



**Mediate BC's Family Unbundled Legal Services Project  
Final Report  
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## I. Executive Summary

*I have been practicing for over 30 years, exclusively Family Law for the past 25 or so and think this Unbundling (I call it quarterbacking) initiative is the best thing to come along since sliced bread.*

*It services the growing trend of unrepresented litigants, especially in my field and really effectively addresses this need. It is also a much more enjoyable way to practice for me while helping our clients, most of whom are capable of doing it themselves with a little direction and encouragement.*

*I have acted as both a Mediator and Collaborative Family Law Lawyer along the way and for those cases where neither of those options is a viable alternative to the nasty litigation route and the client cannot afford full blown legal representation (who can) this approach is a life saver for them.*

*I know I am preaching to the choir with you here but I would like to be somehow more involved in this movement as I strongly believe in it.*

*How can I help?*

*Alan Gaudette, Lawyer in Vernon BC*

The Mediate BC Family Unbundled Legal Services Project (the “Project”), was inspired by the Law Society of BC and Mediate BC Society and funded through the Law Foundation of BC. It was designed to encourage more BC family lawyers to offer unbundled legal services to British Columbia families who wish to resolve issues arising from separation and divorce through out-of-court processes including mediation. It began its work in January 2016 and, eighteen months later, is winding up its efforts. This Final Report is our opportunity to chronicle the Project’s progress and to set the scene for what comes next.

The Project collaborated with others to create four major deliverables:

- The Unbundling Toolkit (for lawyers)
- The Unbundling Roster
- The Clicklaw Helpmap
- The Client Toolkit (part of the Roster site)

There are approximately 100 participants on the Roster to date (roughly double what was anticipated) and, based on the evaluation results and other feedback, it appears that the Toolkits and Clicklaw Helpmap are useful tools. A key next step is collaborative implementation of a public awareness campaign about the Roster and public-facing tools. The Roster will only be effective and sustainable if the public knows about it and uses it.

Based on our experience with the Project our primary observations are as follows:

1. There is a huge unmet legal need for unbundled services including legal coaching. BC efforts have focused on the public need in family law but there is a growing recognition of unmet need in virtually all areas of legal practice.
2. Many members of the legal profession are interested in providing these services and will be more likely to participate if they have:
  - a. A structured framework within which to practice including template materials, best practices, intake and assessment guidelines and practical tips;
  - b. Factual information about the risk of legal liability and complaints (including reassurance from the Law Society that, done well, unbundling and legal coaching do not increase risk);
  - c. Reassurance from the Judiciary that retainer boundaries will be respected;
  - d. A strong training / education resource (curriculum); and
  - e. Ongoing peer support, education and guidance.
3. Key to accessibility are focused efforts to build public awareness about unbundling and legal coaching.
4. An unbundling initiative will be more effective and sustainable if it is done in a collaborative way involving multiple stakeholders.

The support and participation of the justice community has been very impressive. The Project received support from a wide variety of system stakeholders and the public. A more experimental approach was enabled by the ongoing input and feedback from all types of users and participants.

The Justice System is complex (not simple or complicated), and requires a different approach to changemaking.

*“Some systems are very sensitive to their starting conditions, so that the tiny difference in the initial push you give them causes a big difference in where they end up. And there is feedback, so that what a system does affects its own behavior.”*

— John Gribbon

This Project appears to have given a well-timed “initial push” which has gained momentum and already demonstrated encouraging results. The Project constitutes just the beginning of a longer journey and the last part of this report provides a proposed framework for the next stage of stewardship as well as next steps and possible related initiatives. We believe that as a result of the funding support from the Law Foundation of BC and the Law Society of BC, and the collaboration of multiple stakeholders, unbundling will provide BC families with greater access to affordable legal services and improved access to justice.

## II Introduction

The BC Family Unbundled Legal Services Project (the “Project”) emerged from the ongoing efforts of the Law Society of BC and other key stakeholders to improve access to justice for BC citizens. The Project has worked alongside the Unbundling Initiative of Access to Justice BC and collaborated with many others to this end. As the Project draws to a close, it is encouraging to see how it has helped to spur action and galvanize interest and support for unbundling. The justice community has rallied to endorse unbundling, and this Project, and to ensure that the momentum continues into the future.

This report details the context of the Project, describes its evolving design, summarizes its key activities and learnings over its 18 month journey and concludes with a vision for the future. In hopes that the Project will assist other jurisdictions exploring unbundling, we have also included in **Appendix “A”** a list of practical and process lessons learned along the way.

## III Background:

### 1. Why was this Project created?

The primary motivation for this Project was to provide a practical way for the BC legal community to improve access to justice for families. The focus was to supplement existing Legal Aid and pro bono efforts and to provide affordable legal services to families using family mediation through a new business model called “unbundling”.

The Law Society of BC was the first in Canada to change its rules (in 2008) to explicitly permit unbundling (limited scope legal services). In 2015, its Access to Legal Services Advisory Group recognized that more could be done to encourage BC family lawyers to offer unbundled legal services. Mediate BC Society identified that many families using mediation to address their separation and divorce issues chose not to seek legal advice or representation due to cost. The Law Society provided funding through the Law Foundation of BC to Mediate BC Society to undertake this Project. Early on in the Project, it became apparent to the Project team that the public and BC legal community were very interested in unbundled legal services as they applied to families at all stages of their family law matters, including but not limited to mediation. In February, 2016, Access to Justice BC commenced an Unbundling Initiative which applied to all types of unbundling for BC families and the Project and Initiative worked closely together from that point forward.

The Project team continued to focus its efforts on unbundled legal services to support families in mediation but also took the opportunity to explore and address the larger issues.

### 2. What is unbundling?

*“Unbundling” refers to a situation where a lawyer provides limited scope services to a client, rather than providing full scope legal services... Limited scope legal services refers to a situation where a lawyer performs discrete tasks for a client, and the client handles other matters that, in a full service retainer, would form part of the services the lawyer would provide.*

Report of the Unbundling of Legal Services Task Force, LSBC, April 2008

Different terms are used to describe “unbundled legal services” including “limited scope representation”, “limited scope retainer” and “discrete task representation”. We use “unbundling” to describe a lawyer providing legal services for a part, rather than the whole, of the client’s legal matter. The retainer may be for one or more discrete tasks (vertical unbundling) or for one or more specific issues (horizontal unbundling). For example, rather than retaining a lawyer to represent the client in their family matter from beginning to end (usually on an hourly rate basis), the client may wish to retain a lawyer ONLY to help them prepare for and participate in a negotiation or mediation (a legal advice and legal coaching<sup>1</sup> role) OR to provide them with independent legal advice on an agreement reached through mediation OR to prepare a document for use in court OR to represent the client at one court hearing.

Unbundling is not new; lawyers have been providing unbundled services for many decades in a wide variety of practice areas. In the family area, providing independent legal advice on a mediation agreement is an unbundled service. Many family lawyers provide a free or flat fee-based initial consultation meeting with people who need guidance with respect to their family legal problems. That, too, is an unbundled legal service.

Even though the Law Society of BC amended its Rules in 2008 (and further amendments to the Code of Professional Conduct in 2013) to explicitly permit unbundling, relatively few family lawyers offered these services and fewer still advertised these services to the public.<sup>2</sup>

### 3. Why is unbundling needed?

There is a well-recognized need to improve access to justice for BC families experiencing separation and divorce.<sup>3</sup> Significant numbers of family cases in both BC Provincial Court and BC Supreme Court involve at least one party who is not represented by counsel.<sup>4</sup>

Research shows a very large, and widening, gap between Canadians who qualify for legal aid in their provincial plans and those who can afford to pay for full representation by a lawyer in a

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<sup>1</sup> In this Project we refer to “legal coaching” as a type of unbundled legal service. For more information about legal coaching refer to NSRLP Fellow Nikki Gershbain’s submission to the Bonkalo review 2017: <https://representingyourselfcanada.com/nsrlp-responds-to-bonkalo-review-of-family-legal-services/>. She defines legal coaching as: “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>2</sup> Confirmed by the Project’s initial surveys to lawyers and families. Summaries available: [www.mediatebc.com/unbundle](http://www.mediatebc.com/unbundle).

<sup>3</sup> National Action Committee on Access to Justice, Meaningful Change for Family Justice: Beyond Wise Words: <http://www.cfcj-fcj.org/sites/default/files/docs/2013/Report%20of%20the%20Family%20Law%20WG%20Meaningful%20Change%20April%202013.pdf>, BC Family Justice Summit report of proceedings May 2014: <http://www.justicebc.ca/shared/pdfs/ThirdSummitReport.pdf>.

<sup>4</sup> In 2013/14, 41% of family appearances involved at least one party not represented by counsel or agent: <http://www.provincialcourt.bc.ca/downloads/pdf/AnnualReport2013-2014.pdf>. “A survey of superior court judges in British Columbia (Gray, 2013) found that at least one self-represented party was involved in almost 40% of the court time spent on hearings in family law matters, and in almost 30% of the time spent on family law trials.”: <http://www.crilf.ca/Documents/Self-represented%20Litigants%20-%20Views%20of%20Judges%20and%20Lawyers%20-%20Jul%202014.pdf>.

legal matter<sup>5</sup>. This is not a problem faced by Canada alone – data in other common law countries shows the same problem.

While full representation for litigants is preferable, in light of these realities the unbundling model is an important and promising development.

In the National Self-Represented Litigants Study<sup>6</sup>, almost 100% of self-represented litigant respondents (n=259) described looking for a lawyer who could offer some sort of limited assistance to them that they could afford. 53% had previously had a full representation retainer with a lawyer, but could not afford to continue. Only a very small percentage of those (n=14) found a lawyer willing to offer them unbundling.

There is a significant disconnect between the demand for unbundled services and the supply by the legal community. The market for unbundling represents the people in the middle of the gap who can afford to pay something, but cannot afford full representation. These people value cost predictability and prefer to play a more active role in their own legal matter. A significant portion of them have a university education and are middle-income earners. This is a huge untapped market. Ryerson University's Legal Innovation Zone reported in 2016 that a conservative annual unmet opportunity to provide unbundled legal services ranges from \$40 million to \$200 million nationally.<sup>7</sup>

An unbundled approach fits with what lawyers do well – problem-solving, analyzing, advising and advocating. However, it requires a new business model to do it well, including a new form of “partnership” relationship between lawyer and client, rigorous intake and assessment process and a commitment to work within the retainer agreement model.<sup>8</sup>

Unbundling is not the entire answer to the access to justice challenge in BC. However, it is an important tool to enable self-represented litigants to obtain legal advice, guidance, coaching and sometimes representation as they make their way through the justice system.

