



Rules

of

The Law Society of Saskatchewan

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Law Society of Saskatchewan

Law Society Rules

[September 12th, 1991]

PART 1

Definitions

Definitions

1. (1) In these Rules:

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

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

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

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

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

“**resignation in the face of discipline**” means a resignation accepted by the Benchers pursuant to Rule 402(3) or by the Discipline Committee pursuant to section 55(2)(a)(i.1) of *The Legal Profession Act, 1990* and is deemed to be equivalent to disbarment;

“**Rule**” or “**subrule**” means a rule or subrule contained in these Rules;

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

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

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

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

[Rule 1 amended December 10, 1992]

[Rule 1 amended October, 2003]

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

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

[next rule is Rule 5]

PART 2

Law Society Administration

Head Office

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

Seal of the Society

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

Officers of the Society

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

Fiscal Year

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

Auditors

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

Signing Authority

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

Appointment of Representative to other Organization

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

[next rule is Rule 15]

PART 3

Elections

A. Election of Benchers

Division of Saskatchewan into Electoral Divisions

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

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

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

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

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

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

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

Election Date

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

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.

Scrutineers

18. (1) The Executive Committee shall appoint the Executive Director and not less than 2 other members of the Society who are not Benchers or employees of the Society, to be scrutineers of the election.

(2) The failure of one or more scrutineers to attend at the time and place set for the vote counting 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, in accordance with Rule 25, whether a vote is void or a ballot paper is rejected, in which case their decision is final.

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) for each division described in Rule 15(1), prepare an alphabetical voter list of members who are entitled to vote in that division; and

(b) deliver to each local registrar of the Court of Queen's Bench the voter lists for all divisions, for posting in a conspicuous place in each local registrar's office.

(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.

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

[Rule 21 amended December, 2001]

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 the voter list prepared under Rule 21 or corrected under Rule 22 are entitled to vote in an election for Benchers.

Voting Procedure

24. By October 14, 1991, and in future years by October 25 preceding the election of Benchers, the Executive Director shall mail to each member whose name is on the voter list:

- (a) a ballot paper containing in alphabetical order the names of all candidates in the division in which he or she is entitled to vote and stating the number of Benchers to be elected in that division;
- (b) instructions respecting the marking of the ballot paper and of its return to the Society;
- (c) a ballot envelope;
- (d) a declaration; and
- (e) a mailing envelope

and may include biographical information respecting the candidates.

(2) The accidental omission to mail the material referred to in subrule (1) to any member or the non-receipt of the material does not invalidate an election.

(3) A member who votes:

- (a) shall vote in accordance with the instructions enclosed with the ballot paper; and
- (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.

(4) The Executive Director may issue a replacement ballot paper to a member who informs the Executive Director in writing that the original ballot paper has been misplaced or spoiled or was not received.

(5) The Executive Director may issue a new set of ballot materials to a member who informs the Executive Director in writing that the original ballot material sent to him or her relates to a division other than the one in which the member is entitled to vote.

(6) A member who has voted shall:

- (a) place the ballot paper in the ballot envelope and seal the envelope;
- (b) complete the declaration and sign it;
- (c) place the ballot envelope in the mailing envelope and seal the envelope; and
- (b) deliver, or mail postage prepaid, the mailing envelope to the Executive Director.

Rejection of Ballot Papers

25. (1) A ballot paper which:

- (a) contains, or is enclosed in an envelope which contains, a marking which could identify the voter;
- (b) contains votes for more candidates than the number to be elected in that division;
- (c) is dissimilar to those issued by the Executive Director; or
- (d) is received by the Executive Director on or after the election date

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]

Counting of Votes

26. The Executive Director shall supervise the counting of votes according to the following procedure:

- (a) each member who votes shall be crossed off the voter list, and all the ballot papers of a voter who submits more than one ballot paper shall be rejected;

- (b) each voter declaration card shall be read, and the ballot paper of a voter who has not completed and signed the declaration correctly shall be rejected;
- (c) the ballot envelopes containing ballot papers shall be separated by division, and mixed to prevent identification of voters;
- (d) for each division, the ballot envelopes shall be opened and the ballot papers removed;
- (e) ballot papers which are rejected according to the *Act* or these Rules shall be kept separate; and
- (f) valid ballot papers shall have all votes which are not void counted and recorded.

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 a candidate fails to be elected by less than 10 votes, the Executive Director shall re-count or shall supervise the re-counting of the ballot papers for that division in accordance with Rule 26.

(3) 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.

Attendance of Candidate

28. A candidate may attend personally or by agent during proceedings under Rules 26 and 27.

Election Record and Disclosure of Votes Received

29. (1) The Executive Director shall ensure that a permanent record is kept of the number of votes received by each candidate, and the candidates who are declared elected.

(2) The Executive Director shall, at the request of any member, disclose to that member the number of votes received by each candidate.

Review by Executive Committee

30. (1) A candidate who is not elected under these Rule 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 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.

(3) The decision of the Executive Committee under subrule (2) is final.

Retention of Documents

31. The voting papers and other documents of an election shall be retained by the Executive Director at least 14 days after the election or, if a review is taken under Rule 30, then until that review has been completed.

[Next Rule is 32]

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.

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.

Voters List

(6) Notwithstanding Rule 21 the Executive Director shall, by September 15 preceding the election of Benchers, prepare an alphabetical voter list of New Lawyers.

Entitlement to Vote

- (7) (a) Notwithstanding Rule 23, only those members whose names appear on the voter list prepared under Rule 32(5) are entitled to vote in an election for a New Lawyer Bencher.
- (b) 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

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

[Rule 32 added August 13, 2009]

[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 Postal Service

66. If an interruption of postal 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.

Extension of Dates

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

[next rule is Rule 80]

PART 4

Meetings of the Society

Annual General Meeting

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

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

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

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

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

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

Special General Meeting

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

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

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

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

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

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

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

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

Resolutions

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

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

Procedure at General Meetings

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

[next rule is Rule 90]

PART 5

Bencher Meetings

Time and Place

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

Special Meetings of the Benchers

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

Procedure at Meetings of the Benchers

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

(10) Voting at a meeting of the Benchers shall be by show of hands, unless the Chairperson orders a secret ballot.

(11) A Bencher is not entitled to vote by proxy.

(12) Subject to subrule (13), a resolution to add to, amend or delete from these Rules or *The Code of Professional Conduct* is not valid unless:

(a) the resolution is read twice; and

(b) a majority of Benchers voting on each reading vote in favour of the resolution.

(13) A resolution referred to in subrule (12) shall not be read twice on the same day, unless two-thirds of the Benchers present at the meeting and voting consent.

(14) A meeting of the Benchers may be adjourned from time to time and from place to place.

(15) The Benchers may conduct a meeting of the Benchers by joining together two or more locations by telephone or by any other means of communication which permits all persons participating in the meeting to hear each other, and a Bencher participating in such a meeting is, for the purpose of this Rule, present at the meeting.

Reimbursement for Bencher Expenses

93. (1) The Society shall reimburse Benchers described in section 6(2)(a) and (b) for all reasonable and necessary expenses actually incurred in performance of their duties.

(2) The Society shall reimburse, in the case of expenses actually incurred by Benchers described in section 6(2)(c) of the *Act*, the greater of:

(a) the amount determined under section 6(6) of the *Act*; or

(b) all reasonable and necessary expenses actually incurred in performance of their duties.

Remuneration of Benchers

94. (1) The President shall receive remuneration in an amount fixed by the Benchers.

(2) Benchers described in section 6(2)(a) and (b) of the *Act* may receive remuneration in an amount fixed by the Benchers.

(3) Benchers described in section 6(2)(c) of the *Act* shall receive remuneration in an amount which is the greater of:

(a) the amount determined under section 6(6) of the *Act*; or

(b) the amount fixed by the Benchers.

Bencher Absence

95. Where an elected Bencher has been absent from two consecutive, regularly scheduled meetings of the Benchers in Convocation, the Benchers in Convocation may, by resolution, remove that Bencher from office.

[next rule is Rule 110]

PART 6

Committees

A. General

Establishment

110. (1) The following committees are established:
- (a) the Admissions & Education Committee,
 - (b) the Professional Standards Committee;
 - (c) the Discipline Committee;
 - (d) the Ethics Committee;
 - (e) the Executive Committee;
 - (f) the Insurance Committee; and
 - (g) the Legislation & Policy Committee.
- (2) The Benchers may, by Rule, establish any other committee for the better governance of the Society.

[Rule 110(1)(c) amended and Rule 110(1)(l) added September 17, 1993]

[Rule 110(1)(i) amended December 11, 1994]

[Rule 110(j) amended December 7, 1995]

[Rule 110(1)(l) amended December 11, 1998]

[Rule 110(1) amended to remove Committees: Annual Meetings, Finance, Libraries and Equity/Diversity December 7, 2007]

Membership

111. (1) The President shall, in the case of every committee other than the Executive Committee, appoint the members and designate one of them as Chairperson and another of them as Vice-Chairperson.
- (2) Any Vice-Chairperson of a Committee may perform the duties of the Chairperson of that Committee where it is desirable for him or her to do so in furtherance of the objects of the *Act* and the Rules.
- (3) The members of a committee shall, if both the Chairperson and the Vice-Chairperson are unable or unwilling to act, choose one of their number to perform the duties of Chairperson.
- (4) A member of a committee appointed under subrule (1) holds office until the earlier of:
- (a) ceasing to be a member of the Society; or
 - (b) being removed from office by the President.
- (5) The President may fill a vacancy on any committee with respect to which the President has the power of appointment.
- (6) The President;
- (a) is an *ex officio* member of each committee established under Rule 110; and
 - (b) may be appointed as an active member of any committee.

[Rule 111 amended March 27, 1992 & September 17, 1993]

Duties

112. A committee shall, in addition to the duties assigned to it by the *Act* and these Rules, perform any duties assigned by the Benchers.

Quorum

113. (1) At a meeting of any committee other than the Discipline Committee, a majority of members present constitutes a quorum.
- (2) In determining whether a quorum exists, the President's membership shall be counted only if the President is an active member of the committee.

Majority Decisions

114. Unless the *Act* or these Rules state to the contrary, a committee may act by majority decision.

Procedures

115. Unless the *Act* or these Rules state to the contrary, a committee may set its own practice and procedures.

[next rule is Rule 125]

B. Standing Committees**Admissions & Education Committee**

125. The Admissions & Education Committee shall:
- (a) perform the duties assigned to it by Part VII of these Rules;
 - (b) when necessary consult with the University of Saskatchewan, College of Law respecting the education of students, including the curricula of the Faculty of Law;
 - (c) set standards and procedures for, and supervise the training and education of students-at-law while articling to a principal or serving as a law clerk;
 - (d) make inquiries of a student-at-law, principal or justice that it considers necessary to ensure that the standards set under subrule (c) are being complied with;
 - (e) prohibit a member from acting as a principal to a student-at-law where the Committee is satisfied that the training and education provided to the student do not meet the standards set under subrule (c);
 - (f) supervise:
 - (i) the Bar Admission Program, the Bar examinations, and other assessments; and
 - (ii) the provision of continuing legal education to members;
 and act as liaison with any other organization in the provision of these services;
 - (g) supervise administration of the Rules respecting members acting as mediators; and
 - (h) perform any other duties assigned to it by the Benchers.

[Rule 125 amended December 8, 1994 and February 5, 2004]

[Rule 126 Annual Meetings Committee deleted December 7, 2007]

Professional Standards Committee

127. (1) The membership of the Professional Standards Committee consists of those Benchers appointed under section 35(1) of the *Act*.

- (2) A member of the Committee holds office until the earlier of:
 - (a) ceasing to be a Bencher; or
 - (b) being removed from office by the Benchers.
- (3) The Benchers may fill a vacancy on the Committee.
- (4) The Committee shall:
 - (a) perform the duties assigned to it by the *Act* and Part 8 of these Rules; and
 - (b) supervise the Society's activities respecting unauthorized practice.

[Rule 127 amended February 4 and 5, 1993]

Discipline Committee

128. (1) The Chairperson and each Vice-Chairperson of the Discipline Committee hold office until the earlier of:

- (a) ceasing to be a Bencher; or
- (b) being removed from office by the Benchers.

- (2) Any other member of the Discipline Committee holds office until that member ceases to be a Bencher.
- (3) The President shall fill a vacancy in the office of Chairperson, and may fill a vacancy in the office of each Vice-Chairperson.
- (4) The Committee shall perform the duties assigned to it by the *Act* and Part 8 of these Rules.

Ethics Committee

- 129. (1) The Ethics Committee:
 - (a) may give opinions and make rulings on questions of professional ethics, for the guidance of the profession;
 - (b) shall make recommendations to the Benchers and to the Discipline Committee respecting professional ethics and the development of and revisions to *The Code of Professional Conduct*; and
 - (c) shall administer the Society's Rules respecting the marketing of legal services.
- (2) *The Code of Professional Conduct* published by the Society and as amended from time to time constitutes a Rule of the Society.

Executive Committee

- 130. (1) The Executive Committee shall consist of:
 - (a) the President of the Society, who shall be Chairperson of the Committee;
 - (b) the Vice-President of the Society, who shall be the Vice-Chairperson of the Committee;
 - (c) the Immediate Past President of the Society, if that person is a Bencher;
 - (d) not more than 5 other Benchers, appointed by the President; and
 - (e) the Executive Director shall be a non-voting member of the Executive Committee.
- (2) A member referred to in subrule (1)(d) holds office until the earlier of:
 - (a) ceasing to be a Bencher; or
 - (b) being removed from office by the President.
- (3) Where the office of a member referred to in subrule (1)(d) is vacated, the President may fill the vacancy.
- (4) The Committee shall:
 - (a) perform the duties assigned to it by these Rules;
 - (b) make recommendations respecting the manner in which the interests of the Society will be advanced before governments, the public, the media and the profession; and
 - (c) act on matters that arise between meetings of the Benchers; and
 - (d) supervise management of the finances of the Society.

[Rule 130(1)(e) added December 10, 1992]
 [Rule 130(1)(e) amended; (4)(d) added December 7, 2007]

[Rule 131 Finance Committee deleted December 7, 2007]

Insurance Committee

- 132. The Insurance Committee shall supervise administration of the Society's insurance program in accordance with section 11 of the *Act* and Part 10 of these Rules.

[Rule 133 deleted December 8, 1994]

Legislation & Policy Committee

- 134. The Legislation & Policy Committee shall:
 - (a) subject to the instructions of the Benchers, seek legislation which furthers the objects and duties of the Society;
 - (b) participate in the development of public policy which affects the membership and the law;
 - (c) scrutinize, and respond on behalf of the Benchers to, proposed legislation affecting the objects and duties of the Society; and

- (d) recommend to the Benchers additions to, amendment of or deletions from these Rules, other than *The Code of Professional Conduct*.

[Rule 134 amended December 7, 1995]

[Rules 135 Libraries Committee and 136 Equity/Diversity Committee deleted December 7, 2007]

[next rule is Rule 149]

PART 7

Admissions

A. Students-at-Law

Definitions

149. In this Part,

“**articling start date**” means the date on which a person is admitted to membership in the Law Society as a student-at-law, under Rule 151(1) or (3).

“**Bar Admission Program Director**” means the person employed by the Society who is responsible for the day-to-day administration of the Bar Admission Program.

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

[Rule 149 amended June 8, 1994 and February 5, 2004]

[Rule 149 “articling start date” and “Bar Admission Program Director” amended; “Committee” added December 7, 2007]

[Rule 149 “Bar Admission Program Director” amended; “Saskatchewan Legal Education Society Inc.” deleted September 17, 2009]

Notification of Convictions

149A. (1) A member, student-at-law, applicant for admission or re-admission, or a visiting lawyer who is charged with any of the following:

- (a) an indictable offence under any Act of the Parliament of Canada;
- (b) an offence under any Act of the Parliament of Canada where the offence was prosecutable either as an indictable offence or as a summary conviction offence;
- (c) a summary conviction offence under the *Income Tax Act*, the *Criminal Code*, the *Narcotic Control Act* or the *Controlled Drugs and Substances Act*, the *Food and Drugs Act* of Canada or the *Securities Act* of any province of Canada;
- (d) a summary conviction offence under any other law in force in Canada punishable by a fine, if the maximum fine for the offence was then at least \$25,000;
- (e) an offence committed outside Canada and similar to any of the kinds of offences described in clauses (a) to (d); or
- (f) a disciplinary offence in any jurisdiction in which the individual is subject to the regulation of a governing body of the legal profession;

shall

- (i) within a reasonable time after the charge is laid give a written notice to the Executive Director containing the particulars of the charge; and
- (ii) forthwith notify the Executive Director of the disposition of any charge and any agreement arising out of the charge.

(2) In addition to the reporting requirements set out above, a member, student-at-law, applicant for admission or re-admission or a visiting lawyer shall forthwith notify the Executive Director of any order requiring that they serve a term of imprisonment, including a conditional or intermittent sentence of imprisonment.

(3) In addition to the reporting requirements set out in subrules (1) and (2) above, a member, visiting lawyer, student-at-law or applicant for admission or re-admission shall forthwith notify the Executive Director of any suspension, investigation, supervision, undertaking, conditions or similar processes including, but not limited to, discipline, professional standards, competency, accounting, or audit proceedings, to which the individual is subject by direction of a governing body of the legal profession in any jurisdiction.

[Rule 149A added October 23, 1992 and May 24, 2000; Rule 149A(1) amended and (2) added April 1, 2004]

[Rule 149A(1) and (2) amended October 27, 2005; Rule 149A deleted in its entirety and replaced with the above on January 11, 2007]

[Rule 149A(1) (c) – (f) and (3) amended December 7, 2007]

Application for Admission as a Student-at-Law

150. A person applying for admission as a student-at-law must:

- (a) be of good character;
- (b) provide a completed application for admission in a form approved by the Committee;
- (c) provide an original or notarially certified government issued identification document such as a driver’s license, birth certificate, passport or other document acceptable to the Law Society;
- (d) in the case of an applicant that is not a Canadian citizen, provide proof of the applicant’s entitlement to work in Canada;

- (e) provide a police record check or such other information from law enforcement as may be required by the Executive Director;
- (f) provide 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;
- (g) provide proof that:
 - (i) the applicant has successfully completed at least two years toward the requirements for a Bachelors degree or juris doctor degree from a common law faculty of law in a Canadian university; or
 - (ii) the applicant holds a Certificate of Qualification issued by the Joint Committee on Accreditation appointed by the Federation of Law Societies of Canada and the Council of Canadian Law Deans;
- (h) in the case of an applicant who was previously a student-at-law in another Canadian Province or Territory, provide a document stating the particulars of that experience;
- (i) in the case of an applicant who is a member of another governing body of the legal profession in Canada provide:
 - (i) a document stating the particulars of that experience; and
 - (ii) a certificate from that governing body stating:
 - (A) whether the applicant is a member in good standing;
 - (B) whether the applicant is presently the subject of any disciplinary proceedings; and
 - (C) the details of any previous disciplinary proceedings taken against the applicant;
- (j) provide any other information or documents which the Executive Director may reasonably require; and
- (k) provide the student-at-law application fee fixed under subrule 820(1).

[Rule 150(e)(i) amended December 9, 1993, Rule 150(h) amended December 8, 1994; Rule 150 amended May 24, 2000, Rule 150(a) amended May 24, 2000; Rule 150(d) amended May 24, 2000, Rule 150(g)(i) amended May 24, 2000]

[Rule 150 (a), (d), (e)(i), (f), (g)(i), and (h) amended December 7, 2007]

[Rule 150(a) – (k) – items added and amended September 9, 2010]

Consideration of Application for Admission as a Student-at-Law

151. (1) In considering an application under Rule 150, the Executive Director:
- (a) may make whatever enquiries and investigations considered necessary;
 - (b) shall consider whether granting the application for admission as a student-at-law would be inimical to the best interests of the public or the members or would harm the standing of the legal profession generally;
 - (c) may admit to membership as a student-at-law, an applicant who has complied with Rule 150;
 - (d) refuse the application; or
 - (e) refer the application to the Committee.
- (2) The Executive Director shall promptly notify in writing a person whose application has been refused, stating the reasons for the refusal and the applicant's right to apply to the Benchers under section 23(4) of the Act for a review.
- (3) The Benchers may:
- (a) admit an applicant to membership as a student-at-law subject to any conditions or limitations the Benchers may direct; or
 - (b) refuse the application.

