

- (11) A Bencher is not entitled to vote by proxy.
- (12) Subject to subrule (13), a resolution to add to, amend or delete from these Rules or *The Code of Professional Conduct* is not valid unless:
 - (a) the resolution is read twice; and
 - (b) a majority of Benchers voting on each reading vote in favour of the resolution.
- (13) A resolution referred to in subrule (12) shall not be read twice on the same day, unless two-thirds of the Benchers present at the meeting and voting consent.
- (14) A meeting of the Benchers may be adjourned from time to time and from place to place.
- (15) A meeting of the Benchers may be conducted by telephone, email or by any other means of communication which permits all persons invited to the meeting to participate, and a Bencher participating in such a meeting is, for the purpose of this Rule, present at the meeting.

[Rule 92(10) and (15) amended December 2, 2016]

Reimbursement for Bencher Expenses

- 93. (1) The Society shall reimburse Benchers described in section 6(2)(a) and (b) for all reasonable and necessary expenses actually incurred in performance of their duties.
- (2) The Society shall reimburse, in the case of expenses actually incurred by Benchers described in section 6(2)(c) of the *Act*, the greater of:
 - (a) the amount determined under section 6(6) of the *Act*, or
 - (b) all reasonable and necessary expenses actually incurred in performance of their duties.

Remuneration of Benchers

- 94. (1) The President shall receive remuneration in an amount fixed by the Benchers.
- (2) Benchers described in section 6(2)(a) and (b) of the *Act* may receive remuneration in an amount fixed by the Benchers.
- (3) Benchers described in section 6(2)(c) of the *Act* shall receive remuneration in an amount which is the greater of:
 - (a) the amount determined under section 6(5) of the *Act*, or
 - (b) the amount fixed by the Benchers.

[Rule 94(3)(a) amended February 10, 2011]

Bencher Absence

- 95. Where an elected Bencher has been absent from two consecutive, regularly scheduled meetings of the Benchers in Convocation, the Benchers in Convocation may, by resolution, remove that Bencher from office.

[next rule is Rule 110]

PART 6

Committees

A. General

Establishment

110. (1) The following committees are established:
- (a) the Admissions & Education Committee;
 - (b) the Professional Standards Committee;
 - (c) the Discipline Committee;
 - (d) the Ethics Committee;
 - (e) the Executive Committee;
 - (f) the Insurance Committee;
 - (g) the Audit Committee;
 - (h) the Discipline Executive Committee;
 - (i) the Conduct Investigation Committee;
 - (j) the Governance Committee;
 - (k) the Legal Resources Committee; and
 - (l) the Equity & Diversity Committee.
- (2) The Benchers may, by Rule, establish any other committee for the better governance of the Society.

[Rule 110(1)(c) amended and Rule 110(1)(l) added September 17, 1993]

[Rule 110(1)(i) amended December 11, 1994]

[Rule 110(j) amended December 7, 1995]

[Rule 110(1)(l) amended December 11, 1998]

[Rule 110(1) amended to remove Committees: Annual Meetings, Finance, Libraries and Equity/Diversity December 7, 2007]

[Rule 110(1) amended to add Discipline Executive and Conduct Investigation Committees May 2, 2014, effective July 1, 2014]

[Rule 110(1) amended to delete the Legislation & Policy Committee and add the Audit and Governance Committees, Nov. 28, 2014]

[Rule 110(1) amended to add items (k) and (l), April 28, 2017]

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.
 - (4) 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.
 - (5) 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.
 - (6) 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.
 - (7) The President may fill a vacancy on any committee with respect to which the President has the power of appointment.
 - (8) The President and Vice-President;
 - (a) are non-voting *ex officio* members of each committee established under Rule 110, other than the Audit Committee; and

(b) may be appointed as active members of any committee.

[Rule 111 amended March 27, 1992 & September 17, 1993]
[Rule 111(1) amended; new (2) & (3) added, changing numbering; item (8)(a) & (b) amended,
February 13, 2015]

Duties

112. A committee shall, in addition to the duties assigned to it by the *Act* and these Rules, perform any duties assigned by the Benchers.

Quorum

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

(2) In determining whether a quorum exists, the President and Vice-President shall be counted only if they are active members of the committee.

[Rule 113(1) and (2) amended February 13, 2015]

Majority Decisions

114. Unless the *Act* or these Rules state to the contrary, a committee may act by majority decision.

Procedures

115. Unless the *Act* or these Rules state to the contrary, a committee may set its own practice and procedures.

[Rule 133 deleted December 8, 1994]
[Rule 126 Annual Meetings Committee deleted December 7, 2007]
[Rule 131 Finance Committee deleted December 7, 2007]
[Rules 135 Libraries Committee and 136 Equity/Diversity Committee deleted December 7, 2007]
[Rule 134 Legislation & Policy Committee deleted Nov. 28, 2014]
[Rule 125, A & E Committee; Rule 127, PSC Committee; Rule 128, Discipline Committee; Rule 129, Ethics Committee; Rule 130, Executive Committee; Rule 132, Insurance Committee; deleted in their entirety February 13, 2015]

[next Rule is Rule 135]

B. Standing Committees

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 section 36(3) of the *Act*.

