

FUTURE OF LEGAL SERVICES INITIATIVE LIMITED LICENSING PILOT

Implementation of the Legal Services Task Team Recommendations

January 2022

**Law Society
of Saskatchewan**

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BACKGROUND

- Legal Services Task Team Report
- 13 Recommendations
- Staged Implementation



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

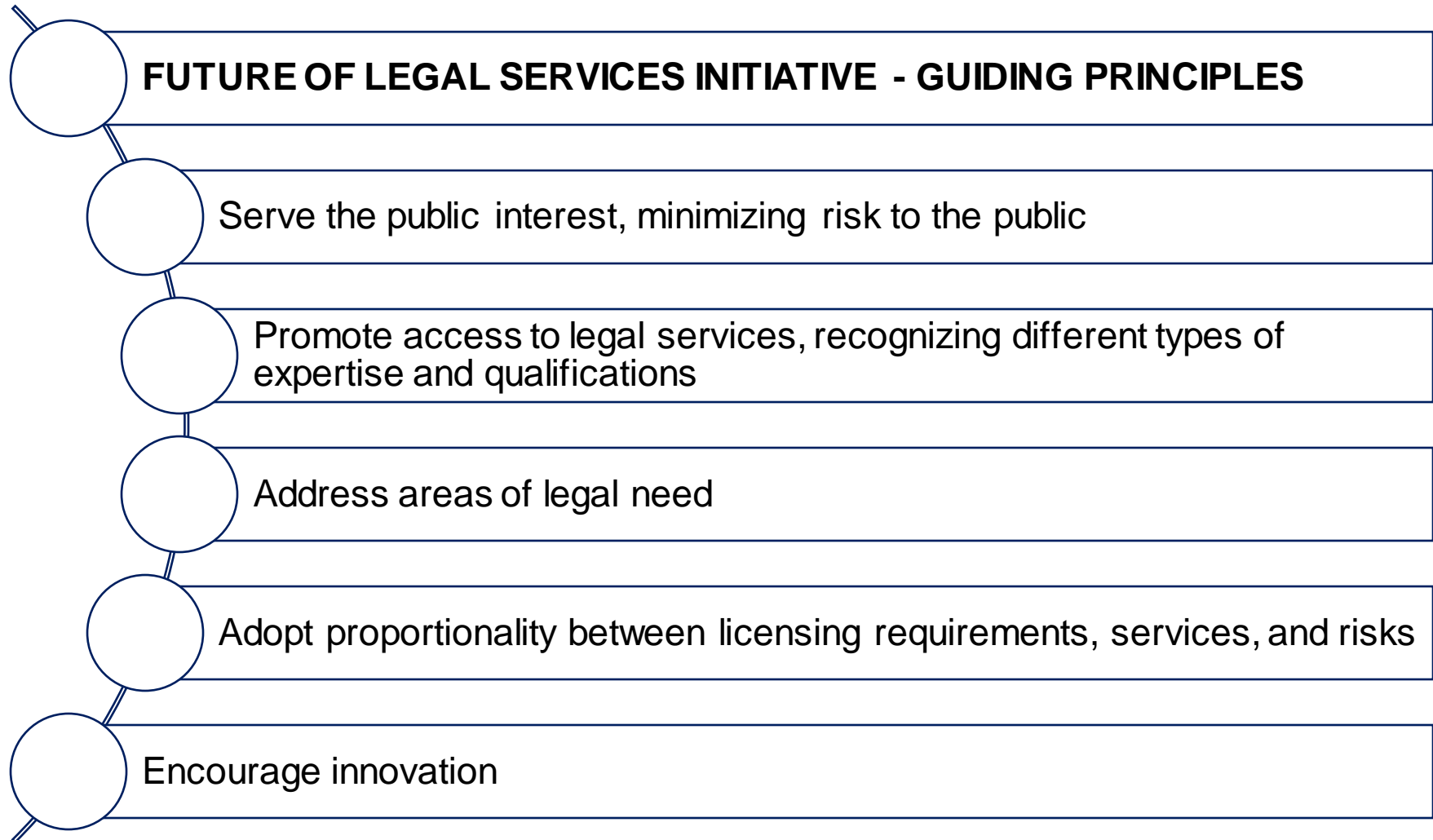
- 2B - Create guidelines to help the public
- 3 - Other than the provision of legal information, continue to regulate all other legal services to some degree
- 4 - Examine the restrictions on direct supervision requirements for staff
- 5A - Expand the list of exceptions [sic] to the prohibition against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

