



**BAR ADMISSION**

**COURSE CALENDAR**

**2015**

## **CALENDAR**

### **2015 BAR ADMISSION COURSE**

#### **THE LAW SOCIETY OF PRINCE EDWARD ISLAND**

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September 2015

**MESSAGE FROM THE CHAIR  
ARTICLING & ADMISSIONS & BOARD OF EXAMINERS COMMITTEE**

This is the twenty-eighth year that a bar admission course has been offered in the Province of Prince Edward Island. Our Law Society feels that bar admission education is an integral part of a lawyer's education, which is itself a life-long process.

The PEI Bar Admission Course offers a unique opportunity to learn the best way to practice law in the province from lawyers who are experienced practitioners in their respective fields.

Articled Clerks seeing admission to the PEI Bar must currently complete a portion of the Nova Scotia Bar Admission Course as a compulsory part of the Prince Edward Island Course. In that regard, thanks are extended to the Nova Scotia Barristers' Society for its co-operation, and the Law Foundation of Prince Edward Island which provides financial support through funding a large portion of our participation in the Nova Scotia course.

As the Articling & Admissions Committee is continually striving to improve the PEI Bar Admission Course, we would ask that you take your time when completing the compulsory Evaluation Form at the end of the Course. Your feedback is very important to us. Over the years, the Course has been fine-tuned based on clerks' comments and suggestions.

As the PEI Bar Admission Course is made possible by countless hours of volunteer time by members of the profession, I wish to thank the course leaders and the committee members for their dedication to the cause of legal education in this province. These practitioners are making an invaluable contribution to educating PEI lawyers over several generations, and are passing on the best practices of respected members of our Bar.

Enjoy the 2015 PEI Bar Admission Course.

**Sherry E. Gillis, Q.C., Chair**

Articling & Admissions/Board of Examiners Committee  
Law Society of PEI  
49 Water Street, Box 128  
Charlottetown, PE C1A 7K2  
Telephone (902) 566-1666 Fax-368-7557

## **MEMBERS OF THE ARTICLING & ADMISSIONS & BOARD OF EXAMINERS COMMITTEE**

Sherry E. Gillis, Q.C., Chair	Janet M. R. Clark
Pamela M. Stewart	Kevin J. Kiley
Ryan P. MacDonald	Susan E. Carruthers
Jonathan M. Coady	David W. Hooley, Q.C.
Ryan S. Baxter	D. Brandon Forbes
Valerie A. Moore, Q.C. *	

\*[Legal Education Co-ordinator]

## **COURSE CO-ORDINATOR**

The Bar Admission Course is coordinated by Valerie A. Moore, Q.C., in cooperation with the Articling and Admissions and Board of Examiners Committee, the Secretary-Treasurer of the Law Society of P.E.I. and with the assistance of Sheila Curley. If you have any questions, please contact one of these individuals.

## **P.E.I. BAR ADMISSION REQUIREMENTS**

All articulated clerks in Prince Edward Island must pass the prescribed Bar Admission Course before they are eligible for admission to the P.E.I. Bar and for membership in the Law Society of Prince Edward Island.

The Prince Edward Island Bar Admission Course consists of two components:

- a two-week course offered in Prince Edward Island, and
- the “Skills Course” component of the Nova Scotia Bar Admission Course

Both the P.E.I. course and the component of the Nova Scotia Bar Admission Course are considered part of the one-year articling period for PEI. Written confirmation of successful completion of both courses must be provided to the Secretary-Treasurer of the Law Society of P.E.I.

The Council of the Law Society of P.E.I. may excuse clerks who have already passed a Bar Admission Course in another province from taking the Nova Scotia component of the Bar Admission Course. However, such clerks must still take and pass the two-week P.E.I. course. It is incumbent on the clerk to apply to the Secretary-Treasurer of the Law Society of P.E.I., with proof of having passed the Bar Admission Course in another province, in sufficient time to allow Council to consider their request to be excused from taking the Nova Scotia component of the Bar Admission Course.

## **NOVA SCOTIA BAR ADMISSION COURSE**

The Nova Scotia “Skills Course” has a three-week in-person component entitled “Communications and Interviewing, Negotiation and Mediation; and Oral Advocacy skills” which is offered three times each autumn.

