

**NOTICE OF MEASURE
TO ACHIEVE A LEGITIMATE OBJECTIVE UNDER CHAPTER 7
OF THE CANADIAN FREE TRADE**

**APPROVED BY THE
GOVERNMENT OF THE NORTHWEST TERRITORIES**

Occupation:

Lawyer

Province(s)/Territory(ies) whose workers are affected:

Province of Quebec

Under which legitimate objective(s) is the measure being filed:

Consumer Protection

Rationale/Justification:

The law societies in Canada have reached mobility agreements that conform to the AIT in most ways and are consistent with AIT principles. However, there are provisions allowing Law Societies to require additional training and/or examinations for members of the Barreau du Quebec, if needed, to ensure competency in provincial common law. This is an issue of Consumer Protection: the practice of law involves advising on and assisting in the creation of legal rights and obligations which can significantly and permanently impact clients' personal, commercial or economic status. A high level of subject matter knowledge is required. As a result of the *Quebec Act of 1774*, Canada has developed two systems of law: the common law, which applies to all public law matters throughout Canada and to matters of private law everywhere except Quebec, and the civil law, which applies to private law matters inside Quebec. There are significant differences in the foundational principles of the two legal systems and in the way the law is developed and codified. A person trained to practice law under one legal system will not possess the knowledge or expertise to practice in the other system.

As the legal system in Quebec is a "civil law" system, based on Quebec's *Civil Code*, applicants for admission to the bar in Quebec must have a degree in civil law. In all other parts of Canada including the Northwest Territories, the legal system is based on the common law and applicants for admission to the bar are required to have a common law degree.

Additional Requirement(s):

Provisions allowing the Law Society of the Northwest Territories to require additional training and/or examinations for members of the Barreau du Quebec, if needed, to ensure competency in provincial common law. Quebec's legal system is based on its *Civil Code* and there are significant differences in the legal framework and law between the Province of Quebec and other Canadian jurisdictions, which use a common law regime. The Province of Quebec may require similar training and/or examinations of lawyers entering that province from common law jurisdictions. The matter has had considerable attention and analysis by the law societies. The law societies of Canada have, after over a decade of discussion, signed on to national mobility agreements that include the provision for additional training and/or examinations in this instance.

Duration of the additional requirement(s):	
Indefinite	
Date:	<u>2009 / 11 / 30</u> YY MM DD