

Law Society of Yukon

#202 – 302 Steele Street
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Information - Non-Practicing Membership

What is non-practicing membership?

Non-practicing members undertake to refrain from practicing law or acting as notaries public or Commissioners for the purpose of taking oaths. Non-practicing members must comply with all Rules of the Law Society.

Non-practicing members are entitled to:

- Receive Law Society notices and communications

Who may apply for non-practicing membership?

Any member may become a non-practicing member by:

- Submitting an Application & Undertaking in Form 39 not to engage in the practice of law until released from that undertaking.
- Paying the application and annual non-practicing fees.
- Any former member of The Law Society of Yukon may make application to become a non-practicing member.

Applying for non-practicing membership

To apply for non-practicing membership, submit the following:

- Application & Undertaking for Non-Practicing Membership
- The annual non-practicing fee of \$315.00 (\$300.00, plus GST). This fee will not be pro-rated.

Members becoming Non-Practicing

Becoming a non-practicing member may trigger Law Society Rules [180, 181.1(1) and 181.1(2)] with regard to Accountant's Reports, disposition of files, trust monies, and other documents and valuables. Please read these Rules to determine whether you will be required to take any steps prior to becoming a non-practicing member.

Returning to Practice

Rule 151.2 states that a non-practicing member who has been engaged in the practice of law as defined in s.1(2) of the Act or its equivalent, in another province or territory in Canada and who meets the criteria set out in s.20(1)(a) of the Act, may make application for reinstatement as a practicing member.

Rule 151.3(3) states that where an applicant has not been engaged in the full-time act of practice of law for three years and his or her application for reinstatement is accepted, the Executive may require that as a condition of reinstatement, a test of competence may be applied.

RULES

180. Subject to s.64(3) of the Act, every active member who terminates any practice of law in Yukon shall file with the Society within 3 months after the termination of such practice a report of the chartered accountant or certified general accountant in Form 31.

181. Where a member fails to file any of the documents required pursuant to s.64 of the Act or these Rules, the membership of that member shall immediately be suspended until such time as all of the requirements of the Act and these Rules are complied with, unless the executive decides otherwise.

181.1 (1) A member who intends to cease the private practice of law in the Yukon Territory shall provide reasonable written notice to the Executive and shall obtain the approval of the Executive before the cessation occurs, with respect to the intended disposition of all:

- a) open and closed files;
- b) wills, titles and other important or valuable documents;
- c) non-documentary valuables; and,
- d) trust monies, trust accounts and books of account, that relate to the practice of the member in the Yukon Territory and are within the control of the member.

(2) A member who ceases the private practice of law in the Yukon Territory shall, within three months after the cessation occurs, provide a written report to the Executive advising of the disposition of the:

- a) files, documents and valuables referred to in paragraphs (1)(a), (b) and (c); and,
- b) trust accounts and books of account referred to in paragraph (1) (d), including a statement confirming that:
 - i) all the balances have been remitted to the clients or other persons on whose behalf they were held, or have been transferred to another member at the request of the client with written instructions concerning the conditions attaching to them, and,
 - ii) the net interest earned on a pooled trust account has been remitted to the Yukon Law Foundation in accordance with the provisions of the Legal Profession Act.

(3) On the written application of the member, the Executive may extend the time for providing a report under subsection (2).