

A. Definitions	20
Definitions	20
B. Practising Status	21
Entitlements and Restrictions	21
C. Students-at-Law	21
Admission as a Student-at-law	21
Approval to Act as a Principal	22
Commencement of Articles	23
Articling Term	23
Supervision by the Courts	24
Transfer into Saskatchewan as a Student-at-law	24
Secondment of Articles	24
Assignment of Articles	24
Bar Admission Program	24
Services Performed by Students-at-Law	24
D. Lawyers	25
Admission as a Lawyer Following the Bar Admission Program	25
Formal Admission	25
Law Professor Members	26
Pro Bono Member	26
Senior Life Member	27
E. Membership Duties	27
Licence to Practise	27
Liability Insurance	27
Continuing Professional Development Policy	27
Notification of Proceedings	28
Contact Information	28
F. Disqualification, Resignation, Retirement, Inactive Membership and Reinstatement	28
Disqualification for Non-payment of Fees	28
Notification of Disqualification	28
Retired Member	29
Resignation, Retirement or Inactive Status	29
Reinstatement or Change in Membership Category	30
G. Applications, Hearings and Appeals	30
Application of Rule	30
Hearing Panel	32
Notice of Hearing	32

Disclosure	32
Security for Costs.....	33
Adjournment.....	33
Attendance at the Hearing and Right to Counsel	33
Onus and Burden of Proof	33
Public Hearing.....	33
Transcript	33
Procedure at Hearing	33
Decision of the Hearing Panel	33
Costs	34
Appeal Panel.....	34
Appeal Panel Review	34
H. Rule Waivers	34
Rule Waivers.....	34
PART 8.....	36
National Mobility and Interjurisdictional Practice	36
Definitions	36
Application.....	37
National Registry of Practising Lawyers	38
A. Temporary Mobility	38
Temporary Mobility Without a Permit Pursuant to National Mobility Agreement and Protocol.....	38
Temporary Mobility Requiring Interjurisdictional Practice Permit	38
Responsibilities of Visiting Lawyer	39
Trust Funds	40
Disqualification Due to Economic Nexus	40
Federal Jurisdiction.....	40
Enforcement.....	41
Discipline	41
Notification of Proceedings	41
Special Fund	42
B. Permanent Mobility	42
Transfer Pursuant to National Mobility Agreement and Territorial Mobility Agreement.....	42
Admission as a Transfer Lawyer.....	42
Liability Insurance Exemption for Members Entitled to Practise in More than One Canadian Jurisdiction	43
C. Practice Privileges for Members of the Chambre.....	44
Canadian Legal Advisor	44
Scope of Practice	44

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) a copy of certified government-issued photo identification, such as a driver's license, passport or other document acceptable to the Society, 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]
 [Rule 703(b) amended, June 24, 2022]

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

- (c) is satisfied that the Student-at-law is, because of the principal's supervision, competent to perform.

(2) A Student-at-law shall not give or accept a professional undertaking.

D. Lawyers

Admission as a Lawyer Following the Bar Admission Program

714(1) A Student-at-law applying for admission as a lawyer must:

- (a) satisfactorily complete:
 - (i) the articling term;
 - (ii) the Bar Admission Program, subject to subrule (2) below; and
- (b) deliver to the Executive Director:
 - (i) an application for admission as a lawyer in a form approved by the Committee and pursuant to Rule 729;
 - (ii) a principal's affidavit in a form approved by the Committee;
 - (iii) the oath of office;
 - (iv) the lawyer admission application fee as set out in Schedule 1; and
 - (v) any other information and documents required by the Act, these Rules or requested by the Executive Director.

(2) Where an applicant successfully completed the Bar Admission Program more than five years immediately preceding the date of the application for admission as a lawyer, the applicant shall re-take and successfully complete the current Bar Admission Program, unless, in the view of the Executive Director, exceptional circumstances exist that justify the applicant completing something other than the full Bar Admission Program.

