

## The Law Society of Upper Canada

### Notice

To all members of the legal profession in Ontario:

Published hereafter are the new rules and regulations adopted by Convocation on June 20th and 27th, 1957, respecting admission to the Law Society of Upper Canada and the Osgoode Hall Law School.

Any application for special consideration arising by reason of the adoption of such rules and regulations must be made in writing to the Secretary of the Law Society of Upper Canada, Osgoode Hall, Toronto, on or before November 30th, 1957. No further applications will be entertained after that date.

All applications then received will be considered and applicants will be advised in January, 1958, of the decision thereon.

Every member of the profession who has in his office or knows of any person who might desire to present such an application is requested to bring this notice to his immediate attention.

September 20, 1957.

"D. Park Jamieson"  
Chairman,  
Admissions Committee.

## REPEAL OF PRESENT RULES

Rules 85-145 (inclusive) are repealed except to the extent that they affect the present course in Osgoode Hall Law School or the completion of that course by students of the present first, second, third and fourth years, or the rights or obligations of such students with respect to that course. The present course is the course in Osgoode Hall Law School as it was during the session 1956-1957.

## AMENDMENT OF PRESENT RULES

Rule 27 is amended by adding the following:

(10) Admissions Committee.

## ONTARIO GAZETTE

The Sub-Committee recommends that an application be made to the Provincial Government for the repeal of Section 11(1) (a) of the Solicitors Act which has no known useful effect.

11(1) Subject to the rules of the Society no candidate for admission not being a student-at-law or articled clerk who has served under articles for the prescribed period shall be admitted unless,—

(a) he publishes in the Ontario Gazette for at least two months previously to the first day of the term in which he seeks admission notice of his intention to apply for admission.

## THE ADMISSIONS COMMITTEE

- Rule 1. The Admissions Committee shall consist of the Chairman and Vice-Chairman of the Legal Education Committee and the Chairman and Vice-Chairman of the Finance Committee and one other Bencher appointed by the Treasurer.
2. Applications for admission to the Society
- (a) as a student-at-law in the Bar Admission Course, or
  - (b) for the purpose of admission to practice by direct transfer from active practice outside Ontario, shall be referred to the Admissions Committee which shall report thereon to Convocation.
3. The Admissions Committee may make regulations prescribing the conditions of admission to the Society and for the carrying out of any Rules respecting admissions to the Society, which regulations shall be reported to Convocation at its first ordinary meeting after the making thereof.

4. All applications for admission to the Society shall be on the prescribed forms.
5. An applicant for admission to the Society must be of good character and a proper person to be so admitted.
6. No person shall hereafter be called to the Bar only or admitted as a solicitor only but all applicants for admission to practice must qualify both for call to the Bar and admission as a solicitor and be called to the Bar and admitted as a solicitor at the same time and not otherwise.
7. No person who is not a British subject may be called to the Bar or admitted as a solicitor.
8. Applicants who have fulfilled all other requirements and who present certificates of completion of the Bar Admission Course may be called to the Bar and admitted as solicitors.
9. Applicants who are entitled to be called to the Bar and admitted as solicitors and who have fulfilled all requirements prescribed by these Rules and the Regulations thereunder may be so called and admitted on any Convocation day.

## REGULATIONS OF THE ADMISSIONS COMMITTEE

### PART A

1. Applications for transfer to practice in Ontario from other jurisdictions shall during the period from the approval of this Part to the establishment of the Bar Admission Course be dealt with by the Admissions Committee upon their individual merits in accordance with the principles set out hereafter.
2. OTHER PROVINCES — Applications for transfer from other provinces shall be governed by Transfer Regulations 2, 3 and 4 of Part B. Applications that do not fall within such regulations shall be governed by the Transfer regulations of this Society as they stood in March, 1957.
3. UNITED KINGDOM SOLICITORS — The requirements in Transfer Regulation 6 of Part B shall apply except that applicants shall have been in practice for a period of 3 years before application, and instead of complying with subsection (2)(a) thereof shall have spent two years under articles in Ontario and shall pass the examination set by the Examining Board.
4. AUSTRALIA AND NEW ZEALAND — The requirements in Transfer Regulation 8 of Part B shall apply except that such applicants instead of complying with subsection

- (2) (a) thereof shall have spent two years under articles in Ontario and shall pass the examination set by the Examining Board.
5. OTHER COMMONWEALTH COUNTRIES — Transfer Regulation 9 of Part B shall apply. This regulation does not apply to United Kingdom barristers.

