

**Certified True Copy of Amendments
to the Rules of the Law Society of Saskatchewan
February 13, 2015**

It was moved, seconded and carried that the *Rules* of The Law Society of Saskatchewan be amended. Please note that deletions have a “line through” for identification purposes.

PART 6 - Committees

The President and Vice-President are *ex officio* or non-voting members of each committee at the Law Society, except for the Audit Committee. However, this practice is not reflected in the Rules. Proposed amendments to Rules 111 and 113 have been amended to correct this deficiency. The composition of the Executive Committee and Discipline Committee have also been added for clarification.

Membership

111. (1) The President shall, in the case of every committee other than the Executive Committee and the Discipline Committee, appoint the members, subject to the Act, and designate one of them as Chairperson and another of them as Vice-Chairperson.

(2) The Executive Committee shall consist of:

- (a) the President of the Society, who shall be Chairperson of the Committee;
- (b) the Vice-President of the Society, who shall be the Vice-Chairperson of the Committee;
- (c) the immediate Past President of the Society;
- (d) such other Benchers or members as appointed by the President; and
- (e) the Executive Director shall be a non-voting member of the Executive Committee.

(3) The Discipline Committee shall consist of:

- (a) all Benchers; and
- (b) any members and former Benchers appointed by the President.

~~(24)~~ Any Vice-Chairperson of a Committee may perform the duties of the Chairperson of that Committee where it is desirable for him or her to do so in furtherance of the objects of the *Act* and the Rules.

~~(35)~~ The members of a committee shall, if both the Chairperson and the Vice-Chairperson are unable or unwilling to act, choose one of their number to perform the duties of Chairperson.

~~(46)~~ A member of a committee appointed under subrule (1) holds office until the earlier of:

- (a) ceasing to be a member of the Society; or
- (b) being removed from office by the President.

~~(57)~~ The President may fill a vacancy on any committee with respect to which the President has the power of appointment.

~~(68)~~ The President and Vice-President;

- (a) is ~~an~~ are non-voting ex officio members of each committee established under Rule 110, other than the Audit Committee; and
- (b) may be appointed as an active memberss of any committee.

Quorum

113. (1) At a meeting of any committee other than the Discipline Committee, a majority of members present constitutes a quorum.

(2) In determining whether a quorum exists, the President's membership and Vice President shall be counted only if they President is an are active memberss of the committee.

Rules 125 – 138 established the standing committees and required amendment as part of the governance review process. It was moved that Rules 125 – 132, Committees, be removed in their entirety and parts of these Rules be relocated to other parts of the Rules and the Law Society Governance Policy Manual (except for the Discipline Executive Committee, which is a unique sub-committee that performs only policy functions). Therefore, the Discipline Executive Committee remains as Rule 135, with amendments.

~~B. Standing Committees~~

~~Admissions & Education Committee~~

- ~~125. The Admissions & Education Committee shall:~~
- ~~(a) perform the duties assigned to it by Part 7 and 7A of these Rules;~~
 - ~~(b) when necessary consult with the University of Saskatchewan, College of Law respecting the education of students, including the curricula of the Faculty of Law;~~
 - ~~(c) set standards and procedures for, and supervise the training and education of students-at-law while articling to a principal or serving as a law clerk;~~
 - ~~(d) make inquiries of a student-at-law, principal or justice that it considers necessary to ensure that the standards set under subrule (c) are being complied with;~~
 - ~~(e) prohibit a member from acting as a principal to a student-at-law where the Committee is satisfied that the training and education provided to the student do not meet the standards set under subrule (c);~~
 - ~~(f) supervise:

 - ~~(i) the Bar Admission Program, the Bar examinations, and other assessments; and~~
 - ~~(ii) the provision of continuing legal education to members;~~~~
- ~~and act as liaison with any other organization in the provision of these services; and~~
- ~~(g) perform any other duties assigned to it by the Benchers.~~

