

# FUTURE OF LEGAL SERVICES INITIATIVE

**Implementation of the Legal Services Task Team Recommendations**  
**Limited Licensing Pilot – Year 1**  
January 2023

**Law Society  
of Saskatchewan**

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# SASKATCHEWAN FAST FACTS

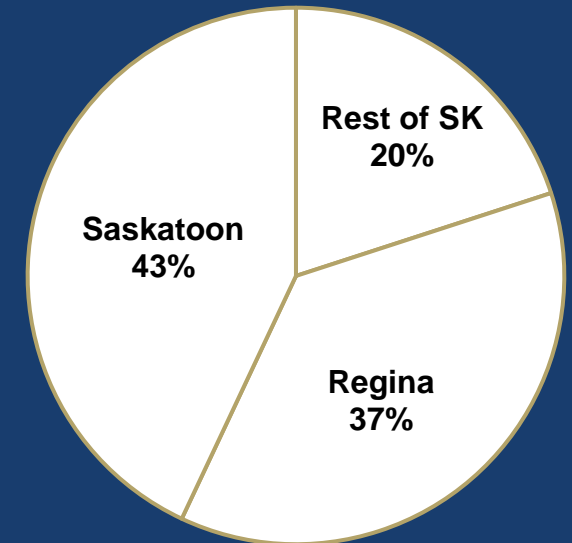
- Population (2021): 1,132,505 (↑)
  - **909,390** (15+) Adults (80%)
- Active lawyers (2021): 1871 in Saskatchewan (↓)
  - 1119 Private Practice (↓)
  - 79 Legal Aid (↓)
  - 23 Active Pro Bono (↑)
- Lawyers offering services towards population: **1,221** (↓)
  - (Lawyer-supervised) para-professionals (2016): 1,370

Adult Population (15+):  
**909,390**

Lawyers offering legal  
services towards  
population:  
**1,221**

Adult Population /  
Lawyers offering  
services:  
**745**

## LAWYER GEOGRAPHIC LOCATION (2021)



# SASKATCHEWAN LEGAL NEEDS DATA

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19% adults  
experience serious  
legal problems:

172,784

(3 preceding years)

142 serious legal  
problems / lawyer

(over 3 years)

50% adults  
experience everyday  
legal problems:

454,695

(over 3-year period)

372 everyday legal  
problems / lawyer

(over 3 years)

## 2009 national study of everyday legal problems (*Justice Canada*)

- 64.2% of Saskatchewan residents reported one or more problems (the highest in Canada).
- Social disadvantages can increase the risk and prevalence of experiencing legal problems, which can also occur in clusters.

## 2016 national study of every day legal problems (*CFCJ*)

- 48.4% of adult Canadians will experience at least one legal problem over any given three-year period.

## 2018 provincial inquiry of unmet legal needs (*LSTT*)

- Identified priority areas where supply of legal services does not match demand and the types of legal assistance needed – criminal law, family law, administrative law (including social housing and landlord/tenant), consumer and debtor law, immigration law, and small claims matters.

## 2021 provincial study as part of national study of serious legal problems (*Statistics Canada*)

- 19% of people living in Saskatchewan reported experiencing at least one serious problem in the three years preceding the survey. Top three problems were: large purchase or service (19%); housing-related problems (18%); receiving government assistance (17%).
- Only three in ten (28%) people contacted a legal professional to help resolve their problem.

## 2022 provincial study of legal needs (*CREATE Justice*)

- Community organizations reported the top five justice-related problems pertain to: criminal matters (64%); family (relationship breakdown) (61%); social assistance (49%); housing (46%) and money or debt (36%); and family (other) (36%).
- Lawyers reported the top five justice-related problems pertain to: family (43%); criminal (32%); immigration/refugee (20%); housing/residential tenancies (20%); and Aboriginal/Indigenous (13%).



