

KING’S BENCH FOR SASKATCHEWAN

Citation: **2025 SKKB 191**

Date: **2025 11 07**
File No.: **KBG-RG-00728-2025**
Judicial Centre: **Regina**

BETWEEN:

BIRGIT SOLDAN

APPLICANT

- and -

LAW SOCIETY OF SASKATCHEWAN

RESPONDENT

Appearing:

Randall Sandbeck, K.C.
Birgit Soldan

for the respondent
self-represented applicant

FIAT
November 7, 2025

ROBERTSON J.

Table of Contents	Paras
I. INTRODUCTION	1
II. BACKGROUND	2
III. ISSUES	3-4
IV. ANALYSIS	5-89
1) Should I disqualify myself because of bias?	6-31
2) Should the May 22, 2025, adjournment be reconsidered?	32-42
3) Should the Law Society’s brief of law filed on May 21, 2025, be excluded?	43-47

4) **Should the venue be changed back to the Judicial Centre of Melfort?**48-74

 (a) *Where did the cause of action arise?*55-58

 (b) *Where does the defendant reside?*59-63

 (c) *Where does the defendant carry on business?*64-66

 (d) *Discretionary transfer*.....67-72

 (e) *Conclusion on venue change*73-74

5) **Should the judicial review application be scheduled for hearing on the merits?**75-88

6) **Costs** 89

V. **CONCLUSION**.....90-96

I. INTRODUCTION

[1] This decision addresses applications by Birgit Soldan in the context of her application for judicial review of decisions of the Law Society of Saskatchewan [Law Society]. Those applications are dismissed. Directions are given for the scheduling of the judicial review application, pursuant to General Application Practice Directive No. 9.

II. BACKGROUND

[2] The Court file, including the record filed by the Law Society, shows the following history:

2022

November 30 Law Society receives complaint from Ms. Soldan against subject lawyer, entered as Law Society Complaint file 80-18971

2023

- ? Law Society designates Lawrence Zatlyn, K.C., as Complaints Officer under ss. 40(1) of *The Legal Profession Act, 1990*, SS 1990-91, c L-10.1
- February 10 Subject lawyer replies to Mr. Zatlyn regarding complaint; Mr. Zatlyn emails lawyer's reply to Ms. Soldan
- February 13 Ms. Soldan correspondence responding to Mr. Zatlyn, regarding subject lawyer's reply
- March 2 Mr. Zatlyn letter to Ms. Soldan deciding that no further action should be taken on her complaint [*Zatlyn Decision*]
- March 5 Ms. Soldan letter to Law Society requesting review of *Zatlyn Decision*, pursuant to ss. 43(1) of *The Legal Profession Act, 1990*
- ? Ronni Nordal, K.C., appointed as Designate Complaints Counsel to review *Zatlyn Decision*
- June 20 Ms. Nordal letter to Law Society upholding *Zatlyn Decision* in finding complaint premature and directing no action be taken on complaint

2024

- April 16 Letter from Ms. Soldan to Law Society requesting it reopen her complaint, having regard to new information and additional documentation provided with letter
- July 23 Law Society appoints Jeff Hirsch, K.C., as designated complaints counsel to review Ms. Soldan's complaint

- August 9 Mr. Hirsch writes to subject lawyer as designated Complaints Counsel inviting her response
- September 6 Letter from subject lawyer to Mr. Hirsch responding to renewed complaint from Ms. Soldan
- October 15 Letter from Mr. Hirsch to Ms. Soldan finding that the allegations in the complaint lack substance or a factual basis and directing that no further action be taken on her complaint [*Hirsch Decision*]
- November 10 Letter from Ms. Soldan to Law Society asking to appeal and for review of *Hirsch Decision*

2025

- January 13 Letter to Ms. Soldan from Lynda Kushir Pekar for the Complaint's Review Committee informing Ms. Soldan of Committee decision confirming no further action be taken, based on its finding that *Hirsch Decision* was reasonable and supported by the analysis [*Committee Decision*]
- February 12 Ms. Soldan files Notice of Application for Judicial Review with the Court of King's Bench for Saskatchewan at the Judicial Centre of Melfort, Saskatchewan, seeking quashing of both the *Hirsch Decision* and the *Committee Decision*
- April 9 Ms. Soldan files Notice Objecting Transfer of Action
- April 11 Law Society files Notice Requesting Transfer of Action to Judicial Centre of Regina, Saskatchewan
- April 25 Fiat of Danyliuk J. confirming transfer of action to Regina and

providing directions to parties: *Soldan v Law Society of Saskatchewan* (25 April 2025) Regina, KBG-RG-00728-2025 (Sask KB) [*Danyliuk Fiat*]

- May 15 Ms. Soldan files Originating Application for Judicial Review of Law Society decisions
- May 22 Robertson J., presiding in Regina Civil Chambers, adjourns Ms. Soldan's applications *sine die* at request of Law Society
- May 26 Ms. Soldan files Notice of Motion for Reconsideration
- September 23 Currie J., presiding in Regina Civil Chambers, adjourns applications to October 21, 2025, granting leave to Ms. Soldan to appear by telephone
- October 21 Robertson J. hears Ms. Soldan's applications, with decision reserved

III. ISSUES

[3] Ms. Soldan, in her Notice of Motion for Reconsideration, sought the following remedies:

1. An order reconsidering the adjournment granted by the Honourable Mr. Justice D.N. Robertson on May 22, 2025;
2. An order excluding the Respondent's late-filed Chambers Brief of Law from the record, due to procedural default and lack of leave;
3. An order reinstating the original hearing scheduled for May 22, 2025, pursuant to Justice Danyliuk's fiat, or any other procedural remedy to cure the breach of natural justice;
4. A declaration that the question of judicial centre (venue) must be resolved prior to the scheduling or hearing of the main judicial review;

5. Any necessary declaration confirming a reasonable apprehension of bias arising from the presiding justice's prior affiliation with Robertson Stromberg LLP;
6. Such further and other relief as this Honourable Court may deem just.

