

**APPLICATION TO DESIGNATE RESPONSIBLE LAWYER
AND TO OPERATE A TRUST ACCOUNT**

Rule 118

Rule 114 requires a law firm to designate a Responsible Lawyer, and to have the Responsible Lawyer approved by the Law Society before opening a law practice.

Rule 124 requires every law firm to have a trust account and a general account unless specifically exempted from these requirements by the Executive Director.

This form is to be completed when a law firm is seeking the approval of a Responsible Lawyer and will be maintaining one or more trust accounts.

Section A – Applicant Details

Identification

- Name of Applicant lawyer

- Name of Law Firm/Business Name

(the Law Firm)

- Address

- City

- Territory/Province

- Postal Code

- Telephone Number

- Fax number

- E-mail contact (for Law Society use only)

I am applying to be:

Responsible Lawyer

Alternate Responsible Lawyer

Areas of Law Practiced – insert percentages (must total 100%)

- Aboriginal
- Administrative
- Arbitration/Mediation
- Bankruptcy/Insolvency/Receivership
- Civil Litigation
- Commercial Litigation
- Corporate/ Commercial
- Criminal
- Employment/Labour
- Environmental
- Immigration
- Matrimonial/Family
- Municipal
- Real Estate Conveyancing
- Tax
- Wills/Estates
- Other (Please Specify)

Accounting Software

The Law Firm uses the following accounting software for general bank accounts:

- PCLaw
 - EsiLaw
 - Clio
 - Cosmolex
 - Other – please specify
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- Manual System

SECTION C – LAWYER INFORMATION

1. Disciplinary proceedings have been commenced against me, or disciplinary punishment has been imposed upon me in another jurisdiction where I am subject to regulation of a governing body of the legal profession.

If yes, provide full particulars

2. Disciplinary proceedings have been commenced against me, or disciplinary punishment has been imposed upon in a profession, other than the legal profession, where I am subject to regulation by a governing body of that profession.

If yes, provide full particulars

3. I have been refused membership in a law society in another jurisdiction, or have been refused the authorization to practice law in another jurisdiction.

If yes, provide full particulars (textbox)

4. I have been disqualified from being a director of a corporate entity (including by way of undertaking)

If yes, provide full particulars

5. I have been, or am currently, the subject of a suspension, investigation supervision, undertaking, conditions, insurance claim (self-reported or otherwise) or similar process in another jurisdiction where I am subject to regulation of a governing body of the legal profession.

If yes, provide full particulars

6. I am the subject of a complaint under the *Legal Profession Act*.

If yes, provide full particulars

7. I have been found guilty of unprofessional conduct under the Legal Profession Act.

If yes, provide full particulars

8. I have pleaded guilty to, or been found guilty of an offence committed inside or outside Canada.

*An offence does **not** include an offence under a municipal bylaw, or an offence in respect of which the laws permits the offender to voluntarily pay a fine without the need to appear before a court or justice to enter a plea and in respect of which I paid the fine.*

If yes, provide full particulars

9. I am currently charged with any of the following:

a. An indictable offence under any Act of the Parliament of Canada.

If yes, provide full particulars

b. An offence under any Act of the Parliament of Canada where the offence was prosecutable either as a summary conviction offence or an indictable offence.

If yes, provide full particulars

c. A summary conviction offence under the *Income Tax Act*, the *Narcotic Control Act*, the *Cannabis Act*, the *Controlled Drugs and Substances Act*, the *Food and Drugs Act* of Canada or the *Income Tax Act* or the *Securities Act* of any province or territory of Canada.

If yes, provide full particulars

- d. A summary conviction offence under any law in force in Canada punishable by fine, if the maximum fine for the offence was then at least \$25,000.

If yes, provide full particulars

- e. An offence committed outside Canada and similar to any of the kinds of offences listed in clauses a. to d.

If yes, provide full particulars

- f. A disciplinary offence in any jurisdiction in which I am subject to regulation of a governing body of the legal profession.

If yes, provide full particulars

- 10. I have contravened, in Canada or any other country, a law, rule, policy or guideline about trust money or a trust account. Y/N

If Y provide full particulars

- 11. I am an undischarged bankrupt or have been a bankrupt.

If yes, provide full particulars

- 12. I am a judgement debtor.

If yes, provide full particulars

13. I have had a civil judgement made against me for fraud.

If yes, provide full particulars

14. I have disobeyed an order of the Court.

If yes, provide full particulars

15. I owe money to the Law Society of the Northwest Territories.

If yes, provide full particulars

SECTION D - DECLARATION

I acknowledge that as Responsible Lawyer or Alternate Responsible Lawyer for (*insert Law Firm*)
_____ (the Law Firm) I am accountable for

- a. The controls in relation to and the operation of the Law Firm trust account(s);
- b. The accuracy of reporting requirements of the Law Firm;
- c. The accuracy of all filing requirements of the Law Firm; and
- d. Any of a. b. or c. above that may have been delegated to others,

I acknowledge that if at any time the Executive Director is of the opinion that I no longer continue to be suitable to fulfill my duties as Responsible Lawyer or Alternate Responsible Lawyer, the Executive Director shall do any of the following:

- a. Attach conditions to the Responsible Lawyer or Alternate Responsible Lawyer approval; and/or
- b. Refer the matter to the Law Society Executive for determination.

I acknowledge that the Responsible Lawyer or Alternate Responsible Lawyer designation is deemed to be revoked upon the death of the Responsible Lawyer or Alternate Responsible Lawyer, or upon the suspension or disbarment of the Responsible Lawyer or Alternate Responsible Lawyer by the Law Society of the Northwest Territories.

If I am unwilling or unable to discharge the duties of a Responsible Lawyer or Alternate Responsible Lawyer, I shall, a minimum of 14 days before the date I wish to cease to be Responsible Lawyer or Alternate Responsible Lawyer;

- a. Advise the Law Society of my intention to cease to be Responsible Lawyer or Alternate Responsible Lawyer;
- b. File a Law Firm Self-Report with the Law Society;
- c. Comply with any outstanding audit requirements; and
- d. Ensure that a replacement Responsible Lawyer or Alternate Responsible Lawyer is in place by
 - i. Ensuring that the necessary application has been filed with the Law Society; and
 - ii. Ensuring that the necessary steps have been taken to enable the transfer of the Responsible Lawyer or Alternate Responsible lawyer designation to another qualified member of the Law Firm.

I acknowledge that the Law Society will access information it has in its records regarding credentials and education, conduct, insurance and audit and any other proceedings involving me.

I authorize the Law Society to make enquiries of any other law society or governing professional body, or of other entities which may have information relevant to any matter to which I gave an affirmative answer above. If requested by the Executive Director, I will furnish any additional specific authorization or any release that is required for the purpose of enabling the Law Society to obtain information related to my background.

I undertake that I will at all times during which I am carrying on the practice of law in the Northwest Territories, faithfully and to the best of my ability, perform my obligations as a member of the Law Society under the Legal Profession Act, the Rules and policies of the Law Society.

Declaration

I _____ (Insert name) solemnly declare that all statements made by me in this application are correct and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Name _____

Signature _____

Date _____, 20_____