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## 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.

(d) may cause to be published any order or decision of a Hearing Committee in accordance with sub (c);

(3) 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, but the summary shall not, unless the member requests in writing, identify the member.

(4) 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.

[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]

### **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 SLIA board of directors;

“**insurer**” includes SLIA and any other company providing liability insurance to members under the Society’s compulsory liability insurance program;

“**law firm**” includes a sole practitioner, a partnership and 2 or more sole practitioners holding themselves out to the public as practicing in partnership or in association;

“**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]

#### Former Liability Insurance Program

601. (1) The Committee may, with respect to insurance claims made prior to September 1, 1988:

- (a) administer the former program; and
- (b) approve payments from the Insurance Fund maintained under Rule 134 of the former Rules for administration of the program, including payment of expenses which are necessary or incidental to the administration of the liability insurance program.

(2) The Benchers may, if the Insurance Fund is insufficient to make all payments authorized under subrule (1), do one or both of the following:

- (a) transfer funds from the Society’s General Fund to the Insurance Fund;
- (b) make a special assessment of members.

[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) members employed by or on an exclusive contract with the Saskatchewan Department of Justice as full-time prosecutors;
- (c) members employed by the Federal Department of Justice or the Public Prosecution Services of Canada;
- (d) members not resident in Saskatchewan and Canadian Legal Advisors who comply with subrule (5);
- (e) inactive members;
- (f) retired members; and
- (g) other members as approved by the Benchers.

(5) To qualify for exemptions under subrule (4), a member not resident in Saskatchewan shall provide evidence to the Society, by the dates fixed in Rule 810(1), that the member maintains professional liability insurance:

- (a) in a form and amount which is reasonably comparable with that maintained by the Society in its compulsory program; and
  - (b) which specifically extends to services rendered by the member in Saskatchewan.
- (6) A member who has not paid:
- (a) the annual assessment under subrule (1) by the date fixed in subrule (1) or extended under subrule (8); and
  - (b) any special assessment levied by the Benchers under subrule (2) by the date fixed by the Benchers or extended under subrule (8)

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

(7) 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 (8):

- (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.

(8) 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 (7)

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.

(9) 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 (7):

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

(10) A member who is an insured under a professional liability insurance policy shall report to, co-operate with and assist the insurer as required by the policy.

(11) A member who fails to comply with subrule (10) 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(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]

[next rule is Rule 700]



- (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 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 fee paid by the client in advance of any services performed by the lawyer, but does not apply to money paid to a member in trust which is intended to be drawn upon to pay fees and disbursements in accordance with Part 13 of these Rules.

[Rule 1500 amended April 15, 1994]

#### 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 matrimonial dispute, unless the form and content of the agreement have been approved by the Court.

#### 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 if any are covered by the agreement;

- (b) does not mislead clients in any way with respect to the services covered by the agreement;
  - (c) subject to subsection (3) below, specifies that money received by the member under the terms of the retainer agreement becomes the property of the member immediately upon receipt.
- (3) A member may agree with the client as part of a retainer agreement that money paid to the member pursuant to the agreement will be repaid under specified circumstances.

[Rule 1504 amended April 15, 1994]

**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. A member shall be allowed to attend any meetings arranged by a non-member or non-members to provide information to a group of such prospective clients, but may only attend by invitation from the prospective clients or persons arranging the meeting not connected to the member.

(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) Draft fee agreements may be included in marketing materials sent to prospective clients but must be marked “Draft Only. Do not sign”. Fee agreements may only be entered into after there has been a meeting between lawyer and client.

[Rule 1602.1 added June 10, 1999]

[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**

### **Institution 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*.

[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).

[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) or subrule 470(6).

[Rule 1903 amended April 22, 1999]

## **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.