

FUTURE OF LEGAL SERVICES INITIATIVE

Summary of Discovery Period

January 2020 - December 2021

**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

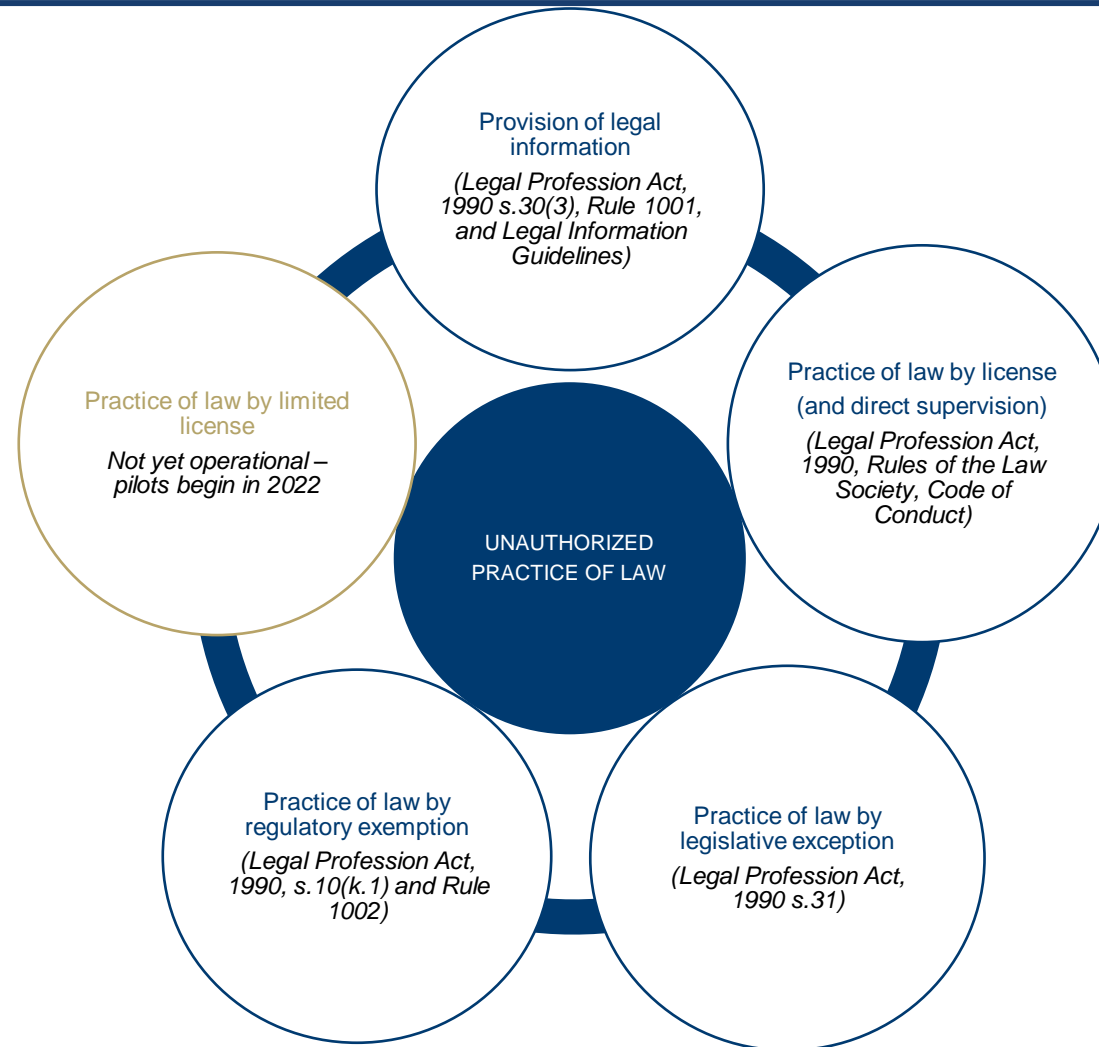
- 2B - Create guidelines to help the public
- 3 - Other than the provision of legal information, continue to regulate all other legal services to some degree
- 4 - Examine the restrictions on direct supervision requirements for staff
- 5A - Expand the list of exceptions [sic] to the prohibition against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



