



**Law Society
of Saskatchewan**

Continuing Professional
Development

**Direct Supervision Requirements
Workshop
(CPD 347)**

October 20, 2022

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Zoom Meeting Access

Please use the following link to access the Workshop.

Free Workshop - Code of Conduct Amendments: Direct Supervision Requirements (CPD 347)

Time: Oct 20, 2022 09:00 AM Saskatchewan

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- Go to <https://support.zoom.us/hc/en-us>.
- [Audio and Video](#)
- [Breakout Room Instructions](#)
- Email our CPD Administrator at cpd@lawsociety.sk.ca.
- Phone our CPD Administrator at 306-569-8232.
- Ask a question in the meeting chat.

PROGRAM - CODE OF CONDUCT AMENDMENTS: DIRECT SUPERVISION REQUIREMENTS

October 20, 2022 | 9:00 AM – 11:00 AM SK

Virtual

This session is offered free of charge by the Law Society of Saskatchewan to support access to justice and is eligible for 2.0 Continuing Professional Development hours, all of which qualify for Ethics hours.

Overview

The Law Society of Saskatchewan is implementing 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 Conduct provides guidance to lawyers providing direct supervision. During the fourth quarter of 2021 and beginning of 2022, the Law Society engaged in outreach and consultation on proposed amendments to direct supervision requirements in the Code of Conduct. This included two focus group discussions with 133 participants and an online survey completed by 324 individuals – 189 lawyers and 135 paraprofessionals.

As a result of these consultations, the Code of Conduct has been amended to allow greater flexibility for staff working under the supervision of a lawyer to provide delegated legal services. Importantly, lawyers maintain responsibility for all delegation at their discretion – it is not mandatory but rather possible to expand delegation in appropriate instances where the knowledge, skills, and experience of staff so permit.

Objectives

Join this workshop to learn:

- the new regulatory framework and practice for direct supervision;
- how direct supervision provides opportunity to increase access to legal services;
- the business case for effective use of direct supervision;
- lessons from insurance claims regarding direct supervision, managing client expectations and interacting with clients and other legal professionals via direct supervision; and
- good practices and dealing with challenges that can arise in direct supervision.

Presenters will include the Law Society's Director of Regulation, Saskatchewan Lawyer's Insurance Association, and practitioners.

Background Reading

- *Code of Professional Conduct* – [Direct Supervision](#)
- *Article* – [Better Connecting Consumers of Legal Services to Paraprofessionals](#) - Dec-2021
- *Article* – [Consultation Leads to Rule Amendments to Better Connect Consumers of Legal Services to Paraprofessionals](#) – Sep-2022



AGENDA

9:00 Welcome and Overview of Direct Supervision Requirements

Welcome and overview of consultation on direct supervision and regulatory framework

Jody Martin. Director of Regulation, Law Society of Saskatchewan. Regina.
Stephen McLellan. Counsel, Saskatchewan Lawyers' Insurance Association. Regina.

9:30 Opportunities & The Business Case for Effective Use of Direct Supervision

How direct supervision provides the opportunity to increase access to legal services & the business case for direct supervision

Craig Zawada, K.C. Saskatoon

10:00 Lessons, Challenges and Good Practices for Direct Supervision

Participants will join one of three breakout rooms, each with a host and lead discussants, to reflect on scenarios and issues that can arise in practice via direct supervision. Participants are asked to raise issues and discuss how to effectively navigate and respond to challenges.

10:45 Lessons, Sharing and Wrap-Up

Stephen McLellan. Counsel, Saskatchewan Lawyers' Insurance Association
Craig Zawada, K.C.. Saskatoon.
Julie Sobowale. Director of Communications, Law Society of Saskatchewan. Regina.

Final remarks and closing

Jody Martin. Director of Regulation, Law Society of Saskatchewan. Regina.

11:00 Adjournment

Session 1 – 9:00 a.m.

Welcome and Overview of Direct Supervision Requirements

Jody Martin, Director of Regulation for the Law Society of Saskatchewan, begins this session which gives an overview of Direct Supervision Requirements. Stephen McLellan joins to provide the perspective from the insurance side.

Materials:

[Direct Supervision Amendments - Oct 2022, Jody Martin](#)

[Insurance/Liability for Delegated Tasks and Functions, Stephen McLellan](#)

ABOUT THE PRESENTERS

Jody Martin received a Bachelor of Human Justice in 2000 from the University of Regina and received her LLB in 2005 from the College of Law at the University of Saskatchewan. After being called to the Bar in 2006, Jody worked in private practice until joining the Law Society in January 2010 as Complaints Counsel. In 2013, Jody moved into Admissions and Education both as Acting Director and Deputy Director of the department, having responsibility for admissions matters, continuing professional development, and the CPLED Bar admission program. In 2018, Jody became the Director of Regulation. Jody's current regulatory oversight includes Firm Regulation, Professional Responsibility and Trust Safety departments. From the policy perspective, Jody is responsible for the shared oversight and implementation of several regulatory and Future of Legal Services initiatives. These initiatives are part of the Society's envisioned future to move along the regulatory spectrum into an approach to regulation that includes aspects of deregulation and reregulation, and expanding access to legal services in the public interest.

