



# **UNBUNDLED LEGAL SERVICES**

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In the New Normal



INSTITUTE *for the* ADVANCEMENT  
*of the* AMERICAN LEGAL SYSTEM



UNIVERSITY *of*  
DENVER

# UNBUNDLED LEGAL SERVICES IN THE NEW NORMAL

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INSTITUTE *for the* ADVANCEMENT  
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## **IAALS—Institute for the Advancement of the American Legal System**

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IAALS, the Institute for the Advancement of the American Legal System, is a national, independent research center at the University of Denver dedicated to facilitating continuous improvement and advancing excellence in the American legal system. We are a “think tank” that goes one step further—we are practical and solution-oriented. Our mission is to forge innovative and practical solutions to problems within the American legal system. By leveraging a unique blend of empirical and legal research, innovative solutions, broad-based collaboration, communications, and ongoing measurement in strategically selected, high-impact areas, IAALS is empowering others with the knowledge, models, and will to advance a more accessible, efficient, and accountable American legal system.

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# INTRODUCTION

Limited scope representation (also referred to as “unbundled legal services”) is an established concept, at least in theory. Some point to Forrest “Woody” Mosten as the “Father of Unbundling,” who began popularizing the idea back in the 1990s. Mosten was famous for using popsicle sticks to visually represent the concept. On each individual stick, he would write a discrete legal task that an attorney might undertake for a client. Tied together with a string, the bundle represented the components of a full-service representation model. When the string was untied, each stick then represented a discrete service that an attorney could offer a client in an unbundled model.

Attorneys can offer unbundled services in their practice to increase their clientele and also to provide help to many who are unable to pay for full-scale legal help. While this model has increased in popularity over the years, there continue to exist several challenges with its implementation. IAALS, the Institute for the Advancement of the American Legal System at the University of Denver, has long been a proponent of this service model and has hosted several national conferences on unbundled legal services to facilitate the implementation of this type of practice. In 2015, along with the American Bar Association Standing Committee on the Delivery of Legal Services and the ABA Legal Access Jobs Task Force, IAALS explored ways to [innovate](#) beyond the twentieth-century model of providing legal services.<sup>1</sup> In 2017, IAALS hosted another conference to [foster collaboration](#) around the effort to advance unbundled legal services.<sup>2</sup>

In 2021, in the midst of the COVID-19 pandemic, IAALS hosted a third conference, [Unbundled Legal Services in the New Normal](#), as a partnership between IAALS, The Chicago Bar Foundation, the ABA Standing Committee on the Delivery of Legal Services, and the Self-Represented Litigation Network.<sup>3</sup> This three-day virtual event focused on how the pandemic helped normalize digitization and the use of technology for legal service providers generally,

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<sup>1</sup> *Client-Centric Legal Services: Getting from Here to There*, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., <https://iaals.du.edu/events/client-centric-legal-services-getting-here-there> (last visited August 15, 2022).

<sup>2</sup> *Better Access through Unbundling: From Ideation to Implementation*, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., <https://iaals.du.edu/events/better-access-through-unbundling> (last visited August 15, 2022).

<sup>3</sup> *Unbundled Legal Services in the New Normal*, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., <https://iaals.du.edu/events/unbundled-legal-services-new-normal> (last visited August 15, 2022).

including those in an unbundled practice. The conference also highlighted that while there is increased use of technology and scalable unbundled services in this “new normal”—which make starting an unbundled practice easier—important startup and ethical considerations remain for practitioners in this space, in addition to needed increased support by courts. The convening created a forum where an array of stakeholders could share their perspectives, get better insights into collaborative roles, and learn about best practices to advocate for this service delivery model.

This report details the key discussion points from the Unbundled Legal Services in the New Normal conference. Section I provides insights from the various discussions on how to establish an unbundled practice. Section II explores when and how to integrate technology tools in a practice, including how to identify opportunities for productization of legal services. Section III covers important issues in ensuring that an unbundled practice adheres to professional ethics obligations. Finally, Section IV considers how courts can be an essential partner to unbundled practitioners and an important leader in supporting the widespread implementation of the unbundled model.