#### 4. What are the benefits of unbundling?<sup>9</sup>

Unbundling provides key value to the public including:

- Improved access to affordable legal services (and therefore to access to justice)
- Price predictability
- Improved outcomes

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<sup>5</sup> For example, the National Self-represented Litigants Project Study (2013):

<https://representingyourselfcanada.com/nsrlp-research/>

<sup>6</sup> Ibid.

<sup>7</sup> Ryerson Legal Innovation Zone Family Reform Report February 2016: <http://legalinnovationzone.ca/wp-content/uploads/Ryerson-LIZ-Family-Reform-Report.pdf> at page 10.

<sup>8</sup> Each of these requirements is detailed in the Unbundling Toolkit:

<http://www.courthouselibrary.ca/practice/familylaw/unbundling/>. In his book “[Law is a Buyer's Market](#)”, Jordan Furlong suggests (at page 186) that for any lawyer change initiative, it is best to “work with, not against, the essential characteristics of your lawyers. Everything will go a lot more smoothly.”

<sup>9</sup> A more detailed summary of the benefits of unbundling is included in the FAQ document in the Unbundling Toolkit: <http://www.courthouselibrary.ca/practice/familylaw/unbundling/>

- Increased voice<sup>10</sup>
- Enhanced empowerment
- Improved confidence in the process and outcome
- Improved access to settlement processes
- Access to tailored services
- Assistance in dealing with power imbalances

It also provides potential value to lawyers. Done well, it can be straightforward, lucrative and enjoyable. Benefits include:

- A solid contribution to access to justice
- Access to new untapped markets
- New, tailored, client-centred business models
- Managed exposure to risk
- Improved lifestyle and satisfaction

In addition, potential benefits to the Courts, the Judiciary and the justice system in general include:

- self-represented litigants who have had access to unbundled services will be better prepared and familiar with court rules and procedures
- forms/pleadings and documents will be clearer
- hearings will be shorter and more focused
- the number of hearings will be reduced
- outcomes will be more just
- justice resources will be freed up for other matters
- public perception of the justice system will be improved.

The public needs a full spectrum of legal service options, including pro bono, unbundled and full representation models. However, unbundling is not appropriate for all clients, problems or lawyers. The Client Toolkit includes a list of questions that clients can use to assess whether unbundling is the right choice for them. The Lawyer Toolkit includes detailed information about how to create an effective client intake process including how to assess whether a client or the problem is appropriate for unbundling.

Unbundling is an option only and some lawyers may choose not to offer it because they are already fully engaged in providing full representation services, they may not be ready to adjust their practice or they may still have concerns. Unbundling is one of many new business models that may increase access to justice for the public. The Project and the initiatives that follow it are intended to offer an alternative that appears to benefit clients and provides positives for interested lawyers as well.

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<sup>10</sup> Jordan Furlong suggests that what clients (of all kinds) are really purchasing from their lawyers is “peace of mind”. “Legal Services” are only one method of obtaining that goal. See “[Law is a Buyer’s Market](#)” at pages 175-6.



## 5. What initiatives are underway?

In BC, there are three complementary initiatives already underway:

- The BC Family Unbundled Legal Services Project, administered by Mediate BC Society, funded by the Law Society of BC through the Law Foundation of BC.
- Access to Justice BC Unbundling Initiative: A2JBC is supporting an initiative under its umbrella that supports unbundling to support families to resolve their issues arising out of separation and divorce. Jennifer Muller and Kari Boyle are “champions” of this initiative.
- The BC Law Institute is also researching the unbundled legal services approach as part of its “Financing Litigation Research Project”. Its report is due in the summer of 2017.

Nationally:

- Dr. Macfarlane’s National Self-Represented Litigants Project continues to advocate for increased unbundled legal services country-wide. Nikki Gershain is the NSRLP Fellow, funded by the Law Foundation of Ontario, engaged to explore and develop a curriculum for legal coaching, a form of unbundling.
- In Ontario, [Justice Bonkalo’s recently published report](#) supports unbundling and legal coaching.
- JP Boyd in Alberta continues to champion unbundling and has launched a [new unbundling research Project](#).

## IV What were the purposes / goals of the Project?

The Project’s goals and approach evolved over time from its inception in late 2015.<sup>11</sup> The Project funding application stated that the goal was:

*To improve access to justice for BC families by creating an environment in which BC family lawyers will offer affordable unbundled legal services to BC families who wish to resolve issues arising from separation and divorce through out-of-court processes including mediation.*

The specific objectives of the Project were:

- To develop a model which BC family lawyers can and will use to offer affordable unbundled family legal services; and*
- To connect these family lawyers with BC families who need legal advice during their family mediation process.*

One of the first steps in the Project was to work with the outside evaluator (Allison Brewin Consultants) to develop an evaluation plan. The Evaluation Plan refined the long-term goal of the Project as follows:

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<sup>11</sup> More details of this evolution can be found in the Evaluation Final Report June 30, 2017 posted here: [www.mediatebc.com/unbundle](http://www.mediatebc.com/unbundle) .

*To improve well-being and resilience for families who are participating in mediation to address issues arising from their transition through separation/divorce.*<sup>12</sup>

The short and medium-term outcomes of the Project were:

1. More family lawyers are willing and available to provide unbundled family legal services to support families in mediation.
2. Families in mediation get access to the legal services they need (for example, advice, coaching, agreement drafting) at the right time.
3. Families are able to craft sustainable, enforceable agreements.
4. Mediators can easily refer families in mediation to unbundled legal services.
5. Families resolve their issues with improved resilience and well-being.
6. Families are very satisfied with the effectiveness and affordability of each component of the integrated model (mediation plus accessible legal services).
7. Families find the combination of mediation and unbundled services to be a seamless and positive experience.
8. Family lawyers believe they have a sustainable business model for providing unbundled legal services.

Early on in the Project, it became apparent to the Project team that the public and BC legal community were very interested in unbundled legal services as they applied to families at all stages of their family law matters, including but not limited to mediation. In February, 2016, Access to Justice BC commenced an Unbundling Initiative which applied to all types of unbundling for BC families and the Project and Initiative worked closely together from that point forward.

The Project team continued to focus its efforts on unbundled legal services to support families in mediation but also took the opportunity to address the larger issues. This Final Report summarizes the findings about both the initial Project goals and the broader uses of unbundling. The Project evaluation process also focused on families in mediation and, in addition, took the opportunity to seek information and feedback about how unbundled legal services could provide broader support to families experiencing separation and divorce.

The Project's Evaluation Final Report dated June 30 2017 is available on Mediate BC's website: [www.mediatebc.com/unbundle](http://www.mediatebc.com/unbundle).

## V. What was the Project's approach?

The Law Society / Law Foundation funding was critical in order to allow part-time staff time to focus on and guide the Project. The Project was overseen by Monique Steensma, the CEO of Mediate BC. The

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<sup>12</sup> "Well-being" is a new type of measure for justice system initiatives in BC. Efforts are being made to draw on experience from other sectors and disciplines and to learn from this initiative and others about how well-being can be defined and assessed in this context. See, for example, [www.bcfamilyinnovationlab.ca](http://www.bcfamilyinnovationlab.ca). The Project evaluation report notes that this longer term goal cannot be measured at this early points. Instead it hoped to contribute new learning to support the success of that goal. More research is needed in the future.

Project Manager was Kari D. Boyle, formerly Director of Strategic Initiatives for Mediate BC Society. The Project Coordinator, Zoe Stryd, was hired on a part-time basis in October 2016.<sup>13</sup>

The overall evolving Project approach centred on the following key principles:

## 1. Working within a complex adaptive system

The complexity of the justice system requires a very different approach to change-making compared systems or challenges which are merely “complicated” or “simple”. The situation is emergent (and unpredictable), there is a constant flow of information and actors must constantly adapt their behaviour. Change cannot be accomplished through a traditional “plan the work; work the plan” approach.<sup>14</sup>

As a result, the Project took advice from Adam Kahane and from Zaid Hassan that complexity requires that interventions be:

- a. Systemic: focusing on root causes rather than symptoms;
- b. Participatory: involving collaborations between multi-disciplinary people and organizations; and
- c. Experimental: ideas for solutions are tested early or prototyped.

In addition, for effective interventions in the justice system, the focus needs to be on the user (in this case, BC families).

Change is hard and unpredictable. However, the right small push at the right time in the right place can result in significant and cascading change.<sup>15</sup> While we like to think that the Project will create increased access to justice for BC families, the reality is that all we can do is to give the system a nudge, assess how it responds and hope to nudge it again.

## 2. Learn as we go

In this context, the Project’s approach was iterative. While the initial Project application set out a proposed workplan, constant reflection on feedback, progress and challenges (often unexpected) resulted in shifts and redirection over time. For example, while the application suggested focusing on two locations (Vancouver and Kelowna), it became evident early on that there was both demand for and interest in unbundling across the province and that likely solutions could serve all locations without significant increases in time or cost. So the Project turned its attention to province-wide solutions.

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<sup>13</sup> The Project was also supported by the BC Family Justice Innovation Lab: [www.bcfamilyinnovationlab.ca](http://www.bcfamilyinnovationlab.ca). The Lab was created in 2014 to support the well-being of families experiencing separation and divorce. It has provided (at no cost) support to many initiatives, including the Project, mostly in the form of expertise and advice with respect to the Project’s goals and the use of developmental evaluation. The Lab’s Coordinator is Kari D. Boyle.

<sup>14</sup> Hassan, “The Social Labs Revolution: A New Approach to Solving Our Most Complex Challenges”, <https://social-labs.org/slr/>

<sup>15</sup> “All I know is that as leaders we need to live immersed within uncertainty and ambiguity and act in positive ways to “nudge” changes in our agents and affect changes to our ecosystems to incubate the ideal conditions for “emergence”. And then let the system find its way, and then nudge some more.” Ed Wong: “Complex Adaptive Leadership”, <http://www.tabar.com.au/blog/2013/8/12/1j1p5udszkdeoclukg9z06ndyao2hl>.

Similarly, the role of the Coordinator was envisioned to include “matching” interested clients who consulted with Roster with unbundling lawyers on the Roster. While she was available for this function, the Coordinator was only contacted by two potential clients in seven months. She was able to focus her efforts on other functions including processing Roster applications, creating profiles and assisting with development of communication materials.