# THE LAW SOCIETY IS IMPLEMENTING RECOMMENDATIONS TO SUPPORT ACCESS TO JUSTICE (LEGAL SERVICES)

## LEGAL SERVICES TASK TEAM RATIONALE & FINAL REPORT

- 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 2019-2023

- 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 (3 REMAINING)

## 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

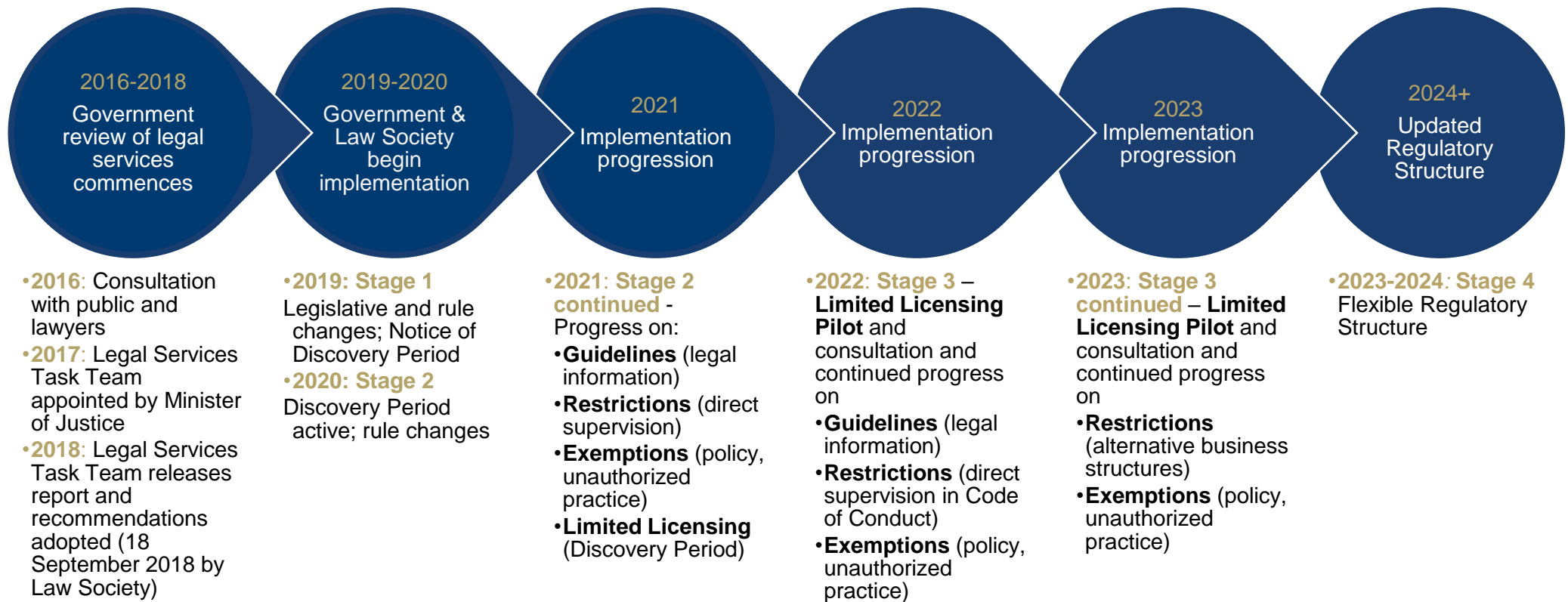
- 2B - Create guidelines to help the public
- 3 - Other than the provision of legal information, continue to regulate all other legal services to some degree
- 4 - Examine the restrictions on direct supervision requirements for staff
- 5A - Expand the list of exceptions [sic] to the prohibition against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