## ESTABLISHING AN UNBUNDLED PRACTICE

The unbundled legal services model has grown substantially in popularity since first introduced. Most private practitioners know what the limited scope model is, and some have incorporated it into their practice—formally or informally.<sup>4</sup> But there is still some uncertainty around how to establish an unbundled practice and whether this delivery model can be profitable. Below, we highlight the market for unbundled legal services, the steps to launching an unbundled practice, the scale and flexibility of this model, and the many ways to market services.

### THE MARKET FOR UNBUNDLED LEGAL SERVICES

Is there a market for unbundled legal services? Yes.

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<sup>4</sup> Legal aid centers have a long-standing history of utilizing the limited scope model. This manifests in a variety of ways from providing legal advice and document review at clinics to providing free representation at hearings.

Data suggests there is a vast untapped legal market. Over 70 percent of [family](#)<sup>5</sup> and [civil](#)<sup>6</sup> cases have at least one self-represented party, with [financial reasons](#)<sup>7</sup> being one of the strongest motivating factors. But there is often a meaningful difference in the cost of getting attorney help for a few discrete tasks compared to the costs of retaining an attorney for an entire case. Unbundled attorneys can capitalize on the segment of the legal services market who can and are willing to pay for legal help on a limited basis. And according to a [2011 public opinion poll](#)<sup>8</sup> by the American Bar Association, while 70 percent of people were initially unfamiliar with unbundling, two-thirds were interested in talking with a lawyer after they learned about it.

## LAUNCHING AN UNBUNDLED PRACTICE

Defining services is the first step in setting up an unbundled practice, and beginning in a familiar area of law is the most efficient. Participants in the 2021 conference agreed that family law is generally an easy practice area to unbundle, as it has natural phases and discrete tasks. Other practice areas that lend themselves to the unbundled model include debt collection and landlord-tenant disputes. Case handling can be broken down into phases or chunks from which determinations can be made as to whether the attorney or the client will handle each task.

It is beneficial to assign a price to each unbundled task, particularly since price transparency is important to potential clients who are seeking affordable legal services. It is better for the client and better for the attorney if cost is listed upfront. The Chicago Bar Foundation [Pricing Toolkit](#)<sup>9</sup> provides advice on value-based pricing and is a good resource for attorneys unsure about how

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<sup>5</sup> NAT'L CTR. FOR STATE COURTS, THE LANDSCAPE OF DOMESTIC RELATIONS CASES IN STATE COURTS 20 (2018), [https://www.ncsc.org/\\_data/assets/pdf\\_file/0018/18522/fji-landscape-report.pdf](https://www.ncsc.org/_data/assets/pdf_file/0018/18522/fji-landscape-report.pdf).

<sup>6</sup> NAT'L CTR. FOR STATE COURTS, THE LANDSCAPE OF CIVIL LITIGATION IN STATE COURTS iv (2015), [https://www.ncsc.org/\\_data/assets/pdf\\_file/0020/13376/civiljusticereport-2015.pdf](https://www.ncsc.org/_data/assets/pdf_file/0020/13376/civiljusticereport-2015.pdf).

<sup>7</sup> NATALIE ANNE KNOWLTON ET AL., CASES WITHOUT COUNSEL: RESEARCH ON EXPERIENCES OF SELF-REPRESENTATION IN U.S. FAMILY COURT 12 (2016), <https://iaals.du.edu/publications/cases-without-counsel-research-experiences-self-representation-us-family-court>.

<sup>8</sup> AM. BAR ASS'N STANDING COMM. ON THE DELIVERY OF LEGAL SERVS., PERSPECTIVES ON FINDING PERSONAL LEGAL SERVICES 19 (2011), [https://www.americanbar.org/content/dam/aba/administrative/delivery\\_legal\\_services/20110228\\_aba\\_harris\\_survey\\_report.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/administrative/delivery_legal_services/20110228_aba_harris_survey_report.authcheckdam.pdf).

