



APPLICATION FOR PERMIT TO ACT AS A FOREIGN LEGAL CONSULTANT

Please complete this Application **legibly**.

All questions must be answered fully and precisely and the answers declared before a Notary Public. Omissions or inaccuracies in your answers may be grounds for rejection. If the space provided for any answer is insufficient, complete your answer on a separate sheet, sign the sheet and attach it to this form.

PART A – NAME AND IDENTIFICATION

1. Full Name: _____

2. Firm Name: _____

3. Firm Address: _____

Telephone: _____ Fax: _____

Email: _____

4. Date of Birth: _____

Attach a notarized copy of your passport, driver's licence or other government issued photo identification.

5. State any changes of name, formal or informal, or other surnames or given names you have used, and when:

Attach a notarized copy of a marriage certificate or other legal document confirming any name change.

PART B – PROFESSIONAL STANDING AND EXPERIENCE

6. List chronologically each law society or governing body of a legal profession of which you are now, or have been, a member:

Law Society or Governing Body	Address	Telephone	Date of Call & Admission	Status

Original Certificates of Standing (notarized and dated within the last 30 days) from each law society or governing body of which you are or have been a member will be required. Each certificate should be mailed to the Law Society of New Brunswick directly by the governing body.

7. Have you practised law of your home jurisdiction for at least three years? Yes No

If no, do you undertake to work, while acting as a foreign legal consultant in the Province of New Brunswick, only under the direct supervision of a foreign legal consultant entitled to practise in your home jurisdiction who has satisfied the three-year practice requirement? Yes No

Name and address of foreign legal consultant under whose direct supervision you will be working:

- 8. Are you authorized to practise law in your home jurisdiction? Yes No
- 9. Have you been refused admission to, been suspended, disbarred, disqualified, had disciplinary action imposed on you, or been struck from membership in a law society or other governing body? Yes No
- 10. Have you resigned or applied to resign from a law society or other governing body for any reason? Yes No
- 11. Are you aware of any complaint or charge pending against you in your professional capacity, which has not yet come to the attention of your law society or governing body? Yes No
- 12. Have you ever reported a claim to your professional liability insurer? Yes No

If you have answered yes to any of questions 8 to 12, attach relevant documents, including reports from your law society or governing body, with full particulars.

PART C – GOOD CHARACTER

- 13. Have you ever been found guilty of a crime or other offence under any statute, regulation or law (offences for which a conditional or absolute discharge has been granted or for which a pardon has been obtained must be disclosed)? Yes No
- 14. Have you ever been convicted or found liable as a result of breach of trust, fraud, perjury, immorality, dishonourable conduct, misrepresentation, dishonesty, or undue influence in any civil, criminal or administrative proceeding? Yes No
- 15. Have you ever been denied or had revoked any licence or permit, the procurement of which required proof of good character? Yes No
- 16. Are there any proceedings currently pending in respect of charges against you for an offence of any kind described in questions 13 to 15 above? Yes No
- 17. Have you ever been refused membership in another law society or governing body or been refused a licence or other authorization to practise law in a jurisdiction outside New Brunswick? Yes No
- 18. Have you ever made an assignment in bankruptcy or petitioned into bankruptcy or filed a proposal to creditors or has any company or partnership of which you are or were a director, officer, shareholder, employee, or partner ever been the subject of bankruptcy proceedings? Yes No
- 19. Are there any outstanding civil judgments against you or any actions outstanding against you which may result in a civil judgment? Yes No
- 20. Have you at any time not obeyed an Order of any Court requiring you to do or abstain from doing any act? Yes No
- 21. Is there, to your knowledge or belief, any event, circumstance, condition or matter not disclosed in your answers to the preceding questions concerning your conduct, character and reputation, that might be an impediment to your approval or warrant full inquiry by the Law Society of New Brunswick? Yes No

If you answered yes to any question in this part, give full particulars on a separate sheet, including the applicable dates, places, nature of acts or offences and penalties and attach relevant documents, including any Court Order.

Two Certificates of Character (see sample attached) from members of the Law Society of New Brunswick or the legal profession in the jurisdiction in which you practise are to be submitted directly to the Law Society of New Brunswick by each person completing a Certificate of Character.

PART D – PROFESSIONAL LIABILITY INSURANCE

22. Name of Insurer: _____

23. Address of Insurer: _____

24. Policy Number: _____
25. Policy Period: From _____ to _____.

26. Limits of Liability:

(a) For each claim arising out of an error or omission(Canadian dollars or equivalent) : \$ _____

(b) Annual aggregate per insured: \$ _____

27. Member deductible per claim: \$ _____

28. Are the limits of liability inclusive of defense costs? Yes No

29. Does the insurance extend to services rendered by you as a foreign legal consultant in New Brunswick? Yes No

Note: Pursuant to subsection 3(4) of the *Foreign Legal Consultants Rules*, a foreign legal consultant's permit ceases to be valid if he or she is suspended as a result of proceedings under the *Law Society Act, 1996* or ceases to comply with any of the requirements of subsections 3 (1) or (2). A foreign legal consultant who has been issued a permit has a continuing obligation to inform the Law Society of the cancellation of, or any significant change to, his or her liability insurance coverage.

A notarized copy of the insurance policy providing coverage to the applicant for errors, omissions must be forwarded directly by the insurance provider to the Law Society of New Brunswick.

PART E – DEFALCATION COVERAGE

Under paragraph 3(1)(f) of the *Foreign Legal Consultant Rules*, you must satisfy the Law Society of New Brunswick that you participate in a defalcation program or carry a fidelity bond or other security satisfactory to the Society in an amount of at least \$1,000,000.00 for the purpose of compensating claimants who have sustained pecuniary losses as a result of the foreign legal consultant's misappropriation or wrongful conversion of money or property entrusted to or received by the consultant in his or her capacity as a foreign legal consultant in New Brunswick.