It also has three online components: “Practice Management Skills” (delivered online in August); “Legal Writing Skills” (delivered online during Winter/Spring); and “Legal Drafting Skills” (delivered online during Winter/Spring).

Clerks from P.E.I. are expected to make their own arrangements with the Nova Scotia Barristers' Society to attend the in-person component and to participate in the three online components of the Nova Scotia Bar Admission Course. Registration and payment of the materials fee, set by the Barristers' Society, is the responsibility of each clerk. The fee is payable to:

Nova Scotia Barristers' Society  
Cogswell Tower, 800-2000 Barrington Street  
Halifax, NS B3J 3K1

to the attention of:

Carol Ferguson Eagan, Officer, Education & Credentials  
[cferguston@nsbs.org](mailto:cferguston@nsbs.org) [www.nsbs.org](http://www.nsbs.org)  
Telephone: 902-422-1491, Ext. 338 Fax: 902-429-4869

or:

Jacqueline Mullenger, Director of Education & Credentials  
Internet – <http://www.nsbs.org>  
Telephone: 902-422-1491, Ext. 337 Fax: 902-429-4869

It is mandatory that P.E.I. clerks complete all requirements of Nova Scotia’s “Skills Course,” and obtain a passing grade in all evaluations in the in-person and online components.

Clerks are advised to register for the Nova Scotia Bar Admission Course at the earliest opportunity. Late registrants may not be accommodated in the session of their choice, and may have to extend their articling time to complete the course.

## **PRINCE EDWARD ISLAND BAR ADMISSION COURSE**

The following should answer many of your questions about the in-province component of the Bar Admission Course.

### **REGISTRATION**

On the final page of this calendar is a registration form for the P.E.I. component of the 2015 Bar Admission Course. Please photocopy and complete this form and ensure that Sheila Curley receives it at the Law Society office, with your fee, by **\*Friday, October 16<sup>th</sup> 2015.**

### **COST**

The registration fee for the P.E.I. component of the Bar Admission Course is \$750.00 plus \$105.00 HST.

### **LOCATION**

Classes and examinations will be held at the Haviland Club, 2 Haviland Street, Charlottetown, P.E.I.

### **HOURS**

Except where otherwise indicated: classes will begin at 9:00 am. and will break for lunch at approximately 12:00 noon; classes will resume at 1:00 pm and continue until 5:00 pm. Punctuality is important. Clerks are expected to be on time. There will be a short refreshment break both in the morning and afternoon.

### **SUBJECTS**

The P.E.I. Bar Admission Course covers substantive law emphasizing aspects of the practice of law on P.E.I.

### **MATERIALS**

The Bar Admission Course materials will be available to registered clerks at the Law Society Office at least one week prior to the commencement of the course. The tuition fee must be paid beforehand. The materials will include not only matters which will be discussed in the course, but also reference materials for future use.

The **Rules of Court**, the **Criminal Code** and the Law Society of Prince Edward Island Code of Professional Conduct will not be reproduced in the materials. Clerks will find it helpful to bring a copy of each. While there will be reproduction of portions of statutes in the materials, it will be useful to become acquainted with relevant statutes as part of the preparation for the course.

## **ATTENDANCE**

Attendance at the course is compulsory and will be noted. Clerks who fail to attend without receiving prior approval of the Bar Admission Course Co-ordinator will not pass the course.

## **INQUIRIES**

Please feel free to call Sheila Curley at the Law Society Office [566-1666], or Valerie Moore [cell: 626-6750; home: 368-8108; office: 368-5030].

## **EXAMINATIONS**

On Friday morning, November 6<sup>th</sup> 2015, there will be seven written examinations. These will be on: **Supreme Court Practice, Criminal Court Practice, Family Law, Real Property, Commercial and Corporate, Estates and Administrative Tribunals**. Clerks will be given 20 minutes to complete each examination.

There will be no examinations for Legislation, Law Office Economics and Management, Ethics and Discipline.

A luncheon for clerks and course leaders will follow the examinations.

