

**Certified True Copy of Amendments  
to the Rules of the Law Society of Saskatchewan  
September 11 and 12, 2014**

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.

Part 7, formerly titled *Admissions*, has been amended in its entirety due to the complexity of membership issues. This section of the Rules has been divided into two parts: Part 7 and 7A.

Part 7 has been renamed *Membership and Practice Privileges*, which retains the bulk of the Admissions Rules. Part 7A has been named *National Mobility and Interjurisdictional Practice* and contains Rules regarding national mobility and interjurisdictional practice.

**PART 7**

**Membership and Practice Privileges**

**Definitions**

149. In this Part,

“**Admissions Panel**” means a Panel appointed pursuant to sections 23 and 24 of the *Act* and Rule 190 for the purpose of conducting a review of an application for admission as a Student-at-law or a Lawyer.

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

“**Executive Director**” includes a person designated by the Executive Director to perform any of the duties assigned to the Executive Director in this Part;

“**Hearing Panel**” means a Panel appointed by the Chair of the Committee pursuant to Rule 177 for hearing applications under this Part.

“**Lawyer**” means an Active Member.

“**Student-at-law**” means a person admitted to the Society pursuant to Rule 151.

“**Suitability to Practise**” means honesty, governability, financial responsibility and respect for the rule of law and the administration of justice and “**suitable to practise**” has a corresponding meaning.

**A. Categories of Membership**

150. In this part:

(1) “**Active Member**” means a person with a valid practising certificate in accordance with *The Legal Profession Act* and Rule 166 and therefore entitled to practise law.

(2) “**Canadian Legal Advisor**” means a member admitted pursuant to Rule 208.

(3) “**Disqualified Member**” means a member who has been disqualified in accordance with Rule 162, 168 or Rule 171. A Disqualified Member has none of the rights of membership and is not entitled to practise law for the period of the disqualification.

(4) “**Former Member**” means a person who was a member, but who has resigned, has been appointed to the judiciary or has been disbarred. A Former Member has none of the rights of membership and is not entitled to practise law.

(5) “**Inactive Member**” means a person that has qualified in all respects to be admitted as a Lawyer but has elected not to maintain a practising membership. An Inactive Member has all the rights and duties of membership in the Society, but is not permitted to practise law.

(6) “**Law Professor Member**” means an Active Member permitted to practise in accordance with Rule 163.

(7) “**Pro Bono Member**” means an Active Member permitted to practise in accordance with Rule 164.

(8) “**Retired Member**” means a person who has been granted retired membership status pursuant to Rule 173. A Retired Member is not permitted to practise law.

(9) “**Senior Life Member**” means a person who has been granted a senior life membership by the Benchers pursuant to Rule 165.

(10) “**Suspended Member**” means a person that has been suspended pursuant to Rule 399, 420 or 450. A Suspended Member has none of the rights of membership and is not entitled to practise law during the period of the suspension.

## **B. Students-at-Law**

### **Admission as a Student-at-Law**

151. A person applying for admission as a Student-at-law shall submit:

- (a) an application for admission in a form approved by the Committee;
- (b) original or notarial copies of certified government issued documentation, such as a driver’s license, birth certificate or passport, verifying the applicant’s identity;
- (c) documents establishing the applicant’s Suitability to Practise, including but not limited to:
  - (i) testimonials, in a form approved by the Committee, from 2 persons who have known the applicant for at least 3 years, verifying the applicant’s Suitability to Practise;
  - (ii) in the case of an applicant who is a member of another governing body of the legal profession, a certificate of standing from each 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;
  - (iii) a police record check or such other information from law enforcement as may be required by the Executive Director;
- (d) documents verifying that the applicant:
  - (i) has successfully completed at least two years towards the requirements for a Bachelor’s degree or Juris Doctor from a common law faculty of law in a Canadian university approved by the Federation of Law Societies of Canada;
  - (ii) holds a Certificate of Qualification issued by the National Committee on Accreditation of the Federation of Law Societies of Canada; or
  - (iii) has completed all courses and examinations required to obtain a Certificate of Qualification issued by the National Committee on Accreditation of the Federation of Law Societies of Canada;
- (e) in the case of an applicant who was previously a student-at-law in another Canadian Province or Territory, a document stating the particulars of that experience;
- (f) in the case of an applicant that is not a Canadian citizen, proof of the applicant’s entitlement to work in Canada;
- (g) any other information or documents requested by the Executive Director; and
- (h) the Student-at-law application fee fixed under subrule 820(1).

### **Approval to Act as a Principal**

152. (1) A lawyer seeking to act as a principal must:

- (a) meet the requirements of Rule 176(2);
- (b) be a lawyer currently practising full-time in Saskatchewan; and
- (c) have practised in Saskatchewan for at least the past 5 consecutive years.

(2) Prior to hiring a Student-at-law, a lawyer must submit:

- (a) an application to the Executive Director for approval as a principal in a form approved by the Committee and pursuant to Rule 176; and
  - (b) any other information and documents required by the *Act* or these Rules, or requested by the Executive Director.
- (3) A member shall only act as a principal to one Student-at-law at a time, except in the following circumstances, where a maximum of two Students-at-law may be articulated to the member:
- (a) during the final 3 months of one Student-at-law's articles; or
  - (b) during a secondment under Rule 157.
- (4) The Executive Director may approve as a principal a member who does not meet the qualifications stated in Rule 152 but who satisfies the Executive Director that he or she is suitable to act as a principal.
- (5) A principal who ceases to meet the qualifications set by this Rule shall immediately notify the Executive Director in writing.
- (6) If the Executive Director becomes aware that the principal no longer meets the requirements of subrule (1), the Executive Director may:
- (a) revoke the approval of the principal; or
  - (b) refer the matter to the Committee for its consideration.

