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- (iii) the complaint is trivial, frivolous or of a vexatious nature; or
- (iv) the complaint does not raise an issue of competence or discipline; or
- (b) shall refer the complaint to the Chairperson of the Professional Standards Committee, the Chairperson of the Discipline Committee or to the Ethics Committee in accordance with section 40(2) of the *Act*.

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

(10) The complaints counsel may act under subrule (9)(b), 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.

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

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 he or she shall, unless it was previously done under Rule 300(8):

- (a) 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; 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.

Complainants' Review Procedure

302. (1) A Complainants' Review Committee is established, consisting of one or more persons appointed by the President.

(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 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 Chairperson of the Discipline 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) An application under subrule (2) shall be delivered to the complaints counsel or Executive Director not more than 30 days after the complainant was notified on the decision under review.

(4) The complaints counsel or Executive Director 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 Discipline 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 Chairperson of the Discipline 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]

Conflicts Review Committee

303. (1) A Conflicts Review Committee is established consisting of members of the Ethics Committee.

(2) Any person may apply to the Society for a ruling on a possible conflict of interest.

(3) Upon receipt by the Society of a request for ruling, one or more members of the Conflicts Review Committee shall:

- (a) (i) determine whether or not a conflict of interest does exist; and
- (ii) make whatever recommendations it sees fit to resolve the conflict if one has been found to exist or avoid a conflict from coming into existence; or
- (b) decline to make a ruling.

(4) A Conflicts Review Committee appointed under this Rule may make whatever inquiries it thinks necessary and may follow whatever procedure it finds to be most efficient.

[Rule 303 added April 27, 1995]

[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 Chairperson of the Discipline 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]

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. Upon completion of the review in Rule 321 and 322, the Chairperson shall:

- (a) refer the matter to the Chairperson of the Discipline Committee in accordance with section 40(4) of the *Act*;
- (b) refer the matter to the Ethics Committee;
- (c) refer the matter to a Professional Standards Investigation Committee appointed by the Chairperson under section 41(1) of the *Act* and/or direct that a law office management

review of the member's or his or her law firm's practice be conducted including, where appropriate, a review be conducted of some or all of the member's files and an examination of the procedures in place to reduce the risk of liability of insurance claims;
or

- (d) direct that no further action be taken if the matter does not raise an issue of competence.

[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]

Report to Professional Standards Committee

324. (1) Following its consideration under Rule 323, the Professional Standards Investigation Committee shall deliver to the Chairperson of the Professional Standards Committee and to the member a written report of its findings and recommendations.

(2) The Professional Standards Investigation Committee may recommend to the Chairperson of the Professional Standards Committee that:

- (a) a law office management review of the member's or his or her law firm's practice be conducted including, where appropriate, a review of some or all of the member's files and an examination of the procedures in place to reduce the risk of liability insurance claims;
- (b) the member meet with the Professional Standards Investigation Committee to determine whether the member is practising law in a competent manner;
- (c) the member provide his or her written consent to participate in a remedial program;
- (d) the member obtain a psychiatric or psychological assessment or counselling, or both, or obtain a medical assessment or assistance, or both, and report to the Committee the results of such actions;
- (e) all or some of the matter be referred to the Chairperson of the Discipline Committee; or
- (f) all or some of the matter be referred to the Ethics Committee.

[Rule 324 amended February 4 & 5, 1993]

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

Action by the Chairperson of the Professional Standards Committee

325. (1) After considering a report received under Rule 324, the Chairperson of the Professional Standards Committee may:

- (a) decide to take no further action;
- (b) refer the member to the Chairperson of the Discipline Committee;
- (c) refer the matter to the Ethics Committee; or
- (d) 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 educational institution;
 - (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)(d), 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)(d).
- (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)(d), 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)(d).

[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]

Confidentiality of Competence Matters

326. (1) Any:

- (a) information and documents which form part of a competence complaint, review or investigation.
- (b) any action taken or decision made respecting a competence complaint, review or investigation; and
- (c) any report prepared for a Professional Standards Investigation Committee or for the Professional Standards Committee

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]

[next rule is Rule 400]

D. Discipline

Review by Chairperson of Discipline Committee

400. (1) The Chairperson of the Discipline Committee:

- (a) shall promptly review any complaint submitted to him or her by the 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 he or she considers desirable.
- (2) Upon completion of the review or investigation, the Chairperson shall:
- (a) direct that no further action be taken, if he or she is of the opinion that the complaint does not constitute conduct unbecoming;

**LAW SOCIETY OF SASKATCHEWAN
APPLICATION FOR REINSTATEMENT AS AN ACTIVE MEMBER
BY AN INACTIVE OR DISQUALIFIED MEMBER
RULE 212 (1)
FORM P-3**

(Amended January, 2007)
(Amended December, 2007)
(Amended February, 2008)
(Amended December, 2008)
(Amended February, 2009)
(Amended November, 2009)

To the Law Society of Saskatchewan

I, _____
(name in full)

of the _____
(city/town)

in the Province of _____

hereby apply for reinstatement as an active member and submit herewith:

- a) the applicable reinstatement fee (plus G.S.T.);
- b) the Applicant's Questionnaire

DATED at _____ the _____ day of _____, 20____.

