

**Certified True Copy of Amendments
to the Rules of the Law Society of Saskatchewan**

December 4, 2020

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 7 – Membership and Practice Privileges

Amendment to Rule 716 is to clarify that Law Professor members only pay one-half of the active member practice fee.

Currently, Rule 1401(2) in Part 14 (Law Society Fees and Assessments) correctly indicates that Law Professor members pay one-half of the active member practice fee as set out in the Schedule of Fees and Assessments appended to the Rules; however, for consistency, this should also be indicated in Rule 716.

D. Lawyers

Law Professor Members

716(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 pursuant to this Rule must deliver to the Executive Director:

- (a) an application for change of status in a form approved by the Committee;
- (b) an undertaking, satisfactory to the Executive Director, to only engage in the practice of law in a limited manner, including a description of the applicant's practice; and
- (c) any other information and documents required by the Act or these Rules or requested by the Executive Director.

(3) A member who is not an active member may apply to be reinstated as a Law Professor member by:

- (a) applying pursuant to Rule 728; and
- (b) delivering an undertaking referred to in subrule (2)(b).

(4) A member granted Law Professor Membership pays one-half the active member practice fee as set out in Schedule 1 and is entitled to practise in a limited manner consistent with the undertaking given pursuant to subrule (2)(b).

(5) A practising licence shall be issued to a person admitted as a Law Professor member, each year upon receipt of an undertaking referred to in subrule (2)(b) and shall be endorsed with the words “Law Professor Membership.”

(6) The membership of a person admitted pursuant to this Rule 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.

F. Disqualification, Resignation, Retirement, Inactive Membership and Reinstatement

Amendments to Rule 728 and 729 were made to correct incorrect Rule references.

Reinstatement or Change in Membership Category

728(1) This Rule applies to:

- (a) former members;
- (b) inactive members;
- (c) retired members;
- (d) Law Professor members;
- (e) Pro Bono members; and
- (f) members disqualified pursuant to Rule 724.

(2) A member may apply to the Executive Director for reinstatement in the Society or change in membership category in accordance with Rule 729 and by delivering:

- (a) the application form required by the Executive Director;
- (b) the applicable fee as set out in Rule ~~1404~~**1405**; and
- (c) arrears, if any, of any fees payable to the Society and fulfillment of any obligation to the Society.

G. Applications, Hearing and Appeals

Application of Rule

729(1) This section applies to the following applications in this Part of the Rules:

- (a) admission as a Student-at-law pursuant to Rule 703;
- (b) admission as a lawyer pursuant to Rule ~~714~~**715**;
- (c) admission as a transfer lawyer pursuant to Rule ~~815~~**816**;
- (d) admission as a Canadian Legal Advisor pursuant to Rule ~~817~~**818**;
- (e) application to act as principal pursuant to Rule 704;
- (f) reinstatement of a former member who was disbarred, resigned in the face of discipline pursuant to Rule 1111 or resigned instead of continued proceedings pursuant to Rule 1112; and
- (g) all applications pursuant to Rule 728 other than those pursuant to subrule (1)(f).

PART 7 – Membership and Practice Privileges

Amendments to Rule 703(c) were made to remove the requirement for Student-at-law applicants to submit certificates of character. The application process already includes more reliable ways to assess character. Additionally, this amendment is consistent with the practice across the country.

C. Students-at-Law

Admission as a Student-at-law

703 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 two persons who have known the applicant for at least three 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, dated not more than 30 days before the date of the application, 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; and
- (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 as set out in Schedule 1.

PART 8 – National Mobility and Interjurisdictional Practice

As stated under amendments to Rule 703(c), amendments to Rules 815(1) and 817(1) were also made to remove the requirement for transfer lawyers and Canadian Legal Advisor applicants to submit certificates of character, for the same reasons articulated above.

B. Permanent Mobility

Admission as a Transfer Lawyer

815(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 copy of a 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, proof of the applicant's entitlement to work in Canada;
 - ~~(iv) testimonials, in a form approved by the Committee, from two persons who have each known the applicant for at least three years, verifying the applicant's suitability to practise;~~
 - (iv) certificates of standing, dated not more than 30 days before the date of the application, from each of the governing bodies of which the applicant is a member, 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;

- (vi) the admission on transfer application fee as set out in Schedule 1; and
- (vii) any other information and documents required by the Act or these Rules that the Executive Director requests.

(2) Rules 715 and 729 apply to applications for admission as a transfer lawyer with any necessary changes.

C. Practice Privileges for Members of the Chambre

Canadian Legal Advisor

817(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) an original or notarial copy of certified documents verifying identity, including valid original government issued identification such as 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 two persons who have known the applicant for at least three years, verifying the applicant's suitability to practise;~~
- ~~(ce)~~ a certificate of standing, dated not more than 30 days before the date of application and in a form acceptable to the Executive Director and issued from each of the governing bodies of which the applicant is a member;
- ~~(de)~~ an errors and omissions insurance application or exemption form;
- ~~(ef)~~ the admission transfer application fee and the admission on transfer enrollment fee, both as set out in Schedule 1; and
- ~~(fg)~~ any other information and documents required by the Act or these Rules which is requested.

(2) Rules 715 and 729 apply to applications for admission as a Canadian Legal Advisor with any necessary changes.

PART 15 – Accounting

Practice Directives 1 – 3 were created to assist members in accommodating challenges created by the Covid-19 pandemic. Practice Directives 1 and 3 were later amended to remove reference to a public emergency period and make them permanent.

Practice Directive No 2, *Wire Transfer Procedures via Online Wire Payments Service*, was not amended at the time, as the permanent nature of the change could be addressed through amendment to an existing Rule. In order to support the intent of Practice Directive No 2, the Law Society drafted procedures and safeguards that members would be required to follow when using an online wire payments service, not just during an emergency period, but for continuity of practice once the emergency ends. Thus, it was decided to amend the Rules now to facilitate the member's practice and protect clients from the potential impacts of a gap in the process once the state of emergency ends.

