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Unbundle legal services and make them more accessible

Unbundling is where a package of legal services is separated into parts and the work shared between the consumer and lawyer. An example of unbundling is a consumer preparing the evidence and the court bundle themselves and then directly instructing the barrister who represents the consumer at the court hearing.

It is a welcome move by law firms which has the potential to widen access to justice say the **Legal Services Board** and **Legal Services Consumer Panel** who commissioned **Ipsos MORI** to undertake qualitative research with consumers, lawyers and judges.

This research paints a picture of law firms beginning to respond to consumer demand and changes in their commercial environment by developing affordable alternatives to full-service representation. It suggests that:

- reduced cost and the opportunity to exercise greater control over the case were the primary reasons why those consumers interviewed chose to unbundle
- unbundling tended to be identified as an option during the initial interview between a consumer and their legal advisor rather than being actively marketed to potential clients. As a result, while some consumers are making savings on their legal bills, this development is not benefiting large numbers of people who are currently put off approaching lawyers in the first place due to cost concerns
- no regulatory barriers to unbundling were identified, but some concerns were raised around assessing consumer capability, giving advice based on limited information and ensuring there is clarity on agreements about the scope of work, and
- members of the judiciary felt that if full representation could not be obtained then, as a starting point, some legal advice and assistance ought to be beneficial. They also echoed some potential difficulties with unbundling

identified by providers and felt it important that advice and assistance is given by regulated advisers.

Legal Services Consumer Panel Chair, **Elisabeth Davies**, said:

“We've known that the unbundling of legal services has been going on for some time. This research supports the view that unbundling can be used to broaden access to justice, and it's reassuring to see this method of service provision working hand in hand with DIY law. It's a natural response to the cuts in legal aid funding and wider financial struggles, and is indicative of the profession adapting to meet the needs of today's consumers and helping to empower them.

But what this report also says is that there is a group of consumers who can't use these services, and whose needs may not be being met. While legal service providers should not shy away from providing unbundled services where it is appropriate, it is crucial that the more vulnerable consumers, including those who lack the confidence or knowledge to unbundle, are taken into account in other ways. Unbundling is an important part of a wider solution.”

Legal Services Board Chairman, **Sir Michael Pitt**, said:

“Unbundling is one example of new ways of obtaining legal services that are beginning to change the face of the legal services market. This research provides encouraging evidence that unbundling can save people money and empower them to take greater control over their legal affairs.

Whilst those lawyers interviewed agreed that unbundling is here to stay and is potentially as profitable as other work, the research suggests these services are rarely actively marketed to clients.

In the right circumstances unbundling benefits consumers and providers alike. I welcome the keen interest that the professional bodies have already shown in this emerging area.

This research provides valuable insight into the benefits and risks of unbundling, but overall it should give providers confidence that, with appropriate safeguards, they can unbundle their services whilst meeting their professional obligations.”

For further information, please contact the Consumer Panel Associate, [Stephanie Chapman](#) (020 7271 0076) or the LSB's Communications Manager, [Vincent McGovern](#) (020 7271 0068).

Notes for editors:

1. The Legal Services Act 2007 (the Act) created the **Legal Services Board** (LSB) as a new regulator with responsibility for overseeing the regulation of legal services in England and Wales. The new regulatory regime became active on 1 January 2010.
2. This report looked at consumer and provider experiences where service delivery has been formally organised and negotiated as constituting unbundled services in relation to civil, family and immigration matters.
3. The study was limited to perceptions and experiences of fee-charging services. There are other models of unbundled services, provided for free by not-for-profit agencies, and findings from this study may not be applicable to such services.
4. The report, entitled ***Qualitative research exploring experiences and perceptions of unbundled legal services*** can be found on the **Legal Services Consumer Panel** (LSCP) website [here](#) and the LSB research website [here](#).
5. The **LSCP** was established under the Legal Services Act 2007 (the Act) to provide independent advice to the Legal Services Board about the interests of consumers of legal services in England and Wales. We investigate issues that affect consumers and use this information to influence decisions about the regulation of legal services.
6. The **LSB** oversees nine approved regulators, which in turn regulate individual legal practitioners. The approved regulators, designated under [Part 1](#) of Schedule 4 of the Act, are the **Law Society**, the **Bar Council**, the **Master of the Faculties**, the **Chartered Institute of Legal Executives**, the **Council for Licensed Conveyancers**, the **Chartered Institute of Patent Attorneys**, the **Institute of Trade Mark Attorneys**, the **Association of Costs Lawyers** and the **Institute of Chartered Accountants in England and Wales**.

In addition, the *Institute of Chartered Accountants of Scotland* and the *Association of Chartered Certified Accountants* are listed as approved regulators in relation only to reserved probate activities.

7. As at 1 April 2015, the legal profession comprised 142,109 solicitors, close to 500 alternative business structures, 15,237 barristers, 7,848 chartered legal executives and 5,678 other individuals operating in other areas of the legal profession such as conveyancing. The sector is valued at £29.2 billion per annum (total turnover in 2013).