

FORM 2.21A

APPLICATION FOR COMMENCEMENT OR RESUMPTION OF PRACTICING STATUS

Please note that this application in Form 2.21A is required to be filed with the Law Society and approved by the Education Committee.

1. I, _____, hereby apply to commence or resume the active practice of law as of _____, 20____

(i) as a sole practitioner under the name and style of

OR (ii) in association with the firm/organization under the name and style of

and in the position of _____ (partner, associate, employee)

OR (iii) as an employee of a government department or agency, a local government authority, a corporation or other non-member of the Society under the name and style of

To request exemption from the Law Society's professional liability insurance policy, members must also file Form 2.22A.

2. Please provide your new contact information:

Business Address:

Mailing: _____

Courier: _____

Telephone: _____ Fax: _____

Website: _____

Business Email: _____

Home Address:

Telephone: _____

Personal Email: _____

3. Pursuant to Rule 9.01.1, I consent to the Society providing information about allegations, complaints and disciplinary matters concerning me to _____, designated person whose courier and/or mailing address is:

Sole practitioners are not required to complete item 3

4. For the purpose of the Trust Account Rules, the fiscal year end of my practice will be:

5. Please check either (a) or (b):

(a) Annexed hereto is Form 5.06C and a letter of an Accountant as defined in Rule 5.01(a), in accordance with Rule 2.21(1).

OR

(b) I am associating in practice with persons who are members of an existing firm who are not in contravention of Rule 5.06 and who will continue to use the same books of account as were previously operated by that firm.

6. I will maintain or have access to the following trust accounts:

<u>Name of Account</u>	<u>Institution</u>	<u>Account #</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

7. Please provide information concerning fee payments: (check either (a), (b) or (c))

I undertake to pay my fees by:

(a) 12 automatic debits

(b) 3 installments

(c) full payment at beginning of year

Concerning automatic debits, please provide the following information as appropriate: (check either (a) or (b))

(a) I am entering sole practice and have completed the attached authorization for monthly debits.

(b) My firm pays fees by automatic debits. Please add me to their automatic debit program according to the banking information listed below:

Bank Transit Number

Bank Account Number

8. I have read the attached Copyright Notice and have signed the attached Declaration.
9. I certify that the information provided herein is accurate.
10. I undertake to advise the Vice-President immediately of any change in the foregoing information.

Dated at _____, this _____ day of _____, 20_____.

Name of Member

Signature

Countersigned by a partner of law firm if paragraph 5(b) is applicable

Name of Partner

Signature

***A NEW FORM MUST BE FILED IMMEDIATELY UPON A CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.**

Pre-Authorized Monthly Debits for Practice Fees and Insurance

TERMS AND CONDITIONS

I (We) authorize the Law Society of Newfoundland and Labrador (the Payee) to debit my (our) account as indicated on the attached "voided" cheque under the terms and conditions agreed to by me (us) with the Payee until such time as written notice to the contrary is given.

I (We) acknowledge that the delivery of my (our) authorization to the Payee constitutes delivery by me (us) to the branch of the financial institution at which I (we) maintain an account and that such financial institution is not required to verify that the payment(s) are drawn in accordance with this authorization. Termination of the authorization does not terminate my (our) responsibilities to the Law Society of Newfoundland and Labrador for practice and insurance fees.

I (We) will notify the Payee in writing of any changes in the account information or termination of this authorization prior to the next due date of the pre-authorized debit.

Items charged under any of the following conditions will be reimbursed subject to written notification by me (us) to the branch of account within 90 days.

- (a) I (We), never provided authorization to the Payee;
- (b) The pre-authorized debit was not drawn in accordance with my (our) authorization;
- (c) My (Our) authorization was revoked; or
- (d) The debit was posted to the wrong account due to invalid/incorrect account information supplied by the Payee

I (We) warrant that all persons whose signature(s) are requested to sign on this account have signed this agreement.

Pre-authorized Payment Authorization (Please complete *all* information)

Member _____

Firm/Address _____

Telephone/Contact Information _____

I (We) authorize the Law Society of Newfoundland and Labrador to process a debit, in paper, electronic or other form in the amount of \$ _____ on my (our) account on the 20th day of each month, beginning _____, 2010. I (We) agree that this amount may be increased/decreased by the Law Society of Newfoundland and Labrador at a future date.

The Law Society of Newfoundland and Labrador will, to the best of its ability, advise me (us) in writing, of any change in the amount to be debited in advance of its effective date.

I (We) acknowledge that I (we) have read and understood all the provisions contained in the terms and conditions of the pre-authorized payment authorization and that I (we) have received a copy.

Signature

Date

Signature

Date

Please remember to attach a "voided" cheque to this authorization.



THE LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR COPYRIGHT NOTICE

For self-serve copying

Improper copying of legal materials infringes copyright. The Law Society of Newfoundland and Labrador Law Library does not authorize anyone to use its photocopiers in a manner that infringes copyright.

Any misuse of the Law Library's photocopiers may result in the offender, as well as his or her law firm and/or principal(s), being held liable for civil and/or criminal penalties for copyright infringement, and denial of future access to the Law Library's photocopiers.

For photocopy request to Law Library

Improper copying of legal materials infringes copyright. The Law Library will not fulfil any request for photocopying which would infringe copyright.