Stephen McLellan received his law degree (LL.B) from the University of Saskatchewan in 1999 after having received his Bachelor of Arts (Hons) from Acadia University in 1993. After being called to the Bar in 2000, he joined Gerrand Rath Johnson until 2004 when he became in-house legal counsel for Saskatchewan Government Insurance. In 2007 Stephen joined Saskatchewan Lawyers' Insurance Association as Director of Insurance. In 2013, Stephen briefly returned to private practice with Gerrand Rath Johnson but left to become in-house counsel for the Saskatchewan Association of Health Organizations in 2014. In 2021, Stephen returned to Saskatchewan Lawyers' Insurance Association as Legal Counsel.

Session 2 – 9:30 a.m.

Opportunities & The Business Case for Effective Use of Direct Supervision

Craig Zawada, K.C. shares the opportunities to increase access to legal services and the business case from the practitioner’s perspective.

Materials:

[The business case for direct supervision, Craig Zawada, K.C.](#)

Craig Zawada, K.C., attended the University of Saskatchewan’s College of Commerce (now Edwards School of Business) and obtained his LL.B. from Osgoode Hall in Toronto. In 1996 he helped found WMCZ Lawyers in Saskatoon, and was its CEO for 9 years.

In addition to his current legal practice, Craig produces video professional development materials for the Law Society of Saskatchewan, including the Bite Size CPD series.

Craig has been active in local, provincial and national organizations. Some of his roles have included Chair of the Saskatchewan Research Council, University of Saskatchewan Senate, Trustee for Saskatoon’s Mendel Art Gallery and the CanLII board of directors. Craig has been a sessional lecturer at the U of S College of Law for many years, teaching Intellectual Property as well as Transformation in Practice, a joint venture between the Law Society and the College. He is a graduate of The Directors College Chartered Director program and continues to teach corporate governance.

Craig was a Bencher with the Law Society of Saskatchewan from 2014 to 2021, and served as its President in 2018.

Session 3 – 10:00 a.m.

Lessons, Challenges and Good Practices for Direct Supervision – Breakout Rooms

Participants will join one of three breakout rooms below, each with a Facilitator and lead discussants, to reflect on scenarios and issues that can arise in practice via direct supervision. Participants are asked to raise issues and discuss how to effectively navigate and respond to challenges. See [Zoom Instructions for Participating in Breakout Rooms](#).

Room	Facilitator and Discussion Lead	Rapporteur
Room 1	Valerie Payne Director of Professional Responsibility	Stephen McLellan
Room 2	Michelle Owolagba Professional Responsibility Counsel	Craig Zawada, K.C.
Room 3	Jody Martin Director of Regulation	Julie Sobowale

Breakouts will not be recorded. The following scenarios which identify issues or occurrences that can arise in practice via direct supervision will help guide our discussion, or feel free to share your own experiences, including challenges or good practices.

Guiding scenarios for ethical client-centered practice.

- Understanding key risks from insurance claim history;
- Considering the scope of services in various contexts;
- Managing client expectations and communications vis-à-vis direct supervision; and
Understanding parameters for the lawyer’s and staff’s role.

Session 4 – 10:45 a.m.

Breakout Room Lessons, Sharing and Wrap-Up

Rapporteurs from each breakout room will share main elements of discussion and identify lessons, practical tips or recommendations that can support effective direct supervision.

- Room 1: **Stephen McLellan**, SLIA – 3 minutes
- Room 2: **Craig Zawada, K.C.** – 3 minutes
- Room 3: **Julie Sobowale**, Law Society of Saskatchewan – 3 minutes

Final remarks and closing

Jody Martin, Director of Regulation, Law Society of Saskatchewan – 5 minutes

Adjournment – 11:00 a.m.



Thank you for joining us today.

Below is a list of all materials for this workshop:

- [Power Point – Direct Supervision Requirements](#), Jody Martin
- [Power Point – Insurance/Liability for Delegated Tasks and Functions](#), Stephen McLellan
- [Power Point – The business case for direct supervision](#), Craig Zawada, K.C.
- [Materials – Case Study and Scenarios](#)

Background Reading

- Code of Professional Conduct – [Direct Supervision](#)
- Article – [Better Connecting Consumers of Legal Services to Paraprofessionals - Dec-2021](#)
- Article – [Consultation Leads to Rule Amendments to Better Connect Consumers of Legal Services to Paraprofessionals](#) – Sep-2022