

# Observership Program for Internationally Trained Lawyers in Legal Workplaces



## ITL OBSERVERSHIP APPLICATION FORM

To be completed by referring staff or client:

<b>Name</b>	<i>(first)</i>	<i>(last)</i>	
<b>Preferred name:</b>			male <input type="checkbox"/> female <input type="checkbox"/>
<b>Date of application:</b>			
<b>Employment Specialist:</b>			
<b>Client address:</b>			
<b>Phone number:</b>		<b>Email:</b>	
<b>Year arrived in Canada:</b>			
<b>Country of origin:</b>			
<b>Languages spoken:</b>			
<b>Year of graduation:</b>			
<b>University:</b>			
<b>Number of years employed in your field outside Canada:</b>			
<b>Law Competency Self-Assessment initiated:</b>		Yes <input type="checkbox"/>	No <input type="checkbox"/>
<b>Resume attached:</b>		Yes <input type="checkbox"/>	No <input type="checkbox"/>
<b>Comments (field of interest/law):</b>			

# Observership Program for Internationally Trained Lawyers in Legal Workplaces

## BACKGROUND

An Internationally Trained Lawyer (ITL) is an immigrant lawyer who has graduated from law school outside of Canada. An ITL who has become a permanent resident and wishes to practice law in Canada must first complete a rigorous accreditation process. This process, despite being quite lengthy, does not address all aspects of a Canadian lawyer's day-to-day responsibilities or working environment. For this reason, it could greatly benefit ITLs to be able to observe local lawyers in practice through a formalized program.

The Observership Program is a partnership between an Internationally-Trained Lawyer and a supervising lawyer who is a practising lawyer in Nova Scotia. The supervising lawyer will provide an ITL with an opportunity to observe his/her legal practice for an agreed upon length of time.

## PURPOSE & OBJECTIVES

The Observership Program is designed to expose ITLs to professional legal practice in Nova Scotia. The objective is to provide Internationally Trained Lawyers with a first-hand opportunity to learn about the legal profession by observing the practice of law in Canada and, more specifically, in Nova Scotia.

The program is not intended to fill in any gaps that may exist in substantive legal knowledge, but rather to familiarize ITLs with legal workplaces and Canadian norms and expectations, thus helping to identify next steps for the ITL in terms of accreditation and career path.

Participating legal workplaces will also benefit through exposure to new cultural perspectives and ideas and connections to underserved communities and clients.

## DESCRIPTION

An Observership is a volunteer arrangement between an ITL and a Supervising Lawyer in a field that is relevant to the ITL's career goals. The program is flexible; time frame and arrangements are customized to fit well with both the objectives of the participating ITL and the availability of the Supervising Lawyer and legal workplace. Observerships generally last between one week and six months, with the ITL attending on either a full or part-time basis.

## GUIDE FOR ITL

### INTRODUCTION

The ITL Observership Program offers you the opportunity to:

- Gain a better understanding of the day-to-day activities in a legal workplace in Canada and the ethical rules governing lawyers in Nova Scotia.
- Facilitate decision-making regarding the accreditation process or alternative legal careers
- Develop relationships within the legal community of Nova Scotia

### ITL ELIGIBILITY:

To be eligible for the Observership Program an ITL must have:

- Graduated from a Law School outside of Canada
- Permanent resident status and be living in Nova Scotia
- Completed the ISANS employment orientation process and be job ready (1)
- Signed a confidentiality form

### PROCESS FOR ITLS:

1. Contact ISANS or the NSBS.
2. If initial meeting is with NSBS, you will be referred to the ISANS intake worker who will then refer you to the employment specialist.
3. The employment specialist will explain the pathway to licensure for ITLs in Nova Scotia and any other information on alternative legal careers. You will then complete the competency self-assessment followed by work on job readiness through participation in pre-employment programs, if necessary, as well as resume and cover letter preparation.
4. The employment specialist will provide the equity office of the NSBS with the application form, the self-assessment and a resume.
5. Equity officer will meet with the ITL to discuss matching and logistics and provide an introduction to the Nova Scotia Barristers' Society and the *Code of Professional Conduct*.
6. Once an appropriate workplace has been identified, the Equity Office will contact the Supervising Lawyer in order to determine their availability.
7. If both the Supervising Lawyer and ITL are agreeable to the Observership, the equity officer will arrange a first meeting between the two parties. Further details of the program, such as observation dates, frequency or schedule, will be determined on a case-by-case basis between the ITL and the Supervising Lawyer. Agreement forms to be provided by ISANS.
8. A mid-way check-in will be conducted in order to determine if outcomes are being met.
9. A completed evaluation form is required at the conclusion of the Observership.

