**LAW SOCIETY OF PRINCE EDWARD ISLAND**

**Articling Policy**

* 1. **Purpose**

**1.1** The purpose of this Articling Policy (“Policy”) is to outline the requirements, procedures, and expectations for individuals applying to be enrolled and registered as articled clerks with the Law Society of Prince Edward Island (“the Society”), and for articled clerks applying to be admitted as a member of the Society.

**1.2** This Policy should be read in tandem with the *Legal Profession Act* (“*Act”)* and Regulations made pursuant to the *Act*. If there is a conflict between the Policy and the provisions of the *Act* and/or Regulations made pursuant to the *Act*, the provision of the *Act* and Regulations prevail.

1. **Decisions**

**2.1** The Secretary-Treasurer is responsible for making all determinations regarding applications submitted under this Policy, except where:

* The Regulations require referral to Council; or
* The Secretary-Treasurer, in their sole discretion, determines that such referral is necessary.

**2.2** In every instance, all decisions will adhere to the guidelines and procedures set forth in the Society’s *Policy on Decision-Making in the Public Interest*, ensuring decisions are made in the public interest and in full compliance with the *Act*, its Regulations, and the Society’s mandate.

# Requirements for Enrolment & Registration

**3.1** A person serving articles of clerkship, other than a person serving articles of clerkship pursuant to Regulation 11.1 and 18, applying to be enrolled and registered as an articling clerk must:

* 1. Be the full age of eighteen (18) years;
  2. Hold a Bachelor of Laws (LLB), a Juris Doctor (JD), or an equivalent common law degree from a Canadian law school approved by the Federation of Law Societies;
  3. Have successfully completed Canadian Constitutional Law, Civil Procedure, Contracts, Criminal Law, Property Law, Torts and Ethics/Professional Responsibility in obtaining the common law degree; and
  4. Have successfully completed four of seven (4 of 7) of the following courses in obtaining the common law degree: Criminal Procedure, Commercial Law, Corporate Law, Evidence, Family Law, Wills/Trusts, Administrative Law.

1. **Good Character**

**4.1** The applicant must demonstrate good character to practice law as assessed by the Society’s application process (e.g. see Part E of the Application).

1. **Fitness**

**5.1** The applicant must demonstrate fitness to practice law as assessed by the Society’s application process (e.g. Part 2 of the Application and the *Procedure Regarding an Affirmative Answer to the Fitness Questions on the Law Society of Prince Edward Island’s Application Forms*).

1. **Articling Agreement**

**6. 1** The applicant must secure an approved articling position with a member of the Society in good standing who is and has been in the actual practice within the Province for five (5) years preceding the application.

# Application for Enrolment and Registration of an Articled Clerk

# An applicant for enrolment as an articling clerk must:

1. File with the Secretary-Treasurer the following completed documentation:
   * Declaration;
   * Petition for Enrolment;
   * Articles of Clerkship;
   * Certificate of Qualifications; and
   * Law Society Application form
2. Deposit the appropriate fees payable upon enrolment as an articled clerk and with the Secretary-Treasurer; and
3. Present other such further information and evidence as the Secretary-Treasurer and/or Council may require.

**7.2** Decisions on applications for enrolment will be made pursuant to section 2 of this Policy.

# Articling Term

**8.1** The articling term must be no less than 12 consecutive months, unless an abridgement or reduction is granted by the Society as permitted under 18(1)(c).

**8.2** The 12-month term of service of an articling clerk shall commence on the date the required fees and documents are accepted by the Secretary-Treasurer, provided Council approves enrolment.

**8.3** Except for a person serving articles of clerkship pursuant to the requirements of Regulation 18(1), an articled clerk shall serve under articles only after the clerk has obtained their law degree from a Canadian common law school approved by the Federation of Law Societies.

**8.4** The articling term includes the period of time required for the mandatory bar admission course.

**8.5** The articled clerk must complete the Articling Checklist before the end of the approved articling term.

**8.6** Except for an assignment of articles, see below, during the articling term, an articled clerk shall bona fide serve exclusively in the office of their principal and shall not engage in any other employment which, in the opinion of the Council, would interfere with the articled clerk’s reasonable attendance and service.

