

MEMORANDUM

TO: All Applicants

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

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

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

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

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

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

a) Persons giving the letters of good character should state:

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

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

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

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

d) If the Applicant cannot, without alteration to the document, make one of the declarations contained in the Insurance Exemption Certificate, the Applicant may be required to enroll in our Society's liability insurance program. If that is the case, a current quotation of the premium cost will be provided. In completing section 4 of the Application, we require full particulars, including the name of the client(s) on whose behalf the Applicant wishes to act and, if applicable, the court number and style of cause. The Applicant will be entitled to appear on that one matter only.

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

The fees for a Restricted Appearance Certificate are:

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

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

A person granted a Restricted Appearance Certificate is entitled to act for up to one year from the date of admission to the Law Society as a restricted member. Prior to the expiration of the one year period, an extension may be granted for a further one year period upon the restricted member applying to the Law Society and providing an updated Certificate of Good Standing from his/her home jurisdiction(s), proof of insurance and payment of the fee prescribed for a Restricted Appearance Certificate.

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

Therefore, we recommend that the application be submitted well in advance of the date on which the Applicant wishes to appear in the Northwest Territories.

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

55.(1) In determining whether an Applicant under section 39, 40, 48 or 49 is of good character, the Executive is not bound by letters of character provided by the Applicant but may make such inquiries and hold such hearings as it deems necessary or desirable under the circumstances.

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

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

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

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

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

RULES OF THE LAW SOCIETY OF THE NWT

RESTRICTED APPEARANCE CERTIFICATE

51. (1) A person who has been duly called to the bar of a province or territory or has been admitted to practice as an attorney, advocate, barrister or solicitor in the superior courts of a province or territory may apply to the Executive for a Restricted Appearance Certificate to appear or to act as an active member on a single matter or for a number of closely related matters over a limited period of time.

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

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

(b) two letters of good character from members in good standing of a provincial or territorial law society or comparable body of which the applicant is a member or from judges of a provincial, territorial or superior court of the jurisdiction of the law society or body of which the applicant is a member;

(c) a certificate from each provincial or territorial law society or comparable body of which the applicant is a member dated not earlier than 45 days before the presentation of the application, stating

(i) the standing of the applicant,

(ii) the period of time during which the applicant has been listed as an active member of the society or body,

(iii) whether disciplinary proceedings are pending against the applicant, and

(iv) the nature and disposition of any disciplinary action that has been taken against the applicant;

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

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

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

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

(f) payment of the assurance fund levy;

(g) payment of the application and admission fees set out in Schedule A; and

(h) if required by the Executive, proof that the applicant has passed such bar admission examinations as may be established under rule 39.

(3) On the recommendation of the Secretary, or on the recommendation of the Admissions Committee in respect of an application referred to the Admissions Committee, the Executive may, if it considers that the nature or circumstances of the matter or matters warrant, grant a Restricted Appearance Certificate in Form 2.17 to the applicant to act or appear as an active member in the matter or matters in respect of which the applicant has applied to act or appear.

(4) A member holding a Restricted Appearance Certificate ceases to be entitled to appear or act as an active member if

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

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

(5) A member holding a Restricted Appearance Certificate may renew the certificate before each anniversary of the day it was granted, by submitting to the Secretary

(a) a current certificate in the form required by paragraph (2)(c);

(b) payment of the renewal fee set out in Schedule A;

(c) payment of the assurance fund levy; and

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

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

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

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



Payment Authorization Form Restricted Appearance Certificate

Name of Applicant _____

Please indicate which fees you are paying for:

Application- Restricted Appearance Certificate	\$666.75	
Renewal- Restricted Appearance Certificate	\$162.75	

All fees include 5% GST

Payment Options:

- Visa, Mastercard or American Express
- Electronic Transfer
- Money Order payable to Law Society of the Northwest Territories
- Cheque payable to Law Society of the Northwest Territories

Credit Card Payments: Visa Mastercard American Express

Name as it appears on credit card

Telephone number of card holder

Card Number:

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Expiry Date:

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CVV

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**APPLICATION FOR
RESTRICTED APPEARANCE CERTIFICATE**
(Paragraph 51(2)(a))

TO: The Secretary

Law Society of the Northwest Territories

I, _____, of _____ apply for permission to appear or to act as an active
(full name)
member of the Law Society of the Northwest Territories on a single matter or for a number of closely-related matters over the period of time in respect of which I am applying.