[4] The following issues will be addressed in this fiat:

- 1) Should I disqualify myself because of bias?
- 2) Should the May 22, 2025 adjournment be reconsidered?
- 3) Should the Law Society's brief of law filed on May 21, 2025 be excluded?
- 4) Should the venue be changed back to the Judicial Centre of Melfort?
- 5) Should the judicial review application be scheduled for hearing on the merits?
- 6) Costs

IV. ANALYSIS

[5] I will address the issues in the order stated above.

1) Should I disqualify myself because of bias?

[6] The test for what constitutes a reasonable apprehension of bias was stated by Grandpre J. in *Committee for Justice and Liberty v National Energy Board*, [1978] 1 SCR 369 at 394:

... the apprehension of bias must be a reasonable one, held by reasonable and right minded persons, applying themselves to the question and obtaining thereon the required information. In the words of the Court of Appeal that test is "what would an informed person, viewing the matter

realistically and practically – and having thought the matter through – conclude. Would he think that it is more likely than not that [the decision-maker], whether consciously or unconsciously, would not decide fairly”.

[7] Although written in a dissenting judgment, this test has been widely adopted, including by the Supreme Court of Canada in *R v S.(R.D.)*, [1997] 3 SCR 484 at paras 31 and 111 [*S.(R.D.)*]. It was quoted with approval by the Court of Appeal for Saskatchewan in *S.W.B.M. v C.S.M.*, 2021 SKCA 64 [*S.W.B.M.*] at para 45; leave to appeal dismissed by Supreme Court, 2021 CanLII 102736 (SCC).

[8] The Supreme Court, in *S.(R.D.)* at paras 114 and 117, also held that the onus of demonstrating bias lies with the person alleging its existence and that cogent evidence is required to displace the presumption that judges will carry out their oath of office.

[9] Saskatchewan courts have applied this test in deciding applications for judges to disqualify themselves for reasonable apprehension of bias, including the following decisions:

- (i) *Patel v Van Olst*, 2024 SKKB 12 [*Patel KB 2024*] (Tochor A.C.J.)
- (ii) *R v Zabihullah*, 2023 SKKB 255 [*Zabihullah*] (Mitchell J.)
- (iii) *CPC Networks Corp. v Miller*, 2022 SKCA 95 at paras 15-25 [*CPC*] (Barrington-Foote J.A.)
- (iv) *Patel v Van Olst*, 2022 SKQB 199 [*Patel QB 2022*] (Tochor J. (as he then was))
- (v) *Jackson v Jackson*, 2022 SKQB 114 at para 22-40 [*Jackson*] (Megaw J.)
- (vi) *S.W.B.M.* (Caldwell, Barrington-Foote, and Tholl JJ.A.)

- (vii) *Smuk v Regina (City)*, 2021 SKQB 37, 63 CPC (8th) 250 [*Smuk*] (Robertson J.)
- (viii) *Patel v Saskatchewan (Health Authority)*, 2022 SKQB 183 (Brown J.)
- (ix) *R v Moya*, 2021 SKQB 128 [*Moya*] (Robertson J.)
- (x) *Patel v Saskatchewan Health Authority*, 2021 SKCA 115 [*Patel CA*] (Caldwell, Whitmore, and Kalmakoff JJ.A.)
- (xi) *Patel v Saskatchewan (Health Authority)*, 2020 SKQB 194 [*Patel QB 2020*] (Scherman J.), appeal dismissed *Patel CA*
- (xii) *Ayers v Miller*, 2019 SKCA 2, 44 CPC (8th) 12 (Jackson J.A.)
- (xiii) *R v Goodpipe*, 2018 SKQB 189 [*Goodpipe*] (Kalmakoff J. (as he then was))
- (xiv) *R v Podolski*, 2018 SKPC 13 [*Podolski*] (Bazin P.C.J.)
- (xv) *Aalbers v Aalbers*, 2013 SKCA 64 at paras 69-84, 417 Sask R 69 (Jackson, Richards (as he then was), and Ottenbreit JJ.A.)
- (xvi) *R v Anderson*, 2009 SKPC 57, 341 Sask R 165 [*Anderson*] (Harradence P.C.J.)

[10] The following principles emerge from these decisions.

[11] The starting point is the presumption of judicial integrity, which assumes the judge was or will be impartial. The integrity of judicial decision-making is promoted by requiring judges to disqualify themselves if there would be a reasonable apprehension of bias if they were to decide the matter. Even if there is no reasonable

apprehension of bias requiring a judge to disqualify themselves, any judge may, by voluntary recusal, decline to hear a matter.

[12] Precision in language can help to avoid confusion. These two distinct decisions for a judge to remove themselves are sometimes both referred to as “conflicts”, but they are quite different. While the word “recusal” is sometimes used to mean disqualified, it is preferable to view them as distinct. If the test for reasonable apprehension of bias is met, then disqualification is mandatory. Recusal is discretionary. See: *Patel KB 2024*; *Zabihullah* at para 6; *Smuk* at para 20; *Moya* at para 9; *Patel CA* at para 72; *Patel QB 2020*; *Goodpipe* at para 7; *Podolski* at para 6; and *Anderson* at para 15.

