

# Law Society of Yukon

#304 – 104 Elliott Street

Whitehorse, Yukon Y1A 0M2

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Email: info@lawsocietyyukon.com

## FORM 8

### Application for a Certificate of Permission to Act

(s. 38 of the Act; Rule 74)

#### Name

Last Name	First Name	Middle Name(s)
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#### Contact Information

Name of Firm/Employer (if applicable)			
Street			
City	Province/Territory	Country	Postal Code
Telephone Work (    ) Home (    )	Fax (    )	Email Address	

Note:

All required records and information must be submitted to the Credentials Committee before your application will be considered valid.

If supporting documentation will be submitted separately from the application, please advise our office.

Where a certificate of standing is required, the Law Society of Yukon (Society) will accept:

- if the certificate is issued by a Law Society in Canada, the original certificate, or an electronic copy if sent directly to the Society by the issuing Law Society;
- the original certificate if the certificate is issued by a body regulating legal professionals in a jurisdiction outside Canada.

1. I am licensed to practise law as a lawyer in another province or territory and apply under rule 74 for a Certificate of Permission to Act.

Included with this application are the following:

- Copy of government issued photo identification
- A certificate of standing from each governing body, and each body regulating legal professionals in a jurisdiction outside Canada, in which I am or have ever been a member, dated no more than 60 days before the date the application is received by the Credentials Committee
- Fees in the amount of \$682.50 (\$300 application fee, \$350.00 certificate fee plus \$32.50 GST)
- Compensation Fund Assessment of \$105 (\$100 plus \$5 GST), unless exempt under subrule 141(2)

### *Questionnaire*

The Applicant's Questionnaire must be completed fully and accurately. The declaration must be made before a Notary Public or Commissioner for Oaths.

Omissions or inaccuracies in your answers may delay consideration of your application or affect its approval.

If the space provided for an answer is insufficient, provide details on a separate sheet of paper and attach the sheet of paper to this application.

The Credentials Committee may investigate or verify any information supplied on this application and may require further explanation from you before considering your application.

2. (a) Full name: \_\_\_\_\_

(b) What other names, if any, have you used:

\_\_\_\_\_

(c) Has your name ever been changed:  Yes  No

(d) If yes, from what to what, why and when?

\_\_\_\_\_

3. Date of birth: \_\_\_\_\_  
(month/day/year)

4. Description of particular matter to be covered by the Certificate of Permission to Act including names of the parties involved and nature of services to be provided:

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5. Name of party(ies) you have been retained to represent?

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6. Has a legal proceeding been commenced relating to the matter?  Yes  No  N/A

7. If yes to question 6 above, provide full and complete style of cause including court file number:

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8. State the name of every law society in Canada or body regulating legal professionals in a jurisdiction outside Canada in which you are now or have ever been a member:

<u>Name of Jurisdiction</u>	<u>Date of Admission</u>	<u>Current Member</u>
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. State the name and mailing address of each law firm through which you have provided legal services in the five years immediately preceding the date of this application. (If you provided services as a sole practitioner, give business addresses).

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10. (a) Since the date of your first call and admission to the practice of law have you at any time not been actively engaged in the practice of law for a continuous period of 12 months or more?  Yes  No

(b) If yes, for what period or periods of time were you not engaged in the active practice of law and reason why?

11. Compensation Fund assessment (check box that applies):
- a. Payment of the assessment for the Compensation fund is included with this application:  Yes  No
- b. During the period of the certificate applied for, no property belonging to another person will be entrusted to or received by you in relation to your provision of legal services under the certificate applied for.  Yes  No
- c. You declare that in another province in which you are licensed to practice law, you participate in a fund that is operated for the purpose substantially the same as the Compensation Fund and the other fund provides for reimbursement of persons for pecuniary losses sustained because of misappropriation or wrongful conversion by you of property entrusted to or received by you in relation to your provision of legal services in Yukon.  Yes  No

**If you answer yes to any of questions 12 to 39, provide details on a separate sheet.**

12. Is your law practice in any other jurisdiction currently subject to any conditions or restrictions?  Yes  No
13. Based on your personal history, your current circumstances or any professional opinion or advice you have received, are you currently experiencing any condition which is reasonably likely to impair your ability to competently practice law?  Yes  No
14. Have you ever been found in contempt of an order of a court or an administrative tribunal?  Yes  No
15. Have you ever violated an order of a court or an administrative tribunal?  Yes  No
16. Have you ever failed to comply with a subpoena?  Yes  No
17. Are you aware of any ongoing criminal investigations into your conduct or any pending criminal charges against you?  Yes  No
18. Have you or any business you control ever been convicted or found liable in a criminal, civil, or administrative proceeding of breach of trust, fraud, perjury, misrepresentation, deceit, forgery, dishonesty, or undue influence?  Yes  No
19. Are you aware of any pending criminal, civil, or administrative proceedings against you or any business you control involving a breach of trust, fraud, perjury, misrepresentation, deceit, forgery, dishonesty, or undue influence?  Yes  No

