint is made, and shall request a written response from the member or student-at-law.

(6) Failure of a member or student-at-law to reply to a request from the chairperson of the Discipline Committee for a written response within a reasonable period of time may constitute conduct deserving of discipline. R-079-2012,s.4.

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

**75.** On disposing of a matter under section 24 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. R-097-2017,s.10.

**76.** (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 subsection 24.6(3) of the Act, a Committee of Inquiry shall consist of three members of the Discipline Committee. R-136-2016,s.10.

**77.** (1) Subject to this rule, 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 in accordance with subrules (3) and (4); and
- (b) the 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 would be better served by holding the inquiry in public.

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

- (a) may be made by counsel for the Society, the complainant or the member or student-at-law whose conduct is being inquired into;
- (b) may be heard at any time during the inquiry, or before the inquiry on a date set by the Committee of Inquiry or Sole Inquirer; and
- (c) must be in writing and made on notice to the Committee of Inquiry or Sole Inquirer, and
  - (i) where the applicant is counsel for the Society, to the member or student-at-law whose conduct is being inquired into and the complainant,
  - (ii) where the applicant is the member or student-at-law whose conduct is being inquired into, to counsel for the Society and the complainant, or
  - (iii) where the applicant is the complainant, to the member or student-at-law whose conduct is being

inquired into and counsel for the Society.

(4) Notice of an application to have all or a portion of the inquiry held *in camera* must be given at least 14 days before the commencement of the inquiry, unless such period of notice is dispensed with by the Sole Inquirer or Committee of Inquiry.

**78.** (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 subrule (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 or student-at-law in question of the review and provide particulars.

(3) On notifying the Secretary under subrule (2), the chairperson of the Discipline Committee shall proceed in accordance with subrules 73(4) and (5) and rules 74 to 77, with such modifications as the circumstances require.

**79.** (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 prepare and 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 a Committee of Inquiry orders that the name of a member be struck from the Roll or that he or she be suspended, or that the articles of a student-at-law be terminated or suspended, the Secretary shall

- (a) set out in the notice prepared under subrule (1) the name of the member or student-at-law; and
- (b) in addition to sending the notice to all members and students-at-law under subrule (1) and giving notice in accordance with section 32.2 of the Act, publish the notice
  - (i) by posting the notice at a notice board at the courthouse in each of Yellowknife, Hay River and Inuvik, and
  - (ii) by sending copies of the notice to the Clerk of the Supreme Court and the Clerk of the Territorial Court.

(3) Where a Committee of Inquiry orders that the name of a member be struck from the Roll or that he or she be suspended, or that the articles of a student-at-law be terminated or suspended, and the Committee of Inquiry is of the opinion that it is necessary for the protection of the public, it may, in its report to the Executive under section 32 of the Act, recommend that the notice under subrule (1) be published in accordance with paragraph 32.2(c) of the Act in such publications, or in such manner, as the Committee of Inquiry considers necessary to inform the public of the disciplinary action taken.

**80.** (1) Where the Executive receives a report of a Sole Inquirer or Committee of Inquiry under 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 subrule (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 subrule (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.

**81.** Where a Committee of Inquiry or Sole Inquirer conducts an inquiry in public, and the member or student-at-law is found not guilty of conduct deserving of discipline or a finding of guilt is subsequently reversed on appeal under section 33 of the Act, the Secretary shall, on the request of any person, disclose to that person the fact that the member or student-at-law has been found not guilty of conduct deserving of discipline with respect to the complaint at issue.

#### REINSTATEMENT OF AND STRIKING OFF SUSPENDED MEMBERS

**82.** (1) A member suspended under section 48.1 of the Act or under rule 60 or subrule 104(3), 114(2), 116(3) or 119(11), 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 subrule 104(3) for failure to file an Application and Lawyer's Undertaking in Form 2.3 or a Certificate of Accountant and Member in Form 2.4, on the member filing the required form with the Secretary;
- (b) under section 48.1 of the Act or subrule 114(2) for failure to make his or her books of account fully available for examination, on the member complying with those provisions;
- (c) under rule 60, on the member filing an Application for Renewal in Form 2.23 and paying the fees and levies payable to the Society at the time of reinstatement;
- (d) under subrule 116(3), on compliance with the order made under subrule 116(2);
- (e) under paragraph 119(11)(a) or (c), on payment of the insurance levy payable to the Society at the time of reinstatement;
- (f) under paragraph 119(11)(b), on the member certifying in writing the facts entitling the member to the exemption; and
- (g) under paragraph 119(11)(d), on the member providing
  - (i) the notifications required by subrule 120(1), and
  - (ii) proof of payment to the Society of the insurance levy payable.

(2) Where a member is suspended for more than two years under section 48.1 of the Act or under rule 60 or subrule 104(3), 116(3) or 119(11), the Executive may require the member to pass those bar admission examinations established under rule 39.

R-079-2012,s.5; R-090-2013,s.14; R-097-2017,s.11.

**83.** (1) A member suspended for a specified period of time under section 30 of the Act 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 any other documents that may be required by these Rules.

(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 rule, 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. R-079-2012,s.1; R-090-2013,s.15.

**84.** (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) 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 subrule (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 Supreme Court, the Territorial Court, the Federal Court of Canada and the Supreme Court of Canada.

- 85.** The Secretary shall, in the manner and form and at the time so directed by the Executive, give public notice of
- (a) the striking of a member or student-at-law from the Roll;
  - (b) the suspension of a member or student-at-law from the Roll;
  - (c) the suspension or termination of the articles of a student-at-law; or
  - (d) the suspension or termination of the temporary articles of a law student.

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

**86.** (1) A member who is appointed as a judge of the Supreme Court of Canada, the Federal Court of Canada, the Supreme Court, the Territorial Court 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) A former judge referred to in subrule (1) who again becomes a member may not appear in a court in the Northwest Territories without first obtaining the approval of the Executive.

#### CODE OF PROFESSIONAL CONDUCT

**86.1.** The Society's *Code of Professional Conduct (2014)* is adopted. R-136-2014,s.2.

#### **PART 4 ASSURANCE FUND**

**87.** 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.

**87.1.** An active member may apply for permission to maintain status as an active member but to be exempted from the annual assessment, by submitting to the Executive Director

- (a) an application; and
- (b) an undertaking by the member not to engage in the practice of law. R-136-2016,s.11; R-096-2017,s.1.

**88.** (1) No payment may be made from the Assurance Fund in respect of a matter that arose before January 1, 1978.

(2) No payment in respect of a claim may be made from the Assurance Fund where a loss arises from the misappropriation or wrongful conversion by a member outside of the Northwest Territories, unless it is directly related to the member's practice in the Northwest Territories or as a result of the member practising in another province or territory on a temporary basis.

(3) Subject to subrule (4), no payment in respect of a claim may 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.

