

Credentials Committee

Terms of Reference

Updated: May 2019

Mandate

The Credentials Committee has the statutory responsibility for overseeing the enrolment, education, examination and call to the bar of articulated students, the transfer of lawyers to B.C. and the reinstatement of former lawyers. When the character or fitness of an applicant for admission, readmission or transfer needs to be addressed, the Committee considers the application directly or orders a formal credentials hearing. The Committee is also responsible for reviewing applications relating to a student's failed standing in PLTC and for considering any matters arising from the articling system. The Committee further assists the Benchers in setting credentials policy and ensuring that this policy is adhered to and assists in credentials program planning, evaluation and budget.

Composition

The Credentials Committee is made up of benchers, appointed benchers, and non-benchers appointed by the President. The Chair and Vice-Chair of the Committee must be benchers or appointed benchers (Rule 2-50(1)).

Meeting Practices

1. The Committee shall operate in a manner that is consistent with the Benchers' governance policies.
2. The Committee shall meet as required.
3. Quorum is at least half of the members of the Committee (Rule 1-17(1))

Accountability

The Credentials Committee is accountable to the Benchers.

Reporting Requirements

For Discussion purposes:

There is currently no requirement for the Credentials Committee to report to the Benchers. The Committee may wish to provide an annual report to the Benchers, or alternatively, may wish to leave this requirements blank and seek the guidance of the Governance Committee on the reporting requirements.

Duties and Responsibilities

For Discussion Purposes:

The Credentials Committee's mandate as outlined in the current Bencher Governance Policies is as follows:

- (a) The Credentials Committee has four mandates in the following order of importance:
 - (i) To fulfill its obligations under the *Legal Profession Act* and the Law Society Rules;
 - (ii) To assist the Benchers in setting credentials-related policy and ensuring that policy is adhered to;
 - (iii) To assist in credentials-related program planning and evaluation;
 - (iv) To assist or provide input into the budget-setting process.
- (b) Authority: section 21; Rules 2-24 to 2-68; Bencher resolution, December 1999.

The jurisdiction of the Credentials Committee includes the review and resolution of issues relating to the enrolment of articled students, call and admission of students and members transferring from other jurisdictions, reinstatement, interjurisdictional practice, return to practice, non-practising and retired membership and practitioners of foreign law.

All admissions to the Law Society of British Columbia are governed by the statutory criteria of good character and repute, and fitness. Statutory authority for Credentials matters is derived from the *Legal Profession Act*, sections 14 to 25 inclusive and from the Law Society Rules, Rules 2-50 - 1 to 2-118.

Specifically Rule 2-52 (1) sets out the powers of the Credentials Committee as follows:

- 2-52 (1)** The Credentials Committee may
 - (a) exercise the authority of the Benchers to call and admit barristers and solicitors,
 - (b) implement, administer and evaluate a training course and examinations, assignments and assessments for all articled students,

- (c) establish standards for passing the training course and examinations, assignments and assessment,
 - (d) establish procedures to be applied by the Executive Director and faculty of the training course for
 - (i) the deferral, review or appeal of failed examinations, assignments and assessments, and
 - (ii) remedial work in the training course or examinations, assignments and assessments, and
 - (e) review, investigate and report to the Benchers on all aspects of legal education leading to call and admission.
- (2) When the Credentials Committee is empowered to order a hearing under this division, it may do so even though the application has been withdrawn.
- (3) The Credentials Committee may, with the consent of the person concerned, vary or remove practice conditions or limitations imposed by the Committee under this division.