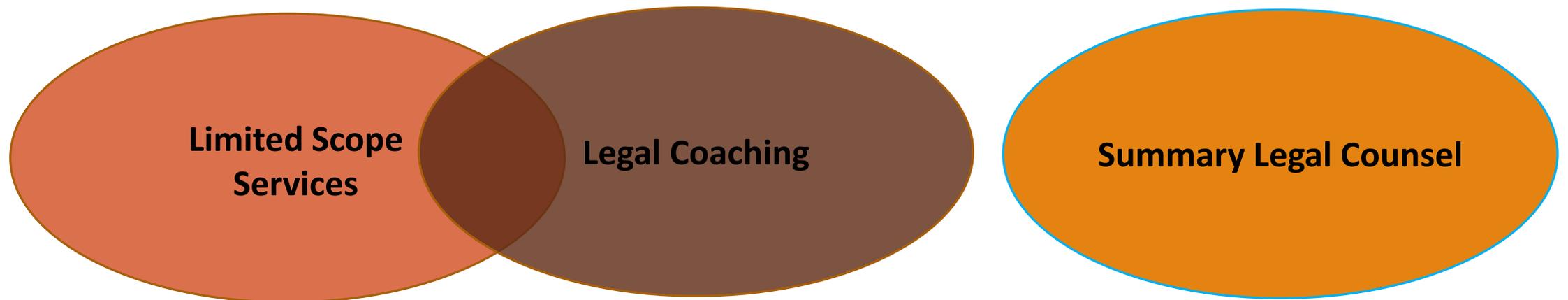


What is the Family Law Limited Scope Services Project All About?

The FLLSS Project's aim is to improve access to family justice for middle income Ontarians by increasing the use of **limited scope retainers**, **legal coaching** and **summary legal counsel** in family law matters.



Project Structure



The three-year Family Law Limited Scope Services Project (FLLSSP) has been funded by **The Law Foundation of Ontario**.

The Project is governed by a multidisciplinary Steering Committee and supported by a broad-based Advisory Committee as well as a dedicated Senior Program Director.

The FLLSS Project has 4 major components:

- ❖ Website (Information and Lawyer Directory)
- ❖ Best Practices, Precedents and Training
- ❖ Summary Legal Counsel Program
- ❖ Research

The Steering Committee

Steering Committee Chair

Tami D. Moscoe, Senior Family Counsel, Office of the Chief Justice, Superior Court of Justice

Senior Program Director

Helena C. Birt, Lawyer, Former Provincial Manager, Family Duty Counsel Services, Legal Aid Ontario, Former Deputy Legal Director, Family Responsibility Office, Ministry of the Attorney General

Steering Committee Members

Nicholas Bala, Professor, Family and Children's Law, Queens University

Rachel Birnbaum, Principal Researcher, Professor, Childhood Studies & Social Institutions and Social Work, King's University College at Western University

Brian Burke, Partner, Epstein Cole LLP

Lisa Eisen, Founder of Family Law: A La Carte, Associate Certified Coach – International Coaching Federation

Cynthia Mancia, Partner, Chappell Partners LLP, Secretary of the Women's Law Association of Ontario, past Co-chair of the Family Lawyers Association of Ontario

Janet Whitehead, Lawyer and Mediator, Whitehead Law and Mediation, Former Chair of the County & District Law Presidents' Association, Director of the Ontario Association of Family Mediators

Ontario's Family Law Limited Scope Services Project

funded by a grant from:



The Ontario Family Law Limited Scope Services Project's aim is to improve access to family justice for middle and lower income Ontarians by increasing the use of limited scope retainers, legal coaching and summary legal counsel in family law matters.

This project is funded by a grant from The Law Foundation of Ontario.

Did you know?

There has been a significant increase in the number of self-represented family litigants, with one or both parties now appearing in court without a lawyer in over half of family law cases. Although many self-represented litigants do an effective job in court on their own, proceeding without legal assistance has significant potential negative impacts.