~~[Rule 125 amended December 8, 1994 and February 5, 2004]
[Rule 125 amended to remove reference to the former Mediation Rules April 25, 2013]
[Rule 125(a) amended, November 1, 2014]~~

~~[Rule 126 Annual Meetings Committee deleted December 7, 2007]~~

~~Professional Standards Committee~~

- ~~127. (1) The membership of the Professional Standards Committee consists of those Benchers appointed under section 35(1) of the Act.~~
- ~~(2) A member of the Committee holds office until the earlier of:~~
- ~~(a) ceasing to be a Bencher; or~~
 - ~~(b) being removed from office by the Benchers.~~
- ~~(3) The Benchers may fill a vacancy on the Committee.~~
- ~~(4) The Committee shall:~~
- ~~(a) perform the duties assigned to it by the Act and Part 8 of these Rules; and~~
 - ~~(b) supervise the Society's activities respecting unauthorized practice.~~

~~[Rule 127 amended February 4 and 5, 1993]~~

~~Discipline Committee~~

- ~~128. (1) The Chairperson and each Vice-Chairperson of the Discipline Committee hold office until the earlier of:~~
- ~~(a) ceasing to be a Bencher; or~~
 - ~~(b) being removed from office by the Benchers.~~
- ~~(2) A Bencher member of the Discipline Committee holds office until that member ceases to be a Bencher.~~
- ~~(3) The President shall fill a vacancy in the office of Chairperson, and may fill a vacancy in the office of each Vice-Chairperson.~~
- ~~(4) The Committee shall perform the duties assigned to it by Part 8 of these Rules.~~

~~[128(2) & (4) amended May 2, 2014, effective July 1, 2014]~~

Ethics Committee

- ~~129. (1) The Ethics Committee:~~
- ~~(a) may give opinions and make rulings on questions of professional ethics, for the guidance of the profession;~~
 - ~~(b) shall make recommendations to the Benchers and to the Discipline Committee respecting professional ethics and the development of and revisions to *The Code of Professional Conduct*; and~~
 - ~~(c) shall administer the Society's Rules respecting the marketing of legal services.~~
- ~~(2) *The Code of Professional Conduct* published by the Society and as amended from time to time constitutes a Rule of the Society.~~

Executive Committee

- ~~130. (1) The Executive Committee shall consist of:~~
- ~~(a) the President of the Society, who shall be Chairperson of the Committee;~~
 - ~~(b) the Vice-President of the Society, who shall be the Vice-Chairperson of the Committee;~~
 - ~~(c) the Immediate Past President of the Society, if that person is a Bencher;~~
 - ~~(d) not more than 5 other Benchers, appointed by the President; and~~
 - ~~(e) the Executive Director shall be a non-voting member of the Executive Committee.~~
- ~~(2) A member referred to in subrule (1)(d) holds office until the earlier of:~~
- ~~(a) ceasing to be a Bencher; or~~
 - ~~(b) being removed from office by the President.~~
- ~~(3) Where the office of a member referred to in subrule (1)(d) is vacated, the President may fill the vacancy.~~
- ~~(4) The Committee shall:~~
- ~~(a) perform the duties assigned to it by these Rules;~~
 - ~~(b) make recommendations respecting the manner in which the interests of the Society will be advanced before governments, the public, the media and the profession; and~~
 - ~~(c) act on matters that arise between meetings of the Benchers; and~~
 - ~~(d) supervise management of the finances of the Society.~~

~~[Rule 130(1)(e) added December 10, 1992]
[Rule 130(1)(e) amended; (4)(d) added December 7, 2007]~~

~~[Rule 131 Finance Committee deleted December 7, 2007]~~

Insurance Committee

- ~~132. The Insurance Committee shall supervise administration of the Society's insurance program in accordance with section 11 of the Act and Part 10 of these Rules.~~

Discipline Executive Committee

- ~~135. (1) The Discipline Executive Committee is a sub-committee of the Discipline Committee, which has been delegated the authority of the Discipline Committee in accordance with section 7.1 of the Act to perform any duties assigned to the Discipline Committee by the section 36(3) of the Act. consists of Benchers appointed by the President in accordance with Rule 111.~~
- ~~(2) The Discipline Executive Committee may perform any duties assigned to the Discipline Committee by the Act.~~

The Benchers moved that Rule 127(4)(b) from PART 6, Committees be relocated to PART 20 as new Rule 1702. This is to clarify that the Executive Director supervises unauthorized practice proceedings, not the Professional Standards Committee.

