

# Establishing a Limited Representation (Unbundled) LRIS Panel

Theresa Hurley, Executive Director  
Contra Costa County Bar Association



BETTER ACCESS THROUGH  
UNBUNDLING



# Why Start an Unbundled LRIS Panel?

- Response to consumers wanting to DIY
- Increase Access to Justice
- Give more options to attorneys for business
- Sometimes leads to full service
- Stops abuse of LRIS by consumers – repeat referrals on same matter can mean inconsistent advice, loss of income to LRIS

# CCCBA's Unbundled LRIS Panels

- Family Law Limited Scope program began in 2005
- Limited Civil (RE & Consumer) added in 2011
- 17 panelists participate
- Generated 2-4% of overall LRIS income over last 5 years

# Gain Support from LRIS Committee

- Unbundling has been happening for years, common in bankruptcy, now becoming more formalized for Family Law and Civil
- Most unbundling services are benign and low risk – coaching, advice & counsel, help for pleadings, forms, orders, disclosures, etc.
- LRIS can insist on minimum training for panel members
- Effective way to increase access to justice
- Huge untapped source of potential clients (80% of FL cases one side is unrepresented)
- Self-help mentality
- Doesn't compete with full service
- Clients are happier than full service

# Recruiting & Training Panelists

- Survey
- Flyers/emails
- Establish training and qualification requirements
- Live or online training
- Develop handbook or materials specific to your LRIS
- Develop panel application
- Also need to train LRIS staff so they understand who is appropriate to refer to unbundled
- Still have ½ hour initial consultation with attorney to determine if unbundled is best route for client and attorney.
- Develop materials (hard copy and online) explaining unbundled to callers



## "Limited Representation Panel" Statement of Qualifications

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ State Bar #: \_\_\_\_\_

### I. MINIMUM QUALIFICATIONS

A. I have been in practice at least five (5) years. Admission Year: \_\_\_\_\_

B. Training (select one below)

I have completed the course: Expanding Your Practice Using Limited Scope Representation 2015 <http://bit.ly/2yF5bhT>

I have had at least three (3) hours of Unbundled/Limited Legal Representation training:

Title: \_\_\_\_\_ Date: \_\_\_\_\_

Sponsored by: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

Sponsored by: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

Sponsored by: \_\_\_\_\_

C. I have participated in Limited Legal Representation/Unbundled Service with at least three (3) clients.

(Please include type(s) of services offered, i.e. coaching, ghostwriting and document preparation, court appearances, etc.):

Name of Party: \_\_\_\_\_

Date: \_\_\_\_\_ Case No.: \_\_\_\_\_

Types of Service(s) offered: \_\_\_\_\_

Name of Party: \_\_\_\_\_

Date: \_\_\_\_\_ Case No.: \_\_\_\_\_

Types of Service(s) offered: \_\_\_\_\_

Name of Party: \_\_\_\_\_

Date: \_\_\_\_\_ Case No.: \_\_\_\_\_

Types of Service(s) offered: \_\_\_\_\_

### II. ADDITIONAL QUALIFICATIONS

A. I am willing to accept cases from outside of Contra Costa County.

B. I am willing to accept cases from out of state.

C. I am willing to accept the following type of Limited Representation cases.

Coaching

Negotiations

Document Review

Legal Research

Document preparation/ghostwriting

Domestic Violence

Court Appearances

Other

### III. CERTIFICATIONS

- I certify that I have agreed to follow the rules for the Lawyer Referral and Information Service outlined in:
  - the "Lawyer Referral and Information Service Application and Agreement"
  - the "Rules of the Lawyer Referral and Information Service"
  - the "Rules & Regulations of the State Bar Pertaining to Lawyer Referral Services"

All of which should have been sent upon joining the Lawyer Referral and Information Service.

- I certify that I have confirmed coverage for limited representation practice with my errors and omissions insurance carrier.

- I certify that I understand the same LRIS Rules & Regulations, including percentages fees, apply to "Limited Representation LRIS Panel" clients who initially hire me to perform only limited services which may subsequently develop into "full service" representation.

I submit this Statement of Qualifications to participate in the Limited Representation Panel of the Lawyer Referral and Information Service. I understand that the information contained herein is subject to reasonable verification and I agree to cooperate with the Lawyer Referral and Information Service Committee and its designees in the process of evaluating my qualifications. I declare, under penalty of perjury, that the foregoing is true and correct.