<sup>9</sup> JESSICA BEDNARZ & LAUREN LESTER, THE PRICING TOOLKIT (2021), <https://chicagobarfoundation.org/pdf/jep/pricing-toolkit.pdf>.



much to charge for specific tasks. Other firms' and organizations' unbundled pricing models can also be instructive to an attorney setting prices to services.<sup>10</sup>

## SCALE & FLEXIBILITY

With unbundled services, it is easy to be scalable and flexible. Attorneys can provide flat fees for discrete tasks or chunks of a case and still charge hourly rates for other tasks, such as for trial representation. Tasks can be offered à la carte, so the client can pick and choose which services they want help with based on their needs and financial situation. Unbundled attorneys can also experiment with subscription models, with the client paying monthly depending on the level of attorney involvement and services rendered.

## MARKETING SERVICES

Marketing is essential to growing any legal practice, but it is especially important for unbundled practitioners because customers may not be familiar with this newer service delivery model. The term “unbundled legal services” means little to a lay person, so using phrases in ad copy like “customized client services” can catch consumer attention in a clear and direct way.

Additionally, a practitioner can provide the consumer with information about the service delivery model, so clients can educate themselves about how this attorney and these services stand apart from the traditional model. IAALS and the Association of Family and Conciliation Courts developed a [consumer guide to unbundling](#)<sup>11</sup> that explains what unbundled legal services are, what an unbundled lawyer does, and how it works in a legal process. Lastly, an unbundled attorney should discuss the full spectrum of their services during the initial client consultation. This way clients will not only learn about services they may want in the future, but they may also recommend any number of those attorney-provided services to people they know.<sup>12</sup>

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<sup>10</sup> *Family Law Assistance at Reduced Expense (FLARE)*, JACKSONVILLE AREA LEGAL AID, <https://www.jaxlegalaid.org/flare/> (last visited August 15, 2022).

<sup>11</sup> INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS. & THE ASS'N OF FAMILY AND CONCILIATION COURTS, UNBUNDLING LEGAL SERVICES: OPTIONS FOR CLIENTS, COURTS & COUNSEL (2015), [https://iaals.du.edu/sites/default/files/documents/publications/a\\_guide\\_for\\_consumers.pdf](https://iaals.du.edu/sites/default/files/documents/publications/a_guide_for_consumers.pdf).

<sup>12</sup> This will also help to address ethical concerns around clarity of scope of representation, which we discuss in more detail in Section III.

Lawyers can also partner with professional associations to spread their marketing reach. It is common for local and state bars to maintain lists of attorneys that are willing to provide limited-scope services. These lists often live on bar association websites as a resource for people looking for cost-effective legal help. For example, the [State Bar of Michigan Lawyer Referral Service](#)<sup>13</sup> is a great tool for both attorneys and potential clients. The webpage explains limited scope representation and what this service model means for clients. People can search for an unbundled practitioner or they can call the bar and be directed to someone who specializes in their issue.

Another example of private lawyers partnering with professional associations comes out of Jacksonville, Florida. Jacksonville Area Legal Aid (JALA) is a legal aid center that has a reduced-fee legal services program called the [Family Legal Assistance at Reduced Expense](#) (FLARE).<sup>14</sup> This program works with local attorneys to make sure that high-quality legal services are available to individuals who may not be able to pay the standard rate to hire an attorney. JALA partners with private attorneys who provide reduced-fee legal services in dissolution, custody, paternity, and uncontested temporary relative custody. JALA manages the intake process, so clients apply through their website, pay JALA up front for the services, and then JALA provides participating attorneys with a list of available cases.

## USING TECHNOLOGY WITH AN UNBUNDLED PRACTICE

### THINK SIMPLE

Technology is part of nearly every law practice today, whether it is an unbundled or traditional practice. While references to legal technology may bring to mind complex practice management software or cutting-edge predictive analytics programs, the most widely used legal technologies are simple and well-known tools like Microsoft Word, Gmail, Zoom, MailChimp, WordPress, Adobe, etc. These tools have become such a seamless part of law practice that we often do not consider them when thinking about innovating the practice of law. Yet they can radically improve and streamline an unbundled practice. For example, MailChimp allows for email

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<sup>13</sup> *Limited Scope Representation (LSR): A More Affordable Way to Hire a Lawyer*, MICH. LEGAL HELP, <https://michiganlegalhelp.org/self-help-tools/going-court/limited-scope-representation-lsr-more-affordable-way-hire-lawyer> (last visited August 15, 2022).