### **Commencement of Articles**

153. (1) Following admission as a Student-at-law and approval of one or more principals, but before the commencement of articles, the Student-at-law and the principal must file:
- (a) an articling agreement in a form approved by the Committee;
  - (b) documents verifying that the student:
    - (i) has successfully completed the requirements for a Bachelor's degree or a Juris Doctor from a common law faculty of law in a Canadian university approved by the Federation of Law Societies of Canada;
    - (ii) holds a Certificate of Qualification issued by the National Committee on Accreditation of the Federation of Law Societies of Canada; or
    - (iii) has completed all courses and examinations required to obtain a Certificate of Qualification issued by the National Committee on Accreditation of the Federation of Law Societies of Canada; and
  - (c) the fee pursuant to Rule 820(2).
- (2) The Executive Director may require a Student-at-law and principal to submit an education plan within a specified time.

### **Articling Term**

154. (1) The articling term will commence on the date when all conditions necessary for commencement of articles have been satisfied pursuant to Rule 153 and shall end on the expiry of 12 months.
- (2) The 12-month articling term includes:
- (a) the period of time that the Student-at-law attends the Bar Admission Program; and
  - (b) such reasonable time away from articles for vacation, illness or other personal reasons as may be approved by the principal and not to exceed 15 working days;
- but does not include:
- (c) any time spent articling before the requirements referred to in Rule 153(1) have been fulfilled; and
  - (d) any time spent at the Bar Admission Program prior to the fulfillment of the requirements of Rule 153(1)(b).
- (3) The twelve month term shall be completed within 24 months of commencement of the articling term or the Student-at-law status may be revoked.
- (4) The Executive Director may approve applications to amend the articling start date in exceptional circumstances.

## **Supervision by the Courts**

155. (1) A Student-at-law may serve articles to a Justice of the Saskatchewan Court of Appeal, the Saskatchewan Court of Queen's Bench, the Supreme Court of Canada or any Federal Court of Canada or a Judge of the Provincial Court of Saskatchewan.

(2) A Student-at-law articulated to a court shall serve for not less than 2 months to a member approved as a principal pursuant to Rule 152.

(3) The rules applying to Students-at-law and principals apply to Students-at-law articling with a court, subject to any necessary modifications.

## **Transfer into Saskatchewan as a Student-at-Law**

156. A student-at-law from another Canadian Province or Territory seeking to transfer into Saskatchewan must:

(a) apply to be admitted as a Student-at-law pursuant to Rule 151; and

(b) comply with all other Rules under this Part.

## **Secondment of Articles**

157. A principal may permit a Student-at-law to work in the office of another member approved to act as a principal pursuant to Rules 152, or to a court pursuant to Rule 155(1), for a total of 2 months during the Student-at-law's articling term.

## **Assignment of Articles**

158. (1) The articles of a Student-at-law may be assigned from one principal to another principal (hereinafter referred to as the "**Assignee Principal**"), provided that:

(a) the Assignee Principal is approved by the Executive Director pursuant to Rules 152 and 176;

(b) the Student-at-law, the principal and the Assignee Principal execute and file an assignment of articles in a form approved by the Committee; and

(c) the articling assignment fee fixed by the Benchers under subrule 820(3) is paid.

(2) The Executive Director may require the Assignee Principal and Student-at-law to submit a revised education plan for approval.

## **Bar Admission Program**

159. (1) A Student-at-law must apply for admission to the Bar Admission Program (the "**Program**") at least 60 days before the commencement of the Program, by submitting:

(a) the application form for registration in the Program;

(b) the prescribed fee under subrule 820(4).

(2) A Student-at-law may apply to the Executive Director to extend the deadline for application into the Program.

(3) To complete the Program, Students-at-law must:

(a) fulfill all of the requirements of the Program pursuant to the Program Handbook; and

(b) comply with the policies set from time to time by the Society regarding administration of the Program.

(4) The Executive Director may, upon application, approve a Student-at-law's absence from a face-to-face session or online portion of the Program.

(5) Students-at-law are expected to conduct themselves according to the standards of the profession during the Program. The Executive Director has discretion to deal with misconduct by:

(a) placing conditions on a Student-at-law's attendance in the Program;

(b) imposing academic sanctions; or

(c) suspending a Student-at-law from the Program.

(6) The Student-at-law may appeal a suspension imposed by the Executive Director to a Hearing Panel, in which case a Hearing will be conducted pursuant to Rules 178-188.

(7) Students-at-law who do not successfully complete the Program will be allowed one additional opportunity to repeat the Program.

(8) Students-at-law are expected to commence articles prior to participating in the Program.

(9) Any Student-at-law who has not commenced articles upon completion of 5 modules of the Program shall discontinue the Program.

### **Services Performed by Students-at-Law**

160. (1) Subject to the *Act*, the *Queen's Bench Rules of Court*, the *Criminal Code of Canada*, and subrule (2), a Student-at-law may perform any legal service that the 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 give or accept a professional undertaking.

## **C. Lawyers**

### **Admission as a Lawyer Following the Bar Admission Program**

161. (1) A Student-at-law applying for admission as a Lawyer must:

- (a) satisfactorily complete:
  - (i) the articling term;
  - (ii) the Program; and
- (b) deliver to the Executive Director:
  - (i) an application for admission as a Lawyer in a form approved by the Committee and pursuant to Rule 176;
  - (ii) a principal's affidavit in a form approved by the Committee;
  - (iii) an affidavit of Program attendance;
  - (iv) the oath of office;
  - (v) the lawyer admission application fee under subrule 830(1); and
  - (vi) any other information and documents required by the *Act* or these Rules, or requested by the Executive Director.

### **Formal Admission**

162. (1) A person who has been approved for admission under Rules 161 and 206 shall, within 6 months from the date of approval:

- (a) deliver to the Executive Director the applicable admission fees and insurance requirements fixed by the Benchers under these Rules; 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) is thereby admitted to membership in the Society as a Lawyer and shall have their name entered on the Law Society Roll.

(3) Upon the expiration of the time referred to in subrule (1), the Executive Director may:

- (a) upon application, extend the time to comply with subrule (1); or
- (b) require the person to submit a new application for admission.