## REGULATIONS OF THE ADMISSIONS COMMITTEE

### PART B

1. (a) The Regulations in this Part shall be known as the Transfer Regulations. Subject to Part A, this Part comes into force and replaces Part A on June 1, ~~1959/1958~~.
- (b) In this Part "applicant" means applicant for call to the Bar and admission as a solicitor, and "application" has a corresponding meaning.
- (c) In Regulations 2, 3, 4, 5 and 8, "active practice" means practice as both a barrister and solicitor.

## TRANSFER FROM OTHER PROVINCES

### Direct Transfer

2. An applicant who at the time of application is engaged in active practice in any other province of Canada and has been so engaged for a continuous period of three years or more immediately preceding application may upon the recommendation of the Admissions Committee be called to the Bar and admitted as a solicitor upon fulfilling all other requirements and:
- (a) presenting a certificate of good standing from the law society of the province from which he desires to transfer showing that he is presently a member in good standing therein and that no charge is pending against him in respect of alleged conduct for which he could be disbarred or struck off the rolls or suspended from the practice of law. If there has been previous disciplinary action which resulted in the applicant having been disbarred or struck off the rolls or suspended from practice, the certificate shall so state, and if any other disciplinary action has previously been taken against the applicant particulars of the same shall be given in the certificate;
- (b) passing the prescribed examinations on the statutes and practice and procedure of Ontario;
- (c) paying the prescribed fees.

3. To qualify under Reg. 2 an applicant must apply while in active practice in the other province or within three months of ceasing such practice.

#### Government Service

4. Where an applicant while in active practice in another province accepts an appointment and immediately and continuously thereafter serves in a legal capacity with a department of the government of Canada in any part of Canada or with the Judge Advocate General's branch of any of the armed services, such service may be deemed to be continuing active practice at the Bar of the other province for the purposes of Reg. 2 provided he has remained a member in good standing of such Bar and has continued to pay his annual fees thereto and applies while serving in such capacity or while practising in the province from which he wishes to transfer.

#### Other Cases

5. An applicant who is a member of the Bar and a solicitor in another province of Canada but who does not qualify under Regulation 2 may upon the recommendation of the Admissions Committee be:
  - (1) admitted to the Society as a student-at-law of the Bar Admission Course upon fulfilling all other requirements and;
    - (a) presenting a certificate of good standing from the law society of the province from which he desires to transfer showing that he is presently a member in good standing therein and that no charge is pending against him in respect of alleged conduct for which he could be disbarred or struck off the rolls or suspended from the practice of law. If there has been previous disciplinary action which resulted in the applicant having been disbarred or struck off the rolls or suspended from practice, the certificate shall so state and if any other disciplinary action has previously been taken against the applicant particulars of the same shall be given in the certificate;
    - (b) presenting proof of graduation from an approved law course in an approved university; and
  - (2) called to the Bar and admitted as a solicitor upon;
    - (a) presenting a certificate of completion of the Bar Admission Course;

- (b) paying the prescribed fees;
- (c) fulfilling all other requirements.

## TRANSFER OF COMMONWEALTH BARRISTERS AND SOLICITORS

### United Kingdom Solicitors

6. An applicant who is a solicitor of Her Majesty's Supreme Court of Judicature in England or Northern Ireland or who is enrolled as a law agent in Scotland may upon the recommendation of the Admissions Committee be:
  - (1) admitted to the Society as a student-at-law in the Bar Admission Course upon fulfilling all other requirements and;
    - (a) presenting a certificate of good standing from the appropriate law society from which he desires to transfer showing that he is presently a member in good standing therein and that no charge is pending against him in respect of alleged conduct for which he could be struck off the rolls or suspended from the practice of law. If there has been previous disciplinary action which resulted in the applicant having been struck off the rolls or suspended from practice, the certificate shall so state and if any other disciplinary action has previously been taken against the applicant particulars of same shall be given in the certificate;
    - (b) presenting proof that he was in active practice as such solicitor immediately preceding his application; and
  - (2) called to the Bar and admitted as a solicitor upon;
    - (a) presenting proof of his completion of the Bar Admission Course;
    - (b) paying the prescribed fees;
    - (c) fulfilling all other requirements.

