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c. B-1, r. 14

## **By-law respecting the professional training of advocates**

### **An Act respecting the Barreau du Québec**

(R.S.Q., c. B-1, s. 15, par. 2, subpar. *b*)

### **Professional Code**

(R.S.Q., c. C-26, s. 94, par. *î*)

#### **DIVISION I**

##### **THE BAR SCHOOL**

- 1.** The Barreau du Québec hereby establishes the Bar School, which shall be responsible for all professional training activities.

The Professional Training Committee of the Barreau shall be responsible to the executive committee of the Barreau for the administration of the Bar School.

O.C. 199-2005, s. 1.

- 2.** The Bar School shall have its head office in Montréal.

O.C. 199-2005, s. 2.

#### **DIVISION II**

##### **PROFESSIONAL TRAINING PROGRAM**

- 3.** The professional training program is comprised of:

- (1) the development of the skills required for the practice of law; and
- (2) an articling period.

O.C. 199-2005, s. 3.

- 4.** The Professional Training Committee may, subject to the available resources and the teaching methods used, determine the professional training centre and session in which an applicant who has been admitted is registered.

O.C. 199-2005, s. 4.

#### **DIVISION III**

##### **CONDITIONS FOR ADMISSION**

- 5.** To be admitted to the Bar School, an applicant shall, within the time prescribed by the Professional Training Committee:

- (1) file an application for admission in the form prescribed by the Committee and attach thereto all the required documents;

(2) hold a diploma recognized by the Government, under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), as allowing one to obtain the permit issued by the Barreau, or hold a diploma judged equivalent by the General Council of the Barreau;

(3) have been declared eligible by the Examining Committee of the Barreau; and

(4) pay the admission fee.

O.C. 199-2005, s. 5.

**6.** The applicant shall pay the fees determined by the Professional Training Committee on the dates fixed by it.

O.C. 199-2005, s. 6.

**7.** Where the applicant fails to meet any of the conditions provided for in sections 5 and 6, the Committee may take any of the following measures:

(1) allow the applicant to remedy the default within the time prescribed by the Committee;

(2) refuse to admit the applicant;

(3) refuse to issue a student card or revoke it;

(4) withhold course materials and the results of training activities and evaluations;

(5) refuse to issue an articulated student card or revoke it; and

(6) cancel the admission if the applicant fails to pay the admission fee.

O.C. 199-2005, s. 7.

**8.** A candidate may file an application for admission only for the following school year.

He may withdraw from the Bar School at any time upon written notice.

O.C. 199-2005, s. 8.

## **DIVISION IV**

### **REGISTRATION PROCEDURE**

**9.** A candidate who has been admitted shall register for professional training or for the preparatory courses in the school year following his admission.

O.C. 199-2005, s. 9.

**10.** A candidate who has been admitted shall, before registering for professional training or for the preparatory courses, undergo a diagnostic evaluation at the moment prescribed by the Professional Training Committee.

O.C. 199-2005, s. 10.

**11.** Any candidate who has been admitted may register for preparatory courses before registering for professional training. He may be requested to do so by the Committee after a review of his file following his diagnostic evaluation.

O.C. 199-2005, s. 11.

**12.** Upon completion of the preparatory courses, the candidate shall be registered for professional training as of the following session.

However, the Committee may, in accordance with the terms and conditions set by it and subject to the available resources and the teaching methods used, authorize a candidate to modify his choice and register for professional training or for the preparatory courses during a session.

O.C. 199-2005, s. 12.

## **DIVISION V**

### **EVALUATION**

**13.** The Professional Training Committee may, for the purposes of eligibility for an evaluation, after having so informed the candidate, require the candidate to participate in specific training activities, including the submission of papers.

O.C. 199-2005, s. 13.

**14.** The professional training comprises oral or written evaluations designed to assess the skills required for the practice of law. It also comprises a final evaluation.

O.C. 199-2005, s. 14.

**15.** A candidate must obtain an overall mark of 60% at the end of all the professional training evaluations.

In case of failure, he shall sit the supplemental final evaluation and obtain an overall mark of 60%, taking into account the results of all the evaluations, otherwise he shall no longer be admitted to the Bar School.