[Rule 714(a)(ii) amended; 714(b)(iii) deleted, re-numbering the balance, May 1, 2020]
[Rule 714(1) and 714(1)(a)(ii) amended; 714(2) added, June 25, 2021]

Formal Admission

715(1) A person who has been approved for admission pursuant to Rules 714, 815 and 817 shall, within six months of the date of approval:

- (a) deliver to the Executive Director the lawyer enrollment fee or the admission on transfer enrollment fee as applicable, as set out in Schedule 1, and the following annual fees and insurance fees:
 - (i) one-twelfth of the annual fee payable pursuant to Rule 1402, multiplied by the number of months remaining in the year, including the month of admission as a lawyer; and
 - (ii) one-twelfth of the liability insurance assessment payable pursuant to Rule 1202, multiplied by the number of months remaining in the policy year, including the month of admission as a lawyer; and
- (b) at a date, time and place specified by the Executive Director:
 - (i) sign the Law Society Roll; and
 - (ii) take an oath or affirmation in a form approved by the Benchers.

(2) Each person who has complied with subrule (1) is thereby admitted to membership in the Society as a lawyer and shall have the person's name entered on the Law Society Roll.

(3) Upon the expiration of the time referred to in subrule (1), the Executive Director may:

- (a) upon application, extend the time to comply with subrule (1); or
- (b) require the person to submit a new application for admission.

[Rule 715(1) amended, June 24, 2022]

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.

[Rule 716(4) amended, December 4, 2020]

Pro Bono Member

717(1) An active member may apply for a change of status to a Pro Bono member.

(2) A member who is not an active member may apply to be reinstated as a Pro Bono member on the same terms and conditions as required pursuant to Rule 728 for reinstatement to active membership but will be exempt from the fee provided in subrule 728(2)(b).

(3) All applications for Pro Bono Membership shall include an undertaking to restrict practice to legal services provided through pro bono organizations approved by the Society.

(4) Each year Pro Bono members shall file the following:

- (a) a letter from an approved pro bono organization, certifying that the Pro Bono member continues to be actively serving the approved pro bono organization; and
- (b) an Annual Practice Declaration.

(5) Pro Bono members are exempt from paying the annual fee, the annual insurance levy, and any registration fees for Continuing Professional Development programs provided by the Society.

Senior Life Member

718(1) Senior Life members are not required to pay the annual fee applicable to their category of membership.

(2) Senior Life members have all the remaining rights and duties of membership and may practise law if they maintain professional liability insurance pursuant to Rule 1202 and otherwise comply with these Rules and the Act.

E. Membership Duties

Licence to Practise

719(1) A member requires a valid licence to practise to be entitled to practise.

(2) The Executive Director shall, in respect of each practise year, issue a licence to practise to an active member who, before the commencement of that practise year:

- (a) has paid the fees fixed pursuant to Rule 1402;
- (b) has filed an Annual Practice Declaration in a form approved by the Executive Director;
- (c) has complied with the Act, these Rules and all requirements pursuant to them; and
- (d) is otherwise in good standing.

(3) The licence to practise of a disqualified or suspended member becomes invalid for the duration of the period of disqualification or suspension, as the case may be.

Liability Insurance

720 Unless exempted by these Rules, payment of all insurance premiums, surcharges and deductibles pursuant to Rule 1202 is a condition of the practice of law in Saskatchewan.

Continuing Professional Development Policy

721(1) In this Rule, "CPD Policy" means the Continuing Professional Development Policy mentioned in subrule (2).

(2) All members shall comply with the Continuing Professional Development Policy approved by the Committee.

(3) The Executive Director may, with respect to any member who fails to comply with the CPD Policy:

- (a) refer the member to Professional Responsibility Counsel;
- (b) disqualify the member; or
- (c) notify the member that the member will be disqualified within 30 days, or such further period as may be determined by the Executive Director.

(4) A member who has been disqualified due to non-compliance with the CPD Policy may apply to the Executive Director for reinstatement by:

- (a) certifying compliance with the CPD Policy in a form approved by the Committee; and
- (b) submitting the fee required in Rule 14.06.

Notification of Proceedings

722 A member, Student-at-law, applicant for admission or reinstatement, or a lawyer practicing in Saskatchewan pursuant to Rules 801 to 813 shall immediately report to the Executive Director:

- (a) particulars of charges and any disposition of the charges laid under the following:
 - (i) any law in force in Canada where the offence was prosecutable either as an indictable offence or as a summary conviction offence;
 - (ii) *The Securities Act, 1988* or any similar legislation of any province or territory of Canada;
 - (iii) an offence committed outside Canada and similar to any of the kinds of offences described in clauses (a) or (b);
- (b) any suspension, investigation, supervision, undertaking, conditions or similar processes including, but not limited to, discipline, professional standards, accounting, or audit proceedings, by a professional regulatory body in any jurisdiction.