[13] There is no test for a discretionary recusal. A judge who makes a voluntary recusal is not required to give reasons for stepping aside. A judge might recuse themselves simply because they do not feel comfortable hearing a matter. Or a judge, challenged with an alleged bias requiring disqualification, might recuse themselves simply to avoid the argument and to remove the issue from any future appeal.

[14] There seems to be an increase in requests for judges to disqualify or recuse themselves, especially from self-represented parties. This might reflect ignorance of what constitutes bias or an attempt to disrupt court proceedings, or both. This can be a method of “judge shopping”, which is unethical for lawyers and which courts should discourage. This concern may cause judges to reconsider stepping aside through recusal when faced with a challenge alleging bias.

[15] Canadian Judicial Council, *Ethical Principles for Judges*, 2004 CanLIIDocs 636, in the Commentary section at E.19 stated, “... the judge should not withdraw unnecessarily as to do so adds to the burden of his or her colleagues and contributes to delay in the courts.” While this recommendation does not appear in the current 2021 edition of *Ethical Principles for Judges*, 2021 CanLIIDocs 2336, judges

of this Court continue to have regard to that caution.

[16] In *Jackson* at para 40, Megaw J., in dismissing an application for him to disqualify or recuse himself, cautioned against judges making a discretionary recusal as the “easy route” out of an unreasonable challenge for bias:

[40] In all recusal applications, I conclude a justice must be careful to avoid simply taking the “easy route” and determining the energy is not worth the investment and simply bend to unreasonable or unsubstantiated demands to recuse. In *Beard Winter LLP v Shekhdar*, 2016 ONCA 493, Doherty J.A. put this sentiment as follows:

[10] It is important that justice be administered impartially. A judge must give careful consideration to any claim that he should disqualify himself on account of bias or a reasonable apprehension of bias. In my view, a judge is best advised to remove himself if there is any air of reality to a bias claim. That said, judges do the administration of justice a disservice by simply yielding to entirely unreasonable and unsubstantiated recusal demands. Litigants are not entitled to pick their judge. They are not entitled to effectively eliminate judges randomly assigned to their case by raising specious partiality claims against those judges. To step aside in the face of a specious bias claim is to give credence to a most objectionable tactic.

[17] In *Smuk* at para 20, I declined to recuse myself after finding that I was not disqualified from bias, writing:

Discretionary Recusal

[20] Even when judges decide they are not required to step aside, they still retain discretion to recuse themselves. Judges should not hesitate to recuse themselves when there is good reason. At the same time, judges should not do so without good reason, since it may set an incorrect expectation or standard for the future, both for the judge and other judges and may interfere with the assignment of work.

[18] In *Patel QB 2022* at paras 113-114, Tochor J. declined to recuse himself

after dismissing an application to disqualify himself, referring at para. 109 to the public interest in judicial efficiency:

[109] I also consider the efficiency of the administration of justice to be a relevant factor. If, for examples, judges routinely and unnecessarily recuse themselves out of an abundance of caution, the available pool of judges to hear a given matter may be improperly diminished. Judicial resources, and the ability of the court to efficiently administer the cases before it, may be impacted; see, for example, *Patel v SHA* [*Patel QB 2020*] at para 94. Further, as Justice Scherman pointed out in *Patel v SHA* at paras 95 and 108, unnecessarily recusing oneself out of an abundance of caution may have the result of inviting or encouraging inappropriate behavior from certain litigants or counsel. A litigant who is displeased by a previous ruling by a judge should not be encouraged to argue for the recusal of that judge out of an abundance of caution.

[19] In *Patel QB 2020* at para 108, Scherman J., while deciding to recuse himself after dismissing an application for disqualification, also recognized that too ready recusals, in the face of an unsupported application to disqualify, may encourage some litigants to make similar unreasonable challenges in attempts to remove other judges.

[20] In this case, Ms. Soldan asks that I disqualify myself for bias, primarily based on my alleged prior affiliation with the law firm of Robertson Stromberg LLP, presumably while practicing as a lawyer prior to my appointment as a Justice of this Court. The lawyer who was the subject of Ms. Soldan’s complaints to the Law Society practiced with Robertson Stromberg LLP. *Ethical Principles for Judges* (2021) at para 5.C.7 provides guidance to judges on “Judge’s Former Legal Practice”.

[21] I dismiss this challenge because it is not based on fact; I never practiced with Robertson Stromberg LLP. While sharing the Robertson surname and clan affiliation, any blood relationship with the Robertsons of the Robertson Stromberg LLP law firm is so distant as to be unknown to me.

[22] The only involvement I had with this file, prior to this application, was presiding at the May 22, 2025 Regina Civil Chambers hearing, at which I adjourned the judicial review application *sine die*.

[23] In as much as Ms. Soldan also alleges bias because of her dissatisfaction with my decision to grant the Law Society's request, it is settled law that prior adverse decisions do not create a reasonable apprehension of bias, without something more. See: *CPC* at para 21; *Jackson* at para 36; *Patel QB 2022* at para 77; *Moya* at para 19; *S.W.B.M.* at para 47; and *Patel QB 2020* at paras 80-81.

