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WORKING WITH AN ATTORNEY ON A BUDGET

Michelle C. Hopkins, Esq.
Public Legal Services Fair
October 26, 2019
Traditional Model: “Full Representation”

- Lump Sum Retainer Payment made up front
- Attorney bills Client based on agreed to hourly rate (Standard LA County: $250-$450)
- *Vague Estimate* of Overall Cost from Attorney
- Attorney becomes “Attorney of Record” for all purposes (handles all aspects of case)
“Limited Scope Representation”

- Lawyer handles *some aspects* of the client’s legal matter.
- Usually Smaller Retainer Fee or Flat Fees
- Client and Attorney divide responsibilities
- Costs estimates provided by Attorney (per task)
- 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
## Benefits & Risks of Limited Scope Rep

<table>
<thead>
<tr>
<th>Benefits of LSR</th>
<th>Risks of LSR</th>
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<tbody>
<tr>
<td>• Lower overall cost</td>
<td>• More work for you</td>
</tr>
<tr>
<td>• No high retainer fees</td>
<td>• More responsibility</td>
</tr>
<tr>
<td>• Legal fees predictable</td>
<td>• Need to learn laws &amp; rules</td>
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<tr>
<td>• More control over process and your choices</td>
<td>• Must track deadlines</td>
</tr>
<tr>
<td>• More participation</td>
<td>• More time from you</td>
</tr>
<tr>
<td>• Learn to handle your case</td>
<td>• Risk of communication problems</td>
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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**
- Attorney Representation limited to **certain issues**
- At competition of representation, **MC-050 Substitution of Attorney** filed & served
Questions to Ask the Lawyer

- Experience with limited scope legal services?
- Do you think my case is appropriate for LSR?
- 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?)
- Flat Fees for Tasks?
- Combination of Flat Fees & Hourly Rate
- Pay as You Go? (No Retainer)
- Remember Other Costs: Court Filing Fees, Process Servers, Child Custody Evaluations.
Types of Fee Agreements

• Single Consultation
• Consult & Document Preparation
• Ongoing Consulting Agreement
• Consultation and Court Appearance
• Amendments to Fee Agreement (changes in scope of representation)
LSR 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
- LawHelpCA.org
- San Fernando Bar Association 818-213-1563 or www.sfvbareferral.com
- LA County Bar Association (213) 243-1525 (“modest means” panel)
- Los Angeles Incubator Consortium
- Levitt & Quinn Family Law Center www.levittquinn.org
Other 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](http://www.courts.ca.gov/1085.htm)