

Saskatchewan Legal Coaching and Unbundling Pilot Project

Helping Lawyers, Helping Clients

Survey Report

January 2022



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Table of Contents

Executive Summary.....	4
Methodology.....	6
Findings	7
Lawyer Perspectives – Overall	7
Demographic Information.....	7
Area of Practice and Services Provided	7
Experience with LCUP	11
Satisfaction with Website	13
Benefits and Impact of LCUP.....	14
Unbundled Legal Services Moving Forward.....	14
Lawyer Perspective – File-Specific	18
About the Files	18
Fees for Unbundled Services.....	23
Overall Perspectives.....	24
Lawyers’ Profiles	24
Client Perspectives.....	24
Demographic Information.....	24
Choosing Unbundled Legal Services	26
Unbundled Process and Costs.....	32
Personal Role	35
Outcomes and Impacts of Using Unbundled Services	36
Reflections on Experience with Unbundled Services.....	38
Final Comments	40
Conclusions	41

Executive Summary

The Saskatchewan Legal Coaching and Unbundling Pilot Project (LCUP) aims to help connect clients with lawyers who offer unbundled legal services and legal coaching. The project launched in 2019 and is ending in April 2022, spanning the duration of the COVID-19 pandemic. Many of the lawyers involved in the pilot project were family law practitioners. Unbundling (also known as limited scope legal services) involves hiring a lawyer to handle only part of a legal case or to do a specific task. Some lawyers may also offer legal coaching which is another type of unbundled service in which a lawyer-coach helps a person with strategies and tools needed to present their case as effectively as possible. LCUP is supported by The Law Society of Saskatchewan, CREATE Justice at the College of Law at the University of Saskatchewan, and the Ministry of Justice. Fifty-nine lawyers participated in the pilot project, which consisted of an invitation to participate in the evaluation, monthly practice group meetings, ongoing professional development opportunities, etc.

The evaluation component of the pilot project was undertaken thanks to the support of the Canadian Foundation for Legal Research. The evaluation consisted of three surveys:

- 1) Midpoint survey with lawyers ($n = 6$)
- 2) Feedback forms from lawyers ($n = 9$)
- 3) Client survey ($n = 21$)

Additionally, six lawyers participated in a focus group style discussion and completed polling questions. These data supplemented the survey responses.

All limited scope files summarized by the lawyers involved family law, whereas family law was applicable to 23.8% of the cases outlined by the clients. The most common area reported by clients was estate planning, trusts, wills and estates which was selected by 38.1% of the client sample. The cases summarized by the lawyers and the cases described by the clients are independent of each other. Further, given the small sample sizes of both the lawyer and client groups, caution should be taken in interpreting the findings summarized in this report.

Overall, most clients (81.3%) felt that accessing unbundled legal services was easy. Common unbundled services included:

- Consultations (88.9% of files reported by lawyers, 85.7% of clients accessed)
- Drafting documents (88.9% lawyers, 81.0% clients)
- Filing processes (88.9% lawyers, 19.0% clients)

Lower costs for the clients was commonly endorsed reason for offering and accessing unbundled services across the lawyer and client surveys:

- All lawyers agreed that the goal of being involved in LCUP was “to help make legal services more affordable” and “to improve client access to justice for Saskatchewanians.”

- Cost was the most common factor for lawyers in determining if a client should be offered unbundled services.
- All lawyers felt that the work was cost-effective for the client.
- All files that were summarized by lawyers had costs under \$10,000 and all clients reported fees under \$5,000.
- Only one client (4.8%) thought the cost of their unbundled services was unreasonable and only one client disagreed that unbundled services offered an approach that was cheaper than hiring a lawyer from start to finish.

Client empowerment was another benefit of unbundled services that was commonly endorsed by both the clients and lawyers:

- The most common reason among clients (28.6%) for choosing unbundled services was because they wanted to learn more about their rights and responsibilities when it came to their issue.
- All clients gained an increased understanding of the law that applies to their legal problem and an improved confidence in dealing with other people involved in their legal problem.
- There was substantial improvement in clients' ability to identify and deal with legal problems in the future (94.1%) and almost all respondents (94.7%) had an improved understanding of their own legal rights and entitlements related to their legal problem.
- All lawyers agreed that the unbundled services increase clients' capacity to deal with their current legal issue, and half think it will increase capacity to deal with future legal problems.

Overall clients and lawyers were **satisfied with unbundled legal services** and would access and offer, respectively, unbundled legal services in the future:

- All lawyers are likely to provide unbundled legal services in the future.
- None of the lawyers were dissatisfied with offering unbundled legal services and none indicated that their clients were dissatisfied.
- In line with those findings, none of the respondents to the client survey reported being dissatisfied with the work the lawyer performed for them.
- All clients indicated that they would consider hiring a lawyer to provide unbundled legal services in the future.

The only "red flag" that emerged as a possible issue in the offering of unbundled services was by lawyers who were concerned about a lack of clarity for clients in the costs and processes of unbundled services. However, this concern was largely disputed in the client survey, where only one respondent (4.8%) indicated that it was unclear what the lawyer was going to do for them. Eighty-one percent of clients indicated that they understood *very clearly* exactly what the lawyer was going to do, and an additional 9.5% indicated it was *clear*. Again, it should be noted that the cases described by the lawyers versus those described by the clients were not related; therefore, it is difficult to gain a full understanding of issues of clarity. Future research examining the success of limited scope legal services should endeavor to collect data from lawyer/client dyads.

Methodology

To evaluate the Legal Coaching and Unbundling Pilot Project (LCUP), three surveys were programmed and administered on the Voxco Online survey platform. One survey was intended to collect feedback data from lawyers anytime they closed an unbundled legal file, one survey collected data from lawyers at a single time point mid-way through the project, and one survey was designed to collect feedback from clients when they used unbundled legal services. The survey questions in this study were adapted from Boyd’s (2018) study, “Client and Lawyer Satisfaction with Unbundled Legal Services: Conclusion from the Alberta Limited Legal Services Project.”¹ The pilot project also benefited from conversations with other researchers in the area, Dr. Rachel Birnbaum, from the School of Social Work, McGill University, and Kari Boyle, BC Family Justice Innovation Lab and a member of the Access to Justice BC Leadership Group.

While 59 lawyers participated in the pilot project, only nine feedback entries were submitted by lawyers after unbundled services were provided and only six lawyers completed the mid-point survey. For the client survey, lawyers were to pass on the feedback survey URL to clients; however, as this process did not generate any client feedback submissions, an open call for any individuals who have received unbundled services was sent to the University of Saskatchewan’s Canadian Hub for Applied and Social Research’s Saskatchewan Community Panel. The SK Community Panel is composed of Saskatchewan residents who complete online studies. They are recruited through random digit dialing telephone contact. Using this separate approach to recruitment for clients meant that the cases outlined by lawyers and those described by clients were likely independent of one another. Initially, 24 panelists completed the survey. Three respondents were removed from analysis. One initial respondent noted that they had only received informal advice from a lawyer, another only *wanted* to use unbundled services but never actually did, and one wrote in the comments throughout the survey that they did not actually use this type of service. Data from 21 respondents were analyzed. To supplement the survey feedback from lawyers, qualitative data from a focus group conducted with participating lawyers from a June 2021 meeting, as well as polling data, are also analyzed. Table 1 provides detailed information on fielding dates and sample size.

Data Source	Field Dates	# of Respondents/ Feedback Forms
Lawyer Feedback Survey	September 2020 - November 2021	9
Lawyer Midpoint Survey	April 2021 – June 2021	6
Client Feedback Survey	July 2021 - October 2021	21
Lawyer Focus Group and Polling Data	June 2021	6

Table 1

¹ https://prism.ucalgary.ca/bitstream/handle/1880/107805/Unbundled_Legal_Services_Report_-_Aug_2018.pdf?sequence=1&isAllowed=y

Findings

Lawyer Perspectives - Overall

Feedback from the lawyers' midpoint survey is presented first, followed by the more specific details about the unbundled files from the lawyer feedback surveys. Six lawyers provided responses to the midpoint survey, yielding a response rate of 10.2%, which is a fairly standard response rate for professional respondents. When possible, data from the June 2021 focus group and poll will supplement the survey data.

Demographic Information

Half of the survey respondent lawyers were male ($n = 3$) and half were female ($n = 3$) and they all practiced in urban centers. They selected age brackets between 35 and 64 years old. Due to the low sample size and the possibility of being personally identifiable, ethnicity, sexual orientation, and year called to the bar will not be shared.

Area of Practice and Services Provided

Lawyers were asked to indicate their areas of legal services provided in both their general practice and as part of their limited scope practice. See Figure 1 on the following page for a detailed breakdown of the lawyer's areas of practice. There were several areas which were offered by one or more lawyers in one category of practice but not the other. For instance, adoption, child protection, family law, immigration and refugee law, residential tenancy, and small claims were areas that some lawyers offered as part of their limited scope practice but not in their general practice. There were also many services offered *only* in general practice and were not offered as an unbundled service by any of the participating lawyers. These included administrative law, business law, civil litigation, corporate/commercial law, debtor and creditor law, employment law, estate planning, trusts, and wills and estates, human rights, insolvency, bankruptcy and foreclosure law. Adult guardianship and trusteeship was also more often offered as a general practice service but was provided as an unbundled service as well.

Lawyers were also asked to report the type of services they provide in their general and limited scope practices (illustrated in Figures 2 and 3 on pages 9 and 10). All types of services were offered by at least one of the participating lawyers across both practice types. More lawyers offered coaching services as part of their limited scope practice than their general practice. Outside of coaching activities, only reviewing and drafting pleadings and other trial court documents, independent legal advice on agreements, and appearing before Provincial Court (other purpose) were offered by more lawyers as limited scope than general practice. All others were more commonly offered as part of the respondents' general practice. Activities falling under the categories of "enforcing", "drafting", "reviewing", and "calculating" were commonly engaged in by most lawyers across both their practice types.