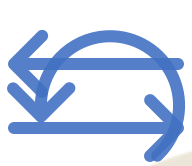
JOINT

- 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

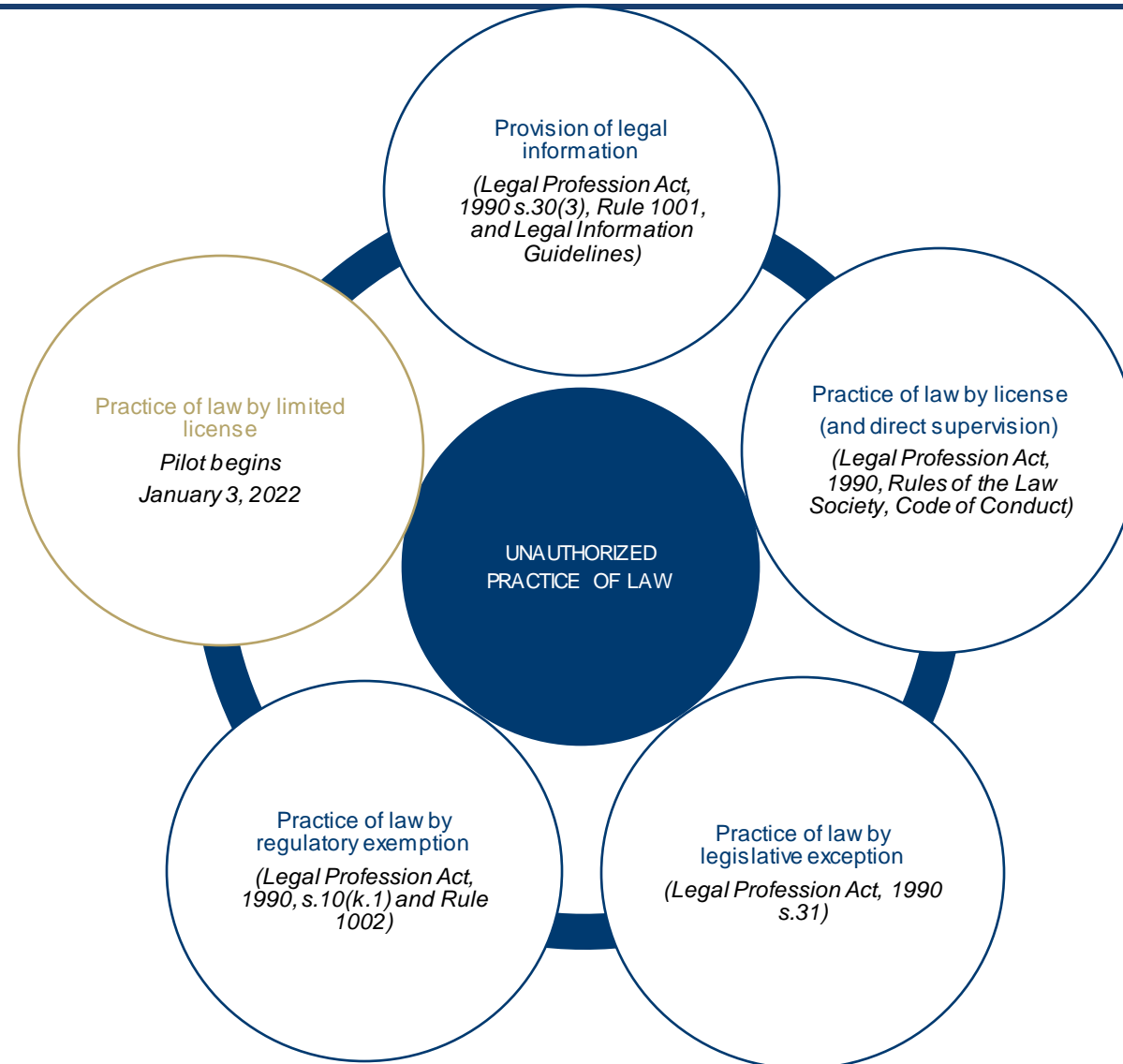
PRESENT – WHERE WE ARE

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

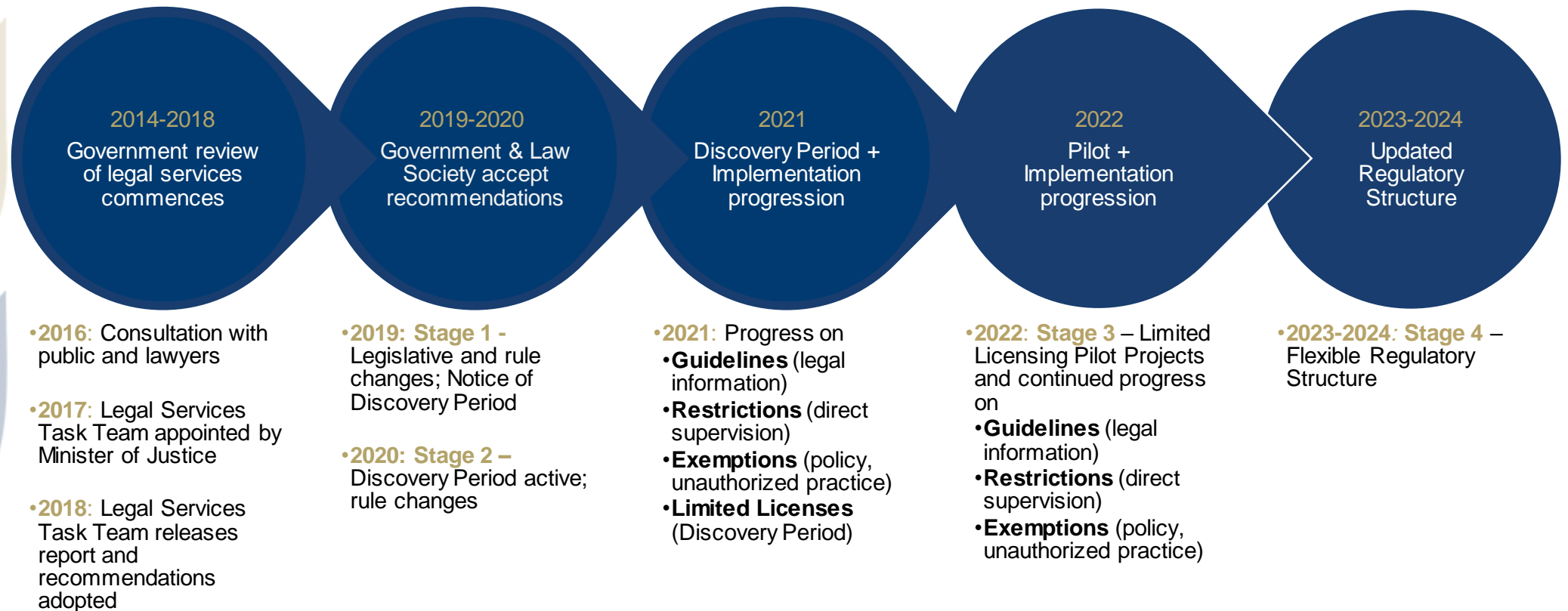
FUTURE – WHERE WE ARE HEADED



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, + Discovery Period and Pilot





LIMITED LICENSING

- Discovery Period Lessons
- Pilot Program



LIMITED LICENSING – RECOMMENDATIONS 7 AND 9

CONCLUSION: the granting of limited licenses to practice law would be a novel approach to legal regulation ... the Law Society should be the licensing body for all limited licenses, as it has the necessary expertise to assess competency and appropriate scope of practice