[Rule 151(1) amended December 8, 1994 & June 9, 1999; Rule 151(1)(e) amended May 24, 2000, Rule 151(2) added May 24, 2000]

[Rule 151(3)(a) amended May 24, 2000, Rule 151(3)(b) amended May 24, 2000]

[Rule 151(1), (a) – (d) amended, (e) added; (2) and (3)(a) amended December 7, 2007]

Qualifications to Act as a Principal

152. (1) Prior to hiring a student-at-law a member must, in each year, notify the Executive Director in writing of the member's intention to act as a principal to a student-at-law.
- (2) The Executive Director shall, upon receipt of such notice, review the member's involvement with the Society including, without limitation:
- (a) Discipline Committee investigations and rulings;
 - (b) Professional Standards Committee investigations;

- (c) professional liability insurance report claims or processes;
- (d) special fund report claims or processes;
- (e) failure to pay monies owing to the Society;
- (f) complaints against the member; and
- (g) general correspondence from the administration office;

and shall either:

- (h) approve or refuse the member to act as a principal; or
- (i) refer the matter to the Committee.

(3) The Committee may inquire into a member's suitability to act or continue to act as a principal, having regard to the member's involvement with the Society as set out in paragraphs 2(a) – (g) herein and any other matter that comes to the attention of the Committee that it deems relevant, and may order that the member:

- (a) not act as a principal;
- (b) act as a principal subject to such conditions, if any, as the Committee deems appropriate;
- (c) act as principal without restrictions;

unless the member shows cause why such an order should not be made.

(4) Subject to subrules (1), (2), (3), (5) and (6), a member may act as a principal to a student-at-law if the member:

- (a) is and, for at least 5 years immediately preceding the application under Rule 150, has been engaged in the full time active practice of law in Saskatchewan;
- (b) is the Attorney General or Deputy Attorney General for the Province of Saskatchewan; or
- (c) is practising law in Saskatchewan for the Department of Justice of Canada.

(5) The Executive Director may approve, as a principal, a member who:

- (a) is and, for at least 5 years immediately preceding the application under Rule 150, has been a member of the Society and resident of Saskatchewan; and
- (b) is employed as a lawyer by a corporation, board or commission in Saskatchewan.

(6) A member shall not act concurrently as a principal to more than one student-at-law, except that a principal may:

- (a) during what he or she reasonably believes to be the final 3 months of one student-at-law's articles; or
- (b) while acting as principal to a student-at-law seconded under Rule 157;

act as a principal to 2 students-at-law.

(7) Subrule (6) does not apply to the Attorney General or Deputy Attorney General.

(8) The Executive Director may approve as a principal a member who does not meet the qualifications stated in subrules (4) or (5) but who satisfies the Executive Director that he or she is suitable to act as a principal.

(9) A member who ceases, while acting as a principal, to meet the qualifications set by this Rule shall immediately notify the Society in writing.

[Rule 152(4) amended April 1, 1993]

[Rule 152(2), (5) and (6) amended December 8, 1994]

[Rule 152 amended February 5, 2001]

[Rule 152(2)(b), (h), (i); (3), (4)(a), (5) and (5)(a), (6)(b), (8) and (9) amended December 7, 2007]

Articling Term

153. (1) Subject to Rules 154 and 155 a student-at-law shall, within the 24-month period immediately following the articling start date, article to a qualified principal for not less than 12 months.

(2) The 12-month period in subrule (1) includes:

- (a) the period of time during which a student-at-law is in attendance at the Bar Admission Program;

but does not include:

- (b) any time spent articling before the articling agreement referred to in Rule 156 was executed; and
- (c) any time spent at the Bar Admission Program prior to the fulfillment of the requirements of Rule 156(2)(b).

- (3) The Executive Director may approve applications to amend the articling start date.

[Rule 153(2) amended June 8, 1994]
 [Rule 153(3) added May 24, 2000]
 [Rule 153 amended February 5, 2004]
 [Rule 153(3) amended December 7, 2007]

Law Clerks

154. (1) A student-at-law who, during the 24-month period immediately following the articling start date, serves for not less than 12 months as a law clerk to a Justice of the Court of Appeal of Saskatchewan, of the Saskatchewan Court of Queen's Bench or a Judge of the Provincial Court of Saskatchewan and, during that time:

- (a) serves for not less than 2 consecutive months as a student-at-law to a qualified principal described in subrule 152(4)(a); or
- (b) serves for not less than one continuous month as a student-at-law to each of:
 - (i) a qualified principal described in subrule 152(4)(a); and
 - (ii) the Saskatchewan Department of Justice or the Saskatchewan Legal Aid Commission;

is not required to comply with Rule 153.

(2) In calculating the 12-month period referred to in subrule (1), any time spent serving as a law clerk before the clerkship position referred to in Rule 156(1) was confirmed shall not be considered.

(3) A student-at-law who, during the 24-month period immediately following the articling start date, serves as a law clerk to a Justice of the Supreme Court of Canada, the Federal Court of Appeal, the Federal Court, the Tax Court of Canada or any other person approved by the Benchers receives one month's credit toward the 12-month articling requirement set in Rule 153 for each month served as a law clerk in excess of 3 months, up to a maximum credit of 9 months.

[Rule 154(1)(a) and (b) amended June, 2001; Rule 154(1) amended May, 2002]
 [Rule 154(3) amended June, 2004]
 [Rule 154(1)(b)(i) amended September, 2006]
 [Rule 154(1)(a) and (3) amended December 7, 2007]

Transfer into Saskatchewan during Articles

155. (1) A student-at-law from another Canadian Province or Territory wishing to transfer into Saskatchewan to complete his or her articles must apply to be admitted as a student-at-law pursuant to Rule 150.

- (2) The Executive Director shall consider the applicant's qualifications including:
 - (a) time spent by the applicant articling or clerking;
 - (b) time spent in a bar admission program and the form and content of such program; and
 - (c) any other information or documents the Executive Director may require.
- (3) The Executive Director may:
 - (a) grant credit toward the twelve-month articling requirement set in Rule 153;
 - (b) reduce or modify the requirements for admission as a lawyer pursuant to Rule 171; or
 - (c) refer the application to the Committee.
- (4) The Committee may, in its discretion, make any enquiry and investigation considered necessary, make a decision on a review of the record, or conduct a Hearing pursuant to Rule 230.

[Rule 155(1)(b)(i) amended December 9, 1993]
 [Rule 155(1)(b) amended December 8, 1994]
 [Rule 155(1)(a) and (b) reversed and amended December 7, 2007]
 [Rule 155 amended in its entirety April 15, 2010]

Proof of Entry into Articles

156. (1) A student-at-law shall:

- (a) before commencing to article to a qualified principal, execute with the principal an articling agreement in a form approved by the Benchers; or
- (b) before commencing service as a law clerk, request that the supervising Justice confirm to the Society in writing the student-at-law's clerkship position.

- (2) A student-at-law shall, not more than 30 days after executing an agreement or requesting the written confirmation under subrule (1), deliver to the Executive Director:
- (a) a copy of the agreement or written confirmation;
 - (b) satisfactory evidence that the student-at-law:
 - (i) has successfully completed the requirements for a Bachelors degree from a common law faculty of law in a Canadian university approved by the Benchers; or
 - (ii) holds a Certificate of Equivalency issued by the National Committee on Accreditation appointed by the Federation of Law Societies of Canada and the Committee of Canadian Law Deans; and
 - (c) the student-at-law articling fee fixed by the Benchers under subrule 820(2).
- (3) The Executive Director may, in special circumstances, extend the time set in subrule (2).
- (4) A student-at-law who paid the articling fee when commencing service as a law clerk is not required to pay a second articling fee when commencing to article to a qualified principal.

[Rule 156(2)(b)(i) amended December 9, 1993]
 [Rule 156(3) amended December 8, 1994]
 [Rule 156(2)(b)(ii) and (3) amended December 7, 2007]

Secondment of Articles

157. (1) A principal may permit his or her articulated student to work in the office of another member qualified to act as a principal, for a period or periods not exceeding in total 8 weeks of the student-at-law's articling period.
- (2) The Executive Director may permit a student-at-law to work in the office of a member other than that student-at-law's principal for a period or periods exceeding 8 weeks of the student-at-law's articling period.
- (3) The Executive Director may set appropriate conditions under subrule (2).

[Rule 157(2) and (3) amended December 8, 1994]
 [Rule 157(2) and (3) amended December 7, 2007]

Assignment of Articles

158. (1) The articles of a student-at-law may be assigned from one principal to another qualified principal if the student-at-law, the previous principal and the new principal all execute an assignment of articles in a form approved by the Committee.
- (2) The student-at-law shall, not more than 30 days after the assignment referred to in subrule (1) was executed, deliver to the Executive Director:
- (a) a copy of the assignment; and
 - (b) the student-at-law articling assignment fee fixed by the Benchers under subrule 820(3).
- (3) The Executive Director may, in special circumstances, extend the time set in subrule (2).

[Rule 158(3) amended December 8, 1994]
 [Rule 158(1) amended May 24, 2000]
 [Rule 158(1) and (3) amended December 7, 2007]

Bar Admission Program

159. (1) The form and content of the Bar Admission Program for Saskatchewan shall be set by the Canadian Center for Professional Legal Education (CPLED) and the Bar Admission Program Director in consultation with the Committee.
- (2) Administrative policies for the Bar Admission Program shall be approved by the Committee and published in a Bar Admission Program Handbook.
- (3) An applicant for admission to the Bar Admission Program must:
- (a) be admitted to the Law Society as a student-at-law;
 - (b) hold a Bachelors degree from a common law faculty of law in a Canadian university or a certificate of equivalency from the National Committee on Accreditation;
 - (c) have complied with all administrative requirements set out in the Bar Admission Program Handbook, including payment of the prescribed fee, as fixed by the Benchers under subrule 820(4).

(4) The Bar Admission Program Director has authority to discipline or suspend a student-at-law for breach of Bar Admission Program policies or for conduct which is contrary to the rules of the Society or the *Code of Professional Conduct*.

(5) The Bar Admission Program Director's decision to suspend or discipline a student-at-law may be appealed to the Committee. The Committee may, in its discretion, make a decision on a review of the record, make any enquiry and investigation considered necessary, or conduct a Hearing pursuant to Rule 230.

[Rule 159 amended June 8, 1994]
 [Rule 159(7) amended December 8, 1994]
 [Rule 159 amended April 28, 1995]
 [Rule 159(3) amended May 24, 2000]
 [Rule 159 amended February 5, 2004]
 [Rule 159(2)(b), (c)(ii) and (d), and (7) amended December 7, 2007]
 [Rule 159 amended in its entirety April 15, 2010]

Bar Admission Program Assessments and Examinations

160. (1) In order to pass the Bar Admission Program, a student-at-law shall:
- (a) attend all face to face sessions and participate fully in all online portions of the Program;
 - (b) submit on time and successfully complete all competency evaluations and assignments;
 - (c) pass any examinations set by the Bar Admission Program Director;
 - (d) comply with the Bar Admission Program Handbook and any additional administrative policies set from time to time by the Society.
- (2) Students-at-law who do not successfully complete the Bar Admission Program will be required to repeat the Program.
- (3) Students-at-law shall have only one opportunity to repeat the Bar Admission Program.
- (4) A student-at-law who has failed to pass the Bar Admission Program may appeal to the Committee. The Committee may, in its discretion, make a decision on a review of the record, make any enquiry and investigation considered necessary, or conduct a Hearing pursuant to Rule 230.

[Rule 160 amended June 8, 1994]
 [Rule 160(5), (6) and (8) amended December 8, 1994]
 [Rule 160(8) amended February 12, 1999]
 [Rule 160 amended February 5, 2004]
 [Rule 160(5) and (6) amended December 7, 2007]
 [Rule 160(2) deleted, changing numbering sequence from (2) – (7) to (2) – (6) September 17, 2009]
 [Rule 160(1)(d) amended; (2) deleted and re-written; (4) and (5) deleted; (6) changed to (3); new (4) added April 15, 2010]

Legal Services Performed by Students-at-Law

161. (1) Subject to section 31(a)(i) and (ii) of the *Act*, subrule (2) and the *Criminal Code* of Canada, a student-at-law may perform any legal service which his or her principal:
- (a) is personally competent to perform;
 - (b) supervises, to the extent necessary in the circumstances; and
 - (c) is satisfied that the student-at-law is, because of the principal's supervision, competent to perform.
- (2) A student-at-law shall not:
- (a) accept a case;
 - (b) fix fees;
 - (c) give or accept a professional undertaking; or
 - (d) settle a contested matter.

[Rule 161(1) amended December 7, 2007]

[next rule is Rule 162]

Admission of Students-at-Law

162. (1) The Executive Director may grant any application or may refer any application under Rules 152, 155, 157, 159 or 160 to the Committee.

(2) The Committee may, in its discretion, make a decision on a review of the record or conduct a Hearing pursuant to Rule 230.

[Rule 162 added December 7, 2007]

[next rule is Rule 171]

B. Lawyers

Admission as a Lawyer

171. (1) To qualify for admission as a lawyer after having enrolled as a student-at-law an applicant must:

- (a) satisfy the Executive Director that the applicant will, prior to formal admission, satisfactorily complete the articling period;
 - (b) satisfy the Executive Director that the applicant:
 - (i) will, prior to formal admission, satisfactorily complete the Bar Admission Program; or
 - (ii) has satisfactorily completed the examination on Saskatchewan statute law, court procedure and practice.
 - (c) satisfy the Executive Director that the applicant will, prior to formal admission, satisfactorily complete any other requirements of the *Act* or Rules imposed by the Committee or the Benchers; and
 - (d) deliver to the Executive Director:
 - (i) a completed application for admission as a lawyer in a form approved by the Benchers;
 - (ii) a completed principal's affidavit or, in the case of a student-at-law who served as a law clerk, a completed affidavit from the supervising Justice, in a form approved by the Benchers;
 - (iii) in the case of an applicant who has completed the Bar Admission Program, an affidavit of attendance of the Program.
 - (iv) the lawyer admission application fee fixed by the Benchers under subrule 830(1); and
 - (v) any other information and documents required by the *Act* or these Rules which is requested.
- (2) To qualify for admission as a lawyer on transfer an applicant must:
- (a) be of good character;
 - (b) deliver to the Executive Director:
 - (i) a completed application for admission as a lawyer on transfer, in a form approved by the Committee;
 - (ii) provide an original or notarially certified government issued identification document such as a driver's license, birth certificate, passport or other document acceptable to the Law Society;
 - (iii) in the case of an applicant that is not a Canadian citizen, provide proof of the applicant's entitlement to work in Canada;
 - (iv) 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;
 - (v) proof that the applicant holds either a Bachelors degree or juris doctor degree from a common law faculty of law in a Canadian university or a Certificate of Equivalency issued by the National Committee on Accreditation appointed by the Federation of Law Societies of Canada and the Council of Canadian Law Deans;

- (vi) a certificate from the governing body of each Canadian Province and Territory of which the applicant is a member, stating:
 - (1) whether the applicant is a member in good standing;
 - (2) whether the applicant is presently the subject of any disciplinary proceedings; and
 - (3) the details of any previous disciplinary proceedings taken against the applicant;
- (vii) the admission on transfer application fee fixed by the Benchers under subrule 830(3); and
- (viii) any other information and documents required by the *Act* or these Rules which is requested; and
- (c) subject to Rule 200, pass transfer examinations approved by the Admissions & Education Committee.

[Rule 171(1)(b)(i) amended June 8, 1994, Rule 171(2)(e) amended December 9, 1993]

[Rules 171(1)(c) & (d)(v), Rule 171(2)(b) and Rule 171(3) amended December 8, 1994]

[Rule 172(2) amended October 24, 1997]

[Rules 171(1) and Rules 171(2), 2(a) and 2(d) amended May 24, 2000]

[Rule 171(1), (a), (b) and (c); (2), (a), (d), (e), (f)(ii) and (h) amended; (3) deleted December 7, 2007]

[Rule 171(2)(a) (i) – (viii) amended; (b) added September 17, 2009]

[Rule 171(2)(a) and (2)(b)(i) – (viii) and (c) amended September 9, 2010]

Law Professors

172. (1) A full-time member of the University of Saskatchewan College of Law who:

- (a) holds a Bachelors degree in the common law from an educational institute approved by the Benchers;
- (b) is a member in good standing of the governing body of the legal profession in another Canadian Province or Territory;
- (c) successfully completed, as a precondition to membership in that governing body, that jurisdiction's articling, Bar Admission Program and Bar examination requirements;
- (d) has not been the subject of any disciplinary proceedings by a governing body of the legal profession of which the applicant is or was a member; and
- (e) delivers to the Executive Director:
 - (i) a completed application for admission in a form approved by the Committee;
 - (ii) the law professor (transfer) admission application fee fixed by the Benchers under subrule 830(5); and
 - (iii) any other information and documents required by the *Act* or these Rules which is requested.

is eligible to be admitted to membership in the Society as a lawyer under section 24(1) of the *Act* and without complying with any other requirements of section 24(1) of the *Act*.

(2) A full-time tenured member of the University of Saskatchewan College of Law who:

- (a) holds a degree in the common law from an educational institution approved by the Benchers;
- (b) has not been the subject of any disciplinary proceedings by a governing body of the legal profession of which the applicant is or was a member;
- (c) is not on leave from the University of Saskatchewan College of Law at the time of the application; and
- (d) delivers to the Executive Director:
 - (i) a completed application for admission in a form approved by the Committee;
 - (ii) the law professor admission application fee fixed by the Benchers under subrule 830(7); and
 - (iii) any other information and documents required by the *Act* or these Rules which is requested.

is eligible to be admitted to membership in the Society as a lawyer under section 24(1) of the *Act* without enrolling as a student-at-law and without complying with any other requirements of section 24(1) of the *Act*.

(3) A membership certificate issued to a person admitted under subrule (1) and (2) shall be endorsed with the words "Law professor membership".

- (4) The membership of a person admitted under subrule (2) ceases:
- (i) for the time during which the person is on leave from the University of Saskatchewan College of Law; or
 - (ii) on the date that the person ceases to be a full-time tenured member of the University of Saskatchewan College of Law.

[Rule 172(1)(a) amended December 9, 1993]

[Rule 172(1)(e)(iii), Rule 172(2)(d)(iii) and Rule 172(3) amended December 8, 1994]

[Rule 172(2)(d) and 172(d)(i) amended May 24, 2000]

[Rule 172(1)(c), (e) and (e)(i) and (iii); (2)(d), (d)(i) and (iii); (3) and (4) amended December 7, 2007]

[next rule is Rule 180]

Consideration of Application for Admission as a Lawyer

180. (1) In considering an application under Rules 171 and 172 the Executive Director:
- (a) may make whatever enquiries and investigations considered necessary;
 - (b) shall consider whether the admission is inimical to the best interests of the public or the members or would harm the standing of the legal profession generally;
 - (c) may approve for admission to membership as a lawyer, an applicant who satisfies the Executive Director that he or she has complied, or will prior to formal admission comply with:
 - (i) the provisions of the *Act* and these Rules applicable to the applicant; and
 - (ii) any requirements imposed by the Benchers under section 24(1)(e) of the *Act*, or
 - (d) refer the application to the Committee.
- (2) The Executive Director shall promptly notify in writing a person whose application has been refused, stating the reasons for the refusal and the applicant's right to apply to the Benchers under section 24(3) of the *Act* for a review.
- (3) The Benchers may:
- (a) approve for admission to membership as a lawyer, an applicant who satisfies them that he or she has complied, or will prior to formal admission comply, with:
 - (i) the provisions of the *Act* and these Rules applicable to the applicant, and
 - (ii) any requirements imposed by the Benchers under section 24(1)(e) of the *Act*, or
 - (b) refuse the application.

