

# **LAW SOCIETY OF SASKATCHEWAN**

## **CONTINUING PROFESSIONAL DEVELOPMENT POLICY**

### **1. PURPOSE**

The Law Society of Saskatchewan regulates the Legal Profession in the public interest by ensuring its members meet and maintain high standards of integrity and competency. The purpose of Minimum CPD Requirements is to ensure that members of the Law Society of Saskatchewan meet and maintain these requirements by undertaking professional development throughout their careers.

### **2. DEFINITIONS**

- i. “Accredited CPD Activities” means either continuing professional development activities supplied by an Approved Provider or approved by the Law Society pursuant to Section 9.
- ii. “Approved Provider” means an individual or organization accredited by the Law Society to provide CPD activities pursuant to Section 10.
- iii. “CPD” means continuing professional development.
- iv. “Director of Education” means a person appointed by the Executive Director of the Law Society to perform the duties described herein.
- v. “Law Society” means, unless otherwise stated, the Law Society of Saskatchewan.
- vi. “Minimum CPD Requirements” means the number of hours in Accredited CPD Activities required by the Law Society pursuant to Section 4.
- vii. “Provider” means an individual or organization which is not accredited by the Law Society to provide CPD activities.
- viii. “Term” means each three year period to complete Minimum CPD Requirements pursuant to Section 5.

### **3. SCOPE AND EXEMPTIONS TO MINIMUM CPD REQUIREMENTS**

- i. Active Members

Members with current practicing certificates are required to achieve Minimum CPD Requirements in order to maintain practicing status.

ii. Inactive Members

Inactive members are not required to achieve Minimum CPD Requirements in order to maintain inactive status. Upon application by a member for reinstatement to active status, the member will receive an exemption at the rate of one CPD hour (and the proportionate number of Ethics Hours) for each full calendar month they were inactive in the current Term.

Reinstatement may be conditional on additional CPD requirements at the discretion of the Director of Education based on a review of the timing and duration of the member's inactive period.

Members who maintain their practicing certificate (and therefore, are considered "active" members) but who are not practising, can apply for a CPD hour exemption. The Director of Education has the discretion to grant an exemption in exceptional circumstances.

iii. Members of Other Law Societies

Members of other Law Societies, who also hold membership in the Law Society, are required to comply with the Minimum CPD Requirements. Members of other Law Societies, who are required to complete comparable mandatory CPD requirements in another jurisdiction, may apply to the Director of Education to request an exemption from the Minimum CPD Requirements. The Director of Education may require the member to provide proof of completion of the mandatory CPD hours from another jurisdiction. The Director of Education has the discretion to determine whether the requirements from another jurisdiction are sufficiently comparable to allow for an exemption and to limit the number of CPD hours to be exempted.

iv. Suspended Members

Suspended members are required to maintain the Minimum CPD Requirements or to submit a remedial CPD plan to the Director of Education for approval before reinstatement.

v. New Members

The Minimum CPD Requirements will be adjusted to require one credit hour for each full or partial calendar month for the remainder of the Term, including the proportionate number of Ethics Hours.

vi. Student-at-Law Members

Minimum CPD Requirements are not required to be met by Students-at-Law. Any of the hours from CPD activities attended as a Student-at-Law shall not be recorded.

vii. Active Member – Pro Bono Member

Members who have practicing status as a Pro Bono Member are required to comply with the minimum CPD Requirements to maintain practicing status. Pro Bono Members are exempt from paying any registration fees for CPD programming provided by the Law Society.

(Item 3 (ii), (iv) and (v) amended April 13, 2011)  
 (item 3 (vi) added June 20, 2013)  
 (item 3 (vi) amended September 11, 2014, effective November 1, 2014)  
 (item 3 (iii) amended and item 3 (vi) Student-at-Law Members added, September 15, 2016)

#### 4. MINIMUM CPD REQUIREMENTS

- i. The Minimum CPD Requirements are the completion of thirty-six (36) hours of Accredited CPD Activities in the three-year Term referenced in Section 5 of this policy.
- ii. No fewer than six (6) hours (“Ethics Hours”) of the required thirty-six (36) hours must pertain primarily to any one or any combination of the following topics:
  - Professional responsibility;
  - Ethics;
  - Practice standards;
  - *The Code of Professional Conduct*;
  - Conflict of Interest;
  - Rules of the Law Society;
  - Client care and relations;
  - Practice management.

Detailed criteria for Ethics Hours are set out in Schedule B to this Policy.

