



## Articled Student Program

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On behalf of the articled student committee of the Ministry of Attorney General, thank you for your interest in the ministry's articled student program. The information in these pages is intended to acquaint you with opportunities offered by the articled student program at the B.C. Ministry of Attorney General.

The ministry hires articled students who have a strong interest in public service and the practice of public law. It selects candidates who possess the academic, professional and personal qualities that will enable them to become effective public sector lawyers. The ministry looks to its students as a key source of growth and offers them the opportunity to participate fully in providing services to its clients.

Where you choose to article is a very important decision for you. We hope the information about the Ministry of Attorney General and its articled student program set out in this package will help you decide.

Thank you for your interest in the ministry's articled student program. We wish you well in your future endeavours.

Barbara Carmichael  
Chair



## Articled Student Program – Common Questions

### How do I apply?

1. Download an application form and the notice of articles from <http://www2.gov.bc.ca/gov/content/justice/for-legal-professionals/articled-student-program> between January 15 and the last weekday of February of the year before you want to begin your articles.
2. The Ministry of Attorney General is particularly interested in receiving applications for all positions from Indigenous Canadian law students. One articled student position with the ministry's Legal Services Branch is open only to students who identify as an Indigenous Canadian.
3. You may apply for all the positions for which you feel you qualify. Only one application package is required regardless of how many positions you are applying for, however you are welcome to submit separate applications if you wish.
4. Your application package must include all of the following documents:
  - completed application form;
  - cover letter (not to exceed one page);
  - résumé, not to exceed three pages; and
  - transcript of law school grades (unofficial transcript is acceptable at this stage in the process).

If you completed law school outside of Canada, you must also provide us with documentation showing that you are enrolled in and/or will have completed the requirements of the National Committee on Accreditation before May 1 of the year in which you wish to start articles.

Instructions for completing the application, and the application form itself, are posted to the web page linked above between the middle of January and the end of February each year. The instructions include the address to send the application package to and its due date.

5. Complete application packages received on or before the due date will be assessed and a shortlist of candidates determined. Applications and any related materials received after the due date may not be considered.
6. Applications will be subject to preliminary screening based on law school grades and the clarity and completeness of application materials.
7. All applicants will be contacted by mail or email.
8. Shortlisted candidates for articles with Legal Services Branch will complete a written assessment. Following the written assessment, those candidates who continue in the selection process will be interviewed before a panel of lawyers. The ministry may arrange videoconference interviews for candidates who cannot travel to Victoria or Vancouver.

Contact Sandra Scherly ([Sandra.Scherly@gov.bc.ca](mailto:Sandra.Scherly@gov.bc.ca)) for information on the interview process for articled student positions with B.C.'s Prosecution Service.

9. Successful candidates will receive an employment offer by mail.
10. Successful candidates will be required to undergo criminal record checks.
11. For more information on applying for articles, contact Heidi Hynes at [Heidi.Hynes@gov.bc.ca](mailto:Heidi.Hynes@gov.bc.ca).

## **What is the Articled Student Program with the BC Prosecution Service?**

The Criminal Justice Branch (the BC Prosecution Service) provides prosecutorial services throughout the province. These articles are primarily devoted to the practice of criminal law in a Crown counsel office. Students working with the Criminal Justice Branch (CJB) work directly with Crown counsel. Crown counsel are barristers who must master every element of trial practice including case preparation, the examination and cross-examination of witnesses, and the presentation of legal arguments.

CJB generally will be hiring ten students for the 2019-20 articling year. Those students work in various Crown counsel offices throughout the province. Indigenous Canadian applicants are encouraged to apply for all ministry articled student positions. Articled students work closely with lawyers in all aspects of trial work, at both the Provincial Court and Supreme Court levels, and may be asked to:

- do legal research;
- assist in interviewing witnesses;
- appear at arraignment hearings;
- deal with disclosure; and
- assist in the preparation of witness examinations and arguments.

