**Limited Scope Representation**

Imagine this scenario: a potential client is referred to you by the Bar Association or finds you through an internet search and comes to your office seeking a divorce after enduring years of abuse. She is nervous and is uncertain about where to begin. After meeting with her for an initial consultation, you determine that it would make sense for you to represent her. You explain to her the process for filing and begin to go over your firm’s fee structure. Everything is going smoothly until she realizes that she cannot afford the retainer. You cannot negotiate because you need to support your family and keep the practice afloat and earning legal fees is your only income. It would take her a year to save up $2,500. So, you both are disappointed and the meeting ends awkwardly with no option for moving forward.

Now, what if there were a third option between full, costly, legal representation and no solution at all? Perhaps there is a reasonable way for you to still earn some fees instead of none and for the potential client to receive the help she needs to achieve her legal goals.

The solution is called “Limited Scope Representation,” also known as “Unbundled Legal Services.” In this scenario, the attorney coaches a client and represents them on certain essential matters. On other matters, the client is able to complete tasks on their own. Who does what varies on an individual case basis and depends largely on the abilities of the individual client.

In our hypothetical, you might help the client prepare her initial filing, give her advice on how to handle herself in hearings, and draft the child custody agreement and QDRO documents for her. For these specific tasks, you could charge flat fees, spaced out over several months, which she could afford to pay.

Limited scope representation is a benefit for everyone involved in the legal process: clients receive legal advice and representation where otherwise they would be struggling on their own in a sometimes frightening world of complex procedures; lawyers have the opportunity to utilize and monetize their skills; judges experience a smoother courtroom process when a client is represented in court by counsel or at least better prepared.

In 2015, The Supreme Court of Ohio Task Force on Access to Justice issued a report that recommended “the promotion of limited-scope representation, also known as unbundled services, as a way to provide legal representation to litigants who may have the means to hire an attorney for a limited purpose, even if not for the entire legal matter.”[[1]](#footnote-1)

Specifically, the Task Force recommended clarification of the phrase “reasonable under the circumstances” in Prof. Cond. Rule 1.2(c) and the development of Continuing Legal Education courses on how to ethically provide limited scope services.

Limited scope representation has been around for a long time in places like Illinois, Florida, and Maryland but only recently has it been accepted by Ohio courts. An [**article**](https://www.ohiobar.org/globalassets/ohio-lawyer/sept-oct-16/ol_septoct_2016-web1.pdf) in the October 2016 issue of *Ohio Lawyer* highlighted the benefits of unbundling legal services.

On July, 2018, The Supreme Court of Ohio made some important amendments to the Ohio Rules of Civil Procedure published July 1, 2018. Civ. R. 3(B) permits an attorney to limit the scope of appearance and provides for the filing of a Notice of Limited Appearance and Notice of Completion of Limited Appearance. These pleadings allow the attorney to define what tasks he/she is performing in the case and the parameters of the limited representation. Civ. R. 5 discusses how service must be made in a case where an attorney is representing a client in a limited manner. The practice of limited scope representation common in other areas of the country now has a foundation in Ohio procedural law.

Ethical questions have for a long time held attorneys back from embracing limited scope representation. Attorneys are often reluctant to take on limited representation of a *pro se* litigant out of fear that accepting responsibility for certain aspects of a case will put them “on the hook” for the entirety of the case. However, it is important to remember that the Ohio Rules of Professional Conduct support a lawyer taking on limited representation of a client within certain guidelines. Prof. Cond. Rule 1.2(c) permits lawyers to limit the scope of their appearance “if the limitation is reasonable under the circumstances and communicated to the client, preferably in writing.”

While the rules provide a framework for effective limited scope representation, an attorney needs to evaluate each potential client and case, and carefully consider if unbundled services are appropriate. An attorney needs to explore whether or not taking on the legal matter at hand in a limited manner is reasonable given the complexity of the case and the abilities of the client. He or she must strike a balance between providing selective legal services at a cost less than full services while still guaranteeing entirely competent representation.

The Akron Bar LRIS Committee is working to provide resources to help lawyers who want to accept limited scope representation of clients. The plan for the future is to add a Limited Scope Panel to our Lawyer Referral Service, thus providing a means of connecting clients burdened by financial barriers and urgent legal needs with lawyers ready to help them.

Expanding your practice to include limited scope representation allows you to take on more paying clients and assist more individuals in need. The Akron Bar Association is excited to be able to assist our members and lawyers throughout Summit County in developing this wining strategy.

1. The Supreme Court of Ohio Task Force on Access to Justice. *Report and Recommendations,* §8. March 2015. [↑](#footnote-ref-1)