

AT A GLANCE: ONTARIO'S FAMILY LAW LIMITED SCOPE SERVICES PROJECT

THE CRISIS: There has been a significant increase in the number of self-represented family litigants in recent history. Data suggests that in over half of the family cases in Canada's courts, one or both parties are without a lawyer. Inability to afford full representation by a lawyer is the single biggest factor, but other reasons include the rise of "do it yourself" social attitudes, increasing availability of self-help information from family justice institutions, and a perception among some self-represented litigants that having a lawyer may not result in a significantly better outcome.

WHO WE ARE: Ontario's Family Law Limited Scope Services Project ("the Project") is an unprecedented, private-bar driven collaborative effort. The Advisory Committee is made up of members from the Ontario Bar Association Family Law Section; the Federation of Ontario Law Associations; the Association of Family and Conciliation Courts - Ontario Chapter; The Advocates' Society; the Family Lawyers Association, the Superior Court of Justice and Ontario Court of Justice; experts in non-traditional legal services delivery (Nikki Gershbain of Pro Bono Students Canada and Lisa Eisen of Family Law A la Carte); and researchers. The Principal Investigator is Dr. Rachel Birnbaum, Professor of Social Work at King's University College, Western, and the Legal Co-Investigator for the research is Prof. Nicholas Bala of the Faculty of Law at Queen's University. The Chair of the Project's Steering Committee is Tami Moscoe, Senior Family Counsel at the Superior Court of Justice, and the Senior Program Director is Helena Birt, private family law practitioner. The Project team also works with Legal Aid Ontario, the Law Society, LawPro, and Community Legal Education Ontario (CLEO).

WHAT WE ARE DOING: Family law limited scope services, also known as "unbundled" legal services, provide an option between full representation and no representation at all. The Ontario Family Law Limited Scope Services Project's aim is to improve access to family justice for middle and lower income Ontarians by increasing the use of **limited scope retainers** (such as court document drafting or in-court representation on a single appearance), **legal coaching** (lawyer assists client by offering advice, guidance and support) and **summary legal counsel** (scheduled lawyers provide day-of-court assistance for a fee to unrepresented litigants not eligible for Legal Aid) in family law cases.

The Project will facilitate access to and use of these services through the creation of a website hosting a province-wide roster of trained lawyers willing and able to provide such services. Prospective clients will be able to search the website by location, type of service and service provider.

The Project's research and evaluation component will study the perceptions of judges, lawyers and other justice system professionals, as well as clients, the advantages and value of this type of service, as well as its limitations and how service delivery can be improved.

A pilot project in Simcoe County will provide a trial run for project implementation, with training in June 2018 and a roll-out in early fall. The Family Law Section of the Simcoe County Bar Association and the Family Court Bench in Barrie are highly supportive of the project.

Province-wide recruitment and training of family lawyers to join the roster will begin later in the fall of 2018. Requirements will include significant historical and ongoing experience in family practice and an undertaking to complete training and on-going education.

For more information contact the Senior Program Director, Helena Birt, at helenabirtlaw@gmail.com