JUDICIAL COUNCIL
STATEWIDE CONFERENCE ON SELF-REPRESENTED LITIGANTS
MARCH 14-17, 2006
SAN FRANCISCO

SELF-HELP IS NOT FOR EVERYBODY: PLANNING WITH LOCAL BARS, LAWYER REFERRAL SERVICES AND LEGAL SERVICES PROGRAMS TO PROVIDE A CONTINUUM OF SERVICE

Thursday, March 16, 2006
3:30-5:00 p.m.

Panelists:

- Neal Dudovitz, Moderator, Executive Director, Neighborhood Legal Services, Los Angeles
- Judge Donna Hitchens, Superior Court, San Francisco
- Suzanne Whitlock, Family Law Facilitator, Stanislaus County
- Lisa Reep, Executive Director, Contra Costa County Bar Association

List of Materials:

- Collaboration-Related Excerpts from The Legal Services Trust Fund Program Equal Access Fund – Partnership Grants, Request for Proposal for 2006 Grants
- Memorandum of Understanding – Superior Court of California, County of Los Angeles and the Legal Aid Foundation of Los Angeles
- Establishing a Limited Representation ("Unbundling") Lawyer Referral Service Panel
- Unbundling Your Practice – A Hands-on Training Workshop
- Join our Limited Representation LRS Panel

For more information, contact:
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COLLABORATION-RELATED EXCERPTS FROM:

THE LEGAL SERVICES TRUST FUND PROGRAM
EQUAL ACCESS FUND - PARTNERSHIP GRANTS

REQUEST FOR PROPOSAL for 2006 GRANTS

FOR ALL APPLICANTS

SELECTION CRITERIA FOR PARTNERSHIP GRANTS

The Commission will consider the extent to which project planners have thoroughly addressed all the issues identified in this RFP. The intention is to fund a range of proposals around the state, with a variety of client constituents and legal problems. In particular, the Commission will consider how effectively the proposal addresses the following issues:

- **Collaboration with Cooperating Court.** This must be a joint project with the court. The Commission will consider the extent to which the applicant has collaborated, and plans for future collaboration, with the cooperating court regarding access for self-represented litigants.

- **Collaboration with Court-Based Services.** The Commission will consider the extent to which the applicant has collaborated, and plans for future collaboration, with other court-based services, including the Family Law Facilitator, and other offices of the cooperating court.

- **Information and Referrals.** The Commission will consider how the project will provide information and referrals to litigants who are not eligible to use the services for any reason.

- **Referral Protocols**

Describe referral information that is being or will be provided to ineligible litigants:

a. In situations where the project will serve one side only or where a conflict is presented, how will you make *meaningful referrals*? (A "meaningful referral" is one that directs the recipient of the referral to a

source of information or advice that will actually provide assistance to the recipient.)

1) Describe the commitments made by the entities to which litigants will be referred. What arrangements have been made to expedite the referral process and to guarantee effective referrals?

2) Describe the procedures and protocols used to ensure referred persons are being assisted in a *meaningful* manner by said entities.

3) Describe how you will otherwise address the needs of unrepresented litigants? For example, will general information in the form of fact sheets, videos or other materials be available to those who are referred elsewhere?

For those litigants who are not income or subject matter eligible or outside the service area, what arrangements have been made to provide them referrals or otherwise address their needs? Will general information in the form of fact sheets, videos or other materials be available to these persons?

- **Collaborative Partners**

  Provide information about others with whom you plan to or now collaborate, as well as all other in-kind support for the project. Include information about current and planned collaboration with other local legal services programs, the Family Law Facilitator, Family Law Information Center, other self-help projects in the community, the Clerk of the Court, and other offices of the cooperating court. Describe the effectiveness of any ongoing collaboration and any modifications that are envisioned. Explain steps that are being taken to help litigants avoid confusion about the different services available, and to minimize duplication of effort. If a subgrant of any Partnership Grant funds is envisioned, describe the proposed plans for that subgranting arrangement in detail, including plans for reporting and evaluation.

- **Collaborative Planning with the Courts**

  Provide information about the court that has jointly agreed to sponsor this project, including the history of collaboration between the court and the applicant. Describe the general areas of responsibility that the court has

agreed to assume, and those that will remain the responsibility of the applicant. Existing projects should attach a copy of their written agreements with the court and identify any areas that will be the subject of revisions.

The Commission requires that applicants address the following issues with the cooperating court. The agreement must be in writing before any grant funds are released.

a. **Assurance of the Court's Impartiality and Independence** – If the project proposes to provide services for one party or side of a matter, the court must indicate its agreement and understanding of the implications of this decision in the letter of support. Describe the discussions that have occurred to arrive at that decision and describe the contents of that understanding.

b. **Ongoing Coordination** – You must arrange for ongoing meetings, no less often than quarterly, with court personnel to discuss collaboration issues as they arise. Coordination must include the Family Law Facilitator, Family Law Information Center and should include all other self-help service providers in the court system, whether or not they provide assistance to the same litigants the project serves.

c. **Clear Distinction Between Parts of Delivery System** – There must be plans that identify existing services available for self-represented litigants, and clarify how the Partnership Grant project differs. How will users of the services distinguish between the court's neutral role and the various projects based at the courthouse?

d. **Services Provided, Information and Referrals** – There should be clear agreement about the types of legal issues covered, resources available, and level of service provided to users of the services, as well as clear protocols regarding information and referrals available for persons ineligible for services.

e. **Logistics** – There must be plans for:

    - **Security** – adequate security for staff, volunteers, and users of the project. Who will provide that security?