Contact Information

723 All members are required to keep information current in the Society database as follows:

- (a) place of work;
- (b) work address;
- (c) work phone; and
- (d) email address.

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

Disqualification for Non-payment of Fees

724(1) An active or inactive member who fails to pay any fee is disqualified from the rights and privileges of membership.

(2) A member disqualified pursuant to this Rule may apply for reinstatement pursuant to Rule 729.

(3) Notwithstanding subrule (2) a disqualified member who is the subject of an investigation by a Conduct Investigation Committee or Professional Responsibility Counsel or has been named in a formal complaint which has not yet been before a Hearing Committee remains subject to any outstanding discipline matters.

Notification of Disqualification

725 The Executive Director shall, promptly:

- (a) notify all disqualified members of their disqualification;
- (b) give notification of those persons who have become disqualified members to:

- (i) the Chief Justice of Saskatchewan;
 - (ii) the Chief Justice of the Court of Queen's Bench of Saskatchewan;
 - (iii) the Chief Judge of the Provincial Court of Saskatchewan;
 - (iv) the Minister of Justice for Saskatchewan; and
 - (v) the Registrar of Titles; and
- (c) publish a notice on the Society website identifying those persons who have become disqualified members.

[Rule 725 amended, April 29, 2022]

Retired Member

726(1) A member may apply to the Executive Director, pursuant to Rule 727, to be designated a retired member if the member is:

- (a) 55 years of age or older and has been a member of the Society or the judiciary for not less than the ten years immediately preceding the application; or
- (b) permanently unable to practise law due to disability.

(2) Retired members have all the rights and duties of membership in the Society except that they are not required to pay the annual fee and are not permitted to practise law.

Resignation, Retirement or Inactive Status

727(1) An active member may apply to resign or become a retired member or an inactive member by filing the applicable form with the Executive Director.

(2) The Executive Director may approve an application pursuant to this Rule subject to any condition, including subsequent reporting requirements on a matter mentioned in subrule (5).

(3) A member applying pursuant to this Rule who is currently under investigation or aware of any potential complaint to the Society must advise the Executive Director.

(4) When the Executive Director is aware of any complaint or potential complaint mentioned in subrule (3), the Executive Director may advise the member to apply for resignation pursuant to Rule 1111 or 1112, for consideration in accordance with the Part 11 Rules.

(5) In exercising the authority granted in subrule (2), the Executive Director shall consider whether:

- (a) the member has made adequate arrangements for clients, including management of:
 - (i) open and closed files;
 - (ii) wills and wills indices;
 - (iii) titles and other important documents and records;
 - (iv) other valuables;
 - (v) trust accounts and trust funds; and
 - (vi) other matters necessary for the protection of the public.
- (b) the member is in arrears of payment to the Society or delinquent in filing any report, response or document required by the Society; and

- (c) granting the application is inimical to the public interest or the members or would harm the standing of the legal profession.

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; and
- (c) arrears, if any, of any fees payable to the Society and fulfillment of any obligation to the Society.

(3) Where an applicant has not been actively practising law within the five years immediately preceding the application, there will be a rebuttable presumption that the applicant lacks competency.

(4) An applicant pursuant to this Rule who:

- (a) was a Judge of the Supreme Court of Canada, the Federal Court of Canada, the Court of Appeal, the Court of Queen's Bench, or the Provincial Court of Saskatchewan, shall give a written undertaking not to appear as counsel in a Court in the Province for three years after ceasing to be a Judge; or
- (b) served in an adjudicative capacity on an administrative tribunal shall give a written undertaking not to appear as counsel before that tribunal for three years after ceasing to be a member of that tribunal.

[Rule 728(2)(b) amended, December 4, 2020]

G. Applications, Hearings 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;
- (c) admission as a transfer lawyer pursuant to Rule 815;
- (d) admission as a Canadian Legal Advisor pursuant to Rule 817;
- (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).

(2) In any application pursuant to this Part, applicants have the onus of proving that:

- (a) they are suitable to practise;
- (b) they are competent to perform the required duties, as applicable; and
- (c) granting the application would not be inimical to the public interest or the members and would not harm the standing of the legal profession generally.

