

- (c) documents establishing the applicant's Suitability to Practise, including but not limited to:
  - (i) testimonials, in a form approved by the Committee, from 2 persons who have known the applicant for at least 3 years, verifying the applicant's Suitability to Practise;
  - (ii) in the case of an applicant who is a member of another governing body of the legal profession, a certificate of standing, dated not more than 30 days before the date of the application, from each governing body stating:
    - (A) whether the applicant is a member in good standing;
    - (B) whether the applicant is presently the subject of any disciplinary proceedings; and
    - (C) the details of any previous disciplinary proceedings taken against the applicant;
  - (iii) a police record check or such other information from law enforcement as may be required by the Executive Director;
- (d) documents verifying that the applicant:
  - (i) has successfully completed at least two years towards the requirements for a Bachelor's degree or Juris Doctor from a common law faculty of law in a Canadian university approved by the Federation of Law Societies of Canada;
  - (ii) holds a Certificate of Qualification issued by the National Committee on Accreditation of the Federation of Law Societies of Canada; or
  - (iii) has completed all courses and examinations required to obtain a Certificate of Qualification issued by the National Committee on Accreditation of the Federation of Law Societies of Canada;
- (e) in the case of an applicant who was previously a student-at-law in another Canadian Province or Territory, a document stating the particulars of that experience;
- (f) in the case of an applicant that is not a Canadian citizen, proof of the applicant's entitlement to work in Canada;
- (g) any other information or documents requested by the Executive Director; and
- (h) the Student-at-law application fee as set out in Schedule 1 following Part 12 of these Rules.

[Rule 151(h) amended February 19, 2016]

[Rule 151(c)(ii) amended June 17, 2016]

### **Approval to Act as a Principal**

152. (1) A lawyer seeking to act as a principal must:
- (a) meet the requirements of Rule 176(2);
  - (b) be a lawyer currently practising full-time in Saskatchewan; and
  - (c) have practised in Saskatchewan for at least the past 5 consecutive years.
- (2) Prior to hiring a Student-at-law, a lawyer must submit:
- (a) an application to the Executive Director for approval as a principal in a form approved by the Committee and pursuant to Rule 176; and
  - (b) any other information and documents required by the *Act* or these Rules, or requested by the Executive Director.
- (3) A member shall only act as a principal to one Student-at-law at a time, except in the following circumstances, where a maximum of two Students-at-law may be articulated to the member:
- (a) during the final 3 months of one Student-at-law's articles; or
  - (b) during a secondment under Rule 157.
- (4) Pursuant to *The Justice and Attorney General Act*, subrule (3) does not apply to the Attorney General or Deputy Attorney General.
- (5) The Executive Director may approve as a principal a member who does not meet the qualifications stated in Rule 152 but who satisfies the Executive Director that he or she is suitable to act as a principal.

(6) A principal who ceases to meet the qualifications set by this Rule shall immediately notify the Executive Director in writing.

(7) If the Executive Director becomes aware that the principal no longer meets the requirements of subrule (1), the Executive Director may:

- (a) revoke the approval of the principal; or
- (b) refer the matter to the Committee for its consideration.

[Rule 152(4) added back into the Rule, allowing exception for Attorney General and Deputy Attorney General, June 19, 2015]

### **Commencement of Articles**

153. (1) Following admission as a Student-at-law and approval of one or more principals, but before the commencement of articles, the Student-at-law and the principal must file:

- (a) an articling agreement in a form approved by the Committee;
- (b) documents verifying that the student:
  - (i) has successfully completed the requirements for a Bachelor's degree or a Juris Doctor from a common law faculty of law in a Canadian university approved by the Federation of Law Societies of Canada;
  - (ii) holds a Certificate of Qualification issued by the National Committee on Accreditation of the Federation of Law Societies of Canada; or
  - (iii) has completed all courses and examinations required to obtain a Certificate of Qualification issued by the National Committee on Accreditation of the Federation of Law Societies of Canada;
- (c) the articling fee as set out in Schedule 1 following Part 12 of these Rules; and
- (d) confirmation of enrollment in the Bar Admission Program, pursuant to Rule 159.

