



Rules

of

The Law Society of Saskatchewan

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Law Society of Saskatchewan Law Society Rules

[September 12th, 1991]

PART 1

Definitions

Definitions

1. (1) In these Rules:

“**Act**” means *The Legal Profession Act, 1990*, S. Sask 1991, c. L-10.1;

“**disbarment**” means a penalty imposed by the Discipline Committee which consists of the striking of the member’s name from the roll of members and the removal of all rights and privileges in the membership;

“**Executive Director**” means either the Executive Director, and unless otherwise specified, the Deputy Director;

“**firm**” means firm pursuant to section 2(1)(f.1) of *The Legal Profession Act, 1990*;

“**mail**” means delivery to a member by ordinary mail, prepaid courier, facsimile or electronic mail;

“**meeting of the Benchers**” means a meeting of the Benchers in convocation;

“**member**” means member pursuant to section 2(1)(h) of *The Legal Profession Act, 1990*;

“**resignation in the face of discipline**” means a resignation accepted by the Conduct Investigation Committee pursuant to Rule 400(4) or section 53(3)(a)(vii) of *The Legal Profession Act, 1990* and is deemed to be equivalent to disbarment;

“**resignation instead of continued proceedings**” means a resignation accepted by the Conduct Investigation Committee or Chair of the Professional Standards Committee pursuant to Rule 400.1;

“**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;

“**section**” means a section of the *Act*; and

“**simple resignation**” means resignation pursuant to section 27 of *The Legal Profession Act, 1990*.

(2) A member of the Society who practices law in Lloydminster, Alberta or Flin Flon, Manitoba shall be deemed, for the purposes of these Rules, to be practising law in Saskatchewan.

(3) A member of the Society who is suspended or disqualified under the Act or these Rules is not, while suspended or disqualified, in good standing.

[Rule 1 amended December 10, 1992]

[Rule 1 amended October, 2003]

[Rule 1(1) “Executive Director” amended December 7, 2007]

[Rule 1(1) definition “mail” added June 11, 2009]

[Rule 1(1) “disbarment” and “resignation in the face of discipline” amended;

“resignation instead of continued proceedings” added April 14, 2011]

[Rule 1(1) “firm” and “member” definitions added May 2, 2014, effective July 1, 2014]

[Rule 1(1) “Rule or Subrule” definition amended February 13, 2015]

[next rule is Rule 5]

PART 2

Law Society Administration

Head Office

5. The head office of the Society shall be in the City of Regina.

Seal of the Society

6. (1) The Society shall have a common seal;
 (2) The seal of the Society shall remain in the custody of the Executive Director;
 (3) A document to which the seal of the Society has been affixed shall:
 (a) subject to (b), be signed by any two of the following:
 (i) the President;
 (ii) the Executive Director;
 (iii) a Bencher described in section 6(2)(a) to (c) of the *Act* who was authorized by the Benchers to sign the document;
 (iv) a person who was authorized by the President to sign the document; or
 (b) in the case of a certificate or a document which certifies true copies of any document or resolution, be signed by any one of the persons described in (a).
 (4) A document which is otherwise valid is not rendered invalid by a failure to comply with this Rule.

Officers of the Society

7. (1) The Benchers may designate the offices of the Society, appoint as officers persons of full capacity, specify their duties and delegate to them powers to manage the business and affairs of the Society.
 (2) A Bencher may be appointed to any office of the Society.
 (3) Two or more offices of the Society may be held by the same person.
 (4) The President and Executive Director acting together may designate any person to perform any of the duties assigned to an officer in these Rules, unless the context indicates otherwise.

Fiscal Year

8. The fiscal year of the Society is the calendar year.

Auditors

9. (1) The Benchers shall, in each year, appoint an auditor to audit the accounts of the Society.
 (2) A Bencher or an employee of the Society shall not be appointed as an auditor.
 (3) The auditor shall at all times have access to every record of the Society and is entitled to require from the Benchers, officers and employees of the Society information and explanation that the auditor considers necessary in order to prepare the report.

Signing Authority

10. The Benchers may, by resolution, designate the persons who have signing authority on behalf of the Society.

Appointment of Representative to other Organization

11. The Benchers may appoint a person to represent the Society at a meeting of another organization.

[next rule is Rule 15]

PART 3

Elections

A. Election of Benchers

Division of Saskatchewan into Electoral Divisions

15. (1) For the purpose of the election of Benchers, the Province shall be divided into 9 divisions, namely:

- (a) the Regina City Electoral Division, from which there shall be elected not less than 5 Benchers;
- (b) the South East Electoral Division, from which there shall be elected not less than 1 Bencher;
- (c) the Saskatoon City Electoral Division, from which there shall be elected not less than 5 Benchers;
- (d) the Central Electoral Division, from which there shall be elected not less than 1 Bencher;
- (e) the South West Electoral Division, from which there shall be elected not less than 1 Bencher;
- (f) the North West Electoral Division, from which there shall be elected not less than 1 Bencher;
- (g) the North East Electoral Division, from which there shall be elected not less than 1 Bencher;
- (h) the Prince Albert City Electoral Division, from which there shall be elected not less than 1 Bencher; and
- (i) the East Central Electoral Division, from which there shall be elected not less than 1 Bencher.

(2) The boundary of each electoral division is as described in Schedule 2 to these Rules.

(3) The total number of Benchers, the number of boundaries of the divisions and the number of Benchers to be elected from each division may, subject to section 6 of the *Act*, be changed by a Rule made by the Benchers pursuant to:

- (a) a resolution of the Society passed by not less than 2/3 of the members present at a general meeting of which written notice embodying the proposed change has been given to the members; or
- (b) an affirmative vote of 2/3 of those members voting in a referendum respecting the proposed change.

(4) Where, as a result of a rule made under subrule (3), an additional Bencher is to be elected from a division, the Benchers may appoint a member of the Society eligible to be a candidate for election as Bencher from that division to be the additional Bencher, and the member appointed shall hold office until the next election for the office of Bencher.

[Rules 15(1)(b) amended April 14, 1994]
[Rules 15(1)(d), (e), (f), (g), (h) and (i) amended July 23, 1997]

Election Date

16. The election of Benchers shall close on November 4, 1991 and on November 15 of each third year thereafter.

[Rule 16 amended June 21, 2012]

Qualification as candidate

17. (1) To qualify to be nominated as a candidate for election as a Bencher, a member must:
- (a) meet the eligibility criteria described in section 17 of the Act, and
 - (b) maintain his or her principal place of practice or employment, or if retired, reside within the division in which the member seeks to be a candidate.
- (2) Pursuant to section 10(a.2)(iv) of the Act, a member who is the Vice-President in an election year shall be deemed to be elected as a Bencher for the Electoral Division where the member is eligible to be nominated as prescribed in Rule 15 and subrule 3.
- (3) A person who has served as a Bencher is eligible as a candidate for re-election as a Bencher, but no person is eligible to be elected for more than two consecutive terms.

[Rule 18 Scrutineers deleted in its entirety June 21, 2012]

Nomination of Candidates

19. The nomination of a candidate for election as a Bencher is valid only if:
- (a) it is in writing, signed by at least 2 members in good standing who maintain their principal places of practice or employment, or if inactive or retired their residence, within the division in which the member seeks to be a candidate;
 - (b) the member who seeks to be the candidate consents in writing to the nomination; and
 - (c) the nomination and consent are received by the Executive Director by October 4 before the election is to take place.

Acclamation

20. In a division where the number of candidates nominated does not exceed the number to be elected, the Executive Director shall declare that those nominated are elected as Benchers for that division.

Voter List

21. (1) The Executive Director shall, by September 15 preceding the election of Benchers:
- (a) prepare an alphabetical voter list of members who are entitled to vote in each electoral division from the membership database;
 - (b) post the voter lists on the Law Society website; and
 - (c) give notice to the membership that the voters lists have been posted.
- (2) A member who is not in good standing is not entitled to vote in an election of Benchers.
- (3) A member who resides in Saskatchewan may vote only for the candidates nominated in the division in which his or her principal place of practice or employment, or subject to subrule (4) if inactive or retired, residence is maintained.
- (4) An inactive or retired member or a member who does not reside in Saskatchewan who, before the date specified in subrule (1)(a) notifies the Society in writing of the division in which he or she wishes to vote, may vote for candidates nominated in that division.
- (5) Each member is responsible to determine if his or her name is on the voters list in the correct electoral division.

[Rule 21(4) amended March 27, 1992]

[Rule 21 amended December, 2001]

[Rule 21(1)(a) and (b) amended, (c) added; Rule 21(5) added June 21, 2012]

Error in Voter List

22. (1) A member who reasonably believes that a voter list improperly includes or omits a name or contains an error respecting the division in which a member is entitled to vote may, before the election, report the error to the Executive Director.
- (2) The Executive Director shall promptly investigate a report made under subrule (1), and shall correct any error which exists.
- (3) A member who is not satisfied with the action taken by the Executive Director may apply in writing to the Executive Committee for a review.

- (4) The Executive Committee shall promptly review an application made under subrule (3), and may:
- (a) confirm the decision made by the Executive Director; or
 - (b) order that the voter list be corrected as the Committee directs.

Entitlement to Vote

23. Only those members whose names appear on a voter list prepared under Rule 21 or corrected under Rule 22 are entitled to vote in an election for Benchers.

[Rule 23 amended June 21, 2012]

Voting Procedure

24. (1) Electronic processes, including the internet, online voting and databases may be used for:
- (a) circulating election notices, forms, ballots, documents and other materials;
 - (b) voting; and
 - (c) counting and recording the votes.
- (2) The Executive Director shall recommend for approval by the Benchers, the procedures by which an election is conducted.
- (3) The election process should promote free and fair elections including the following principles:
- (a) secret ballot;
 - (b) an audit function sufficient for the investigation of election irregularities;
 - (c) security measures to reduce the risk of election fraud;
 - (d) security measures for the confidential preservation of election information; and
 - (e) accessibility for members.
- (4) Not less than two weeks prior to the election date, the Executive Director shall cause to be prepared and distributed to each member whose name is on the voter list:
- (a) a ballot;
 - (b) voting instructions in accordance with the procedures approved pursuant to subrule (3); and
 - (c) a declaration.
- (5) The accidental omission to provide the material referred to in subrule (3) to any member or the non-receipt of the material does not invalidate an election.
- (6) A member who votes:
- (a) shall vote in accordance with the instructions and procedures established by the Executive Director;
 - (b) may vote for any number of candidates up to the number to be elected in the division in which he or she is entitled to vote; and
 - (c) shall vote before November 15 of the election year.

[Rule 24 amended in its entirety June 21, 2012]

Rejection of Ballot Papers

25. (1) A ballot which:
- (a) was not cast in accordance with the instructions circulated by the Executive Director;
 - (b) was cast by someone other than the member who was assigned the login name and password used to cast the ballot; or
 - (c) is received by the Executive Director on or after November 15
- shall be rejected.
- (2) A vote:
- (a) for a person other than a candidate whose name appears on the ballot paper as printed by the Society;
 - (b) which is ambiguous or unclear as to the candidate voted for
- is void.

[Rule 25(1)(d) and Rule 25(2)(b) amended March 27, 1992]

[Rule 25(1) amended in its entirety June 21, 2012]

Counting of Votes

26. On the next business day following the deadline for casting election ballots, the Executive Director shall cause the votes for each candidate to be counted and recorded.

[Rule 26 amended in its entirety June 21, 2012]

Declaration of Candidates Elected

27. (1) Subject to 17(2) the Executive Director shall declare elected the candidate or candidates who receive the greatest number of votes, up to the number of Benchers to be elected in each division.

(2) Where not all candidates who are to be elected in a district can be determined because of an equality of votes, the Executive Director shall:

- (a) write the name of each candidate whose election cannot be determined on identical cards;
- (b) place all the cards into a ballot box;
- (c) draw from the ballot box by chance the number of cards necessary to make up the required number of Benchers from that division; and
- (d) declare elected the candidate or candidates named on the card or cards drawn.

[Rule 27(2) deleted and item (3) amended to read item (2) June 21, 2012]

[Rule 28 Attendance of Candidate deleted in its entirety June 21, 2012]

Election Record and Disclosure of Votes Received

29. (1) The Executive Director shall keep a record of election data for at least one year.

(2) At the request of any candidate, the Executive Director shall disclose election information from that candidate's electoral division, including:

- (a) the number of votes received by each candidate;
- (b) the voter list;
- (c) the identity of the members who cast a vote; and
- (d) such other information that, in the Executive Director's discretion, does not violate the principles of a free and fair election.

[Rule 29 amended in its entirety June 21, 2012]

Review by Executive Committee

30. (1) A candidate who is not elected under these Rules and who alleges that he or she should have been elected in place of a candidate who was elected may, not more than 10 days after the election date, apply in writing to the Executive Committee for a review of the election in that division.

(2) The Executive Committee shall appoint not less than 2 other members of the Society who are not Benchers or employees of the Society (together, "the Review Committee"), to review the election in that division.

- (3) The Review Committee shall promptly review the election in that division and shall:
 - (a) confirm the declaration made by the Executive Director;
 - (b) declare that the applicant or another candidate is elected in place of the candidate declared by the Executive Director to be elected under Rule 27; or
 - (c) order that a new election be held in that division, and give directions for it.
- (4) The decision of the Review Committee under subrule (3) is final.

[Rule 30(2) added; (3) and (4) amended June 21, 2012]

[Rule 31 Retention of Documents deleted in its entirety June 21, 2012]

New Lawyer Bencher

Definition

32. (1) “**New Lawyer**” means a member of the Law Society of Saskatchewan who, at the date of the election, has been admitted to the practice of law in any jurisdiction cumulatively for fewer than 10 years.

New Lawyer Bencher

(2) One New Lawyer shall be elected as a Bencher.

Electoral Division

(3) Notwithstanding Rule 15, the electoral division for the election of the New Lawyer Bencher will be the Province of Saskatchewan.

Qualification of Candidate

(4) Notwithstanding Rule 17, to qualify to be nominated for election as a New Lawyer Bencher the member must:

- (a) Maintain his or her principal place of practice or employment in the Province of Saskatchewan;
- (b) Be a New Lawyer on the date of the first term election; and
- (c) Not be nominated for election in any other electoral district.

Nomination of Candidate

(5) Notwithstanding Rule 19, the nomination of a New Lawyer Bencher is valid only if it is in writing and signed by at least 2 members in good standing who, at the time of the nomination, are New Lawyers.

Entitlement to Vote

(6) Notwithstanding Rule 21(3), a New Lawyer shall be entitled to vote for both a New Lawyer Bencher and any other candidate running in the member’s electoral division.

General Election Procedures

(7) The general election procedures in Rules 15 through 31 shall apply *mutatis mutandis*.

[Rule 32 added August 13, 2009]

[Rule 32(4)(c) added; Voters List (6) deleted in its entirety; Entitlement to Vote amended and re-numbered (6); General Election Procedures re-numbered (7) June 21, 2012]

[Next Rule is 41]

B. Election of President

Election Date

41. The Benchers shall hold election for the President at the last Convocation of each year.

[Rule 41 amended September 17, 2009]

Qualification as Candidate

42. To qualify as a candidate for President, a person must be a Bencher as described in section 6(2)(a) to (c) of the *Act*.

Acclamation

43. Where only one person stands for election, that person shall be declared President-elect of the Society.

Entitlement to Vote

44. A Bencher described in section 6(2)(a) to (c) of the *Act* is entitled to vote in the election for President.

Scrutineers

45. (1) The Executive Director and one other employee of the Society appointed by the Executive Director shall act as scrutineers of the election.

(2) The failure of one scrutineer to attend at the election does not prevent the votes from being counted at that time and place.

(3) The scrutineers shall:

(a) ensure that all votes are counted in accordance with the *Act* and these Rules; and

(b) decide whether a vote is void or a ballot paper is rejected, in which case their decision is final.

Voting Procedure

46. (1) The election for President shall be held by secret ballot.

(2) The Executive Director shall supervise the counting of votes.

(3) A ballot paper which contains a marking which could identify the voter shall be rejected.

(4) A vote which is ambiguous or unclear as to the candidate voted for is void.

(5) Valid ballot papers shall have all votes which are not void counted and recorded.

(6) In an election with 2 candidates, the candidate who receives a majority of votes is elected.

(7) In an election with 3 or more candidates, an alternative vote ballot shall be used in which voters may declare their preference for candidates, and the ballots shall be counted according to the following procedure:

(a) on the first round, each voter's first preference shall be recorded in favour of the candidate preferred;

(b) on the second round, the candidate who received the least votes on the first round is eliminated and that candidate's first round ballots are distributed among the remaining candidates according to those voters' second preferences;

(c) on each subsequent round, the candidate who received the least votes in the preceding round is eliminated, and that candidate's ballots are distributed among the remaining candidates according to those voters' next preferences;

(d) the first candidate to receive a majority of votes is elected.

Declaration of Candidate Elected

47. (1) The Executive Director shall declare elected the candidate who receives a majority of votes under subrule 46(6) or (7).

(2) Where the candidate elected cannot be determined because of an equality of votes, the Executive Director shall, unless the Benchers otherwise direct, follow the procedure describe in subrule 27(3), with the necessary changes and so far as that procedure is applicable.

Term of Office

48. The President shall serve for a term of one year, commencing on the date set by the Benchers.

Vacancy

49. If the President-elect fails to take office or vacates the office before the term expires, the Benchers may:

(a) appoint the Vice-President as President, to complete the unexpired term; or

(b) order that an election be held for the office of President, in which case Rules 42 to 47 apply.

[next rule is Rule 60]

C. Election of Vice-President

Election Date

60. (1) The election for Vice-President shall be held at the meeting of the Benchers at which the election for President is held.

(2) The election for Vice-President shall take place after the election for President.

Procedure

61. Rules 42 to 47 apply to the election for the Vice-President, with the necessary changes and so far as they are applicable.

Vacancy

62. If the Vice-President elect fails to take office or vacates the office before the term expires, the Benchers shall hold an election for a successor, in which case Rules 42 to 47 apply, with the necessary changes and so far as they are applicable.

[next rule is Rule 65]

D. General

Date falling on Saturday, Sunday or other Holiday

65. Where the time for doing an act in this Part falls or expires on a day when the administration office of the Society is not open during regular business hours, the time is extended to the next day that the office is open.

Interruption of Web Service

66. If an interruption of web service makes it impracticable to conduct an election according to the schedule set by this Part, the Executive Committee may:

- (a) postpone the election;
- (b) extend the time for doing of an act; or
- (c) make special arrangements for the delivery and receipt of notices and ballots.

[Rule 66 amended June 21, 2012]

Extension of Dates

67. The Executive Committee may, on application by the Executive Director, extend any date stated in this Part.

[next rule is Rule 80]

PART 4

Meetings of the Society

Annual General Meeting

80. (1) The annual general meeting of the Society shall take place each year at the time and place set by the Benchers.

(2) Unless the Benchers otherwise direct, the annual general meeting shall be held in Saskatchewan.

(3) The Executive Director shall mail to every member of the Society, at least 21 days before the date set for the annual general meeting:

- (a) written notice of the date, time and place of the meeting;
- (b) copies of any resolutions received by the Executive Director under Rule 82;
- (c) notice that the audited financial statement of the Society's most recently completed fiscal year and a report of the Society's proceedings since the last annual report are available to every member; and
- (d) information as to how to obtain copies of the audited financial statement and the annual report.

(4) The accidental omission to give notice of the meeting to any member or the non-receipt of the notice, does not invalidate anything done at the meeting.

[Rule 80(3) amended April 22, 1999]

Special General Meeting

81. (1) A special general meeting of the Society shall take place in Saskatchewan at the time and place set by the Benchers.

(2) The Benchers shall convene a special general meeting of the Society on the written request of 50 members of the Society that:

- (a) is delivered to the Executive Director; and
- (b) states the nature of the business that is proposed to be considered at the meeting.

(3) A special general meeting convened under subrule (2) shall be held not more than 60 days after the Executive Director receives the request.

(4) The Executive Director shall mail to every member of the Society, at least 21 days before the date set for a special general meeting:

- (a) written notice of the date, time and place of the meeting;
- (b) an agenda of the business to be considered at the meeting; and
- (c) any resolutions received by the Executive Director under Rule 82.

(5) The accidental omission to give notice of the meeting to any member or the non-receipt of the notice, does not invalidate anything done at the meeting.

(6) No business other than the business stated in the agenda referred to in subrule (4)(b) shall be considered at a special general meeting, unless at least two-thirds of those present at the meeting, and eligible to vote, vote in favour of considering that other business.

Resolutions

82. Any member of the Society may, at least 30 days before the date set for a general meeting of the Society, deliver to the Executive Director a resolution which:

- (a) is in writing; and
- (b) states the subject matter of the resolution in sufficient detail to permit members to form a reasoned judgment about it.

Procedure at General Meetings

83. (1) A member of the Society is entitled to be present and speak at a general meeting.
- (2) The Chairperson of the general meeting may allow a person who is not a member of the Society to:
- (a) be present at a general meeting; or
 - (b) be present and speak at a general meeting.
- (3) Subject to subrule (4), the President or Vice-President or in the absence of both of them, one of the other Benchers present, shall preside at a general meeting.
- (4) If at a general meeting:
- (a) no Bencher is present 30 minutes after the time appointed for holding the meeting, or
 - (b) all Benchers present are unwilling to act as Chairperson;
- the members present shall choose one of their number to be Chairperson.
- (5) At a general meeting, 30 members in good standing present at the meeting constitute a quorum.
- (6) At the commencement of the meeting the Chairperson shall declare whether or not a quorum is present.
- (7) If 30 minutes after the time appointed for a general meeting a quorum is not present, the meeting:
- (a) if convened on the written request of members, shall be terminated; or
 - (b) in any other case may, as determined by the Chairperson, stand adjourned to a place and time within one week.
- (8) No business, other than the election of a Chairperson and the adjournment or termination of the meeting, shall be commenced unless and until a quorum is present.
- (9) If the Chairperson has declared that a quorum is present, a quorum shall be deemed to remain present until a member present at the meeting challenges the existence of a quorum.
- (10) The Chairperson shall set the agenda for a general meeting.
- (11) A member may, with the unanimous consent of all members present at and entitled to vote at the meeting, introduce a resolution which was not mailed to the membership under Rules 80 or 81.
- (12) If a dispute which is not provided for in the *Act* or these Rules arises concerning the procedure to be followed at a general meeting, the matter shall be resolved by the Chairperson.
- (13) When a decision of the Chairperson is appealed, the members present shall, without debate, vote on whether they are in favour of or opposed to sustaining the Chairperson's decision.
- (14) A member of the Society in good standing who is present at a general meeting is entitled to one vote.
- (15) Voting at a general meeting shall be by show of hands, unless the Chairperson orders a secret ballot.
- (16) A member is not entitled to vote by proxy.
- (17) A general meeting may be adjourned from time to time and from place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- (18) The Benchers may conduct a general meeting by joining together two or more locations by telephone or by any other means of communication which permits all persons participating in and entitled to vote at the meeting to hear each other, and in that case:
- (a) the Executive Director may appoint a member to act as local Chairperson of a joined location; and
 - (b) a person participating in such a meeting is, for the purpose of this Rule, present at the meeting.

[next rule is Rule 90]

PART 5

Bencher Meetings

Time and Place

90. (1) Meetings of the Benchers shall be held at the places and times set by the Benchers.
- (2) Every meeting of the Benchers shall, unless the Benchers otherwise direct, be held in Saskatchewan.
- (3) The Executive Director shall notify the Benchers of the date, time and place of the next meeting of the Benchers or of an adjourned meeting of the Benchers.
- (4) The Executive Director shall, if instructed by the President, change the date, time or place of the next meeting of the Benchers or of an adjourned meeting of the Benchers, and amend the notification accordingly.
- (5) The Executive Director's notification under subrule (3) shall be given at least 48 hours before the meeting, or within such lesser time as is reasonable in the circumstances.

Special Meetings of the Benchers

91. (1) A special meeting of the Benchers may be called by:
- (a) the President; or
 - (b) any 3 Benchers, upon written notice to the Executive Director.
- (2) The Executive Director shall notify the Benchers of the date, time and place of the special meeting of the Benchers which, in the case of a meeting called by any 3 Benchers, shall be within 10 days after the Executive Director received the notice.
- (3) The Executive Director's notification under subrule (2):
- (a) shall be given at least 5 days before the meeting, or within such lesser time as is reasonable in the circumstances; and
 - (b) shall state the nature of the business that is proposed to be considered at the meeting.
- (4) No business other than the business stated in the notification referred to in subrule (3) shall be considered at a special meeting of the Benchers, unless at least two-thirds of those present at the meeting vote in favour of considering that other business.
- (5) A Bencher may, with the unanimous consent of all Benchers present at the meeting, introduce a resolution which was not sent to the Benchers with the notification of the meeting.