To the Law Society of Saskatchewan

Signature of Applicant

APPLICANT'S QUESTIONNAIRE

The Applicant's Questionnaire must be completed legibly.

All questions must be answered fully and precisely and the answers sworn to before a Notary Public or Commissioner for taking Affidavit. Omissions or inaccuracies may be grounds for rejection. If the space for any answer be insufficient, the applicant may complete his/her answer on a rider signed by him/her and firmly attached to this form.

1) (a) Full Name: _____

(b) Mailing Address: _____

Phone: _____ Fax: _____

Email: _____

2) In which Law Societies or Barristers' Societies have you held membership?

_____ Date of Call and Admission _____

_____ Date of Call and Admission _____

_____ Date of Call and Admission _____

3) Have you been actively engaged in the practise of law since you became an inactive/disqualified member of the Law Society of Saskatchewan? Please provide particulars.

4) If you have not been actively engaged in the private practice of law, by whom have you been employed?

Address _____

State fully, the nature and extent of the legal work performed during this employment. (Use separate sheet)

5) (a) Are you currently charged with an offence under:

- i) The *Criminal Code of Canada*? _____
- ii) The *Controlled Drugs and Substances Act*? _____
- iii) Any *Securities Act* of any Province of Canada? _____
- iv) Any *Income Tax Act* of Canada or any Province of Canada? _____
- v) Any *Act* in relation to Bankruptcy? _____
- vi) The *Customs and Excise Act*? _____
- vii) Any legislation in any jurisdiction where the offence is one involving dishonesty?

(If answered in the affirmative, give full details on a separate sheet)

(b) Are you currently a defendant in a civil action relating to fraud? _____

(c) Have you been convicted or received either an absolute discharge or conditional discharge for an offence under:

- i) The *Criminal Code of Canada*? _____
- ii) The *Controlled Drugs and Substances Act*? _____
- iii) Any *Securities Act* of any Province of Canada? _____
- iv) Any *Income Tax Act* of Canada or any Province of Canada? _____
- v) Any *Act* in relation to Bankruptcy? _____
- vi) The *Customs and Excise Act*? _____
- vii) Any legislation in any jurisdiction where the offence is one involving dishonesty?

(d) Have you been found liable in a civil action relating to fraud? _____

(If answered in the affirmative, give full details on a separate sheet, including details of convictions)

6) Have you:

(a) been suspended, disqualified, censured, or had disciplinary action instituted against yourself, as a member of any profession? _____

(b) been denied or revoked any license or permit, the procurement of which required proof of good moral character? _____

(c) been placed in bankruptcy, made a general assignment for the benefit of creditors been placed in receivership, been subject to a proposal under section 32, made an application for a consolidation order under section 190, or a petition for a receiving order under section 25 of *The Bankruptcy Act*? _____

(d) at any time not obeyed any order of any court which required you to do or abstain from doing any act. _____

(e) at any time been suspended or expelled from any post-secondary academic institution

If any of the above questions are answered affirmatively, give full details on a separate sheet.

7) Are there presently any civil judgments outstanding against you? _____
If answered in the affirmative, give full details on a separate sheet.

8) Have you ever been refused admittance to a Law Society or other professional organization?

If so, give full details: _____

9) Are you aware of any complaint or charge pending against you in your professional capacity which has not yet come to the attention of your Law Society or other governing body, which might result in your being disbarred, struck off the rolls, suspended, reprimanded or otherwise disciplined, subject to competency proceedings or practice conditions? _____

If so, give full details: _____

10) For what reason do you seek reinstatement as an active member of the Law Society of Saskatchewan? _____

11) When do you intend to take up practice in Saskatchewan? _____

I DO SOLEMNLY DECLARE that the statements contained in this Questionnaire are complete and true in every respect.

AND I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED before me at the _____ of
_____ in the
Province of _____
this _____ day of _____
20 _____.

(Signature of Applicant)

A COMMISSIONER FOR OATHS or NOTARY PUBLIC in and
for the Province of Saskatchewan.
My Commission expires: _____
(or) Being a solicitor.

The applicant is advised that the Law Society of Saskatchewan reserves the right to make such further and additional enquiries as may be considered necessary and to contact any references named herein for further details.

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