[Rules 135 – 138 added May 2, 2014, effective July 1, 2014]
[Rule 135(1) amended; (2) deleted, February 13, 2015]

[Rule 136, with minor amendments, relocated to Part 8, PSC and Discipline, as Rule 403(2) February 13, 2015]

[Rule 137, Conduct Investigation Committee and Rule 138, Conduct Investigation Panel relocated to Part 8, PSC and Discipline, as Rules 398.1 and 398.2 February 13, 2015]

[next rule is Rule 149]

PART 7

Membership and Practice Privileges

Definitions

149. In this Part,
- “**Admissions Panel**” means a Panel appointed pursuant to sections 23 and 24 of the *Act* and Rule 190 for the purpose of conducting a review of an application for admission as a Student-at-law or a Lawyer.
- “**Committee**” means the Admissions & Education Committee.
- “**Executive Director**” includes a person designated by the Executive Director to perform any of the duties assigned to the Executive Director in this Part;
- “**Hearing Panel**” means a Panel appointed by the Chair of the Committee pursuant to Rule 177 for hearing applications under this Part.
- “**Lawyer**” means an Active Member.
- “**Student-at-law**” means a person admitted to the Society pursuant to Rule 151.
- “**Suitability to Practise**” means honesty, governability, financial responsibility and respect for the rule of law and the administration of justice and “**suitable to practise**” has a corresponding meaning.

A. Categories of Membership

150. In this part:
- (1) “**Active Member**” means a person with a valid practising certificate in accordance with *The Legal Profession Act* and Rule 166 and therefore entitled to practise law.
 - (2) “**Canadian Legal Advisor**” means a member admitted pursuant to Rule 208.
 - (3) “**Disqualified Member**” means a member who has been disqualified in accordance with Rule 162, 168 or Rule 171. A Disqualified Member has none of the rights of membership and is not entitled to practise law for the period of the disqualification.
 - (4) “**Former Member**” means a person who was a member, but who has resigned, has been appointed to the judiciary or has been disbarred. A Former Member has none of the rights of membership and is not entitled to practise law.
 - (5) “**Inactive Member**” means a person that has qualified in all respects to be admitted as a Lawyer but has elected not to maintain a practising membership. An Inactive Member has all the rights and duties of membership in the Society, but is not permitted to practise law.
 - (6) “**Law Professor Member**” means an Active Member permitted to practise in accordance with Rule 163.
 - (7) “**Pro Bono Member**” means an Active Member permitted to practise in accordance with Rule 164.
 - (8) “**Retired Member**” means a person who has been granted retired membership status pursuant to Rule 173. A Retired Member is not permitted to practise law.
 - (9) “**Senior Life Member**” means a person who has been granted a senior life membership by the Benchers pursuant to Rule 165.
 - (10) “**Suspended Member**” means a person that has been suspended pursuant to Rule 399, 420 or 450. A Suspended Member has none of the rights of membership and is not entitled to practise law during the period of the suspension.

B. Students-at-Law

Admission as a Student-at-Law

151. A person applying for admission as a Student-at-law shall submit:
- (a) an application for admission in a form approved by the Committee;
 - (b) original or notarial copies of certified government issued documentation, such as a driver’s license, birth certificate or passport, verifying the applicant’s identity;

- (b) there are one or more partners in the proposed LLP who are eligible to practice law in Saskatchewan;
- (c) each member of the LLP who is eligible to practice law in Saskatchewan has professional liability insurance which is substantially equivalent to that provided by SLIA; and
- (d) the proposed LLP has made adequate arrangements to ensure that it will comply with Parts XIII and XIX of the Rules

he/she may provide a certificate in Form C-5 certifying that the proposed LLP and its Saskatchewan partners meet the eligibility requirements of *The Legal Profession Act (1990)* and the Law Society Rules.

1454. The Executive Director shall keep a register of all LLP's carrying on the practice of law in the Province of Saskatchewan, including the names and addresses of all partners, and any limitations on the practice of the LLP.

1455. Upon registration, an LLP shall immediately give notice to all its existing clients advising of its registration and explaining in general terms the potential changes in liability to the partners.

1456. An LLP shall report immediately any changes in its partnership to the Executive Director.

1457. All members of The Law Society of Saskatchewan who are partners in an LLP are responsible to ensure that the LLP, and any persons practicing through it, comply with *The Partnership Act*, *The Legal Profession Act (1990)* and the Rules of The Law Society of Saskatchewan.

Sharing Premises with Non-Lawyers

1458. A member may share premises, facilities and staff with a person who is not a member of the Society, provided that:

- (a) the non-member's reputation or activities do not jeopardize the integrity of the profession;
- (b) the business of the member and the non-member are kept entirely separate; and
- (c) clients of the member are not confused as to the person with whom they are dealing.

