

# FUTURE OF LEGAL SERVICES INITIATIVE

**Implementation of the Legal Services Task Team Recommendations**

January 2022

**Law Society  
of Saskatchewan**

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# THE LAW SOCIETY IS IMPLEMENTING RECOMMENDATIONS FROM THE LEGAL SERVICES TASK TEAM FINAL REPORT

## LEGAL SERVICES TASK TEAM RATIONALE

- Access to legal services especially in **underserved markets / locations**
  - Affordability
  - Rural and remote communities
  - Find a lawyer willing / able
  - Services in own language / culture
- **More consumer choice**
  - Range of competent service providers
- **Effective regulation** of legal services
  - Clarity regarding unauthorized practice of law
  - Consideration for services not posing a risk
  - Greater flexibility in regulation and delivery of legal services

## LAW SOCIETY OF SASKATCHEWAN STRATEGIC PLAN 2019-2022

- Demonstrate a commitment to improving access to legal services in regulatory structure, policies, and initiatives and support the provision of accessible legal services by Saskatchewan firms, lawyers, legal service providers, and other legal organizations
  - Reduce barriers to access to legal services caused by the Law Society's regulatory framework
  - Increase support to Saskatchewan firms, legal organizations, lawyers and legal service providers to diversify the service delivery methods used to provide legal services to underserved segments of the public
  - Increase collaboration with stakeholders to develop novel ways to address unmet legal needs



# THERE ARE THIRTEEN RECOMMENDATIONS FOR IMPLEMENTATION

## GOVERNMENT

- 1 - Modernize the legislation regulating the provision of legal services
- 2A - Define “practice of law” in the legislation; Provide the Law Society with the authority to define “legal information” in the Law Society Rules
- 5B - Amend the Act to relocate the list to the Rules so that the Law Society can amend the list
- 6A - Amend the Act to allow for the creation of new categories of membership in the Law Society
- 7A - Amend the Act to: i) allow service providers to practise law with a limited license on a case-by-case basis; and ii) provide the Law Society with licensing authority

