

BC Family Unbundled Legal Services Project Unbundling Toolkit for Lawyers and Paralegals

Client Intake and Unbundling

The first step in integrating unbundled legal services into your practice is to review and enhance your client intake process. You must carefully assess whether, in the unique circumstances of your client's matter, it is possible for you to render the services competently and in accordance with your professional obligations. See BC Code rules 3.1-2 (and in particular commentary [7.1]), 3.2-1.1, 7.2-6, and 7.2-6.1 (set out in a separate Toolkit document).

A detailed intake process is recommended. The purpose of this tool is to provide you with the overall considerations and some suggested questions to add to your client intake form to help you assess whether the client is a good candidate for unbundling. Some of the factors to consider include:

- Your client's organizational skills and capacity
- Your client's mental and emotional health
- The capacity of your client to self-represent including literacy and language issues
- Your client's ability to make this kind of collaborative arrangement work
- The complexity of the matter
- Any time limits or imminent deadlines
- Whether your client has realistic expectations
- The risk that the client will not (or is not able to) share all relevant information

During the intake process try to identify any potential collateral issues that your client may not have raised or be aware of as potential issues. Add them to Schedule A for discussion and allocation of responsibility.

Document your decision whether to proceed and place it in your file.

It is also good practice to provide your client with information about unbundling and how it differs from a full-representation approach, preferably in writing and prior to your meeting. A simple handout could be provided with the intake questionnaire. Providing this education to clients helps to minimize misunderstandings or false expectations as the matter proceeds.

Suggested additional questions (adapted from Kimbro, "Limited Scope Legal Services, Unbundling and the Self-Help Client", 2012, American Bar Association, Law Practice Management Section.)

1. What is the reason that you are consulting me on this matter?
2. What are the legal issues you are facing? What are the other (non-legal) issues you are facing?
3. Have you worked with a lawyer on any issues surrounding this matter before?
4. What is the time frame or deadline for completing this project? Are there any imminent events you need help with? Will you be able to work within the time frame we are proposing?
5. Have you personally researched the law and legal issues involved in this matter?
6. How much is financially at stake here? How much is emotionally at stake here?

7. What do you see as a positive outcome for this matter?
8. If that exact outcome is not achievable, what would an acceptable settlement look like?
9. What aspects of this process (activities/tasks) are you willing and able to handle on your own?
10. What tasks do want me/my firm to take care of?
11. How do you expect us to collaborate to create a strategy to handle your matter?
12. Have you ever been involved in a lawsuit or had any experience with the legal system? Did you self-represent in those matters? If so, how did it go for you?
13. What resources are available to you to support your availability to devote time to this matter such as time away from work, child care arrangements etc.?
14. What assistance and resources are available to you from family members, paralegals, non-legal professionals etc.?
15. How would you rate your stress level now (on a scale of 1 – 10?)
16. What are the best ways for us to communicate? Are you comfortable using technology such as webconferencing, secure real-time chat, encrypted e-mail, telephone?
17. How much are you able to budget to pay for unbundled legal services in this matter?

These are suggested questions only and should be supplemented and adapted to the particular type of unbundled legal services being discussed.