

## Highlights from Chapter 6—Unbundled Legal Services

Unbundled legal services provide a means for litigants to pay a lawyer to perform a discrete, limited-scope legal service. They also enable litigants and lawyers to better estimate the amount of time and cost to perform a task. Unbundled legal services can be used on a one-time or repeat basis. Examples of unbundled legal services include legal advice (initial consultation or throughout a case), research (by client, lawyer, or jointly), drafting (e.g. letters, court documents), negotiation (coaching and training to clients) and court appearances (including hearings or mediation sessions).

### *Optimal uses*

- **Organization and case planning** (e.g. writing letters, assessing initial settlement offers, explaining relevant law(s) applicable to the facts, outlining options for resolution, preparing a checklist of necessary steps and processes for client to consider);
- **Self-representation coaching** (e.g. client pays lawyer for training or coaching on court procedures, including how to make proper statements, submit evidence, and examine witnesses);
- **Document drafting** (e.g. court documents, contracts, or settlement agreements); and
- **Mediation and settlement negotiations** (e.g. coaching for, or appearance at, mediation or negotiation sessions).

Advantages	Disadvantages	Ethics and professional responsibility considerations
<ul style="list-style-type: none"> <li>• Financial predictability</li> <li>• Clear expectations</li> <li>• Simplify complex cases</li> <li>• Flexibility for lawyer and client</li> <li>• Streamline judicial and out-of-court processes</li> <li>• Improved settlement and case outcomes</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of continuity</li> <li>• Risk of scope creep</li> <li>• Potential for limited application</li> </ul>	<ul style="list-style-type: none"> <li>• Professional negligence</li> <li>• Lawyer-client relationship</li> </ul>

### *Opportunities for systemic, structural, or legal change*

The consultation participants and research highlighted five ideas where changes could be considered to promote unbundled legal services in British Columbia: enhance the British Columbia *Code of Professional Conduct*; develop practice resources; encourage lawyers to disclose limited-scope representation services; professional development and annual practice declaration reporting; and legal coaches.