

# FUTURE OF LEGAL SERVICES INITIATIVE

**Implementation of the Legal Services Task Team Recommendations**

**Limited Licensing Pilot – 1.5 years**

June 30, 2023



**Law Society  
of Saskatchewan**

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

## LEGAL SERVICES TASK TEAM RATIONALE & FINAL REPORT

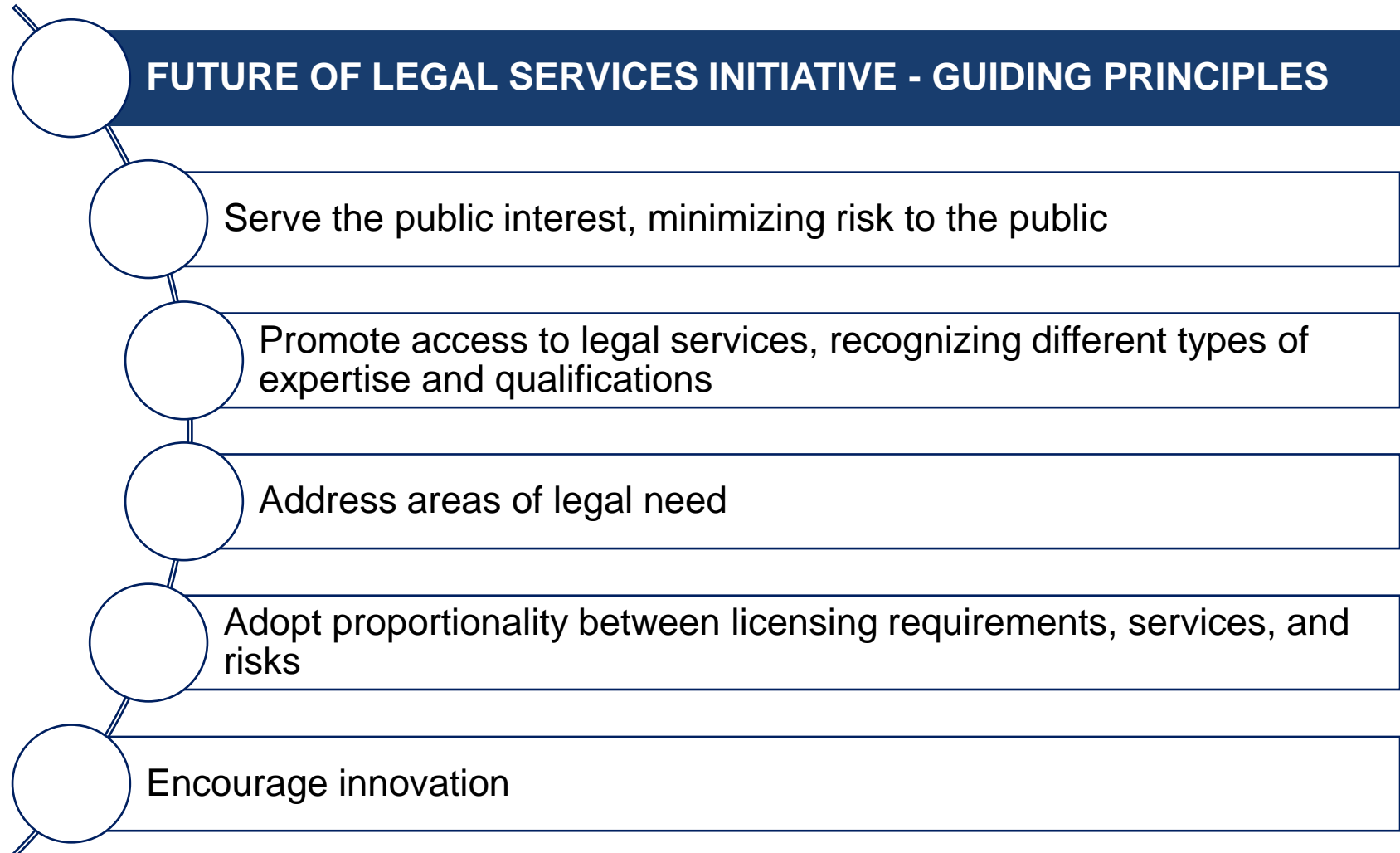
- Access to legal services especially in **underserved markets / locations**
  - Affordability
  - Rural and remote communities
  - Find a lawyer willing / able
  - Services in own language / culture
- More **consumer choice**
  - Range of competent service providers
- Effective **regulation** of legal 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