Procedure at Meetings of the Benchers

92. (1) The President, or in his or her absence or at his or her request the Vice-President, shall preside as Chairperson of a meeting of the Benchers.
- (2) In the absence of the President and Vice-President, the Benchers present shall choose one of their number to be Chairperson.
- (3) At a meeting of the Benchers, 10 Benchers present at the meeting constitute a quorum.
- (4) If 30 minutes after the time appointed for a meeting of the Benchers a quorum is not present, the meeting may, as determined by the Chairperson, stand adjourned to a date, time and place set by the Chairperson.
- (5) At a meeting of the Benchers, business other than the election of a Chairperson and the adjournment of the meeting shall:
- (a) not be commenced unless and until a quorum is present; and
 - (b) where a quorum ceases to be present, be suspended and not resumed unless and until a quorum is present.
- (6) The Chairperson shall set the agenda for a meeting of the Benchers.
- (7) If a dispute which is not provided for in the *Act* or these Rules arises concerning the procedure to be followed at a meeting of the Benchers, the matter shall be resolved by the Chairperson.
- (8) When a decision of the Chairperson is appealed, the Benchers present shall, without debate, vote on whether they are in favour of or opposed to sustaining the Chairperson's decision.
- (9) A Bencher who is present at a meeting of the Benchers is entitled to one vote.
- (10) Voting at a meeting of the Benchers shall be by show of hands or in accordance with subrule (15), unless the Chairperson orders a secret ballot.

- (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 prior to December 31, 2017.

(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.

[Rule 150(9) amended December 1, 2017]

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;

- (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]

Supervision by the Courts

155. (1) A Student-at-law may serve articles to a Justice of the Saskatchewan Court of Appeal, the Saskatchewan Court of Queen's Bench, the Supreme Court of Canada or any Federal Court of Canada or a Judge of the Provincial Court of Saskatchewan.

(2) A Student-at-law articulated to a court shall serve for not less than 2 months to a member approved as a principal pursuant to Rule 152.

(3) The rules applying to Students-at-law and principals apply to Students-at-law articling with a court, subject to any necessary modifications.

Transfer into Saskatchewan as a Student-at-Law

156. A student-at-law from another Canadian Province or Territory seeking to transfer into Saskatchewan must:

- (a) apply to be admitted as a Student-at-law pursuant to Rule 151; and
- (b) comply with all other Rules under this Part.

Secondment of Articles

157. A principal may permit a Student-at-law to work in the office of another member approved to act as a principal pursuant to Rules 152, or to a court pursuant to Rule 155(1), for a total of 2 months during the Student-at-law's articling term.

Assignment of Articles

158. (1) The articles of a Student-at-law may be assigned from one principal to another principal (hereinafter referred to as the "**Assignee Principal**"), provided that:

- (a) the Assignee Principal is approved by the Executive Director pursuant to Rules 152 and 176;
- (b) the Student-at-law, the principal and the Assignee Principal execute and file an assignment of articles in a form approved by the Committee; and
- (c) the articling assignment fee (as set out in Schedule 1 following Part 12 of these Rules) is paid.

(2) The Executive Director may require the Assignee Principal and Student-at-law to submit a revised education plan for approval.

[Rule 158(1)(c) amended February 19, 2016]

Bar Admission Program

159. (1) A Student-at-law must apply for admission to the Bar Admission Program (the "**Program**") at least 60 days before the commencement of the Program, by submitting:

- (a) the application form for registration in the Program;
- (b) the Bar Admission Program fee as set out in Schedule 1 following Part 12 of these Rules.

(2) A Student-at-law may apply to the Executive Director to extend the deadline for application into the Program.

(3) To successfully complete the Program, Students-at-law must:

- (a) demonstrate competency in all mandatory assignments and competency evaluations including supplemental assignments, competency evaluations and repeat modules, if any;
- (b) otherwise fulfill all of the requirements of the Program pursuant to the Program Handbook; and
- (c) comply with the policies set from time to time by the Society regarding administration of the Program.

(4) A Student-at-law who receives a grade of “competency not yet demonstrated” on a mandatory assignment, competency evaluation, supplemental assignment, or supplemental competency evaluation may apply for a re-read in accordance with the Program Handbook.

(5) A Student-at-law who has obtained a grade of “competency not yet demonstrated” or “incomplete” on a mandatory assignment or competency evaluation may attempt to demonstrate competency in that area by completing a supplemental assignment or competency evaluation or by repeating a module, as the case may be, subject to the limitations in Rule 159.1(1).

(6) Subject to the limitations in Rule 159.1(2), a Student-at-law who has not demonstrated competency in all mandatory assignments and competency evaluations may repeat up to a maximum of three individual CPLED modules, otherwise, the Student-at-law must repeat the entire Program. Repetition of any module of the Program constitutes a second attempt at the Program.

(7) The Executive Director may, upon application, approve a Student-at-law’s absence from a face-to-face session or online portion of the Program.

(8) Students-at-law are expected to conduct themselves according to the standards of the profession during the Program. The Executive Director has discretion to deal with misconduct by:

- (a) placing conditions on a Student-at-law’s attendance in the Program;
- (b) imposing academic sanctions; or
- (c) suspending a Student-at-law from the Program.

(9) The Student-at-law may appeal a suspension imposed by the Executive Director to a Hearing Panel, in which case a Hearing will be conducted pursuant to Rules 178-188.

(10) Students-at-law are expected to commence articles prior to participating in the Program.

(11) Any Student-at-law who has not commenced articles upon completion of 5 modules of the Program shall discontinue the Program.

Limitations

159.1 (1) Notwithstanding Rule 159(5):

- (a) the maximum number of supplemental attempts on mandatory assignments is one supplemental per assignment;
- (b) the maximum number of supplemental attempts on competency evaluations is one supplemental per competency evaluation; and
- (c) the maximum number of supplemental attempts for all competency evaluations combined is a total of three;

subject to any right the Student-at-law may have to repeat the Program.

(2) A Student-at-law who has not successfully completed the Program after attempting to do so a second time:

- (a) is deemed to have demonstrated incompetence;
- (b) may not further repeat the Program; and
- (c) will have their registration as a Student-at-law terminated.

[Rule 159(1)(b) amended February 19, 2016]

[Rule 159(3)(a) & (b) amended; (4) – (6) added; (7) deleted; changing the numbering sequence; Rule 159.1(1) and (2) *Limitations* added, February 9, 2018]

Services Performed by Students-at-Law

160. (1) Subject to the *Act*, the *Queen’s Bench Rules of Court*, the *Criminal Code of Canada*, and subrule (2), a Student-at-law may perform any legal service that the principal:

- (a) is personally competent to perform;
- (b) supervises, to the extent necessary in the circumstances; and
- (c) is satisfied that the Student-at-law is, because of the principal’s supervision, competent to perform.

(2) A Student-at-law shall not give or accept a professional undertaking.

C. Lawyers

Admission as a Lawyer Following the Bar Admission Program

161. (1) A Student-at-law applying for admission as a Lawyer must:
- (a) satisfactorily complete:
 - (i) the articling term;
 - (ii) the Program; and
 - (b) deliver to the Executive Director:
 - (i) an application for admission as a Lawyer in a form approved by the Committee and pursuant to Rule 176;
 - (ii) a principal's affidavit in a form approved by the Committee;
 - (iii) an affidavit of Program attendance;
 - (iv) the oath of office;
 - (v) the lawyer admission application fee as set out in Schedule 1 following Part 12 of these Rules; and
 - (vi) any other information and documents required by the *Act* or these Rules, or requested by the Executive Director.

[Rule 161(1)(b)(v) amended February 19, 2016]

Formal Admission

162. (1) A person who has been approved for admission under Rules 161 and 206 shall, within 6 months from the date of approval:
- (a) deliver to the Executive Director the lawyer enrollment fee or the admission on transfer enrollment fee (as applicable), as set out in Schedule 1 following Part 12 of these Rules, and the following annual fees and insurance fees:
 - (i) one twelfth of the annual fee payable under Rule 800, times the number of months remaining in the year, including the month that the person is admitted as a lawyer; and
 - (ii) one twelfth of the liability insurance assessment payable under Rule 605, times the number of months remaining in the policy year, including the month that the person is admitted as a lawyer; and
 - (b) at a date, time and place specified by the Executive Director:
 - (i) sign the Law Society Roll; and
 - (ii) take an oath or affirmation in a form approved by the Benchers.
- (2) Each person who has complied with subrule (1) is thereby admitted to membership in the Society as a Lawyer and shall have their name entered on the Law Society Roll.
- (3) Upon the expiration of the time referred to in subrule (1), the Executive Director may:
- (a) upon application, extend the time to comply with subrule (1); or
 - (b) require the person to submit a new application for admission.

[Rule 162(1)(a) amended, (i) and (ii) added February 19, 2016]

Law Professor Members

163. (1) An Active Member who is a tenured or tenure-track member of the University of Saskatchewan College of Law may apply for a change of status to a Law Professor Member.
- (2) An applicant under this Rule must deliver to the Executive Director:
 - (a) an application for change of status in a form approved by the Committee;
 - (b) an undertaking, satisfactory to the Executive Director, to only engage in the practise of law in a limited manner, including a description of their practice ("**Undertaking**"); and
 - (c) any other information and documents required by the *Act* or these Rules, or requested by the Executive Director.
 - (3) A member may apply to be reinstated as a Law Professor Member by:
 - (a) submitting an application under Rule 175; and

- (b) delivering an Undertaking.
- (4) A member granted Law Professor Membership is entitled to practise in a limited manner consistent with the Undertaking required under subrule (2)(b).
- (5) A practising certificate shall be issued to a person admitted as a Law Professor Member, and each year upon receipt of an Undertaking, and shall be endorsed with the words "Law Professor Membership."
- (6) The membership of a person admitted under this Rule ceases:
 - (a) for the time during which the person is on leave from the University of Saskatchewan College of Law; or
 - (b) on the date that the person ceases to be a full-time tenured or tenure-track member of the University of Saskatchewan College of Law.

[Rule 163(2)(b) and (c), (4) and (6) amended February 19, 2016]

Pro Bono Member

- 164. (1) An Active Member may apply for a change of status to a Pro Bono Member.
- (2) A member may apply to be reinstated as a Pro Bono Member on the same terms and conditions as required under Rule 175 for reinstatement to Active Membership but will be exempt from the fee provided in Rule 175(2)(b).
- (3) All applications for Pro Bono Membership shall include an undertaking to restrict practice to legal services provided through pro bono organizations approved by the Society.
- (4) Each year Pro Bono Members are required to file the following:
 - (a) a letter from an approved pro bono agency, certifying that the Pro Bono Member continues to be actively serving the approved pro bono organization; and
 - (b) an Annual Practice Declaration.
- (5) Pro Bono Members are exempt from paying the annual fee, the annual insurance levy and any registration fees for Continuing Professional Development programs provided by the Society.

Senior Life Member

- 165. (1) *Repealed.*
- (2) Senior Life Members are not required to pay the annual fee applicable to their category of membership but have all of the remaining rights and duties of membership and may practise law if they maintain professional liability insurance pursuant to Rule 605 and otherwise comply with these Rules and the *Act*.

[Rule 165(1)(a) - (c) deleted, December 1, 2017]

D. Membership Duties

Practising Certificate

- 166. (1) A member requires a valid practising certificate to be entitled to practise.
- (2) The Executive Director shall, in respect of each practise year, issue a practising certificate to an Active Member who, before the commencement of that practise year:
 - (a) has paid the fees fixed under Rule 800;
 - (b) has filed an Annual Practice Declaration in a form approved by the Executive Director;
 - (c) has complied with the *Act*, these Rules and all requirements made under them; and
 - (d) is otherwise in good standing.
- (3) The practising certificate of a Disqualified or Suspended Member becomes invalid for the duration of the period of disqualification or suspension, as the case may be.

[Rule 166(2)(b) amended September 14, 2018]

Liability Insurance

167. Unless exempted by these Rules, payment of all insurance premiums, surcharges and deductibles pursuant to Rule 605 is a condition of the practice of law in Saskatchewan.

Continuing Professional Development Policy

168. (1) All members shall comply with the Continuing Professional Development Policy approved by the Committee (the “**CPD Policy**”).

(2) The Executive Director may, with respect to any member who fails to comply with the CPD Policy:

- (a) refer the member to Complaints Counsel;
- (b) disqualify the member; or
- (c) notify the member that he or she will be disqualified within 30 days, or such further period as may be determined by the Executive Director.

(3) A member who has been disqualified due to non-compliance with the CPD Policy may apply to the Executive Director for reinstatement by:

- (a) certifying compliance with the CPD Policy in a form approved by the Committee; and
- (b) submitting the fee required in Rule 871.

Notification of Proceedings

169. (1) A member, Student-at-law, applicant for admission or re-admission, or a lawyer practicing in Saskatchewan pursuant to Rules 192-204 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.

Contact Information

170. All members are required to keep information current in the Society database as follows:

- (a) place of work;
- (b) work address;
- (c) work phone; and
- (d) email address.

E. Disqualification, Resignation, Retirement, Inactive Membership and Reinstatement

Disqualification for Non-payment of Fees

171. (1) An Active or Inactive Member who fails to pay the applicable fee is disqualified from the rights and privileges accorded to membership.

(2) A member disqualified under this Rule may apply for reinstatement pursuant to Rule 175.

(3) Notwithstanding subrule (1) a Disqualified Member who is the subject of an investigation by an Investigation Committee or Complaints Counsel or has been named in a formal complaint which has not yet been before a Hearing Committee remains subject to any outstanding discipline matters.

Notification of Disqualification

172. The Executive Director shall, promptly after each January 1:
- (a) notify all Disqualified Members of their disqualification;
 - (b) give notification of those persons who have become Disqualified Members to:
 - (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 Master of Titles; and
 - (c) cause a notice to be published on the Society website identifying those persons who have become Disqualified Members.

Retired Member

173. (1) A member who is either:
- (a) at least 55 years of age and has been a member of the Society or the judiciary for not less than the 10 years immediately preceding the application; or
 - (b) permanently unable to practise law due to disability;
- may apply to the Executive Director, pursuant to Rule 174, to be designated a Retired Member.
- (2) Retired Members have all the rights and duties of membership in the Society except that they are not required to pay the annual fee and are not permitted to practise law.

Resignation, Retirement or Inactive Status

174. (1) An Active Member may apply to resign or become a Retired Member or an Inactive Member by filing the applicable form with the Executive Director.
- (2) The Executive Director may approve an application under this Rule subject to any condition, including subsequent reporting requirements on a matter mentioned in subrule (4).
- (3) A member applying under this Rule who is currently under investigation or aware of any potential complaint to the Society must advise the Executive Director. When the Executive Director is aware of any complaint or potential complaint, the member may be advised to apply for resignation under Rule 400(4) or 400.1, to be considered in accordance with the Part 8 Rules.
- (4) The Executive Director, in exercising the authority granted in subrule (2), shall consider whether:
- (a) the member has made adequate arrangements for clients, including management of:
 - (i) open and closed files;
 - (ii) wills and wills indices;
 - (iii) titles and other important documents and records;
 - (iv) other valuables;
 - (v) trust accounts and trust funds; and
 - (vi) other matters necessary for the protection of the public.
 - (b) the member is in arrears of payment to the Society or delinquent in filing any report, response or document required by the Society; and
 - (c) granting the application is inimical to the public interest or the members, or would harm the standing of the legal profession.

Reinstatement or Change in Membership Category

175. (1) This Rule applies to:
- (a) Former Members;
 - (b) Inactive Members;
 - (c) Retired Members;
 - (d) Law Professor Member;
 - (e) Pro Bono Member; and
 - (f) members disqualified pursuant to Rule 171.

- (2) A member may apply to the Executive Director for reinstatement in the Society or change in membership category in accordance with Rule 176 and by delivering:
- (a) the application form required by the Executive Director;
 - (b) the applicable fee as set out in Rule 850; and
 - (c) arrears, if any, of any fees payable to the Society and fulfillment of any obligation to the Society.
- (3) Where an applicant has not been actively practising law within the 5 years immediately preceding the application, there will be a rebuttable presumption that the applicant lacks competency.
- (4) An applicant under this rule who:
- (a) was a judge of the Supreme Court of Canada, the Federal Court of Canada, the Court of Appeal of Saskatchewan, the Saskatchewan Court of Queen's Bench, or the Provincial Court of Saskatchewan, shall give a written undertaking not to appear as counsel in a Court in the Province for 3 years after ceasing to be a judge; or
 - (b) served in an adjudicative capacity on an administrative tribunal shall give a written undertaking not to appear as counsel before that tribunal for 3 years after ceasing to be a member of that tribunal.

[Rule 175(2)(b) amended February 19, 2016]

F. Applications, Hearings and Appeals

Applications

176. (1) This section applies to the following applications in this Part of the Rules:
- (a) admission as a Student-at-law;
 - (b) admission as a Lawyer;
 - (c) admission as a transfer Lawyer;
 - (d) admission as a Canadian Legal Advisor;
 - (e) approval as a principal;
 - (f) reinstatement of a Former Member who was disbarred, resigned in the face of discipline pursuant to Rule 400(4) or resigned instead of continued proceedings pursuant to Rule 400.1; and
 - (g) all applications under Rule 175 other than those under subrule (1)(f).
- (2) In any application under this Part, applicants have the onus of proving that:
- (a) they are Suitable to Practise;
 - (b) they are competent to perform the required duties, as applicable; and
 - (c) granting the application would not be inimical to the public interest or the members and would not harm the standing of the legal professional generally.
- (3) All applications shall be submitted to the Executive Director who shall:
- (a) review the application;
 - (b) make any enquiries and investigations necessary into the applicant's competence and Suitability to Practise, including:
 - (i) the applicant's education and training;
 - (ii) the applicant's experience in the legal profession;
 - (iii) any temporal gaps in the applicant's education and practice experience;
 - (iv) notices of proceedings pursuant to Rule 169;
 - (v) notices of bankruptcy pursuant to Rule 1011;
 - (vi) involvement with the Society or any other professional regulatory body including, without limitation:
 - (A) Discipline Committee investigations and rulings;
 - (B) Professional Standards Committee investigations;
 - (C) Special Fund claims or processes;
 - (D) professional liability insurance claims;
 - (E) failure to pay monies owing to the Society;
 - (F) complaints against the member;
 - (G) general correspondence from the administration office;

- (vii) the applicant's place or proposed place of work or employment, including the type of work conducted and the involvement with the Society of members in that place of work or employment; and
 - (viii) any other relevant matter.
- (4) The Executive Director shall direct the Chair of the Committee to strike a Hearing Panel to hear and determine the application pursuant to Rules 178-188 for an application under subrule (1)(f).
- (5) The Executive Director may:
- (a) approve an application, except for applications under subrule (1)(f);
 - (b) approve an application under subrules (1)(a)-(e) and (g) with conditions;
 - (c) deny an application under subrule (1)(e) or (g), or any application that is incomplete; or
 - (d) direct the Chair of the Committee to strike a Hearing Panel to hear and determine the application pursuant to Rules 178-188.
- (6) An applicant under subrules (1)(a)-(e) and (g) may appeal the Executive Director's decision to approve the application with conditions or deny the application, as applicable.
- (7) Rules 177-188 apply to appeals under subrule (6).
- (8) Where an application has been approved with conditions or denied, the Executive Director shall promptly provide written reasons to the applicant and advise the applicant of the right of appeal where applicable.
- (9) Where an application has been referred to a Hearing Panel, the Executive Director shall promptly notify the applicant in writing.
- (10) Any procedural defect in an application may be waived by the Executive Director if it is not inimical to the public interest.

Hearing Panel

177. (1) All hearings held under this Part will be heard by a Hearing Panel appointed by the Chair of the Committee.
- (2) A Hearing Panel appointed under subrule (1) 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, approved by the Benchers, who have had satisfactory tribunal hearing training or experience, as needed.
- (3) The Chairperson of a Hearing Panel appointed under this Rule shall be a member of the Committee at the time of appointment.

Notice of Hearing

178. (1) When a Hearing Panel is appointed under this Part, the Society shall promptly notify the applicant in writing of:
- (a) the purpose of the Hearing; and
 - (b) the date, time and place of the Hearing.
- (2) A notice referred to in subrule (1) shall be served:
- (a) in accordance with section 85 of the *Act*, and
 - (b) not less than 30 days before the date set for commencement of the hearing, unless the applicant consents, in writing, to a shorter period.

Disclosure

179. Rule 432 applies to Hearings under this Part, with any necessary modifications.

Security for Costs

180. (1) Upon application by the Society, the Hearing Panel may order the applicant to pay security for costs in an amount determined appropriate in the circumstances.

(2) The Hearing Panel may, on cause being shown, rescind or vary an order made under subrule (1).

(3) The hearing shall not commence until the amount ordered to be paid under subrule (1) or (2) has been deposited with the Society.

Adjournment

181. The Chair of the Hearing Panel may adjourn the hearing from time to time.

Attendance at the Hearing and Right to Counsel

182. (1) The applicant:

(a) shall, unless the Hearing Panel otherwise orders, personally attend the entire hearing; and

(b) may appear with counsel.

(2) The Society may appear with counsel.

Onus and Burden of Proof

183. The onus is on the applicant to satisfy the Hearing Panel, on a balance of probabilities, that the applicable requirements of the *Act* and these Rules have been met.

Public Hearing

184. (1) Subject to subrule (2), members of the public may attend and observe a hearing before a Hearing Panel.

(2) At any time before or during the proceeding, the Hearing Panel, on its own motion or upon application of:

(a) the applicant;

(b) any person expected to be a witness at the hearing; or

(c) any other interested party;

may direct that all or part of the hearing is to be held in private in accordance with subsections 49(6) and 84.1 of the *Act*.

Transcript

185. (1) All proceedings at a hearing shall be recorded by a Court Reporter.

(2) A person may obtain, at his or her expense, a transcript of any part of the hearing which he or she was entitled to attend.

Procedure at Hearing

186. Subject to these Rules, the Hearing Panel may determine the practice and procedure to be followed at a Hearing.

Decision of the Hearing Panel

187. (1) The Hearing Panel may:

(a) approve the application with or without conditions; or

(b) deny the application.

(2) The Hearing Panel decision shall be by majority vote.

(3) The Hearing Panel shall provide written reasons for its decision and advise the applicant of a right to apply to the Admissions Panel under section 23(4) and 24(3) of the *Act* where applicable.

(4) When the Hearing Panel gives written reasons for its decision, it shall take reasonable precautions to avoid including information that is subject to solicitor-client privilege.

(5) The Society may cause to be published any order or decision of a Hearing Panel in any or all of the following:

- (a) a newspaper of general circulation in each community in which the member maintained an office;
- (b) the Law Society of Saskatchewan website;
- (c) CanLII or any other decision publishing entity approved by the Benchers.

Costs

188. (1) The Hearing Panel may order the applicant to pay costs that may include part or all of one or more of the following:

- (a) the cost of any enquiries or investigations conducted pursuant to the *Act* or these Rules;
- (b) the daily witness fee fixed by the tariff enacted pursuant to the Queen's Bench Rules, multiplied by the number of days the witness was required to remain in attendance at the hearing;
- (c) reasonable travel and living costs of a witness;
- (d) the Court Reporter's fee for attendance at the hearing;
- (e) the cost of a transcript of a hearing held under this Rule, if the Society would otherwise be liable for its cost;
- (f) the cost incurred by the Society in publishing the decision;
- (g) Panel members' attendance fees in accordance with the tariff approved by the Benchers from time to time;
- (h) reasonable fees and disbursements or costs of counsel acting for the Society; and
- (i) any other amount arising out of the proceedings for which the Society would otherwise be liable.

Admissions Panel Review

189. (1) An application for a review under section 23(4) or 24(3) of the *Act* shall be delivered to the Executive Director within 30 days after the action being reviewed was taken.