Part 20

Institution Commencement of Proceedings

Summary Offences

1700. The Executive Director, or any other person authorized by the Executive Committee in a specific case, may act as informant in proceedings instituted under the *Summary Offences Procedure Act*.

Injunction

1701. The Executive Director, or any other person authorized by the Executive Committee in a specific case, may authorize the initiation of proceedings for an injunction under section 82 of the *Act*.

Unauthorized Practice Proceedings

1702. The Executive Director shall supervise the Society's activities respecting unauthorized practice in accordance with this Part and sections 30, 32, 33 and 80 - 82 of the Act.

The Benchers moved that the definition for "rule" or "subrule" be relocated to PART 1, Definitions, so that its importance is highlighted in the very beginning of the Rules. The same definition for "rule" or "subrule" was also located in Rule 299, Part 8, so it was agreed that the definition of "rule" and "subrule" in Rule 299, be removed.

PART 1

Definitions

1. (1) In these Rules:

"Rule" or "subrule" means:

(a) rule or subrule contained in these rules; and

(b) the Code of Professional Conduct published by the Society and as amended from time to time;

~~a rule or subrule contained in these Rules;~~

PART 8

Professional Standards and Discipline

A. Definitions

299. In this Part,

~~"Rule or Subrule" means:~~

~~(a) rule or subrule contained in these rules; and~~

~~(b) the Code of Professional Conduct published by the Society and as amended from time to time.~~

The Benchers moved that Rule 136, with minor amendments, be relocated to PART 8, Professional Standards and Discipline, as Rule 403. The title was also renamed so that it more clearly reflects how a hearing committee is appointed.

Hearing Committee

~~—136. (1) Subject to Rule 450, a hearing committee appointed pursuant to section 47 of the Act shall consist of not more than three persons and may include:~~

~~— (a) Benchers;~~

~~— (b) former Benchers and members, as needed; and~~

- ~~(c) any other persons who have reached the age of majority and have had tribunal hearing training or experience approved by the Benchers, as needed.~~
- ~~(2) The Chairperson of a hearing committee appointed in accordance with section 47 of the Act shall be a Bencher.~~
- ~~(3) Where possible, one member of any hearing committee appointed in accordance with section 47 of the Act should be a public representative Bencher.~~
- ~~(4) In the absence of a member of a hearing committee appointed pursuant to section 47 of the Act and this Rule:~~
- ~~(a) the Chairperson of the Discipline Committee may fill a vacancy; or~~
- ~~(b) the hearing committee may continue in the absence of that member.~~
- ~~(5) A hearing committee appointed pursuant to section 47 of the Act and this Rule is not a committee within the meaning of section 7.1 of the Act and the duties of the Chairperson of a hearing committee to hear and determine a formal complaint shall not be delegated to any other person.~~

Action by the Chairperson of the Discipline Committee Appointment of Hearing Committee

403. (1) The Chairperson of the Discipline Committee shall, after receiving a report from the Conduct Investigation Committee, under Section 46(1) of the Act and Rule 400(2)(d), appoint a Hearing Committee to hear and determine a formal complaint.

