

Frequently Asked Questions

Practice of Law and Exceptions and Exemptions

The Law Society of Saskatchewan regulates the practice of law in the public interest. The Law Society's regulatory structure provides several paths for individuals to lawfully engage in the practice of law as a licensed lawyer, limited licensee, or through a specific recognized exception or exemption.

What is the practice of law?

The Legal Profession Act, 1990 defines the practice of law in section 29.1:

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.*

What is the unauthorized practice of law?

It is unlawful to practice law or provide legal services without a licence or a recognized exception or exemption. This is considered unauthorized practice. Section 30 of *The Legal Profession Act, 1990* defines the unauthorized practice of law:

30(1) *Subject to section 31, no persons other than members who hold a licence shall:*

- (a) *practise law in Saskatchewan; or*
- (b) *hold themselves out as, or represent themselves to be, persons who may practise law in Saskatchewan.*

(2) *Subject to section 31, a person, other than a member who holds a licence, who commences, prosecutes or defends an action or proceeding in a court of civil or criminal jurisdiction or acts as counsel or a lawyer in an action or proceeding is:*

- (a) *incapable of recovering any fee, reward or disbursement on that account;*
and

- (b) *deemed to be guilty of a contempt of the court in which the proceeding has been commenced, carried on, defended or prosecuted, and may be proceeded against for contempt before the Court of Appeal or a judge of the court sitting in chambers.*

(3) *Nothing in this section affects the ability of a person or entity to provide members of the public with information of a general nature about the law and legal procedures or any other legal information as defined in the rules.*

Subject to a recognized exception or exemption, no persons other than members who hold a licence shall: (a) practise law in Saskatchewan; or (b) hold themselves out as, or represent themselves to be, persons who may practise law in Saskatchewan. Doing so would constitute the unauthorized practice of law.

The Law Society enforces unauthorized practice where there is a risk to the public. Risk may be due to a lack of education, training or experience related to activities, issues affecting the rule of law or administration of justice and misleading the public about qualifications or status with the Law Society. The Law Society has the authority to prosecute individuals who engage in the unauthorized or unlawful practice of law.

What are exceptions from unauthorized practice?

Section 31 of *The Legal Profession Act, 1990* details exceptions to unauthorized practice which permits certain classes of persons from the prohibition against the unauthorized practice of law.

Excepted Category	Terms and Conditions
Articled students-at-law or any other person required to serve under articles	While serving under articles: <ol style="list-style-type: none"> (i) appears as counsel in proceedings before a judge of the Provincial Court of Saskatchewan, justice of the peace or a judge of the court sitting in chambers; (ii) acts as counsel in proceedings in which a student-at-law is authorized by The King'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.
Lawyers under mobility provisions	Compliance with mobility provisions as set out in Part 8 of the <i>Law Society of Saskatchewan Rules</i> .
Police appearing for the Crown	Appearing before a judge of the Provincial Court of Saskatchewan or justice of the peace.
Government of Canada or Saskatchewan employees prosecuting summary conviction cases	Matters related to 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.
Sheriffs	With respect to proceedings taken for: <ol style="list-style-type: none"> (i) relief pursuant to provisions 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.
Self-represented litigants	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.
Parties to litigation	A person preparing a document for the person's own use or in relation to a proceeding to which the person is a party.
Limited Licensee	A limited licensee permitted to engage in the limited practice of law while acting within the scope of permitted services.

Exempted Category	Terms and Conditions
Exemtees as prescribed in the <i>Law Society of Saskatchewan Rules</i>	Refer to rule 1002 of the <i>Law Society of Saskatchewan Rules</i> .

What are exemptions from unauthorized practice?

Section 10 of *The Legal Profession Act, 1990* grants authority to the Law Society to exempt persons and classes of persons from the prohibition against the unauthorized practice of law. As a condition of the exemption, compliance with terms and conditions may be required.

Rule 1002 of *The Law Society of Saskatchewan Rules* outlines categories of exemption from the unauthorized practice of law as well as associated functions and terms and conditions.