THE RECOMMENDATIONS OUTLINE A FRAMEWORK THAT INCLUDES FUTURE LIMITED LICENSING

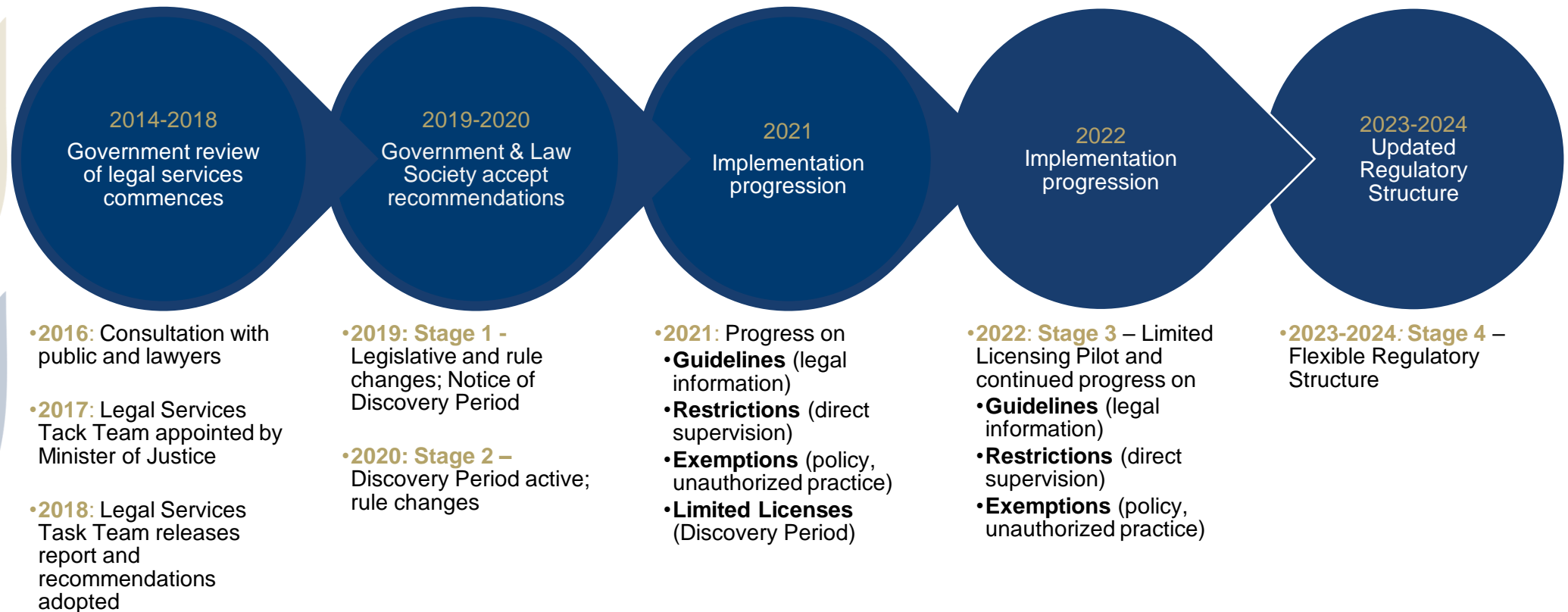


Note: LPA references *The Legal Profession Act, 1990*