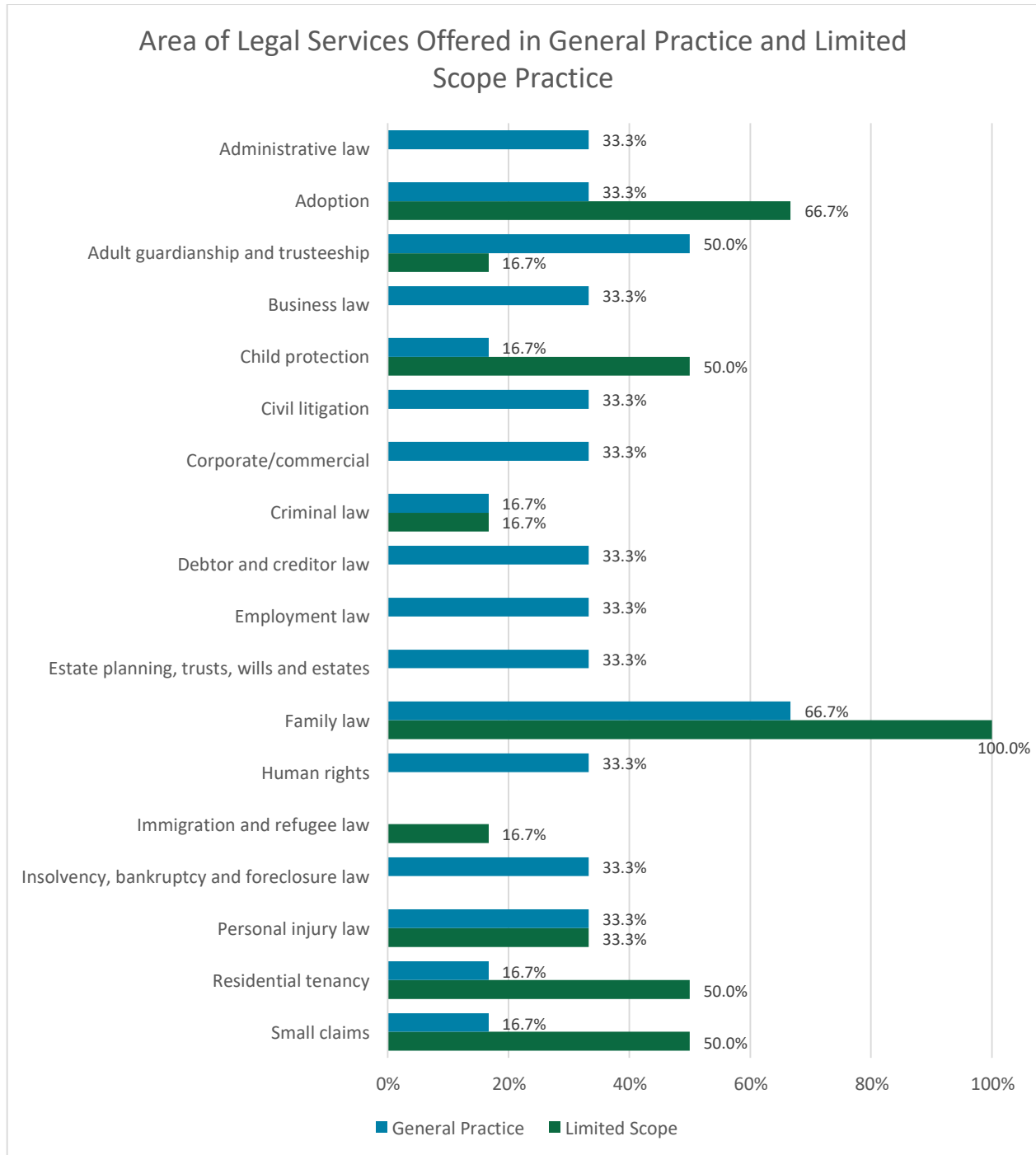


Figure 1

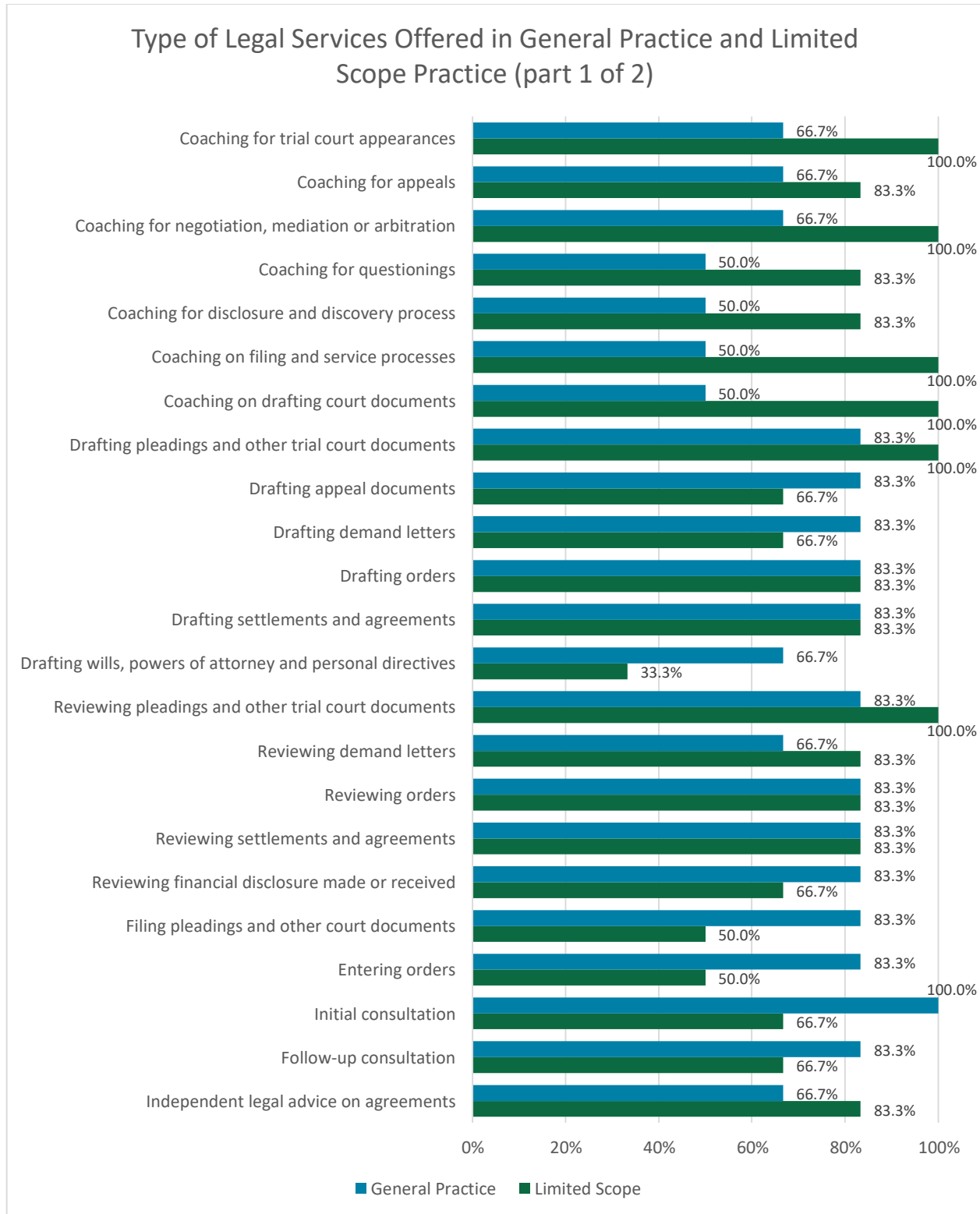


Figure 2

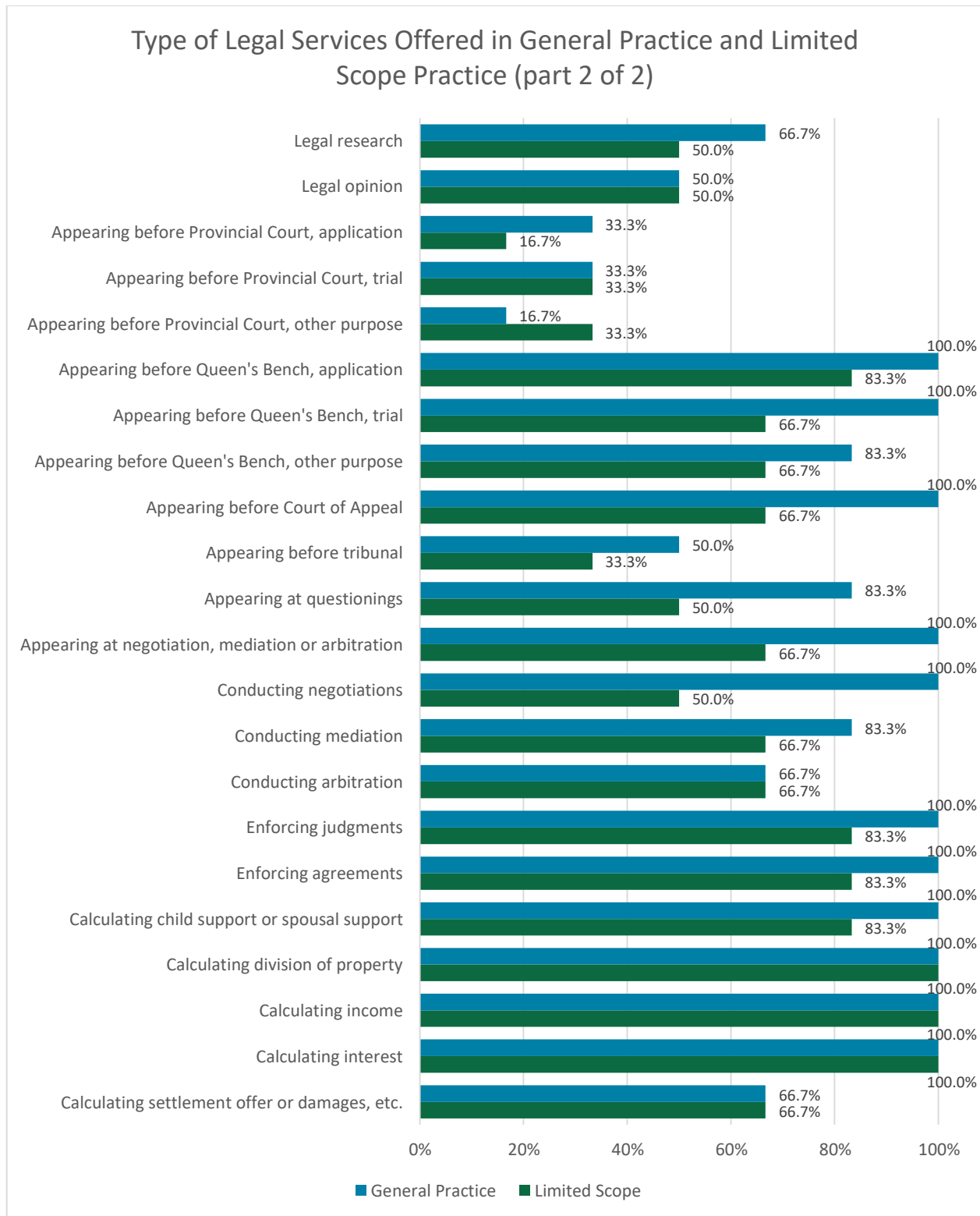


Figure 3

Appearing before Provincial Court and tribunals were not activities provided by as many lawyers compared to other activity types but were similarly offered across both practice types. This trend is likely due to the overrepresentation of lawyers specializing in family law in the sample. Appearing before Queen’s Bench, Court of Appeal, at questionings, and at negotiations, mediations, and arbitrations was much more commonly offered, and for both types of practices. Conducting negotiations, mediations, and arbitrations was also an activity provided by most lawyers; however, negotiations in particular was offered by all lawyers in their general practice. Other activities not falling into the abovementioned broad categories, such as entering orders and legal research were not offered by as many lawyers, and when they were, they were most often offered in their general practice.

Supplementing the survey data, lawyers in the focus group were asked if there were any services that they were not comfortable providing as unbundled. While the lawyers did not specify a specific service, they discussed activities they described as “segmented” services where lawyers would act as a full-service lawyer until a client indicates they do not want them to engage in a specific step. Each “step” would have its own engagement letter setting out the included activities and fees. This type of approach appeared to provide increased flexibility for both the client and lawyer.

Experience with LCUP

Lawyers were also asked about their experiences with LCUP. To start, lawyers were asked why they joined the LCUP roster. All six lawyers who completed the midpoint survey indicated that they joined the roster because they wanted “to help make legal services more affordable” and “to improve access to justice for Saskatchewanians.” These options were also selected, respectively, by 50% and 67% of lawyers who participated in the focus group. One-third of the survey respondents ($n = 2$) also selected “to have an improved lifestyle and/or more job satisfaction” and “to experiment with different practice models.” Two-thirds of focus group lawyers selected “to have an improved lifestyle and/or more job satisfaction” and 83% endorsed the reason of “experimenting with different practice models.” One of the six survey respondents (16.7%) selected “to enhance my existing practice” and “to help build a new business model for my practice.” Fifty percent of focus group lawyers endorsed those items. None of the lawyers who participated in the survey or the focus group selected “to gain access to a new market of clients.” Likewise, in the survey, none of the lawyers selected “to increase or stabilize revenue for my practice;” however, 17% of the lawyers in the focus group selected this response.

Lawyers were asked about the number of potential clients who have contacted them about providing unbundled services since the pilot project launched publicly in September 2020. Responses ranged from 2 to 300. The response of 300 was a notable outlier, as the range if that response is excluded is 2 to 12. Three of the six responding lawyers took on all of the files they were contacted about, while two of the six took on 50-75% of unbundled files relative to the potential clients who inquired about unbundled services. One lawyer who was contacted twice by clients regarding unbundled legal services took on five unbundled files since joining the project, suggesting that clients who originally sought full retainer services switched to unbundled services or that lawyer had repeat clients. Lawyers reported that they take on approximately one to five unbundled files in a typical four-month period (excluding the outlier of 300). All six responded “no” when asked if, at any point since joining LCUP, they self-reported any

files to their insurer or the Law Society of Saskatchewan or had any formal complaints made to the Law Society of Saskatchewan about files they have handled on a limited scope basis.

Using an open-ended box to solicit more detailed responses, lawyers were asked to describe any “good news” or “bad news” stories about having provided unbundled legal services. The “good news” stories described empowering clients and improving access to justice:

Our office has found that by unbundling all of our services we end up with happier clients who understand the process and the law as it relates to their situation, and have found it much easier to determine next steps in each client’s legal journey.

Opportunity to make a difference for someone in need of legal services with limited financial resources.

A couple of the lawyers described the feelings among clients, particularly relief and lowered anxiety, which have accompanied their limited scope files:

I have been able to assist clients through coaching as they appear before the courts. In my discussions with them, while still anxious, they felt less anxiety and more prepared for outcomes - less surprised and/or confused.

Gratitude expressed. Relief expressed.

The “good news” stories that were described by the responding lawyers seemed to occur all along the process, while the “bad news” stories centered on post-service events where perhaps clients did not fully understand the services they would be getting or the cost of those services:

I have had some clients [become] who were disappointed that the material I helped them draft did not result in the outcome and blamed it on their argument and that I let them argue without being there. I was able to point to the limited retainer and agreement and work them through that but it was time consuming and I had hoped the discussions and agreement prior would have prevented that.

After implementation of the [unbundled] legal service, after thought [and] reflection of [the] client. [They] did not want to pay as agreed.

After services [the client] provided lack of appreciation.

Lawyers in the focus group largely discussed the negative aspects of unbundled services, with the intent of providing recommendations for improvements. They discussed how the transition periods, of coming on and off files was difficult for both the client and the lawyer. At times, the client did not want to be left on their own or had different expectations than what was originally arranged, and other times it was difficult for the lawyer to help after the client engaged in a process, such as pre-trial and court orders, on their own. The participating lawyers suggested that communication is critical and there should be

clearly defined steps that are negotiated back and forth. Clear boundaries should be set for the clients at the outset. Segmented services were recommended – where full services are offered but where the services, both their activities and fees, are broken up so a client can choose to stop using the services of a lawyer when one service ends. The client is able to pick back up at another “segment” should they want. Overall, lawyers wanted to empower their clients and give them back control in their legal processes; however, the process of mutually agreeing upon and outlining the limited scope legal services needs improvement.

Satisfaction with Website

Lawyers were asked about their satisfaction with various aspects of the LCUP website. Results are depicted in Figure 4. Overall, lawyers seemed fairly indifferent about the LCUP website with at least half of respondents selecting neither satisfied nor dissatisfied for each of the website aspects. Otherwise, lawyers were mostly satisfied with aspects of the LCUP website. “The number of clients who have found you using the website to date” was the only option to receive any level of dissatisfaction. One lawyer indicated they were somewhat dissatisfied, and another indicated they were very dissatisfied.

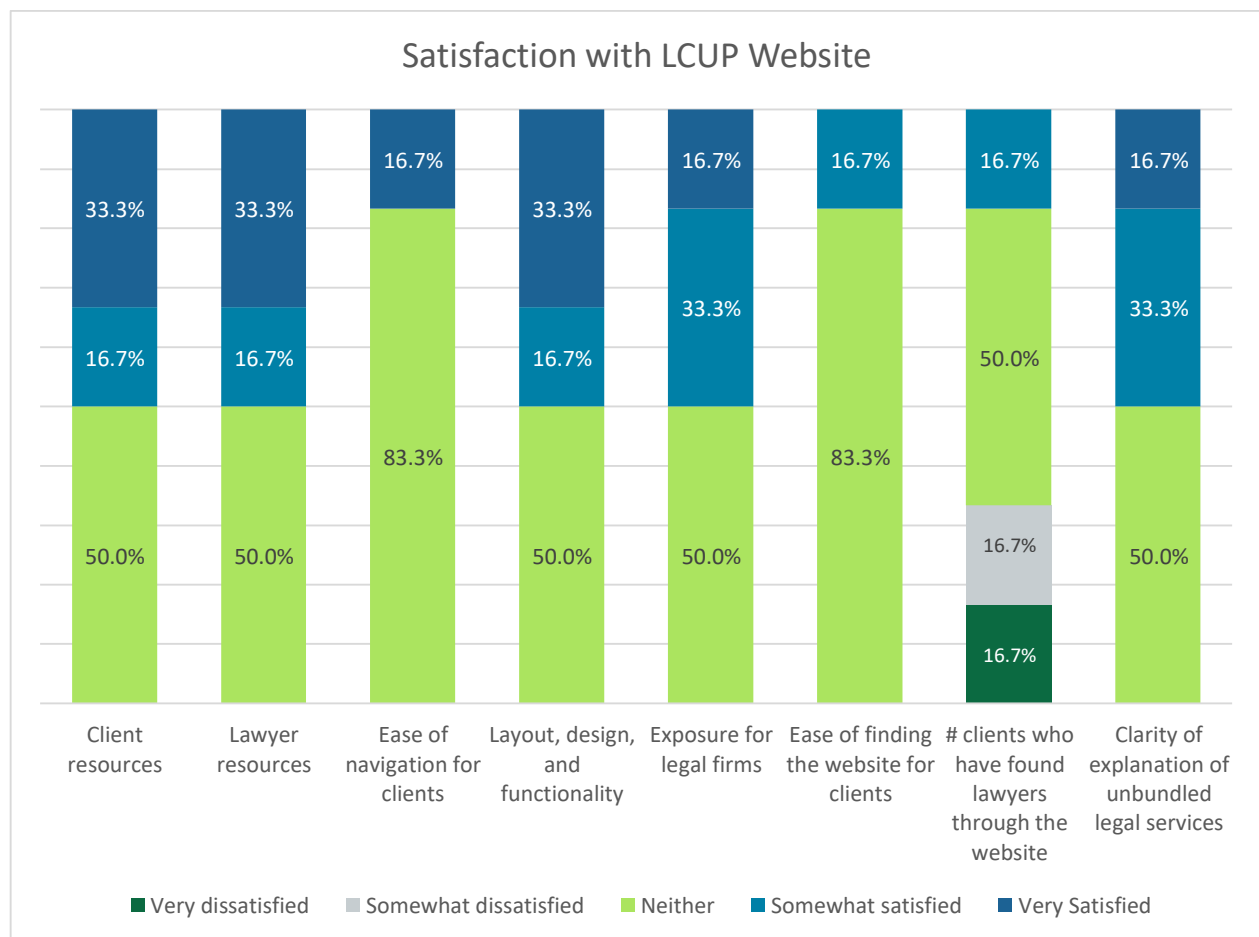


Figure 4

Benefits and Impact of LCUP

Lawyers were asked to indicate their agreement with whether the provision of unbundled services provided certain benefits. The results are presented on the next page in Figure 5. The results revealed that, overall, the responding lawyers agree that unbundled legal services offer many benefits. The only items that evoked some level of disagreement were: 1) price predictability for clients, 2) access to new, untapped markets, 3) improving your lifestyle and job satisfaction, and 4) public perception of lawyers is improved. Despite one lawyer disagreeing that price predictability is a benefit of unbundled legal services, all other lawyers agreed that it was a benefit. Interestingly, the remaining three items that generated more negative or ambivalent feelings all involved the lawyers themselves (versus the clients). Potentially, lawyers see a greater benefit of unbundled services for clients than for themselves.

Some questions were asked that aimed to assess the impact that offering unbundled services would have on clients' access to justice and their ability to navigate current and future legal issues. The results are depicted in Figure 6 on page 16. Overall, the results indicate that the lawyers, for the most part, believe their unbundled limited scope work will provide positive outcomes for clients. They generally agree that it will improve their access to justice and may help increase capacity to deal with future legal issues. All the lawyers agreed to some extent that their limited scope work helped their clients deal with their current legal issues.

Unbundled Legal Services Moving Forward

Survey respondents were asked various questions about their plans once the pilot project was complete. They were asked to select the areas of law in which they were most and least likely to provide unbundled services after the pilot project ends. The results are presented in Figure 7 on page 17. All the responding lawyers indicated that they would likely offer unbundled services in family law. Half of the respondents would likely offer services in adoption, residential tenancy, and small claims. One-third of respondents would likely offer services in child protection and civil litigation. The areas that were often selected as the areas of law that were least likely for lawyers to continue to offer unbundled legal services were administrative law, business law, and estate planning, trusts, wills and estates. These findings should be considered in the context of the sample. That is, the lawyers who answered the survey primarily practiced family law.

There were some similarities between these findings and the areas discussed in the lawyer focus group meeting. Like the survey findings, they noted that limited scope services in the areas of residential tenancies and small claims were in demand. However, they also cited areas that were not strongly endorsed in the survey, such as small businesses, estates, criminal law, employment law questions, and coaching on medical legal reports.

