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- (11) A Bencher is not entitled to vote by proxy.
- (12) Subject to subrule (13), a resolution to add to, amend or delete from these Rules or *The Code of Professional Conduct* is not valid unless:
 - (a) the resolution is read twice; and
 - (b) a majority of Benchers voting on each reading vote in favour of the resolution.
- (13) A resolution referred to in subrule (12) shall not be read twice on the same day, unless two-thirds of the Benchers present at the meeting and voting consent.
- (14) A meeting of the Benchers may be adjourned from time to time and from place to place.
- (15) A meeting of the Benchers may be conducted by telephone, email or by any other means of communication which permits all persons invited to the meeting to participate, and a Bencher participating in such a meeting is, for the purpose of this Rule, present at the meeting.

[Rule 92(10) and (15) amended December 2, 2016]

Reimbursement for Bencher Expenses

- 93. (1) The Society shall reimburse Benchers described in section 6(2)(a) and (b) for all reasonable and necessary expenses actually incurred in performance of their duties.
- (2) The Society shall reimburse, in the case of expenses actually incurred by Benchers described in section 6(2)(c) of the *Act*, the greater of:
 - (a) the amount determined under section 6(6) of the *Act*; or
 - (b) all reasonable and necessary expenses actually incurred in performance of their duties.

Remuneration of Benchers

- 94. (1) The President shall receive remuneration in an amount fixed by the Benchers.
- (2) Benchers described in section 6(2)(a) and (b) of the *Act* may receive remuneration in an amount fixed by the Benchers.
- (3) Benchers described in section 6(2)(c) of the *Act* shall receive remuneration in an amount which is the greater of:
 - (a) the amount determined under section 6(5) of the *Act*; or
 - (b) the amount fixed by the Benchers.

[Rule 94(3)(a) amended February 10, 2011]

Bencher Absence

- 95. Where an elected Bencher has been absent from two consecutive, regularly scheduled meetings of the Benchers in Convocation, the Benchers in Convocation may, by resolution, remove that Bencher from office.

[next rule is Rule 110]

PART 6

Committees

A. General

Establishment

110. (1) The following committees are established:
- (a) the Admissions & Education Committee;
 - (b) the Professional Standards Committee;
 - (c) the Discipline Committee;
 - (d) the Ethics Committee;
 - (e) the Executive Committee;
 - (f) the Insurance Committee;
 - (g) the Audit Committee;
 - (h) the Discipline Policy Committee;
 - (i) the Conduct Investigation Committee;
 - (j) the Governance Committee;
 - (k) the Legal Resources Committee; and
 - (l) the Equity & Diversity Committee.
- (2) The Benchers may, by Rule, establish any other committee for the better governance of the Society.

[Rule 110(1)(c) amended and Rule 110(1)(l) added September 17, 1993]

[Rule 110(1)(i) amended December 11, 1994]

[Rule 110(j) amended December 7, 1995]

[Rule 110(1)(l) amended December 11, 1998]

[Rule 110(1) amended to remove Committees: Annual Meetings, Finance, Libraries and Equity/Diversity December 7, 2007]

[Rule 110(1) amended to add Discipline Executive and Conduct Investigation Committees May 2, 2014, effective July 1, 2014]

[Rule 110(1) amended to delete the Legislation & Policy Committee and add the Audit and Governance Committees, Nov. 28, 2014]

[Rule 110(1) amended to add items (k) and (l), April 28, 2017]

[Rule 110(1)(h) amended February 8, 2019]

Membership

111. (1) The President shall, in the case of every committee other than the Executive Committee and the Discipline Committee, appoint the members, subject to the *Act*, and designate one of them as Chairperson and another of them as Vice-Chairperson.
- (2) The Executive Committee shall consist of:
- (a) the President of the Society, who shall be Chairperson of the Committee;
 - (b) the Vice-President of the Society, who shall be the Vice-Chairperson of the Committee;
 - (c) the immediate Past President of the Society;
 - (d) such other Benchers or members as appointed by the President; and
 - (e) the Executive Director shall be a non-voting member of the Executive Committee.
- (3) The Discipline Committee shall consist of:
- (a) all Benchers; and
 - (b) any members and former Benchers appointed by the President.
- (4) Any Vice-Chairperson of a Committee may perform the duties of the Chairperson of that Committee where it is desirable for him or her to do so in furtherance of the objects of the *Act* and the Rules.
- (5) The members of a committee shall, if both the Chairperson and the Vice-Chairperson are unable or unwilling to act, choose one of their number to perform the duties of Chairperson.
- (6) A member of a committee appointed under subrule (1) holds office until the earlier of:
- (a) ceasing to be a member of the Society; or
 - (b) being removed from office by the President.
- (7) The President may fill a vacancy on any committee with respect to which the President has the power of appointment.