[24] Ms. Soldan also alleges bias based on my past involvement with the Law Society, as a lawyer, speaking at educational seminars and serving on discipline committees. I reject the notion that such past involvement constitutes bias for a judge.

[25] The Law Society is a membership society of and self-regulating body for lawyers and students-at-law. Lawyers cannot practice law without membership in the Law Society. Lawyers are required to support the Law Society through payment of membership dues and insurance payments and are expected to support the Law Society through voluntary service to the Law Society. This voluntary service can take many forms, including speaking at educational seminars sponsored by the Law Society, serving on discipline committees, or standing for election as a Bencher and, if elected, in governing the Law Society.

[26] When lawyers are appointed as judges, they cease to be lawyers and are not subject to governance by the Law Society. When I was appointed a Justice of this Court in 2019, I ceased to be a member of the Law Society. While I was a member of the Law Society for some 36 years, I have not been involved with the Law Society as a lawyer for several years.

[27] All Saskatchewan judges were once lawyers, and all lawyers were once

involved with the Law Society in varying ways and to varying degrees. This does not constitute disqualifying bias for judges. If it did, then the courts could not adjudicate disputes involving the Law Society.

[28] As a Justice of the Court of King’s Bench for Saskatchewan and with the approval of my Chief Justice, I have spoken at an educational seminar for lawyers organized by the Law Society. *Ethical Principles for Judges* (2021) at paras 5.B.20 and 5.D.1 provides guidance:

5.B.20 ... Judges’ public engagement aimed at educating others is a benefit to the judiciary and the public they serve. Judges are encouraged to attend events as speakers, both to contribute their knowledge and to undertake their own professional development. ...

[29] I again reject the notion that a judge speaking at an educational seminar sponsored by the Law Society creates a disqualifying bias for that judge. It is part of the voluntary service expected of judges in support of the rule of law.

[30] For these reasons, I dismiss this part of the application.

[31] I will therefore go on to consider the other issues arising from Ms. Soldan’s application.

2) Should the May 22, 2025 adjournment be reconsidered?

[32] I dismiss this part of the application primarily because the issue is moot. We cannot go back in time to change that decision. I will, however, review the circumstances that led to that decision, since the endorsement on the court file records only the fact of the adjournment – as is usual.

[33] First, Ms. Soldan is mistaken in suggesting that the adjournment was contrary to any order or direction stated in the *Danyliuk Fiat*. That fiat was prompted by a request from the Local Registrar of the Judicial Centre of Melfort to Justice

Danyliuk for assistance in responding to Ms. Soldan's correspondence challenging the transfer of the file to the Judicial Centre of Regina. The *Danyliuk Fiat* at para 11 encouraged the parties to agree to a return date in Regina, failing which the return date would be May 22, 2025.

[34] The parties did not agree to a return date, so the judicial review application was put on the list of Regina Civil Chambers for May 22, 2025.

[35] The lawyer representing the Law Society, Mr. Randall Sandbeck, K.C., was not available on May 22, 2025, because of a teaching commitment. This was known to Ms. Soldan as early as May 5, 2025. See: Soldan Affidavit sworn May 14, 2025, and Exhibit "A" to her affidavit being an email from Ms. Soldan to Mr. Sandbeck. Ms. Soldan then proposed a return date of May 27, 2025. The Originating Application for Judicial Review filed on May 15, 2025 had a return date of May 27, 2025. Rule 3-50(1) of *The King's Bench Rules* sets a filing deadline of 14 days before the hearing date for an Originating Application and any supporting affidavit. So, the Originating Application would be filed late, whether the return date was May 22 or 27, 2025.

[36] When the matter was nonetheless put on the list for May 22, 2025, Mr. Sandbeck gave advance notice to Ms. Soldan and to the Regina Local Registrar that he would be requesting an adjournment that day.

[37] On May 22, 2025, Mr. Sandbeck's partner, Mr. Virgil Thomson, appeared in person on behalf of the Law Society in Regina Civil Chambers requesting an adjournment to the following week. Ms. Soldan appeared by telephone and opposed the adjournment. I explained to Ms. Soldan that I would grant the adjournment for a few reasons: this was a first appearance; the requested adjournment was one week; the application was not urgent; and the Law Society was entitled to be represented by its lawyer. Ms. Soldan said she was not available on the proposed adjournment date. Mr. Thomson proposed other dates in the next and following weeks, but Ms. Soldan said

she was similarly unavailable. I therefore adjourned the application *sine die*, encouraging the parties to find a mutually agreeable return date. That was a routine exercise of judicial discretion. I stand by that decision.

[38] A decision to adjourn is given a high standard of deference on appeal.

[39] In *S.W.B.M.* at para 64, the Court of Appeal dismissed a ground of appeal against refusal to adjourn a trial, referring to “the trial judge’s discretionary decision” and concluding that “This ground of appeal has no merit.”