### United Kingdom Barristers

7. An applicant who has been called to the Bar of any of Her Majesty's Superior Courts of England, Northern Ireland or Scotland may upon the recommendation of the Admissions Committee be:
  - (1) admitted to the Society as a student-at-law of the Bar Admission Course upon fulfilling all other requirements and;
    - (a) presenting a certificate of good standing from the appropriate governing body showing that he is presently a member in good standing therein

and that no charge is pending against him in respect of alleged conduct for which he could be disbarred or suspended from the practice of law. If there has been previous disciplinary action which resulted in the applicant having been disbarred or suspended from practice, the certificate shall so state and if any other disciplinary action has previously been taken against the applicant particulars of the same shall be given in the certificate;

- (b) presenting proof that he was in active practice as a barrister for a continuous period of at least five years immediately preceding his application;
  - (c) presenting proof of graduation in an approved course from an approved university; and
- (2) called to the Bar and admitted as a solicitor upon;
- (a) presenting a certificate of completion of the Bar Admission Course;
  - (b) paying the prescribed fees;
  - (c) fulfilling all other requirements.

#### Australia and New Zealand

8. An applicant who has been called to the Bar and admitted as a solicitor in Australia or New Zealand may upon the recommendation of the Admissions Committee be:
- (1) admitted to the Society as a student-at-law of the Bar Admission Course upon fulfilling all other requirements and;
    - (a) presenting a certificate of good standing from the appropriate governing body showing that he is presently a member in good standing therein and that no charge is pending against him in respect of alleged conduct for which he could be disbarred or struck off the rolls or suspended from the practice of law. If there has been previous disciplinary action which resulted in the applicant having been disbarred or struck off the rolls or suspended from practice, the certificate shall so state and if any other disciplinary action has previously been taken against the applicant particulars of the same shall be given in the certificate;
    - (b) presenting proof that he was in active practice for a continuous period of at least three years immediately preceding his application;

- (c) presenting proof of graduation in an approved course from an approved university; and
- (2) called to the Bar and admitted as a solicitor upon;
  - (a) presenting a certificate of completion of the Bar Admission Course;
  - (b) paying the prescribed fees;
  - (c) fulfilling all other requirements.

#### Other Cases

9. An applicant who at the time of application is a British subject and is engaged in active practice in a Commonwealth country may make special application for call to the Bar and admission as a solicitor if
  - (a) he has been graduated in an approved course from an approved university and been called to the Bar or admitted as a solicitor and practised in a Common Law jurisdiction for at least five years; or,
  - (b) if he has been graduated in an approved Common Law course from an approved university and been called to the Bar or admitted as a solicitor and practised for at least five years,
 and upon fulfilling such requirements as Convocation on the recommendation of the Admissions Committee prescribes in the particular case.

### LEGAL EDUCATION TEMPORARY RULES

#### Continuation of Present Course

- Rule A. Nothing in these rules shall affect the right of the students now in the first, second, third and fourth years of Osgoode Hall Law School to continue in the course in force at the time of their admission to the School, or affect their obligations with regard to that course, which course shall be continued for this purpose, provided that students of the present first year (1956-7) who fail and who are given the right to repeat must repeat their first year in the first year of the new course beginning September, 1957, and if successful, continue in that course.

#### B.A. LL.B. Students

- B. Persons who are graduates of universities recognized by and in a course and with a standing approved by the University of Toronto or other approved Universities in Canada and the Law Society of Upper Canada and who are thereafter admitted to the Faculty of Law of the University of Toronto or such other approved University and after a three year course leading

to the degree of Bachelor of Laws are graduated with that degree may be admitted as graduate students of the Law Society with exemption from attendance during the first two years of the course given at Osgoode Hall Law School. These students will then be eligible for call to the Bar after satisfactory service under articles in a law office for one year and completion of a further year of concurrent service under articles and attendance at the Osgoode Hall Law School and the passing of such examinations as may be prescribed by the Law Society in respect of the last two years of the course of the Law Society.

