

**“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.

**“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.

[Rule 192, “Permit” definition amended, April 17, 2015]

[Rule 192, “entitled to practise law” definition amended December 7, 2018]

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

[Rule 195(2)(g) amended, April 17, 2015]

[Rule 195(4) amended, June 21, 2019]

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

196. (1) A Visiting Lawyer who fails to comply with any of the requirements set out in Rule 195(2)(d) – (g) 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) the interjurisdictional practice permit fee or the interjurisdictional practice permit renewal fee (as applicable), as set out in Schedule 1 following Part 12 of these Rules;
  - (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 compensation coverage from a governing body that 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.

[Rule 196(1) amended and (a) & (b) deleted, April 17, 2015]

[Rule 196(2)(b) and (e) amended, February 19, 2016]

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

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

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

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

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

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

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

[Rule 495(2) amended April 25, 2013]

### **Retention of Documents**

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

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

### **Appeal to Court of Appeal**

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

[Rule 497 added June 17, 2010]

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

[next rule is Rule 600]

## PART 10

### Insurance

#### Definitions

600. In this Part,

“**Committee**” means the Insurance Committee appointed pursuant to Rule 111;

“**insurer**” includes CLIA and any other company providing liability insurance to members under the Society’s compulsory liability insurance program;

“**resident**” has the meaning respecting a province or territory that it has with respect to Canada in the *Income Tax Act* (Canada);

“**SLIA**” means the Saskatchewan Lawyers’ Insurance Association Inc.

[Rule 600 “Committee” amended December 7, 2007]

[Rule 600 “non-resident member” deleted and replaced with “resident” October 21, 2011]

[Rule 600 “law firm” definition deleted May 2, 2014, effective July 1, 2014]

[Rule 600 “Committee” and “insurer” definitions amended February 13, 2015]

[Rule 601 Former Liability Insurance Program deleted February 13, 2015]

[next rule is Rule 605]

#### Saskatchewan Lawyers’ Insurance Association Inc.

605. (1) Unless exempted under subrule (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 (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) 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.
- (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 (8); and
  - (b) any special assessment levied by the Benchers under subrule (2) by the date fixed by the Benchers or extended under subrule (8)

and who is not exempted from payment under subrule (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.

(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 (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.

(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 (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.

(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 (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.

(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.

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

[Rule 605(8)(d) amended February 4 & 5, 1993]

[Rule 605A added December 8, 1994]

[Rule 605(4) amended April 23, 1998]

[Rule 605A amended October 24, 1997 and May, 2001]

[Rule 605(4) (g) added May 31, 2007]

[Rule 605A(1) b amended September 27, 2007]

[Rule 605A(2) (a) and (b) amended September 17, 2009]

[Rule 605(4)(d) amended September 9, 2010]

[Rule 605(2), (4)(d), (5), and (9)(b)(v) amended October 21, 2011]

[Rule 605(4)(c) amended June 21, 2012]

[Rule 605(4) amended to include new category called "pro bono members" April 25, 2013]

[Rule 605(4)(d) amended to include Canadian Legal Advisors; Rule 605(4)(e) amended; Rule 605(5) deleted to remove exemption for members not resident in Sask., thereby changing the numbering; 605(9) amended, February 13, 2015]

[Rule 605(4)(b) amended June 16, 2017]

[Rule 605(4) amended to insert new item (i) December 7, 2018]

[Rule 605(1) and (2) amended; 605(3)(a) and (b) deleted, changing numbering; 605(3) and (4)(a) and (b) amended; 605(5) and (6) added; 605(7), (8)(b), (9) and (11) amended June 21, 2019]

[Rule 605(A) 1 – 4 deleted June 24, 2011]

## **Condition of Practice**

606. Unless exempted by these Rules, payment of all insurance premiums, surcharges and deductibles is a condition of the practice of law in Saskatchewan.

[Rule 606 added April 15, 1994]

## **Liability Insurance Coverage**

607. A member who becomes disqualified under Rule 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.

[Rule 607 added, November 1, 2014]

[next rule is Rule 700]