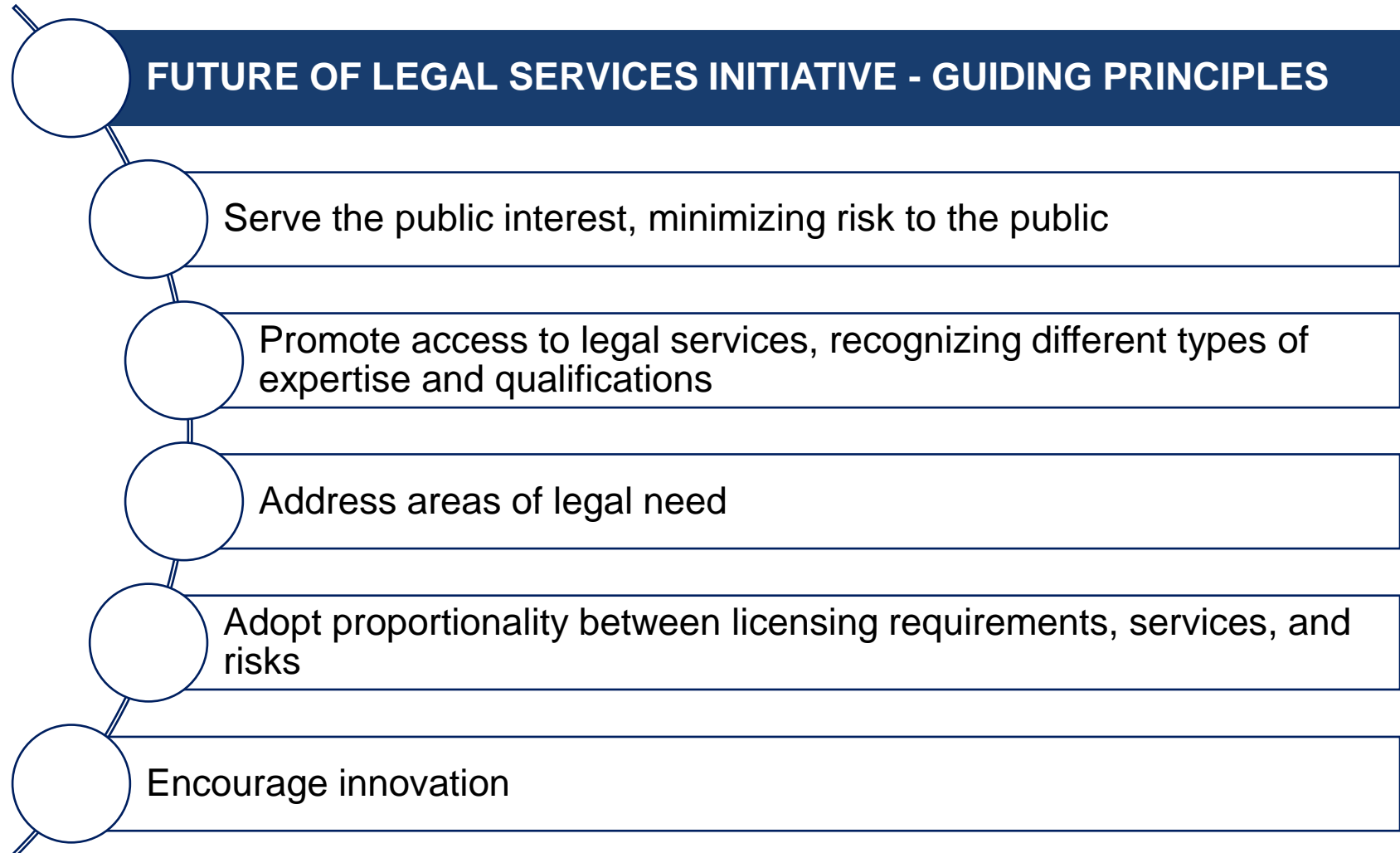
# RECOMMENDATIONS ARE IMPLEMENTED IN AN INTEGRATED & SUSTAINABLE MANNER IN STAGES



**INFORMED BY:** Legal Needs Assessment, Canadian Legal Problems Survey, Discovery Period, Legal Information Guidelines Feedback Form and Workshops, Survey on Direct Supervision Requirements, Limited License Pilot and Consultation



# A SERIES OF PRINCIPLES GUIDE IMPLEMENTATION OF THE RECOMMENDATIONS



# IMPLEMENTATION CREATES 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
- Rule changes for supportive alternative business structures

FUTURE –  
WHERE WE  
ARE HEADED





# AUTHORIZATIONS TO PRACTICE LAW



## PRACTICE OF LAW BY LICENSE (in a regulated entity) + DIRECT SUPERVISION

- Licensed Active Lawyers – 2087 (2021); and paraprofessionals – ~1370 (2016)
- Amendment to Code of Conduct in effect for expanded delegation (Direct Supervision)