(3) All applications shall be submitted to the Executive Director, who shall:

- (a) review the application;
- (b) make any inquiries and investigations necessary into the applicant's competence and suitability to practise, including:
 - (i) the applicant's education and training;
 - (ii) the applicant's experience in the legal profession;
 - (iii) any temporal gaps in the applicant's education and practice experience;
 - (iv) notices of proceedings pursuant to Rule 722;
 - (v) notices of bankruptcy pursuant to Rule 1538;
 - (vi) involvement with the Society or any other professional regulatory body including, without limitation:
 - (A) Professional Responsibility investigations and rulings;
 - (B) Competency Committee investigations;
 - (C) Special Fund claims or processes;
 - (D) professional liability insurance claims;
 - (E) failure to pay monies owing to the Society;
 - (F) complaints against the member;
 - (G) general correspondence from the administration office;
 - (vii) the applicant's place or proposed place of work or employment, including the type of work conducted and the involvement with the Society of members in that place of work or employment; and
 - (viii) any other relevant matter.

(4) The Executive Director shall direct the Chairperson of the Committee to strike a Hearing Panel to hear and determine the application pursuant to Rules 731 to 741 for an application pursuant to subrule (1)(f).

(5) The Executive Director may:

- (a) approve an application, other than an application pursuant to subrule (1)(f);

- (b) approve an application pursuant to subrules (1)(a) to (e) and (g) with conditions;
- (c) deny an application pursuant to subrules (1)(e) or (g), or any incomplete application; or
- (d) direct the Chairperson of the Committee to strike a Hearing Panel to hear and determine the application pursuant to Rules 731 to 741.

(6) An applicant pursuant to subrules (1)(a) to (e) and (g) may appeal the Executive Director's decision to approve the application with conditions or deny the application, as applicable.

(7) Rules 731 to 741 apply to appeals pursuant to subrule (6).

(8) Where the Executive Director denies an application or approves it with conditions, the Executive Director shall promptly provide written reasons to the applicant and advise the applicant of the right of appeal where applicable.

(9) Where the Chairperson of the Committee has referred an application to a Hearing Panel, the Executive Director shall promptly notify the applicant in writing.

(10) The Executive Director may waive any procedural defect in an application if it is not inimical to the public interest.

[Rule 729(1)(b), (c) and (d) amended, December 4, 2020]

Hearing Panel

730(1) All hearings held pursuant to Rules 731 to 741 or an application pursuant to subrule 729(1)(f) will be heard by a Hearing Panel appointed by the Chairperson of the Committee.

(2) A Hearing Panel appointed pursuant to subrule (1) shall consist of not more than three persons and may include:

- (a) Benchers;
- (b) former Benchers and members, as needed; and
- (c) any other persons, approved by the Benchers, who have had satisfactory tribunal hearing training or experience, as needed.

(3) The Chairperson of a Hearing Panel appointed pursuant to this Rule shall be a member of the Committee at the time of appointment.

Notice of Hearing

731(1) When a Hearing Panel is appointed pursuant to this Part, the Society shall promptly notify the applicant in writing of:

- (a) the purpose of the hearing; and
- (b) the date, time and place of the hearing.

(2) A notice referred to in subrule (1) shall be served:

- (a) in accordance with section 85 of the Act; and
- (b) not less than 30 days before the date set for commencement of the hearing, unless the applicant consents, in writing, to a shorter period.

Disclosure

732 Rule 1125 applies to Hearings pursuant to this Part, with any necessary modifications.

Security for Costs

733(1) Upon application by the Society, the Hearing Panel may order the applicant to pay security for costs in an amount determined appropriate in the circumstances.

(2) The Hearing Panel may, on cause being shown, rescind or vary an order made pursuant to subrule (1).

(3) The hearing shall not commence until the applicant pays to the Society the amount ordered to be paid pursuant to subrule (1) or (2).

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;

- (ii) a copy of certified government-issued photo identification, such as a driver's license, passport or other document acceptable to the Society, verifying 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) 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;
- (v) the admission on transfer application fee as set out in Schedule 1; and
- (vi) 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.