To complete the Bar Admission Course successfully, a clerk must attain a mark of at least 60% in each subject in which an examination is given. Clerks who fail no more than two examinations and who attain a grade of at least 40% in the failed examination(s) will be permitted to write a supplemental examination in each subject area, within six weeks of the supplemental exam being set. To complete the P.E.I. component of the Bar Admission Course successfully, the clerk will be required to pass all supplemental examinations.

A clerk who fails to achieve a grade of at least 40% in any examination or who fails more than two examinations, will fail the Bar Admission Course and will not be entitled to write a supplemental examination.

Clerks who fail an examination may review their examination with the Bar Admission Course Co-ordinator, and upon request, have it forwarded to the Course Leader for reconsideration of the mark.

A clerk who chooses not to write a supplementary examination in a failed course may appeal his/her mark to the Articling and Admissions Committee in accordance with the Appeals Policy.

Clerks who cannot write the examinations at the prescribed time for medical reasons, or who otherwise require special arrangements, must obtain prior approval from the Bar Admission Course Co-ordinator.

The examination results will be available within two weeks of writing the exams. Clerks who do not achieve a passing grade in one or more of the examinations will be advised of their mark in the failed examination(s). Otherwise, marks will not be given out.

## **APPEAL POLICY**

### **APPEAL OF FAILURE**

A. A student who fails any Bar Admission Examination and chooses not to write a supplementary exam in accordance with the policy set out in the Bar Admission Course Calendar may appeal to the Articling and Admissions Committee/Board of Examiners.

B. The grounds of an appeal are restricted to:

(a) the failed mark is not reasonably justifiable; and/or

(b) there has been an error in calculating the failed mark.

C. The notice of appeal shall be in writing and directed to:

Bar Admission Course Co-ordinator  
Law Society of Prince Edward Island  
49 Water Street, P.O. Box 128  
Charlottetown, PE Canada C1A 7K2

with a copy directed to the chairperson of the Articling and Admissions Committee/Board of Examiners. The notice of appeal must be received by the Bar Admission Course Co-ordinator within two weeks of the student receiving his or her mark(s).

D. The notice of appeal shall set out the grounds of the appeal and any other facts that the appellant intends to rely upon.

E. The appeal will be heard by a panel of three members of the Articling and Admissions Committee/Board of Examiners, which subcommittee shall be

chosen by the chairperson of the Articling and Admissions Committee/Board of Examiners.

- F. A hearing date for the appeal shall be scheduled within seven days of receiving the appellant's notice of appeal. Both the appellant and the instructor(s) of the relevant course(s) shall receive written notice of the date of the hearing. In the event that material additional to that set forth in the notice of appeal is to be relied upon, it shall be provided by the appellant to the Bar Admission Course Co-ordinator and the chairperson of the Articling and Admissions Committee/Board of Examiners not less than ten days before the date set for the hearing of the appeal.
- G. The Articling and Admissions Committee/Board of Examiners subcommittee shall record its reasons for dismissing or allowing the appeal.
- H. The decision of the Articling and Admissions Committee/Board of Examiners subcommittee shall be final and binding.

## 2015 BAR ADMISSION COURSE SCHEDULE

### Monday, October 26<sup>th</sup> 2015

9:00 a.m. - 9:30 a.m.	Greetings and introductions	
9:30 a.m.	<b>Legislation</b>	Janet Christian
1:00 p.m.	<b>Commercial &amp; Corporate</b> (first half)	James C. Travers, Q.C.

### Tuesday, October 27<sup>th</sup> 2015

9:00 a.m. -12:00 Noon	<b>Commercial &amp; Corporate</b> (second half)	James C. Travers, Q.C.
1:00 p.m.	<b>Supreme Court Practice</b>	Mary Lynn Kane, Q.C.