### 3. Inspiration from users (lawyers and clients)

The needs of BC families were at the centre of this Project from the outset. And the interests of the legal and mediation communities including the many “trusted intermediary” organizations were critical. Both types of users remained at the forefront.

Throughout the Project, input and feedback were sought from all groups through:

- Interviews, conversations
- Presentations, blog posts, articles, social media
- Surveys (lawyers, families, mediators)<sup>16</sup>

### 4. Inspiration from other jurisdictions

Unbundling is a label first used in the United States (possibly California) which has a twenty year relationship with this approach. Many jurisdictions in the US support and use unbundling to serve those who cannot afford the full representation model. Ontario has also moved ahead rapidly to incorporate unbundling (and now legal coaching).

This Project researched materials from these and other jurisdictions and incorporated key pieces and learnings into its deliverables. We are very grateful for the groundbreaking work done by the innovators in these other locations and for the opportunity to adapt them to the BC milieu.

### 5. Collaboration

There is no doubt that this Project would not have progressed so quickly without strong support from many stakeholders, partners and individuals.

This type of change cannot be unilaterally imposed from above through legislation or rules. The Law Society of BC was the first in Canada to change its rules of professional conduct to incorporate unbundling in 2008. And yet, by 2015, very few lawyers were offering unbundled legal services to families or advertising these services to the public. As noted above, complexity requires a collaborative approach to change. Accordingly, the Project focused on a ground-up approach to work with the rules framework by connecting with a broad-based group of individual lawyers, paralegals, legal institutions, community agencies and members of the public.

Every stakeholder/agency has a special role to play in this effort. It is not necessary for all participants to agree on everything; it is enough that they cooperate to experiment together

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<sup>16</sup> We used two sets of online surveys of these three groups: one in Phase I to help define the context and the second round as part of the evaluation process (May/June 2017).

towards possible futures.<sup>17</sup> The emphasis is on doing rather than reporting or telling other people what to do.

An early example of collaboration was the creation by A2JBC of its Unbundling Initiative in early 2016.<sup>18</sup> This Project and the A2JBC initiative worked side by side throughout this period to support unbundling. Chief Justice Bauman, Chair of A2JBC, has been a particularly strong supporter. In his [November 15, 2016 blog post](#) the Chief Justice stated:

*Interested in learning more? Access to Justice BC's family unbundling initiative is proceeding in tandem with Mediate BC's Family Unbundled Legal Services Project. Mediate BC has also published several helpful blog posts on the topic. Meanwhile Courthouse Libraries BC has stepped up to support the initiative by publishing a toolkit aimed at providing lawyers and paralegals with everything they need to start providing unbundled services.*

*I urge lawyers to take a look at these resources and to consider incorporating unbundled services into your practice. If you decide to try it or if you already offer unbundled services, I encourage you to better advertise those services; to sign up to the National Database of lawyers offering unbundled services to self-represented litigants; and, for family lawyers in BC, to sign up to the BC Family Unbundling Roster (under construction) hosted by Courthouse Libraries BC .*

*Will unbundled services make a difference to users of the civil justice system? As with all access to justice initiatives, any impact will need to be measured and assessed. What we do know is that: (1) there is a demand for these services; and (2) whatever we are doing now is not enough to protect people's ability to fully and effectively exercise their legal rights. Based on those two considerations, the idea is most certainly worth a try.*

## VI. Phases of the Project

The Project began on January 1, 2016 and was extended to June 30, 2017. The Project application described a workplan in three phases and a fourth was added later:

1. Consultation/research
2. Building key components – iterative / prototyping approach
3. Implementation of first prototypes
4. Transition to a new stewardship model.

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<sup>17</sup> Kahane: “Collaborating with the Enemy – How to work with People You Don’t Agree with or Like or Trust”, Berrett-Koehler Publishers, Inc, 2017: [https://www.amazon.ca/dp/B01MTCFZMA/ref=dp-kindle-redirect?\\_encoding=UTF8&btkr=1](https://www.amazon.ca/dp/B01MTCFZMA/ref=dp-kindle-redirect?_encoding=UTF8&btkr=1) . Al Etmanski identifies the third pattern to achieve impact in social change is to “set the table for allies, adversaries and strangers”: “Impact: Six Patterns to Spread Your Social Innovation”, Orwell Cove, 2015: <http://aletmanski.com/books/>.

<sup>18</sup> The two “champions” of the Unbundling Initiative are Jennifer Muller and Kari D. Boyle. This overlap in leadership assisted in coordination efforts.

The phases were often simultaneous rather than complete consecutive. For example, the consultation and research phase continued throughout in order to continue engagement with the profession and to keep abreast of new developments locally and abroad.

The Project Manager provided quarterly Activity Reports to the Law Foundation and met periodically with the Law Society's Access to Legal Services Advisory Group. The most significant activities in each phase are outlined below together with key learnings. The full Activity Reports (without attachments) are attached as **Appendix B**. Lessons about practice and process for this type of complex initiative are included in **Appendix A**.

## 1. Consultation and research

During this phase we gathered information about unbundling, both locally and abroad<sup>19</sup>, and conducted interviews and surveys to obtain an up to date view of unbundled legal services in BC. We had over 40 interviews and conversations with BC family lawyers, paralegals and mediators. We issued three online surveys in the spring of 2016:

- Family members: 46 respondents (72% from BC)
- BC Lawyers: 45 respondents
- BC Family mediators: 17 respondents

Summaries of the responses were published on Mediate BC's website:

[www.mediatebc.com/unbundle](http://www.mediatebc.com/unbundle) . A series of blog posts on this topic is available on Mediate BC's Blog: [www.mediatebcblog.com](http://www.mediatebcblog.com).

While it is difficult to infer definitive findings from relatively small sample groups, the key observations included:

1. Clients are seeking these kinds of services for their family matters especially support for out-of-court options such as family mediation (even if they weren't familiar with the term "unbundling"). Many did not know legal services could be "unbundled" and would have used them if they did. Most found it extremely difficult to find lawyers who offered unbundled legal services. Those who used unbundled legal services found them extremely valuable and would use them again in future.
2. Many clients have money to pay something for legal services, but not on a full-representation basis.
3. More public awareness of unbundling is required.
4. Mediators support their clients' need for legal advice and are seeking a reliable place to refer clients for accessible and affordable legal services.
5. The top two key concerns of lawyers were:
  - a. Fear of complaints and claims from unbundled clients; and
  - b. Reputational concerns re the Judiciary and colleagues.
6. There is a long list of benefits to clients, lawyers, judiciary, court staff and the system.
7. Lawyers need a well-defined framework within which to provide these services.

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<sup>19</sup> Many of the key sources and resources are included in the Resource List which is part of the Unbundling Lawyer Toolkit: <http://www.courthouselibrary.ca/practice/familylaw/unbundling/> .

With respect to this last point, unbundling requires an approach to practice which is different than the traditional full representation retainer. Although all of the same competence and ethical standards continue to apply, a different business model is required for unbundling. The Toolkit provides various materials, best practices, templates and FAQ's to support a lawyer interested in practicing on an unbundled basis. Various resources are now available (articles, videos, webinars etc.) to explain unbundling and encourage its use.<sup>20</sup>

To address the fears and concerns of some lawyers we sought support from the Law Society of BC staff and Benchers. The Law Society has demonstrated its support in many ways including:<sup>21</sup>

- a. Toolkit letter from David Crossin (former President) Dec 15, 2016, including the following excerpt:

*“Lawyers have expressed concern that by participating in the provision of limited scope legal services they will somehow increase the likelihood of being subject to complaints about those services / their conduct. The Law Society has no evidence to suggest this is the case. When dealing with complaints about lawyers, the Law Society takes into consideration the context in which legal services were provided, but lawyers are still required to meet the professional obligations as set out in the BC Code, whether the services are unbundled or full-service retainers.”*

- b. Blog posts: <https://www.lawsociety.bc.ca/about-us/news-and-publications/president-s-blog/2016/limited-scope-retainers/> and <https://www.lawsociety.bc.ca/about-us/news-and-publications/president-s-blog/2016/unbundling-revisited/>
- c. Benchers' Bulletin articles ([Summer 2016](#) , [Spring 2017](#) and [Summer 2017](#))
- d. New Website: <https://www.lawsociety.bc.ca/our-initiatives/legal-aid-and-access-to-justice/unbundling-legal-services/>
- e. Social media attention
- f. Tweet focus on April 18 2017 as part of Law Week

Little empirical evidence exists about the relationship between unbundling and complaints/claims. Collecting this data would be helpful. However, for the moment, we are not aware of any evidence that unbundling increases the risk of complaints or claims and there is some anecdotal evidence that risk may be reduced through the careful application of the Toolkit approaches.<sup>22</sup>

## 2. Building key components

Once we had a critical mass of feedback, we began to work with Courthouse Libraries BC (CLBC) to conceptualize and create the first versions of the four key tools:

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<sup>20</sup> <http://www.courthouselibrary.ca/practice/familylaw/unbundling/>

<sup>21</sup> While the Evaluation Report indicates that some lawyers still have concerns about client complaints and claims, and are seeking more reassurances from the Law Society, we are grateful for the diligent support of the Law Society to date for unbundling and to address these concerns in particular. That said, more empirical evidence would be useful.

<sup>22</sup> See for example: <http://representingyourselfcanada.com/making-it-legal-some-simple-steps-for-moving-unbundling-to-the-next-stage/>

- The Lawyer Toolkit
- The Family Unbundling Roster application form and the Roster site
- The Clicklaw Helpmap and common questions
- The Client Toolkit

We also prepared presentation materials, articles and communication tools for both lawyer and public audiences.

The relationship with the CLBC has proven to be invaluable. The CLBC's CEO at the time, Johanne Blenkin, recognized that unbundling fit well within the CLBC's mandate to serve the BC legal community, the public and the judiciary and she was eager to help to improve access to justice. We are very grateful for their ongoing assistance from Johanne and, in particular, Nate Russell and Audrey Jun who took the lead in designing the tech platforms needed to create and launch the first versions of all four key tools. For this early stage, a decision was taken to use free tech tools as much as possible, to allow testing and improvement, with a view to later creating a more robust integrated platform later.<sup>23</sup>

At this stage as well we focused on collaboration. We partnered with the NSRLP's [National Database of Professionals Assisting SRL's](#) and offered BC lawyers the opportunity to apply to join both the BC Unbundling Roster and the National Database at the same time.