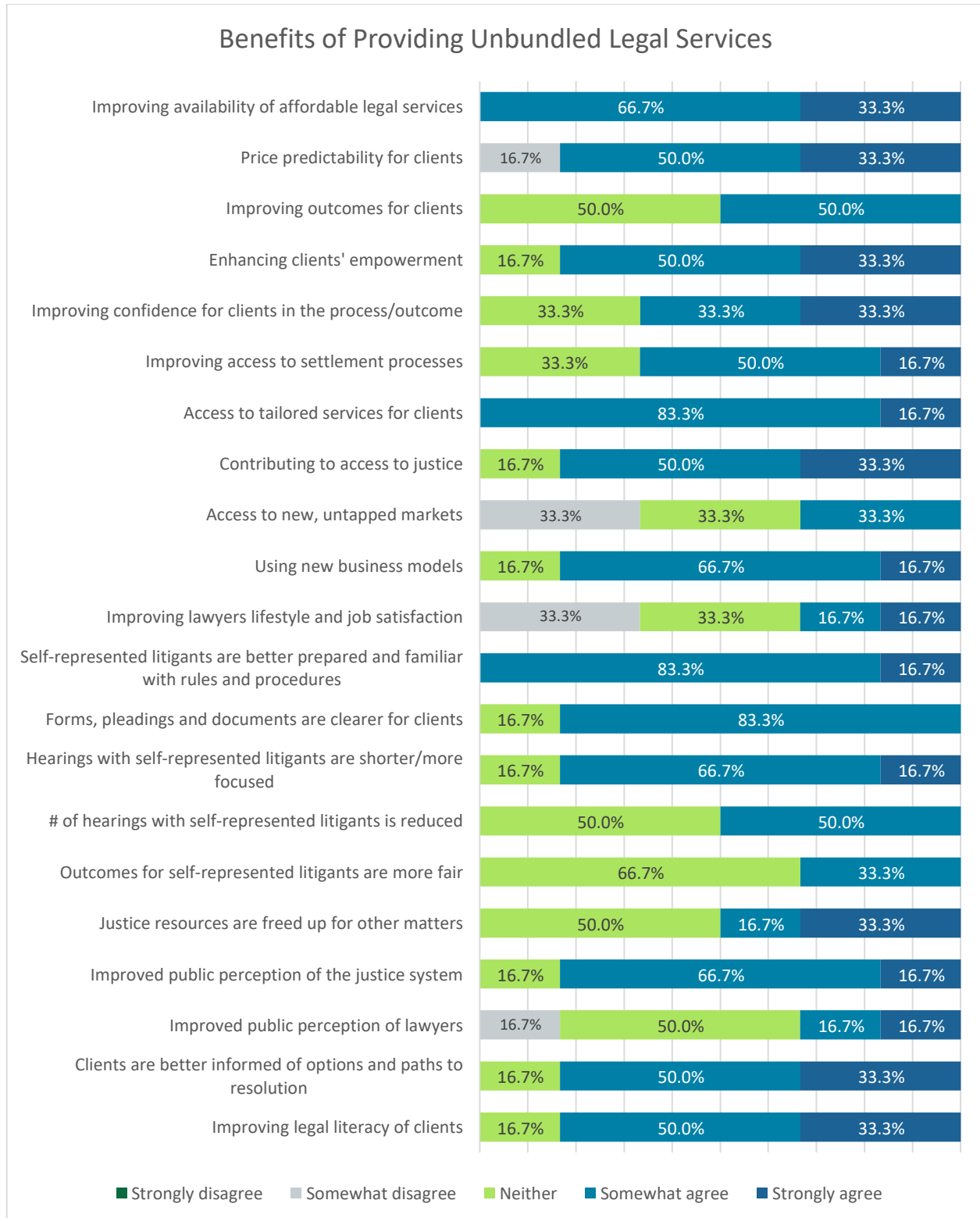


Figure 5

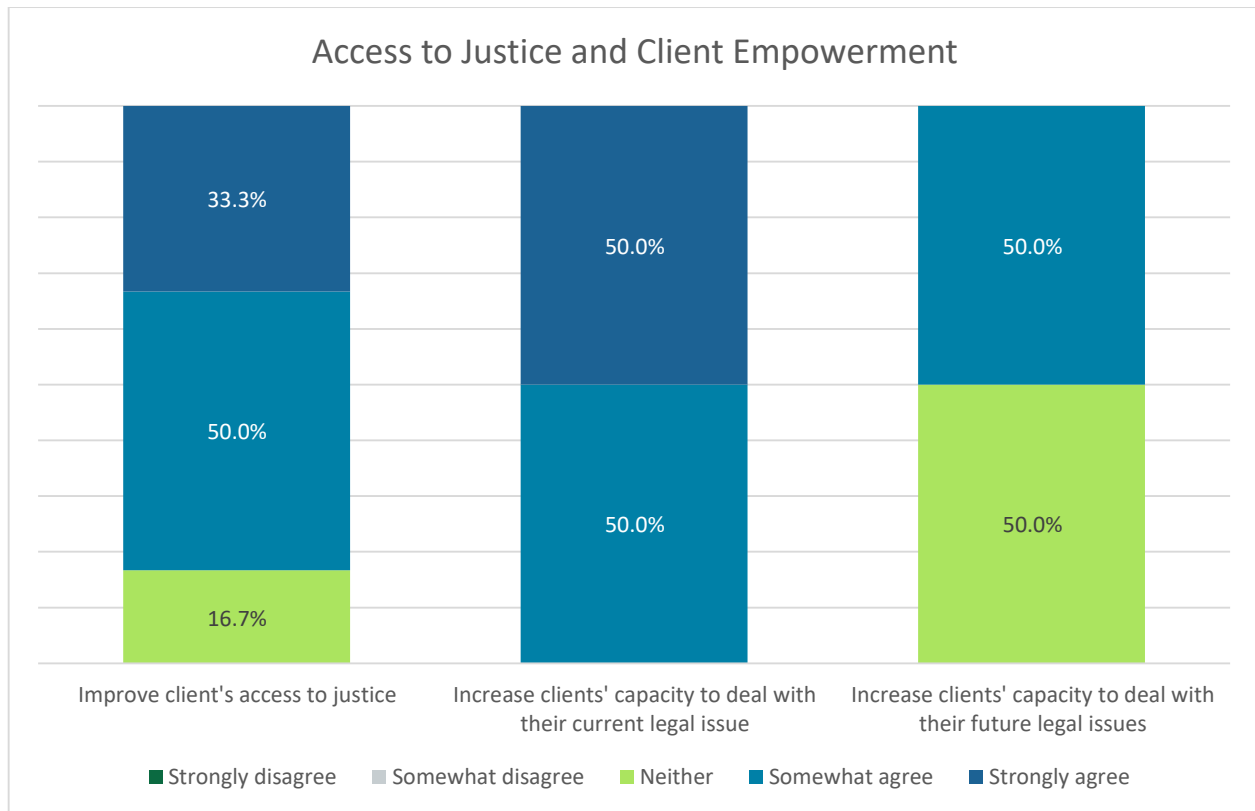


Figure 6

Finally, in the survey and the focus group, lawyers were asked if they provided unbundled legal services before the pilot project was launched and how likely they were to continue to offer unbundled legal services after the project finishes. Five of the six lawyers (83.3%) who responded to the mid-point survey indicated that they provided unbundled legal services before the pilot project. All six lawyers indicated that they are very likely to continue to offer unbundled services after the project finishes. Lawyers who provided an explanation as to why they were to continue, most often referenced financial reasons, either for them or the client:

Demand for service with limited ability to pay.

Prior to unbundled I was offering lots of this service pro bono. This is a way to still have some fees paid while providing valuable service.

In the focus groups, two-thirds of lawyers had provided unbundled legal services prior to the launch of the pilot project. When asked how likely they were to continue to offer limited scope services, 83% indicated they are very likely and the remaining 17% are somewhat likely.

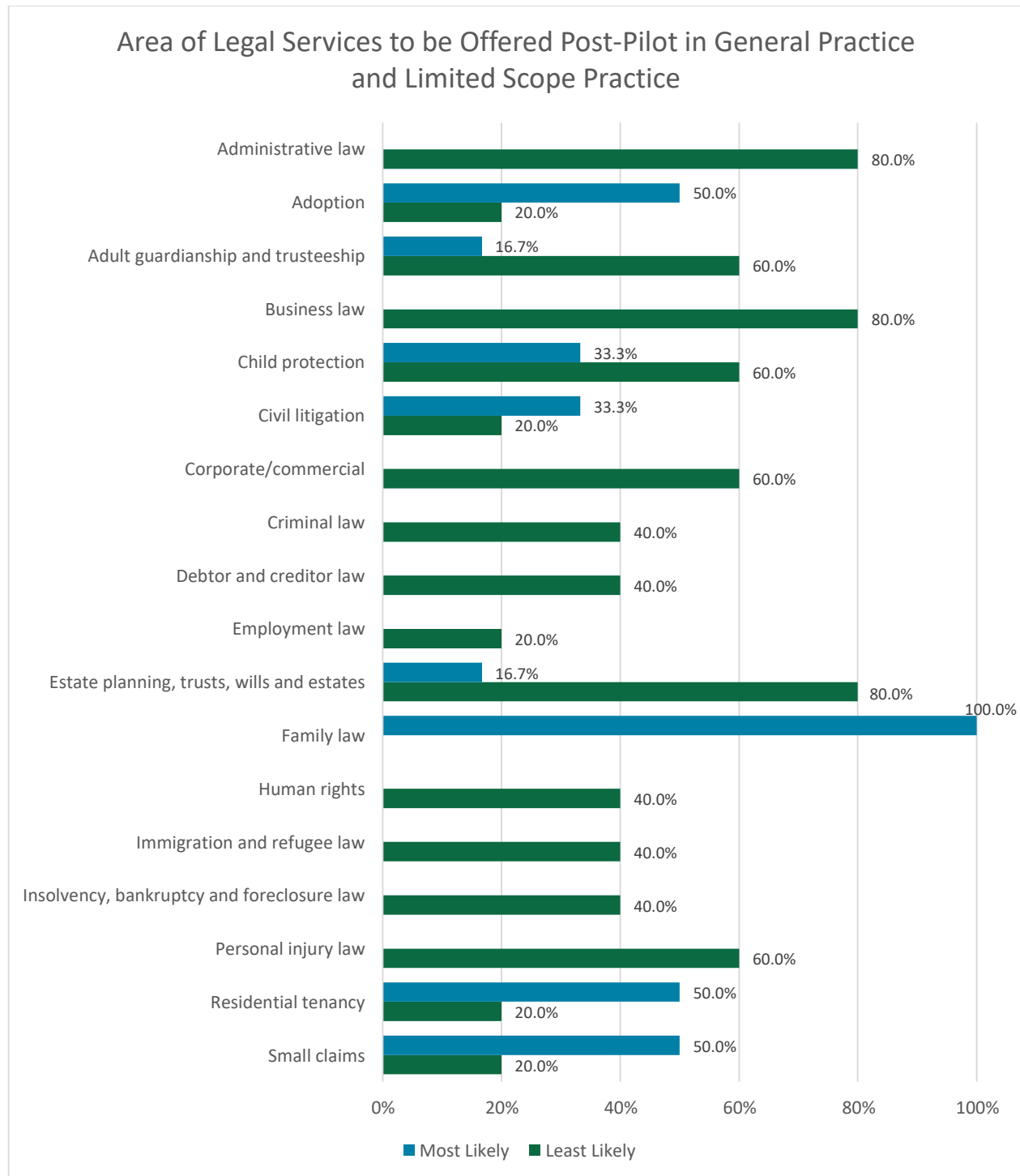


Figure 7

Lawyer Perspectives – File-Specific

In addition to the survey distributed to lawyers midway through the pilot project, participating lawyers were also asked to fill out a survey for every unbundled file they closed. Unfortunately, this did not happen for every file; however, there were nine submissions summarizing unbundled files.

About the Files

Lawyers were asked several questions aimed at collecting information around how the clients found their lawyers for the type of unbundled services they were searching for, and their interaction with the client. Only one client found the lawyer or their firm because they had heard of the pilot project, the remainder of the clients either came not knowing about the project (55.6%; $n = 5$) or the lawyer was not sure if the client knew about LCUP (33.3%; $n = 3$). Files were split fairly evenly as to whether the client came seeking unbundled services (44.4%; $n = 4$) or not (55.6%; $n = 5$). Figure 8 illustrates that cost was the number one driving force behind whether a file was determined to be appropriate for unbundled legal services. All nine were cases where cost was a determining factor. The next most common factor for determining unbundled status was the degree of simplicity or difficulty of the legal matter. About half (55.6%; $n = 5$) of the files were considered appropriate for unbundled services because they were relatively simple. Client’s sophistication level and their grasp of their situation was considered in 44.4% ($n = 4$) of cases and client’s willingness and the stage of the file was considered in 33.3% ($n = 3$) of files. No follow-up question was asked after inquiring about how lawyers determined whether a file was appropriate for unbundled legal services. However, future research should explore further how client’s sophistication level and grasp of the situation is assessed by lawyers given that almost half of the summarized files were considered appropriate for unbundled service due to that reason.

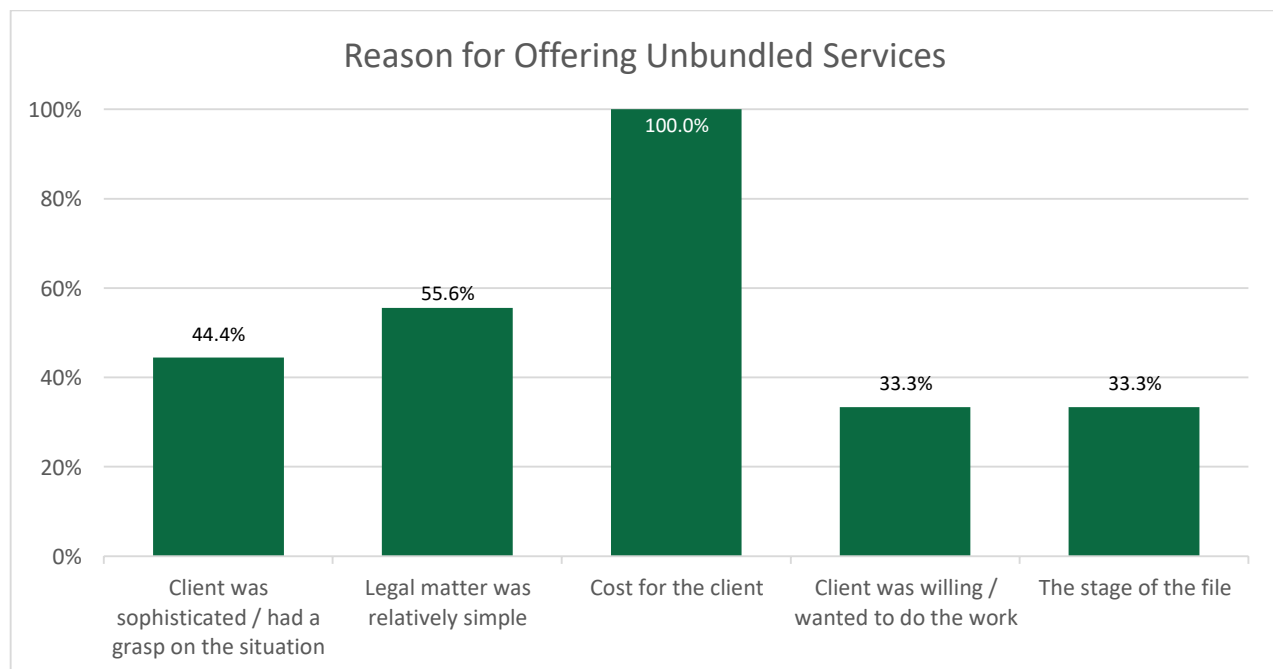


Figure 8

Lawyers were asked to indicate what area of law the files involved. All nine files involved family law. Additionally, one lawyer may have been responding to questions about *all* of their unbundled files, as they selected five law areas in addition to family law: civil litigation, debtor and creditor law, human rights, residential tenancy, and small claims.

After indicating the area of law that the file involved, lawyers were asked about what type of unbundled services were performed. Figure 9, which includes nine separate graphs, displays the specific tasks that were performed as unbundled services. The text summary highlights the most common unbundled service in each category, but the graphs display a detailed breakdown of the tasks in each category. The percentages included in the graphs denote the proportion of files that included that unbundled task out of all nine files.

Coaching (44.4%; $n = 4$): Four of the nine cases involved some form of coaching tasks. Among those tasks, drafting court documents was the most common – three of the four files that included coaching involved coaching for drafting court documents.

Drafting Documents (88.9%; $n = 8$): All but one of the nine files included drafting documents as an unbundled service. For all eight files that involved drafting court documents, drafting pleadings and other court documents was provided as a service.

Reviewing Documents (77.8%; $n = 7$): Seven of the nine files included reviewing documents. As with drafting documents, reviewing pleadings and other court documents was the most common service in this category, with six of the seven files involving this service.

Filing Processes (88.9%; $n = 8$): Filing processes were quite common for unbundled services, with eight of the nine files involving filing processes. Among those, all eight involved filing pleadings and other court documents.

Consultations (88.9%; $n = 8$): Eight of the nine files involved consultations as an unbundled service. Both initial and follow-up consultations were the most common type of unbundled consultation service, with seven of the eight files involving those services.

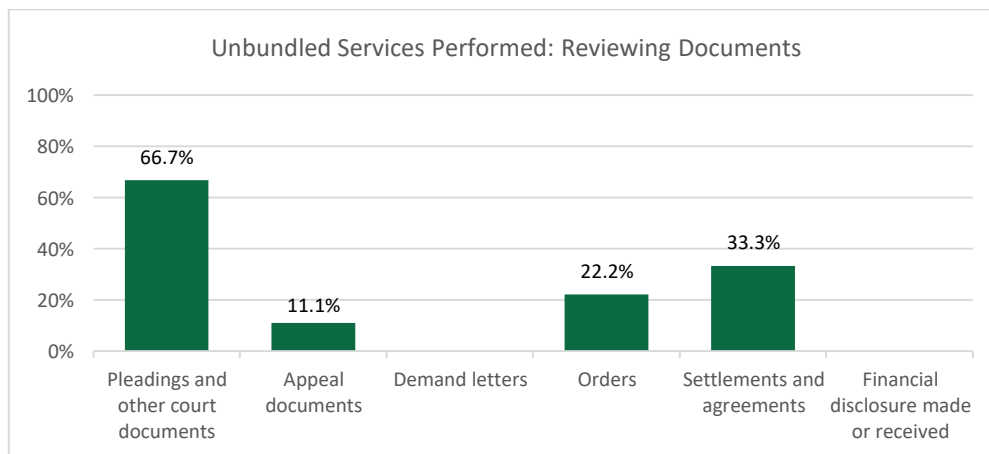
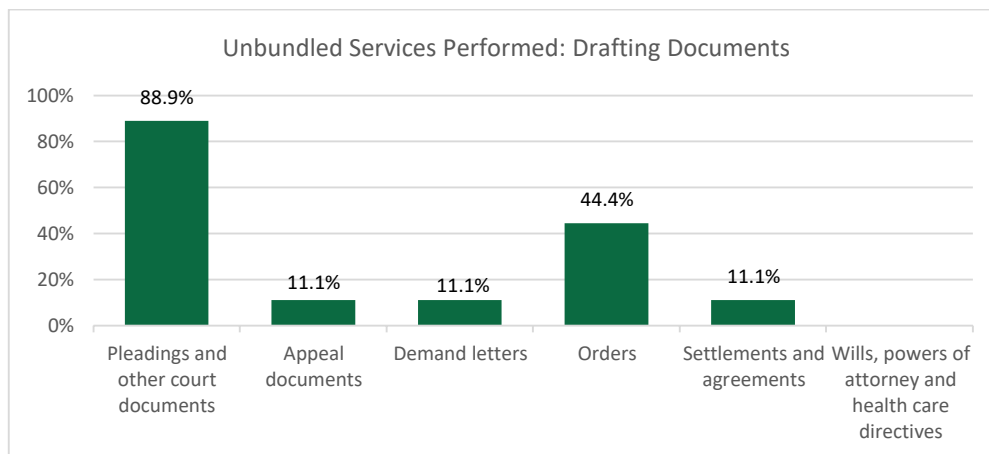
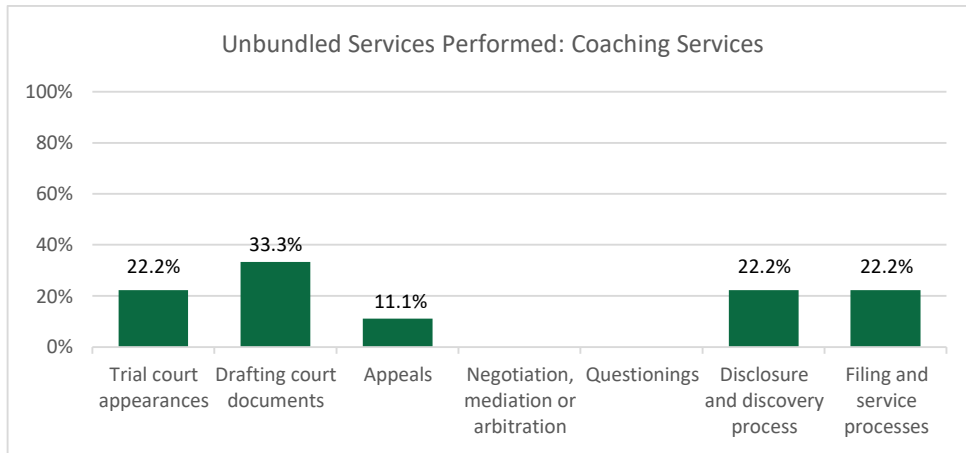
Legal Research and Writing (55.6%; $n = 5$): Five of the nine cases involved legal research and writing tasks. Four of the five files involving legal research and writing including providing a legal opinion.