### Wednesday, October 28<sup>th</sup> 2015

	<b>Estates</b> (all day)	
9:00 a.m.-12:00 Noon	Willis	George A. Lyle
1:00 p.m.-5:00 p.m.	Probate	Robin K. Aitken

### Thursday, October 29<sup>th</sup> 2015

9:00 a.m.	<b>Administrative Law</b> (all day)	Brian J. McKenna, Q.C. (co-ordinator)
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#### ***Morning sessions - held at IRAC Boardroom***

9:00 - 9:15	Welcoming remarks	Chief Justice David H. Jenkins
9:15 -10:00	<i>Judicial Review Act</i>	Chief Justice David H. Jenkins
<i>10:00 a.m. - 10:15 a.m. break</i>		
10:15 -12:30	<i>Island Regulatory and Appeals Commission ["IRAC"]</i>	Scott MacKenzie, Q.C., Chair
	<i>Lands Protection Act</i>	Scott MacKenzie, Q.C., Chair

***Afternoon sessions - held at Haviland Club***

1:30 - 2:45	<i>Workers Compensation Board Occupational Health and Safety</i>	Tanya L. Robertson, Legal Counsel Tanya L. Robertson, Legal Counsel
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2:45 p.m. – 3:00 p.m. break

3:00 - 5:00	<i>Human Rights Commission Labour Relations Board</i>	Stephen J. Carpenter Stephen J. Carpenter
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**Friday, October 30<sup>th</sup> 2015**

9:00 a.m.	<b>Real Property</b> (all day)	Pamela J. Williams, Q.C.
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**Monday, November 2<sup>nd</sup> 2015**

9:00 a.m.	<b>Family Law</b> (all day)	Brian L. Waddell, Q.C.
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**Tuesday, November 3<sup>rd</sup> 2015**

9:00 a.m. – 12:30 p.m.	<b>Criminal Court Practice</b>	Valerie A. Moore, Q.C. Thane A. MacEachern, Q.C.
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1:30 p.m. – 2:45 p.m.	<b>Ethics</b>	E.W. Scott Dickieson, Q.C.
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*2:45 p.m. - 3:00 p.m. break*

3:00 p.m. - 5:00 p.m.	<b>Discipline</b>	M. Lynn Murray, Q.C.
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**Wednesday, November 4<sup>th</sup> 2015**

9:00 a.m.	<b>Law Office Economics &amp; Management</b> (all day)	
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9:00 - 9:30	<i>Trust Accounts</i>	Law Society's auditors Susan Robinson, Q.C.
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9:30 - 10:15	<i>Billings</i>	Barbara Stevenson, Q.C.
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	<i>Taxation of Costs</i>	Loretta Coady MacAulay, Q.C.
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*10:15 - 10:30 break*

10:30 - 12:00	<i>Gender Equality</i>	Nancy E. Birt, Q.C.
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1:00 - 3:45	Panel on: <i>Loss Prevention</i> <i>Practice Standards</i> <i>CLIA Insurance</i>	John W. Hennessey, Q.C. George A. Lyle Derek D. Key, Q.C.
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*3:45 p.m. - 4:00 p.m. break*

4:00 - 5:00 p.m.	<i>Stress Management</i>	David W. Hooley, Q.C.
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**Thursday, November 5<sup>th</sup> 2015** No classes [study day]

**Friday, November 6<sup>th</sup> 2015**

9:00 a.m.                      **Examinations**

1:00 p.m.                      **Luncheon for all students and instructors**

*Please note: The mid-morning and mid-afternoon breaks will be as indicated above or as determined by the instructors. The lunch hour will be from noon to 1:00 p.m., except where otherwise indicated, and there will be a refreshment break mid-morning.*

**REGISTRATION FORM**  
**PEI BAR ADMISSION COURSE 2015**

**NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_  
\_\_\_\_\_

**e-mail address:** \_\_\_\_\_

**TELEPHONE # (HOME)** \_\_\_\_\_ **(BUSINESS)** \_\_\_\_\_

**(CELL)** \_\_\_\_\_

**FIRM** \_\_\_\_\_

**PRINCIPAL** \_\_\_\_\_

**When did you obtain your law degree?** \_\_\_\_\_

**From which law school?** \_\_\_\_\_

**When did you commence your Articles of Clerkship?** \_\_\_\_\_

**When will/did you take the Nova Scotia component of the Bar Admission Course?**

\_\_\_\_\_

***Applicants must enclose the tuition fee \$750.00 plus \$105.00 HST totaling \$855.00.***  
Please make your cheque payable to the Law Society of Prince Edward Island and ensure that the Law Society receives it, together with this form, **no later than Friday, October 16, 2015.**