### 3. Implementation of components

The Project Coordinator (Zoe Stryd) was hired in October 2016. The Lawyer Toolkit (version 1.0) was launched on the CLBC site (as part of the Family Law portal) in early November 2016. CLBC posted and promoted the Roster application form using a survey monkey format prepared by the Project team. The Project Coordinator was then able to begin loading application material into both the Clicklaw Helpmap and the Roster site itself.

As part of the launch process, the Project team was able to call on many collaborators to assist in getting the word out to the family bar and to intermediaries including:

- a. The CBABC through its family sections, presentations and articles in Bartalk;
- b. Mediate BC through its blog and engagement with the mediation community and Family and Associate Mediator Rosters;
- c. The Law Society of BC;
- d. CLBC through its website and social media;
- e. BC Family Justice Innovation Lab, social media;
- f. BC Provincial Court;
- g. The Legal Services Society;
- h. and many others.

Of course, communication needs to be an ongoing activity, rather than a one-time event. Resources are needed to maintain an emphasis on active communication.

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<sup>23</sup> The Project Final Evaluation Report notes that there has been some confusion resulting from having the tools in three different locations. Integration is one of the next steps for the post-Project period noted below.



As of June 30, 2017 there were 100 participants on the Unbundling Roster (96 family lawyers and 4 paralegals). The Roster continues to grow. Initially, we hoped to attract 50 lawyers so this is a very heartening trend.

Based on the data collected during the evaluation process<sup>24</sup>, the Lawyer Toolkit has been well received and is considered by most responding lawyers to be useful. This too is encouraging. The evaluation report records lawyer concerns and challenges with unbundling which mirror those identified during our Phase I research and consultation. Unbundling is not appropriate for all lawyers, clients or problems. The key will be to use the framework provided in the Toolkit:

- to use the intake and assessment guidelines to match clients with the most appropriate process
- to respect the ongoing ethical and professional standards and
- to follow the written retainer agreement protocols.

Data analytics reveal that the Roster, Toolkits and Clicklaw Helpmap are being regularly accessed and that lawyers, legal organizations and intermediaries are referring others to these sites.

The evaluation has confirmed some important suggestions for improvement to these tools and these are included in the recommendations below for Next Steps.

Activities and key milestones during this final phase of the Project (from April 1 – June 30, 2017) are set out in **Appendix “B”**.

During this final phase, building and strengthening relationships continued to be a priority. We provide two key examples:

- a. On June 17, 2017, the CBABC Provincial Council approved creation of a new Unbundled Legal Services section. We believe this is the first of its kind in Canada.<sup>25</sup> It will provide mentoring, education opportunities and peer support for lawyers providing unbundled legal services of all kinds, not just to families. We are grateful for the CBABC’s enthusiastic support.
- b. On May 4, 2017, the A2JBC Leadership Group devoted part of its meeting to unbundling. Kim Hawkins, Executive Director of Rise Women’s Legal Clinic told the story of how the clinic adopted and embedded an unbundled approach within its business model in order to serve more women with limited resources.

#### 4. Transition to a new stewardship model

As noted in the Executive Summary, probably the most important contribution of this Project was to provide an initial push to an already existing, but nascent, movement supporting an unbundled approach. This is the beginning and not the end of the story of unbundling in BC. We believe that one of the critical functions of the Project was to:

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<sup>24</sup> Evaluation Final Report: [www.mediatebc.com/unbundle](http://www.mediatebc.com/unbundle)

<sup>25</sup> It was modeled on a similar section formed by the Alaska Bar Association: [https://www.alaskabar.org/servlet/content/unbundled\\_law.html](https://www.alaskabar.org/servlet/content/unbundled_law.html)

- a. Map out a potential post-Project stewardship plan for the unbundling movement; and
- b. Record ideas for possible next steps to further the Project's initial work.

There is no doubt that some dedicated resources (people and financial) are necessary to nourish and maintain unbundling into the future. As a few examples, the Project's deliverables (the Roster and Toolkits in particular) must be updated and supplemented as new approaches and tools are identified. Someone needs to have an eye on the need for further policy, rule or legislative changes to support unbundling. A focused awareness campaign is needed for the public as well as continued engagement with the profession, particularly in smaller communities.

We have been working to encourage a triad of new stewards to work together towards a smooth transition for the initiative and its key deliverables (the Roster, Toolkits, Awareness Raising, Collaboration) into the future:

- a. CLBC to act as a form of "backbone" organization;
- b. CBABC to engage with the profession primarily through the new section; and
- c. A2JBC which is forming a new Working Group to support its Unbundling Initiative.

Unbundling will continue to rely on the support and leadership of the Law Society of BC.

CLBC could build on its existing excellent core support by providing some or all of the following, incorporating both immediate and far-reaching goals:

- a. ongoing maintenance and enhancement of the Roster, the Lawyer Toolkit, the Client Toolkit and the Clicklaw Helpmap as well as development of new tools as needed;
- b. lawyer and paralegal training, in collaboration with other organizations, including skills-development training on the elements of effective public legal education and information ("PLEI") including the use of plain language and clear communication, and raising awareness of the PLEI Publishing Best Practices Committee's work;
- c. further engagement between lawyers and the Judiciary, in part to raise awareness about the skills-development training that unbundling lawyers are undergoing;
- d. awareness-raising of unbundling and the Roster to the public through promotional efforts, starting with community hubs in public libraries, in collaboration with other legal and justice system organizations such as the Law Society of BC;
- e. nurturing collaborations, facilitating communication between lawyers, their clients and the PLEI community so that legal information can continue to be developed to suit client needs, and can be created to fill identified gaps;
- f. a more robust public-facing platform for the Roster that streamlines all the information available online related to unbundling;
- g. supporting the expansion of unbundling beyond family law, in collaboration with other legal community-serving organizations such as the CBA BC;
- h. an evaluation component to report on how unbundling is and is not meeting the needs of families in BC;

- i. a potential future incubator Project<sup>26</sup> focusing on an unbundling prototype;
- j. a future exploration of new business models in addition to Unbundling, building on the work of scholars such as Andrew Pilliar, PhD student at Allard Law<sup>27</sup>.

Access to Justice BC (A2JBC) could continue and support its Unbundling Initiative by:

- a. forming a Working Group for leadership, advice and guidance;
- b. encouraging its Leadership Group members—including leaders and influencers from all major justice system organizations—to engage and connect with other members within and outside of the justice system, to facilitate relationship-building, share stories, to be a catalyst to identify good ideas and move them forward and to promote the general objectives of the Unbundling movement.

The Canadian Bar Association, BC Branch (CBABC) has formed and will continue to support a new provincial section for Unbundled Legal Services (of all kinds, not just family) providing CBABC members with education, peer support / mentoring and information-sharing for their unbundling efforts.

This arrangement has yet to be finalized but work will continue with all three organizations and other collaborators.

## VII. What is next?

With the Project coming to an end, we offer the following list of promising and important next steps to further the Project's work:

1. A robust public awareness campaign
2. Outreach to smaller/rural community lawyers
3. Care and nurturing of the toolkits and roster
4. Training / education of lawyers
5. Continuing liaison and education to support the Judiciary
6. Peer support and mentoring
7. Expansion of unbundling to other areas of practice
8. Incorporating education about unbundling into curricula for BC Law schools, PLTC, and CLE for lawyers
9. Empirical research with respect to the connection, if any, between unbundling and claims/complaints
10. Exploration of other business models (including incubators)
11. Continuing collaboration with unbundling initiatives in other jurisdictions
12. Ongoing evaluation and improvement.

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<sup>26</sup> This concept is inspired by the Chicago Bar Foundation's "Justice Entrepreneurs Project" which provides young lawyers with training, mentoring and other resources and support to help them establish sustainable law practices.

<sup>27</sup> Andrew has recently joined the faculty at Thompson Rivers University Law School. His current research is focused on improving access to civil justice and the structure of the legal marketplace, while his prior LLM research explored an innovative practice model to alleviate the twin problems of access to civil justice and lawyer career dissatisfaction.

We deliberately included a public awareness campaign at the top of the list. Now that the Roster is in place, its effectiveness will depend on the public being able to find it easily and to understand how unbundling works. The Client Toolkit (linked on the Roster site) will provide helpful information but it will only help if the public knows to look there! Like many aspects of this initiative, raising public awareness must be a joint responsibility of all stakeholders. It cannot be on shoulders of one lawyer, law firm or agency.<sup>28</sup> A starting point will be the creation of a brochure and animated video (draft content has been prepared as part of the Project) to support families and, in particular, those in the court system.

There is tremendous scope for unbundling to open the door to exploration of other business models for lawyers and law firms that are designed to meet the needs of clients, rather than the interests of its lawyers. Jordan Furlong suggests that these business models (like unbundling) will need new lawyer competencies, different workflow models, revamped compensation systems, innovative pricing strategies and a more diverse range of skills and professional backgrounds.<sup>29</sup>

Post-Project, the long-term goal of the unbundling initiative may be extended to align with a broader approach and the A2JBC Triple Aim. With the support of the [BC Family Justice Innovation Lab](#) and Mark Cabaj (its developmental evaluation coach)<sup>30</sup>, it is proposed that unbundling be viewed as one “how” to achieve the following long-term goal:

*BC families move through separation and divorce with preserved well-being and better outcomes.*

And, it is proposed that the intermediate outcome/goal be defined to balance three aspects:<sup>31</sup>

- BC families experience the family justice system as responsive to the needs of family members.
- BC families are able to resolve their legal issues relating to separation and divorce fairly and expeditiously so they can move on with their lives.
- Public and private per family costs are reduced.

This reformulation of the foundations for the Framework for Change for the unbundling initiative will set the scene for a new, robust developmental evaluation platform.