Hearing Committee

- ~~136.~~ (12) Subject to Rule 450, a hearing committee appointed pursuant to section 47 of the Act shall consist of not more than three persons and may include:
- (a) Benchers;
- (b) former Benchers and members, as needed; and
- (c) any other persons who have reached the age of majority and have had appropriate tribunal hearing training or experience ~~approved by the Benchers~~, as needed.
- (23) The Chairperson of a hearing committee appointed in accordance with section 47 of the Act shall be a Bencher.
- (34) Where possible, one member of any hearing committee appointed in accordance with section 47 of the Act should be a public representative Bencher.
- (45) In the absence of a member of a hearing committee appointed pursuant to section 47 of the Act and this Rule:
- (a) the Chairperson of the Discipline Committee may fill a vacancy; or
- (b) the hearing committee may continue in the absence of that member.
- (56) A hearing committee appointed pursuant to section 47 of the Act and this Rule is not a committee within the meaning of section 7.1 of the Act and the duties of the Chairperson of a hearing committee to hear and determine a formal complaint shall not be delegated to any other person.

The Benchers moved that Rules 137 and 138, with minor amendments, be relocated to PART 8, Professional Standards and Discipline, as Rules 398.1 and 398.2.

Conduct Investigation Committee

- ~~137. (1) The conduct investigation committee appointed in accordance with section 35.1 of the Act shall consist of a minimum of six persons and may include:~~
- ~~(a) Benchers, former Benchers and members; and~~
- ~~(b) any other persons who have reached the age of majority and have had investigation training or experience approved by the Benchers;~~
- ~~but a majority of the members of the Committee must be Benchers.~~

Conduct Investigation Panel

- ~~138. (1) For each complaint referred to the Conduct Investigation Committee, Complaints Counsel shall identify not more than three members of the Conduct Investigation Committee, subject to each member's:~~
- ~~(a) business or personal conflicts of interest;~~
- ~~(b) Society-related conflicts of interest; and~~
- ~~(c) availability;~~
- ~~to constitute a conduct investigation panel, in accordance with section 7.1 of the Act and Part 8 of these Rules, to carry out the duties of the Conduct Investigation Committee set out in Part 8(D) of these Rules.~~

~~(2) When identifying the most appropriate members of a conduct investigation panel constituted in accordance with (1), Complaints Counsel shall also take into account each member's:~~

- ~~(a) knowledge and expertise as it relates to the subject matter of the complaint; and~~
- ~~(b) Society-related workload.~~

~~(3) When determining the appropriate number of members for a conduct investigation panel constituted in accordance with (1), Complaints Counsel should consider the seriousness and complexity of the complaint.~~

PART 8 – Professional Standards and Discipline

D. Discipline

Definitions

398. In this Part 8(D),

“Conduct Investigation Committee” means a conduct investigation panel constituted in accordance with ~~Rule 138~~398.2;

Conduct Investigation Committee

~~437~~ 398.1. (1) The conduct investigation committee appointed in accordance with section 35.1 of the Act shall consist of a minimum of six persons and may include:

- (a) Benchers, former Benchers and members; and
- (b) any other persons who have reached the age of majority and have had appropriate investigation training or experience ~~approved by the Benchers~~;

but a majority of the members of the Committee must be Benchers.

Conduct Investigation Panel

~~438~~ 398.2. (1) For each complaint referred to the Conduct Investigation Committee, Complaints Counsel shall identify not more than three members of the Conduct Investigation Committee, subject to each member's:

- (a) business or personal conflicts of interest;
- (b) Society-related conflicts of interest; and
- (c) availability;

to constitute a conduct investigation panel, in accordance with section 7.1 of the Act and Part 8 of these Rules, to carry out the duties of the Conduct Investigation Committee set out in Part 8(D) of these Rules.

(2) When identifying the most appropriate members of a conduct investigation panel constituted in accordance with (1), Complaints Counsel shall also take into account each member's:

- (a) knowledge and expertise as it relates to the subject matter of the complaint; and
- (b) Society-related workload.

(3) When determining the appropriate number of members for a conduct investigation panel constituted in accordance with (1), Complaints Counsel should consider the seriousness and complexity of the complaint.