[Rules 1450 – 1457 added May, 2001]

[Rule 1458 added June 21, 2012]

[next rule is Rule 1500]

Part 18

Contingent Fee and Retainer Agreements

Definitions

1500. In this Part
“contingent fee agreement” means an agreement which provides that a member’s remuneration for services to be provided for or on behalf of a client is contingent, in whole or in part, on the successful disposition of the matter in respect of which the services are provided;
“retainer agreement” means an agreement which provides that a member is retained by a client to act on the client’s behalf for one or more matters or generally for a specified period of time for a sum of money paid by the client in advance of any services performed by the lawyer.

[Rule 1500 amended April 15, 1994]

[Rule 1500 “retainer agreement” definition amended November 27, 2015]

Contents of Contingent Fee Agreements

1501. (1) Every contingent fee agreement entered into by a member shall be in writing.
 (2) A member who enters into a contingent fee agreement shall ensure that the agreement:
 (a) is fair and the member’s remuneration provided for in the agreement is reasonable, under the circumstances existing at the time the contract is entered into;
 (b) states that any party to the agreement may apply to the Court under section 64(3) of the *Act* for a determination as to whether or not the agreement is fair and reasonable;
 (c) does not purport to exclude the member’s liability for negligence;
 (d) does not purport to require the member’s consent before a client’s cause may be abandoned, discontinued or settled; or
 (e) does not purport to prevent the client from changing solicitors before the conclusion of the retainer.
 (3) Every contingent fee agreement shall be signed by each party to it, and the member shall deliver a copy of the agreement to each such party.

Prohibited Agreements

1502. A member shall not enter into a contingent fee agreement:
 (a) for services which relate to a child custody or access matter; or
 (b) for services which relate to a family law dispute, unless the form and content of the agreement have been approved by the Court.

[Rule 1502(b) amended, April 28, 2017]

Fees Payable under Contingent Fee Agreements

1503. A member who prepares a bill for fees earned and disbursements and other expenses charged under a contingent fee agreement shall ensure that the total remuneration payable to the member:
 (a) does not exceed the remuneration provided for in the agreement; and
 (b) regardless of the remuneration provided for in the agreement, is reasonable under the circumstances existing at the time the bill is prepared.

[Rule 1503 amended December 2, 2010]

Retainer Agreements

1504. (1) Every retainer agreement entered into by a member shall be in writing.
 (2) A member who enters into a retainer agreement shall ensure that the agreement:
 (a) specifies in clear and unequivocal language the term of the agreement, whether or not any further fees or disbursements will be charged, what specific matters are covered by the agreement; and

(b) does not mislead clients in any way with respect to the services covered by the agreement.

(3) Funds received pursuant to a retainer agreement are considered trust funds as defined in Rule 900 and must be treated as such, in accordance with Part 13 of these Rules.

[Rule 1504 amended April 15, 1994]

[Rule 1504(2)(a) amended; (2)(c) deleted; and (3) amended November 27, 2015]

Application of this Part

1505. This Part applies only to agreements entered into on or after the date on which the individual sections come into effect.

[Rule 1505 added April 15, 1994]

[next rule is Rule 1600]

Part 19

Marketing of Legal Services

Definitions

1600. In this Part, “**weakened state**” means a physical, emotional or mental condition which may render a prospective client unduly vulnerable to persuasion or importuning by a lawyer and shall, without limiting the generality of the foregoing, be deemed to include the state of any prospective client who is an alleged victim of physical and/or sexual abuse.

[Rule 1600 “weakened state” added June 10, 1999]

Specific Prohibitions

1602.1 (1) No member shall initiate contact with a prospective client who is in a weakened state for the purpose of soliciting the prospective client’s legal work except by mail or advertisement.

(2) Any correspondence, brochure or informational package sent to or intended to be provided to prospective clients shall state in bold letters at the bottom of every page “Advertising material. This is a commercial solicitation”.

(3) Any correspondence sent to a named prospective client in physical and sexual abuse cases must be marked personal and confidential and state how the member obtained the identity of the prospective client.

(4) A member may only attend a meeting held to provide information to a group of prospective clients who are in a weakened state if:

- (a) the meeting is arranged by the prospective clients or other non-members who are not connected to the member; and
- (b) the member has been invited by the prospective clients or non-members who are arranging the meeting.

[Rule 1602.1 added June 10, 1999]

[Rule 1602.1(1) and (4)(a)(b) amended November 28, 2013]

[This section of the Rules have been repealed in their entirety, with the exception of Rules 1600 and 1602.1. Marketing of Legal Services is regulated by the *Code of Professional Conduct*. Sharing Premises with Non Lawyers has been moved to Forms of Practice, and inserted as Rule 1458 June 21, 2012]

[next rule is Rule 1650]