### **Law Professor Members**

163. (1) An Active Member who is a tenured or tenure-track member of the University of Saskatchewan College of Law may apply for a change of status to a Law Professor Member.

(2) An applicant under this Rule must deliver to the Executive Director:

- (a) an application for change of status in a form approved by the Committee;
- (b) the law professor admission application fee fixed by the Benchers under subrule 830(5);
- (c) an undertaking, satisfactory to the Executive Director, to only engage in the practise of law in a limited manner, including a description of their practice ("**Undertaking**"); and
- (d) any other information and documents required by the *Act* or these Rules, or requested by the Executive Director.

(3) A member may apply to be reinstated as a Law Professor Member by:

- (a) submitting an application under Rule 175; and
  - (b) delivering an Undertaking.
- (4) A member granted Law Professor Membership is entitled to practise in a limited manner consistent with the Undertaking required under subrule (1)(e)(iii).
- (5) A practising certificate shall be issued to a person admitted as a Law Professor Member, and each year upon receipt of an Undertaking, and shall be endorsed with the words "Law Professor Membership."
- (6) The membership of a person admitted under subrule (1) or (2) ceases:
- (a) for the time during which the person is on leave from the University of Saskatchewan College of Law; or
  - (b) on the date that the person ceases to be a full-time tenured or tenure-track member of the University of Saskatchewan College of Law.

### **Pro Bono Member**

164. (1) An Active Member may apply for a change of status to a Pro Bono Member.
- (2) A member may apply to be reinstated as a Pro Bono Member on the same terms and conditions as required under Rule 175 for reinstatement to Active Membership but will be exempt from the fee provided in Rule 175(2)(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) 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.
- (5) 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.

### **Senior Life Member**

165. (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;
  - (b) is, or was in the immediately preceding year, a member of the Society; and
  - (c) has contributed significant public or legal service to the people of Saskatchewan.
- (2) Senior Life Members are not required to pay the annual fee applicable to their category of membership but have all of the remaining rights and duties of membership and may practise law if they maintain professional liability insurance pursuant to Rule 605 and otherwise comply with these Rules and the *Act*.

## **D. Membership Duties**

### **Practising Certificate**

166. (1) A member requires a valid practising certificate to be entitled to practise.
- (2) The Executive Director shall, in respect of each practise year, issue a practising certificate to an Active Member who, before the commencement of that practise year:
- (a) has paid the fees fixed under Rule 800;
  - (b) has filed an 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.
- (3) The practising certificate of a Disqualified or Suspended Member becomes invalid for the duration of the period of disqualification or suspension, as the case may be.

### **Liability Insurance**

167. Unless exempted by these Rules, payment of all insurance premiums, surcharges and deductibles pursuant to Rule 605 is a condition of the practice of law in Saskatchewan.

### **Continuing Professional Development Policy**

168. (1) All members shall comply with the Continuing Professional Development Policy approved by the Committee (the “CPD Policy”).

(2) The Executive Director may, with respect to any member who fails to comply with the CPD Policy:

- (a) refer the member to Complaints Counsel;
- (b) disqualify the member; or
- (c) notify the member that he or she will be disqualified within 30 days, or such further period as may be determined by the Executive Director.

(3) A member who has been disqualified due to non-compliance with the CPD Policy may apply to the Executive Director for reinstatement by:

- (a) certifying compliance with the CPD Policy in a form approved by the Committee; and
- (b) submitting the fee required in Rule 871.

### **Notification of Proceedings**

169. (1) A member, Student-at-law, applicant for admission or re-admission, or a lawyer practicing in Saskatchewan pursuant to Rules 192-204 shall immediately report to the Executive Director:

- (a) particulars of charges and any disposition of the charges laid under the following:
  - (i) an offence under any law in force in Canada where the offence was prosecutable either as an indictable offence or as a summary conviction offence;
  - (ii) the *Securities Act* of any province of Canada;
  - (iii) an offence committed outside Canada and similar to any of the kinds of offences described in clauses (a) or (b);
- (b) any suspension, investigation, supervision, undertaking, conditions or similar processes including, but not limited to, discipline, professional standards, competency, accounting, or audit proceedings, by a professional regulatory body in any jurisdiction.

### **Contact Information**

170. All members are required to keep information current in the Society database as follows:

- (a) place of work;
- (b) work address;
- (c) work phone; and
- (d) email address.

## **E. Disqualification, Resignation, Retirement, Inactive Membership and Reinstatement**

### **Disqualification for Non-payment of Fees**

171. (1) An Active or Inactive Member who fails to pay the applicable fee is disqualified from the rights and privileges accorded to membership.

(2) A member disqualified under this Rule may apply for reinstatement pursuant to Rule 175.

(3) Notwithstanding subrule (1) a Disqualified Member who is the subject of an investigation by an Investigation Committee or Complaints Counsel or has been named in a formal complaint which has not yet been before a Hearing Committee remains subject to any outstanding discipline matters.

### **Notification of Disqualification**

172. The Executive Director shall, promptly after each January 1:

- (a) notify all Disqualified Members of their disqualification;
- (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 on the Society website identifying those persons who have become Disqualified Members.

## **Retired Member**

173. (1) A member who is either:

- (a) 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
- (b) permanently unable to practise law due to disability;

may apply to the Executive Director, pursuant to Rule 174, to be designated a Retired Member.

(2) Retired Members have all the rights and duties of membership in the Society except that they are not required to pay the annual fee and are not permitted to practise law.

## **Resignation, Retirement or Inactive Status**

174. (1) An Active Member may apply to resign or become a Retired Member or an Inactive Member by filing the applicable form with the Executive Director.

(2) The Executive Director may approve an application under this Rule subject to any condition, including subsequent reporting requirements on a matter mentioned in subrule (4).

(3) A member applying under this Rule who is currently under investigation or aware of any potential complaint to the Society must advise the Executive Director. When the Executive Director is aware of any complaint or potential complaint, the member may be advised to apply for resignation under Rule 400(4) or 400.1, to be considered in accordance with the Part 8 Rules.