**89.** (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 subrule (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 subrule (5) is subject to
- (a) a condition, unless waived by the Executive, that the claimant shall 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 5 ACCOUNTS**

**90.** Each member shall comply with sections 43, 44, 45 and 48 of the Act.

**91.** In this Part,

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

"cash" means current coin and government or bank notes;

"financial transaction" means the receipt, payment or transfer of money on behalf of a client or the giving instructions on behalf of a client in respect of the receipt, payment or transfer of money;

"money" means cash, currency, securities and negotiable instruments or other financial instruments that indicate the person's title or interest in them;

"trust money" means all money received by a member for the benefit of another person, and without limiting the generality of the foregoing, includes

- (a) money that belongs to a client or another person in whole or in part,
- (b) money that is to be held on a client's or another person's behalf or on the client's or other person's order or direction, and
- (c) money advanced to a member on account of fees for services not yet rendered or money advanced on account of disbursements not yet made.

## CASH TRANSACTIONS

- 92.** (1) This Rule applies to a lawyer when engaged in any of the following activities on behalf of a client, including giving instructions on behalf of a client in respect of those activities:
- (a) receiving or paying funds, other than those received or paid in respect of professional fees, disbursements, expenses or bail;
  - (b) purchasing or selling securities, real property or business assets or entities;
  - (c) transferring funds or securities by any means.
- (2) This Rule does not apply to a lawyer when
- (a) engaged in activities referred to in subrule (1) on behalf of his or her employer; or
  - (b) receiving or accepting currency
    - (i) from a peace officer, law enforcement agency or other agent of the Crown,
    - (ii) in accordance with a court order, or
    - (iii) in his or her capacity as executor of a will or administrator of an estate.
- (3) While engaged in an activity referred to in subrule (1), a lawyer shall not receive or accept an amount in currency of \$7,500 or more in the course of a single transaction.
- (4) For the purposes of this Rule,
- (a) foreign currency is to be converted into Canadian dollars based on
    - (i) the official conversion rate of the Bank of Canada for that currency as published in the Bank of Canada's Daily Memorandum of Exchange Rates in effect at the relevant time, or
    - (ii) if no official conversion rate is published as set out in paragraph (a), the conversion rate that the client would use for that currency in the normal course of business at the relevant time; and
  - (b) two or more transactions made within 24 consecutive hours constitute a single transaction if the lawyer knows or ought to know that the transactions are conducted by, or on behalf of, the same client.

## MAINTAINING BOOKS OF ACCOUNT

- 93.** Unless otherwise authorized by the Executive, a member shall maintain the books of account described in rules 95 and 96 in order to record all money received and disbursed in connection with the law practice.
- 94.** (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.
- 95.** A member shall, at a minimum, maintain 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 rule 100, 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.

**96.** (1) A member shall, at a minimum, maintain 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 has been 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, passbooks, 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 95(b) if the entries are clearly identified and are not combined with trust account information.

**97.** (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.

**98.** (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 under rule 100.

(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.

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

#### MONTHLY TRUST RECONCILIATION

**100.** (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 under paragraph 110(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 subrule (1) not more than 30 days after the effective date of the reconciliation.

**101.** Where there is a shortage in a clients' trust fund that is not rectified within five days after the shortage comes to the member's attention, the member shall, without delay and in writing, report the shortage and the circumstances surrounding it to the Secretary.

**102.** 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 and in writing, report that fact and the reasons for it to the Secretary.

#### FISCAL YEAR

**103.** 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, he or she 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

**104.** (1) A member who terminates a partnership or an association with another member shall, before continuing the practice of law in the Northwest Territories,

- (a) inform the Secretary of the termination;
- (b) file with the Secretary an Accountant's Report in Form 2.2, and, if required, an Application and Lawyer's Undertaking in Form 2.3; and
- (c) if the member intends to join a partnership or become associated with another member, inform the Secretary of that intention.

(2) A member who intends to commence the private practice of law in the Northwest Territories or ceases to be exempt under subsection 48(3) of the Act shall, before commencing the private practice of law,

- (a) file with the Secretary an Accountant's Report in Form 2.2; or
- (b) if the member intends to join a partnership or become associated with a member, inform the Secretary of that intention.

(3) A member who does not comply with this rule may be suspended. R-079-2012,s.1; R-090-2013,s.5,16; R-097-2017.

#### CLIENTS' TRUST ACCOUNTS

**105.** (1) A member who holds or receives trust money, other than money referred to in rule 110, shall, as soon as is reasonably practicable, pay the money into a clients' trust account maintained in accordance with section 44 of the Act.

(2) **Repealed. R-136-2016,s.12(1).**



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

(3) A member who receives money representing in part money due to 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. R-136-2016,s.12(2).

**106.** No money may be withdrawn from a clients' trust account, other than

- (a) money properly required for payment to or on behalf of a client;
- (b) money properly required for payment due to the member from a client relating to an account rendered, but money so withdrawn must not exceed the total of the money held for the client at the time the money is withdrawn; and
- (c) money being paid to the Society under section 46.1 of the Act.

**107.** Money paid into a clients' trust account by mistake or in contravention of these rules may be withdrawn.

**108.** (1) Subject to this rule, where a transaction 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, the member is in violation of that section unless the insufficiency resulted from

- (a) a bank debit memo for bank charges or service charges;
- (b) an error made by 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.

(2) If a member deposits sufficient money in the client's trust account to offset the insufficiency within three banking days after becoming aware of the insufficiency, the member is in compliance with section 45 of the Act.

**109.** (1) A clients' trust account must not be used as a general account.

(2) Subject to rule 110, money received by a member from a client as an advance on fees or disbursements is deemed to be trust money.

**110.** Rules 105 to 109 do not apply to money

- (a) where a client requests in writing that a member withhold that money from the clients' trust account; or
- (b) that is paid to a member as the member's fee when the fee is earned before or on the same day the money is paid.

**111.** (1) An application to the Secretary under subsection 46.1(1) of the Act must be made by submitting a Declaration of Undisbursable Trust Money in Form 5.1.

(2) An application to the Secretary under subsection 46.1(1) of the Act must

- (a) show the name of the member making the application and the name, address and phone number of the law firm holding the trust money that is the subject of the application;
- (b) show the aggregate amount of the trust money that is the subject of the application; and
- (c) contain a certification by the applicant that the statements made in the application are true and correct.