The policy set out above under which certain students may enter the third year of the course in Osgoode Hall Law School is not affected by anything in these Rules and is continued for the years 1957 and 1958.

#### LEGAL EDUCATION

- Rule 10. The Legal Education Committee is responsible for legal education and has power over all matters relating thereto including the power to:
- (a) appoint the faculties and staffs of the law school and the Bar Admission Course;
  - (b) fix, subject to the approval of the Finance Committee, the remuneration of such faculties and staffs;
  - (c) prescribe the powers and duties of such faculties and staffs;
  - (d) prescribe the requirements for admission to the Law School and the academic requirements for the admission of persons who have not been called to the Bar or admitted as solicitors elsewhere to the Bar Admission Course, and any entrance examinations;
  - (e) approve courses and universities for the purpose of admission to the Law School and the Bar Admission Course;
  - (f) prescribe the curricula of the law school and the Bar Admission Course;
  - (g) fix, subject to the approval of the Finance Committee, the fees payable by students in the law school and the Bar Admission Course.
11. The Legal Education Committee may make regulations not inconsistent with these Rules for the carrying out of all matters relating to legal education, which regulations shall be reported to Convocation at its first ordinary meeting after the making thereof.

## LAW SCHOOL

12. The law school shall be continued under the name "Osgoode Hall Law School".
13. An applicant who successfully completes the prescribed course at Osgoode Hall Law School shall upon the recommendation of the faculty be entitled to the degree of Bachelor of Laws granted by the Benchers of the Law Society of Upper Canada.
14. The faculty of the Law school consists of :
  - (a) a Dean,
  - (b) a Vice-Dean,
  - (c) one or more Assistant Deans,
  - (d) such professors, associate professors, assistant professors and lecturers as may be appointed from time to time.
15. The staff of the law school includes the faculty and such instructors, demonstrators, administrative officers and clerical assistants as may be appointed from time to time.
16. The course at the law school consists of three annual sessions, each divided into two terms, known as the fall and spring terms, with a Christmas vacation of two weeks. The fall term consists of twelve weeks of lectures and an examination period, and the spring term consists of eighteen weeks of lectures and an examination period, the opening and closing dates of each term to be fixed by the faculty.
17. A student must successfully complete the prescribed course in each year before proceeding to the next year.
18. The faculty shall prescribe examinations and report the results to the Legal Education Committee.
19. Students shall be graded on each individual paper as follows :
 

75 to 100%	A
66 to 74%	B
50 to 65%	C.
20. The percentage of marks which must be obtained in order to pass an examination is not less than fifty per cent of the number of marks obtainable in each subject.
21. In each year students passing all examinations and obtaining at least 75 per cent of the aggregate marks obtainable shall be passed with Honours.
22. In each year, students passing all examinations and obtaining from 66 to 74 (inclusive) per cent of the aggregate marks obtainable shall be passed Class I.

23. In each year, students passing all examinations and obtaining from 50 to 65 (inclusive) per cent of the aggregate marks obtainable shall be passed Class II.
24. The Osgoode Hall Legal and Literary Society is recognized as the official organization of the students in the law school. Annual grants may be made to that Society for the purpose of its activities.
25. No students' club or society shall be recognized as connected with the law school or as representative thereof nor be entitled to use the name "Osgoode" or "Osgoode Hall" or similar name unless it is affiliated with the Osgoode Hall Legal and Literary Society as a branch thereof and its constitution and rules or by-laws have been approved by that Society.

#### SCHOLARSHIPS AND MEDALS

26. The students standing first, second and third in the first and second years of the law school course shall be entitled to scholarships of \$200, \$150 and \$100, respectively, provided they passed with honours.
27. The following Law Society Medals shall be awarded to the students graduating with honours:
  - (a) to the student standing first, a Gold Medal, if he has passed both the first and second year examinations with honours, otherwise a silver medal;
  - (b) to the student standing second, a silver medal, if he has passed both the first and second year examinations with honours, otherwise a bronze medal;
  - (c) to the student standing third, a bronze medal, if he has passed both the first and second year examinations with honours.
28. The Chancellor Van Koughnet Scholarship shall be awarded annually to the student standing first in the graduating class in the law school.
29. The Christopher Robinson Memorial Scholarship shall be awarded annually to the student standing second in the graduating class in the law school.
30. The Matthew Wilson Memorial Scholarship shall be awarded annually to the student standing third in the graduating class in the law school.
31. The George M. Miller Prize may be awarded annually to the student from Northern Ontario who fulfills the conditions thereof.
32. The Clara Brett Martin Memorial Prize shall be awarded annually to the student of the law school who

