

**Certified True Copy of Amendments  
to the Rules of the Law Society of Saskatchewan  
October 28, 2022**

It was moved, seconded and carried that the *Rules* of the Law Society of Saskatchewan be amended. Please note that deletions have a “~~line through~~” for identification purposes.

**AMENDMENTS:**

Amendments to Rules 706 and 714 were approved to clarify the requirement to article in Saskatchewan. Although the Rules were always interpreted this way by both the Law Society and applicants, the Rules did not explicitly state that students-at-law must complete *Saskatchewan* articles to be admitted as a lawyer in Saskatchewan. The amendment formalizes this long-standing interpretation.

**PART 7 – Membership and Practice Privileges**

**C. Students-at-Law**

**Articling Term**

**706**(1) The articling term will commence on the date when all conditions necessary for commencement of articles in Saskatchewan 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.

**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 in Saskatchewan;
- (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.

## AMENDMENTS:

Amendments to Part 16 and Part 9 were approved facilitating a shift in the approach to trust safety procedures and reflect changes that have already been successfully implemented in other Canadian jurisdictions. The goal of this shift in approach is to enhance public protection measures by supporting the Law Society in providing proper and consistent oversight over lawyers' trust accounts, and to ease the burden on firms with "right-sized" and focused regulatory oversight where appropriate.

The Benchers approved amendments to Rule 905 and Rules 1604 – 1608 removing the Accountant's Report (FormsTA-5/TA-5R) requirement, and implementing an annual Trust Safety Administration Fee of \$500 for firms with Trust accounts. The amendments will result in: enhanced support for law firms on trust safety matters; support the Law Society in meeting enhanced regulatory requirements by increasing audit capacities; and will decrease costs to a significant majority of firms as compared to the costs incurred by firms in meeting the Accountant's Report requirement.

## PART 9 – Firm Regulation

### Designated Representative's Obligations

**905**(1) The Designated Representative shall:

- (g) submit the Annual Report ~~s, and, if applicable, the Accountant's Report,~~ as required by Rule 1604;

## Part 16 – Reporting Requirements

### Filing of Annual Reports

**1604**(1) A firm shall, within three months after the end of each fiscal period deliver or cause to be delivered to the Executive Director:

- (a) an Annual Report;
- (b) a Power of Attorney; and
- (c) ~~for firms with trust accounts, the Trust Safety Administration Fee, if required pursuant to Rule 1605, an Accountant's Report, unless exempt pursuant to Rule 1605.~~

(2) A firm shall, within three months after termination of practice or termination of the existence of the firm or association in or with which a member formerly practised, deliver or cause to be delivered to the Executive Director ~~an Annual Report.;~~

- ~~(a) an Annual Report; and~~
- ~~(b) a Power of Attorney; and~~
- ~~(c) an Accountant's Report, if required.~~

(3) The Executive Director may approve a firm's written request that the firm's ~~Annual Accountant's~~ Report cover a time period greater than 12 months.

(4) The Annual Report, ~~Accountant's Report,~~ and Power of Attorney filed for the purposes of this Rule must be completed in a form ~~prescribed by acceptable to~~ the Executive Director.

### **Trust Safety Administration Fee** ~~Exemption from Filing Accountant's Report~~

**1605**(1) ~~A firm with one or more trust accounts shall submit to the Executive Director an annual Trust Safety the trust Safety Administration Fee in the amount of \$500. The Executive Director may exempt a firm from the filing of the documents referred to in subrule 1604(1) for that time period if the firm satisfies the Executive Director that during the most recent completed fiscal period or during the partial fiscal period immediately preceding ceasing or terminating practice, the firm:~~

~~(a) did not maintain a trust bank account or handle trust money at any time; or~~  
~~(b) only used a trust bank account or handled trust money as a member of a firm required to file an annual trust account report;~~  
~~(c) has not withdrawn any funds held in trust;~~  
~~(d) was employed exclusively by a government body, except the Saskatchewan Legal Aid Commission and did not practise law outside the scope of that employment;~~  
~~(e) has complied with Part 15 of these Rules; and~~  
~~(f) within the time referred to in subrule 1604(1), has delivered to the Executive Director a statutory declaration in a form approved by the Executive Director.~~  
(2) The Society may establish criteria upon which it may exempt a firm from payment of the Trust Safety Administration Fee. ~~the filing of document referred to in subrule 1604(1)(c).~~  
(3) A firm requesting exemption from the Trust Safety Administration Fee may do so within 15 days of submitting the Annual Report.