## LAW SOCIETY

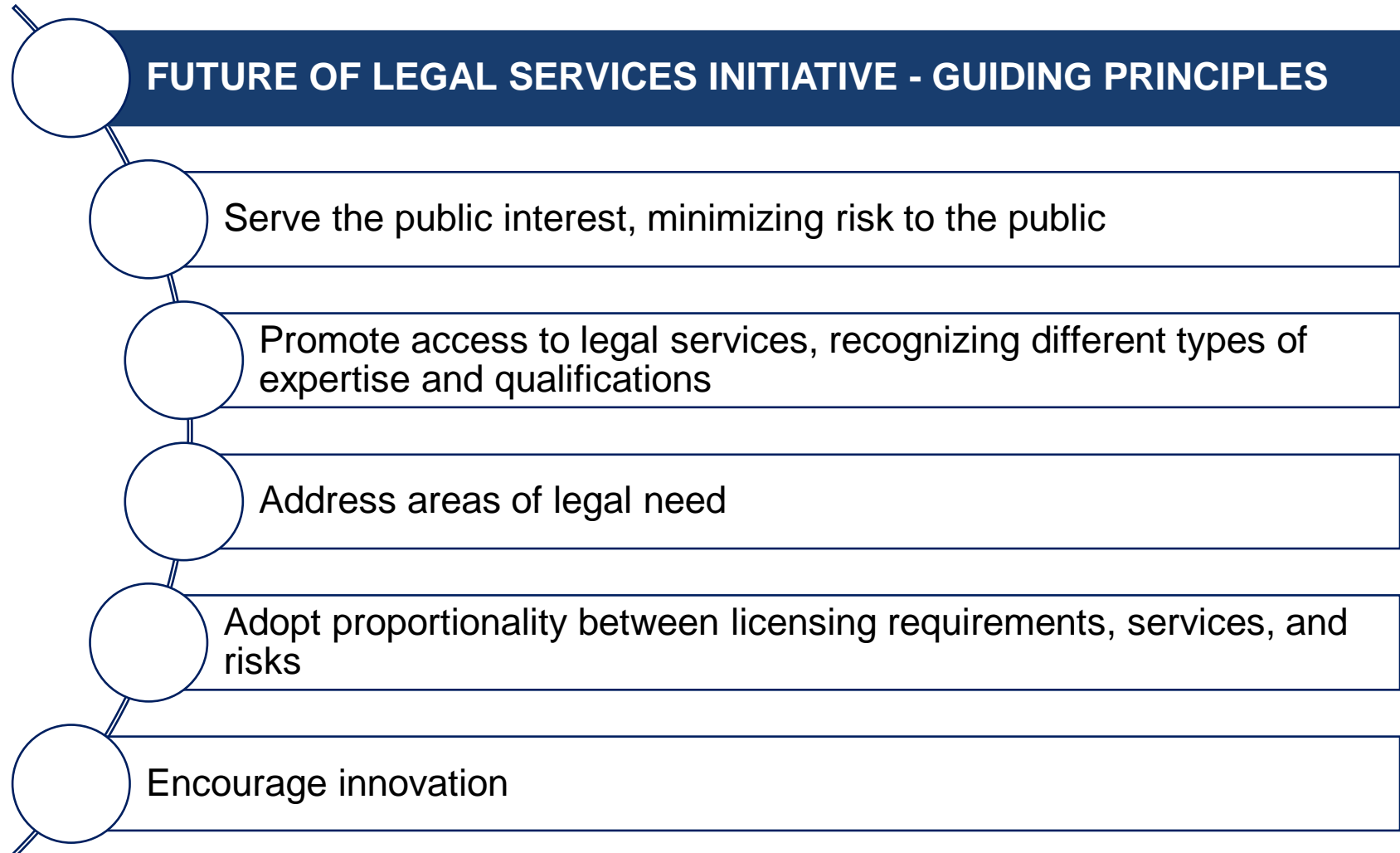
- 2B - Create guidelines to help the public
- 3 - Other than the provision of legal information, continue to regulate all other legal services to some degree
- 4 - Examine the restrictions on direct supervision requirements for staff
- 5A - Expand the list of exceptions [sic] to the prohibition against practicing law

## JOINT

- 6B - Enact subordinate legislation to create new categories of membership
- 7B - Enact principles to guide licensing
- 8 - Enact Rules, subject to Ministerial approval, to create a limited licensing process with appropriate and proportional licensing requirements
- 9 - Conduct or support pilot projects to experiment with certain types of limited licenses



# A SERIES OF PRINCIPLES GUIDE IMPLEMENTATION OF THE RECOMMENDATIONS



# THE RECOMMENDATIONS CREATE REGULATORY SPACE TO ADVANCE ACCESS TO LEGAL SERVICES

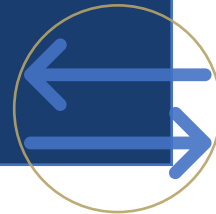
- Strict regulatory framework without a flexible structure

PAST –  
WHERE WE  
WERE



- Staged implementation of deregulation and reregulation to expand the scope of available legal service providers using risk-based assessment and review