1. My contact address is:

City/Town: _____ Territory/Province: _____ Postal Code: _____
 Telephone: _____ Fax: _____
 Email: _____

For restricted appearance certificate holders, the information above will be published in the member directory of the website of the Law Society of the Northwest Territories. This information cannot be withheld (see s. 14 *Legal Profession Act* and rules 34-38).

2. My date of birth is: _____
(YYYY-MM-DD)

3. I received a law degree from _____ on _____
(name of university) *(YYYY-MM-DD)*

4. The nature of the cause or matter on which I will be appearing or acting is:
(Please provide complete details of the matter (i.e., Defendant, Plaintiff, Supreme Court File Number, etc.))

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

_____	from	_____	to	_____
_____	from	_____	to	_____
_____	from	_____	to	_____

(2) No disciplinary proceedings are pending or have been taken against me as a member of the societies or bodies listed in subsection (1) except:

N/A
[check if not applicable]

(3) The results of any disciplinary proceedings taken against me were:

N/A
[check if not applicable]

(4) The results of any disciplinary proceedings taken against me were:

N/A
[check if not applicable]

(5) No claims for lawyer’s professional liability insurance are pending or have been made against me as a member of the societies or bodies listed in subsection (1), other than:

N/A
[check if not applicable]

(6) The results of any claims for lawyer’s professional liability insurance made against me were:

N/A
[check if not applicable]

6. I am presently practising law with the following firm or employer, with address:

7. (1) Instructions: Please respond to the following statements by marking YES or NO:

- | | | |
|--|------------------------------|-----------------------------|
| (a) I have since attaining 18 years of age been convicted of an offence under the <i>Criminal Code</i> , the <i>Controlled Drugs and Substances Act</i> , the <i>Income Tax Act</i> , the <i>Income Tax Act (Canada)</i> , the <i>Bankruptcy and Insolvency Act</i> , the <i>Excise Tax Act</i> , legislation of any province or territory respecting securities or income tax or any legislation similar to any of the foregoing in any other jurisdiction. | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| (b) I have been adjudged a bankrupt in a legal proceeding. | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| (c) I have changed my name. | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| (d) I have had a civil judgment made against me relating to fraud. | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| (e) I am a judgment debtor. | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| (f) I have been found guilty in a disciplinary action instituted against me as a member of a professional | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| (g) I have been held in civil contempt. | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

(2) I have attached full particulars in respect of each affirmative response to the statements set out in paragraphs (a) to (g).

8. Annexed to this application are

- (a) two letters of good character as referred to in paragraph 51(2)(b) of the rules;
- (b) a certificate from each provincial or territorial law society of which I am a member stating
 - (i) my standing,
 - (ii) the period of time during which I have been listed as an active member of the society or body,
 - (iii) whether disciplinary proceedings are pending against me, and
 - (iv) the nature and disposition of any disciplinary action that has been taken against me;
- (c) an Accountant's Report in Form 2.2 or my Application and Lawyer's Undertaking in Form 2.3;
- (d) the insurance levy or my Insurance Exemption Certificate and Undertaking attached;
- (e) the assurance fund levy; and
- (f) the prescribed application and admission fees.

9. I certify that the information I have provided in or annexed to this application is correct.

10. I undertake with the Law Society of the Northwest Territories that I will, during my enrolment, well and faithfully keep and perform all my obligations as a barrister and solicitor and as a member of the Society and abide by the *Legal Profession Act*, the *Rules of the Law Society of the Northwest Territories* and the requirements of the Law Society.

11. I authorize the Law Society of the Northwest Territories to make enquiries of any person, other law societies, any government, any official or body, including the police or academic authority, with regard to any of the statements in this application or in any document provided in connection with this application. I authorize any law society of which I am or ever have been a member or any other persons or organizations enquired of, under this authorization, to provide all information requested.