[40] In *Sir v Fleury*, 2018 SKQB 6 at paras 14-15, Danyliuk J. dismissed the plaintiff’s appeal where the plaintiff’s request to adjourn the trial was refused and the plaintiff’s claim was dismissed. Danyliuk J. wrote as follows:

[14] The standard of review of a decision regarding an adjournment has received judicial attention. The decision of a trial judge is afforded considerable deference on appeal. It has repeatedly been said that the trial judge is in the best position to consider the matter and decide whether to grant an adjournment. *Rimmer v Adshead*, 2002 SKCA 12, 217 Sask R 94, is the leading case with respect to the standard of appellate review pertaining to discretionary orders. *Rimmer* set out the matter in this way:

[58] In turning to this issue, it is necessary to bear in mind that the powers in issue are discretionary and therefore fall to be exercised as the judge vested with them thinks fit, having regard for such criteria as bear upon their proper exercise. The discretion is that of the judge of first instance, not ours. Hence, our function, at least at the outset, is one of review only: review to determine if, in light of such criteria, the judge abused his or her discretion. Did the judge err in principle, disregard a material matter of fact, or fail to act judicially? Only if some such failing is present are we free to override the decision of the judge and do as we think fit. Either that, or the result must be so plainly wrong as to amount to an injustice and invite intervention on that basis. (See, for example, *McKinnon Industries Ltd. v. Walker*, [1951] 3 D.L.R. 577, at 579

(P.C.) and *Saskatchewan Power Corporation v. John Doe*, [1988] 6 W.W.R. 634 (Sask C.A.)

[Emphasis added]

[15] *Rimmer* was approved in *Royal Bank of Canada v Anderson*, 2008 SKCA 153, 314 Sask R 215. See paragraphs 9 and 10.

[Emphasis in original]

[41] Returning to the *Danyliuk Fiat*, Ms. Soldan is mistaken in suggesting that my granting of an adjournment in any way conflicted with that fiat. On the contrary, Justice Danyliuk took care to emphasize that the directions he gave to assist the parties did not tie the hands of other justices, including stating at para. 20(4) that, “Nothing in this procedural fiat shall restrict the future chambers judge from freely adjudicating this application.”

[42] This part of the application is dismissed.

3) Should the Law Society’s brief of law filed on May 21, 2025 be excluded?

[43] Ms. Soldan again relies on a passage from the *Danyliuk Fiat* to suggest that the Law Society’s brief of law filed May 21, 2025 was filed late and must be rejected. The *Danyliuk Fiat* at paras 16 and 20(3) refer to compliance with *The King’s Bench Rules*. Paragraph 20(3) states, “The parties are to strictly follow all of *The King’s Bench Rules* of serving and filing deadlines.”

[44] The *Danyliuk Fiat* at para 10 stated that, “Ms. Soldan’s application regarding venue is not in the correct form but it is sufficient to get her claim to return this matter to Melfort before the Court.”

[45] Rule 6-15(b) of *The King’s Bench Rules* requires briefs of law for applications be filed two days before the designated hearing date. On May 15, 2025, Ms. Soldan filed a brief of law in support of her request for a change of venue. On May

21, 2025, the Law Society filed its brief of law in reply. So, the Law Society brief of law was filed one day late for the May 22, 2025, Chambers date.

[46] However, Ms. Soldan’s position that the brief must be rejected ignores Justice Danyliuk’s express statement in para. 20(4) that, “Nothing in this procedural fiat shall restrict the future chambers judge from freely adjudicating this application.” Further, the late filing became moot once the adjournment was granted.

[47] This part of the application is dismissed.

4) Should the venue be changed back to the Judicial Centre of Melfort?

[48] Ms. Soldan, in her Notice Objecting Transfer of Action filed April 9, 2025, stated the following as grounds.

1. The Applicant is a self-represented litigant who resides closest to the Judicial Centre of Melfort, where the originating application was appropriately filed under Rule 3-3.
2. The transfer to Regina would impose an undue hardship on the Applicant and impede access to justice.
3. The Respondent will not suffer prejudice if the matter proceeds in Melfort.
4. It is in the interest of justice, proportionality, and fairness, in according with Rule 1-3 for the matter to remain in Melfort.

[49] The question of venue, meaning the judicial centre in which a case must be heard, is addressed in *The King’s Bench Act*, SS 2023, c 28, and *The King’s Bench Rules*.

[50] *The King’s Bench Act* in Part 5 establishes judicial centres and directs where actions shall be commenced and heard. Relevant sections of *The King’s Bench Act* are reproduced below:

Venue of actions

5-2(1) Subject to this section, all actions shall be commenced and, unless ordered otherwise, tried at the judicial centre nearest to the place where:

- (a) the cause of action arose;
- (b) the defendant or one of several defendants resides when the action is commenced; or
- (c) the defendant or one of several defendants carries on business when the action is commenced.

...

(3) Except where the parties have agreed in writing to venue, an action may be commenced at any judicial centre, but unless an action is commenced at one of the judicial centres mentioned in subsection (1), a defendant may request a transfer of the action in accordance with subsection (4) or (5).

...

(9) A judge may order the transfer of any action to any judicial centre.

...

Transfer – action, etc., commenced at wrong judicial centre

5-4 If an action or matter has been commenced at the wrong judicial centre:

- (a) a judge may order the record to be transferred to the proper judicial centre on any terms as to costs or otherwise that the judge considers appropriate; and
- (b) if an order is made pursuant to clause (a):
 - (i) the local registrar at the wrong judicial centre shall transmit to the local registrar at the proper judicial centre all documents in the action or matter; and
 - (ii) the action or matter shall be continued or dealt with as if it had been commenced at the

proper judicial centre.

[51] *The King's Bench Rules* has similar provisions in Rules 3-3 and 3-6.

[52] In *Anstead v Saskatchewan Medical Association*, 2023 SKKB 226 [Anstead], Dr. Anstead similarly sought return of an action he commenced in the Judicial Centre of Regina. That action had been transferred to the Judicial Centre of Saskatoon, Saskatchewan, on the basis that the defendant, Saskatchewan Medical Association, was based and carried on business in the City of Saskatoon. Currie J. declined to transfer the action back to Regina because he found that Saskatoon was the appropriate judicial centre.