(2) The Executive Director may require a Student-at-law and principal to submit an education plan within a specified time.

[Rule 153(1)(c) amended February 19, 2016]

[Rule 153(1)(d) added June 17, 2016]

### **Articling Term**

154. (1) The articling term will commence on the date when all conditions necessary for commencement of articles have been satisfied pursuant to Rule 153 and shall end on the expiry of 12 months.

(2) The 12-month articling term includes:

- (a) the period of time that the Student-at-law attends the Bar Admission Program; and
- (b) such reasonable time away from articles for vacation not to exceed 15 working days, and time away for illness or other personal reasons as may be approved by the principal, so long as the principal is satisfied that the time away shall not be detrimental to the Student-at-law's articling experience;

but does not include:

- (c) any time spent articling before the requirements referred to in Rule 153(1) have been fulfilled; and
- (d) any time spent at the Bar Admission Program prior to the fulfillment of the requirements of Rule 153(1)(b).

(3) The twelve month term shall be completed within 24 months of commencement of the articling term or the Student-at-law status may be revoked.

(4) The Executive Director may approve applications to:

- (a) amend the articling start date in exceptional circumstances; and
- (b) extend the articling term in circumstances where an extended leave is required by the Student-at-law during the articling term.

[Rule 154(2)(b) amended; (4)(a) amended and (b) added February 19, 2016]

## Enforcement

201. (1) The Executive Director may require a Visiting Lawyer to:
- (a) account for and verify the number of days spent providing legal services; and
  - (b) verify compliance with any Rules specified by the Executive Director.
- (2) If a Visiting Lawyer fails or refuses to comply with a requirement under subrule (1) within 20 calendar days, or such longer time that the Executive Director may allow in writing:
- (a) the Visiting Lawyer is immediately prohibited from providing legal services under Rule 195, and must apply for a Permit under Rule 196 to provide further legal services;
  - (b) any Permit issued to the Visiting Lawyer under Rule 196 is rescinded; and
  - (c) the Executive Director must advise the Visiting Lawyer's Home Governing Bodies of the Visiting Lawyer's failure to comply and the consequences.
- (3) A Visiting Lawyer may appeal a decision of the Executive Director under subrule (2) to the Committee and the Committee may, in its discretion:
- (a) grant the application, subject to any conditions it considers to be in the public interest; or
  - (b) deny the application.
- (4) The Committee may establish its own practices and procedures for reaching a decision under subrule (3).

## Discipline

202. A Visiting Lawyer shall comply with the applicable legislation, regulations, rules and standards of professional conduct of Saskatchewan while providing legal services in, or with respect to the law of, Saskatchewan. Non-compliance may result in disciplinary action in a jurisdiction determined in accordance with the National Mobility Agreement.

## Notification of Proceedings

203. (1) A Visiting Lawyer, articulated student or applicant shall immediately report to the Executive Director:
- (a) particulars of charges and any disposition of the charges laid, under the following:
    - (i) an offence under any law in force in Canada where the offence was prosecutable either as an indictable offence or as a summary conviction offence;
    - (ii) the *Securities Act* of any province of Canada;
    - (iii) an offence committed outside Canada and similar to any of the kinds of offences described in clauses (a) or (b);
  - (b) any suspension, investigation, supervision, undertaking, conditions or similar processes including, but not limited to, discipline, professional standards, competency, accounting, or audit proceedings, by a professional regulatory body in any jurisdiction.
- (2) Where the Executive Director becomes aware of any matter set out in subrule (1):
- (a) the Visiting Lawyer may be immediately prohibited from providing legal services under Rule 195, and may be required to apply for a Permit under Rule 196 to provide further legal services;
  - (b) any Permit issued to the Visiting Lawyer under Rule 196 may be rescinded; and
  - (c) the Executive Director must advise the Visiting Lawyer's Home Governing Bodies of the matter.

## Special Fund

204. (1) The Mobility Defalcation Compensation Agreement applies to a claim under Rule 704 involving inter-jurisdictional practice in a jurisdiction where a governing body has signed and implemented the Mobility Defalcation Compensation Agreement.