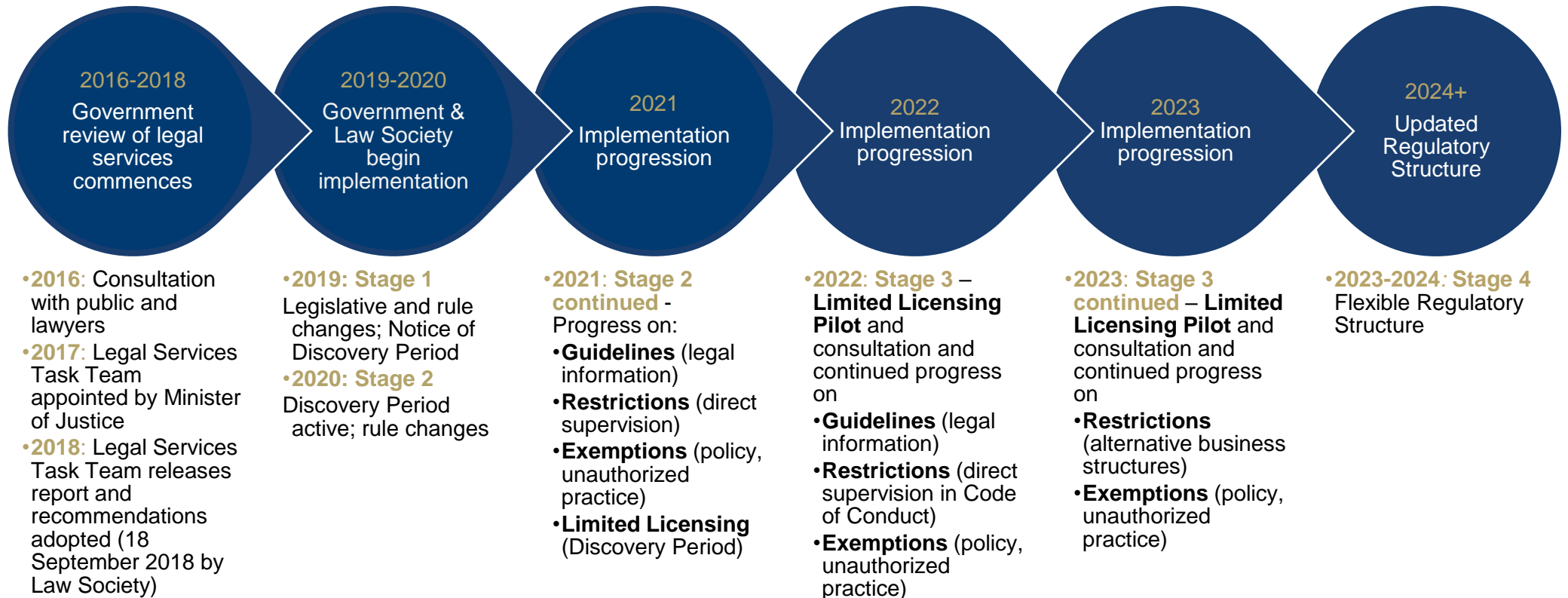
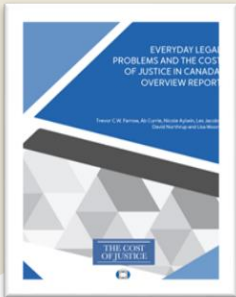
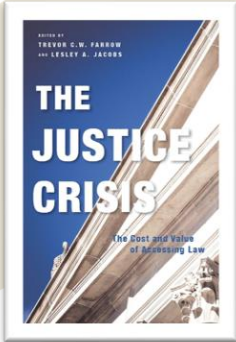
- Demonstrate a commitment to improving access to legal services in regulatory structure, policies, and initiatives and support the provision of accessible legal services by Saskatchewan firms, lawyers, legal service providers, and other legal organizations
  - Reduce barriers to access to legal services 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



