

Guiding The Guiders: Introducing Saskatchewan's Legal Information Guidelines

SALI Virtual Conference Series
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**Law Society
of Saskatchewan**



Overview

- Opening
- Legal Information Guidelines
- Questions?
- Small Group Discussion
- Large Group Discussion
- Wrap Up



Introduction

Law Society of Saskatchewan

- The Law Society serves the public interest and advances the administration of justice by regulating the competence and integrity of the practice of law in a flexible and innovative manner, ensuring the independence of the legal profession, and promoting access to justice
- Governed by a board of lawyers and non-lawyers, the Law Society sets and enforces standards for admissions, professional conduct, and quality of service





Introduction

Law Society of Saskatchewan

- [Strategic Plan](#)
 - Expanded Approach to Competency
 - Trusted and Transparent Regulation
 - Innovative and Flexible Leader of an Engaged and Forward-Thinking Membership
 - Increased Equity, Diversity and Inclusion
 - Increased Access to Legal Services



Legal Information Guidelines

- Rationale
- Review of Guidelines
 - Scope, process, and content
 - Legal information versus legal advice
 - What is the difference
 - Why this difference is important
- Perspectives, scenarios, and discussion
- Feedback on the Guidelines

The screenshot shows the Law Society of Saskatchewan website. The navigation menu includes: OVID 19 Updates, About Us, News, Initiatives (selected), Regulation, Public, Lawyers and Students, Legal Resources, CPD, and Shop. The breadcrumb trail is: Law Society of Saskatchewan > Initiatives > Access to Justice > Legal Information Guidelines. The main heading is "Legal Information Guidelines". The text states: "Be advised that some sources of legal information may be inaccurate or unreliable. When looking for reliable legal information, members of the public are encouraged to consider the source of the information and ask the legal information provider about their education, training and experience relevant to the legal information being provided. Legal information providers should ensure they are qualified to provide the legal information requested, and share with the public their relevant education, training and experience." It then lists three ways of giving legal information: 1. Helping a person find credible legal information, 2. Helping a person use information from credible legal resources, and 3. Types of legal information. On the right, there is a "Have Feedback?" form with fields for Name (First and Last), Email, and a "Share your feedback:" label.

Rationale: Task Team Report

INCREASE ACCESS TO LEGAL INFORMATION

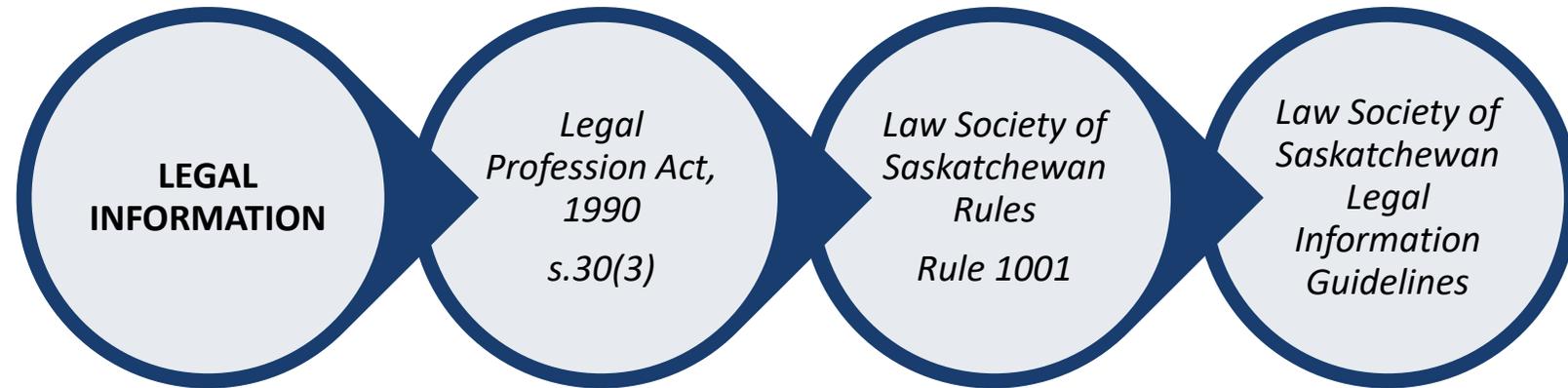
- Conclusion that one of the greatest unmet public needs was for more ways to obtain legal information about legal frameworks, legal processes, resolution options, and how to navigate the system
- Recommendation that the provision of legal information be deregulated so that anyone is able provide it
- Conclusion that need for greater clarity between what constitutes legal information and what services would require a license
- Recommendation that guidelines be created to support the public and potential service providers in understanding what information can be provided without a license