A candidate who does not obtain an overall mark of 60% following the supplemental final evaluation may re-apply. If he is re-admitted, he shall register for preparatory courses before registering for professional training.

O.C. 199-2005, s. 15.

**16.** A candidate who demonstrates to the Committee that he was unable to sit the final evaluation or the supplemental final evaluation because of illness, accident, pregnancy, the death of a member of his immediate family or superior force shall be authorized to sit the next following final evaluation or supplemental final evaluation, as the case may be.

A candidate who does not sit that evaluation shall no longer be admitted to the Bar School.

O.C. 199-2005, s. 16.

**17.** Any candidate who assists another candidate, attempts to assist another candidate, commits fraud or breaches the rules of proper conduct during an evaluation or during a training activity may be expelled or may have his evaluation cancelled.

O.C. 199-2005, s. 17.

**18.** For an evaluation, every candidate shall be assessed by one or more persons.

O.C. 199-2005, s. 18.

**19.** A person who is a relative of a candidate or who may be in a situation of conflict of interests by reason of his participation in the preparation, holding or marking of a candidate's evaluation may not participate therein.

For purposes of this section, each of the following persons shall be considered to be a relative of a

candidate:

- (1) the legal or de facto spouse of the candidate; and
- (2) the legal or de facto spouse of a family member of the candidate.

O.C. 199-2005, s. 19.

**20.** Every marker shall solemnly affirm when hired that he is not related to any candidate in the manner described in section 19 and that he will respect the confidentiality of the deliberations and evaluations.

O.C. 199-2005, s. 20.

## **DIVISION VI**

### **ARTICLING PERIOD**

**21.** A candidate who has successfully completed his professional training shall complete an articling period within 3 years following the date on which he becomes eligible therefor, otherwise he shall no longer be admitted to the Bar School.

Notwithstanding the foregoing, a candidate who demonstrates to the Committee that he was unable to complete his articling period within the prescribed time because of illness, accident or pregnancy, because he was pursuing post-graduate legal studies or because of superior force shall have additional time equivalent to the period during which he was unable to complete his articling period, but not exceeding 2 years.

O.C. 199-2005, s. 21.

**22.** The articling period shall contribute adequately to preparing the candidate for the practice of law. To that effect, it shall allow the articulated student to put into practice the skills acquired in the program. It may include compulsory participation in training activities determined by the Professional Training Committee.

O.C. 199-2005, s. 22.

**23.** The articling period shall last for 6 consecutive months and shall be completed on a full-time basis, as of the date fixed by the Committee.

An articulated student who has to be absent for more than 10 working days during this period shall file an application to suspend his articling period pursuant to section 30.

O.C. 199-2005, s. 23.

**24.** The articling period may be completed outside Québec for a period not exceeding 3 months.

An articling period with a department or agency of the federal government or with a judicial or quasi-judicial tribunal having jurisdiction over litigation originating in Québec is deemed to have been completed entirely in Québec.

O.C. 199-2005, s. 24.

**25.** The articulated student card attests to the candidate's status as an articulated student. It shall be issued by the Committee at the request of the articling supervisor and shall be valid for 7 months.

An articulated student may engage in the professional activities reserved for advocates under the close supervision and responsibility of his articling supervisor. He must comply with the laws and regulations applicable to the practice of the profession of advocate.

O.C. 199-2005, s. 25.

**26.** The articling supervisor shall be responsible for overseeing the articled student in the work place.

An advocate or member of the judiciary who submits a written application to the Committee and who has met the following conditions during the 5 years preceding the articling period and meets such conditions during the articling period may be an articling supervisor if:

(1) he has been or is:

(a) entered on the Roll of the Ordre des avocats;

(b) a member of the judiciary;

(c) in the situation referred to in section 24, a member of the bar association of the place in which a portion of the articling period will be completed;

(2) he has not been the subject of disciplinary action by a disciplinary council of a bar association, by a disciplinary tribunal or by a judicial council;

(3) he has not been required by a bar association to take a refresher training period or a refresher course under section 55 of the Professional Code (R.S.Q., c. C-26) or a similar provision; and

(4) he has not been the subject of a decision rendered under section 51, 52.1 or 55.1 of the Professional Code.