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<sup>28</sup> This was a point strongly made by NSRLP Research Fellow Nikki Gershain in her submission to the Bonkalo review in Ontario: <https://representingyourselfcanada.com/nsrlp-responds-to-bonkalo-review-of-family-legal-services/>

<sup>29</sup> Furlong, “Law is a Buyer’s Market”, 2017, <https://www.law21.ca/books/law-is-a-buyers-market-building-a-client-first-law-firm/>

<sup>30</sup> <https://www.tamarackcommunity.ca/markcabaj>

<sup>31</sup> The intermediate outcomes/goals incorporate the Access to Justice BC “triple aim” approach set out in its Framework for Action: <https://accesstojusticebc.ca/framework-for-action/>

## VIII. Conclusions

Based on our experience with the Project, our concluding key observations are as follows:

1. There is a huge unmet legal need for unbundled services including legal coaching. BC efforts have focused on the public need in family law but there is a growing recognition of unmet need in virtually all areas of legal practice.
2. Many members of the legal profession are interested in providing these services and will be more likely to participate if they have:
  - a. A structured framework within which to practice including template materials, best practices, intake and assessment guidelines and practical tips;
  - b. Factual information about the risk of legal liability and complaints (including reassurance from the Law Society that, done well, unbundling and legal coaching do not increase risk);
  - c. Reassurance from the Judiciary that retainer boundaries will be respected;
  - d. A strong training / education resource (curriculum); and
  - e. Ongoing peer support, education and guidance.
3. Key to accessibility are focused efforts to build awareness of the public and intermediaries about unbundling and legal coaching.
4. An unbundling initiative will be more effective and sustainable if it is done in a collaborative way involving multiple stakeholders.

The Project has set in motion some valuable components to support a viable approach to the provision of unbundled legal services which will improve access to justice for BC families. We look forward to seeing how it plays out into the future.

## IX. Acknowledgements

While it is impossible to mention everyone who has contributed to the Project, but we wish to provide special recognition and thanks to:

- Mediate BC – Monique Steensma CEO, Melanie McLachlan, C.D. Saint, Maria Silva, Zoe Stryd and the entire MBC team
- Law Society of BC – David Crossin, Q.C. (former President), Herman Van Ommen Q.C. (current President), Doug Munro, Phil Riddell, Nancy Merrill Q.C. and other members of the Access to Legal Services Advisory Group, Lenore Rowntree, Vinnie Yuen, and Taylore Ashlie, Gurpreet Copland, many Benchers who expressed interest and support (particularly Sarah Westwood and Lisa Hamilton),
- CBABC – Caroline Nevin, Jennifer Weber, Jennifer Wong (Past President), Michael Welsh (Current President), Meghan Maddigan and her crew for the two webinars, plus presenters: Zahra, Nate, Sarah Westwood, JP Boyd, Ron Smith, Tom Fellhauer
- CLEBC – Ron Friesen, Meredith Woods and presenters: Aesha Faux, Jennifer Muller, Denise Barrie, Julie Macfarlane, Gurpreet Copland and Erin Shaw
- Law Foundation – Wayne Robertson, Veenu Saini, The Board of Governors
- CLBC – Johanne Blenkin (former CEO), Kensi Gounden (current CEO), Brenda Rose, Audrey Jun, Nate Russell, Jessica Dill
- Legal profession leaders: Carol Hickman QC, Nicole Garton, Nancy Cameron Q.C., Jane Morley Q.C., M. Jerry McHale Q.C., Audra Bayer, Zahra Jimale, Zahra Jenab, Laura Atkinson, Laurel Dietz
- A2JBC – Chief Justice Bauman (Chair), Jane Morley QC (Coordinator), Jennifer Muller (Co Champion and an ongoing inspiration), Associate Chief Justice Cullen, Justice Voith, Chief Judge Crabtree
- Amanda Fenton – A2JBC facilitator
- Rise Legal Clinic – Kim Hawkins and two guests (two law students and one client)
- Access Pro Bono BC – Jamie McLaren
- JP Boyd – CBABC webinar, Alberta Limited Legal Services Project
- NSRLP – Dr. Julie Macfarlane, Gurleen Gill – National database; Nikki Gershbain, Fellow
- LSS – Heidi Mason, Sherry McLennan
- Provincial Court – E-news creator Retired Judge Rounthwaite
- BC Law Institute – Kathleen Cunningham and her team
- Alison Brewing Consulting – Alison Brewin and Emily Aspinwall
- BC Family Justice Innovation Lab – Core team
- Mark Cabaj – Here to There Consulting – developmental evaluation coach and innovation master
- UBC – Andrew Pilliar
- PBLI – Shawn Erker
- Jordan Furlong, Legal market expert and consultant
- Lawyers and paralegals who have joined the Unbundling Roster and supported the Unbundling movement from the outset
- Lawyers who supported the creation of the CBABC Unbundled Legal Services section including those who agreed to serve as members of the new Executive (Zahra Jimale, Laura Atkinson, Zahra Jenab, Polina Furtula, Michael Butterfield, Rizwana Choudry, Sonali Sharma).

Sincere apologies to those we have missed. You are all marvelous!!

**Thank you**

# Appendix A

## List of practical and process learnings

### 1. Consultation and Research phase;

- a. Seek feedback from a wide variety of people (including those outside of the “system” and users);
- b. Identify needs and acknowledge concerns (potential barriers) in order to design components to address those concerns.
- c. Start by focusing on those who express interest in unbundling (early adopters). Keep engaging with others.
- d. Continue to seek feedback and to have conversations (even if they are difficult).
- e. Don’t reinvent the wheel; seek permission to adopt or adapt existing materials and tools. Acknowledge and express gratitude.
- f. In conversations with other people from other unbundling jurisdictions, ask them for their lessons learned – what went well and what could have been improved.
- g. Use interviews and conversations as ways to build and maintain collaborative relationships.
- h. Accept all invitations and support others’ engagement efforts.
- i. Identify those who express interest in contributing further to the Project and find ways to engage with them further. This was the stage where we identified strong future leaders who are now playing more prominent roles in the movement.
- j. Keep careful records of all engagement including contact information.
- k. Take careful notes and regularly distill themes.

### 2. Building components

- a. Identify promising prototypes and experiment with simple versions first in order to learn and improve.
- b. Take a “learn as you go” approach by prototyping, testing, seeking ongoing feedback and improving the tool.
- c. Use labels like v 1.0, 1.1, 1.2, 2.0 etc. to clearly signal an iterative approach.
- d. Create everything on an open source basis, offer to share with others and encourage adoption/adaptation.<sup>32</sup>

### 3. The future

- a. Gather a committed group of stewards who are able to commit people and resources to the initiative for a longer term.
- b. Seek a committed “backbone” organization.
- c. Continue to build and maintain collaborative relationships. They need to be nurtured.
- d. Encourage a culture of ongoing developmental evaluation and learning.

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<sup>32</sup> We were excited that [Alberta’s Limited Legal Services Project](#) adapted some of the BC Lawyer Toolkit materials to support its initiative.

**4. Framework for Change / Evaluation Plan:**

- a. While it is important to review and adjust goals, purposes and anticipated outcomes as the Project progresses, it is also helpful to record the date and context of each change, why a change was needed, and the exact changes made.
- b. Look for opportunities to share experiences, roadblocks, pivot moments and learnings with those involved in other initiatives.



## Appendix B

### Activity Reports to the Law Foundation of British Columbia.

#### ACTIVITY REPORT #1

Period April 1 – June 30, 2016

BC Family Unbundled Legal Services Project

Law Foundation File No. MSC3389

This report provides an overview of the work done by the BC Family Unbundled Legal Services Project (the “Project”) during the second quarter, April 1 – June 30, 2016.

#### Project Activities and Accomplishments

1. **Gathering information:** Phase I of the Project involves an “expedited assessment”. Progress to date includes:
  - a. Lawyers, paralegals and other professionals:
    - i. Meetings: 9 individual interviews with lawyers and a paralegal to June 30th (in addition to the 16 reported earlier – and more scheduled, particularly with lawyers outside of the larger centres).
    - ii. Surveys: as of July 11<sup>th</sup> we have 45 responses to the family lawyer survey. We will begin detailed analysis of the responses in early July.
    - iii. Presentations and group meetings: CBABC Family Section (Vancouver) May 12.
  - b. Public:
    - i. Survey: as of July 11<sup>th</sup> we have 46 responses to the public survey.
  - c. Mediators:
    - i. Meetings: 3 individual interviews to date (more to come; many family lawyers are also mediators)
    - ii. A survey is in process for family mediators (issued during the week of June 27). As of July 11<sup>th</sup> we have 9 responses.
  - d. Policies and information: we have expanded our collection of key information from BC, Alberta, Ontario and various jurisdictions in the US who are already using unbundling. This material will be extremely valuable in creating “made in BC” toolkits.
  - e. Literature review: we have also collected key research, articles and materials about unbundling (with a view to creating a resource list for family lawyers).
  - f. Collaboration: We continue to reach out to partners and have already received significant support:
    - i. CBABC: Prov Council meeting, section meetings, etc. The CBABC contacted us to assist with a webinar on unbundling. The plan is to offer Part 1 of the webinar this summer and Part 2 once the toolkits and list of lawyers is available.
    - ii. Law Society: President Crossin issued a second [blog post](#) on this topic and the [June issue of the Benchers’ Bulletin](#) included a feature article on Unbundling. Law Society staff continue to be very responsive and supportive. The Access to

Legal Services Advisory Group follows the Project closely and we provided an in person update at its July 7<sup>th</sup> meeting.

- iii. A2JBC: Unbundling is one of the A2JBC initiatives moving forward with Jennifer Muller and Kari Boyle as “champions”. This Project and the A2JBC initiative are running in parallel.
- iv. CLEBC: the CLETV session April 19<sup>th</sup> was very well received and helped to engage family lawyers around the province. A2JBC involvement has already opened doors for important support, conversations and engagement.
- v. CLETV: we participated in CLETV webinar on unbundling April 19.
- vi. Rise Women’s Centre: we connected with Kim Hawkins and are collaborating with respect to their limited scope services retainer letter.
- vii. We are collaborating with the NSRLP (Prof. Julie Macfarlane) and CRILF in Alberta (JP Boyd). Both are planning lists of unbundling lawyers so coordination is important. The Ontario inquiry led by Justice Bonkalo has issued an online survey on unbundling so we will be able to compare results.
- viii. We have reached out to LSS (duty counsel and the Family LawLine lawyers provide a form of unbundled service) and to FJSD to obtain feedback from Family Justice Counsellors.

## **2. Model development – Phase II:**

- a. Based on the excellent input from Phase I, we are starting to map out the tools and processes to support unbundling including a series of toolkits (for family lawyers, the public/families, the judiciary and possibly legal educators including PLTC).
- b. A rough outline of the family lawyer toolkit is attached as **Appendix “A”**.
- c. In May 2016 we formed a working group to focus on the family lawyer toolkit, beginning with a series of “made in BC” tailored retainer agreements/letters and checklists. Members of the working group are:
  - i. Ron Smith, Q.C. – family lawyer and mediator in Kelowna
  - ii. Aesha Faux – family lawyer in Victoria
  - iii. Zahra Jimale (Family lawyer; member of CBABC Prov. Council)
  - iv. Jennifer Muller – member of the A2JBC Executive; former self-represented litigant
  - v. Lenore Rowntree (Practice Advisor, Law Society)
- d. We have already had two meetings and a third is planned for the week of July 11.