[53] In *Anstead* at para 39, Currie J. recognized the importance of the statutory factors in determining the appropriate judicial centre:

F. The appropriate judicial centre for this action

[39] I have said that a determination of the appropriate judicial centre begins with s. 5-2(1) of *The King's Bench Act*. The factors listed there are relevant factors to take into account when considering what is fair and reasonable in the circumstances of this case. They are relevant factors if for no other reason than that the Legislature chose to signify their importance by singling them out in s. 5-2(1).

[54] I will review the three factors relevant to venue, as stated in s. 5-2(1) of *The King's Bench Act* and Rule 3-3(1) of *The King's Bench Rules*.

(a) Where did the cause of action arise?

[55] The judicial review decision challenges the *Hirsch Decision* and the *Committee Decision* as decisions of the Law Society. As discussed below, the Law Society is located in the City of Regina, so within the Judicial Centre of Regina.

[56] Ms. Soldan argues that “the cause of action arose” in the Judicial Centre of Melfort. That prior action is not the action to which Rule 3-3(1)(a) refers. The cause

of action is the originating application for judicial review, which arose from complaints Ms. Soldan sent to the Law Society in Regina and which challenge decisions of the Law Society. Based on the following factors, I conclude that those decisions came from the Law Society in Regina.

[57] In concluding that the decisions came from the Law Society in Regina, I recognize they may have been written elsewhere. For example, the *Hirsch Decision* came from a lawyer in Winnipeg, Manitoba. That would not make Winnipeg the proper venue.

[58] This factor supports the Judicial Centre of Regina for venue.

(b) *Where does the defendant reside?*

[59] The Law Society of Saskatchewan is continued as a corporation by s. 3 of *The Legal Profession Act, 1990*. It may be described as a public purpose corporation. *The Legal Profession Act, 1990* in ss 3.1 and 3.2 state that it is the duty of the Law Society to act in the public interest, to regulate the profession, and to protect the public. The statute does not specify a location for residence.

[60] In *Anstead* at paras 44-47, Justice Currie considered this question in relation to the Saskatchewan Medical Association, concluding at paras. 46-47 that its “residence” was its headquarters:

[46] I conclude that, when a defendant is a corporation or an association, where the defendant resides is determined by considering where the defendant is headquartered and conducts its principal administrative operations. This approach is consistent with the decision of Justice Barclay in *Cole v Prairie Centre Credit Union Ltd.*, 2007 SKQB 184 at para 14, 42 CPC (6th) 159.

[47] Here the SMA [(Saskatchewan Medical Association)] is headquartered in Saskatoon, and its principal administrative operations are conducted there. For the purposes of s. 5-2(1)(b),

the SMA resides in Saskatoon.

[61] I agree with Justice Currie's reasoning and apply it here to the Law Society.

[62] The Law Society's principal and registered office is in the City of Regina, so within the Judicial Centre of Regina (Affidavit of Tim Huber sworn May 20, 2025). Several documents in the certified record and in Ms. Soldan's affidavit show that civic address. Ms. Soldan sent letters for her complaints to the Law Society at that address (Certified Record of Proceedings, Tabs 6, 7, and 9).

[63] This factor supports the Judicial Centre of Regina for venue.

(c) *Where does the defendant carry on business?*

[64] In *Anstead* at paras 48-50, Justice Currie considered where the Saskatchewan Medical Association carried on business, concluding at para. 50 that it carried on business throughout Saskatchewan.

[65] While the Law Society's headquarters are in Regina, it similarly carries on business throughout Saskatchewan. As discussed above, it is a membership society whose members practice law throughout the province. The Law Society governs those members and regulates their practice in the public interest.

[66] This factor is neutral in terms of venue.

(d) *Discretionary transfer*

[67] Although the statutory factors support the Judicial Centre of Regina as the proper venue, the Court retains broad discretion under ss. 5-2(9) of *The King's Bench Act* and Rule 3-6(4) of *The King's Bench Rules* to transfer an action where there are other compelling circumstances which justify transfer. See: *Anstead* at para 27; *Toronto-Dominion Bank v Janzen*, 2021 SKQB 38 at para 66; and *Superior*

Construction Solutions Inc. v Hamilton Construction Corp., 2016 SKCA 130 at para 12, 403 DLR (4th) 428 [*Superior Construction*]. In *Superior Construction* at para 12, considering predecessor provisions in ss. 9(4) of *The Queen’s Bench Act, 1998*, SS 1998 c Q-1.01 (since rep), and Rules 3-3 and 3-6 of *The Queen’s Bench Rules* (since rep), Caldwell J.A. for the Court of Appeal said:

[12] Given the inherent jurisdiction of the Court of Queen’s Bench [now, Court of King’s Bench], the foregoing statutory provisions and *The Queen’s Bench Rules*, we conclude a judge of the Court of Queen’s Bench has a broad discretionary power to transfer any action brought before that Court in one judicial centre to another judicial centre of the Court, whether the action was commenced in the wrong judicial centre or not. For the purposes of these written reasons, we need not comment upon the factors that bound the exercise of that discretion; it is enough that it exists.

[68] Justice Danyliuk, in the *Danyliuk Fiat* at para 17, commented that “It is, at present, difficult to see how the cause of action would have arisen in Melfort.” I concur.

