

Law Society of Prince Edward Island

**APPLICATION TO PRACTICE AS A FOREIGN LEGAL CONSULTANT
IN PRINCE EDWARD ISLAND**

[Regulation 33]

Name: _____

Address: _____

Telephone: _____ Fax _____ E-mail _____

1. Country / jurisdiction in which you are qualified to practice law _____

2. Name of Law Society (or equivalent) in which you are a member _____

3. Names (and contact information) of two references:

4. I have practised law in _____ for more than three years.

OR

I undertake to act as a foreign legal consultant in Prince Edward Island only under direct supervision of _____, a foreign legal consultant from

_____.

5. I HEREBY UNDERTAKE that I will not accept, hold, transfer, or in any other manner deal with funds which would, if accepted, held, transferred or dealt with by a member, constitute trust monies and that I will submit to the jurisdiction of the Law Society of Prince Edward Island and comply with the *Legal Profession Act*, the *Regulations* and the *Code of Professional Conduct*.

6. I also UNDERTAKE to contact the Council of the Law Society of Prince Edward Island promptly if I fail in any way to meet the requirements to practise law in _____.

7. Describe the nature and amount of professional liability insurance or the equivalent which you carry. (*Provide evidence from the insurer confirming.*)

8. Does this insurance specifically extend coverage to services rendered as a foreign legal consultant while acting as such in Prince Edward Island? _____Yes _____No

9. I AGREE TO PARTICIPATE in a program pursuant to *Regulation 34. (f)* as directed by Council.

I certify and swear that the answers provided in this document are true and factual.

Sworn before me at _____,

in _____, this _____ day

of _____, 200__.

APPLICANT

NOTARY PUBLIC (*affix seal and indicate the jurisdiction for which you are authorized to act.*)

***N.B.:** Attach a current Certificate of Good Standing from the body which regulates the practice of law from ALL jurisdictions in which you are authorized to practice law.

The certificate must include answers to all questions contained in the sample certificate attached.

Send your completed application to:

c/o Secretary-Treasurer
Law Society of Prince Edward Island
P.O. Box 128
Charlottetown, P.E., CANADA
C1A 7K2

Tel: (902) 566-1666
Fax: (902) 368-7557
Email: lawsociety@lspei.pe.ca

[sample]

Law Society of Prince Edward Island
49 Water Street, PO Box 128
Charlottetown, PE Canada C1A 7K2

CERTIFICATE OF STANDING

I CERTIFY THAT our records indicate the following information concerning:

Name: _____ (“the applicant”)

Address: _____

1. Call and Admission

a) The applicant was: _____ called to the Bar
_____ readmitted after having ceased to be a member
and admitted as a solicitor in this jurisdiction on _____ .

If readmitted, please explain circumstance _____

b) To our knowledge, the applicant is or has been a member of the Law Society in the following jurisdictions:

2. Present Status

a) The applicant:

i) _____ is a member of this Law Society today; or

ii) _____ is not a member of this Law Society today, and has not been a member

since _____. The applicant ceased to be a member for the following reasons: _____

b) The applicant:

i) _____ is not in arrears of any fees, assessments, premiums, insurance deductibles, discipline costs or other charges owing to this Society; or

ii) _____ is in arrears as follows:

<u>Nature of Arrears</u>	<u>Owed since</u>	<u>Amount Owing</u>
_____	_____	_____
_____	_____	_____

c) The applicant:

i) _____ is entitled to practise law in this jurisdiction; or

ii) _____ is not entitled to practise law in this jurisdiction for the following reason(s):

d) The applicant:

i) _____ is insured for professional liability claims pursuant to the terms and conditions of the policy currently in effect in this jurisdiction; or

ii) _____ is not for the following reason(s): _____

3. Professional Conduct Record

a) Complaints: Are there any complaints outstanding? Please describe their status:

b) Competency: Have any conditions been imposed as a result of a competency review?

c) Formal Disciplinary Proceedings: During the past 10 years the applicant has been the subject of any formal disciplinary proceedings: none _____, or:

<u>Date</u>	<u>Nature of Case</u>	<u>Finding of Tribunal</u>	<u>Disposition</u>
_____	_____	_____	_____
_____	_____	_____	_____

d) Receivership:

i) _____ the applicant has not been the subject of a receivership; or

ii) _____ the applicant has been the subject of a receivership as follows:

e) Practice Restrictions: except as described in (a) to (d) above, the applicant has had the following practice conditions or restrictions imposed: none _____, or:

<u>Date</u>	<u>Nature of Conditions or Restrictions</u>	<u>Reasons</u>	<u>Duration</u>
_____	_____	_____	_____
_____	_____	_____	_____

f) Claims (Reimbursement Fund/Assurance Fund/Compensation Fund): Except as noted below, there have been no claims paid from the Reimbursement Fund of the Society arising out of the practice of the applicant:

i) that were paid (include amount)? _____

ii) that remain unresolved? _____

4. Personal History

a) Offences: give such particulars, as are in your knowledge, of criminal proceedings affecting the applicant: none _____, or:

<u>Date</u>	<u>City</u>	<u>Charge</u>	<u>Disposition</u>
_____	_____	_____	_____
_____	_____	_____	_____

b) Financial Difficulty: to the best of our knowledge, the applicant has been the subject of the following procedures under the **Bankruptcy and Insolvency Act**:

none _____ ,

or _____ has reported to this Society other financial difficulties:

- i) _____ an assignment under section 31;
- ii) _____ a petition for a receiving order under section 25;
- iii) _____ a proposal under section 32; or
- iv) _____ an application for a consolidation order under section 190

in the following circumstances: _____

or: _____ has reported to this Society the following financial difficulties:

c) Judgments: we are aware of the following judgments against the member:

none _____ , or: _____

Other Relevant Information: _____

(seal)

Secretary-Treasurer/Executive Director
Law Society of

Date

This certificate complies with the Form for Certificates of Standing approved by the Federation of Law Societies of Canada in 2000.

