



## Better connecting consumers of legal services and lawyers

### *Future of Legal Services Committee*

*Given several important initiatives underway, the Future of Legal Services Committee is highlighting key information regarding access to justice and the work of the [Committee](#). Look for information to follow on the existing Notice Form [process](#) and next steps in implementing the Legal Services Task Team recommendations [report](#).*

In this first article, the focus is on connecting lawyers and clients effectively, drawing on insights from the 2021 Legal Fees [Survey](#) by *Canadian Lawyer* and the 2020 Legal Trends [Report](#) from Clio. The latter analyzes the state of legal practice and consumer expectations, identifying “a critical product-market-fit problem within the legal industry.” Based on aggregated customer data and surveys within the United States, the “average lawyer delivers legal services in a way that is fundamentally outdated when compared to the needs of today’s clients.”<sup>1</sup>

There can be real harm when people cannot access legal services and attempt to resolve legal matters without qualified professional guidance. For those dealing with life-changing matters such as employment problems, incapacity and wills, debt, eviction, discrimination, personal injury, family separation and parenting time, among others, the absence of legal advice and guidance can result in adverse outcomes. This includes, as noted in Canadian studies, otherwise avoidable problems like physical and mental health problems, loss of housing, and relationship breakdown. Legal problems have significant social and economic consequences annually, costed in a Canadian study as:<sup>2</sup>

- \$248 million in social assistance payments
- \$450 million in employment insurance payments
- \$101 million in health care costs

Studies also consistently demonstrate a gap - the public would like assistance with their legal needs / problems and feel outcomes would be better if they received assistance, but often cannot afford lawyers and the formal system. Clio reports that consumers consider most important when hiring a lawyer:

- Good reviews / recommendations
- Lower prices and discounts
- Payment plans
- Fixed fees
- Serving the community

Yet, these aspects have traditionally not registered as fully for the legal profession, creating a disconnect between lawyers and their potential clients.

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<sup>1</sup> Clio, “2020 Legal Trends Report,” 2020, available: <https://www.clio.com/resources/legal-trends/2020-report/>.

<sup>2</sup> Canadian Forum on Civil Justice, “Everyday Legal Problems and the Cost of Justice in Canada,” 2016, available: [https://www.cfcj-fcjc.org/sites/default/files/Everyday\\_Legal\\_Problems\\_and\\_the\\_Cost\\_of\\_Justice\\_in\\_Canada\\_-\\_Overview\\_Report.pdf](https://www.cfcj-fcjc.org/sites/default/files/Everyday_Legal_Problems_and_the_Cost_of_Justice_in_Canada_-_Overview_Report.pdf). See also: Department of Justice Canada, “The Legal Problems of Everyday Life The Nature, Extent and Consequences of Justiciable Problems Experienced by Canadians,” 2009, available: [https://www.justice.gc.ca/eng/rp-pr/csj-sjc/isp-sjp/rr07\\_la1-rr07\\_aj1/rr07\\_la1.pdf](https://www.justice.gc.ca/eng/rp-pr/csj-sjc/isp-sjp/rr07_la1-rr07_aj1/rr07_la1.pdf).