# A SERIES OF PRINCIPLES GUIDE IMPLEMENTATION OF THE RECOMMENDATIONS



# 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](#) (five themes), and literature (academic, bar association, etc.)

# COMMUNICATIONS INVITE INFORMATION SHARING AND CONSULTATION

2019-2020

A Discovery Period was active with 188 contacts received

- [Summary of Discovery Period](#)

November 2021

Article: "[Better connecting consumers of legal services and alternative legal service providers](#)"

January 2022

Presentation: "[Limited-Licensing Pilot - Jan-2022](#)"

Presentation: "[Direct-Supervision Requirements](#)"

December 2022 – December 2023

Meetings with Bar Associations and CBA-SK

(Battlefords (scheduled), Northeast, Prince Albert, Regina (scheduled), Southwest

June 2023

Summary of 1.5 Years of the Limited Licensing Pilot

Article: "[Better connecting consumers of legal services and lawyers](#)"

August 2021

Article: "[Better connecting consumers of legal services to paraprofessionals](#)"

December 2021

Article: "[Consultation Leads to Code of Conduct Amendments to Better Connect Consumers of Legal Services to Paraprofessionals](#)"

October 2022

[Summary of Year One of the Limited Licensing Pilot](#)

January 2023



# IMPLEMENTATION CREATES REGULATORY SPACE TO ADVANCE ACCESS TO LEGAL SERVICES

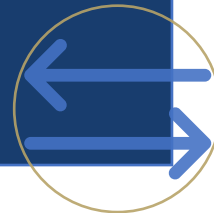
- Strict regulatory framework without a flexible structure

PAST –  
WHERE WE  
WERE



- Staged implementation of de-regulation and re-regulation to expand the scope of available legal service providers using risk-based assessment and review

PRESENT –  
WHERE WE  
ARE



- Four categories authorizing the practice of law
  - Lawyer (+ direct supervision)
  - Exceptee
  - Exemptee
  - Limited Licensee
- + Legal Information Provider

FUTURE –  
WHERE WE  
ARE HEADED



# CURRENTLY THERE ARE SEVERAL WAYS TO ENGAGE IN THE PRACTICE OF LAW

## AUTHORIZATIONS TO PRACTICE LAW



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



PRACTICE OF LAW BY **LIMITED LICENSE**  
• Pilot (2022-2023)



PRACTICE OF LAW BY **LEGISLATIVE EXCEPTION**  
• 8 categories of exception



PRACTICE OF LAW BY **REGULATORY EXEMPTION**  
• 12 categories of exemption



PROVISION OF **LEGAL INFORMATION**  
• [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. Exemtees as prescribed in the Rules of the Law Society