Regulations of the Law Society of Prince Edward Island

FOREIGN LEGAL CONSULTANTS

[February 21, 2015 amendment]

32. In this Regulation,

- (a) "applicant" means an individual who submits an application to practice as a foreign legal consultant;
- (b) "foreign legal consultant" means a person qualified to practice law in a country other than Canada or in an internal jurisdiction of that country, who practices in the Province the law of that country or internal jurisdiction, as the case may be.

Application:

33. A person may apply to the Council for approval to act as a foreign legal consultant in the Province upon

- (a) filing a completed application in the form approved by the Council; and
- (b) payment of the fee prescribed by Council.

Requirements of Applicant:

34. The applicant may be approved to act as a foreign legal consultant if the applicant satisfies the Council that the applicant

- (a) is a member in good standing of the legal profession of his or her home country or in one of its internal jurisdictions;
- (b) is a person of good moral character and a fit and proper person to practice as a foreign legal consultant in the Province;
- (c) has practiced the law of his or her home country or one of its internal jurisdictions for at least three complete years, or undertakes in writing to work, while acting as a foreign legal consultant in the Province, only under the direct supervision of a foreign legal consultant from that country or internal jurisdiction who has satisfied the three-year practice requirement;
- (d) has provided to the Council a written undertaking that he or she will
 - (i) not accept, hold, transfer or in any other manner deal with funds which would, if accepted, held, transferred or dealt with by a member, constitute trust funds,
 - (ii) submit to the jurisdiction of the Society and will comply with the *Act*, the Regulations and the Code of Professional Conduct, and
 - (iii) notify the Council promptly if he or she fails to complete satisfactorily whatever continuing legal education program is required by members of his or her home country or internal jurisdiction;
- (e) carries professional liability insurance or a bond, indemnity or other security

- (i) in a form and amount, which is reasonably comparable with that maintained by the Society in its compulsory program, and
 - (ii) which specifically extends to the services rendered by foreign legal consultant while acting as such in the Province;
- (f) participates in a program or carries a fidelity bond or other security satisfactory to, and in the amount prescribed by Council, for the purpose of reimbursing persons who sustain a pecuniary loss as a result of the misappropriation or conversion by the foreign legal consultant of money or other real property entrusted to or received by the consultant in his or her capacity as a foreign legal consultant in the Province.

Compliance with Conditions:

35. The applicant must comply with any conditions prescribed by the Council.

Period of Approval:

36. Subject to section 37, approval under section 34 is valid from the issue date shown on it to the following thirtieth day of June.

Approval Ceases to be Valid:

37. Notwithstanding section 36, the approval ceases to be valid if the foreign legal consultant

- (a) is suspended as a result of proceedings under the *Act* or Regulations; or
- (b) ceases to comply with any of the requirements of sections 34 or 35.

Qualification to Act as a Foreign Legal Consultant:

38. Subject to subsection 39, a person may act as a foreign legal consultant in the Province only if he or she has obtained approval under this Regulation.

Dual Qualification:

39. A member of the Society who is also qualified to practice law in another country or in one of its internal jurisdictions need not obtain approval pursuant to this Regulation to act as a foreign legal consultant in the Province, provided his or her activities as a consultant are insured against in a form and amount which is at least reasonably comparable with that maintained by the Society in its compulsory program.

Marketing of Legal Services:

40. A foreign legal consultant, when engaging in advertising or any other form of marketing activity in the Province,

- (a) shall use the term "foreign legal consultant";
- (b) shall state the country or internal jurisdiction in respect of which he or she is qualified to practice law, and the professional title used in that country or internal jurisdiction; and
- (c) shall state that he or she is not a member of the Society.

Renewal of Application:

41. A foreign legal consultant who intends to continue to act as such in the Province shall, before his or her approval expires, apply to the Council for a renewal of the application.

Requirements for Renewal:

42. A renewal application shall include

- (a) a completed renewal application in a form approved by the Council;

- (b) evidence satisfactory to the Council that the applicant continues to comply with the requirements set out in sections 34) and 35; and
- (c) the renewal fee fixed by Council.

Approval of Renewal:

- 43. The Council may approve a renewal application for a foreign legal consultant who has complied with this Regulation and any conditions prescribed by the Council.

Period of Renewal:

- 44. Subject to section 45, a renewal application issued pursuant to section 43 is valid for one year.

Application of Section 37:

- 45. Section 37 applies to an application which has been renewed pursuant to section 43.