(3) If the application relates to trust money to which one or more persons are entitled, the application shall state, in respect of each person so entitled,

- (a) the amount of the trust money to which the person is entitled, according to the law firm's trust account records;
- (b) the name of the person so entitled and that person's last known address according to the law firm's records;
- (c) if the person so entitled was a corporation in existence at the commencement of the two-year period preceding the date of filing of the application, whether the corporation still exists according to the official records of the government of the jurisdiction in which it was incorporated or continued;

- (d) the name of the person who paid the money to the law firm, the last known address of that person according to the law firm's records and the date on which the money was paid to the law firm;
  - (e) the details of the transaction under which the trust money was received by the law firm and the name and last known address of the client concerned;
  - (f) a description of the efforts made during the two-year period preceding the date of filing of the application to locate the person entitled to the trust money, including the date of the last uncashed cheque or the date of the last attempt to contact that person;
  - (g) in the case of a natural person, whether any request was made to pay the trust money to the Public Trustee;
  - (h) the name of the member in the law firm currently responsible for the file, if the applicant is not a sole practitioner; and
  - (i) that there are no trust conditions to which the trust money is subject.
- (4) If the application relates to trust money that cannot be attributed to any client or other person, the application shall state
- (a) the amount of the unattributed trust money;
  - (b) the period of time during which the trust money has been held in the clients' trust account; and
  - (c) the reason, if known, why the money was credited to the clients' trust account and why the money cannot be attributed to any particular client or other person.
- (5) A claim made under subsection 46.1(5) of the Act must be made by submitting a Claim to Trust Money in Form 5.2.
- (6) A claim made under subsection 46.1(5) of the Act must be adjudicated by
- (a) a committee consisting of the Executive Director and the Treasurer, if the claim does not exceed \$500.00; or
  - (b) the Finance Committee, in any other case.
- (7) The Finance Committee or the committee referred to in paragraph (6)(a) may, for the purpose of coming to its decision respecting a claim,
- (a) request that the claimant provide any further information and documents related to the claim that the Committee reasonably requires;
  - (b) make or authorize any enquiries or investigations as it considers necessary; and
  - (c) rely wholly or partly on the information and documents received by it.
- (8) The Finance Committee or the committee referred to in paragraph (6)(a) shall, on considering a claim,
- (a) approve the claim, with or without conditions; or
  - (b) reject the claim.
- (9) The Finance Committee or the Committee referred to in paragraph (6)(a) shall report its decisions to the Executive. R-090-2013,s.17.

**112.** 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 is payable in accordance with the arrangement.

**113.** A member shall only pay an amount out of a clients' trust account 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

**114.** (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 subrule (1) from the practice of law until the member has fully complied.

**115.** (1) An accountant who performs an audit under section 47 of the Act and finds that sections 43, 44, 45 and 48 of the Act and rules 93 to 113 have been complied with for the entire period of the audit, shall provide a certificate indicating the compliance to the Secretary and the member who is the subject of the audit.

- (2) An accountant who is unable to provide a certificate under subsection (1) shall
- (a) prepare an exception report specifying why the certificate cannot be provided; and
  - (b) send the exception report to the Secretary.

(3) The Secretary shall forward an exception report received under subrule (2) to the chairperson of the Discipline Committee.

(4) An exception report forwarded to the chairperson of the Discipline Committee is deemed to be a written complaint, and Part 3 applies with such modification as the circumstances require. R-079-2012,s.6.

**116.** (1) Subject to subrule (2) and subsection 47(2) 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 subrule 115(2) of these rules, the chairperson of the Discipline Committee may order that the cost of the audit be paid by the member.

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

#### ANNUAL CERTIFICATES OF MEMBER AND ACCOUNTANT

**117.** (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 a Certificate of Accountant and Member in Form 2.4.

(2) The member shall complete Part A of a Certificate of Accountant and Member in Form 2.4, 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 a Certificate of Accountant and Member in Form 2.4 in respect 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 receiving a completed Part B of a Certificate of Accountant and Member in Form 2.4, the member shall complete Part C of that form and submit the form to the Secretary in accordance with subsection 48(1) of the Act.

(5) Each Certificate of Accountant and Member in Form 2.4 must be completed in accordance with the minimum standards established by the Executive.

(6) When providing a copy of a Certificate of Accountant and Member in Form 2.4 to a member, the Secretary shall also provide a copy of the minimum standards established under subrule (5) and any instructions respecting the completion of the form that have been approved by the Executive. R-090-2013,s.18.

**118.** (1) On receipt, the Secretary shall review each certificate received under subsection 48(1) of the Act and forward to the Executive any certificate in which exceptions and qualifications are set out under subrule 117(3).

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

- (a) accept the explanation and reasons referred to in subrule 117(3);
- (b) accept the explanation and reasons referred to in subrule 117(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 subrule (3) is deemed to be a complaint concerning the member and Part 3 applies, with such modifications as the circumstances require, to the complaint.

### PROFESSIONAL LIABILITY CLAIMS

**119.** (1) The Professional Liability Claims Fund is continued, to receive money 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 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) In determining the amount or amounts of the assessment fund referred to in subrule (2), the Executive 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 the Northwest Territories 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 the Northwest Territories and that entitles him or her to indemnification to the same extent and for the same limits as the group contract entered into under subsection 61(1) of the Act;
- (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; or
- (c) an active member who has submitted to the Executive Director an undertaking that he or she will not engage in the practice of law during a period of leave or sabbatical.

(5) The exemption under paragraph (4)(b) does not apply to an active member, however employed, who renders legal services to the public in the Northwest Territories.

(6) Each applicant for membership and each member who claims to be exempt from payment of the insurance levy by virtue of subrule (4), 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 March 31 in each year.

(7) In addition to the requirements of subrule (6), each member who claims to be exempt from payment of an assessment under subrule (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 the Northwest Territories and who does

not qualify for an exemption under subrule (4), shall participate in the indemnity program and pay the assessment referred to in subrule (2).

(9) The coverage provided under subrule (8) is restricted to the member's practice of law in the Northwest Territories.

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

- (11) A member is automatically suspended from membership, without notice, if he or she fails
- (a) to pay the assessment;
  - (b) to comply with subrule (6);
  - (c) to comply with a request made under subrule (7); or
  - (d) to comply with subrule 120(2).

(12) Notwithstanding subrule (4), an active member who is exempt under subrule (4), a suspended member or an inactive, deceased or former member, is 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.

R-096-2017,s.2.

**120.** (1) Where a member exempted under subrule 119(4) intends to practice law in the Northwest Territories 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, give 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 subrule 119(4) shall begin to practice law in the Northwest Territories in circumstances where the exemptions are no longer applicable, until he or she has paid to the Society the full amount of the insurance levy payable.

**121.** Where a member is enrolled under subsection 21(3) of the Act or where a member who is exempted under subrule 119(4) begins to practice law in the Northwest Territories in circumstances where the exemptions are no longer applicable, the insurance levy must 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.

**122.** A member shall promptly notify the Secretary and the insurer under the group contract of any situation that may 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.

**123.** 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 6**  
**CLIENT IDENTITY AND VERIFICATION**

INTERPRETATION

**124.** (1) In this Part,

"client" includes

- (a) another party that a member's client represents or on whose behalf the client otherwise acts in relation to obtaining legal services from the member, and
- (b) in rules 128 to 131, an individual who instructs the member on behalf of a client in relation to a financial transaction;

"financial institution" means

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

"financial transaction" means the receipt, payment or transfer of money on behalf of a client or giving instructions on behalf of a client in respect of the receipt, payment or transfer of money;

"interjurisdictional lawyer" means a member of a governing body who is authorized to practise law in another Canadian jurisdiction;

"money" means cash, currency, securities and negotiable instruments or other financial instruments that indicate the person's title or interest in them;

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

"public authority" means

- (a) a department or agent of Her Majesty in right of Canada or of a province or territory,
- (b) a municipality or regional district or a municipal body incorporated under the law of another province or territory, or an agent of any of them,
- (c) a band or council of the band as defined under the *Indian Act* (Canada) acting for a public purpose as a municipality,
- (d) a college, institute, university or school district,
- (e) an organization that operates a public hospital and that is designated by the Minister of National Revenue as a hospital authority under the *Excise Tax Act* (Canada) or an agent of the organization,
- (f) an organization established or continued under an Act of Canada or of a province or territory for a public purpose, or
- (g) an organization controlled by a public authority;

"reporting issuer" means an organization that is

- (a) a reporting issuer within the meaning of the securities law of any province or territory,
- (b) a corporation whose shares are traded on a stock exchange that is prescribed by the *Income Tax Act* (Canada) and operates in a country that is a member of the Financial Action Task Force on Money

- Laundering, or
- (c) controlled by a reporting issuer;

"securities dealer" means a person or entity 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.