Exempted Category	Terms and Conditions
Mediators and parenting coordinators	<ul style="list-style-type: none"> • Neutrality • Contract with the Government or member of a recognized professional dispute resolution association or regulatory association other than the Law Society¹ • If a family mediator, compliance with statutory requirements • If a parenting coordinator, compliance with statutory requirements
Labour representatives	<ul style="list-style-type: none"> • Limited to labour negotiations, arbitrations, conciliations or proceedings respecting collective bargaining rights or agreements
Adjudicators	<ul style="list-style-type: none"> • Compliance with statutory requirements
Lobbyists	<ul style="list-style-type: none"> • Compliance with statutory requirements
Public officers	<ul style="list-style-type: none"> • Acting within scope of authority
Lay representatives before administrative agencies or tribunals	<ul style="list-style-type: none"> • Employed by government • Funded by a service agreement or demonstrably accountable to government
Notary publics	<ul style="list-style-type: none"> • Compliance with statutory requirements
Aboriginal courtworkers	<ul style="list-style-type: none"> • Service delivery through a Government of Saskatchewan or Canada program
Statutorily authorized person	<ul style="list-style-type: none"> • Compliance with statutory requirements
Officers or employees of organizations	<ul style="list-style-type: none"> • Restricted to organizational use or a matter to which the organization is a party

¹ Refer to Rule 1001 of the [Law Society of Saskatchewan Rules](#). A “recognized professional dispute resolution association or regulatory association” is defined to mean, for the purposes of subrule 1002(1)(a)(i)(A), the following: ADR Institute of Canada or Saskatchewan; Family Mediation Canada; Mediate BC; Family Dispute Resolution Institute of Ontario; Ontario Association for Family Mediation; Saskatchewan College of Psychologists; Saskatchewan Association of Social Workers; and other organizations as may be recognized by the Executive Director (of the Law Society of Saskatchewan).



Exempted Category	Terms and Conditions
University law students	<ul style="list-style-type: none"> • Services must be delivered through an approved pro bono organization² • Direct supervision • No professional undertakings
Individuals appearing before administrative adjudicative proceedings	<ul style="list-style-type: none"> • Not appearing habitually • Not charging fees unless authorized by the governing legislation of the tribunal

Acting outside of the functions referred to or not meeting the terms and the conditions specified is unlawful practice and may be prosecuted.

Are excepted and exempted individuals regulated by the Law Society?

Partially. Individuals who fall within an exception or exemption and comply with the related functions and terms and conditions are lawfully engaging in practice of law activities but are not directly regulated by the Law Society. Not complying with the functions or terms and conditions of an exception or exemption is unlawful practice and may result in prosecution by the Law Society for unauthorized practice to protect the public interest.

What if I do not qualify through an exception or exemption?

Activities that do not fall within or meet the terms and conditions of an exception or exemption are not authorized unless through licensing. The Law Society’s regulatory structure offers licensing as a lawyer or as a limited licensee. Please refer to [Frequently Asked Questions – Limited Licensees](#).

As an example, an individual may wish to assist members of the public appearing before administrative tribunals and charge fees for these services. This is not permitted within the exemption, which exempts individuals who are not appearing habitually (e.g., assisting a friend or family member) and are not expecting payment. Receiving fees and regularly appearing before administrative tribunals requires being licensed as a limited licensee or lawyer with the Law Society.

What are the differences between lawyers, limited licensees, exceptions and exemptions?

The Law Society of Saskatchewan regulates the practice of law in the public interest. The Law Society’s regulatory structure provides several paths for individuals to lawfully engage in the practice of law as a licensed lawyer, a limited licensee, or through an exception or exemption. Different standards apply to each of these categories based on the associated risk and limits on practice.

² Approved pro bono organizations are listed on the Law Society of Saskatchewan website: <https://www.lawsociety.sk.ca/pro-bono-legal-services/>.

Lawyers	Limited Licensees	Saskatchewan Standards	Exception	Exemption
Yes	Yes (more limited)	Education/work experience	No formal requirements	No formal requirements
Yes	Yes (more limited)	Training and admission	No formal requirements	No formal requirements
Yes - 12 hours (2 ethics) annually	Yes - 6 hours (2 ethics) annually	Continuing professional development	No formal requirements	No formal requirements
No limits on practice	Limits on practice	Scope of practice	Limits on practice	Limits on practice
Yes - <i>Code of Professional Conduct for Lawyers</i>	Yes - <i>Code of Professional Conduct for Limited Licensees</i>	Ethical standards	No formal requirements	No formal requirements
Yes	Maybe (not guaranteed)	Solicitor-client privilege	No	No*
Yes	Yes	Complaint and discipline process	Via individual or organization of employment	Via individual or organization of employment
Yes	Yes	Professional liability insurance	No formal requirement	No formal requirement
Yes	No	Ability to operate a trust account	No	No
Yes	Yes	Regulatory oversight body	Partial – comply with functions of exception	Partial – comply with functions and terms and conditions of exemption

* *The Justice and Attorney General Act* extends solicitor-client privilege to courtworkers and excludes courtworkers from liability for any of their work performed in good faith.

Questions

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