



2023/2024 STATUTORY DECLARATION FOR APPLICATION AS A MEMBER OF THE INSTITUTE OF LAW CLERKS OF ONTARIO

CERTIFICATION BY APPLICANT

CANADA)
PROVINCE OF ONTARIO)
(or Province of _____)
(specify if outside of Ontario)

IN THE MATTER OF an Application for Membership with The Institute of Law Clerks of Ontario ("ILCO"),

I, _____ (name of Applicant), do solemnly declare that:

- 1. I am an Applicant for Membership in ILCO and as such have knowledge of the matters hereinafter declared.
2. The information contained in my online Application is accurate and still in effect.
3. I have read the definitions of "Law Clerk" and "Qualifying Employment" in ILCO's current operating By-laws and hereby confirm and declare that I am currently in Qualifying Employment as a Law Clerk.
4. If I am admitted for Membership, I agree to be bound by the governing By-laws and Code of Ethics of ILCO in force.
5. I acknowledge that the annual membership fee is not pro-rated. All memberships expire on June 30th of each year.

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.

SOLEMNLY DECLARED BEFORE ME at the City/Town of _____, in the Province of Ontario, (or _____ (specify if outside of Ontario)) this ___ day of _____, 2023.
A Commissioner, etc., Province of Ontario (_____ (specify if outside of Ontario)) or Notary Public
[name of Applicant]

CERTIFICATION OF QUALIFYING EMPLOYMENT (to be completed by supervising lawyer)

Mandatory for Ordinary, Associate, Fellow and Extra-Provincial Membership, this Certificate must be completed and signed by a lawyer who supervises your work.

Definitions of "Law Clerk" and Qualifying Employment" and other extracts from ILCO's current operating By-laws are set out on pages 2-4 below.

The lawyer completing this Certification must include the registration or identification number issued by his/her/their provincial or territorial Law Society.

I certify that the Applicant is currently in Qualifying Employment under my ultimate supervision as a Law Clerk since _____ (date).

Lawyer's Signature: Date:
Lawyer's Name (please print): Provincial or Territorial Law Society No.
Name of Firm:



MEMBERSHIP REQUIREMENTS

Extracts from By-law No. 16

4.1 DEFINITIONS

"Law Clerk" means a person, qualified through education, training, or work experience, who is employed or retained by a Lawyer, law office, governmental agency, or other entity in a capacity or function which involves the performance, under the ultimate direction and guidance of a Lawyer, or duties of an administrative or managerial nature, and/or of specifically-delegated substantive legal work which requires a sufficient knowledge of legal concepts that in the absence of a law clerk the Lawyer would perform.

"Lawyer" is an individual who is qualified to practice the profession of law in a Province or Territory of Canada and whose qualifications have not been revoked or suspended.

"Qualifying Employment" means being engaged in the performance of the duties of a Law Clerk in Ontario on a full-time basis. For the purposes of such qualification, "Ontario" shall include, in the case of a Law Clerk employed or retained by Parliament or a federal court or the Government of Canada (including any of its corporations or agencies), all of the National Capital Region as defined or prescribed by the laws of Canada.

6.3 ORDINARY MEMBERS

- (a) A person may be admitted as an Ordinary Member of the Institute if that person:
 - (i) is in Qualifying Employment at the time of seeking admission as an Ordinary Member; and
 - (ii) has attained the age of eighteen (18) years.

6.4 ASSOCIATE MEMBERS

- (a) A person may be admitted as an Associate Member of the Institute if that person:
 - (i) is in Qualifying Employment at the time he or she seeks such admission as an Associate Member;
 - (ii) has been in Qualifying Employment for a period of not less than three (3) consecutive years prior to the date of seeking such admission, provided not less than one (1) of such years shall have been in the Province of Ontario;
 - (iii) has attained the age of twenty-one (21) years;
 - (iv) has passed the Associate's examination or examinations provided for from time to time by the board of directors or has been granted a Law Clerk certificate/diploma or the equivalent thereof by an Ontario educational institution approved by the board of directors from time to time; and



- (v) has satisfied all of the requirements which may be set from time to time by the board of directors in respect of fitness for enrolment as an Associate Member of the Institute.
- (b) Notwithstanding the provisions of subsection (a) hereof, an applicant may be admitted as an Associate Member of the Institute upon such terms and conditions as to qualification and examination or exemption there from as the board of directors in its absolute discretion may deem fit in any case where the board of directors is, in its absolute discretion, satisfied that the applicant:
 - (i) is in Qualifying Employment at the time of seeking admission as an Associate Member; and
 - (ii) Has been admitted by examination as an Associate Member of the Institute of Legal Executives of the United Kingdom or has qualified by a comparable examination in any other Common Law jurisdiction.

6.5 FELLOW MEMBERS

- (a) A person may be admitted as a Fellow Member of the Institute if that person:
 - (i) is in Qualifying Employment at the time of seeking admission as a Fellow Member;
 - (ii) has been in Qualifying Employment for a period of not less than seven (7) consecutive years prior to the date of seeking such admission, providing not less than one (1) of such years shall have been in the Province of Ontario A person may be admitted as a Fellow Member of the Institute if that person has been admitted as an Associate Member of the Institute and has passed the Fellow's examination or examinations provided for from time to time by the board of directors;
 - (iii) has attained the age of twenty-five (25) years; and
 - (iv) has satisfied all the requirements, which may be set from time to time by the board of directors in respect of fitness for enrolment as a Fellow of the Institute
- (b) Notwithstanding the provisions of subsection 6.5 (a) (ii) to (v) hereof inclusive, an applicant may be admitted as a Fellow Member of the Institute upon such terms and conditions as to qualifications and examination or exemption there from as the board of directors in its absolute discretion may deem fit in any case where the board of directors is, in its absolute discretion, satisfied that the applicant:
 - (i) is a resident of the Province of Ontario and is in Qualifying Employment at the time of seeking admission as a Fellow Member; and
 - (ii) Has been admitted by examination as a "Fellow" of the Institute of Legal Executives of the United Kingdom or has qualified by a comparable examination in any other Common Law jurisdiction.



6.6 RETIRED MEMBERS

Notwithstanding section 10.1 (f) hereof, the membership of an Ordinary, Associate, or Fellow Member may, on retirement, be continued by the board of directors by way of resolution passed by a majority of the directors present at a meeting of the board of directors duly called to consider the question. Retired Members shall retain all privileges pertaining to the class of membership occupied on the date of the continuation of membership.

6.7 EXTRA-PROVINCIAL MEMBERS

A person may be admitted as an Extra-provincial Member of the Institute if that person

- (a) is employed or retained in Canada excluding the Province of Ontario **in** the performance of the duties of a Law Clerk at the time of seeking admission as an Extra-provincial Member; and
- (b) has attained the age of eighteen (18) years.

10.1 CESSATION OR TERMINATION OF MEMBERSHIP

A Student, Ordinary, Associate, Fellow, Extra-Provincial Member shall forthwith cease to be such a member of the Institute ... (f) if a member ceases to be in Qualifying Employment for a period in excess of two (2) years, except as otherwise provided herein.

All membership applications are subject to approval by the Board of Directors of The Institute of Law Clerks of Ontario.