- (2) In this Part, a person controls an organization if the person, directly or indirectly, has the power to elect a majority of the directors or equivalent body of the organization by virtue of
  - (a) ownership or direction over voting securities of the organization;
  - (b) being or controlling the general partner of a limited partnership; or
  - (c) being a trustee of or occupying a similar position in the organization.

#### APPLICATION

**125.** (1) Subject to subrule (2), this Part applies to a member who is retained by a client to provide legal services.

- (2) Rules 126 to 134 do not apply when a member provides legal services
  - (a) on behalf of his or her employer;
  - (b) that do not involve a financial transaction
    - (i) as part of a duty counsel program sponsored by a non-profit organization, or
    - (ii) in the form of *pro bono* summary advice; or
  - (c) if another member or an interjurisdictional lawyer, who has complied with rules 126 to 134 or the equivalent provisions of a governing body,
    - (i) engages the member to provide legal services to the client as an agent, or
    - (ii) refers a matter to the member for the provision of legal services.

(3) In this Part, the responsibilities of a member may be fulfilled by his or her firm, including members or employees of the firm conducting business in another Canadian jurisdiction.

#### CLIENT IDENTIFICATION

**126.** (1) A member who is retained by a client to provide legal services shall make reasonable efforts to obtain, and if obtained, record

- (a) the client's full name, business address and business telephone number;
- (b) if the client is an individual, the client's home address, home telephone number and occupation;
- (c) if the client is an organization, the name, position and contact information for individuals who give instructions with respect to the matter for which the member is retained; and
- (d) if the client is an organization other than a financial institution, public authority or reporting issuer,
  - (i) the general nature of the type of business or activity engaged in by the client, and
  - (ii) the organization's incorporation or business identification number and the place of issue of its incorporation or business identification number.

(2) A member who has obtained and recorded the information concerning the identity of a client under subrule (1) is not required subsequently to obtain and record that information about the same individual or organization.

#### EXEMPTIONS

**127.** Rules 128 to 132 do not apply

- (a) if the client is
  - (i) a financial institution,
  - (ii) a public authority,
  - (iii) a reporting issuer, or

- (iv) an individual who instructs the member on behalf of a client described in subparagraph (i), (ii) or (iii);
- (b) when a member
  - (i) pays money to or receives money from any entity acting as a principal that is
    - (A) a financial institution,
    - (B) a public authority, or
    - (C) a reporting issuer,
  - (ii) receives money paid from the trust account of another member or an interjurisdictional lawyer,
  - (iii) receives money from a peace officer, law enforcement agency or other public official acting in an official capacity, or
  - (iv) pays or receives money
    - (A) under the order of a court or other tribunal,
    - (B) to pay a fine or penalty,
    - (C) as a settlement of any legal or administrative proceeding, or
    - (D) for professional fees, disbursements, expenses or bail; or
- (c) to a transaction in which all funds involved are transferred by electronic transmission, provided
  - (i) the transfer occurs between financial institutions or financial entities headquartered in and operating in countries that are members of the Financial Action Task Force,
  - (ii) neither the sending nor the receiving account holders handle or transfer the funds, and
  - (iii) the transmission record contains
    - (A) a reference number,
    - (B) the date,
    - (C) the transfer amount,
    - (D) the currency, and
    - (E) the names of the sending and receiving account holders and the sending and receiving entities.

#### VERIFICATION

**128.** (1) A member who provides legal services in respect of a financial transaction, including a non-face-to-face transaction shall take reasonable steps to verify the identity of the client using what the member reasonably considers to be reliable, independent source documents, data or information.

- (2) For the purposes of subrule (1), independent source documents may include
  - (a) if the client is an individual, valid original government issued identification, including a driver's licence, birth certificate, provincial or territorial health insurance card, passport or similar record;
  - (b) if the client is an organization such as a corporation or society that is created or registered in accordance with 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 authority,
    - (ii) a copy obtained from a public authority 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 authority that confirms the organization's existence; and
  - (c) if the client is an organization that is not registered in any government registry, such as a trust or partnership, a copy of the organization's constating documents, such as a trust or partnership agreement, articles of association, or any other similar record that confirms its existence as an organization.

#### IDENTIFYING DIRECTORS, SHAREHOLDERS AND OWNERS

**129.** A member who provides legal services in respect of a financial transaction for a client that is an organization referred to in paragraph 128(2)(b) or (c) shall make reasonable efforts to obtain, and if obtained, record

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



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

#### CLIENT IDENTIFICATION AND VERIFICATION IN NON-FACE-TO-FACE TRANSACTIONS

**130.** (1) This rule applies when a member provides legal services in respect of a financial transaction for a client who is an individual not physically present before the member.

(2) If the client is present elsewhere in Canada, the member shall verify the client's identity by obtaining an attestation from a commissioner of oaths for a jurisdiction in Canada, or a guarantor in Canada, that the commissioner or guarantor has seen one of the documents referred to in paragraph 128(2)(a).

(3) For the purposes of subrule (2), an attestation must be produced on a legible photocopy of the document and must include

- (a) the name, profession and address of the person providing the attestation;
- (b) the signature of the person providing the attestation; and
- (c) the type and number of the identifying document provided by the client.

(4) For the purposes of subrule (2), a guarantor must be a person engaged in one of the following occupations in Canada:

- (a) dentist;
- (b) medical doctor;
- (c) chiropractor;
- (d) judge;
- (e) magistrate;
- (f) lawyer;
- (g) notary (in Québec);
- (h) notary public;
- (i) optometrist;
- (j) pharmacist;
- (k) professional accountant (Chartered Accountant, Certified General Accountant, Certified Management Accountant, Accredited Public Accountant, Public Accountant or Registered Public Accountant);
- (l) professional engineer;
- (m) veterinarian;
- (n) architect;
- (o) peace officer;
- (p) paralegal licensee (in Ontario);
- (q) nurse;
- (r) school principal;
- (s) the mayor or chief magistrate of a city, borough or town corporate certified under the seal of the city, borough or town corporate.

(5) If the client is not present in Canada, the member shall rely on an agent to obtain the information required to verify the identity of the client under rule 128, which may be attested to in a form similar to that described in this rule, provided the member and the agent have an agreement or arrangement in writing for that purpose.