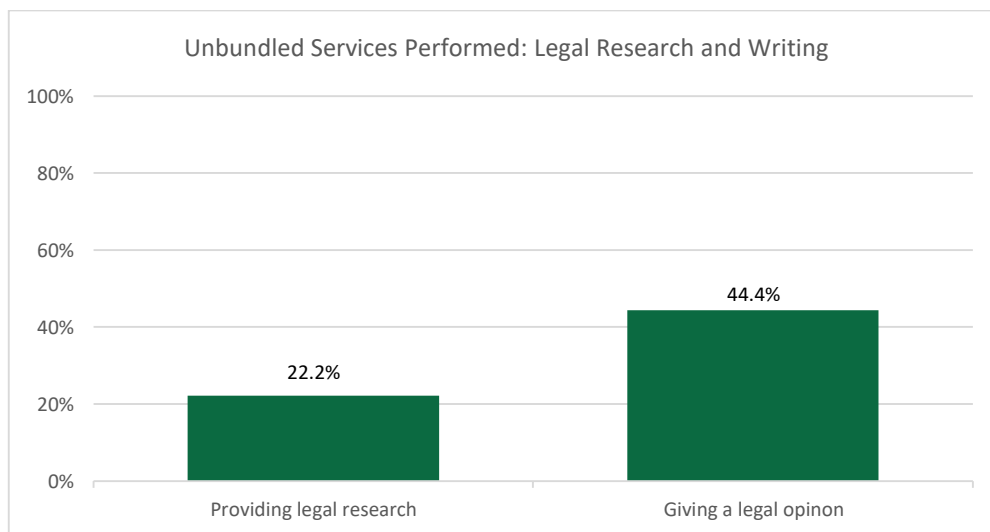
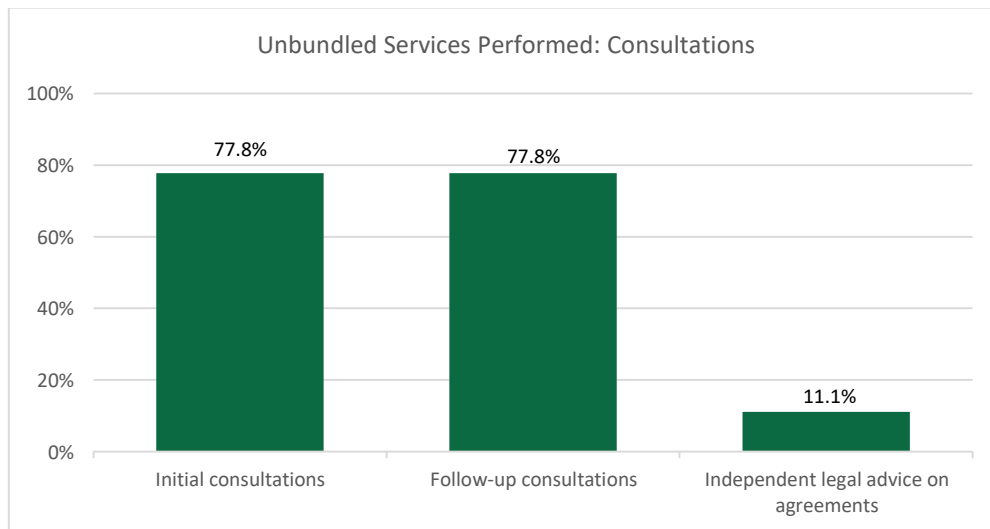
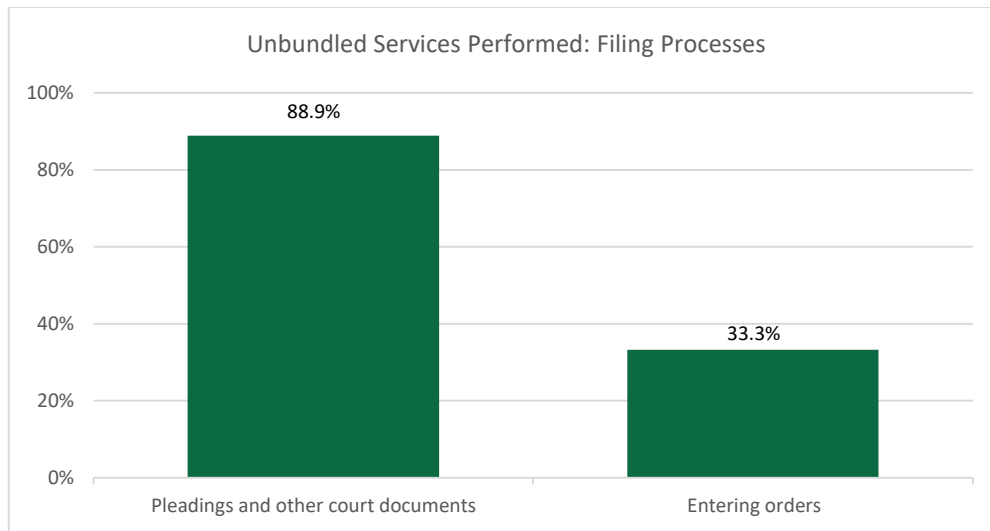
Going to Court (77.8%; $n = 7$): Seven of the nine files involved appearing at court as an unbundled service. Appearing in the Court of Queen’s Bench was by far the most common type of service in this category, with all seven files involving this type of appearance.

Resolving Problems outside Court (33.3%; $n = 3$): Three of the nine cases included resolving problems outside of court. All three files under the “resolving problems outside court” category involved conducting negotiations. Representing clients at either mediation or arbitration was not provided as a service by any of the participating lawyers.

Enforcement ($n = 0$): Enforcement, which included the tasks of enforcing judgements and enforcing agreements, was not an unbundled service provided by any of the participating lawyers.

Calculations (55.6%; $n = 5$): Five of the nine cases involved calculations as an unbundled service. All five files under this category involved calculating child support or spousal support.





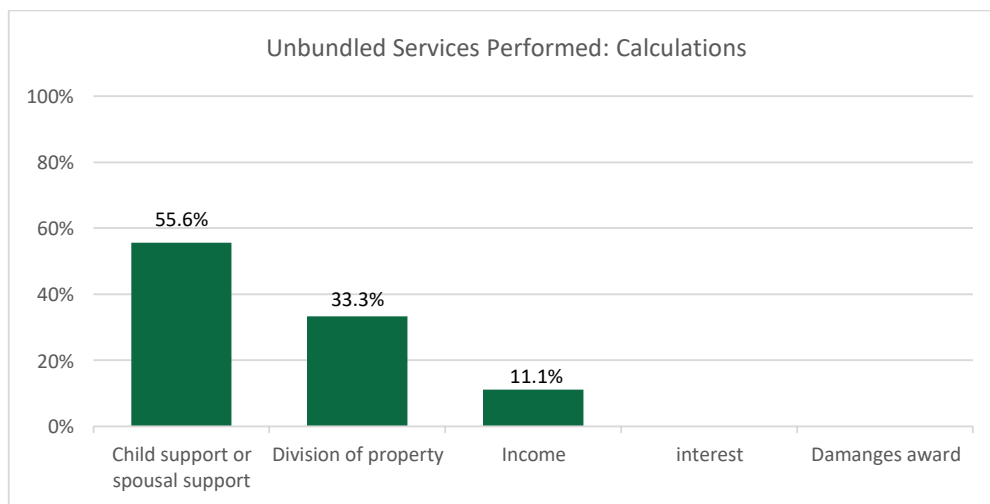
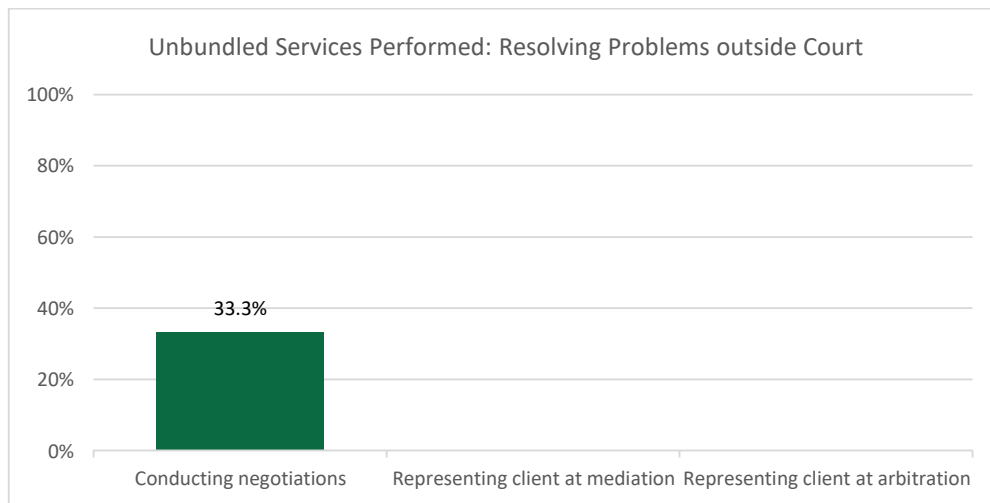
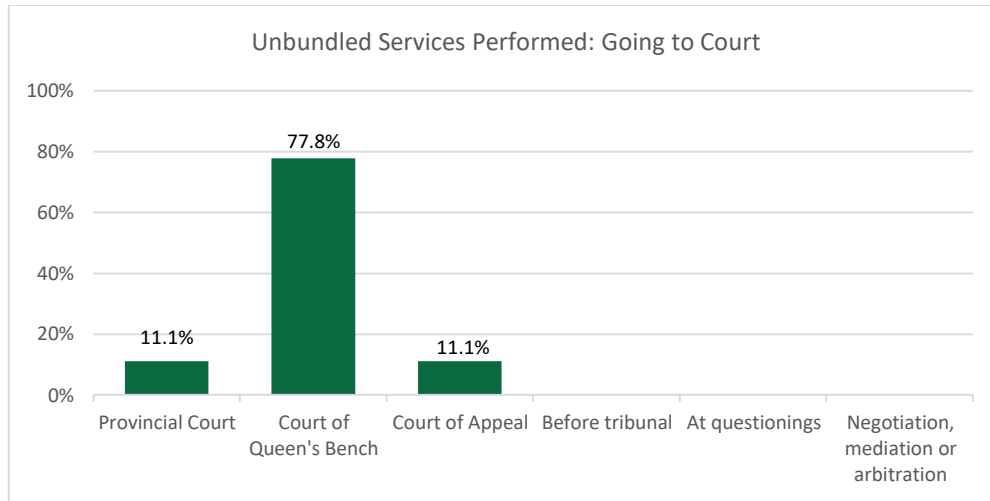


Figure 9

Lawyers indicated that they most commonly met with their clients receiving unbundled services over the telephone (66.7%; $n = 6$), followed by online mediums (22.2%; $n = 2$), and in-person at their office (11.1%; $n = 1$). Time between the date the file was opened and when the work for the client was finished varied widely. One file (11.1%) was done in a single day, four files (44.4%) took between six and 10 days, one file (11.1%) took between 26 and 35 days, and three files (33.3%) took 36 or more days to complete. When asked if the unbundled work they performed resolved the client’s problem, the responding lawyers were split on whether the services they provided resolved the client’s legal problem (44.4%; $n = 4$) or whether other steps are required to resolve the client’s legal problem (44.4%; $n = 1$). One lawyer (11.1%) was not sure if the work resolved the client’s problem.

Fees for Unbundled Services

Costs of services varied across files, and a detailed depiction of amounts charged to clients for professional services and disbursements can be found in Figures 10 and 11, respectively. No pattern emerged for amounts charged for professional services, although all services were under \$10,000, and the majority (66.6%) were under \$2,000. Most commonly, clients were not charged for disbursements (44.4%; $n = 4$).

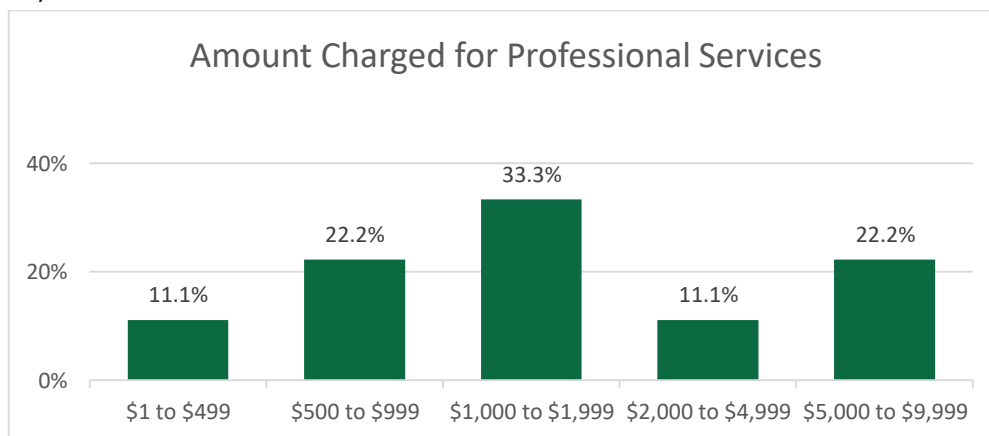


Figure 10

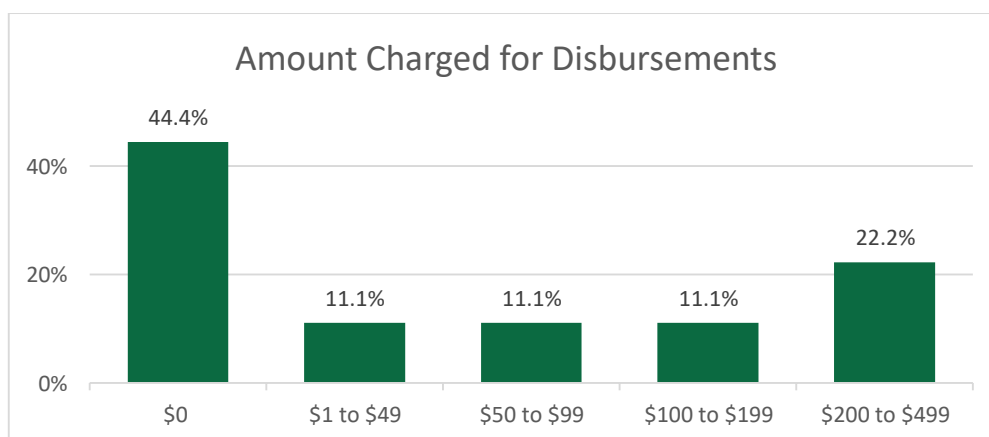


Figure 11

Lawyers calculated their fees charged for their professional services by charging a flat rate (66.7%; $n = 6$), billing by the hour (22.2%; $n = 2$) or using a reduced hourly rate (11.1%; $n = 1$). Most of the lawyers (77.8%; $n = 7$) charged the same, or close to the same rate, for the limited scope services in the described files that they would normally charge if the services were not limited in scope; however, two lawyers (22.2%) indicated the fees were lower than usual. In line with those statistics, when asked what their best guess would be as to what the client would have been charged if their legal matter had been handled in full instead of providing unbundled services, only three of the nine files had estimated fees that fell outside of the range provided for the limited scope services, suggesting that the unbundled costs for these nine files are, for the most part, quite similar to full-service costs.

Overall Perspectives

Lawyers were presented with nine statements to assess their overall perspectives on various aspects of offering limited scope legal services. The findings are presented in Figure 12 on the next page. Overall, the participating lawyers were positive about unbundled legal services. They indicated that the client appeared satisfied, they were satisfied, the work was cost-effective for the client, and they will likely continue to offer unbundled services to other clients. Although still leaning in the positive direction, many of the responding lawyers felt ambivalently about whether the work was enjoyable, or more enjoyable or easier than their usual work. The items relating to profits were the only items that generated substantial disagreement. Around half of lawyers either disagreed or neither agreed nor disagreed that the work they performed was more than or as profitable as their usual work.

Lawyers' Profiles

The demographic profile of the lawyers who summarized their unbundled files differed somewhat from the lawyers who completed the midpoint survey. Although gender was evenly split in the midpoint survey, most of the lawyers who summarized their unbundled files were male (77.8%; $n = 7$). The lawyers summarizing their files were also younger, with ages ranging from 25 to 64, with one-third ($n = 3$) falling within the youngest age bracket (25 to 34 years old). Almost all lawyers worked out of a large urban center (88.9%; $n = 8$) and the majority (66.7%; $n = 6$) work in a smaller firm with only two to three lawyers including themselves. The majority of respondents (66.7%; $n = 6$) who summarized their unbundled files have not taken any training on legal coaching and/or offering unbundled services.