The governance review process also resulted in minor miscellaneous amendments to the Rules, as follows:

PART 8, Professional Standards and Discipline

Rule 303

It is recommended that the reference to advertising in Rule 303(4) respecting the powers of the Ethics Committee be deleted, as the advertising Rules were almost entirely repealed in June of 2012. While Rules 1600 and 1602.1 respecting soliciting business from prospective clients in a weakened state remain, it should be open for a contravention of those Rules to be referred to any of the three discipline streams. It is not necessary to

assign the oversight of those Rules to one committee, and therefore the reference is not necessary.

Ethics Committee

303. (1) The Ethics Committee shall review any referral or request made by:
- (a) complaints counsel;
 - (b) other Committees;
 - (c) request for ruling made pursuant to (2).
- (2) Any person may request a ruling from the Ethics Committee for a ruling on an ethical issue.
- (3) Upon receipt by the Ethics Committee of a referral or request, the Committee may:
- (a) make whatever recommendations it sees fit to resolve the conflict of interest or potential conflict of interest;
 - (b) decline to make a ruling;
 - (c) give opinions and make professional conduct rulings on questions of professional ethics, for the guidance of the profession;
 - (d) make recommendations to the Benchers and to the Discipline Committee respecting professional ethics and the development of and revisions to *The Code of Professional Conduct*; and
 - (e) refer matters to the Conduct Investigation Committee or Professional Standards Committee.

~~(4) The Ethics Committee shall administer the Society's Rules respecting the marketing of legal services.~~

(5.4) The Ethics Committee may make whatever enquiries it thinks necessary and may follow whatever procedure it finds to be most efficient.

Rule 323

Subrule (1) refers to law office management reviews, however, there is only one other reference to "law office management reviews" in the Rules (see Rule 400.1(5) below) and we have now instituted Practice Reviews, which are all-encompassing. Therefore, it would be more accurate to refer to all of these reviews as Practice Reviews.

Subrule (2) erroneously states that the member may be asked to pay part or all of the cost for a matter that results in no further action being taken because it does not raise an issue of competence. Subrule (2) should refer to (1)(c), which refers to practice reviews, instead of (1)(e).

Review of Referral by Chairperson

323. (1) Upon completion of the review in Rule 321 and 322, the Chairperson shall:
- (a) refer the matter to the Conduct Investigation Committee in accordance with section 41(4) of the *Act*;
 - (b) refer the matter to the Ethics Committee in accordance with section 41(4) of the *Act*;
 - (c) in accordance with section 41(1.1)(b) of the *Act*, conduct an investigation and/or direct that a ~~law office management practice~~ review of the member's or the member's law firm's practice be conducted by a practice advisor including, where appropriate, a review of some or all of the member's client files and an examination of the procedures in place to reduce the risk of complaints and liability for insurance claims; or

...

- (2) When making requests under subrule (1)(f), the Chairperson may:
- (a) receive, on behalf of the Society, undertakings given by the member; and
 - (b) set one or more dates by which the member shall complete the requests; and
 - (c) request that the member pay part or all of the cost of the matters described in subrule (1)(~~ec~~).

Rule 400.1(5)

In accordance with the recommended changes to Rule 323, the reference to “law office management review” should be changed to “practice review” as follows:

Resignation Instead of Continued Proceedings

400.1 (5) If the Professional Standards Committee Chair accepts a resignation pursuant to this Rule, the Agreed Statement of Facts shall remain on the member’s file to be reviewed and considered at any future reinstatement proceedings, but not published as per Rule 326 regarding confidentiality of Professional Standards matters;

- (a) the Conduct Investigation Committee may reject the application pending the completion of the discipline process;
- (b) the Chair of the Professional Standards Committee may reject the application pending the completion of the Professional Standards Investigation and/or ~~Law Office Management Practice~~ Review.