(2) The provisions of the Protocol concerning claims for compensation for misappropriation apply to a claim under Rule 704 involving interjurisdictional practice in a jurisdiction where a governing body has not signed and implemented the Mobility Defalcation Compensation Agreement.

## B. Permanent Mobility

### Transfer under National Mobility Agreement and Territorial Mobility Agreement

205. (1) This Rule applies to an applicant for transfer from another Canadian jurisdiction, provided that the applicant is entitled to practise law in the jurisdiction of any governing body, other than the Chambre, of which the applicant is a member.

(2) An applicant under this Rule must fulfill all of the requirements in Rule 206 for call and admission on transfer from another Canadian jurisdiction.

(3) To qualify for call and admission, an applicant under this Rule must certify that he or she has reviewed and understands all of the materials reasonably required by the Committee.

(4) A lawyer called and admitted under this Rule has no greater rights as a member of the Society than the more restrictive of:

- (a) those the lawyer has as a member of another governing body; or
- (b) any other member of the Society in similar circumstances.

### Admission as a Transfer Lawyer

206. (1) To qualify for admission as a lawyer on transfer an applicant must:

- (a) be Suitable to Practise;
- (b) deliver to the Executive Director:
  - (i) a completed application for admission as a lawyer on transfer, in a form approved by the Committee;
  - (ii) an original or notarial copies of certified government issued identification document, such as a driver's license, birth certificate, passport or other document acceptable to the Society which verifies the applicant's identity;
  - (iii) in the case of an applicant that is not a Canadian citizen, provide proof of the applicant's entitlement to work in Canada;
  - (iv) testimonials, in a form approved by the Committee, from 2 persons who have each known the applicant for at least 3 years, verifying the applicant's Suitability to Practise;
  - (v) certificates of standing, dated not more than 30 days before the date of the application, from each of the governing bodies of which the applicant is a member, stating:
    - (1) whether the applicant is a member in good standing;
    - (2) whether the applicant is presently the subject of any disciplinary proceedings; and
    - (3) the details of any previous disciplinary proceedings taken against the applicant;
  - (vi) the admission on transfer application fee as set out in Schedule 1 following Part 12 of these Rules; and
  - (vii) any other information and documents required by the *Act* or these Rules which is requested.

(2) Rules 162 and 176 apply to applications for admission as a transfer lawyer *mutatis mutandis*.

[Rule 206(1)(b)(v) deleted so that proof of law degree from transfer applicant no longer required, as home jurisdiction would have already verified, April 17, 2015]

[Rule 206(1)(b)(vi) amended, February 19, 2016]

[Rule 206(1)(b)(v) amended June 17, 2016]

### Liability Insurance Exemption for Members Entitled to Practice in More than One Canadian Jurisdiction

207. (1) A member of the Society may apply to the Executive Director for exemption from the requirement for professional liability insurance under Rule 605, if the member has professional liability insurance as:

- (a) a member of another governing body, other than the Chambre or Barreau, which allows a similar exemption for members of the Society; or
- (b) a member of both the Barreau and another governing body, other than the Chambre, which allows a similar exemption for members of the Society;

which is reasonably comparable in coverage and limits to that required under the Society's insurance plan and extends to the lawyer's practice in Saskatchewan.

(2) A member applying for an exemption under subrule (1)(b) must have insurance coverage from the professional liability insurance program of:

- (a) the Barreau, with respect to services provided by the lawyer as a member of the Barreau; and
- (b) the governing body in the jurisdiction in which the member has been continuously entitled to practise law for the longest period of time, with respect to services provided by the lawyer as a member of that governing body.

(3) A member applying for an exemption under this Rule must provide evidence that the member maintains the full mandatory professional liability insurance coverage required by the applicable governing bodies in accordance with this Rule.