    - **Location/Hours** – information regarding where the services will be provided, and what times they will be available.

- **Equipment/Supplies** – determining who will provide equipment and supplies. If the equipment is to be shared with other offices, describe the limitations to be placed on their use and what, if any, reimbursement will be required.

- **Shared Space** –addressing all issues that may arise if more than one project is sharing space at the court.

f. **Project Continuity** – There must be plans for discussion between the legal services program and the court regarding the ongoing nature of the proposed project, including whether and how the project can be continued following this grant year.

g. **Evaluation** – There must be plans for ongoing integral evaluation that gathers, organizes and incorporates input from both the legal services program and the court during and after the grant year to ascertain ways to improve the services.

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LEGAL SERVICES
TRUST FUND PROGRAM

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (hereinafter "MOU") is entered into by and between the SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES (hereinafter "COURT") and the Legal Aid Foundation of Los Angeles (hereinafter "LAFLA") for the purpose of assisting self-represented litigants in understanding and navigating the court system. COURT and LAFLA do hereby agree as follows:

1. TERM

This MOU is effective January 1, 2005, and shall continue until terminated by either party. Either party may terminate this MOU for any reason by providing 30-days written notice to the other party.

2. LAFLA RESPONSIBILITIES

LAFLA will provide a paralegal and screener at the Inglewood Self-Help Legal Access Center (hereinafter "Center") located at COURT's Inglewood court complex, One Regent Street, Inglewood, CA 90301. (These staff positions will augment one attorney and one paralegal position staffed by LAFLA at the Inglewood Center under a separate contract).

LAFLA staff will assist self-represented litigants in initiating, responding to, and completing their own court forms. The staff will also provide information regarding general court procedure, including filing and service. At least two of the four staff will be bilingual in English and Spanish and able to provide assistance to monolingual Spanish-speaking litigants.

LAFLA agrees to work in cooperation with COURT programs, including, but not limited to, the Small Claims Court Advisor, the Self-Help Collaboration Project, JusticeCorps, and the Family Law Facilitator.

The Center will not establish an attorney-client relationship with self-represented litigants, will make litigants using the Center's services aware that there is not an attorney-client relationship being established, and will ensure that they understand this limitation on the scope of services provided.

The Center will protect the Court's independence and impartiality by making services available to both sides of a matter, and will provide meaningful referrals to any ineligible litigants.

The Center will operate on Mondays, Tuesdays, Thursdays, and Fridays from 9:00 a.m. to 4:00 p.m. The Center will be closed from 12:00 noon to 1:30 p.m. On Wednesdays, the Center will be open from 9:00 a.m. to 12:00 noon and will be closed to the public in the afternoon.

LAFLA will seek volunteer attorneys, paralegals, and community members to volunteer their services at the Center. The staff on site will supervise the volunteers and will provide appropriate training.

3. COURT RESPONSIBILITIES

Subject to reasonable restrictions, COURT will allow the posting and distribution of flyers informing self-represented litigants about the services the Center offers.

A representative of COURT will meet at least quarterly with LAFLA to discuss progress and any issues regarding the Center.

COURT will support the effort of LAFLA to obtain any necessary permits and/or agreements with the County of Los Angeles for the use of space in the courthouse.

4. EMPLOYMENT STATUS

This MOU is by and between COURT and LAFLA and is not intended, and shall not be construed, to create the relationship of agent, servant, employee, partnership, joint venture, or association, as between COURT and LAFLA or its staff. Center staff shall function as, and in all respects are, employees of LAFLA.

LAFLA shall be solely liable and responsible for providing the Center staff all compensation and benefits, if any. COURT shall have no liability or responsibility for the payment of any salaries, wages, unemployment benefits, disability benefits, federal, state, or local taxes or other compensation, benefits, or taxes for the Center staff.

LAFLA understands and agrees that for all purposes, including Worker's Compensation liability, the Center staff are employees of LAFLA and not employees of COURT. LAFLA shall be solely responsible for furnishing any and all Worker's Compensation benefits to the Center staff as a result of any injury arising from or connected with any work performed by the Center staff pursuant to this MOU.

5. INDEMNIFICATION

LAFLA agrees to indemnify, defend, and hold harmless COURT and the State of California, and their respective elected and appointed officers, employees, and agents from and against any and all liability, including but not limited to defense costs and attorney's fees, arising from or connected with claims, lawsuits for damages, and/or Worker's Compensation benefits relating to LAFLA or the Center's operation or services, which result from bodily injury, death, personal injury, and/or property damage (including damage to LAFLA property). LAFLA shall not be obligated to indemnify for liability and expense arising from an act of negligence of COURT.