### **Late Filing of Reports**

**1606**~~(1)~~ A firm that does not comply with Rule 1602 or 1604 is in breach of these Rules and must pay an assessment of \$500 per month for each month until the Society receives the completed reports.  
~~(2) A firm that does not comply with Rule 1604 shall, when the firm delivers the Accountant's Report, include a copy of listings and reconciliations referred to in subrule 1524(2) for each month subsequent to the period to which the Accountant's Report applies.~~  
~~(3) A firm that does not comply with subrule 1604(1) within 4 months after the end of the fiscal period shall, unless the Executive Director authorizes in writing to the contrary, deliver to the Executive Director by the end of each month until subrule 1604(1) is complied with, the monthly trust reconciliation referred to in subrule 1524(1).~~  
~~(4) If a firm has not delivered an Accountant's Report when required, the Executive Director may do one or both of the following:~~  
~~(a) engage or assign a qualified accountant to complete the Accountant's Report;~~  
~~(b) order an examination of the firm's books, records and accounts pursuant to subrule 1533(1).~~

### **Credentials to Complete Accountant's Report**

**1607** An Accountant's Report shall be completed and signed by a licensed Chartered Professional Accountant in public practice.

### **Instruction Respecting Minimum Standards**

**1608** An Accountant's Report shall be completed in accordance with the minimum standards published by the Society.

## **AMENDMENTS**

Pursuant to Rule 1407 (Refund of Fees), a refund of the Active Member annual fee is only permitted in certain prescribed scenarios (death, birth/adoption of a baby, serious illness or other circumstances that may cause a member undue hardship).

The Benchers approved amendment to Rule 1407 to include refunds for a change of status to *Pro Bono* member. A change of status to *Pro Bono* member is deserving of a refund because *pro bono* work helps to address the access to justice gap, which is a cause the Law Society is committed to supporting.

## **Part 14 – Law Society Fees and Assessments**

### **Refund of Fees**

**1407**(1) The Society shall, in the case of an active member who dies during the current year, refund one twelfth of the current year's active member annual fee, multiplied by the number of months remaining in the calendar year excluding the month that the member dies.

(2) The Society shall, upon being satisfied that an active member has, during the current year, become an inactive member for the purpose of parenting a child newly in the member's care, refund one-twelfth of the current year's active member annual fee, multiplied by the number of months remaining in the calendar year excluding the month that the member becomes an inactive member.

(3) The Society shall, upon being satisfied that an active member has, during the current year, become unable to practise as a result of serious illness, refund one-twelfth of the current year's active member annual fee, multiplied by the number of months remaining in the calendar year excluding the month that the member becomes unable to practice.

(4) The Society shall, upon being satisfied that an active member has during the current year become a Pro Bono member, refund one-twelfth of the current year's active member annual fee, multiplied by the number of months remaining in the calendar year excluding the month that the member becomes a Pro Bono Member.

~~(4)~~(5) The Society may, upon being satisfied that there are circumstances that would impose undue hardship on the member, refund one-twelfth of the current year's active member annual fee, multiplied by the number of months remaining in the calendar year excluding the month that the member changes membership status.

**AMENDMENTS**

The Benchers approved an increase to the Practice fee and Special Fund assessment fee for 2023.

The Benchers also approved an increase for transfer lawyers and professional corporations for 2023.

**SCHEDULE 1 – Law Society Fees and Assessments**

<b>A. Active Member Annual Fee</b>	<b>\$</b>
1. Practice fee .....	<del>2,175</del> <u>2,675</u>
2. Special Fund assessment (included in Practice fee) .....	<del>100</del> <u>200</u>
3. Late payment fee.....	75/wk or part thereof
4. Quarterly payment administration fee .....	100
 <b>E. Admission as a Lawyer Fees</b>	
1. Lawyer admission application fee .....	175
2. Lawyer enrollment fee .....	175
3. Admission on transfer application fee (Lawyer or Canadian Legal Advisor) .....	<del>175</del> <u>300</u>
4. Admission on transfer enrollment fee (Lawyer or Canadian Legal Advisor) .....	<del>750</del> <u>1,000</u>
 <b>K. Professional Corporation</b>	
1. Application for registration of Professional Corporation .....	<del>200</del> <u>300</u>
2. Application for registration of Limited Liability Partnership .....	200
3. Annual renewal for Professional Corporation .....	<del>200</del> <u>300</u>



**CERTIFIED to be a true copy of the resolutions passed  
by the Benchers of the Law Society of Saskatchewan at  
their meeting held October 28, 2022.**

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**TIMOTHY J. BROWN, K.C.**  
**Executive Director**