

Articling FAQs

What are the responsibilities of students and principals during the articling term?

The Articling Agreement that a student and principal are required to enter as part of the application process to the Law Society Admission Program outlines the responsibilities of both parties during the articling term. The Articling Skills and Practice Checklist identifies the practical training and experience the student is expected to receive during articles. The Articling Guidelines also contain information about the obligations of principals and students during the articling term.

What are the reporting requirements during articles?

During the articling term, there are several reporting requirements:

- **Mid-term report:** The principal and student must meet at approximately the half-way point of the articling term to discuss the progress of the student and to prepare and submit a mid-term report to the Law Society: see Law Society Rule 2-61. There is no prescribed form for the mid-term report. The report should be made by letter. It must describe the student's progress to date in articles and include a plan for completing the obligations of the principal and student under the Articling Agreement, including the requirements of the Articling Skills and Practice Checklist. The report must be submitted before the student has completed 60 percent of the articling term.
- **Final report:** At the end of the articling term, the principal and student must submit a final report to the Law Society certifying completion of their obligations under the Articling Agreement: see Law Society Rule 2-77(1)(a)(iii.1). There is no prescribed form for the final report. The report should be made by letter, describing what items from the Articling Skills and Practice Checklist have been completed during the term. The report should be submitted with the student's application package for call and admission.
- **Bencher interview:** During the articling term, a student receives instructions respecting a personal interview with a Bencher, who will make a report to the Law Society.

As a student, before what courts and tribunals can I appear as counsel?

Law Society Rule 2-60 specifies the types of appearances that an articulated student may make before a court or tribunal. It is the responsibility of the principal to ensure that the student is permitted to appear before a court or tribunal and is properly supervised. For further details, see the Articling Guidelines.

Can I do a portion of my articles in the office of a lawyer other than my principal?

A principal may permit an articled student to work in the office of another lawyer who is qualified to act as a principal, for a period or periods totaling not more than eight weeks of the student's articling term: see Law Society Rule 2-66. A secondment of articles may be arranged, for example, to allow you to obtain training in practice areas in which your principal is unable to provide instruction. There is no prescribed form that must be submitted to carry out such a secondment, but the Law Society should be informed by letter of the period during which you will be working in another office.

The Law Society may also permit, with or without conditions, a secondment for a period or periods exceeding eight weeks of the student's articling term.

Can I be employed outside of articles?

During the articling term and PLTC, an articled student is not permitted to accept employment from any person other than the student's principal or a person to whom the student's articles are seconded, except with the approval of the Law Society: see Law Society Rule 2-68. Any employment outside of articles must have the principal's consent, be performed outside normal office hours and in no way interfere with the student's articles or commitment to PLTC. You must receive advance approval from the Law Society before engaging in any employment outside of articles.

Can I take a vacation during articles?

An articled student must work full-time in the office of a principal for a continuous period of not less than nine months, except for law clerks or others who have been granted a reduced articling period. A principal may give a student up to 10 working days as vacation during the articling portion of the program. Any vacation time will not be calculated in the nine-month period.

If you are required to take more than 10 working days off from your articles for holidays or sick time, you must apply for a leave of absence under Law Society Rule 2-69.

Can I take a leave during articles?

Students may take a leave of absence from articles under Law Society Rule 2-69 provided that:

- the total time of leaves of absence, other than maternity and parental leaves, does not exceed 22 working days, or such longer period approved by the Executive Director under Rule 2-69(8);
- the leave does not affect the student's attendance at PLTC; and
- the student's principal consents to the leave of absence.

Any time taken for a leave of absence will not be calculated in the nine-month articling period.

For parental leaves, a student who becomes a birth or adoptive parent during or within 12 weeks before the articling period is entitled to 12 weeks or, where the student is the primary caregiver of the child, 16 weeks parental leave. A student is entitled to 18 weeks maternity leave during the period from 11 weeks before to 17 weeks after giving birth, in addition to the parental leave entitlement.

If the maternity or parental leave causes a student to fail to attend any part of PLTC, the Credentials Committee may require the student to attend all or part of PLTC at a session held after the completion of the student's maternity or parental leave.

Students who take a leave of absence must notify the Law Society in writing in advance of the leave or, in the case of a maternity or parental leave, as soon as possible.