- **(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**
 - *Creation of guidelines regarding when to seek legal assistance and regulatory details about each type of legal service provider*

- **Other than the provision of legal information, continue to regulate all other legal services to some degree**
 - *Creation of guidelines regarding what constitutes legal information*

Definition of Legal Information



(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.

2019, c7, s.18.

Definitions and Interpretation

1001 For the purposes of clause 10(p.1) and subsection 30(3) of the Act, “legal information” means the provision of legal information of a general nature about the law and legal procedures to members of the public.



Legal Information Guidelines: Scope and Process



Launched in February 2021 with a form for feedback

Support the dissemination of credible legal information

Outline how legal information providers can assist the public with their information needs

Outline for the public what to look for when deciding on which provider to use and how a legal information provider can help



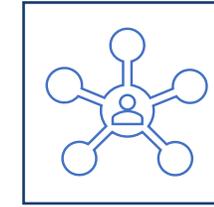
The Guidelines address

What is credible legal information;

Examples of types of legal information;

How to assist a member of the public locate credible legal information; and

How to assist a member of the public utilize legal information.



Receive comments and refine + address supplemental issues

When legal services needed

Difference between legal information and advice

Options available for obtaining legal services

Value associated with each option



Guidelines Content – Part I

■ Several important considerations

- May or may not involve a fee and be provided by a person, employee, or automated service
- Jurisdiction matters – legal information must relate to the relevant province and where involves persons or property in different jurisdictions, a lawyer should be consulted

■ Several issues addressed

- Consideration for the education, training and experience of the legal information provider (*caveat!*)
 - Be advised that some sources of legal information may be inaccurate or unreliable
- What is credible legal information and sources that are accurate and reliable (*not everything on the internet is true!*)
 - Online and printed legal information
 - Legal dictionaries
 - Court rules and court procedural guides
 - Guides written on certain legal topics
 - Guides explaining the rules of evidence
 - Guides on how to conduct legal research
 - Guides on how to obtain information from an opposing party