- obtains the highest mark in the subject of Estate Planning.
33. Such other scholarships and prizes may be awarded from time to time as are authorized by Convocation on the recommendation of the Scholarship Committee of the Faculty.
  34. The graduation diploma of each student who has been awarded honours, a medal or a scholarship shall certify to such fact.
  35. On any Convocation day the order in which candidates are called to the Bar shall be as follows:
    - (a) Candidates who were awarded honours, medals, scholarships or prizes in the Bar Admission Course shall be called with precedence in order of merit over all other candidates.
    - (b) Subject to subsection (a) of this Rule, candidates shall be called to the Bar in the alphabetical order of their surnames.
    - (c) Candidates for call to the Bar by virtue of their call to some other Bar shall be called after all other candidates, in the alphabetical order of their surnames.
  36. (a) Every candidate, upon his being called to the Bar, shall appear before Convocation in the apparel of a Barrister appearing in Court, for the purpose of his being presented to the Supreme Court; and he may be so presented by any Bencher present in Court.
    - (b) The oath to be taken by a Barrister on being presented to the Supreme Court shall be in the form prescribed.

REGULATIONS OF THE LEGAL EDUCATION  
COMMITTEE — PART I

1. These Regulations shall be known as the Law School Regulations.
2. An applicant for admission to Osgoode Hall Law School before being so admitted shall file a completed application (Form 1) with all required documents attached and pay to the Secretary of the Law Society fees as follows:
  - (a) tuition fee (including examination fees) ... \$320.00
  - (b) incidental fee (for student activities including Legal and Literary Society, Obiter Dicta, athletics) ..... 15.00
3. No person not admitted to Osgoode Hall Law School shall be entitled to enter or attend classes therein, except with

the specific permission of the faculty of the law school for the purpose of attending classes in specified subjects only.

4. A candidate for admission to the first year of the course at the Osgoode Hall Law School leading to the degree of Bachelor of Laws (LL.B.) may be accepted who, on application

(1) presents proof that he has following junior matriculation successfully completed in full-time attendance three years of an approved course in an approved Canadian university subject, in this classification, to each application being approved by the faculty of the Osgoode Hall Law School;

- or (2) presents proof that he has following senior matriculation

(a) successfully completed in full-time attendance two years of an approved course of four years or more in an approved Canadian university; or

(b) successfully completed in full-time attendance two years of an approved course of three years in an approved Canadian university subject, in this classification, to each application being approved by the faculty of the Osgoode Hall Law School;

- or (3) presents proof that he has following senior matriculation successfully completed in full-time attendance three years of an approved course in an approved Canadian university;

- or (4) presents proof that he is

(a) a graduate in an approved course in the faculty of arts, science, commerce, medicine, engineering or applied science of any Canadian university having power to grant a degree in that faculty; or

(b) a graduate in a course in any other faculty of any Canadian university having power to grant a degree in that faculty, provided that the Legal Education Committee on the recommendation of the faculty of the Osgoode Hall Law School approves such degree; or

(c) a graduate in a course in any faculty of any other university having power to grant a degree in that faculty, provided that the Legal Education Committee on the recommendation of the faculty of the Osgoode Hall Law School approves such degree;

and satisfies all other requirements that may be prescribed from time to time.