I agree that I will indemnify, defend and hold harmless the Limited Representation Panel and/ or the Contra Costa County Bar Association from any adverse claim, award, judgment, or settlement occurring as a result of my advice to or my representation of a client referred by the Panel.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_



2300 Clayton Road, Suite 520 | Concord, CA 94520  
(925) 686-6900 | www.cccbba.org

# Quick Links

## Learn More:

Limited Scope Representation on our website  
[www.cccbba.org/community/family-immigration-law/limited-scope-representation.php](http://www.cccbba.org/community/family-immigration-law/limited-scope-representation.php)



## Find a Lawyer:

Lawyer Referral & Information Service (LRIS)  
[www.cccbba.org/community/find-a-lawyer](http://www.cccbba.org/community/find-a-lawyer)



## Self-Help Resources:

Lawyer Referral & Information Service (LRIS)  
[www.cccbba.org/community/resources](http://www.cccbba.org/community/resources)



a public service since 1978  
serving Contra Costa County  
State Bar Certified #0018



*What happens if I later need more services from the attorney?*

**A** New issues frequently come up in legal matters, which means that you may find you need more assistance from the attorney than you originally expected. If you use limited scope, **you can always go back to the attorney and ask for more assistance.** Your attorney will already be familiar with you and your case because of prior involvement. This will be much more efficient than trying to find another attorney to help you and then educate him or her about your case. Remember, you are paying for your attorney's time, so it is very inefficient to keep paying new attorneys to learn about your legal issues.

*What if I decide I want the attorney to handle the entire case?*

**A** After going to court on your own, even with good coaching from an attorney, you may decide that you'd rather have the attorney take over the whole case. Because you pay any attorney for time, it is always more efficient to return to the attorney who already knows you and your legal issues, rather than paying a new attorney to get up to speed.

*What if the other side has a lawyer and I have a coach?*

**A** Many people decide that they would rather represent themselves, even if the other side has a lawyer. Your coach, or limited scope lawyer, can prepare you for what to expect in court, advise you of your legal rights (and the most effective way to protect them), and outline possible negotiation strategies for you. Your attorney can also negotiate for you to try to settle the case outside of court, even though you intend to represent yourself in court if the negotiations fail.

*What if the attorney doesn't want to do what I ask?*

**A** You and your attorney are working as a team, but it is your case. While the attorney has much more experience in legal matters than you do, **the ultimate decision is always yours.** If your attorney feels strongly that the course you want to take isn't in your best interests, you should listen carefully to the reasons why s/he is recommending you do something different. However, the ultimate decision, and responsibility, is yours. You have the right to disregard your attorney's advice, but if the case doesn't turn out the way you hoped, you have to be willing to accept the responsibility for your decision.

*What if I am afraid of the other side?*

**A** If you are afraid of the person on the other side, be sure to **discuss your fears with your attorney.** While there are security systems at the courthouse, both at the entrance and in the courtrooms, you may not be comfortable appearing in court alone. In that case, you may decide to do more of the legwork yourself and have the attorney appear in court with you. These are all options that are available to you.

*What other resources are available to help me represent myself?*

**A** Will the attorney tell me where to look for self-help legal resources? Yes, the attorney will likely tell you where to look to find tools to help you in your own representation. There are many good resources out there: the family court facilitators, self-help websites, including the California courts website ([www.courts.ca.gov/selfhelp.htm](http://www.courts.ca.gov/selfhelp.htm)) and California legal services website ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)). Many of these materials are available in multiple languages.

# Limited Scope Representation in Civil Law Cases

a program of the  
Lawyer Referral & Information Service

## Frequently Asked Questions



phone (925) 686-6900 | fax (925) 686-9867  
[www.cccbba.org](http://www.cccbba.org)



### What is limited scope representation?

Limited scope representation (sometimes called unbundling) means that you and your attorney agree that you will perform some of the tasks associated with your case and the attorney will perform others. For example, you may agree that you will gather the relevant data while the attorney will draft the paperwork to be filed with the court. The attorney may coach you on how to prepare documents yourself or review documents you have drafted. S/he may coach you on how to appear in court by yourself, or may handle only the most complicated parts of your case and give you advice on how to handle the simpler parts yourself. The attorney may prepare the evidence that you will present at court. S/he can also appear at court for one part of your case (the most difficult or technical) while you represent yourself on other simpler or less critical parts. The attorney then only bills you and **you only pay for the parts of the case the attorney handles.**

