

Reinstatement of Membership

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Who may apply for reinstatement?

Former members of the Law Society may apply to reinstate their membership. An applicant for reinstatement must have submitted all trust reports and declarations required under the Law Society Rules and paid any assessments relating to late filing of trust reports: see Law Society Rule 2-85(7).

What happens on a reinstatement application?

Law Society Rules 2-85 to 2-87 set out the framework for an application for reinstatement. All applicants must first satisfy the criteria of good character and repute and fitness pursuant to section 19(1) of the *Legal Profession Act*.

The Law Society may conduct or authorize any person to conduct an investigation concerning an application for reinstatement.

The Executive Director may reinstate you without conditions on your practice, or may refer your application to the Credentials Committee. The Committee may approve a reinstatement, with or without conditions or limitations on practice, or may order a hearing into the application.

If the applicant is a former lawyer who was disbarred or ceased membership as a result of discipline proceedings, the Credentials Committee must order a hearing into the application: see Rule 2-85(11)(a).

How do I apply for reinstatement?

To apply for reinstatement, you should submit the following:

- Application for Reinstatement of Membership; and
- a non-refundable reinstatement fee. The fee is \$472.50 (\$450 plus GST). For a former lawyer who was disbarred or ceased membership as a result of disciplinary proceedings, the fee is \$735 (\$700, plus GST). And for a former lawyer who has been former for three years or more, the fee is \$577.50 (\$550, plus GST).

Applications should be received at least three weeks prior to your intended date of reinstatement. You are required to answer all questions contained in the application for reinstatement fully and advised to disclose to the Society anything you consider may adversely

affect your application. You should provide the fullest details possible, with supporting documentation. Omissions or inaccuracies in your answers will delay your application.

What kind of membership options are available after reinstatement?

In applying for reinstatement, you may apply to be a practising lawyer, a non-practising member or a retired member.

If you wish to return to practice following reinstatement, you will be subject to the Law Society's returning to practice rules. The conditions of returning to practice vary depending on the length of time you have been engaged in the practice of law and the period of time you have been absent from practice. For more information, see the information sheet *Returning to Practice*.

If you do not intend to practise law after reinstatement and wish to become a non-practising or retired member, see the information sheets *Non-Practising Membership* or *Retired Membership*.

Once your application for reinstatement has been approved, you must pay either a prorated practising, non- practising or retired member annual fee. If you have applied to be a practising lawyer on reinstatement, you must pay the prorated annual insurance fee or submit an insurance exemption form.

Are there restrictions on practice for a reinstated lawyer who was a judge or master?

A reinstated lawyer who was a judge or a master must restrict his or her practice by not appearing before certain courts for a period of time, or alternatively may have conditions respecting their practice imposed by the Credentials Committee: see Rule 2-87.

How can I obtain more information?

If you have any questions about reinstating your membership, please contact:

Registration & Licensee Services
Law Society of British Columbia
8th Floor, 845 Cambie Street
Vancouver, BC V6B 4Z9

Tel.: 604.605.5311
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The information in this package is based on the Law Society Rules as they exist at this time. You must comply with the Rules that are in effect at the time you apply and with any changes in the Rules that may occur while you are in the process of reinstating your membership. If you have any questions about reinstatement of membership, contact Registration & Licensee Services at the Law Society of British Columbia.

Reinstatement

Reinstatement of former lawyer

- 2-85** (1) A former lawyer may apply for reinstatement as a member of the Society by delivering the following to the Executive Director:
- (a) an application for reinstatement in a form approved by the Credentials Committee, including written consent for the release of relevant information to the Society;
 - (b) the appropriate application fee specified in Schedule 1.
- (2) An applicant for reinstatement may apply for the following status on reinstatement:
- (a) practising lawyer, only if the applicant has met the conditions for practising law under Rule 2-89 [*Returning to practice after an absence*];
 - (b) non-practising member on compliance with Rule 2-3 [*Non-practising members*];
 - (c) retired member if the lawyer is qualified under Rule 2-4 (1) [*Retired members*] and on compliance with Rule 2-4 (2) and (3).
- (3) On an application under subrule (2) (c), the Credentials Committee may waive payment of all or part of the application fee on any conditions that the Committee considers appropriate.
- (4) The Executive Director may issue a practising certificate to an applicant on reinstatement on payment of the following:
- (a) the prorated practice fee specified in Schedule 2;
 - (b) the prorated annual insurance fee specified in Schedule 2, unless exempt under Rule 3-43 [*Exemption from liability insurance*];
 - (c) any surcharge for which the lawyer is liable under Rule 3-44 (2) [*Deductible, surcharge and reimbursement*].
- (5) The Executive Director may issue a non-practising or retired member certificate to an applicant on reinstatement on payment of the appropriate prorated fee specified in Schedule 3.
- (6) Subject to subrule (7), the Executive Director must consider an application for reinstatement of a former lawyer and may conduct or authorize any person to conduct an investigation concerning the application.
- (7) The Executive Director must not consider an application for reinstatement of a former lawyer unless the former lawyer has
- (a) submitted all trust reports required under Rules 3-79 [*Trust report*] and 3-84 (1) [*Former lawyers*],
 - (b) paid all assessments accrued under Rule 3-80 [*Late filing of trust report*] before and after the former lawyer ceased to be a member of the Society unless the Discipline Committee orders the assessments need not be paid under Rule 3-80 (3), and
 - (c) paid all costs of trust reports ordered under Rule 3-81 (6) [*Failure to file trust report*].
- (8) If an applicant for reinstatement is a disbarred lawyer, the Executive Director must refer the application to the Credentials Committee.