[Rule 815(1)(b)(iv) deleted to remove testimonials requirement, changing numbering sequence, December 4, 2020]
 [Rule 815(1)(b)(ii) amended, June 24, 2022]

Liability Insurance Exemption for Members Entitled to Practise in More than One Canadian Jurisdiction

816(1) A member of the Society may apply to the Executive Director for exemption from the requirement for professional liability insurance pursuant to Rule 1202, if the member has professional liability insurance which is reasonably comparable in coverage and limits to that required by the Society's insurance plan and extends to the lawyer's practice in Saskatchewan, as:

- (a) a member of another governing body, other than the Chambre or Barreau, which allows a similar exemption for members of the Society; or
- (b) a member of both the Barreau and another governing body, other than the Chambre, which allows a similar exemption for members of the Society.

(2) A member applying for an exemption pursuant to subrule (1)(b) must have insurance coverage from the professional liability insurance program of:

- (a) the Barreau, with respect to services provided by the lawyer as a member of the Barreau; and
- (b) the governing body in the jurisdiction in which the member has been continuously entitled to practise law for the longest period, with respect to services provided by the lawyer as a member of that governing body.

(3) A member applying for an exemption pursuant to this Rule must provide evidence that the member maintains the full mandatory professional liability insurance coverage required by the applicable governing bodies in accordance with this Rule.

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) a copy of certified government-issued photo identification, such as a driver's license, passport or other document acceptable to the Society, verifying the applicant's identity;
- (c) 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;
- (d) an errors and omissions insurance application or exemption form;
- (e) the admission transfer application fee and the admission on transfer enrollment fee, both as set out in Schedule 1; and
- (f) 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.

[Rule 817(1)(c) deleted to remove testimonials requirement, changing numbering sequence, December 4, 2020]
[Rule 817(1)(b) amended, June 24, 2022]

Scope of Practice

818 A Canadian Legal Advisor's practice in Saskatchewan is limited to the following:

- (a) providing legal advice on:
 - (i) the law of Québec and matters involving the law of Québec;
 - (ii) matters under federal jurisdiction, or
 - (iii) matters involving public international law if insurance coverage is provided by the Chambre;
- (b) preparing and drawing-up documents for use in a proceeding concerning matters under federal jurisdiction, or
- (c) appearing as counsel or an advocate before any tribunal with respect to matters under federal jurisdiction.

Obligations

819 A Canadian Legal Advisor must:

- (a) continue to be a member in good standing of the Chambre authorized to practise law in Quebec; and
- (b) notify the Executive Director in writing if the person becomes disqualified from the practise of law in Québec;

PRACTICE DIRECTIVES

Practice Directive Number 1 – Remote Execution of Certain Documents via Electronic Means

(Enacted March 25, 2020)
(Amended August 7, 2020)
(Amended effective July 1, 2022)

Law Society of Saskatchewan Practice Directive

Number 1

Remote Execution of Certain Documents Via Electronic Means

WHEREAS the Government of Saskatchewan has amended *The Health Care Directives and Substitute Health Care Decision Makers Act, 2015*, *The Powers of Attorney Act, 2002*, *The Electronic Information and Documents Act, 2000* and *The Land Titles Regulations, 2001* to modify the requirements of how the execution of certain documents may be witnessed by lawyers to allow for the witnessing of signatures via electronic means;

AND WHEREAS 'electronic means' is defined in the relevant legislation as follows:

The Health Care Directives and Substitute Health Care Decision Makers Act, 2015:

'electronic means' means an electronic means of communication that includes visual aspects by which a lawyer and the person making the directive are able to adequately communicate with each other at all times during the course of their meeting.

The Powers of Attorney Act, 2002:

'electronic means' means an electronic means of communication that includes visual aspects by which a lawyer and the grantor of an enduring power of attorney are able to adequately communicate with each other at all times during the course of their meeting.

The Electronic Information and Documents Act, 2000

'electronic means' means an electronic means of communication that includes visual aspects by which a lawyer and the person providing the document are able to adequately communicate with each other at all times during the course of their meeting.

The Land Titles Regulations, 2001

"electronic means" means an electronic means of communication that includes both audio and visual aspects by which a lawyer is able to hear and see the person signing the application at all times during the course of their meeting.