[Rule 180(1) amended December 8, 1994 & June 9, 1999]

[Rule 180(1)(d) and 180(3) amended May 24, 2000; Rule 180(1)(e) and 180(2) added May 24, 2000]

[Rule 180(1) and (1)(a), (c) and (d), (2) and (3)(a) amended December 7, 2007]

Formal Admission

181. (1) A person who has been approved for admission under Rule 180 shall, within 9 months from the date of approval:

- (a) deliver to the Executive Director:
 - (i) in the case of an applicant under subrule 171(1) or subrule 172(2), the fee for errors and omissions insurance or an exemption form;
 - (ii) in the case of an applicant under subrule 171(2) or subrule 172(1), the fee for errors and omissions insurance or an exemption form, or proof satisfactory to the Society that the applicant carries 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 applicant in Saskatchewan; and
 - (iii) the applicable admission fee fixed by the Benchers under Rule 830; and
- (b) at a date, time and place specified by the Executive Director:
 - (i) sign the Law Society Roll; and

- (ii) take an oath or affirmation in a form approved by the Benchers.
- (2) Each person who has complied with subrule (1) shall have their name entered on the Law Society Roll.
- (3) A person whose name is entered on the Law Society Roll under subrule (2) is thereby admitted to membership in the Society as a lawyer.
- (4) The Executive Director may, upon application, extend the time referred to in subrule (1).

[Rule 181(1)(a)(i) amended May 24, 2000; Rule 181(4) added May 24, 2000]

[Rule 181(1)(a)(l) deleted April, 2003]

[Rule 181(4) amended December 7, 2007]

Presentation to the Court

182. (1) Each person who has been admitted to membership as a lawyer shall be formally presented to the Saskatchewan Court of Queen's Bench.

(2) A member may appear as counsel in a Court, notwithstanding that he or she has not been presented to the Court under subrule (1).

Admission of Lawyers

183. (1) The Executive Director may grant any application or may refer any application under Rule 171, 172 and 181 to the Committee.

(2) The Committee may, in its discretion, make a decision on a review of the record or conduct a Hearing pursuant to Rule 230.

[Rule 183 added December 7, 2007]

[next rule is Rule 190]

C. National Mobility and Interjurisdictional Practice Rules

Definitions

190. In these Rules, unless the context indicates otherwise:

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

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

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

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

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

“entitled to practice law” means allowed, under all of the legislation and regulation of a home jurisdiction, to engage in the practice of law in the home jurisdiction;

“Executive Director” includes a person designated by the Executive Director to perform any of the duties assigned to the Executive Director in these Rules;

“governing body” means the Law Society or Barristers' Society in a Canadian common law jurisdiction, and the Barreau du Quebec;

“home governing body” means any or all of the governing bodies of the legal profession in Canada of which a lawyer is a member, and **“home jurisdiction”** has a corresponding meaning;

“lawyer” means a member of a governing body;

“legal matter” includes any activity or transaction that constitutes the practice of law and any other activity or transaction conducted by members in this Province in the course of practising law, whether or not persons other than lawyers are legally capable of conducting it;

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

“National Mobility Agreement” means the 2002 National Mobility Agreement of the Federation of Law Societies of Canada, as amended from time to time;

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

“NMA governing body” means a governing body that has:

- (a) signed the National Mobility Agreement; and
- (b) adopted regulatory provisions giving effect to the requirements of the National Mobility Agreement;

“Non-reciprocating governing body” means a governing body that is neither an NMA governing body, nor a Protocol governing body;

“permit” means an interjurisdictional practice permit issued under Rule 196;

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

“Protocol governing body” means a governing body that has:

- (a) signed the Protocol;
- (b) adopted regulatory provisions giving effect to the requirements of the Protocol; and
- (c) not signed the National Mobility Agreement;

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

- (a) physically in Saskatchewan, except with respect to the law of a home jurisdiction; or
- (b) with respect to the law of Saskatchewan, physically in any jurisdiction, and includes to provide legal services respecting federal jurisdiction in Saskatchewan;

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

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

[Rule 190 “resident” amended December 7, 2007; Rule 190 “permit” amended December 5, 2008]

Application and Interpretation

191. (1) These Rules:

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

(2) Unless it is inconsistent with the provisions of these Rules, the existing Rules made pursuant to the Interjurisdictional Practice Protocol apply to temporary mobility under these Rules.

(3) Notwithstanding these Rules, a member of the Canadian Forces who is entitled to practise law in a home jurisdiction in which he or she is a member of the governing body:

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

Temporary Mobility under National Mobility Agreement and Interjurisdictional Practice Protocol

192. (1) A visiting lawyer who qualifies under subrule (3) may provide legal services without a permit:

- (a) for a maximum of 100 days in any calendar year if he or she is a member of NMA governing body; or

- (b) for no more than 10 legal matters and not more than 20 days in total during any 12 month period if the visiting lawyer is a member of a Protocol governing body.
- (2) On application of a visiting lawyer who otherwise qualifies under subrule (3), the Executive Director may, subject to any conditions and restrictions the Executive Director considers appropriate, allow the visiting lawyer to provide legal services without a permit beyond the time limit set in subrule (1).
- (3) Subject to subrule (4), to qualify to provide legal services on a temporary basis under subrule (1) or (2), a visiting lawyer must at all times:
 - (a) be entitled to practise law in a home jurisdiction;
 - (b) carry liability insurance that:
 - (i) is reasonably comparable in coverage and limits to that required under Rule 605; and
 - (ii) extends to the lawyer's temporary practice in Saskatchewan;
 - (c) have defalcation compensation coverage from a governing body that extends to the lawyer's practice in Saskatchewan;
 - (d) not be subject to conditions of or restrictions on the lawyer's practice or membership in the governing body in any jurisdiction imposed as a result of or in connection with proceedings related to discipline, competency or capacity;
 - (e) not be the subject of criminal or disciplinary proceedings in any jurisdiction;
 - (f) have no disciplinary record in any jurisdiction; and
 - (g) not have or establish an economic nexus with Saskatchewan, as defined in Rule 202.
- (4) The requirement in subrule (3)(b) does not apply to a visiting lawyer who is exempt from compulsory liability insurance under Rule 605(4) with respect to legal services to be provided in Saskatchewan.

[Rule 192(2) amended December 7, 2007]

Responsibilities of Visiting Lawyer

- 193. (1) The *Act*, these Rules and *The Code of Professional Conduct* apply to and bind a visiting lawyer providing legal services.
- (2) It is the responsibility of a visiting lawyer providing legal services to:
 - (a) record and verify the number of days in which he or she provides legal services; and
 - (b) prove that he or she has complied with these Rules.

Federal Jurisdiction

- 194. (1) As an exception to the requirements of Rule 197, a visiting lawyer who is not disqualified under Rule 202 may appear before any of the following tribunals in Saskatchewan without a permit:
 - (i) the Supreme Court of Canada;
 - (ii) the Federal Court of Canada;
 - (iii) the Tax Court of Canada;
 - (iv) a federal administrative tribunal;
 - (v) service tribunals as defined in the *National Defence Act*;
 - (vi) the Court Martial Appeal Court of Canada.
- (2) Subrule (1) applies when a visiting lawyer is preparing for an appearance allowed under that subrule and otherwise furthering the matter giving rise to the appearance.

Trust Funds

- 195. A visiting lawyer must not maintain a trust account in Saskatchewan and must:
 - (a) promptly remit funds received in trust to the visiting lawyer's trust account in the home jurisdiction; or
 - (b) ensure that trust funds received are handled:
 - (i) by a member of the Society entitled to practise law in Saskatchewan in a trust account controlled by that member of the Society; and
 - (ii) in accordance with the *Act* and these Rules.

Interjurisdictional Practice Permit

- 196. (1) A visiting lawyer who:

- (a) is not allowed to provide legal services without a permit under Rule 197;
 - (b) is a member of a non-reciprocating governing body; or
 - (c) is disqualified under Rule 202
- may apply for a permit.
- (2) A visiting lawyer applying under subrule (1) shall deliver to the Executive Director:
 - (a) a completed permit application, including a written consent for the release of relevant information to the Society;
 - (b) any required permit fee or renewal fee;
 - (c) certificates of standing, dated not more than 30 days before the date of the application and in a form acceptable to the Society and issued by each governing body of which the visiting lawyer is a member;
 - (d) proof of professional liability insurance that:
 - (i) is reasonably comparable in coverage and amount to that maintained by the Society in its compulsory program; and
 - (ii) extends to the visiting lawyer's practice in this Province; and
 - (e) proof that the visiting lawyer has defalcation coverage that:
 - (i) is reasonably comparable in coverage and amount to that maintained by the Society; and
 - (ii) extends to the visiting lawyer's practice in Saskatchewan.
 - (3) Paragraph (2)(b) does not apply to an application made by a visiting lawyer who is a member of a governing body in a jurisdiction in which:
 - (a) the visiting lawyer is entitled to practise law; and
 - (b) the governing body does not charge members of the Society a fee for permission to practise law in the jurisdiction on an occasional basis.
 - (4) On application under this Rule, the Executive Director may issue a permit, subject to any conditions and restrictions that the Executive Director considers appropriate if, in the discretion of the Executive Director, it is consistent with the public interest to do so.
 - (5) A permit issued or renewed under this Rule:
 - (a) subject to paragraph (c), is effective until one year from the date it was issued;
 - (b) allows a visiting lawyer to provide legal services for not more than 100 days in that year; and
 - (c) ceases to be valid if the holder of the permit:
 - (i) ceases to be entitled to practise law in a home jurisdiction;
 - (ii) fails to maintain professional liability insurance as required under Rule 192(3)(b);
 - (iii) fails to maintain defalcation compensation coverage as required under Rule 192(3)(c); or
 - (iv) is suspended or disbarred in any jurisdiction;
 - (d) on application, the Executive Director may extend the authorization granted by the permit.

Disqualifications

197. (1) A visiting lawyer who has established an economic nexus with Saskatchewan is not permitted to provide legal services under these Rules.

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

- (a) providing legal services beyond 100 days, or longer period allowed under Rule 192(2) or 196(5)(d);
- (b) opening an office from which legal services are offered or provided to the public;
- (c) becoming resident;
- (d) opening or operating a trust account, or accepting trust funds, except as permitted under Rule 195;
- (e) holding oneself out or allowing oneself to be held out as willing or qualified to practise law in Saskatchewan, except as a visiting lawyer.

(3) A visiting lawyer who provides legal services in or from an office affiliated with the lawyer's law firm in his or her own home jurisdiction does not, for that reason alone, establish an economic nexus with Saskatchewan.

(4) A visiting lawyer who becomes disqualified under this Rule must cease providing legal services forthwith, but may apply under Rule 200 for call and admission or under Rule 196 for an interjurisdictional practice permit.

(5) On application by a visiting lawyer, the Executive Director may allow the visiting lawyer to continue to provide legal services pending consideration of an application under Rule 200 or Rule 196.

[Rule 197(2)(a) and (4) amended December 7, 2007]

National Registry of Practising Lawyers

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

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

Enforcement

199. (1) The Executive Director may require a visiting lawyer to:

- (a) account for and verify the number of days spent providing legal services; and
- (b) verify compliance with any Rules specified by the Executive Director.

(2) If a visiting lawyer fails or refuses to comply with a requirement under subrule (1) within 20 calendar days, or such longer time that the Executive Director may permit in writing:

- (a) the visiting lawyer is prohibited from providing legal services without a permit;
- (b) any permit issued to the visiting lawyer under Rule 201 is rescinded; and
- (c) the Executive Director must advise the visiting lawyer's home governing body of the visiting lawyer's failure to comply and the consequences.

(3) A visiting lawyer who is affected by subrule (2) may apply to the Committee for restoration of any or all rights lost under that subrule and the Committee may, in its discretion, grant the application, subject to any conditions it considers to be in the public interest.

(4) A visiting lawyer, articled student or applicant who is charged with an offence under a federal statute must, as soon as practicable, give written notice to the Executive Director of:

- (a) the particulars of the charge; and
- (b) the disposition of the charge and any consequences arising from the charge.

[Rule 199(3) amended December 7, 2007]

Transfer under National Mobility Agreement

200. (1) This Rule applies to an applicant for transfer from another Canadian jurisdiction, provided that the applicant is entitled to practise law in the jurisdiction of an NMA governing body of which the applicant is a member.

(2) An applicant under this Rule must fulfill all of the requirements in Rule 171(2) for call and admission on transfer from another Canadian jurisdiction, except that he or she need not pass any transfer examination.

(3) To qualify for call and admission, an applicant under this Rule must certify that he or she has reviewed and understands all of the materials reasonably required by the Committee.

(4) A lawyer called and admitted under this Rule has no greater rights as a member of the Society than the more restrictive of:

- (a) those the lawyer has as a member of the governing body of his or her home jurisdiction; or
- (b) any other member of the Society in similar circumstances.

[Rule 200(2), (3) and (4)(a) amended December 7, 2007]

Liability Insurance

201. (1) This Rule applies to a member of the Society who is entitled to practise law in the jurisdiction of an NMA governing body of which the lawyer is a member.

(2) A lawyer may apply to the Executive Director for exemption from the requirement for professional liability insurance under Rule 605, if, in another Canadian jurisdiction in which the governing body allows a similar exemption for members of the Society, the lawyer:

- (a) is resident; and
- (b) maintains the full mandatory professional liability insurance coverage required in the other jurisdiction that is reasonably comparable in coverage and limits to that required of lawyers in Saskatchewan and extends to the lawyer's practice in Saskatchewan.

Discipline

202. (1) If there is an allegation of misconduct under the provisions of the Rules of another Canadian jurisdiction equivalent to Rule 197 by a member of the Society while practising temporarily in that other Canadian jurisdiction, the Society will:

- (a) consult with the governing body concerned respecting the manner in which disciplinary proceedings will be conducted; and
- (b) subject to subrule (2), assume responsibility for the conduct of the disciplinary proceedings.

(2) The Society may agree to allow the other governing body concerned to assume responsibility for the conduct of disciplinary proceedings under subrule (1), including expenses of the proceeding.

(3) In deciding whether to agree under subrule (2), the primary considerations will be the public interest, convenience and cost.

(4) To the extent that is lawful and reasonable in the circumstances, the Executive Director must do the following on the request of a governing body that is investigating the conduct of a member of the Society or a visiting lawyer who has provided legal services:

- (a) provide all relevant information and documentation respecting the lawyer or visiting lawyer as is reasonable in the circumstances;
- (b) cooperate fully in the investigation and the prosecution of any citation or formal complaint and hearing.

(5) Subrule (4) applies when the Society agrees with a governing body under subrule (2).

(6) A duly certified copy of a disciplinary decision of another governing body concerning a lawyer found guilty of misconduct is proof of the fact of the lawyer's conviction in that jurisdiction.

[Rules 190 – 195 amended/added June, 2003]

Trust Funds and Compensation Fund

203. (1) A visiting lawyer practising law in this Province shall:

- (a) not maintain a trust account in this Province;
- (b) not accept funds in trust, except money received on deposit for fees to be earned in the future by the visiting lawyer;
- (c) promptly remit funds received on deposit for fees to the visiting lawyer's trust account in the home jurisdiction; and
- (d) if the visiting lawyer's representation of the client requires the handling of trust funds, ensure such funds are handled by a member in accordance with the Society's requirements.

(2) The provisions of the Protocol concerning claims for compensation for misappropriation apply to a claim under Rule 704 involving interjurisdictional practice.

[Rule 203 added June, 2001]

Dispute Resolution

204. If a dispute arises with a governing body concerning any matter under the Protocol, the Committee may do one or both of the following:

- (a) agree with a governing body to refer the matter to a single mediator;

- (b) submit the dispute to arbitration under Appendix 5 of the Protocol.

[Rule 209 added May 24, 2000]
[Rule 204 amended December 7, 2007]

D. Categories of Membership

Inactive Member

205. (1) A member who delivers a declaration of non-practice in a form approved by the Benchers thereby becomes an inactive member of the Society.

(2) An inactive member has all the rights and duties of membership in the Society except that he or she is not permitted to practise law.

Suspended Member

205.1 Means a person that has been suspended pursuant to Rule 420 or Rule 470.

Disqualified Member

205.2 Means an inactive member or an active member that has failed to pay the annual membership fee.

Former Member

205.3 Means a person who was a member, but who has resigned, been appointed to the judiciary, or has been disbarred.

Canadian Legal Advisor

205.4 A Canadian Legal Advisor means a member admitted pursuant to Rule 260.

[Rule 205(1) and (2) amended; 205.1, 205.2 and 205.3 added December 7, 2007]
[Rule 205.4, Canadian Legal Advisor, added September 9, 2010]

Retired Member

206. (1) A member who:

(a) either:

- (i) is at least 55 years of age and has been a member of the Society or the judiciary for not less than the 10 years immediately preceding the application; or
- (ii) is, on account of disability, permanently unable to practise law; and

(b) delivers to the Executive Director a declaration stating that the member has permanently retired from the practice of law in Saskatchewan

thereby becomes a retired member.

(2) A retired member has all the rights and duties of membership in the Society except that he or she:

- (a) is not permitted to practise law; and
- (b) is not required to pay the annual fee.

[Rule 206(1)(a)(i) amended December 7, 2007]

Senior Life Member

207. (1) The Benchers may confer a senior life membership on a person who:

- (a) has been a member of the Society for at least 50 years; and
- (b) is, or was in the immediately preceding year, a member of the Society.

(2) A senior life member is not required to pay the annual fee applicable to his or her category of membership.

E. Resignation and Reinstatement

Resignation from the Society

210. A member who wishes to resign from membership in the Society shall apply to the Executive Director and the application shall be dealt with in accordance with section 27 of the *Act*.

Reinstatement of a Former Member

211. (1) Subject to subrule (8), a former member may apply for reinstatement to membership in the Society by delivering to the Executive Director:

- (a) a completed reinstatement application in a form approved by the Committee; and
- (b) the applicable reinstatement fee fixed by the Benchers under subrule 850(1) or (2).

(1.1) The Executive Director may approve the application or refer the application to the Committee.

- (2) In considering an application under subrule (1), the Committee:
 - (a) may make whatever enquiries and investigations it considers necessary;
 - (b) may require the applicant, at his or her expense, to publish and distribute as directed by the Committee a notice of intention to apply for reinstatement, in a form approved by the Committee;
 - (c) may, in its discretion, conduct a hearing under Rule 230; and
 - (d) shall recommend to the Benchers whether the applicant should be reinstated.
- (3) The Benchers may:
 - (a) approve an application for reinstatement:
 - (i) by a 2/3 majority, in the case of a former member who has been disbarred; or
 - (ii) by a majority, in any other case; or
 - (b) refuse the application.
- (4) Where the Benchers reinstate a member, they may impose terms and conditions that will apply to the member upon reinstatement, and they may vary or remove those terms and conditions.
- (5) No person shall be reinstated without first satisfying the Benchers that:
 - (a) in the case of an applicant that is not a Canadian citizen, provide proof of the applicant's entitlement to work in Canada;
 - (b) the applicant is of good character and repute and is otherwise fit to become a member of the Society;
 - (c) the applicant has paid all or part of the annual fee and liability insurance assessment, as determined by the Benchers;
 - (d) the applicant has paid the applicable reinstatement fee fixed by the Benchers under subrule 850(1) or (2); and
 - (e) the reinstatement is not inimical to the best interests of the public or the members or would harm the standing of the legal professional generally.
- (6) The Executive Director shall promptly notify in writing a person whose application under subrule (3) has been refused, stating the reasons for the refusal.
- (7) An applicant for reinstatement who:
 - (a) was a judge of the Supreme Court of Canada, the Federal Court of Canada, the Court of Appeal of Saskatchewan or the Saskatchewan Court of Queen's Bench shall, as a condition of reinstatement, give a written undertaking not to appear as counsel in a Court in the Province:
 - (i) for one year after ceasing to be a judge, in the case of an applicant who was a judge for 3 years or less; or
 - (ii) for 2 years after ceasing to be a judge, in the case of an applicant who was a judge for more than 3 years;
 - (b) was a judge of the Provincial Court of Saskatchewan shall, as a condition of reinstatement, give a written undertaking not to appear as counsel in that Court for 6 months after ceasing to be a judge; or
 - (c) served in an adjudicative capacity on an administrative tribunal shall, as a condition of reinstatement, give a written undertaking not to appear as counsel before that tribunal for one year after ceasing to be a member of that tribunal.