Can I change principals for the articling term?

When an articulated student wishes to change principals for the articling term, the student must apply to the Law Society for permission to assign his or her articles: see Law Society Rule 2-67. For information on applying for permission to assign your articles to a new principal, see the information sheet Assignment of Articles.

How can I obtain more information?

If you have any questions on the requirements of the articling term, please contact:

Registration & Licensee Services
Law Society of British Columbia
8th Floor, 845 Cambie Street
Vancouver, BC V6B 4Z9

Tel.: 604.605.5311
Toll-free in BC: 1.800.903.5300
Fax: 604.687.0135
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 to the Law Society Admission Program and with any changes in the Rules that may occur while you are articling. If you have any questions about the requirements during the articling term, contact Registration & Licensee Services at the Law Society of British Columbia.

LAW SOCIETY RULES

Mid-term report

- 2-61**
- (1) This rule does not apply to
 - (a) temporary articles under Rule 2-70 [Temporary articles], or
 - (b) articles when the term is less than 6 months.
 - (2) Before the student has completed 60 per cent of his or her articling term, the principal and the student must deliver to the Executive Director a joint report on the student's progress to date in articles in a form approved by the Credentials Committee.
 - (3) A report under this rule must include a plan for completing the obligations of the principal and student under the articling agreement.

Part-time articles

- 2-62**
- (1) An applicant for enrolment may apply to complete some or all of his or her articles part-time by submitting the following to the Executive Director not less than 2 months before the enrolment start date:
 - (a) the documents and information required under Rule 2-54 (1) [Enrolment in the admission program];
 - (b) the application fee specified in Schedule 1;
 - (c) an articling agreement that includes all of the following:
 - (i) the prospective principal's express approval of the part-time arrangements;
 - (ii) the type of experience to be provided to the applicant;
 - (iii) the hours per day to be worked by the applicant;
 - (iv) the length of the proposed articling term.
 - (2) An articulated student may apply to change his or her articles to part-time articles by submitting to the Executive Director the articling agreement referred to in subrule (1) (c).
 - (3) The Executive Director may approve an application made under subrule (1) or (2) if
 - (a) the proposed articling term is a continuous period that would give work experience in the office of the principal equivalent to that required under Rule 2-59 (1) [Articling term], and
 - (b) the student or applicant's articles will be completed within 2 years of the articling start date.
 - (4) The part-time equivalent of the articling period is calculated on the following basis:
 - (a) 8 hours of scheduled work equals one day of articles;

- (b) no additional credit is allowed for more than 8 hours per day.
- (5) If the Executive Director refers an application under this rule to the Credentials Committee, the Committee must consider the applicant's submissions and may
 - (a) approve the application without conditions or limitations,
 - (b) approve the application, subject to any conditions or limitations it considers appropriate, or
 - (c) reject the application.

Secondment of articles

- 2-66** (1) A principal may permit his or her articled student to work in the office of another lawyer qualified to act as a principal, for not more than a total of 8 weeks of the student's articling period.
- (2) The Executive Director may permit an articled student to work in the office of a lawyer qualified to act as a principal, other than the student's principal for a period or periods exceeding 8 weeks of the student's articling period.
- (3) If the Executive Director grants permission under subrule (2), the Executive Director may set conditions or limitations as appropriate.

Other employment

- 2-68** During the articling period and the training course, an articled student is not permitted to accept employment from any person other than the student's principal or the person to whom the student's articles are seconded under Rule 2-66 [*Secondment of articles*], except with the approval of the Executive Director.

Leave during articles

- 2-69** (1) In the period from an articled student's enrolment start date until call and admission, the student may take a leave of absence from articles, provided
- (a) the total time of leaves of absence, other than maternity and parental leaves, during the period does not exceed 22 working days,
 - (b) the leave of absence does not affect the student's attendance at the training course as required, and
 - (c) if any part of the leave is to take place when the student is required to work in the office of his or her principal, the principal consents to the leave in advance.
- (2) Any time taken for a leave of absence under this rule is not part of the articling period.
- (3) An articled student who becomes a natural or adoptive parent during or within 12 weeks before the articling period is entitled to 12 weeks or, if the student is the primary caregiver of the child, 16 weeks parental leave.

