

Remuneration of Benchers

505(1) The President shall receive remuneration in an amount fixed by the Benchers.

(2) Benchers described in clauses 6(2)(a) and (b) of the Act may receive remuneration in an amount fixed by the Benchers.

(3) Benchers described in clause 6(2)(c) of the Act shall receive remuneration in an amount which is the greater of:

- (a) the amount determined pursuant to subsection 6(5) of the Act; or
- (b) the amount fixed by the Benchers.

Bencher Absence

506 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.

PART 6

Committees

Establishment

601(1) The following Committees are established:

- (a) the Executive Committee;
- (b) the Competency Committee,
- (c) the Discipline Policy Committee;
- (d) the Ethics Committee;
- (e) the Insurance Committee;
- (f) the Audit Committee;
- (g) the Conduct Investigation Committee;
- (h) the Governance Committee;
- (i) the Equity and Access Committee; and
- (j) the Nominations Committee.

(2) The Benchers may establish any other Committee for the better governance of the Society.

[Rule 601(1) amended to add item (j) Nominations Committee, April 30, 2021]

Membership

602(1) The President shall, in the case of every Committee other than the Executive Committee, appoint the members, 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 the Chairperson;
- (b) the Vice-President of the Society, who shall be the Vice-Chairperson;
- (c) the immediate Past President of the Society;
- (d) such other Benchers or members as appointed by the President; and
- (e) the Executive Director as a non-voting member.

(3) The Discipline Policy Committee shall consist of Benchers, members and former Benchers.

(4) The Conduct Investigation Committee shall consist of seven to nine members, the majority of whom shall be Benchers, with a Bencher as Chairperson and one or more Benchers as Vice-Chairpersons, and may include:

- (a) Benchers, former Benchers or members;
- (b) any other persons who have reached the age of majority and have had appropriate investigation training or experience.

(5) The President shall appoint only Benchers and members to the Competency Committee.

(6) The President and Vice-President:

- (a) are non-voting members of each Committee established pursuant to Rule 601, other than the Audit Committee and the Conduct Investigation Committee; and
- (b) may be appointed as active members of any Committee.

(7) Any Vice-Chairperson of a Committee may perform the duties of the Chairperson of that Committee where it is desirable for that person to do so in furtherance of the objects of the Act and the Rules.

(8) 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.

(9) A member of a Committee appointed pursuant to subrule (1) holds office until the earlier of:

- (a) ceasing to be a member; or
- (b) being removed from office by the President.

(10) The President may fill a vacancy on any Committee for which the President has the power of appointment.

Duties

603 A Committee shall, in addition to the duties assigned to it by these Rules, perform any duties assigned by the Benchers.

Quorum

604(1) At a meeting of any 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.

Majority Decisions

605 Unless these Rules state to the contrary, a Committee may act by majority decision.

Procedures

606 Unless these Rules state to the contrary, a Committee may set its own practice and procedures.

PART 7

Membership and Practice Privileges

A. Definitions

Definitions

701 In this Part:

“active member” means a person with a valid practising certificate in accordance with the Act and Rule 719;

“Appeal Panel” means an admissions panel mentioned in sections 23 and 24 of the Act which is established to hear appeals from decisions of a Hearing Panel;

“Bar Admission Program” means Practice Readiness Education Program;

“Canadian Legal Advisor” means a member admitted pursuant to Rule 817;

“Committee” means the Competency Committee;

“disqualified member” means a member who has been disqualified in accordance with Rule 721, 724 or 1612;

“Executive Director” includes a person designated by the Executive Director to perform any of the duties assigned to the Executive Director in this Part;

“former member” means a person who was a member, but who has resigned, has been appointed to the judiciary or has been disbarred;

“Hearing Panel” means an admissions panel mentioned in sections 23 and 24 of the Act which is established to hear applications pursuant to subrules 729(4) or 729(5)(d);

“inactive member” means a person who has qualified in all respects to be admitted as a lawyer but has elected not to maintain a practising membership;

“Law Professor member” means an active member permitted to practise in accordance with Rule 716;

“licence to practise” means a licence as defined pursuant to clause 2(1)(g.2) of the Act;

“Pro Bono member” means an active member permitted to practise in accordance with Rule 717;

“retired member” means a member who has retired in accordance with Rule 726;

“Senior Life member” means a person who has been granted a senior life membership by the Benchers before December 31, 2017;

“Student-at-law” means a person admitted to the Society pursuant to Rule 703;

“suitability to practise” means honesty, governability, financial responsibility and respect for the rule of law and the administration of justice and “suitable to practise” has a corresponding meaning;

“suspended member” means a person who has been suspended pursuant to Rule 1121, 1129, 1131 or 1141.