Client Perspectives

Demographic Information

Client participants (i.e., those who have used limited scope legal or legal coaching services) were recruited from the Canadian Hub for Applied and Social Research's Saskatchewan Community Panel. These clients were not the same as the clients referred to by the lawyers in the Lawyer Feedback survey. The 21 participants fell across a wide spectrum of age ranges: 19.0% ($n = 4$) were between 35 to 44 years old, 14.3% ($n = 3$) were between 45 and 54, 28.6% ($n = 6$) were between 55 and 64, 28.6% ($n = 6$) were between 65 to 74, and 9.5% ($n = 2$) were 75 or older. They were also split fairly evenly between male (52.4%; $n = 11$) and female (47.6%; $n = 10$). Income levels ranged across participants: one participant (4.8%) reported an income of less than \$15,000, two (9.5%) each reported incomes of

\$15,000-\$29,999 and \$30,000-\$49,999, five participants (23.8%) indicated they had an income between \$50,000 and \$69,999, two (9.5%) each had annual incomes of \$70,000-\$89,999 and \$90,000-\$120,000, three respondents (14.3%) reported an income of over \$120,000, and four participants (19.0%) chose not to provide an annual income.

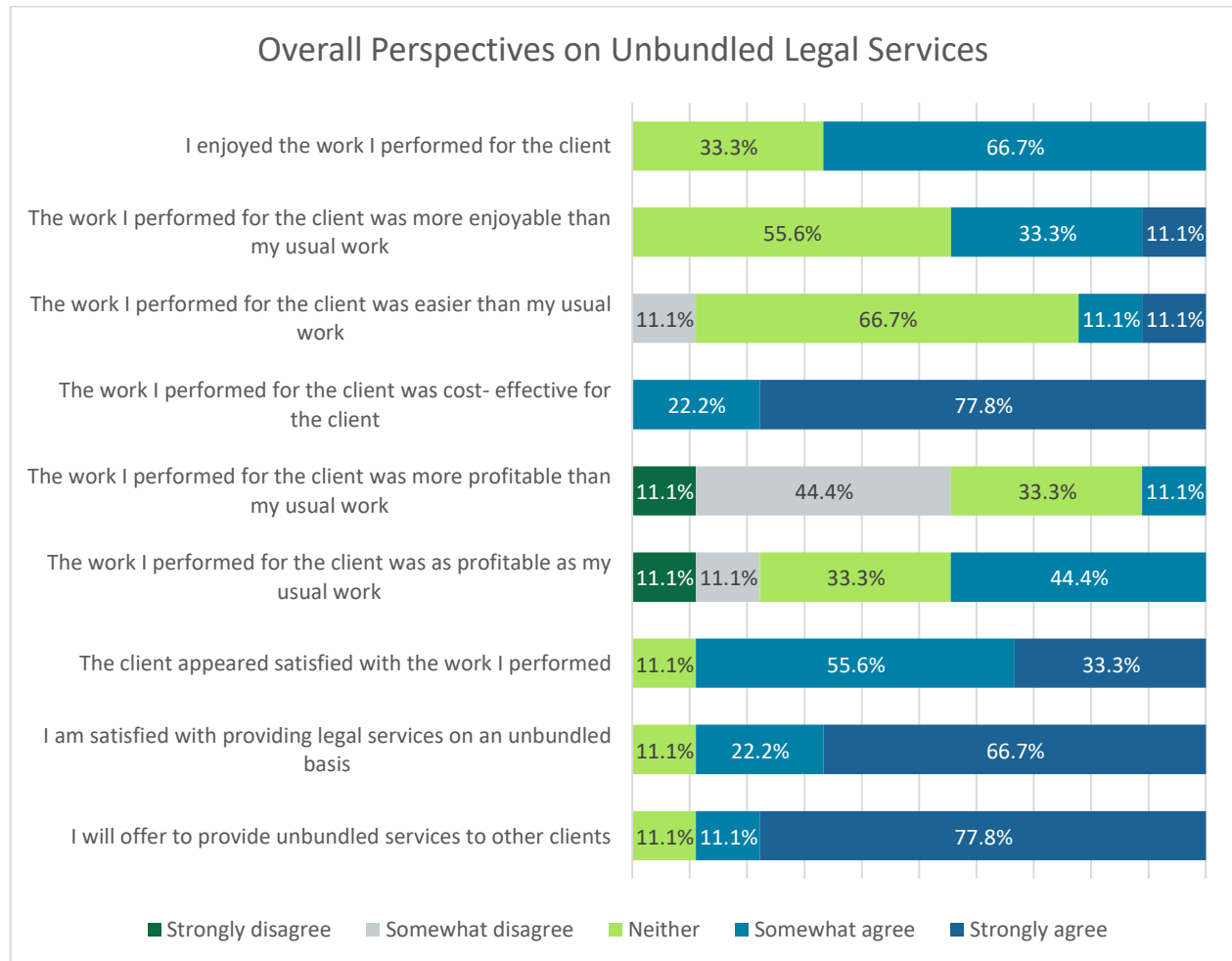


Figure 12

Education levels ranged across respondents: one participant (4.8%) did not complete high school, four (19.0%) have a high school diploma, five (23.8%) completed some university or college, two (9.5%) have a college diploma, four (19.0%) have a university degree, and five (23.8%) have a post-graduate degree or professional degree. About half of the respondents live in the large city centers of Saskatoon (28.6%; $n = 6$) or Regina (23.8%; $n = 5$), while three (14.3%) live in smaller Saskatchewan cities (i.e., Moose Jaw, Prince Albert, Estevan) and seven (33.3%) live in rural areas or small towns. The majority of respondents (81.0%; $n = 17$) are White, one respondent (4.5%) is First Nations, and three (13.6%) chose not to provide their ethnicity. All 21 respondents identified as Canadian citizens. Three (14.3%) of the

respondents identified as someone with a disability and none of the respondents considered themselves part of the LGBTQ+ community.

Choosing Unbundled Legal Services

Although the 21 participants have used unbundled legal services, none of the respondents found their lawyers on the Saskatchewan Legal Coaching and Unbundled Services website. These clients were independent from the lawyers in the LCUP pilot project. Overall, respondents reported that it was easy to access unbundled legal services versus full representation, with 50.0% ($n = 8$) of participants who responded when asked about ease of access reporting it was very easy, 31.3% ($n = 5$) indicated it was somewhat easy, 12.5% ($n = 2$) noted it was neither easy nor difficult, and 6.3% ($n = 1$) indicated it was somewhat difficult. Three respondents said this question was not applicable to them and two did not select an answer. The majority of respondents (66.7%; $n = 14$) were set on unbundled services initially, with only one-third (33.3%; $n = 7$) of respondents seeking full representation from a lawyer first. Almost mirroring those findings, 71.4% ($n = 15$) of respondents asked their lawyers only to provide specific legal services, while 23.8% ($n = 5$) indicated that the lawyer suggested that they provide limited unbundled legal services and the respondent agreed.

Respondents were asked why they chose unbundled legal services as an option rather than hiring a lawyer to represent them throughout the process. The results are presented in Figure 13 on the next page. Several of the commonly selected responses suggest that clients want to feel empowered within the legal process. They also felt competent to engage in some of the process themselves. The most commonly selected response, endorsed by 28.6% ($n = 6$) of respondents, was that they “wanted to learn more about their rights and responsibilities when it came to their legal issue.” Almost a quarter (23.8%; $n = 5$) indicated that they “felt they could do some of the work themselves and just needed assistance” and 19.0% ($n = 4$) “wanted to have control over their legal issue and how to resolve it.” A few respondents also endorsed items that reflected the financial benefits of choosing unbundled services: 23.8% ($n = 6$) “felt full representation was too expensive for what they needed” and 9.5% ($n = 2$) indicated that they “couldn’t afford full representation.” Respondents were also given the opportunity to provide other reasons in an open-ended box. The few answers that were provided indicated that the issue was minor, so they did not feel they needed a lawyer for all aspects of the matter (e.g., “I only needed a will,” “just needed signature authorization and some questions answered”).

Respondents were asked to indicate what area of law was involved in the legal problem the lawyer helped with. The most common law areas were estate planning, trusts, wills and estates (38.1%; $n = 8$) and family law (23.8%; $n = 5$). All other legal areas were selected by only one or two respondents. See Figure 14 on the next page for a detailed breakdown by legal area.

Respondents were then asked about what type of unbundled services were performed. Figure 15, which includes 10 separate graphs, displays the specific tasks that were provided to the respondents as unbundled services. The text summary highlights the most common unbundled service in each category, but the graphs display a detailed breakdown of the tasks in each category.

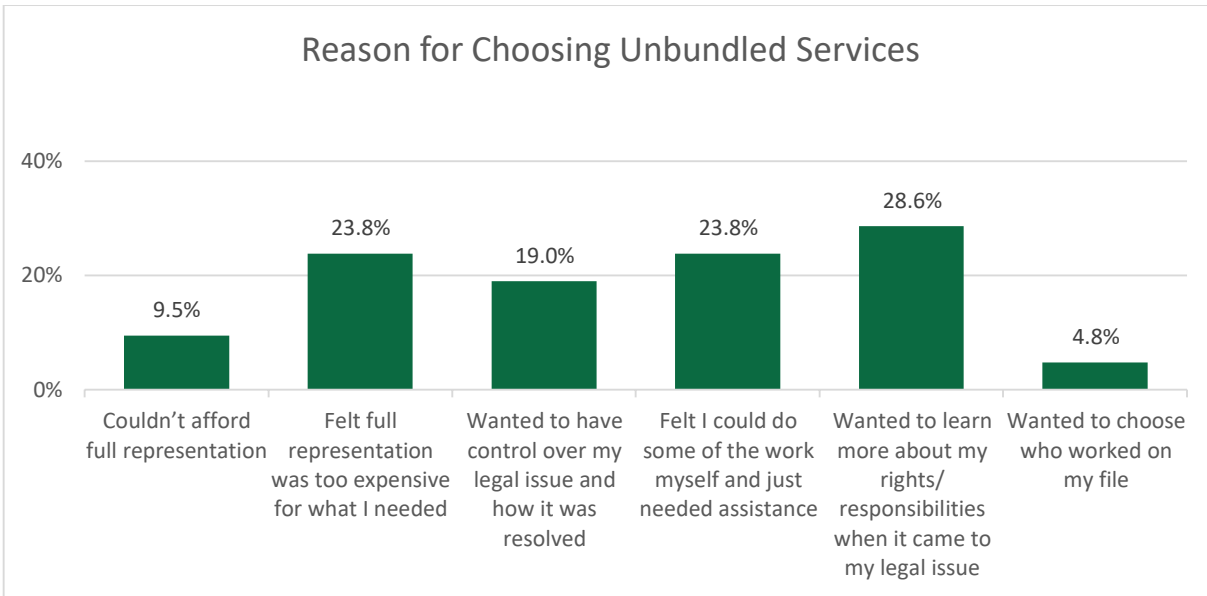


Figure 13

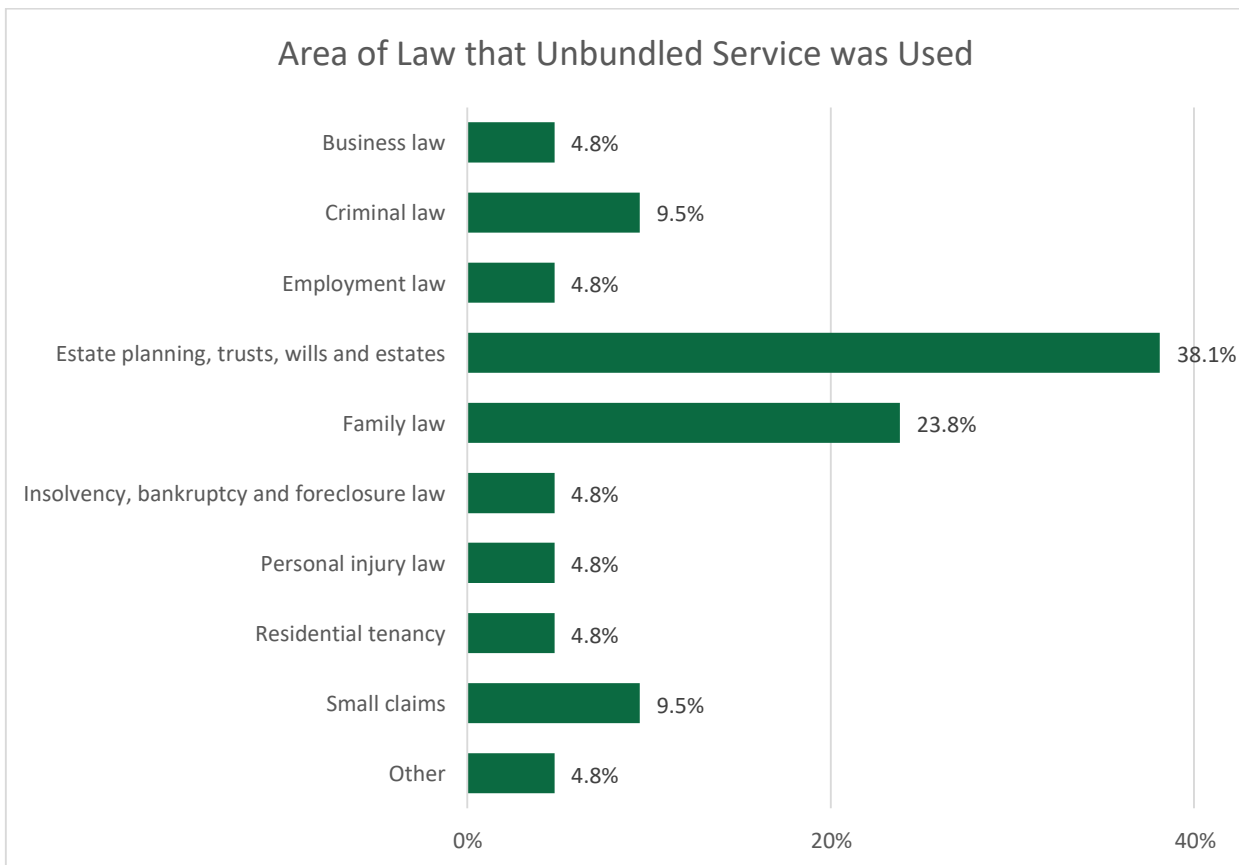


Figure 14

Coaching (71.4%; n = 15): Fifteen client respondents received coaching services from a lawyer.

Respondents were most commonly coached on activities related to documents. Specifically, 40% (n = 6) were coached on how to draft documents and how to file and serve documents.

Drafting Documents (81.0%; n = 17): Many of the clients indicated they had lawyers draft documents for them as an unbundled service. This most commonly included drafting wills, powers of attorney and health directives (41.2%; n = 7) or settlements and agreements (35.3%; n = 6).

Reviewing Documents (61.9%; n = 13): Thirteen of the clients had lawyers review documents. Pleadings and other court documents were the type of documents most commonly reviewed (38.5%; n = 5).

Filing Processes (19.0%; n = 4): Filing processes were not a common unbundled service accessed by the client respondents. The type of services falling under this category was split evenly between filing court documents at the courthouse (50.0%; n = 2) and filing orders at the courthouse and providing a copy of the issued order to the other party (50.0%; n = 2).

Consultations (85.7%; n = 18): Consultations were a common unbundled service accessed by clients. Initial consultation for legal advice and information was the most common with fourteen clients (77.8%) accessing that service. Follow-up consultation and independent legal advice on agreements were each accessed by one-third of the client respondents (33.3%; n = 6).

