

WORKING WITH AN ATTORNEY ON A BUDGET

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Traditional Model: “Full Representation”

- Lump Sum Retainer Payment made up front
- Attorney bills Client based on agreed to *hourly rate*
- *Vague Estimate* of Overall Cost from Attorney
- Attorney becomes “Attorney of Record” *for all purposes*
- Attorney is on the front line for all issues
- Opposing Attorney may not communicate with Client

“Limited Scope Representation”

- A cost-saving legal service arrangement where a lawyer handles **some aspects** of the client’s legal matter.
- Smaller Retainer Fee or Flat Fees
- Client and Attorney divide responsibilities
- Costs estimates provided by Attorney (per task)
- Client on front line (Attorney behind the scenes)
- ***You may change to full representation any time***

California Rules of Court

- For Family Law: See **CRC Rule 5.425**
- Form FL-950 Notice of Limited Scope Representation
- For Civil Law: See **CRC Rules 3.36 & 3.37**
- Form MC-950 Notice of Limited Scope Representation

Menu of Legal Services

- Legal Advice Consultations
- Coaching & Strategy
- Legal Research
- Gathering Facts (“Discovery”)
- Drafting Legal Documents
- Negotiations
- Court Representation

Considerations for Litigants

- Personal & Legal Self Assessment (Reality Check)
- **Personal**: Emotional Overload, History of Abuse in Relationship, Time Commitment
- **Legal**: Complexity of the Case, Organizational Skills, Legal Knowledge, Comfort with Financial Issues and Decision Making
- ***Some cases not appropriate for LSR***
- Read **A Client's Guide to Limited Legal Services** by M. Sue Talia

Considerations for Lawyers

- **Informed** consent of the client
- Agreement in writing
- Must be reasonable under the circumstances
- **Some cases not appropriate for LSR**
- Changes in scope must be documented
- Clients must be advised on related issues
- Duty of Competence

Benefits & Risks of Limited Scope Rep

Benefits of LSR

- Lower overall cost
- No high retainer fees
- Legal fees predictable
- More control over process and your choices
- More participation
- Learn to handle your case

Risks of LSR

- More work for you
- More responsibility
- Need to learn laws & rules
- Must track deadlines
- More time from you
- Risk of communication problems

2 Types of Limited Scope Rep

- “**Undisclosed Representation**” If an attorney assists in drafting documents but does not make a court appearance then disclosure to the other party and the court is not required.
- California Rule of Court Rule 5.425(c)(2)
- “**Noticed Representation**” When an Attorney & Client notify the court and other party of the limited scope representation.
- California Rule of Court Rule 5.425 (c)(1)

“Noticed” Limited Scope Representation

- In Family Law: Form FL-950 Notice of LSR
- In Civil Law: Form MC-950 Notice of LSR
- Served on the other party & filed with the court
- Attorney Representation at a single hearing **or**
- Attorney Representation limited to certain issues in the case
- At competition of representation, **MC-050 Substitution of Attorney** filed & served

Questions to Ask the Lawyer

- Experience with limited scope legal services?
- Requirements for dividing responsibilities?
- What are the troublesome issues in my case?
- What are your recommendations for them?
- Will you provide coaching, advice, strategy, drafting on a “as needed” basis?
- Billing rates and expectations for payment?

Entering into the Relationship

- In depth attorney consultation
- Issue and task identification (by attorney)
- Client selects tasks lawyer will perform
- Negotiate terms of payment
- Sign written fee agreement
- Relationship terminates upon completion of tasks

Dividing the Work

- Who will decide on the strategy?
- Who will manage the case?
- Who will gather what information?
- Who will prepare information for the court?
- Who will draft the documents?
- Who will appear in court?
- Who will negotiate with the other side?

Negotiating Attorney Fees

- Hourly Rate (Sliding Scale/Reduced Hourly Rate?)
- Flat Fees for Tasks
- Combination of Flat Fees & Hourly Rate
- Pay as You Go
- Phased Payment Schedule
- Forms of Payment
- Costs not included (Court Filing Fees, Process Servers, Child Custody Evaluations)

Types of Fee Agreements

- Single Consultation
- Consult & Document Preparation (One Time)
- Ongoing Consulting Agreement
- Consultation and Court Appearance
- Amendments to Fee Agreement (changes in scope of representation)

Quality of Attorney/Client Relationship

- Division of responsibility must be in writing
- Make no assumptions, *clarify roles*
- **Keep your attorney informed on case**
- Ask questions and seek clarification
- Pay for legal services as you go
- **Document changes in scope of services**

Finding a Limited Scope Lawyer

- Contact a Lawyer Referral Service
- SoCallawyerreferral.com 1-888-577-4255
- San Fernando Bar Association 818-213-1563 or www.sfvbareferral.com
- LA County Bar Association (213) 243-1525
- Levitt & Quinn Family Law Center www.levittquinn.org

Resources

- A Client's Guide to Limited Legal Services by M. Sue Talia
- CA Courts Self Help Center Self Assessment
www.courts.ca.gov/1085.htm
- Lawyer Referral Services: www.LawHelpCA.org