[Rule 701 Definitions, “Bar Admission Program” amended, “Program” deleted, May 1, 2020]

B. Practising Status

Entitlements and Restrictions

702(1) An active member is entitled to practise law.

(2) A Canadian Legal Advisor is entitled to practise law within the scope of Rule 817.

(3) A disqualified member has none of the rights of membership and is not entitled to practise law for the period of the disqualification.

(4) A former member has none of the rights of membership and is not entitled to practise law.

(5) An inactive member has all the rights and duties of membership but is not permitted to practise law.

(6) A Law Professor member is permitted to practise in accordance with Rule 716.

(7) Pro Bono member is permitted to practise in accordance with Rule 717.

(8) A retired member is not permitted to practise law.

(9) A Senior Life member is permitted to practise law.

(10) A suspended member has none of the rights of membership and is not entitled to practise law during the period of the suspension.

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) 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
 - (ii) 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.

[Rule 703(c)(i) deleted to remove testimonials requirement, changing numbering sequence, December 4, 2020]

Approval to Act as a Principal

704(1) A lawyer seeking to act as a principal must:

- (a) meet the requirements of subrule 729(2);
- (b) be a lawyer currently practising full-time in Saskatchewan; and
- (c) have practised in Saskatchewan for at least the past five consecutive years.

(2) Before hiring a Student-at-law, a lawyer must submit:

- (a) an application to the Executive Director for approval as a principal in a form approved by the Committee and pursuant to Rule 729; and
- (b) any other information and documents required by the Act or these Rules or requested by the Executive Director.

(3) No lawyer shall commence acting as a principal before the Executive Director approves the application pursuant to Rule 729.

(4) A member shall only act as a principal to one Student-at-law at a time, except in the following circumstances, where a member may act as a principal to a maximum of two Students-at-Law:

- (a) during the final three months of one Student-at-law's articles; or
- (b) during a secondment pursuant to Rule 709.

(5) Pursuant to *The Justice and Attorney General Act*, subrule (4) does not apply to the Attorney General or Deputy Attorney General.

(6) The Executive Director may approve as a principal a member who does not meet the qualifications set by this Rule but who satisfies the Executive Director that the lawyer is suitable to act as a principal.

(7) A principal who ceases to meet the qualifications set by this Rule shall immediately notify the Executive Director in writing.

(8) If the Executive Director becomes aware that the principal no longer meets the requirements of subrule (1), the Executive Director may:

- (a) revoke the approval of the principal; or

- (b) refer the matter to the Committee for its consideration.

Commencement of Articles

705(1) Following admission as a Student-at-law and approval of one or more principals, but before the commencement of articles, the Student-at-law and the principal must file:

- (a) an articling agreement in a form approved by the Committee;
- (b) documents verifying that the student:
 - (i) has successfully completed the requirements for a Bachelor's degree or a 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 successfully 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; and
- (c) the articling fee as set out in Schedule 1.

(2) The Executive Director may require a Student-at-law and principal to submit an education plan within a specified time.

[Rule 705(1)(b)(iii) amended, 705(1)(d) deleted, May 1, 2020]

Articling Term

706(1) The articling term will commence on the date when all conditions necessary for commencement of articles have been satisfied pursuant to Rule 705 and shall end on the expiry of 12 months.

(2) The 12-month articling term includes:

- (a) the period of time that the Student-at-law attends the Bar Admission Program; and
- (b) such reasonable time away from articles for vacation not to exceed 15 working days, and time away for illness or other personal reasons as may be approved by the principal, so long as the principal is satisfied that the time away shall not be detrimental to the Student-at-law's articling experience; but does not include:
 - (i) any time spent articling before the requirements referred to in subrule 705(1) have been fulfilled; and
 - (ii) any time spent at the Bar Admission Program before the fulfillment of the requirements of subrule 705(1)(b).

