



The Law Society of Saskatchewan

HANDBOOK AMENDMENTS

Release 2013-3

June 20, 2013

Special Notice

The on-line version of the Rules and Forms will always be current and members can rely on the on-line version for reference.

Alternatively, if members prefer to keep a printed copy in their handbook, the amendments will be posted on the website containing a release number and date. By clicking on the link, only the release form and amended pages will print. There will also be an option to print entire documents for new members who do not have copies of previous documentation.

Trust Account forms are located on the website under *Publications, Trust Account Forms*.

Note:

Amendments were made to the following sections:

- Table of Contents
- Part 6 – Committees
- Part 7 – Admissions
- Part 8 – Professional Standards
- Part 10 – Insurance
- Schedule 1 – Fees and Assessments

Amendments made to the Rules are summarized on the following pages. If you maintain a hard copy binder in your office, please **print the entire set of Rules** posted on the website, as the amendments have affected much of the page numbering. We encourage you to refer to the website whenever you need to review the Rules, as the on-line version will always be current.

Instructions for Insertion:

Document	Remove pages	Insert pages
Table of Contents - amended		

Part 6 - Committees		
Rule 125(g), Admissions & Education Committee – amended		
Part 7 - Admissions		
Rule 149.A, Notification of Convictions – added (4) to (6)		
Rule 205.1, Suspended Member – amended		
Rule 205.3, Former Member - amended		
Rule 208(1) to (5) – new category of membership called Pro Bono Member added		
Rules 150, 156, 159 & 171 - the language used to refer to law degrees and NCA Certificates was amended to make it consistent between the Rules.		
- Rule 150(g), Application for Admission as a Student-at-Law		
- Rule 156(2)(b)(i) & (ii), Proof of Entry into Articles		
- Rule 159(3)(b), Bar Admission Program		
- Rule 171(2)(b)(v), Admission as a Lawyer		
Rule 162(1), Admission of Students-at-Law - amended		
Rule 205(1), Inactive Member – formatting amendment		
Rule 205.5, Active Member – new definition added		
Rule 206(1), Retired Member – formatting amendments		
Rule 210(1), Resignation from the Society - amendment		
Part 8 – Professional Standards and Discipline		
Rule 495(2), Notice of Disciplinary Action - amended		
Part 10 – Insurance		
Rule 605(4)(g), Saskatchewan Lawyers' Insurance Association Inc. – amended to include new category of membership, pro bono members		
Schedule 1 – Law Society Fees and Assessments		
C. Liability Insurance Assessment fee – fee increase		

**Certified True Copy of Amendments
to the Rules of the Law Society of Saskatchewan
April 25 & 26, 2013**

It was moved, seconded and carried that the *Rules* of The Law Society of Saskatchewan be amended. Please note that deletions have a “line-through” for identification purposes.

**Schedule 1
Law Society Fees and Assessments**

The Benchers approved an increase in the annual Liability Insurance Assessment fee.

C. Liability Insurance Assessment

1. Annual Assessment	1,025 1,560
2. Late payment fee	75/wk or part thereof
3. Insurance deductible reimbursement late payment fee	100

Part 7 – Admissions

Since reciprocal suspension/disbarment will be immediate and will not require the Discipline Process or similar lengthy process, it should be kept distinct and included as a new Rule in the Admissions section. Rule 149.A(4) through (6) were added for this purpose.

Notification of Convictions

149.A (4) If the disciplinary body of an extra-provincial law society orders the suspension of the membership of a Saskatchewan member in that society:

(a) pending an investigation relating to the Saskatchewan member;

(b) pending the outcome of any disciplinary proceedings against the Saskatchewan member; or

(c) at the conclusion of any disciplinary proceedings against the Saskatchewan member,

the Law Society, without any other proceedings under the Rules, shall suspend the Saskatchewan member's membership in the Society for a period co-extensive with the period of suspension ordered by the disciplinary body.

(5) If a suspension in an extra-provincial law society is stayed, the suspension will also be stayed in Saskatchewan for a co-extensive period.

(6) If the disciplinary body of an extra-provincial law society orders the disbarment of a Saskatchewan member from that society, the Law Society, without any other proceedings under the Rules, shall disbar the Saskatchewan member.

Under *Categories of Membership*, the definition of Suspended Member and Former Member should be amended to reflect the change in Rule 149.A. Also, Rule 470 was deleted in June 2010, therefore, reference to this Rule has been removed.

D. Categories of Membership

Suspended Member

205.1 Means a person that has been suspended pursuant to Rule 450 or ~~Rule 470: is suspended or prohibited for disciplinary reasons from practicing law in another jurisdiction pursuant to Rule 149(4).~~

Former Member

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

Minor amendments were made to the following Rules:

- Rule 205(1) is merely a formatting amendment.
- Rule 205.5 was added to outline the definition of an active member.
- Amendment to Rule 206(1) is also a formatting amendment to make it consistent with Rule 206(2).
- Rule 210(1) was amended to use the terminology “inactive” instead of non-practising.

Inactive Member

205. ~~(1)~~—An inactive member has all the rights and duties of membership in the Society but is not permitted to practise law. A lawyer may apply to be inactive pursuant to Rule 210.

