**LAW SOCIETY OF PRINCE EDWARD ISLAND**

APPLICATION FOR REINSTATEMENT AFTER RETIREMENT/NON-PRACTICING

[Regulation 49]

This application must be completed **legibly**. All questions must be answered fully and precisely and the answers to Part 1 and Part 2 must be sworn/affirmed before a Notary Public or Commissioner of Oaths (if sworn/affirmed in Prince Edward Island). Omissions or inaccuracies may be grounds for rejection. If the space provided for any answer is insufficient, the applicant may attach a rider to this form, provided it is duly signed.

**PLEASE NOTE:** Review Regulation 49 prior to completing this application.

# APPLICATION FOR REINSTATEMENT AFTER RETIREMENT – NON-PRACTICING

**PART A – IDENTIFICATION**

#  PART 1

1. Full Name:
2. Present Address:

Postal Code: Telephone:

Fax: Email:

1. State any changes of name, formal or informal, or other surnames or given names you have used, and when:

**PART B – PRACTICE INTENTIONS**

1. I am applying to be reinstated to:

[ ]  Practicing Insured [ ]  Practicing Exempt from Insurance

If applying for practicing status, complete questions 5-7.

1. On what date do you intend to commence practice?
2. Which firm or organization will you be practicing with (if known)?

Address of law firm or employer:

Postal Code: Telephone:

1. Describe the nature of your intended practice:

**PART C – PROFESSIONAL HISTORY**

**(Section to be completed for all applications)**

1. Date of admission to the Law Society of Prince Edward Island:
2. When were you last engaged in the practice of law on PEI? Describe the nature of your practice.
3. Describe what you have been doing since you last engaged in the practice of law. *Attach a separate sheet if the space provided is insufficient.*
4. Are you now or have you ever been a member of another law society? Yes  No 

**If yes**, list chronologically all law societies of which you are currently or were previously a member, noting current status and dates of admission.

*Please have current Certificates of Standing sent directly to the Law Society of Prince Edward Island from each law society or other body governing the legal profession in any jurisdiction of which you are, or have ever been, a member.*

1. Have you ever been refused admission to, been disciplined by or been disbarred or struck from membership in a law society or other professional organization or governing body?

Yes  No 

1. Have you ever resigned or applied to resign from a law society or other governing body for any reason?

Yes  No 

1. Are you currently the subject of a professional conduct or disciplinary complaint in any jurisdiction?

Yes  No 

1. Are you aware of any complaint or charge pending against you in your professional capacity, which has not yet come to the attention of another law society or governing body?

Yes  No 

1. Have you ever been the subject of an insurance claim under a policy for professional liability insurance?

Yes  No 

*If answer is yes to any of questions 12 to 16, provide relevant documents, including reports from your law society, and other applicable professional organization or governing body, if any, with full particulars.*

**PART D – GOOD CHARACTER**

*In asking the following questions, the Law Society of Prince Edward Island (“Society”) is seeking information pertaining to your character. The Society has a statutory obligation to be satisfied that each applicant for admission is of good character.*

*To that end, the Society recognizes that individuals may have made mistakes in the past and we do not view an affirmative answer to these questions on its own to be an automatic bar to admission. The Society will assess each applicant on a case-by-case basis and will consider relevant factors like the nature of the incident, when it occurred, evidence of rehabilitation, and the applicant’s candour in the admission process.*

*You are advised to answer all questions fairly and fully and to disclose to the Society anything that the applicant considers might adversely affect the application. Full and honest disclosure and supporting documentation, where applicable, should be given. If you are unsure whether a matter must be disclosed, we recommend that you include it and provide a relevant explanation.*

*You may exclude minor traffic offences, such as parking tickets or speeding tickets, unless they form part of a criminal proceeding.*

1. Have you ever been charged with a criminal offence in Canada or elsewhere, including charges that were later withdrawn, stayed, dismissed, or resulted in an acquittal? Yes  No 
2. Have you ever been found guilty or convicted of a criminal offence in Canda or elsewhere, including offences for which you received a conditional or absolute discharge and/or where a pardon or record suspension has been granted? Yes  No 
3. Have you ever been successfully sued in a civil action relating to fraud? Yes  No 
4. Have you been denied or had revoked any license or permit, the procurement of

which required proof of good character? Yes  No 

1. Have you made an assignment in bankruptcy or petitioned into bankruptcy,

or filed a proposal to creditors? Yes  No 

1. Are there any outstanding civil judgments against you or any actions outstanding

against you that may result in a civil judgment? Yes  No 

1. Have you at any time not obeyed any Order of any court requiring you to do

or abstain from doing any act? Yes  No 

1. Is there, to your knowledge or belief, any event, circumstance, condition or matter not disclosed in your replies to the preceding questions that touches or may concern your conduct, character and reputation, and that you know is or believe might be thought to be an impediment to your admission

or warrant full inquiry by the Law Society of Prince Edward Island? Yes  No 

*If the answer is yes to any question in Part D, attach relevant documents, including any Court orders, with full particulars.*

# AUTHORIZATION

I grant to the Law Society of Prince Edward Island permission to make an enquiry from any person, police authority, governing body, or other organization about anything relevant to this Application for Reinstatement after Appointment to Judicial Office. I authorize all persons enquired pursuant to this authorization to provide all information requested.