The definition of “**online wire payments service**” was added to Rule 1501, and 1514 was amended to incorporate the requirements for the use of Online Wire Payments Services. Other housekeeping amendments were also made to Rules 1504, 1514 and 1544.

A. Definitions

1501 In this Part:

“online wire payments service” means an electronic method by which the law firm has the ability to create and approve the wire transfer of money from the firm’s trust account through the financial institution’s platform using the financial institution’s website or mobile device application.

C. Receipt of Trust Funds

Deposit of Trust Funds

1504(3) Where a member who receives trust money participates in an arrangement with another firm to share either or both of space and certain common expenses but otherwise practises as an independent practitioner:

- (a) the member must open a trust account in the name of the member’s own firm; and
- (b) the member must not deposit trust money into a trust account opened by any other firm without the written approval of the ~~Executive~~ ~~Executor~~ Director other than in the course of providing legal services to a client.

E. Funds in Trust

Procedure for Withdrawing Funds from a Pooled Trust Account

1514(1) Subject to subrules (2) and (5), and subrule 1507(6), a member who makes or authorizes the withdrawal or transfer of funds from a pooled trust account shall:

- (a) effect the withdrawal or transfer by a consecutively numbered cheque marked “trust”;
- (b) not make the cheque payable to “cash” or “bearer”;
- (c) provide the client or file reference in the memo field of the cheque, on the cheque copy or the cheque stub;
- (d) ensure the cheque is dated, but not post-dated;
- (e) ensure the cheque is fully completed as to the payee and amount before being signed;
- (f) ensure that the cheque is signed by at least one member; and
- (g) not make transfers of trust money from one client’s account to another client’s account unless the money is held in a pooled trust account in the same financial institution and the member has obtained either:
 - (i) the written authorization of the client from whose account the money is transferred; or
 - (ii) the verbal authorization of the client from whose account the money is transferred, which authorization is subsequently confirmed in writing to the client by the member.

(2) Trust withdrawals must not be made by a bank draft except in exceptional circumstances and only with prior written approval of the ~~Executive~~ ~~Executor~~ Director.

[...]

(5) A member may make or authorize the withdrawal of funds from a pooled trust account by wire transfer using a manual requisition or an Online Wire Payments Service provided all the following conditions are met:

- (a) the system will produce, not later than the next banking day, a confirmation form from the financial institution confirming the details of the transfer, which includes the following:
 - (i) the date of the transfer;
 - (ii) source trust account information, including account name, financial institution and account number;
 - (iii) destination account information, including account name, financial institution, financial institution address and account number;
 - (iv) the name of the member authorizing the transfer; and
 - (v) amount of transfer.

(b) if using a manual requisition for transfer, the requisition must be in a form approved by the Executive Director and the member must:

- (i) complete and sign a requisition for the transfer ~~in a form approved by the Executive Director~~;
- (ii) submit the original requisition to the appropriate financial institution; and
- (iii) retain a copy of the requisition.

(c) if using the Online Wire Payments Service offered by the financial institution, the member must follow the Wire Transfer Procedures via Online Wire Payments Service approved by the Executive Director.

(d) in completing a wire transfer pursuant to subrule (b) or (c) the member must also:

- (iv) obtain the confirmation referred to in subrule (a) from the financial institution;
- (iv) retain a hardcopy of the confirmation; and
- (iv) immediately on receipt of the confirmation, verify that the money was drawn from the trust account as specified in ~~part (a) of~~ the requisition.

O. Client Identification and Verification Requirements

Exemptions Regarding Certain Funds

1544 Rule 1545 does not apply:

- (a) where the client is a financial institution, public body or reporting issuer;
- (b) in respect of funds:
 - (i) paid by or to a financial institution, public body or a reporting issuer;
 - (ii) received by a member from the trust account of another member;
 - (iii) received from a peace officer, law enforcement agency or other public official acting in an official capacity;
 - (iv) paid or received to pay a fine, penalty or bail; or
 - (v) paid or received for professional fees, disbursements or expenses ~~;~~ **and**
- (c) to an electronic funds transfer.

Part 16 – Reporting Requirements

Amendments to Rules 1603 and 1609 were made to update Form references and correct minor cross reference errors in the Rules.

Change in Fiscal Period

1603 A firm that changes the fiscal period shown in the Registration Form mentioned in Rule 1602 or the Annual ~~Report Practice Declaration~~ filed most recently with the Executive Director shall, within 30 days of the change, notify the Executive Director in writing of the firm's new fiscal period.

Monthly Reports

1609(1) A firm shall deliver to the Society, on a monthly basis or on demand, any of the books, records and accounts described in Part 15 if required by:

- (a) Rule 1602, ~~Registration Form~~ **Trust Account Commencement Report**;
- (b) any penalty or requirement assessed pursuant to subrules s 1108(1) or 1131(3) ~~s 1130(3) or 1132(1)~~; or
- (c) the Society, at its discretion.

(2) The books, records and accounts to be delivered pursuant to subrule (1) shall be delivered not more than 30 days after the end of the period to which they pertain, unless otherwise permitted in writing by the Society.

PART 23 – Withdrawal from Practice

An amendment to Rule 2302(1) was made to clarify that succession plans are to be in writing.

Succession Plan

2302(1) A member who practises with a firm shall maintain a written succession plan for the member's law practice.



**CERTIFIED to be a true copy of the resolutions
passed by the Benchers of the Law Society of
Saskatchewan at their meeting held December 4,
2020.**

TIMOTHY J. BROWN, Q.C.
Executive Director