PRESENT –  
WHERE WE  
ARE

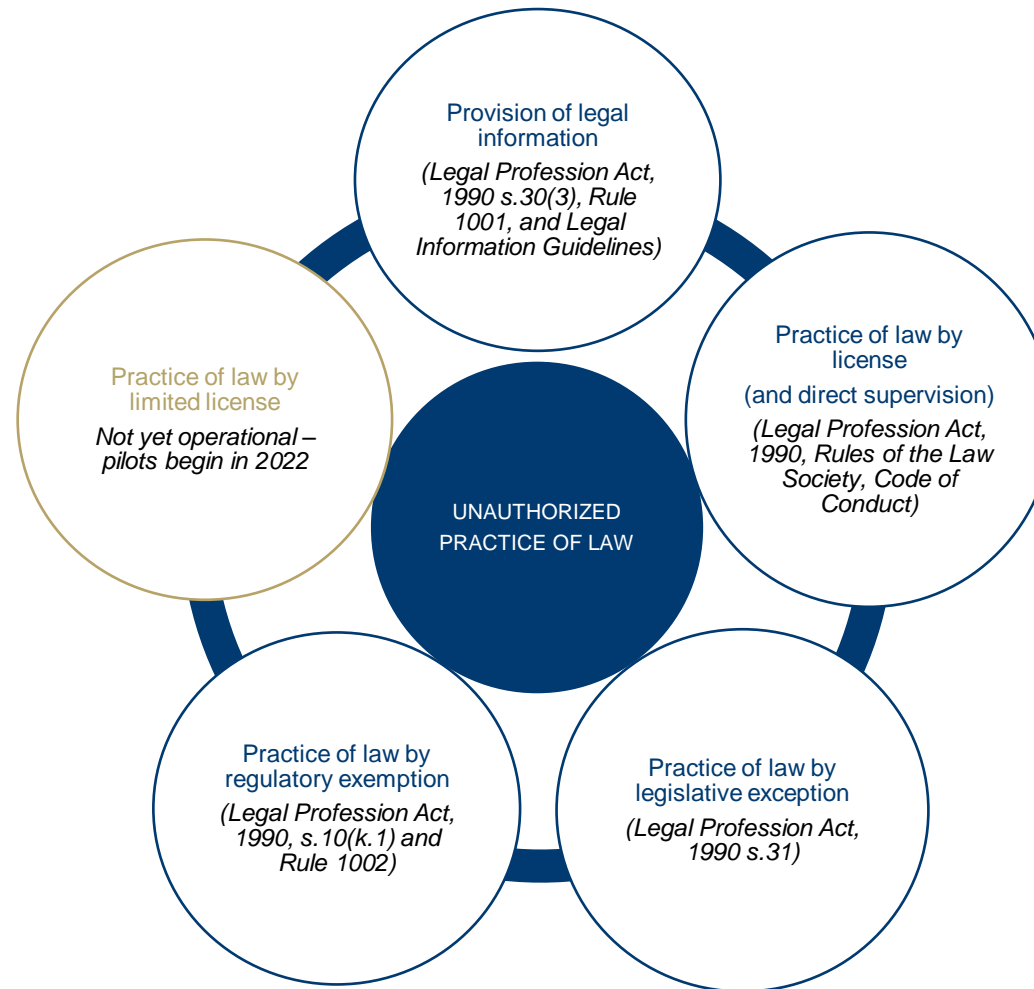


- 4 categories authorizing the practice of law
  - Lawyer + direct supervision
  - Exceptee
  - Exemptee
  - Limited Licensee
- + Legal Information Provider