## **RECOMMENDED ACTIVITIES:**

- Observe day-to-day procedures of the legal workplace
- Conduct legal research
- Attend client meetings
- Attend staff meetings
- Learn about filing systems, administrative procedures, civil procedures, policies and techniques
- View files, electronic documents, filing systems, legal documents and software programs
- Attend court, chambers or hearings
- Attend networking activities
- Participate in continuing legal education sessions such as lunch-and-learns
- Consult the ethical rules applicable to Canadian lawyers.

## **DURING THE OBSERVERSHIP, ITLS ARE EXPECTED TO:**

- Strictly adhere to all confidentiality documentation and policies
- Maintain a professional appearance and manner
- Respect clients and colleagues
- Be punctual and abide by the agreed upon schedule

## GUIDE FOR SUPERVISING LAWYER

### INTRODUCTION

The ITL Observership Program offers you the opportunity to:

- Provide an ITL with an introduction to the legal work environment in Nova Scotia
- Discuss the culture and practice of law in other jurisdictions around the world
- Enhance cultural competence
- Establish new and diverse networking connections and potential clients

### PROCESS FOR SUPERVISING LAWYERS:

1. A list of legal workplaces and supervising lawyers interested in participating in the program will be maintained by the Society.
2. The supervising lawyer will be given a package detailing the specifics of the program and providing information on the accreditation process for ITLs in Canada.
3. Matching will be based on the skill set and goals of the ITL and subject to the availability of the supervising lawyer.
4. Details of the program, such as observation dates, frequency or schedule, will be determined on a case-by-case basis between the ITL and Supervising Lawyer. Normally, the program will range from between one week up to six months.
5. Prior to commencement of the observership, the ITL will sign a confidentiality agreement and any other policies as required by the legal workplace.
6. Mid-way check-ins will be conducted in order to determine if outcomes are being met to their satisfaction.
7. A completed evaluation form is required at the conclusion of the observership.

### RECOMMENDED FIRST DAY ACTIVITIES:

- Meet with the ITL to review observership plan
- Clarify and agree upon observership goals
- Describe the supervising lawyer's legal work/law practice as well as the overall activities of the legal workplace
- Establish a meeting schedule and/or establish a set of activities
- Ensure that all confidentiality documentation is signed
- Provide the ITL with a tour of the office, including introducing him or her to any relevant staff members

### WHAT OTHER ACTIVITIES MAY TAKE PLACE THROUGHOUT THE PROGRAM?

Throughout the Observership, the ITL may:

- Observe day-to-day procedures of the legal workplace
- Conduct legal research
- Attend client meetings
- Attend staff meetings
- Learn about filing systems, administrative procedures, civil procedures, policies and techniques
- View files, electronic documents, filing systems, legal documents and software programs
- Attend court, chambers or hearings
- Attend networking activities
- Participate in continuing legal education sessions
- Discuss legal practice and law office management with the supervising lawyer or others in the office
- Review the *Legal Ethics Handbook* and *Code of Professional Conduct*

## CONFIDENTIALITY

The ITL may gain access to confidential information through conversations with lawyers and clients, interactions with staff members of the legal workplace, files, documents, and through observation of the day-to-day activities at the legal workplace. It is crucial that the confidentiality of both clients and the legal workplace be maintained at all times.

In order to maintain the strict confidentiality of both supervising lawyers and legal workplaces, the ITL will be required to sign a confidentiality agreement ensuring that a high level of confidentiality is maintained for any conversations, files, or practices that may be observed during the course of the program. The confidentiality agreement, which may be customized for each legal workplace, will outline the particular confidentiality policies that will be followed by the ITL.

As a point of caution and reminder, confidentiality is between the client and the lawyers. If any task involves a client in any way, the client's permission would always be secured before the observer was included in the interaction. Although the NSBS takes no role in monitoring confidentiality, an ITL who breaches confidentiality could see their application to become a lawyer in Nova Scotia affected.

A sample confidentiality agreement is included in the Appendix. Individual legal workplaces may also require ITLs to comply with specific policies, which will be determined on a case-by-case basis.

## LIABILITY

The ITL will be acting mainly as a passive observer at the legal workplace and will not personally undertake any tasks or work duties that would involve liability. The list of activities that an ITL might take part in include (but are not limited to): attending court, client meetings and discoveries, and observing the day to day duties of the workplace while being monitored and reviewed by a practicing lawyer (*see page 6 for a more detailed list of activities*). Legal insurance will thus not be required for ITLs.