

## Short Form Articling Checklist

### 1. Professional Conduct

\*Please note that Articled Clerks are subject to the Code of Professional Conduct and this section must be completed at the commencement of the articling period.

#### a. Integrity

- i. Has the clerk reviewed the rules relating to integrity?
- ii. Is the clerk aware of the potential consequences of dishonorable or questionable conduct?
- iii. Can the clerk name examples of conduct that would infringe the rule?

#### b. Competence and Quality of Service

- i. Has the clerk reviewed the rules relating to competence?
- ii. Does the clerk understand the distinction between the ethical duty and the civil standard of care owed to a client?
- iii. Can the clerk name some examples of conduct that does not meet the quality of service required under the rule?
- iv. Is the clerk aware of the consequences of incompetence?

#### c. Advising Clients

- i. Has the clerk reviewed the rules about advising clients?
- ii. Can the clerk describe the scope of advice that should be provided to a client?
- iii. Is the clerk aware of the lawyer's duty to give advice where there has been an error or omission on the part of the lawyer?
- iv. Discuss the duty relating to independent legal advice.

#### d. Confidential Information

- i. Has the clerk reviewed the rules about confidential information?
- ii. Is the clerk aware of when a lawyer may disclose confidential information?
- iii. Is the clerk aware of the lawyer's duties with regard to confidential information and how long the duty lasts?

#### e. Impartiality and Conflict of Interest Between Clients

- i. Has the clerk reviewed the rules about conflicts of interest?
- ii. Can the clerk give examples of a conflict of interest between clients?

#### f. Conflict of Interest Between Lawyer and Client

- i. How does this rule differ from the rule relating to conflicts between clients?
- ii. Can the clerk advise as to when a person is considered a client?

#### g. Outside Interests and Practice of Law

- i. Has the clerk reviewed the rules about outside interests?
- ii. Define an outside interest for the purposes of this Rule?
- iii. Describe some specific requirements to allow involvement in an outside interest while practicing law.

#### h. Preservation of Clients' Property

- i. Has the clerk reviewed the rule relating to clients' property?
- ii. Describe the lawyer's duty in relation to the property of a client.

- iii. What are the minimum standards to be applied by a lawyer in relation to the property of a client?
  - iv. Discuss the issue of privilege and how that relates to a client's property.
- i. The Lawyer as Advocate
  - i. Has the clerk reviewed the rule relating to the lawyer as advocate?
  - ii. Can the clerk name some examples of prohibited conduct in the courtroom or before a tribunal?
  - iii. Can the clerk describe some issues facing the lawyer who becomes a witness?
  - iv. Discuss the differences between the duties of a prosecutor and the duties of a defence counsel.
  - v. Discuss the guidelines respecting communication with witnesses who are giving evidence.
- j. The Lawyer in Public Office
  - i. Has the clerk reviewed the rule relating to the lawyer in public office?
  - ii. Can the clerk describe some of the conflict of interest issues facing a lawyer in public office?
- k. Fees
  - i. Has the clerk reviewed the rule relating to fees?
  - ii. Can the clerk name some factors to consider in a fair and reasonable fee?
- l. Withdrawal
  - i. Has the clerk reviewed the rule relating to withdrawal?
  - ii. Can the clerk state when a lawyer has an obligation to withdraw?
  - iii. Can the clerk describe the duties of a lawyer after withdrawal?
  - iv. Discuss the issue of withdrawal for non-payment of fees.
- m. The Lawyer and the Administration of Justice
  - i. Has the clerk reviewed the rule relating to the administration of justice?
  - ii. Discuss the lawyer's responsibilities in the administration of justice.
  - iii. Name some guidelines regarding public comment upon proceedings before a tribunal.
- n. Advertising, Solicitation and Making Legal Services Available
  - i. Has the clerk reviewed the rule relating to advertising etc.?
  - ii. Discuss a lawyer's duty in assisting a person to find a lawyer.
  - iii. Discuss some issues relating to advertisement of lawyer's services.
- o. Responsibility to the Profession Generally
  - i. Discuss the lawyer's obligations to the profession.
- p. Responsibility to Lawyers Individually
  - i. Discuss the concept of "sharp practice."
  - ii. Describe the lawyer's duty in relation to undertakings.
- q. Practice by Unauthorized Persons
  - i. Discuss the issues facing the lawyer in supervision of employees and legal assistants.