<sup>14</sup> JACKSONVILLE AREA LEGAL AID, *supra* note 10.

automation, which can streamline a lawyer's communication flow with clients and potential clients. Additionally, with Zoom there has been a sharp rise in videoconferencing in the legal industry as a convenient way of meeting and engaging with both clients and the courts. And while Adobe is not new for attorneys, it can be used to create, edit, organize, share, and sign PDF files, with the ability to access those files from anywhere.

## IDENTIFYING PRODUCT OPPORTUNITIES

The productization of services is happening across professional services industries, and this trend lends itself to an unbundled legal services practice. The application of technology tools allows unbundled lawyers and other legal services providers to serve people at scale, without direct involvement. This move away from the traditional one-to-one model to a one-to-many model can expand an attorney's clientele. It also provides legal consumers with options that reflect individual price points and preferences for handling legal issues independently.

Small, repetitive tasks are often low-hanging fruit for products in an unbundled practice. The following questions can help identify these opportunities:

- What standard information are you passing along to every client?
- What client questions do you find yourself answering repeatedly?
- What repeat issues are you trying to fix?

Integration of technology into an unbundled law practice only makes sense if the resulting products and services solve an existing problem, whether for the lawyer or the consumer. If a tech tool does not achieve this key goal, it likely will not be sustainable and can create inefficiency and frustration.

## AUTOMATING FORMS

Automating forms is an easy, low-cost way to attract prospective clients or otherwise assist consumers without an attorney. There are several ways to integrate this service into practice. To generate an immediate profit, the document automation service can be made available for a cost. Another approach is to make the document automation freely available online with the option for attorney review at a cost. Related services can also be offered for a fee alongside the attorney review.

One example is [Lester Law](#),<sup>15</sup> which offers a variety of options for navigating a divorce or establishing a custody plan. Consumers can receive help with a specific step in the process, from drafting a document to having representation at a hearing. Consumers can also navigate the entire process without an attorney through the firm’s LawGuides service: a step-by-step guide for starting and completing a divorce in Colorado. Similarly, [Hello Divorce](#)<sup>16</sup> is an online platform that helps people manage and complete their divorce in a number of states. It integrates automated forms with legal information, wellness support, strategy, and unbundled legal coaching to empower clients to navigate the divorce process on their terms. Clients have the ability to choose between four different plans, one of which is completely do-it-yourself. The other three plans involve differing levels of unbundled attorney involvement, from proofreading and filing to mediation services.

## ASSESSING FEASIBILITY & DEVELOPING THE PRODUCT

Not all ideas are worth pursuing, so it is critical to assess the feasibility of building the product alongside the value that is expected. This assessment exists along a spectrum—the more feasible the build, the less value the product must return. One framework for making the decision as to whether to move forward is whether the problem is greater than the time it takes to automate it.

In developing the product, it can be useful to identify the first step that can be achieved in a minimal amount of time to launch something that adds value. From that point, consumer feedback can be gathered and the tool improved. The proliferation of no-code tools (for example, [Afterpattern](#)<sup>17</sup>) is empowering non-technical providers to create their own software and apps, and these can be very helpful to unbundled practitioners.

## CONNECTING WITH CONSUMERS

Even the best product or service is useless if no one is able to find it. It is critical, then, to think from an early stage about how consumers will discover the product. Both the type and amount of promotion will likely depend on the type of organization providing the product. For law firms, the accessibility of the firm’s website is a major factor. Courts, self-help centers, and legal aid organizations should focus on both web-based and in-person advertising, as many first reach out

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<sup>15</sup> LESTER LAW, <https://www.mylifelawyer.com/> (last visited August 15, 2022).

<sup>16</sup> HELLO DIVORCE, <https://hellodivorce.com/> (last visited August 15, 2022).