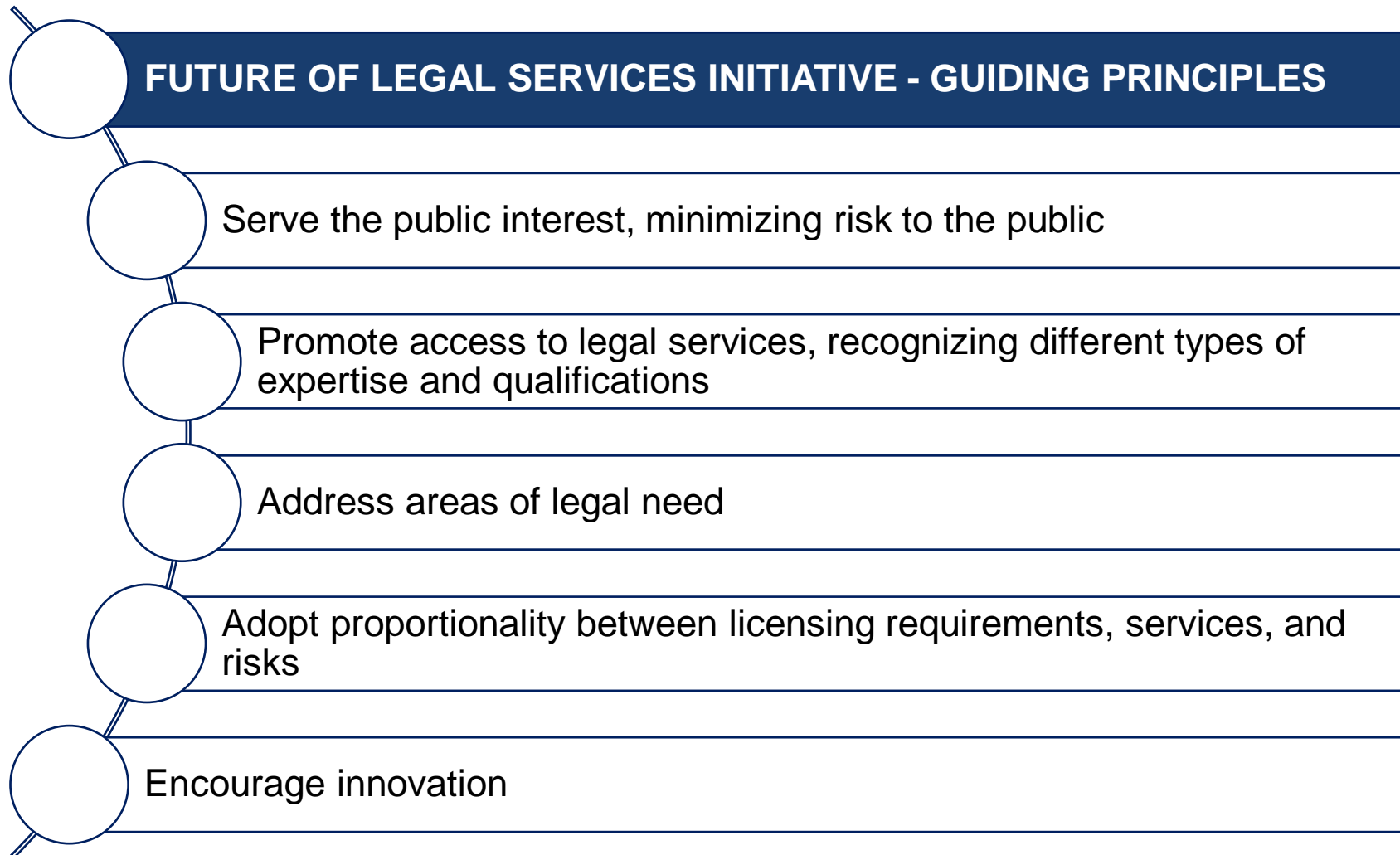


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THE RECOMMENDATIONS ARE BEING IMPLEMENTED IN A RESPONSIBLE AND SUSTAINABLE MANNER