[69] Ms. Soldan, in “Birgit Soldan’s Brief of Law in support of the Applicant’s Motion for Reconsideration” at para. 188, argued that the proper venue is the Judicial Centre of Melfort because “the underlying complaint arose in Melfort.” In oral argument, Ms. Soldan also said that she resides in Kinistino, Saskatchewan, which is located within the Judicial District of Melfort.

[70] In referring to “the underlying complaint”, I take it that Ms. Soldan is referring to the subject of her complaints to the Law Society. As will be discussed below, *The King’s Bench Rules* governing venue are concerned with where “the cause of action arose” and the location of the defendant, not the plaintiff.

[71] The cause of action in this case is the originating application for judicial review of decisions of the Law Society of Saskatchewan. The cause of action is not the

subject matter of Ms. Soldan's complaints to the Law Society. That is a step removed. Even if the Court were to take that step, it would not appear to lead to the Judicial Centre of Melfort. The subject of the complaint was a lawyer with Robertson Stromberg LLP, which is located in the City of Saskatoon. The complaint to the Law Society was dissatisfaction with the lawyer's representation of Ms. Soldan in a wrongful dismissal claim and withdrawal as Ms. Soldan's lawyer. I was unable, from my review of the already voluminous file, to ascertain whether a wrongful dismissal claim was commenced and, if so, in what judicial centre. Not that it would matter to venue of this action. So, what we are left with is that Melfort would be more convenient to Ms. Soldan because she resides in that Judicial Centre. That is not enough to support a change in venue.

[72] Convenience between the parties has already been decided by the Legislature in preference to the defendant's location. This is not to say that convenience can never be considered on an application to transfer a file to another judicial centre. But when it is considered, it is usually in relation to non-parties, such as where the majority of witnesses to a trial reside in a different judicial district. Judicial review applications are argued on the record, so that is not relevant here.

(e) Conclusion on venue change

[73] I conclude that the Judicial Centre of Regina is the proper venue for this action. I decline to exercise my discretion to change the venue from Regina.

[74] The application for change of venue is therefore dismissed.

5) Should the judicial review application be scheduled for hearing on the merits?

[75] General Application Practice Directive No. 9: Scheduling of Summary Judgment, Set Aside and Judicial Review Applications [GA-PD No. 9] applies to

applications for judicial review. GA-PD No. 9 provides a two-stage process. This procedure is intended to reduce the cost of litigation and expedite the resolution of disputes.

[76] The first stage involves a review of the application to ensure it is ready for hearing. GA-PD No. 9 responded to the Court's experience with hearing applications that were not ready for hearing or were unsuitable, because resolution of the dispute required a trial. Those failed hearings wasted both Court time and counsel time, with attendant cost to the public purse and to litigants. This review process, if done properly, promotes successful hearings on the merits.

[77] The second stage is a hearing on the merits. Evidentiary issues are resolved at the second stage by the justice hearing the application on the merits

[78] GA-PD No. 9 has been applied to require filing of all materials, including briefs of law, at the first stage. See: *Alliance Crane Inc. v Sapergia*, 2025 SKKB 94 at paras 26-31; *Richardson Pioneer v Lamb*, 2024 SKKB 214 at paras 24-28; *Standing Buffalo Dakota First Nation v Ron S. Maurice Professional Corporation (Maurice Law Barristers and Solicitors)*, 2023 SKKB 42 at para 41; *Kuffner v Jacques*, 2023 SKKB 14 at para 67; *Yildir v Athol Murray College of Notre Dame*, 2021 SKQB 278 at paras 15-16; and *Chernick v Chernick*, 2020 SKQB 168 at para 18. This allows the chambers judge conducting the review at the first stage to certify the application as ready to proceed to hearing on the merits.

[79] Since the first stage review is both as to content and format, it is preferable for the parties to agree to relevant facts and records. The applicant should file a binder, with an index and tabbing of contents, containing all materials from both parties which are intended to be relied upon at the hearing. This helps the justice doing the first stage review to be satisfied that the application is ready for hearing. It also promotes a better hearing at the second stage where both the lawyers and hearing judge

can easily locate any materials referred to at the hearing.

[80] In this case, the Law Society has filed its certified record, and Ms. Soldan has filed her affidavit.

[81] Justice Danyliuk, in the *Danyliuk Fiat* at paras 14 and 19, raised concerns with Ms. Soldan's affidavit:

[14] Second, on Ms. Soldan's underlying judicial review application she has filed an affidavit. She may wish to consider the case law on this point, as judicial review most frequently occurs based on the existing record. That formal record is not commonly augmented by an affidavit although the filing of same is contemplated by Rule 3-52.

...

[19] As well, Ms. Soldan's supporting affidavit contains legal argument. Affidavits are generally restricted to facts, and to facts within the personal knowledge of the deponent. Hearsay is allowed on some applications. See the very clear language of Rule 13-30. Care must be taken to restrict affidavit to the proper scope of subject matter.

[82] The parties assured me there would be no further filing of evidence. The admissibility of Ms. Soldan's affidavit may be challenged by the Law Society. If so, that will be a preliminary issue for the judge hearing the application on the merits.

[83] On May 23, 2025, Ms. Soldan filed her brief of law in support of her judicial review application. This brief of law is 72 pages – far beyond the 40-page limit set by Rule 13-38.1(1)(a) of *The King's Bench Rules*. I direct that this brief of law be rejected and that Ms. Soldan serve and file a brief of law in accordance with *The King's Bench Rules*, with particular regard to Rules 6-15(a) and 13-38.1, as follows:

Brief of law

6-15 If a party files a brief of law with respect to an application, the brief:

(a) must be concise and address the legal aspects of the case and not the factual aspects;

...