## **3. Implementation – Phase III.**

- a. Once we have a viable version 1.0 of the family lawyer toolkit we will begin to recruit lawyers for the public-facing list/roster (hopefully by September). At that point we will also recruit a “coordinator” to assist with the list and promotional/communication activities.
- b. Many of the family lawyers we have interviewed have already agreed to join the unbundling roster.
- c. We are considering renaming the approach to something that will resonate better with families.

## **4. Evaluation:**

- a. With the support of the BC Family Justice Innovation Lab, we have created a detailed “Theory of Change” (“TOC”) in draft. In addition, Alison Brewin, Project evaluator, has prepared an evaluation plan.
  - b. We will be sharing a copy of the revised TOC with the Law Foundation (and other key stakeholders) soon in order to obtain input into the ‘user profile’ and ensure that the Law Foundation received the type of information it requires to monitor the progress and outcome of the Project.
5. **Comments and future directions** (in addition to those noted in our first quarter report):
- a. There is momentum building around this topic both locally and across the country. We aim to act quickly to build on this movement and encourage more family lawyers to offer unbundled services.
  - b. Working with Jennifer Muller, we are beginning to engage with the BC judiciary starting with a meeting with Chief Justice Bauman on July 13<sup>th</sup>.
  - c. We are engaging with David Bilinsky, Law Society Practice Advisor, with respect to the articulation of business models favourable to unbundled legal services. We aim to offer suggestions as part of the family lawyer toolkit. Meanwhile, we are collecting examples of creative business models from various jurisdictions (including BC!).

**Conclusion:**

The Project is progressing well and building on a growing momentum around the unbundling approach. We would be happy to provide more information or to answer any questions you may have.

**ACTIVITY REPORT #2**

**Period April 1 – August 31, 2016**

**BC Family Unbundled Legal Services Project**

**Law Foundation File No. MSC3389**

This report provides an overview of the work done by the BC Family Unbundled Legal Services Project (the “Project”) during the period April 1 – August 31, 2016.

**Project Activities and Accomplishments**

1. **Gathering information:** Phase I of the Project involves an “expedited assessment”. Progress to date includes:
  - a. Lawyers, paralegals and other professionals:
    - i. Meetings: 13 individual interviews with lawyers and a paralegal to Aug 31st (in addition to the 16 reported earlier). We are continuing to seek out more lawyers, particularly those outside of the larger centres.
  - b. Mediators: 3 individual interviews to date (more to come; many family lawyers are also mediators).
  - c. Surveys: We have completed online surveys with family lawyers (45), family members (46) and family mediators (17). We are finalizing summaries of the survey responses and a blog post series commenting on the findings.

- d. Policies and information: we have expanded our collection of key information from BC, Alberta, Ontario and various jurisdictions in the US who are already using unbundling. This material is extremely valuable in creating “made in BC” toolkits.
- e. Literature review: we also collected key research, articles and materials about unbundling (with a view to creating a resource list for family lawyers) and continue to add new material as it comes in.
- f. Collaboration: We continue to reach out to partners and have already received significant support:
  - i. CBABC:
    1. Presentations to the CBABC Family Section (Vancouver) May 12.
    2. Attended “Billing Strategies” workshop May 17<sup>th</sup>.
    3. Prov Council meeting May 5<sup>th</sup>.
    4. The CBABC contacted us to assist with a webinar on unbundling. Part 1 was held August 18<sup>th</sup> (moderated by Meaghan Maddigan; panel members JP Boyd, Sarah Westwood and Kari Boyle. Part 2 will be scheduled for this fall once the toolkits and list of lawyers is available.
    5. Met with Caroline Nevin to discuss support of the initiative including management of the “roster”.
  - ii. Law Society: President Crossin issued a second [blog post](#) on this topic and the [June issue of the Benchers’ Bulletin](#) included a feature article on Unbundling. Law Society staff continue to be very responsive and supportive. The Access to Legal Services Advisory Group follows the Project closely and we provided an in person update at its July 7<sup>th</sup> meeting.
  - iii. A2JBC: Unbundling is one of the A2JBC initiatives moving forward with Jennifer Muller and Kari Boyle as “champions”. It focuses on unbundled legal services of all kinds for families experiencing separation and divorce. This Project and the A2JBC initiative are running in parallel.
  - iv. CLEBC: the CLETV session April 19<sup>th</sup> was very well received and helped to engage family lawyers around the province. A2JBC involvement has already opened doors for important support, conversations and engagement.
  - v. Rise Women’s Centre: we connected with Kim Hawkins and are collaborating with respect to their limited scope services retainer letter.
  - vi. We are collaborating with the NSRLP (Prof. Julie Macfarlane) and CRILF in Alberta (JP Boyd). Both are planning lists of unbundling lawyers so coordination is important. The Ontario inquiry led by Justice Bonkalo has issued an online survey on unbundling so we will soon be able to compare results.
  - vii. We have reached out to LSS (duty counsel and the Family LawLine lawyers provide a form of unbundled service) and to FJSD to obtain feedback from Family Justice Counsellors.
  - viii. Judiciary:
    1. Jennifer Muller and Kari Boyle met with CJ Bauman on July 13<sup>th</sup> and followed up with summary materials relating to judicial support;
    2. A meeting is set for September 22 with Chief Judge Crabtree;

3. We had a helpful discussion with Nikki Hair, Legal counsel with the BCSC on July 21st. We hope to meet with the Chief Justice soon.

**2. Model development – Phase II:**

- a. Based on the excellent input from Phase I, we are starting to map out the tools and processes to support unbundling including a series of toolkits (for family lawyers, the public/families, the judiciary and possibly legal educators including PLTC).
- b. A rough outline of the family lawyer toolkit is attached as **Appendix “A”**.
- c. In May 2016 we formed a working group to focus on the family lawyer toolkit, beginning with a series of “made in BC” tailored retainer agreements/letters and checklists. Members of the working group are:
  - i. Ron Smith, Q.C. – family lawyer and mediator in Kelowna
  - ii. Aesha Faux – family lawyer in Victoria
  - iii. Zahra Jimale (Family lawyer; member of CBABC Prov. Council)
  - iv. Jennifer Muller – member of the A2JBC Executive; former self-represented litigant
  - v. Lenore Rowntree (Practice Advisor, Law Society)
- d. We hope to create final drafts of the templates at our meeting September 13, 2016.
- e. We have engaged a law student to assist in developing best practices for getting on and off the record.

**3. Implementation – Phase III.**

- a. Once we have a viable version 1.0 of the family lawyer toolkit we will begin to recruit lawyers for the public-facing list/roster (hopefully by September). As noted above, coordination with the national list (covering all areas not just family) will be critical in order to avoid confusion and duplication.
- b. We are now beginning to recruit a “coordinator” to assist with the list and promotional/communication activities.
- c. Many of the family lawyers we have interviewed have already agreed to join the unbundling roster.
- d. We are considering renaming the approach to something that will resonate better with families. We have a healthy list of alternatives and are seeking feedback.

**4. Evaluation:**

- a. With the support of the BC Family Justice Innovation Lab, we have created a detailed “Framework for Change (“FFC”) in draft. In addition, Alison Brewin, Project evaluator, has prepared an evaluation plan. We are working to rationalize the two documents.
- b. We are attaching the most recent version of the FFC and the evaluation plan to this report in order to obtain input into the ‘user profile’ and ensure that the Law Foundation received the type of information it requires to monitor the progress and outcome of the Project.

**5. Comments and future directions** (in addition to those noted in our first report):

- a. There is momentum building around this topic both locally and across the country. We aim to act quickly to build on this movement and encourage more family lawyers to offer unbundled services.
- b. We are engaging with Andrew Pilliar with respect to the articulation of business models favourable to unbundled legal services. We have also been in touch with Jordan

Furlong, law practice consultant and David Bilinsky, Law Society Practice Advisor. We aim to offer suggestions as part of the family lawyer toolkit. Meanwhile, we are collecting examples of creative business models from various jurisdictions (including BC!).

**Conclusion:**

The Project is progressing well and building on a growing momentum around the unbundling approach. We would be happy to provide more information or to answer any questions you may have.

**ACTIVITY REPORT #3**

**Period September 1 - December 31, 2016  
BC Family Unbundled Legal Services Project  
Law Foundation File No. MSC3389**

This report provides an overview of the work done by the BC Family Unbundled Legal Services Project (the “Project”) during the period September 1 – December 31, 2016.

**Project Activities and Accomplishments**

1. **General:** Thank you for approving an extension of the Project to March 31, 2017.
2. **Gathering information:** While we have gathered enough information for Phase 1, we are still finding new opportunities to learn more, to connect with new people and, where appropriate, to collect more information. A summary of cumulative results is:
  - a. Lawyers, paralegals and other professionals: over two dozen interviews to date
  - b. Mediators: 3 individual interviews to date (more to come; many family lawyers are also mediators).
  - c. Surveys: We have completed online surveys from family lawyers (45), family members (46) and family mediators (17). Summaries of the survey responses were published on [Mediate BC’s website](#). In addition a series of six blog posts were published on [Mediate BC’s Blog](#).
  - d. Policies and information: we have expanded our collection of key information from BC, Alberta, Ontario and various jurisdictions in the US who are already using unbundling. This material is extremely valuable in creating “made in BC” toolkits.
  - e. Literature review: we also collected key research, articles and materials about unbundling (with a view to creating a resource list for family lawyers) and continue to add new material as it comes in.
3. **Collaboration:** We continue to reach out to partners and received significant support during this reporting period:
  - a. CBABC:
    - i. Part 2 of the CBABC webinar on unbundling was aired Nov 2 (moderated by Meaghan Maddigan; panel members Nate Russell, Zahra Jimale and Kari Boyle.)
    - ii. Presented to Okanagan lawyers in Penticton on Nov 22nd.
    - iii. Caroline Nevin, CEO of CBABC, devoted her [December BarTalk](#) column to the topic of unbundling.