(4) The Executive Director, in exercising the authority granted in subrule (2), shall consider whether:

- (a) the member has made adequate arrangements for clients, including management of:
  - (i) open and closed files;
  - (ii) wills and wills indices;
  - (iii) titles and other important documents and records;
  - (iv) other valuables;
  - (v) trust accounts and trust funds; and
  - (vi) other matters necessary for the protection of the public.
- (b) the member is in arrears of payment to the Society or delinquent in filing any report, response or document required by the Society; and
- (c) granting the application is inimical to the public interest or the members, or would harm the standing of the legal profession.

## **Reinstatement or Change in Membership Category**

175. (1) This Rule applies to:

- (a) Former Members;
- (b) Inactive Members;
- (c) Retired Members;
- (d) Law Professor Member;
- (e) Pro Bono Member; and
- (f) members disqualified pursuant to Rule 171.

(2) A member may apply to the Executive Director for reinstatement in the Society or change in membership category in accordance with Rule 176 and by delivering:

- (a) the application form required by the Executive Director;
- (b) the applicable fee; and
- (c) arrears, if any, of any fees payable to the Society and fulfillment of any obligation to the Society.

(3) Where an applicant has not been actively practising law within the 5 years immediately preceding the application, there will be a rebuttable presumption that the applicant lacks competency.

(4) An applicant under this rule who:

- (a) was a judge of the Supreme Court of Canada, the Federal Court of Canada, the Court of Appeal of Saskatchewan, the Saskatchewan Court of Queen's Bench, or the Provincial Court of Saskatchewan, shall give a written undertaking not to appear as counsel in a Court in the Province for 3 years after ceasing to be a judge; or



- (b) served in an adjudicative capacity on an administrative tribunal shall give a written undertaking not to appear as counsel before that tribunal for 3 years after ceasing to be a member of that tribunal.

## **F. Applications, Hearings and Appeals**

### **Applications**

- 176. (1) This section applies to the following applications in this Part of the Rules:
  - (a) admission as a Student-at-law;
  - (b) admission as a Lawyer;
  - (c) admission as a transfer Lawyer;
  - (d) admission as a Canadian Legal Advisor;
  - (e) approval as a principal;
  - (f) reinstatement of a Former Member who was disbarred, resigned in the face of discipline pursuant to Rule 400(4) or resigned instead of continued proceedings pursuant to Rule 400.1; and
  - (g) all applications under Rule 175 other than those under subrule (1)(f).
- (2) In any application under this Part, applicants have the onus of proving that:
  - (a) they are Suitable to Practise;
  - (b) they are competent to perform the required duties, as applicable; and
  - (c) granting the application would not be inimical to the public interest or the members and would not harm the standing of the legal professional generally.
- (3) All applications shall be submitted to the Executive Director who shall:
  - (a) review the application;
  - (b) make any enquiries and investigations necessary into the applicant's competence and Suitability to Practise, including:
    - (i) the applicant's education and training;
    - (ii) the applicant's experience in the legal profession;
    - (iii) any temporal gaps in the applicant's education and practice experience;
    - (iv) notices of proceedings pursuant to Rule 169;
    - (v) notices of bankruptcy pursuant to Rule 1011;
    - (vi) involvement with the Society or any other professional regulatory body including, without limitation:
      - (A) Discipline Committee investigations and rulings;
      - (B) Professional Standards Committee investigations;
      - (C) Special Fund claims or processes;
      - (D) professional liability insurance claims;
      - (E) failure to pay monies owing to the Society;
      - (F) complaints against the member;
      - (G) general correspondence from the administration office;
    - (vii) the applicant's place or proposed place of work or employment, including the type of work conducted and the involvement with the Society of members in that place of work or employment; and
    - (viii) any other relevant matter.
- (4) The Executive Director shall direct the Chair of the Committee to strike a Hearing Panel to hear and determine the application pursuant to Rules 178-188 for an application under subrule (1)(f).
- (5) The Executive Director may:
  - (a) approve an application, except for applications under subrule (1)(f);
  - (b) approve an application under subrules (1)(a)-(e) and (g) with conditions;
  - (c) deny an application under subrule (1)(e) or (g), or any application that is incomplete; or
  - (d) direct the Chair of the Committee to strike a Hearing Panel to hear and determine the application pursuant to Rules 178-188.
- (6) An applicant under subrules (1)(a)-(e) and (g) may appeal the Executive Director's decision to approve the application with conditions or deny the application, as applicable.
- (7) Rules 177-188 apply to appeals under subrule (6).

(8) Where an application has been approved with conditions or denied, the Executive Director shall promptly provide written reasons to the applicant and advise the applicant of the right of appeal where applicable.

(9) Where an application has been referred to a Hearing Panel, the Executive Director shall promptly notify the applicant in writing.

(10) Any procedural defect in an application may be waived by the Executive Director if it is not inimical to the public interest.

### **Hearing Panel**

177. (1) All hearings held under this Part will be heard by a Hearing Panel appointed by the Chair of the Committee.

(2) A Hearing Panel appointed under subrule (1) shall consist of not more than three persons and may include:

- (a) Benchers;
- (b) former Benchers and members, as needed; and
- (c) any other persons, approved by the Benchers, who have had satisfactory tribunal hearing training or experience, as needed.

(3) The Chairperson of a Hearing Panel appointed under this Rule shall be a member of the Committee at the time of appointment.

### **Notice of Hearing**

178. (1) When a Hearing Panel is appointed under this Part, the Society shall promptly notify the applicant in writing of:

- (a) the purpose of the Hearing; and
- (b) the date, time and place of the Hearing.

(2) A notice referred to in subrule (1) 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 consents, in writing, to a shorter period.

### **Disclosure**

179. Rule 432 applies to Hearings under this Part, with any necessary modifications.

### **Security for Costs**

180. (1) Upon application by the Society, the Hearing Panel may order the applicant to pay security for costs in an amount determined appropriate in the circumstances.

(2) The Hearing Panel 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.