Active Member

205.5 An active member is a member who holds a certificate in accordance with *The Legal Profession Act* and Rule 1100.

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)~~ may apply to the Executive Director pursuant to Rule 210

to be designated a retired member.

- (2) Retired members have all the rights and duties of membership in the Society except they are:
 - (a) not permitted to practise law; and
 - (b) not required to pay the annual fee.

Resignation from the Society

210. (1) A practising member may apply to resign, retire or go ~~non-practising-inactive~~ by filing form P-1A with the Executive Director.

The Benchers approved a new category of practicing lawyers called Pro Bono Member.

Pro Bono Member

- 208. (1) An active member may apply for a change of status to a pro bono member.
- (2) Any member applying for reinstatement under Rule 211 may apply to be reinstated as a pro bono member on the same terms and conditions as required under Rule 211 for reinstatement to active membership but will be exempt from the reinstatement fee provided in Rule 211(b).
- (3) All applications for pro bono membership shall include an undertaking to restrict practice to legal services provided through pro bono organizations approved by the Society.
- (4) Pro bono members are exempt from paying the annual fee, the annual insurance levy, and any registration fees for Continuing Professional Development programs provided by the Society.

(5) Each year, pro bono members are required to file the following:

- (a) a letter from an approved pro bono agency, certifying that the pro bono member continues to be actively serving the approved pro bono organization; and
(b) an Annual Practice Declaration.

As a result of the addition of Rule 208, Rule 605(4)(g) was amended to reflect the new category of membership.

Part 10 - Insurance

Saskatchewan Lawyers' Insurance Association Inc.

605.

- (4) The following members are exempt from payment of the annual assessment under subrule (1) and any special assessments under subrule (2):
- (a) students-at-law;
 - (b) members employed by or on an exclusive contract with the Saskatchewan Department of Justice as full-time prosecutors;
 - (c) members employed by the Federal Department of Justice or the Public Prosecution Services of Canada;
 - (d) members not resident in Saskatchewan and Canadian Legal Advisors who comply with subrule (5);
 - (e) inactive members;
 - (f) retired members;
 - (g) pro bono members; and
 - ~~(gh)~~ other members as approved by the Benchers.

Part 6 – Committees

The Mediation Rules were deleted in June 2011, however, reference to them was not removed from Rule 125; therefore, Rule 125(g) was deleted to remove the reference to the former Mediation Rules.

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; and
~~(g) supervise administration of the Rules respecting members acting as mediators; and~~
~~(hg)~~ perform any other duties assigned to it by the Benchers.

Part 7 – Admissions

Rules 150, 156, 159 and 171 refer to the requirement for an applicant to hold either a Canadian Common Law degree or a Certificate of Qualification from the National Committee on Accreditation (NCA). However, the language used to refer to law degrees and NCA Certificates is inconsistent between these Rules, therefore, they were amended to maintain consistency.

Application for Admission as a Student-at-Law

150...

...(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 approved by the Federation of Law Societies of Canada; or
- (ii) the applicant holds a Certificate of Qualification issued by the National Joint Committee on Accreditation of appointed by the Federation of Law Societies of Canada ~~and the Council of Canadian Law Deans~~;

Proof of Entry into Articles

156...

...(2)

...(b) satisfactory evidence that the student-at-law:

- (i) has successfully completed the requirements for a Bachelors degree or a juris doctor degree from a common law faculty of law in a Canadian university approved by the Federation of Law Societies of Canada ~~Benchers~~; or
- (ii) holds a Certificate of Qualification Equivalency issued by the National Committee on Accreditation of appointed by the Federation of Law Societies of Canada ~~and the Committee of Canadian Law Deans~~; and

Bar Admission Program

159...

...(3) An applicant for admission to the Bar Admission Program must:

- ...(b) hold a Bachelors degree or a juris doctor degree from a common law faculty of law in a Canadian university approved by the Federation of Law Societies of Canada or a Certificate of Qualification equivalency issued by from the National Committee on Accreditation of the Federation of Law Societies of Canada;

Admission as a Lawyer

171...

...(2)

...(b) deliver to the Executive Director:

- ...(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 approved by the Federation of Law Societies of Canada or a Certificate of Qualification Equivalency issued by the National Committee on Accreditation of appointed by the Federation of Law Societies of Canada ~~and the Council of Canadian Law Deans~~;

Rule 162(1) did not include a reference to Rule 150, which was an oversight. Therefore, Rule 162(1) was amended to include reference to Rule 150.

Admission of Students-at-Law

162. (1) The Executive Director may grant any application or may refer any application under Rules 150, 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.

Part 8 – Professional Standards and Discipline

Notice of suspension and disbarment is currently contained in Rule 495.(2) and has also been amended to reflect the changes in Rule 149(A).

Notice of Disciplinary Action

495. (2) Where a member is suspended or disbarred under Rules 420, ~~or~~ 450, or 149(4) 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) 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;



CERTIFIED to be a true copy of the resolutions passed by the Benchers of the Law Society of Saskatchewan at their meeting held April 25 & 26, 2013.

THOMAS J. SCHONHOFFER, Q.C.
Executive Director