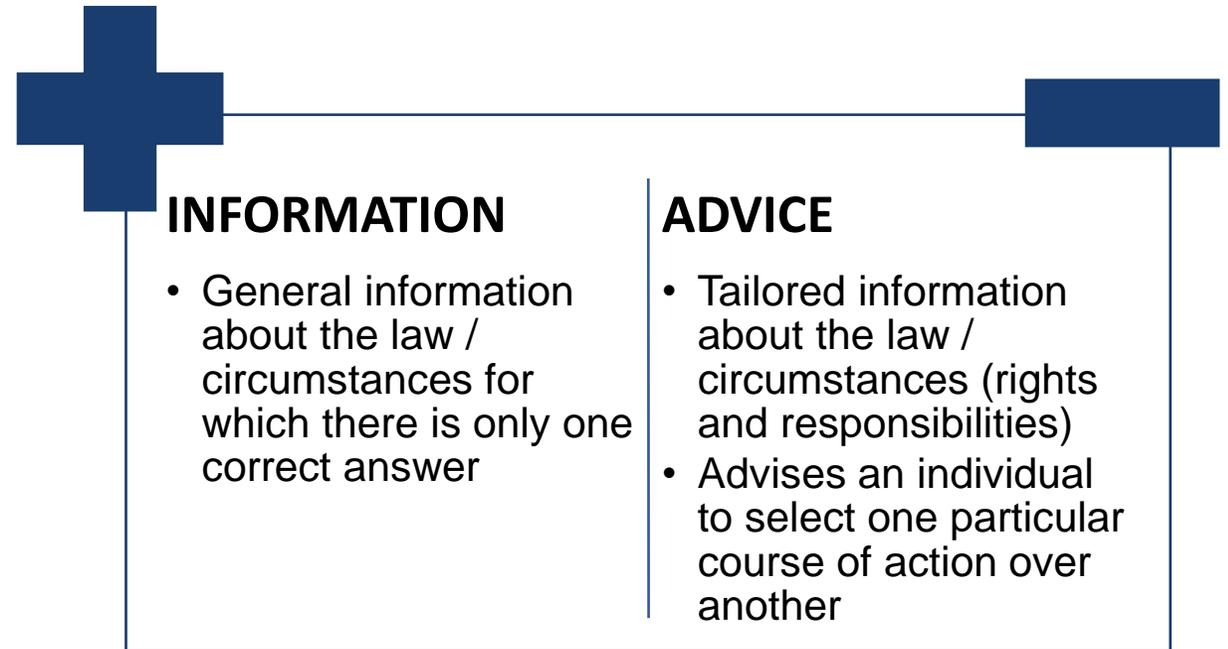
Guidelines Content – Part II

- Types of legal information may include
 - Naming a legal problem (e.g. eviction)
 - Explaining the meaning of terms
 - Identifying and providing a form (e.g. court or government form)
 - Explaining the process for filing forms and service
 - Assembly and organization of evidence
 - Helping to complete a form “as long as the words of the person requesting help are properly recorded on the form” and confirmed for accuracy
- Providing help to use credible legal information
 - Urging persons to consult a resource
 - Helping them find the resource
 - Suggesting a particular legal topic within the resource
 - Searching the resource on their behalf and directing them to specific legal content
 - Helping them to understand the meaning of the content presented within the resource