<sup>17</sup> NETDOCUMENTS, <https://afterpattern.com/> (last visited August 15, 2022).

for help by appearing in person. The more ways that any organization can promote their products, the more likely it is that clients will find and take advantage of these tools.

## UNBUNDLED SERVICES & ETHICAL CONSIDERATIONS

Lawyers who are interested in offering limited scope representation are sometimes reluctant to proceed due to a concern over potential ethics violations. As is the case for any lawyer, an unbundled lawyer must consult and comply with the Rules of Professional Conduct. The focus with this practice model is centered on how to effectively limit the scope of representation and document the parameters of the representation.

### COMMUNICATION

One of the most important aspects of an unbundled legal services arrangement (and in serving clients more broadly) is communication.

Every service that an attorney plans to complete for the client must be discussed in detail and memorialized in writing. The discussion needs to include not only the services that the attorney intends to provide but also the services that the attorney will *not* provide. This is vital because while it is permissible to limit scope, an attorney cannot limit their advice. Part of this advice includes explaining to a client the ramifications of not completing a task over which the client has responsibility. Back-and-forth conversations on this topic with the client can often provide the attorney with a sense of whether the client fully understands the limited scope of the representation. Another key piece of information that must be thoroughly explained is the point at which the lawyer's work will be considered complete. There are few things that can harm a litigant's case more than the client believing they have representation when they do not.

Throughout the limited scope representation, an attorney is obligated under Rule 1.4 to keep the client reasonably informed about the progress of the work.<sup>18</sup> This includes when the attorney has finished the work detailed in the agreement. It is often wise to confirm this through a disengagement letter or some other type of documentation.

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<sup>18</sup> MODEL RULES OF PROF'L CONDUCT r. 1.4 (AM. BAR ASS'N 1983).

## LIMITATIONS ON SCOPE & INFORMED CONSENT

Rule 1.2(c) authorizes an attorney to limit the scope of the representation if the “limitation is reasonable under the circumstances and the client gives informed consent.”<sup>19</sup> This determination goes beyond competency to take on the matter. An unbundled practitioner should consider the client’s capabilities—factors like tech competence, prior experience with the legal system, temperament (if negotiating with the other party), language capability, etc. As noted above, informed consent should include reference to the tasks the lawyer will handle and the tasks the client will perform (and the rationale behind this allocation).

## DOCUMENTATION

Written documentation is important for any type of client agreement, but it is critical in an unbundled arrangement to memorialize the client’s informed consent regarding the limitations on the representation. Misunderstandings can arise from verbal communication that was not memorialized in writing. To avoid miscommunication and liability issues that may arise, it is important for unbundled practitioners to have established internal policies for documentation—potentially even practices that go beyond the jurisdiction’s professional conduct rules.

## EXPANDING THE SCOPE OF THE AGREEMENT

Lawyers providing unbundled legal services are often asked to perform tasks beyond those enumerated in the initial agreement, in some cases because the client becomes uncomfortable performing the task on their own. When asked to go beyond the agreement, a lawyer must make a deliberate decision whether to take on the extra responsibility. If amenable to the expansion of tasks, it is important for the unbundled lawyer to amend the written engagement agreement and attain the client’s informed consent. In declining to expand the agreement, reference should be made to the terms of the original agreement.

Scope creep is a very real issue in unbundling arrangements. Anyone who provides unbundled services must create strong boundaries with their clients and only provide services beyond the initial agreement once the agreement has been amended to include the new services.

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<sup>19</sup> MODEL RULES OF PROF’L CONDUCT r. 1.2(c) (AM. BAR ASS’N 1983).

## MALPRACTICE INSURANCE

Lawyers have expressed concern that malpractice insurers may be reluctant to insure those who engage in an unbundled practice, or that insurance rates will increase if unbundling is part or all of a practice. However, an informal survey of 10 malpractice insurers indicated that none of the insurers even screen for unbundling when identifying “problem areas” as part of standard policy preparations.<sup>20</sup> The surveyed insurers do not charge a premium for unbundling. They did, however, advise lawyers to minimize risk by having clear written documentation, including engagement or retention letters, and checklists that sharply define those tasks that fall to the lawyer and those assigned to the client.