(Item 4 (i) and (ii) amended April 13, 2011)  
 (item 4 (iii) added June 21, 2012)  
 (item 4 (ii) amended June 20, 2013)  
 (item 4 (iii) deleted September 15, 2016)

#### 5. TERM

- i. The first Term will commence on January 1, 2010 and end on December 31, 2012. Immediately thereafter, the Terms will become a rolling three year period. At the beginning of each new year, the calendar year that is four years prior to the current year will no longer be included in the current Term. This means that the relevant Term at any given point in time consists of the most recent three calendar years ending on December 31<sup>st</sup> of the current calendar year. For clarification, on any day in 2013, the relevant Term is the three-year period from January 1, 2011 to December 31, 2013.

(Item 5 (i) amended April 13, 2011)

## 6. OVERALL SUBJECT MATTER REQUIREMENTS

- i. The subject matter of all Accredited CPD Activities will satisfy the following criteria:
  - a. The content must have significant intellectual or practical content with the primary objective of increasing lawyers' professional competence.
  - b. The content should deal with all or any of the following:
    - substantive law
    - procedural law
    - professional ethics/responsibility (Schedule B)
    - practice management (including client care and relations) (Schedule B)
    - lawyering skills (Schedule C)
    - professional wellness (Schedule D)
  - c. The content should be designed and presented primarily by members of the legal profession.
  - d. The Law Society recognizes and encourages the diversity of legal practice. Credit hours may be available for content which does not strictly comply with the above criteria if the lawyer can demonstrate that it is directly related to improving professional competence in the lawyer's practice.

(item 6 (c) and (e) amended September 15, 2016)  
 (item 6 (b) amended, Schedule C and D added January 1, 2018)  
 (item 6 (c) deleted January 1, 2019)

## 7. ACCREDITED CPD ACTIVITIES

- i. Law Society policy is to accommodate the professional development needs of all members by providing a wide range of professional development opportunities. Subject to all other terms and conditions of this policy and Section 9, CPD activities include:
  - a. Attendance at traditional courses and activities;
  - b. Attendance at a professional development program offered by:
    - a law firm;
    - corporate legal department;
    - government agency or department;
    - local bar association;
    - CBA sections;

or similar entity, provided that the program is offered in a group setting.

- c. Participation in online “real time” courses, streaming video, web and/or teleconference courses where there is an opportunity to ask and answer questions;
- d. Review of a recorded version of an Accredited CPD Activity;
- e. Completion of an interactive self-study online course provided that a testing component is included in the course;
- f. Teaching at a course related to law or to the practice of law;
- g. Participation in a study group of two or more, provided that the group’s study focuses on law related activities;
- h. Writing books or articles relating to the study or practice of law.

(Item 7 (d) and (h) amended April 13, 2011)

## **8. ACTIVITIES AND CONTENT WHICH ARE NOT APPROVED**

- i. Content and activities designed for or targeted at clients;
- ii. Content and activities relating to law firm marketing or maximizing profit;
- iii. Content and activities prepared and delivered in the ordinary and usual course of practice;

(See Schedules B, C and D for further detail on excluded subject matter.)

(item 8 (iv) – (xiv) added September 15, 2016)  
(item 8 (iv) – (xiv) deleted; see Schedule B, C & D January 1, 2018)

## **9. ACCREDITATION OF CPD ACTIVITIES**

- i. All CPD activities will be approved by the Law Society in any of three ways:
  - a. By pre-approval of the Provider as referenced in Section 11 of this policy;
  - b. By an application by a member for approval of individual CPD activities; or
  - c. By an application by a Provider for approval of individual CPD activities.

- ii. All applications by Providers and lawyers for individual CPD activities must demonstrate compliance with the approved subject matter requirements, Accredited CPD Activities requirements and the overall objectives of the Law Society educational policies. Applications shall be submitted for approval by the Director of Education 30 days prior to the activity, although in exceptional circumstances, credit may be approved retroactively. Credits will not be provided after the expiration of the Term.
- iii. Providers shall not advertise or promote a CPD activity as being accredited by the Law Society prior to such approval, including approval of the number of credit hours, being obtained in writing from the Law Society.

(Item 9 (i), 9(i)(b) & (c) and (ii) amended April 13, 2011)

## 10. APPROVED PROVIDERS

- i. Approved Providers, with pre-approval to provide Accredited CPD Activities, are set out in Schedule A to this Policy.