- (4) An articulated student is entitled to 18 weeks maternity leave during the period from 11 weeks before to 17 weeks after giving birth, in addition to her entitlement under subrule (3).
- (5) If maternity or parental leave causes an articulated student to fail to attend any part of the training course, the Credentials Committee may require the student to attend all or part of the course at a session held after the completion of the student's maternity or parental leave.
- (6) An articulated student who takes a leave of absence under subrule (1) must notify the Executive Director in writing in advance.
- (7) An articulated student who takes a leave of absence under subrule (3) or (4) must notify the Executive Director in writing as soon as possible.
- (8) On the written application of an articulated student, the Executive Director may allow the student to take a leave of absence that is not otherwise authorized by this rule, provided that the articulated student will be eligible for call and admission within 2 years of his or her enrolment in the admission program.
- (9) On the written application of an articulated student, the Credentials Committee may allow the student to take a leave of absence that the Executive Director has not approved, including a leave that will result in the student not being eligible for call and admission within 2 years of his or her enrolment in the admission program.

Legal services by articulated students

- 2-60** (1) Subject to subrule (2) or any other prohibition in law, an articulated student may provide all legal services that a lawyer is permitted to provide, but the student's principal or another practising lawyer supervising the student must ensure that the student is
- (a) competent to provide the services offered,
 - (b) supervised to the extent necessary in the circumstances, and
 - (c) properly prepared before acting in any proceeding or other matter.
- (2) An articulated student must not
- (a) appear as counsel without the student's principal or another practising lawyer in attendance and directly supervising the student in the following:
 - (i) an appeal in the Court of Appeal, the Federal Court of Appeal or the Supreme Court of Canada;
 - (ii) a civil or criminal jury trial;
 - (iii) a proceeding by way of indictment,
 - (b) give an undertaking unless the student's principal or another practising lawyer supervising the student has also signed the undertaking, or
 - (c) accept an undertaking unless the student's principal or another practising lawyer supervising the student also accepts the undertaking.
- (3) Despite subrule (2) (a) (iii), an articulated student may appear without the student's principal or another practising lawyer in attendance and directly supervising the student in a proceeding
- (a) within the absolute jurisdiction of a provincial court judge, or

- (b) by way of indictment with respect to
 - (i) an application for an adjournment,
 - (ii) setting a date for preliminary inquiry or trial,
 - (iii) an application for judicial interim release,
 - (iv) an application to vacate a release or detention order and to make a different order, or
- (v) an election or entry of a plea of Not Guilty on a date before the trial date.

Court and tribunal appearances by temporary articulated students

- 2-71** (1) Despite Rule 2-60 [*Legal services by articulated students*], a person enrolled in temporary articles must not appear as counsel before a court or tribunal without the student's principal or another practising lawyer in attendance and directly supervising the student except
- (a) in the Supreme Court of British Columbia in Chambers on any
 - (i) uncontested matter, or
 - (ii) contested application for
 - (A) time to plead,
 - (B) leave to amend pleadings, or
 - (C) discovery and production of documents, or
 - (iii) other procedural application relating to the conduct of a cause or matter,
 - (b) before a registrar or other officer exercising the power of a registrar of the Supreme Court of British Columbia or Court of Appeal for British Columbia,
 - (c) in the Provincial Court of British Columbia
 - (i) on any summary conviction proceeding,
 - (ii) on any matter that is within the absolute jurisdiction of a provincial court judge,
 - (iii) on any matter in the Family Division or the Small Claims Division, or
 - (iv) when the Crown is proceeding by indictment or under the *Youth Criminal Justice Act* (Canada) in respect of an indictable offence, only on
 - (A) an application for an adjournment,
 - (B) setting a date for preliminary inquiry or trial,
 - (C) an application for judicial interim release,
 - (D) an application to vacate a release or detention order and to make a different order, or
 - (E) an election or entry of a plea of Not Guilty on a date before the trial date,
 - (d) on an examination of a debtor,
 - (e) on an examination for discovery in aid of execution, or
 - (f) before an administrative tribunal.
- (2) A person enrolled in temporary articles is not permitted to do any of the following under any circumstances:

- (a) conduct an examination for discovery;
- (b) represent a party who is being examined for discovery;
- (c) represent a party at a case planning conference, trial management conference or settlement conference.