(6) A member who enters into an agreement or arrangement referred to in subrule (5) shall obtain from the agent the information obtained by the agent under that agreement or arrangement.

#### TIMING OF VERIFICATION OF INDIVIDUALS

**131.** (1) A member who provides legal services in respect of a financial transaction shall at that time verify the identity of a client who is an individual.

(2) A member who has verified the identity of an individual is not subsequently required to verify that same identity if the lawyer recognizes that individual.

#### TIMING OF VERIFICATION FOR ORGANIZATIONS

**132.** (1) A member shall verify the identity of a client that is an organization within 60 days after engaging in a financial transaction.

(2) A member who has verified the identity of a client that is an organization and obtained and recorded information under rule 129 is not subsequently required to verify that identity or obtain and record that information.

#### RECORD KEEPING AND RETENTION

**133.** (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 subrule 128(1).

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

(3) A member shall retain a record of the information and any documents obtained for the purposes of rules 126 and 129, and copies of all documents received for the purposes of subrule 128(2), for the longer of

- (a) the duration of the lawyer and client relationship and for as long as is necessary for the purposes of providing services to the client; and
- (b) a period of at least six years after completion of the work for which the member was retained.

#### EXISTING MATTERS

**134.** Rules 125 to 133 do not apply to matters for which a member was retained before December 31, 2008, but they do apply to all matters for which he or she is retained after that time, regardless of whether the client is a new or existing client.

#### CRIMINAL ACTIVITY

**135.** (1) If, in the course of obtaining the information and taking the steps required in rule 126, subrule 128(2) or rule 129, or while retained by a client, a member knows or ought to know that he or she is or would be assisting a client in fraud or other illegal conduct, the member shall withdraw from representation of the client.

(2) This rule applies to all matters for which a member is retained before or after the coming into force of this Part on December 18, 2009.

### PART 7 SELF-REPORTING

#### REPORTING CRIMINAL CHARGES

**136.** (1) Subject to subrule (4), a lawyer, student-at-law or applicant shall notify the Secretary in writing as soon as is reasonably practicable after he or she is

- (a) charged with an offence under any statute or with contempt of court; or
- (b) the subject of an order to enter into a recognizance, with or without sureties, to keep the peace.

(2) The notice must include a complete description of the particulars of the charge or order.

(3) Subject to subrule (4), the lawyer, student-at-law or applicant shall notify the Secretary of the disposition of the charge, any agreement arising out of the charge and the result of any Crown or defence appeal arising from the charge or order, as soon as is reasonably practicable.

(4) This rule does not apply where the lawyer, student-at-law or applicant is issued or served with a ticket as defined in the *Contraventions Act* (Canada) or the *Summary Conviction Procedures Act*.

#### REPORTING MEMBER'S INSOLVENCY

**137.** (1) In this rule,

"insolvent member" means a member who, with respect to the *Bankruptcy and Insolvency Act* (Canada),

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

"monetary judgment" includes an order *nisi* of foreclosure.

(2) 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, as soon as is reasonably practicable, 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.

(3) An insolvent member shall, as soon as is reasonably practicable,

- (a) notify the Secretary in writing that he or she has become an insolvent member; and
- (b) submit 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 proceedings or that the Secretary may request.

(4) After receiving the information and material required under this rule, the Secretary shall refer the information and material to the chairperson of the Discipline Committee for his or her attention under rule 78.

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

(6) An insolvent member shall not operate a trust account unless it is operated with

- (a) the permission of the Executive; and
- (b) a second signatory who is a member of the Society and is not an insolvent member.

(7) The restrictions in subrule (6) remain in force until removed by the Executive.

(8) This rule applies to students-at-law with such modifications as the circumstances require.

**PART 8  
TERRITORIAL MOBILITY**

INTERPRETATION

**138.** In this Part and unless the context indicates otherwise,

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

"Executive Director" includes a person designated by the Executive Director to perform any of the duties assigned to the Executive Director in these Rules;

"governing body" means

- (a) the Law Society or Barristers' Society in a Canadian common law jurisdiction, or
- (b) the *Chambre des notaires du Québec*;

"lawyer" means a member of a governing body;

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

"reciprocating governing body" means a governing body that

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

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

"Territorial Mobility Agreement" means the Federation of Law Societies of Canada Territorial Agreement of May 2006, made at Charlottetown, Prince Edward Island and signed by the Society on November 3, 2006, as extended by the Territorial Mobility Agreement made in November, 2011.

R-005-2014,s.6.

APPLICATION

**139.** This Part

- (a) gives effect to the requirements of the Territorial Mobility Agreement; and
- (b) ceases to have effect when the Territorial Mobility Agreement expires or is cancelled.

TRANSFER UNDER TERRITORIAL MOBILITY AGREEMENT

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

(2) An applicant under this Rule shall fulfill all of the requirements in rule 40 for call and admission on transfer from another Canadian jurisdiction, except that he or she need not pass any transfer examination.

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

- (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.

## LIABILITY INSURANCE

**141.** (1) This rule applies to a member of the Society who is entitled to practise law in the jurisdiction of a reciprocating governing body of which the lawyer is a member.

(2) A lawyer may apply to the Executive Director for exemption from the requirement for professional liability insurance in rule 119, if, in another Canadian jurisdiction in which the governing body allows a similar exemption for members of the Society, the lawyer

- (a) is resident; and
- (b) maintains the full mandatory professional liability insurance coverage required in the other jurisdiction that is reasonably comparable in coverage and limits to that required of lawyers in the Northwest Territories and that extends to the lawyer's practice in the Territories.

## PART 9 LIMITED LIABILITY PARTNERSHIPS

### INTERPRETATION

**142.** In this Part,

"extra-territorial limited liability partnership" means an extra-territorial partnership as defined in section 102.22 of the *Partnership Act*;

"limited liability partnership" means a limited liability partnership as defined in section 102.1 of the *Partnership Act*;

"LLP" means a limited liability partnership;

"partnership" means an entity as described in subsection 2(1) of the *Partnership Act*;

"registered" means an LLP or extra-territorial LLP for which approval and certification has been issued by the Secretary, on behalf of the Society under this Part, and registered with the Registrar of Corporations under the *Partnership Act*, and for which the approval and certification has not expired.

### REGISTER OF LLPS

**143.** (1) The Secretary shall maintain a register of LLPs containing the following information with respect to each LLP:

- (a) the name and registered office of the LLP and the number on the register attributed to the LLP;
- (b) the names and Roll numbers of the members of the Society who are partners in the LLP, or who hold shares in a professional corporation that is a partner in the LLP;
- (c) the date of initial approval by the Society of the application of the LLP for registration under Part III.1 of the *Partnership Act*; and
- (d) any other particulars specified by the Executive.

(2) The Secretary shall maintain any other records with respect to LLPs specified by the Executive.

(3) A registered LLP shall notify the Secretary in writing of any change in the particulars specified in subrule (1) before or immediately after the change is made, and shall submit with such notification the prescribed fee for registration of the change.