(8) A former member who was disbarred may only apply for reinstatement following the disqualification period, if any, imposed pursuant to section 55(2)(a)(i) of the Act.

[Rule 211(5)(b) amended September 17, 1992; Rule 211(5)(a), (b), (c) and (d) amended June 9, 1999
and Rule 211(5)(e) added June 9, 1999]
[Rule 211 amended December 8, 1994]
[Rule 211(1)(a) amended; 211(1.1) added; (2), (7)(c) and (8) amended December 7, 2007]
[Rule 211(5)(a) amended September 9, 2010]

Reinstatement of Inactive or Disqualified Member

212. (1) An inactive or disqualified member may apply for reinstatement as an active member by delivering to the Executive Director:

- (a) a completed active member reinstatement application in a form approved by the Committee;
- (b) the fee for errors and omissions insurance or an exemption form;
- (c) part or all of the annual fee and liability insurance assessment, as determined by the Benchers;
- (d) all fees, assessments and other charges for which the applicant may have been in arrears at the time of the suspension; and
- (e) the reinstatement fee fixed by the Benchers under subrule 850(3) or 850(4).

(2) A disqualified member may apply for reinstatement as an inactive member by delivering to the Executive Director:

- (a) a completed application in a form approved by the Committee;
- (b) all fees, assessments and other charges for which the applicant may have been in arrears at the time of the disqualification; and
- (c) the reinstatement fee fixed by the Benchers under subrule 850(4).

(3) Where an applicant under subrule (1) has not been engaged in the full-time active practice of law in the Province during the 5 years immediately preceding the application, a condition of reinstatement may be imposed requiring the applicant to comply with any terms and conditions imposed.

[Rule 212 amended February 6, 1997 and October, 2002]
[Rule 212(1)(a) and (2)(a) amended; (3) and (5) deleted; renumbered and amended (3) December 7, 2007]

213. (1) The Executive Director may approve an applicant for reinstatement or refer the matter to the Committee.

(2) The Committee may, in its discretion, make a decision on a review of the record or conduct a Hearing pursuant to Rule 230.

(3) In considering an application under Rule 212, the Executive Director or the committee may:

- (a) make any enquiry and investigation considered necessary;
- (b) consider whether granting the application would be inimical to the best interests of the public and members or could harm the standing of the legal profession generally.

[Rule 213 added December 7, 2007]

[next rule is Rule 220]

F. Foreign Legal Consultants

Foreign Legal Consultants

220. (1) In this Rule:

“**foreign legal consultant**” means a person qualified to practise law in a country other than Canada or in an internal jurisdiction of that country, who practises in Saskatchewan the law of that country or internal jurisdiction, as the case may be.

Application for Permit

(2) A person may apply to the Executive Director for a permit to act as a foreign legal consultant in Saskatchewan by delivering to the Executive Director:

- (a) a completed permit application in a form approved by the Benchers; and
- (b) the permit fee fixed by the Benchers under subrule 870(1).

Issuance of Permit

(3) The Executive Director may issue to an applicant a permit to act as a foreign legal consultant when satisfied that the applicant:

- (a) is a member in good standing of the legal profession in his or her home country or in one of its internal jurisdictions;
- (b) is a person of good character and repute;
- (c) has practised the law of his or her home country or one of its internal jurisdictions for at least 3 complete years, or undertakes in writing to work, while acting as a foreign legal consultant in Saskatchewan, only under the direct supervision of a foreign legal consultant from that country or internal jurisdiction who has satisfied the 3-year practice requirement;
- (d) has delivered to the Executive Director a written undertaking that he or she will:
 - (i) not accept, hold, transfer or in any other manner deal with funds which would, if accepted, held, transferred or dealt with by a member, constitute trust funds;
 - (ii) submit to the jurisdiction of the Law Society and will comply with the *Act*, the Law Society Rules and *The Code of Professional Conduct*; and
 - (iii) notify the Executive Director promptly if he or she fails to satisfactorily complete whatever continuing legal education program is required of members of his or her home country or internal jurisdiction;
- (e) carries professional liability insurance or a bond, indemnity or other security:
 - (i) in a form and amount which is reasonably comparable with that maintained by the Society in its compulsory program; and
 - (ii) which specifically extends to services rendered by the foreign legal consultant while acting as such in Saskatchewan;
- (f) participates in a program or carries a fidelity bond or other security satisfactory to the Society and in an amount of at least \$1,000,000, for the purpose of reimbursing persons who suffer pecuniary loss as a result of the misappropriation or conversion by the foreign legal consultant of money or other property entrusted to or received by the consultant in his or her capacity as a foreign legal consultant in Saskatchewan

and the Society may, subject to subrule (4), attach conditions to the permit.

(4) The Executive Director may fix conditions that may be attached to permits which are issued or renewed under this Rule.

(5) Subject to subrule (6), a permit issued under subrule (3) is valid from the issue date shown on it until the last day of the same calendar month in the next year.

(6) Notwithstanding subrule (5), a permit ceases to be valid if the foreign legal consultant:

- (a) is suspended as a result of proceedings under the *Act*; or
- (b) ceases to comply with any of the requirements of subrules (3) or (4).

[Rule 220(4) amended December 8, 1994]

[Rule 220(2), (3)(c) and (d)(iii), and (4) amended December 7, 2007]

Qualification to Act as a Foreign Legal Consultant

(7) Subject to subrule (8), a person may act as a foreign legal consultant in Saskatchewan only if he or she holds a valid permit under this Rule.

Dual Qualification

(8) A member of the Society who is also qualified to practise law in another country or in one of its internal jurisdictions need not obtain a permit to act as a foreign legal consultant in Saskatchewan, provided his or her activities as a consultant are insured against in a form and amount which is at least reasonably comparable with that maintained by the Society in its compulsory program.

Marketing of Legal Services

(9) A foreign legal consultant, when engaging in advertising or any other form of marketing activity in Saskatchewan:

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

Renewal of Permit

(10) A foreign legal consultant who intends to continue to act as such in Saskatchewan shall, before his or her permit expires, apply to the Executive Director for a renewal of the permit.

(11) A renewal application shall include:

- (a) a completed permit renewal application in a form approved by the Benchers;
- (b) evidence satisfactory to the Executive Director that the applicant continues to comply with the requirements set out in subrules (3) and (4); and
- (c) the renewal fee fixed by the Benchers under subrule 870(2).

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

(13) Subject to subrule (14), a renewal permit issued under subrule (12) is valid for one year.

(14) Subrule (6) applies to a permit which has been renewed under subrule (12).

[next rule is Rule 230]

G. Admissions & Education Committee Hearings

Security for Costs

230. (1) The Chairperson of the Committee may order that the applicant deposit with the Society as security for costs, an amount which approximates the amount that the Committee may order to be paid under subrule (17).

(2) The Chairperson of the Committee may, on cause being shown, rescind or vary an order made under subrule (1).

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

Notice and Timing of Notice

(4) When the Committee orders a hearing under this Part, it shall promptly notify the applicant in writing of:

- (a) the purpose of the hearing;
- (b) the date, time and place of the hearing; and
- (c) the circumstances to be enquired into at the hearing.

(5) A notice referred to in subrule (4) shall be served:

- (a) in accordance with section 85 of the *Act*; and
- (b) not less than 30 days before the date set for commencement of the hearing, unless the applicant or his or her counsel consents in writing to a shorter period.

Adjournment of Hearing

(6) The applicant or counsel for the Society may, by notice in writing which:

- (a) is received by the Society not less than 48 hours before the time set for commencement of the hearing; and
- (b) sets out the reasons for the request

request that the hearing be adjourned.

(7) The Executive Director shall promptly advise the Chairperson of the Committee and every other party of the request and the reasons for it.

(8) The Chairperson shall, before the attendance of the parties at the hearing, determine whether the request is granted, and shall advise the parties accordingly.

(9) The Chairperson may, after a hearing has been commenced, adjourn the hearing to a specified date, time and place.

[Rule 230(1), (2), (4) and (7) amended December 8, 1994]

[Rule 230(1), (2), (4) and (7) amended December 7, 2007]

Attendance at the Hearing and Right to Counsel

(10) The applicant:

- (a) shall, unless the Chairperson otherwise orders, personally attend the entire hearing; and
- (b) may appear with counsel.

Public Hearing

(11) Every hearing shall be held in public unless the Committee determines, in the public interest, that a specific individual or the public generally may not be present at part or all of the hearing.

Transcript

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

Onus and Burden of Proof

(13) At a hearing the onus is on the applicant to satisfy the Committee that he or she has met the requirements of the *Act* or these Rules, as the case may be.

Procedure at Hearing

(14) Subject to the *Act* and these Rules, the Committee may determine the practice and procedure to be followed at a hearing.

Decision of the Committee

(15) The Committee's decision shall be by majority vote.

(16) When the Committee gives written reasons for its decision, it shall take all reasonable precautions to avoid including in those reasons any information before it that is confidential or subject to a solicitor and client privilege.

Costs

(17) The Committee may order that the applicant or student-at-law pay costs to the Society, which 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 these Rules;
- (b) the daily witness fee fixed by the tariff enacted pursuant to the Queen's Bench Rules, multiplied by the number of days the witness was required to remain in attendance at the hearing;
- (c) reasonable travel and living costs of a witness;
- (d) the Court Reporter's fee for attendance at the hearing;
- (e) the cost of a transcript of a hearing held under this Rule, if the Society would otherwise be liable for its cost;
- (f) the cost incurred by the Society in publishing the decision of the Committee or the Benchers, or both;
- (g) a Committee member 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 Committee members in attendance.

- (h) reasonable fees of counsel retained to act for the Society or, in the case of staff counsel, an amount approximating that portion of the person's salary attributable to these proceedings:
- (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]

[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]

PART 8

Professional Standards and Discipline

[heading amended February 4 & 5, 1993]

A. Definitions

299. In this Part,

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

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

“**complaint**” includes:

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

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

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

“**member**” means a member of the Society as set out in 2(1)(h) of the *Act* and includes a member of the governing body of the legal profession in another Canadian Province or Territory who is eligible to practice interjurisdictionally pursuant to the National Mobility Agreement and interjurisdictional practice protocol under Rule 192 or holds an interjurisdictional practice certificate issued under Rule 196 except where this is inconsistent with the protocol or with *The Legal Profession Act* as amended;

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

“**Rule or Subrule**” means:

- (a) rule or subrule contained in these rules; and
- (b) the *Code of Professional Conduct* published by the Society and as amended from time

to time.

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

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

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

B. Complaints

Examination of Complaints

300. (1) Any person may deliver to the Society a complaint against a member.

(2) The complaints counsel may require that a complaint be reduced to writing.

(3) The complaints counsel may, and at the instruction of the Chairperson of the Conduct Investigation Committee shall, make or authorize a preliminary inquiry into the conduct of a member in order to determine the validity of a complaint.

(4) Subject to subrule (5), the complaints counsel shall deliver to a member in respect of whom a complaint is made, a copy of the complaint or, where in the opinion of the complaints counsel that is not practicable or appropriate, a summary of it.

(5) The Chairperson of the Conduct Investigation Committee may, if he or she considers it necessary for the effective investigation of the complaint, instruct the complaints counsel not to notify the member under subrule (4) until so directed by the Chairperson.

(6) The complaints counsel may require, from a member to whom a copy or summary of the complaint has been delivered under subrule (4), a response to the complaint.

(7) A member’s response shall:

- (a) unless the complaints counsel instructs otherwise, be in writing;

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

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

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

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

Notification to the Parties

301. (1) The complaints counsel shall advise the member and the complainant, in writing, of his or her disposition under Rule 300(9).
- (2) If the complaints counsel decides to take no further action on the complaint, then complaints counsel shall, unless it was previously done under Rule 300(8):
- (a) deliver to the complainant a copy of the member's response if any or, where in the opinion of the complaints counsel that is not practicable or appropriate, a summary of it; and
 - (b) advise the complainant in writing of his or her right to apply for a review under section 43 of the *Act* and Rule 302.

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

Complainants' Review Procedure

302. (1) A Complainants' Review Committee is established, consisting of one or more persons appointed by the President and may consist of any Bencher and/or outside designated complaints counsel.
- (2) A complainant who is dissatisfied with a decision of:
- (a) the complaints counsel that no further action will be taken on the complaint because it does not raise an issue of ethics, competence or discipline;
 - (b) the Chairperson of the Professional Standards Committee under section 41(1.1)(a) of the *Act* that no further action will be taken on the complaint because he or she is of the opinion that the matter does not raise an issue of competence; or

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

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

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

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

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

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

[Rule 302(3) amended September, 2006]

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

Ethics Committee

303. (1) The Ethics Committee shall review any referral or request made by:
- (a) complaints counsel;
- (b) other Committees;
- (c) request for ruling made pursuant to (2).
- (2) Any person may request a ruling from the Ethics Committee for a ruling on an ethical issue.
- (3) Upon receipt by the Ethics Committee of a referral or request, the Committee may:
- (a) make whatever recommendations it sees fit to resolve the conflict of interest or potential conflict of interest;
- (b) decline to make a ruling;
- (c) give opinions and make professional conduct rulings on questions of professional ethics, for the guidance of the profession;
- (d) make recommendations to the Benchers and to the Discipline Committee respecting professional ethics and the development of and revisions to *The Code of Professional Conduct*; and
- (e) refer matters to the Conduct Investigation Committee or Professional Standards Committee.
- (4) The Ethics Committee shall administer the Society's Rules respecting the marketing of legal services.

(5) The Ethics Committee may make whatever enquiries it thinks necessary and may follow whatever procedure it finds to be most efficient.

[Rule 303 added April 27, 1995]
[Rule 303 amended in its entirety, including heading, June 17, 2010]

[next rule is Rule 321]

C. Professional Standards

[Subheading C amended February 4 & 5, 1993]

Review of Referral by Chairperson

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

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

[Rule 321 amended February 4 & 5 1993; June 6 & 7, 1996; June 10, 1999; September 9, 1999]
[Rule 321 heading amended; Rule 321 amended and (2)(a) through (f) deleted; (3) added December 3, 2009]
[Rule 321(3) amended June 17, 2010]

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

[Rule 322 amended February 4 & 5 and September 17, 1993 and June 10, 1999]
[Rule 322 Professional Standards Investigation Committee heading deleted; Rule 322 amended; (a) through (e) deleted December 3, 2009]

323. (1) Upon completion of the review in Rule 321 and 322, the Chairperson shall:
- (a) refer the matter to the Conduct Investigation Committee in accordance with section 41(4) of the *Act*;
 - (b) refer the matter to the Ethics Committee in accordance with section 41(4) of the *Act*;
 - (c) in accordance with section 41(1.1)(b) of the *Act*, conduct an investigation and/or direct that a law office management review of the member's or the member's law firm's practice be conducted by a practice advisor including, where appropriate, a review of some or all of the member's client files and an examination of the procedures in place to reduce the risk of complaints and liability for insurance claims; or
 - (d) direct that no further action be taken if the matter does not raise an issue of competence, or
 - (e) request that the member:
 - (i) complete satisfactorily a remedial program which may include one or more of the following:
 - (A) one or more continuing legal education courses approved by the Chairperson;
 - (B) a remedial course approved by the Chairperson;
 - (C) one or more courses approved by the Chairperson, which is or are offered by an approved education provider;
 - (D) a mentor program approved by the Chairperson; or
 - (E) any other remedial program specified by the Chairperson which is intended, if carried out, to improve the knowledge or skill of the member in carrying on his or her practice of law.
 - (ii) restrict voluntarily his or her practice to specified areas of law until the member's remedial program has been completed satisfactorily;
 - (iii) complete satisfactorily an examination approved by the Chairperson;
 - (iv) appear before a panel of examiners appointed by the Chairperson;
 - (v) implement measures to reduce the risk of liability insurance claims;

- (vi) obtain a psychiatric or psychological assessment or counselling, or both, and if the Chairperson requests, provide a report on that assessment or counselling to the Chairperson;
 - (vii) obtain a medical assessment or assistance, or both, and if the Chairperson requests, provide a report of that assessment or assistance to the Chairperson;
 - (viii) practise in a setting approved by the Chairperson;
 - (ix) take such other steps as the Chairperson directs which are intended to improve the knowledge or skill of the member in carrying on his or her practice of law.
- (2) When making requests under subrule (1)(e), the Chairperson may:
- (a) receive, on behalf of the Society, undertakings given by the member; and
 - (b) set one or more dates by which the member shall complete the requests; and
 - (c) request that the member pay part or all of the cost of the matters described in subrule (1)(e).
- (3) The Chairperson may, on application by the member or by the Society, extend the date by which a request shall be completed.
- (4) The Chairperson shall advise the member of his or her decision under subrule (1) and may request that the member meet with the Committee where it has made a request under subrule (1)(e), deliver a copy of that request to the member.
- (5) Complaints counsel shall advise the complainant in writing of the Chairperson's decision under subrule (1), but shall not deliver to the complainant a copy of the Chairperson's request under subrule (1)(e).

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

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

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

[Rule 324 amended February 4 & 5, 1993]

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

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

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

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

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

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

Confidentiality of Competence Matters

326. (1) Any:
- (a) information and documents which form part of a Professional Standards complaint, review or investigation.
 - (b) any action taken or decision made respecting a Professional Standards complaint, review or investigation; and
- any report prepared for a Professional Standards Committee Chairperson or
- (c) by a practice advisor shall be treated confidentially and, unless otherwise ordered by the Professional Standards Committee, shall not be disclosed except for the purpose of complying with the objects of the *Act* or in responding to an enquiry made for the purpose of a potential judicial appointment.

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

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

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

[next rule is Rule 400]

D. Discipline

Review by Conduct Investigation Committee

400. (1) The Conduct Investigation Committee:
- (a) shall promptly review any complaint submitted to it by complaints counsel, by the Chairperson of the Professional Standards Committee, by the Complainants' Review Committee or by the Ethics Committee; and
 - (b) may investigate any conduct of a member that may constitute conduct unbecoming, and may make or authorize whatever inquiries and investigations it considers desirable.
 - (c) may investigate any other matter that comes to its attention during the course of an investigation, that could potentially constitute conduct unbecoming.
 - (d) shall complete an inquiry or investigation under this rule as soon as practicable.
- (2) Upon completion of the review or investigation, the Conduct Investigation Committee shall provide a report:
- (a) directing that no further action be taken, if it is of the opinion that the complaint does not constitute conduct unbecoming;
 - (b) inviting the member to meet with an Informal Conduct Review Committee under Rule 401;
 - (c) referring the complaint to the Ethics Committee or the Professional Standards Committee;
 - (d) directing the Chair of Discipline to appoint a Hearing Committee under 47(1) of the *Act*, to hear and determine a formal complaint.
- (3) The Conduct Investigation Committee shall advise the member and the complainant, in writing, of the action taken under subrule (2).
- (a) if, during the course of an investigation by a Conduct Investigation Committee, a member requests permission to resign, the Conduct Investigation Committee may, prior to completing its investigation, recommend that the Benchers accept the member's resignation as a resignation in the face of discipline or as a simple resignation;
 - (b) prior to making a recommendation pursuant to (a) above, the Conduct Investigation Committee may require the member to enter into an Agreed Statement of Facts to be provided to the Benchers and further, may recommend that the Benchers impose conditions;
 - (c) conditions imposed by the Benchers may include a time period of up to 5 years during which the member will not re-apply and further, upon any application for re-admission, the Agreed Statement of Facts will be considered;
 - (d) if the Benchers accept a resignation pursuant to this sub clause, notice shall be published in the same manner and to the same persons as required by Rule 495;
 - (e) the Benchers may accept an application for resignation as a simple resignation or as a resignation in the face of discipline or reject the application pending the completion of the discipline process;
 - (f) nothing in this Rule affects the ability of the Hearing Committee to permit a member to resign as a penalty pursuant to section 53(3)(a)(vii) of *The Legal Profession Act, 1990*.