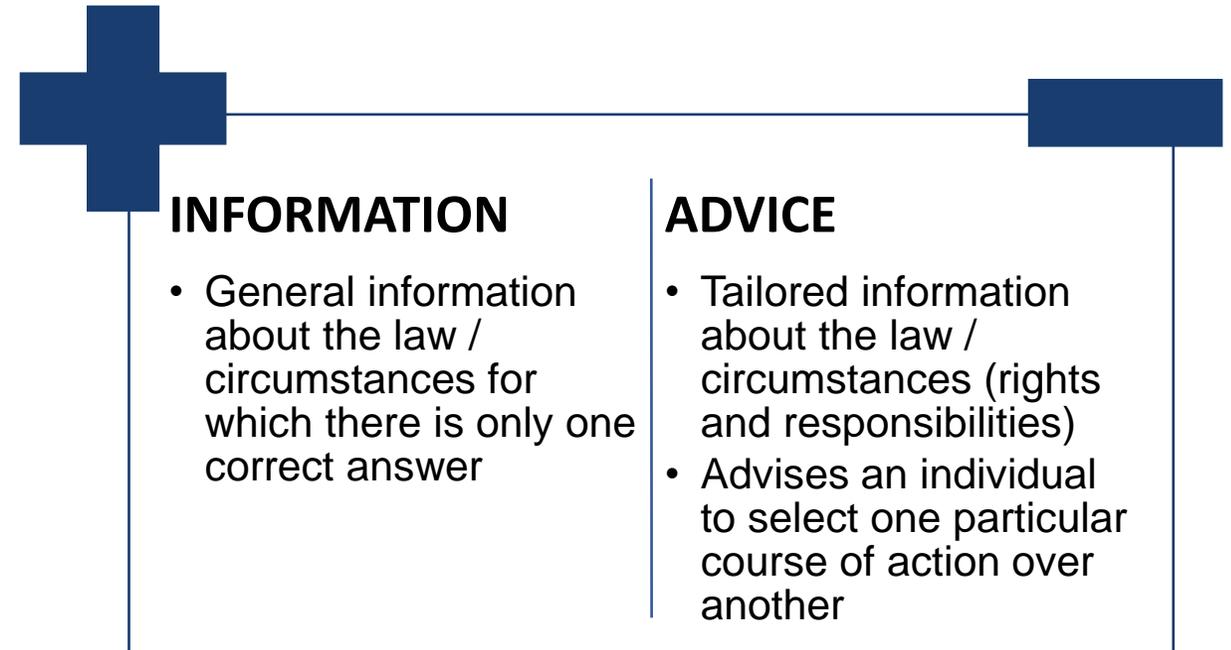
Legal Information vs. Advice – Part I

- Suggesting how the legal information found in the resource applies to a person's situation is also providing legal information, so long as:
 - it does not contain a recommendation concerning the action a person should take;
 - it is qualified with a warning that the legal information provider is not a lawyer; and
 - the person should consult a lawyer if they want to be sure about the application of the legal information to their situation.



Legal Information vs. Advice – Part II

- Providing legal information is not prohibited
 - On a case-by-case basis the Law Society continues to monitor instances of incorrect or misleading information that come to our attention
- Providing legal advice and the practice of law is regulated
 - The Law Society continues to investigate unauthorized practice and enforce against those individuals or organizations who pose a clear risk to the public due to lack of training, misleading the public about qualifications, or status with the Law Society, or due to an unacceptable risk associated with their activities



Scenarios, Discussion, and Perspectives

■ Task Team Report identified

- Basic legal information about the legal framework and procedure should be accessible to everyone without a market or cost barrier, and that such information should not be considered legal advice unless recommendations are made about which of several options to choose or how a choice is likely to affect the outcome
- A study in Saskatchewan identified that “people either may be overly cautious in the information and assistance they provide to the public or else may exceed what they are competent and potentially legally able to provide, thereby potentially disadvantaging the person they are assisting”

■ Applicable in different scenarios

■ The aim is to:

- help individuals understand when a problem is a legal problem
- provide legal information without offering legal advice
- discuss possible next steps, such as lawyer referral or other resources available in the community





Good Practices: Legal Information Provision

Law Society Legal Resources

- We are *Saskatchewan's Law Library*
- Guide the province towards good sources of legal information
- **How can we help you?**
- 306-569-8020, 1-877-989-4999, instant chat, or reference@lawsociety.sk.ca, <https://www.lawsociety.sk.ca/legal-resources-library/>



Good Practices: Legal Information Provision

Helping a person find credible legal information:

The Law (Primary Law)

- Legislation
- Case law
- **CanLII.org**
- Government websites

Content explaining the Law (Secondary Law)

- **Plain language sources:**
 - **PLEA.org**
 - **Familylaw.plea.org**
 - **Newli.plea.org**
- Textbooks
- eBooks
- Dictionaries
- Encyclopedias
- Glossaries
- Government Websites

Good Practices: Legal Information Provision

Helping a person use information from credible legal resources

- Tell the person you are not a lawyer and cannot provide legal advice
- Tell the person you can help them find general information on the legal topic they're dealing with
- Avoid commenting on the person's specific legal situation
- Beyond directing to legal information, encourage patrons to contact a lawyer
- Tell the person that information they tell you is not confidential (different than talking to a lawyer)



