



December 15, 2016

Access to Justice BC  
c/o The Honourable Robert Bauman  
Chief Justice of British Columbia  
BC Court of Appeal  
The Law Courts  
400 – 800 Hornby Street  
Vancouver, BC V6Z 2C5

David Crossin, QC  
President

Monique Steensma, CEO  
Mediate BC Society  
Suite 177 – 800 Hornby Street  
Vancouver, BC V6Z 2C5

Dear Honourable Chief Justice Bauman and Ms. Steensma:

**Re: Limited Scope (Unbundled) Services**

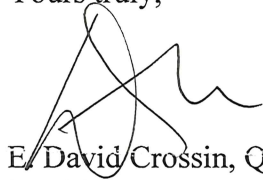
The Law Society encourages lawyers to consider whether they can play a role in enhancing access to justice by providing limited scope (unbundled) services as part of their practice. In 2008, the Benchers unanimously adopted the report of the Unbundling of Legal Services Task Force, which subsequently led to changes being made to the *BC Code* to facilitate lawyers being able to provide limited scope services. Benchers and Law Society staff have participated in numerous continuing education courses to promote greater use of limited scope retainers by lawyers.

In supporting the provision of limited scope services, the Law Society recognizes that many individuals may benefit from some assistance from a lawyer, rather than having to deal with legal problems on their own. The Law Society is also of the view that the courts will benefit from limited scope appearances by lawyers if the alternative means dealing with self-represented litigants who may not be adequately informed about the court process and rules of evidence.

The Law Society encourages lawyers to familiarize themselves with the Law Society Rules and the *BC Code* prior to entering into a limited scope retainer. As with any client, when deciding whether to take on a limited scope retainer, a lawyer should determine whether they possess the skills and knowledge to handle the client's matter competently. With a limited scope retainers a lawyer must also assess whether the matter can be broken down into discrete tasks and communicate clearly to the client the tasks that will and will not be performed by the lawyer.

Lawyers have expressed concern that by participating in the provision of limited scope legal services they will somehow increase the likelihood of being subject to complaints about those services / their conduct. The Law Society has no evidence to suggest this is the case. When dealing with complaints about lawyers, the Law Society takes into consideration the context in which legal services were provided, but lawyers are still required to meet the professional obligations as set out in the *BC Code*, whether the services are unbundled or full-service retainers. A review of best practice resources, such as those created for the mediation unbundling roster project, can help lawyers provide limited scope services and determine on a case-by-case basis whether a particular matter is suited for limited scope services. The Law Society's website also contains practice resources including sample retainer agreements and Practice Checklists. And, as with full scope retainers, Law Society practice advisors are available to discuss lawyers' professional obligations.

Yours truly,

A handwritten signature in black ink, appearing to read 'David Crossin', with a stylized flourish at the end.

E/ David Crossin, QC  
President