- (2) Rules 178-188 apply to a review, with the necessary modifications and so far as they are applicable.
- (3) Notwithstanding subrule (2), the Admissions Panel may only consider:
 - (a) the transcript from and exhibits filed at a hearing conducted pursuant to Rule 176(4); and
 - (b) submissions from the applicant and counsel for the Society.
- (4) Following a review under subrule (3), the Admissions Panel may:
 - (a) confirm the decision of the Hearing Panel;
 - (b) vary or remove any terms and conditions imposed by the Hearing Panel; or
 - (c) approve the application, subject to any terms and conditions they consider appropriate.

Admissions Panel

190. (1) An Admissions Panel appointed for the purpose of reviews conducted pursuant to sections 23 and 24 of the *Act* and Rule 188 shall:

- (a) be appointed by the Chair of the Committee; and
- (b) consist of not more than three Benchers, none of whom were members of a Hearing Panel appointed pursuant to Rule 176(4)(c) with respect to the matter.

G. Rule Waivers

Rule Waivers

191. (1) Notwithstanding Rule 1903, an application to waive a Rule under this Part shall be directed to the Committee.

(2) For applications under this Rule, applicants have the onus of proving that:

- (a) the applicant's legal education and/or experience constitute exceptional circumstances sufficient to justify a waiver of the Rule;
- (b) as a result of the applicant's legal education and/or experience, the applicant possesses the skills, competencies and qualifications equivalent to those required by the Rule sought to be waived;
- (c) the waiver is not inimical to the public interest or the members, nor would it harm the standing of the legal profession generally; and
- (d) to deny the waiver would result in significant hardship for the applicant.

(3) The Committee may consider:

- (a) written submissions of the applicant; and
- (b) with leave of the Committee Chair, oral submissions;

and may either grant the waiver, with or without, conditions or deny the application.

(4) The Committee shall notify the applicant of the decision in writing and provide reasons for the decision.

[Part 7 amended in its entirety, November 1, 2014]

PART 7A

National Mobility and Interjurisdictional Practice

Definitions

192. In this Part, unless the context indicates otherwise:

“**Barreau**” means the Barreau du Québec;

“**Chambre**” means the Chambre des notaires du Québec;

“**Committee**” means the Admissions & Education Committee;

“**day**” means any calendar day or part of a calendar day in which a lawyer provides legal services;

“**discipline**” includes a finding by a governing body of any of the following:

- (a) professional misconduct;
- (b) incompetence;
- (c) conduct unbecoming a lawyer;
- (d) lack of physical or mental capacity to engage in the practise of law;
- (e) any other breach of a lawyer’s professional responsibilities;

“**disciplinary record**” includes any of the following, unless reversed on appeal or review:

- (a) any action taken by a governing body as a result of discipline;
- (b) disbarment;
- (c) a lawyer’s resignation or otherwise ceasing to be a member of a governing body as a result of or in the face of disciplinary proceedings;
- (d) restrictions or limits on a lawyer’s entitlement to practise, other than those imposed as a result of failure to pay fees to a governing body, insolvency or bankruptcy or other administrative matter;
- (e) any interim suspension or restriction or limits on a lawyer’s entitlement to practise imposed pending the outcome of a disciplinary hearing;

“**entitled to practise law**” means allowed, under all of the legislation and regulation of a Home Jurisdiction, to engage in the practise of law in the Home Jurisdiction;

“**Executive Director**” includes a person designated by the Executive Director to perform any of the duties assigned to the Executive Director in this Part;

“**governing body**” means any Law Society or Barristers’ Society in a Canadian jurisdiction;

“**Home Governing Body**” means any or all of the governing bodies of the legal profession in Canada of which a lawyer is a member, and “**Home Jurisdiction**” has a corresponding meaning;

“**lawyer**” means a member of a governing body, other than the Chambre;

“**liability insurance**” means compulsory professional liability errors and omissions insurance required by a governing body;

“**Mobility Defalcation Compensation Agreement**” means the 2010 Mobility Defalcation Compensation Agreement of the Federation of Law Societies of Canada, as amended from time to time;

“**National Mobility Agreement**” means the 2013 National Mobility Agreement of the Federation of Law Societies of Canada, as amended from time to time;

“**National Registry**” means the National Registry of Practising Lawyers established under the National Mobility Agreement;

“**Permit**” means an interjurisdictional practice permit to provide legal services in Saskatchewan on a temporary basis issued under Rule 196;

“**practice of law**” has the meaning with respect to each jurisdiction that applies in that jurisdiction;

“**Protocol**” means the Interjurisdictional Practice Protocol of the Federation of the Law Societies of Canada signed February 18, 1994 in Jasper, Alberta;

“**provide legal services**” means to engage in the practise of law:

- (a) physically in Saskatchewan, except with respect to the law of another Canadian jurisdiction; or
- (b) with respect to the law of Saskatchewan, physically in any jurisdiction; and

includes the provision of legal services respecting federal jurisdiction in Saskatchewan;

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

“**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.

“**Territorial Mobility Agreement**” means the 2006 Territorial Mobility Agreement of the Federation of Law Societies of Canada, as amended from time to time;

“**Visiting Lawyer**” means a lawyer who is entitled to practise law in a Canadian jurisdiction other than Saskatchewan.

[Rule 192, “Permit” definition amended, April 17, 2015]

Application

193. (1) These Rules:

- (a) are intended to implement the provisions of the Protocol, the National Mobility Agreement and the Territorial Mobility Agreement; and
- (b) apply to a Visiting Lawyer, provided that the Visiting Lawyer is entitled to practise law in the jurisdiction of a governing body of which the Visiting Lawyer is a member.

(2) Unless it is inconsistent with the provisions of these Rules, the Protocol applies to temporary mobility under these Rules.

(3) Notwithstanding these Rules, a member of the Canadian Forces who is entitled to practise law in the jurisdiction of a governing body, other than the Chambre:

- (a) may provide legal services for or on behalf of the Office of the Judge Advocate General without a Permit; and
- (b) does not establish an economic nexus with Saskatchewan under Rule 202, provided that he or she provides legal services exclusively for or on behalf of the Office of the Judge Advocate General.

National Registry of Practising Lawyers

194. (1) The Executive Director must provide to the National Registry the current and accurate information about practising lawyers required under the National Mobility Agreement.

(2) No one may use or disclose information obtained from the National Registry, except for the purposes of the *Act* and these Rules.

A. Temporary Mobility

Temporary Mobility Without a Permit under National Mobility Agreement and Protocol

195. (1) A Visiting Lawyer who qualifies under subrule (2) may provide legal services without a Permit for a maximum of 100 days in any calendar year.

(2) Subject to subrule (4), to qualify to provide legal services on a temporary basis under subrule (1) or (3), a Visiting Lawyer must at all times:

- (a) be entitled to practise law in a Home Jurisdiction other than the Chambre;
- (b) carry liability insurance that:
 - (i) is reasonably comparable in coverage and limits to that required under Rule 605; and
 - (ii) extends to the lawyer’s temporary practice in Saskatchewan;
- (c) have defalcation compensation coverage from a governing body that extends to the lawyer’s practice in Saskatchewan;
- (d) not be subject to conditions of or restrictions on the lawyer’s practice or membership in the governing body in any jurisdiction imposed as a result of or in connection with proceedings related to discipline, competency or capacity;
- (e) not be the subject of criminal or disciplinary proceedings in any jurisdiction;
- (f) have no disciplinary record in any jurisdiction; and
- (g) not have or establish an economic nexus with Saskatchewan, as defined in Rule 199.

(3) On application of a Visiting Lawyer who otherwise qualifies under subrule (2), the Executive Director may:

- (a) subject to any conditions and restrictions the Executive Director considers appropriate, allow the Visiting Lawyer to provide legal services without a Permit beyond the time limit set in subrule (1); or
 - (b) require the applicant to apply for a Permit under Rule 196 to provide legal services beyond the time limit set in subrule (1).
- (4) The requirement in subrule (2)(b) does not apply to a Visiting Lawyer who is exempt from compulsory liability insurance under Rule 605(4) with respect to legal services to be provided in Saskatchewan.

[Rule 195(2)(g) amended, April 17, 2015]

Temporary Mobility Requiring Interjurisdictional Practice Permit

196. (1) A Visiting Lawyer who fails to comply with any of the requirements set out in Rule 195(2)(d) – (g) may apply for a Permit.

- (2) A Visiting Lawyer applying under subrule (1) shall deliver to the Executive Director:
 - (a) a completed Permit application, including a written consent for the release of relevant information to the Executive Director;
 - (b) the interjurisdictional practice permit fee or the interjurisdictional practice permit renewal fee (as applicable), as set out in Schedule 1 following Part 12 of these Rules;
 - (c) certificates of standing, dated not more than 30 days before the date of the application and in a form acceptable to the Executive Director and issued by each governing body of which the Visiting Lawyer is a member;
 - (d) proof of professional liability insurance that:
 - (i) is reasonably comparable in coverage and amount to that maintained by the Society in its compulsory program; and
 - (ii) extends to the Visiting Lawyer's practice in this Province; and
 - (e) proof that the Visiting Lawyer has defalcation compensation coverage from a governing body that extends to the Visiting Lawyer's practice in Saskatchewan.
- (3) Subrule (2)(b) does not apply to an application made by a Visiting Lawyer who is a member of a governing body in a jurisdiction in which:
 - (a) the Visiting Lawyer is entitled to practise law; and
 - (b) the governing body does not charge members of the Society a fee for permission to practise law in the jurisdiction on an occasional basis.
- (4) On application under this Rule, the Executive Director may issue a Permit, subject to any conditions and restrictions that the Executive Director considers appropriate if, in the discretion of the Executive Director, it is consistent with the public interest to do so.
- (5) A Permit issued or renewed under this Rule:
 - (a) subject to subrule (5)(c), is effective until one year from the date it was issued;
 - (b) allows a Visiting Lawyer to provide legal services for not more than 100 days in that year; and
 - (c) ceases to be valid if the holder of the Permit:
 - (i) ceases to be entitled to practise law in all Home Jurisdictions;
 - (ii) fails to maintain professional liability insurance as required under subrule (2)(d);
 - (iii) fails to maintain defalcation compensation coverage as required under subrule (2)(e); or
 - (iv) is suspended or disbarred in any jurisdiction;
 - (d) on application, the Executive Director may extend the authorization granted by the Permit.

[Rule 196(1) amended and (a) & (b) deleted, April 17, 2015]

[Rule 196(2)(b) and (e) amended, February 19, 2016]

Responsibilities of Visiting Lawyer

197. (1) The *Act*, these Rules and *The Code of Professional Conduct* apply to and bind a Visiting Lawyer providing legal services.

- (2) It is the responsibility of a Visiting Lawyer providing legal services to:
- (a) record and verify the number of days in which he or she provides legal services; and
 - (b) prove that he or she has complied with these Rules.

Trust Funds

198. A Visiting Lawyer must not maintain a trust account in Saskatchewan and must:

- (a) promptly remit funds received in trust to the Visiting Lawyer's trust account in a Home Jurisdiction; or
- (b) ensure that trust funds received are handled:
 - (i) by a member of the Society entitled to practise law in Saskatchewan in a trust account controlled by that member of the Society; and
 - (ii) in accordance with the *Act* and these Rules.

Disqualification Due to Economic Nexus

199. (1) A Visiting Lawyer who has established an economic nexus with Saskatchewan is not permitted to provide legal services under these Rules.

(2) For the purposes of this Rule, an economic nexus is established by actions inconsistent with a temporary basis for providing legal services, including but not limited to doing any of the following in Saskatchewan:

- (a) providing legal services beyond 100 days, or longer period allowed under Rule 195(3)(a) or 196(5)(d);
- (b) opening an office from which legal services are offered or provided to the public;
- (c) becoming Resident;
- (d) opening or operating a trust account, or accepting trust funds, except as permitted under Rule 198;
- (e) holding oneself out or allowing oneself to be held out as willing or qualified to practise law in Saskatchewan, except as a Visiting Lawyer.

(3) A Visiting Lawyer who provides legal services in or from an office affiliated with the lawyer's law firm in a Home Jurisdiction does not, for that reason alone, establish an economic nexus with Saskatchewan.

(4) A Visiting Lawyer who becomes disqualified under this Rule must cease providing legal services forthwith, but may apply under Rule 206 for call and admission or under Rule 196 for a Permit.

(5) On application by a Visiting Lawyer, the Executive Director may allow the Visiting Lawyer to continue to provide legal services pending consideration of an application under Rule 206 or Rule 196.

Federal Jurisdiction

200. (1) As an exception to the requirements of Rule 199, a Visiting Lawyer who is not disqualified under Rule 202 may appear before any of the following tribunals in Saskatchewan without a Permit:

- (a) the Supreme Court of Canada;
- (b) the Federal Court of Canada;
- (c) the Tax Court of Canada;
- (d) a federal administrative tribunal;
- (e) service tribunals as defined in the *National Defence Act*; and
- (f) the Court Martial Appeal Court of Canada.

(2) The exception to Rule 199 established in subrule (1) extends to a Visiting Lawyer preparing for an appearance allowed under that subrule and otherwise furthering the matter giving rise to the appearance.

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, articled 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.

- (4) Notwithstanding subrule (3), a permit ceases to be valid if the foreign legal consultant:
- (a) is suspended as a result of proceedings under the *Act*; or
 - (b) ceases to comply with any of the requirements of subrules (1) or (2).

Scope of Practice

213. (1) A foreign legal consultant's practice in Saskatchewan is limited to the practice of the following:

- (a) the law of the foreign legal consultant's home country; or
- (b) the law in one of the internal jurisdictions of the foreign legal consultant's home country;

as the case may be.

(2) Subject to Rule 216, a person may act as a foreign legal consultant in Saskatchewan only if he or she holds a valid permit under Rule 212.

Marketing of Legal Services

214. A foreign legal consultant, when engaging in advertising or any other form of marketing activity in Saskatchewan:

- (a) shall use the term "foreign legal consultant";
- (b) shall state the country or internal jurisdiction in respect of which the foreign legal consultant is qualified to practise law, and the professional title used in that country or internal jurisdiction; and
- (c) shall not use any designation or make any representation from which a recipient might reasonably conclude that the foreign legal consultant is a member of the Society.

Renewal of Permit

215. (1) A foreign legal consultant who intends to continue to act as such in Saskatchewan shall, before the expiration of a permit issued under Rule 212, apply to the Executive Director for a renewal of the permit.

(2) A renewal application shall include:

- (a) a completed permit renewal application in a form approved by the Benchers;
- (b) evidence satisfactory to the Executive Director that the applicant continues to comply with the requirements set out in Rules 211 and 212; and
- (c) the foreign legal consultant renewal fee as set out in Schedule 1 following Part 12 of these Rules.

(3) The Executive Director may issue a renewal permit to a foreign legal consultant who has complied with the *Act* and these Rules.

(4) Subject to subrule (5), a renewal permit issued under subrule (3) is valid for one year.

(5) Subrule 212(4) applies to a permit which has been renewed under subrule (3).

[Rule 215(2)(c) amended February 19, 2016]

Member of the Society with Dual Qualification

216. A member of the Society who is also qualified to practise law in another country or in one of its internal jurisdictions need not obtain a permit to act as a foreign legal consultant in Saskatchewan, provided the member holds liability insurance:

- (a) in a form and amount which is at least reasonably comparable with that maintained by the Society in its compulsory program; and
- (b) which specifically extends to services rendered by the member while acting as a foreign legal consultant in Saskatchewan.

[Part 7 amended in its entirety and added new Part 7A, November 1, 2014]

[next rule is Rule 299]

PART 8

Professional Standards and Discipline

[heading amended February 4 & 5, 1993]

A. Definitions

299. In this Part, “**competence**” means bringing adequate skill and knowledge to the practice of law including the management of a practice, as more particularly set out in Chapter II of *The Code of Professional Conduct* of the Law Society of Saskatchewan.

“**complainant**” means a person who has delivered a complaint about a member to the Society;

“**complaint**” includes:

- (a) a complaint made by a complainant under subsection 40(1)(a) or (c) of the *Act*; and
- (b) an allegation of conduct by a member as described in subsection 40(1)(b) or (d) of the *Act*;

“**complaints counsel**” means the person or persons designated by the Benchers under section 40(1) of the *Act* to review the conduct of members;

“**formal complaint**” means the document served on a member under 46(2) of the *Act* and Rule 430;

“**member**” means a member of the Society as set out in 2(1)(h) of the *Act* and includes a member of the governing body of the legal profession in another Canadian Province or Territory who is eligible to practice interjurisdictionally pursuant to the National Mobility Agreement 2013 and Interjurisdictional Practice Protocol under Rule 195 or holds an interjurisdictional practice certificate issued under Rule 196 except where this is inconsistent with the National Mobility Agreement 2013, the Interjurisdictional Practice Protocol or with *The Legal Profession Act* as amended;

“**practice advisor**” means the person or persons designated by the Benchers for the purposes of subsection 41(1.1)(b);

[Rule 299 amended February 4 & 5, 1993 and September 13, 1996]

[Rule 299 “competence” amended February 7, 2008]

[Rule 299 “competence,” “complaint,” “complaints counsel,” “formal complaint” and “member” amended; “practice advisor” and “Rule or Subrule” added June 17, 2010]

[Rule 299 “member” definition amended May 2, 2014, effective July 1, 2014]

[Rule 299 “member” definition amended, November 1, 2014]

[Rule 299 “Rule or Subrule” definition relocated to Part 1, Definitions, February 13, 2015]

B. Complaints

Examination of Complaints

300. (1) Any person may deliver to the Society a complaint against a member.
- (2) The complaints counsel may require that a complaint be reduced to writing.
- (3) The complaints counsel may, and at the instruction of the Chairperson of the Conduct Investigation Committee shall, make or authorize a preliminary inquiry into the conduct of a member in order to determine the validity of a complaint.
- (4) Subject to subrule (5), the complaints counsel shall deliver to a member in respect of whom a complaint is made, a copy of the complaint or, where in the opinion of the complaints counsel that is not practicable or appropriate, a summary of it.
- (5) The Chairperson of the Conduct Investigation Committee may, if he or she considers it necessary for the effective investigation of the complaint, instruct the complaints counsel not to notify the member under subrule (4) until so directed by the Chairperson.
- (6) The complaints counsel may require, from a member to whom a copy or summary of the complaint has been delivered under subrule (4), a response to the complaint.
- (7) A member’s response shall:
- (a) unless the complaints counsel instructs otherwise, be in writing;

- (b) respond substantively to the complaint; and
 - (c) be delivered to the complaints counsel as soon as practicable, and in any event by the date set by the complaints counsel.
- (8) The complaints counsel may deliver to the complainant a copy of the member's response or, where in the opinion of the complaints counsel that is not practicable or appropriate, a summary of it.
- (9) After the investigation or other action taken under subrules (3) to (8), the complaints counsel:
- (a) shall take no further action on the complaint if he or she is satisfied that:
 - (i) the complaint does not fall within the Society's jurisdiction;
 - (ii) the complaint is not valid;
 - (iii) the complaint is trivial, frivolous or of a vexatious nature; or
 - (iv) the complaint does not raise an issue of ethics, competence or discipline; or
 - (b) shall refer the complaint to the Chairperson of the Professional Standards Committee, the Conduct Investigation Committee or to the Ethics Committee in accordance with section 40(2) of the *Act*.
 - (c) may attempt to mediate a resolution to a complaint which raises an issue of ethics, competence or discipline with the approval of the Chair of the Ethics, Professional Standards or Conduct Investigation Committee.
- (10) The complaints counsel may act under subrule (9)(b) or (c), notwithstanding that the matter giving rise to the complaint has been resolved.
- (11) A member whose conduct is complained of shall be given an opportunity to respond to the complaint before the complaints counsel makes a determination pursuant to subrule (9) except, where in the opinion of the complaints counsel, there is a danger that the best interests of the public or the profession would be compromised by so doing;
- (12) Where another complaint or complaints are already referred to a Committee and it would be appropriate to have all matters reviewed concurrently by the same chairperson the complaints counsel may refer a matter prior to receiving the member's response.

[Rule 300(4) amended March 27, 1992; Rule 300(9)(b) amended February 4 & 5, 1993]

[Rule 300(11) added December 6, 1996]

[Rule 300(3), (5), (9)(a)(iv), (9)(b), (10) and (11) amended; (9)(c) and (12) added June 17, 2010]

Notification to the Parties

301. (1) The complaints counsel shall advise the member and the complainant, in writing, of his or her disposition under Rule 300(9).

(2) If the complaints counsel decides to take no further action on the complaint, then complaints counsel shall, unless it was previously done under Rule 300(8):

- (a) deliver to the complainant a copy of the member's response if any or, where in the opinion of the complaints counsel that is not practicable or appropriate, a summary of it; and
- (b) advise the complainant in writing of his or her right to apply for a review under section 43 of the *Act* and Rule 302.

[Rule 301(2) and (2)(a) amended June 17, 2010]

Complainants' Review Procedure

302. (1) A Complainants' Review Committee is established, consisting of one or more persons appointed by the President and may consist of any Bencher and/or outside designated complaints counsel.

(2) A complainant who is dissatisfied with a decision of:

- (a) the complaints counsel that no further action will be taken on the complaint;
- (b) the Chairperson of the Professional Standards Committee under section 41(1.1)(a) of the *Act* that no further action will be taken on the complaint because he or she is of the opinion that the matter does not raise an issue of competence; or

- (c) the Conduct Investigation Committee under section 42(2)(a) of the *Act* that no further action will be taken on the complaint because the member's conduct does not constitute conduct unbecoming
- may apply in writing for a review of that decision.
- (3) (a) an application under subrule (2) shall be delivered to the complaints counsel: within 30 days after the complainant was notified of the decision under review; or
 (b) in exceptional circumstances, the 30 day time may be extended by the Complainants' Review Committee.
- (4) The complaints counsel shall direct the application to one or more members of the Complainants' Review Committee and that member or members:
 (a) shall review the documents obtained, collected or produced by the complaints counsel under Rule 300;
 (b) may make such inquiries of the complainant, the member or any other person as it considers desirable; and
 (c) may, in its discretion, hear oral submissions from the complainant and/or the member whose conduct is the subject of the complaint.
- (5) The member or members of the Complainants' Review Committee referred to in (4) above shall:
 (a) confirm the decision of the complaints counsel or the Conduct Investigation Committee or the Chairperson of the Professional Standards Committee to take no further action; or
 (b) refer the complaint to:
 (i) the Chairperson of the Professional Standards Committee; or
 (ii) the Conduct Investigation Committee, to proceed with the complaint in accordance with section 42(2)(b) or (3) of the *Act*; or
 (iii) the Chairperson of the Ethics Committee.
- (6) The Society shall promptly advise the complainant and the member, in writing, of the decision made under subrule (5).

[Rule 302(4), (5) & (6) amended October 23, 1992]

[Rule 302(5)(b)(i) amended February 4 & 5, 1993]

[Rule 302(2)(a) & 302(6) amended June 6 & 7, 1996; Rule 302(b) added June 6 & 7, 1996]

[Rule 302(5)(a) amended April 23, 1998]

[Rule 302(3), (4) and (5) amended June 11, 1998]

[Rule 302(3) amended September, 2006]

[Rule 302(1), (2)(a) and (c), (3)(a), (4), (5)(a) and (5)(b)(ii) amended; (3)(b) added June 17, 2010]

[Rule 302(2)(a) amended February 10, 2012]

[Rule 302(3)(a) & (b) and (5)(a) amended May 2, 2014, effective July 1, 2014]

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 may make whatever enquiries it thinks necessary and may follow whatever procedure it finds to be most efficient.

[Rule 303 added April 27, 1995]

[Rule 303 amended in its entirety, including heading, June 17, 2010]

[Rule 303(4) deleted to remove reference to marketing of legal services, therefore changing numbering, February 13, 2015]

[next rule is Rule 321]

C. Professional Standards

[Subheading C amended February 4 & 5, 1993]

Review of Referral by Chairperson

321. The Chairperson of the Professional Standards Committee shall review any referral made by:

- (1) Complaints Counsel;
- (2) the Ethics Committee;
- (3) the Conduct Investigation Committee.