AND WHEREAS the Law Society of Saskatchewan is entitled to impose additional regulatory requirements in relation to the manner in which lawyers avail themselves of these remote witnessing provisions;

AND WHEREAS the Law Society of Saskatchewan is authorized to issue directives;

THE LAW SOCIETY OF SASKATCHEWAN HEREBY DIRECTS that lawyers who avail themselves of these remote witnessing provisions shall:

- require that any signator(s) display photo identification, and ensure that they obtain a screen capture (or alternatively a photo of their screen) showing the face of the signator(s) alongside their photo identification;

- manage risks associated with fraud, identity theft, undue influence, duress and potential lack of capacity by:

- o Considering whether there are red flags of fraud in the matter;

- o Assessing whether there is a risk that the client may be subject to undue influence or duress, including observing who else is physically in the room with the client during the execution of documents. If there is such a risk, consider if you are able to assist the client at this time without meeting in person;

- o Confirming your client's understanding about the documents they are executing and provide adequate opportunity for them to ask questions during the meeting carried out by electronic means.

- o Being alert to the fact that persons may attempt to use the execution of documents by electronic means and the related remote witnessing provisions as an opportunity to commit fraud or other illegal acts.

- amend any jurats as required to include the words "via electronic means" or other appropriate details to ensure that users of the signed document are fully aware of the manner in which the document was signed.

- prepare a written record, in Form PD1 prescribed by the Law Society of Saskatchewan to be retained by the Lawyer, detailing how the above noted risks associated with the execution of documents by electronic means were addressed.

Lawyers continue to be required to adhere to all Law Society of Saskatchewan Rules governing client identification and verification.

The Land Titles Regulations, 2001 pertaining to remote witnessing do not apply to lawyers from outside of Saskatchewan who are not members of the Law Society of Saskatchewan.

Form PD1 – Declaration of Lawyer Who has Witnessed Documents via Electronic Means

(Enacted March 25, 2020)
(Amended August 7, 2020)
(Amended effective July 1, 2022)

FORM PD1

DECLARATION OF LAWYER WHO HAS WITNESSED DOCUMENTS

VIA ELECTRONIC MEANS

I _____, of _____, in the Province of _____, a Lawyer, did on _____, _____ witness _____ sign the following documents via electronic means:

- 1.
- 2.
- 3.

Pursuant to Law Society of Saskatchewan Practice Directive 1, issued March 25, 2020 and amended on August 7, 2020 and July 1, 2022, I have turned my mind to the risks associated with the witnessing of documents via electronic means. I have assessed the following risks, and have answered "yes" or "no" to indicate where I have identified concerns:

1. Have I identified any indicia that the transaction might be fraudulent? _____
2. Did I identify concerns, including the physical presence of a third party in the company of my client while they were signing the documents, suggesting that there is a risk that the client may be subject to undue influence or duress? _____
3. Did I identify concerns about my client's understanding about the documents they are executing? _____
4. Did I identify concerns about my client not having an adequate opportunity to ask questions about the document being signed? _____

Where I have indicated "yes" to the statements above, I managed the risks by the following means:

Attached hereto is a screen capture of the signator(s) of the documents listed above with their photo identification that was presented to me via electronic means during the session where the above noted documents were executed.

I DO SOLEMNLY DECLARE that the statements contained in this form are complete and true in every respect. AND I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DATE

Signature of Lawyer

Practice Directive Number 2 – Wire Transfer Procedures via Online Wire Payments Service

(Enacted April 16, 2020)

Law Society of Saskatchewan Practice Directive

Number 2

Wire Transfer Procedures Via Online Wire Payments Service

WHEREAS the Law Society of Saskatchewan wishes to facilitate the wire transfer process for lawyers during the current state of emergency, by permitting lawyers to complete wire transfers through their firm's financial institution's Online Wire Payments Service;

AND WHEREAS 'Online Wire Payments Service' is defined as being an electronic method by which the lawyer has the ability to create and approve the wire transfer of money from the lawyer's trust account through the bank's platform using the bank's website or mobile phone application;

AND WHEREAS Law Society Rule 1514(5) states:

A member may make or authorize the withdrawal of funds from a pooled trust account by wire transfer 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) the amount of the transfer
- (b) 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;
 - (ii) retain a copy of the requisition;
 - (iv) obtain the confirmation referred to in subrule (a) from the financial institution;
 - (v) retain a hardcopy of the confirmation; and
 - (vi) immediately on receipt of the confirmation, verify that the money was drawn from the trust account as specified in part (a) of the requisition.