## 12 CATEGORIES OF EXEMPTION

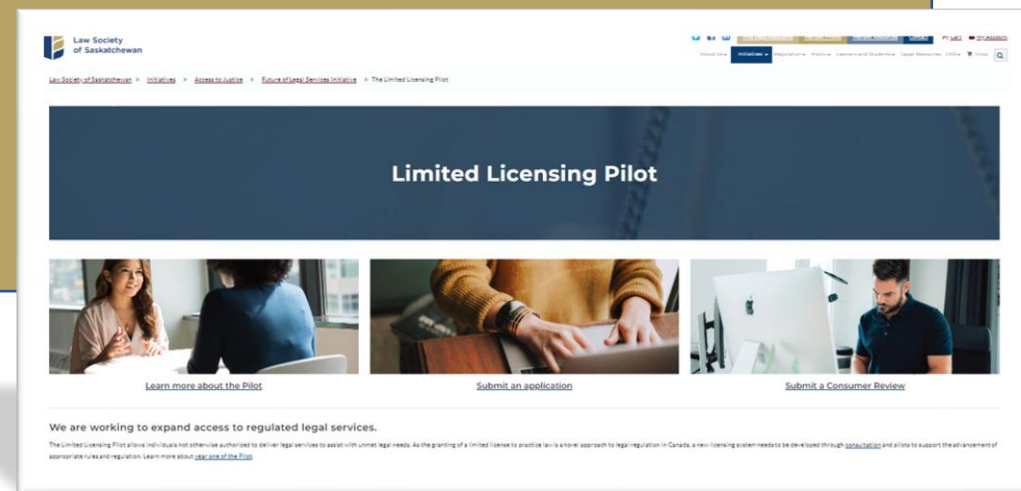
1. Mediators / conciliators (parenting coordinators)
2. Labour proceeding participants
3. Adjudicators
4. Lobbyists
5. Public officers
6. Government supported lay representatives
7. Notary Publics
8. Aboriginal Courtworkers
9. Legislative authorizations
10. Organizational employees
11. University law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