Causing the Law Library to fulfil a photocopying request by providing a false or misleading declaration may result in the offender, as well as his or her law firm and/or principal(s), being held liable for civil and/or criminal penalties for copyright infringement, and denial of future access to the Law Library's services.

PERMITTED COPYING¹

Fair Dealing Reproductions

Fair dealing for the purpose of "research" or "private study" does not infringe copyright.² Patrons may use the Law Library's photocopiers to make reproductions pursuant to the fair dealing provisions of the *Copyright Act* if all of the following conditions are met.

1. A single copy only of any work is to be reproduced for the purpose of "research" or "private study."³ For greater clarity, a "research" purpose includes arguing cases in court as well as preparing opinions, briefs and factums.⁴

2. The portion of each work to be reproduced must be reasonably necessary in order to accomplish the fair dealing purpose for which the single copy is to be made.⁵

3. The person who creates the reproduction must either:
(a) be the person who is to engage in the ultimate research or private study for which the single copy is to be made; or
(b) be acting pursuant to a request from another person to reproduce the work, and that other person must be the person who is to engage in the ultimate research or private study for which the single copy is to be made.

4. Any copy that is generated must not be incorporated into another book, article or other work to be sold in competition with the original works that are copied.

5. Further copies of any reproduction must not be made and distributed to others, save for additional copies which may be required for submission to a Court or tribunal.

ENDNOTES

1. Law Library Staff may deny patrons access to photocopiers for reproduction purposes that are inconsistent with the terms of this Notice, or allow them access on such terms as they consider appropriate in accordance with the provisions of the *Copyright Act*.

2. Section 29 of the *Copyright Act*.

3. "Research" means "investigation or closely studying a subject," and includes "legal research carried out for profit by entities such as law firms...[such as] research for the purpose of advising clients, giving opinions, arguing cases, preparing briefs [and] preparing factums." [Fox, *Canadian Law of Copyright and Industrial Design*, 3rd ed., p.552; *CCH Canadian Ltd. v. Law Society of Upper Canada* (F.C.A. May 14, 2002)]. "Private study" connotes "a form of study which is personal to the person undertaking it." [Fox, *supra*, p.552].

Works Not Protected by Copyright

Any work that is not protected by copyright may be reproduced on the Law Library's photocopiers without infringing copyright. Patrons who wish to engage in such copying may seek assistance from Law Library staff to confirm that the work in which they are interested is not protected by copyright.

Reproducing Less than a Substantial Part of a Work Protected by Copyright

Reproducing less than a "substantial" part of any work protected by copyright does not infringe copyright.⁶ Patrons who wish to engage in such copying may seek assistance from Law Library staff to confirm that the portion of the work which they wish to reproduce constitutes less than a "substantial" part of that work, within the meaning of the *Copyright Act*.

The Law Library staff will fill requests to reproduce less than a "substantial" part of any work.

Reproductions Authorized by the Owner of Copyright

Patrons may use the Law Library's photocopiers to reproduce any portion of a work if such reproduction is carried out with the consent, permission or authorization of the owner of copyright in that work.

The Law Library staff will fill requests to reproduce any portion of a work if the owner of copyright in that work has provided its prior consent, permission or authorization in respect of such reproduction.

4. *CCH Canadian Ltd. v. Law Society of Upper Canada* (F.C.A. May 14, 2002)

5. GUIDE: An entire reported judicial decision, journal article or statutory reference may be reasonably necessary to accomplish fair legal research or private study. Care must be taken when reproducing from secondary resources, such as texts, and only the minimum number of pages necessary to accomplish the fair dealing purpose may be reproduced.

6. Section 3 of the *Copyright Act*. For example, it may not be an infringement of copyright to reproduce only the edited judicial text portion of a reported judicial decision, without also reproducing the headnote elements of that reported judicial decision [*CCH Canadian Ltd. v. Law Society of Upper Canada* (F.C.C. May 14, 2002)]

To be Completed by Members Commencing or Resuming the Active Practice of Law

(a) I have read and I understand the Copyright Notice included as part of this Form 2.21A and which outlines the terms of photocopy use of the copiers and the terms under which the Law Society of Newfoundland and Labrador will fulfill photocopying requests.

(b) I declare that my use of its photocopiers and my requests for photocopies to the Law Society of Newfoundland and Labrador Law Library satisfy every and all terms set out in the Notice, including those instances where I may direct another person to copy on my behalf.

(c) In particular, but without limitation, I understand that all photocopies I have made or requested will be provided to me only under the following express conditions:

i) that such photocopies will not be incorporated by me into another book, article or other work to be sold in financial competition with the original works that are copied; and

ii) that further copies of the photocopies will not be made and distributed to others, save for additional copies which may be required for submission to a Court or tribunal, or for the client or other counsel for that research purpose.

(d) I declare that if any of the photocopies I have requested or made are intended for another person's use, I will take responsibility to ensure that all such photocopies are used only in a manner that is consistent with the terms set out in the Copyright Notice.

(e) I understand and acknowledge that renewal of my membership with the Law Society of Newfoundland and Labrador automatically renews my Photocopy Declaration. I declare I shall abide by the terms of the Copyright Notice while I am a member of the Law Society of Newfoundland and Labrador.

And I make this solemn Declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Evidence Act (NL)* and *Canada Evidence Act*.

DECLARED before me at _____,)

in the Province of _____,)

this _____ day of _____, 20 _____,)

_____) _____
Notary Public, Commissioner of Oaths, etc.