(3) A Student-at-law shall complete the twelve-month term within 24 months of commencement of the articling term, or the Student-at-law status may be revoked.

(4) The Executive Director may approve applications to:

- (a) amend the articling start date in exceptional circumstances; and
- (b) extend the articling term in circumstances where the Student-at-law requires an extended leave during the articling term.

Supervision by the Courts

707(1) A Student-at-law may serve articles to a Justice of the Saskatchewan Court of Appeal, the Saskatchewan Court of Queen's Bench, the Supreme Court of Canada or any Federal Court of Canada or a Judge of the Provincial Court of Saskatchewan.

(2) A Student-at-law articulated to a court shall serve for not less than two months to a member approved as a principal pursuant to Rule 704.

(3) The rules applying to Students-at-Law and principals apply to Students-at-Law articling with a court, subject to any necessary modifications.

Transfer into Saskatchewan as a Student-at-law

708 A Student-at-law from another Canadian Province or Territory seeking to transfer into Saskatchewan must:

- (a) apply to be admitted as a Student-at-law pursuant to Rule 703; and
- (b) comply with all other Rules pursuant to this Part.

Secondment of Articles

709 A principal may permit a Student-at-law to work in the office of another member approved to act as a principal pursuant to Rule 704, or to a court pursuant to subrule 707(1), for a total of two months during the Student-at-law's articling term.

Assignment of Articles

710(1) In this Rule, "Assignee Principal" means a principal to whom a Student-at-law's articles are assigned.

(2) The articles of a Student-at-law may be assigned from one principal to another principal, provided that:

- (a) the Assignee Principal is approved by the Executive Director pursuant to Rules 704 and 729;
- (b) the Student-at-law, the principal and the Assignee Principal execute and file an assignment of articles in a form approved by the Committee; and
- (c) the articling assignment fee as set out in Schedule 1 is paid.

(2) The Executive Director may require the Assignee Principal and Student-at-law to submit a revised education plan for approval.

Bar Admission Program

711 A Student-at-law must register with the Canadian Centre for Professional Legal Education for admission to the Bar Admission Program.

[Rule 711 amended, 711(1) – (11) deleted, May 1, 2020]

[Rule 712, Limitations, deleted in its entirety, May 1, 2020]

Services Performed by Students-at-Law

713(1) Subject to the Act, *The Queen's Bench Rules of Court*, the *Criminal Code*, and subrule (2), a Student-at-law may perform any legal service that the principal:

- (a) is personally competent to perform;
- (b) supervises, to the extent necessary in the circumstances; and

Adjournment

734 The Chairperson of the Hearing Panel may adjourn the hearing from time to time.

Attendance at the Hearing and Right to Counsel

735(1) The applicant:

- (a) shall, unless the Hearing Panel otherwise orders, personally attend the entire hearing; and
- (b) may appear with counsel.

(2) The Society may appear with counsel.

Onus and Burden of Proof

736 The onus is on the applicant to satisfy the Hearing Panel, on a balance of probabilities, that the applicant has met the applicable requirements of the Act and these Rules.

Public Hearing

737 Rule 1136 applies to hearings pursuant to this Part, with any necessary modifications.

Transcript

738(1) All proceedings at a hearing shall be recorded by a Court Reporter.

(2) A person may obtain, at the person's expense, a transcript of any part of the hearing which the person was entitled to attend.

Procedure at Hearing

739 Subject to these Rules, the Hearing Panel may determine the practice and procedure for a hearing.

Decision of the Hearing Panel

740(1) The Hearing Panel may:

- (a) approve the application with or without conditions; or
- (b) deny the application.

(2) The Hearing Panel decision shall be by majority vote.

(3) The Hearing Panel shall provide written reasons for its decision and advise the applicant of a right to apply to the Appeal Panel pursuant to subsections 23(4) and 24(3) of the Act where applicable.

(4) In the Hearing Panel's written reasons for its decision, it shall take reasonable precautions to avoid including information that is subject to solicitor-client privilege.

(5) The Society may publish any order or decision of a Hearing Panel in any or all of the following:

- (a) a newspaper of general circulation in each community in which the member maintained an office;
- (b) the Society website;
- (c) CanLII or any other decision publishing entity approved by the Benchers.

