

Returning to Practice

845 Cambie Street, Vancouver, BC, Canada V6B 4Z9
t 604.669.2533 | BC toll-free 1.800.903.5300
Registration and Licensee Services: 604.605.5311
f 604.687.0135 TTY 604.443.5700
Email: registration@lsbc.org | lawsociety.bc.ca

Who is subject to the returning to practice rules?

The returning to practice rules [[Rules 2-88 to 2-90](#)] apply to all lawyers, former lawyers, or applicants who have been absent from the practice of law. Whether you can return to practice as of right or are required to satisfy conditions prior to returning to practice is determined by your recent practice history.

The return to practice rules apply whether or not you hold, or are entitled to hold, a practising certificate.

How is the “practice of law” defined and how frequently do I have to engage in the practice of law before the returning to practice rules apply?

For the purposes of returning to practice, the practice of law is as defined in section 1 of the [Legal Profession Act](#) and for at least one day (8 hours) per week.

How long can I be absent from the practice of law before the returning to practice rules apply?

For the purposes of returning to practice, the [relevant period](#) is the shortest of:

- (a) the immediate past 7 years;
- (b) the time since your first call and admission in any Canadian jurisdiction;
- (c) the time since you last passed the qualification examination;

During the relevant period, if you have been absent from the practice of law for more than three years but less than five years, before engaging in the practice of law, you must complete the Practice Management Course.

If you have been absent from the practice of law for more than five years but less than seven years during the relevant period, you must complete the Practice Management Course *and* certify that you have reviewed materials relevant to your area of practice (the “Reading Requirement”).

If you have been absent from the practice of law for over seven years, your application must be referred to the Credentials Committee for consideration under [Rule 2-90](#). As a condition of permission to practice law, the Committee may require you to successfully complete the qualification examination, some or all of the admission program and/or place conditions on your practice.

The Credentials Committee undertakes a contextual, individualized assessment of all applications for returning to practice after an absence. The committee may grant permission to return to practice if it finds that you have engaged in activities that have kept you current with substantive law and practice skills or that the public interest does not require you to pass the qualification examination.

Details on making submissions to the Credentials Committee is set out below.

What is the Practice Management Course?

The Practice Management Course has been developed primarily to assist lawyers to review key practice management topics. The course is not a complete knowledge base for each topic covered, but rather outlines highlights and provides a review of core concepts.

The Practice Management Course can be accessed through the Law Society's Brightspace accessible through the [Member Portal](#). For access to the course, please contact professionaldevelopment@lsbc.org and ask for log-in credentials. You should receive your credentials within two business days of your request.

What is the Reading Requirement?

All lawyers have an individual duty under the *Code of Professional Conduct for BC* to ensure that they perform all legal services undertaken on a client's behalf to the standard of a competent lawyer. As a result, lawyers and applicants returning to practice after an absence are required to review those sections of the current Professional Legal Training Course Practice Material specifically relating to Professionalism: Ethics and Practice Management and all other sections that you anticipate will be of relevance to your practice of the law.

Can I be exempted from completing the Practice Management Course and/or completing the Reading Requirement?

You may apply in writing to the Credentials Committee for permission to practice law without completing the Practice Management Course and/or completing the Reading Requirement. The Credentials Committee may approve the application under [Rule 2-89\(4\)](#) if, in its judgement:

- (a) you have engaged in activities that have kept you current with substantive law and practice skills, or
- (b) the public interest does not require you to complete the relevant requirements.

The Credentials Committee undertakes a contextual, individualized assessment of all applications for returning to practice. As a result, in order to assist the Committee in determining if you have engaged in activities that have kept you current with substantive law and practice skills or to determine whether the public interest requires you to complete the relevant requirements the Committee will require details of your activities since you last engaged in the active practice of law, the frequency with which you engaged in those activities, and information about your future plans and the types of activities you intend to engage in upon returning to practice.

What should I include in my submissions to the Credentials Committee for a determination that I have kept current with substantive law and practice skills?

In considering whether your activities have kept you current with substantive law and practice skills, the following are general guidelines that you may wish to include with your submission:

1. Detailed job description and postings.
2. If you do not have a detailed job description for each position or place of employment:
 - a. list your major responsibilities;
 - b. break down those responsibilities into specific activities and duties; and
 - c. specify the percentage or frequency of time spent in each of those responsibilities.
3. Details on how the activities of your employment have kept you current with substantive law and practice skills.
4. Whether you engaged in these activities on a full or part-time basis.
5. Whether there is any similarity between your activities and the activities defined as the “practice of law” in section 1 of the *Legal Profession Act*.
6. Do you need to be a lawyer, or have a law degree to engage in these positions?
7. Can you make a comparison to any other position (e.g., similarity to the position of in-house counsel)?
8. If possible, address the type of practice you intend to engage in upon your return to practice and when you intend on returning to practice.

What should I include in my submissions to the Credentials Committee for a determination that the public interest does not require me to complete the Practice Management Course and/or the Reading Requirement?

In considering whether the public interest requires you to pass complete the Practice Management Course and/or the Reading Requirement, the Committee generally takes the following criteria into consideration:

- The length of time the applicant practised prior to the absence.
- The length of the absence from practice.
- What type of setting the applicant intends to practice in upon returning to practice.
- What area of law the applicant had practised in.
- The relevance of any conditions on a return to practice.

Can the Credentials Committee place conditions on my practice?

When exempting a lawyer from completing the Practice Management Course and/or the Reading Requirement, or considering an application under Rule 2-90, the Credentials Committee may require you to enter into a written undertaking to do any or all of the following:

- practise law in British Columbia immediately on being granted permission;
- not practise law as a sole practitioner;
- practise law only in a situation approved by the Committee, for a period of up to two years;
- practise law only in specified areas of law;
- not practise in specified areas of law.

For applications under Rule 2-90, the Credentials Committee may also require you to successfully complete the qualification examinations or some or all of the admission program. Information about the qualification examination can be found [here](#). Information about the admission program can be found [here](#).

How do I make a submission to the Credentials Committee and when will it be considered?

There is no prescribed form for submissions to the Credentials Committee, but all submissions must be in writing. Once full written submissions are received, your application will be placed on an upcoming regularly scheduled meeting of the Committee.

Are there resources available for lawyers returning to practice after an absence?

In addition to the PLTC Practice Materials and the Practice Management Course, there are many [practice resources](#) that can be found on the Law Society website that may assist lawyers who are returning to practice after an absence.

How to begin a Return to Practice Application

Complete the Return to Practice Application found here - [returning-app.pdf](#) and submit it to Registration & Licensee Services to registration@lsbc.org.

It is recommended applicants submit their Return to Practice Application at least 30 days before they intend to practice. If further information is requested it may extend the processing time required. Once the application is processed, Applicants will be advised of next steps.

When submitting a Return to Practice Application, the applicant is seeking to be released from their undertaking not to practice law.

The Return to Practice Application must include a fee found under H (3) in [Schedule 1 – Law Society Fees and Assessments | The Law Society of British Columbia](#). Note that GST must be added to the fee.

Still have questions about returning to practice?

If you have any questions about returning to practice or how the Law Society Rules apply to your situation, please contact:

Registration & Licensee Services
Telephone: (604) 605-5311
BC Toll-free: 1-800-903-5300
Email: registration@lsbc.org

The information in this package is based on the Law Society Rules as they exist at this time. You must comply with the Rules that are in effect at the time you apply and with any changes in the Rules that may occur while you are in the process of returning to practice. The [Law Society Rules are available online on the Law Society web site](#).