A SERIES OF PRINCIPLES GUIDE IMPLEMENTATION OF THE RECOMMENDATIONS



DURING THE DISCOVERY PERIOD, THE LAW SOCIETY ENGAGED IN OUTREACH AND ANSWERED QUESTIONS

OUTREACH – 174+ contacts

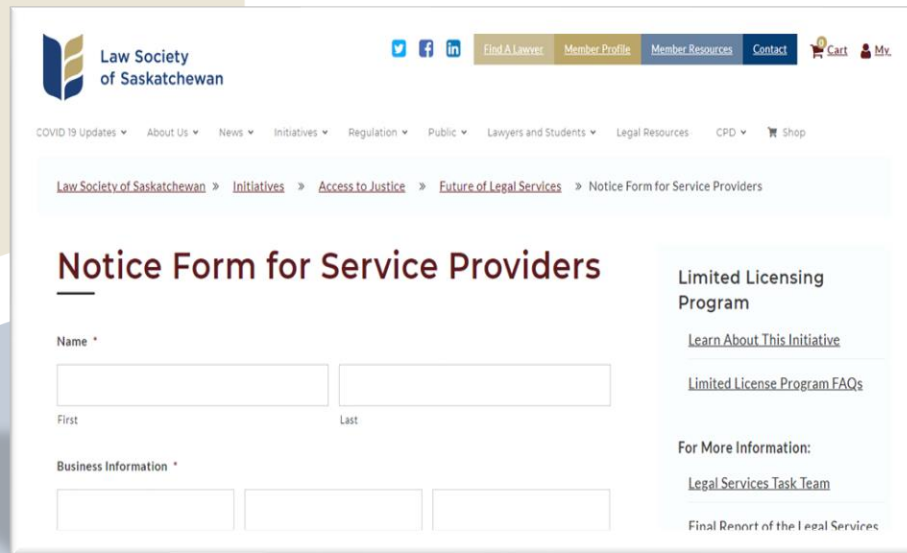
- *December 2019*: 62 organizations contacted + public Notice + Notice to members
 - 2/62 organizations contacted submitted Notice Forms
- *February 2020*: Op-Eds
- *June 2020*: 100 potential legal service providers contacted
 - 20 indicated do not provide legal services
 - 80 did not provide response
- *August 2020*: 100 potential legal service providers contacted with reminder
- *August-December 2020*: pause due to COVID-19
- *January-December 2021*: renewed engagement and outreach with organizations and legal information providers
 - Legal Information Guideline sessions (333 attendees)
 - Discovery Period Information session (174 invitees)

INQUIRIES – 14 contacts

- Inquiries or exchanges on issues such as:
 - Exemption of mediators / arbitrators
 - Cost of justice
 - Legal expense and insurance programs
 - Agency matters
 - Legal education regarding admin tribunals
 - Non-representation
 - Victims services
 - Paralegal regulation
 - Location of online and further information
 - Organizational practices for delivery of legal services
 - Software support for the delivery of legal services



THE DISCOVERY PERIOD INVITED INFORMATION SHARING FROM EXISTING ALTERNATIVE LEGAL SERVICE PROVIDERS



The screenshot displays the Law Society of Saskatchewan website. The header includes the logo and navigation links for 'First A Lawyer', 'Member Profile', 'Member Resources', and 'Contact'. A secondary navigation bar lists various categories like 'COVID 19 Updates', 'About Us', 'News', 'Initiatives', 'Regulation', 'Public', 'Lawyers and Students', 'Legal Resources', 'CPD', and 'Shop'. The breadcrumb trail indicates the path: 'Law Society of Saskatchewan > Initiatives > Access to Justice > Future of Legal Services > Notice Form for Service Providers'. The main heading is 'Notice Form for Service Providers'. The form includes fields for 'Name *' (split into 'First' and 'Last'), 'Business Information *', and a 'Limited Licensing Program' section with links for 'Learn About This Initiative' and 'Limited License Program FAQs'. A 'For More Information:' section contains links for 'Legal Services Task Team' and 'Final Report of the Legal Services'.

- Identification of existing legal service providers
- Self-completion of the Notice Form
- Opportunity to be considered for
 - Existing or expanded exemptions
 - Pilot projects for limited licensing
- Issuance of response letter with consideration for risk
 - ***courtesy*** and ***comfort*** letters
 - may provide limited legal services in identified areas (subject to appropriate restrictions and conditions) without prosecution or enforcement by the Law Society
 - consider long-term status in the context of new regulatory structures while status quo maintained during period of notice and discovery
 - ***unauthorized practice*** letter
 - may not provide legal services as risk to the public identified