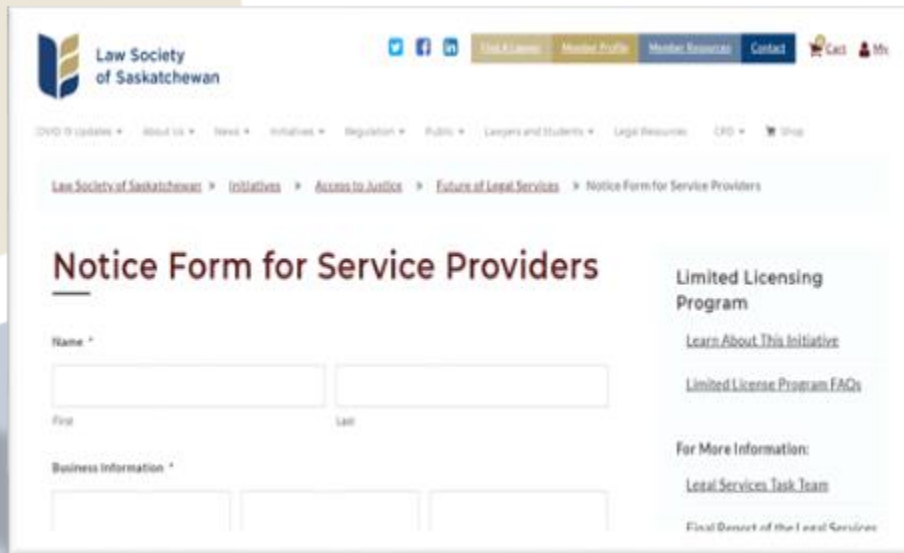
CONCLUSION: individuals and organizations interested in applying for a limited license to practice law may require guidance and support as this would be a novel and unique approach to alternative legal service providers. The Law Society and the Ministry are in the best position to set the tone and pace for granting limited licenses



• 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

• Conduct or support pilot projects to experiment with certain types of limited licenses

THE DISCOVERY PERIOD INVITED INFORMATION SHARING FROM EXISTING LEGAL SERVICE PROVIDERS



The screenshot displays the Law Society of Saskatchewan website. The main heading is "Notice Form for Service Providers". The form includes fields for "Name" (with first and last name sub-fields), "First", "Last", and "Business Information". To the right of the form, there is a "Limited Licensing Program" section with links for "Learn About This Initiative" and "Limited License Program FAQs". Below that, a "For More Information:" section includes links for "Legal Services Task Team" and "First Denial of the First Session". The website header includes the Law Society of Saskatchewan logo, social media icons, and navigation links like "Home", "About Us", "News", "Initiatives", "Regulation", "Public", "Learners and Students", "Legal Resources", "CFO", and "Shop".

