



## Saskatchewan Legal Coaching and Unbundling Pilot Project (LCUP)

### Client Intake Guide

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*Adapted from Rob Harvie and John-Paul Boyd from MediateBC's "BC Family Unbundled Legal Services Project Unbundling Toolkit for Lawyers and Paralegals"*

As referenced in Saskatchewan's Code of Conduct, not every client and every legal problem is necessarily appropriate for a limited scope or unbundled retainer. Lawyers must carefully consider whether a particular matter is suited to a limited scope retainer as a part of their intake process.

The purpose of this Guide is to provide you with the general considerations involved in limited scope work and some considerations to include in your client intake process to help you assess whether the client and the client's legal problem are good candidates for a limited retainer.

#### **Before the intake meeting**

You *must* perform your usual conflict check before the intake meeting. The fact that you may agree to handle the client's problems on a limited scope basis does not alter your professional duties in this regard.

You should consider providing your client with information about limited scope work and how it differs from a traditional, full-service retainer, prior to your meeting. A simple handout could be provided with your intake form. Providing this education to clients helps to minimize misunderstandings or manage expectations as the matter proceeds. The project website includes a brochure that can be used for clients.

#### **Intake questions and considerations**

Your first obligation is to carefully assess whether, in the unique circumstances of the client's matter, it is possible for you to render the necessary legal services competently and in accordance with your professional obligations.

Some of the factors to consider include:

- Your client's organizational skills and capacity;
- Your client's mental and emotional health;
- The capacity of your client to self-represent, including literacy and language issues;
- Your client's ability to make this kind of collaborative arrangement work;
- The overall complexity of the problem;
- Any time limits or imminent deadlines;
- The reasonableness of the client's expectations; and,
- The risk that the client will not or cannot share all information relevant to his or her circumstances and legal problem.

Specific questions to address in your intake process include:

*Adapted from Stephanie Kimbro's "Limited Scope Legal Services, Unbundling and the Self-Help Client" (American Bar Association, 2012)*

1. What legal problems are you dealing with? What are the other legal and non-legal problems you are dealing with right now?
2. Have you worked with a lawyer on any issues surrounding these problems before?
3. Are there any deadlines for completing this work? Are there any imminent events, such as court hearings or settlement meetings, you need help with? Will you be able to work within the time frame we are discussing?
4. What is at stake? What are the potential financial consequences, the potential emotional consequences and the potential safety consequences?
5. What do you see as a positive outcome for these problems?
6. If that exact outcome can't be achieved, what would an acceptable result look like?
7. What aspects of this work are you willing and able to handle on your own?
8. What aspects of this work do want me and my firm to take care of?
9. How do you expect us to work together to create a strategy to handle these problems?
10. Have you ever been involved in a lawsuit or had any other experience with the legal system? Did you represent yourself in those matters? If you did, how did it go for you?
11. What resources are available to you to support the work you want to handle on your own? Can you take time off work to deal with this? Is child care available to you? Is any help available from family members and others?
12. How would you rate your stress level now, on a scale of 1 to 10?
13. What are the best ways for us to communicate?
14. Have you set aside any money to address these problems? What sort of budget do you have for us to work with?

These are *suggested questions only* and should be supplemented and adapted to the particular type of unbundled legal services being discussed.

While many of these questions may appear to be outside of the purpose for which your client wishes to retain you, it will help to create a clearer picture for you and your client regarding the proper scope of your service. It will also help your client more realistically assess whether a limited service retainer is appropriate, and what their expectations should be regarding the benefits and limitations of this sort of service.

#### **Cautions and notes to file**

During the intake process, you should try to identify any actual or potential collateral issues that the client may not have raised and make a note to confirm the presence or possibility of those issues in writing to the client following the intake.

You must take note of limitation dates and filing deadlines, and note those dates and deadlines, as well as your advice, in your file. You must also advise the client of those dates and deadlines and their significance.

You should note your decision to proceed on a limited scope retainer in your file.

You and the client must discuss and agree upon the precise scope of the work you will perform. You should document the scope of your work, and the client's understanding and agreement to that limited scope, in your file.