Articled students may conduct bail hearings, trials, and sentencings, and will often make other court appearances. Students may also help provide legal opinions, and draft factums under the supervision of appellate trial counsel in the Court of Appeal. Students also have the opportunity to assist Crown counsel in the Crown Law Division on criminal and quasi-criminal matters of province-wide effect, such as the implementation of new legislation, the development of practice and procedural advice to Crown counsel, and legal advice to other government agencies.

Students are exposed to all aspects of a prosecutor's work, including providing advice to police during the course of an investigation, reviewing reports to Crown counsel, and assisting in charge approval. Students who article with B.C.'s Prosecution Service may also request a rotation of two or three months with the Legal Services Branch in Victoria or Vancouver.

By the end of articles, students will have the training required to work as junior prosecutors, including the litigation skills necessary to start a career in criminal law and the contacts to approach if considering a career as Crown counsel.

## **Does the Ministry have any positions specifically for Indigenous Canadian law students?**

Yes. The ministry is particularly interested in receiving applications for all positions from Indigenous Canadian law students. The Legal Services Branch of the ministry has one designated Indigenous Canadian articled student position, which is open only to students who identify as Indigenous Canadian. Aboriginal Canadian applicants are welcome and encouraged to apply for all of the articled student positions available with the ministry.

## **Are the start and end dates of articles flexible?**

Yes, but flexibility is limited. Depending on your circumstances, it may be possible to start your articles at a different date than other students, and/or take the Professional Legal Training Course (PLTC) at the beginning, middle, or end of your articles.

## **Does a conflict of interest prohibit me from doing my articles at the Ministry of Attorney General?**

If, for example, you worked on a file during a co-op term in which a British Columbia ministry was named as a party, you may be in a conflict of interest. While such a conflict would not prohibit you from doing your articles at the ministry, you would likely face restrictions including:

- accessing computer drives where information on a case you worked on was stored;
- discussing the case with any lawyers in the Legal Services Branch or Prosecution Service (as the case may be);
- going into any areas of the office where the physical files of that case are stored; and
- taking any part in future litigation against or on behalf of your previous clients on the original case or a matter that was related to that case.

### **What pay and benefits do articulated students receive?**

Articled students are hired as time limited regular employees and receive full medical and dental benefits, as well as four weeks of paid holiday leave. The salary is \$49,900.22 annually (\$1,912.67 bi-weekly). Articled students are also eligible to apply for the Pacific Leaders Loan Forgiveness program. Details on that program are available at: [www.pacificleaders.gov.bc.ca/loanForgiveness.htm](http://www.pacificleaders.gov.bc.ca/loanForgiveness.htm).

The ministry pays the Law Society of British Columbia enrolment fees, including Professional Legal Training Course (PLTC) enrolment fees, for its students and continues their salary during PLTC. It also pays the students' call fees at the end of articles.

### **Does the ministry hire articulated students once they've finished their terms?**

Yes. In recent years more than half of the students have been hired back by the ministry. In addition, certain employment opportunities are open only to ministry articulated students. The number of opportunities for students depends on the availability of jobs, budget, the student's performance, and other factors.

### **Can I apply for articles even though I plan on clerking?**

Yes. The ministry is pleased to receive applications from students who have decided to clerk and are looking for articles for the year following their clerkship, or who are considering a clerkship and want to defer their articles for a year if a clerkship is offered.

### **Are students provided with continuing legal education during their articles?**

Yes. The Ministry of Attorney General provides articulated students with a series of legal education seminars and events throughout the year. The curriculum is flexible and presentations supplement articles by providing students with important information and the opportunity to meet as a group to share their experiences.

Continuing legal education takes a variety of forms, including skills development seminars, scholarly presentations and tours of provincial facilities, such as the legislature.

In the past, students have attended seminars on:

- privacy, freedom of information, and freedom of speech;
- the use of electronic documents in litigation;
- the historical evolution of Aboriginal law; and
- Chambers practice.

### **How many articulated students does the ministry hire?**

The ministry's Legal Services Branch will hire six articulated students for 2019-20. In addition to those positions, the Indigenous Canadian Student Program hires one student every year, with the position based in Victoria.

B.C.'s Prosecution Service will hire ten articulated students 2019-20, to work at Crown counsel offices around the province.