PART 10, Insurance

Rule 600 – Definitions

a. Definition of “Committee”

The Definitions section defines the Committee as simply the “SLIA board of directors;” however, this definition is a bit misleading. While the Committee does become the SLIA board of directors, its members are first appointed by the President of the Law Society. In addition, SLIA’s by-laws state that the directors must all be members of the Law Society. While this does not preclude public representative Benchers from sitting on the Committee, it does preclude them from being directors. Therefore, either the definition of the Insurance Committee must be amended to include SLIA’s Board and any other Benchers or members appointed by the President in order to comply with the bylaws, or the by-laws must be amended to eliminate that requirement.

For better clarity, SLIA Counsel has proposed that the definition of “Committee” be changed to refer to the Insurance Committee appointed in accordance with Rule 111, which sets out the membership requirements for all Law Society committees. In addition, Counsel has proposed that the SLIA by-laws be changed to eliminate the requirement that all directors must be members of the Society.

Definitions

600. In this Part,

“**Committee**” means the ~~SLIA board of directors~~ Insurance Committee appointed pursuant to Rule 111;

“**insurer**” includes ~~SLIA- CLIA~~ and any other company providing liability insurance to members under the Society’s compulsory liability insurance program;

“**resident**” has the meaning respecting a province or territory that it has with respect to Canada in the *Income Tax Act* (Canada);

“**SLIA**” means the Saskatchewan Lawyers’ Insurance Association Inc.

b. Definition of the “insurer” and Rule 605(10)

The definition of the “insurer” in Rule 600 is incorrectly listed as SLIA, when it should be CLIA. The only reference to “insurer” in Part 10 is in Rule 605(10). As SLIA is in fact the

proper entity to be referenced in that Rule, it is recommended that the reference to “the insurer” be amended to “SLIA.”

605. (10) A member who is an insured under a professional liability insurance policy shall report to, co-operate with and assist ~~the insurer~~ SLIA as required by the policy.

Rule 601

Rule 601 pertains to claims made before 1988, when CLIA was established. At September 2014 Convocation, the Benchers approved payment of all monies remaining in the Insurance Fund, which was used to pay liabilities under the self-insurance fund that predated CLIA, to the Law Society’s General Fund. SLIA Counsel have advised that it is no longer necessary to maintain this Rule and therefore, it is proposed that it be repealed in its entirety.

Former Liability Insurance Program

~~601. (1) The Committee may, with respect to insurance claims made prior to September 1, 1988:~~
~~(a) administer the former program; and~~
~~(b) approve payments from the Insurance Fund maintained under Rule 134 of the former Rules for administration of the program, including payment of expenses which are necessary or incidental to the administration of the liability insurance program.~~
~~———— (2) The Benchers may, if the Insurance Fund is insufficient to make all payments authorized under subrule (1), do one or both of the following:~~
~~(a) transfer funds from the Society’s General Fund to the Insurance Fund;~~
~~(b) make a special assessment of members.~~

Rule 605

It is proposed that subrule 605(5) be repealed with the effect that there will no longer be an exemption for members who are not resident in Saskatchewan, other than for members who comply with Rule 207. The proposed amendment will restrict the exemption to members who maintain insurance in another Canadian jurisdiction other than the Chambre.

It is also proposed that a new subrule be created for Canadian Legal Advisors (members of the Chambre), as neither the liability insurance exemption provided in the National Mobility Agreement 2013, nor Rule 207, applies to them.

Saskatchewan Lawyers’ Insurance Association Inc.

