

'Unbundling' continues to gain steam

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In his weekly "Coach's Corner" column, Edward Poll has on more than one occasion espoused the merits of "unbundling" one's legal services in order to provide a potential client with the most attractive options when it comes to hiring your firm.

As the new millennium settles into its second decade, it's clear that he is not the only one onboard the unbundling train.

With the economy continuing to struggle, solos and small firms must consider this increasingly popular and lucrative model of legal work, according to Stephanie Kimbro, a sole practitioner in North Carolina and the author of a forthcoming ABA-sponsored book on the topic. Kimbro says a "huge market" now exists for unbundled services.

"Because of the economy, more people are looking for ... a lower price, knowing they have to do some of the legwork so they can afford it," she says. "There is a really unique opportunity right now to meet the market need."

Susan Wakefield, a family law practitioner in Southport, Conn., began offering unbundled services just two years ago after realizing she was burnt out from divorce litigation. Legal coaching now makes up 50 percent of her practice — and it's going up.

Offering unbundled services has "all the upside of law practice, like meeting people, helping them and sharing your expertise, but you don't have to go to court or deal with stressful litigation," she says.

Certain practice areas, such as family law, estate planning or transactions-based practices, are more appropriate for unbundled legal services than more complex matters, like criminal defense.

But Wakefield, the principal at Connecticut Legal Coaching, cautions that not all clients are right for unbundled legal services.

The concept works best with individuals who are not afraid of speaking in public, have good computer skills and are organized, detail-oriented and able to manage deadlines.

"Assess [clients] from the beginning and be sure to monitor them along the way," she says, noting that she has had to step in and tell clients they are in over their heads, as well as had clients come to her and ask her to take over.

Kimbro points out that firms can offer both full-service representation as well as unbundled services as an option. For example, Wakefield still has some litigated divorce cases on her plate and will convert a legal coaching client to a mediation situation or even provide litigation services if the case becomes too complicated.

She offers her services a la carte, with 30 minutes of legal coaching costing \$99 and three hours costing \$619. She also offers a free monthly workshop, in which potential clients can come in and learn about the particulars of legal coaching.

Before offering unbundled services, Kimbro suggests working up a limited scope engagement agreement that defines the scope of the services, how fees are charged — fixed or hourly, for

example — and the steps involved in the completion of the legal matter. Kimbro created a checklist she provides to clients that sets out each step and explains what the client will be responsible for.

You'll also need a termination letter to give clients when the limited scope work is complete.

Practitioners should check the ethics rules in the state in which they practice, as not all jurisdictions have embraced unbundled services. Kimbro says that more than 40 states allow such services, but differ on the specifics, especially over whether "ghostwriting" — lawyers authoring briefs or motions without disclosing their authorship — is allowed.

"Critics argue that most people don't have the education to know whether they need full service or limited scope representation and that it is difficult to ethically unbundle services," Kimbro says.

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