

Contra Costa County Bar Association Lawyer Referral & Information Service leads the charge to deliver “unbundled services” to local litigants!

The Contra Costa County Bar Association with the generous assistance of Sue Talia, Esq., a pioneer in the unbundled movement, is the first bar association in California, and one of the first in the nation, to offer a “Limited Scope Representation” panel to its Lawyer Referral & Information Service (LRIS). This panel is available for family law litigants who are facing the challenges of navigating through the judicial system without benefit of an attorney. The program is a fantastic solution for self-represented and similarly minded litigants to obtain guidance and assistance with their case without having to hire an attorney for “full service.”

In Contra Costa County alone, the number of self-represented litigants has grown at an exponential rate: 70% of all ex-parte motions are filed in pro per, with family law litigants representing over half that number (*taken from Contra Costa Superior Court statistics*). A lot of residents fall into financial “gray areas” in which they find an inability to pay prevailing family law retainer fees and the ongoing cost of litigation, but do not qualify for low-income services. With the addition of our Limited Representation Panel, we are assisting an often underserved and ever-growing class of litigants by presenting them with a viable and affordable alternative to “going it alone.”

Clients are not the only party to benefit from this progressive type of practice – most attorneys find it to be a reciprocal relationship. By expanding their practice to include limited representation, panel attorneys can market their services to a clientele who would not previously be expected to use or hire an attorney. And don’t make the mistake of equating an unbundled practice with a low-fee practice

-- panel attorneys charge prevailing hourly rates on a pay-as-you-go method of billing. It is truly a win-win opportunity.

An added bonus to the program is the assistance it will offer to the court. A pro per populace, who may be confused by legalese or unable to understand proceedings due to language barriers, also poses a severe obstacle for the judiciary. In a system already burdened by caseload and staffing considerations, it is increasingly strenuous to serve and “train” a population that is often ill prepared for court proceedings or unable to follow simple legal procedures. For example, 25%-30% of family law pro per dissolution filings had their forms returned at least once for errors and omissions. Expanding the practice of limited representation offers much-needed relief to an overwhelmed court and helps lessen judicial hardships by educating and preparing self-represented litigants for the rigors of a family law case. (Of note is the expressed support and appreciation for the program by our family law bench.)

What is the “unbundled” practice of law?

If unbundled representation or limited scope representation are unfamiliar terms, you are not alone. Although this type of practice has been performed for years, it has not come to the legal forefront until recently, largely in part to pro per litigants turning to the court en masse.

Limited representation is designed for self-represented litigants who are not prepared to or able to hire an attorney for full representation but who need specific advice, services, document review, etc. Attorneys do not charge a retainer fee nor handle the case from start to finish but

rather work only on an agreed portion of the case and facilitate the client's ability to represent him or herself. The attorney and client mutually agree to handle specific and limited service(s) through a detailed and precise contract that is tailored to the needs and concerns of the client, including income limitations. It is imperative that the client understand that this type of legal practice is a joint effort and the attorney has a specified end to what he or she will perform. It is by no means a substitute for traditional legal service, but merely an alternative form of representation for the pro per litigant.

The qualified and trained attorney can simply and efficiently explain proceedings, assist with document preparation and/or make limited court appearances to advocate on the client's behalf. For example, a client may consult with a limited representation attorney and request that s/he prepare paperwork but appear at the hearing without counsel. Although the pro per status remains, self-represented litigants have the ability to consult with attorneys on an as-needed basis who will coach them through the dizzying maze of family law litigation.

How does the program operate?

The program is an adjunct to the already successful Lawyer Referral & Information Service and exists in much the same manner as any other panel, although callers are screened by a trained LRIS interviewer and need to "pass" an eligibility checklist. Various types of situations may not be suitable for unbundled practice, such as highly emotional clients, most domestic violence survivors, those with no steady source of

income, or clients absent the capacity to fully understand the limited representation practice. These callers will be referred as "full service" cases elsewhere on the LRIS. Unlike other referrals obtained via the LRIS, the half-hour consultation may be primarily reserved for an accurate description of limited representation services and additional screening of client eligibility by the attorney, rather than direct advice and assistance. The panel is not designed to meet only the interests of low-income individuals or serve as a pro bono service. All clients should understand that the panelists are private practicing attorneys who may charge their regular fees as determined at the time of the initial consultation and subsequent retainer agreement.

We are very excited about this groundbreaking program, which already serves as a model in many other counties throughout the nation. Our supplementary LRIS Limited Scope/Unbundled panel enables and empowers the self-represented litigant to maintain control of his/her case, understand a complex and complicated system, provide continuity in advice and confidence in his/her ability in the courtroom, *and* fill a gap in legal services that was previously unmet. Not only have we successfully incorporated a new area of practice to our Lawyer Referral & Information Service, but we will also make a significant contribution to access to justice.

For further information about the practice of limited representation, try Forrest S. Mosten's book, *Unbundled Legal Services: A Guide to Delivering Legal Services a la Carte*, or Sue Talia's book, *A Client's Guide to Limited Legal Services*.