605. (1) Unless exempted under subrule (4), each member shall in each year by the date set in Rule 810(1) pay to SLIA a liability insurance assessment in the amount fixed by the Benchers.
 (2) Unless exempted under subrule (4), each member shall by the date set in Rule 810(1) pay to SLIA any additional or retroactive assessment levied by the Benchers under section 11(4) of the *Act*.
 (3) Each law firm which is insured under the SLIA excess insurance policy shall:
 (a) by June 30 in each year pay to SLIA the excess insurance levy as set by the Benchers; and
 (b) by the date fixed by the Benchers, pay to SLIA any additional or retroactive assessment levied by the Benchers under section 11(4) of the *Act*.
 (4) The following members are exempt from payment of the annual assessment under subrule (1) and any special assessments under subrule (2):
 (a) students-at-law;
 (b) members employed by or on an exclusive contract with the Saskatchewan Department of Justice as full-time prosecutors;

- (c) members employed by the Federal Department of Justice or the Public Prosecution Services of Canada;
- (d) Canadian Legal Advisors, pursuant to Rule 208;
- ~~(e) members not resident in Saskatchewan and Canadian Legal Advisors who comply with subrule (5) Rule 207;~~
- ~~(ef) inactive members;~~
- ~~(fg) retired members;~~
- ~~(gh) pro bono members; and~~
- ~~(hi) other members as approved by the Benchers.~~

~~(5) To qualify for exemptions under subrule (4), a member not resident in Saskatchewan shall provide evidence to the Society, by the dates fixed in Rule 810(1), that the member maintains professional liability insurance:~~

- ~~(a) in a form and amount which is reasonably comparable with that maintained by the Society in its compulsory program; and~~
- ~~(b) which specifically extends to services rendered by the member in Saskatchewan.~~

~~(6.5) A member who has not paid:~~

- ~~(a) the annual assessment under subrule (1) by the date fixed in subrule (1) or extended under subrule (8.7); and~~
- ~~(b) any special assessment levied by the Benchers under subrule (2) by the date fixed by the Benchers or extended under subrule (8.7)~~

and who is not exempted from payment under subrule (4), shall not engage in the practice of law until the assessment is paid.

~~(7.6) Where the Society or SLIA has paid an individual insurance deductible amount on behalf of a member in respect of a claim against the member, and the member, by the date the annual assessment under subrule (1) is payable or by the date extended under subrule (8.7):~~

- ~~(a) has not fully reimbursed the Society or SLIA; or~~
- ~~(b) has breached an agreement made between the Committee and the member respecting the member's reimbursement of the Society or SLIA;~~

the member shall not, from that date, engage in the practice of law until the Society or SLIA has been fully reimbursed for the amount of the deductible.

~~(8.7) The Chairperson of the Committee may at any time extend the time for a member:~~

- ~~(a) to pay an assessment under subrule (1) or (2); or~~
- ~~(b) to reimburse the Society or SLIA for a deductible paid on the member's behalf under subrule (7.6)~~

and where an extension of time is granted and the member pays:

- ~~(c) the full amount of the assessment or the deductible owing by the date to which the time is extended; and~~
- ~~(d) interest on that amount from the date upon which it was due upon which it is paid calculated the prime lending rate of the Bank of Montreal plus two percent per annum;~~

the member shall be deemed to be insured during the period of time when the assessment or deductible was unpaid.

~~(9.8) The Society shall promptly, in the case of a member who has not, when due, paid an assessment under subrule (1) or (2) or reimbursed a deductible under subrule (7.6):~~

- ~~(a) notify the member in writing that he or she shall not engage in the practice of law until the amount owing is paid in full;~~
- ~~(b) notify in writing:

 - ~~(i) the Chief Justice of Saskatchewan;~~
 - ~~(ii) the Chief Justice of the Saskatchewan Court of Queen's Bench;~~
 - ~~(iii) the Chief Judge of the Provincial Court of Saskatchewan;~~
 - ~~(iv) the Minister of Justice for Saskatchewan; and~~
 - ~~(v) the Registrar of Titles; and~~~~
- ~~(c) cause a notice to be published in:

 - ~~(vi) the Saskatchewan Gazette; and~~
 - ~~(vii) a newspaper of general circulation in each community in which the member maintained an office.~~~~

~~(10.9) A member who is an insured under a professional liability insurance policy shall report to, co-operate with and assist the insurer as required by the policy.~~

(~~14~~ 10) A member who fails to comply with subrule (~~10~~ 9) is, in addition to the other consequences flowing from the failure to comply, liable to disciplinary action for conduct unbecoming.

