



AMENDMENTS TO THE *CODE OF PROFESSIONAL CONDUCT* (September 23, 2022):

At September 2022 Convocation, the Benchers approved amendments to the *Code*. Amendments are listed at the end of each Chapter.

The amendments are highlighted below.

The Law Society of Saskatchewan continues to implement recommendations from the final report of the Legal Services Task Team. Recommendation No. 4 identified direct supervision requirements as an area to examine more closely in order to increase access to legal services. The *Code of Professional Conduct* provides guidance to lawyers providing direct supervision.

The following amendments to the *Code of Professional Conduct* allow greater flexibility for staff working under the supervision of a lawyer to provide delegated legal services, without extension to providing legal advice, trust undertakings, or making legal argument. Under the new amendments, lawyers maintain responsibility for all delegation at their discretion; it is not mandatory, but rather possible to expand delegation in appropriate instances where the skills, knowledge and experience of staff permit.

It also remains at the discretion of individual law firms, lawyers and their staff to assign titles such as legal assistant or paralegal with the understanding that there is no common educational standard or approach within Saskatchewan to application and use of these terms. Most importantly, lawyers are required to supervise staff within their employ, regardless of title.

3.6-1, Reasonable Fees and Disbursements – Commentary [1] amended to add new item (j) to reinforce that what is fair and reasonable with respect to fees includes consideration for work undertaken by non-lawyer staff/paraprofessionals.

6.1-1, Direct Supervision Required – 6.1-1 minor amendment to change “him or her” to read “them”; Commentary [1] (a) and (b) amended to reflect that the extent of supervision should encompass additional elements, including workload, the demonstrated ethics, trustworthiness and reliability of the non-lawyer and risk/complexity of the matter. Commentary [4] amendment to support effective direct supervision through an approved *pro bono* program; Commentary [5] amended and Commentary [6] deleted to reinforce that all work delegated should adhere to whether the professional and legal judgment of the lawyer is required.

6.1-3, Delegation – 6.1-3(a), (c), (g), (h), (j), (k), (l), (m), (n) and (p) deleted, thereby changing the numbering sequence to read 6.1-3 (a) – (f); Commentary [1] minor amendment to change “his or her” to read “their.”

Section elements were partially removed and elaborated to permit delegation at a lawyer’s discretion, with the exception of: legal advice and professional legal judgment, trust undertakings (with exceptions) and activities that lawyers may also not undertake.