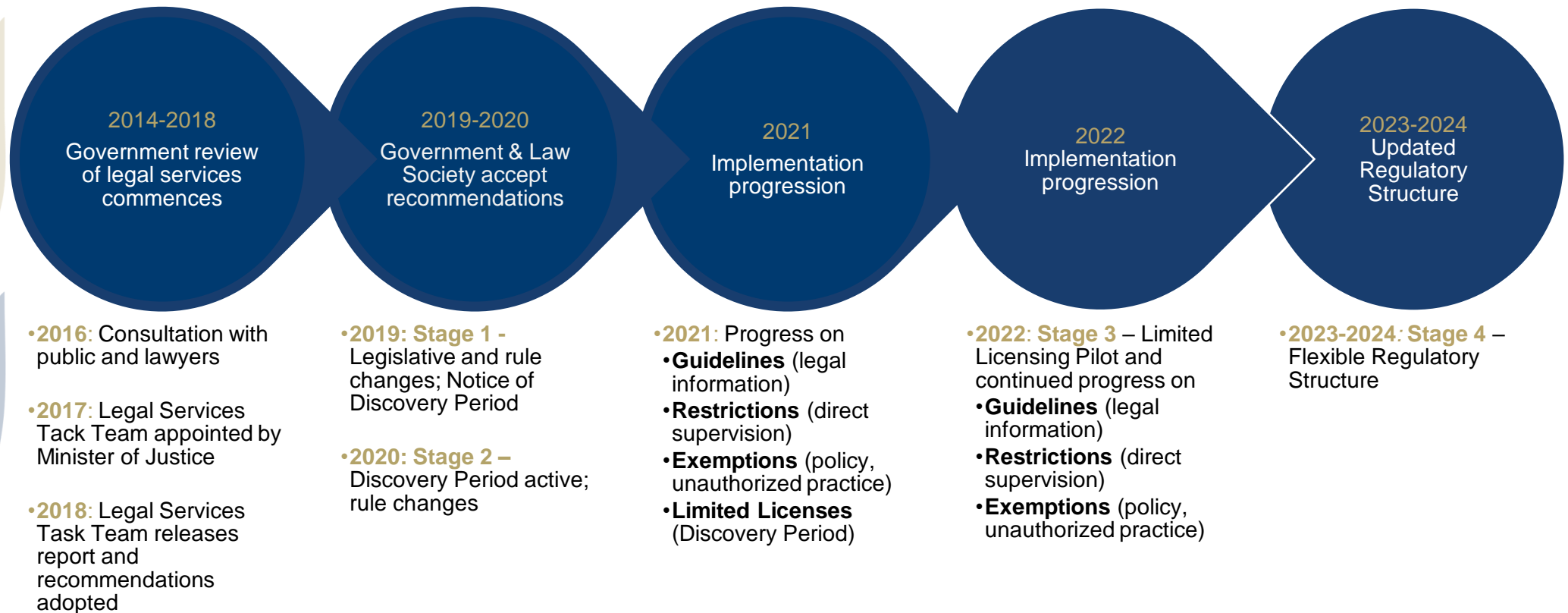
FUTURE –  
WHERE WE  
ARE HEADED



# THE RECOMMENDATIONS OUTLINE A FRAMEWORK THAT INCLUDES FUTURE LIMITED LICENSING



# RECOMMENDATIONS ARE IMPLEMENTED IN A RESPONSIBLE & SUSTAINABLE MANNER IN STAGES



•**Informed by:** Legal Needs Assessment, Canadian Legal Problems Survey, and Discovery Period

# STAGE 1: DEFINITION OF PRACTICE OF LAW AND EXEMPTIONS TO UNAUTHORIZED PRACTICE

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- A key Task Team recommendation was to clarify the definition of the practice of law and identify what represents unauthorized practice
  - Effective January 1, 2020, amendments to *The Legal Profession Act, 1990* include a clearer definition of the practice of law which can be found [here](#)
- Recognizing that some groups and individuals who are not lawyers would fall within the new definition of the practice of law, the Law Society amended its rules, identifying certain groups and individuals who are exempted from the unauthorized practice provisions, and in the public interest, can continue to provide limited legal services without becoming a lawyer
  - Effective January 1, 2020, Rule 1002(1) contains a list of exemptions to unauthorized practice which can be found [here](#)





## STAGE 2: DISCOVERY PERIOD

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- The legislative and rule amendments in stage 1 were important steps requiring further study, evidence and due diligence to develop principled approaches to the future of legal service regulation in the public interest
- In January 2020, the Law Society initiated a two-year Discovery Period to identify through a Notice Form process groups and individuals who did not fall within existing legislative provisions or exemptions to inform the development of new or expanded exemptions where appropriate and, in other cases, to provide the foundation for consideration of a new category of limited licensee.
  - Throughout the Discovery Period, regulatory assessment and responses included:
    - Provision of legal information or outside of scope
    - Exceptions (existing)
    - Exemptions (existing or new)
    - Pilot project participation for limited licensing
    - Unauthorized practice of law