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

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

Informal Conduct Review Committee

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

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

[Rule 401(1) amended December 12, 1997 and April, 2002]
 [Rule 401(1), (3) and (4)(a) amended June 17, 2010]

[Rule 402(3) added October, 2003]
 [Rule 402 Investigation Committee deleted June 17, 2010]

Action by the Chairperson of the Discipline Committee

403. The Chairperson of the Discipline Committee shall, after receiving a report from the Conduct Investigation Committee, under Section 46(1) of the *Act* and Rule 400(2)(d), appoint a Hearing Committee to hear and determine a formal complaint.

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

Notification of Parties

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

[Rule 404 amended June 17, 2010]

Confidentiality

405. Any:
- (a) information and documents considered;
 - (b) decisions made or action taken; and
 - (c) reports prepared

under Rules 400 to 404 shall be kept confidential and, unless otherwise ordered by the Chairperson of the Discipline Committee, shall not be disclosed except for the purpose of complying with the objects of the *Act* or in responding to an enquiry made for the purpose of a potential judicial appointment.

[next rule is Rule 420]

Interim Suspension

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

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

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

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

- (a) the hearing shall be in private, unless the Committee orders otherwise; and
 - (b) the proceedings shall be recorded by a court reporter and any person may obtain, at his or her expense, a transcript of any part of the hearing which he or she was entitled to attend.
- (4) If a Conduct Investigation Committee concludes that a member should be suspended under section 45(1) of the *Act*, the Committee shall promptly advise:
- (a) the member in writing that he or she is suspended and the reasons for it, and that the member has the right to request a review of the suspension under section 45(3) of the *Act*; and
 - (b) the Deputy Minister of Justice under section 54(1) of the *Act*.

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

Review of Interim Suspension

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

- (2) A review hearing shall be conducted:
 - (a) by one or more Benchers appointed as Review Committee by the Chairperson of the Discipline Committee, none of whom are under subrule (3), disqualified from hearing the review; and
 - (b) as soon as practicable and in any event not later than 7 days after the date on which the request was received by the Chairperson of the Discipline Committee, unless the member consents to a longer time.
- (3) The Chairperson of the Discipline Committee, and any other Bencher who was:
 - (a) a member of the Conduct Investigation Committee which suspended the member under section 45(1) of the *Act*;
 - (b) a member of an Informal Conduct Review Committee which reviewed the matter; or
 - (c) a member of a Complainants' Review Committee which reviewed the matter
 shall not participate as a panelist in a review under this Rule.

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

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

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

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

[next rule is Rule 430]

Formal Complaint

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

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

[Rule 430 amended September 15, 1995]
[Rule 430(a) amended June 17, 2010]

Fixing a Date for Hearing

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

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

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

Disclosure of Evidence to the Member

432. (1) Counsel to the Conduct Investigation Committee shall fully disclose to the member the evidence which Counsel to the Conduct Investigation Committee intends to introduce at the hearing, and:

- (a) a copy of all relevant documents in the possession of the Society or under its control or power, except to the extent that the documents are privileged;
- (b) the names of all persons Counsel to the Investigation Committee intends to call as witnesses as well as copies of any written statements, or where no written statements exist, a summary of the witnesses' anticipated evidence.

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

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

(4) An application under subrule (3) shall be made:

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

(5) The Chairperson of the Hearing Committee shall, if satisfied that an allegation in the formal complaint does not contain sufficient detail of the circumstances of the alleged unbecoming conduct to give the member reasonable information with respect to the act or omission to be proved, and to identify the transaction referred to, order Counsel to the Conduct Investigation Committee to disclose further details of the circumstances.

(6) Details of the circumstances disclosed under subrule (5) shall:

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

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

[next rule is Rule 450]

Hearing of the Formal Complaint

Disqualification

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

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

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

Adjournment

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

Transcript

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

Multiple Allegations

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

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

Amendment of the Formal Complaint

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

Procedure

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

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

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

Hearing Committee Decision

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

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

Imposition of Penalty by Hearing Committee

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

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

Extension of Time to Comply

(12) A member who has not:

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

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

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

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

[Rule 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(4), 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]

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]

[next rule is Rule 570]

PART 9

Mediation

Qualifications

570. (1) A member may act as a mediator if he or she:
- (a) has completed satisfactorily a course of study in mediation approved by the Committee and provides to the Executive Director proof thereof;
 - (b) has been approved as a mediator by the Admissions & Education Committee on the basis that the member:
 - (i) has undertaken in writing to the Committee to comply with clause (a) within six months of commencing to act as a mediator; or
 - (ii) has satisfied the Committee that because of special experience or education, the member is competent to act as a mediator.

[Rule 570 amended June 8, 1995]

Disqualifications

571. (1) If:
- (a) a member; or
 - (b) a partner, associate, employer or employee of the member

has previously acted or is presently acting in a solicitor-client relationship for a party to a dispute, with respect to a matter which may reasonably be expected to become an issue during mediation, the member shall not act as a mediator for the parties.

(2) If a member has acted as a mediator, neither the member nor any partner, associate, employer or employee of the member may act in a solicitor-client relationship for any party to the mediation, against any other party to the mediation, with respect to any issue which was mediated.

- (3) If:
- (a) a member; or
 - (b) a partner, associate, employer or employee of the member

has acted as a mediator, neither the member nor any partner, associate, employer or employee of the member may act in a solicitor-client relationship for or against any person where to do so might require him or her to disclose or make use of confidential information acquired during the mediation.

- (4) If:
- (a) a member; or
 - (b) a partner, associate, employer or employee of the member

has acted or is acting in a solicitor-client relationship for a party in a matter which is unrelated to the matters which are the subject of mediation, the member shall, before agreeing to mediate, disclose to all parties the fact of such representation and in general terms the nature of such representation.

Independent Legal Advice

572. (1) A member who mediates shall encourage the parties to the mediation to obtain independent legal advice.

(2) Where an agreement is reached through mediation and the mediating member drafts a document containing the terms of the agreement, the member shall encourage each party to the agreement to obtain independent legal advice before executing the document.

(3) A member who has drafted a document referred to in subrule (2) shall not assist any party to execute the document unless the member is satisfied that all parties to the document have obtained independent legal advice.

Written Agreement

573. (1) A member who acts as a mediator and the parties in respect of whom he or she mediates shall, before mediation commences, enter into a written agreement which shall include the following provisions:

- (a) agreement that the member, throughout the mediation process, is not acting as legal counsel for any party;
 - (b) agreement that there is no confidentiality, as among the parties, with respect to any facts that are relevant to the issues being mediated and conveyed to the member during the mediation process;
 - (c) agreement that the parties will disclose to the mediator and to each other party all information relevant to the issues being mediated;
 - (d) agreement that the mediation process is part of an attempt to settle the differences among the parties and that all communications among the parties and between each party and the mediator will be “without prejudice” so that:
 - (i) no party will, in any subsequent legal proceeding, attempt to introduce evidence of the communications made during the process of mediation; and
 - (ii) no party will attempt to call the mediator as a witness in any legal proceeding related to any matter which was subject to the mediation.
 - (e) where the mediation involves a family dispute, an acknowledgement that the member will report to the appropriate Government of Saskatchewan department or to a peace officer any information conveyed to the member during mediation which, on reasonable grounds, leads the member to believe that a child is in need of protection.
 - (f) agreement as to the member’s rate of remuneration and terms of payment;
 - (g) agreement that the mediation will terminate at the member’s discretion or on the withdrawal of any party; and
 - (h) acknowledgment that the parties have been advised by the member to obtain independent legal advice and that failure to do so may affect the enforceability of any agreement reached.
- (2) Subrule (1) does not apply to a member providing mediation services on behalf of the Dispute Resolution Office of Saskatchewan Justice pursuant to Part VII of *The Queen’s Bench Act, 1988*.

[Rule 573(2) added September, 2006]

[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;

“**non-resident member**” means an active member who does not maintain an office for the practice of law in Saskatchewan;

“**SLIA**” means the Saskatchewan Lawyers’ Insurance Association Inc.

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

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 by the Benchers 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;
- (d) non-resident members 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 non-resident member shall provide evidence to the Society, by the dates fixed by the Benchers, 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 Master 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 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(4) (g) added May 31, 2007]
 [Rule 605(4) amended April 23, 1998]
 [Rule 605(8)(d) amended February 4 & 5, 1993]
 [605(4)(d) amended September 9, 2010]

605A(1) (a) "practicing term" means the three year period immediately preceding the date of an assessment according to Rule 605(1) excluding any full year in which the member was not required to be insured.

(b) A member who is required to be insured by Saskatchewan Lawyers' Insurance Association who does not accumulate at least three Loss Prevention credits in every practicing term, shall pay a surcharge of \$500.00 in addition to the assessment fixed according to Rule 605(1).

(c) A member will not be subject to the surcharge in subrule (b) above until he or she has completed a full practicing term.

(d) The practice term for a member who complied with the previous subrule (1) by attending a loss prevention seminar shall be calculated from July 1, 2000.

(2) The Loss Prevention credits referred to above shall be calculated as follows:

- | | |
|--|---|
| (a) any Loss Prevention Seminar presented by the Society | 3 credits |
| (b) any Society program designated by the Chair of the Insurance Committee | up to 3 credits
(as determined by the
Chair of the Committee) |
| (c) any legal education seminar designated by the Chair of the Insurance Committee | up to 1 credit
(as determined by the
Chair of the Committee) |

(3) The surcharge referred to in (1) will form part of the overall assessment and failure to pay will attract the same consequences as failure to pay the assessment described in Rule 605(1).

(4) Proof of attendance at a seminar will be provided by a certificate in a form approved by the Insurance Committee.

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

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

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

[Rule 605A added December 8, 1994]

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

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]

PART 11

Special Fund

Annual Assessment

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

Special Assessments

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

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

Investment of Fund and Proceeds

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

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

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

Payment of Expenses

703. The Executive Director may authorize payment out of the Special Fund for expenses incurred:

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

[Rule 703 amended December 7, 2007]

Application for Compensation

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

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

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

Procedure for Investigation

705. (1) A Claims Investigation Committee may:

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

- (b) final disposition of any criminal prosecution, including appeal, taken against or by the member or former member in respect of whom the claim is made; or
- (c) the claimant obtaining, and assigning to the Society, part or all of a civil judgment or *Criminal Code* compensation order made against the member or former member respecting the money or other property claimed by the claimant.

Hearing

706. (1) Where, as part of an investigation under Rule 705, a Claims Investigation Committee orders an oral hearing, the Committee shall, subject to the *Act* and these Rules, determine the practice and procedure to be followed at the hearing.

Recommendation to Benchers

707. (1) A Claims Investigation Committee shall, following completion of its investigation, make a report to the Benchers.

Action by Benchers

708. (1) The Benchers shall not, in respect of all claims arising out of the misappropriation or conversion by one member or former member, pay out of the Special Fund more than \$250,000.

(2) Upon receipt of a report under Rule 707, the Benchers may:

- (a) hear the claimant and any evidence that they may, in their discretion, permit; and
- (b) where they are satisfied that the claimant has suffered a pecuniary loss as a result of a member's misappropriation or conversion of moneys or other property entrusted to or received by the member in the member's professional capacity, in their discretion and on terms they think fit:
 - (i) subject to subrule (1), pay money out of the Special Fund to reimburse the claimant entitled for all or part of the loss; or
 - (ii) determine that no payment shall be made.

708.1 (1) Where a claimant is not satisfied with a decision of the Benchers made pursuant to Rule 708, and where such complainant gives notice to the Executive Director, in writing, that he or she wishes to provide new or additional evidence in support of his or her claim, and where the Chair of Discipline is satisfied that such new or additional evidence may result in a different ruling by the Benchers, the Chair of Discipline may:

- (a) direct that the Claims Investigation Committee shall reconsider the matter and provide a new report pursuant to Rule 707; or
- (b) appoint a new Claims Investigation Committee to consider the matter.

(2) A new Claims Investigation Committee appointed pursuant to subrule (1)(b) shall proceed according to Rules 705 through 707.

(3) No application for reconsideration under this Rule shall be considered unless received by the Executive Director within ninety (90) days of the decision of the Benchers pursuant to Rule 708(2).

[Rule 708.1 added March 15, 2007]

Recovery of Payment Made

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

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

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

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

[next rule is Rule 800]

PART 12

Law Society Fees and Assessments

Active Member Annual Fee

800. (1) The active member annual fee for each calendar year, as set out in Schedule 1 following this Part and consisting of:

- (a) the practice fee;
- (b) the library fee;
- (c) the continuing legal education seminar pre-registration fee;
- (d) the Special Fund assessment; and
- (e) the applicable federal and provincial taxes payable thereon

is subject to subrule (3) payable by the preceding December 1.

(A) The active member annual fee for each calendar year for members whose principal place of practice or employment is in the City of Lloydminster and consisting of:

- (i) ½ the practice fee;
- (ii) ½ the continuing legal education seminar pre-registration fee;
- (iii) ½ the Special Fund assessment;
- (iv) the Library fee; and
- (v) the applicable federal and provincial taxes payable thereon

is subject to subrule (3) payable by the preceding December 1.

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

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

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

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

[Rule amended February 5, 2001]

[Rule 1(A) added October, 2002]

Inactive Member Fee

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

[next rule is Rule 810]

Liability Insurance Assessment and Fee

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

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

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

[next rule is Rule 820]

Student-at-Law Fees

820. (1) The student-at-law application fee payable under Rule 150(i) is as set out in Schedule 1 following this Part.

(2) The student-at-law articling fee payable under Rule 156(2)(c) is as set out in Schedule 1 following this Part.

(3) The student-at-law articling assignment fee payable under Rule 158(2)(b) is as set out in Schedule 1 following this Part.

(4) The fee for the Bar Admission Program payable under Rule 159(2)(c)(ii) is as set out in Schedule 1 following this Part.

[Rule 820(4) and 820(5) amended June 8, 1994]

[Rule 820(4) amended December, 2003]

[Rule 820(4) and (5) amended February 4, 2004]

[next rule is Rule 830]

Admission as a Lawyer Fees

830. (1) The lawyer admission application fee payable under Rule 171(1)(d)(iv) is as set out in Schedule 1 following this Part.

(2) The lawyer admission fee payable under Rule 181(1)(a)(iv) is as set out in Schedule 1 following this Part.

(3) The admission on transfer application fee payable under Rule 171(2)(g) or on transfer as a Canadian Legal Advisor under Rule 260 is as set out in Schedule 1 following this Part.

(4) The admission on transfer fee payable under Rule 181(1)(a)(iv) is as set out in Schedule 1 following this Part.

(5) The law professor (transfer) admission application fee payable under Rule 172(1)(e)(ii) is as set out in Schedule 1 following this Part.

(6) The law professor (transfer) admission fee payable under Rule 181(1)(a)(iv) is as set out in Schedule 1 following this Part.

(7) The law professor admission application fee payable under Rule 172(2)(d)(ii) is as set out in Schedule 1 following this Part.

(8) The law professor admission fee payable under Rule 181(1)(a)(iv) is as set out in Schedule 1 following this Part.

(9) A person who is admitted as a lawyer shall pay, in addition to the fees payable under subrule (1) to (8):

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

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

[Rule 830(9)(b) amended April 14, 1994]

[Rule 830(3) amended September 9, 2010]

[next rule is Rule 840]

Interjurisdictional Practice Permit

840. The interjurisdictional practice permit payable under Rule 196 is as set out in Schedule 1 following this Part.

[Rule 840 amended December 5, 2008]

[Rule 840 amended February 13, 2009]

[next rule is Rule 850]

Reinstatement Fees

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

(2) The reinstatement fee payable by a former member who is applying for reinstatement for any reason other than disbarment is as set out in Schedule 1 following this Part.

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

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

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

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

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

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

[Rule 850(4) amended April 14, 1994; Rule 850(5) added April 14, 1994]
[Rule 850 amended April 18, 1996]

[next rule is Rule 860]

Certificate of Standing Fee

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

[next rule is Rule 870]

License and Permit Fees

870. (1) The fee payable by an applicant under Rule 220(2)(b) for a permit to become a foreign legal consultant is as set out in Schedule 1 following this Part.

(2) The renewal fee payable by a foreign legal consultant under Rule 220(11)(c) is as set out in Schedule 1 following this Part.

[next rule is Rule 871]

Minimum Mandatory Education Fees

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

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

(3) The reinstatement fee payable by a member suspended for failing to comply with minimum mandatory education requirements shall be as set out in Schedule 1 following this part.

[Rule 871 added May 1, 2009]

[next rule is Rule 880]

Refund of Fees

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

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

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

[next rule is Rule 890]

Waiver of Rules

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

[next rule is Rule 900]

Schedule 1
LAW SOCIETY FEES AND ASSESSMENTS

A. Active Member Annual Fee	\$
1. Practice fee	1,615
2. Special Fund assessment	145
3. Late payment fee	75/wk or part thereof
4. Electronic payment fee	100
B. Inactive Member Fees	
1. Inactive member annual fee	150
C. Liability Insurance Assessment	
1. Annual Assessment	670
2. Late payment fee	75/wk or part thereof
3. Insurance deductible reimbursement late payment fee	100
4. Loss prevention surcharge	500
D. Student-at-Law Fees	
1. Student-at-law application fee	100
2. Articling fee	100
3. Articling assignment fee	100
4. Bar Admission Program fee	2,450
5. Bar Examination re-read fee, per examination	50
6. Transfer examination fee	350
7. Transfer examination re-read fee	175
8. Transfer supplemental examination	175
E. Admission as a Lawyer Fees	
1. Lawyer admission application fee	100
2. Lawyer admission fee	100
3. Admission on transfer application fee	100
4. Admission on transfer fee (with articles)	100
5. Admission on transfer fee (no articles)	500
6. Law professor (transfer) admission application fee	100
7. Law professor (transfer) admission fee	100
8. Law professor admission application fee	100
9. Law professor admission fee	100
F. Interjurisdictional Practice Permit	
1. Interjurisdictional Practice Permit	100
G. Reinstatement Fees	
1. By former member, following disbarment or resignation	1,000
2. By former member, in all other cases	200
3. By inactive member becoming active member	100
4. By disqualified member becoming an active or inactive member	100 plus fee for year of default
H. Certificate of Standing Fee	100
I. License and Permit Fees	
1. Foreign legal consultant permit fee	500
2. Foreign legal consultant renewal fee	100
J. Waiver of Rules	
1. First application	50
2. Each subsequent application respecting the same Rule	100
K. Professional Corporation	
1. Application for registration of Professional Corporation	125
2. Application for registration of Limited Liability Partnership	125
3. Annual renewal for Professional Corporation	125

L. Minimum Mandatory Legal Education

1.	Approval of remedial education plan	200
2.	Appeal of decisions	100
3.	Reinstatement fee payable by member suspended for failing to comply with minimum mandatory education requirements	100

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

[Part K added September, 2001]
 [Part D(4) amended February 5, 2004]
 [Part C 4. added Oct., 2007]; [Amended Dec. 7, 2007]
 [Part F amended December 5, 2008]
 [Part D(4) amended May 1, 2009]
 [Part A(3), C(1) and (2) amended; Part L added September 17, 2009]
 [Part K (1), (2) and (3) amended February 11, 2010]
 [Part D (4) amended April 15, 2010]
 [Part A (1) and C (1) amended June 17, 2010]

PART 13

Accounting

A. Definitions

Definitions

900. In this Part,

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

“**client**” includes a person or unincorporated body on whose behalf a member receives funds in connection with the member’s practice of law;

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

“**firm**” means a partnership of members carrying on the practice of law where one set of the books, records and accounts described in this Part is maintained;

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

“**general account**” means an account in a savings institution maintained by a member into which is deposited funds received by the member in connection with the member’s practice of law, which are not trust funds;

“**member**” includes a member of the Law Society as defined in *The Legal Profession Act*;

“**mixed trust account**” means an account referred to in section 78(1) of the *Act*, into which is deposited money received or held in trust for or on account of clients generally;

“**money**” includes cash, cheques, drafts, credit card sales slips, post office orders and express and bank money orders;

“**public body**” means:

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

“**savings institution**” means:

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

“**separate trust account**” means an interest-bearing trust account or a savings, deposit, investment or similar form of account in a savings institution in Saskatchewan;

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

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

[Rule 900(d) in *Trust Funds* deleted October, 2001]
 [Rule 900 amended May, 2002 and October, 2002]
 [Rule 900 amended February 10, 2005 and June, 2005]
 [Rule 900, definition "cash" amended June 11, 2009]

B. Delegation and Accountability

Member Remains Personally Responsible

901. (1) A member who:

- (a) is authorized by the sole proprietorship, partnership or association through which the member practises law to open, maintain or deal with funds which are in a trust or general account; and
- (b) delegates to another person any of the duties or responsibilities assigned to that member under this Part

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

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

(3) At least one signatory of any cheque drawn on a trust account must be a member.

