

Limited Retainer Agreements - “Unbundled Services”

In an effort to lessen the cost of legal services, some lawyers and clients are entering into Limited Retainer Agreements that provide representation for only a part of the case. This is sometimes referred to as “Unbundled Services”.

We recently had such a case at our Oshawa Staff Office, for a Plan member who had been served with a Motion to Change, to increase the amount of child support he owed.

He wanted to increase his visiting rights (“access”) to this child. He also wanted to pay less than the Child Support Guidelines amount, because he had another child for whom he was paying support, and other financial obligations. We cautioned him that this kind of Court action could take considerably more time than the 12 prepaid hours available under his Plan benefit, and asked him for a significant cash retainer.

When he told us that he did not have enough funds to pay for the extra time, we explained that we could “unbundle” Court representation from our usual services. After further discussion, the Plan member became our client under a Limited Retainer Agreement - we would give advice and prepare the necessary documentation, but we would not appear in Court with him.

Our office drafted the necessary Court documentation, arranged for service, had discussions with the other party and assisted the client in making a settlement proposal, which was accepted. The client got the increased access he wanted, and paid less child support than had been originally requested of him.

We then prepared a draft Consent, which our client took with him to Court. A Duty Counsel at Court used its contents to prepare a ‘form’ Consent settlement, which was signed and filed. After approval by a Judge, it became an official Court Order.

This case was completed less than two months from when the client first met with us. We spent less than five hours of lawyer time assisting our client, and our final bill was just under \$150 for photocopying, HST, courier and other minor disbursements.