

## **BC Family Unbundled Legal Services Project Lawyer Unbundling Toolkit**

### **What is Legal Coaching?**

*Legal Coaching is a type of unbundled service where a lawyer-coach works in partnership with the client to offer behind-the-scenes guidance – procedural, substantive and “cultural” – providing a self-represented litigant with the strategies, knowledge and tools needed to advance their case as effectively as possible in the absence of counsel.”<sup>1</sup>*

A legal coach is a lawyer who works behind the scenes to make it easier for a primarily self-represented client to represent him or herself.

A legal coach can offer legal advice and support as part of a limited scope retainer, offering a much-needed alternative for litigants who are unable to afford a comprehensive retainer.

Unlike traditional forms of unbundling, legal coaching is often used as an ongoing service rather than a “one-off” task. As a legal coach, you will not appear in court or deal with counsel on the other side. Rather, you will equip the client with the skills needed to move through each step of his or her matter.

In practice, many lawyers who provide limited scope services practice a hybrid form of unbundling and coaching. You can work with your coaching clients to design legal services carefully tailored to meet a client’s unique skills, capacity and budget.

### **What services can you offer as a legal coach?**

Legal Coaching will involve different things depending upon each matter. It may include some or all of:

- Initial consultation to identify options available to the client
- Strategic guidance about dealing with the strengths and weaknesses of the client’s case and the case he or she has to meet
- Providing legal advice
- Assisting with legal research
- Guidance through the family court system
- Procedural coaching – helping the client understand steps required by legislation or court rules
- Offering self-help tools that will be useful to the client, such as legal information, websites and other resources designed for members of the public
- Negotiation/settlement coaching – both procedural advice and coaching about how to develop a settlement proposal and negotiate effectively (directly or in a mediation process)

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<sup>1</sup> Content of this article and definition of “legal coaching” provided by Nikki Gershbain, M.A., LL.B. National Director, Pro Bono Students Canada (on leave); Research Fellow, National Self-Represented Litigants Project, University of Windsor, Faculty of Law

- Reviewing, commenting on or drafting documents such as separation agreements or documents filed in court, including court orders
- Hearings coaching – explaining the expectations of a judge or master, how the courtroom works, where to stand, how to address the judge and the other party, how to organize written or spoken presentations

The **BC Unbundling Roster** [ <https://sites.google.com/view/bfur> ] lists BC family lawyers and paralegals who provide unbundled legal services. Many of them provide legal coaching services. You can sign up for the Roster here: <https://www.surveymonkey.com/r/H8L35VV>. The Unbundling Client Toolkit [ <http://www.courthouselibrary.ca/practice/familylaw/unbundling/> ] materials also apply to legal coaching.

## **Benefits of Legal Coaching**

Legal coaching offers the same benefits to lawyers as unbundling, and more. Additional benefits include:

- An expanded client pool
- The satisfaction derived from mentoring clients and empowering them to handle their matter

Coaching supports clients to do the work of the file on their own, while benefiting from the support and guidance of a lawyer throughout the matter. This provides additional benefits to traditional unbundling, such as:

- Further reducing costs
- Reducing stress and feelings of isolation
- Providing more control over the file
- A sense of empowerment and satisfaction
- The development of skills that will be useful post-separation
- Greater satisfaction with the process and the outcome
- Better outcomes

By further expanding access for individuals who would otherwise go without advice or representation, legal coaching also benefits the administration of justice. It does this by:

- Improving court efficiency
- Reducing demands on judicial resources and court services
- Improving outcomes for families
- Improving the public's perception of the justice system