### **Adjournment**

181. The Chair of the Hearing Panel may adjourn the hearing from time to time.

### **Attendance at the Hearing and Right to Counsel**

182. (1) The applicant:

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

(2) The Society may appear with counsel.

### **Onus and Burden of Proof**

183. The onus is on the applicant to satisfy the Hearing Panel, on a balance of probabilities, that the applicable requirements of the *Act* and these Rules have been met.

## **Public Hearing**

184. (1) Subject to subrule (2), members of the public may attend and observe a hearing before a Hearing Panel.

(2) At any time before or during the proceeding, the Hearing Panel, on its own motion or upon application of:

- (a) the applicant;
- (b) any person expected to be a witness at the hearing; or
- (c) any other interested party;

may direct that all or part of the hearing is to be held in private in accordance with subsections 49(6) and 84.1 of the *Act*.

## **Transcript**

185. (1) All proceedings at a hearing shall be recorded by a Court Reporter.

(2) 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.

## **Procedure at Hearing**

186. Subject to these Rules, the Hearing Panel may determine the practice and procedure to be followed at a Hearing.

## **Decision of the Hearing Panel**

187. (1) The Hearing Panel may:

- (a) approve the application with or without conditions; or
- (b) deny the application.

(2) The Hearing Panel decision shall be by majority vote.

(3) The Hearing Panel shall provide written reasons for its decision and advise the applicant of a right to apply to the Admissions Panel under section 23(4) and 24(3) of the *Act* where applicable.

(4) When the Hearing Panel gives written reasons for its decision, it shall take reasonable precautions to avoid including information that is subject to solicitor-client privilege.

(5) The Society may cause to be published any order or decision of a Hearing Panel 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**

188.

(1) The Hearing Panel may order the applicant to pay costs that may include part or all of one or more of the following:

- (a) the cost of any enquiries or investigations conducted pursuant to the *Act* or 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;
- (g) Panel members' attendance fees in accordance with the tariff approved by the Benchers from time to time;
- (h) reasonable fees and disbursements or costs of counsel acting for the Society; and

- (i) any other amount arising out of the proceedings for which the Society would otherwise be liable.

### **Admissions Panel Review**

189. (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) Rules 178-188 apply to a review, with the necessary modifications and so far as they are applicable.

(3) Notwithstanding subrule (2), the Admissions Panel may only consider:

(a) the transcript from and exhibits filed at a hearing conducted pursuant to Rule 176(4); and

(b) submissions from the applicant and counsel for the Society.

(4) Following a review under subrule (3), the Admissions Panel may:

(a) confirm the decision of the Hearing Panel;

(b) vary or remove any terms and conditions imposed by the Hearing Panel; or

(c) approve the application, subject to any terms and conditions they consider appropriate.

### **Admissions Panel**

190. (1) An Admissions Panel appointed for the purpose of reviews conducted pursuant to sections 23 and 24 of the *Act* and Rule 188 shall:

(a) be appointed by the Chair of the Committee; and

(b) consist of not more than three Benchers, none of whom were members of a Hearing Panel appointed pursuant to Rule 176(4)(c) with respect to the matter.

## **G. Rule Waivers**

### **Rule Waivers**

191. (1) Notwithstanding Rule 1903, an application to waive a Rule under this Part shall be directed to the Committee.

(2) For applications under this Rule, applicants have the onus of proving that:

(a) the applicant's legal education and/or experience constitute exceptional circumstances sufficient to justify a waiver of the Rule;

(b) as a result of the applicant's legal education and/or experience, the applicant possesses the skills, competencies and qualifications equivalent to those required by the Rule sought to be waived;

(c) the waiver is not inimical to the public interest or the members, nor would it harm the standing of the legal profession generally; and

(d) to deny the waiver would result in significant hardship for the applicant.

(3) The Committee may consider:

(a) written submissions of the applicant; and

(b) with leave of the Committee Chair, oral submissions;

and may either grant the waiver, with or without, conditions or deny the application.

(4) The Committee shall notify the applicant of the decision in writing and provide reasons for the decision.

[Part 7 amended in its entirety November 1, 2014]

## PART 7A

### National Mobility and Interjurisdictional Practice

#### Definitions

192. In this Part, unless the context indicates otherwise:

“**Barreau**” means the Barreau du Québec;

“**Chambre**” means the Chambre des notaires du Québec;

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

“**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 physical or mental capacity to engage in the practise 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 practise law**” means allowed, under all of the legislation and regulation of a Home Jurisdiction, to engage in the practise 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 this Part;

“**governing body**” means any Law Society or Barristers’ Society in a Canadian jurisdiction;

“**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, other than the Chambre;

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

“**Mobility Defalcation Compensation Agreement**” means the 2010 Mobility Defalcation Compensation Agreement of the Federation of Law Societies of Canada, as amended from time to time;

“**National Mobility Agreement**” means the 2013 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;

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

“**practice of law**” has the meaning with respect to each jurisdiction that applies in that jurisdiction;

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

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

- (a) physically in Saskatchewan, except with respect to the law of another Canadian jurisdiction; or
- (b) with respect to the law of Saskatchewan, physically in any jurisdiction; and

includes the provision of 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);

“**Suitability to Practise**” means honesty, governability, financial responsibility and respect for the rule of law and the administration of justice and “**Suitable to Practise**” has a corresponding meaning.

“**Territorial Mobility Agreement**” means the 2006 Territorial Mobility Agreement of the Federation of Law Societies of Canada, as amended from time to time;

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

### **Application**

193. (1) These Rules:
- (a) are intended to implement the provisions of the Protocol, the National Mobility Agreement and the Territorial Mobility Agreement; and
  - (b) apply to a Visiting Lawyer, provided that the Visiting Lawyer is entitled to practise law in the jurisdiction of a governing body of which the Visiting Lawyer is a member.
- (2) Unless it is inconsistent with the provisions of these Rules, the Protocol applies to temporary mobility under these Rules.
- (3) Notwithstanding these Rules, a member of the Canadian Forces who is entitled to practise law in the jurisdiction of a governing body, other than the Chambre:
- (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.