- 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

THE LAW SOCIETY HAS ENGAGED IN OUTREACH AND ANSWERED QUESTIONS SINCE JANUARY 2020

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





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

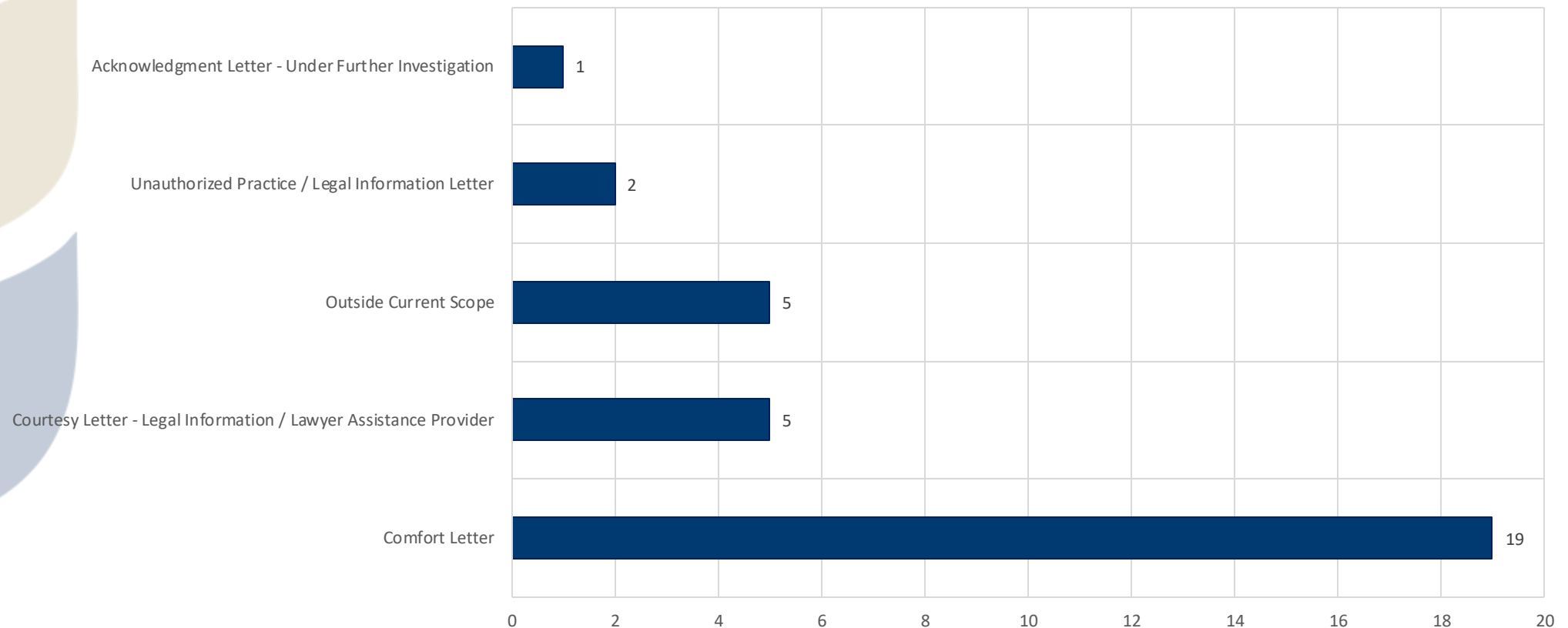
CRITERIA CONSIDERED FOR RISK ASSESSMENT AND ISSUANCE OF COURTESY, COMFORT, AND UNAUTHORIZED PRACTICE LETTERS

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
No further action - notified of unauthorized practice of law / legal information	2
Continued reliance on comfort letter pending amendments to exemption / direct supervision requirements	2
Notify of pilot phase and invite to submit application form if meet criteria	3
Revisit in future – outside current scope	1



LIMITED LICENSING PILOT

PILOT OPENS

- Throughout 2022, the Law Society of Saskatchewan is accepting applications from individuals who are not otherwise authorized to deliver legal services with an interest in providing limited legal services to assist with unmet legal needs.

JANUARY 3, 2022

- [Learn about](#) the parameters of the Limited Licensing Pilot & FAQs
- [Submit an application](#)
- See the list of alternative legal service providers participating in the Pilot (*Coming Soon*)
- Submit a [Consumer Review](#) regarding experience with the Pilot

THE PILOT INVOLVES SEVERAL PARAMETERS (INDICATIVE NOT DETERMINATIVE)

NEED – ACCESS TO LEGAL SERVICES

Is there an identified legal need being met through the services? Does the service fill a gap, providing underserved markets and locations with access to legal services?

SCOPE - COMPETENCE

What competencies may be required to deliver services effectively?



Experience	What experience (education, training) does the provider have in the area of service?
Complaints	Has the provider been the subject of complaints, lawsuits, criminal prosecutions or other concerns that identify potential for integrity problems or consideration for the rule of law and administration of justice?
Capacity – area of practice	Are these high-risk areas of practice requiring more thorough analysis due to complexity?
Capacity - type of service	Are the types of services high-risk with potential prejudice/harm to the public if delivered without specific legal education or training?
Capacity – professional development	Do the legal services require ongoing regular continuing education to deliver effectively?