A FRAMEWORK WAS USED TO REVIEW NOTICE FORMS AND FOLLOW-UP WITH PROVIDERS

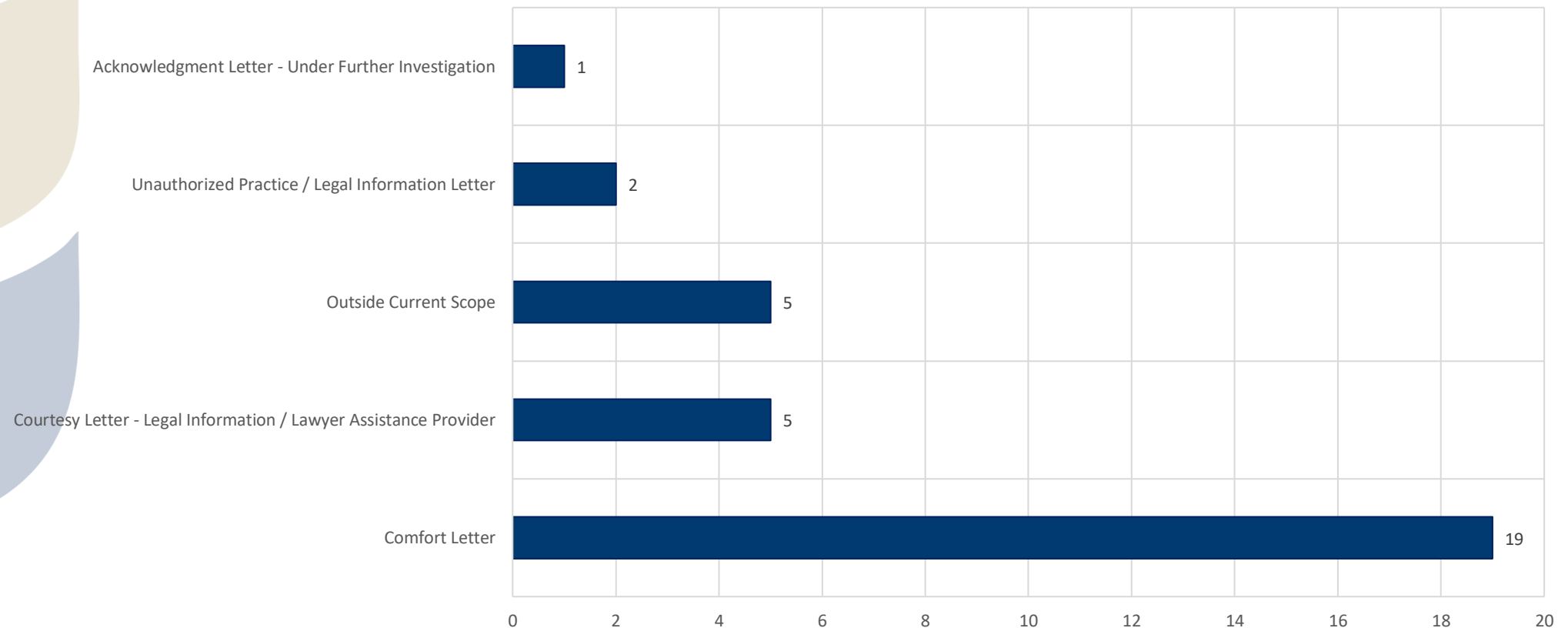
CRITERIA CONSIDERED FOR RISK ASSESSMENT AND ISSUANCE OF COURTESY, COMFORT, AND UNAUTHORIZED PRACTICE LETTERS

1. Pre-existing (January 2020) services / length of time
2. Insurance
3. Nature of services
4. Experience
5. Fees charged
6. Access to justice
7. Complaints, lawsuits, criminal prosecutions and indication towards respect for the rule of law and the administration of justice



THIRTY-TWO NOTICE FORMS WERE RECEIVED BETWEEN JANUARY 2020 AND DECEMBER 2021

FIGURE 1: SUMMARY OF DISCOVERY PERIOD
January 2020 – December 2021



ALTERNATIVE (NON-LAWYER) LEGAL SERVICE PROVIDERS INDICATED SERVICES IN A VARIETY OF AREAS

ANALYSIS

- 15 legal services identified
 - Known areas of access to justice concern
 - Niche areas for specific groups
 - Lower costing and efficiencies identified in some instances
 - Assessed risk tends low with several exceptions (complex wills, criminal and prison law)
- 5 legal information services identified in different formats and practice areas