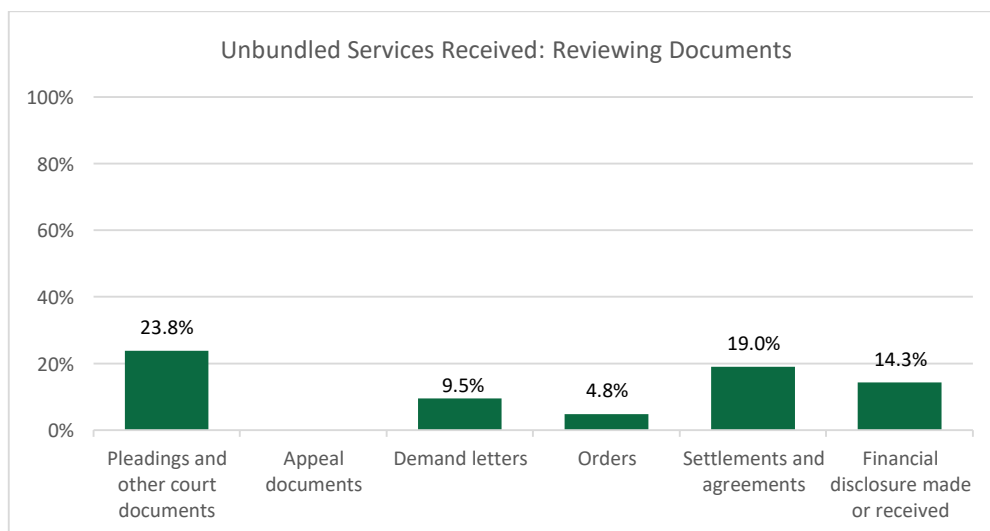
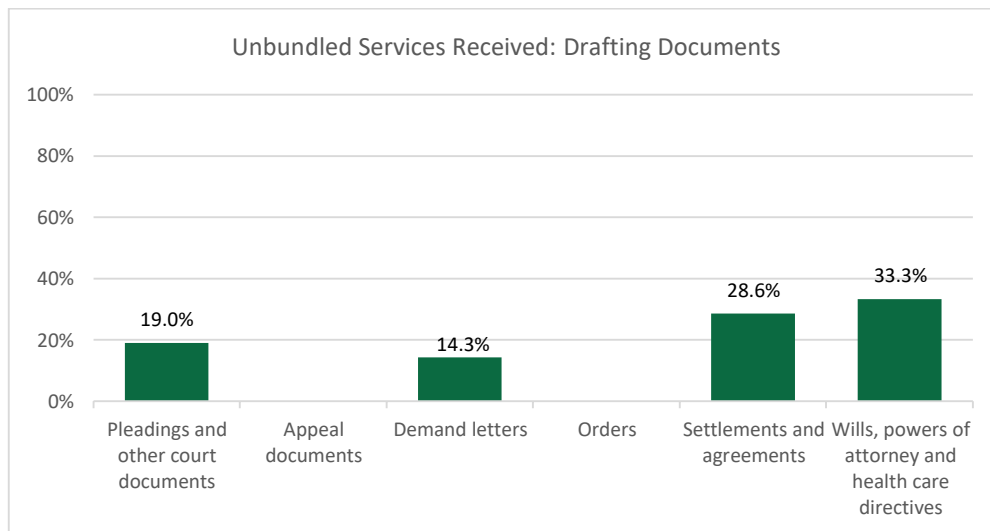
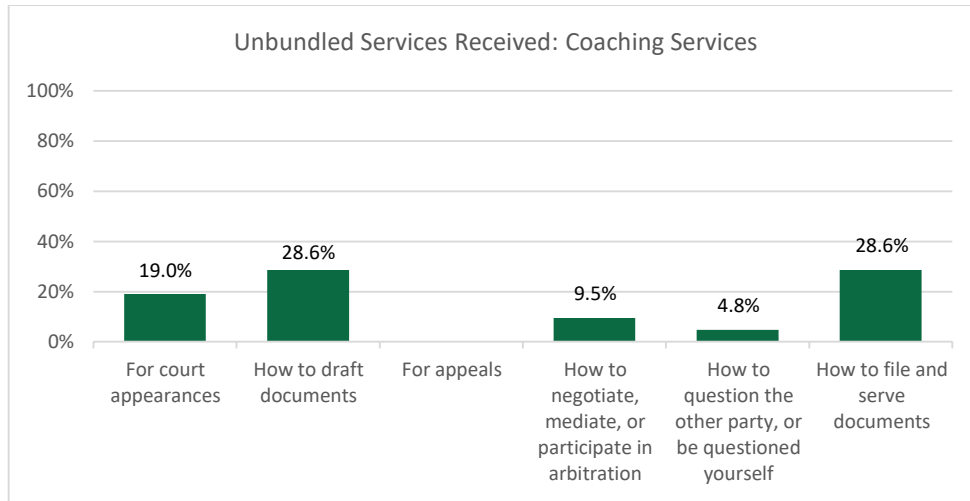
Legal Research and Writing (47.6%; n = 10): Ten of the respondents had lawyers engage in legal research and writing activities. All ten respondents indicated that the lawyers provided them a legal opinion as part of the unbundled services they received.

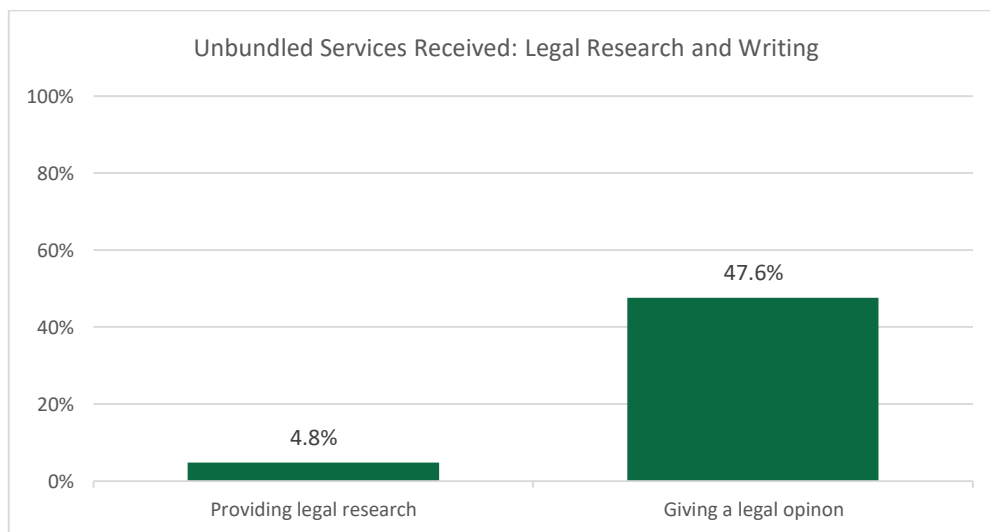
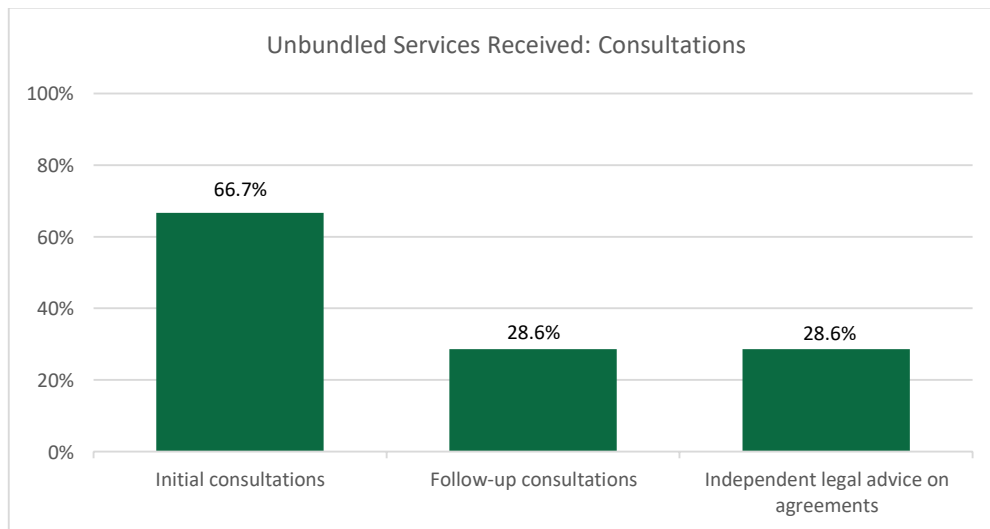
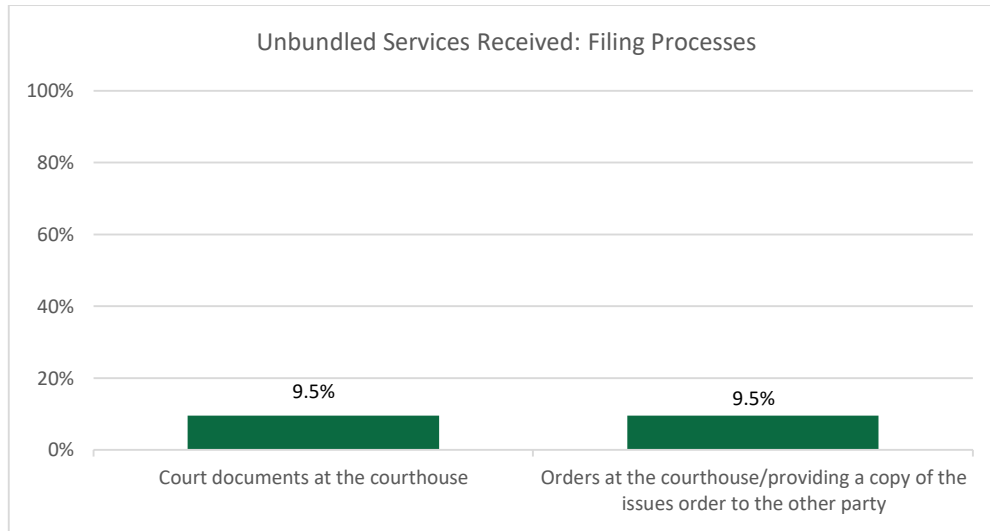
Going to Court (19.0%; n = 4): Four respondents had lawyers go to court on their behalf, two appeared in Provincial Court, one in Court of Queen's Bench, and one at questionings.

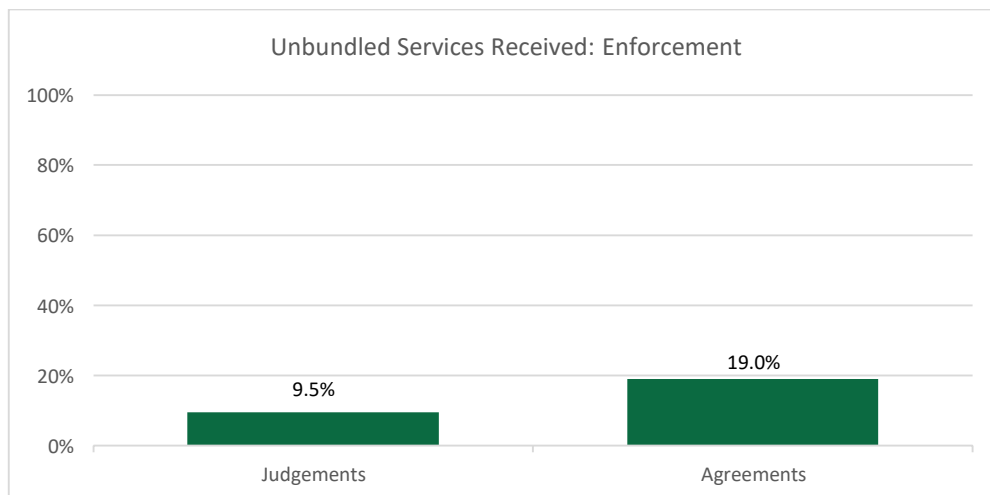
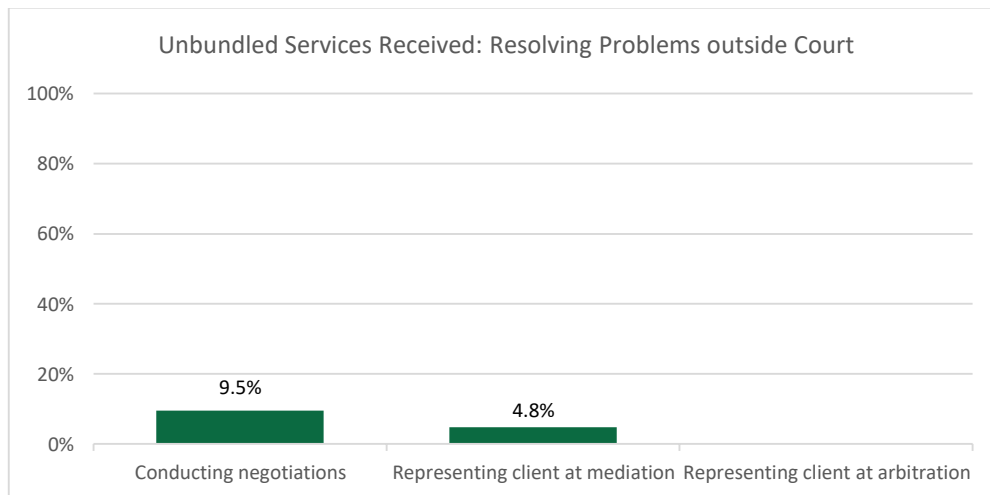
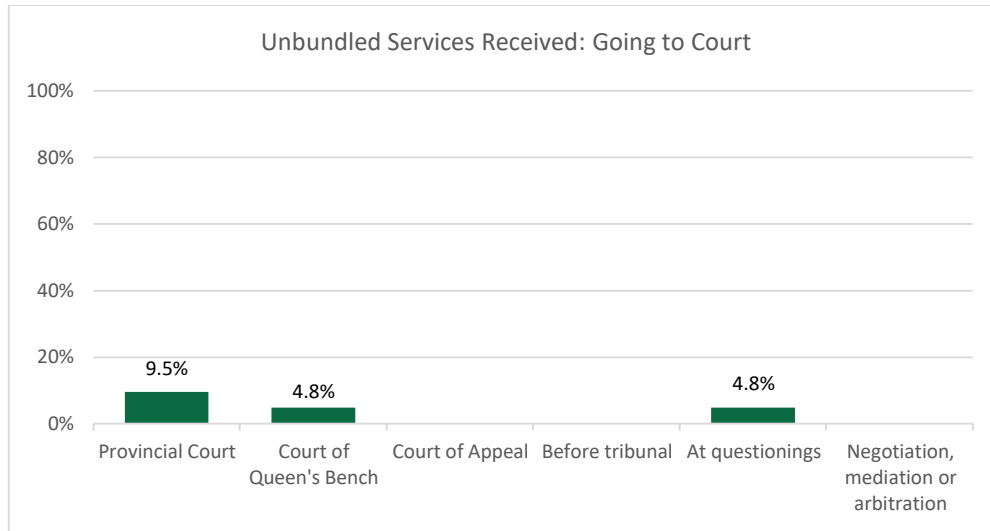
Resolving Problems outside Court (14.3%; n = 3): Three clients accessed services for resolving problems outside of court. Two of the respondents had lawyers conduct negotiations and one had a lawyer represent them during mediation.

Enforcement (23.8%; n = 5): Enforcement was accessed by five of the respondents, with the enforcement of agreements being the most common (80.0%; n = 4).

Calculations (19.0%; n = 4): Four of the respondents had the lawyer engage in calculations. Two of the cases involved calculating offers of settlement, one for calculating division of property, and one for calculating interest rates and outstanding interest owing.







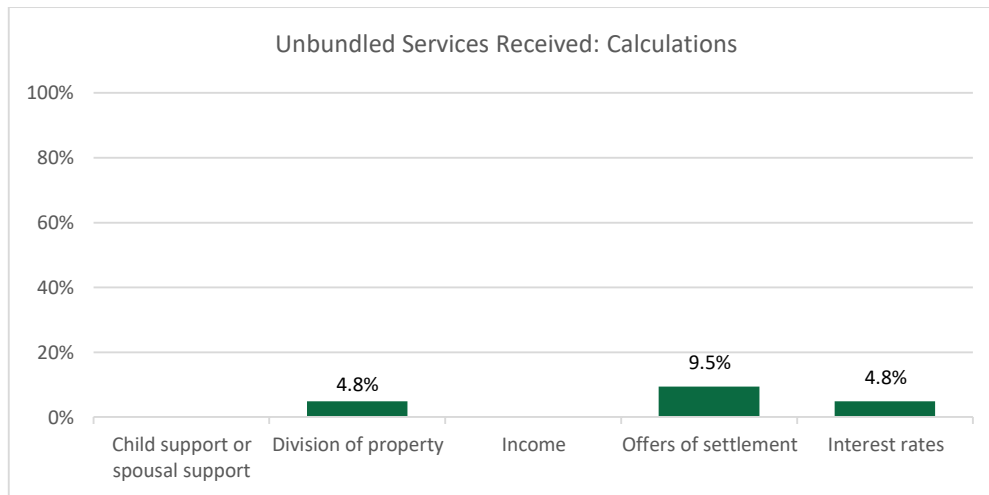


Figure 15

Unbundled Process and Costs

Clients who have used unbundled services were asked about the process they went through when they set up the agreement with their lawyer. They were asked whether the lawyer had them sign a letter or agreement (retainer) describing the work the lawyer would do for them. The majority of the respondents (61.9%; $n = 13$) were not asked by their lawyer to sign a letter or an agreement; however, the other 19.0% ($n = 4$) were. When asked how clearly they understood the work the lawyer was going to do, almost all the respondents (81.0%; $n = 17$) indicated that they understood very clearly “exactly what the lawyer was going to do.” Two respondents (9.5%) indicated that it was “clear”, one respondent (4.8%) said it was “neither clear nor unclear”, and one respondent (4.8%) said it was “very unclear.” The lack of written agreements and high level of clarity among respondents may be due to the types of services that were commonly rendered among this client group (e.g., estate planning, trusts, wills, settlements). Two-thirds of the respondents (66.7%; $n = 14$) only had the lawyer do what was originally agreed upon; however, six respondents (28.6%) had the lawyer engage in more or different work than what the original agreement outlined. When asked why additional or different work was required, responses included that the issue was “more involved than first thought” and “because documents were involved.” Other responses outlined increased consultation after the client had completed a step of their legal process on their own (i.e., court appearance) or questions about a given legal process (e.g., divorce).

The length of time between clients’ first meeting with their lawyer and the date the lawyer’s work was finished varied widely across the respondents (see Figure 16). Largely, it appeared that unbundled services are resolved in either a very short amount of time (i.e., 52.4% of cases took 5 business days or less) or a longer amount of time (i.e., 28.6% of cases took more than 35 business days), with relatively few cases falling between those time lengths. Regardless, completion time was what respondents

expected (85.7%; $n = 18$). Only one respondent (4.8%) indicated the lawyer was faster than they expected and one (4.8%) reported that the lawyer was slower than they expected.