12. I consent to receiving emails from the Law Society of the Northwest Territories apprising members and other interested parties of relevant information such as, but not limited to, key dates, meetings, events, general community notices and professional development opportunities. I understand that I may withdraw my consent at any time by clicking the "unsubscribe" link at the bottom of the emails. I understand that if I unsubscribe from the emails I assume full and sole responsibility for regularly visiting the website of the Society for regulatory and other Notices as well as general information relevant to my membership in the Society.

Dated at _____ on _____, 20 _____

(signature of applicant)

The personal information collected in this form will be used by the Law Society of the Northwest Territories for one or more purposes contemplated by the *Legal Profession Act*, the *Rules of the Law Society of the Northwest Territories*, the *Code of Professional Conduct*, or a resolution of the Executive, and will be accessible to all departments of the Law Society and where applicable the Alberta Lawyers Insurance Association. The information may be used or disclosed by the Society, now or in the future, for regulatory purposes, including Society investigations and proceedings. We may contact you to obtain additional information, or to obtain clarification on the information you provided. Should you have any questions about the collection, use or disclosure of this information, please contact the Executive Director of the Law Society at (867) 873-3828.

**INSURANCE EXEMPTION
CERTIFICATE AND UNDERTAKING**
(Form 2.12)

TO: The Executive
Law Society of the Northwest Territories

I, _____ CERTIFY THAT
(print or type name)

- 1. I am an active member or am applying for membership in the Law Society of the Northwest Territories.
- 2. I am employed by, and my professional services are provided exclusively to:
 - (a) a government agency; or
 - (b) an employer who does not practice law.
- 3. I do not render or will not be rendering legal services of any kind to the public in the Northwest Territories with the possible exception of: providing *pro bono* professional services to the public through the Law Line Program or a similar program approved by the Law Society of the Northwest Territories.

- OR -

- 1. I am an active member or am applying for membership in the Law Society of the Northwest Territories.
- 2. I do not ordinarily reside or carry out my principal practice of law in the Northwest Territories.
- 3. I am covered by errors and omissions insurance which provides indemnification to a minimum of \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate and which covers my practice of the law in the Northwest Territories, which insurance is carried through the following insurer or Law Society:
_____.
- 4. I will provide further information, upon request, respecting my insurance coverage.

I UNDERTAKE to notify the Law Society immediately if there is a change in my status such that the foregoing statements are no longer applicable.

Dated at _____ on _____, 20 _____

(signature)

ACCOUNTANT'S REPORT

(Paragraphs 40(1)(d), 49(d), 51(d), 57(2)(c),
83(1)(c), 104(1)(a) and 104(2)(a))

1. On _____, _____, 20_____, I (or we) inspected the books of account of the law practice of _____.
2. The purpose of my (or our) attendance was to ascertain the nature of the books of account kept by the member.
3. Based on the inspection, I (or we) report that
 - (a) the books of account kept by the member are sufficient to meet the requirements of the rule 93 of the *Rules of the Law Society of the Northwest Territories*;
 - (b) the member has opened an account designated as a client's trust account for trust money as required by section 44 of the *Legal Profession Act*; and
 - (c) the fiscal year of the member ends on _____ in each year.

Accountant's Signature: _____

Date: _____

TO: The Secretary

Law Society of the Northwest Territories

I, _____, of _____
(full name)

UNDERTAKE THAT:.

(Select those boxes that apply)

- I am applying for membership in the Law Society of the Northwest Territories.
- I am applying for a change of status from an inactive to an active member of the Law Society.
- I will be employed at a law firm that maintains a trust account in the Northwest Territories.

I will not maintain a clients' trust account in the Northwest Territories with respect to this membership.

If I do set up a client's trust account in the Northwest Territories, I will immediately notify the Law Society and I will comply with the Rules of the Law Society of the Northwest Territories and any other requirements of the Law Society.

I make this undertaking in place of completing an Accountant's Report in Form 2.2 under the Rules of the Law Society of the Northwest Territories, conscientiously believing it to be true.

Dated at _____ on _____, 20 _____

(signature of applicant lawyer)