## PRACTICE OF LAW BY LIMITED LICENSE

- Pilot (2022-2023)
- 19 approved participants



## PRACTICE OF LAW BY LEGISLATIVE EXEMPTION

- 8 categories of exception



## PRACTICE OF LAW BY REGULATORY EXEMPTION

- 12 categories of exemption



## PROVISION OF LEGAL INFORMATION

- Legal information may be provided by a person, a person working within a for-profit or not-for-profit organization, or through an automated service ([Legal Information Guidelines](#))

If outside of these  
categories:  
**UNAUTHORIZED**  
**PRACTICE OF LAW**

## 8 CATEGORIES OF EXCEPTION

1. Articling students-at-law
2. Lawyers under mobility provisions
3. Police appearing for the Crown
4. Government employees prosecuting summary conviction matters
5. Sheriffs in particular circumstances
6. Self-represented litigants
7. Parties to litigation
8. Exemptees as prescribed in the Rules of the Law Society

## 12 CATEGORIES OF EXEMPTION

1. Mediators / conciliators (parenting coordinators)
2. Labour proceeding participants
3. Adjudicators
4. Lobbyists
5. Public officers
6. Government supported lay representatives
7. Notary Publics
8. Aboriginal Courtworkers
9. Legislative authorizations
10. Organizational employees
11. University law students
12. Administrative Tribunal Representatives





SASKATCHEWAN STANDARDS (January 2022)	LAWYERS (also known as BARRISTERS, SOLICITORS, or ATTORNEYS)	LIMITED LICENSING PILOT PARTICIPANT	EXEMPTees, LEGAL ASSISTANTS, PARALEGALS + AGENTS (AT PRESENT)
Education	✓ A Bachelor of Laws (LLB) or Juris Doctor (JD) degree from a faculty of common law at a Canadian university or Certificate of Equivalency issued by the <a href="#">National Committee on Accreditation</a> .	❖ Minimum standards – inquire directly	✗ No set standard – inquire directly
Training & admission	✓ Completion of the <a href="#">Bar Admissions Course</a> ; 12 months of articles; and suitability to practice determination.	❖ Under development	✗ No set standard – inquire directly
Continuing professional development	✓ 12 hours (2 ethics) annually of accredited training.	❖ Under development	✗ No set standard – inquire directly
Scope of practice	✓ No limits on practice.	✗ Limits on scope of practice defined in <a href="#">Letter of Agreement</a>	✗ Limits on practice defined by legislation, rules, or lawyer supervisor.
Ethical standards	✓ <a href="#">Saskatchewan Code of Professional Conduct</a>	❖ Under development	✗
Complaint and discipline process	✓ <a href="#">Complaints Process</a>	❖ (Partial) <a href="#">Consumer Review</a>	✗
Professional liability insurance	✓ <a href="#">Saskatchewan Lawyer's Insurance Association</a>	✗ No set standard – inquire directly	✗ No set standard – inquire directly
Ability to operate a trust account	✓ <a href="#">Law Society of Saskatchewan Rules</a>	✗	✗
Regulatory oversight body	✓ <a href="#">Law Society of Saskatchewan</a>	✓ <a href="#">Law Society of Saskatchewan</a>	✗



# LIMITED LICENSING PILOT I – FEATURES

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## OVERVIEW

- Apply individually for authorization to engage in limited in scope legal service delivery
- Risk-based assessment by Committee
- Reporting (based on risk assessment) + consumer reviews
- Parallel consultation – education, co-regulation, insurance, code of conduct, complaints and recourse
- Data, feedback, and lessons inform development of framework for limited licensing (2024)

## RISK ASSESSMENT

### 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; complaints; capacity – area of practice, type of service, professional development

### SCOPE RISK MANAGEMENT – CONSUMER PROTECTION

- *What level of risk is identified for protection of the public interest?*
  - Compliance – intention, capability; recourse; oversight / scrutiny