### **Can I speak with a current or former student?**

Yes. The page in this package entitled Student Contacts has the email addresses of the current Legal Services Branch students. Contact Heidi Hynes ([Heidi.Hynes@gov.bc.ca](mailto:Heidi.Hynes@gov.bc.ca)) to request contact information for previous years' students and students with B.C.'s Prosecution Service.

### **How many applications do you receive?**

In recent years the ministry has received approximately 200 applications for each of the Legal Services Branch and B.C.'s Prosecution Service articulated student programs.

### **Do I need a criminal record check in order to article?**

All successful candidates for positions with the Ministry of Attorney General must pass a criminal record check before their appointment is confirmed.

Successful candidates for articulated student positions with Legal Services Branch (and students who will be articling with B.C.'s Prosecution Service) will also be required to complete a criminal record check under the *Criminal Records Review Act*, as during a rotation with Crown counsel they may be put in the position of working with children. This is defined in the act as "working with children directly or having or potentially having unsupervised access to children in the ordinary course of employment or in the practice of an occupation."

Students articling with B.C.'s Prosecution Service, including Legal Services Branch students on rotation with the Prosecution Service, will also be required to successfully complete an enhanced security screening.

### **How is my principal selected?**

The Law Society of British Columbia requires each articulated student to be assigned a principal. The principal ensures that, during articles, the student is instructed on the various aspects of the practice of law and professional conduct. The Articled Student Program makes every effort to match its students with principals who share the students' legal interests.

### **Can I do all of my articles in one area?**

**Note:** The information set out below applies *only* to articulated student positions with the Legal Services Branch. See "What is the Articled Student Program with B.C.'s Prosecution Service?" for information on the rotation schedule in the Criminal Justice Branch.

Students with the Legal Services Branch rotate through several practice areas during articles. Articles at the Ministry of Attorney General fulfill the requirement of the Law Society of British Columbia that students be exposed to several different areas of law during articles, so although there is flexibility in each student's rotation schedule, it is not possible for a student to spend all of their articles in only one or two rotations.

The Legal Services Branch's rotation policy calls for a minimum of five rotations. We encourage students to experience a broad range of legal issues during their articles by working with as many practice groups as possible. Working with their principals, students create a rotation schedule that balances their particular interests with the requirements of the Law Society of British Columbia and the ministry's needs. A rotation is usually between four and 10 weeks long.

Students can choose from the full range of practice groups, but Vancouver students are slightly more limited in their choices. See the Practice Division pages in this package for information about the practice areas in Vancouver and Victoria through which students can rotate.

### **Does my private bar rotation have to be with a private law firm?**

Generally, yes. The private bar rotation is meant to expose students to areas of legal work not handled by the Ministry of Attorney General, such as matrimonial and estates law, and law office management.

A rotation with a legal advice clinic may be possible provided the organization's activities do not place the student in a conflict of interest that cannot be accommodated on their return to government.

Students on a private bar rotation must be supervised by a practicing lawyer who meets the requirements of the Law Society of British Columbia for acting as a principal as set out in Law Society Rule 2-57.

### **Does the Ministry of Attorney General operate a summer program for law students?**

Subject to funding, the ministry offers summer employment in both the Legal Services Branch and with the Crown (B.C.'s Prosecution Service).



## Articled Student Program Legal Services Branch Practice Divisions

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### BARRISTERS

The Barrister Division of the Legal Services Branch is organized into two groups: Civil Litigation and Constitutional and Administrative Law. Students on rotation with the Barristers will take on assignments from both of these groups.

The responsibilities of the **Civil Litigation Group** include:

- conducting all civil litigation involving the government, including appearing on behalf of the government and retaining and instructing experts in a wide variety of areas as part of the trial process;
- advising on the likely outcome of civil litigation involving the government; and
- conducting [civil forfeiture](#) files, including drafting Notices of Civil Claim, affidavits and various other documents; making Supreme Court chambers applications; attending client meetings; and negotiating with defence counsel.

Students might draft pleadings or factums and attend discoveries, settlement conferences and hearings before the [Supreme Court of British Columbia](#), the [B.C. Court of Appeal](#) and administrative tribunals. Under the supervision of a lawyer, articled students also have conduct of small claims files.