## STAGE 3: LIMITED LICENSING PILOT

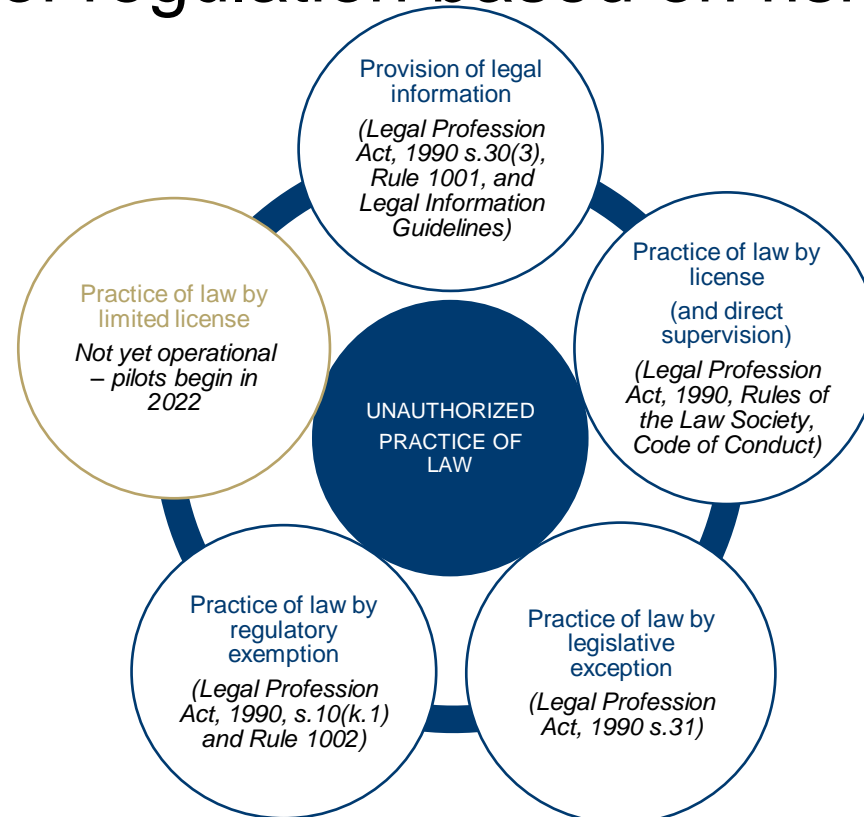
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- The Discovery Period in stage 2 collected important information. As alternative (or non-lawyer) legal service providers identified themselves to the Law Society, risk to the public could be assessed and the level of risk informed the level of Law Society regulation in relation to specific service providers
- In January 2022, the Law Society initiated a Limited Licensing Pilot to support development of appropriate rules and regulation to extend a limited authority to practice law to alternative (non-lawyer) legal service providers on a case-by-case basis through limited licensing