# UNDERTAKING

I undertake to the Law Society of Prince Edward Island that, if reinstated in Prince Edward Island, I will at all times well and truly keep and perform all of my obligations and will follow the rules and requirements of the Law Society. I also hereby undertake to comply with all ethical guidelines and rules governing lawyers in the Province of Prince Edward Island, including the *Code of Professional Conduct*.

# DECLARATION OF APPLICANT

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the applicant in this Application for Reinstatement after Retirement or non-practicing status, DO SOLEMNLY DECLARE that the statements contained in my Application are complete and true in every respect.

AND I make this solemn declaration believing it to be true and know that it is of the same force and effect as if made under oath or solemn affirmation.

Declared before me at , )

in the County of , )

Province of , )

this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_. )

 )

 )

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public in and for the Province of \_\_\_\_\_\_ ) Signature of Applicant

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, or a Commissioner )

of the Supreme Court of Prince Edward Island. )

# APPLICATION - REINSTATMENT FOLLOWING RETIREMENT/NON-PRACTICING

#  PART 2

**FITNESS**

In asking the following question, the Law Society of Prince Edward Island is seeking information pertaining to your fitness to practice law. The Law Society’s obligation to protect the public interest operates alongside the lawyers’ ethical obligation to respect the human dignity and worth of all persons and to treat all persons with equality and without discrimination.

To that end, the Society will endeavour to deal with issues of capacity without causing unnecessary pain and anxiety for applicants, without discouraging those who need help from seeking it and without contributing to the stigma surrounding mental health issues in particular.

In order to protect your right to privacy, the information you provide will be held in confidence, and will only be provided to the Council where it is deemed relevant to a concern regarding your fitness to practice law, and only after you have been notified of the information to be provided to Council.

The practice of law is often rigorous, demanding a high level of functioning. Any circumstance which would render you incapable of practicing law competently puts clients’ interests at risk, and harms the profession’s reputation. Having said that, the Society recognizes that everyone experiences pressures in life, and we all respond to those pressures differently. You may be quite capable of practicing law competently, in spite of your past difficulties. It is the Society’s goal as the governing body of the profession to determine if an applicant has an impairment which substantially impairs that individual from competently carrying out the functions normally required of a lawyer. To this end, the Society is looking for information about conditions that you are currently experiencing, and which could substantially impair your ability to practice. The Society is not looking for information about past conditions which have been resolved and are not currently affecting your ability to complete the duties of a lawyer. You need only report **current** circumstances which could affect your ability to perform the duties of a lawyer.

The fact that you may have sought professional assistance for a problem is not a bar to reinstatement. In most cases, evidence of having sought professional assistance is positive evidence, as it suggests that you are actively seeking to deal with the circumstances and take control of your life.

The Society, provides all members access to a Lawyers Assistance Program (LAP) through Homewood Solutions. The program is completely confidential and open to all lawyers, their families and their staff. It is available to you once reinstated. The Society actively encourages individuals to seek the education and assistance they need. The LAP can be contacted at 1-800-663-1142.

If you answer “yes” to the question below you may be asked to provide further information from a source that the Society deems appropriate.

If you would like to discuss a personal concern, confidentially, please contact the Director of Public Education & Professional Responsibility or Secretary Treasurer at (902)566-1666.

1. Full Name:
2. Date of Birth:
3. State any changes of name, formal or informal, or other surnames or given names you have used, and when:
4. ***In asking the following question, the Society is not concerned with issues which have been satisfactorily resolved and do not affect your present ability to practice law competently.***

Based upon your personal history, your current circumstance or any professional opinion or advice you have received, are you currently experiencing any condition which is reasonably likely to substantially impair your ability to competently practice law? Yes  No 

1. If the answer is “yes” to (4), please provide a general description of the “impairment” which is likely to substantially impair your ability to perform the duties of a lawyer.

*Depending upon your response, the Society may ask for additional information from you or another appropriate source.*

*Signature of Applicant Date*