[Rule 321 amended February 4 & 5 1993; June 6 & 7, 1996; June 10, 1999; September 9, 1999]

[Rule 321 heading amended; Rule 321 amended and (2)(a) through (f) deleted; (3) added December 3, 2009]

[Rule 321(3) amended June 17, 2010]

322. The Chairperson of the Professional Standards Committee may make or authorize further inquiries.

[Rule 322 amended February 4 & 5 and September 17, 1993 and June 10, 1999]

[Rule 322 Professional Standards Investigation Committee heading deleted; Rule 322 amended; (a) through (e) deleted December 3, 2009]

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 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
 - (d) hear an application by the member for resignation instead of continued proceedings as per Rule 400.1 and may grant or reject the application as set out in Rule 400.1;
 - (e) direct that no further action be taken if the matter does not raise an issue of competence, or
 - (f) request that the member:
 - (i) complete satisfactorily a remedial program which may include one or more of the following:
 - (A) one or more continuing legal education courses approved by the Chairperson;
 - (B) a remedial course approved by the Chairperson;
 - (C) one or more courses approved by the Chairperson, which is or are offered by an approved education provider;
 - (D) a mentor program approved by the Chairperson; or
 - (E) any other remedial program specified by the Chairperson which is intended, if carried out, to improve the knowledge or skill of the member in carrying on his or her practice of law.
 - (ii) restrict voluntarily his or her practice to specified areas of law until the member's remedial program has been completed satisfactorily;

- (iii) complete satisfactorily an examination approved by the Chairperson;
 - (iv) appear before a panel of examiners appointed by the Chairperson;
 - (v) implement measures to reduce the risk of liability insurance claims;
 - (vi) obtain a psychiatric or psychological assessment or counselling, or both, and if the Chairperson requests, provide a report on that assessment or counselling to the Chairperson;
 - (vii) obtain a medical assessment or assistance, or both, and if the Chairperson requests, provide a report of that assessment or assistance to the Chairperson;
 - (viii) practise in a setting approved by the Chairperson;
 - (ix) take such other steps as the Chairperson directs which are intended to improve the knowledge or skill of the member in carrying on his or her practice of law.
- (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)(c).
- (3) The Chairperson may, on application by the member or by the Society, extend the date by which a request shall be completed.
- (4) The Chairperson shall advise the member of his or her decision under subrule (1) and may request that the member meet with the Committee where it has made a request under subrule (1)(f), deliver a copy of that request to the member.
- (5) Complaints counsel shall advise the complainant in writing of the Chairperson's decision under subrule (1), but shall not deliver to the complainant a copy of the Chairperson's request under subrule (1)(f).

[Rule 323(2) amended February 4 & 5, 1993 and June 10, 1999]

[Rule 323 Law Office Management and File Reviews header deleted; amended Rule in its entirety December 3, 2009]

[Rule 323 number (1) inserted, 323(1)(a) through (d) amended; 323(e)(i) through (ix), (2), (3), (4) and (5) added June 17, 2010]

[Rule 323(1)(d) – new (d) added, changing alphabetical sequence from (a) – (e) to (a) – (f) April 14, 2011]

[Rule 323(2), (4) and (5) amended May 2, 2014]

[Rule 323(1)(c) and (2)(c) amended February 13, 2015]

[Rule 324 amended February 4 & 5, 1993]

[Rule 324 (1) amended; 324 (2) (a) through (f) added December 3, 2009]

[Rule 324 Report to the Professional Standards Committee deleted June 17, 2010]

[Rule 325 amended February 4 & 5, 1993; March 27, 1992 and June 10, 1999]

[Rule 325 heading amended; Rule 325 (1)(i)(A) to (E), (iii), (iv), (vi) to (ix) amended; (2) and (2)(c) amended;

(3), (4) and (5) amended December 3, 2009]

[Rule 325 Action by the Chairperson of the Professional Standards Committee deleted and a portion moved to become part of Rule 323 June 17, 2010]

Confidentiality of Competence Matters

326. (1) Any:

- (a) information and documents which form part of a Professional Standards complaint, review or investigation.
- (b) action taken or decision made respecting a Professional Standards complaint, review or investigation; and
- (c) report prepared for a Professional Standards Committee Chairperson or by a practice advisor

shall be treated confidentially and, unless otherwise ordered by the Professional Standards Committee, shall not be disclosed except for the purpose of complying with the objects of the *Act* or in responding to an enquiry made for the purpose of a potential judicial appointment.

[Rule 326(1) amended February 4 & 5, 1993]

[Rule 326 (1)(a) and (b) amended December 3, 2009]

[Rule 326(1)(a), (b) and (c) amended June 17, 2010]

[Rule 326 amended May 2, 2014]

[next rule is Rule 398]

D. Discipline

Definitions

398. In this Part 8(D),
 “Conduct Investigation Committee” means a conduct investigation panel constituted in accordance with Rule 398.2.

[Rule 399, Definitions added May 2, 2014, effective July 1, 2014]
 [Rule 399, Definitions, amended to read Rule 398, November 1, 2014]
 [Rule 398, Definitions, amended February 13, 2015]

Conduct Investigation Committee

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;

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

Conduct Investigation Panel

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.

[Rules 398.1 with minor amendments and 398.2 relocated from Part 6 Committees February 13, 2015]

Reciprocal Discipline

399. (1) If the disciplinary body of an extra-provincial law society orders the suspension of the membership of a Saskatchewan member in that society;

- (a) pending an investigation relating to the Saskatchewan member;
- (b) pending the outcome of any disciplinary proceedings against the Saskatchewan member; or
- (c) at the conclusion of any disciplinary proceedings against the Saskatchewan member,

the Law Society, without any other proceedings under the Rules, shall suspend the Saskatchewan member’s membership in the Society for a period co-extensive with the period of suspension ordered by the disciplinary body.

(2) If a suspension in an extra-provincial law society is stayed, the suspension will also be stayed in Saskatchewan for a co-extensive period.

(3) If the disciplinary body of an extra-provincial law society orders the disbarment of a Saskatchewan member from that society, the Law Society, without any other proceedings under the Rules, shall disbar the Saskatchewan member.

[Rule 399 added, November 1, 2014]

Review by Conduct Investigation Committee

400. (1) The Conduct Investigation Committee:
- (a) shall promptly review any complaint submitted to it by complaints counsel, by the Chairperson of the Professional Standards Committee, by the Complainants' Review Committee or by the Ethics Committee; and
 - (b) may investigate any conduct of a member that may constitute conduct unbecoming, and may make or authorize whatever inquiries and investigations it considers desirable.
 - (c) may investigate any other matter that comes to its attention during the course of an investigation, that could potentially constitute conduct unbecoming.
 - (d) shall complete an inquiry or investigation under this rule as soon as practicable.
- (2) Upon completion of the review or investigation, the Conduct Investigation Committee shall provide a report:
- (a) directing that no further action be taken, if it is of the opinion that the complaint does not constitute conduct unbecoming;
 - (b) inviting the member to meet with a Conduct Review Committee under Rule 401;
 - (c) referring the complaint to the Ethics Committee or the Professional Standards Committee;
 - (d) directing the Chair of Discipline to appoint a Hearing Committee under 47(1) of the *Act*, to hear and determine a formal complaint.
- (3) The Conduct Investigation Committee shall advise the member and the complainant, in writing, of the action taken under subrule (2).
- (3.1) In accordance with its authority to direct the prosecution under section 49(1) of the *Act*, the Conduct Investigation Committee may amend the recommendation set out in its report made pursuant to (2)(d) at any time before the hearing.
- (3.2) Amendments pursuant to (3.1) will form part of the formal complaint and may include, but are not limited to, the addition, removal or revision of allegations set out in the original report.
- (3.3) Notice of any amendments made pursuant to this rule shall be served on the member not less than 30 days before the commencement of the hearing, unless the member consents in writing to a shorter period.

[Rule 400(3.1), (3.2) and (3.3) added November 28, 2013]

Resignation in the Face of Discipline

- (4) A member may apply to the Conduct Investigation Committee to resign in the face of discipline deemed equivalent to disbarment
- (a) with consent of Counsel for the Conduct Investigation Committee;
 - (b) at any stage of the investigation by a Conduct Investigation Committee prior to formal charges, or;
 - (c) at any time after the formal charges, prior to the commencement of the Hearing.
- (5) The Conduct Investigation Committee may hear an application to resign in the face of discipline, deemed equivalent to disbarment, as follows:
- (a) in order to make an application to resign, the member must make admissions with respect to the conduct under investigation and enter into an Agreed Statement of Facts;
 - (b) the Conduct Investigation Committee may reject the application pending the completion of the discipline process;

- (c) The Conduct Investigation Committee may grant the application and accept the member's resignation in the face of discipline, deemed equivalent to disbarment, and may impose conditions on the acceptance of same;
- (d) conditions imposed by the Conduct Investigation Committee may include a time period of up to 5 years during which the member will not re-apply and further include that, upon any application for re-admission, the Agreed Statement of Facts will be considered;
- (e) The Conduct Investigation Committee may require the member to provide particular Undertakings which shall remain on the member's file and be reviewed and considered upon any future application for readmission; such Undertakings may provide that the member will:
 - (i) complete a remedial educational program;
 - (ii) restrict voluntarily his or her practice to specified areas of law;
 - (iii) obtain a psychiatric and/or psychological and/or addictions assessment or counselling, or both;
 - (iv) obtain a medical examination and/or opinion as to the member's capability to practice law;
 - (v) provide any other Undertakings the Conduct Investigation Committee deems appropriate.
- (f) any application for readmission for a member whose application for resignation in the face of discipline equivalent to disbarment shall be under section 175 of the Rules, the same as a disbarred member;
- (g) if the Conduct Investigation Committee accepts a resignation in the face of discipline equivalent to disbarment, pursuant to this sub clause, the Agreed Statement of Facts shall be published in the same manner and to the same persons as the Notice required by Rule 495;
- (h) nothing in this Rule affects the ability of the Hearing Committee to permit a member to resign as a penalty pursuant to section 53(3)(a)(vii) of *The Legal Profession Act, 1990*.

[Rule 400(1)(a) amended September 17, 1993; Rule 400(2) amended December 4, 1992; Rule 400(2)(d) amended February 4 & 5, 1993]

[Rule 400 heading amended, 400(1)(a) and (b), (2)(a) through (d), and (3) amended; 400(1)(c) and (d) and (3)(a) through (f) added; (2)(e) deleted June 17, 2010]

[Rule 400(3) amended to delete items (a) – (f); Resignation in the Face of Discipline items (4) and (5) added April 14, 2011]

[Rule 400(2)(b) amended October 21, 2011]

[Rule 400(5)(f) amended November 1, 2014]

Resignation Instead of Continued Proceedings

- 400.1 (1) A member may make an application to resign instead of continued proceedings to:
- (a) a Conduct Investigation Committee in the early stage of an investigation or after formal charges but before commencement of a hearing;
 - (b) the Chair of the Professional Standards Committee at any time during a review pursuant to Rule 323;
- (2) The Conduct Investigation Committee, or Chair of the Professional Standards Committee, may hear the application to resign instead of continued proceedings, as follows:
- (a) by consent of Counsel for the Law Society;
 - (b) the member must make admissions and enter into an Agreed Statement of Facts;
- (3) The Conduct Investigation Committee, or Chair of the Professional Standards Committee, may:
- (a) accept the resignation instead of continued proceedings;
 - (b) impose conditions which include a time period of up to 5 years during which the member will not re-apply and further include that upon any application for re-admission, the Agreed Statement of Facts will be considered;
 - (c) require the member to provide particular Undertakings which shall remain on the member's file and be considered upon any future application for readmission; such

Undertakings may include but are not limited to clauses which provide that the member will:

- (i) complete a remedial educational program;
- (ii) restrict voluntarily his or her practice to specified areas of law;
- (iii) obtain a psychiatric and/or psychological and/or addictions assessment or counselling, or both;
- (iv) obtain a medical examination and/or opinion as to the member's capability to practice law;
- (v) provide any other Undertakings the Conduct Investigation Committee deems appropriate;
- (d) reject the application pending completion of the respective discipline or professional standards processes.

(4) If the Conduct Investigation Committee accepts a resignation pursuant to this sub clause, the Agreed Statement of Facts and any decision rendered by the Conduct Investigation Committee shall be published in the same manner and to the same persons as the Notice required by Rule 495;

(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 Practice Review.

[Rule 400.1 Resignation Instead of Continued Proceedings added April 14, 2011]

[Rule 400.1(5)(b) amended February 13, 2015]

Conduct Review Committee

401. (1) The Conduct Investigation Committee may appoint one or more persons as a Conduct Review Committee, to make an informal investigation of a matter referred to it under Rule 400(2)(b), and to counsel the member.

- (2) At a Conduct Review:
 - (a) the member shall appear personally;
 - (b) the meeting shall be private; and
 - (c) the proceedings shall be informal.
- (3) Following the meeting under subrule (2) the Conduct Review Committee shall advise the Conduct Investigation Committee in writing that the review has been completed.
 - (a) Conduct Review Reports will be summarized and published anonymously.
- (4) When a hearing is held under Rule 450 in respect of a matter investigated under this Rule:
 - (a) any report prepared by the Conduct Review Committee may not be admitted at the hearing; and
 - (b) a member of the Conduct Review Committee shall not, except in response to a question by the member, testify as to any statement made by the member during the conduct review.

[Rule 401(1) amended December 12, 1997 and April, 2002]

[Rule 401(1), (3) and (4)(a) amended June 17, 2010]

[Rule 401(1), (2), (3), (4)(a) and (b) amended; (3)(a) added October 21, 2011]

[Rule 402(3) added October, 2003]

[Rule 402 Investigation Committee deleted June 17, 2010]

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.

(2) 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, as needed.

(3) Where possible, the Chairperson of a hearing committee appointed in accordance with section 47 of the *Act* shall be a Bencher;

(a) If for any reason it is not possible to appoint a Bencher as a Chairperson of a hearing committee, a former Bencher or member may be appointed as the Chairperson of the hearing committee.

(4) Where possible, one member of any hearing committee appointed in accordance with section 47 of the *Act* should be a public representative Bencher.

(5) 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.

(6) 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.

[Rule 403 amended; 403 (a) and (b) deleted June 17, 2010]

[Rule 403 Heading amended; Rule 403 changed to 403(1); new Rule (2) inserted from Part 6, Committees February 13, 2015]

[Rule 403(3) amended and (a) added, December 1, 2017]

Notification of Parties

404. The Chairperson of the Discipline Committee shall promptly notify the member and the complainant, in writing, of the appointment of a Hearing Committee under Rule 403.

[Rule 404 amended June 17, 2010]

Confidentiality

405. (1) Any:

- (a) information and documents considered;
- (b) decisions made or action taken; and
- (c) reports prepared, other than publication of anonymous Conduct Review Reports as per 401(3)(a)

prior to the appointment of a Hearing Committee under Rule 403 and service of a formal complaint on the member under Rule 430(1) shall be kept confidential and, unless otherwise ordered by the Chairperson of the Discipline Committee, or otherwise set out in the Rules, shall not be disclosed except for the purpose of complying with the objects of the *Act* or in responding to an enquiry made for the purpose of a potential judicial appointment.

(2) A discipline matter shall be public as soon as a Hearing Committee is appointed under Rule 403 and a formal complaint has been served on the member under Rule 430(1).

(3) Notwithstanding subsection (1), the Executive Director, in his or her sole discretion may, at any time, disclose to a law enforcement authority any information about possible criminal activity on the part of a member that is obtained during an investigation or audit pursuant to the *Act*.

[Rule 405 amended April 14, 2011]

[Rule 405(c) amended October 21, 2011]

[Rule 405 amended and also re-numbered to read 405.(1); 405(2) added September 28, 2012]

[Rule 405(3) added December 1, 2017]

[next rule is Rule 420]

Interim Suspension

420. (1) Subject to subrule (2), a Conduct Investigation Committee shall, before suspending a member under section 45 of the *Act*:

- (a) notify the member that consideration is being given to his or her suspension, for the reasons specified in the notice; and
- (b) give the member a reasonable opportunity to make representations to the Conduct Investigation Committee respecting the suspension.

(2) A Conduct Investigation Committee may act under section 45(1) of the *Act* without complying with subrule (1) if it is satisfied that such action is necessary to protect the public or the member's clients, or both.

(3) If a Conduct Investigation Committee orders an oral hearing:

- (a) the hearing shall be in private, unless the Committee orders otherwise; and
- (b) the proceedings shall be recorded by a court reporter and any person may obtain, at his or her expense, a transcript of any part of the hearing which he or she was entitled to attend.

(4) If a Conduct Investigation Committee concludes that a member should be suspended under section 45(1) of the *Act*, the Committee shall promptly advise:

- (a) the member in writing that he or she is suspended and the reasons for it, and that the member has the right to request a review of the suspension under section 45(3) of the *Act*; and
- (b) the Deputy Minister of Justice under section 54(1) of the *Act*.

[Rule 420(1), 420(1)(b), (2), (3) and (3)(b) and (4) amended; (4)(a) and (b) added;
(5) and (6) deleted June 17, 2010]

Review of Interim Suspension

421.(1) A notice under section 45(3) of the *Act* requesting a review of a suspension shall be in writing, addressed to the Chairperson of the Discipline Committee.

(2) A review hearing shall be conducted:

- (a) by one or more Benchers appointed as Review Committee by the Chairperson of the Discipline Committee, none of whom are under subrule (3), disqualified from hearing the review; and
- (b) as soon as practicable and in any event not later than 7 days after the date on which the request was received by the Chairperson of the Discipline Committee, unless the member consents to a longer time.

(3) The Chairperson of the Discipline Committee, and any other Bencher who was:

- (a) a member of the Conduct Investigation Committee which suspended the member under section 45(1) of the *Act*;
- (b) a member of a Conduct Review Committee which reviewed the matter; or
- (c) a member of a Complainants' Review Committee which reviewed the matter

shall not participate as a panelist in a review under this Rule.

(4) A review of the suspension under this Rule shall be conducted in private, unless the Review Committee orders otherwise.

(5) All proceedings at a review under this Rule shall be recorded by a court reporter and any person may obtain, at his or her expense, a transcript of any part of the hearing which he or she was entitled to attend.

(6) The Review Committee appointed under subsection 2(a) shall determine the practice and procedure to be followed at the hearing.

[Rule 421(2)(a), (3)(a), (4) (5) and (6) amended June 17, 2010]
[Rule 421(3)(b) amended October 21, 2011]

[next rule is Rule 430]

Formal Complaint

430. (1) Where a Hearing Committee is appointed under Rule 403, a formal complaint shall be served on the member:

- (a) in accordance with section 46 of the *Act*;
- (b) not more than 90 days after the Chairperson of the Discipline Committee appointed the Hearing Committee; and
- (c) not less than 30 days before the date set for commencement of the hearing, unless the member consents in writing to a shorter period.

(2) The Society shall publish the formal complaint on the Law Society website after the formal complaint has been served on the member under Rule 430(1).

[Rule 430 amended September 15, 1995]

[Rule 430(a) amended June 17, 2010]

[Rule 430 amended to read 430.(1); 430(2) added September 28, 2012]

Fixing a Date for Hearing

431. (1) The date, time and place of the hearing shall be fixed by the Chairperson of the Hearing Committee.

(2) Counsel to the Conduct Investigation Committee shall notify the member and the complainant, in writing, of the date, time and place of the hearing.

(3) The Society shall publish the date, time and place of the hearing on the Law Society website.

[Rule 431(2) amended June 17, 2010]

[Rule 431(3) added September 28, 2012]

Disclosure of Evidence

432. (1) As soon as practicable after a formal complaint is served, Counsel to the Conduct Investigation Committee shall disclose to the member a copy of all relevant documents in the possession of the Society or under its control or power, except to the extent that the documents are privileged.

(2) Not less than two weeks prior to the date set for the commencement of a hearing before the Hearing Committee, the member and Counsel to the Conduct Investigation Committee shall provide to each other the following:

- (a) the names of each of the witnesses which that party intends to call to give evidence at the hearing;
- (b) copies of any written statements, or where no written statements exist, a summary of the evidence which that party expects will be given by that witness;
- (c) if a witness will be called to give expert evidence, a summary of the qualifications of that witness; and
- (d) copies of all documents which the party intends to introduce into evidence at the hearing unless those documents have already been provided pursuant to (1).

(3) The Hearing Committee appointed to hear the formal complaint may, if it determines that Counsel to the Conduct Investigation Committee has not complied with subrule (1) or subrule (2), extend the time for making full disclosure and make any other order it considers necessary for the effective conduct of the hearing.

(4) A member may, at any time before the hearing commences, apply for disclosure of the circumstances of the alleged misconduct.

(5) An application under subrule (4) shall be made:

- (a) to the Chairperson of the Hearing Committee which has been appointed to hear the formal complaint; and
- (b) in writing or, with the approval of the Chairperson of the Hearing Committee, in person or by telephone.

(6) The Chairperson of the Hearing Committee shall, if satisfied that an allegation in the formal complaint does not contain sufficient detail of the circumstances of the alleged unbecoming conduct to give the member reasonable information with respect to the act or omission to be proved, and to identify

the transaction referred to, order Counsel to the Conduct Investigation Committee to disclose further details of the circumstances.

(7) Details of the circumstances disclosed under subrule (6) shall:

- (a) be in writing; and
- (b) be delivered to the member or his or her counsel.

(8) If, as a result of the information disclosed by the other party under subrule (1) or (2), a party intends to introduce evidence at the hearing in addition to the evidence which it has disclosed, that party shall provide the information referred to in subrule (1) or (2) with respect to that additional evidence.

(9) The Hearing Committee shall not permit a witness to testify unless the name of that witness, a summary of that witness' evidence, and, if the witness is called to give expert evidence, a summary of that witness' qualifications has been disclosed in accordance with subrule (2) or (8) of this Rule. The Hearing Committee shall not permit a document to be entered into evidence unless the information respecting that document has been disclosed in accordance with subrule (1) or (8).

(10) Notwithstanding subrules (1) and (2), if the Hearing Committee is satisfied that the failure to disclose the required information arose through inadvertence, or that the information was not in the possession of the party at the time that disclosure was required, or that for any other compelling reason it would be manifestly unfair to exclude evidence or documents not disclosed as required, or if the opposing party consents, the Hearing Committee may permit such evidence to be given, or such documents to be introduced into evidence. This may be done on such terms or conditions as the Hearing Committee may determine, including the following:

- (a) the Committee may adjourn the hearing for such time as the Committee considers reasonable to permit the other party the opportunity to respond to such evidence;
- (b) the Committee may require the party who requests the introduction of such evidence to agree to pay an amount of costs, as estimated by the Committee, which may be incurred by the member or the Society as a result of the failure to disclose such evidence in accordance with subrule (1) or (2) or (8).

[Rule 432(1), (a) & (b), (2), (4)(a) & (b) and (5) amended June 17, 2010]

[Rule 432 amended; new (2) inserted, changing the numbering up to and including item (7); items (8), (9) and (10)(a) & (b) added September 28, 2012]

[next rule is Rule 450]

Hearing of the Formal Complaint

Disqualification

450. (1) A Bencher who was a member of:

- (a) a Complainants' Review Committee which reviewed the matter;
- (b) a Professional Standards Committee or Practice Advisor which reviewed the matter or a Practice Advisor who conducted an investigation or review;
- (c) a Conduct Review Committee which reviewed the matter;
- (d) the Conduct Investigation Committee which inquired into the matter under section 44 of the *Act*, or suspended the member under section 46(1) of the *Act*; or
- (e) a Committee appointed under section 45(4) of the *Act* to review the member's interim suspension

shall not participate as a panelist in the hearing of a formal complaint against the member under this Rule.

Adjournment

- (2) The Chairperson of the Hearing Committee may from time to time adjourn the hearing.

Transcript

(3) All proceedings at a hearing shall be recorded by a court reporter and any person may obtain, at his or her expense, a transcript of any part of the hearing which he or she was entitled to attend.

Multiple Allegations

(4) A Hearing Committee may consider at one hearing one or more formal complaints, each of which may contain one or more allegations.

(5) The Hearing Committee shall, where it is satisfied that the interests of justice so require, order that one or more allegations in a formal complaint be heard at a separate hearing before a differently constituted Hearing Committee.

Amendment of the Formal Complaint

(6) A formal complaint may, subject to section 48 of the *Act*, be amended by the Hearing Committee appointed under Rule 403 to hear the complaint.

Procedure

(7) The Hearing Committee shall determine the practice and procedure to be followed at the hearing.

(8) Counsel to the Conduct Investigation Committee and the member may deliver to the Chairperson of the Hearing Committee, at least 7 days before the date set for the hearing, written submissions and supporting documentation respecting the issues to be considered by the Hearing Committee.

(9) Counsel to the Conduct Investigation Committee shall ensure delivery to the member and to every member of the Hearing Committee, a copy of the formal complaint against the member, as amended.