[next rule is Rule 909]

C. Receipt of Trust Funds

Cash Transactions

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

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

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

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

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

(4) Despite paragraph 3, paragraph 1 does not apply when the member receives cash

- (a) from a financial institution or public body;
- (b) from a peace officer, law enforcement agency or other agent of the Crown acting in his or her official capacity;
- (c) pursuant to a court order, or to pay a fine or penalty, or
- (d) in an amount of \$7,500 or more for professional fees, disbursements, expenses or bail, provided that any refund of \$1,000 or more out of such receipts is also made in cash. Every member who pays a cash refund pursuant to subrule 909. (4)(d) must obtain a signed acknowledgement of the payment from the person receiving the refund showing the date, amount, client reference and name of the person who received the funds.

(5) Every member, in addition to existing financial recordkeeping requirements to record all money and other property received and disbursed in connection with the member's practice, shall maintain:

- (a) a book of original entry identifying the method by which money is received in trust for a client, and
 - (b) a book of original entry showing the method by which money, other than money received in trust for a client, is received.
- (6) Every member who receives cash in excess of \$500 for a client shall maintain, in addition to existing financial recordkeeping requirements, a book of duplicate receipts, with each receipt identifying the date on which cash is received, the person from whom cash is received, the amount of cash received, the client for whom cash is received, any file number in respect of which cash is received and containing the signature authorized by the member who receives cash and of the person from whom cash is received.
- (7) The financial records described in paragraphs 5 and 6 may be entered and posted by hand or by mechanical or electronic means, but if the records are entered and posted by hand, they shall be entered and posted in ink.
- (8) The financial records described in paragraphs 5 and 6 shall be entered and posted so as to be current at all times.
- (9) A member shall keep the financial records described in paragraphs 5 and 6 for at least the six year period immediately preceding the member's most recent fiscal year end.

[Rule 909 added February 10th, 2005]
 [Rule 909 amended June, 2005; December, 2005]
 [Rule 909 (4)(d) and (6) amended June 11, 2009]

[next rule is Rule 910]

Deposit of Trust Funds

910. (1) Subject to subrule (2), a member who receives trust funds shall forthwith deposit the funds into a mixed trust account described in Rule 911.

- (2) (a) A member who receives trust funds with written instructions as to where they are to be placed shall first place the funds into a mixed trust account and then place the funds in accordance with appropriate instructions, but a member may not hold or invest monies on behalf of a client outside the Province of Saskatchewan unless the member's primary practice is outside of Saskatchewan, and the trust funds are handled in accordance with the Rules of the Law Society of the member's primary practice, and the monies are received pursuant to that practice.
 - (b) Subsection (a) does not prevent a member from forwarding monies pursuant to a client's written instructions or obligations in furtherance of a specific transaction, where such monies are thereafter no longer held in trust on behalf of the client.
- (3) Law firms may receive trust and general receipts by credit or debit cards subject to the following conditions:
- (a) trust receipts shall be deposited expeditiously and directly into a pooled trust account;
 - (b) general receipts shall be deposited expeditiously and directly into a general account;
 - (c) the payor, client name, and file number shall be recorded on the merchant slip;
 - (d) the word "Trust" shall be recorded on the merchant slip for all trust receipts;
 - (e) the receipt shall be recorded in the deposit book and the merchant slip shall be attached to the deposit slip in the deposit book.

All service charges and discounts, including those related to trust receipts, are the responsibility of the member and shall be withdrawn from the law firm general account.

- (4) A member who receives trust funds which belong in part to a client and in part to a member shall:
 - (a) deposit them into a mixed trust account; and
 - (b) as soon as it is practicable to split the funds, withdraw the member's funds from the trust account.
- (5) A member or law firm shall be permitted to handle their own legal transactions through trust as long as the money is handled in the normal course of a legal file and the money is paid out expeditiously when the matter is concluded.

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

(7) In this Rule:

- (a) the cities of Lloydminster, Alberta, and Flin Flon, Manitoba, are deemed to be in Saskatchewan and the deposit of trust monies in a savings institution located in those two cities is deemed compliance with Rule 911 and Rule 912;
- (b) Alberta or Manitoba credit unions located in Lloydminster, Alberta or Flin Flon, Manitoba, which are incorporated, continued or registered under the Alberta or Manitoba equivalent to *The Credit Union Act (1985)* are deemed to be savings institutions.

[Rule 910 amended June 8, 1994]

[Rule 910(3) added June, 2004]

[Rule 910 (1), (2)(a), (3) and 4(a) amended; (5) added; (6) and (7) amended to reflect numbering change June 11, 2009]

Mixed Trust Account

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

- (a) an account which is readily available to be drawn upon by the member, and in respect of which the member receives cancelled cheques or cheque images in a form approved by the Law Society, and bank statements each month;
- (b) an account in respect of which the savings institution has agreed with the member to pay interest to the Law Foundation in accordance with subrule (2);
- (c) kept in the name of:
 - (i) the individual member;
 - (ii) the firm of which the individual member is a partner; or
 - (iii) the member or firm by which the individual member is employed; and
- (d) designated as a "trust" or "client" account on the records of the savings institution and of the member;
- (e) insured by the Canada Deposit Insurance Corporation or the Credit Union Deposit Guarantee Corporation.

(2) A member who opens or maintains a mixed trust account shall:

- (a) instruct the savings institution in writing to remit to the Law Foundation at least quarterly the interest earned on the account; and
- (b) if the account is opened or maintained at a bank or trust company, notify the institution in writing that the account is a trust account which will contain the funds of more than one client.

(3) Subject to subrule (4) and Rule 971(1), a member shall not deposit into a mixed trust account any funds which are not trust funds.

(4) A member shall pay out of his or her own funds any service fees or charges levied by the savings institution arising out of the operation of a mixed trust account, and for that purpose may maintain in a mixed trust account a sufficient amount of the member's own funds to meet reasonably anticipated service fees or charges.

[Rule 911(e) added February 6, 1997]

[Rule 911(1)(a) amended June 11, 2009]

Separate Interest Bearing Trust Account

912. (1) A separate interest bearing trust account shall be designated as a "trust" or "client" account on the records of the savings institution and of the member, and shall be:

- (a) kept in the name of:
 - (i) the individual member;
 - (ii) the firm of which the individual member is a partner; or
 - (iii) the member or firm by which the individual member is employed; and
- (b) kept in the name of the trust; or

- (c) identified by a number which, from an inspection of the member's books, records and accounts, will identify the client;
 - (d) unless otherwise directed in writing by the client, insured by the Canada Deposit Insurance Corporation or the Credit Union Deposit Guarantee Corporation.
- (2) A member who opens or maintains a separate interest bearing trust account shall instruct the savings institution in writing to deposit into the account when due the interest earned on the account.
- (3) Interest earned on a separate interest bearing trust account shall be recorded in the trust accounting records of the firm no later than 30 days after being paid into or added to the separate interest bearing trust account balance by the financial institution.
- (4) Trust funds for deposit to a separate interest bearing trust account shall first be deposited into a mixed trust account of the firm and then paid to the separate interest bearing trust account.
- (5) Trust funds withdrawn from a separate interest bearing account shall only be transferred to a mixed trust account of the firm and then paid out.
- (6) Subject to Rule 971(1), a member shall not deposit into a separate trust account any funds which are not trust funds.

[Rule 912(d) added February 6, 1997]

[Rule 912(1) and (1)(a)(iii), and (2) amended; (3), (4) and (5) added; item (6) amended to reflect numbering change, June 11, 2009]

[Rule 913 Written Record of Receipt and Disbursement of Trust Funds deleted, June 11, 2009]

[next rule is Rule 920]

D. Receipt of Non-Trust Funds

Types of Funds which may be Deposited into a Member's General Account

920. A member may deposit into a general account only those funds received in connection with the member's practice of law, which are not trust funds.

Types of Transactions which must be Recorded in Non-Trust Books, Records and Accounts

921. (1) A member shall record in the member's non-trust books, records and accounts:
- (a) funds received from the practice of law which belong entirely to the member or to other persons associated with the member in the practice of law;
 - (b) funds which are a general retainer for which the member is not obligated either to account or to render legal services;
 - (c) funds received by the member on account of fees for services already performed; and
 - (d) funds received to reimburse the member for disbursements already made or expenses already incurred on behalf of a client.
- (2) A member who receives funds under subrule (1) shall forthwith deliver a bill for the funds received, containing sufficient particulars to identify the services performed and disbursements incurred.

[Rule 921(2) amended; item (3) deleted, June 11, 2009]

[next rule is Rule 930]

E. Balance in Trust Accounts

Maintaining a Sufficient Balance

930. (1) A member shall at no time permit his or her mixed or separate trust account to be overdrawn.

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

[next rule is Rule 940]

F. Withdrawal of Funds from Trust

Circumstances when Withdrawal is Permitted

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

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

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

(3) A member shall not withdraw funds from his or her trust account without written confirmation from the financial institution in which the trust account is held that the funds held to the credit of the matter for which the withdrawal is made are sufficient to cover the withdrawal. Such written confirmation may be:

- (a) bank statements;
- (b) bank deposit slips which have been initialed by an employee of the financial institution;
- (c) a letter or facsimile message confirming that the financial institution has received the funds by means of electronic transfer.

[Rule 940(3) added October 27, 1994]
[Rule 940(1)(e) and (h) amended June 11, 2009]

Withdrawal for Payment of Fees and Accounting to Client

941. (1) A member who withdraws or authorizes the withdrawal of trust funds under Rule 940(1)(c), where the liability of the client to the member is for fees earned by the member, must first prepare a bill for those fees and, unless the client directs otherwise in writing, deliver the bill or other written notification to the client prior to or forthwith following the withdrawal.

- (2) A bill is delivered within the meaning of subrule (1) if it is:
- (a) mailed by regular or registered mail to the client at the client's last known address;
 - (b) delivered personally to the client; or
 - (c) transmitted by electronic means to the client.

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

[Rule 941(1) and (2)(c) amended; (3) added, June 11, 2009]

Procedure for Withdrawing Funds from a Mixed or Separate Trust Account

942. (1) Subject to subrule (2), a member who makes or authorizes the withdrawal or transfer of funds from a mixed trust account:

- (a) shall effect the withdrawal or transfer by a cheque marked "trust";
- (b) shall not make the cheque payable to "cash" or "bearer"; and
- (c) shall, notwithstanding Rule 901 and subject to subrule (4), (5) and (6), ensure that the cheque is signed by a member.

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

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

(3) A member who withdraws or authorizes the withdrawal of trust funds for the payment of fees, disbursements or other expenses, or for payment to or on behalf of the client, shall effect the withdrawal by a cheque payable to the member's general account.

(4) Once a legal matter is concluded, the law firm shall ensure related trust money is paid out expeditiously.

(5) The Executive Director may, on application, authorize in writing a person other than a member to sign a cheque drawn on the member's mixed trust account, subject to any conditions, including bonding and signing authority, that the Executive Director considers appropriate.

(6) Subrule (1) does not apply to the interest earned on a mixed trust account which the member has instructed the savings institutions to pay to the Law Foundation under Rule 911(2).

[Rule 942(2) added February, 2003]

[Rule 942(1) and (1)(c) amended; new (4) added; (5) and (6) amended to reflect amendment, as well as numbering change, June 11, 2009]

Procedure for Transferring Funds to a Separate Interest Bearing Trust Account

943. A member who makes or authorizes the payment of funds from a mixed trust account to a separate interest bearing trust account shall ensure that the payment is made by cheque in accordance with Rule 942(1) or

- (a) the transfer is authorized in writing; and
- (b) the written authorization is signed by a member.

[Rule 943 amended June 11, 2009]

[next rule is Rule 950]

G. Withdrawal of Funds from a Separate Interest Bearing Trust Account

Transfer of Funds to a Mixed Trust Account

950. A member who makes or authorizes the withdrawal of funds from a separate interest bearing trust account, shall do so by transferring the funds into the member's mixed trust account.

[Rule 950 amended; (2) deleted, June 11, 2009]

[next rule is Rule 960]

H. Books, Records and Accounts Required to be Maintained

Object of Maintaining Books, Records and Accounts

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

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

Form of Books, Records and Accounts

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

- (a) in legibly handwritten form, in ink or other duplicated or permanent form;
 - (b) in printed form; or
 - (c) subject to subrule 961(2) in electronic form.
- (2) A law firm that has computerized accounting records shall:
- (a) print the following records monthly:
 - trust journal
 - trust reconciliation including client trust listing
 - trust property record
 - (b) print the client trust ledger cards:
 - monthly, unless they can be printed in their entirety upon demand
 - at the conclusion of the matter and store them in a central file maintained for closed ledgers
 - (c) print the following records monthly, unless they can be printed upon demand:
 - general journal
 - general bank reconciliation
 - billing journal
 - accounts receivable detail and listings
 - (d) maintain an electronic backup of the accounting records updated at least monthly in a safe and secure location.

(3) The transactions recorded in a member's books, records and accounts shall be in chronological order, and in an easily-traceable form.

[Rule 961(1)(c) amended; new item (2) added; (3) amended to reflect numbering change, June 11, 2009]

Types of Trust Books, Records and Accounts Required to be Maintained

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

- (a) a **daily journal** or other book of original entry, which may be in synoptic form, recording:
 - (i) for all funds received in trust for each client, the date of receipt, the source of the funds and the identity of the client on whose behalf the trust funds are received;
 - (ii) for all funds disbursed out of trust for each client, the cheque or voucher number, the date of each disbursement, the name of each recipient and the identity of the client on whose behalf the trust funds are disbursed;

- (b) a **clients' trust ledger** recording separately for each client on whose behalf trust funds have been received, all such trust funds received and disbursed, and the unexpended balance;
- (c) a **transfer record** showing each transfer of funds between clients' trust ledgers, and:
 - (i) containing an explanation of the purpose for which each transfer is made; and
 - (ii) containing the member's signed approval of the transfer;
- (d) the **monthly trust reconciliations** required to be prepared under Rule 970(1), and the detailed listings and reconciliations described in Rule 970(2);
- (e) a **negotiable valuable property record** showing all negotiable valuable property, other than money, held in trust from time to time for clients; and
- (f) all **supporting records**, including bank statements, pass books, cancelled cheques, detailed duplicate deposit slips or other records of all deposits, bank vouchers and similar documents and invoices.

[Rule 962(c)(ii) amended June 11, 2009]

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

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

- (a) a **daily journal** or other book of original entry, which may be in synoptic form, recording:
 - (i) for all non-trust funds received relating to the law practice, the date of receipt, the amount received and the source of the funds; and
 - (ii) for all non-trust funds disbursed, the amount, the cheque or voucher number, the date of each disbursement and the name of each recipient;
- (b) an **accounts receivable ledger** or other suitable system to record, for each client, the member/client position on all non-trust transactions with respect to which a bill has been delivered or a disbursement made, and including:
 - (i) a record of all transfers from a trust account;
 - (ii) any other receipts from or on behalf of the client; and
 - (iii) the balance, if any, owed by the client;
- (c) copies of **billings** filed in chronological, alphabetical or numerical order, showing all fees charged or other billings made to clients, the dates such charges are made, and the identification of the clients charged; and
- (d) all **supporting records**, including bank statements, pass books, cancelled cheques, detailed duplicate deposit slips or other records of all deposits, bank vouchers and similar documents and invoices.

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

(3) A law firm shall reconcile its general account(s) within 30 days of month end.

[Rule 963(1)(c) amended April 23, 1998]

[Rule 963(1)(a)(i) and (ii) amended; (3) added, June 11, 2009]

Recording of Transactions in Books, Records and Accounts

964. (1) A member shall record each trust transaction promptly, and in any event not more than 3 business days after the transaction.

(2) A member shall record each non-trust transaction promptly, and in any event not later than 7 days after the end of the month in which the transaction occurred.

[Rule 964(2) amended October 23, 1997]

[Rule 964(2) amended June 11, 2009]

Adding and Balancing Daily Journals

965. (1) A member shall add and balance each trust daily journal at least monthly, and in any event not more than 30 days after the end of the month in which the transaction occurred.

(2) A member shall add and balance each non-trust daily journal at least monthly, and in any event not more than 30 days after the end of the month in which the transaction occurred.

[Rule 965(2) amended October 23, 1997]
[Rule 965(1) and (2) amended June 11, 2009]

Disclosure by Financial Institution

966. (1) A member who maintains a trust account or trust accounts in any financial institution shall execute an authorization in Form TA-3 or its equivalent, permitting the institution to disclose to the Law Society any of the following:

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

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

[Rule 966 added February 6, 1997]

[next rule is Rule 970]

I. Monthly Trust Reconciliations

Preparation of Monthly Trust Reconciliation

970. (1) A member shall prepare a monthly trust reconciliation of:

- (a) the total of all unexpended balances of funds held in trust for clients, as they appear in the clients' trust ledger; and
- (b) the total of trust fund balances held in all trust accounts, as they appear in the records of the savings institution

together with the reasons for any differences between the totals.

(2) The monthly trust reconciliation shall be supported by:

- (a) a detailed monthly listing showing the unexpended balance of trust funds held for each client and, in respect of each such amount, identifying the client for whom the trust funds are held;
- (b) a detailed monthly bank reconciliation for each mixed trust account;
- (c) a listing of balances of each separate trust account or savings, deposit, investment or similar form of account, identifying the client for whom each is held; and
- (d) a listing of balances of all other trust funds received pursuant to Rule 910(2), identifying the client for whom each is held.

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

(4) The trust reconciliation required under subrule (1) shall be made not more than 30 days after the end of the period to which it pertains.

(5) The completed monthly trust reconciliation shall be reviewed, signed and dated by a member not more than 30 days after the end of the period to which it pertains.

[Rule 970(4) amended; (5) added, June 11, 2009]

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

971. (1) A member who discovers a trust shortage shall forthwith pay funds into the account sufficient to eliminate the shortage.

(2) Where the trust shortage referred to in subrule (1) exceeds \$1,000, the member shall forthwith report the shortage, and the circumstances surrounding it, to the Executive Director in writing.

[Rule 971(2) amended June 11, 2009]

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

972. A member who discovers that he or she will be unable to deliver up when due any trust funds held by the member shall forthwith report that fact, and the reasons for it, to the Executive Director in writing.

[next rule is Rule 980]

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

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

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

[Note: The *Income Tax Act*, or other legislation, may require a member to retain certain records for a longer period of time than is required under Rule 980].

