

## PART 10

### Insurance

#### Definitions

600. In this Part,

“**Committee**” means the Insurance Committee appointed pursuant to Rule 111;

“**insurer**” includes 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.

[Rule 600 “Committee” amended December 7, 2007]

[Rule 600 “non-resident member” deleted and replaced with “resident” October 21, 2011]

[Rule 600 “law firm” definition deleted May 2, 2014, effective July 1, 2014]

[Rule 600 “Committee” and “insurer” definitions amended February 13, 2015]

[Rule 601 Former Liability Insurance Program deleted February 13, 2015]

[next rule is Rule 605]

#### 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) subject to *The Legal Profession Regulations*, members employed by or on an exclusive contract with a Saskatchewan government institution as defined in *The Freedom of Information and Protection of Privacy Act*;

(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 who comply with Rule 207;

(f) inactive members;

(g) retired members;

(h) pro bono members; and

(i) other members as approved by the Benchers.

(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 (7); and

(b) any special assessment levied by the Benchers under subrule (2) by the date fixed by the Benchers or extended under subrule (7)

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

(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 (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.

(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 (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.

(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 (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:
  - (i) the *Saskatchewan Gazette*; and
  - (ii) a newspaper of general circulation in each community in which the member maintained an office.

(9) A member who is an insured under a professional liability insurance policy shall report to, cooperate with and assist SLIA as required by the policy.

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

[Rule 605(8)(d) amended February 4 & 5, 1993]

[Rule 605A added December 8, 1994]

[Rule 605(4) amended April 23, 1998]

[Rule 605A amended October 24, 1997 and May, 2001]

[Rule 605(4) (g) added May 31, 2007]

[Rule 605A(1) b amended September 27, 2007]

[Rule 605A(2) (a) and (b) amended September 17, 2009]

[Rule 605(4)(d) amended September 9, 2010]

[Rule 605(2), (4)(d), (5), and (9)(b)(v) amended October 21, 2011]

[Rule 605(4)(c) amended June 21, 2012]

[Rule 605(4) amended to include new category called "pro bono members" April 25, 2013]

[Rule 605(4)(d) amended to include Canadian Legal Advisors; Rule 605(4)(e) amended; Rule 605(5) deleted to remove exemption for members not resident in Sask., thereby changing the numbering; 605(9) amended, February 13, 2015]

[Rule 605(4)(b) amended June 16, 2017]

[Rule 605(A) 1 – 4 deleted June 24, 2011]

**Condition of Practice**

606. Unless exempted by these Rules, payment of all insurance premiums, surcharges and deductibles is a condition of the practice of law in Saskatchewan.

[Rule 606 added April 15, 1994]

**Liability Insurance Coverage**

607. A member who becomes disqualified under Rule 168 or 171 and who is reinstated as an active member prior to March 1 of the current practice year is deemed to have been insured, while a disqualified member, for errors or omissions occurring before the member became or while the member was disqualified.

[Rule 607 added, November 1, 2014]

[next rule is Rule 700]

## PART 11

### Special Fund

#### Annual Assessment

700. Every member shall, in each year by the date set in Rule 800(1), pay to the Society an annual assessment for the Special Fund in the amount fixed by the Benchers.

#### Special Assessments

701. (1) The Benchers may, where they determine that there are insufficient funds in the Special Fund to pay the expenses authorized under Rule 703 or to reimburse claimants under Rule 708, make a special assessment on members of the Society.

(2) Every member shall, by the date fixed by the Benchers, pay a special assessment fixed by the Benchers under subrule (1).

#### Investment of Fund and Proceeds

702. (1) Funds received by the Society under Rules 700 and 701 shall be deposited into the Special Fund account maintained by the Society under section 12(5) of the *Act*.

(2) The Society may invest the Special Fund and its proceeds in any securities authorized under subsection 3(5) of the *Act*.

[Rule 702(2) amended December 7, 2007]

#### Payment of Expenses

703. The Executive Director may authorize payment out of the Special Fund for expenses incurred:
- (a) in administering the Special Fund;
  - (b) in investigating claims against the Special Fund, including the audit of the books, records and accounts of a member or former member;
  - (c) arising out of the appointment of a trustee under section 61 of the *Act*;
  - (d) in improving members' records and accounting procedures; and
  - (e) in any other matter relating to the protection and maintenance of the Special Fund.

[Rule 703 amended December 7, 2007]

#### Application for Compensation

704. (1) An application for compensation from the Special Fund shall be made in writing, addressed to the Executive Director.

(2) The Executive Director shall, upon receipt of an application under subrule (1), appoint a Claims Investigation Committee consisting of one or more members of the Society to investigate the claim.

[Rule 704(1) and (2) amended December 7, 2007]

#### Procedure for Investigation

705. (1) A Claims Investigation Committee may:
- (a) make such inquiries of the claimant, the member or former member in respect of whom the claim is made and any other person as it considers desirable;
  - (b) require the claimant to provide the Claims Investigation Committee with information and documents relating to the claim, which the Committee reasonably requires;
  - (c) in its discretion, order an oral hearing under Rule 706; and
  - (d) notify the public of the date by which all applications for compensation from the Special Fund respecting claims against a specified member or former member must be made.
- (2) A Claims Investigation Committee may postpone its investigation of a claim pending:
- (a) final disposition of any disciplinary action, including judicial review or an appeal, taken against or by the member or former member in respect of whom the claim is made;