

## **BC Family Unbundled Legal Services Project Unbundling Toolkit for Lawyers and Paralegals**

### **Best Practices for Unbundling**

The purpose of this tool is to provide a first version of a “best practices guide” for BC family lawyers who provide unbundled legal services. It draws on many existing resources, adapted for BC, and will be revised and enhanced as more lawyers become involved in providing unbundled legal services and share their experiences. Please provide us with your feedback (see below).

1. Review and become familiar with the BC Code of Professional Conduct, particularly the rules specifically added in 2013 focusing on “limited scope retainers” (unbundling). We have created a document in the Toolkit that sets out these rules all in one place for your easy reference.
2. Review the helpful resources about unbundling included in the Resource List in the Toolkit.
3. 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.
4. Consider whether the types of matters you handle (or wish to handle) are capable of being broken down into separate tasks with a clear structure to the progress of the tasks and matter as a whole. Be careful to stick to the areas of the law in which you are knowledgeable.
5. Then consider your clients and the clients you wish to serve. Limitations on the scope of representation must be reasonable, and the firm’s clients must be able to follow your guidance as necessary to complete their legal needs.
6. Create your unbundling business model. Take into account:
  - a. Your brand;
  - b. Your marketing and promotion plans;
  - c. Your pricing policies and approaches;
  - d. How you will use technology;
  - e. How you will work with others both within and outside of your firm to serve unbundled clients;
  - f. An excellent resource on these and other best practice issues is Stephanie L. Kimbro, “Limited Scope Legal Services – Unbundling and the Self-Help Client”, ABA Law Practice Management Section, 2012. Ms. Kimbro addresses pricing models, the use of technology, pro bono opportunities and marketing, together with numerous helpful

case studies of real firms and lawyers who have successfully implemented unbundling into their practices.

7. Consider whether you and your firm will be able to comply with the applicable rules in the BC Code of Professional Conduct. We provide a document listing the applicable rules in the Toolkit.
8. Study the **Family Lawyer Toolkit** including the template retainer letters and checklists. Consider how you would incorporate them into your workflow including your client intake process.
9. Review and revise your client intake process. Refer to the “Client Intake and Unbundling” tool in the Toolkit. Conduct a thorough initial interview.
10. Checking 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.
11. Educational resources: Provide your client with helpful tools, handouts and checklists that will help them to understand the whole of their legal journey ahead including the pieces for which they are responsible. In addition, at the time your unbundled services are complete it is advisable to provide your client with general instructions for how they will complete the remainder of the matter on their own.
12. Keep records of your interaction with your client.
13. Completion letter: At the conclusion of your services it is advisable to send to your client a letter confirming that you have fulfilled the scope of services that were set out in the limited scope retainer letter. This serves two purposes: (1) to protect you should your client later assert that you were responsible to complete an additional step; and (2) to protect your client by reminding him or her of the responsibility to complete the legal matter from that point. It might include a checklist, time line, or strategy for the client to follow from then on.
14. Ensure good communication: 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.
15. 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.