[Rule 980 Note amended June 11, 2009]

Retention Location

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

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

(2) A member practising in Lloydminster, Alberta or Flin Flon, Manitoba shall retain:

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

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

[Rule 981(1)(a) and (2)(a) amended June 11, 2009]

[next rule is Rule 990]

K. Modification of Requirements**Executive Director's Modification**

990. (1) The Executive Director may, in writing, modify the requirements of Rules 962, 963 and 980 in respect of a member, having regard to the accounting and storage systems employed by that member, and the Executive Director may, in writing, cancel or amend the modification at any time.

(2) A member who receives a written modification from the Executive Director under subrule (1) shall retain it as long as the books, records and accounts to which it relates are retained.

L. Annual CDIC Report

Filing Annual CDIC Report with Each Savings Institution

991. A member who maintains a mixed trust account in a savings institution which is insured by the Canada Deposit Insurance Corporation ("CDIC") shall file an annual report for each such account with that institution in accordance with section 3(3) of the Schedule to the *Canada Deposit Insurance Corporation Act*, so that each client's funds, rather than the account itself, is insured up to the limit of CDIC insurance.

M. Member's Right to Claim Trust Funds

Rules do not Deprive Member of Right to Claim Funds

992. Nothing in this Part deprives a member of any recourse or right, whether by way of lien, set-off, counterclaim, charge or otherwise, against funds standing to the credit of a client in a trust account maintained by the member.

[next rule is Rule 995]

N. Inspection of a Member's Records

Spot Audits

995. (1) The auditor inspector employed by the Law Society is authorized to attend at the offices and branch offices of any member to review all of the member's books and records required to be kept pursuant to the *Act* and the Rules.

(2) Members are required to co-operate with the auditor inspector and to comply with all reasonable requests.

[Rule 995 added October 23, 1992]

[next rule is Rule 1000]

Person Designated to Make a Demand

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

Contents of Service of a Demand

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

- (a) be in writing, signed by the Executive Director;
- (b) state:
 - (i) the nature of the investigation in respect of which the demand is made;
 - (ii) which categories of the member's records or other property are to be produced;
 - (iii) the time by which and the person to whom the member's records or other property are to be produced; and
 - (iv) the text of sections 60 and 63 of the *Act*; and
- (c) be given personally to the member or served on the member in accordance with section 85 of the *Act*.

Production of a Member's Records or Other Property

1002. A person to whom a member's records or other property are produced under section 63(1) of the *Act* shall, where practicable, conduct the investigation or inspection at the location at which the records or other property are produced.

Duty to Preserve Confidentiality

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

Costs

1004. (1) Where, as a result of section 10(t)(i) and proceedings under section 63 of the *Act*, the Chairperson of the Discipline Committee determines that the member has not complied with the Rules in this Part respecting the keeping of books, records and accounts, the Chairperson may order that the member pay, by the date specified in the order, part or all of the expense of the investigations.

(2) In subrule (1), "investigations" include:

- (a) the inspection of the member's books, records and accounts by the officers, auditors or agents of the Society or by any other person designated by the Benchers or appointed by the Chairperson of the Discipline Committee;
- (b) an application under section 63(2) of the *Act* and any appeal therefrom;
- (c) action taken under section 63(3) of the *Act*; and
- (d) the copying, transportation, retention and disposition of the member's records or other property.

(3) A member who has not paid the full amount owing under subrule (1) by the date fixed or extended by the Chairperson of the Discipline Committee is suspended from the practice of law until the amount owing is paid in full.

(4) The costs of any proceedings under section 63 of the *Act* which are not recovered from the member under subrule (1) may be recovered from the Special Fund.

[Rule 1004(1) amended December 10, 1992]

[Rule 1004(4) amended June 11, 2009]

[next rule is Rule 1010]

O. Bankruptcy of a Member**Definitions**

1010. In Rules 1010 to 1013, "a member who is the subject of bankruptcy proceedings" means a member who as defined by *The Bankruptcy and Insolvency Act*:

- (a) is bankrupt;
- (b) is an insolvent person;
- (c) commits an act of bankruptcy;
- (d) has made a proposal; or
- (e) has applied for a consolidation order

pursuant to *The Bankruptcy and Insolvency Act*, as amended.

[Rule 1010 amended September 17, 1993 and April 15, 1994]

Duty to Report Bankruptcy to the Society

1011. A member who is the subject of bankruptcy proceedings shall forthwith:

- (a) notify the Executive Director in writing of that fact; and
- (b) provide to the Executive Director such information and documents in the member's possession or control relating to the bankruptcy that the Executive Director reasonably requests.

Practice Conditions

1012. (1) Subject to subrule (2), the following conditions apply to a member who is the subject of bankruptcy proceedings:

- (a) the member shall not be the sole signatory on any trust account while remaining an undischarged bankrupt; and
 - (b) the additional signatory on any trust account shall be a member of the Law Society in good standing who is not the subject of bankruptcy proceedings.
- (2) The Chairperson of the Discipline Committee may, by order in writing, relieve a member from compliance with subrule (1), subject to any conditions stated in the order which the Chairperson considers appropriate.

Notification to the Membership

1013. There will be no notification to the membership that a member has become the subject of bankruptcy proceedings unless the Chairperson of the Discipline Committee is of the opinion that there is a significant reason to do so. In that event, the Chairperson shall direct the Executive Director to promptly notify the membership of:

- (a) the identity of the member who becomes the subject of bankruptcy proceedings;
- (b) any practice conditions imposed on the member under Rule 1012; and
- (c) the identity of a member who has ceased to be the subject of bankruptcy proceedings, where that member's identity was published under clause (a).

[Rule 1013 amended February 4 & 5, 1993]

[next rule is Rule 1020]

P. Client Identification and Verification Requirements

Definitions

1020. In this Part,
“electronic funds transfer” means an electronic transmission of funds conducted by and received at a financial institution or a financial entity headquartered in and operating in a country that is a member of the Financial Action Task Force, where neither the sending nor the receiving account holders handle or transfer the funds, and where the transmission record contains a reference number, the date, transfer amount, currency and the names of the sending and receiving account holders and the conducting and receiving entities.

“financial institution” means

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

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

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

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

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

“public body” means

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

“reporting issuer” means an organization that is a reporting issuer within the meaning of the securities laws of any province or territory of Canada, or a corporation whose shares are traded on a stock exchange designated under section 262 of the Income Tax Act (Canada) and operates in a country that is a member of the Financial Action Task Force, and includes a subsidiary of that organization or corporation whose financial statements are consolidated with those of the organization or corporation.

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

Client Identity

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

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

(3) Rules 1022 through 1028 do not apply to

- (a) a lawyer when he or she provides legal services or engages in or gives instructions in respect of any of the activities described in Rule 1023 on behalf of his or her employer,
- (b) a lawyer
 - (i) who is engaged as an agent by the lawyer for a client to provide legal services to the client, or
 - (ii) to whom a matter for the provision of legal services is referred by the lawyer for a client, when the client’s lawyer has complied with sections Rules 1022 through 1028; or
- (c) a lawyer providing legal services as part of a duty counsel program sponsored by a non-profit organization, except where the lawyer engages in or gives instructions in respect of the receiving, paying or transferring of funds other than an electronic funds transfer.

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

- (a) the client's full name,
- (b) the client's business address and business telephone number, if applicable,
- (c) if the client is an individual, the client's home address and home telephone number,
- (d) if the client is an organization, other than a financial institution, public body or reporting issuer, the organization's incorporation or business identification number and the place of issue of its incorporation or business identification number, if applicable,
- (e) if the client is an individual, the client's occupation or occupations,
- (f) if the client is an organization,
 - (i) other than a financial institution, public body or a reporting issuer, the general nature of the type of business or businesses or activity or activities engaged in by the client, where applicable, and
 - (ii) the name and position of and contact information for the individual(s) authorized to provide and giving instructions to the lawyer with respect to the matter for which the lawyer is retained.
- (g) if the client is acting for or representing a third party, information about the third party as set out in paragraphs (a) to (f) as applicable.

Client Identity and Verification

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

Exemptions re: Certain Funds

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

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

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

Examples of Independent Source Documents

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

- (iii) a copy of a similar record obtained from a public body that confirms the organization's existence; and
- (c) if the client or third party is an organization, other than a corporation or society, that is not registered in any government registry, such as a trust or partnership, a copy of the organization's constituting documents, such as a trust or partnership agreement, articles of association, or any other similar record that confirms its existence as an organization.

Identifying Directors, Shareholders and Owners

- (3) When a lawyer is engaged in or receives instructions in respect of any of the activities in Rule 1023 for a client or third party that is an organization referred to in subsection (2)(b) or (c), the lawyer shall make reasonable efforts to obtain, and if obtained, record,
 - (a) the name and occupation of all directors of the organization, other than an organization that is a securities dealer, and
 - (b) the name, address and occupation of all persons who own 25 per cent or more of the organization or of the shares of the organization.

Client Identity and Verification in Non-Face-to-Face Transactions

- (4) (a) When a lawyer engages in or receives instructions in respect of any of the activities in Rule 1023 for a client or third party who is an individual who is not physically present before the lawyer but is present elsewhere in Canada, the lawyer shall verify the client's identity by obtaining an attestation from a commissioner of oaths in Canada, or a guarantor in Canada, that the commissioner or guarantor has seen one of the documents referred to in subsection (2)(a).
- (b) When a lawyer who engages in or receives instructions in respect of any of the activities in Rule 1023 for a client that is an organization is instructed by an individual described in 1022 f (ii) who is not physically present before the lawyer but is present elsewhere in Canada, the lawyer shall verify the individual's identity by obtaining an attestation from a commissioner of oaths in Canada, or a guarantor in Canada, that the commissioner or guarantor has seen one of the documents referred to in subsection (2)(a).
- (5) For the purpose of subsection (4), an attestation shall be produced on a legible photocopy of the document and shall include
 - (a) the name, profession and address of the person providing the attestation;
 - (b) the signature of the person providing the attestation; and
 - (c) the type and number of the identifying document provided by the client, third party or instructing individual(s).
- (6) For the purpose of subsection (4), a guarantor must be a person employed in one of the following occupations in Canada:
 - (a) dentist;
 - (b) medical doctor;
 - (c) chiropractor;
 - (d) judge;
 - (e) magistrate;
 - (f) lawyer;
 - (g) notary (in Quebec);
 - (h) notary public;
 - (i) optometrist;
 - (j) pharmacist;
 - (k) professional accountant (APA [Accredited Public Accountant], CA [Chartered Accountant], CGA [Certified General Accountant], CMA [Certified Management Accountant], PA [Public Accountant] or RPA [Registered Public Accountant]);
 - (l) professional engineer (P.Eng. [Professional Engineer, in a province other than Quebec] or Eng. [Engineer, in Quebec]);
 - (m) veterinarian;
 - (n) peace officer;

- (o) paralegal licensee in Ontario;
- (p) nurse; or
- (q) school principal.

Use of Agent

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

(8) A lawyer who enters into an agreement or arrangement referred to in subsection (7) shall obtain from the agent the information obtained by the agent under that agreement or arrangement.

Timing of Verification for Individuals

(9) A lawyer shall verify the identity of

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

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

Timing of Verification for Organizations

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

(12) Where the lawyer has verified the identity of a client that is an organization and obtained information pursuant to subsection 6(3), the lawyer is not required to subsequently verify that identity or obtain that information.

Record Keeping and Retention

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

(2) The documents referred to in subsection (1) may be kept in a machine-readable or electronic form, if a paper copy can be readily produced from it.

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

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

Application

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

Criminal Activity, Duty to Withdraw at Time of Taking Information

1028. (1) If in the course of obtaining the information and taking the steps required in Rules 1022 and 1025(1) or (3), a lawyer knows or ought to know that he or she is or would be assisting a client in fraud or other illegal conduct, the lawyer must withdraw from representation of the client.

Application

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

Criminal Activity, Duty to Withdraw After Being Retained

1029. (1) If while retained by a client, a lawyer knows or ought to know that he or she is or would be assisting the client in fraud or other illegal conduct, the lawyer must withdraw from representation of the client.

Application

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

[Rules 1020 – 1029 added May 1, 2009]

[next rule is Rule 1050]

Q. Termination of Practice

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

(2) The terminating law firm shall make appropriate arrangements subject to the approval of the Law Society for storage and/or preservation of important documents of an ongoing nature (ie. Wills) and advise the Law Society in writing of the arrangements within 90 days of termination of the firm.

[Rule 1050 added June 11, 2009]

[next rule is Rule 1100]

PART 14

Annual Practice Certificate

Issuance of Annual Practice Certificate

1100. (1) The Executive Director shall, in respect of each practice year, issue a practicing certificate to an active member who, before the commencement of that practice year:

- (a) has paid the fees fixed under Rule 800;
- (b) has filed a completed Annual Practice Declaration in a form approved by the Benchers;
- (c) has complied with the *Act*, these Rules and all requirements made under them; and
- (d) is otherwise in good standing.

(2) An active member who is not eligible for a practicing certificate under subrule (1) becomes, effective January 1, a suspended member.

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

[Rule amended February 5, 2001]

Disqualified Member

1101. (1) A member who fails to pay fees as an active or inactive member is disqualified from the rights and privileges accorded to membership of any kind and must apply for reinstatement pursuant to Rule 212.

(2) Notwithstanding the above any member of the Society who is subject of an investigation by an Investigation Committee, Complaints Counsel or has been named in a formal complaint which has not yet been before a Hearing Committee remains subject of any outstanding discipline matters regarding him or her.

[Rule 1101(1) amended March 27, 1992; Rule 1101(3) added April 15, 1994; Rule 1101(2) amended June 9, 1994]

[Rule 1101(3) amended September, 2006]

[Rule 1101(1) amended; (2) deleted then renumbered and amended December 7, 2007]

Notification

1102. The Executive Director shall, promptly after each January 1:

- (a) notify all members who have become disqualified members of that fact, the consequences flowing from their being disqualified members and the procedure to be followed in becoming an inactive member or seeking reinstatement as an active member;
- (b) give notification of those persons who have become disqualified members to:
 - (i) the Chief Justice of Saskatchewan;
 - (ii) the Chief Justice of the Saskatchewan Court of Queen's Bench;
 - (iii) the Chief Judge of the Provincial Court of Saskatchewan;
 - (iv) the Minister of Justice for Saskatchewan; and
 - (v) the Master of Titles; and
- (c) cause a notice to be published in the *Saskatchewan Gazette*, identifying those persons who have become disqualified members.

[Rules 1100, 1101, 1102 and 1103 amended February 6, 1997]

[Rule 1102(a) amended, (b) removed and replaced; (c) amended December 7, 2007]

[Rule 1102(b) amended June 11, 2009]

Liability Insurance Coverage

1103. A member who becomes disqualified under Rule 1100(2) and who is reinstated as an active member prior to March 1 of the current practice year is deemed to have been insured, while a disqualified member, for errors or omissions occurring before the member became or while the member was disqualified.

[Rules 1100, 1101, 1102 and 1103 amended February 6, 1997]
[Rule 1103 amended December 7, 2007]

Designated Contact Person

1104. Where a member is, or is held out to be:

- (a) an employee, associate or partner of a law firm; or
- (b) an employee of a person or entity that is not a member of the Law Society of Saskatchewan, hereinafter referred to as the employer;

the member shall promptly advise the Society:

- (i) of the name and address of the law firm or employer from which he or she derives his or her income, or part thereof, by virtue of his or her having a current practising certificate;
- (ii) of the name and address of at least one person designated by the law firm or employer to receive such information as the Society, in its sole discretion, deems advisable to provide to the law firm or employer relating to the member's involvement with the Society including, without limitation:
 - (1) Discipline Committee investigations and rulings;
 - (2) Professional Standards Committee investigations;
 - (3) professional liability insurance reports, claims or processes;
 - (4) Special Fund reports, claims or processes;
 - (5) failure to pay monies owing to the Society;
 - (6) complaints against the member;
 - (7) general correspondence from the administration office.

[Rule 1104 added June 9, 1994]

[next rule is Rule 1200]

Part 15

Accountant's Report

Definitions

1200. In this Part, “**fiscal period**” means the time period, not exceeding 12 months without the written approval of the Law Society, for which the accounts of a member have been or ordinarily are made up; “**firm**” means a partnership of members carrying on the practice of law where one set of the books, records and accounts described in Part 13 is maintained; “**member**” includes a member of the Society, a firm and an association of members who carry on the practice of law together other than as a firm.

[Rule 1200 definition “fiscal period” amended June 11, 2009]

Filing of Report on Commencement of Practice

1201. (1) A member shall, within 30 days after commencing to practise law, or within 30 days after ceasing to practise law with a firm covered by an Accountant's Report, deliver to the Law Society:

- (a) a Trust Account Commencement Report, in Form TA-1;
- (b) an Exemption Report, in Form TA-7, stating that the member is exempt from compliance with subrule (a) on the basis that the member does not:
 - (i) provide legal services to the public; or
 - (ii) receive or handle trust funds within the course of his or her practice.

[Rule 1201(2) added April 15, 1994]

[Rule 1201(1)(c) amended April 27, 1995]

[Rule 1201 amended May, 2002]

[Rule 1201(1)(a) and (b) amended June 11, 2009]

Change in Fiscal Period

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

[Rule 1202 amended May, 2002]

Filing of Annual Accountant's Report

1203. (1) A member shall, within 3 months after each fiscal period of the member's practice:
- (a) deliver to the Executive Director:
 - (i) an Annual Practice Declaration; and
 - (ii) a Power of Attorney; and
 - (b) cause his or her accountant to deliver to the Executive Director an Accountant's Report, unless exempt under Rule 1204.
- (2) A member shall, within 3 months after termination of practice or termination of the existence of the firm or association in or with which the member formerly practised:
- (a) deliver to the Executive Director an Annual Practice Declaration; and
 - (b) cause his or her accountant to deliver to the Executive Director an Accountant's Report.
- (3) A member whose practice termination as described in subrule (2) coincides with the end of the fiscal period is not required to comply with subrule (2).
- (4) The Executive Director may approve a member's written request that his or her Accountant's Report cover a time period greater or less than 12 months.

[Rule 1203(1)(a) amended February, 2003]

[Rule 1203(1)(a)(i) and (ii) and (b); and (4) amended June 11, 2009]

Exemption from Filing an Accountant's Report

1204. (1) A member who satisfies the Executive Director that he or she, during the most recent completed fiscal period or during the partial fiscal period immediately preceding termination of practice:

- (a) has not received any funds in trust;
- (b) has not withdrawn any funds held in trust;
- (c) has complied with Part 13 of these Rules; and
- (d) within the time referred to in Rule 1203(1), has delivered to the Executive Director a statutory declaration in a form approved by the Executive Director

is exempt from the filing of the documents referred to in Rule 1203(1) for that time period.

(2) The Law Society of Saskatchewan may establish criteria upon which it may exempt a member from the filing of documents referred to in Rule 1203 (1)(b).

[Rule 1204(1) amended; (2) added December 7, 2007]

Late Filing of Accountant's Report

1205. (1) A member who does not comply with Rule 1201 is in breach of these Rules and is liable to an assessment of \$100 per month.

(2) A member who does not comply with Rule 1203:

- (a) is in breach of these Rules and is liable to an assessment of \$100 for the first month and \$400 for every subsequent month, multiplied by the number of partners in respect of whom the Accountant's Report applies; and
- (b) shall, when the member delivers the Accountant's Report, include a copy of listings and reconciliations referred to in Rule 970(2) for each month subsequent to the period to which the Accountant's Report applies.

(3) A member who does not comply with Rule 1203(1) within 4 months after the end of the fiscal period shall, unless the Executive Director authorizes in writing to the contrary, deliver to the Executive Director by the end of each month until Rule 1203(1) is complied with, the monthly trust reconciliation referred to in Rule 970(1).