RISK MANAGEMENT – CONSUMER PROTECTION

What level of risk is identified for protection of the public interest?

Compliance - Intention	What is the provider's desire to comply with regulation and achieve objectives?
Compliance - Capability	What is the provider's capability to comply with regulation and achieve objectives?
Recourse	Is a form of insurance coverage in place in relation to the provision of legal services?
Oversight / Scrutiny	Is there proxy monitoring / oversight evident for the services?



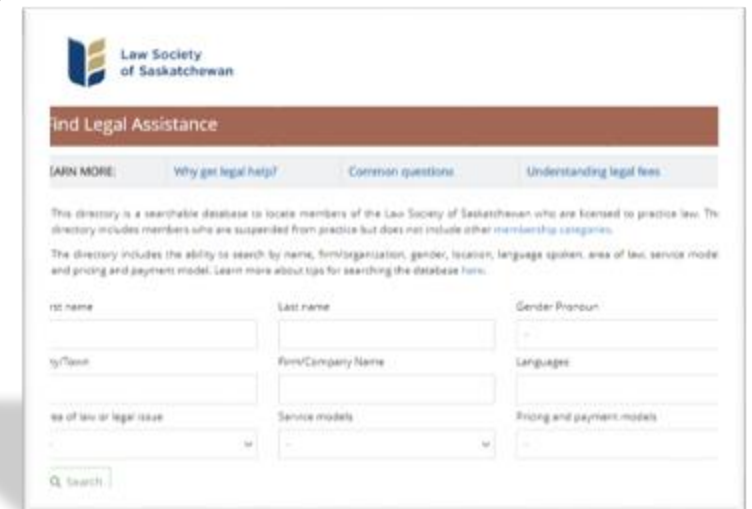
THE PILOT IS A PATHWAY TO LICENSING WITH A SEPARATE PROCESS AND SOME QUALIFICATIONS

PROCESS

- Application Form leading to Agreement Letter
 - Maintaining eligibility
 - Scope of legal services
 - Conditions
 - Reporting and monitoring
 - Information disclosure
 - Complaint handling
 - Duration
- Consumer Review Form
- Ongoing data collection
- Pathway to licensing (Stage 4)

QUALIFICATIONS

- Non-eligibility
- Ongoing duties
- Capacity / priorities
- Agreement / responsibilities
- Transparency



Law Society of Saskatchewan

Find Legal Assistance

[LEARN MORE](#) [Why get legal help?](#) [Common questions](#) [Understanding legal fees](#)

This directory is a searchable database to locate members of the Law Society of Saskatchewan who are licensed to practice law. The directory includes members who are suspended from practice but does not include other membership categories.

The directory includes the ability to search by name, firm/organization, gender, location, language spoken, area of law, service model and pricing and payment model. Learn more about tips for searching the database here.

first name	last name	Gender/Pronoun
<input type="text"/>	<input type="text"/>	<input type="text"/>
firm/company name	language	
<input type="text"/>	<input type="text"/>	
area of law or legal issue	Service models	Pricing and payment models
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Q Search