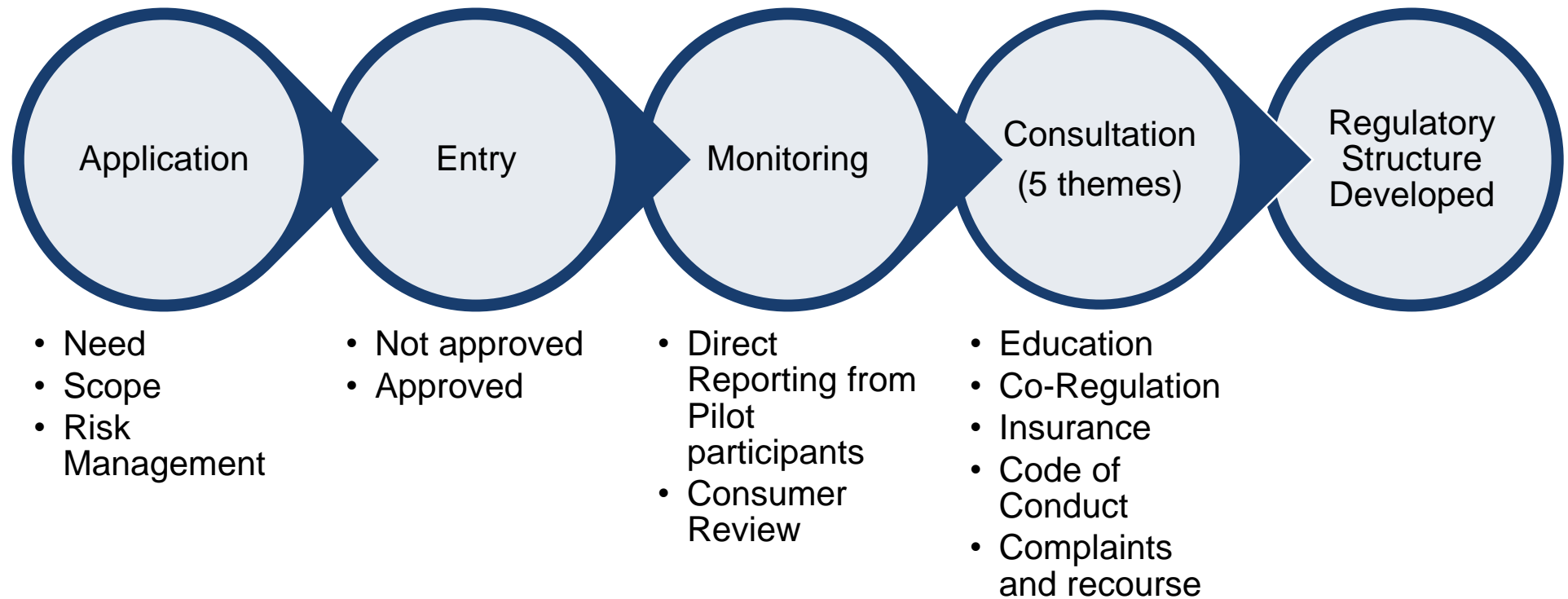
# In Focus: Limited Licensing Pilot

Summary to June 30, 2023





# THE LIMITED LICENSING PILOT LAUNCHED IN JANUARY 2022 AND WILL BE ACTIVE FOR TWO YEARS



# APPLICATIONS ARE REVIEWED ON AN ONGOING BASIS ACCORDING TO CRITERIA FOR ENTRY TO THE PILOT

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## PILOT APPLICATION PROCESS

- Application – Review / Risk Assessment
  - Need – Access to Legal Services
  - Scope – Competence
    - What competencies are required to deliver services effectively?
      - Education, training, experience; complaints; capacity – area of practice; type of service, professional development
  - Risk Management – Consumer Protection
    - What level of risk is identified for protection of the public interest?
      - Compliance – intention; capability; recourse; oversight/scrutiny

## PILOT ENTRY PROCESS

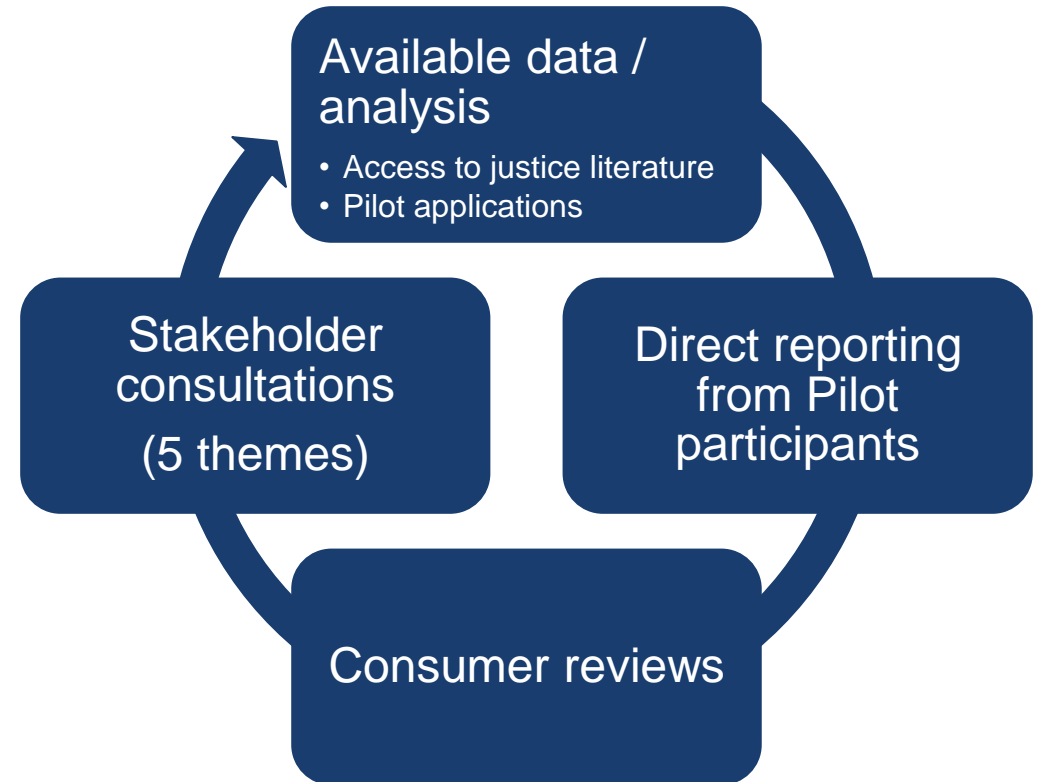
- Not approved
- Approved – Letter of Agreement
  - Maintaining eligibility
  - Scope of legal services
  - Conditions
  - Information disclosure
  - Complaint handling
  - Disclaimers
  - Reporting and monitoring



