

**Certified True Copy of Amendments
to the Rules of the Law Society of Saskatchewan
September 22, 2023**

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:

The Benchers approved amendments to Rule 1102(4) to allow for repetitive complaints to be set aside and not pursued as complaint matters which are subject to a right of review. Repetitive complaints cause an unnecessary drain on regulatory resources, and permitting repeated reviews of previously addressed complaints does not serve the public interest. 1102(12) and (13) were approved housekeeping amendments.

Part 11 – Professional Responsibility

B. Complaints

Examination of Complaints

1102 (4) When a complaint that is received is determined by Professional Responsibility Counsel, in their sole discretion, to be a repetition of, or substantially the same as, one or more previous or current complaints, Professional Responsibility Counsel may notify the complainant that the information has been classified as repetition and ~~it will not be pursued further. no further action will be taken in regard to their complaint.~~

...

(12) If, on completion of a review pursuant to subrules ~~(4)~~ (5) to (11), Professional Responsibility Counsel is of the opinion that:

- (a) the matter raises an issue of competence, Counsel shall refer the matter to the Chairperson of the Competency Committee;
- (b) the matter raises an issue of discipline, Counsel shall refer the matter to the Conduct Investigation Committee; or
- (c) the matter does not raise an issue of competence or discipline, Counsel may:
 - (i) refer the matter to the Ethics Committee; or
 - (ii) direct that no further action be taken in the circumstances described in subrule (13).

(13) After the investigation or other action pursuant to subrules ~~(4)~~ (5) to (11), Professional Responsibility Counsel:

- (a) shall take no further action on the complaint if satisfied that:
 - (i) the complaint meets any of the criteria listed under subrule (6);
 - (ii) the complaint is not valid;
 - (iii) the complaint does not raise an issue of ethics, competence or discipline; or
 - (iv) it is otherwise in the public interest to do so.
- (b) may attempt to mediate a resolution to a complaint which raises an issue of ethics, competence or discipline; or
- (c) may issue a formal caution, providing advice to the member in relation to the member's conduct.

Part 12 – Insurance

The Benchers approved changes to Rule 1202(3) to amend the approach in exempting members employed by the Federal Government from the requirement to maintain liability insurance. The addition of new subrules (4) and (5) were approved to alter the process by which eligibility for exemption is established.

Saskatchewan Lawyers' Insurance Association Inc.

1202(1) Unless exempted pursuant to subrule (3) or Rule 717, each member other than a student-at-law shall in each year by the date set in Rule 1403(1) pay to SLIA a liability insurance assessment in the amount fixed by the Benchers.

(2) Unless exempted pursuant to subrule (3) or Rule 717, each member other than a student-at-law shall by the date set in subrule 1403(1) pay to SLIA any additional or retroactive assessment levied by the Benchers pursuant to section 11(4) of the Act.

(3) The following members are exempt from payment of the annual assessment pursuant to subrule (1) and any special assessments pursuant to subrule (2), and, subject to subrules ~~(75)~~ and ~~(86)~~, are not covered by the liability policy:

- (a) subject to the regulations, members employed by or on an exclusive contract with a Saskatchewan government institution as defined in The Freedom of Information and Protection of Privacy Act in accordance with section 11.1 of the Act;
- (b) members employed by the Federal Department of Justice or the Public Prosecution Services of Canada and other members employed by the Government of Canada who are eligible for legal assistance and indemnification under the Government of Canada Policy on Legal Assistance and Indemnification, September 1, 2008, or successor policies, or comparable legal assistance and indemnification from the Government of Canada;
- (c) Canadian Legal Advisors, pursuant to Rule 817;
- (d) members not resident in Saskatchewan who comply with Rule 816;
- (e) inactive members;
- (f) retired members;
- (g) Active Pro Bono members; and
- (h) members who are not and will not be engaged in the practice of law in Saskatchewan, but who are required to be reinstated to active member status in Saskatchewan temporarily, for the sole purpose of completing their permanent transfer to another Canadian jurisdiction pursuant to national mobility; and
- ~~(i) other members as approved by the Benchers.~~

(4) Subject to subrule (7), the exemptions provided by subrules (3)(a) and (b) do not apply to members who engage in the practice of law outside of the scope of their employment or exclusive contract with a Saskatchewan government institution or their employment with the Government of Canada.

