



## **Nunavut Court of Justice**

### **PRACTICE DIRECTIVE #45**

#### **PROOF OF AUTHORIZED PRACTICE OF LAW**

Explanatory Note: All persons engaged in the practice of law as defined by the *Legal Profession Act* (other than self represented litigants) are required to have either:

1. Full membership in the Nunavut Law Society; or
2. A temporary authorization in the form of a Restricted Appearance Certificate; or
3. Be otherwise authorized to practice law as a court worker or a student-at-law in articles of clerkship approved by the *Law Society of Nunavut*

This practice directive requires all persons other than self represented litigants to satisfy the Court, prior to appearing or filing documents in the Nunavut Court of Justice, that they have met the requirements of the *Legal Profession Act*.

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#### **Matters Requiring the Filing of Documents**

The backs of all documents filed in the Nunavut Court of Justice shall include the following particulars:

1. Where the person filing is a full member of the *Law Society of Nunavut*, the backer shall contain the lawyer's roll number.
2. Where the person filing is a student-at-law under articles of clerkship approved by the *Law Society of Nunavut*, the backer shall contain particulars of the certificate of clerkship issued by the Law Society of Nunavut including the date of issuance and expiry (if any).
3. Where the person filing is a lawyer and holds a Restricted Appearance Certificate ("RAC"), the backer shall give particulars of the certificate, including the RAC number, date of issuance and expiry.

The Registrar may decline to file any document presented for filing that fails to comply with this directive in circumstances where the Registrar is uncertain about that person's authorization to practice law in Nunavut.

## **Matters not Requiring the Filing of Documents**

1. Where the person is a lawyer and holds a Restricted Appearance Certificate, they shall file with the clerk of the Court, prior to the commencement of proceedings on a criminal or quasi criminal matter, a copy of his or her Restricted Appearance Certificate issued by the *Law Society of Nunavut* in relation to that cause or proceeding.
2. Where the person is a student-at-law under articles of clerkship, the student-at-law shall file with the Clerk of the Court, prior to the commencement of proceedings on a criminal or quasi criminal matter, a copy of his or her Certificate of Clerkship issued by the *Law Society of Nunavut*.

Where there is non-compliance with this practice directive the Court may, in its discretion:

- a. refuse to grant a right of audience to counsel or a student-at law on any matter involving a substantive hearing; or
- b. grant leave to appear on procedural matters subject to counsel or a student-at law entering into a written undertaking to comply with this directive by a specified date.

This Directive applies to all pleadings filed after October 1<sup>st</sup> 2012.

Issued by the Judges of the Court on this 1st day of October 2012,

Mr. Justice R. Kilpatrick  
Mr. Justice E. Johnson  
Mr. Justice N. Sharkey  
Madame Justice S. Cooper  
Madame Justice B. Tulloch  
Mr. Justice A. Mahar