The responsibilities of the **Constitutional and Administrative Law Group** include:

- appearing on behalf of government in court and before administrative tribunals on constitutional and administrative law matters;
- preparing formal constitutional opinions on the Charter of Rights and Freedoms and division of powers;
- reviewing legal opinions prepared by other members of the Legal Services Branch that may have a constitutional or administrative law component; and
- providing legal advice on freedom of information and protection of privacy issues.

Students might assist with any of these matters, including appearing before administrative tribunals. They might also respond to *Rowbotham* applications for state-funded defence counsel in criminal matters, and research and draft legal opinions.

### SOLICITORS

The Solicitor Division of the Legal Services Branch is organized into the following groups:

Indigenous Legal Relations Group  
Finance, Commercial and Transportation Group  
Health and Social Services Group  
Justice and Education Law Group  
Labour, Employment and Human Rights Law Group  
Resource, Environmental and Land Law Group  
Revenue and Taxation Group

Solicitors advise government ministries and work closely with Legislative Counsel on regulations and statutes. They also work with lawyers in the Barrister Division in litigation arising from their clients' programs and activities.

## Indigenous Legal Relations

The Indigenous Legal Relations group provides support and litigation on Indigenous cases involving the government, and provides solicitor advice to various ministries on Aboriginal law issues.

Responsibilities of the barristers' unit include:

- appearing on behalf of government in Provincial and Federal Courts on all Aboriginal law matters; and
- providing research assistance and reports to all government ministries and Crown counsel regarding Indigenous rights and title claims.

Responsibilities of the solicitors' unit of the group include providing legal advice on all Aboriginal law matters, including assistance to:

- provincial teams negotiating treaties and other agreements with Indigenous groups;
- ministries, about their legal obligations pursuant to court decisions including *Tsilqot'in Nation v British Columbia*, 2014 SCC 44; *Delgamuukw v. British Columbia*, [1997] 3 S.C.R. 1010; and *Haida Nation v. British Columbia (Minister of Forests)*, 2004 SCC 73;
- ministries, senior officials and ministers, on consultation processes, policies and legislation.

### Examples of the types of cases on which you may work

*Ktunaxa Nation v. British Columbia* 2017 SCC 54 – whether the religious protections afforded under the Charter of Rights and Freedoms is engaged in the Crown's duty to consult.

*West Moberly First Nations v. British Columbia* 2017 BCSC 1700 – interpretation of Treaty 8 and determination of the western boundary of Treaty 8.

*Canada v. Mikisew* (SCC, on reserve) – duty to consult in respect of legislative amendments or revision.

*Prophet River First Nation v. British Columbia* 2017 BCCA 58 – a judicial review challenging the adequacy of Crown consultation, and an allegation of infringement of Treaty 8 rights, in respect of Site C.

## Finance, Commercial and Transportation Group

The Finance, Commercial and Transportation Group negotiates, settles, drafts and finalizes documents concerning sophisticated legal transactions and agreements, providing solicitor advice to various ministries. Lawyers in this group also provide legal advice to other Branch lawyers on intellectual property issues. Students working in this group will have the opportunity to work on a variety of transactions, including financial, commercial, systems and government procurement.

## Health and Social Services Group

The Health and Social Services Group provides legal opinions and advice in a wide range of areas of the law, including contracts, statutory interpretation, administrative law (including administrative hearings and judicial reviews), intellectual property, privacy, trusts and family law.

Students working with this group may have the opportunity to assist lawyers providing advice on such matters as:

- the effect of the decision of the Supreme Court of Canada in *Chaoulli and Zeliotis v. AG Quebec and AG Canada* on how the Province deals with wait time issues in the context of administering the Medical Services Plan;
- issues involving the deaths of children in care;
- the Province's action against major tobacco companies for the recovery of tobacco-related health care costs; and
- cases under the Hague Convention on the Civil Aspects of Child Abduction.

