



Summary of Recommendations for Input

Recommendation 2(b)

The entire recommendation 2 states:

- a) **Define “practice of law” in the legislation and provide that only lawyers, and those otherwise authorized by the legislation and the Law Society Rules, may practice law. State in the legislation that any person may provide legal information (which should not be included in the definition of “practice of law”). Provide the Law Society with the authority to define “legal information” in the Law Society Rules.**
- b) **Create guidelines to help the public better understand when legal services are needed, the difference between legal information and legal advice, the options available for obtaining legal services, and the value associated with each option.**

The results of the Task Team's consultation revealed that the legal and justice systems are confusing and intimidating for many people. However, in many cases the provision of legal information may be all that is necessary to assist people. The Task Team concluded that there is a need for greater clarity about:

- The distinction between legal advice and legal information;
- Who is entitled to provide legal information; and
- What services would constitute unauthorized practice of law if provided by an alternative service provider.

For part a) of the recommendation, the Task Team reviewed the definitions of practice of law from other jurisdictions and recommended the following definition that will be included in the amended *Act*, expected to be proclaimed at the end of 2019:

29.1 The practice of law is the application of legal principles and judgment with regard to the circumstances or objectives of another entity or person that require the knowledge and skill of a person trained in the law, and includes the following:

- (a) giving advice or counsel to others with respect to their legal rights or responsibilities or the legal rights or responsibilities of others;
- (b) drafting or completing legal documents or agreements that affect the legal rights of an entity or person;
- (c) representing another entity or person in any of the following:
 - (i) a court;
 - (ii) a formal administrative adjudicative proceeding;
 - (iii) a formal dispute resolution process;



(iv) any other administrative adjudicative proceeding in which legal pleadings are filed or a record is established as the basis for judicial review;

(d) negotiating legal rights or responsibilities on behalf of another entity or person”.

Please note that the Law Society will include a definition of “legal information” in our Rules. We have not finalized the definition but are recommending the following wording to our Benchers:

Legal Information is the provision of information of a general nature about the law and legal procedures to members of the public.

Further guidance will be provided through the development of guidelines, as outlined in recommendation 2(b).

Questions to consider:

1. What clarification between legal advice and legal information would be most useful to your organization?
2. What is the current understanding of the distinction between legal advice and legal information?
3. Does your organization currently have any guidelines to assist your staff in determining the difference between legal advice and legal information? If so, please share.

Recommendation 5:

The entire recommendation 5 states:

- a) **Expand the list of exceptions to the prohibition against practicing law.**
- b) **Amend the Act to relocate the list to the Rules so that the Law Society can amend the list in accordance with changing circumstances.**

The current exceptions to unauthorized practice include:

- a) an articulated student-at-law or any other person required to serve under articles who, while serving under articles:
 - i. appears as counsel in proceedings before a judge of the Provincial Court of Saskatchewan, justice of the peace or judge of the court sitting in chambers;
 - ii. acts as counsel in proceedings in which a student-at-law is authorized by The Queen’s Bench Rules to act; or



- iii. performs under the supervision of a member any acts, not related to court appearances, that are prescribed in the rules;
- b) a person authorized to practise in accordance with the rules made pursuant to clause 10(i) while the person is acting within the scope of that authorization;
- c) a member of a police force appearing for the Crown before a judge of the Provincial Court of Saskatchewan or justice of the peace;
- d) an employee of the Government of Saskatchewan or the Government of Canada prosecuting summary conviction cases for the contravention of an Act or an Act of the Parliament of Canada, or a regulation made pursuant to an Act or an Act of the Parliament of Canada;
- e) a sheriff with respect to proceedings taken for:
 - i. relief pursuant to provision relating to interpleader;
 - ii. payment out of court of funds belonging to an execution debtor; or
 - iii. directions of a court with respect to a seizure made or requested to be made by the sheriff; and
- f) a person who is a plaintiff or defendant in proceedings and who commences, prosecutes or defends in the person's own name an action or proceeding in a court of civil or criminal jurisdiction.

The Task Team proposed the expansion of the exception to unauthorized practice to areas where there is already some form of oversight and do not pose much risk to the public at large. The Task Team recommends that, in addition to the exceptions listed above, the section in the Act that prohibits anyone from practicing law should not apply to the following classes:

- g) a person preparing a document for his or her own use or for an action or matter to which he or she is a party;
- h) a person serving in a neutral capacity as a mediator or conciliator;
- i) a person participating in labour negotiations, arbitrations, or conciliations arising under collective bargaining rights or agreements;
- j) a person exercising an adjudicative function pursuant to statutory authority;
- k) a person acting as a legislative lobbyist;
- l) a public officer acting within the scope of his or her authority as a public officer;



- m) a person employed by the government to act as a lay representative before administrative agencies or tribunals;
- n) a notary public exercising the powers conferred on the notary public by law;
- o) a person whose regulated profession or occupation is not the provision of legal services or the practice of law, who acts in the normal course of carrying on that profession or occupation, excluding representing a person in a proceeding before an adjudicative body;
- p) a person who is employed by a practising lawyer, a law firm, a law corporation, or the government and who acts under the supervision of a practising lawyer;
- q) a person who delivers courtworker services to Aboriginal people through an Aboriginal delivery agency that has contracted with the Government of Saskatchewan or the Government of Canada to deliver courtworker services as part of the Aboriginal Courtworker Program;
- r) a person authorized to practice law in accordance with any provincial or federal statute;
- s) an officer or employee of an incorporated or unincorporated organization preparing a document for the use of the organization or for an action or matter to which the organization is a party; and
- t) a university law student in respect of services permitted to be provided by that student in accordance with the rules.

In particular, the Law Society of Saskatchewan will be crafting guidelines to assist with the implementation of exception “o” (as noted above).

In addition to the feedback from this consultation, we will be consulting with other professions, such as accountants, to define the ‘normal course of carrying on that profession or occupation’ and what public protections are in place or need to be in place in order for other professions to provide these services.

Questions to consider:

1. We invite comment on implementation considerations with any of the above exceptions with respect to your organization.
2. What experiences, if any, has your organization had with any non-legal organization or profession who provides legal services?
3. What further clarification would be beneficial to your organization with respect to exception “o”?