

Form 4-2

(Rule 116)

Application by a Former Judge for Reinstatement

TO: The Executive Director of the Law Society of Alberta (the Society)

I, _____
of _____ in the Province of _____
hereby apply for reinstatement as a member of The Law Society of Alberta ("the Society").

1. I became a member of the Society on _____
and ceased to be a member of the Society on _____
2. I was a member of the Society immediately before being appointed to the following judicial office:

3. I ceased to hold a judicial office mentioned in section 32 of the *Legal Profession Act* on _____
4. I am a Canadian citizen or a person lawfully admitted into Canada for permanent residence.
5. (1) I (have not/have), since I was last a member of the Society, pleaded guilty to or been found guilty of any of the following:
 - (a) an indictable offence under any Act of the Parliament of Canada;
 - (b) an offence under any Act of the Parliament of Canada where the offence was prosecutable either as an indictable offence or a summary conviction offence;
 - (c) a summary conviction offence under the *Income Tax Act*, the *Criminal Code*, the *Narcotic Control Act* or the *Food and Drugs Act* of Canada, or the *Income Tax Act* or *Securities Act* of any province of Canada;
 - (d) a summary conviction offence under any other law in force in Canada punishable by a fine if the maximum fine for the offence was then at least \$25,000;
 - (e) an offence committed outside Canada and similar to any of the kinds of offences described in clauses (a) to (d).(2) Full particulars in regard to an affirmative statement in subparagraph (1) accompany this application.
6. I hereby authorize the Society to make enquiries of any government, official or body, including any police authority, with regard to any of the statements in this application or in connection with this application. On request by the Executive Director, I will furnish any additional specific authorization of that kind, or any release, that is required for the purpose of enabling the Society to obtain information related to those statements or that matter.
7. I undertake with The Law Society of Alberta that I will at all times during my enrolment faithfully and to the best of my ability perform my obligations as a barrister and solicitor and as a member of the Society under the *Legal Profession Act*, the Rules of the Law Society of Alberta and any code of ethical standards authorized or established by the Benchers of the Society.

I solemnly declare that all statements made by me in this application, and in the documents furnished in connection with this application, are correct, and I make this solemn declaration 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: _____, _____)
on _____)
)
)
)
_____)

A Commissioner for Oaths for the
Province of Alberta
**(Applicant must declare this document before a
Notary Public)**

Applicant's Signature

NOTE: If the declaration is made outside Alberta it must be made before a Notary Public.

The personal information collected in this form will be used by the Law Society for one or more purposes contemplated by the *Legal Profession Act*, the Rules of the Law Society, the Code of Conduct, or a resolution of the Benchers and will be accessible to all departments of the Law Society, including the Alberta Lawyers Insurance Association. The information may be used or disclosed by the Law Society, now or in the future, for regulatory purposes, including Law Society investigations and proceedings. We may contact you to obtain additional information, or to obtain clarification on the information you provided. Should you have any questions about the collection, use or disclosure of this information, please contact, the Privacy Officer at (403) 229-4700.

**Form 4-2: Instructions to the Applicant Application by a former judge
for reinstatement as a member of The Law Society of Alberta****1. Eligibility of the applicant**

This Form is to be used only by a former Society member who was appointed to a judicial office mentioned in section 32 of the *Legal Profession Act* and who was a Society member immediately before the appointment. The judicial offices enumerated in section 32 are:

- (a) a judge of the Court of Appeal, the Court of Queen's Bench or the Provincial Court of Alberta;
- (b) a judge of the Supreme Court of Canada, the Federal Court of Canada or the Tax Court of Canada;
- (c) [repealed - 1 June, 1994]
- (d) a judge of a superior, district or county court in any other province of Canada;
- (e) a judge of the provincial court of any other province of Canada;
- (f) a judge of the territorial court of a territory of Canada.

Subsection (c) previously referred to Masters in Chambers. Effective 1 June 1994, they will not cease to be members on their appointment. They may elect to become inactive members on their appointment (Form 2-20 - rule 69).

2. Documents and payments to accompany your application

Except as otherwise indicated in these Instructions, your application must be accompanied by the following:

- (a) payment of the prescribed annual fee for the current year;
- (b) payment of the prescribed application fee and reinstatement fee;
- (c) payment of the Assurance Fund levy for the current year;
- (d) the professional liability insurance assessment for the current year, or proof that you will, on being reinstated as a member, be exempt from the requirement to pay that assessment.

As to exemptions from the payment of the professional liability insurance assessment, see rule 148.

3. Election to become an inactive member (Form 2-20)

If you wish, you may accompany your application with an election to become an inactive member (Form 2-20). In that case, you need not comply with paragraphs 2(c) and (d) of these Instructions.

If you are eligible to become an inactive member (retired), under rule 69(3), and if you so elect in Form 2-20, you need not comply with paragraphs 2(a),(c) and (d) of these Instructions.

4. Paragraph 4 of the Application: Canadian status

It is not necessary for you to submit documentary evidence to prove your status as a Canadian citizen or as a person lawfully admitted into Canada for permanent residence.

5. Applicants must be aware of Rule 117

117 Where an application is made by a former Judge referred to in rule 116 or a former Master in Chambers, the following provisions apply:

- (a) the Executive Director shall not refer the application to the Education Committee pursuant to rule 118(1)(a) unless more than 3 years has elapsed between the date on which the applicant ceased to be a Judge or Master in Chambers and the date on which the application is received by the Executive Director;

- (b) if the applicant is reinstated as a member, it is a condition of the reinstatement that the member must not appear in chambers or in any court in Alberta as a barrister and solicitor without first obtaining the approval of the Benchers which may be given with or without conditions.