

News: Alaska Bar Association's Unbundled List Offers Court a Neutral Mechanism for Referrals and SRLs Access to the Limited Scope Help They Need (Alaska Bar Association 2016)



In 2010, the Alaska Bar Association established the country's first [Unbundled Section](#) with the dual goal of supporting its members in the development of their practices and expanding access to justice for the public. The section has two primary

functions: maintaining a list of unbundled attorneys in a variety of substantive areas, and offering ongoing training and support to its members to maintain high quality and ethical unbundled services. The [Bar sponsored list](#) is part of Alaska's broader ecosystem of access initiatives and offers the state's self-help center (SHC) an invaluable neutral referral system to guide self-represented litigants seeking discreet advice towards the help they need. Alaska's limited scope referral model is an example for other states' SHCs of how to help self-represented litigants find the limited scope legal help they need while both remaining impartial and maintaining quality control.

[Alaska and Massachusetts have been early leaders in offering bar sponsored unbundled lists](#) at SHCs. By using a list of limited scope attorneys maintained by the Alaska Bar Association, Alaska's SHCs can ethically refer to the bar list, creating what Monica Elkinton, co-chair of the Alaskan Bar's unbundled section, calls, "a win-win situation" where SRLs get the legal advice they need, and lawyers get clients who have broken down their legal problem into the procedural aspects that need a lawyer and those that a SHC can support. SRLs who can't afford a full retainer can access discrete advice and be referred back to the SHC for further support.

Elkinton added that the list, "a really great way to offer legal help for those who can't afford an attorney," also gives limited scope attorneys "free marketing and a great business model by bringing in new potential clients almost daily." Working with the Bar to maintain the list of limited scope attorneys also creates both training and quality control measures that ensure unbundling is carried out in an ethical way.

Stacey Marz, Director of the Family Law Self-Help Center at the Alaska State Court said that from her perspective, "the unbundled section and its list is an invaluable resource referral for the FLSHC." She added: "Our customers often cannot afford full representation retainers but can pull together a few hundred dollars to get some discrete help."

Because the list is hosted online, shared by the SHC, and referred to by lawyers across Alaska, it is nearly impossible to track the numerical scope of the list's impact on SRLs access to unbundled services. Elkinton, though, estimates it is very high and said she gets "on average one call a day from the list." Marz also noted that at the Family Law Self-Help Center, "We refer just about all of our customers to the list and

suggest they seek unbundled assistance on specific issues.”

And while unbundled services in Alaska began with family law, [the section was founded](#) with broad support from practitioners in a number of substantive areas, and today includes listings in a variety of substantive areas in addition to family law, including business, estate planning, probate, real estate, elder law, personal injury, military, and even criminal. Because the section was founded in close collaboration with the courts, services are also not only offered at the trial court level, but also embraced by the appellate bar and used in conjunction with the [Alaska Court’s Appellate Self-Help resources](#). Finally, in an effort to ensure the consumer may choose the best resolution option for his or her situation, the unbundled attorneys often integrate mediation into their practices.

Alaskan SHCs’ unbundled list and referral protocols is a model other states can replicate to supersede the issue of neutrality, creating a win-win situation where SRLs get the help they need where and when they need it and limited scope lawyers gain client referrals. Elkinton said that the model is a “valuable one other states should consider” and that if a state doesn’t have an unbundled section of the Bar, “offering an option for lawyers to opt-in to the list could generate a similar referral channel.”

For more information about the section, visit the [Unbundled Section webpage](#), which includes materials distributed at meetings and links to CLEs sponsored by the section.

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