### **Justice and Education Law Group**

Lawyers in the Justice and Education Law Group provide advice to several ministries. The emphasis in this rotation is on general solicitor's advice in the areas of education law, administrative law including advice to government statutory decision makers (e.g. Passenger Transportation Board, RoadSafetyBC), trade law, and legal advice to government regulatory programs (liquor licensing, motor vehicle regulation, commercial vehicle regulation, teacher regulation, gaming, residential tenancy, etc.). The lawyers in this group also provide advice to Emergency Management BC and to partners in the justice system including youth and adult corrections, court services, police services, justice services, and crime victims' compensation.

### **Resource, Environmental and Land Law Group**

Lawyers practicing Resource, Environmental and Land Law provide legal advice and opinions to ministries managing the environment, provincial fisheries, forests, mines and minerals, energy, agriculture, water, lands and other natural resources. They also represent statutory decision makers in legal proceedings before administrative tribunals, including statutory appeals and other administrative proceedings. Lawyers in this group work with ministry clients by providing advice to them in relation to land transactions and resource related tenuring and on issues arising in the administration of environmental and resource related legislation.

### **Revenue and Taxation Group**

The Revenue and Taxation Group works largely in the areas of taxation and insolvency, providing solicitor advice and acting as counsel in litigation. The group also advises on local government issues, culture, escheats and charitable trusts. Students in this group will gain exposure to taxation and insolvency issues, from both a solicitor's and a barrister's perspective.

### **OFFICE OF THE ASSISTANT DEPUTY ATTORNEY GENERAL (ADAG) – LEGAL SERVICES BRANCH**

The Office of the ADAG provides leadership, management and direction to staff in the Legal Services Branch.

The Legal Services Branch, under the authority of the *Attorney General Act*, is charged with the provision of legal services to cabinet, all ministries of the Government of British Columbia, and numerous government agencies. The ADAG reports to the Deputy Attorney General, is a member of the ministry executive and is accountable for all legal services provided to the Government of British Columbia. These include civil matters (both legal advice and legal opinions), the negotiation and drafting of agreements, the representation of the Government of British Columbia before courts and tribunals, and the drafting of legislation and regulations.

Lawyers in the ADAG's office prepare opinions on constitutional and administrative law matters and provide advice, generally, to the Premier, the Premier's Office, cabinet, cabinet operations, and other government ministries and agencies. They also assist the ADAG with strategic planning and special projects.

Students participating in this rotation will carry a diverse workload and should approach the rotation with the flexibility to assist with a wide range of duties. Articled students participating in a rotation in the ADAG's office may be involved in research and writing on a variety of legal and policy issues and may participate in meetings in relation to the functions of the ADAG's office and its lawyers.

## **OFFICE OF LEGISLATIVE COUNSEL**

The primary responsibility of the Office of Legislative Counsel is to draft all Bills, Regulations and Orders in Council for the government.

The other responsibilities and duties of the office include:

- commenting on legislative proposals made by ministries and taking part in discussions with ministry officials and standing cabinet committees;
- ensuring that policy is enacted in a format consistent with other British Columbia legislation and that the cabinet directives regarding the preparation of government bills are respected;
- assisting client ministries in achieving their goals, raising the need for consultation with other ministries and ensuring that legal and administrative issues are resolved;
- advising the government on the content of bills, legislative procedure and the conduct of government business in the legislature;
- maintaining an orderly statute book;
- advising the government on matters of statutory interpretation; and
- answering inquiries on the progress of legislation through the legislature.

A student on rotation with Legislative Counsel might be asked to:

- draft an amendment to an Act or a regulation;
- write or review an order in council;
- review and provide Legislative Counsel comments to Cabinet on a Request for Legislation;
- participate in a drafting meeting;
- provide an opinion on a matter of statutory interpretation or parliamentary procedure;
- research statutory authority for regulations and orders in council;
- research legislation of other jurisdictions; and
- work on a revision to an Act or regulation.

