

Providing Pro Bono Services in Saskatchewan - How Can I Help?



Pro Bono Law
Saskatchewan



Law Society
of Saskatchewan

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Overview

- ▶ Pro Bono Opportunities
- ▶ Pro Bono and the Code of Conduct
- ▶ Insurance

Pro Bono Opportunities



Pro Bono Law Saskatchewan



CLASSIC



PLEA



Family Law Information Sessions

Pro Bono Law Saskatchewan



- ▶ Operates 11 Free Legal Clinic across Saskatchewan
- ▶ Panel Programs
 - ▶ Criminal Appeals
 - ▶ Immigration & Refugee
 - ▶ Seniors Legal Assistance
 - ▶ Residential Tenancies
 - ▶ Inmates Legal Assistance
 - ▶ Solicitor
 - ▶ General

Pro Bono Law Saskatchewan



Client Intake

Legal Aid/Court Appointed
Counsel denial
Income Screen
Legal Matter
Referrals



Wait Times



Areas of Law

Free Legal Clinics

- ▶ Locations:
 - ▶ Regina - Salvation Army Haven of Hope
 - ▶ Small Claims - Provincial Court House, Regina
 - ▶ Moose Jaw - Salvation Army
 - ▶ North Battleford - Catholic Family Services
 - ▶ Yorkton - Salvation Army
 - ▶ Prince Albert - Prince Albert Indian Metis Friendship Centre
 - ▶ Meadow Lake - Salvation Army
 - ▶ La Ronge - Scattered Site Outreach
 - ▶ Estevan - Salvation Army
 - ▶ Weyburn - Community Low Income Centre
 - ▶ Swift Current - Salvation Army
 - ▶ Lloydminster - Chamber of Commerce

Panel Programs



Criminal Appeals



Immigration & Refugee



Seniors



Residential Tenancies



Inmate



Solicitor



General

How to Volunteer?



Volunteering at a Free Legal Clinic

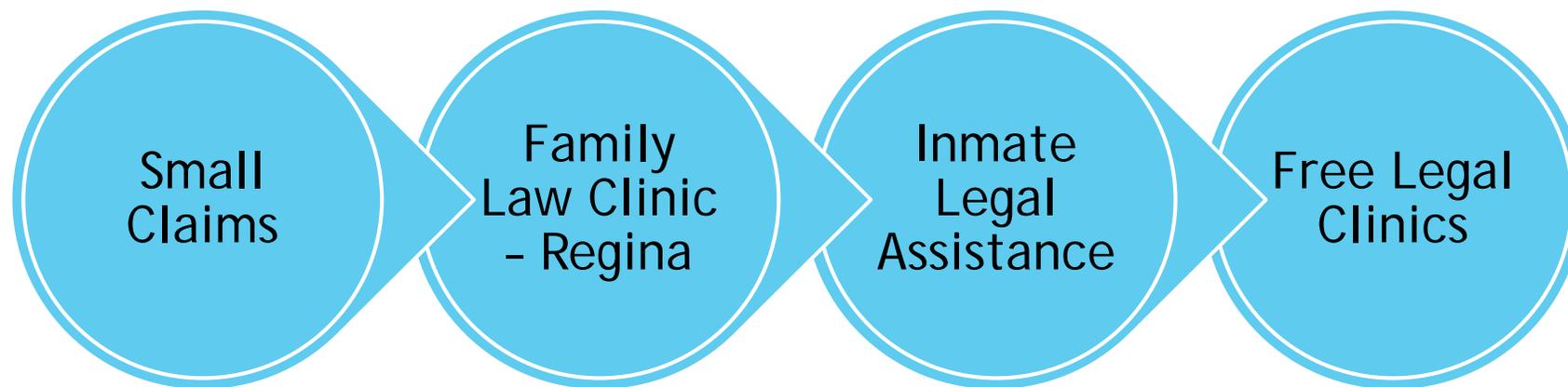
Appointment Based Clinics
Conflict Check
Wait Times



Volunteering with the Panel Program

Referrals

Where to Volunteer?



- Weyburn
- Estevan
- Meadow Lake
- La Ronge
- Moose Jaw
- Prince Albert

Pro Bono and the Code of Conduct

► INTEGRITY

2.1-2 A lawyer has a duty to uphold the standards and reputation of the legal profession and to assist in the advancement of its goals, organizations and institutions.

Commentary

[1] Collectively, lawyers are encouraged to enhance the profession through activities such as:

(a) sharing knowledge and experience with colleagues and students informally in day-to-day practice as well as through contribution to professional journals and publications, support of law school projects and participation in panel discussions, legal education seminars, bar admission courses and university lectures;

(b) participating in legal aid and community legal services programs or providing legal services on a pro bono basis;

(c) filling elected and volunteer positions with the Society;

(d) acting as directors, officers and members of local, provincial, national and international bar associations and their various committees and sections; and

(e) acting as directors, officers and members of non-profit or charitable organizations.

Pro Bono and the Code of Conduct

► Making Legal Services Available

4.1-1 A lawyer must make legal services available to the public efficiently and conveniently and, subject to Rule 4.1-2, may offer legal services to a prospective client by any means.

Commentary

[1] A lawyer may assist in making legal services available by participating in the Legal Aid Plan and lawyer referral services and by engaging in programs of public information, education or advice concerning legal matters.

[2] As a matter of access to justice, it is in keeping with the best traditions of the legal profession to provide services pro bono and to reduce or waive a fee when there is hardship or poverty or the client or prospective client would otherwise be deprived of adequate legal advice or representation. The Law Society encourages lawyers to provide public interest legal services and to support organizations that provide services to persons of limited means.

[3] A lawyer who knows or has reasonable grounds to believe that a client is entitled to Legal Aid should advise the client of the right to apply for Legal Aid, unless the circumstances indicate that the client has waived or does not need such assistance.