## UNBUNDLING IN A LAW FIRM

When unbundled services are being offered in the context of a multi-lawyer law firm as opposed to by a solo practitioner, Rule 5.1 (responsibilities of a partner or supervisory attorney) will be implicated. Lawyers with supervisory or managerial responsibility must ensure that attorneys within their purview understand limited scope representation and how to establish client arrangements within the bounds of the Rules of Professional Conduct. In this context, an issue arising with a single lawyer can create malpractice risks for the larger firm.

## NEW TIERS OF LEGAL SERVICES PROVIDERS

Over the past few years, states have begun creating new categories of legal services providers: allied legal professionals who are authorized to provide limited legal advice and services across certain case types, often including family. These allied legal professionals are by their very nature providing unbundled legal services. When lawyers are interfacing with clients being served by an unbundled provider (lawyer or allied legal professional), there are implications for Rule 4.2 (communication with represented parties) and Rule 4.3 (communication with unrepresented parties).

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<sup>20</sup> Jessica Bednarz & Samira Nazem, *Limited Scope: (Almost) Boundless Opportunity*, AM. BAR ASS’N (Jan.–Feb. 2019), [https://www.americanbar.org/groups/gpsolo/publications/gp\\_solo/2019/january-february/limited-scope-almost-boundless-opportunity/](https://www.americanbar.org/groups/gpsolo/publications/gp_solo/2019/january-february/limited-scope-almost-boundless-opportunity/).

# UNBUNDLING & THE COURTS

## BENCH & BAR PARTNERSHIPS TO INCREASE SUPPORT

Courts and court stakeholders (judges, clerks, self-help staff, law librarians, etc.) must be active partners in supporting the widespread implementation of unbundled legal services.

Historically, limited scope representation has brought about hesitation to both judges and lawyers. Judges worry that litigants will become confused about their representation status and find themselves alone in court with serious legal issues pending. Lawyers recognize these judicial concerns and worry that, as a result, their limited scope agreements with clients will be rejected, forcing them to remain on cases beyond the agreed-upon tasks. Partnerships between the bench and bar can be very effective in educating courts and practitioners alike about this model, and thereby facilitating the increased acceptance of these arrangements by courts.

In close collaboration with the courts, the Alaska Bar Association established the first Unbundled Law Section in 2010. Prior to the creation of the Unbundled Law Section, the Alaska Supreme Court visited communities to promote unbundled legal services, brought in experts to provide trainings and resources, and worked closely with the bar to gain support. The Alaska Supreme Court helped garner interest and support around unbundling, and the effect this effort has had is evident in the prevalence of unbundling in Alaska. Judicial champions can be tremendously effective.

In Illinois, the bench and bar worked together to create [bench cards](#)<sup>21</sup> describing unbundled legal services, the importance of this model, and how it benefits clients. Bench cards can also include a list of resources for judges to provide self-represented litigants, including a list of lawyers willing to provide unbundled services. The American Bar Association has created a [state-by-state list of resources](#)<sup>22</sup> for lawyers, judges, and other court stakeholders, including the rules on unbundled legal services, as they vary by state.

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<sup>21</sup> *Bench Card: Limited Scope Representation*, ILL. JUDICIAL BRANCH, [https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/4c23e620-3d0b-4a2b-a132-5d1e00d5fe80/Limited\\_Scope\\_Bench\\_card.pdf](https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/4c23e620-3d0b-4a2b-a132-5d1e00d5fe80/Limited_Scope_Bench_card.pdf) (last visited August 15, 2022).

<sup>22</sup> *Unbundling Resources by State*, AM. BAR ASS'N, [https://www.americanbar.org/groups/delivery\\_legal\\_services/resources/pro\\_se\\_unbundling\\_resource\\_center/pro\\_se\\_resources\\_by\\_state/#il](https://www.americanbar.org/groups/delivery_legal_services/resources/pro_se_unbundling_resource_center/pro_se_resources_by_state/#il).



## UNBUNDLED LEGAL SERVICES IN THE COURTHOUSE

It is extremely important to place service options where people are when they need legal help the most, which is often inside a courthouse. There are a variety of program options and partnerships that courts can create to help promote unbundled legal services within the courthouse, whether as part of legal aid efforts or partnerships with the private bar.