[Rule 1205(1) and (2)(a) amended February 7, 2008]

Credentials to Complete Accountant's Report

1206. (1) An Accountant's Report shall be completed and signed by:

- (a) a person who is:
 - (i) a chartered accountant registered as a member in good standing of the Institute of Chartered Accountants of Saskatchewan and in public practice;
 - (ii) a Certified General Accountant registered as a member in good standing of the Association of Certified General Accountants of Saskatchewan and in public practice; or
 - (iii) a Certified Management Accountant registered as a member in good standing of the Association of Certified Management Accountants of Saskatchewan and in public practice;
- (b) a person without the credentials referred to in subrule (a), if the member satisfies the Executive Director that:
 - (i) no person so qualified is reasonably available; and
 - (ii) the person proposed by the member has adequate accounting credentials.

(2) The Executive Director may at any time require a member, whose Accountant's Report was completed and signed by a person described in subrule (1)(b), to deliver a new Accountant's Report by a person who has the credentials specified by the Executive Director.

Instructions Respecting Minimum Standards

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

[Rule 1207 amended June 11, 2009]

Prohibited from the Practice of Law

1208. (1) The Executive Director shall not issue to a member who is in breach of Rules 1203 or 1205(2)(b) or (3) a practising certificate.

(2) The practising certificate of a member who is in breach of Rules 1203, 1205(2)(b) or (3) or 1220 ceases to be valid 7 days after the Executive Director delivers to the member a written notification to that effect.

(3) A member prohibited from the practice of law under subrule (1) or (2) who:

- (a) complies with Rules 1203 or 1205 within 5 months after the fiscal period or termination of practice referred to in Rule 1203(1); and
- (b) pays to the Society any fees, assessments, fines, costs or other amounts owing to the Society

is deemed to be insured, during the period of prohibition, for errors or omissions arising before or during the prohibition.

[Rule 1208(2) amended June 11, 2009]

Monthly Reports

1220. (1) A member shall deliver to The Law Society of Saskatchewan, on a monthly basis, any of the books, records and accounts described in Part 13 if required by:

- (a) Rule 1201, Trust Account Commencement Report;
- (b) any penalty or requirement assessed under sections 53(3) or 55(2) of the *Act*; or
- (c) The Law Society of Saskatchewan, at its discretion.

(2) The books, records and accounts to be delivered under subrule (1) shall be delivered not more than 30 days after the end of the period to which they pertain, unless otherwise permitted in writing by the Law Society of Saskatchewan.

[Rule 1220(2) amended June 11, 2009]

Late Filing of Monthly Reports

1225. A member who does not comply with Rule 1220 is in breach of these Rules and is liable to an assessment of \$100 per month multiplied by the number of partners.

Appeal of Late Filing Assessment

1230. A member assessed a penalty pursuant to Rule 1205(1), 1205(2)(a), or 1225 may appeal the penalty in writing to the Executive Director within 15 days of the member's receipt of the assessment.

[Rules 1220, 1225 and 1230 added February 7, 2008]

[next rule is Rule 1300]

Part 16

Unclaimed Trust Funds

[Rule 1300 "committee" definition deleted December 7, 2007]

Payment of Unclaimed Trust Funds to the Society

1301. (1) When funds held in trust meet the following criteria:
- (a) the funds have been held in trust for at least two years;
 - (b) the amount of the funds in trust does not exceed fifty dollars;
 - (c) reasonable efforts have been made to locate, identify and pay the person or entity entitled to receive the funds;

the name of each client, the date of payment, and the amount held shall be entered on a list.

(2) The member shall file the list along with a cheque for the sum of all such funds annually with the Law Society as part of the annual trust reporting process.

- (3) When a member holds funds exceeding \$50 in trust for two years and has:

- (a) made reasonable efforts to locate and pay the person or entity entitled to receive the funds;
- (b) ascertain the identity of the person or entity entitled to receive the funds;

the member may apply for permission to pay the funds to the Law Society by submitting a properly completed Unclaimed Trust Funds Form (TA9) to the Executive Director.

(4) When a practice has been terminated, an application may be made to pay trust funds to the Law Society before the time periods specified in subparagraphs (1) and (3). The Executive Director may accept such funds if it is in the public interest.

[Rule 1301(1) amended, 1301(4) added October 27, 1994]

[Rule 1301(1) and (4) amended December 7, 2007]

[Rule 1301(1) amended June 11, 2009]

[Rule 1301 amended in its entirety June 17, 2010]

Procedure for Investigation of Claims

1302. (1) A person or his or her legal representative who claims entitlement to funds held by the Society under section 14 of the *Act* may make a claim in writing to the Society.

(2) A claimant shall provide the Society with information and documents relating to the claim which the Society reasonably requires.

(3) In order to determine the validity of a claim, the Society may make or authorize such inquiries or further investigations as it considers desirable.

[Rule 1302(1), (2) and (3) amended December 7, 2007]

Procedure for Adjudication of Claims

1303. (1) The Executive Director may:
- (a) approve or reject a claim based on the information received under Rule 1302; or
 - (b) appoint a hearing committee to conduct an oral hearing to determine the validity of the claim.
- (2) Where an oral hearing is ordered:
- (a) the Society shall notify the claimant in writing of the date, time and place of the hearing;
 - (b) a notice referred to in (a) shall be served in accordance with section 85 of the *Act* and, unless the claimant consents in writing to a shorter time, not less than 30 days before the date set for the commencement of the hearing;
 - (c) the hearing shall be conducted in private unless the hearing committee determines, in the public interest, that a specific individual or the public generally may be present for part or all of the hearing;
 - (d) the hearing committee may determine, subject to the *Act* and these Rules, the practice and procedure to be followed at the hearing;
 - (e) any witness who is competent to do so shall, before testifying, take an oath or make a solemn affirmation;
 - (f) if the hearing committee decides that the proceedings at a hearing shall be recorded by a Court Reporter, a person may obtain, at his or her expense, a transcript of any part of the hearing which he or she was entitled to attend; and
 - (g) the hearing committee may:
 - (i) make such inquiries of a witness as it considers desirable; and
 - (ii) accept any evidence that it considers appropriate, and is not bound by the rules of law concerning evidence.
- (3) Following the hearing of the evidence and submissions, the hearing committee shall determine whether the claimant is entitled to the funds held in trust by the Society.
- (4) Where a claim is approved under subrule (1)(a) or (3), the amount owing to the claimant shall be determined by the Executive Director or the hearing committee, as the case may be, and the Executive Director shall pay that amount to the claimant out of the trust account referred to in section 14(2)(a) of the *Act*.

[Rule 1303(1) and (b), (2)(a), (c), (d), (f) and (g), (3) and (4) amended December 7, 2007]

[next rule is Rule 1400]

Part 17

Forms of Practice

Registrar

1400. The Executive Director is designated as the "Registrar" as defined in *The Professional Corporations Act*.

Approval for Incorporation

1401. (1) Any member or members who intend to incorporate a Professional Corporation for the practice of law in Saskatchewan shall first forward to the Executive Director the proposed articles of incorporation.

(2) If the Executive Director is satisfied that:

- (a) the proposed name of the corporation complies with the provisions of Part 19 of these Rules and is not so similar to other Professional Corporate names as to be misleading or confusing; and
- (b) the voting shares will be legally and beneficially owned by practicing members of the Law Society; and
- (c) the directors will be members of the Law Society

then he/she may provide his/her consent to the incorporation.

Application for Permit

1402. (1) A member may apply to the Law Society on behalf of a corporation for a permit pursuant to section 8 of *The Professional Corporations Act* by providing to the Executive Director:

- (a) a completed Form C-1;
- (b) a copy of the articles of incorporation including any amendments;
- (c) a current certificate of status issued pursuant to *The Business Corporations Act* **OR** a certificate of incorporation, showing that the corporation was incorporated less than 60 days prior to the application having been received by the Law Society;
- (d) the fee prescribed by the Benchers in Schedule 1; and
- (e) any other information required by the Executive Director.

(2) Subject to subrule (3), the Executive Director may issue a permit to a corporation which complies with the requirements of the provision of *The Professional Corporations Act*, *The Legal Profession Act (1990)* and these Rules.

(3) A permit shall be in Form C-2 and may contain any conditions that the Executive Director thinks appropriate.

(4) A permit shall, unless sooner revoked, expire on December 31 of the year for which it was issued.

[Rule 1402(1)(c) amended October, 2002]

Renewal of Permit

1403. (1) A corporation wishing to have its permit renewed for the following calendar year shall forward to the Executive Director:

- (a) Form C-3;
- (b) Certificate of Status **OR** a written certification signed by the member that the corporation remains in good standing; and
- (c) The renewal fee approved by the Benchers in Schedule 1.

[Rule 1403(1) amended April, 2003]

Revocation of Permit

1404. (1) The Executive Director may revoke the permit of any Professional Corporation which fails to meet the requirements set out in *The Professional Corporations Act* or these Rules or fails to comply with any term or condition contained in the permit.

(2) A permit shall be immediately revoked where only one member of the Law Society provides legal services in the name of the Professional Corporation and that person dies or is disbarred or is suspended from the practice of law or ceases to be a member.

(3) The Executive Director shall notify the corporation by registered mail of the revocation of its permit.

Changes in the Corporate Structure

1405. (1) A Professional Corporation shall notify the Executive Director in writing within 10 days of any change in its corporate structure, ownership or directors.

- (2) Upon receipt of a notice pursuant to subrule (1), the Executive Director may:
- (a) continue the permit;
 - (b) amend the permit to add or delete any terms or conditions; or
 - (c) revoke the permit.

Corporate Register

1406. (1) The Executive Director shall maintain a corporate register containing the name and address of each Professional Corporation to which a permit is issued and the name and address of each Professional Corporation to which a permit is issued.

(2) The information contained in the corporate register shall be available to the public and the corporate register shall be open for inspection by the public at the Law Society Office during office hours.

Review of the Executive Director's Decision

1407. (1) A decision by the Executive Director under this Part may be reviewed on the application of an aggrieved person by giving notice in writing to the Law Society that he/she wishes the matter reviewed by the Benchers.

(2) The Benchers may designate a review panel composed of Benchers to consider the application for review and report to the Benchers with recommendations.

(3) The application for review may state that the applicant wishes to appear personally before the Benchers and in such circumstance the applicant shall be given an opportunity to speak to the matter at the next Convocation of Benchers.

(4) The Executive Director shall advise the applicant in writing of the results of the review under this Rule.

Professional Responsibility of Members

1408. All members who are directors of a Professional Corporation are responsible for the activities of the corporation and may be subject to discipline for any breach of the Rules or *Code of Professional Conduct* by the Corporation.

[Rules 1400 – 1408 added September, 2001]

Limited Liability Partnerships (LLP)

1450. A law firm which intends to apply to the Corporations Branch to be registered as an LLP shall forward to the Executive Director a copy of the proposed application, the prescribed fee under Schedule 1, and any other information necessary to process the application.

1451. The Executive Director shall, upon receiving the material mentioned in Rule 1450, review the status of each partner listed in the application and provide the law firm with a certificate in Form C-4 certifying that each proposed partner in the LLP is or is not entitled to practice law in Saskatchewan, and shall include any conditions or limitations on his or her practice.

1452. A law firm which is registered as an LLP in another jurisdiction which intends to apply to the Corporations Branch to be registered in Saskatchewan as an LLP shall forward to the Executive Director the prescribed fee under Schedule 1, a copy of the proposed application, and any other information the Executive Director may require to process the application.

1453. (1) The Executive Director, upon receiving the material mentioned in Rule 1452, shall review the application and if satisfied that:

- (a) the proposed LLP will engage only in the practice of law;

- (b) there are one or more partners in the proposed LLP who are eligible to practice law in Saskatchewan;
- (c) each member of the LLP who is eligible to practice law in Saskatchewan has professional liability insurance which is substantially equivalent to that provided by SLIA; and
- (d) the proposed LLP has made adequate arrangements to ensure that it will comply with Parts XIII and XIX of the Rules

he/she may provide a certificate in Form C-5 certifying that the proposed LLP and its Saskatchewan partners meet the eligibility requirements of *The Legal Profession Act (1990)* and the Law Society Rules.

1454. The Executive Director shall keep a register of all LLP's carrying on the practice of law in the Province of Saskatchewan, including the names and addresses of all partners, and any limitations on the practice of the LLP.

1455. Upon registration, an LLP shall immediately give notice to all its existing clients advising of its registration and explaining in general terms the potential changes in liability to the partners.

1456. An LLP shall report immediately any changes in its partnership to the Executive Director.

1457. All members of The Law Society of Saskatchewan who are partners in an LLP are responsible to ensure that the LLP, and any persons practicing through it, comply with *The Partnership Act*, *The Legal Profession Act (1990)* and the Rules of The Law Society of Saskatchewan.

[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 client:
- (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.

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:

- (i) a judge, Attorney General, Minister of Justice, master, registrar or local registrar, sheriff, deputy sheriff, registrar or deputy registrar of land titles or other officer or official; or
- (ii) a person other than:
 - (A) a member of the Society; or
 - (B) a member of an interjurisdictional law firm.

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]

Public Representations

1603. A member shall not:

- (a) comment publicly on the probable outcome of a legal proceeding in which he or she acts;
- (b) in the endorsement or promotion of any property, investment or service for sale to the public, trade on his or her professional status or reputation resulting from membership in the Society; or
- (c) state publicly that he or she speaks on behalf of the legal profession unless the member has been expressly authorized to state the official position of the legal profession.

Disclosure of Client's Identity

1604. A member shall not, in any marketing activity, disclose a present or former client's identity unless:

- (a) the member is satisfied that disclosure is not contrary to the client's interest; and
- (b) the client expressly or impliedly consents to the disclosure.

Former Judges and Members of Administrative Tribunals

1605. (1) A member who was formerly a judge shall not:

- (a) continue to use the title "Judge" or any similar title which alludes to his or her former judicial status; and
- (b) shall not trade on his or her former judicial status.

(2) A member who formerly served in an adjudicative capacity on an administrative tribunal shall not:

- (a) continue to use any title which alludes to his or her former status on the tribunal; and
- (b) shall not trade on his or her former status as a member of the tribunal.

Firm Name

1606. A member shall not use a firm name which violates subrule 1601(2)(c) or (d).

Letterhead

1607. A member shall not, on his or her firm's letterhead or in any other marketing activity, list a person who is not an active member of the Society in good standing, except where that person:

- (a) is appropriately designated as:
 - (i) an inactive member;
 - (ii) a retired member;
 - (iii) a deceased member;
 - (iv) a student-at-law; or
 - (v) a foreign legal consultant; or
- (b) is a member of an interjurisdictional law firm.

[Rule 1607 amended March 27, 1992 and December 6, 1996]

1607.1 Notwithstanding any other rule, a member who has been suspended pursuant to section 45, section 52 or section 55 of *The Legal Profession Act, 1990*, or pursuant to Rule 420 or Rule 470, shall not be listed on any firm's letterhead or in any other marketing activity unless the suspension is for a period of less than 30 days.

[Rule 1607.1 added June 5, 1997]

Interjurisdictional Law Firms

1608. A member of the Society who is a member of an interjurisdictional law firm shall ensure that, whenever the firm on its letterhead or in any other marketing activity enumerates the members of the firm, he or she is identified as being qualified to practise law in Saskatchewan.

Law Firms with Multiple Offices

1609. A law firm having multiple offices which enumerates on its letterhead or in any other marketing activity the members of the firm must show the office in which each enumerated member principally practises.

Referral Fees

1610. (1) A member shall not:
- (a) pay any remuneration to a person, other than a member of the Society in good standing, in exchange for that person referring a client to the member; or
 - (b) act for a client where, to the member's knowledge, a person other than a member of the Society in good standing was paid any remuneration by the client in exchange for being referred to the member.
- (2) A member acting for a client who was referred to the member by another member may pay that other member remuneration for the referral only if, at the commencement of the retainer, the member fully discloses the remuneration to the client and the client consents in writing to its payment.

Fees

1611. (1) A member who, in any advertisement, includes a statement of fees for a specific legal service or an hourly rate of charge:
- (a) shall, in the case of a statement of fees for a specified legal service, ensure that the statement sufficiently describes the fees and services so as to enable the recipient or intended recipient to understand the nature and extent of the work to be performed and the cost to the client; and that the statement clearly specifies whether or not disbursements are included in that cost;
 - (b) during the currency of the advertisement shall agree to perform the services at the stated fee or rate for any person unless excused by circumstances such as conflict with the interests of another client or other reasonable and proper grounds; and
 - (c) shall not in the advertisement compare the fees or rate charged by the member with the fees or rate charged by another member.
- (2) Unless otherwise stated in the advertisement, the currency of a fee advertisement shall be deemed to be 90 days after the date of publication.

Preferred Areas of Practice

1612. (1) A member shall not state in any marketing activity a preference for practice in any one or more fields of law unless he or she provides a statutory declaration not less than annually to the Executive Director which indicates that the member:

- (a) has been engaged in the practice of law for at least 3 years;
- (b) regularly practises in each field of law in respect of which he or she wishes to state a preference; and
- (c) has, during the most recent 3 year period that the member has practised, devoted at least 20% of his or her time to practising in each field of law in respect of which the member wishes to state a preference.

(2) A member who does not qualify to state a preferred area of practice under subrule (1) may, if it is accurate, state a preference for general practice.

[Rule 1612 amended December 6, 1996]

[Rule 1613 Lawyer Referral Service deleted December 7, 2007]

Restrictions on Practice

1614. A member who restricts his or her practice may, upon delivering an annual written undertaking to the Executive Director, state in any marketing activity the fields of law to which the practice is restricted.

Specialization

1615. (1) Subject to subrule (2) and (3), a member:

- (a) shall not use the title "specialist", "expert", "leader" or any similar designation suggesting a recognized special status or accreditation on any letterhead or business card or in any other marketing activity; and
- (b) shall take all reasonable steps to discourage use, in relation to the member by another person, of the title "specialist", "expert", "leader" or any similar designation suggesting a recognized special status or accreditation in any marketing activity.

(2) A member who is approved as a mediator under Part 9 of these Rules may so state in any marketing activity.

(3) Notwithstanding subrule (1), a member or a law firm may be identified as a leading practitioner or law firm in any publication which relies on input from independent parties and is approved by the Ethics Committee and a member or a law firm may be listed under the category of legal ratings in the Martindale Hubbell publication.

[Rule 1615(3) added April 22, 1999]

Sharing Premises with Non-Lawyers

1616. 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.

Carrying on Another Business or Occupation

1617. A member shall not carry on any business or occupation other than the practice of law in such a way that:

- (a) a person might reasonably:
 - (i) find it difficult to determine whether in any matter the member is acting in his or her capacity as a member; or

- (ii) expect that in carrying on the other business or occupation, the member will exercise professional legal judgment or skill for the protection of that person; and
- (b) there is a significant risk that the interests of the member and of a client may, in a matter in which the member acts for the client, conflict.

Member's Duties

1618. (1) A member shall retain for one year after delivery, publication or broadcast of any marketing activity, advertisement or brochure, and shall provide to the Executive Director on request:

- (a) a copy of any publication;
- (b) a recording of any broadcast made by use of any electronic media, including radio, television and microwave transmission;
- (c) a written record of when and where the publication or broadcast was made; and
- (d) a copy of any other marketing activity.

(2) It is the duty of any member, when called upon by the Society to do so, to verify the statements made in his or her marketing activity.

[Rule amended February 5, 2001]

Violation of Marketing Provisions

1619. (1) Members whose marketing activities are in violation of Rules 1607, 1612 and 1615(1)(a) may elect to:

- (a) pay a fine of \$500 for each publication; or
- (b) have the matter referred to the Chairperson of the Discipline Committee to determine if hearing as to whether the member is guilty of conduct unbecoming a lawyer is required.

(2) Notwithstanding subrule (1), the Executive Director may, in his or her discretion, disallow the payment option and refer the matter to the Chairperson of the Discipline Committee.

[Rule 1619 added December 6, 1996]

Collaborative Law

1620. A lawyer may not, in any marketing activity, describe him or herself as being qualified to practice collaborative law unless he or she has successfully completed a course approved by the Admissions & Education Committee.

[Rule 1620 added April, 2003]

[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.