

## Returning to Practice

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### 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?

If you have been absent from the practice of law for more than three years within the [relevant period](#) which is the shortest of:

- (a) the immediate past 5 years;
- (b) the time since your first call and admission in any Canadian jurisdiction;
- (c) the time since you last passed the qualification examination;

before engaging in the practice of law, you must either pass the qualification examination or obtain permission from the Credentials Committee to practice law without passing the examination under [Rule 2-89](#).

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 practise law, the Committee may require you to successfully complete some or all

of the admission program and/or place conditions on your practice. An application under [Rule 2-90](#) may be combined with an application under [Rule 2-89](#) for permission to practice without passing the qualification examination.

Information about the qualification examination can be found here:

<https://www.lawsociety.bc.ca/Website/media/Shared/docs/becoming/QualificationExam-info.pdf>.

Information on how to obtain permission from the Credentials Committee to practice law is set out below.

### **Applying for permission to practice without passing the examination**

You may apply in writing to the Credentials Committee for permission to practice law without passing the qualification examination. 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 pass the qualification examination.

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 write the examination, 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?**

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.

In considering whether the public interest requires you to pass the qualification examination, 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.

When exempting a lawyer from the examination under the public interest rule, or under Rule 2-90, the Committee may place conditions or restrictions on lawyer’s practice. Accordingly, you may wish to comment on the relevance of any conditions or restrictions on your practice.

### **Can the Credentials Committee place conditions on my practice?**

In considering applications to return to practice, the Credentials Committee may require you to enter into a written undertaking to do any or all of the following:

- practising 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.

## **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 submission 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?**

Yes! In addition to the many [practice resources](#) that can be found on the Law Society website, including the *Practice Materials*, the following two particular courses developed by the Law Society may assist lawyers who are returning to practice after an absence:

### **Practice Refresher Course**

This course has been developed primarily to assist lawyers who wish to resume practice after an absence. The course does not attempt to be a complete knowledge base for each area of law, but rather attempts to capture the highlights of the topics covered and to provide the returning lawyer with a refresher on core concepts, substantial and procedural developments, as well as client and office management.

### **Practice Management Course**

This course has been developed primarily to assist new lawyers, lawyers practicing alone or in small firms and others 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.

Practising lawyers can access these courses through the Law Society's Brightspace here: [Law Society Brightspace Log On](#) using the log in credentials they were provided by email. Forgot your password? No problem - there is also a one-touch log in accessible through the [Member Portal](#). Follow the link entitled "Law Society's Brightspace" under the Education heading on the Member Portal landing page.

If you are not currently a practising lawyer but wish to access these courses, please contact [professionaldevelopment@lsbc.org](mailto:professionaldevelopment@lsbc.org) and ask for log-in credentials. You should receive your credentials within two business days of your request.

## 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 the Credentials & Licensing department at the Law Society:

Credentials & Licensing  
Law Society of British Columbia  
8th Floor, 845 Cambie Street  
Vancouver, BC V6B 4Z9

Telephone: 604.669.2533  
BC Toll-free: 1.800.903.5300  
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Email: [credentialslicensing@lsbc.org](mailto:credentialslicensing@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](#). If you have any questions about returning to practice, contact Credentials & Licensing at the Law Society of British Columbia.*