

“Unbundling” of legal services

Limited scope retainers and unbundling of legal services

Under a limited scope retainer, also known as an "unbundling" agreement, a lawyer or paralegal provides legal services for part, but not all, of a client's legal matter, by agreement with the client.

Unbundling has been popular in the US, where it can be an affordable option for people who don't qualify for legal aid, can't afford a lawyer for their entire matter, or might otherwise choose to represent themselves.

Some lawyers and paralegals in Ontario are already providing legal services on a limited scope basis.

Rule changes

At its September 2011 meeting, Convocation approved amendments to the Rules of Professional Conduct and the Paralegal Rules of Conduct, the rules that set out the professional and ethical standards of lawyers and paralegals. They were changed to provide guidance to lawyers and paralegals who provide “unbundled” legal services under limited scope retainers. Anticipating that the unbundling trend would continue, the Law Society determined that guidance was required, as nothing in the rules specifically dealt with this form of retainer.

These amendments were developed following a call for input from the profession, and include a general requirement for a written confirmation of the limited scope retainer. The changes also deal with interpretation (a definition of limited scope retainers is now included), professionalism, duty to clients and responsibility to the profession.

Requirement for document confirming limited scope

The changes mean that, in most cases, you will receive a document confirming the limited nature of the retainer and clearly outlining the scope and limitation of the services being provided by the lawyer or paralegal you hire. This requirement is to ensure that your lawyer or paralegal clearly and effectively communicates to you

the nature of retainer and the scope of the legal services. You are not required to sign this document.

Exceptions

There are some exceptions to the requirement for such a document for certain types of "summary advice" – legal advice, information, or other similar, summary legal services provided to an individual. Written confirmation does not need to be provided for an introductory consultation about a legal matter for which you intend to retain a lawyer or paralegal's services for all aspects of that matter, whether or not you actually retain that particular legal professional.

This type of summary advice is often provided by:

- lawyers who are paid by Legal Aid Ontario to provide immediate assistance to people who appear in court without a lawyer (also known as "duty counsel");
- licensed Legal Aid staff;
- community legal clinics;
- not-for-profit organizations; and
- telephone-based services or hotlines operated by community-based or government-funded programs.

More information

- [September 2011 Report to Convocation - Rule Amendments](#)
- [News release](#)
- [Background report](#)