Good Practices: Legal Information Provision

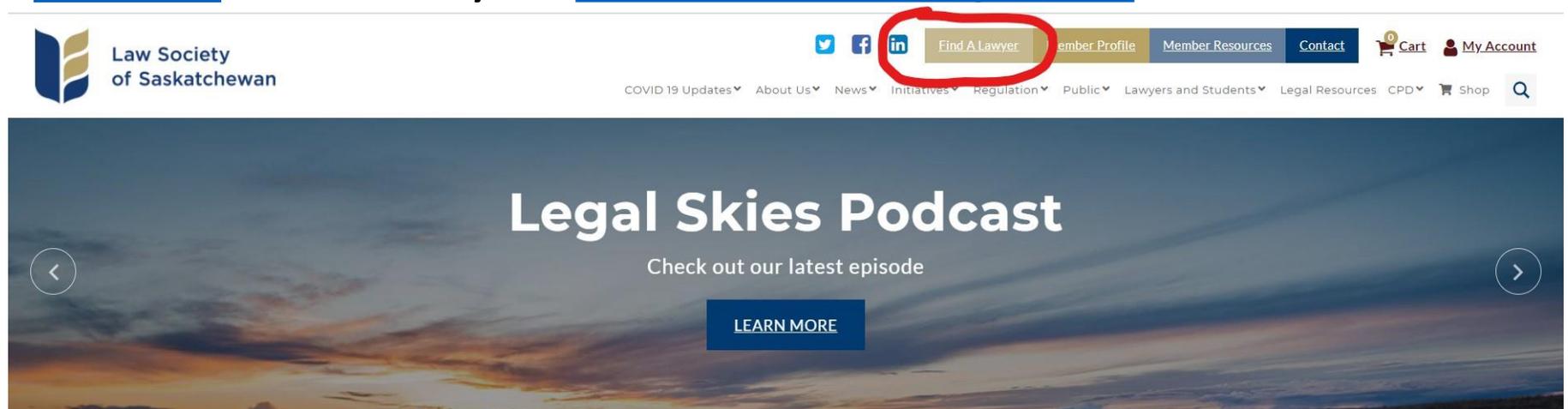
Helping a person use information from credible legal resources

- “I can get you started with some information on that topic, but I’m not able to provide legal advice or answers specific to individual situations”
- “It sounds like you are looking for more than information on this topic. You may wish to talk to a lawyer. I can show you where to find a lawyer.”
- “I can help you find information. I can’t tell you what to do with the information”

Good Practices: Referrals

As part of legal information provision, support members of the public to seek legal services beyond legal information

- The Law Society of Saskatchewan provides information about finding a lawyer as well as a searchable “[Find a Lawyer](#)” directory at www.lawsociety.sk.ca



The screenshot shows the top navigation bar of the Law Society of Saskatchewan website. The 'Find A Lawyer' button is highlighted with a red circle. Other navigation items include 'Member Profile', 'Member Resources', 'Contact', 'Cart', and 'My Account'. Below the navigation bar, there is a banner for the 'Legal Skies Podcast' with a 'LEARN MORE' button.

Good Practices: Finding A Lawyer



Find a Lawyer

This directory is a searchable tool to locate members of the Law Society of Saskatchewan who are licensed to practice law.*

LEARN MORE:

[What to expect from a lawyer](#)

[Common client questions](#)

[Understanding lawyer fees](#)

The directory includes the ability to search for a lawyer by name, firm/organization, location, languages spoken, and area law.

The area of law / practice feature includes the ability to search for Legal Coaching or Limited Scope services, which means hiring a lawyer to handle only part of a legal matter or do a specific task (e.g. draft a document, provide advice, appear on a limited basis in court), but self-representing for all other parts of the matter. Areas of law / practice are self-declared by lawyers and do not represent an endorsement.

First name

Last name

City

Organization/Firm

Language

Area of law

 Search



Good Practices: Options in Community

- For those who indicate they are unable to afford a lawyer:
 - Legal Aid Commission of Saskatchewan
 - Pro Bono Law Saskatchewan
 - Community Clinics:
 - Community Legal Services for Saskatoon Inner City (CLASSIC)
 - Family Law Information Centre
- TIP: Identify legal coaching or limited scope legal services (select in the Area of Law menu in Find-A-Lawyer)
- TIP: Encourage individuals to review explanations regarding lawyers' fees and contact lawyers to discuss pricing / payment options



Feedback Survey

- Please complete our short survey at:
https://www.surveymonkey.com/r/SALI2021_3
- The survey takes approximately 2 minutes to complete
- We need your thoughts and feedback to further develop these Guidelines as an effective tool that meaningfully supports our province's information intermediaries!





Contact Us

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