## C. Practice Privileges for Members of the Chambre

### Canadian Legal Advisor

208. (1) A member of the Chambre, with a Canadian Civil Law degree, or with a foreign degree and a certificate of equivalency from the Chambre, may apply for admission as a Canadian Legal Advisor by delivering to the Executive Director the following:

- (a) a completed application for admission as a Canadian Legal Advisor in a form approved by the Committee;
- (b) original or notarially certified documents verifying identity, including valid original government issued identification including a driver's license, birth certificate, passport or other document acceptable to the Executive Director;
- (c) testimonials, in a form approved by the Committee, from 2 persons who have known the applicant for at least 3 years, verifying the applicant's Suitability to Practise;
- (d) a certificate of standing, dated not more than 30 days before the date of application and in a form acceptable to the Executive Director and issued from each of the governing bodies of which the applicant is a member;
- (e) an errors and omissions insurance application or exemption form;
- (f) the admission transfer application fee and the admission on transfer enrollment fee, both as set out in Schedule 1 following Part 12 of these Rules; and
- (g) any other information and documents required by the *Act* or these Rules which is requested.

(2) Rules 162 and 176 apply to applications for admission as a Canadian Legal Advisor *mutatis mutandis*.

[Rule 208(1)(f) amended February 19, 2016]

[Rule 208(1)(d) amended June 17, 2016]

### Scope of Practice

209. (1) A Canadian Legal Advisor's practice in Saskatchewan is limited to the following:

- (a) providing legal advice on:
  - (i) the law of Québec and matters involving the law of Québec;
  - (ii) matters under federal jurisdiction, or
  - (iii) matters involving public international law if insurance coverage is provided by the Chambre;
- (b) preparing and drawing-up documents for use in a proceeding concerning matters under federal jurisdiction, or
- (c) appearing as counsel or an advocate before any tribunal with respect to matters under federal jurisdiction.

## Obligations

210. (1) A Canadian Legal Advisor must:
- (a) continue to be a member in good standing of the Chambre authorized to practise law in Quebec; and
  - (b) notify the Executive Director in writing if he or she becomes disqualified from the practise of law in Québec;
  - (c) obey and observe all duties and responsibilities of a practising lawyer under the *Act*, these Rules and the *Code of Professional Conduct*.

## D. Foreign Legal Consultants

### Foreign Legal Consultants

211. (1) A person who is qualified to practise law in a country other than Canada, or in an internal jurisdiction of that country, may apply to the Executive Director for a permit to act as a foreign legal consultant in Saskatchewan by delivering to the Executive Director:

- (a) a completed permit application in a form approved by the Benchers;
- (b) the foreign legal consultant permit fee as set out in Schedule 1 following Part 12 of these Rules; and
- (c) a written undertaking to:
  - (i) not accept, hold, transfer or in any other manner deal with funds which would, if accepted, held, transferred or dealt with by a member, constitute trust funds;
  - (ii) submit to the jurisdiction of the Society and comply with the *Act*, the Law Society Rules and *The Code of Professional Conduct*; and
  - (iii) notify the Executive Director promptly of a failure to satisfactorily complete whatever continuing legal education program is required of members of the applicable home country or internal jurisdiction.

[Rule 211(1)(b) amended February 19, 2016]

### Issuance of Permit

212. (1) The Executive Director may issue to an applicant a permit to act as a foreign legal consultant when satisfied that the applicant:

- (a) is a member in good standing of the legal profession in the applicant's home country or in one of its internal jurisdictions;
- (b) is Suitable to Practise;
- (c) has practised the law of the applicant's home country or one of its internal jurisdictions for the last 3 years, or undertakes in writing to work, while acting as a foreign legal consultant in Saskatchewan, only under the direct supervision of a foreign legal consultant from that country or internal jurisdiction who has satisfied the 3-year practise requirement;
- (d) carries professional liability insurance or a bond, indemnity or other security:
  - (i) in a form and amount which is reasonably comparable with that maintained by the Society in its compulsory program; and
  - (ii) which specifically extends to services rendered by the foreign legal consultant while acting as such in Saskatchewan; and
- (e) participates in a program or carries a fidelity bond or other security satisfactory to the Society and in an amount of at least \$1,000,000, for the purpose of reimbursing persons who suffer pecuniary loss as a result of the misappropriation or conversion by the foreign legal consultant of money or other property entrusted to or received by the foreign legal consultant in Saskatchewan.

(2) The Executive Director may fix conditions that may be attached to permits which are issued or renewed under this Rule.

(3) Subject to subrule (4), a permit issued under subrule (1) is valid from the issue date shown on it until the last day of the same calendar month in the next year.