### **National Registry of Practising Lawyers**

194. (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.

## **A. Temporary Mobility**

### **Temporary Mobility Without a Permit under National Mobility Agreement and Protocol**

195. (1) A Visiting Lawyer who qualifies under subrule (2) may provide legal services without a Permit for a maximum of 100 days in any calendar year.
- (2) Subject to subrule (4), to qualify to provide legal services on a temporary basis under subrule (1) or (3), a Visiting Lawyer must at all times:
- (a) be entitled to practise law in a Home Jurisdiction other than the Chambre;
  - (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.
- (3) On application of a Visiting Lawyer who otherwise qualifies under subrule (2), the Executive Director may:
- (a) 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); or
  - (b) require the applicant to apply for a Permit under Rule 196 to provide legal services beyond the time limit set in subrule (1).
- (4) The requirement in subrule (2)(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.

### **Temporary Mobility Requiring Interjurisdictional Practice Permit**

196. (1) A Visiting Lawyer who:
- (a) is not allowed to provide legal services without a Permit due to an economic nexus with Saskatchewan under Rule 199; or
  - (b) 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 Executive Director;
  - (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 Executive Director 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) Subrule (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 subrule (5)(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 all Home Jurisdictions;
    - (ii) fails to maintain professional liability insurance as required under subrule (2)(d);
    - (iii) fails to maintain defalcation compensation coverage as required under subrule (2)(e); or
    - (iv) is suspended or disbarred in any jurisdiction;
  - (d) on application, the Executive Director may extend the authorization granted by the Permit.

### **Responsibilities of Visiting Lawyer**

197. (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.

### **Trust Funds**

198. 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 a 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.

### **Disqualification Due to Economic Nexus**

199. (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 195(3)(a) 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 198;
- (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 a 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 206 for call and admission or under Rule 196 for a 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 206 or Rule 196.

### **Federal Jurisdiction**

200. (1) As an exception to the requirements of Rule 199, a Visiting Lawyer who is not disqualified under Rule 202 may appear before any of the following tribunals in Saskatchewan without a Permit:

- (a) the Supreme Court of Canada;
- (b) the Federal Court of Canada;
- (c) the Tax Court of Canada;
- (d) a federal administrative tribunal;
- (e) service tribunals as defined in the *National Defence Act*; and
- (f) the Court Martial Appeal Court of Canada.

(2) The exception to Rule 199 established in subrule (1) extends to a Visiting Lawyer preparing for an appearance allowed under that subrule and otherwise furthering the matter giving rise to the appearance.

### **Enforcement**

201. (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 allow in writing:

- (a) the Visiting Lawyer is immediately prohibited from providing legal services under Rule 195, and must apply for a Permit under Rule 196 to provide further legal services;
- (b) any Permit issued to the Visiting Lawyer under Rule 196 is rescinded; and
- (c) the Executive Director must advise the Visiting Lawyer's Home Governing Bodies of the Visiting Lawyer's failure to comply and the consequences.

(3) A Visiting Lawyer may appeal a decision of the Executive Director under subrule (2) to the Committee and the Committee may, in its discretion:

- (a) grant the application, subject to any conditions it considers to be in the public interest; or
- (b) deny the application.



(4) The Committee may establish its own practices and procedures for reaching a decision under subrule (3).

### **Discipline**

202. A Visiting Lawyer shall comply with the applicable legislation, regulations, rules and standards of professional conduct of Saskatchewan while providing legal services in, or with respect to the law of, Saskatchewan. Non-compliance may result in disciplinary action in a jurisdiction determined in accordance with the National Mobility Agreement.

### **Notification of Proceedings**

203. (1) A Visiting Lawyer, articled student or applicant shall immediately report to the Executive Director:

- (a) particulars of charges and any disposition of the charges laid, under the following:
    - (i) an offence under any law in force in Canada where the offence was prosecutable either as an indictable offence or as a summary conviction offence;
    - (ii) the *Securities Act* of any province of Canada;
    - (iii) an offence committed outside Canada and similar to any of the kinds of offences described in clauses (a) or (b);
  - (b) any suspension, investigation, supervision, undertaking, conditions or similar processes including, but not limited to, discipline, professional standards, competency, accounting, or audit proceedings, by a professional regulatory body in any jurisdiction.
- (2) Where the Executive Director becomes aware of any matter set out in subrule (1):
- (a) the Visiting Lawyer may be immediately prohibited from providing legal services under Rule 195, and may be required to apply for a Permit under Rule 196 to provide further legal services;
  - (b) any Permit issued to the Visiting Lawyer under Rule 196 may be rescinded; and
  - (c) the Executive Director must advise the Visiting Lawyer's Home Governing Bodies of the matter.

### **Special Fund**

204. (1) The Mobility Defalcation Compensation Agreement applies to a claim under Rule 704 involving inter-jurisdictional practice in a jurisdiction where a governing body has signed and implemented the Mobility Defalcation Compensation Agreement.

(2) The provisions of the Protocol concerning claims for compensation for misappropriation apply to a claim under Rule 704 involving interjurisdictional practice in a jurisdiction where a governing body has not signed and implemented the Mobility Defalcation Compensation Agreement.

## **B. Permanent Mobility**

### **Transfer under National Mobility Agreement and Territorial Mobility Agreement**

205. (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 any governing body, other than the Chambre, of which the applicant is a member.

(2) An applicant under this Rule must fulfill all of the requirements in Rule 206 for call and admission on transfer from another Canadian jurisdiction.

(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 another governing body; or
- (b) any other member of the Society in similar circumstances.

