Law Society of Yukon

#304 – 104 Elliott Street
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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)

Contact Information

Name of Firm/Employer (if applicable)			
Street			
City	Province/Territory	Postal Code	Country
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 $792.75 ($300 application fee, $455.00 certificate fee plus $37.75 GST)

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

5. 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:

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:

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:

Name of Jurisdiction	Date of Admission	Current Member
		☐ Yes ☐ No
		☐ Yes ☐ No
		☐ Yes ☐ No
		☐ Yes ☐ 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).

Name of Firm	Address

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. Will you be holding property belonging to another person in relation to your provision of legal service in Yukon under this certificate in trust ☐ 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:

(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)

☐ 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