20. Are there any outstanding warrants, judgments, court orders, or legal proceedings against you or any business that you control?  Yes  No
21. Have you, or any business that you control, been the subject of an order enjoining you from the unauthorized practice of law?  Yes  No
22. Are you aware of any outstanding allegations of unauthorized practice of law outstanding against you or any business that you control?  Yes  No
23. Have you ever been charged with, or found guilty of, any of the following offences:
- a. An indictable offence under a federal enactment.  Yes  No
  - b. An offence under a federal enactment that is prosecutable either as an indictable offence or as a summary conviction offence.  Yes  No
  - c. A summary conviction offence under the federal *Income Tax Act*, *Criminal Code*, *Controlled Drugs and Substances Act* or *Food and Drugs Act*.  Yes  No
  - d. A summary conviction offence under personal or corporate tax legislation of any province or territory, including a regulation or regulatory instrument made under the legislation.  Yes  No
  - e. An offence under the *Securities Act* or an analogous enactment in any province or territory, including contravening a regulatory instrument made under the enactment.  Yes  No
  - f. An offence in a jurisdiction outside Canada that is substantially similar to an offence referred to above.  Yes  No
24. Have you ever been refused admission to a post-secondary institution or similar institution because of dishonesty or other misconduct?  Yes  No
25. While attending a post-secondary institution have you been suspended, expelled, or penalized for misconduct?  Yes  No
26. While attending a post-secondary institution have you received a warning, been placed on probation, or been permitted or advised to withdraw from the institution in lieu of being subject to discipline?  Yes  No
27. Are you currently or have you ever been the subject of an allegation of misconduct by a post-secondary institution?  Yes  No
28. Have you ever been refused admission as an articling student, student-at-law, articled clerk, or similar position, by a governing body, or body regulating legal professionals in a jurisdiction outside Canada?  Yes  No

29. Have you ever been discharged, suspended, disciplined, or permitted to resign in lieu of discipline, due to allegations of misconduct in relation to your employment?  Yes  No
30. Are you aware of any pending charges, complaints or investigations regarding your conduct as a member of any profession?  Yes  No
31. Have you ever been the subject of any charges, complaints, grievances (formal or informal), investigations, findings or proceedings regarding your conduct as a member of any profession or organization?  Yes  No
32. Have you ever been removed from the membership of, or refused admission to, or been disciplined by, a governing body, a body regulating legal professionals in a jurisdiction outside Canada, or other professional body or organization?  Yes  No
33. Have you resigned from a governing body, or body regulating legal professionals in a jurisdiction outside Canada, in lieu of disciplinary proceedings being taken against you?  Yes  No
34. Have you ever applied for and been refused a licence, or had a licence revoked, from a regulatory body where proof of good moral character or fitness to practise was required?  Yes  No
35. Are you now, or have you ever been, a bankrupt under the *Bankruptcy and Insolvency Act*?  Yes  No
36. Have you ever made a proposal under the *Bankruptcy and Insolvency Act*, or made any other formal declaration of insolvency?  Yes  No
37. Has any corporation, partnership, or other business entity which you control, or over which you had control, become bankrupt, made a proposal under the *Bankruptcy and Insolvency Act*, or made any other formal declaration of insolvency?  Yes  No
38. Are you now, or have you in the last two years been, in default of any loan, debt or other financial obligation?  Yes  No
39. Are you aware of any professional liability claims or any potential professional liability claims against you?  Yes  No

***PROFESSIONAL LIABILITY INSURANCE***

40. I currently have professional liability coverage which, if my application for a Certificate of Permission to Act is approved, will:
- a. apply to the provision of legal services by me in Yukon; and
  - b. complies with the requirements for professional liability coverage under the *Act*.
- Yes  No

41. If yes, details of insurance:  N/A
- (a) Name of insurer: \_\_\_\_\_
- (b) Policy expiry date: \_\_\_\_\_
- (c) Any conditions, restrictions or limitations:  Yes  No

If yes, provide details:

\_\_\_\_\_

42. I qualify for an exemption from the requirement to have professional liability coverage.  Yes  No

43. Grounds for exemption (check applicable box)  N/A

I will provide legal services only as an employee for an employer who does not provide legal services and will not practise on my own account apart from such employment.

I will provide legal services in Yukon only as an employee of a government and will not practise on my own account apart from such employment.

I solemnly declare that the information provided in this application is complete and accurate as of today's date. I make this declaration in support of my application conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED before me at the City of \_\_\_\_\_ )  
 \_\_\_\_\_, in \_\_\_\_\_ )  
 \_\_\_\_\_, this \_\_\_\_\_ )  
 day of \_\_\_\_\_, 20\_\_\_\_. )

\_\_\_\_\_  
 A Notary Public or Commissioner for )  
 Oaths in and for: \_\_\_\_\_ )  
 \_\_\_\_\_ )  
 (insert jurisdiction)

\_\_\_\_\_  
 Signature of Applicant  
 Print name: \_\_\_\_\_

**AUTHORIZATIONS, UNDERTAKINGS & CERTIFICATION**

I, \_\_\_\_\_, the applicant in this application to the Law Society of Yukon (Society) for a Certificate of Permission to Act:

1. authorize the Credentials Committee to ask any person, government, educational institution, financial institution, police force, military authority, governing body, or other organization about anything relevant to my application to the Society;
2. authorize any person, government, educational institution, financial institution, police force, military authority, governing body, or other organization, contacted by the Credentials Committee in relation to my application to provide the Committee with the information and documents requested by the Committee;
3. agree to provide any additional specific authorization or release that is requested by the Credentials Committee to enable the Committee to obtain information that will assist the Committee in determining whether I should be granted a Certificate of Permission to Act;
4. undertake that if at any time I am no longer covered by a policy of professional liability insurance as required under the *Legal Profession Act, 2017*, or no longer qualify for an exemption from the requirement for professional liability coverage, I will immediately notify the Executive Director of the Society and cease in the provision of legal services in Yukon until I have professional liability coverage as required by the Act;
5. undertake that if my application for a Certificate of Permission to Act is approved I will comply with the *Legal Profession Act, 2017*, the Rules of the Law Society of Yukon, and the Code of Conduct;
6. certify that I am aware of my obligations under the Code of Conduct to perform all legal services undertaken on behalf of a client to the standard of a competent lawyer, including knowing the substantive law and procedures in Yukon for the areas of law in which I will provide legal services in Yukon.

Date: \_\_\_\_\_  
Applicant's signature