THERE ARE QUALIFICATIONS TO THE PARAMETERS

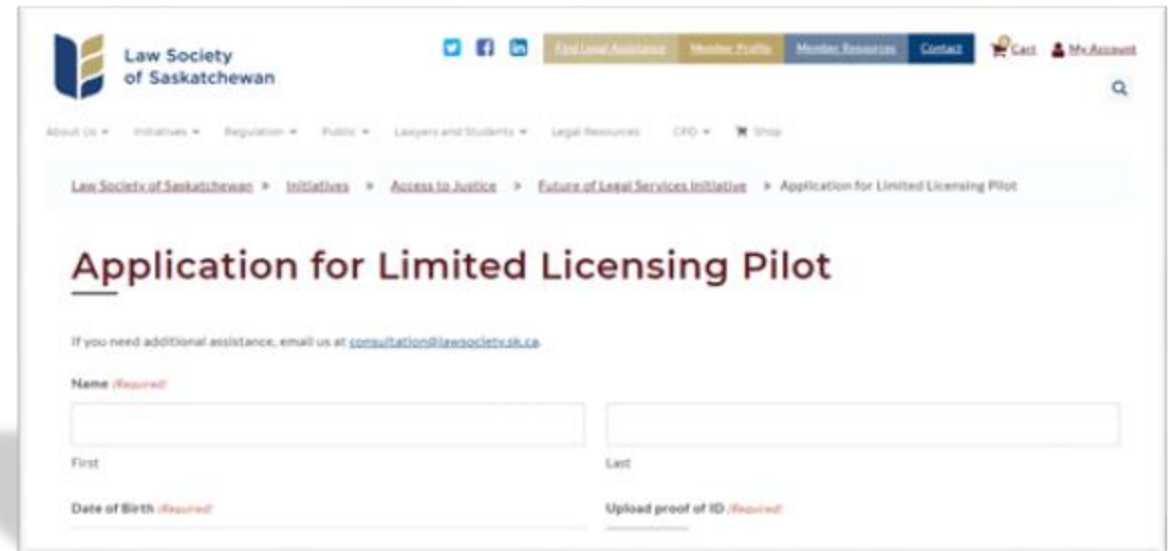
- *Non-eligibility*: suspended or disbarred lawyers, notice of unauthorized practice, false or misleading statements
- *Ongoing duties*: must conform to all applicable laws and regulations
- *Capacity / priorities*: priority needs and services
- *Agreement*: pilot participants will enter into an Agreement with the Law Society which will set out terms and conditions which may include:
 - maintaining eligibility, scope of legal services, conditions, information disclosure, reporting and monitoring, complaint handling, and duration

APPLICATION FORM

APPLICATION FORM

- Contact information
- Criminal record check
- Proposed services
- Clients
- Appearances
- Requirements for role
- Plans to manage risk / consumer complaints
- Insurance
- Other regulatory bodies

- Consent to proceed
- Consideration for participation in Code of Conduct working Group



The screenshot displays the Law Society of Saskatchewan website. The header includes the logo, navigation links (Home, About Us, Regulation, Public, Lawyers and Students, Legal Resources, CFO, Shop), and utility links (Cart, My Account). The breadcrumb trail reads: Law Society of Saskatchewan > Initiatives > Access to Justice > Future of Legal Services Initiative > Application for Limited Licensing Pilot. The main heading is 'Application for Limited Licensing Pilot'. Below it, a note states: 'If you need additional assistance, email us at consultation@lawsociety.sk.ca'. The form fields are: 'Name (Required)' with two input boxes for 'First' and 'Last'; 'Date of Birth (Required)'; and 'Upload proof of ID (Required)'.

WHO CAN APPLY?

WHO MIGHT APPLY?

* *Refer to non-eligibility*

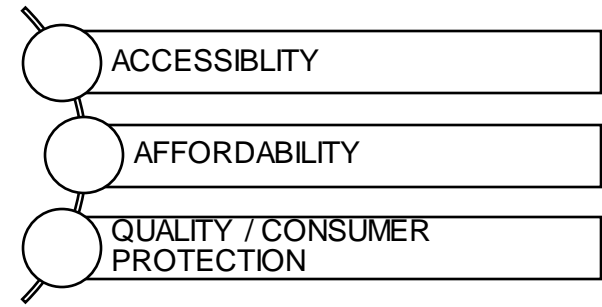
- Law firm staff
- Legal non-profits with new service models using non-lawyers
- Para-professionals
- New offerings from established companies
- Community organizations offering frontline social services (aid agencies, churches, worker orgs, libraries, etc.)

WHAT PRACTICE AREAS?

