

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.

(17) The Society may cause to be published any order or decision of the Committee in any or all of the following:

- (a) a newspaper of general circulation in each community in which the member maintained an office;
- (b) the Law Society of Saskatchewan website;
- (c) CanLII or any other decision publishing entity approved by the Benchers.

Costs

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

[Rule 230(11) amended June 9, 1999]

[Rule 230(17)(h) amended December 2, 2010]

[Rule 230 amended to add (17)(a),(b) & (c) under *Decision of the Committee*, thereby affecting numbering under *Costs* to change from (17) to (18), February 15, 2013]

[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*.

491. (1) Members of the public may attend and observe a hearing before a Hearing Committee pursuant to Rule 450 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) These rules will apply to all discipline matters where 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]

[Rule 491(1) amended; deleted former 491(3), changing (4) to read (3); 491(3) amended, February 15, 2013]

[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, 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 Director has been notified that 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;
 - (ii) the Chief Justice of the Saskatchewan Court of Queen's Bench;
 - (iii) 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) shall cause to be published a notice of the suspension or disbarment or resignation in the face of discipline as well as any related decision or order of the Conduct Investigation Committee in any or all of the following:
 - (i) a newspaper of general circulation in each community in which the member maintained an office;
 - (ii) the Law Society of Saskatchewan website;
 - (iii) CanLII or any other decision publishing entity approved by the Benchers;
- (d) may cause to be published any order or decision of a Hearing Committee in accordance with sub (c);

(3) Subject to Rule 491(2) and Rule 401(2)(b), the Executive Director shall publish a decision pursuant to (1) or (2), or any other decision made by the Discipline Committee or a Hearing Committee at one or more of the following times:

- (a) during or after a hearing in relation to allegations of misconduct, regardless of whether or not the allegations have been proven; and
- (b) after a penalty has been assessed.

(4) 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 in any manner that the Executive Director considers appropriate.

(5) Where part of a hearing is ordered private pursuant to Rule 491, the Hearing Committee decision shall be published, but those portions of the hearing which were ordered private shall be redacted.

(6) A decision published pursuant to (1) or (2), or resulting from any other hearing, may identify the complainant or any witnesses that testified at the hearing by using their initials.

[Rule 495(4) added September 9, 1999; Rule 495(1) and (2) amended October, 2003]

[Rule 495 (1), (2) & (2)(a) amended, (2)(b) (i) through (iii) added, (2)(c) amended and (2)(c)(iii) added, (3) amended; (4) deleted June 17, 2010]

[Rule 495(1) amended October 21, 2010]

[Rule 495(1) and 495(1)(b) amended; 495(2)(c) and (i) – (iii) amended; 495(2)(d) and (4) added April 14, 2011]

[Rule 495 amended to insert new (3)(a) & (b), thereby changing numbering; item (4) amended; item (6) added, February 15, 2013]

Retention of Documents

496. The Society shall not dispose of or destroy any document within its possession or power relating to a proceeding under this Part until the later of:

- (a) the time for commencing a judicial review or an appeal from a decision under this Part has expired, and no such review or appeal has been commenced; or
- (b) all proceedings by way of judicial review or appeal from a decision under this Part have been completed.

Appeal to Court of Appeal

497. The Conduct Investigation Committee may direct Counsel for the Conduct Investigation Committee to proceed with an appeal under section 56 of the *Act* within 30 days of the day of the decision of the Hearing Committee by filing notice with the Court of Appeal, as set out in section 56 of the *Act*.

[Rule 497 added June 17, 2010]

[Part 9 – Mediation Rules 570 - 573 deleted in their entirety June 24, 2011]

[next rule is Rule 600]