

# BILL

## No. 106

### An Act to amend *The Legal Profession Act, 1990*

(Assented to )

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

#### Short title

1 This Act may be cited as *The Legal Profession Amendment Act, 2013*.

#### S.S. 1990-91, c.L-10.1 amended

2 *The Legal Profession Act, 1990* is amended in the manner set forth in this Act.

#### Section 2 amended

3 **Subsection 2(1) is amended:**

(a) **by repealing clause (a) and substituting the following:**

“(a) **‘admissions panel’** means a panel of benchers appointed in accordance with the rules for the purposes of sections 23 and 24;

“(a.1) **‘bencher’** means a bencher of the society who is elected, constituted or appointed in accordance with this Act”;

(b) **by adding the following clause after clause (f):**

“(f.1) **‘firm’** means any of the following that provides or provide legal services to the public:

(i) a sole proprietorship;

(ii) a partnership;

(iii) a corporation;

(iv) two or more members holding themselves out as practising in association;

(v) any other business entity;

but does not include any entity that receives all or substantially all of its funding from the Government of Saskatchewan”; **and**

(c) **by repealing clause (h) and substituting the following:**

“(h) **‘member’**:

(i) subject to subsections (2) and (2.1) and sections 34.1, 60 and 84.1 and except where the context requires otherwise, means a member of the society admitted pursuant to subsection 4(1) or declared to be a member pursuant to subsection 4(2); and

(ii) except where the context requires otherwise, includes a firm”.

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## New section 3.2

**4 The following section is added after section 3.1:****“Protection of the public**

**3.2** In any exercise of the society’s powers or discharge of its responsibilities or in any proceeding pursuant to this Act, the protection of the public and ethical and competent practice take priority over the interests of the member”.

## Section 6 amended

**5(1) Clause 6(2)(b) is repealed and the following substituted:**

“(b) not less than 17 benchers elected pursuant to the rules”.

**(2) The following subsection is added after subsection 6(2):**

“(2.1) Rules respecting the election of benchers may be made with the approval of two-thirds of the members in attendance at the annual meeting held pursuant to section 21 or at a special meeting held pursuant to section 22”.

**(3) Subsection 6(3) is amended by adding “not less than” after “benchers”.**

## Section 7.1 amended

**6 Subsection 7.1(1) is amended by striking out “, other than a hearing committee,”.**

## Section 10 amended

**7 Section 10 is amended:**

**(a) in the portion preceding clause (a) by adding “for the governing of the society, for the regulating of lawyers, firms, articulated students-at-law and applicants, and for the carrying out of this Act, for the following purposes” after “rules”;**

**(b) by adding the following clause after clause (f.1):**

“(f.2) respecting the establishment of the admissions panel pursuant to sections 23 and 24”;

**(c) in clause (l) by adding “and practice management” after “competence”;**

**(d) by adding the following clause after clause (n):**

“(n.1) providing for the appointment and composition of panels to carry out the discipline provisions of this Act”; **and**

**(e) by repealing clause (t) and substituting the following:**

“(t) providing for:

(i) the investigation or inspection of books, records, accounts, files and office management systems of members by:

(A) the officers, auditors or agents of the society; or

(B) any other person designated by the benchers or appointed by the conduct investigation committee; and

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(ii) the method of assessment against a member of the expenses of investigations or inspections pursuant to subclause (i) where it is determined that the member has not complied with rules respecting office management systems and the keeping of books, records, accounts and files”.

**Section 23 amended****8 Subsection 23(4) is amended:**

(a) in clause (a) by striking out “benchers” and substituting “admissions panel”; and

(b) in clause (b) by striking out “benchers” and substituting “admissions panel”.

**Section 24 amended****9 Subsection 24(3) is amended:**

(a) in clause (a) by striking out “benchers” and substituting “admissions panel”; and

(b) in clause (b) by striking out “benchers” and substituting “admissions panel”.

**Section 35.1 amended****10 Subsections 35.1(1) and (2) are repealed and the following substituted:**

“(1) The conduct investigation committee is established in accordance with the rules.

“(2) The majority of members of the conduct investigation committee must be benchers”.

**Section 47 amended****11 Subsection 47(2) is repealed.****Section 53 amended****12 Subsection 53(1) is repealed and the following substituted:**

“(1) A hearing committee shall provide its decision in accordance with the rules and as soon as possible”.

**Section 86 amended**

**13 Section 86 is amended by adding “or the Law Foundation or a member of the Law Foundation” after “or of a committee”.**

**Coming into force**

**14** This Act comes into force on proclamation.