Family law limited scope services, also known as "unbundled" legal services, provide an innovative option between full representation and no representation at all. Under a limited scope retainer, also known as an "unbundling" agreement, a lawyer provides services for part, but not all, of a client's legal matter.

Website Information and Resources

✓ General Information on limited scope services and legal coaching

✓ Information and tools for lawyers:

Best Practices Precedent Retainer Agreements Roster Application

Family Law Lawyers Resources List Limited Scope Representation Flow Chart

✓ Information for clients:

FAQs on Limited Scope Services How to Find and Hire a Lawyer

Lawyer Directory Family Law Clients Resources List

✓ Calendar of Upcoming Training and Presentation Events

Limited Scope Services

- ❖ **May be representation for single court stage, or specific assistance with drafting, legal research, trial preparation etc.**
- ❖ **Not uncommon in family law cases for litigants to resolve the parenting arrangements and have lawyers resolve economic issues**
- ❖ **With introduction of paralegal family services, there will be a growing need for various forms of unbundled legal services**



Definition of Legal Coaching

“Legal coaching is a type of unbundled legal service,

1) where a lawyer-coach offers...

- **behind-the-scenes guidance on both the hard and soft skills of lawyering,**

2) in order to provide an SRL with...

- **the strategies and tools needed to present their own case as effectively as possible in the absence of counsel.”**

Nikki Gershbain, LFO Research Fellow

Why Should I Join the Roster?

Help clients access affordable family law services, ideally in their community

Untapped market:

- **Family justice system is struggling to manage with the present number of self-represented litigants who have no access to legal advice**
- **Research from the Legal Innovation Zone confirms that many of those clients have access to some resources that could be used to help facilitate a resolution of their family law disputes**
- **Clients need help finding lawyers who offer limited scope services in family law**

Lawyers who provide limited scope family law services are happier with their practice

Early days, but anecdotally we hear that clients are happy with limited scope services and have less difficulty paying their accounts

Are There Any Requirements to Join?

Lawyers who want to join the roster must:

- **Have a minimum of 3 years of practice experience, at least 33% of which has been dedicated to family law**
- **Complete the mandatory training**

Mandatory Training:

- A training webinar is available through the Ontario Bar Association. In order to qualify for admission to the roster, the webinar must be viewed by 2 or more lawyers together. The webinar can be accessed at:
https://www.cbapd.org/details_en.aspx?id=ON_19FAM0129V
- In-person training sessions are currently being planned in various communities in conjunction with local bar associations and/or the OBA.

Help spread the word to your friends and colleagues! There is no cost to join.

Summary Legal Counsel (SLC) Concept

The goal: To provide affordable help to selfrepresented litigants who are not eligible for Legal Aid duty counsel

Provides family lawyers who can assist litigants (summary legal advice and/or in-court assistance) on the day of their family court attendance

SLC services are available at a reasonable fixed fee plus HST, for one hour or one and one-half hours of service, as agreed upon in advance between the client and the lawyer

The Project supports local law associations which may choose to offer an SLC program with training and precedent materials

Barrie SLC Pilot

Driven by the Family Law Section of the Simcoe County Bar Association and the Family Court Bench:

- **Precedent retainers, intake forms and information brochures for clients, lawyers, judiciary and court staff were developed**
- **Launched October 17, 2018. Two lawyers attend each Wednesday for Settlement and Dispute Resolution Officer Conferences**
- **Early reports are quite positive**
- **Depending on success and demand, program may be extended to other list days**

FLLSS Project Research and Evaluation

Dr. Rachel Birnbaum will evaluate the project's limited scope services component and the Barrie summary legal counsel pilot.

The research goal is to better understand the views and experiences of all participants to help shape future best practices and pilots.

Members of the public who retain counsel from the project's online Directory will be asked about their experience and satisfaction with the website and the services provided by the lawyer.

Litigants accessing the SLC in Barrie will be asked about their views and experiences on whether and how summary legal counsel with a fixed, modest fee at the court may or may not facilitate accessing family justice services.

Participating counsel and members of the judiciary will also be surveyed.