## CERTIFICATION OF NORTHWEST TERRITORIES LLP

- 144.** Where a member proposes to register as an LLP under Part III.1 of the *Partnership Act*,
- (a) the member shall submit to the Secretary
    - (i) an Application by Northwest Territories LLP in Form 9.1,
    - (ii) the fee as is set by the Executive for each year, and
    - (iii) any other information required by the Secretary for the purposes of this rule; and
  - (b) the Secretary shall endorse on the application or shall issue a statement of the Society's certification under paragraph 102.8(4)(h) of the *Partnership Act*, that
    - (i) the partners are covered by liability insurance in the form and amount required for that purpose by these rules,
    - (ii) the partnership and the partners meet all other eligibility requirements for practice as an LLP that are imposed by the Executive from time to time under the Act, provided that the Secretary is satisfied as to those matters; and
    - (iii) that the certification under paragraph 102.8(4)(h) of the *Partnership Act* expires on December 31 of the year it is issued.

R-090-2013,s.19; R-136-2016,s.13.

## CERTIFICATION OF EXTRA-TERRITORIAL LLP

**145.** Where a partnership has a status substantially equivalent to an LLP under the laws of a jurisdiction other than the Northwest Territories and consists of one or more partners, whether individuals or professional corporations that carry on the practice of law, and that partnership proposes to register as an extra-territorial LLP under Part III.2 of the *Partnership Act*,

- (a) that partnership shall submit to the Secretary
  - (i) an Application by Extra-Territorial LLP in Form 9.2;
  - (ii) the fee as is set by the Executive for each year, and
  - (iii) any other information required by the Executive for the purposes of this rule; and
- (b) the Secretary shall endorse on the application or issue a statement of the Society's certification under paragraph 102.25(3)(j) of the *Partnership Act* that
  - (i) the Northwest Territories partners and partners in the partnership are covered by liability insurance in the form and amount required for that purpose by these rules,
  - (ii) the partnership and the Northwest Territories partners meet all other applicable eligibility requirements for practice as an extra-territorial LLP that are imposed by the Executive from time to time under the Act, provided that the Secretary is satisfied as to those matters; and
  - (iii) the certification under paragraph 102.25(3)(j) of the *Partnership Act* expires on December 31 of the year it is issued.

R-090-2013,s.20; R-136-2016,s.14.

## INSURANCE REQUIREMENTS

**146.** (1) A member of the Society who is a partner in an LLP, or who holds shares in a professional corporation that is a partner in an LLP, shall have and maintain professional liability insurance providing coverage of at least \$1,000,000 per occurrence and \$2,000,000 in the aggregate.

(2) Subrule (1) does not apply to a member of the Society who is a partner in an LLP, or who holds shares in a professional corporation that is a partner in an LLP, during such period that he or she is both an inactive member and on parental leave. R-138-2014,s.1.

## OTHER ELIGIBILITY REQUIREMENTS

**147.** The Secretary shall not endorse an application under rule 144 or 145 if the applicant partnership has one or more partners, whether individuals or professional corporations, that are not entitled to carry on the practice of law.

## NOTIFICATION OF NON-COMPLIANCE

**148.** The Secretary, or any other person so authorized by the Executive from time to time, shall provide notification to the Registrar of Corporations in accordance with the *Partnership Act* if the Society becomes aware of the failure of an LLP or one or more of its partners to maintain compliance with the requirements imposed on an LLP and its partners under these rules and the Act.

## RENEWAL OF PERMIT

**149.** (1) Each year the Secretary shall send each LLP a written notice respecting renewal of its certification.

(2) An LLP certified under rule 144 or 145 may apply to the Secretary for an annual renewal of certification by submitting to the Secretary

- (a) completed Application by Northwest Territories LLP in Form 9.1 or Application by Extra-Territorial LLP in Form 9.2, as applicable;
- (b) proof of insurance under rule 146; and
- (c) the fee specified in Schedule A.

(3) An LLP renewing its certification shall submit to the Secretary those items required in paragraphs (2)(a) and (b) on or before December 31 in each year.

(4) If an LLP fails to comply with subrule (3),

- (a) its certification under paragraphs 144(b) or 145(b) expires on December 31 of the last year in which the endorsement and certification is valid; and
- (b) the LLP is a partnership after its certification expires.

(5) **Repealed. R-136-2016,s.15(2).**

(5) The Executive shall set annual renewal fees each year.

(6) Where the certification for an LLP expires under this rule and the partnership wants to renew its certification with the Society, the partnership shall apply as though it had never been certified with the Society. R-090-2013,s.21; R-136-2016.s.15(1),(2) and (3); R-097-2017,s.13.

## PART 10 PROFESSIONAL CORPORATIONS

### INTERPRETATION

**150.** In this Part,

"annual permit" means a permit as defined in the *Professional Corporations Act*;

"law professional corporation" or "law PC" or "Law Prof. Corp." means a professional corporation that is

- (a) a professional corporation defined in the *Professional Corporations Act*, and
- (b) registered as a law professional corporation with the Secretary under this Part.

### CORPORATE REGISTER OF PROFESSIONAL CORPORATIONS

**151.** (1) The Secretary shall maintain a corporate register of law professional corporations containing the following information with respect to each law professional corporation:

- (a) its name, registered office and registration number;
- (b) the Roll numbers, names and addresses of each director;

- (c) a certified copy of
  - (i) its certificate of incorporation issued under subsection 268(3) of the *Business Corporations Act*, and
  - (ii) its articles and bylaws;
- (d) the names and Roll numbers of the active members of the Society who hold voting shares in the law professional corporation;
- (e) the date of initial approval by the Society of the application for registration as a law professional corporation;
- (f) any other particulars specified by the Executive.

(2) A law professional corporation shall notify the Secretary in writing of any change in the particulars specified in subrule (1) before or immediately after the change is made and submit with such notification the fee set out in Schedule A for registration of the change.

(3) The Secretary shall keep the register of law professional corporations at the Society's head office and shall make it available for inspection by any person, without fee, during regular office hours.

#### REGISTRATION OF TERRITORIAL PROFESSIONAL CORPORATION

**152.** (1) In this rule, "territorial law professional corporation" means a law professional corporation incorporated in the Northwest Territories.

(2) Where a professional corporation proposes to register, under section 6 of the *Professional Corporations Act*, as a territorial law professional corporation, the professional corporation shall submit to the Secretary

- (a) an Application for Registration by Territorial Law Professional Corporation in Form 10.1;
- (b) a copy of the applicant's current articles or bylaws filed under the *Business Corporations Act* and *Business Corporations Regulations*;
- (c) a copy of the applicant's current Notice of Directors filed under the *Business Corporations Regulations*;
- (d) the fee set out in item 7(b) of Schedule A.

(3) Where the Secretary approves of the registration of a professional corporation as a territorial law professional corporation, he or she shall endorse the Form 10.1 submitted under paragraph (2)(a), to state that the professional corporation is registered as a territorial law professional corporation.

(4) Where a registered territorial law professional corporation fails to renew its permit within one year after its expiry, the Secretary shall cancel the registration of the territorial law professional corporation.