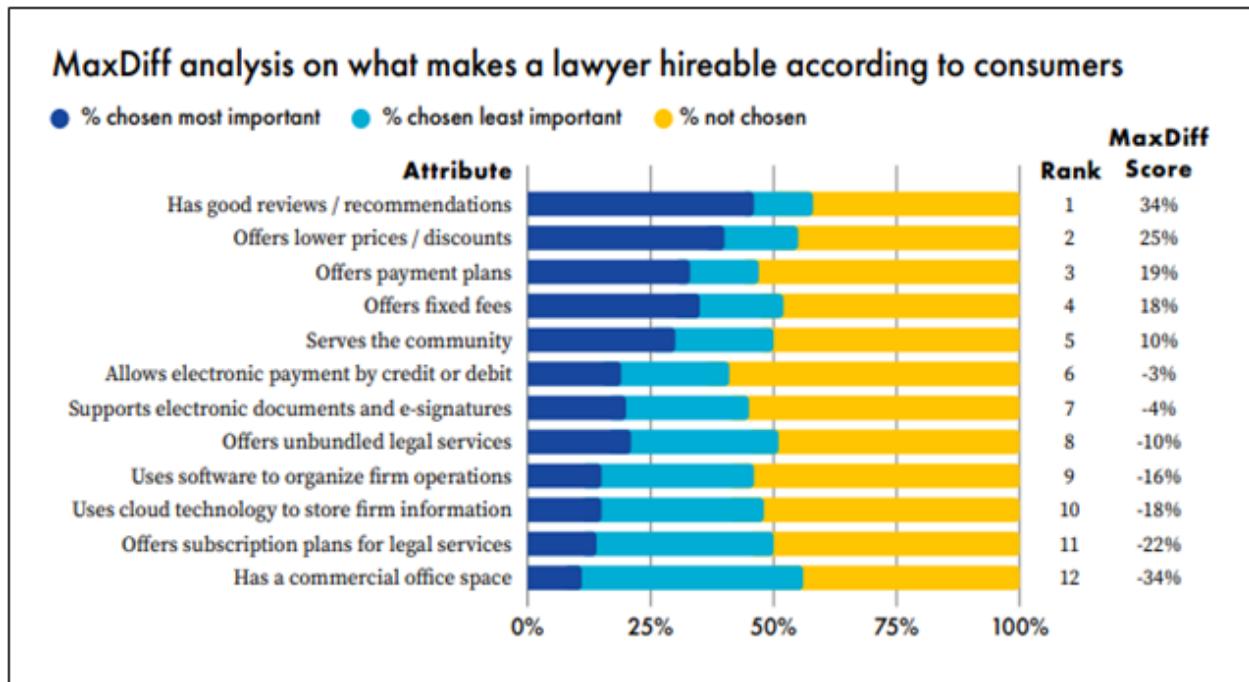


Figure 1: Consumer ranked attributes, Clio 2020

The presented MaxDiff analysis<sup>3</sup> indicates opportunities for lawyers and clients to come together more effectively, including in currently underserved markets, aiming to help more individuals access legal services.

<sup>3</sup> As explained in the report, a MaxDiff analysis means survey respondents review “several lists of randomized items and identify the most and least important. The method requires respondents to make a series of trade-off decisions so that we can determine the degree of importance relative to all other factors. In reviewing the data from over 2,000 respondents that include legal professionals and consumers, we can calculate the percentage of times each item was chosen as the most and least important among the list of items. We then subtract the percentage of times that an item was selected as the least important from the percentage of times it was selected as the most important. The result gives us a MaxDiff score, which indicates the overall consensus among respondents as to which items are the most and least important overall.”

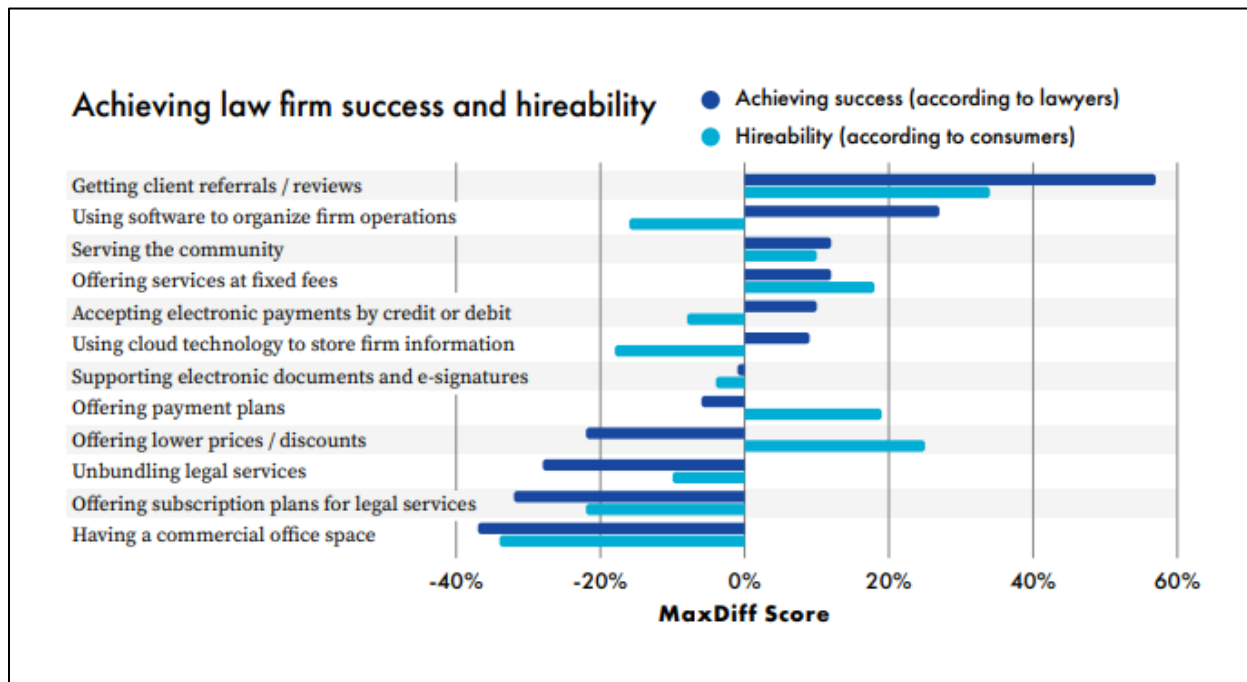


Figure 2: Success and hireability according to lawyers and consumers, Clio 2020

The Clio report highlights that developing more client-centered service models can reduce barriers for clients in need of legal representation. For instance, clients rank highly services at fixed fees and according to the survey data, 63% of law firms indicated that they offered at least some of their services at a fixed rate. However, past research also identifies a barrier of transparency among many firms:

“Based on an in-depth study of lawyer responsiveness included in the 2019 *Legal Trends Report*, where a random sample of 1,000 law firms were contacted by email, and 500 were contacted by phone, 73% wouldn’t provide information on rates and fees through email, and 43% wouldn’t discuss rates and fees over the phone.

As a key ranking factor that determines a lawyer’s hireability, providing more cost transparency up front with clients will help clients make better decisions with regards to pursuing their legal problems. This transparency may involve developing a rate sheet of fixed prices for individual services, and being more forthcoming of them, but it could also take the form of estimates on hourly work.”<sup>4</sup>

In essence, “lawyers who implement more flexible and transparent billing models for their legal services will create advantages for accessing what has traditionally been an underserved portion of the market.”<sup>5</sup>

Interestingly, in the *Canadian Lawyer’s* 2021 Legal Fees Survey, more than 3% of respondents had lowered or will lower fees due in part to “COVID-19 efficiencies”.<sup>6</sup> The survey also reports

<sup>4</sup> Clio, “2020 Legal Trends Report,” 2020, at 67.

<sup>5</sup> Clio, “2020 Legal Trends Report,” 2020, at 69.

<sup>6</sup> Canadian Lawyer, “Legal services in a most unusual year,” 2021, available: <https://www.canadianlawyer.com/surveys-reports/legal-fees/legal-services-in-a-most-unusual-year-2021-legal-fees-survey/356483>.



ways lawyers are working with clients to review bills, provide modified hourly rate models or courtesy discounts, and offer payment plans. Almost 60% of respondents said they offered fee packages or bundles, while 58% offered blended hourly rates.

HIGH IMPACT

The Law Society Find A Lawyer directory attracts more than 20,000 people looking for legal services from lawyers each year.

### Enhancing the Law Society Lawyer Directory

These studies provide evidence-based information to help better connect consumers of legal services and lawyers. They consistently demonstrate that clients and consumers value and want the services of lawyers, but struggle with understanding billing practices, the value of services offered, and their own legal needs.

As an initial step forward, the Law Society has introduced [Legal Information Guidelines](#) to support the dissemination of credible legal information. For legal information providers, the guidelines outline

how they can and cannot assist the public. For the public, the guidelines outline what to look for when deciding on which provider to use and how they can help. The guidelines address:

- What credible legal information is;
- Examples of types of legal information;
- How to assist a member of the public locate credible legal information; and
- How to assist a member of the public utilize legal information.

Additionally, the Law Society has updated its Find A Lawyer directory to help potential clients locate lawyers in an area of practice, geographic locale, or preferred language. Consumers may now also search for *limited scope* or *legal coaching* services. During 2021, the Law Society will introduce options to search by service and pricing and payment models and expand on related explanations for the public. Members of the Law Society are encouraged to update their external Member Profile to indicate their service and payment offerings in addition to their areas of practice and languages of service. Identified new options for selection include:

#### **Service models**

- Free initial meeting
- Legal coaching
- Limited scope
- Virtual appointments

#### **Pricing and payment models**

- Alternative fee / payment arrangements (e.g. subscription-based services, payment plans)<sup>7</sup>
- Contingency fees (restricted in certain matters)
- Fixed or flat rate fees
- Hourly rate fees

The Find A Lawyer directly attracts more than 20,000 visitors every year and the Law Society is looking for ways to make this service more user-friendly and beneficial to both clients and lawyers through enhanced searchability. These strengthened options provide opportunity for lawyers and clients to better come together and resolve legal problems. Questions or feedback? Please be in touch: [pamela.kovacs@lawsociety.sk.ca](mailto:pamela.kovacs@lawsociety.sk.ca).

<sup>7</sup> A recent article identifies nine types of fee arrangements alternative to the billable hour: 1. Fixed or flat fees; 2. Capped fees; 3. Blended fees; 4. Success or performance incentives; 5. Unbundled legal services; 6. Payment plans; 7. Sliding scale fees; 8. Contingency fees; and 9. Subscriptions. See: Clio, 'Alternative Fee Arrangements for Law Firms: 9 Examples', 2021, available: <https://www.clio.com/blog/alternative-fee-arrangements/>.