O.C. 199-2005, s. 26.

**27.** In particular, the articling supervisor shall:

(1) provide the articled student with a work place conducive to learning and developing skills;

(2) facilitate the integration of the articled student in the work place;

(3) inform the articled student about the functioning of the work place and the available resources;

(4) determine the articled student's tasks, specifying how the work is to be performed and the deadlines that are to be met;

(5) help the articled student organize his work and introduce to him the concept of office management;

(6) allow the articled student to gradually engage in professional activities reserved for advocates;

(7) promptly assess the tasks performed by the articled student;

(8) provide the Professional Training Committee with all the information required by it;

(9) contribute to evaluating the articled student's achievement of the objectives of the articling period; and

(10) file with the Professional Training Committee, at the moments indicated by it, a report on the evaluation of the articled student.

O.C. 199-2005, s. 27.

**28.** If an articling supervisor does not comply with the requirements of this Division, the Committee may revoke that person's authorization to act as an articling supervisor for such period of time and under such conditions as the Committee may determine.

O.C. 199-2005, s. 28.

**29.** The Committee may verify whether the articling period constitutes valid preparation for the practice of law. To that effect, it may require that the articling supervisor or the articulated student supply information for the purpose of enabling the Committee to determine the validity of the articling period, or it may request such information from any person having contributed to the articling period.

If it is of the opinion that an articling period does not constitute valid preparation for the practice of law or does not comply with the requirements of this Division, the Committee make take the appropriate measures, including:

- (1) refusing to issue or cancelling an articulated student card; or
- (2) cancelling, suspending or extending the articling period in order to allow the articulated student to validly complete it.

Before taking measures under the second paragraph, the Committee shall give the persons in question the opportunity to present their observations.

If the Committee decides that an articling period constitutes valid preparation for the practice of law, it shall issue an attestation to that effect.

O.C. 199-2005, s. 29.

**30.** The Committee may authorize a change of articling supervisor, a suspension of the articling period or the cancellation of a portion of the articling period upon receipt of a written request submitted by an articulated student.

O.C. 199-2005, s. 30.

**31.** Where the articling supervisor refuses or is unable to file his report, the articulated student may take the matter to the Committee, which shall take the appropriate action.

O.C. 199-2005, s. 31.

## **DIVISION VII**

### **TRANSITIONAL AND FINAL PROVISIONS**

**32.** As of the 2005-2006 professional training year, a candidate who is contemplated in section 21 or in the first paragraph of section 27 of the By-law respecting the professional training of advocates (O.C. 161-95, 95-02-01) and who wants to register for the professional training program provided for in this By-law shall file an application for admission in accordance with section 5.

O.C. 199-2005, s. 32.

**33.** As of the 2005-2006 professional training year, a candidate who is contemplated in section 23, 25 or 26 or in the second paragraph of section 27 of the By-law respecting the professional training of advocates (O.C. 161-95, 95-02-01) shall successfully sit for one more examination in the sector in question, to be held no later than 10 August 2005, otherwise he shall no longer be admitted to the Bar School.

The candidate referred to in the first paragraph may, before or after his examination, file a new application for admission in accordance with section 5.

O.C. 199-2005, s. 33.

**34.** As of the 2005-2006 professional training year, a candidate who has not completed the professional training program for which he was previously registered under the By-law respecting the professional training of advocates (O.C. 161-95, 95-02-01) shall file a new application for admission in accordance with section 5.

O.C. 199-2005, s. 34.

**35.** A candidate referred to in section 32, 33 or 34 shall register for preparatory courses before registering for professional training.

O.C. 199-2005, s. 35.

**36.** This By-law replaces the By-law respecting the professional training of advocates (O.C. 161-95, 95-02-01).

However, sections 11, 18 to 22 and 27 of the by-law being replaced shall continue to apply until 10 July 2005 with respect to any candidate who began his professional training before 7 April 2005.

O.C. 199-2005, s. 36.

**37.** *(Omitted).*

O.C. 199-2005, s. 37.

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#### REFERENCES

O.C. 199-2005, 2005 G.O. 2, 682

S.Q. 2008, c. 11, s. 212