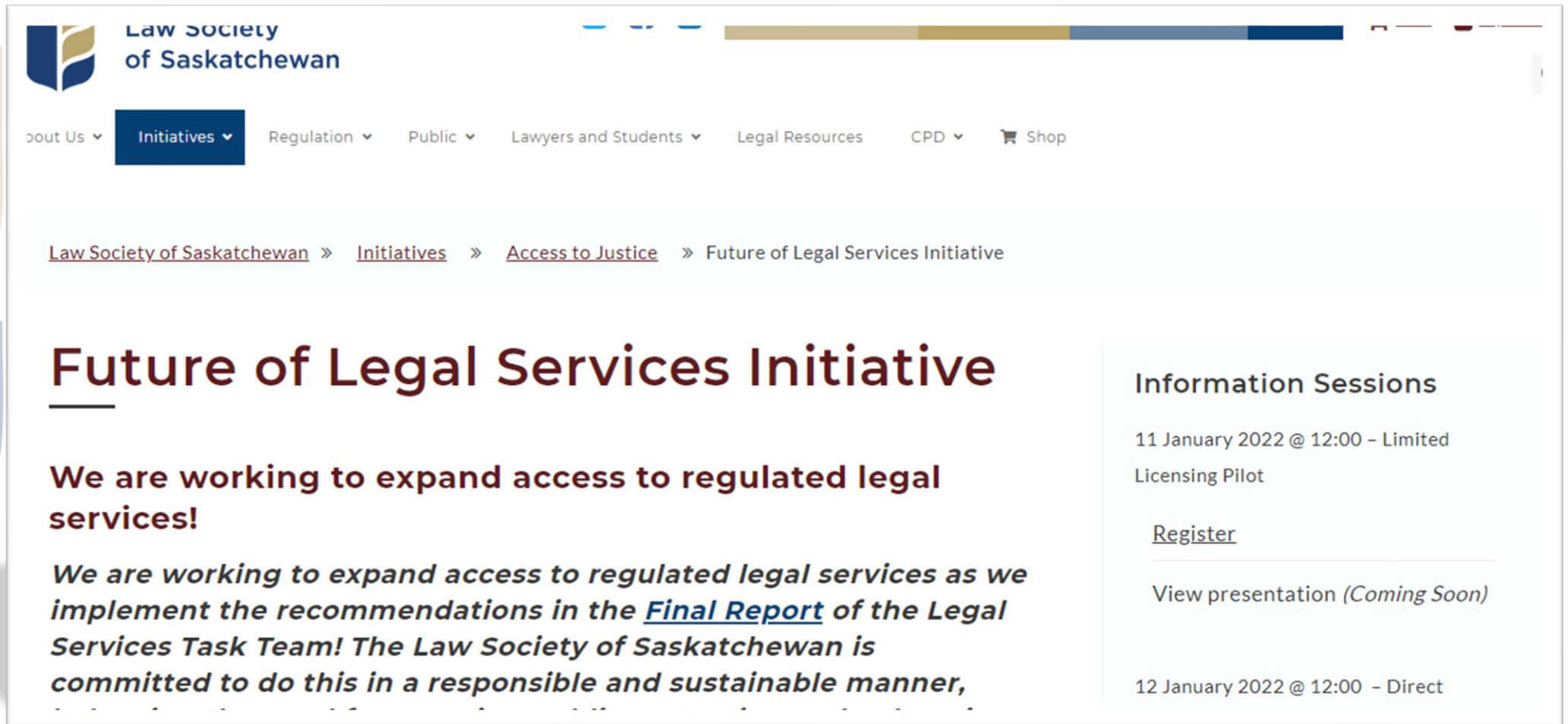


## STAGE 4: FLEXIBLE REGULATORY STRUCTURE

- The final stage will be a flexible regulatory structure that authorizes the practice of law in several ways and with varying levels of regulation based on risk assessment



# INFORMATION IS AVAILABLE ON THE LAW SOCIETY WEBSITE



The screenshot shows the Law Society of Saskatchewan website. The header includes the logo and navigation menu with items like 'About Us', 'Initiatives', 'Regulation', 'Public', 'Lawyers and Students', 'Legal Resources', 'CPD', and 'Shop'. The breadcrumb trail reads: 'Law Society of Saskatchewan » Initiatives » Access to Justice » Future of Legal Services Initiative'. The main heading is 'Future of Legal Services Initiative'. Below it, a bold statement reads: 'We are working to expand access to regulated legal services!'. A paragraph follows: 'We are working to expand access to regulated legal services as we implement the recommendations in the [Final Report of the Legal Services Task Team](#)! The Law Society of Saskatchewan is committed to do this in a responsible and sustainable manner, ...'. On the right side, there is a section titled 'Information Sessions' with two entries: '11 January 2022 @ 12:00 - Limited Licensing Pilot' with a 'Register' link, and '12 January 2022 @ 12:00 - Direct' with a 'View presentation (Coming Soon)' link.

Law Society of Saskatchewan

About Us ▾ Initiatives ▾ Regulation ▾ Public ▾ Lawyers and Students ▾ Legal Resources CPD ▾ Shop

[Law Society of Saskatchewan](#) » [Initiatives](#) » [Access to Justice](#) » Future of Legal Services Initiative

## Future of Legal Services Initiative

**We are working to expand access to regulated legal services!**

*We are working to expand access to regulated legal services as we implement the recommendations in the [Final Report of the Legal Services Task Team](#)! The Law Society of Saskatchewan is committed to do this in a responsible and sustainable manner,*

### Information Sessions

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[Register](#)

View presentation (*Coming Soon*)

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