# MONITORING DATA IS COLLECTED DURING THE PILOT

## PILOT MONITORING PROCESS

- Data is being collected throughout the Pilot to help inform the development of a regulatory structure for limited licensing in Saskatchewan
- Data limitations include
  - Direct reporting
    - Depth of information
    - Follow-up required
    - Applicability across practice areas
  - Consumer reviews
    - Self-selecting
    - Basic information
  - Stakeholder consultations
    - Engagement
    - Perceptions vs. Experiences



# DIRECT DATA COLLECTION IS MULTI-FACETED

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## DIRECT REPORTING FROM PILOT PARTICIPANTS

- Reporting requirements (10 categories)
  1. Number of client inquires
  2. Number of clients served
  3. Geographic location of clients
  4. Nature of clients legal matters
  5. Legal outcomes for clients
  6. Financial outcomes for clients
  7. Amount clients paid for services
  8. Approximate length of services to clients
  9. Number of complaints received and how handled
  10. Any additional items of relevance for the Pilot

## CONSUMER REVIEWS

- Consumer reviews
  - Invitation through website and Pilot participants draw to attention of clients
  - Requests indication of service provider and open-ended reflection to help understand consumer experiences when accessing legal services through the Pilot

## STAKEHOLDER CONSULTATION

- Stakeholder consultations in five areas
  1. Education
  2. Co-regulation
  3. Insurance
  4. Code of conduct
  5. Complaints and recourse



# PILOT - DATA INSIGHTS AS AT JUNE 2023 (DIRECT REPOTING AND CONSUMER REVIEWS)

- Applicants approved in the Pilot are authorized to practice in 19 areas of law which can be classified generally in four main areas of practice:
  - Administrative tribunal and provincial court matters (+ related enforcement of orders)
  - General corporate, contract, and title transfer services
  - Future planning services – basic wills, powers of attorney, and health care directives
  - Family separation services

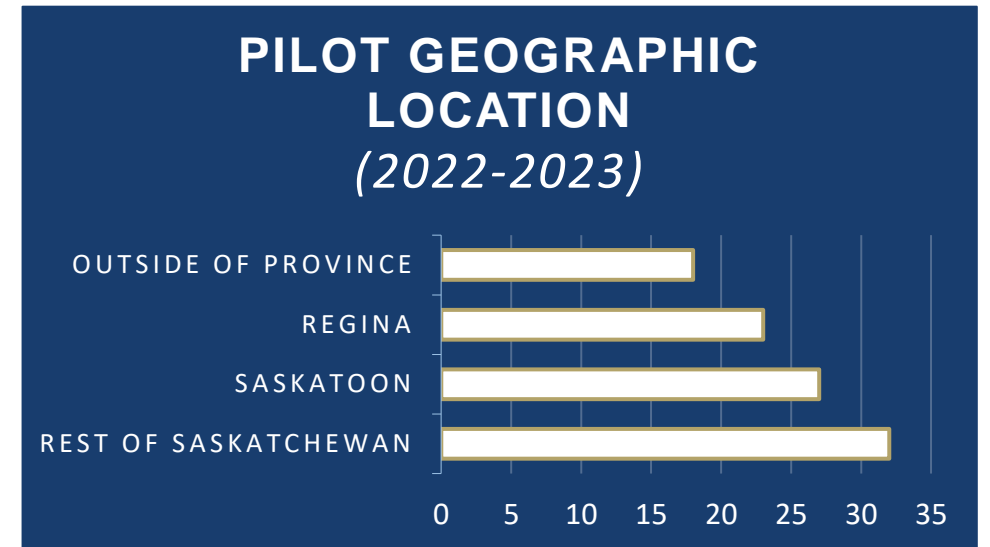
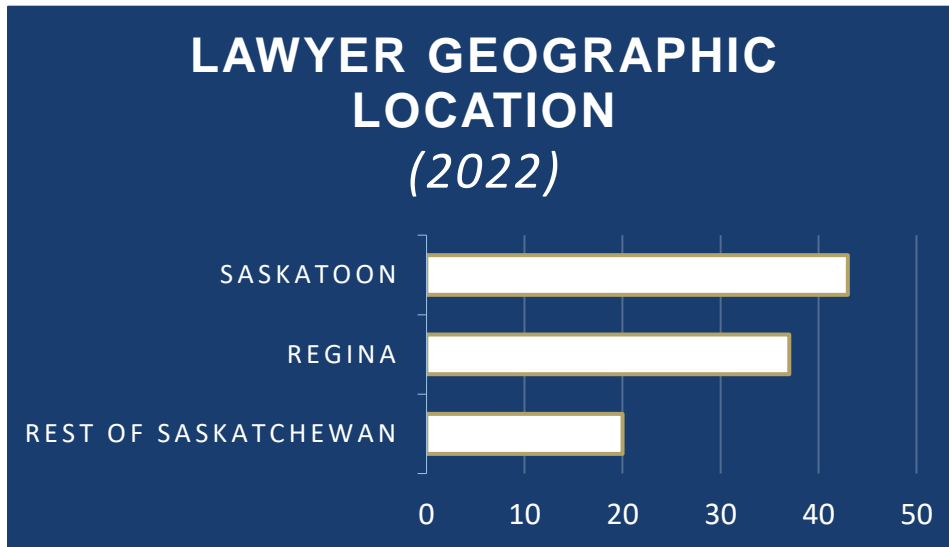
APPLICANTS	PARTICIPANTS - APPROVED	PARTICIPANTS - NOT APPROVED	PARTICIPANTS - REMOVED	APPLICATIONS PENDING REVIEW
29	26	2	1	0
CLIENT INQUIRIES	CLIENTS SERVED	CLIENT GEOGRAPHIC LOCATIONS	CONSUMER REVIEW – POSITIVE	CONSUMER REVIEW / STAKEHOLDER CONCERNS
10,590*	2,913	300+ outside of Regina and Saskatoon	24 (83%)	5 (17%)