- (9) On an application for reinstatement to which subrules (7) and (8) do not apply, the Executive Director may
- (a) reinstate the applicant without conditions or limitations, or
 - (b) refer the application to the Credentials Committee for consideration.
- (10) Subject to subrule (11), when the Executive Director refers an application for reinstatement to the Credentials Committee under subrule (9), the Committee may
- (a) reinstate the applicant without conditions or limitations,
 - (b) reinstate the applicant with conditions or limitations on the applicant's practice if the applicant consents in writing to those conditions or limitations, or
 - (c) order a hearing.
- (11) The Credentials Committee must order a hearing in the following circumstances:
- (a) section 19(3) applies;
 - (b) the Committee cannot reach another disposition of the matter under subrule (10);
 - (c) the Committee resolves to order a hearing.
- (12) An applicant for reinstatement must give written notice of the application as directed by the Executive Director, and persons so notified may appear in person or by counsel at the hearing and be heard on the application.

Subsequent application for reinstatement

- 2-86** A person whose application for reinstatement is rejected under section 22 (3) [*Credentials hearings*] may not make a new application for reinstatement until the earlier of the following:
- (a) 2 years after the date on which the application was rejected;
 - (b) the date set by the panel when the application was rejected or by the review board on a review under Part 5 [*Hearings and appeals*].

Former judge or master

2-87 (1) Subject to subrules (2) and (3), a lawyer who was a judge or a master must restrict his or her practice of law as follows:

- (a) a former judge of a federally-appointed court must not appear as counsel in any court in British Columbia without first obtaining the approval of the Credentials Committee;
- (b) a former judge of a provincial or territorial court in Canada must not appear as counsel in the Provincial Court of British Columbia for 3 years after ceasing to be a judge;
- (c) a former master of the Supreme Court of British Columbia must not appear as counsel before a master, a registrar, a district registrar or a deputy district registrar of the Supreme Court of British Columbia for 3 years after ceasing to be a master.

(2) The Credentials Committee may impose conditions or limitations respecting the practice of a former judge when giving approval for that lawyer to appear as counsel under subrule (1) (a).

(3) The Credentials Committee may at any time relieve a lawyer of a practice restriction referred to in subrule (1) and may impose conditions or limitations respecting the practice of the lawyer concerned.

- (4) A lawyer who has served as a judge or master in any court must not use any judicial title or otherwise allude to the lawyer's former status in any marketing activity.
- (5) Subrule (4) does not preclude a lawyer who has served as a judge or master from referring to the lawyer's former status in
- (a) a public announcement that the lawyer has resumed the practice of law or joined a law firm,
 - (b) a public speaking engagement or publication that does not promote the lawyer's practice or firm,
 - (c) seeking employment, partnership or appointment other than the promotion of the lawyer's practice or firm, or
 - (d) informal conversation or correspondence.
- (6) For the purpose of this rule, it is not the promotion of a lawyer's practice or firm to provide, on request, a curriculum vitae or other statement of experience that refers to the lawyer's former status as a judge or master.
- (7) This rule applies to a lawyer who has served as a master or the equivalent officer of a superior court in Canada as it does to a former master of the Supreme Court of British Columbia.

LEGAL PROFESSION ACT, S.B.C. 1998, C. 9**Applications for enrollment, call and admission, or reinstatement**

- 19** (1) No person may be enrolled as an articled student, called and admitted or reinstated as a member unless the benchers are satisfied that the person is of good character and repute and is fit to become a barrister and a solicitor of the Supreme Court.
- (2) On receiving an application for enrollment, call and admission or reinstatement, the benchers may
- (a) grant the application,
 - (b) grant the application subject to any conditions or limitations to which the applicant consents in writing, or
 - (c) order a hearing.
- (3) If an applicant for reinstatement is a person referred to in section 15 (3) (a) or (b), the benchers must order a hearing.
- (4) A hearing may be ordered, commenced or completed despite the applicant's withdrawal of the application.
- (5) The benchers may vary conditions or limitations made under subsection (2) (b) if the applicant consents in writing to the variation.

Admission, reinstatement and returning to practice

- 21** (1) The benchers may make rules to do any of the following:
- (a) establish a credentials committee and delegate any or all authority and responsibility under this Part, other than rule-making authority, to that committee;
 - (b) establish requirements, including academic requirements, and procedures for call to the Bar of British Columbia and admission as a solicitor of the Supreme Court;
 - (c) set a fee for call and admission;
 - (d) establish requirements and procedures for the reinstatement of former members of the society; (e) set a fee for reinstatement;
 - (f) establish conditions under which a member in good standing of the society who is not permitted to practise law, may apply to become a practising lawyer.
- (2) The fee set under subsection (1) (c) must not exceed 1/6 of the practice fee set under section 23 (1) (a).

- (3) The benchers may impose conditions on the practice of a lawyer who, for a cumulative period of 3 years of the 5 years preceding the imposition of the conditions, has not engaged in the practice of law.