- (8) The President and Vice-President;
 - (a) are non-voting *ex officio* members of each committee established under Rule 110, other than the Audit Committee and the Conduct Investigation Committee; and
 - (b) may be appointed as active members of any committee.

[Rule 111 amended March 27, 1992 & September 17, 1993]
 [Rule 111(1) amended; new (2) & (3) added, changing numbering; item (8)(a) & (b) amended,
 February 13, 2015]
 [Rule 111(8)(a) amended December 7, 2018]

Duties

112. A committee shall, in addition to the duties assigned to it by the *Act* and these Rules, perform any duties assigned by the Benchers.

Quorum

113. (1) At a meeting of any committee other than the Discipline Committee, a majority of members constitutes a quorum.

(2) In determining whether a quorum exists, the President and Vice-President shall be counted only if they are active members of the committee.

[Rule 113(1) and (2) amended February 13, 2015]

Majority Decisions

114. Unless the *Act* or these Rules state to the contrary, a committee may act by majority decision.

Procedures

115. Unless the *Act* or these Rules state to the contrary, a committee may set its own practice and procedures.

[Rule 133 deleted December 8, 1994]
 [Rule 126 Annual Meetings Committee deleted December 7, 2007]
 [Rule 131 Finance Committee deleted December 7, 2007]
 [Rules 135 Libraries Committee and 136 Equity/Diversity Committee deleted December 7, 2007]
 [Rule 134 Legislation & Policy Committee deleted Nov. 28, 2014]
 [Rule 125, A & E Committee; Rule 127, PSC Committee; Rule 128, Discipline Committee; Rule 129, Ethics Committee; Rule 130, Executive Committee; Rule 132, Insurance Committee; deleted in their entirety February 13, 2015]

[next Rule is Rule 135]

B. Standing Committees

Discipline Policy Committee

135. (1) The Discipline Policy Committee is a sub-committee of the Discipline Committee, which has been delegated the authority of the Discipline Committee in accordance with section 7.1 of the *Act* to perform any duties assigned to the Discipline Committee by section 36(3) of the *Act*.

(2) The Discipline Policy Committee shall also make recommendations to the Benchers respecting the development of and revisions to the *Code of Professional Conduct*.

[Rules 135 – 138 added May 2, 2014, effective July 1, 2014]
 [Rule 135(1) amended; (2) deleted, February 13, 2015]

[Rule 136, with minor amendments, relocated to Part 8, PSC and Discipline, as Rule 403(2) February 13, 2015]

[Rule 137, Conduct Investigation Committee and Rule 138, Conduct Investigation Panel relocated to Part 8, PSC and Discipline, as
 Rules 398.1 and 398.2 February 13, 2015]

[Rule 135 heading "Discipline Executive Committee" amended, 135(1) amended, 135(2) added, February 8, 2019]

[next rule is Rule 149]

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 practice”** 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 prior to December 31, 2017.
 (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.

[Rule 150(9) amended December 1, 2017]

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) the Conduct Investigation Committee under section 42(2)(a) of the *Act* that no further action will be taken on the complaint because the member's conduct does not constitute conduct unbecoming
- may apply in writing for a review of that decision.
- (3) (a) an application under subrule (2) shall be delivered to the complaints counsel: within 30 days after the complainant was notified of the decision under review; or
 - (b) in exceptional circumstances, the 30 day time may be extended by the Complainants' Review Committee.
 - (4) The complaints counsel shall direct the application to one or more members of the Complainants' Review Committee and that member or members:
 - (a) shall review the documents obtained, collected or produced by the complaints counsel under Rule 300;
 - (b) may make such inquiries of the complainant, the member or any other person as it considers desirable; and
 - (c) may, in its discretion, hear oral submissions from the complainant and/or the member whose conduct is the subject of the complaint.
 - (5) The member or members of the Complainants' Review Committee referred to in (4) above shall:
 - (a) confirm the decision of the complaints counsel or the Conduct Investigation Committee or the Chairperson of the Professional Standards Committee to take no further action; or
 - (b) refer the complaint to:
 - (i) the Chairperson of the Professional Standards Committee; or
 - (ii) the Conduct Investigation Committee, to proceed with the complaint in accordance with section 42(2)(b) or (3) of the *Act*; or
 - (iii) the Chairperson of the Ethics Committee.
 - (6) The Society shall promptly advise the complainant and the member, in writing, of the decision made under subrule (5).

