

**Certified True Copy of Amendments
to the Rules of the Law Society of Saskatchewan
June 21, 2019**

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.

PROPOSED AMENDMENTS:

Part 10 - Insurance

The Benchers approved amendments to Rule 605 to:

- 1) clarify that members exempt from paying the insurance levy are also excluded from coverage under the CLIA policy, with the exception of members who are exempt from paying the levy but are extended coverage under the policy in relation to:
 - a) professional services provided through an approved pro bono organization; and
 - b) professional services provided during a period in which they met the definition of Insured under the CLIA policy (i.e. during a period when they were not insurance exempt); and
- 2) remove subsection (3), as it refers to there being a “SLIA” excess insurance policy, which is not the case.

Saskatchewan Lawyers’ Insurance Association Inc.

605. (1) Unless exempted under subrule ~~(4)~~ (3) or Rule 164, each member shall in each year by the date set in Rule 810(1) pay to SLIA a liability insurance assessment in the amount fixed by the Benchers.

(2) Unless exempted under subrule ~~(4)~~ (3) or Rule 164, each member shall by the date set in Rule 810(1) pay to SLIA any additional or retroactive assessment levied by the Benchers under section 11(4) of the Act.

~~(3) Each law firm which is insured under the SLIA excess insurance policy shall:
(a) by June 30 in each year pay to SLIA the excess insurance levy as set by the Benchers;
and
(b) by the date fixed by the Benchers, pay to SLIA any additional or retroactive assessment levied by the Benchers under section 11(4) of the Act.~~

(4) (3) The following members are exempt from payment of the annual assessment under subrule (1) and any special assessments under subrule (2) and, subject to subrule (5) and subrule (6), are not covered under the liability policy:

- (a) students-at-law;
- (b) subject to *The Legal Profession Regulations*, members employed by or on an exclusive contract with a Saskatchewan government institution as defined in *The Freedom of Information and Protection of Privacy Act*;
- (c) members employed by the Federal Department of Justice or the Public Prosecution Services of Canada;
- (d) Canadian Legal Advisors, pursuant to Rule 208;
- (e) members not resident in Saskatchewan who comply with Rule 207;
- (f) inactive members;
- (g) retired members;
- (h) pro bono members;
- (i) members who are not (and will not be) engaged in the practice of law in Saskatchewan, but who are required to be reinstated to active member status in Saskatchewan

temporarily, for the sole purpose of completing their permanent transfer to another Canadian jurisdiction pursuant to the national mobility regime; and

- (j) other members as approved by the Benchers.

~~(5)~~ (4) A member who has not paid:

- (a) the annual assessment under subrule (1) by the date fixed in subrule (1) or extended under subrule ~~(7)~~ (8); and
- (b) any special assessment levied by the Benchers under subrule (2) by the date fixed by the Benchers or extended under subrule ~~(7)~~ (8)

and who is not exempted from payment under subrule ~~(4)~~ (3) or Rule 164, shall not engage in the practice of law until the assessment is paid.

(5) Notwithstanding subrule (3), a member who is exempt from paying the insurance assessment pursuant to subrule (3)(b), (c), (d), (e) or (h) is covered under the liability policy for services provided through a pro bono organization approved by the Law Society, subject to the terms and conditions of the liability policy.

(6) Notwithstanding subrule (3), a member who is exempt from paying the insurance assessment pursuant to subrule (3) is covered under the liability policy for services provided during any period in which the member met the definition of an Insured under the liability policy, subject to the terms and conditions of the liability policy.

~~(6)~~ (7) Where the Society or SLIA has paid an individual insurance deductible amount on behalf of a member in respect of a claim against the member, and the member, by the date the annual assessment under subrule (1) is payable or by the date extended under subrule ~~(7)~~ (8):

- (a) has not fully reimbursed the Society or SLIA; or
- (b) has breached an agreement made between the Committee and the member respecting the member's reimbursement of the Society or SLIA.

the member shall not, from that date, engage in the practice of law until the Society or SLIA has been fully reimbursed for the amount of the deductible.

~~(7)~~ (8) The Chairperson of the Committee may at any time extend the time for a member:

- (a) to pay an assessment under subrule (1) or (2); or
- (b) to reimburse the Society or SLIA for a deductible paid on the member's behalf under subrule ~~(6)~~ (7)

and where an extension of time is granted and the member pays:

- (c) the full amount of the assessment or the deductible owing by the date to which the time is extended; and
- (d) interest on that amount from the date upon which it was due upon which it is paid calculated the prime lending rate of the Bank of Montreal plus two percent per annum;

the member shall be deemed to be insured during the period of time when the assessment or deductible was unpaid.

~~(8)~~ (9) The Society shall promptly, in the case of a member who has not, when due, paid an assessment under subrule (1) or (2) or reimbursed a deductible under subrule ~~(6)~~ (7):

- (a) notify the member in writing that he or she shall not engage in the practice of law until the amount owing is paid in full;
- (b) notify in writing:
 - (i) the Chief Justice of Saskatchewan;
 - (ii) the Chief Justice of the Saskatchewan Court of Queen's Bench;
 - (iii) the Chief Judge of the Provincial Court of Saskatchewan;
 - (iv) the Minister of Justice for Saskatchewan; and
 - (v) the Registrar of Titles; and
- (c) cause a notice to be published in:
 - (i) the Saskatchewan Gazette; and
 - (ii) a newspaper of general circulation in each community in which the member maintained an office.

~~(9)~~ (10) A member who is an insured under a professional liability insurance policy shall report to, co-operate with and assist SLIA as required by the policy.

~~(10)~~ (11) A member who fails to comply with subrule ~~(9)~~ (10) is, in addition to the other consequences flowing from the failure to comply, liable to disciplinary action for conduct unbecoming.

Part 7A – National Mobility and Interjurisdictional Practice

The change in numbering of the subrules in Rule 605 results in a minor amendment to Part 7A, National Mobility and Interjurisdictional Practice, Temporary Mobility, Rule 195(4).

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 199.

(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)~~ (3) with respect to legal services to be provided in Saskatchewan.



**CERTIFIED to be a true copy of the resolutions
passed by the Benchers of the Law Society of
Saskatchewan at their meeting held June 21, 2019.**

TIMOTHY J. BROWN, Q.C.
Executive Director