For Immediate Release

NEWS RELEASE

Law Society provides guidance on “unbundling” of legal services

Toronto: The Law Society of Upper Canada today approved updates to its rules of conduct to provide guidance for lawyers and paralegals providing legal services under limited scope retainers, sometimes referred to as “unbundled” legal services. Under a limited scope retainer, a lawyer or a paralegal provides legal services for part, but not all, of a client’s legal matter – by agreement with the client. Otherwise, the client is self-represented.

The Law Society recognizes that some lawyers and paralegals are already providing legal services on a limited scope basis. The amended rules emphasize the need to provide competent services and communicate effectively with clients when providing limited scope legal services.

“Limited scope retainers can be a valuable tool in enhancing access to justice, particularly for clients who do not qualify for legal aid, cannot afford a lawyer for their entire legal matter, or choose to represent themselves for part of their legal matter,” says Law Society Treasurer Laurie H. Pawlitza. “Limited scope retainers provide a middle-ground option between full legal representation and no legal representation.”

Developed by a special working group after a call for input from the profession, the amendments define the concept of limited scope retainers and specify that the same standard of competence for full-scope retainers applies to limited scope retainers. The amendments require that the lawyer or paralegal confirm in writing the legal services provided under a limited scope retainer. This is to assist the client in understanding the scope of the retainer. Certain types of summary advice services are excluded from this requirement.

As a next step, the Law Society will begin a dialogue with legal organizations and legal institutions, including the courts, to identify the key procedural issues associated with limited scope retainers in a litigation setting and changes to court rules that may be appropriate to better facilitate them.

“We are committed to improving access to justice and ensuring that all legal services – including unbundled legal services – are delivered to the public in an ethical and competent manner,” says Treasurer Pawlitza.

Details on the rule amendments are available online.

The Law Society regulates lawyers and paralegals in Ontario in the public interest. The Law Society has a mandate to protect the public interest, to maintain and advance the cause of justice and the rule of law, to facilitate access to justice for the people of Ontario and act in a timely, open and efficient manner.

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