# PILOT - DATA INSIGHTS AS AT JUNE 2023 I (IN LINE WITH TASK TEAM RATIONALE)

ISSUE / BARRIER IDENTIFIED	INDICATOR(S) [Source – description]	NOTES [Source – What currently know]
<b>Affordability</b>	<ul style="list-style-type: none"> <li>Reporting – amount clients paid for services (as compared to Canadian Lawyer prices / averages for Saskatchewan / Western Canada as possible)</li> <li>Consumer Reviews – references to lower costs / affordability</li> </ul>	<ul style="list-style-type: none"> <li>Reporting – \$0-777</li> <li>Consumer Reviews – 3 references to more reasonable billing</li> </ul>
<b>Rural and remote communities</b>	<ul style="list-style-type: none"> <li>Applications – number of service providers located outside of Regina / Saskatoon</li> <li>Reporting – geographic locations of clients</li> <li>Consumer Reviews – reference to ability to access legal services</li> </ul>	<ul style="list-style-type: none"> <li>Geographic Location (Applicants): Regina (23%); Saskatoon (27%); Rest of Province (32%); Outside Province (18%)</li> <li>Reporting – 300+ locations outside of Regina/Saskatoon</li> <li>Consumer Reviews – 1 reference to accessing legal services in rural community</li> </ul>
<b>Finding a legal service provider</b>	<ul style="list-style-type: none"> <li>Reporting – volume of clients inquiring / served</li> </ul>	<ul style="list-style-type: none"> <li>Reporting – 10,590 inquiries and 2,913 clients served</li> </ul>
<b>Services in own language / culture</b>	<ul style="list-style-type: none"> <li>Survey or Registration – request information on languages offered by Limited Licensees and demographic data</li> </ul>	<p>TBD – consider as part of final review of Pilot / transition to formal framework; early indication services being provided in at least one language in addition to English (Spanish)</p>
<b>Consumer choice</b>	<ul style="list-style-type: none"> <li>Rules - # categories of exemptions</li> <li>Direct supervision - # paraprofessionals</li> <li>Pilot - # participants</li> </ul>	<ul style="list-style-type: none"> <li>Rules – 12 categories of exemptions</li> <li>Direct supervision – 1370 (2016 census)</li> <li>Pilot – 26 participants (June 2023)</li> </ul>