REGULATIONS OF THE LEGAL EDUCATION  
COMMITTEE — PART II

1. These Regulations shall be known as the Bar Admission Regulations and shall come into force on 1st June, ~~1958~~ 1958.
2. The academic qualifications for admission to the Bar Admission Course as a student-at-law for applicants who have not been called to the Bar or admitted as solicitors elsewhere, are:
  - (a) graduation from Osgoode Hall Law School; or
  - (b) graduation from an approved law course in an approved university in Ontario; or
  - (c) graduation from an approved law course in any other approved university and the passing of such examinations as may be prescribed.
3. The qualifications for admission to the Bar Admission Course for applicants who have been called to the Bar and admitted as solicitors are such as are prescribed by the Transfer Regulations of the Admissions Committee.
4. An applicant for admission to the Law Society as a student-at-law in the Bar Admission Course before being so admitted shall
  - (a) file with the Registrar of that course the following;
    - (i) completed application for admission (Form 2),
    - (ii) certificate of university graduation,
    - (iii) certified transcript of university record,
    - (iv) two character references (Forms 3 and 4), and
  - (b) pay to the Secretary of the Law Society fees as follows;
 

(i) for admission as a student-at-law	\$101.00
(ii) for tuition	200.00
5. No person not admitted as a student-at-law in the Bar Admission Course shall be entitled to enter or attend classes therein, except with the specific permission of the Director of the Bar Admission Course for the purpose of attending classes in specified subjects only.

THE BAR ADMISSION COURSE

- Rule 37. Rules 38 to 41 come into force on June 1, ~~1960~~ 1958.
38. There shall be a Bar Admission Course for the purpose of qualifying persons for call to the Bar and admission as solicitors in Ontario.
  39. The faculty of the Bar Admission Course consists of:
    - (a) a Director,
    - (b) one or more assistant directors,

- (c) such lecturers, instructors and tutors as are appointed from time to time.
- 40. The staff of the Bar Admission Course includes the faculty and such demonstrators and clerical assistants as are appointed from time to time.
- 41. The course consists of:
  - (a) service under articles of clerkship for 15 months beginning on the first day of June; and thereafter
  - (b) practical training at Osgoode Hall, including lectures and tutorial groups, for a period of 6 months beginning on the day after Labour Day.

The following are the TRANSFER REGULATIONS of the Society as of March, 1957

1. An applicant shall present a certificate of good standing from the law society of the province from which he desires to transfer showing that he is presently a member in good standing therein and that no charge is pending against him in respect of alleged conduct for which he could be struck off the rolls or suspended from the practice of law. If there has been previous disciplinary action which resulted in the applicant having been struck off the rolls or suspended from practice, the certificate shall so state and if any other disciplinary action has previously been taken against the applicant particulars of the same shall be given in the certificate.
2. Applicants shall be divided into 3 classes—
  - (a) (Superseded.)
  - (b) those who at the time of application are engaged in active practice in the province from which they are transferring but have not been so engaged for a continuous period of 3 years immediately next preceding the application.
  - (c) all other applicants who cannot qualify under (a) or (b).
3. In order to qualify under 2(a) or 2(b) an applicant must come directly to Ontario from the province from which he is transferring. An applicant who files his application with the secretary of the Law Society of Upper Canada within 3 months of ceasing to practise in the province from which he is transferring shall be considered as being in active practice in such province at the time of application.
4. (Superseded.)
5. (Superseded.)
6. In addition to all other requirements an applicant coming within 2(b) is required —

- (a) to have had preliminary education equivalent to that required for admission to the Osgoode Hall Law School, to have graduated from an approved law school, and to have been called to the Bar in the province from which he desires to transfer.
  - (b) to serve under articles in Ontario for a period of 2 years, less any time that he has spent serving under articles and in active practice in the province from which he desires to transfer: Provided that this credit shall not reduce the period of service under articles in Ontario to less than 6 months,
  - (c) to pass examinations in the statute law and court procedure and practice of Ontario, and
  - (d) to pay the fees ordinarily required for admission to the Bar of Ontario.
7. In addition to all other requirements an applicant coming within 2(c) is required —
- (a) to have had preliminary education equivalent to that required for admission to the Osgoode Hall Law School, to have graduated from an approved law school, and to have been called to the Bar in the province from which he desires to transfer.
  - (b) to serve under articles in Ontario for such period, not more than 2 years, as Convocation on the recommendation of The Legal Education Committee shall require, having regard to the time he spent under articles and in active practice in the province from which he desires to transfer, the time elapsed since he ceased to practice in such province and the circumstances under which such transfer takes place.
  - (c) to pass examinations in the statute law and court procedure and practice in Ontario, and
  - (d) to pay the fees ordinarily required for admission to the Bar of Ontario.
8. "Active practice" herein means practice as a barrister and solicitor.