LEGAL SERVICES IDENTIFIED IN DISTINCT PRACTICE AREAS

1. Contract law / services
2. Disability benefits
3. Employment insurance
4. Family law counselling and assessments
5. Human resource matters
6. Landlord-Tenant law
7. Medical cannabis
8. Powers of attorney
9. Prison law
10. Privacy law
11. Small claims court
12. Tax assessments
13. Traffic offences
14. Worker's compensation matters
15. Wills and probate

LEGAL INFORMATION IDENTIFIED IN SEVERAL PRACTICE AREAS AND FORMATS

1. Legal advice facilitation (service host)
2. AI-powered legal research
3. Crisis intervention
4. Landlord rights
5. Settlement analysis



NOTICE FORM PROVIDERS WILL TRANSITION FROM THE DISCOVERY TO PILOT PERIOD IN A VARIETY OF WAYS

RECOMMENDED ACTION	NUMBER
Transition to pilot – notification of conclusion of comfort letter status	15
No action unless nature of services change	6
Confirm exemption (with amendment (1))	3
Notify of pilot phase and invite to submit application form if meet criteria	3
No further action - notified of unauthorized practice of law / legal information	3
Continued reliance on comfort letter pending amendments to exemption / direct supervision requirements	2
Revisit in future – outside current scope	1

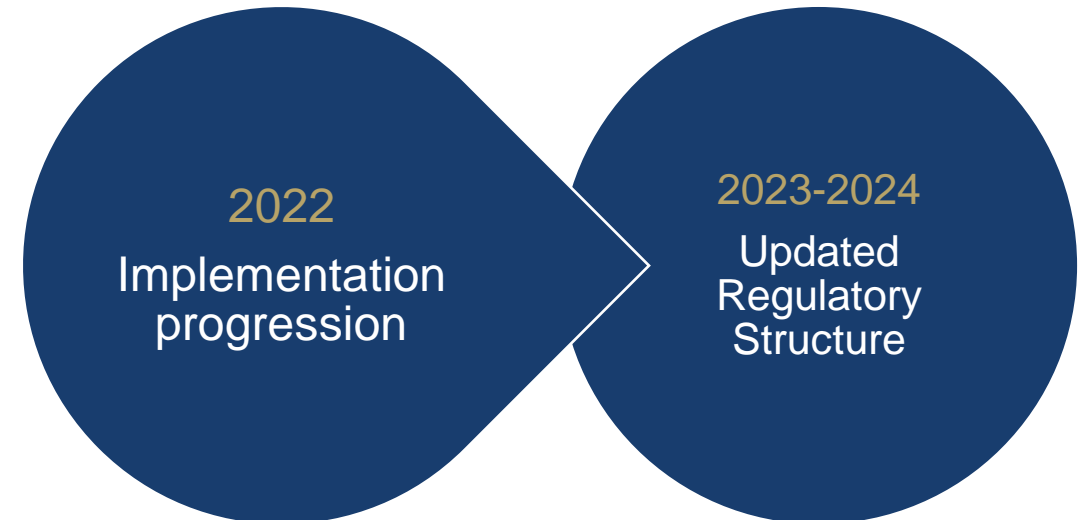


THE LAW SOCIETY CONTINUES NEXT STEPS TO IMPLEMENT THE RECOMMENDATIONS

ADDITIONAL OUTREACH AND ANALYSIS

- Disseminate Legal Information Guidelines
- Consult on direct supervision and limited licensing
- Analyze data and information
 - Discovery Period (Notice Forms)
 - Legal Needs Assessment
 - Canadian Legal Problems Survey
 - Relevant data from other justice stakeholders
 - Progress in other jurisdictions
 - Responses to consultations

PROGRESS THE RECOMMENDATIONS



- **2022: Stage 3** – Limited Licensing Pilot Projects and continued progress on
 - **Guidelines** (legal information)
 - **Restrictions** (direct supervision)
 - **Exemptions** (policy, unauthorized practice)

- **2023-2024: Stage 4** – Flexible Regulatory Structure

INFORMATION ABOUT IMPLEMENTATION IS AVAILABLE ON THE LAW SOCIETY WEBSITE