# PILOT - DATA INSIGHTS AS AT JUNE 2023 II (IN LINE WITH TASK TEAM RATIONALE)



# CONSULTATION – EDUCATION

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## GENERAL (EDUCATION) CONSULTATION QUESTIONS

- *What accredited educational classes/programs exist in Saskatchewan and Canada that can be accessed by limited licensees?*
- *What types of courses would most support limited licensees?*
- *What educational institutions in Saskatchewan may be interested in developing new educational opportunities for limited licensees?*

## INFORMATION GATHERING

- College of Law (University of Saskatchewan)
- First Nations University of Canada
- Human Justice Studies (University of Regina)
- Saskatchewan Polytech
- Saskatoon Business College
- + Applicants bring educational qualifications from 28 different institutions





# CONSULTATION – CO-REGULATION

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## GENERAL (CO-REGULATION) CONSULTATION QUESTIONS

- *What other regulatory bodies or professional groups intersect with limited licensees?*

## INFORMATION GATHERING

- Applicants are being monitored where co-regulation may apply
- To date, 21 co-regulators or professional associations have been identified



# CONSULTATION – INSURANCE

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## GENERAL (INSURANCE) CONSULTATION QUESTIONS:

- *What professional liability insurance options exist for limited licensees?*

## INFORMATION GATHERING

- Applicants are monitored for insurance coverage
- Coverage reported by Pilot applicants includes 12 different insurers available from the market
- Canadian Lawyers Insurance Association has indicated interest in providing insurance for limited licensing in Saskatchewan



# CONSULTATION – CODE OF CONDUCT

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## GENERAL (CODE OF CONDUCT) CONSULTATION QUESTIONS

- *What scope and application for a Code of Conduct for limited licensees is desirable?*

## INFORMATION GATHERING

- Expert retained
  - Approach to the draft Code of Conduct for Limited Licensees
  - Fiduciary Duties
  - Solicitor-Client Privilege
- Working Group
  - Practice Advisors
  - Pilot participants (13 with one additional external paralegal participant)

# CONSULTATION – COMPLAINTS AND RECOURSE

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## GENERAL (COMPLAINTS AND RECOURSE) CONSULTATION QUESTIONS

- *What scope and application for complaints and recourse for limited licenses is beneficial?*

## INFORMATION GATHERING

- Consumer Review / Stakeholder complaints are monitored throughout the Pilot to inform the development of a complaints structure
  - *Stage 1:* Is there evidence of consumer harm where through lack of competency or inappropriate advice by a Pilot participant a consumer has:
    - Failed to exercise legal rights/responsibilities?
    - Received an inaccurate legal result?
    - Received or purchased unnecessary legal services?
  - *Stage 2:* Is the consumer harm beyond normal risk thresholds? What is the response / engagement of the Pilot Participant?

Developing the regulatory structure (Rules, Code of Conduct) is occurring based on data from the Pilot

- 12-month data
- 18-month data
- 24-month data
- Information gathering through Consultation on five themes

SASKATCHEWAN STANDARDS (January 2022)	LAWYERS (also known as BARRISTERS, SOLICITORS, or ATTORNEYS)	LIMITED LICENSING PILOT PARTICIPANT	EXEMPTED, 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>	✗

# STAY IN TOUCH!

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- Questions?
- Information is regularly updated and available on the Law Society's website: [www.lawsociety.sk.ca](http://www.lawsociety.sk.ca)
  - Initiatives
    - Future of Legal Services
    - Limited Licensing Pilot
  - Consultation
- Please be in touch: [consultation@lawsociety.sk.ca](mailto:consultation@lawsociety.sk.ca)