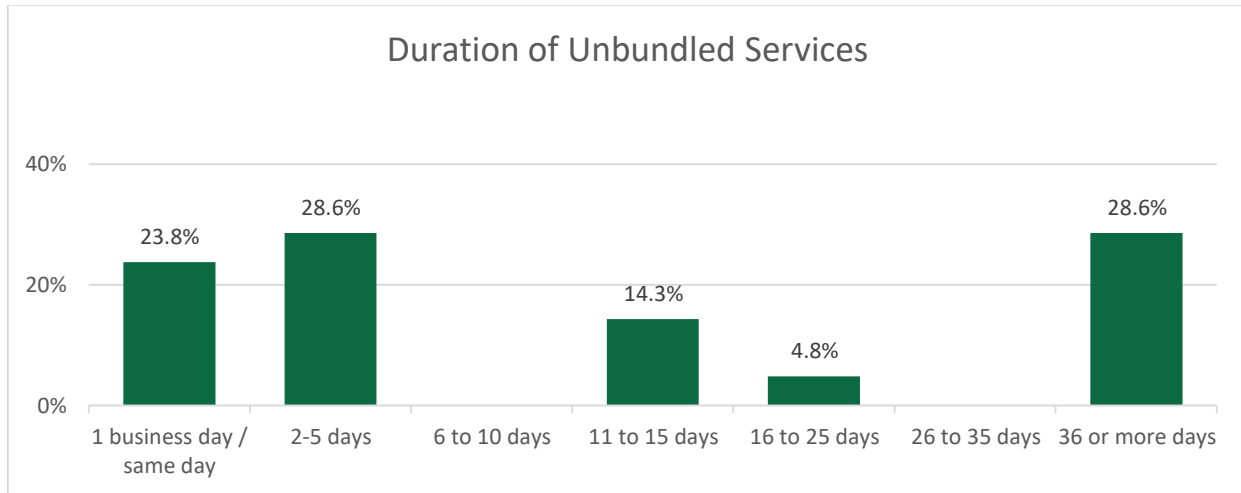


Figure 16

Focusing specifically on the final phase on the client’s legal issues, the survey included a question asking if the service the lawyer provided resolved clients’ legal problems. Almost two-thirds of respondents (61.9%; $n = 13$) indicated that the services did resolve their legal problems, while 33.3% ($n = 7$) noted that other steps are required to resolve their problem, and one respondent (4.8%) was not sure. When asked about the outcome of their legal problem, the most common response (52.4%; $n = 11$) was a written agreement. Figure 17 on the next page depicts the breakdown of outcomes across the respondents.

Respondents were also asked the extent to which they agreed or disagreed with a number of statements about how they feel about unbundled services based on the result they received on their legal matter. These responses are presented in Figure 18 on the next page. Cost and the decision to use unbundled services again in the future were the statements endorsed by the most respondents, with 57.1% ($n = 12$) indicating that the result was good for the price they paid, and the result would make them want to use unbundled legal services again. However, the desire to use unbundled services again was also the statement that received the strongest opposition as well, with 28.6% ($n = 6$) strongly disagreeing that the result made them want to use unbundled legal services again. For many (47.6%; $n = 10$) the result also was better than they expected and was good for the amount of work they were required to do. When asked about whether the result was better than if they had used full representation, the majority of respondents (61.9%; $n = 13$) neither agreed nor disagreed.

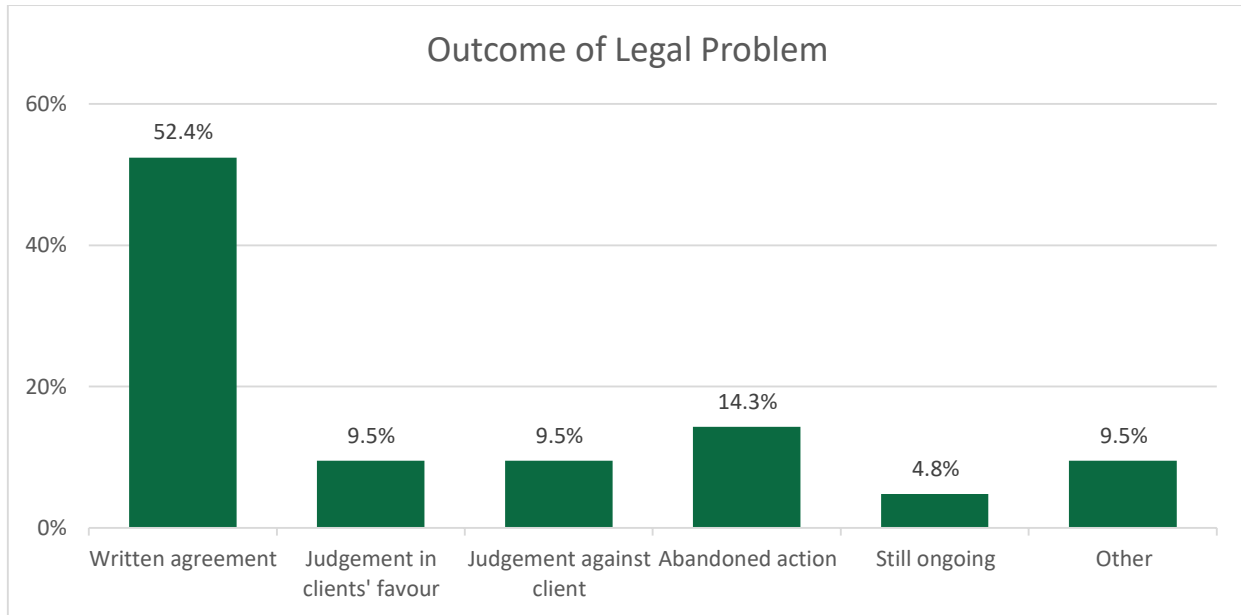


Figure 17

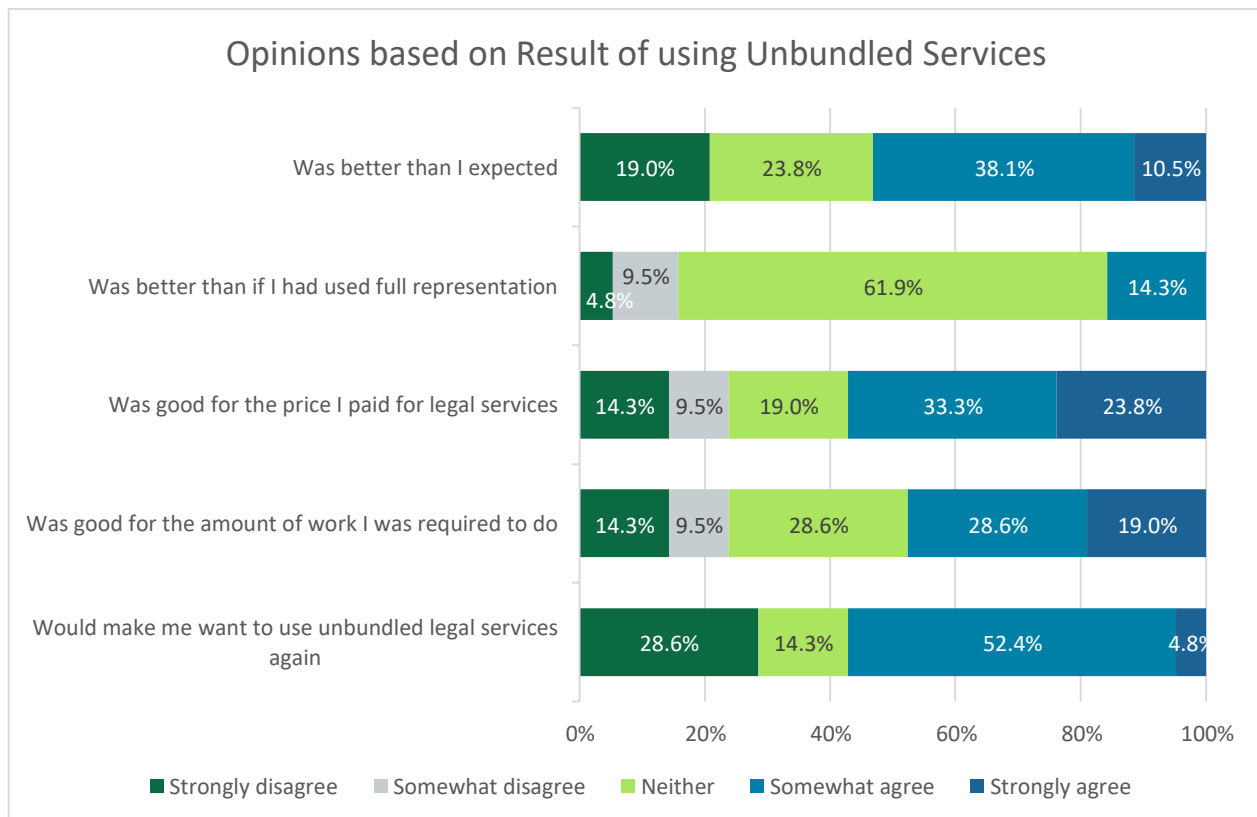


Figure 18

Costs for the unbundled services accessed by respondents was relatively low. In fact, 19% of clients ($n = 4$) reported that the lawyer did not charge them for the service. All other costs remained below \$5,000. A detailed breakdown of costs can be found in Figure 19. When asked how lawyers calculated their fees, a third of respondents (33.3%; $n = 7$) did not know. A third ($n = 7$) indicated that the lawyer billed by the hour, and 19% ($n = 4$) noted that their lawyer charged a flat rate. Overall, respondents thought that the amount charged was reasonable (42.9%; $n = 9$) or very reasonable (33.3%; $n = 7$). One respondent (4.8%) indicated the cost was neither reasonable nor unreasonable and one (4.8%) stated that costs were unreasonable.

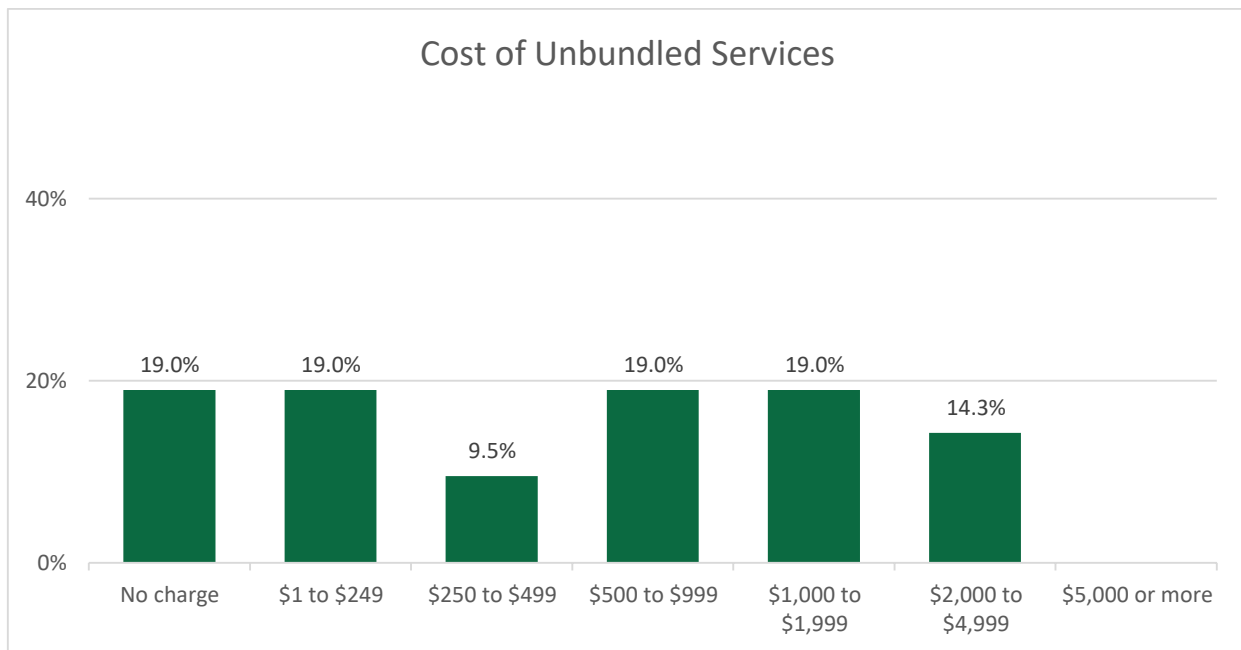


Figure 19

Personal Role

Survey respondents were asked a few questions to assess their personal involvement with their legal case. Most respondents (81.0%; $n = 17$) indicated that they were required to do some of the work needed to resolve their legal issue. The remaining 19.0% ($n = 4$) noted that they did not need to do any work. Of the 17 respondents who engaged in some of the work on their own, 70.6% ($n = 12$) filled out forms, 64.7% ($n = 11$) participated in a negotiation, mediation, or settlement, 35.3% ($n = 6$) prepared for appearances related to their legal matter, and 29.4% ($n = 5$) made an appearance related to their legal matter (see Figure 20 for a visual depiction of the results).

All 17 respondents who completed some of their own legal tasks, indicated that their lawyer or the information their lawyer gave them was helpful in completing the task. Specifically, 70.5% ($n = 12$) indicated the lawyer was very helpful and 29.4% ($n = 5$) thought the lawyer was somewhat helpful. The findings were echoed by the 19.0% ($n = 4$) and 38.1% ($n = 8$) of respondents who indicated that they,

respectively, could not and probably could not have done the work on their own that they hired the lawyer to do. One third of respondents (out of the full 21 survey participants; $n = 7$) thought they could have done the work on their own, but it would have taken longer, and two respondents (9.5%) thought they could have done the work but they would not have had as good of a result. None of the respondents felt that they could have done the work as quickly or with as good of a result.

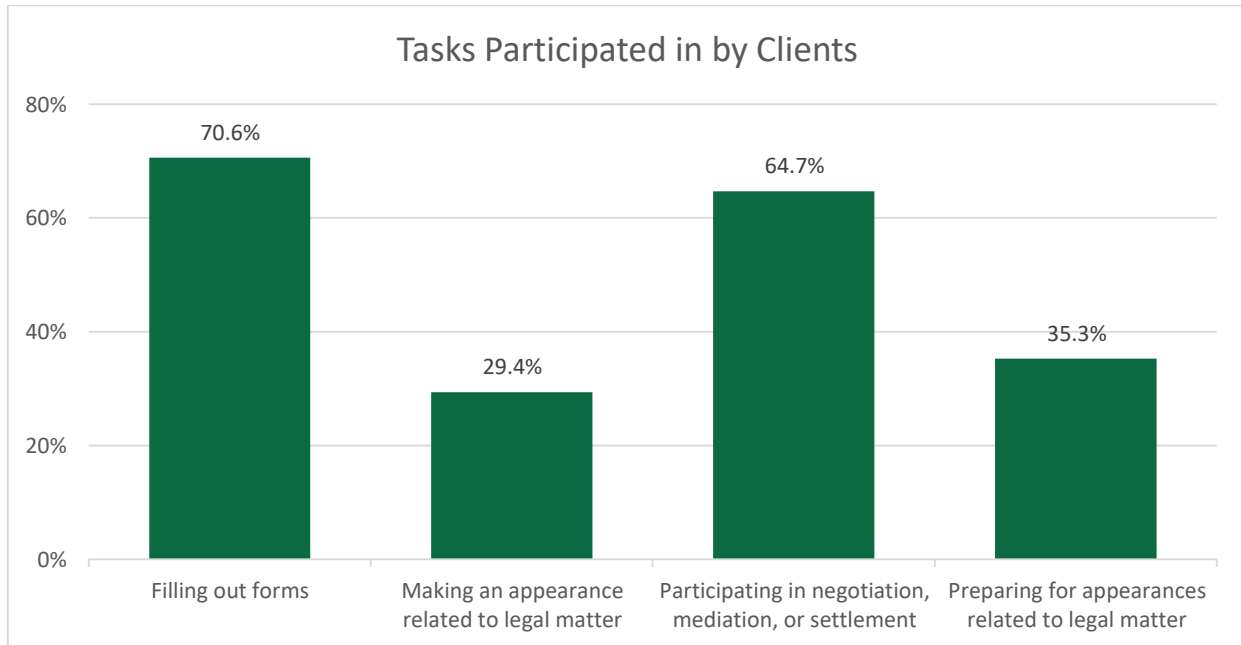


Figure 20

Outcomes and Impacts of Using Unbundled Services

The client survey included questions that gauged outcomes or impacts for people who use unbundled services. For instance, did they gain new skills or an increased confidence regarding legal issues, or did their well-being improve? Respondents were asked 10 questions about various outcomes that may have stemmed from the help they received from their lawyer. The results are presented in Figure 21.

Respondents who selected “not applicable” to the item were removed from analysis. It should also be noted that, for the first four items, only data from respondents ($n = 7$) who indicated that their legal problem required additional steps for resolution are analyzed. The findings suggest that unbundled services result in many positive outcomes for clients. All outcomes listed were realized by at least two-thirds of the sample. All respondents gained an increased understanding of the law that applies to their legal problem and an improved confidence in dealing with other people involved in their legal problem, including the other side. There was also substantial improvement in respondents’ ability to identify and deal with legal problems in the future (94.1% of respondents; $n = 16$) and almost all respondents (94.7%; $n = 18$) had an improved understanding of their own legal rights and entitlements related to their legal problem. These findings suggest that the help provided by the lawyers enabled clients to understand and move through their legal problems with a greater understanding and confidence.