(Item 10(i) amended to include Schedule A, April 2010)

## 11. APPROVAL OF PROVIDERS

- i. To be approved as an Approved Provider, and to continue to be approved as such, individuals and organizations must demonstrate:
  - Substantial recent experience in offering high quality CPD activities for lawyers;
  - An intention to continue to deliver high quality CPD activities for lawyers into the future;
  - An ability to organize and effectively present CPD activities for lawyers;
  - The ability to promote the policy and the educational objectives of the Law Society; and
  - Integrity.
- ii. Approved Providers must agree to the following:
  - To make all CPD activities open to all members of the Law Society. If an Approved Provider wishes to restrict who can attend a CPD activity, they will be required to complete and submit a separate application form seeking approval of that particular CPD activity as an Accredited CPD Activity.
  - To complete a year-end report and renewal application (in a form approved by the Law Society) at the end of each calendar year.
  - To refrain from advertising or encouraging the use of their products or services during Accredited CPD Activities.
  - For CPD activities offered in Saskatchewan, Approved Providers must, upon request by the Law Society:

- provide to the Law Society, without charge, a copy of any published material provided to those who attend an Accredited CPD Activity; and
  - if the Approved Provider has copyright to such materials, it must waive any copyright to the extent necessary to allow the Law Society to index the publication and make it available on the Law Society website one year after the final date of publication.
- iii. Any Provider not approved in Section 10 of this policy may apply to be designated as an Approved Provider by applying to the Director of Education.

(Item 11(i) and (ii) amended April 2010)  
 (Item 11(ii) amended June 2010)  
 (Item 11(ii) amended April 13, 2011)

## 12. CALCULATION OF CPD HOURS

When calculating CPD hours, partial hours shall be rounded up or down to the closest half hour.

CPD activities will be accredited for CPD hours based on the following criteria:

### **(a) Live Programs**

1. CPD hours will be available for the actual duration of the live program excluding meals and social breaks;
2. Members are only to report the actual time they were in attendance at the live program.

### **(b) Teaching**

1. The teaching must be in compliance with the overall subject matter requirements set out in this Policy. CPD hours for teaching will not be available if it is targeted primarily at clients.
2. Three (3) CPD hours will be available for each hour taught. If the lawyer is “chairing” a program, however, the actual time spent chairing the program is all that may be reported (not three (3) CPD hours for each hour of chairing);
3. CPD hours will only be available for the first time the teaching activity is performed in the calendar year. CPD hours will not be available for repeat teaching of substantially the same subject matter within the same calendar year.

**(c) Faculty and Panel Members**

1. A lawyer who serves as a faculty member for a skills workshop or a panel member for a panel discussion will be entitled to report two (2) CPD hours for each hour spent performing their role as a faculty or panel member.
2. The workshop or panel must be part of an Accredited CPD Activity; therefore, it must be in compliance with the overall subject matter requirements set out in this Policy. CPD hours for these roles will not be available if it is targeted primarily at clients.

**(d) Writing**

CPD hours will be available for writing as follows:

1. CPD hours are available for writing law books, articles, or other legal materials that are intended for publication or to be included in course materials;
2. CPD hours for writing will also be available for reviewing and updating legal materials intended for publication or inclusion in course materials, where the final product includes substantive new content. Basic editing does not qualify as “writing”;
3. CPD hours will be based on actual time to produce the final product, to a maximum of six (6) hours per writing project;
4. CPD hours will be available for volunteer or part-time writing only, not as a part of full-time or regular employment;
5. The available CPD hours will be in addition to CPD hours available for teaching;
6. No CPD hours will be available for time spent producing PowerPoint materials.

**(e) Study Groups**

CPD hours for study group activity will be available as follows:

1. The CPD hours available will be the actual time spent at the study group meeting, excluding any time that is not related to CPD activities;
2. CPD hours will not be available for an activity that is file specific;
3. A member must have overall administrative responsibility for each study group meeting and a member must chair each meeting;

4. No CPD hours will be available for time spent reading materials, handouts or PowerPoint presentations, whether before or after the study group session.

**(f) Local Bar and Canadian Bar Association Section Meetings**

1. CPD hours will be available for the actual time spent attending a CPD activity provided by a local bar association, as well as for section meetings of the Canadian Bar Association, excluding any portion of the meeting that is not devoted to CPD activities.

**(g) Online CPD**

A. Group Event

1. CPD hours will be available for the actual time spent by a member participating in “real time” online courses, streaming video, web and/or teleconference courses, but only if there is an opportunity to ask and answer questions through the course offering;
2. The CPD hours available will include the actual time of a study group’s review of a previously recorded CPD activity.

