

Recognizing International Legal Practice Experience Protocol

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Recognizing International Legal Practice Experience Protocol

Introduction

1. In accordance with the *Legal Profession Act* (Act), matters regarding enrolment as a member are under the control of the Law Society (s 37(1)).
2. The Executive Director, pursuant to section 37(5) of the Act and Rule 47.1(b) of the Rules of the Law Society of Alberta (Rules), has been delegated the authority to modify or waive a particular enrolment requirement in the case of a particular applicant if the Executive Director considers that special circumstances so warrant.
3. An individual's international legal practice experience is a special circumstance that may warrant modification or waiver of the enrolment requirements (s 37(4)).
4. This Protocol recognizes the inherent challenges faced by individuals with international legal practice experience who elect to become members in Alberta, and seeks to remove barriers from the enrolment process for these applicants by:
 - a. ensuring that the path to enrolment is clear and transparent,
 - b. recognizing that before applying to the Law Society for enrolment as a member, an applicant will have already been assessed by, and received qualifications from, the National Committee on Accreditation (NCA),
 - c. recognizing and fairly assessing the significance of international legal practice experience, and
 - d. by acknowledging the value derived from diverse perspectives in the legal profession,and when an applicant provides evidence of entry level competence to practise law, imposes additional training and testing requirements only when necessary.
5. In this Protocol, a reference to:
 - a. "applicant" means an individual with international legal practice experience who applies for modification or waiver of the enrolment requirements;
 - b. "entry level competence" means the successful completion of the articling requirements and the Practice Readiness Education Program (PREP) set out in Rule 65, or equivalent international legal practice experience, as determined by the Executive Director; and
 - c. "international legal practice experience" means professional work experience in the practice of law as a lawyer or judge in a jurisdiction outside Canada.
6. Nothing in this Protocol supersedes or replaces any provision of the Act or Rules.

Eligibility

7. To be eligible to apply for modification or waiver of the enrolment requirements, an applicant must have:
 - a. an NCA Certificate of Qualification and have applied for admission to the Law Society as a student-at-law, including payment of the applicable fees; and
 - b. international legal practice experience.

Application Process

8. An applicant who meets the requirements set out in paragraph 7, may make an application to the Executive Director for the modification or waiver of the enrolment requirements.
9. The application must be in the form and manner prescribed by the Executive Director, and include:
 - a. a copy of the applicant's NCA Certificate of Qualification;
 - b. a comprehensive summary of the applicant's relevant experience, describing the length, currency, nature, and scope of the experience, including:
 - i. all international legal practice experience,
 - ii. any work or volunteer experience related to legal practice in Canada, occurring in a law firm, law department, or legal organization, including as a paralegal, legal researcher, or legal assistant, and
 - iii. any advanced legal training or education obtained inside or outside of Canada, including any supporting documentation or letters of support;
 - c. at least one letter authored by a lawyer, judge, or the applicant's former legal employer, specifically describing:
 - i. the relationship of the author to the applicant, including stating how the applicant is known, and how long the applicant has been known for, and
 - ii. the applicant's international legal practice experience, describing the length, currency, nature, and scope of the experience;
 - d. proof of membership for each current or past jurisdiction in which the applicant was admitted outside of Canada, describing any
 - i. periods of suspension,
 - ii. resignations,

- iii. discipline history, and
 - iv. practice restrictions or conditions,
- and issued within six months preceding the date of application;
- e. when the applicant has or will have a principal, provide original written confirmation from the applicant's principal in Canada agreeing with the request for modification or waiver;
 - f. confirmation of whether the applicant is seeking waiver or modification of articling, PREP, or both; and
 - g. the fees prescribed by the Executive Director.

Review Process

- 10. The Executive Director will review the application and assess for evidence of entry level competence to practise law, considering the length, currency, nature, and scope of the following factors:
 - a. the applicant's international legal practice experience;
 - b. the applicant's work or volunteer experience related to legal practice in Canada, occurring in a law firm, law department, or legal organization, including as a paralegal, legal researcher, or legal assistant;
 - c. any advanced legal training or education obtained inside or outside of Canada, including:
 - i. previous articling experience and study,
 - ii. advanced degrees in law or law related fields; and
 - d. any other factors that the Executive Director deems relevant to the decision.
- 11. Upon completion of their review, the Executive Director may do either of the following:
 - a. when there is evidence of entry level competence to practise law, modify or waive some or all of the enrolment requirements; or
 - b. when there is insufficient evidence of entry level competence to practise law, deny the application.

Appeal

- 12. An applicant may appeal the decision of the Executive Director in paragraph 11 to the Credentials and Education Committee pursuant to Rule 48.4.