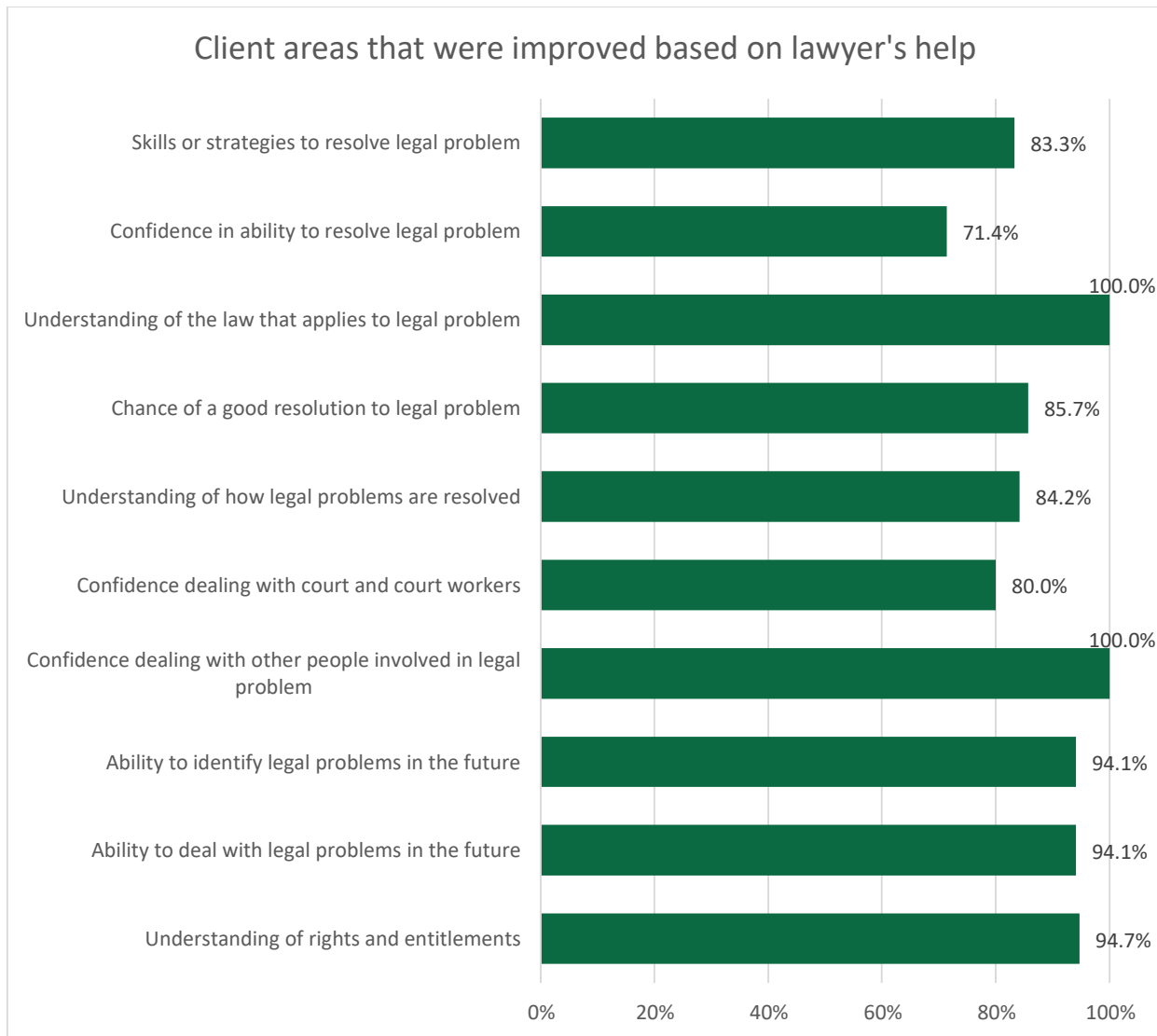


Figure 21

Respondents were also asked to what extent they agree or disagree that the help they received from the lawyer had a positive impact on various aspects of their well-being. They could respond with “strongly disagree,” “somewhat disagree,” “neither agree nor disagree,” “somewhat agree,” or “strongly agree.” Help from the lawyer had an impact on most people’s emotional well-being. More than two-thirds of respondents who answered this question (68.4%; $n = 13$) either somewhat or strongly agreed that the help had a positive impact on their emotional well-being. More than half of the sample who provided a response also agreed that there was a positive impact on financial (65.0%; $n = 13$) and social (57.1%; $n = 12$) well-being as well. There was less of an impact on physical well-being, with 42.9% ($n = 9$) agreeing that it had a positive impact. See Figure 22 on the next page for a breakdown of all responses.

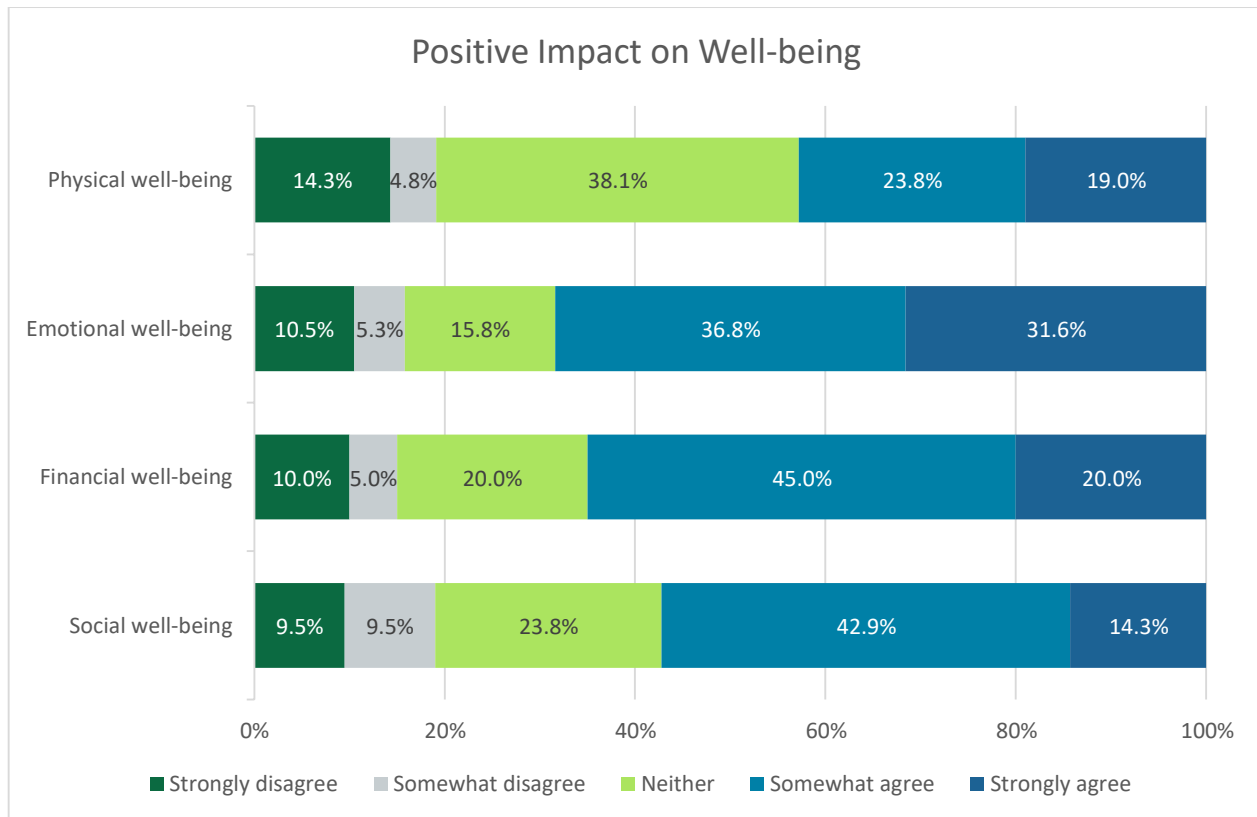


Figure 22

Reflections on Experience with Unbundled Services

Several survey questions involved clients’ reflecting on their overall experience accessing unbundled legal services. Respondents were asked if they would have preferred to hire a lawyer to manage all of their legal problem and not just the part the lawyer managed. More than three-quarters of respondents (76.2%; $n = 16$) said no to this question, suggesting that they did not regret their choice to use unbundled services. To explore in more detail why respondents did or did not like accessing limited scope services, they were presented with several statements about the perceived “perks” of these type of legal services. For all statements (e.g., costs, control, management), at least three-quarters of respondents acknowledged the advantages of using unbundled services. A full breakdown of responses is depicted in Figure 23 on the next page.

The generally positive findings found throughout the survey are reflected in the remaining responses in the reflection section. All 21 clients indicated that they would consider hiring a lawyer to provide unbundled legal services in the future. When the clients were asked whether, on the whole, they were satisfied with the work the lawyer performed for them: 38.1% ($n = 8$) were very satisfied, 47.6% ($n = 10$) were somewhat satisfied, and 14.3% ($n = 3$) were neither satisfied nor dissatisfied. When asked if there was anything the lawyer could have done to improve their satisfaction, most of the respondents

indicated that there was not anything more that could have been done. However, the couple respondents who provided suggestions outlined the following:

Charged less and listen to what I wanted. [somewhat satisfied]

I think the lawyer could have given a time frame as to when my claim would be completed.
 [neither satisfied nor dissatisfied]

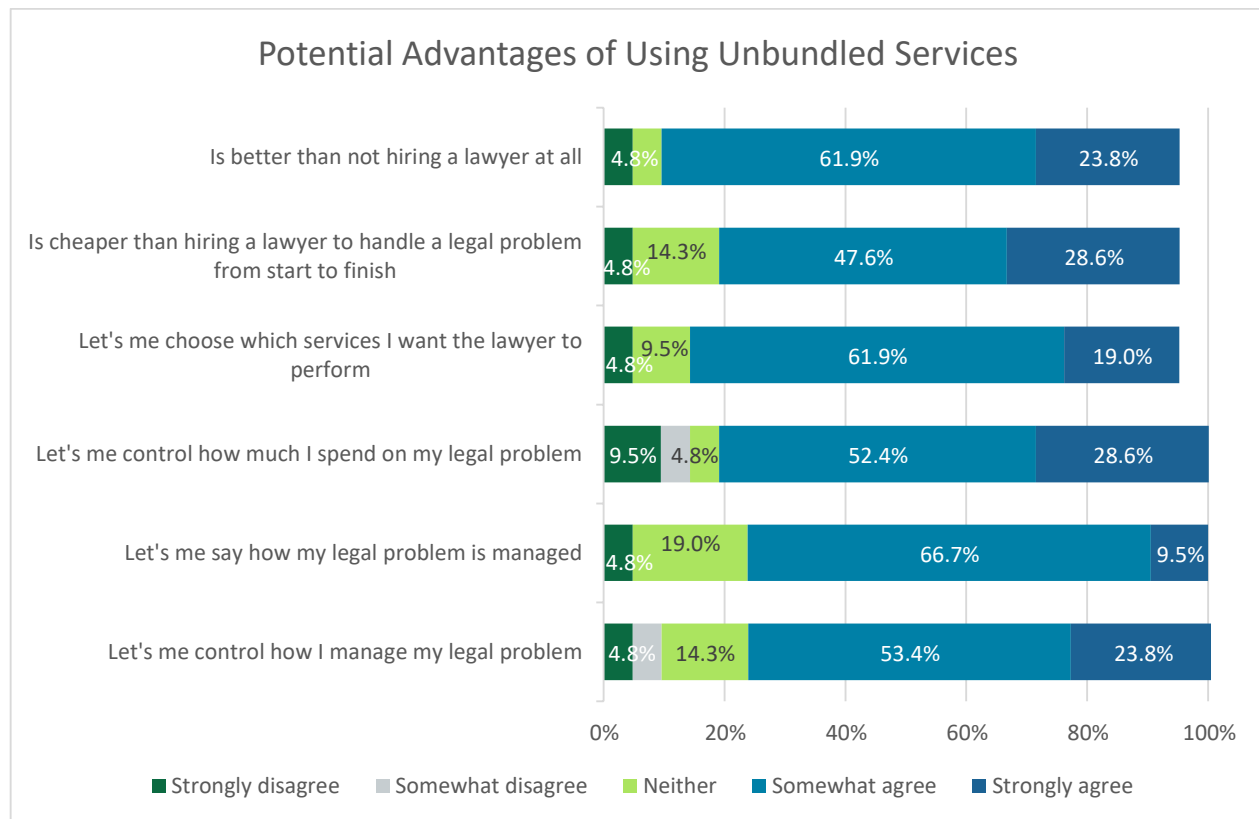


Figure 23

Final Comments

At the end of the survey, the clients were offered the opportunity to provide any additional comments about their experience hiring a lawyer to provide unbundled legal services. These included the following comments:

[Unbundled services] is still expensive but not as intimidating.

I appreciate the peace of mind getting advice from a lawyer brought me.

I defended myself twice and won. I hired a lawyer once and lost. Two out of three is not bad.

Time consuming, can be overwhelming paperwork, also wording can be difficult to figure out.

Had to [use unbundled services] because lawyers charge so much to start with. A corrupt industry set up as a good monopoly. [I]got good advice from a [non-lawyer] but was required to have a lawyer. Would like to have [a] lawyer for [the] whole thing but would go bankrupt. Government should shut down the whole racket.

I wasn't aware that this was an option but the lawyer suggested that we appear in small claims ourselves. It worked very well for us but the judge did not want us to be in small claims court without a lawyer. It was a major victory for us that I was able to convince him to let us appear without the lawyer despite the fact that all the paperwork had been completed by the lawyer. I did not know that unbundled legal services existed but this is the approach that our lawyer recommended. We are most happy that he recommended this approach. I hope that in the future, judges will be more receptive to this approach.

Conclusions

This research aims to evaluate the Saskatchewan Legal Coaching and Unbundling Pilot Project (LCUP). Fifty-nine lawyers participating in the Saskatchewan LCUP project were invited to complete a midpoint survey halfway through the pilot project, as well as feedback surveys after every client to whom they provided unbundled services. Six lawyers completed the midpoint survey (10.2% response rate), and nine feedback surveys were submitted. Separately, Saskatchewan residents from the University of Saskatchewan's Canadian Hub for Applied and Social Research's Saskatchewan Community Panel were invited to complete a client survey if they had accessed unbundled legal services. These data were independent from the files summarized by LCUP project lawyers. Data from 21 clients were analyzed.

The primary limitation of the online survey approach was the resulting low sample size and the reliance on lawyers to recruit clients. The surveys were undertaken during the COVID-19 pandemic, which likely impacted the response rate for the surveys. Future research examining legal coaching and limited scope legal services could consider completing surveys with lawyers over the telephone. If research activity is "penciled in" to potential respondents' schedules, they may be more likely to complete the surveys. Recruitment of clients may remain a challenge due to the confidentiality parameters of the legal relationship between lawyers and clients. If possible, permission could be collected from clients to pass on their contact information for evaluation and research purposes. Unfortunately, for this evaluation, the low sample size limits the extent to which conclusions can be drawn. Caution should be taken when generalizing the findings to other lawyers and clients.

The survey results revealed that most clients (81.3%) felt that accessing unbundled legal services was easy and the majority (66.7%) specifically sought out this type of service. Although cost was an important factor in choosing unbundled legal services instead of full representation (23.8% of clients selected this reason), more survey respondents (28.6%) chose unbundled services because they wanted to learn more about their rights and responsibilities when it came to their legal issue. These commonly selected reasons aligned well with lawyers' primary reasons for being involved in the LCUP project,

which were “to help make legal services more affordable” and “to improve access to justice for Saskatchewanians.”

All unbundled legal cases that were summarized by lawyers involved family law. This area was common among clients as well, with 23.8% of clients’ legal issues falling in that category. However, estate planning, trusts, wills and estates was the most common area among clients (38.1%). Among both lawyers and clients, the most common type of service that was accessed using a limited scope model was consultations (88.9% and 85.7%, respectively) and drafting documents (88.9% and 81.0%, respectively).

The relatively lower cost of unbundled services was a factor endorsed throughout the surveys by both lawyers and clients. Cost was the primary reason lawyers recommended unbundled legal services to clients and the lawyers felt it was a cost-effective option for clients. This perspective was shared by the clients, with only one (4.8%) client respondent reporting that the cost of the unbundled service they accessed was unreasonable and that unbundled services did not offer an approach that was cheaper than hiring a lawyer from start to finish. Across the entirety of the survey there was one client outlier who appeared to have had a negative experience accessing unbundled legal services. Perspectives from these types of clients, through the collection of qualitative data, would be valuable in identifying areas for improvement in the offering of limited scope services.

There were many positive impacts reported by clients who used unbundled services. All clients gained an increased understanding of the law that applies to their legal problem and an improved confidence in dealing with other people involved in their legal problem. There was also substantial improvement in respondents’ ability to identify and deal with legal problems in the future (94.1%) and almost all respondents (94.7%) had an improved understanding of their own legal rights and entitlements related to their legal problem. More than half of the clients reported the help they received from the lawyer had a positive impact on their emotional, financial, and social well-being. The lawyers echoed the many positive impacts for clients. However, overall, the lawyers did not report many personal positive impacts.

Given that a critical goal of the LCUP project is to connect lawyers and clients, should they continue to pursue this goal after the project ends, a more thorough review of their website may be needed. None of the clients found their lawyer through the LCUP website so no client perspective was collected. From the lawyer side, most survey respondents expressed indifference about the website, responding that they were neither satisfied nor dissatisfied to the various statements on aspects like available resources, navigation, functionality. Those that did respond expressed primarily satisfaction which is a positive preliminary finding. “The number of clients who have found you using the website to date” was the only option to receive any level of dissatisfaction. Given that none of the clients found their lawyer through the website, it is possible that future resources should be allocated to increase traffic to the website. With the pilot project wrapping up in April 2022, the LCUP website is migrating to a section of the Law Society of Saskatchewan’s website. Further, during the pilot project, through its “Find Legal Assistance” online directory, the Law Society started to make it possible for lawyers to select “legal coaching” and

“limited scope retainers” as an available area of practice, which has seen the number rise from 59 to 175 lawyers self-identifying they offer such services. Now, the public can directly visit the Law Society website to search in the directory to find a lawyer who offers legal coaching and limited scope services.

The results were, for the most part, positive with both lawyers and clients expressing satisfaction with the process and the results and an openness to continue to offer (in the case of lawyers) and, if necessary, access (for clients) unbundled legal services in the future. While these findings provide support for the continuation of unbundled legal services in Saskatchewan and additional steps in promoting and encouraging access to these services, caution must be taken in drawing far-reaching conclusions from this survey given the small sample sizes for all data collection activities. This study should serve as a preliminary step off which to launch additional research activities exploring the impacts and accessibility of unbundled legal services in Saskatchewan. Surveys with larger sample sizes, interviews and focus groups, and mapping exercises would provide additional insight into the need, process, and impact of unbundled legal services.

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