- iv. We will be coordinating an application to create a new provincial section for Unbundling (to provide peer support and education)
- b. Law Society of BC: the Law Society continues to be extremely supportive and we meet regularly with the Access to Legal Services committee. We are awaiting a letter of support from the President which we will add to the Toolkit.
- c. Access to Justice BC (A2JBC): Unbundling is one of the A2JBC initiatives moving forward with Jennifer Muller and Kari Boyle as “champions”. It focuses on unbundled legal services of all kinds for families experiencing separation and divorce. This Project and the A2JBC initiative are running in parallel to address the need for unbundled legal serviced to support families for all legal needs, not just mediation. Already the A2JBC has provided support, opened doors and expanded knowledge and understanding of this approach. The Unbundling initiative was a focus for the November 23<sup>rd</sup> meeting of the leadership group.
- d. Rise Women’s Centre: we continue to connect with Rise and to support its interest in providing unbundled legal services to women throughout BC using technology.
- e. We continue to collaborate with the National Self-represented Litigants Project (NSRLP - Prof. Julie Macfarlane) and the Canadian Research Institute for Law and the Family in Alberta (JP Boyd). We will link with the NSRLP national database of legal professionals supporting SRLs.
- f. We continue to keep in touch with the BC Law Institute related to its Financing Litigation Project.

**4. Communication:**

- a. In addition to the Mediate BC website and blog (links above), the unbundling initiative has been featured:
  - i. By the BC Family Justice Innovation Lab Blog
  - ii. In the Access to Justice BC blog
  - iii. On the Courthouse Libraries BC website and Clicklaw
  - iv. On Twitter, LinkedIn and other Social Media
- b. Ian Mulgrew (Vancouver Sun) published an [article](#) on Nov 10<sup>th</sup> including his interview with Chief Justice Bauman.
- c. Promotional efforts will continue into 2017 with the support of our many partners.
- d. While not within this reporting letter, this [Slaw post](#) on the new Toolkit and Roster was published on January 6, 2017.
- e. The unbundling initiative will be featured as part of Mediate BC’s Family Week activities in February 2017.

**5. Engagement with the Judiciary:**

- a. Feedback from the Bar emphasized the need for the BC Judiciary to understand and support unbundling as a service to both the self-represented litigants and to the court.
- b. Jennifer Muller and Kari Boyle met with Chief Justice Bauman on July 13th and followed up with summary materials relating to judicial support. Carol Hickman QC and Kari Boyle presented at the “Law at Lunch” session for the Court of Appeal justices on November 9<sup>th</sup> to discuss unbundling and other developments.
- c. We met with Chief Judge Crabtree on September 22<sup>nd</sup> and exchanged many ideas for informing judges of unbundling and communicating to the public.

- d. We had a helpful discussion with Nikki Hair, Legal counsel with the BCSC on July 21st. Carol Hickman QC, Jennifer Muller and Kari Boyle have been invited by Justice Cullen to meet with the Supreme Court Access to Justice Committee on January 19, 2017 to begin a discussion about how to encourage unbundling in the Supreme Court milieu.

## **6. Collaboration with CLBC**

- a. We need a “home” for the Toolkit(s) and the Roster of unbundling family lawyers and paralegals. Fortunately, the Courthouse Library Society of BC (CLBC) has stepped up to work with us. This is extremely good news:
  - i. CLBC is well known and respected in the BC legal community;
  - ii. CLBC has extensive knowledge and expertise using technology to support sharing of information with lawyers, the judiciary and the public;
  - iii. CLBC’s mandate includes supporting access to justice using innovative means;
  - iv. CLBC may also be able to perform an ongoing role of maintaining and improving the Toolkits and Roster beyond the life of these two initiatives;
  - v. CLBC administers both Clicklaw (for the public) and a family law practice portal (to support lawyers’ practice).
  - vi. CLBC also conducts training for lawyers throughout the province.
- b. With the expert support of the CLBC staff (led by Nate Russell) the [Toolkit for Lawyers and Paralegals version 1.0](#) was posted to the CLBC Family Portal on November 1, plus a signup button for the first version of the Roster.
- c. The Toolkit has been warmly received by the family bar. 17 family lawyers indicated interest in the Roster within the first few weeks.
- d. On December 5th we published a [Survey Monkey survey for family lawyers and paralegals](#) to submit their detailed information for the Roster. We will be actively promoting the survey and Roster once the Roster itself has been constructed (hopefully by the end of January 2017).
- e. We have started preparing materials for the public about unbundling and these will be posted by CLBC and promoted widely.
- f. We are very grateful to CLBC for their support and expertise without which we would not have progressed so far so soon.
- g. CLBC also offered to assist us with promotion and communication activities – both to the legal community and to the public.

## **7. Coordinator:**

- a. The Project retained Zoe Stryd as the Unbundling Coordinator effective September 15, 2016. She is working to support the creation of the Roster and in promotional/communications efforts. Once the Roster is published officially she will be offering assistance to families and intermediaries seeking to use the Roster to find an unbundled legal service provider.

## **8. New Business Models:**

- a. There is an emerging understanding that unbundling is only one example of a different approach to the delivery of legal services. It is one way for lawyers to offer services that are both affordable to their clients and lucrative/enjoyable for the lawyers.
- b. There are other approaches that could also be explored to accomplish these goals and the unbundling initiatives are opening the door to an exploration of those business



models. We have made contact with Jordan Furlong, well known practice management consultant and with Andrew Pilliar, PhD student at UBC Law who is exploring alternative business models.

- c. There is good reason to begin to plan now for a future initiative specifically designed to explore and test a wide variety of legal business models.

**9. Evaluation:**

- a. We are working with evaluator Alison Brewin on the Project evaluation plan (now merged with the Framework for Change).
- b. We appreciated Veenu's feedback on the FFC/evaluation plan.
- c. We have started to design the evaluation tools and to ensure that key data is being collected.

**10. Comments and future directions** (in addition to those noted in our earlier reports):

- a. Our aim is to have the Roster and Coordinator service up and running in January so we can collect data for at least two months.
- b. We will also be planning for the transition of the initiative after March 31, 2017. The work will not be complete but with the help of our partners its development and growth will be nurtured.
- c. Unbundling fits well with other active or proposed initiatives including the Presumptive Consensual Dispute Resolution initiative, Justice Hubs, new Provincial Court Family Rules, Northern Navigator etc.

**Conclusion:**

The Project is progressing well and building on a growing momentum around the unbundling approach. We recently received this comment from an experienced family lawyer in Victoria:

*I heard Jennifer [Muller] speak at CBA Provincial Council last December and was so inspired ... That talk planted a seed that resulted in me thinking completely differently about my practice to the point where I actually decided to leave my firm and start my own firm where I hope to work towards offering exclusively unbundled services. My website will go live in the new year and I am planning to have packages for all sorts of legal services (agreements, mediation support and court support) and leveraging technology to provide clients with cost and time effective legal services.*

We would be happy to provide more information or to answer any questions you may have.

**ACTIVITY REPORT #4**

**Period January 1 – March 31, 2017**

**BC Family Unbundled Legal Services Project**

**Law Foundation File No. MSC3389**

This report provides an overview of the work done by the BC Family Unbundled Legal Services Project (the "Project") during the period January 1 to March 31, 2017. We will take a slightly different approach to this report – recording key Project activities and accomplishments during the extension period

## Project Activities and Accomplishments

1. **General:** Thank you for approving an additional extension of the Project to May 31, 2017. This will allow a more fulsome evaluation, a solid transition plan to a sustainable future and additional tasks, activities and collaborations.
2. **Key Deliverables:**
  - a. The [Unbundling Toolkit](#) is up and already in version 2.0. The vision is to keep it up to date and enhance it regularly with new tools and materials.
  - b. The [BC Family Unbundling Roster](#) already has 40 lawyers and one paralegal. It is a list that provides links to detailed profiles for each participant. Lawyers are invited to sign up on the [CLBC site](#).
  - c. The Roster site also provides information and tools for clients about unbundling and the roster. More will be added.
  - d. **Clicklaw** highlights unbundling through:
    - i. [Clicklaw Helpmap](#); and
    - ii. [Common questions](#)
    - iii. Link to the Roster site
3. **Collaboration:** We continue to reach out to partners and received significant support during this reporting period:
  - a. **CBABC:**
    - i. We are coordinating an application to create a new provincial section for Unbundling (to provide peer support and education). This section will begin by supporting unbundling for family clients but the intention is to eventually support unbundling in all areas of practice. We already have almost 20 lawyers who have expressed interest in joining such a section.
    - ii. CBABC's Access to Justice committee has requested a presentation on unbundling on April 24, 2017
    - iii. Planning is underway to:
      1. Link the Lawyer Referral Service to the Roster and Toolkit.
      2. Include reference to unbundling in Dial-A-Law scripts.
    - iv. The CBABC West conference in Las Vegas in November features a session on unbundling led by Rob Harvie QC (Alberta) and Doug Munro (Law Society of BC).
  - b. **CBA National:**
    - i. The National Access to Justice section hosted a webinar on unbundling on March 29, 2017. Speakers JP Boyd and Sarah Westwood highlighted the BC Project, the Toolkit and Roster.
    - ii. We were invited to participate in a CBA National webinar for the Family and ADR sections. Audra Bayer coordinated the proposal and the panel included Jennifer Muller, Julie Macfarlane, Kari Boyle and an unbundling practitioner (probably from Ontario). Unfortunately, given the March 29<sup>th</sup> webinar on the same topic, the CBA decided not to run this one in 2017. It may be proposed for the spring of 2018.
    - iii. CBA national Family section has requested an article on unbundling for the newsletter.

