

News

Awards

- The South Asian Bar Association of Toronto (SABA) has given Ontario Attorney General **Yasir Naqvi** its Legal Excellence Award at its annual gala on Nov. 15. Naqvi is Ontario's first minority and South Asian attorney general. SABA presented its Diversity Award to the Canadian Association of Muslim Women in Law, which advances the legal rights and interests of Muslim women and other marginalized groups in Canada.
- **Anne McLellan** has been given the 2016 Women in Law Leadership (WILL) Lifetime Achievement Award. The former Liberal cabinet minister was honoured at WILL's sixth annual gala. *Osler, Hoskin & Harcourt LLP* won the Law Firm Award for its dedication to fostering an inclusive environment for women lawyers.
- **Catherine Boies Parker** of Victoria, B.C., has won the 2016 Georges Goyer Memorial Award for distinguished service. This is the highest honour awarded by the Canadian Bar Association, B.C. Branch. Boies Parker is an accomplished lawyer who has advanced the legal profession in B.C. through her dedication and visionary counsel in support of homeless people.

Moves

- *Miller Thomson* has hired four new associates. **Ariel Wong**, who practises commercial litigation, and **Liviu Cananau**, who works in corporate, real property and municipal matters, are joining the firm's office in Waterloo, Ont. **Bryan Smits**, whose focus is on corporate law, will work out of the London office and **Jessica Kristensen**, who practises corporate law, from the firm's office in Guelph, Ont.

Top judges push for unbundled legal services

ANN MACAULAY

Following the November launch of the National Database of Professionals Assisting SRLs, University of Windsor professor Julie Macfarlane hopes lawyers will see the benefits of offering unbundled legal services to self-represented litigants.

Macfarlane, director of the National Self-Represented Litigants Project, said an increasing number of litigants come to court without a lawyer. "As many as 80 per cent of Canadians in family court are standing up alone in front of a judge, whereas 20 years ago, this number was just 1 per cent."

The database is intended to help the public find affordable lawyers and to encourage more lawyers to step forward and openly offer limited-scope services on a fixed-fee basis, both as a sign of their commitment to access to justice and as a marketing opportunity.

From the research she's conducted, Macfarlane realizes that "the public has very little idea of what lawyers actually do and can do for them," so she hopes the database will also educate the public as to how lawyers can bring them value. And if more lawyers were to offer unbundled services to self-represented litigants, "it would have a significant effect on the functionality of the courtroom." For newer lawyers in particular, she sees it as a "genuine business opportunity and a different but very satisfying way of delivering legal services."

The database contains the names and contact information of dozens of lawyers and other legal professionals who provide unbundled services, but some regions of the country still lack lawyers' names. Macfarlane believes that will increase following the database launch and creation of a video on the site featuring Chief Justice Robert Bauman of British



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University of Windsor

Columbia, Chief Justice Michael MacDonald of Nova Scotia and Associate Chief Justice Frank Marrocco of the Ontario Superior Court of Justice.

In the video, the justices strongly encourage lawyers to offer unbundling services. "Obviously the court wins because the system is more efficient, at least for part of the trial. Opposing counsel even wins because their life is a little smoother when there's a lawyer on the other side," noted Justice MacDonald in the video. "The public wins because cases are more efficient and we have more time available for other matters."

Now that provincial law societies have approved unbundling and legal insurers offer full indemnity for limited-scope services, "The judiciary, the law society and LawPRO very much



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Mick Hassell
Toronto litigator

want to help you to successfully manage those risks," Justice Marrocco pointed out in the six-minute video.

In a subsequent interview, he said he hopes lawyers "give this a serious look and see if they can't integrate unbundled services into their business model." They should know "that you're helping all of us make the system work a little better for people." He also emphasized how important it is for lawyers to be clear and ensure their self-represented clients understand exactly what services are being provided.

Mick Hassell in Toronto is a litigator who has embraced the unbundled service model. He abolished hourly rates a few years ago and in the past two years he said his practice "has become completely unbundled." Hassell co-founded Self-Rep Naviga-

tion, a hub that connects self-represented litigants to supportive lawyers and online and offline resources. Hassell mostly focuses on trials for other law firms but spends about 10 per cent of his time helping clients with unbundled services.

Hassell's website, the "Self-Service Litigation Garage," provides four separate services, each with a fixed cost, including an On Call option, offering five calls a month, and the Tune-Up, which provides one case strategy. "Someone can come in and get big-picture, high-level advice and maybe some tips on one or two procedural hang-ups," he said. He finds having a short involvement on a new unbundled file "a very fun way to practise," and especially enjoys one-off strategy meetings. "I think that any lawyer can find a part of their practice, something about what they're doing that they truly enjoy, and unbundle that."

Jennifer Muller, who works in the Vancouver school system, spent more than two months searching for a lawyer before she found one to help with her family law case. "It meant the difference between abandoning the case and being able to see it through to trial based on his unbundled services."

Muller said the database is a game-changer. "I really hope that lawyers understand that offering these services is invaluable to the public. It makes a substantive difference to the client to be able to pursue access to justice and to pursue their case."

The issue isn't that people who end up representing themselves don't value lawyers, Muller added. "It's a devastating realization when you realize you simply can't afford your lawyer for the duration of your case, which was what happened to me. Having a lawyer is I think for most people far and above the best choice."

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