The [Coordinated Advice and Referral Program for Legal Services](#)<sup>23</sup> (CARPLS) is a legal aid service provider based in Cook County, Illinois. In addition to staffing an extensive telephone helpline, CARPLS works directly with the courts by providing in-person services at four court-based self-help centers. Staff draft and review court pleadings and provide help on a variety of legal matters, including bank freezes in post-judgment collections cases and city code violations. CARPLS staff do not represent clients in court, but they have found that by providing completed, professional-looking documents, self-represented litigants are better prepared to step in front of and speak to a judge.

[Kansas Legal Services](#)<sup>24</sup> (KLS) brings unbundled lawyers and volunteers into the Johnson County self-help center to serve self-represented litigants. In addition to serving people who schedule appointments, the court leverages these unbundled lawyers to assist self-represented litigants who need targeted assistance while in the middle of a hearing. For example, if a self-represented litigant either did not file the correct form or filled out a form incorrectly, the judge can send the litigant over to the self-help center to speak with an unbundled lawyer. The litigant can then return to the courtroom with the corrected documents and proceed with their hearing. This real-time assistance saves both the litigant and the court time, avoiding the need to reschedule a hearing due to issues that can be remedied in a matter of minutes.

## EDUCATING LITIGANTS ON THE AVAILABILITY OF UNBUNDLED LEGAL SERVICES

The court is an important conduit for litigants to discover the availability of affordable, unbundled legal services. In addition to clerks and self-help center staff who provide an important frontline effort to educate litigants on the availability of unbundled services, judges are another direct avenue for presenting self-represented litigants with information on this service model. Hon. Keven O’Grady, who sits on the bench in the Tenth Judicial District in Kansas, is a staunch supporter of unbundled legal services. He often asks the self-represented litigants who

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<sup>23</sup> CARPLS, <https://www.carpls.org/> (last visited August 15, 2022).

<sup>24</sup> KAN. LEGAL SERVS., <https://www.kansaslegalservices.org/> (last visited August 15, 2022).

come before him if they have had a chance to speak with a lawyer and, if they have not, informs them about the opportunity for unbundled legal services.

Additionally, many bar associations maintain vetted lists of modest-means attorneys and unbundled legal services providers, and courts (clerks, self-help center staff, law librarians, etc.) can provide these lists to self-represented litigants who come to the courthouse in need of help but are unable to afford a full-service attorney. For example, the Alaska Bar Association Unbundled Law Section's [webpage](#)<sup>25</sup> contains introductory information on what unbundled legal services are; sample agreements that lawyers can use with their clients; and a list of unbundled lawyers for self-represented litigants that contains the city where the lawyer practices, types of practice areas, and payment information. On almost a daily basis, the court's Family Law Self-Help Center refers clients to this list of unbundled lawyers.

## CONCLUSION

The geographic diversity from both panelists and attendees at the Unbundled Legal Services in the New Normal conference highlights just how widespread this model is becoming. This is not surprising, as unbundling not only provides attorneys with an avenue to reach clientele who would normally be priced out of their services, but also creates a cost-effective method for people to receive limited legal help on the most vital aspects of their cases. This was evident during the conference from the many examples provided by law firms, legal aid centers, and courts that are implementing this model and seeing the benefits it provides. And with the advancements of technology that allow attorneys to serve people at scale without direct involvement, implementing an unbundled practice has never been easier.

Putting these benefits aside, ethical and malpractice concerns remain. While these concerns are not unfounded, there are concrete, proven ways that attorneys can mitigate these potential issues. And to support unbundled attorneys, courts and judges are strong catalysts to bringing unbundled services into the mainstream. It is IAALS' hope, along with its partners', that this information will help judges, attorneys, and clients increase their advocacy for and use of unbundled legal services.

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<sup>25</sup> *Unbundled Law*, ALASKA BAR ASS'N, <https://alaskabar.org/sections-committees/section-webpages/unbundled-law/> (last visited August 15, 2022).