- c. **Law Society of BC:** the Law Society continues to be extremely supportive and we meet regularly with the Access to Legal Services committee.
  - i. The Law Society provided a very helpful letter dated December 15, 2016 (signed by former President David Crossin). It was added to the Toolkit and addresses directly the key barrier (lawyers' concerns about liability or complaints).
  - ii. Taylore Ashlie (Director Communications and Knowledge Management) has featured the Unbundling Roster and Toolkit on the [Law Society's new website](#). They will also be highlighting this topic in its social media feeds.
  - iii. The [Benchers' Bulletin Spring 2017, page 3](#), specifically encourages lawyers to review the Toolkit and to sign up for the Roster.
- d. **Access to Justice BC (A2JBC):**
  - i. Unbundling is one of the A2JBC initiatives moving forward with Jennifer Muller and Kari Boyle as "champions". It focuses on unbundled legal services of all kinds for families experiencing separation and divorce. This Project and the A2JBC initiative are running in parallel to address the need for unbundled legal serviced to support families for all legal needs, not just mediation.
  - ii. Already the A2JBC has provided support, opened doors and expanded knowledge and understanding of this approach. The Unbundling initiative will be a focus at the upcoming leadership group meeting on May 4<sup>th</sup> – to encourage a generative discussion about how A2JBC can further support this initiative AND how the lessons from unbundling can be applied to other initiatives. The Rise Women's Centre will be featured as part of this session – inspired by this Project's connection with that initiative.
  - iii. This Project is proving to be a helpful testing ground for many of the foundational principles of A2JBC including user-centred approaches, experimentation and collaboration. It also supports a "connectivity" and "alignment" network.
- e. **Legal Services Society:**
  - i. Thanks to great support from Sherry McLennan and her staff, the Toolkit and Roster are featured as part of [MyLawBC](#) and in various places on the [Family Law Website](#).
  - ii. Information about unbundling has been distributed to front line staff and duty counsel.
  - iii. The Roster was featured in a webinar for community partners on February 8<sup>th</sup>.
  - iv. The Roster has also been added to the newest edition of *Living Together or Living Apart* and plans are underway for an infographic.
  - v. The Roster and Toolkit will be mentioned at LSS's conference in April for about 175 community and settlement workers. They will also include this information in upcoming regional events around the province geared towards frontline workers.
- f. **Law Foundation:** We spoke to Veenu about distributing information about the Roster to legal advocates and other front line agencies around the province. Thank you for your support.

- g. **Rise Women’s Centre:** we continue to connect with Rise and to support its interest in providing unbundled legal services to women throughout BC using technology.
  - h. We continue to collaborate with the **National Self-represented Litigants Project** (NSRLP - Prof. Julie Macfarlane). We are linking the BC Unbundling Roster with the NSRLP national database of legal professionals supporting SRLs.
  - i. The Canadian Research Institute for Law and the Family in Alberta (JP Boyd) has launched the Alberta Limited Legal Services Project to research the effectiveness of unbundled legal services. Its [website](#) features (with consent) many of the tools and materials created by our Project for the Family Unbundling Toolkit.
  - j. We continue to keep in touch with the **BC Law Institute** related to its Financing Litigation Project that highlights unbundling (report to be published soon).
  - k. **PBLI:** We have been invited to coordinate a session on Unbundling as part of the [Family Law in 2017 conference](#) on May 17, 2017. Zahra Jimale, Jennifer Muller and Laurel Dietz will join the panel moderated by Kari Boyle.
  - l. A UVic law student consulted with us about her term paper focused on unbundling.
- 4. Engagement with the Judiciary:**
- a. Feedback from the Bar emphasized the need for the BC Judiciary to understand and support unbundling as a service to both the self-represented litigants and to the court.
  - b. Carol Hickman QC and Jennifer Muller met with the Supreme Court Access to Justice Committee on January 19<sup>th</sup> to discuss how to encourage unbundling in the Supreme Court milieu. It was a very encouraging meeting with lots of ideas including a brochure (or video) for litigants as well as a “law at lunch” session for the judiciary.
  - c. The Provincial Court and Court of Appeal continue to support the initiative. We plan to create written materials for the public that can be used by all courts.
- 5. Collaboration with CLBC**
- a. The Courthouse Library Society of BC (CLBC) has stepped up to work with us to create a “home” for the Roster, Toolkit and related materials. As noted in our last report, this is extremely good news:
  - b. With the expert support of the CLBC staff (led by Nate Russell and Audrey Jun) the [Toolkit for Lawyers and Paralegals version 1.0](#), plus a signup button for the Roster is operational and maintained.
  - c. We are continuing to prepare materials for the public about unbundling and these will be posted by CLBC on the Roster site and promoted widely.
  - d. CLBC also offered to assist us with promotion and communication activities – both to the legal community and to the public.
- 6. Communication:**
- a. Promotional efforts (to the legal community and to the public) will continue into 2017 with the support of our many partners.
  - b. This Slaw post on the new Toolkit and Roster was published on January 6, 2017.
  - c. Provincial Court E-News published a blog post on February 14, 2017 about the Unbundling initiatives.
  - d. The [Clicklaw Blog featured unbundling](#) on February 15, 2017.
  - e. Mediate BC’s blog published a [post on March 28, 2017](#) about how the unbundling roster can support family mediators and their clients.

- f. Zahra Jimale is hosting a presentation at the Richmond Public Library on Unbundling on April 19, 2017. Her article on the “Do’s and Don’ts of Unbundling” was added to the Toolkit and to the client resources on the Roster page.
  - g. Mediate BC continues to promote the Roster and toolkit in its newsletter.
  - h. Julie Macfarlane referenced unbundling (and this Project) during her lecture at Green College on March 22<sup>nd</sup>.
- 7. Coordinator:**
- a. The Project retained Zoe Stryd as the Unbundling Coordinator effective September 15, 2016. She is working to support the creation and operation of the Roster and in promotional/communications efforts.
  - b. Now that the Roster is live she is also offering assistance to families and intermediaries seeking to use the Roster to find an unbundled legal service provider.
- 8. New Business Models:**
- a. There is an emerging understanding that unbundling is only one example of a different approach to the delivery of legal services. It is one way for lawyers to offer services that are both affordable to their clients and lucrative/enjoyable for the lawyers.
  - b. There are other approaches that could also be explored to accomplish these goals and the unbundling initiatives are opening the door to an exploration of those business models. We will continue to explore this area, time permitting.
- 9. Evaluation:**
- a. We are working with evaluators Alison Brewin and Emily Aspinwall on implementing the Project evaluation plan.
  - b. We have started to design the evaluation tools and to ensure that key data is being collected. The client survey will be completed soon and clients who have retained lawyers on the Unbundling Roster will be invited to complete the survey. We plan to use surveys for both family lawyers and family mediators and Alison and Emily will conduct interviews with other key stakeholders.
- 10. Comments and future directions (in addition to those noted in our earlier reports):**
- a. Work is proceeding well and we plan to get as much done as possible before the end of May 2017.
  - b. In addition we are planning for the transition from this Project to A2JBC’s unbundling initiative. We are gathering a working group under A2JBC to oversee and propel the work into the future. We are also meeting with CLBC to clarify its key role going forward.

We would be happy to provide more information or to answer any questions you may have.

## **ACTIVITY REPORT #5**

**Period April 1 – June 30, 2017**

**BC Family Unbundled Legal Services Project**

**Law Foundation File No. MSC3389**

## Introduction

As this Project draws to a close, we are excited to see results that exceed our original expectations. The justice community has rallied to support the initiative and to ensure that the momentum continues into the future. We believe that as a result of the funding support from the Law Foundation of BC and the Law Society of BC, BC families will have greater access to affordable legal services and improved access to justice.

The purpose of this document is to report on the activities and accomplishments of the Project in its last phase, April 1 – June 30, 2017. It will form part of the Project's Final Report.

1. **Unbundling Roster:** As of June 30, there were 100 Roster participants - 96 lawyers and 4 paralegals and it is continuing to grow
2. **CBABC – new Unbundled Legal Services section (provincial):**
  - a. Proposal submitted Apr 18, 2017
    - i. All practice areas including family
    - ii. 27 CBABC members supporting
    - iii. Supported by Chief Justice Bauman and Pres Welsh
  - b. Proposal approved by Provincial Council June 17th
  - c. Next steps – planning by Executive Committee and first meeting in September 2017
3. **A2JBC:**
  - a. Unbundling was featured at May 4<sup>th</sup> meeting of Leadership Group including a compelling story from Rise Women's Legal Clinic about how they have incorporated unbundling into their business model in order to serve more women
  - b. Will be forming new Working Group to support Unbundling Initiative
4. **Unbundling Toolkits:** additional materials added to the Lawyer Toolkit and (new) Client Toolkit
5. **Transition into the future:**
  - a. The story of the unbundling Project has been one of collaboration.
  - b. The final report will include a list of next steps (areas for focus) and details of the proposed framework to support unbundling post-Project which will involve continued collaboration between multiple stakeholders.
  - c. The proposed framework will rely primarily on the leadership and resources of:
    - i. Courthouse Libraries BC
    - ii. CBABC
    - iii. A2JBC
6. **Consultation with Supreme Court Judiciary:**
  - a. Law at Lunch session at Vancouver Law Courts June 20 2017 (video link to New Westminster and other participants by phone)
  - b. Carol Hickman QC, Jennifer Muller and Kari Boyle presented
  - c. Excellent discussion and helpful comments and suggestions from Judges
7. **Provincial Court support:** The Prov Ct website has linked directly to the Unbundling Roster in three places plus a full article in E-News.
8. **Evaluation:**
  - a. Outside evaluator: Alison Brewin Consulting (Emily Aspinwall)
  - b. Surveys closed and interviews completed; analysis underway
  - c. Report due June 30 2017

- d. Provided input and comments

**9. Communication and Education:**

- a. Met with CBABC Access to Justice Committee April 24, 2017
- b. CBABC has included links to the Roster into Lawyer Referral Services and Dial-A-Law.
- c. PBLI Family conference – Unbundling panel presentation
  - i. Rescheduled to Sept 12 2017
- d. Law Society Website includes information about unbundling and links to resources; the Benchers’ Bulletin [Summer 2017](#) featured an article about unbundling
- e. A CBABC Bartalk article is scheduled for September 2017
- f. Law Week activity: Twitter Town Hall April 18 included many twitter posts re unbundling

**10. Liaison with Ministry of Justice:**

- a. The Ministry is interested in combining unbundling with various online services, including a proposed new Solution Explorer for child support and spousal support.
- b. Unbundling will also be a key part of proposed A2JBC initiatives (Pathfinder and Presumptive CDR).

**11. Liaison with other jurisdictions:**

- a. Ontario:
  - i. NSLRP: collaborating with the National Database of professionals offering services to SRLs
  - ii. Nikki Gershbain: Liaising and sharing information with Nikki, who has a Law Fdn of Ontario grant to partner with NSLRP in the creation of a curriculum for legal coaching (a form of unbundling)
  - iii. Links with a new initiative to move unbundling forward in Ontario courts.
  - iv. Provided a letter of support for NSLRP’s application to the LFO for funding of a staff position related to its legal coaching Project.
- b. Alberta – JP Boyd is leading the “Limited Legal Services Project” and has drawn from the BC Toolkit.

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