### What kinds of cases work best for limited representation?

Many areas of **civil law** are well-suited for limited representation. These include **small claims** assistance, **consumer claims**, **insurance coverage denial**, and small civil lawsuits that don't lend themselves to contingent fee arrangements. The best cases don't have a lot of very technical issues, but are time-intensive. Since you pay for an attorney's time, the best solution makes the most effective use of that time. For example, if you know you will be waiting around the court house all morning for a few minutes of court time, it may not be the best use of your litigation budget to pay an attorney to wait with you. You may instead spend the attorney's time being coached on how to represent yourself most effectively, and then appear by yourself in court. That way you aren't incurring legal fees while you wait for your case to be called. The other cases that work well are those with a few issues or only one technical issue that can be split off for the attorney to handle while you do the simpler ones.

### What kinds of questions should I be asking?

You and the attorney should have a thorough discussion about all the aspects of your case, and **agree on your respective responsibilities.** Among the issues you should discuss are: Who will set the strategy? Who will gather information? Who will prepare information for the court? Who will draft documents for the court? Who will appear at court and settlement conferences? Who will negotiate with the other side to try to settle out of court?

### What is the benefit for me?

There may be many things you can do to assist in your own representation. For example, you may be able to gather much of the necessary information yourself so you don't have to pay the attorney to do it. The attorney can then take that information and put it in a form that is useful to the court. In this way, you make the most **efficient** use of the attorney's time (and your litigation budget) by focusing the attorney's time on things you can't do effectively yourself. By doing this, you can only **save money on legal fees**, but **retain greater control of your case** than if the attorney handles the entire process.

### What are the trade-offs?

Your attorney went to law school and probably has years of experience in this field. You don't. That means s/he will know things that you don't about the legal process. If you instruct your attorney not to take certain steps, either to save money or because you want to remain in control, you will have the **full responsibility for the outcome in the parts of the case you do yourself**, even with an

attorney coaching you. There may be hidden complications in your case that you aren't aware of because you don't have legal training. Therefore, you must be careful to discuss your legal matter thoroughly with your attorney. This ensures that you are comfortable handling the parts of your case that you undertake and that you aren't taking on anything which is too technical.

### Why shouldn't I just go to a paralegal service or document preparer?

While many paralegals have experience drafting simple documents, they have not been to law school. One of the common problems people face is that the case that seems simple to them actually has hidden complications which someone who is not legally trained will not be able to spot. After reviewing your case with you, the attorney may recommend that you do, in fact, go to a paralegal, if s/he feels the issues are straightforward. However, **if you don't consult with an attorney first, you won't know if potentially serious complications have been overlooked.** Also, a paralegal won't be able to represent you in court or negotiate a settlement with the other side.

### Why shouldn't I just keep coming back to the Lawyer Referral Service for a new referral each time a question comes up in my case?

This usually violates the referral service rules, and is really **not in your best interests.** If you keep consulting with different attorneys on your family law case, you have to introduce each new attorney to all that has happened before. This means that you waste time (that you are paying for) getting the attorney up to speed on your legal matter. It also increases the risk that you forget to tell the attorney some fact from the past that is important to your current question. You are much better off consulting with the same attorney over a period of time. When new questions arise, they are familiar with you and with what has come up before in the case.

### How do I know if it won't work in my case?

This is why it is important to thoroughly discuss your case with the attorney, including areas that you intend to handle yourself. If you don't discuss the whole case with the attorney, even the parts that you think are simple and intend to handle yourself, you won't know if you have overlooked something that is legally important. Once you have had this discussion, you and the attorney can agree upon who will be doing what parts, and you can be comfortable that you've flushed out any hidden complications. If you have a hard time negotiating with the other side, keeping track of paperwork, or speaking in a stressful situation, such as court, it is important to get help in these areas from an attorney.

### Will the courts let me do this?

Yes, the courts want to encourage people to get as much legal assistance as they need to effectively protect their rights. Since the courts can't give legal advice, this means that they want you to have access to as much legal help as you need. They know that you'll do a better job of presenting the important information to them if you have been coached on what information is helpful to the courts and how it can be most effectively presented. They may suggest that you get additional help from an attorney if they think you need more help.

### How do I find an attorney who is willing to help me represent myself?

The LRS Limited Representation Panel, specifically limited to lawyers who are experienced in civil law, have had specialized training in helping people represent themselves and are willing to offer this service. They have been pre-screened by the Bar Association, so you don't have to. Each attorney on our panel has been specifically recruited to meet the needs of the person who wants to undertake some form of self-representation.