



Saskatchewan Legal Coaching and Unbundling Pilot Project (LCUP)

Best Practices for Unbundling

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

This best practices guide is provided for Saskatchewan lawyers who have decided to offer unbundled legal services as a component of their professional service offerings.

As limited scope and unbundled services develop in Saskatchewan, we expect that this guide will be refined and improved as time goes by, and, beyond the information we are collecting as a part of the project, your input on providing limited scope services and the practice of law on this basis will be greatly appreciated. We would like to develop this guide into something that is practical, useful and as comprehensive as possible.

1. **Code of Conduct.** Review and become familiar with the Saskatchewan Code of Conduct, particularly the rules focusing on limited scope retainers.
2. **Fit with existing services.** Consider whether unbundling is a good fit for you and your firm. Some firms may incorporate unbundling into their existing full-representation practice. Other firms may focus their services exclusively on unbundling.
3. **Fit with areas of practice.** Stick to the areas of the law in which you are knowledgeable.
4. **Suitability of proposed work.** Consider whether the types of matters you handle, or wish to handle, are capable of being broken down into separate tasks that can be effectively managed independent of the other work a particular legal problem would normally require.
5. **Reasonableness of proposed limits on work.** Consider your clients and the clients you wish to serve. Limitations on the scope of your services must be reasonable, and your clients must be able to follow your guidance as necessary to complete the services you have agreed to provide.
6. **Make a business model.** Create a business model for your limited scope work, considering:
 - a. Your brand;
 - b. Your marketing and promotion plans;
 - c. Your pricing policies and approaches;
 - d. How you will use technology; and,
 - e. How you will work with others both within and outside of your firm to serve unbundled clients.

An excellent resource on these and other best practice issues is Stephanie Kimbro's "Limited Scope Legal Services: Unbundling and the Self-Help Client", published in 2012 by the ABA Law Practice Management Section and available on Amazon.

7. **Make a retainer agreement specifically for your limited services.** Model retainer agreements can be obtained on the Saskatchewan website and from the Alberta Limited Legal Services Project, Ontario's Family Law Limited Scope Services Project, and the MediateBC. Consider how you would incorporate the completion of these agreements into your client intake process.
8. **Adapt your intake process.** Review and revise your client intake process to specifically contemplate how you will most efficiently adapt to a Limited Legal Service Retainer client. Refer to the Client Intake Guide provided by the project. Conduct a thorough initial interview.

9. **Conflicts.** Always check for conflicts. A practice involving unbundling will involve working with a larger number of clients each for a shorter period of time than when using a full representation approach. Review and streamline your conflict checking process. If you are not engaged by the client at the beginning of the matter you will want to inquire about all of the parties involved before determining whether to provide unbundled services.
10. **Client education.** Provide your client with tools, handouts and checklists that will help them to understand the whole legal journey ahead including the pieces for which they are responsible. In addition, at the time your unbundled services are complete, it can be helpful to provide your client with general instructions for how they will complete the remainder of the matter on their own, if possible.
11. **Maintain careful notes.** Keep records of your interactions with your client, including:
 - a. Your advice to your client relating to limitation periods and due dates;
 - b. Your summary of the work you will and will not perform;
 - c. Your advice to your client about the distinctions between general full-service retainers and limited scope retainer; and,
 - d. Your client's understanding and acknowledgement of the limits of the services you are providing.
12. **Send a completion letter.** At the conclusion of your services it is advisable to send to your client a letter confirming that you have completed the services set out in the limited scope retainer agreement. This serves two purposes: it protects you should your client later assert that you were responsible to complete an additional step; and, it protects your client by reminding the client that he or she is responsible for completing the legal matter from that point forward. Your letter may include a checklist, time line, or strategy for the client to follow, if possible and practicable.
13. **Maintain client communications.** Maintaining good communication with clients at all stages in the relationship and unbundling process will go a long way to ensure their satisfaction with the services provided. Technology tools can assist to automate reminders and streamline the process.
14. **Identify collateral issues.** If you identify additional problems or issues, even if they are outside the scope of the unbundled retainer, you should identify those issues to your client. If there are ambiguities as to the scope of the retainer, there is a risk that these ambiguities will be construed against you. Tax issues are a good example and often arise in family disputes. Clarify what the issues are and whether or not you will be dealing with them. If not, then consider referring your client to other professionals who could assist.