

**NOTICE TO THE PARTIES AND THE PROFESSION**

TO: Parties and the Profession

FROM: The Honourable Marc Noël, Chief Justice of the Federal Court of Appeal

DATE: June 15, 2022

SUBJECT: Articling students appearing in proceedings before the Federal Court of Appeal

Section 11 of the *Federal Courts Act* (R.S.C., 1985, c. F-7) provides that a barrister or an advocate in a province, or an attorney or a solicitor in a superior court of a province, may practice in the Federal Court of Appeal. Although it only refers to barristers, advocates, attorneys and solicitors, the clear intent behind this provision was to adopt the practise in place in the respective provinces and territories in which the Federal Court of Appeal is called upon to sit. So read, Section 11 does not limit who is authorized to appear before the Federal Court of Appeal to those specifically mentioned therein.

Articling students may therefore appear in the Federal Court of Appeal where they are permitted to do so by the laws or regulations in force in the province or territory in which the hearing takes place. In brief, the Federal Court of Appeal defers to the professional regulations of the law societies of each province and territory, subject to the discretion of the presiding judge (or panel) to suspend or postpone a case if the interests of the party so represented are not adequately protected. An articling student appearing before the Federal Court of Appeal must proactively identify themselves as an “articling student” at the outset of a hearing.

“Marc Noël”

Chief Justice
Federal Court of Appeal