

- (h) reasonable fees or costs of counsel;
- (i) reasonable disbursements of counsel for the Society; and
- (j) any other amount, arising out of the proceedings, for which the Society would otherwise be liable.

[Rule 230(11) amended June 9, 1999]  
 [Rule 230(17)(h) amended December 2, 2010]

[next rule is Rule 240]

### **Bencher Review**

240. (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) Rule 230 applies to a review, with the necessary changes and so far as it is applicable.

(3) The Benchers may, after:

- (a) considering the transcript from and exhibits filed at a hearing conducted under Rule 230;
- (b) hearing the applicant; and
- (c) considering any evidence that they may in their discretion permit the applicant to adduce,

confirm the decision, or approve the application, subject to any terms and conditions they consider appropriate.

(4) The Benchers may vary or remove any terms and conditions imposed under subrule (3).

## **H. Education**

### **Education Policy**

250. The Committee may make mandatory minimum education policy requirements (hereinafter called the "policy" in this part).

### **Non-Compliance with Policy**

251. The Executive Director may, with respect to any member who fails to comply with the policy,

- (a) refer the member to Complaints Counsel;
- (b) refuse to issue a practising certificate to the member;
- (c) give notice that the member's practicing certificate will cease to be valid and the member will be suspended within 30 days unless the member complies with the policy.

252. A member who has been suspended due to non-compliance with the policy may apply to the Executive Director for reinstatement

- (a) by certifying completion of the minimum education requirements;
- (b) by submitting the fee required in Rule 871.

253. The Executive Director may approve the application for re-admission or refer the application to the committee.

[Rules 250 to 253 added May 1, 2009]

[next rule is Rule 260]

## I. Canadian Legal Advisor

### Transfer

260. (1) Subject to subrule (3), a member of the Barreau du Québec, with a Canadian Civil Law degree, or with a foreign degree and a certificate of equivalency from the Barreau du Québec, 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 Law Society;
- (c) two testimonials in a form approved by the Committee, from two persons who have each known the applicant for at least 3 years, that the applicant is of good character and repute;
- (d) a certificate from the governing body of each Canadian Province and Territory of which the applicant is a member, stating:
  - (i) whether the applicant is a member in good standing;
  - (ii) whether the applicant is presently the subject of any disciplinary proceedings; and
  - (iii) the details of any previous disciplinary proceedings taken against the applicant;
- (e) an errors and omissions insurance application or exemption form;
- (f) the transfer application fee fixed by the Benchers under subrule 830(3); and
- (g) any other information and documents required by the *Act* or these Rules which is requested.

### Scope of Practice

261. (1) A Canadian Legal Advisor's practice is limited to the following:

- (a) give legal advice on:
  - (i) the law of Quebec and matters involving the law of Quebec;
  - (ii) matters under federal jurisdiction, or
  - (iii) matters involving public international law if insurance coverage is provided by the member's home jurisdiction;
- (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

262. (1) A Canadian Legal Advisor must:

- (a) obey and observe all duties and responsibilities of a practicing lawyer under the *Act*, these Rules and the *Code of Professional Conduct*;
- (b) continue to be a member in good standing of the Barreau du Québec authorized to practise law in that Province; and
- (c) notify the Executive Director in writing if he or she becomes disqualified from the practise of law in Quebec.

### General

263. (1) Rules 180, 181 and 183 apply to applications for admission as a Canadian Legal Advisor *mutatis mutandis*.

[Rules 260 – 263 added September 9, 2010]

[next rule is Rule 299]

**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 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 470 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) Other than hearings referred to in subrule (1) and hearings before the Court of Appeal and required attendances of the complainant pursuant to section 49 of the *Act*, all discipline proceedings shall be held in private.

(4) These rules will apply to all discipline matters concerning which 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]

[next rule is Rule 495]

### **Notice of Disciplinary Action**

495. (1) Where an order is made under Rules 400(3), 420 or 450 against a member, or pursuant to Rule 207 against a visiting lawyer, 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 member is a member.

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

- (a) shall notify in writing:
  - (i) the Chief Justice of Saskatchewan;
  - (i) the Chief Justice of the Saskatchewan Court of Queen's Bench;
  - (ii) 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) may cause to be published a notice of the suspension or disbarment in:
  - (i) the *Saskatchewan Gazette*; and
  - (ii) a newspaper of general circulation in each community in which the member maintained an office;
  - (iii) the Law Society of Saskatchewan website;

(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.

[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]

### **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.

- (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.

[Rules 1450 – 1457 added May, 2001]

[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,

“**advertisement**” means the use of paid space or time in a public medium or the use of a publication such as a brochure or handbill regardless of whether the member or firm contributes any money or services to the cost of the publication, production or distribution, to communicate with the general public or a segment thereof, for the purpose of promoting professional services or enhancing the image of the member or firm.

“**interjurisdictional law firm**” means a sole proprietorship, partnership or any other arrangement to carry on the business of the practice of law together, in which:

- (a) the firm carries on the practice of law in Saskatchewan and in one or more other Canadian or foreign jurisdictions; and
- (b) not all the lawyers in an office of the firm outside of Saskatchewan are members of the Society;

“**marketing activity**” includes:

- (a) an advertisement;
- (b) any publication or communication in any medium with any client, prospective client or the public generally in the nature of an advertisement, promotional activity or material, a listing in a legal directory, a public appearance or any other means by which professional legal services are promoted; and
- (c) contact with a prospective client initiated by a member.

“**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 “advertisement” amended December 9, 1993]

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

#### General Principles

1601. (1) Subject to these Rules, a member may initiate contact with a potential client.
- (2) Any marketing activity undertaken or authorized by a member must be not be:
- (a) false;
  - (b) inaccurate;
  - (c) reasonably capable of misleading the recipient or intended recipient; or
  - (d) undignified, in bad taste, offensive or otherwise inimical to the best interests of the public or the members, or tending to harm the standing of the legal profession.

[Rule amended February 5, 2001]

#### Specific Prohibitions

1602. A marketing activity violates subrule 1601(2) if it:
- (a) is calculated or likely to take advantage of the weakened state, either physical or emotional, of the recipient;
  - (b) is likely to create in the mind of the recipient or intended recipient an unjustified expectation about the results which the member may achieve;
  - (c) implies that the member can obtain results:
    - (i) not achievable by other members;
    - (ii) by improperly influencing a court or other public body or official; or
    - (iii) by any other improper means;
  - (d) compares either directly, indirectly or by innuendo, the member’s services or ability with that of any other member; or
  - (e) shows the member as being associated in the practice of law with: