



SOLICITORS WORKING DIFFERENTLY

Law firms are small businesses which have to be economically viable if they are to survive. Services which are affordable to the public must also make a profit for the firm while taking account of the costs of running a law business.

Following the recent cuts to legal aid, law firms and other organisations are increasingly developing ways to deliver more efficient and affordable services. While these do not fill the significant gap left behind by the cuts, they demonstrate a willingness by solicitors to help people who are unable to pay for comprehensive legal services.

The legal profession has proved very flexible in developing models for reducing costs whilst providing quality legal services. Recent ones have included:

- Virtual firms – operating almost wholly from a central server with a computerised case management system, a secure intranet, and an online forum to ensure effective communication between solicitors
- A 'shared services model' where back-office services for a number of firms are provided by a single management company, allowing firms to reduce their overheads
- A shared model where firms practice under the umbrella of a single firm which provides back office services, insurance and assistance in marketing and tendering. This helps to maintain the independence of firms and the quality of the advice that they give.

These models show that law firms are evolving to meet the needs of the market.



What can be done?

The Law Society supports firms taking individual approaches to the way in which they provide services, provided that the basic issues of competence, ethics and standards are not compromised.

In all of this it needs to be made clear that the profession can only do so much. Law firms are businesses and there is a cost to all legal work. There is a limit to how far efficiencies and changes in practice can provide access to justice if there is no funding available.

Unbundling

Traditionally a solicitor typically deals with the whole issue from initial instructions until the case is concluded. The term unbundling is used to describe dividing the different parts of legal help in relation to a case and giving clients the option to ask for help with only some of these parts.

Increasingly, law firms are introducing some unbundled services as a more affordable alternative.

Unbundling can operate on several different levels such as:

- Providing clients with self-help packs
- Providing discrete advice about a specific step or steps in a case or issue
- Checking or drafting documents
- A non-legally qualified person supporting the client in a court hearing (often called a Mackenzie friend).

However, the Law Society does have some concerns for clients and their solicitors using unbundling where:

- Solicitors may not be fully familiar with the whole case, leaving the potential for mistakes, poorer client service and professional negligence claims if mistakes are made
- Solicitors may not be covered by their professional indemnity insurance to work on parts of a case
- A higher number of complaints is possible due to the confusion that clients may have about solicitors taking on parts of a case. In particular clients might expect solicitors to undertake additional work beyond the scope of the work they have been commissioned to do.



What can be done?

The Law Society has published a practice note on unbundling to help solicitors consider the risks and benefits of this approach.

Unbundling, however, is not the whole solution to the problem. It works where those bringing or defending a case are capable of undertaking quite complex work themselves. It is essential that full access to advice and support is available for those unable to represent themselves.