## **JUSTICE SERVICES BRANCH**

The Civil Policy and Legislation Office (the “CPLO”) is responsible for over 50 statutes in areas such as adult guardianship, contract/commercial, enforcement of judgments, elections, family, human rights, succession, tort, and trusts. Past students have worked on reform projects to modernize the Trustee Act; consolidate wills, estates and succession legislation; improve enforcement of money judgments; update the Limitation Act and participate in review of family law legislation. Students may be tasked with legal research and analysis of statutes case law and academic literature, preparing discussion papers summarizing their research, describing the options open to government and making recommendations on various subjects. Students may also attend meetings with outside stakeholders and with representatives from other ministries, sit in on drafting sessions with legislative counsel, and participate in government training courses.

The Dispute Resolution Office (DRO) develops and promotes transformational change initiatives for BC’s justice system, including non-adversarial dispute resolution options. Working with a multi-disciplinary team of lawyers, dispute resolution experts, technology specialists, user design experts, and others, articulated students on rotation with the DRO will be on the forefront of efforts to improve access to justice for British Columbians. This may include assisting with designing and implementing dispute resolution processes and systems, instructing legislative drafters, engaging users of the justice system in designing new dispute resolution processes, conducting research into international best practices, and preparing legal opinions on topics unique to the establishment of new dispute resolution processes. The DRO works with BC’s administrative tribunals, courts and multiple ministries on justice transformation projects. Key priorities include human rights reform, international human rights, and building a 21st century human rights system for BC. In sum, the DRO focuses on innovation, transformation, and creating measurable improvements in British Columbia’s legal system for users.

## **VANCOUVER OFFICE**

Students articling with LSB in Vancouver are slightly more limited in their choices of rotations than students in Victoria.

Solicitors at the Vancouver office provide advice and assistance to government ministries, programs and organizations based in the Lower Mainland.

The Vancouver Office also has lawyers practicing:

- Indigenous law
- Civil litigation
- Resource, environmental and land law
- Justice and education law
- Constitutional and administrative law

The Vancouver office also houses the human rights law team, which provides advice and representation to ministries affected by human rights issues or subject to complaints before the B.C. Human Rights Tribunal.

## **PRIVATE BAR ROTATION**

Students with Legal Services Branch can spend up to four weeks working at a private law firm to give them exposure to areas of law that are not handled by the Ministry of Attorney General. During a private bar rotation the ministry pays the student's salary and the student's benefit coverage continues.



## Articled Student Program

### BC Prosecution Service

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The BC Prosecution Service (BCPS) provides prosecutorial services throughout the province. Articles with the BC Prosecution Service are primarily devoted to the practice of criminal law in a Crown counsel office. Students working with the BCPS work directly with Crown counsel.

Crown counsel are barristers who must master every element of trial practice including case preparation, the examination and cross-examination of witnesses, and the presentation of legal arguments.

BCPS generally hires between six and twelve students each articling year. Those students work in various Crown counsel offices throughout the province. Indigenous Canadian applicants are encouraged to apply for all ministry articled student positions.

Articled students work closely with lawyers in all aspects of trial work, at both the Provincial Court and Supreme Court levels, and may be asked to:

- do legal research;
- assist in interviewing witnesses;
- appear at arraignment hearings;
- deal with disclosure; and
- assist in the preparation of witness examinations and arguments.

Articled students may conduct bail hearings, trials, and sentencings, and will often make other court appearances. Students may also help provide legal opinions and draft factums under the supervision of appellate trial counsel in the Court of Appeal. Students also have the opportunity to assist Crown counsel in Criminal Appeals and Special Prosecutions on criminal and quasi-criminal matters of province-wide effect, such as the implementation of new legislation, the development of practice and procedural advice to Crown counsel, and legal advice to other government agencies.

Students are exposed to all aspects of a prosecutor's work, including providing advice to police during the course of an investigation, reviewing reports to Crown counsel, and assisting in charge approval.

Students who article with the BC Prosecution Service may also request a rotation of two or three months with the Legal Services Branch in Victoria or Vancouver.

By the end of articles, students will have the training required to work as junior prosecutors, including the litigation skills necessary to start a career in criminal law and the contacts to approach if considering a career as Crown counsel.



## Articled Student Program

### Student Contacts

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#### Current Students:

**David Brownell**

Email: [David.Brownell@gov.bc.ca](mailto:David.Brownell@gov.bc.ca)

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