(5) To be satisfied whether an application made under this rule should be approved, the Secretary may require an applicant to provide additional information.

R-090-2013,s.22; R-137-2014,s.1; R-097-2017,s.14.

#### REGISTRATION OF EXTRA-TERRITORIAL PROFESSIONAL CORPORATION

**153.** (1) In this rule, "extra-territorial law professional corporation" means

- (a) a corporation that is incorporated under the laws of a another province or territory and complies with the applicable laws of that jurisdiction pertaining to law professional corporations; and
- (b) a corporation that is a registered extra-territorial corporation under the *Business Corporations Act*.

(2) Where a professional corporation proposes to register, under section 6 of the *Professional Corporations Act*, as an extra-territorial law professional corporation, the professional corporation shall submit the Secretary

- (a) an Application for Registration by Extra-Territorial Law Professional Corporation in Form 10.2;
- (b) a copy of the applicant's extra-territorial registration filed under the *Business Corporations Act*;
- (c) a copy of the applicant's current articles or bylaws filed in the extra-territorial jurisdiction;
- (d) a current list of directors;



(e) the fee set out in item 7(c) of Schedule A.

(3) Where the Secretary approves of the registration of a professional corporation as an extra-territorial law professional corporation, he or she shall endorse the Form 10.2 submitted under paragraph (2)(a), to state that the professional corporation is registered as an extra-territorial law professional corporation.

(4) Where a registered extra-territorial law professional corporation fails to renew its permit within one year after its expiry, the Secretary shall cancel the registration of the extra-territorial law professional corporation.

(5) The Secretary may allow an extra-territorial law professional corporation to use its name as authorized in its home jurisdiction.

(6) To be satisfied whether an application made under this rule should be approved, the Secretary may require an applicant to provide additional information.

R-090-2013,s.23; R-137-2014,s.2; R-097-2017,s.15.

#### CORPORATE NAME

**154.** A law professional corporation shall not use a name if that name

- (a) is used by another registered law professional corporation holding a certificate of registration under this Part;
- (b) so nearly resembles the name of another registered law professional corporation holding a certificate of registration under this Part that it is likely to confuse or mislead the public; or
- (c) is contrary to Part 4 of the *Code of Professional Conduct* ("Marketing of Legal Services").

R-136-2014,s.3.

#### CHANGE OF CORPORATE NAME

**155.** (1) A law professional corporation may apply to the Secretary, in a form approved by the Executive, for a certificate stating that the Society does not object to a specific change of name for the law professional corporation.

(2) A law professional corporation shall not apply for a change of name under the *Business Corporations Act* unless it has been granted the certificate referred to in subrule (1).

(3) The Secretary shall issue a new certificate of registration to a law professional corporation that has

- (a) obtained the certificate referred to in subrule (1);
- (b) submitted to the Secretary a true copy of the certificate of amendment issued by the Registrar of Corporations under section 180 of the *Business Corporations Act*, showing the change of name and the date it is effective; and
- (c) paid the fee set out in Schedule A.

#### ANNUAL PERMIT

**156.** (1) A law professional corporation which is registered under rule 152 or 153 may apply to the Secretary for an annual permit by submitting to the Secretary

- (a) an Application for Annual Permit for Law Professional Corporation in Form 10.3;
- (b) a copy of the endorsed Form 10.1 referred to in subrule 152(3) or the endorsed Form 10.2 referred to in subrule 153(3), as applicable;
- (c) a copy of the applicant's securities register;
- (d) a copy of the applicant's current articles or bylaws;
- (e) a current list of directors;
- (f) the fee set out in item 7(e) of Schedule A.

(2) The Secretary may issue an annual permit to a law professional corporation if it complies with subrule (1) and the Secretary is satisfied that it complies with paragraph 6(c) of the *Professional Corporations Act*.

(3) An annual permit may contain any terms and conditions that the Executive considers appropriate.

(4) An annual permit expires on December 31 of the calendar year for which it was issued.

(5) An annual permit issued to a law professional corporation ceases to be valid if

(a) it is revoked under rule 160;

(b) a practising lawyer who is a voting shareholder in the law professional corporation dies or otherwise ceases to be a practising lawyer, and no provision is made in the articles of the law professional corporation for the immediate and automatic disposition of that lawyer's shares in that case;

(c) another law professional corporation that is a voting shareholder in the law professional corporation ceases to be registered as a corporation under the *Business Corporations Act* or ceases to hold a valid annual permit, and no provision is made in the articles of the law professional corporation for the immediate and automatic disposition of the other law professional corporation's shares in that case; or

(d) it is surrendered by the law professional corporation to the Secretary.

(6) A holder of an annual permit shall not carry on any activities, other than the provision of legal services or services directly associated with the provision of legal services.

(7) To be satisfied whether an application made under this rule should be approved, the Secretary may require an applicant to provide additional information.

R-090-2013,s.24; R-137-2014,s.3; R-097-2017,s.16.

#### RENEWAL

**157.** (1) The Secretary shall send written notice to each law professional corporation, respecting the renewal of its annual permit.

(2) The notice under subrule (1) must state that the law professional corporation must submit to the Secretary

(a) an Application for Renewal of Annual Permit for Law Professional Corporation in Form 10.4;;

(b) a certificate issued by the Registrar of Corporations, dated not earlier than 60 days before the date of the submission to the Secretary,

(i) under section 271 of the *Business Corporations Act*, confirming that the applicant is an existing corporation and up to date in filing its annual returns under that Act, if the applicant is a territorial law professional corporation, or

(ii) under section 293 of the *Business Corporations Act*, confirming that the applicant is registered and up to date in filing its annual returns under that Act, if the applicant is an extra-territorial law professional corporation;

(c) a copy of the applicant's securities register;

(d) a copy of the applicant's current articles or bylaws, if they have changed since last filed with the Secretary;

(e) a current list of directors;

(f) the fee set out in item 7(f) of Schedule A.

(3) A law professional corporation shall submit to the Secretary those items described in subrule (2) on or before December 31 in each year.

(4) If a law professional corporation fails to comply with subrule (3),

(a) its annual permit expires on December 31 of the last year in which it is valid; and

(b) the law professional corporation will no longer hold a valid permit for the purposes of paragraph 4(1)(a) of the *Professional Corporations Act*, after December 31 of the last year in which it is valid.

(5) The information required for annual renewal of registration must include full particulars of any change since the most recent annual permit application or renewal in

- (a) the name and registered office of the law professional corporation;
- (b) the number on the register attributed to the law professional corporation; and
- (c) the names and Roll numbers of the members of the Society who are partners in the law professional corporation, or who hold shares in a law professional corporation that is a partner in the law professional corporation.

(6) To be satisfied whether an application made under this rule should be approved, the Secretary may require an applicant to provide additional information.

(7) Where the annual permit for a law professional corporation expires under this rule or rule 156 and the law professional corporation wants to renew its annual permit with the Society, the information required, the fee required and all other aspects of the application must be the same as if the law professional corporation had never registered with the Society.