Hearing Committee Decision

(10) The Hearing Committee shall, following completion of the evidence and submissions from counsel for the Society and the member, by majority decision:

- (a) make its findings as to the facts in issue;
- (b) make its decision as to whether each allegation in the formal complaint is well-founded;
- (c) determine whether the member may be guilty of a criminal offence related to his or her practice, in which case section 54(2) of the *Act* applies.

Imposition of Penalty by Hearing Committee

(11) Following the decision of the Hearing Committee, if the Hearing Committee finds that the formal complaint is well founded it:

- (a) may consider any relevant information respecting the member's professional conduct history;
- (b) shall invite Counsel to the Conduct Investigation Committee and the member to make submissions as to penalty; and
- (c) shall, by majority decision, make one or more orders under section 53 of the *Act*;
- (d) shall, if it imposes a fine, fix the date by which payment to the Society shall be completed;
- (e) shall, if it imposes costs, fix the date by which payment to the Society shall be completed; and
- (f) shall, if it imposes a requirement, fix the date by which the requirement shall be fulfilled.

Extension of Time to Comply

(12) A member who has not:

- (a) paid the full amount owing for a fine imposed under section 53 of the *Act* by the date fixed; or
- (b) paid the full amount owing for costs imposed under section 53 of the *Act* by the date fixed; or
- (c) fulfilled all requirements imposed under section 53 of the *Act* by the date fixed;

may apply to the Chairperson of the Discipline Committee for an extension of the time within which to comply.

[Rule 450(1)(b) amended September 17, 1993]

[Rule 450(1)(b), (d), and (e), (3), (6), (8) changed to (10) - (c) amended and (d) deleted, Assessment of Penalty by Hearing Committee and Report to Chairperson of Discipline Committee deleted; Procedure - (8) and (9) added, (11) and (12) added June 17, 2010]

[Rule 450(1)(c) amended October 21, 2011]

[Rule 470(5)(b) amended September 17, 1993]

[Rule 470 Assessment of Penalty by Discipline Committee deleted in its entirety June 17, 2010]

[next rule is Rule 490]

Costs

490. (1) In calculating the costs payable under section 53(3)(a)(v) of the *Act*, a Hearing Committee may include part or all of one or more of the following costs actually incurred by the Society:

- (a) the cost of any enquiries or investigations ordered under this Part;
- (b) the daily witness fee fixed by the tariff enacted pursuant to *The Queen's Bench Rules*, multiplied by the number of days the witness was required to remain in attendance at a hearing or meeting under this Part;
- (c) reasonable travel and living costs of a witness;
- (d) the court reporter's fee for attendance at a hearing or meeting under this Part;
- (e) the cost of a transcript of a hearing or meeting held under this Part, if the Society would otherwise be liable for its cost;
- (f) the cost incurred by the Society in publishing the decision of a Committee under this Part;
- (g) a Hearing Committee attendance fee of:
 - (i) \$150 per half day of hearing for the first three days of hearings; plus
 - (ii) \$500 per half day of hearing for each subsequent day of hearing multiplied by the number of Hearing Committee members in attendance;
- (h) reasonable fees or costs of Counsel to the Conduct Investigation Committee;
- (i) reasonable disbursements of Counsel to the Conduct Investigation Committee; and
- (j) any other amount, arising out of the proceedings, for which the Society would otherwise be liable.

[Rule 490(1), (b), (d), (h) and (i) amended June 17, 2010]

491. (1) Members of the public may attend and observe a hearing before a Hearing Committee pursuant to Rule 450 except to the extent that the hearing is directed to be held in private under subrule (2).

(2) The Hearing Committee on its own motion or on the application of the member concerned, the complainant, any person expected to be a witness at the hearing, or any other interested party at the time before or during the proceeding may direct that all or part of the hearing is to be held in private in accordance with subsection 49(6) and 84.1 of the *Act*.

(3) These rules will apply to all discipline matters where a formal complaint is signed by the Law Society on or following the day on which sections 13-33 of *The Legal Profession Amendment Act, 2010* comes into force.

[Rule 491 added September 16, 1994]

[Rule 491(1) through (4) amended June 17, 2010]

[Rule 491(1) amended; deleted former 491(3), changing (4) to read (3); 491(3) amended, February 15, 2013]

[next rule is Rule 495]

Notice of Disciplinary Action

495. (1) Where an order is made under Rules 400(4), 420 or 450 against a member, the Executive Director shall:

- (a) publish and circulate to the membership a summary of the circumstances and the order made, in a form which identifies the member; and
- (b) notify in writing each governing body of the legal profession in which the Director has been notified that the member is a member.

(2) Where a member is suspended or disbarred under Rules 420, 450, or 149(4) or permitted to resign under Rule 400(4), the Society:

- (a) shall 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;
- (b) may notify in writing:
 - (i) the Minister of Justice for Saskatchewan; and
 - (ii) the Registrar of Titles; and
 - (iii) any other person the Executive Director considers appropriate;
- (c) shall cause to be published a notice of the suspension or disbarment or resignation in the face of discipline as well as any related decision or order of the Conduct Investigation Committee in any or all of the following:
 - (i) a newspaper of general circulation in each community in which the member maintained an office;
 - (ii) the Law Society of Saskatchewan website;
 - (iii) CanLII or any other decision publishing entity approved by the Benchers;
- (d) may cause to be published any order or decision of a Hearing Committee in accordance with sub (c);

(3) Subject to Rule 491(2) and Rule 401(2)(b), the Executive Director shall publish a decision pursuant to (1) or (2), or any other decision made by the Discipline Committee or a Hearing Committee at one or more of the following times:

- (a) during or after a hearing in relation to allegations of misconduct, regardless of whether or not the allegations have been proven; and
- (b) after a penalty has been assessed.

(4) Where a Hearing Committee finds a formal complaint is not well founded, a summary of the circumstances may be published and circulated to the membership in any manner that the Executive Director considers appropriate.

(5) Where part of a hearing is ordered private pursuant to Rule 491, the Hearing Committee decision shall be published, but those portions of the hearing which were ordered private shall be redacted.

(6) A decision published pursuant to (1) or (2), or resulting from any other hearing, may identify the complainant or any witnesses that testified at the hearing by using their initials.

[Rule 495(4) added September 9, 1999; Rule 495(1) and (2) amended October, 2003]

[Rule 495 (1), (2) & (2)(a) amended, (2)(b) (i) through (iii) added, (2)(c) amended and (2)(c)(iii) added, (3) amended; (4) deleted June 17, 2010]

[Rule 495(1) amended October 21, 2010]

[Rule 495(1) and 495(1)(b) amended; 495(2)(c) and (i) – (iii) amended; 495(2)(d) and (4) added April 14, 2011]

[Rule 495 amended to insert new (3)(a) & (b), thereby changing numbering; item (4) amended; item (6) added, February 15, 2013]

[Rule 495(2) amended April 25, 2013]

Retention of Documents

496. The Society shall not dispose of or destroy any document within its possession or power relating to a proceeding under this Part until the later of:

- (a) the time for commencing a judicial review or an appeal from a decision under this Part has expired, and no such review or appeal has been commenced; or
- (b) all proceedings by way of judicial review or appeal from a decision under this Part have been completed.

Appeal to Court of Appeal

497. The Conduct Investigation Committee may direct Counsel for the Conduct Investigation Committee to proceed with an appeal under section 56 of the *Act* within 30 days of the day of the decision of the Hearing Committee by filing notice with the Court of Appeal, as set out in section 56 of the *Act*.

[Rule 497 added June 17, 2010]

[Part 9 – Mediation Rules 570 - 573 deleted in their entirety June 24, 2011]

[next rule is Rule 600]

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, co-operate 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 determined by the Benchers.

[Rule 700 amended September 14, 2018]

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 to investigate the claim and make recommendations to the Benchers in relation to the determination of the application.

(3) The Claims Investigation Committee may be comprised of Law Society staff lawyers or Benchers or a combination thereof.

(4) The Claims Investigation Committee shall have the same investigative powers of a person designated by the Benchers to review complaints as set out in the *Act* and the Rules.

[Rule 704(1) and (2) amended December 7, 2007]
[Rule 704(2) amended; (3) and (4) added September 14, 2018]

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; and
 - (c) 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 and or its recommendations to the Benchers 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;
 - (b) final disposition of any criminal prosecution, including appeal, taken against or by the member or former member in respect of whom the claim is made; or
 - (c) the claimant obtaining, and assigning to the Society, part or all of a civil judgment or *Criminal Code* compensation order made against the member or former member respecting the money or other property claimed by the claimant.
- (3) Where the Claims Investigation Committee is of the view that there is sufficient evidence to make recommendations to the Benchers in relation to an application prior to the conclusion of related disciplinary actions or criminal prosecutions, it may do so subject to the following:
- (a) no member of a Hearing Committee appointed in relation to the member or former member in respect of whom the claim is made shall participate in the consideration of the claim or be privy to the recommendations of the Claims Investigation Committee or to the outcome of the claim; and
 - (b) evidence as to the outcome of a Special Fund claim shall not be admissible in the context of a related discipline proceeding and is not, in any event, determinative.

[Rule 705(1)(b) amended; (c) deleted; (2) amended; (3)(a) and (b) added September 14, 2018]

[Rule 706 Hearing deleted in its entirety September 14, 2018]

Recommendation to Benchers

707. (1) A Claims Investigation Committee shall, following completion of its investigation, make a report to the Benchers containing recommendations as to whether or not all or a portion of the compensation claimed should be paid.

[Rule 707(1) amended September 14, 2018]

Action by Benchers

708. (1) Upon receipt of a report under Rule 707, the Benchers may:
- (a) hear the claimant and any evidence that they may, in their discretion, permit; and
 - (b) where they are satisfied that the claimant has suffered a pecuniary loss as a result of a member's misappropriation or conversion of moneys or other property entrusted to or received by the member in the member's professional capacity, in their discretion and on terms they think fit:
 - (i) subject to subrules (2) and (3), authorize payment of all or part of the claim; or
 - (ii) determine that no payment shall be made.
- (2) Where a claim is authorized for payment, the Law Society shall administer the payment in accordance with the terms of coverage governing the National Special Fund program.
- (3) Liability for payment from the Special Fund shall not exceed the deductibles payable pursuant to the National Special Fund Program and further the Benchers shall not authorize payment of claims from the Special Fund beyond the limits of coverage contemplated by the National Special Fund Program.

[Rule 708(1) deleted; (b)(i) amended; (2) and (3) added September 14, 2018]

708.1 (1) Where a claimant is not satisfied with a decision of the Benchers made pursuant to Rule 708, and where such complainant gives notice to the Executive Director, in writing, that he or she wishes to provide new or additional evidence in support of his or her claim, and where the Executive Director is satisfied that such new or additional evidence may result in a different ruling by the Benchers, the Executive Director may submit the original report of the Claims Investigation Committee along with the new information provided by the claimant to the Benchers for a reconsideration of the matter.

(2) Subject to subrule (3), no application for reconsideration under this Rule shall be considered unless received by the Executive Director within ninety (90) days of the decision of the Benchers pursuant to Rule 708(1) being provided to the claimant.

(3) Where all, or a portion of, a claim has been denied by the Benchers prior to the completion of related discipline proceedings the claimant may, within ninety (90) days of receiving notice of the outcome of those proceedings, apply to have their claim reviewed in light of the findings made in the discipline proceeding.

[Rule 708.1 added March 15, 2007]

[Rule 708.1(1) amended, (a) and (b) deleted; (2) deleted, new (2) amended, (3) added September 14, 2018]

Recovery of Payment Made

709. (1) Where money is paid out of the Special Fund under Rule 703(b) or Rule 708(2), the Executive Director or the Benchers as the case may be:

- (a) may order that the member, on account of whose misappropriation or conversion the money is paid out, repay to the Society all or part of that amount; and
- (b) fix the date by which the repayment shall be completed.

(2) A member who has not paid the full amount owing under subrule (1) by the date fixed under subrule (1) is, unless the Benchers resolve otherwise, suspended from the practice of law until the amount owing is paid in full to the Society.

[Rule 709(1) amended; (2) deleted, renumbered and amended December 7, 2007]

[Rule 709(1)(a) amended September 14, 2018]

[next rule is Rule 800]

PART 12

Law Society Fees and Assessments

Active Member Annual Fee

800. (1) The Active Member annual fee for each calendar year, as set out in Schedule 1 following this Part, including the applicable federal and provincial taxes payable thereon is subject to subrule (5) payable by the preceding December 1.

(2) The Active Member annual fee for each calendar year for Law Professor Members and members whose principal place of practice or employment is in the City of Lloydminster and consisting of:

(a) ½ the Active Member practice fee set out in Schedule 1 following this Part; and

(b) the applicable federal and provincial taxes payable thereon

is, subject to subrule (5), payable by the preceding December 1.

(3) A member who does not pay the Active Member annual fee by December 1, but who does pay it by December 31 shall pay, in addition, a late payment fee as set out in Schedule 1 following this Part.

(4) A member may, upon the approval from the Executive Director, pay the Active Member annual fee on a quarterly basis, payable in four equal instalments commencing on the preceding December 1 and continuing on March 1, June 1 and September 1.

(5) A member who is approved to make quarterly payments shall pay, in addition, an administration fee as set out in Schedule 1 following this Part by the preceding December 1.

(6) Quarterly payments shall be made only by way of pre-authorized automatic debit.

(7) A member who does not pay the administration fee and quarterly payments on December 1 and on March 1, June 1 and September 1 fixed under Rule 800(3) becomes a Disqualified Member, effective January 1, March 2, or June 2 or September 2, as applicable.

[Rule amended February 5, 2001]

[Rule 1(A) added October, 2002]

[Rule 800(1) – (5) amended, affecting numbering thereafter; (7) added, November 1, 2014]

Inactive Member Annual Fee

801. The inactive member annual fee in respect of each year, as set out in Schedule 1 following this Part, is payable by the preceding December 31.

[Rule 801 title amended February 19, 2016]

[next rule is Rule 810]

Liability Insurance Assessment and Fee

810. (1) The liability insurance annual assessment payable under Rule 605, as set out in Schedule 1 following this Part, is payable by June 15.

(2) A member who does not pay the liability insurance assessment by June 15, but does pay it by June 30 shall pay, in addition, a late payment fee as set out in Schedule 1 following this Part.

(3) The late payment fee for a member who does not reimburse the Society or SLIA by the due date for an insurance deductible paid on the member's behalf under Rule 605, is as set out in Schedule 1 following this Part.

[Rules 820, 830 and 840 deleted in their entirety, February 19, 2016]

[next rule is Rule 850]

Reinstatement Fees

850. (1) The reinstatement fee payable by a former member who is applying for reinstatement after having been disbarred is as set out in Schedule 1 following this Part.

(2) The reinstatement fee payable by a suspended or disqualified member who is applying for reinstatement as an active or inactive member is as set out in Schedule 1 following this Part.

(3) The reinstatement fee payable in all cases other than as set out in subrules (1) and (2) is as set out in Schedule 1 following this Part.

(4) A member who is reinstated as an active member shall pay, in addition to the fees payable under subrule (1) to (3):

(a) one-twelfth of the liability insurance assessment payable under Rule 605, times the number of months remaining in the policy year, including the month that the person is reinstated; and

(b) one-twelfth of the annual fee payable under Rule 800 times the number of months remaining in the year, including the month that the person is admitted as a lawyer.

(5) A member who is reinstated as an inactive member shall pay, in addition to the fees payable under subrule (1) to (3), the inactive member annual fee as set out in Schedule 1 following this Part.

[Rule 850(4) amended April 14, 1994; Rule 850(5) added April 14, 1994]

[Rule 850 amended April 18, 1996]

[Rule 850 amended February 19, 2016]

[next rule is Rule 860]

Certificate of Standing Fee

860. The fee payable for issuance of a certificate of standing is as set out in Schedule 1 following this Part.

[Rule 870 deleted in its entirety February 19, 2016]

Continuing Professional Development Fees

871. (1) The fees payable by an applicant for approval of a remedial CPD plan are as set out in Schedule 1 following this Part.

(2) The fees payable for an appeal of decisions authorized in the CPD Policy shall be as set out in Schedule 1 following this Part.

(3) The reinstatement fee payable by a member disqualified for failing to comply with the CPD Policy shall be as set out in Schedule 1 following this Part.

(4) The late fee payable by a member who fails to comply with the CPD Policy by the December 31st deadline, but complies prior to being disqualified, shall be as set out in Schedule 1 following this Part.

[Rule 871 added May 1, 2009]

[Rule 871(1), (2) and (3) and title amended February 19, 2016]

[Rule 871(4) added September 14, 2018]

[next rule is Rule 880]

Refund of Fees

880. (1) The Society shall, in the case of an active member who dies during the current year, refund one-twelfth of the current year's active member annual fee times the number of months remaining in the calendar year excluding the month that the member dies.

(2) The Society shall, upon being satisfied that an active member has during the current year become an inactive member for the purpose of parenting a newly born or newly adopted child refund one-twelfth of the current year's active member annual fee times the number of months remaining in the calendar year excluding the month that the member becomes an inactive member.

[Rule 880(1) amended April 14, 1994; Rule 880(2) amended December 10, 1992]

[next rule is Rule 890]

Waiver of Rules

890. A member shall pay, at the time of application for a variation, waiver or suspension of a Rule under Rule 1903, a rules waiver application fee as set out in Schedule 1 following this Part.

[next rule is Rule 900]

Schedule 1 LAW SOCIETY FEES AND ASSESSMENTS

Note: The federal goods and services tax applies to Law Society fees and assessments.

A. Active Member Annual Fee	\$
1. Practice fee	1,875
2. Special Fund assessment (included in Practice fee)	100
3. Late payment fee	75/wk or part thereof
4. Quarterly payment administration fee	100
B. Inactive Member Fees	
1. Inactive member annual fee	150
C. Liability Insurance Assessment	
1. Annual Assessment	1,093
2. Late payment fee	75/wk or part thereof
3. Insurance deductible reimbursement late payment fee	100
D. Student-at-Law Fees	
1. Student-at-law application fee	175
2. Articling fee	175
3. Articling assignment fee	175
4. Bar Admission Program fee	2,700
5. Competency Evaluation re-read fee, per competency evaluation	100
E. Admission as a Lawyer Fees	
1. Lawyer admission application fee	175
2. Lawyer enrollment fee	175
3. Admission on transfer application fee (Lawyer or Canadian Legal Advisor)	175
4. Admission on transfer enrollment fee (Lawyer or Canadian Legal Advisor)	750
F. Interjurisdictional Practice Permit	
1. Interjurisdictional Practice Permit	175
2. Interjurisdictional Practice Permit Renewal	175
G. Reinstatement Fees	
1. By former member, following disbarment	2,000
2. By disqualified member becoming an active or inactive member	175 plus fee for year of default
3. All other applications for reinstatement	175
H. Certificate of Standing Fee	100
I. License and Permit Fees	
1. Foreign legal consultant permit fee	500
2. Foreign legal consultant renewal fee	150
J. Waiver of Rules	
1. First application	100
2. Each subsequent application respecting the same Rule	250
K. Professional Corporation	
1. Application for registration of Professional Corporation	200
2. Application for registration of Limited Liability Partnership	200
3. Annual renewal for Professional Corporation	200

L. Continuing Professional Development

1.	Approval of remedial CPD plan	500
2.	Appeal of decisions	100
3.	Reinstatement fee payable by member disqualified for failing to comply with the CPD Policy	750
4.	Late compliance fee	400

Note: The federal goods and services tax applies to Law Society fees and assessments

[Part K added September, 2001]
 [Part D(4) amended February 5, 2004]
 [Part C 4. added Oct., 2007]; [Amended Dec. 7, 2007]
 [Part F amended December 5, 2008]
 [Part D(4) amended May 1, 2009]
 [Part A(3), C(1) and (2) amended; Part L added September 17, 2009]
 [Part K (1), (2) and (3) amended February 11, 2010]
 [Part D (4) amended April 15, 2010]
 [Part A (1) and C (1) amended June 17, 2010]
 [Part C(1) amended; C(4) deleted April 14, 2011]
 [Part A(2) amended October 21, 2011]
 [Part C(1) amended April 27, 2012]
 [Part A(1) amended October 26, 2012]
 [Part C(1) amended April 25, 2013]
 [Part E amended to remove duplicate categories of law professors, November 1, 2014]
 [Part A(1) and (2); Part K(1), (2) and (3); and Part L(1) amended, October 16, 2015]
 [Part D, E, F, G and L amended, February 19, 2016]
 [Part C(1) amended April 29, 2016]
 [Parts A, D, E, F, G, I and J amended Dec 2, 2016]
 [Part A (1) and (2) amended December 1, 2017]
 [Part C (1) amended April 27, 2018]
 [Part L (3) amended; Part L (4) added, September 14, 2018]

PART 13

Accounting

A. Definitions

Definitions

900. In this Part,
“auditor or investigator” means a person designated to investigate, inspect or audit the accounts, books and records of a firm in accordance with Section 10(t) of the *Act*;

“books of original entry” means books or journals recording in chronological order the full details of all trust and general transactions including but not limited to receipts, payments and transfers between individual client trust ledgers. All books of original entry and supporting documents must be maintained in ink or other permanent form;

“cash” means coins referred to in section 7 of the *Currency Act*, and notes issued by the Bank of Canada pursuant to the *Bank of Canada Act*, that are intended for circulation in Canada and coins or bank notes of countries other than Canada;

“client” includes a person, corporate body or other legal entity on whose behalf the firm has been retained to provide legal services;

“cooperate” includes but is not limited to a firm and its members:

- (a) producing immediately and permitting the copying of all records and supporting documentation, including client files;
- (b) answering all questions satisfactorily; and
- (c) providing all information and explanations in paper or electronic form as requested by the auditor.

“currency” includes current coins, government or bank notes of Canada or any other country;

“double entry” basis of accounting means a system of accounting in which every transaction has a corresponding positive and negative entry (debit and credit);

“firm” means any of the following organizations of members that provides legal services to the public:

- (a) a sole proprietorship;
- (b) a partnership;
- (c) a corporation, or a partnership or association of corporations;
- (d) two or more members holding themselves out as practicing in association;
- (e) any other business entity;

but does not include any entity that receives all or substantially all of its funding from the Government of Saskatchewan.

“fiscal period” means the time period, not exceeding 12 months without the written approval of the Law Society, for which the accounts of a firm have been or ordinarily are made up;

“financial institution” means:

- (a) the Bank of Canada;
- (b) a bank included in Schedule I or II to the *Bank Act* (Canada) which is insured by the Canada Deposit Insurance Corporation;
- (c) a credit union incorporated, continued or registered under the *Credit Union Act, 1985*; or
- (d) a trust company which:
 - (i) is incorporated under the *Trust Companies Act* (Canada); or
 - (ii) has net assets in excess of \$10,000,000.

“funds” means cash, currency, securities and negotiable instruments or other financial instruments that indicate the person’s title or interest in them;

“general account” means an account other than a trust account opened with a financial institution maintained by a firm into which is deposited only funds received by the firm in connection with the practice of law, which are not trust funds. Payments from this account may be made only for expenditures directly related to the operation of the firm or to the member’s personal account;

“member” means an active member as defined in Part 7 of these Rules or a person entitled to practice law in Saskatchewan in accordance with mobility provisions set out in Part 7A of these Rules;

“money” includes cash, cheques, drafts, credit card sales slips, post office orders and express and bank money orders and any other financial or negotiable instruments;

“pooled trust account” means an interest-bearing chequing account opened at a financial institution by a firm into which money received is deposited or held for the benefit of a number of clients as referred to in section 78(1) of the *Act*;

“public body” means:

- (a) a department or agent of Her Majesty in right of Canada or of a province;
- (b) an incorporated city, town, village, metropolitan authority, township, district, county, rural municipality or other incorporated municipal body or an agent of any of them; or
- (c) an organization that operates a public hospital and that is designated by the Minister of National Revenue as a hospital under the *Excise Tax Act* or an agent of the organization.

“separate interest bearing account” (“SIBA”) means an interest-bearing account opened by a firm in trust for a specific client at a financial institution, which account must be a savings account, a term deposit, a guaranteed investment certificate, or a Government of Canada Treasury Bill purchased with trust money through a financial institution;

“signature” as it relates to trust cheques and trust withdrawals in this Part means the member’s original signature in ink and may not be in electronic form;

“trust funds” means any monies received by a member in his/her capacity as a lawyer, which are not intended to immediately become property of the member and include:

- (a) funds from a client for services to be performed or for disbursements to be made on behalf of the client;
- (b) funds which belong in part to a client and in part to the member, and it is not practicable to split the funds; or
- (c) funds received from or held on behalf of a third party which relate to a transaction in which a client is involved, but does not include funds which are to be remitted to any government by way of taxes or employee payroll deductions.