- Legal Services Task Team priority needs identified
 - Debtor/creditor and consumer
 - Family law
 - Housing
 - Small claims
 - Traffic
 - Wills and estates
 - + Others where need identified



CONSUMER REVIEW FORM



Law Society of Saskatchewan

Find Legal Assistance | Member Profile | Member Resources | Contact

Cart | My Account

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](#) » Limited Licensing Pilot Consumer Review

Limited Licensing Pilot Consumer Review

The Law Society of Saskatchewan oversees alternative (non-lawyer) legal service providers through the Limited Licensing Pilot. A Consumer Review is one source of information and helps to oversee limited licensing regulation.

* Please note that the Law Society does not provide individual assistance to consumers seeking resolution of a complaint but will raise issues with the Pilot participant and take feedback into account as part of developing a limited licensing framework.

Tell Us What You Think

CONSULTATION QUESTIONS FOR LIMITED LICENSING

- Consultation questions around five themes
 - Education
 - Co-regulation
 - Insurance
 - Code of Conduct
 - Complaints and recourse

Please get in touch:

consultation@lawsociety.sk.ca

www.lawsociety.sk.ca

EDUCATION

- What accredited educational classes/programs exist in Saskatchewan and Canada that can be accessed by potential limited licensees?
- What types of courses would most support limited licensees?
- What educational institutions in Saskatchewan may be interested in developing new educational opportunities for limited licensees?

CO-REGULATION

- What other regulatory bodies or professional groups intersect with potential limited licensees?

INSURANCE

- What professional liability insurance options exist for limited licensees?

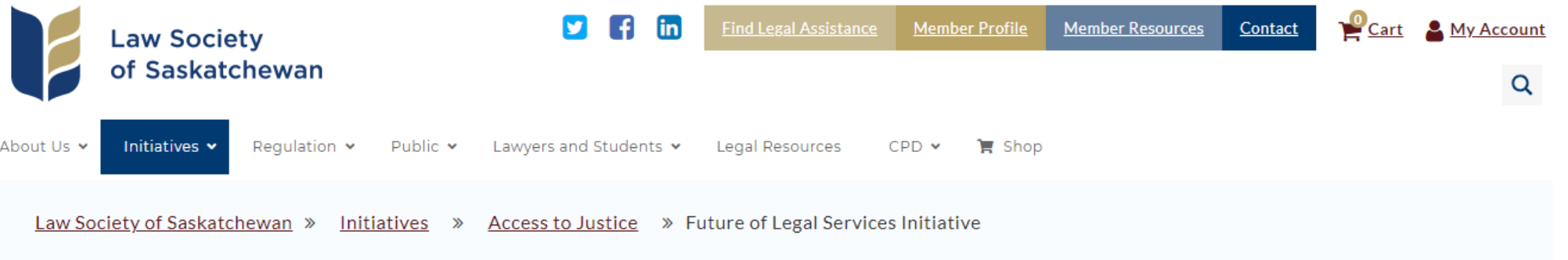
CODE OF CONDUCT

- What scope and application for a Code of Conduct for limited licensees is desirable?

COMPLAINTS AND RECOURSE

- What scope and application for complaints and recourse for limited licenses is beneficial?

INFORMATION ABOUT IMPLEMENTATION IS AVAILABLE ON THE LAW SOCIETY WEBSITE



The screenshot shows the top navigation bar of the Law Society of Saskatchewan website. On the left is the logo and name. To the right are social media icons for Twitter, Facebook, and LinkedIn. Further right are menu items: Find Legal Assistance, Member Profile, Member Resources, and Contact. On the far right are icons for a shopping cart (labeled '0') and 'My Account'. Below the navigation bar is a secondary menu with items: About Us, Initiatives (highlighted), Regulation, Public, Lawyers and Students, Legal Resources, CPD, and Shop. A search icon is located on the right side of this menu. Below the menu is a breadcrumb trail: [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, balancing the need for ensuring public protection and enhancing legal services for underserved Saskatchewan individuals.

Information Sessions

11 January 2022 @ 12:00 - Limited Licensing Pilot

[Register](#)

[View presentation \(Coming Soon\)](#)

12 January 2022 @ 12:00 - Direct Supervision Requirements