PART 13, Accounting

It was unclear whether Rules 1010 – 1013 applied to consumer proposals. In addition, amendments were made to Rule 1012 to allow for increased discretion in contemplation of the varying severity of bankruptcy proceedings and the practice conditions that can be imposed on a member in those situations.

Rule 1010

The title was amended to reflect bankruptcy proceedings and to expand the definition to include a member who has claimed bankruptcy or applied for a consumer proposal.

O. Bankruptcy Proceedings Involving of a Member

Definitions

1010. In Rules 1010 to 1013,

“a member who is the subject of bankruptcy proceedings” means a member who ~~as defined by The Bankruptcy and Insolvency Act:~~

- (a) is bankrupt;
- (b) is an insolvent person;
- (c) commits an act of bankruptcy;
- (d) has made a proposal, including a consumer proposal; or
- (e) has applied for a consolidation order;

pursuant to *The Bankruptcy and Insolvency Act*, as amended.

Rule 1011

A minor amendment was made to include the word "proceedings" to properly refer to bankruptcy proceedings.

Duty to Report Bankruptcy to the Society

1011. A member who is the subject of bankruptcy proceedings shall forthwith:

- (a) notify the Executive Director in writing of that fact; and
- (b) provide to the Executive Director such information and documents in the member's possession or control relating to the bankruptcy proceedings that the Executive Director reasonably requests.

Rule 1012

The Benchers moved to delete Rule 1012 in its entirety and insert a new Rule 1012, titled *Disposition*.

Practice Conditions

~~1012. (1) Subject to subrule (2), the following conditions apply to a member who is the subject of bankruptcy proceedings:~~

- ~~(a) the member shall not be the sole signatory on any trust account while remaining an undischarged bankrupt; and~~
- ~~(b) the additional signatory on any trust account shall be a member of the Law Society in good standing who is not the subject of bankruptcy proceedings.~~

~~(2) The Chairperson of the Discipline Committee may, by order in writing, relieve a member from compliance with subrule (1), subject to any conditions stated in the order which the Chairperson considers appropriate.~~

Disposition

1012. With respect to a member who is the subject of bankruptcy proceedings, the Executive Director may:

- (a) impose any practice conditions that are determined to be appropriate in the circumstances, including, but not limited to restrictions on access to trust accounts;
- (b) in cases where Executive Director has reason to believe that the bankruptcy proceedings are a result of conduct unbecoming, refer the matter to Complaints Counsel, in accordance with section 40(1)(b) of *The Legal Profession Act, 1990*; or
- (c) in cases where the Executive Director has reason to believe that the member's competency may be a factor in the bankruptcy proceedings, refer the matter to Complaints Counsel, in accordance with section 40(1)(d) of the Act.

Rule 1013

The title was amended to again refer to bankruptcy proceedings. The Rule was also amended so that the Chairperson of the PSC Committee (not the Chair of Discipline) has the responsibility to report or not report to the membership regarding a member who has become the subject of bankruptcy proceedings.

Notification to the Membership of Bankruptcy Proceedings

1013. There will be no notification to the membership that a member has become the subject of bankruptcy proceedings unless the Chairperson of the ~~Discipline-Professional Standards~~ Committee is of the opinion that there is a significant reason to do so. In that event, the Chairperson shall direct the Executive Director to promptly notify the membership of:

- (a) the identity of the member who becomes the subject of bankruptcy proceedings;
- (b) any practice conditions imposed on the member under Rule 1012; and
- (c) the identity of a member who has ceased to be the subject of bankruptcy proceedings, where that member's identity was published under clause (a).



CERTIFIED to be a true copy of the resolutions passed by the Benchers of the Law Society of Saskatchewan at their meeting held February 13, 2015.

THOMAS J. SCHONHOFFER, Q.C.
Executive Director