- r. Public Appearances and Public Statements by Lawyers
    - i. Discuss the standards of conduct to be exercised by a lawyer when making public statements.
    - ii. Discuss the issues facing a lawyer in contact with the media.
  - s. Avoiding Questionable Conduct
    - i. Describe the lawyer's obligation to unrepresented persons.
    - ii. Discuss the issues facing a lawyer or judge who retires from public service.
2. Office
    - a. Work with principals, partners and associates; report; consult
    - b. Understand workflow and roles of paralegals and staff
    - c. Understand file opening/closing; time recording; billing; collections
    - d. Understand responsibilities relating to trust accounts; property of a client
  3. Administrative Law
    - a. Attend an administrative hearing (IRAC/arbitration/etc.)
  4. Civil Procedure
    - a. Draft a statement of claim
    - b. Issue and serve a statement of claim
    - c. Accept service of a statement of claim
    - d. Draft
      - i. a notice of intent to defend; and
      - ii. a statement of defence
    - e. Prepare an affidavit of documents
    - f. Attend and prepare summaries of
      - i. an interview with a witness;
      - ii. a discovery examination; and
      - iii. an interview with a client
    - g. Prepare a pre-trial conference memorandum
    - h. Attend a pre-trial conference
    - i. Prepare a motion record / application record and factum with affidavit and order
    - j. Discuss negotiation and settlement strategies
    - k. Attend a contested motion / application
    - l. Prepare a release and a memorandum of settlement
    - m. Prepare a notice to discontinue and a consent order dismissing claim
    - n. Prepare a claim for a small claims matter
    - o. Attend a small claims settlement conference
    - p. Prepare documents to secure a default judgment
    - q. Prepare documents to secure a mechanic's lien
    - r. Review Rules of Civil Procedure, Forms & Practice Notes
  5. Corporate and Commercial Law
    - a. Incorporate a corporation and prepare organization documents and report to client
    - b. Prepare a shareholders' agreement
    - c. Be familiar with tax issues relating to purchase of shares vs. purchase of assets
    - d. Prepare agreements of purchase and sale of
      - i. shares; and
      - ii. assets
    - e. Conduct due diligence searches
    - f. File PPSA security

- g. Prepare a corporate resolution
6. Criminal Procedure
- a. Attend a docket day at Provincial Court
  - b. Attend a criminal trial
7. Estate Planning
- a. Attend a client meeting for estate planning and prepare will, power of attorney and health care directive
  - b. Attend a meeting with a personal representative of a deceased to assemble information relating to deceased's assets
  - c. Prepare applications for
    - i. letters probate; and
    - ii. letters of administration
  - d. Prepare releases by beneficiaries
8. Family Law
- a. Prepare a separation agreement
  - b. Draft a claim under the Family Law Act
  - c. Draft a claim for decision making responsibility and parenting time
  - d. Prepare financial statements
  - e. Draft an order for a motion on a family law matter
  - f. Attend a pre-motion conference on a family law matter
  - g. Calculate child support under guidelines
  - h. Prepare a petition for divorce
  - i. Draft an affidavit and judgment to obtain an uncontested divorce judgement
  - j. Be familiar with maintenance enforcement and the legislation process relating to pension division
9. Real Estate
- a. Prepare an agreement of purchase and sale
  - b. Search title and prepare title requisition letter
  - c. Prepare
    - i. deed;
    - ii. bill of sale;
    - iii. mortgage; and
    - iv. satisfaction of mortgage
  - d. Prepare statements of adjustments and undertaking
  - e. Prepare reporting letters to
    - i. client; and
    - ii. lender
  - f. Understand application of title insurance
  - g. Secure IRAC approval for corporate land purchase