**LAW SOCIETY OF PRINCE EDWARD ISLAND**

**Change of Status - Retired or Non-Practicing Members as Practicing Members of the Society Policy (Regulation 49)**

**1 Purpose**

**1.1** The purpose of this *Change of Status – Retired or Non-Practicing Members as Practicing Members of the Society Policy* (“Policy”) is to outline the requirements, procedures, and expectations of retired or non-practicing members who wish to apply to the Law Society of Prince Edward Island (“the Society”) to resume practicing status.

**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.

 **2 Decision-Making Process**

**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.

**3 The Application**

**3.1** Pursuant to Regulation 49, a person who has retired from membership or has been non-practicing may apply to the Law Society of Prince Edward Island to resume practicing status.

# 4 Authority of Secretary-Treasurer

# 4.1 The Secretary-Treasurer may approve the application, if the application is made not more than three years after the applicant last engaged in the practice of law as a practicing member.

# 4.2 If the application is made more than three years after the applicant last engaged in the practice of law as a practicing member or the Secretary-Treasurer believes the application should be, per regulation 49(4)(b), considered by Council, the Secretary-Treasurer will forward the application to Council for consideration.

**4.3** An application from a retired or non-practicing member who wishes to resume practicing membership that is received more than three years from the date of the applicant last engaged in the practice of law as a practicing member will be reviewed by the Secretary-Treasurer or Council with a view to determining whether or not any remedial requirements, such as the Bar Admission Program, or a period of supervision, should be imposed. Consideration will be given to such factors as:

* + - 1. the length of time since retirement or engagement in the practice of law;
			2. what the applicant has been doing since retirement or engagement in the practice of law;
			3. whether the applicant has been engaged in activities that would be equivalent to the practice of law;
			4. whether the applicant has kept their legal knowledge current; and
			5. whether or not the applicant was in active practice prior to their retirement from membership or non-practicing status and for how long.

# 5 Good Character and/or Fitness

**5.1** The Secretary-Treasurer or Council may obtain additional information regarding the applicant’s good character and/or fitness from the applicant or any other person.

# 6 Consideration of the Application

**6.1** The Secretary-Treasurer or Council will evaluate the application considering the public interest and may require the applicant to submit additional information.

**6.2** Decisions will be pursuant to section 2 of this Policy.

# Fees

# 7.1 The applicant will be required to pay the appropriate fees upon reinstatement.

# 8 Period of Supervision

**8.1** During any required period of supervision, the applicant is considered a practicing lawyer and must be fully insured and pay the fees of a practicing lawyer.

*Approved by Council – MM/DD, 2025*