AND WHEREAS subrule 1514(5)(b)(i)-(iii) may result in unnecessary challenges to lawyers in completing wire transfers during the current state of emergency;

AND WHEREAS the Law Society of Saskatchewan is entitled to impose and amend regulatory requirements in relation to the manner in which lawyers complete wire transfers;

AND WHEREAS the Law Society of Saskatchewan is authorized to issue directives pursuant to Law Society of Saskatchewan Rule 1143;

AND THE LAW SOCIETY OF SASKATCHEWAN HEREBY DIRECTS that lawyers who avail themselves of Online Wire Payments Services shall:

- When setting up Online Wire Payments Service with the financial institution:
 - Ensure Electronic Funds Transfer (EFT's) or any other withdrawals from the account, other than by cheque, are disabled and obtain written confirmation from the bank confirming such;
 - All wire transfers to be approved with Dual Authentication;
 - All wire transfers must be approved by a lawyer. A non-lawyer may initiate the transfer but a lawyer must approve the transfer;
 - In firms with 3 or more lawyers, a wire transfer must be approved by 2 lawyers;
 - In firms with 10 or more lawyers, firms must limit the number of lawyers to five that are set up to approve wire transfers;
 - A "user name" for each lawyer approving the transfers, will be chosen by the firm and assigned by the financial institution. This user name must be the first letter of the first name and the last name for this user name (i.e. jdoe) rather than a numerical identifier.
- When initiating an online wire transfer:
 - Implement segregation of duties, where possible;
 - Obtain the details of the wire transfer from the client in written form and verbally confirm those details with the client;
 - The bookkeeper should create the wire transfer by entering the details of the transaction into the banking software;
 - The bookkeeper must send the written details of the transaction to the lawyer(s) approving the transfer and the lawyer must ensure the information entered into the banking software is correct prior to approving the transfer;
 - The lawyer(s) will approve the transfer either via the mobile app or the bank's online website with Dual Authentication;
 - If mobile phones are being used to approve wire transfers, the phone must be password protected and have automatic screen lock;
 - If the transfer is not confirmed as received by the client within 24 hours the lawyer must trace the transfer through the wire transfer tracking system and contact the bank if required;
 - In accordance with Rule 1514(5), confirmation of the wire transfer details must be produced no later than the next banking day.
- Consider whether there are red flags of wire transfer fraud in the transaction.

Practice Directive Number 3 – Remote Execution of Wills via Electronic Means

(Enacted April 16, 2020)

(Amended August 7, 2020)

(Amended effective July 1, 2022)

Law Society of Saskatchewan Practice Directive

Number 3

Remote Execution of Wills Via Electronic Means

WHEREAS the Government of Saskatchewan has amended *The Wills Act, 1996* in a manner that modifies the requirements of how the execution of wills may be witnessed by lawyers to allow for the witnessing of signatures via electronic means;

AND WHEREAS in *The Wills Act, 1996*, ‘**electronic means**’ means an electronic means of communication that includes visual aspects by which a lawyer and the testator of a will and the witnesses are able to adequately communicate with each other at all times during the course of their meeting;

AND WHEREAS the Law Society of Saskatchewan is entitled to impose additional regulatory requirements in relation to the manner in which lawyers avail themselves of these remote witnessing provisions;

AND WHEREAS the Law Society of Saskatchewan is authorized to issue directives;

THE LAW SOCIETY OF SASKATCHEWAN HEREBY DIRECTS that lawyers who avail themselves of these remote witnessing provisions shall:

- upon receipt of a signed but unwitnessed, or partially witnessed, non-holograph will from a testator, a lawyer must, before signing as a witness, complete a line by line comparison of that document against the document that the lawyer created and sent to the client to ensure that no unauthorized alterations have been made while the document has been in transit;
- where the lawyer did not draft the will and is acting as a witness only, and therefore has no document to compare the partially signed will against, the lawyer shall, before signing as a witness, communicate verbally, or through other means, the entire contents of the will to the testator during the meeting via electronic means to confirm the intentions of the testator;
- where the testator has made handwritten amendments or interlineations on the face of the will, the amendments/interlineations must be confirmed by the lawyer, word for word, with the testator during the meeting via electronic means;
- require that the testator and any witnesses to the will display photo identification, and ensure that they obtain a screen capture (or alternatively a photo of their screen) showing the face of the testator and any witnesses of the will alongside their photo identification;
- manage risks associated with fraud, identity theft, undue influence, duress and potential lack of capacity by:
 - o Considering whether there are red flags of fraud in the matter;
 - o Assessing whether there is a risk that the testator may be subject to undue influence or duress, including observing who else is physically in the room with the testator during the execution of the will. If there is such a risk, consider if you are able to assist the testator at this time without meeting in person;