“trust property” means any property of value received or held by a member in his/her capacity as a lawyer pursuant to trust conditions that belongs to a client or is received on a client’s behalf, other than trust money, that can be negotiated or transferred by a member including but not limited to gems, jewelry, coins, etc.

B. Delegation and Accountability

Member Remains Personally Responsible

901. (1) A member who:

- (a) is authorized by the firm through which the member practices law to open, maintain or deal with funds which are in a trust or general account; and/or
- (b) delegates to another person any of the duties or responsibilities assigned to that member under this part;

remains personally responsible to ensure that those duties and responsibilities are carried out.

(2) A firm may maintain a trust or general account in the name of the firm, however, the individual members practicing through the firm, remain personally responsible to ensure compliance with these Rules.

[next rule is Rule 909]

C. Receipt of Trust Funds

Cash Transactions

909. (1) A member shall not receive or accept cash in an aggregate amount of \$7,500 or more Canadian dollars in respect of any one client matter or transaction.

(2) For the purposes of this Rule, when a member receives or accepts cash in a foreign currency from a person the member shall be deemed to have received or accepted the cash converted into Canadian dollars at:

- (a) the official conversion rate of the Bank of Canada for the foreign currency as published in the Bank of Canada's Daily Noon Rates that is in effect at the time the member receives or accepts the cash; or
- (b) if the day on which the member receives or accepts cash is a holiday, the official conversion rate of the Bank of Canada in effect on the most recent business day preceding the day on which the member receives or accepts the cash.

(3) Subrule (1) applies when a member engages on behalf of a client or gives instructions on behalf of a client in respect of the following activities:

- (a) receiving or paying funds;
- (b) purchasing or selling securities, real properties or business assets or entities; or
- (c) transferring funds by any means.

(4) Notwithstanding subrule (3), subrule (1) does not apply when the member receives cash:

- (a) from a financial institution or public body;
- (b) from a peace officer, law enforcement agency or other agent of the Crown acting in his or her official capacity;
- (c) pursuant to a court order, or to pay a fine or penalty; or
- (d) in an amount of \$7,500 or more for professional fees including retainers, disbursements, expenses or for bail, provided that any refund of \$1,000 or more out of such receipts is also made in cash. Every member who pays a cash refund pursuant to this subrule must obtain a signed acknowledgement of the payment from the person receiving the refund showing the date, amount, client name and/or client reference, file number if any, and name of the person who received the funds.

(5) Every member, in addition to existing financial recordkeeping requirements to record all money and other property received and disbursed in connection with the practice, shall maintain books of original entry identifying the method (i.e. cash, cheque, etc.) by which all monies are received.

(6) Every member who receives cash in excess of \$500 for a client shall maintain, in addition to existing financial recordkeeping requirements, a book of duplicate receipts, with each receipt identifying the date on which cash is received, the person from whom cash is received, the amount of cash received, the client for whom cash is received, any file number in respect of which cash is received and containing the signature authorized by the member who receives the cash and of the person from whom cash is received. A member is not in breach of this Rule if a receipt is not signed by the person from whom the cash is received if the member makes reasonable efforts to obtain the signature of that person.

(7) The financial records described in subrules (5) and (6) shall be entered and posted so as to be current at all times.

(8) A firm shall keep the financial records described in subrules (5) and (6) for at least six years immediately preceding the firm's most recent fiscal year end in accordance with Rule 980.

Deposit of Trust Funds

910. (1) A member who receives trust money shall deposit the money into a pooled trust account of the law firm within 3 business days.

(2) Trust money may not be paid or transferred to any other person entity or account until subrule (1) has been complied with.

(3) Where a member who receives trust money participates in an arrangement with another firm to share space and/or certain common expenses but otherwise practices as an independent practitioner:

- (a) the member must open his or her own trust account, in the name of his or her own firm; and
- (b) the member must not deposit trust money into a trust account opened by any other firm without the written approval of the Executor Director other than in the course of providing legal services to a client.

If a member at the time this Rule comes into force participates in an arrangement whereby he or she uses another member's trust account, that member may apply to the Executive Director to continue to operate

in the current manner until such time as the Executive Director advises that this Rule must be complied with.

(4) A member who receives trust funds with written instructions as to where the funds are to be placed shall first place the funds into a pooled trust account and then place the funds in accordance with instructions received.

(5) A member may not hold or invest monies outside the Province of Saskatchewan on behalf of a client unless the member's primary practice is outside of Saskatchewan, and the trust funds are handled in accordance with the Rules of the Law Society of that province or territory and the monies are received pursuant to that practice.

(6) A law firm may receive trust and general receipts by credit or debit cards subject to the following conditions:

- (a) trust receipts must be deposited, within 3 business days, directly into a trust account;
- (b) general receipts must be deposited within 7 business days directly into a general account or may be deposited to a pooled trust account subject to the following conditions:
 - (i) the general portion of the receipt must be paid within 3 business days from the trust account to the general account;
 - (ii) the law firm shall maintain a trust ledger card recording the receipt and payout of the general receipts; and
 - (iii) the trust ledger card must distinguish the general receipts by client.
- (c) the payor, client name, and file number must be recorded on the merchant slip;
- (d) the word "Trust" must be recorded on the merchant slip for all trust receipts and the word "General" must be recorded on the merchant slip for all general receipts;
- (e) the receipt must be recorded in the applicable trust or general journal and the merchant slip must be attached to the deposit slip and filed in chronological order; and
- (f) all service charges and discounts, including those related to trust receipts, must be withdrawn from the law firm general account.

(7) A firm may receive money into its trust account electronically subject to the deposit of these monies being confirmed within 3 business days of receipt. This confirmation shall be prepared by the bank or the firm and shall include:

- (a) the date monies are deposited into trust;
- (b) the name of the financial institution;
- (c) the account number into which these monies are deposited;
- (d) information identifying the remitter of the funds;
- (e) the client name and/or file number involved; and
- (f) the signature or initial of the member or person authorized by the member confirming the deposit of monies received electronically into the firm's trust account.

This confirmation must be retained by the firm.

(8) Members may deposit trust and general receipts using automated teller machines (ATMs) but only subject to the following conditions:

- (a) ATM cards for trust accounts must be restricted to deposit only;
- (b) trust receipts must be deposited directly into a pooled trust account of the firm;
- (c) unless received by credit or debit card and handled in accordance with subrule (6), general receipts must be deposited directly into a general account of the firm; and
- (d) the payor, client name and file number, if applicable, must be recorded on all ATM slips.

The receipt must be recorded in the applicable trust or general journal and the ATM slip must be attached to a deposit slip and filed in chronological order.

(9) A member who receives trust funds which belong in part to a client and in part to the member shall:

- (a) deposit the funds into a pooled trust account; and
- (b) within 7 business days of receiving information that would enable the member to split the funds, withdraw the member's funds from the trust account.

(10) A member shall be permitted to handle his or her own legal transactions through a trust account as long as the money is handled in the normal course of a legal file and the money is paid out expeditiously when the matter is concluded.

(11) Active members whose primary practice is outside Saskatchewan are not required to hold trust monies in Saskatchewan, but they must comply with the trust accounting rules in the jurisdiction in which they practice.

(12) In this Rule:

- (a) the cities of Lloydminster, Alberta, and Flin Flon, Manitoba, are deemed to be in Saskatchewan and the deposit of trust monies in a financial institution located in those two cities is deemed compliant with Rule 911 and Rule 913;
- (b) Alberta or Manitoba credit unions located in Lloydminster, Alberta or Flin Flon, Manitoba, which are incorporated, continued or registered under the Alberta or Manitoba equivalent to *The Credit Union Act (1985)* are deemed to be financial institutions.

Pooled Trust Account

911. (1) A pooled trust account referred to in Rule 910 shall be in a financial institution in Saskatchewan, and shall be:

- (a) an account which is readily available to be drawn upon by the member, and in respect of which the firm receives all bank statements, cancelled cheques or cheque images in a form approved by the Law Society, each month;
 - (b) an account in respect of which the financial institution has agreed with the firm to pay interest to the Law Foundation in accordance with subrule (2);
 - (c) kept in the name of the firm;
 - (d) designated as a “trust” account on the records of the financial institution and of the firm;
 - (e) an account for which online access is restricted to read or view only;
 - (f) an account which restricts bank card access to deposit and read or view only; and
 - (g) insured by the Canada Deposit Insurance Corporation or the Credit Union Deposit Guarantee Corporation.
- (2) A firm that opens or maintains a pooled trust account shall:
- (a) instruct each financial institution in writing to remit to the Law Foundation at least quarterly the interest earned on the account;
 - (b) instruct each financial institution in writing to remit to the Law Foundation any and all monetary benefits received on the account; and
 - (c) notify each financial institution in writing that the account is a trust account which will contain the funds of more than one client.

(3) Subject to subrule (4) and Rules 910(9) and 972(1), a member firm shall not deposit into or retain in a pooled trust account any funds which are not trust funds whether or not they were received by the firm in connection with its practice of law.

(4) A member shall pay out of his or her own funds any service fees, charges or discounts levied by the financial institution arising out of the operation of a pooled trust account, and for that purpose may direct that all such fees, charges or discounts be withdrawn from the firm’s general account or the firm may maintain in each pooled trust account an amount up to \$300 of the firm’s own funds, or greater, if approved in writing by the Executive Director to meet reasonably anticipated service fees, charges or discounts.

Approval of Trust Accounting Software Required

912. Accounting software used by a firm to account for trust monies received, retained and/or paid out by the firm must be approved in writing by the Executive Director prior to installation.

SIBAs

913. (1) A member, after first depositing trust money into a pooled trust account, may transfer those trust monies into a SIBA held in trust for the client if the SIBA is opened in the name of the firm.

(2) The name of the bank account on the bank’s records and the firm’s records referred to in subrule (1) shall include a reference to the specific client, and unless otherwise directed in writing by the client, be insured by the Canada Deposit Insurance Corporation or the Credit Union Deposit Guarantee Corporation.

(3) A member who opens or maintains a SIBA shall instruct the financial institution in writing to deposit into the account when due the interest earned on the account.

(4) The SIBA must be recorded in the firm's trust records and interest earned on a SIBA shall be credited to the client's trust ledger account no later than 30 days after being paid into or added to the SIBA balance by the financial institution.

(5) Trust funds for deposit to a SIBA shall be deposited into a pooled trust account of the firm before any payment to the SIBA.

(6) Trust funds may be transferred to a SIBA in accordance with Rule 943. Otherwise, a trust cheque must be written in accordance with Rule 942(1).

(7) Trust funds withdrawn from a SIBA shall only be transferred to a pooled trust account of the firm in the same financial institution before being paid out. Trust funds withdrawn from a SIBA in a different financial institution than the firm's pooled trust account must only be paid to the firm's pooled trust account.

(8) Subject to Rule 972(1), a member shall not deposit into or retain in a SIBA any funds which are not trust funds.

[next rule is Rule 920]

D. Receipt of Non-Trust Funds

Funds Which May be Deposited into a Member's General Account

920. Except as provided for in Rule 910(6)(b), a member shall deposit into a general account all and only those funds received in connection with the member's practice of law, which are not trust funds. A firm must maintain at least one general account.

Transactions Which Must be Recorded in Non-Trust Books and Records

921. (1) A member shall record in the firm's non-trust books, records and accounts:

- (a) funds received from the practice of law which belong entirely to the member or to other persons associated with the member in the practice of law;
- (b) funds received by the member on account of fees for services already performed; and
- (c) funds received to reimburse the member for disbursements already made or expenses already incurred on behalf of a client.

(2) A member who receives funds under subrule (1) shall, within 3 business days, deliver an invoice to the client for the funds received, containing sufficient particulars to identify the services performed and/or disbursements incurred.

Non-Monetary Benefits from Use of Credit Cards

922. Non-monetary benefits from the use of credit cards for payment of disbursements on behalf of clients that do not result in increased charges to the client or decreased benefits to the client may accrue to and be used to the benefit of the firm.

[next rule is Rule 940]

E. Withdrawal of Funds from Trust

Circumstances When Withdrawal is Permitted

940. (1) A member shall not withdraw or authorize the withdrawal from a trust account of any trust funds unless the trust accounting records are current and there are sufficient funds held in that account to the credit of the client on whose behalf the funds are withdrawn, and:

- (a) the funds are properly required for payment to or on behalf of a client or to satisfy a court order;
- (b) the funds are properly payable to the member in respect of a liability of the client to the member for fees, disbursements or other expenses relating to the practice of law;
- (c) the withdrawal is to correct a deposit which was mistakenly made to the account;
- (d) the funds are being paid from one pooled trust account to another pooled trust account, to a SIBA in accordance with Rule 943, or to a pooled trust account in accordance with Rule 950;
- (e) the funds are unclaimed trust funds which are being paid to the Law Society in accordance with Part 16 of these Rules;
- (f) the withdrawal is in accordance with Rule 992; or
- (g) the withdrawal is authorized in writing by the Executive Director.

(2) A member shall, as soon as practicable after becoming entitled to funds held in the member's trust account, withdraw those funds from trust.

(3) A member shall not pay any personal or general office expenses or costs from a trust bank account.

Withdrawal for Payment of Fees and Accounting to Client

941. (1) A member who withdraws or authorizes the withdrawal of trust funds under Rule 940(1)(b), where the liability of the client to the member is for fees earned by the member or disbursements paid by the member, must first prepare an invoice for those fees and/or disbursements or other expenses and, unless the client directs otherwise in writing, deliver the invoice or other written notification to the client prior to or within 3 days of the withdrawal.

(2) The invoice prepared in subrule (1) shall identify the amount of funds withdrawn from trust and applied against the amount of the bill.

(3) An invoice is delivered to the client within the meaning of subrule (1) if it is:

- (a) mailed by regular or registered mail to the client at the client's last known address;
- (b) delivered personally to the client;
- (c) transmitted by electronic facsimile to the client at the client's last known electronic facsimile number;
- (d) transmitted by electronic mail to the client at the client's last known electronic mail address; or
- (e) made available to the client by other means agreed to in writing by the client.

(4) The member shall account to the client, in writing, for all trust funds received and disbursed at the conclusion of the matter or more frequently upon reasonable client request.

(5) A member must not charge or accept a fee or disbursement, including interest, unless it is fair and reasonable and the amount has been disclosed and invoiced to the client in a timely fashion.

(6) Payments may not be made from a trust account for the direct or indirect benefit of a member, his or her family members or other members of the firm other than for fees and/or disbursements relating to the practice of law.

(7) A member must not:

- (a) pay a real estate commission before he or she is in a position to disburse the balance of the sale proceeds;
- (b) lend commission advances to real estate brokers or agents; or
- (c) enter into an arrangement with a real estate broker or agent that involves the broker or agent directing clients to the member in return for:
 - (i) a portion of the fee paid by the client to the member; or
 - (ii) a financial or other reward, direct or indirect.

Procedure for Withdrawing Funds from a Pooled Trust Account

942. (1) Subject to subrule (2) and Rule 913(6), a member who makes or authorizes the withdrawal or transfer of funds from a pooled trust account shall:

- (a) effect the withdrawal or transfer by a consecutively numbered cheque marked "trust";
- (b) not make the cheque payable to "cash" or "bearer";
- (c) provide the client or file reference in the memo field of the cheque, on the cheque copy or the cheque stub;
- (d) be dated, but not post-dated;
- (e) be fully completed as to the payee and amount before being signed;
- (f) ensure that the cheque is signed by at least one member; and
- (g) not make transfers of trust money from one client's account to another client's account unless the member has obtained either:
 - (i) the written authorization of the client from whose account the money is transferred; or
 - (ii) the verbal authorization of the client from whose account the money is transferred, which authorization is subsequently confirmed in writing to the client by the member and the money is held in a pooled trust account in the same financial institution.

(2) Trust withdrawals must not be made by a bank draft except in exceptional circumstances and only with prior written approval of the Executor Director.

(3) If a withdrawal by a bank draft has been approved by the Executive Director under subrule (2), the member shall:

- (a) obtain the recipient's authorization to receive the funds in the form of a bank draft in writing;
- (b) document the exceptional circumstances on the client's file;
- (c) retain the written approval provided under subrule (2) on the client's file;
- (d) purchase the bank draft only at a financial institution where the law firm has a pooled trust account;
- (e) make the bank draft payable to the client or a payee approved in writing by the client; and
- (f) maintain a copy of the bank draft and client approvals on the client's file.

(4) Money may be electronically transferred by a firm subject to the following conditions:

- (a) the withdrawal from trust must be greater than or equal to \$25 million dollars;
- (b) the transfer system used must be able to produce within one banking day of the transfer a confirmation from the financial institution showing the details on the transfer;
- (c) the confirmation from the financial institution must be in hardcopy form and must contain the following details: date of transfer, source trust account information (account name, financial institution and account number), authorizing member reference and amount of the transfer;
- (d) the member must complete a \$25 Million Non-Cheque Transfer Requisition Form in Form T8;
- (e) the requesting member and authorizing member sections of Form TA-8 must be signed and dated by an active member of the firm;
- (f) the firm must obtain the confirmation from the financial institution and within two banking days an active member of the firm:
 - (i) must write the name of the client and file number on the confirmation;
 - (ii) must sign and date the confirmation;
 - (iii) must agree the particulars from the confirmation to the \$25 Million Non-Cheque Transfer Requisition Form;
 - (iv) must verify that the money was properly transferred in accordance with the requisition; and
 - (v) must sign and date the verifying lawyer section of Form TA-8.

(5) A member may make or authorize the withdrawal of funds from a pooled trust account by wire transfer provided all of the following conditions are met:

- (a) the system will produce, not later than the next banking day, a confirmation form from the financial institution confirming the details of the transfer, which includes the following:
 - (i) the date of the transfer;
 - (ii) source trust account information, including account name, financial institution and account number;
 - (iii) destination account information, including account name, financial institution, financial institution address and account number;
 - (iv) the name of the member authorizing the transfer; and
 - (v) amount of transfer.
- (b) the member must:
 - (i) complete and sign a requisition for the transfer in a form approved by the Executive Director;
 - (ii) submit the original requisition to the appropriate financial institution;
 - (iii) retain a copy of the requisition;
 - (iv) obtain the confirmation referred to in subrule (a) from the financial institution;
 - (v) retain a hard copy of the confirmation; and
 - (vi) immediately on receipt of the confirmation, verify that the money was drawn from the trust account as specified in part (a) of the requisition.

(6) A member who withdraws or authorizes the withdrawal of trust funds for the payment of fees, disbursements or other expenses, must do so only on the basis of a previously prepared invoice. The withdrawal must be made only by a consecutively numbered trust cheque payable to the firm's general account or by electronic payment or transfer of trust funds only to the firm's general account. Amounts paid from trust must relate to a particular invoice or the total of a group of invoices referenced to the payment.

(7) Once a legal matter is concluded, the member shall ensure all related trust money is paid out expeditiously or no longer than 6 months after the conclusion of the matter.

(8) Subrule (1) does not apply to the interest earned on a pooled trust account which the firm has instructed the financial institution to pay to the Law Foundation under Rule 911(2).

Procedure for Transferring Funds to a SIBA

943. A member who makes or authorizes the payment of funds from a pooled trust account to a SIBA shall ensure that the payment is made by cheque in accordance with Rule 942(1) or by bank transfer if:

- (a) the transfer is authorized in writing;
- (b) the written authorization is signed by a member; and
- (c) the monies are in the same financial institution as the pooled trust account.

[next rule is Rule 950]

F. Withdrawal of Funds From a SIBA

Transfer of Funds to a Pooled Trust Account

950. A member who makes or authorizes the withdrawal of funds from a SIBA shall do so only by providing the financial institution with written authorization signed by the member to pay or transfer the funds only into the firm's pooled trust account.

G. Books, Records and Accounts Required to be Maintained

Object of Maintaining Books, Records and Accounts

960. (1) A firm shall maintain an adequate accounting system, including the books, records and accounts described in this Part, in order to record all funds and other negotiable property received and disbursed in connection with the practice of law by its members.

(2) A firm shall, at the written direction of the Executive Director, make such modifications to the firm's accounting system and/or accounting records as the Executive Director considers necessary.

Form of Books, Records and Accounts

961. (1) A firm's books, records and accounts shall be maintained in Saskatchewan and shall be:

- (a) in legibly handwritten form, in ink or other duplicated or permanent form;
- (b) in printed form; or
- (c) subject to subrule (2), in electronic form.

(2) A firm using a computerized accounting system shall

- a) print the following records monthly:
 - (i) trust journal;
 - (ii) trust reconciliation including client trust listing;
 - (iii) trust property record.
- (b) print the client trust ledger cards:
 - (i) monthly, unless they can be printed in their entirety upon demand; and
 - (ii) at the conclusion of the matter and store a complete copy in the client file.
- (c) print the following records monthly, unless they can be printed upon demand:
 - (i) general journal;
 - (ii) general bank reconciliation;
 - (iii) billing journal;
 - (iv) accounts receivable detail and listings;
 - (v) billings for all fees, charges and disbursements in chronological or numerical

order.

(d) maintain an electronic backup of the accounting records updated on a weekly or more frequent basis in a safe and secure offsite location.

(3) The transactions recorded in a firm's books, records and accounts shall be up-to-date, recorded using the double entry basis of accounting, in chronological order, and in an easily-traceable form.

Trust Books, Records and Accounts Required to be Maintained

962. A firm shall maintain at least the following trust books, records and accounts:

- (a) a **daily journal** or other book of original entry recording:
 - (i) for all funds received in trust for each client; the date of receipt, the receipt number, source of the funds, the form in which the funds are received, and the identity of the client on whose behalf the trust funds are received;
 - (ii) for all funds disbursed out of trust for each client; the cheque or reference number, the date of each disbursement, the name of the recipient and the identity of the client or the file reference on whose behalf the trust funds are disbursed; and
 - (iii) a running balance of the total amount in trust.
- (b) a client trust ledger recording separately for each client matter:
 - (i) the name, matter description and file number of the client; and
 - (ii) all trust funds received and disbursed, and the unexpended balance.
- (c) a transfer record showing each transfer of funds between client trust ledgers
 - (i) an explanation of the purpose for which each transfer is made; and
 - (ii) the member's signed approval of the transfer.

containing:

- (d) the monthly trust reconciliations required to be prepared under Rule 970(1), and the detailed listings and reconciliations described in Rule 970(2), along with any and all supporting documentation and reports;
- (e) a current listing of all valuable property showing all valuable property, other than money, held in trust for each client; and
- (f) all supporting documents and records, including but not limited to:
 - (i) validated, detailed deposit receipts or readable digital deposit images;
 - (ii) periodic bank statements;
 - (iii) passbooks;
 - (iv) cancelled and voided cheques or digital cheque images (front & back of cancelled cheques); and
 - (v) bank vouchers and similar documents.

Non-Trust Books, Records and Accounts Required to be Maintained

963. (1) A firm shall maintain at least the following non-trust books, records and accounts:

- (a) a daily journal or other book of original entry recording;
 - (i) for all non-trust funds received, the date of receipt, receipt number, the amount received, the form in which the money is received, and the source of the funds; and
 - (ii) for all non-trust funds disbursed, the amount, the cheque or reference number, the date of each payment or transfer and the name of each recipient.
- (b) an accounts receivable ledger or other suitable system to record in chronological order the firm/client position for each client showing statements of account rendered, payments on account and a continual running balance;
- (c) copies of billings for fees, charges and disbursements filed in chronological or numerical order in accordance with Rule 941(1) showing all fees charged or other billings made to clients, the dates such charges are made, and the names of the clients charged; and
- (d) all supporting records, including:
 - (i) validated detailed deposit receipts or readable digital deposit images;
 - (ii) bank statements;
 - (iii) passbooks;
 - (iv) cancelled or printed digital images (front & back of cancelled cheques);
 - (v) bank vouchers and similar documents;
 - (vi) vendor invoices; and
 - (vii) bills for fees, charges and disbursements.

(2) The information required to be recorded on the accounts receivable ledger referred to in subrule (1)(b) may be recorded on the client trust ledger referred to in Rule 962(b), provided that the entries are clearly identified and are not combined with trust account information.