Brief of law and List of authorities

13-38.1(1) Except where otherwise provided by these rules, or with leave of the Court, a brief of law filed in Court, including a pre-trial brief filed pursuant to rule 4-13:

(a) must not exceed 40 pages in length, excluding the List of Authorities and any appended materials;

(b) must include a List of Authorities that:

(i) identifies the authorities relied on, including case reports, legislation and articles from legal journals;

(ii) identifies the legal principle relied on for each authority listed;

(iii) identifies the section or paragraph relied on for each authority listed; and

(iv) includes a neutral citation for each authority listed; and

(c) may not be filed with the Court except with proof of service on the other parties to the action.

(2) Printed copies of authorities that are available on www.canlii.org shall not be appended to the List of Authorities or filed without leave of the Court.

(3) Printed copies of authorities that are not available on www.canlii.org, as well as repealed legislation and articles from legal journals, shall be appended to the List of Authorities.

(4) With leave of the Court, electronic copies of authorities may be sent to the Court by email.

(5) If printed copies of authorities are filed, either with leave of the Court or as otherwise provided by these rules:

(a) the party filing the printed copies shall first serve

copies of the same on the other parties to the action;

(b) the copies do not form part of the Court record; and

(c) at the conclusion of the application, pre-trial conference or trial, the copies are to be:

(i) at the request of the party who filed them, returned to that party; or

(ii) destroyed by the local registrar.

(6) This rule does not apply to applications made pursuant to *The Class Actions Act* [SS 2001, c C-12.01].

[84] In the past, some litigants have improperly attempted to evade the page length limit by reducing font size and spacing. While the Court does not set font or spacing standards, they are implicit in Rule 13-20(7)(a) which states that documents filed “must be legible”. To ensure compliance with that Rule, I direct that Ms. Soldan use at least 12-point type and line spacing of 1.5, except for indented quotes which may be 1. This follows the printing requirements for documents in *Guidelines for Preparing Documents to be Filed with the Supreme Court of Canada*, pursuant to Rule 21 of the *Rules of the Supreme Court of Canada*: <https://www.scc-csc.ca/filing-depot/guide/#preparing-the-original-print-version> (6 November 2025).

[85] While the best practice is to require filing of all documents, including briefs of law, before certifying readiness to proceed to stage 2, I will make an exception in this case. The parties agree that the record is complete. The Law Society has undertaken to assemble copies of the necessary documents into binders for the parties and hearing justice, being: the Originating Application for Judicial Review; the affidavit of Ms. Soldan sworn May 14, 2025; the Certified Record of Proceeding; and the briefs of law.

[86] I set the following filing deadlines for briefs of law. Ms. Soldan must serve and file her brief of law 45 days before the hearing date. The Law Society must

serve and file its brief of law 21 days before the hearing date. Ms. Soldan may file a reply brief not exceeding 10 pages 14 days before the hearing date.

[87] I also direct the Local Registrar to schedule a hearing date.

[88] Finally, the parties may wish to read *Greenhorn v Law Society of Saskatchewan* (1991), 81 DLR (4th) 712 (CanLII) (Sask QB), in which Barclay J. at para. 21 wrote “The Deputy Secretary Treasurer is not bound to investigate a matter in any particular way and there is no statutory authority compelling the member to provide his response to the complainant.”

6) Costs

[89] The Law Society was successful in opposing Ms. Soldan’s applications. Having regard to Rule 11-1 of *The King’s Bench Rules*, I order Ms. Soldan to pay costs fixed at \$300 to the Law Society, payable forthwith.

V. CONCLUSION

[90] I dismiss Ms. Soldan’s applications:

- 1) For me to disqualify myself for bias;
- 2) For me to reconsider the May 22, 2025 adjournment;
- 3) To exclude the Law Society’s brief of law filed May 21, 2025;
- 4) To change the venue from the Judicial Centre of Regina to the Judicial Centre of Melfort.

[91] I award costs to the Law Society for those applications fixed at \$300, payable forthwith by Ms. Soldan.

[92] Ms. Soldan’s brief of law filed May 23, 2025, is rejected for failure to

comply with Rules 6-15(a) and 13-38.1(1) of *The King's Bench Rules*. She may file a substitute brief of law which complies with *The King's Bench Rules*, including Rule 13-20, and with font size of at least 12 point and line spacing of 1.5.

[93] The following filing deadlines are set for briefs of law for the judicial review application:

- a) Ms. Soldan's brief of law is to be filed 45 days before the date of hearing;
- b) The Law Society's brief of law is to be filed 21 days before the date of hearing;
- c) Ms. Soldan's Reply Brief, which is not to exceed 10 pages, is to be filed 14 days before the date of hearing.

[94] No other materials are to be filed, except with leave of the justice hearing the judicial review application. Any objections to admissibility of Ms. Soldan's affidavit or the certified record may be addressed by that justice.

[95] The Regina Local Registrar is directed to schedule a special date for hearing of the judicial review application, having regard to the time required by the filing deadlines.

[96] The Court accepts the Law Society's undertaking to file relevant materials, as set out above, in a binder for the use of the justice who hears the judicial review application on the merits. The Law Society should file this binder at least seven days before the hearing date.

J.
D.N. ROBERTSON