

Law Society of Yukon

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INFORMATION NON-PRACTISING MEMBERSHIP

What is non-practising membership?

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

Non-practising members are entitled to:

- Vote in Executive elections and general meetings of the Law Society
- Receive Law Society notices and communications

Who may apply for non-practising membership?

Any member may become a non-practising 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-practising fees.
- Any former member of The Law Society of Yukon may make application to become a non-practising member.

Applying for non-practising membership

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

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

Members becoming Non-Practising

Becoming a non-practising 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-practising member.

Returning to Practice

Rule 151.2 states that a non-practising 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, shall be reinstated as of right to the status of an active member upon payment of the difference between the non-practising fees paid by the member and the fees due for active membership for the year in which reinstatement is sought.

If you apply to be released from your non-practising undertaking, a test of competence may be applied (Rule 151.1). Should you apply to return to practice your Application will be reviewed by the Executive.

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).