Recording of Transactions in Books, Records and Accounts

964. (1) A member shall ensure that each trust transaction is recorded in the firm's books, records and accounts including the trust journal and the client trust ledger promptly, and in any event, not more than 3 business days after the transaction.

(2) A member shall ensure that each non-trust transaction is recorded in the firm's books, records and accounts, including the general journal promptly, and in any event, not later than 7 business days after the end of the month in which the transaction occurred.

Adding and Balancing Daily Journals

965. A firm shall ensure that each trust and non-trust daily journal is added and balanced at least monthly, and in any event, not more than 30 days after the end of the month in which the transaction occurred.

Disclosure by Financial Institution

966. (1) A firm that maintains a trust account or trust accounts in any financial institution shall execute an authorization in Form TA-2 or its equivalent, permitting the institution to disclose to the Law Foundation of Saskatchewan any of the following:

- (a) an overdraft in that trust account;
- (b) the presentation of a cheque to the financial institution which, if honored, would result in an overdraft;
- (c) any other circumstance which may indicate that the balance of the trust account may be insufficient to satisfy the legitimate claims against it.

(2) The authorization referred to in subrule (1) shall contain a release and waiver signed by a member of the firm of any claim whatever which the firm or members of the firm may have as against the financial institution or any of its officers, agents or employees arising from such disclosure.

H. Monthly Trust and Non-Trust Reconciliations

Preparation of Monthly Reconciliations

970. (1) A firm shall ensure that a monthly trust reconciliation is prepared for each pooled trust account and SIBA showing:

- (a) the total of all unexpended balances of funds held in trust for clients, as they appear in the client trust ledger; and
- (b) the total of trust fund balances held in all trust accounts, as they appear in the records of the financial institution together with the reasons for any differences between the totals.

(2) The monthly trust reconciliation shall include all pooled trust accounts and SIBAs and be supported by:

- (a) a detailed listing showing the unexpended balance of pooled trust funds held for each client, identifying each client for whom trust funds are held, and the date of the last transaction recorded in that client's trust ledger for the fiscal year end listing;
- (b) a detailed monthly bank reconciliation for each pooled trust account;
- (c) a listing of balances of each SIBA identifying the client for whom each is held;
- (d) a trust journal; and
- (e) a listing of trust property received and delivered and the undelivered portion of valuables held for each client.

(3) The listings and reconciliations described in subrule (2) shall be retained as records supporting the monthly trust reconciliation.

(4) The trust reconciliation required under subrule (1) shall be prepared and completed within 30 days after the end of the period to which it pertains.

(5) A firm shall ensure that a monthly reconciliation is prepared for each non-trust account showing:

- (a) the amount of funds in the bank according to the firm's records;
- (b) the amount of funds in the bank according to the bank's records; and
- (c) a listing of reconciling items with supporting explanations and documentation as necessary.

(6) Completed monthly trust and non-trust reconciliations shall be reviewed, signed and dated by a member not more than 30 days after the end of the period to which it pertains.

I. Maintaining a Sufficient Balance in Trust Accounts

971. (1) A firm must at all times maintain sufficient funds on deposit in each pooled trust account or SIBA to meet the firm's obligations with respect to funds held in trust for clients in each trust account.

(2) A member shall at no time permit:

- (a) any of his or her pooled trust accounts or SIBAs to be overdrawn; or
- (b) any individual client trust ledger account to be overdrawn.

(3) In this Rule, an account is overdrawn when, according to the firm's books, records and accounts, the firm holds less funds to the credit of a particular client or other person on whose behalf an account is maintained, than the firm owes to that particular client or other person under that account.

Duty on Firm to Eliminate a Trust Shortage and to Report to the Society

972. (1) Members of a firm whose trust account becomes overdrawn shall pay funds into the account sufficient to eliminate the shortage within 3 business days of discovering the shortfall, unless a written extension is provided by the Executive Director.

(2) Where the trust shortage referred to in subrule (1) exceeds \$1,000, the firm shall within 3 business days of discovery, report the shortage and the circumstances surrounding it, to the Executive Director in writing.

Duty to Report to the Society an Inability to Deliver up Trust Funds or Trust Property when Due

973. A member who discovers that he or she will be unable to deliver when due any trust funds or trust property held by the firm shall immediately upon discovery, report that fact and the reasons for it, to the Executive Director in writing.

Duty to Report All Thefts

974. As soon as practicable after any member of the firm becomes aware of any theft by any person of trust or non-trust monies from the firm, the firm shall report the theft to the Executive Director.

J. Retention Period for Trust and Non-Trust Books, Records and Accounts

Retention Period

980. (1) Subject to subrule (2), a member shall retain for at least 6 years all the books, records and accounts required to be maintained under this Part.

(2) Notwithstanding subrule (1), a member shall retain for at least 10 years the books, records and accounts referred to in Rule 962(a) and (b) and Rule 963(c), unless the Executive Director authorizes in writing a shorter retention period.

Retention Location

981. (1) Subject to subrules (2) and (3), a firm shall retain:

- (a) at its chief place of practice in Saskatchewan the books, records and accounts referred to in Rule 980 pertaining to the most recent 2-year period; and
- (b) at a location in Saskatchewan the other books, records and accounts required to be retained under this Part.

(2) A firm practicing in Lloydminster, Alberta or Flin Flon, Manitoba shall retain:

- (a) at its chief place of practice in Lloydminster or Flin Flon, as the case may be, the books, records and accounts referred to in Rule 980 pertaining to the most recent 2-year period; and
- (b) at a location in Lloydminster or Flin Flon, as the case may be, the other books, records and accounts required to be retained under this Part.

(3) Prior to giving up possession of a file, the member shall make a copy of the parts of the file that support financial transactions and record the name and contact information of the person receiving the file.

(4) A member of the Society who practices law as a member of an interjurisdictional law firm shall ensure that, with respect to the firm's practice of law in Saskatchewan, the firm's books, records and accounts, wherever maintained, are available on demand by the Executive Director of the Law Society of Saskatchewan or its designated agent.

K. Canadian Deposit Insurance Corporation (“CDIC”) Requirements

Filing Annual CDIC Report with Each Savings Institution

991. A firm that maintains a pooled trust account in a financial institution which is insured by CDIC shall file an annual report for each such account with that institution in accordance with the *Canada Deposit Insurance Corporation Act*, so that each client’s funds, rather than the pooled trust account itself, is insured up to the limit of CDIC insurance.

L. Member’s Right to Claim Funds

Rules Do Not Deprive Member of Right to Claim Funds

992. Nothing in this Part deprives a firm or members of the firm of any recourse or right, whether by way of lien, set-off, counterclaim, charge or otherwise, against:

- (a) funds standing to the credit of a client in a trust account maintained by the firm; or
- (b) valuables held for a client.

M. Examination of a Firm’s Records

Audits

995. (1) The auditor is authorized to attend at the offices and branch offices of any member to review any or all of the member’s books and records required to be kept pursuant to the *Act* and these Rules. The auditor may conduct an examination of these books and records in order to ascertain compliance with the *Act*, these Rules or the *Code of Professional Conduct*. This examination may be performed in the office(s) of the firm, the Law Society’s offices or such other location approved by the Executive Director.

(2) The firm and its members shall cooperate with the auditor or such other person(s) authorized by Section 10(t) of the *Act* and comply on a timely basis with all reasonable requests.

(3) A firm shall, upon request, grant authorization to their financial institutions(s) to provide firm bank account information directly to the Law Society and/or its representatives. Costs relating to the provision of bank account information are the responsibility of the firm unless otherwise directed by the Executive Director.

(4) The auditor may complete or cause to be completed the financial and/or other records of any firm when considered necessary to ascertain as to whether the provisions of the *Act*, these Rules and/or the provisions of the *Code of Professional Conduct* have been and/or are being complied with by the firm and/or its members. At the discretion of the Executive Director, any or all costs associated with the completion of records may be charged to the firm and/or its members.

Practice Reviews

997. (1) The Executive Director may direct a review of any member’s practice to determine whether the member is in compliance with the *Act*, these Rules and the *Code of Professional Conduct*.

(2) The Executive Director shall appoint a person or persons authorized by section 10(t) of the *Act* to conduct any review conducted pursuant to this Rule.

(3) Without limiting subrule (1), a review conducted in relation to a member’s practice may include:

- (a) a review of any or all of the member’s:
 - (i) files;
 - (ii) books;
 - (iii) records, including electronic records; and
 - (iv) office management systems, including but not limited to the procedures in place to reduce the risk of complaints and liability for insurance claims; and
- (b) interviews with the member’s staff;

at any or all of the member’s offices.

(4) Members shall cooperate with the person carrying out the practice review authorized by this Rule and comply with all reasonable requests.

(5) A review under this Rule may be conducted whether or not a complaint has been made against a member.

(6) Any report arising from a review conducted pursuant to this Rule:

(a) shall be provided to the Executive Director;

(b) unless otherwise ordered by the Professional Standards Committee, shall not be disclosed except for the purpose of complying with the objects of the *Act*.

Person Designated to Make a Demand

1000. The person designated by the Benchers to make a demand under section 63(1) of the *Act* is the Executive Director.

Contents of Service of a Demand

1001. A demand under section 63(1) of the *Act* shall:

(a) be in writing, signed by the Executive Director;

(b) state:

(i) the nature of the investigation in respect of which the demand is made;

(ii) which categories of the member's records or other property are to be produced;

(iii) the time by which and the person to whom the member's records or other property are to be produced; and

(iv) the text outlining sections 60 and 63 of the *Act*; and

(c) be given personally to the member or served on the member in accordance with section 85 of the *Act*.

Duty to Preserve Confidentiality

1003. A person who, in the course of acting under section 63(4) of the *Act* or under Rule 995 becomes privy to information, files or records that are confidential or are subject to solicitor and client privilege, has the same obligation respecting the disclosure of that information as the member from whom the information, files or records were obtained.

N. Bankruptcy of a Member

Definition

1010. In Rules 1010 to 1013,

“a member who is the subject of bankruptcy proceedings” means a member who:

(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 and includes students-at-law and applicants for admission or re-admission.

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.

Practice Conditions

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 the 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*.

Notification to the Membership

1013. There will be no notification to the membership that a member has become the subject of bankruptcy proceedings unless the Chairperson of the 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).

0. Client Identification and Verification Requirements

Definitions

1020. In this Part,

“electronic funds transfer” means an electronic transmission of funds conducted by and received at a financial institution or a financial entity headquartered in and operating in a country that is a member of the Financial Action Task Force, where neither the sending nor the receiving account holders handle or transfer the funds, and where the transmission record contains a reference number, the date, transfer amount, currency and the names of the sending and receiving account holders and the conducting and receiving entities;

“financial institution” means:

- (a) an authorized foreign bank within the meaning of section 2 of the *Bank Act* in respect of its business in Canada or a bank to which the *Bank Act* applies;
- (b) a cooperative credit society, savings and credit union or caisse populaire that is regulated by a provincial Act;
- (c) an association that is regulated by the *Cooperative Credit Associations Act* (Canada);
- (d) a company to which the *Trust and Loan Companies Act* (Canada) applies;
- (e) a trust company or loan company regulated by a provincial Act;
- (f) a department or agent of Her Majesty in right of Canada or of a province where the department or agent accepts deposit liabilities in the course of providing financial service to the public; or
- (g) a subsidiary of the financial institution whose financial statements are consolidated with those of the financial institution.

“funds” means cash, currency, securities and negotiable instruments or other financial instruments that indicate the person's title or interest in them;

“lawyer” means, in the Province of Quebec, an advocate or a notary and, in any other province, a barrister or solicitor;

“organization” means a body corporate, partnership, fund, trust, co-operative or an unincorporated association;

“proceedings” means a legal action, application or other proceeding commenced before a court of any level, a statutory tribunal in Canada or an arbitration panel or arbitrator established pursuant to provincial, federal or foreign legislation and includes proceedings before foreign courts;

“public body” means:

- (a) a department or agent of Her Majesty in right of Canada or of a province;
- (b) an incorporated city, town, village, metropolitan authority, township, district, county, rural municipality or other incorporated municipal body or an agent of any of them;
- (c) a local board of a municipality incorporated by or under an Act of a province or territory of Canada including any local board as defined in the Municipal Act (Ontario) [or equivalent legislation] or similar body incorporated under the law of another province or territory;
- (d) an organization that operates a public hospital authority and that is designated by the Minister of National Revenue as a hospital under the *Excise Tax Act* (Canada) or an agent of the organization;
- (e) a body incorporated by or under the law of an Act of a province or territory of Canada for a public purpose; or
- (f) a subsidiary of a public body whose financial statements are consolidated with those of the public body.

“reporting issuer” means an organization that is a reporting issuer within the meaning of the securities laws of any province or territory of Canada, or a corporation whose shares are traded on a stock exchange designated under section 262 of the *Income Tax Act* (Canada) and operates in a country that is a member of the Financial Action Task Force, or is controlled by a reporting issuer including but not limited to a subsidiary of that organization or corporation whose financial statements are consolidated with those of the organization or corporation;

“securities dealer” means a person or entity that is authorized under provincial legislation to engage in the business of dealing in securities or any other financial instruments or to provide portfolio management or investment advising services.

Client Identity

1021. (1) Subject to subrule (3), a lawyer who is retained by a client to provide legal services must comply with the requirements of this Rule.

(2) A lawyer’s responsibilities under this Rule may be fulfilled by any member, associate or employee of the lawyer’s firm, wherever located.

(3) Rules 1022 through 1029 do not apply to:

- (a) a lawyer when he or she provides legal services or engages in or gives instructions in respect of any of the activities described in Rule 1023 on behalf of his or her employer;
- (b) a lawyer
 - (i) who is engaged as an agent by the lawyer for a client to provide legal services to the client; or
 - (ii) to whom a matter for the provision of legal services is referred by the lawyer for a client, when the client’s lawyer has complied with Rules 1022 through 1029; or
- (c) a lawyer providing legal services as part of a duty counsel program sponsored by a non-profit organization, except where the lawyer engages in or gives instructions in respect of the receiving, paying or transferring of funds other than an electronic funds transfer.

Information Required to be Recorded

1022. A lawyer who is retained by a client as described in Rule 1021(1) shall obtain and record the following information:

- (a) the client’s full name;
- (b) the client’s business address and business telephone number, if applicable;
- (c) if the client is an individual, the client’s home address and home telephone number;
- (d) if the client is an organization, other than a financial institution, public body or reporting issuer, the organization’s incorporation or business identification number and the place of issue of its incorporation or business identification number, if applicable;
- (e) if the client is an individual, the client’s occupation or occupations;
- (f) if the client is an organization;

- (i) other than a financial institution, public body or a reporting issuer, the general nature of the type of business or businesses or activity or activities engaged in by the client, where applicable; and
 - (ii) the name, position, and contact information for the individual(s) authorized to provide and give instructions to the lawyer with respect to the matter for which the lawyer is retained.
- (g) if the client is acting for or representing a third party, information about the third party as set out in subrules (a) to (f) as applicable.

Client Identity and Verification

1023. Subject to Rule 1024, Rule 1025 applies where a lawyer who has been retained by a client to provide legal services engages in or gives instructions in respect of the receiving, paying or transferring of funds, other than an electronic funds transfer.

Exemptions Regarding Certain Funds

1024. (1) Rule 1025 does not apply where the client is a financial institution, public body or reporting issuer.

- (2) Rule 1025 does not apply in respect of funds:
- (a) paid by or to a financial institution, public body or a reporting issuer;
 - (b) received by a lawyer from the trust account of another lawyer;
 - (c) received from a peace officer, law enforcement agency or other public official acting in their official capacity;
 - (d) paid or received pursuant to a court order or to pay a fine or penalty;
 - (e) paid or received as a settlement of any proceedings; or
 - (f) paid or received for professional fees, disbursements, expenses or bail.

Verify the Identity of the Client

1025. (1) When a lawyer is engaged in or gives instructions in respect of any of the activities described in Rule 1023, including non-face-to-face transactions, the lawyer shall take reasonable steps to verify the identity of the client, including the individual(s) described in Rule 1022(f)(ii), and, where appropriate, the third party, using what the lawyer reasonably considers to be reliable, independent source documents, data or information.

- (2) For the purposes of subrule (1), independent source documents may include:
- (a) if the client or third party is an individual, valid original government issued identification, including a driver's license, birth certificate, provincial or territorial health insurance card (if such use of the card is not prohibited by the applicable provincial or territorial law), passport or similar record;
 - (b) if the client or third party is an organization such as a corporation or society that is created or registered pursuant to legislative authority, a written confirmation from a government registry as to the existence, name and address of the organization, including the names of its directors, where applicable, such as:
 - (i) a certificate of corporate status issued by a public body;
 - (ii) a copy obtained from a public body of a record that the organization is required to file annually under applicable legislation; or
 - (iii) a copy of a similar record obtained from a public body that confirms the organization's existence; and
 - (c) if the client or third party is an organization, other than a corporation or society, that is not registered in any government registry, such as a trust or partnership, a copy of the organization's constating documents, such as a trust or partnership agreement, articles of association, or any other similar record that confirms its existence as an organization.

(3) When a lawyer is engaged in or receives instructions in respect of any of the activities in Rule 1023 for a client or third party that is an organization referred to in subrules (2)(b) or (c), the lawyer shall make reasonable efforts to obtain, and if obtained, record,

- (a) the name and occupation of all directors of the organization, other than an organization that is a securities dealer; and

(b) the name, address and occupation of all persons who own 25 per cent or more of the organization or of the shares of the organization.

(4) When a lawyer engages in or receives instructions in respect of any of the activities in Rule 1023 for a client or third party who is an individual who is not physically present before the lawyer but is present elsewhere in Canada, the lawyer shall verify the client's identity by obtaining an attestation from a commissioner of oaths in Canada, or a guarantor in Canada, that the commissioner or guarantor has seen one of the documents referred to in subrule (2)(a).

(5) When a lawyer who engages in or receives instructions in respect of any of the activities in Rule 1023 for a client that is an organization is instructed by an individual described in Rule 1022(f)(ii) who is not physically present before the lawyer but is present elsewhere in Canada, the lawyer shall verify the individual's identity by obtaining an attestation from a commissioner of oaths in Canada, or a guarantor in Canada, that the commissioner or guarantor has seen one of the documents referred to in subrule (2)(a).

(6) For the purpose of subrules (4) and (5), an attestation shall be produced on a legible photocopy of the document and shall include:

- (a) the name, profession and address of the person providing the attestation;
- (b) the signature of the person providing the attestation; and
- (c) the type and number of the identifying document provided by the client, third party or instructing individual(s).

(7) For the purpose of subrules (4) and (5), a guarantor must be a person employed in one of the following occupations in Canada:

- (a) dentist;
- (b) medical doctor;
- (c) chiropractor;
- (d) judge;
- (e) magistrate;
- (f) lawyer;
- (g) notary (in Quebec);
- (h) notary public;
- (i) optometrist;
- (j) pharmacist;
- (k) professional accountant (CPA [Chartered Professional Accountant], (APA [Accredited Public Accountant], PA [Public Accountant] or RPA [Registered Public Accountant]);
- (l) professional engineer (P.Eng. [Professional Engineer, in a province other than Quebec] or Eng. [Engineer, in Quebec]);
- (m) veterinarian;
- (n) peace officer;
- (o) paralegal licensee in Ontario;
- (p) nurse; or
- (q) school principal.

(8) A lawyer may, and where an individual client, third party or individual described in and in connection with subrule (2)(b), the individuals described in Rule 1022(f)(ii) is not physically present and is outside of Canada, shall rely on an agent to obtain the information described in subrule (2) to verify the person's identity, which may include, where applicable, an attestation described in this section, provided the lawyer and the agent have an agreement or arrangement in writing for this purpose.

(9) A lawyer who enters into an agreement or arrangement referred to in subrule (8) shall obtain from the agent the information obtained by the agent under that agreement or arrangement.

(10) A lawyer shall verify the identity of:

- (a) a client who is an individual; and
- (b) the individual(s) authorized to provide and give instructions on behalf of an organization with respect to the matter for which the lawyer is retained, upon engaging in or giving instructions in respect of any of the activities described in Rule 1023.

(11) Where a lawyer has verified the identity of an individual, the lawyer is not required to subsequently verify that same identity if the lawyer recognizes that person.

(12) A lawyer shall verify the identity of a client that is an organization within 60 days of engaging in or giving instructions in respect of any of the activities described in Rule 1023.

(13) Where the lawyer has verified the identity of a client that is an organization and obtained information pursuant to subrule (6), the lawyer is not required to subsequently verify that identity or obtain that information.

Record Keeping and Retention

1026. (1) A lawyer shall obtain and retain a copy of every document used to verify the identity of any individual or organization for the purposes of Rule 1025(1).

(2) The documents referred to in subrule (1) may be kept in a machine-readable or electronic form, if a readable paper copy can be produced upon request.

(3) A lawyer shall retain a record of the information and any documents obtained for the purposes of Rules 1022 and 1025(3) and copies of all documents received for the purposes of Rule 1025(1) for the longer of:

- (a) the duration of the lawyer and client relationship and for as long as is necessary for the purpose of providing service to the client, and
- (b) a period of at least 6 years following completion of the work for which the lawyer was retained.

Application

1027. Rules 1021 through 1026 do not apply to matters in respect of which a lawyer was retained before this Rule comes into force but they do apply to all matters for which he or she is retained after that time regardless of whether the client is a new or existing client.

Criminal Activity, Duty to Withdraw at Time of Taking Information

1028. (1) If in the course of obtaining the information and taking the steps required in Rules 1022 and 1025(1) or (3), a lawyer knows or ought to know that he or she is or would be assisting a client in fraud or other illegal conduct, the lawyer must withdraw from representation of the client. The member shall also consider the provisions of the *Code* that relate to the duty to report criminal activity (7.1-3) and the circumstances under which disclosure of confidential information is permitted (3.3-3A).

(2) This section applies to all matters, including new matters for existing clients, for which a lawyer is retained after this Rule comes into force.

Criminal Activity, Duty to Withdraw After Being Retained

1029. (1) If while retained by a client, a lawyer knows or ought to know that he or she is or would be assisting the client in fraud or other illegal conduct, the lawyer must withdraw from representation of the client. The member shall also consider the provisions of the *Code* that relate to the duty to report criminal activity (7.1-3) and the circumstances under which disclosure of confidential information is permitted (3.3-3A).

(2) This section applies to all matters for which a lawyer was retained before this Rule comes into force and to all matters for which he or she is retained after that time.

[next rule is Rule 1050]

P. Withdrawal from Practice

1050. (1) The law firm shall close all trust accounts within 90 days after withdrawing from or winding up a practice, unless written consent from the Law Society is obtained.

(2) Within 90 days after withdrawing from the practice of law in Saskatchewan, a member or former member must:

- (a) confirm to the Executive Director in writing that all trust accounts have been closed in accordance with Rule 1800(2)(b); and
- (b) provide a letter from each bank in which a trust account was located stating that the trust account is closed.

[next rule is Rule 1200]

PART 15

Reporting Requirements

A. Definitions

Definitions

1200. In this Part, “**fiscal period**” means the time period, not exceeding 12 months without the written approval of the Law Society for which the accounts of a member have been or ordinarily are made up; “**member**” means an active member as defined in Part 7 of these Rules or a person entitled to practice law in Saskatchewan in accordance with mobility provisions set out in Part 7A of these Rules.

Filing of Report on Commencement of Practice

1201. (1) A firm shall, within 30 days after commencing to practice law, deliver to the Law Society:
- (a) a Trust Account Commencement Report, in Form TA-1; or
 - (b) an Exemption Report, in Form TA-7, stating that the firm is exempt from compliance with subrule (a) on the basis that the firm does not:
 - (i) provide legal services to the public; or
 - (ii) receive or handle trust funds within the course of his or her practice.

Change in Fiscal Period

1202. A firm that changes the fiscal period shown in the Trust Account Commencement Report or the Annual Practice Declaration filed most recently with the Executive Director shall, within 30 days of the change, notify the Executive Director in writing of the firm’s new fiscal period.