1. **Principal**

**9.1** The principal of an articled clerk shall be a member in good standing who is and has been in the actual practice of law within the Province for the five (5) years preceding the application

**9.2** A principal may not have more than one articled clerk at any one time.

**9.3** The principal must review the Articling Checklist with the articled clerk every three months to ensure that each and every mandatory item on said Articling Checklist is completed before the end of their articling term.

1. **Clerk**

**10.1** The articled clerk must adhere to the *Act*, the Regulations governing articles, the Bar Admission Course, and the Society’s Code of Conduct and demonstrate competence and professionalism throughout the articling term.

**10.2** The articled clerk shall work with the Articling Checklist and meet with their principal every three months to ensure that each and every mandatory item on said Articling Checklist is completed before the end of their articling term.

1. **Assignment or Articles**

**11. 1** Articles of clerkship may be assigned to another principal, upon approval of the Council of the Law Society of PEI.

**11.2** In the event a principal dies or otherwise ceases to be qualified to be the principal of an articled clerk, the articled clerk, with the approval of the Council, may be articled to another principal and the Council may determine the time remaining to be served under articles.

1. **Part-Time Articles**

**12. 1** An articled clerk may apply, with the consent of their principal, to Council to serve their articles on a part-time basis during such periods of time and upon such terms as Council may in its discretion direct provided that the articles shall include the same education and training as full-time articles and shall be completed within twenty-four (24) months of their commencement.

1. **Transfer of Articles to PEI from Another Canadian Jurisdiction**

**13. 1** An articled clerk who has served a period of articles in another common law province or territory in Canada may transfer credit for not more than six (6) months articles from that other jurisdiction on the basis that the time spent articling in the other province or territory will be credited as an equal amount of time spent articling in this Province, if the period of articles in the other province is in the period immediately preceding or following the articles in this Province.

1. **Clerking at Court**

**14. 1** Articles of clerkship may be served with a Judge of the Supreme Court of Canada, of the Federal Court of Canada, or the Supreme Court of Prince Edward Island for a period of up to five months in substitution for articles of the same duration with a principal described in Regulation 12(1).

**14. 2** This reduction in the standard 12-month articling term cannot be combined with a reduction in articles from an articled clerk transferring from another Canadian common law jurisdiction.

# Bar Admission

# 15. 1 Upon completion of the articled clerk’s articling term, the articled clerk is eligible to apply to Council of the Society for membership if the articled clerk:

# Has completed all educational and training requirements required by the *Act* and its Regulations;

# Has submitted to the Secretary-Treasurer all required documents pertaining to the Admission to Bar, including the completed Articling Checklist and all documents relating to (1) qualifications, (2) good character, and (3) fitness to practice;

# Has paid all fees payable pursuant to the *Act* and Regulations; and

# Is of good character and fit to be admitted as a barrister, solicitor, and a member of the Society.

**15. 2** Upon receipt of the executed required forms and paid fees, the Secretary-Treasurer

may sign the Certificate, and the articled clerk may then file all documents with the court.

**15.3** After an applicant has completed all requirements under the *Act*, Regulations, and this Policy, the Secretary-Treasurer and/or Council will decide whether the applicant is fit for and possesses the requisite qualifications and good character to be admitted as a member of the Law Society and to the Bar and shall grant or refuse admission according to section 2 of this Policy.

1. **Bar Admission Ceremony**

**16. 1** The articled clerk will petition the Court, pursuant to the *Act*, for admission to the Bar.

**16. 2** The articled clerk will make arrangements directly with the Court for their admission ceremony well in advance of the scheduled admission date.

**16. 3** The articled clerk upon being called to the bar shall appear in the proper dress of a barrister and be presented to the Supreme Court by:

1. The applicant’s principal or, in the principal’s unavailability to act, any member of the principal’s firm or a member of Council, or
2. Where no service under articles was required, by any member of the Society who has been in the actual practice of law within the Province for at least five (5) years.