B. Self-Study

1. CPD hours will be available for viewing a recorded version of an Accredited CPD Activity, in an amount equal to the actual duration of the recording.
2. CPD hours will be available up to a pre-approved limit for on-line courses, as well as for completing an audio, video or web course, provided the course includes the following characteristics:
  - (i) a quiz component (where questions are to be answered and where an answer guide is provided to the member after the member completes the course and quiz. It is not necessary for the member to submit the quiz for review.);
  - (ii) there is an ability for the member taking the course to email or telephone a designated moderator with questions and receive a timely reply;
  - (iii) there is no requirement for a “listserv”;
  - (iv) there is no requirement for reading materials, handouts or PowerPoint presentations to be included in the course.

(Item 12 amended extensively April 13, 2011)  
(item 12(b)(1) and 12(c)(2) amended January 1, 2019)

### **13. REPORTING**

Members will be responsible for ensuring that they comply with educational policies of the Law Society and for reporting CPD activities to the Law Society. Members will be required to report their own CPD hours in their Member Profile located on the Law Society website.

(Item 13 amended April 13, 2011)

### **14. CPD HOURS MAY NOT BE CARRIED FORWARD**

CPD hours may not be carried forward past the end of the Term.

(Item 14 amended April 13, 2011)

### **15. AUDIT**

Members are responsible for retaining records of CPD activities and to make the records immediately available to the Law Society upon request.

(Item 15 amended April 13, 2011)

### **16. NON COMPLIANCE**

A member who does not comply with this policy may be disqualified from active practice, pursuant to Rule 168. Under special circumstances, the Executive Director may delay disqualification of a member for a specified period of time.

A member who will not complete the Minimum CPD Requirements by the end of the Term may, prior to the end of the Term, submit a remedial CPD plan, along with the prescribed fees in Rule 871, Part 12 of the Rules for review and approval by the Director of Education. All remedial CPD activities must be completed by April 1<sup>st</sup> of the year following the end of the Term.

A late fee, as prescribed in Rule 871, Part 12 of the Rules, will be applied in situations where a member fails to comply with the CPD Policy by the December 31<sup>st</sup> deadline, but complies prior to being disqualified in the new year. The Director of Education has the discretion to waive the late fee in special circumstances.

(Item 16 amended April 13, 2011)

(item 16 amended June 21, 2012)

(item 16 amended September 11, 2014, effective November 1, 2014)

(item 16 amended September 14, 2018, effective December 31, 2018)

## **17. REINSTATEMENT**

A member that has been disqualified pursuant to Rule 168 (2) may apply for reinstatement pursuant to Rule 168 (3).

(item 17 amended September 11, 2014, effective November 1, 2014)

## **18. GENERAL**

In the absence of policy or where there has been substantial compliance with this policy, the Executive Director of the Law Society is authorized to make rulings which are consistent with the objectives of this policy.

## **19. APPEAL**

Decisions of the Director of Education may be appealed to the Chair of the Admissions & Education Committee of the Law Society, along with the prescribed fee in Rule 871, Part 12 of the Rules. The Chair may either dispose of the application or order a hearing pursuant to Rules 177 - 188.

(Item 19 amended June 23, 2011)  
(item 19 amended September 11, 2014, effective November 1, 2014)

## **20. NOTICE**

Any notice required to be given a member shall be deemed effective when sent to the member at the address the member maintains on the Law Society membership database.

**Schedule A****Approved Providers**

- Saskatchewan Trial Lawyers' Association;
- Canada Law Book;
- Canadian Association of Labour Lawyers;
- Canadian Bar Association;
- Canadian Corporate Counsel Association;
- Canadian Defence Lawyers;
- Carswell;
- Federation of Law Societies of Canada;
- Insight Information;
- Legal Aid Commission of Saskatchewan;
- LexisNexis Canada Inc.;
- Ministry of Justice and Attorney General, Public Prosecutions Division;
- Saskatoon Criminal Defence Lawyers Association;
- Saskatchewan Crown Attorneys' Association;
- Saskatchewan Crown Counsel Association;
- The Canadian Institute;
- The Law Society of Saskatchewan;
- The Library of Parliament;
- Any provincial or territorial Law Society in Canada and any educational or professional development organization affiliated with such a Law Society;
- Any College of Law in Canada which is recognized by the admission Rules of the Law Society.

**Schedule B****Criteria for “Ethics Hours”****1. Professional Ethics/Responsibility:**

Content focusing on the professional and ethical practice of law, including conducting one’s practice in a manner consistent with *The Legal Profession Act, 1990*, the *Code of Professional Conduct*, the Rules of the Law Society, and generally accepted principles of professional conduct.