Filing of Annual Reports

1203. (1) A firm shall, within 3 months after the end of each fiscal period deliver or cause to be delivered to the Executive Director:
- (a) an Annual Practice Declaration;
 - (b) a Power of Attorney; and
 - (c) an Accountant’s Report, unless exempt under Rule 1204.
- (2) A firm shall, within 3 months after termination of practice or termination of the existence of the firm or association in or with which a member formerly practiced, deliver or cause to be delivered to the Executive Director:
- (a) an annual Practice Declaration; and
 - (b) an Accountant’s Report.
- (3) The Executive Director may approve a firm’s written request that his or her Accountant’s Report cover a time period greater than 12 months.

Exemption from Filing Accountant’s Report

1204. (1) A firm that satisfies the Executive Director that during the most recent completed fiscal period or during the partial fiscal period immediately preceding ceasing or terminating practice:
- (a) did not maintain a trust bank account or handle trust money at any time; or
 - (b) only used a trust bank account or handled trust money as a member of a firm required to file an annual trust account report;
 - (c) has not withdrawn any funds held in trust;
 - (d) was employed exclusively by a government body, except the Legal Aid Services Society of Saskatchewan and did not practice law outside the scope of that employment;

- (e) has complied with Part 13 of these Rules; and
 - (f) within the time referred to in Rule 1203(1), has delivered to the Executive Director a statutory declaration in a form approved by the Executive Director may be exempt from the filing of the documents referred to in Rule 1203(1) for that time period.
- (2) The Law Society of Saskatchewan may establish criteria upon which it may exempt a firm from the filing of documents referred to in Rule 1203(1)(c).

Late Filing of Reports

1205. (1) A firm that does not comply with Rule 1201 is in breach of these Rules and is liable to an assessment of \$100 per month multiplied by the number of partners for each month the firm fails to comply.

- (2) A firm that does not comply with Rule 1203:
 - (a) is in breach of these Rules and is liable to an assessment of \$100 for the first month and \$400 for every subsequent month, multiplied by the number of owners or partners in respect of whom the Practice Declaration and/or Accountant's Report applies; and
 - (b) shall, when the firm delivers the Accountant's Report, include a copy of listings and reconciliations referred to in Rule 970(2) for each month subsequent to the period to which the Accountant's Report applies.
- (3) A firm that does not comply with Rule 1203(1) within 4 months after the end of the fiscal period shall, unless the Executive Director authorizes in writing to the contrary, deliver to the Executive Director by the end of each month until Rule 1203(1) is complied with, the monthly trust reconciliation referred to in Rule 970(1).
- (4) Practice Declarations and Accountant's Reports filed for the purposes of this Rule must be completed in a form acceptable to the Executive Director.
- (5) If a firm has not delivered an Accountant's Report when required, the Executive Director may:
 - (a) engage or assign a qualified accountant to complete the Accountant's Report and/or;
 - (b) order an examination of the firm's books, records and accounts under Rule 995(1).

Credentials to Complete Accountant's Report

1206. An Accountant's Report shall be completed and signed by a licensed Chartered Professional Accountant (CPA) in public practice.

Instruction Respecting Minimum Standards

1207. An Accountant's Report shall be completed in accordance with the minimum standards published by the Law Society.

Prohibited from the Practice of Law

- 1208. (1) The Executive Director shall not issue a practicing certificate to a member who is in breach of Rules 1203 or 1205(2)(b) or (3).
- (2) The practicing certificate of a member who is in breach of Rules 1203, 1205(2)(b) or (3) or 1220 ceases to be valid 7 days after the Executive Director delivers to the member a written notification to that effect.
- (3) A member prohibited from the practice of law under subrule (1) or (2) who:
 - (a) complies with Rules 1203 or 1205 within 5 months after the fiscal period or termination of practice referred to in Rule 1203(1); and
 - (b) pays to the Law Society any fees, assessments, fines, costs or other amounts owing to the Law Society is deemed to be insured, during the period of prohibition, for errors or omissions arising before or during the prohibition.

Monthly Reports

1220. (1) A firm shall deliver to the Law Society of Saskatchewan, on a monthly basis or on demand, any of the books, records and accounts described in Part 13 if required by:

- (a) Rule 1201, Trust Account Commencement Report;
- (b) any penalty or requirement assessed under sections 53(3) or 55(2) of the *Act*, or
- (c) the Law Society of Saskatchewan, at its discretion.

(2) The books, records and accounts to be delivered under subrule (1) shall be delivered not more than 30 days after the end of the period to which they pertain, unless otherwise permitted in writing by the Law Society of Saskatchewan.

Late Filing of Monthly Reports

1225. A firm that does not comply with Rule 1220 is in breach of these Rules and is liable to an assessment of \$100 per month for the first month multiplied by the number of partners and \$200 per month multiplied by the number of owners or partners for each month thereafter until the reports are received by the Law Society.

Appeal of Late Filing Assessment

1230. A firm assessed a penalty pursuant to Rule 1205(1), 1205(2)(a), or 1225 may appeal the penalty in writing to the Executive Director within 15 days of the receipt of the assessment.

[next rule is Rule 1300]

PART 16

Unclaimed Trust Funds

A. Definitions

Definitions

1300. In this Part, “**member**” means an active member as defined in Part 7 of these Rules or a person entitled to practice law in Saskatchewan in accordance with mobility provisions set out in Part 7A of these Rules.

Payment of Unclaimed Trust Funds to the Society

1301. (1) When funds held in trust for a particular client meet all the following criteria:

- (a) the funds have been held in trust for at least two years;
- (b) the amount of the funds in trust does not exceed \$50; and
- (c) reasonable efforts have been made to locate, identify and pay the person or entity entitled to receive the funds;

the name of each client, the date of payment, and the amount held may be entered on a list.

(2) The member shall file the list along with a cheque for the sum of all such funds annually with the Law Society as part of the annual trust reporting process.

(3) When a firm holds funds exceeding \$50 for a particular client in trust for two years or more and there are no trust conditions or unfulfilled undertakings relating to the funds and has:

- (a) made reasonable efforts to locate and pay the person or entity entitled to receive the funds; and
- (b) ascertain the identity of the person or entity entitled to receive the funds;

The firm may apply for permission to pay the funds to the Law Society by submitting a properly completed Unclaimed Trust Funds Form (TA9) to the Executive Director.

(4) A firm that cannot provide all the information described in subrule (2) must advise the Executive Director of the reasons why the firm does not have that information and deliver to the Executive Director copies of all records in the firm’s power or possession that relate to the ownership and source of the funds.

(5) When a practice has been terminated, an application may be made to pay trust funds to the Law Society before the time periods specified in subrules (1) and (3). The Executive Director may accept such funds if it is in the public interest.

Procedure to Claim Unclaimed Trust Funds

1302. (1) A person or his or her legal representative who claims entitlement to funds held by the Law Society under section 14 of the *Act* may make a claim in writing to the Law Society within 10 years of the Law Society receiving those funds.

(2) A claimant shall provide the Society with information and documents relating to the claim which the Society reasonably requires.

(3) In order to determine the validity of a claim, the Society may make or authorize such inquiries or further investigations as it considers necessary.

Procedure for Adjudication of Claims

1303. (1) The Executive Director may:

- (a) approve or reject a claim based on the information received under Rule 1302; or
- (b) appoint a hearing committee to conduct a hearing to determine the validity of the claim.

(2) Where a hearing is ordered:

- (a) the Society shall notify the claimant in writing of the date, time and place of the hearing;
- (b) a notice referred to in subrule (2)(a) shall be served in accordance with section 85 of the *Act* and, unless the claimant consents in writing to a shorter time, not less than 30 days before the date set for the commencement of the hearing;

- (c) the hearing shall be conducted in private unless the hearing committee determines, in the public interest, that a specific individual or the public generally may be present for part or all of the hearing;
- (d) the hearing committee may determine, subject to the *Act* and these Rules, the practice and procedure to be followed at the hearing;
- (e) any witness shall, before testifying, take an oath or make a solemn affirmation;
- (f) if the hearing committee decides that the proceedings at a hearing shall be recorded by a Court Reporter, a person may obtain, at his or her expense, a transcript of any part of the hearing which he or she was entitled to attend; and
- (g) the hearing committee may:
 - (i) make such inquiries of a witness as it considers desirable; and
 - (ii) accept any evidence that it considers appropriate, and is not bound by the rules of law concerning evidence.

(3) Following the hearing of the evidence and submissions, the hearing committee shall determine whether the claimant is entitled to the funds held in trust by the Society.

(4) Where a claim is approved under subrule (1)(a) or (3), the amount owing to the claimant shall be determined by the Executive Director or the hearing committee, as the case may be, and the Executive Director shall pay that amount to the claimant out of the trust account referred to in section 14(2)(a) of the *Act*.

[Parts 13, 15 and 16 were amended extensively, therefore have been replaced in their entirety, September 22, 2017]

[next rule is Rule 1400]

Part 17

Forms of Practice

Registrar

1400. The Executive Director is designated as the "Registrar" as defined in *The Professional Corporations Act*.

Approval for Incorporation

1401. (1) Any member or members who intend to incorporate a Professional Corporation for the practice of law in Saskatchewan shall first forward to the Executive Director the proposed articles of incorporation.

(2) If the Executive Director is satisfied that:

- (a) the proposed name of the corporation complies with the provisions of Part 19 of these Rules and is not so similar to other Professional Corporate names as to be misleading or confusing; and
- (b) the voting shares will be legally and beneficially owned by practicing members of the Law Society; and
- (c) the directors will be members of the Law Society

then he/she may provide his/her consent to the incorporation.

Application for Permit

1402. (1) A member may apply to the Law Society on behalf of a corporation for a permit pursuant to section 8 of *The Professional Corporations Act* by providing to the Executive Director:

- (a) a completed Form C-1;
- (b) a copy of the articles of incorporation including any amendments;
- (c) a current certificate of status issued pursuant to *The Business Corporations Act* **OR** a certificate of incorporation, showing that the corporation was incorporated less than 60 days prior to the application having been received by the Law Society;
- (d) the fee prescribed by the Benchers in Schedule 1; and
- (e) any other information required by the Executive Director.

(2) Subject to subrule (3), the Executive Director may issue a permit to a corporation which complies with the requirements of the provision of *The Professional Corporations Act*, *The Legal Profession Act (1990)* and these Rules.

(3) A permit shall be in Form C-2 and may contain any conditions that the Executive Director thinks appropriate.

(4) A permit shall, unless sooner revoked, expire on December 31 of the year for which it was issued.

[Rule 1402(1)(c) amended October, 2002]

Renewal of Permit

1403. (1) A corporation wishing to have its permit renewed for the following calendar year shall forward to the Executive Director:

- (a) Form C-3;
- (b) Certificate of Status **OR** a written certification signed by the member that the corporation remains in good standing; and
- (c) The renewal fee approved by the Benchers in Schedule 1.

[Rule 1403(1) amended April, 2003]

Revocation of Permit

1404. (1) The Executive Director may revoke the permit of any Professional Corporation which fails to meet the requirements set out in *The Professional Corporations Act* or these Rules or fails to comply with any term or condition contained in the permit.

(2) A permit shall be immediately revoked where only one member of the Law Society provides legal services in the name of the Professional Corporation and that person dies or is disbarred or is suspended from the practice of law or ceases to be a member.

(3) The Executive Director shall notify the corporation by registered mail of the revocation of its permit.

Changes in the Corporate Structure

1405. (1) A Professional Corporation shall notify the Executive Director in writing within 10 days of any change in its corporate structure, ownership or directors.

- (2) Upon receipt of a notice pursuant to subrule (1), the Executive Director may:
- (a) continue the permit;
 - (b) amend the permit to add or delete any terms or conditions; or
 - (c) revoke the permit.

Corporate Register

1406. (1) The Executive Director shall maintain a corporate register containing the name and address of each Professional Corporation to which a permit is issued and the name and address of each Professional Corporation to which a permit is issued.

(2) The information contained in the corporate register shall be available to the public and the corporate register shall be open for inspection by the public at the Law Society Office during office hours.

Review of the Executive Director's Decision

1407. (1) A decision by the Executive Director under this Part may be reviewed on the application of an aggrieved person by giving notice in writing to the Law Society that he/she wishes the matter reviewed by the Benchers.

(2) The Benchers may designate a review panel composed of Benchers to consider the application for review and report to the Benchers with recommendations.

(3) The application for review may state that the applicant wishes to appear personally before the Benchers and in such circumstance the applicant shall be given an opportunity to speak to the matter at the next Convocation of Benchers.

(4) The Executive Director shall advise the applicant in writing of the results of the review under this Rule.

Professional Responsibility of Members

1408. All members who are directors of a Professional Corporation are responsible for the activities of the corporation and may be subject to discipline for any breach of the Rules or *Code of Professional Conduct* by the Corporation.

[Rules 1400 – 1408 added September, 2001]

Limited Liability Partnerships (LLP)

1450. A law firm which intends to apply to the Corporations Branch to be registered as an LLP shall forward to the Executive Director a copy of the proposed application, the prescribed fee under Schedule 1, and any other information necessary to process the application.

1451. The Executive Director shall, upon receiving the material mentioned in Rule 1450, review the status of each partner listed in the application and provide the law firm with a certificate in Form C-4 certifying that each proposed partner in the LLP is or is not entitled to practice law in Saskatchewan, and shall include any conditions or limitations on his or her practice.

1452. A law firm which is registered as an LLP in another jurisdiction which intends to apply to the Corporations Branch to be registered in Saskatchewan as an LLP shall forward to the Executive Director the prescribed fee under Schedule 1, a copy of the proposed application, and any other information the Executive Director may require to process the application.

1453. (1) The Executive Director, upon receiving the material mentioned in Rule 1452, shall review the application and if satisfied that:

- (a) the proposed LLP will engage only in the practice of law;

- (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]

Part 19A

Prepaid Legal Services

Definitions

1650. In this Part,
 “**plan**” means an agreement or arrangement whereby a lawyer agrees to provide legal services to a plan member according to the terms of the plan.
 “**plan sponsor**” means any person or persons including trade unions, associations, corporations, etc.
 “**plan member**” means any person who is eligible to receive legal services from a lawyer by virtue of and pursuant to the terms of a plan.

No Participation Fee

1651. No lawyer may participate in a plan which requires that the lawyer provide any fee or consideration of any kind directly or indirectly to the plan sponsor as a condition of the lawyer's participation in the plan.

Agreement with the Plan Sponsor

1652. Prior to participating in a plan, every lawyer shall execute with the plan sponsor a written agreement containing the following provisions or their equivalent:

- (a) a stated recognition by the plan sponsor that there is no solicitor/client relationship between the plan sponsor and the lawyer. The plan member, in all cases, is the client; and

Agreement that:

- (b) after referral by the plan sponsor of a plan member to a lawyer, the plan sponsor shall not communicate with the plan member concerning the matters upon which the plan member is seeking legal advice;
- (c) the plan sponsor shall not purport to direct the lawyer with respect to the conduct of the plan member's affairs or in any way attempt to influence the plan member or the lawyer, respecting legal matters. Specifically, and without limiting the generality of the foregoing, monies paid into trust by or on behalf of a client are not subject to direction by the plan sponsor;
- (d) all information received by the lawyer in the course of his or her representation of a plan member shall be confidential and, subject to (e) below, shall not be communicated to the plan sponsor;
- (e) the lawyer may release information to the plan sponsor which, in the opinion of the lawyer, is necessary for the purposes of billing or paying of fees or for statistical purposes, upon execution by the plan member of a written authorization for such release. It shall not be a requirement of participation in the plan by any plan member that any information other than the above shall be released to the plan sponsor;
- (f) the lawyer may withdraw from representation of the plan member where it is appropriate to do so having regard to *The Code of Professional Conduct* of the Law Society of Saskatchewan;
- (g) any complaints against a lawyer involving professional conduct by either the plan member or the plan sponsor will be referred to the Law Society of Saskatchewan;
- (h) in case of any dispute with respect to a lawyer's fees, the taxation provisions of *The Legal Profession Act, 1990* are available in all cases.

Duties Regarding Conflicts of Interest

1653. A lawyer shall not participate in a plan which interferes with the lawyer's duties and obligations with respect to conflicts of interest as defined by *The Code of Professional Conduct* of the Law Society of Saskatchewan.

Duties Regarding Plan's Advertising

1654. A lawyer may only participate in the plan if the plan's advertising and promotional material conforms to the Law Society's advertising Rules and *The Code of Professional Conduct*.

Duties Regarding Unauthorized Practice

1655. A lawyer shall not participate in a plan which attempts to limit his or her duty to report unauthorized practice to the Law Society of Saskatchewan.

Acceptance of Responsibilities

1656. A lawyer shall ensure that every plan sponsor is aware of and accepts the lawyer's responsibilities pursuant to *The Code of Professional Conduct* of the Law Society of Saskatchewan and the Rules relating to prepaid legal service plans.

Prohibition

1657. A lawyer shall not participate in a plan which attempts to circumvent any of the provisions of this Part.

[Rule 1650 to Rule 1657 added January 28, 1994 effective April 15, 1994]

[next rule is Rule 1700]

Part 20

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*.

[Rule 1702 added – relocated from Part 6, Committees; Part 20 title amended; February 13, 2015]

[next rule is Rule 1800]

Part 21

Withdrawal from Practice

Disposition of Files, Trust Monies and Other Documents and Valuables

1800. (1) Subject to subrule (4), a member who intends to withdraw from the practice of law in Saskatchewan shall, before the withdrawal occurs, advise the Executive Director in writing of his or her intended disposition of all:

- (a) open and closed files;
- (b) wills and wills indices;
- (c) titles and other important documents and records;
- (d) other valuables; and
- (e) trust accounts and trust funds

which relate to the member's practice and are within the member's possession or power.

(2) Subject to subrule (4), a member who has withdrawn from the practice of law in Saskatchewan shall, within 3 months after the withdrawal occurs, confirm to the Executive Director in writing that:

- (a) the documents and property referred to in subrule 1(a) to (d) have been disposed of, and any way in which the disposition differs from that reported under subrule (1); and
- (b) all trust accounts referred to in subrule (1)(e) have been closed and that:
 - (i) all the balances have been:
 - (A) remitted to the clients or other persons on whose behalf they were held; or
 - (B) transferred to another member with written instructions concerning the conditions attaching to them; and
 - (ii) any interest earned on a mixed trust account has been remitted to the Law Foundation in accordance with Part 13 of these Rules.

(3) The Executive Director may, upon application in writing by the member or former member, extend the time limit referred to in subrule (2).

(4) A member who withdraws from a law firm in circumstances where the firm will continue in existence and will continue to have possession and power over the documents, property and accounts described in subrule (1), is not required to comply with subrule (1) or (2).

Succession Plan

1801. (1) A member who practices with a firm shall maintain a succession plan for the member's law practice.

(2) A member's succession plan shall contemplate the unique arrangements that will be necessary in the event of each of the following:

- (a) temporary disability;
- (b) long term disability; and
- (c) death

of the member.

(3) At a minimum, a member's succession plan shall include adequate arrangements for clients, including management of the following where applicable:

- (a) open and closed files;
- (b) wills and wills indices;
- (c) titles and other important documents and records;
- (d) other valuables;
- (e) trust accounts and trust funds; and
- (f) other accounts related to the member's practice; and

any other arrangements necessary to carry on or wind up the member's unique practice.

[Rule 1801 Succession Plan added May 2, 2014, effective July 1, 2014]

[next rule is Rule 1900]

Part 22

Repeal and Commencement of Rules

Repeal of Former Rules and Bylaws

1900. The Law Society Rules and Bylaws which were in effect immediately before the *Act* comes into force are repealed as of the date on which the *Act* comes into force.

Commencement of these Rules

1901. These Rules come into effect on the day on which the *Act* comes into force.

Transitional

1902. (1) Rules 17, 19 and 21(1) of these Rules do not apply to the 1991 election of Benchers.

(2) For the purposes of the 1991 election of Benchers, the words “Rule 21” in Rule 23 of these Rules shall be interpreted to mean “The Rules of the Law Society of Saskatchewan which were in effect immediately prior to October 1, 1991”.

Waiver of Rule

1903. The Benchers may, by a decision of 2/3 of the Benchers present and entitled to vote, vary, waive or suspend any Rule other than subrule 92(3).

[Rule 1903 amended April 22, 1999]
[Rule 1903 amended September 14, 2018]

Schedule 2

1. Electoral Divisions – See Rule 15(2)

REGINA CITY ELECTORAL DIVISION

That part of the Province of Saskatchewan from time to time comprising of the City of Regina.

SOUTH EAST ELECTORAL DIVISION

That part of the Province of Saskatchewan that is bounded as follows: commencing at intersection of the north boundary of township eighteen and the east boundary of the province; thence southerly along the east boundary of the province to the south boundary of the province; thence westerly along the south boundary of the province to the dividing line between ranges twenty and twenty-one, west of the second meridian; thence northerly along the said dividing line between ranges twenty and twenty-one to the north boundary of township eighteen; thence easterly along the north boundary of township eighteen to the point of commencement. Excluding that part from time to time comprising of the City of Regina.

EAST CENTRAL ELECTORAL DIVISION

That part of the Province of Saskatchewan that is bounded as follows: commencing at the intersection of the east boundary of the province and the north boundary of township eighteen; thence westerly along the north boundary of township eighteen to the dividing line between ranges twenty and twenty-one, west of the second meridian; thence northerly along the said dividing line between ranges twenty and twenty-one to the north boundary of township thirty-five; thence easterly along the north boundary of township thirty-five to the east boundary of the province; thence southerly along the east boundary of the province to the point of commencement.

CENTRAL ELECTORAL DIVISION

That part of the Province of Saskatchewan that is bounded as follows: commencing at the intersection of the dividing line between ranges twenty and twenty-one, west of the second meridian and the south boundary of the province; thence westerly along the south boundary of the province to the dividing line between ranges five and six, west of the third meridian; thence northerly along the said dividing line between ranges five and six to the north boundary of township thirty-five; thence easterly along the north boundary of township thirty-five to the dividing line between ranges twenty and twenty-one, west of the second meridian; thence southerly along the said dividing line between ranges twenty and twenty-one to the point of commencement.

SOUTH WEST ELECTORAL DIVISION

That part of the Province of Saskatchewan that is bounded as follows: commencing at the intersection of the dividing line between ranges five and six, west of the third meridian and the south boundary of the province; thence westerly along the south boundary of the province to the west boundary of the province; thence northerly along the west boundary of the province to the north boundary of the township thirty-six; thence easterly along the north boundary of township thirty-six to the dividing line between ranges six and seven, west of the third meridian; thence southerly along the said dividing line between ranges six and seven to the north boundary of township thirty-five; thence easterly along the north boundary of township thirty-five to the dividing line between ranges five and six, west of the third meridian; thence southerly along the said dividing line between ranges five and six to the point of commencement.

NORTH EAST ELECTORAL DIVISION

That part of the Province of Saskatchewan that is bounded as follows: commencing at the intersection of the east boundary of the province and the north boundary of township thirty-five; thence westerly along the north boundary of township thirty-five to the dividing line between ranges six and seven, west of the third meridian; thence northerly along the said dividing line between ranges six and seven to the north boundary of township fifty-seven; thence easterly along the north boundary of township fifty-seven to the west boundary of Prince Albert National Park; thence northerly and easterly along the west and north boundaries of Prince Albert National Park to the meridian through the one hundred and sixth degree of West longitude; thence northerly along the said meridian of longitude to the north boundary of the province; thence easterly along the north boundary of the province to the east boundary of the province; thence southerly along the east boundary of the province to the point of commencement. Excluding those parts from time to time comprising of the City of Saskatoon and the City of Prince Albert.

SASKATOON CITY ELECTORAL DIVISION

That part of the Province of Saskatchewan from time to time comprising of the City of Saskatoon.

PRINCE ALBERT CITY ELECTORAL DIVISION

That part of the Province of Saskatchewan from time to time comprising of the City of Prince Albert.

NORTH WEST ELECTORAL DIVISION

That part of the Province of Saskatchewan that is bounded as follows: commencing at the intersection of the dividing line between ranges six and seven, west of the third meridian and the north boundary of township thirty-six; thence westerly along the north boundary of township thirty-six to the west boundary of the province; thence northerly along the west boundary of the province to the north boundary of the province; thence easterly along the north boundary of the province to the meridian through the one hundred and sixth degree of west longitude; thence southerly along the said meridian of longitude to the north boundary of Prince Albert National Park; thence westerly and southerly along the north and west boundaries of Prince Albert National Park to the north boundary of township fifty-seven; thence westerly along the north boundary of township fifty-seven to the dividing line between ranges six and seven, west of the third meridian; thence southerly along the said dividing line between ranges six and seven to the point of commencement.