[Rule 302(4), (5) & (6) amended October 23, 1992]

[Rule 302(5)(b)(i) amended February 4 & 5, 1993]

[Rule 302(2)(a) & 302(6) amended June 6 & 7, 1996; Rule 302(b) added June 6 & 7, 1996]

[Rule 302(5)(a) amended April 23, 1998]

[Rule 302(3), (4) and (5) amended June 11, 1998]

[Rule 302(3) amended September, 2006]

[Rule 302(1), (2)(a) and (c), (3)(a), (4), (5)(a) and (5)(b)(ii) amended; (3)(b) added June 17, 2010]

[Rule 302(2)(a) amended February 10, 2012]

[Rule 302(3)(a) & (b) and (5)(a) amended May 2, 2014, effective July 1, 2014]

Ethics Committee

- 303. (1) The Ethics Committee shall review any referral or request made by:
 - (a) complaints counsel;
 - (b) other Committees;
 - (c) request for ruling made pursuant to (2).
- (2) Any person may request a ruling from the Ethics Committee for a ruling on an ethical issue.
- (3) Upon receipt by the Ethics Committee of a referral or request, the Committee may:
 - (a) make whatever recommendations it sees fit to resolve the conflict of interest or potential conflict of interest;
 - (b) decline to make a ruling;
 - (c) give opinions and make ethics rulings on questions of professional ethics, for the guidance of the profession;
 - (d) make recommendations to the Benchers and to the Discipline Committee respecting professional ethics; and
 - (e) refer matters to the Conduct Investigation Committee or Professional Standards Committee.
- (4) The Ethics Committee may make whatever enquiries it thinks necessary and may follow whatever procedure it finds to be most efficient.

[Rule 303 added April 27, 1995]
 [Rule 303 amended in its entirety, including heading, June 17, 2010]
 [Rule 303(4) deleted to remove reference to marketing of legal services, therefore changing numbering, February 13, 2015]
 [Rule 303(3)(c) amended December 7, 2018]
 [Rule 303(3)(d) amended February 8, 2019]

[next rule is Rule 321]

C. Professional Standards

[Subheading C amended February 4 & 5, 1993]

Review of Referral by Chairperson

321. The Chairperson of the Professional Standards Committee shall review any referral made by:
- (1) Complaints Counsel;
 - (2) the Ethics Committee;
 - (3) the Conduct Investigation Committee.

[Rule 321 amended February 4 & 5 1993; June 6 & 7, 1996; June 10, 1999; September 9, 1999]
 [Rule 321 heading amended; Rule 321 amended and (2)(a) through (f) deleted; (3) added December 3, 2009]
 [Rule 321(3) amended June 17, 2010]

322. The Chairperson of the Professional Standards Committee may make or authorize further inquiries.

[Rule 322 amended February 4 & 5 and September 17, 1993 and June 10, 1999]
 [Rule 322 Professional Standards Investigation Committee heading deleted; Rule 322 amended; (a) through (e) deleted December 3, 2009]

323. (1) Upon completion of the review in Rule 321 and 322, the Chairperson shall:
- (a) refer the matter to the Conduct Investigation Committee in accordance with section 41(4) of the *Act*;
 - (b) refer the matter to the Ethics Committee in accordance with section 41(4) of the *Act*;
 - (c) in accordance with section 41(1.1)(b) of the *Act*, conduct an investigation and/or direct that a practice review of the member's or the member's law firm's practice be conducted by a practice advisor including, where appropriate, a review of some or all of the member's client files and an examination of the procedures in place to reduce the risk of complaints and liability for insurance claims; or
 - (d) hear an application by the member for resignation instead of continued proceedings as per Rule 400.1 and may grant or reject the application as set out in Rule 400.1;
 - (e) direct that no further action be taken if the matter does not raise an issue of competence, or
 - (f) request that the member:
 - (i) complete satisfactorily a remedial program which may include one or more of the following:
 - (A) one or more continuing legal education courses approved by the Chairperson;
 - (B) a remedial course approved by the Chairperson;
 - (C) one or more courses approved by the Chairperson, which is or are offered by an approved education provider;
 - (D) a mentor program approved by the Chairperson; or
 - (E) any other remedial program specified by the Chairperson which is intended, if carried out, to improve the knowledge or skill of the member in carrying on his or her practice of law.