### **Admission as a Transfer Lawyer**

206. (1) To qualify for admission as a lawyer on transfer an applicant must:

- (a) be Suitable to Practise;

- (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) an original or notarial copies of certified government issued identification document, such as a driver's license, birth certificate, passport or other document acceptable to the Society which verifies the applicant's identity;
  - (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) testimonials, in a form approved by the Committee, from 2 persons who have each known the applicant for at least 3 years, verifying the applicant's Suitability to Practise;
  - (v) proof that the applicant holds either a Bachelor's degree or juris doctor degree from a faculty of law in a Canadian university approved by the Federation of Law Societies of Canada, or a Certificate of Qualification issued by the National Committee on Accreditation of the Federation of Law Societies of Canada;
  - (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.
- (2) Rules 162 and 176 apply to applications for admission as a transfer lawyer *mutatis mutandis*.

### **Liability Insurance Exemption for Members Entitled to Practice in More than One Canadian Jurisdiction**

207. (1) A member of the Society may apply to the Executive Director for exemption from the requirement for professional liability insurance under Rule 605, if the member has professional liability insurance as:

- (a) a member of another governing body, other than the Chambre or Barreau, which allows a similar exemption for members of the Society; or
- (b) a member of both the Barreau and another governing body, other than the Chambre, which allows a similar exemption for members of the Society;

which is reasonably comparable in coverage and limits to that required under the Society's insurance plan and extends to the lawyer's practice in Saskatchewan.

(2) A member applying for an exemption under subrule (1)(b) must have insurance coverage from the professional liability insurance program of:

- (a) the Barreau, with respect to services provided by the lawyer as a member of the Barreau; and
- (b) the governing body in the jurisdiction in which the member has been continuously entitled to practise law for the longest period of time, with respect to services provided by the lawyer as a member of that governing body.

(3) A member applying for an exemption under this Rule must provide evidence that the member maintains the full mandatory professional liability insurance coverage required by the applicable governing bodies in accordance with this Rule.

## C. Practice Privileges for Members of the Chambre

### Canadian Legal Advisor

208. (1) A member of the Chambre, with a Canadian Civil Law degree, or with a foreign degree and a certificate of equivalency from the Chambre, 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 Executive Director;
- (c) testimonials, in a form approved by the Committee, from 2 persons who have known the applicant for at least 3 years, verifying the applicant's Suitability to Practise;
- (d) a certificate of standing from the governing body of each Canadian Province and Territory of which the applicant is a member;
- (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.

(2) Rules 162 and 176 apply to applications for admission as a Canadian Legal Advisor *mutatis mutandis*.

### Scope of Practice

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

- (a) providing legal advice on:
  - (i) the law of Québec and matters involving the law of Québec;
  - (ii) matters under federal jurisdiction, or
  - (iii) matters involving public international law if insurance coverage is provided by the Chambre;
- (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

210. (1) A Canadian Legal Advisor must:

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

## D. Foreign Legal Consultants

### Foreign Legal Consultants

211. (1) A person who is qualified to practise law in a country other than Canada, or in an internal jurisdiction of that country, 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;
- (b) the permit fee fixed by the Benchers under subrule 870(1); and
- (c) a written undertaking to:
  - (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 Society and comply with the *Act*, the Law Society Rules and *The Code of Professional Conduct*; and
- (iii) notify the Executive Director promptly of a failure to satisfactorily complete whatever continuing legal education program is required of members of the applicable home country or internal jurisdiction.

### **Issuance of Permit**

212. (1) 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 the applicant's home country or in one of its internal jurisdictions;
- (b) is Suitable to Practise;
- (c) has practised the law of the applicant's home country or one of its internal jurisdictions for the last 3 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 practise requirement;
- (d) 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; and
- (e) 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 foreign legal consultant in Saskatchewan.

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

(3) Subject to subrule (4), a permit issued under subrule (1) is valid from the issue date shown on it until the last day of the same calendar month in the next year.

- (4) Notwithstanding subrule (3), 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 (1) or (2).

### **Scope of Practice**

213. (1) A foreign legal consultant's practice in Saskatchewan is limited to the practice of the following:

- (a) the law of the foreign legal consultant's home country; or
- (b) the law in one of the internal jurisdictions of the foreign legal consultant's home country;

as the case may be.

(2) Subject to Rule 216, a person may act as a foreign legal consultant in Saskatchewan only if he or she holds a valid permit under Rule 212.

### **Marketing of Legal Services**

214. 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 the foreign legal consultant 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 the foreign legal consultant is a member of the Society.

### **Renewal of Permit**

215. (1) A foreign legal consultant who intends to continue to act as such in Saskatchewan shall, before the expiration of a permit issued under Rule 212, apply to the Executive Director for a renewal of the permit.

- (2) 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 Rules 211 and 212; and
  - (c) the renewal fee fixed by the Benchers under subrule 870(2).
- (3) The Executive Director may issue a renewal permit to a foreign legal consultant who has complied with the *Act* and these Rules.
- (4) Subject to subrule (5), a renewal permit issued under subrule (3) is valid for one year.
- (5) Subrule 212(4) applies to a permit which has been renewed under subrule (3).

### **Member of the Society with Dual Qualification**

216. 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 the member holds liability insurance:

- (a) in a form and amount which is at least reasonably comparable with that maintained by the Society in its compulsory program; and
- (b) which specifically extends to services rendered by the member while acting as a foreign legal consultant in Saskatchewan.

[Part 7 amended in its entirety and added new Part 7A, November 1, 2014]

(over ...)

The following are consequential amendments that complement the re-draft of Parts 7 and 7A of the Law Society of Saskatchewan Rules.

## Part 6

### Committees

#### B. Standing Committees

##### Admissions & Education Committee

125. The Admissions & Education Committee shall:

- (a) perform the duties assigned to it by Part ~~VII-7~~ 7 and 7A of these Rules;

## Part 8

### Professional Standards and Discipline

#### A. Definitions

299. In this Part,

“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 2013 and ~~i~~Interjurisdictional ~~P~~practice ~~P~~protocol under Rule ~~192~~195 or holds an interjurisdictional practice certificate issued under Rule 196 except where this is inconsistent with the National Mobility Agreement 2013, the Interjurisdictional Practice pProtocol or with *The Legal Profession Act* as amended;

Relocated subrules 149A (4) - (6) from old Part 7 to Part 8 Professional Standards and Discipline as new Rule 399:

#### D. Discipline

##### Definitions

~~399~~. In this Part 8(D),

“Conduct Investigation Committee” means a conduct investigation panel constituted in accordance with Rule 138.

