**LAW SOCIETY OF PRINCE EDWARD ISLAND**

**Reinstatement of Former Judges or Justices as Members of the Society Policy (Regulation 47)**

**1 Purpose**

**1.1** The purpose of this Reinstatement of Former Judges or Justices as Members of the Society Policy (“Policy”) is to outline the requirements, procedures, and expectations of former judges or justices who wish to be reinstated as members of the Law Society of Prince Edward Island (“the Society”).

**1.2** This Policy should be read in tandem with the *Legal Profession Act* (“*Act”)* and Regulations made pursuant to the *Act*. If there is a conflict between the Policy and the provisions of the *Act* and/or Regulations made pursuant to the *Act*, the provision of the *Act* and Regulations prevail.

**2 Decision-Making Process**

**2.1** The Secretary-Treasurer is responsible for making all determinations regarding applications submitted under this Policy, except where:

* The Regulations require referral to Council; or
* The Secretary-Treasurer, in their sole discretion, determines that such referral is necessary.

**2.2** In every instance, all decisions will adhere to the guidelines and procedures set forth in the Society’s *Policy on Decision-Making in the Public Interest*, ensuring decisions are made in the public interest and in full compliance with the *Act*, its Regulations, and the Society’s mandate.

**3 The Application**

**3.1** Pursuant to Regulation 47, a person who has been appointed to a judicial office, but is no longer in that office, may apply to the Society to be reinstated to any category of membership except an articled clerk.

# 4 Authority of Secretary-Treasurer

**4.1** The Secretary-Treasurer may approve the application if the application is made not more than three years after the end of the applicant’s term in a judicial office.

**4.2** If the application is made more than three years after the applicant’s judicial term or if the Secretary-Treasurer believes the application should be, per Regulation 47(3)(b), considered by Council, the Secretary-Treasurer will forward the application to Council for consideration.

**4.3** An application from a former judge/justice who wishes to resume practicing membership that is received more than three years from the date of a judge/justice’s retirement or resignation will be reviewed by the Secretary-Treasurer or Council with a view to determining whether or not any remedial requirements, such as the Bar Admission Program, or a period of supervision, should be imposed. Consideration will be given to such factors as:

* + - 1. the length of time since retirement or resignation;
      2. what the applicant has been doing since retirement or resignation;
      3. whether the applicant has been engaged in activities that would be equivalent to the practice of law;
      4. whether the applicant has kept their legal knowledge current;
      5. whether or not the applicant was in active practice prior to appointment to the Bench and for how long, and
      6. whether or not the applicant was exposed to broad or restricted areas of law while serving on the Bench.

# 5 Good Character and/or Fitness

**5.1** The Secretary-Treasurer or Council may obtain additional information regarding the applicant’s good character and/or fitness from the applicant or any other person.

# 6 Consideration of the Application

**6.1** The Secretary-Treasurer or Council will evaluate the application considering the public interest and may require the applicant to submit additional information.

**6.2** Decisions will be pursuant to section 2 of this Policy.

# Fees

# 7.1 The applicant will be required to pay the appropriate fees upon reinstatement.

# 8 Period of Supervision

**8.1** During any required period of supervision, the applicant is considered a practicing lawyer and must be fully insured and pay the fees of a practicing lawyer.

# 9 Ethical Obligations of Former Judges

**9.1** When reinstated, former judges are required to adhere to the provisions of Chapter 7, section 7.7, of the *Code of Professional Conduct* (the “*Code*”) which states as follows:

***7.7*** *A judge who returns to practice after retiring, resigning or being removed from the bench must not****,*** *for a period of three years, unless the Society approves on the basis of exceptional circumstances, appear as a lawyer before the court of which the former judge was a member or before any courts of inferior jurisdiction to that court or before any administrative board or tribunal over which that court exercised an appellate or judicial review jurisdiction in any province in which the judge exercised judicial functions.*

# 10 Application for Approval for Court Approval

**10.1** A former judge who wishes to request Society approval for court appearances in accordance with the *Code* paragraph 7.7 must apply to the Secretary-Treasurer. The Secretary-Treasurer will consider the application, and the *Code*, and make the decision in accordance with the public interest.

**11 Roll of Members**

**11.1** Upon reinstatement to the Society, a memorandum of reinstatement shall be entered in the Roll of the Society.

*Approved by Council – MM/DD, 2025*