(8) Where the Secretary refuses to renew an annual permit, he or she shall give written notice to the law professional corporation of the refusal with reasons.

R-137-2014,s.4; R-097-2017,s.17.

#### NOTICE OF CHANGE IN CORPORATE INFORMATION

**158.** The president of a law professional corporation which holds a valid annual permit or his or her designate shall promptly advise the Secretary in writing of any change to the information contained in the annual permit application or annual permit renewal application most recently submitted to the Society.

#### DISSOLUTION, INSOLVENCY OR BANKRUPTCY

**159.** (1) Where a law professional corporation is to be dissolved or is insolvent or bankrupt, the members who are shareholders in the law professional corporation shall, as soon as is reasonably practicable,

- (a) notify the Secretary in writing that the law professional corporation is insolvent or bankrupt; and
- (b) submit to the Secretary
  - (i) a copy of all material filed in the proceedings dealing with the insolvency or bankruptcy,
  - (ii) all information relating to any professional relationship between the law professional corporation and any creditor,
  - (iii) all information respecting any debts which arose from the law professional corporation's carrying on of the business of providing professional services, and
  - (iv) the law professional corporation's annual permit.

(2) After receiving the information and material required under this rule, the Secretary shall

- (a) revoke the registration of the law professional corporation; and
- (b) refer the information and material to the chairperson of the Discipline Committee for his or her attention under rule 78, in the case of a law professional corporation that is insolvent or bankrupt.

(3) Dissolution, insolvency and bankruptcy are not of themselves deserving of discipline.

#### REVOCATION OF ANNUAL PERMIT

**160.** (1) A Sole Inquirer or a Committee of Inquiry acting under Part III and the Act, may revoke an annual permit if

- (a) in the course of providing legal services the law professional corporation does anything that, if done by a member, would be unprofessional conduct; or
- (b) the law professional corporation contravenes the Act, the *Professional Corporations Act*, the *Business Corporations Act* or these rules.

(2) Instead of revoking an annual permit under subrule (1), the Sole Inquirer or a Committee of Inquiry acting under Part III and the Act may do one or more of the following:

- (a) reprimand one or more of the voting shareholders of a law professional corporation;
- (b) impose a fine on the law professional corporation in an amount not exceeding \$20,000;
- (c) impose conditions or limitations under which the law professional corporation may continue to provide legal services to the public.

(3) Any person who is a shareholder, director, officer or employee of or contractor to a law professional corporation may be

- (a) compelled to give evidence at a proceeding under the Act or these rules; or
- (b) required to produce any file or record in that person's possession or control that is relevant to matters raised in any proceeding under the Act or these rules.

(4) When a Sole Inquirer or a Committee of Inquiry acting under paragraph (2)(c) imposes a condition or limitation under which a law professional corporation may continue to provide legal services to the public, the Secretary may disclose to any person the fact that the condition or limitation applies and the nature of the condition or limitation.

(5) If the Secretary discloses the existence of a condition or limitation under subrule (4) by means of the Society's website, the Secretary shall remove the information from the website within a reasonable time after the condition or limitation ceases to be in force.

#### PUBLIC DISCLOSURE OF CORPORATE STATUS

**161.** When a member provides legal services to the public through a law professional corporation, all advertising for the member must indicate that the law professional corporation provides the legal services.

#### DISCLOSURE OF CORPORATE INFORMATION

**162.** (1) All information and documents received by the Society under this Part are confidential and no person is permitted to disclose them to any person, with the exception of the information and documents contained in the corporate register under subrule 151(1).

(2) The Secretary may, on payment by a person of the appropriate fee set out in Schedule A, provide copies of entries in the corporate register or a certificate of status under section 14 of the Act to that person.

(3) As an exception to subrule (1), the Society may

- (a) use information and documents for a purpose consistent with the Act and these rules;
- (b) disclose information and documents to a governing body as defined in the *Professional Corporations Act*; and
- (c) disclose, on request, to any person
  - (i) the name of a law professional corporation,
  - (ii) a law professional corporation's place of business,
  - (iii) whether a corporation has a valid annual permit and is a law professional corporation with the Society,
  - (iv) whether a specified lawyer is an employee or a voting shareholder of a law professional corporation, and
  - (v) whether a specified law professional corporation is a voting shareholder of a law professional corporation.

## SCHEDULE A

### FEES

Item	Description	Reference	Amount (\$)
1.	Regular Members		
(a)	Application (where member not struck from Roll)	40(1)(g)	205
(b)	Application (where member struck from Roll)	40(1)(g)	510
(c)	Admission	40(1)(g)	230
(d)	Annual (active member)	40(1)(g)	1270
(e)	Annual (inactive member)	40(1)(g)	230
(f)	Change of status - inactive to active member	57(2)(f)	205
(g)	Late fee for reporting continuing professional development	71(1)(d)	255
(h)	Reinstatement of suspended member (for each year or part of a year member suspended)	82(1)	255
2.	Students-at-Law		
(a)	Application	41(1)(e)	25
(b)	Admission	41(1)(e)	105
(c)	Application as member	49(g)	75
(d)	Admission as member	49(g)	230
(e)	Annual as member (active)	49(g)	1270
(f)	Assignment of articles	44(2)	15
(g)	Reinstatement of articles	83(1)(c)	
3.	Restricted Appearance		
(a)	Application	51(2)(g)	205
(b)	Admission	51(2)(g)	430
(c)	Renewal	51(5)(b)	155
4.	Canadian Legal Advisor		
(a)	Application	52(2)(h)	205
(b)	Admission	52(2)(h)	230
(c)	Annual (active)	52(2)(h)	1270
(d)	Annual (inactive member)	52(2)(h)	230
(e)	Change of status - inactive to active	52(2)(h)	205
(f)	Reinstatement of suspended member (for each year or part of a year member suspended)	52(2)(h)	255
5.	Law Student		
(a)	Application	53(1)(e)	25
(b)	Enrolment	53(1)(e)	50

6.	Limited Liability Partnerships (LLP)		
(a)	Change notice registration	143(3)	25
(b)	Registration (Territorial LLP) (per partner)	144(a)(ii)	105
(c)	Registration (Extra-territorial LLP) (per partner)	145(a)(ii)	105
(d)	Annual renewal of certification (per partner)	149(2)(c)	50
7.	Law Professional Corporation (Law PC)		
(a)	Change notice registration	151(2)	25
(b)	Registration (territorial) (per permit renewal)	152(2)(b)	305
(c)	Registration (extra-territorial) (per permit renewal)	153(2)(b)	305
(d)	Law PC change of name registration	155(3)(c)	155
(e)	Annual permit	156(1)(d)	155
(f)	Annual renewal (per permit renewal)	157(2)(c)	155
(g)	Copies of corporate register (per page)	162(2)	1
(h)	Certificate of status	162(2)	55
8.	Assurance Fund		
(a)	Levy	87	155
9.	Miscellaneous		
(a)	Special examination fee (per examination)		25
(b)	Copies (per page)		1

R-080-2012,s.1; R-090-2013,s.25; R-136-2016,s.16, R-019-2017,s.1.