Costs

741 Rule 1135 applies to Hearings pursuant to this Part, with any necessary modifications.

Appeal Panel

742(1) An applicant for a review pursuant to subsection 23(4) or 24(3) of the Act shall deliver an application to the Executive Director within 30 days after the action that is the subject of the review was taken.

(2) An Appeal Panel appointed for reviews conducted pursuant to sections 23 and 24 of the Act and Rule 741 shall:

- (a) be appointed by the Chairperson of the Committee; and
- (b) consist of not more than three Benchers, none of whom were members of a Hearing Panel appointed pursuant to Rule 729(4)(c) concerning the matter.

Appeal Panel Review

743(1) Rules 731 to 741 apply to a review, with the necessary modifications and so far as they are applicable.

(2) Notwithstanding subrule (1), the Appeal Panel may only consider:

- (a) the transcript from and exhibits filed at a hearing conducted pursuant to this Part; and
- (b) submissions from the applicant and counsel for the Society.

(3) Following a review pursuant to subrule (2), the Appeal Panel may:

- (a) confirm the decision of the Hearing Panel;
- (b) vary or remove any terms and conditions imposed by the Hearing Panel; or
- (c) approve the application, subject to any terms and conditions they consider appropriate.

[Rule 743(2) and (3) amended, April 30, 2021]

H. Rule Waivers

Rule Waivers

744(1) Notwithstanding Rule 2404, an application to waive a Rule pursuant to this Part shall be directed to the Committee.

(2) For applications pursuant to this Rule, applicants have the onus of proving that:

- (a) the applicant's legal education or experience or both, constitute exceptional circumstances sufficient to justify a waiver of the Rule;
- (b) as a result of the applicant's legal education or experience or both, the applicant possesses the skills, competencies and qualifications equivalent to those required by the relevant Rule;
- (c) the waiver is not inimical to the public interest or the members, nor would it harm the standing of the legal profession generally; and
- (d) denial of the waiver would result in significant hardship for the applicant.

(3) The Committee may consider:

- (a) written submissions of the applicant; and
- (b) with leave of the Committee Chairperson, oral submissions.

- (4) The Committee may either grant the waiver, with or without, conditions or deny the application.
- (5) The Committee shall notify the applicant of the decision in writing and provide reasons for the decision.

PART 8

National Mobility and Interjurisdictional Practice

Definitions

801 In this Part, unless the context indicates otherwise:

“Barreau” means the Barreau du Québec;

“Chambre” means the Chambre des notaires du Québec;

“Committee” means the Competency Committee;

“day” means any calendar day or part of a calendar day in which a lawyer provides legal services;

“discipline” includes a finding by a governing body of any of the following:

- (a) professional misconduct;
- (b) incompetence;
- (c) conduct unbecoming a lawyer;
- (d) lack of physical or mental capacity to engage in the practise of law;
- (e) any other breach of a lawyer’s professional responsibilities;

“disciplinary record” includes any of the following, unless reversed on appeal or review:

- (a) any action taken by a governing body as a result of discipline;
- (b) disbarment;
- (c) a lawyer’s resignation or otherwise ceasing to be a member of a governing body as a result of or in the face of disciplinary proceedings;
- (d) restrictions or limits on a lawyer’s entitlement to practise, other than those imposed as a result of failure to pay fees to a governing body, insolvency or bankruptcy or other administrative matter;
- (e) any interim suspension or restriction or limits on a lawyer’s entitlement to practise imposed pending the outcome of a disciplinary hearing;

“entitled to practise law” means allowed, pursuant to all the legislation and regulation of a Home Jurisdiction, apart from any requirement to obtain liability insurance, to engage in the practise of law in the Home Jurisdiction;

“Executive Director” includes a person designated by the Executive Director to perform any of the duties assigned to the Executive Director in this Part;

“governing body” means any Law Society or Barristers’ Society in a Canadian jurisdiction;

“Home Governing Body” means any or all of the governing bodies of the legal profession in Canada of which a lawyer is a member, and “Home Jurisdiction” has a corresponding meaning;

“lawyer” means a member of a governing body, other than the Chambre;

“liability insurance” means compulsory professional liability errors and omissions insurance required by a governing body;