##### Reciprocal Discipline

399. (41) 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.

~~(52)~~ If a suspension in an extra-provincial law society is stayed, the suspension will also be stayed in Saskatchewan for a co-extensive period.

~~(63)~~ 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.

Amendment to Rule 400 (5)(f):

**Resignation in the Face of Discipline**

400 (4) A member may apply to the Conduct Investigation Committee to resign in the face of discipline deemed equivalent to disbarment

- (a) with consent of Counsel for the Conduct Investigation Committee;
- (b) at any stage of the investigation by a Conduct Investigation Committee prior to formal charges, or;
- (c) at any time after the formal charges, prior to the commencement of the Hearing

(5) The Conduct Investigation Committee may hear an application to resign in the face of discipline, deemed equivalent to disbarment, as follows:

.....

- (f) any application for readmission for a member whose application for resignation in the face of discipline equivalent to disbarment shall be under section ~~244-175~~ of the Rules, the same as a disbarred member;

(over ...)

## Part 14

### Annual Practice Certificate

Delete Part 14 in its entirety, as its Rules have been relocated to more appropriate Parts within the Rules as follows:

#### **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]

[Part 14 deleted in its entirety November 1, 2014]

[next rule is Rule 1200]

Relocate Rule 1103 from Part 14 to Part 10 Insurance as Rule 607:

## **Part 10**

### **Insurance**

#### **Liability Insurance Coverage**

~~1103.~~ 607. A member who becomes disqualified under Rule ~~1100(2)–168 or 171~~ 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.

Move existing subrule 1100(3) from Part 14 to Rule 800(7) Part 12 and add subrule setting out the fees to be paid by Law Professor members. Also, amend Rule 800 to remove (a) – (d) of 800(1) and then change numbering thereafter.

## PART 12

### Law Society Fees and Assessments

#### Active Member Annual Fee

800. (1) The ~~a~~Active ~~m~~Member annual fee for each calendar year, as set out in Schedule 1 following this Part, ~~including 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~~is, subject to subrule ~~(35)~~35, payable by the preceding December 1.~~

~~(A2) The a~~Active ~~m~~Member annual fee for each calendar year for Law Professor Members and members whose principal place of practice or employment is in the City of Lloydminster and consisting of:

~~(i)~~(a)  $\frac{1}{2}$  the Active Member practice fee set out in Schedule 1 following this Part; and

~~(ii)  $\frac{1}{2}$  the continuing legal education seminar pre-registration fee;~~

~~(iii)  $\frac{1}{2}$  the Special Fund assessment;~~

~~(iv) the Library fee; and~~

~~(v)~~(b) the applicable federal and provincial taxes payable thereon ~~is~~is, subject to subrule ~~(35)~~35, payable by the preceding December 1.

~~(23) A member who does not pay the a~~Active ~~m~~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.

~~(34) A member may, upon the approval from the Executive Director, pay the a~~Active ~~m~~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.

~~(45) 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.~~

~~(56) Quarterly payments shall be made only by way of pre-authorized automatic debit.~~

~~(7) 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 a Disqualified Member, effective January 1, March 2, or June 2 or September 2, as applicable.~~

Also in Part 12, further minor amendments to Rules 820, 830 and 870 as follows:

#### Student-at-Law Fees

820. (1) The student-at-law application fee payable under Rule 15~~01~~01(~~ih~~ih) is as set out in Schedule 1 following this Part.

(2) The student-at-law articling fee payable under Rule 15~~63~~63(~~21~~21)(c) is as set out in Schedule 1 following this Part.

(3) The student-at-law articling assignment fee payable under Rule 158(~~21~~21)(~~bc~~bc) is as set out in Schedule 1 following this Part.

(4) The fee for the Bar Admission Program payable under Rule 159(~~21~~21)(~~eb~~eb)(~~iii~~iii) is as set out in Schedule 1 following this Part.

### Admission as a Lawyer Fees

830. (1) The lawyer admission application fee payable under Rule ~~176~~1(1)(~~db~~)(iv) is as set out in Schedule 1 following this Part.

(2) The lawyer admission fees payable under Rule ~~18462~~(1)(a)~~(iv)~~ is are as set out in Schedule 1 following this Part.

(3) The admission on transfer application fee payable under Rule ~~471(2)(g)-206(1)(b)(vii)~~ or on transfer as a Canadian Legal Advisor under Rule ~~260-208(1)(f)~~ is as set out in Schedule 1 following this Part.

(4) The admission on transfer fee payable under Rule ~~181(1)(a)(iv)~~162(1)(a) 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.~~

~~(75)~~ The law professor admission application fee payable under Rule ~~172(2)(d)(ii)~~ 163(2)(b) 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.~~

~~(96)~~ A person who is admitted as a lawyer shall pay, in addition to the fees payable under subrule (1) to ~~(85)~~:

(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.

### License and Permit Fees

870. (1) The fee payable by an applicant under Rule ~~220211(21)~~(21)(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 ~~220215(442)~~(442)(c) is as set out in Schedule 1 following this Part.

### Schedule of Fees

Delete items 6 and 7, to remove duplicate category of law professors.

#### Schedule 1

#### LAW SOCIETY FEES AND ASSESSMENTS

##### 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
<del>6. Law professor (transfer) admission application fee</del>	<del>100</del>
<del>7. Law professor (transfer) admission fee</del>	<del>100</del>
<del>86.</del> Law professor admission application fee	100
<del>97.</del> Law professor admission fee	100



**CERTIFIED to be a true copy of the resolutions passed by the Benchers of the Law Society of Saskatchewan at their meeting held September 11 and 12, 2014.**

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**THOMAS J. SCHONHOFFER, Q.C.**  
**Executive Director**