**2. Practice Management:**

Content focusing on administration of a lawyer’s workload and office and on client-based administration, including how to start up and operate a law practice in a manner that applies sound and efficient law practice management methodology.

Eligible Practice Management Topics:

- a) client care and relations, including but not limited to, managing difficult clients;
- b) cultural competency training (skills based training in intercultural competency, conflict resolution, human rights and anti-racism);
- c) trust accounting requirements, including:
  - (i) trust reporting;
  - (ii) financial reporting for a law practice;
  - (iii) interest income on trust accounts;
  - (iv) working with a qualified bookkeeper, accountant or auditor;
- d) federal and provincial tax remittances, including employee income tax remittances;
- e) training related to technology and office systems that may be used in, or impact, the operation of a legal practice, for example:
  - (i) law office systems;
  - (ii) legal document preparation and management, including precedents;
  - (iii) client record management;
  - (iv) cyber security;
  - (v) paperless office best practices;
- f) retainer agreements and billing practices relating to Law Society requirements;
- g) avoiding fee disputes;
- h) file systems, including retention and disposal;
- i) succession planning;
- j) emergency planning, including law practice continuity for catastrophic events and coverage during absences;
- k) managing law firm staff, including:
  - (i) *Code of Professional Conduct* requirements;
  - (ii) delegation of tasks/supervision;
- l) identifying conflicts, including:

- (i) conflict checks and related systems;
- (ii) client screening;
- m) diary and time management systems, including:
  - (i) limitation systems;
  - (ii) reminder systems;
  - (iii) follow-up systems;
- n) marketing of a law practice in accordance with professional obligations;
- o) avoiding “being a dupe”/avoiding fraud;
- p) complying with the Rules of the Law Society.

Ineligible Practice Management Topics (do not qualify for CPD/ethics hours):

- a) law firm marketing;
- b) maximizing profit;
- c) commoditization of legal services;
- d) surviving a recession;
- e) attracting and retaining law firm talent;
- f) alternate work arrangements in a law firm;
- g) business case for retention of lawyers and staff;
- h) handling interpersonal differences within your law firm.

(item 2(a), client care and relations, amended November 26, 2015)  
(item 2(d) amended and “topics that do not satisfy the practice management definition for CPD accreditation” were deleted,  
September 15, 2016)  
(item 2 Eligible Practice Management Topics (a) – (p) amended,  
item 2 Ineligible Practice Management Topics (a) – (h) added January 1, 2018)

**Schedule C****Lawyering Skills****Eligible Lawyering Skills Topics:**

- (a) effective communication, both oral and written;
- (b) interviewing and advising;
- (c) problem solving, including related critical thinking and decision making;
- (d) advocacy;
- (e) arbitration;
- (f) mediation;
- (g) dispute resolution;
- (h) negotiation;
- (i) drafting legal documents;
- (j) legal writing;
- (k) legal research;
- (l) training to be a mentor/principal;
- (m) training to increase a lawyer's proficiency in specific technologies or office computer programs which are used in their practice of law, for example:
  - a. e-filing
  - b. e-discovery
  - c. software programs designed to assist with a specific area of law (e.g. Childview)
  - d. document and word processing software, electronic spreadsheets, email systems, personal information management systems (e.g. Microsoft Office Suite)
- (n) leadership in the legal context;
- (o) project management in the legal context;
- (p) governance issues and processes.

**Ineligible Lawyering Skills Topics:**

- (a) general business leadership;
- (b) general project management.

**Schedule D****Professional Wellness**

Approved educational programs designed to help lawyers detect, prevent or respond to substance use problems, mental health or stress-related issues that can affect professional competence and the ability to fulfill a lawyer's ethical and professional duties. Such educational programs must focus on these issues in the context of the practice of law and the impact these issues can have on the quality of legal services provided to the public.

**Eligible Professional Wellness Topics:**

- (a) programs that focus on developing awareness and prevention of substance use problems and mental health issues in the practice of law, for example, alcohol and drug dependencies, addictive or self-harming behaviours, anxiety and depression;
- (b) programs that focus on developing awareness and prevention of stress and stress-related issues in the practice of law, for example, procrastination, isolation, boundary setting and burnout.

**Ineligible Professional Wellness Topics:**

- (a) exercise classes;
- (b) yoga courses;
- (c) breathing exercises and meditation courses;
- (d) healthy eating courses;
- (e) courses addressing reevaluating personal career decisions or navigating career transitions;
- (f) counselling sessions and treatment programs;
- (g) learning activities that focus on personal life events and associated issues (e.g. personal trauma, grief and bereavement).