Pro Bono and the Code of Conduct

► Encouraging Respect for the Administration of Justice

5.6-1 A lawyer must encourage public respect for and try to improve the administration of justice.

Commentary

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[2] Admission to and continuance in the practice of law implies, on the part of a lawyer, a **basic commitment to the concept of equal justice for all within an open, ordered and impartial system.** However, judicial institutions will not function effectively unless they command the respect of the public, and, because of changes in human affairs and imperfections in human institutions, constant efforts must be made to improve the administration of justice and thereby, to maintain public respect for it.

...

[4] A lawyer, by training, opportunity and experience, is in a position to observe the workings and discover the strengths and weaknesses of laws, legal institutions and public authorities. A lawyer should, therefore, lead in seeking improvements in the legal system, but any criticisms and proposals should be bona fide and reasoned.



Pro Bono and the Code of Conduct -Conflicts

- ▶ 1.1 DEFINITIONS

1.1-1 In this Code, unless the context indicates otherwise,

A “conflict of interest” means the existence of a substantial risk that a lawyer’s loyalty to or representation of a client would be materially and adversely affected by the lawyer’s own interest or the lawyer’s duties to another client, a former client, or a third person.

- ▶ **Duty to Avoid Conflicts of Interest**

3.4-1 A lawyer must not act or continue to act for a client where there is a conflict of interest, except as permitted under this Code.

Pro Bono and the Code of Conduct -Conflicts

▶ Short-term Summary Legal Services

3.4-2A In Rules 3.4-2B to 3.4-2D, “Short-term summary legal services” means advice or representation to a client under the auspices of a pro bono or not-for-profit legal services provider with the expectation by the lawyer and the client that the lawyer will not provide continuing legal services in the matter.

3.4-2B A lawyer may provide short-term summary legal services without taking steps to determine whether there is a conflict of interest.

3.4-2C Except with consent of the clients as provided in Rule 3.4-2, a lawyer must not provide, or must cease providing short-term summary legal services to a client where the lawyer knows or becomes aware that there is a conflict of interest.

3.4-2D A lawyer who provides short-term summary legal services must take reasonable measures to ensure that no disclosure of the client's confidential information is made to another lawyer in the lawyer's firm.

Pro Bono and the Code of Conduct -Conflicts

Commentary (Short Term Legal Services)

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[3] Confidential information obtained by a lawyer providing the services described in Rules 3.4-2A to 3.4-2D will not be imputed to the lawyers in the lawyer's firm or to non-lawyer partners or associates in a multi-discipline partnership. As such, these individuals may continue to act for another client adverse in interest to the client who is obtaining or has obtained short-term summary legal services, and may act in future for another client adverse in interest to the client who is obtaining or has obtained short-term summary legal services. See the commentary following Rule 3.4-20 for guidance as to what constitutes reasonable measures to ensure non-disclosure of confidential information.

[4] In the provision of short-term summary legal services, the lawyer's knowledge about possible conflicts of interest is based on the lawyer's reasonable recollection and information provided by the client in the ordinary course of consulting with the pro bono or not-for-profit legal services provider to receive its services.

Pro Bono Services and Insurance Coverage -Non-Exempt Members

- ▶ The Saskatchewan Lawyers' Insurance Association (SLIA) provides professional liability insurance to members of the Law Society of Saskatchewan. Rule 605 of the Rules of The Law Society of Saskatchewan specifies that, unless exempt under Rule 605(4), every member shall pay to SLIA an annual assessment for mandatory liability insurance.
- ▶ Payment of the annual assessment triggers coverage under the terms of the SLIA Lawyers' Professional Liability Insurance Group Policy. All non-exempt members of the Law Society of Saskatchewan are insured to provide professional legal services to clients *whether or not* they receive a fee for those services.

Pro Bono Services and Insurance Coverage

-Exempt Members

Rule 605(4) of the Law Society of Saskatchewan Rules details members who are exempt. It reads:

The following members are exempt from payment of the annual assessment under subrule (1) and any special assessments under subrule (2):

- (a) students-at-law;
- (b) 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; and
- (i) other members as approved by the Benchers.

Pro Bono Services and Insurance Coverage

-Exempt Members

- ▶ Members exempt under Rule 605(4) may also provide pro bono legal services provided they are not restricted from the practice of law. If you are an inactive or retired lawyer, but would still like to provide legal services the Pro Bono Member category may be an appropriate option for you.
- ▶ Exempt members are extended insurance coverage pursuant to Endorsement No. 2 of the Lawyers' Professional Liability Insurance Group Policy in Saskatchewan:

It is understood and agreed that coverage under this policy is extended to members of the Law Society who are exempt from insurance coverage pursuant to Rule 605(4) of the Rules of the Law Society for an Occurrence arising out of Professional Services performed on a pro bono basis through programs approved by the Law Society of Saskatchewan.
- ▶ Endorsement No. 2 extends errors and omissions coverage to exempt members who are not required to carry insurance when these exempt members provide pro bono legal services through programs approved by the Law Society of Saskatchewan.

Pro Bono Members

- ▶ Rules of the Law Society of Saskatchewan

- A. Categories of Membership

- 150. In this part:

- ...

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

Pro Bono Members

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.

Deductible Waiver

- ▶ DEDUCTIBLE

- ▶ The Saskatchewan Lawyers' Insurance Association has agreed to waive payment of the deductible for any claim occurring against a lawyer arising out of pro bono legal services provided through a pro bono program approved by the Law Society.
- ▶ Lawyers must register and be volunteering with an approved pro bono program to receive this benefit.

Questions?



Pro Bono Law
Saskatchewan



Law Society
of Saskatchewan

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