A notarized copy of the insurance policy/bond or other security providing defalcation coverage to the applicant must be forwarded directly by the insurance/bond or other security provider to the Law Society of New Brunswick. Please provide the information about your coverage below.

30. Name of Insurer: _____

31. Address of Insurer: _____

32. Policy or Bond Number: _____

33. Policy or Bond Period: From: _____ to _____

34. Amount of Insurance or Bond (Canadian dollars or equivalent) \$ _____

35. Does your defalcation coverage extend to services rendered by you as a foreign legal consultant in New Brunswick? Yes No

Note: Pursuant to paragraph 3(4)(b) of the *Foreign Legal Consultants Rules*, a foreign legal consultant's permit ceases to be valid if his or her insurance or fidelity bond or other

security is discontinued or reduced. A foreign legal consultant who has been issued a permit has a continuing obligation to inform the Law Society of the cancellation of, or any significant change to, his or her fidelity bond or other security.

PART F – FUTURE PLANS

36. If your Application is approved, when do you intend to commence acting as a foreign legal consultant?

37. Address in New Brunswick:

(a) Name of Firm: _____

(b) Address: _____

Telephone: _____ Fax: _____

Email: _____

38. Do you intend to reside in New Brunswick? Yes No

If no, describe your plans in detail, including the frequency with which you intend to act as a foreign legal consultant in New Brunswick.

AUTHORIZATION

I authorize the Law Society of New Brunswick to make inquiries of any government, official or body, including Police or academic authorities, with regard to any of the statements in this Application or any document filed in support of this Application. On the request of the Executive Director, I will furnish additional specific authorizations or releases that are required for the purposes of enabling the Society to obtain information.

UNDERTAKING OF APPLICANT

I undertake to the Law Society of New Brunswick that, if approved to act as a Foreign Legal Consultant,

- (a) I will submit to the jurisdiction of the Law Society of New Brunswick in regard to my practice in New Brunswick and comply with the Act, the Rules and the Code of Professional Conduct;
- (b) I will restrict my practice as a Foreign Legal Consultant to advising on the law of the foreign jurisdiction of which I am a practicing member;
- (c) I will not provide advice on matters of New Brunswick and Canadian law, represent clients in any court, prepare or participate in preparing any document or instrument which is or may be governed by the laws of New Brunswick or Canada, or hold myself out as qualified to act as a member of the Law Society of New Brunswick;
- (d) I will not accept, hold, transfer or in any other manner deal with trust funds or client property;
- (e) I will notify the Executive director promptly if I cease to be entitled to practise law in my home jurisdiction or fail to satisfy any applicable legal education requirement of my home jurisdiction;
- (f) I will notify the Law Society of New Brunswick immediately if my insurance policy is cancelled or there is a material change in the policy that would affect my professional liability or defalcation coverage while acting as a Foreign Legal Consultant; and
- (g) I will, when advertising or otherwise marketing services as a Foreign Legal Consultant, refer to myself as a Foreign Legal Consultant, state the jurisdiction for which I am qualified to give legal advice and the professional title applicable in that jurisdiction.

Dated at _____ this _____ day of _____ 20____.

Signature of Applicant

DECLARATION OF APPLICANT

I, _____, the applicant in the above Application, DO SOLEMNLY DECLARE:

1. That the statements contained in this Application and in any added pages are complete and true in every respect.
2. That 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 _____)

_____, this _____)

day of _____, _____)

Signature of Applicant

Notary Public

Important

A. Please ensure that you enclose with this Application:

1. Any separate sheets used in the completion of any of the questions on this form; the separate sheets must be signed by you and stapled to this form;
2. A notarized copy of your passport, driver's licence or other government issued photo identification;
3. The permit Application fee of \$500.00 plus HST;
4. Any other documents relevant to this Application

B. The following documentation must also be provided directly to the Law Society of New Brunswick by the issuing body or person:

1. An original and notarized Certificate of Standing (dated within the last 30 days) from each law society or other governing body of which you are or have been a member;
2. Two Certificates of Character (see Form attached);
3. A notarized copy of your policy of professional liability insurance;
4. A notarized copy of your policy/bond or other security evidencing your coverage for defalcation.

Approved by Council on July 11, 2008



**FOREIGN LEGAL CONSULTANT
CERTIFICATE OF CHARACTER**

To: The Law Society of New Brunswick

Re: Application for Permit as a Foreign Legal Consultant by _____
(Applicant's Name)

I, _____ of the City/Town of _____,
in the Province/State/Country of _____, hereby certify as follows:

1. I am a member in good standing of the bar of _____
2. My occupation is _____
3. I have personally known _____
of _____, in the Province/State/Country of _____,
an applicant to the Law Society of New Brunswick for a permit to act as a Foreign Legal Consultant
for the last _____ years.
4. My opportunities to observe the character and reputation of the applicant during those years were
as follows: _____

5. I consciously believe that
 - (a) the character of the applicant is: _____

 - (b) the reputation of the applicant is: _____

 - (c) the applicant is a fit and proper person to be permitted to practise as a Foreign Legal
Consultant in New Brunswick:
 Yes
 No. Please explain: _____

6. I am not a relative of the applicant by birth or marriage.
7. I am not an employee of the law society/bar association/regulatory legal body or a member of the
staff or faculty of a university or post secondary institution of law attended by the applicant.

Dated at _____, in the Province/State/Country of _____
this _____ day of _____, 20_____.

(Signature)

Business/Firm Name: _____

Business Address: _____

Telephone Number: (_____) _____ Fax Number: (_____) _____

Email Address: _____