

**Alternatives to Traditional Retainers:  
Providing Limited Scope Legal Services**

Prepared For: Legal Education Society of Alberta  
*Law and Practice Update*

Presented by:  
**Ed Gallagher**  
**Patriot Law Group**  
**Onoway, Alberta**

For Presentation In:  
Edmonton – November 1 & 2, 2013

## ALTERNATIVES TO TRADITIONAL RETAINERS: PROVIDING LIMITED SCOPE LEGAL SERVICES

### INTRODUCTION

This paper is concerned with a relatively new approach to the lawyer-client relationship: consciously structuring the relationship so that the lawyer provides a strictly limited array of legal services.

The special status of the lawyer-client relationship is enshrined in our law, and one aspect of it, the solicitor-client privilege, is recognized as a principle of fundamental justice deserving of constitutional protection<sup>1</sup>.

The lawyer-client relationship can be difficult. Clients can be demanding, and sometimes they can be unreasonable. But, if it were not for our clients, none of us would be able to pursue our profession as lawyers.

A major reason for conflict between lawyers and their clients is a lack of effective communication. Problems in communications of one sort or another between lawyer and client are a leading cause for complaints to the Law Societies that regulate lawyers<sup>2</sup>. The roots of problematic communication can often be traced to the nature and quality of the individual lawyer-client relationship, and in particular the terms of the agreement between the lawyer and the client as to what legal services are to be provided.

The traditional open-ended engagement between lawyer and client can be difficult to manage at the best of times (and legal disputes rarely present situations in which the client in particular can be said to be experiencing “the best of times”). The potential for a conflict between client and lawyer, to the detriment of both, is significant in any engagement involving a contentious matter.

In recent years, and often in the context of making legal services more affordable and thus accessible, clients and lawyers have increasingly given consideration to a move away from the traditional engagement to something more tailor-made and in which costs may be better controlled.

This paper examines a range of issues related to providing legal services in a context in which lawyer and client consciously agree to limit what the lawyer will be doing on behalf of the client, for the overall benefit of both.

---

<sup>1</sup> R. v. McClure, [2001] 1 S.C.R. 445, at paragraph 41

<sup>2</sup> Do we have some stats to cite?