



Limited Scope Representation

What is Limited Scope Representation?

Limited Scope Representation (LSR) is the concept of providing only specified legal services to a client, rather than handling all aspects of a client's case. This form of legal practice is also referred to as "unbundled legal services" or "unbundling." For example, in a divorce case, an attorney might agree only to draft documents, or to act only as a consultant, leaving the client responsible for all other aspects of the case.

LSR is practiced by attorneys across the country and used in a variety of practice areas. It is one solution to the growing number of pro se litigants. Clients who cannot afford full representation may be able to afford specific services.

Why is it a good thing?

The cost of legal services has risen significantly over the last several decades. Many potential clients simply believe they can no longer afford to hire a lawyer. As a result, more and more litigants are seeking to represent themselves.

- **For Lawyers.** Lawyers stand to gain from an expanded market of persons who would be able to afford some legal assistance – to tap into an untapped market – and allows attorneys to focus their practice on the aspects they enjoy.
 - ✓ Example: An attorney builds a LSR practice drafting legal documents and responding to discovery, but declines court appearances.
- **For Judges.** LSR increases judicial efficiency in various ways:
 - ✓ By lowering the number of *pro se* appearances.
 - ✓ By equipping pro se litigants with better drafted documents, thus decreasing time demands on judges and staff, and increasing the enforceability of orders.
- **For Clients.** LSR reduces the cost of legal assistance, making legal services affordable for more middle- and low-income clients
 - ✓ Clients who might otherwise act *pro se* may hire counsel for specific services.
 - ✓ Provides a payment structure that allows clients to purchase legal services in small increments as opposed to a higher retainer fee
 - ✓ Example: Client cannot pay a \$5,000 retainer fee, but can afford to purchase 1-2 attorney hours at a time for specific services.

Is Limited Scope Representation ethical in Texas?

Yes. LSR is specifically authorized by Texas Disciplinary Rule of Professional Conduct 1.02(b), which states, "A lawyer may limit the scope, objectives and general methods of the representation if the client consents after consultation." As with full-scope representation, LSR is subject to all other ethical rules in the Texas Disciplinary Rules of Professional Conduct.

Is it covered by malpractice insurance?

Yes. The Texas Lawyers' Insurance Exchange has advised that there should be no problem obtaining insurance coverage for LSR. However, lawyers should verify this with their carrier. LSR does not increase the risk of malpractice claims. Across the nation, the rate of malpractice claims for LSR is statistically lower than those for full-scope representation.

What practice tips help avoid common pitfalls?

- **Client-Attorney Miscommunication.** As with full-scope representation, problems can arise when clients and attorneys have a different understanding about the representation.
 - ✓ **TIP:** Avoid this pitfall by consistently using a written service agreement signed by the client. Always amend the Agreement in writing when the client expands the scope of representation by requesting additional services.

- **Unrealistic client expectations.** Clients do not typically understand all aspects of their case, which leads to unrealistic expectations in the degree of difficulty of apportioned tasks, complexity of legal issues, or overall case strength.
 - ✓ **TIP:** Avoid this pitfall by discussing all aspects of the client's case, not just those included in the agreed scope of representation. Be realistic in deciding how to apportion tasks. Identify which aspects of the case should be completed by the attorney, as opposed to by the client.
 - ✓ **TIP:** Avoid this pitfall by clearly specifying the lawyer's tasks in the written service agreement. A carefully prepared Agreement minimizes the risk of liability associated with unrealistic client expectations.

- **Withdrawing as counsel.** If the limited scope representation constitutes a formal appearance (e.g., by signing a pleading or appearing in court), a court order may be necessary to withdraw as counsel, otherwise the scope of representation may be inadvertently expanded by the court.
 - ✓ **TIP:** Avoid this pitfall by filing a Motion to Withdraw when services are completed.
 - ✓ **TIP:** Avoid this pitfall by knowing the court's attitude toward withdrawal of counsel prior to conclusion of the entire matter. If the court is not likely to permit withdrawal, then do not accept the LSR.

What resources are available to help lawyers begin offering LSR?

- ✓ "Expanding Your Practice Using Limited Scope Representation" training session: www.pli.edu/Content.aspx?dsNav=Rpp:1,N:4294964525-167&ID=54234
- ✓ ABA Unbundling Resources website: www.americanbar.org/groups/delivery_legal_services.html
- ✓ The Lawyer Referral Service of Central Texas has a Family Law LSR panel and a variety of resources. More information available at: www.austinlrs.com/