# PILOT II – PROGRESS

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## APPLICANTS

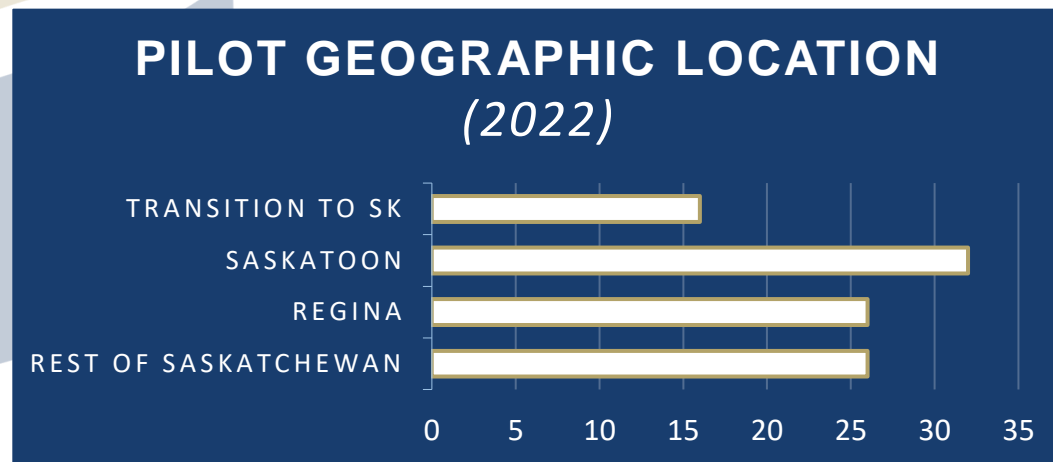
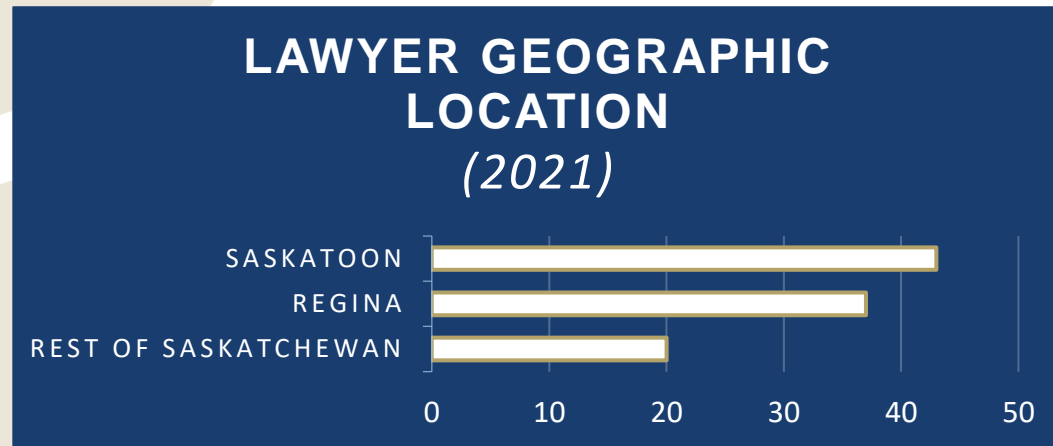
- 22 applicants: 19 approved; 1 not; 2 pending
- 19 risk assessments: 1 low risk; 13 medium-low risk; 5 medium-high risk
- 19 areas of law identified in 4 general areas of practice
  - Administrative tribunal and provincial court matters (+ related enforcement)
  - General corporate / contract
  - Future planning services – basic wills, powers of attorney, and health care directives
  - Family services - separation, uncontested divorces, mediation

## INSIGHTS *(as at January 1, 2023)*

- 5,354 client inquiries
- 1,603 clients served
- 50 geographic locations outside of Regina/Saskatoon
- \$0-465 fee range (+ approved contingency arrangements)
- 4 days to 6 months time range for services
- 6 consumer reviews (positive)
- 0 complaints



# PILOT III – EARLY LESSONS FOR INCREASED ACCESS TO JUSTICE (LEGAL SERVICES)



- *Affordability* – average fees lower than western Canadian averages for lawyers
- *Rural and remote communities* – increase in locations outside of Regina/Saskatoon
  - *Applicants*: Regina (26%); Saskatoon (32%); Rest of Province (26%); Transition to SK from out-of-province (16%)
  - *Participants*: clients served in 50+ locations
- *Consumer choice* – increase of options for public
  - *Pilot* – 19 additional service providers (2%) plus overall regulatory changes to increase access
    - *Exemptions*: 12 categories
    - *Direct Supervision*: greater scope for paraprofessionals
    - *Alternative Business Structures*