- o Confirming the testator's understanding about the will they are executing and provide adequate opportunity for them to ask questions during the meeting carried out by electronic means; and
 - o Being alert to the fact that persons may attempt to use the execution of documents by electronic means as an opportunity to commit fraud or other illegal acts.
- amend any jurats as required to include the words "via electronic means" or other appropriate details to ensure that users of the signed document are fully aware of the manner in which the document was signed.
 - prepare a written record, in Form PD3 prescribed by the Law Society of Saskatchewan to be retained by the Lawyer, detailing how the above noted risks associated with the execution of documents by electronic means were addressed and detailing that the contents of the will were verified through line by line comparison or, where necessary, through recitation.

Lawyers continue to be required to adhere to all Law Society of Saskatchewan Rules governing client identification and verification.

Form PD3 – Declaration of Lawyer Who has Witnessed a Will via Electronic Means

(Enacted April 16, 2020)
(Amended August 7, 2020)
(Amended effective July 1, 2022)

FORM PD3

DECLARATION OF LAWYER WHO HAS WITNESSED A WILL

VIA ELECTRONIC MEANS

I _____, of _____, in the Province of _____, a Lawyer, did on _____, _____ witness, via electronic means, _____ (the "Testator") acknowledge their signature affixed to their will as Testator.

During the meeting via electronic means the second witness signature was dealt with via the following means:

_____ I was physically in the presence of _____, who acted as the second witness to the Testator's acknowledged signature;

OR

_____ The Testator was physically in the presence of _____, who acted as a first, in-person witness to the will and that individual acknowledged their signature to me;

OR

_____ the Testator and I were joined via electronic means by _____, who acted as the first remote witness to the will and that individual acknowledged their signature to me and the Testator. The Testator acknowledged the Testator's signature to both of us.

Pursuant to Law Society of Saskatchewan Practice Directive 3, issued April 16, 2020 and amended August 7, 2020 and July 1, 2022, I confirm that:

_____ I have completed a line by line comparison of the will that I prepared against the partially executed will that I received back from the Testator and have confirmed that no unauthorized alterations were made.

OR

_____ I was acting as a witness only in relation to the Testator's will, and as I had no document that I had created to compare to, I communicated the entirety of the will verbally or by other means to the Testator during our meeting via electronic means to confirm the Testator's intentions.

Any alterations or interlineations on the face of the will that I received from the Testator were communicated to the Testator and confirmed during our meeting via electronic means.

I have turned my mind to the risks associated with the witnessing of documents via electronic means. I have assessed the following risks, and have answered "yes" or "no" to indicate where I have identified concerns:

1. Have I identified any indicia that the transaction might be fraudulent? ____
2. Did I identify concerns, including the physical presence of a third party in the company of my client while they were signing the documents, suggesting that there is a risk that the client may be subject to undue influence or duress? ____
3. Did I identify concerns about my client's understanding about the documents they are executing? ____
4. Did I identify concerns about my client not having an adequate opportunity to ask questions about the document being signed? ____

Where I have indicated "yes" to the statements above, I managed the risks by the following means:

Attached hereto is a screen capture of, or a photograph of a screen showing the testator and any witnesses to the will with their photo identification that was presented to me via electronic means during the session where the above noted documents were executed.

I DO SOLEMNLY DECLARE that the statements contained in this form are complete and true in every respect. AND I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DATE

Signature of Lawyer

[Practice Directives 1 – 3 and Form PD1 added for historical purposes, June 1, 2020]
[Form PD3 added for historical purposes. Was inadvertently missed in the June 1, 2020 additions]
[Practice Directive 1 and Form PD1; Practice Directive 3 and Form PD3 amended, September 18, 2020]
[Practice Directive 1 and Form PD1; Practice Directive 3 and Form PD3 amended, effective July 1, 2022]