(5) Members claiming to be exempt pursuant to subrule (3) shall complete such forms, declarations, or undertakings and provide such other information required by the Executive Director to establish eligibility for exemption.

~~(64)~~ A member shall not engage in the practice of law until the assessment is paid if the member is not exempted from payment pursuant to subrule (3), or Rule 717 and has not paid:

- (a) the assessment pursuant to subrule (1) by the date fixed in subrule (1) or extended pursuant to subrule ~~(119)~~; and
- (b) any special assessment levied by the Benchers pursuant to subrule (2) by the date fixed by the Benchers or extended pursuant to subrule ~~(129)~~.

~~(75)~~ A member who is exempt from paying the assessment pursuant to subrule (3)(a), (b), (c), (d) or (g) is covered by the liability policy for services provided through a pro bono organization approved by the Society, subject to the terms and conditions of the liability policy.

~~(86)~~ A member who is exempt from paying the assessment pursuant to subrule (3) is covered pursuant to the liability policy for services provided during any period in which the member met the definition of an Insured pursuant to the liability policy, subject to the terms and conditions of the liability policy.

~~(97)~~ Subrule ~~(108)~~ applies where the Society or SLIA has paid an individual insurance deductible amount on behalf of a member in respect of a claim against the member, and the member, by the date the annual assessment pursuant to subrule (1) is payable or by the date extended pursuant to subrule ~~(119)~~:

- (a) has not fully reimbursed the Society or SLIA; or
- (b) has breached an agreement made between the Committee and the member respecting the member's reimbursement of the Society or SLIA.

(108) The member mentioned in subrule (97) shall not, from the date mentioned in subrule (97), engage in the practice of law until the Society or SLIA has been fully reimbursed for the deductible.

(119) The Chairperson of the Committee may at any time extend the time for a member:

- (a) to pay an assessment pursuant to subrule (1) or (2); or
- (b) to reimburse the Society or SLIA for a deductible paid on the member's behalf pursuant to subrule (97).

(129) Where an extension of time is granted pursuant to subrule (119), the member shall be deemed to be insured during the period when the assessment or deductible was unpaid if the member pays:

- (a) the full amount of the assessment or the deductible owing by the date to which the time is extended; and
- (b) interest on that amount from the date upon which it was due to the date upon which it is paid calculated at the prime lending rate of the Bank of Montreal plus two percent per annum.

(134) The Society shall promptly, in the case of a member who has not, when due, paid an assessment pursuant to subrule (1) or (2) or reimbursed a deductible pursuant to subrule (97):

- (a) notify the member in writing that the member is disqualified from the practice of law until the amount owing is paid in full;
- (b) give notification of those persons who have become disqualified members to:
 - (i) the Chief Justice of Saskatchewan;
 - (ii) the Chief Justice of the Saskatchewan Court of Queen's Bench;
 - (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.

(142) A member who is an insured pursuant to a professional liability insurance policy shall report to, cooperate with and assist SLIA as required by the policy.

(153) A member who fails to comply with subrule (142) is, in addition to the other consequences flowing from the failure to comply, liable to disciplinary action for conduct unbecoming.

Schedule 1 – Law Society Fees and Assessments

Due to the erosion of the Special Fund reserves, an increase to the Special fund assessment was approved. It did not result in an increase to the Practice fee, but rather a greater allocation of the existing Practice fee to the Special Fund beginning in 2024.

A. Active Member Annual Fee	\$
1. Practice fee	2,675
2. Special Fund assessment (included in Practice fee)	200 250
3. Late payment fee.....	75/wk or part thereof
4. Quarterly payment administration fee	100

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

Amendments to Rule 1514, Procedure for Withdrawing Funds from a Pooled Trust Account, were approved at June Convocation, which addressed the issue that necessitated Practice Directive Number 2. Therefore, this Practice Directive has been **repealed** in its entirety.



**CERTIFIED to be a true copy of the resolutions passed
by the Benchers of the Law Society of Saskatchewan at
their meeting held September 22, 2023.**

TIMOTHY J. BROWN, K.C.
Executive Director