LAFLA agrees to comply with all applicable federal, state, and local laws, rules, regulations, ordinances, and directives and shall maintain all required licenses and permits required by law for performing services under this MOU, including, but not limited to, any and all applicable permits and/or agreements with the County of Los Angeles for the use of space at any courthouse wherein services will be provided by LAFLA under this MOU. LAFLA shall indemnify, defend, and hold harmless COURT and the State of California, and their respective elected or appointed officers, employees, and agents from and against any and all liability, including but not limited to demands, claims, actions, losses, damages, fees (including attorney's fees and expert witness fees), costs, and/or expenses resulting from a violation by LAFLA or the Center's staff of any laws, rules, regulations, ordinances, directives, provisions, licenses, and/or permits, including but not limited to those concerning nepotism, employment eligibility, civil rights, conflict of interest, wages and hours, non-discrimination, and Federal Fair Labor Standards.

6. INSURANCE

Without limiting LAFLA's indemnification and other obligations under Paragraph 5 (Indemnification), LAFLA shall provide and maintain at its own expense, general liability insurance written on a commercial general liability form or on a comprehensive general liability form covering the hazards of premises/operations, contractual, independent contractors, advertising, products/completed operations, broad form property damage, and personal injury with a combined single limit of not less than Two Million Dollars ($2,000,000) per occurrence. Such insurance shall be endorsed naming "Superior Court of California, County of Los Angeles" as an additional insured.

7. NOTICES

All notices under this MOU shall be in writing and shall be hand-delivered with signed receipt or mailed by first-class registered or certified U.S. mail, postage prepaid, addressed to the parties as follows:

TO COURT:

Kathleen Dixon, Managing Attorney
Superior Court of California
County of Los Angeles
111 North Hill St., Room 422L
Los Angeles, California 90012

TO LAFLA:

Bruce Iwasaki, Executive Director
Legal Aid Foundation of Los Angeles
1102 Crenshaw Blvd.
Los Angeles, California 90019

As an alternative contact, notice to COURT may be sent to Dr. Margaret Little, Administrator, Family Law, Room 211, at the address listed herein.

8. TERMINATION

Upon termination of this MOU as specified in Paragraph 1 (Term), LAFLA shall promptly vacate and surrender the Center space. LAFLA shall have no further possessory or other interest thereon.

9. CONFLICTS

This MOU is in addition to any previously executed Memorandum of Understanding between COURT and LAFLA. To the extent that any provisions of this MOU conflict with those of any previously executed Memorandum of Understanding, this MOU shall control.

IN WITNESS THEREOF, the Superior Court of California, County of Los Angeles has caused this Memorandum of Understanding to be subscribed by the Executive Officer thereof, and Legal Aid Foundation of Los Angeles has caused this Agreement to be subscribed on its behalf by its duly authorized officer.

Executed at Los Angeles, California.

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF LOS ANGELES

9/12/05

JOHN A. CLARKE (date)
Executive Officer/Clerk

APPROVED AS TO FORM:

D. BRETT BIANCO
Court Counsel

LEGAL AID FOUNDATION
OF LOS ANGELES

9-19-05

BRUCE IWASAKI (date)
Executive Director

ESTABLISHING A LIMITED REPRESENTATION ("UNBUNDLING") LAWYER REFERRAL SERVICE PANEL

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- UNBUNDLING YOUR PRACTICE – WORKSHOP FLIER — pgs. 18-19
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ESTABLISHING A LIMITED REPRESENTATION ("UNBUNDLING") LAWYER REFERRAL SERVICE PANEL[1]

I. GAINING SUPPORT FROM YOUR LRS COMMITTEE

Your task in this regard will be imminently easier if you have a champion or ambassador for the cause within your community who can help convince your Committee of the need for these services, and that providing them through your LRS makes good sense. If you don't have the benefit of this sort of person, you can persuade your committee to give this proposed undertaking serious consideration by offering them some compelling arguments, such as:

UNBUNDLING and LRS[2]

- Limited scope representation has been going on for years. It is just becoming more formalized as demand increases, especially in the field of family law. It has long been institutionalized in bankruptcy, where there is a whole procedure which has been in place for years, as well as in other areas, such as transactional practice.

- LRS customers have been using (and abusing) the LRS for unbundling. They frequently contact the LRS, get a referral and some advice, and when they need more coaching or more advice on the same legal matter, contact the LRS again and obtain a referral to a different attorney. This is a lose/lose situation. The client doesn't get consistent advice from a professional who is familiar with the history of the case. Many LRSs lack the internal tracking mechanisms to identify duplicate callers. The attorney and the LRS both lose the future income from ongoing contact. An unbundled LRS panel provides consistent, knowledgeable advice to the self-representing client, and a source of revenue for the LRS.

- Most unbundled relationships are extremely benign and low risk. They usually consist of "coaching" or advice and counsel, which lawyers do all the time, as well as some ghostwriting and help with pleadings, financial forms, disclosures, orders and the like. This is nothing new, and lawyers have been doing it as long as there have been lawyers. Only in a small percentage of cases does the lawyer actually go of record or list his or her name on the pleadings. With the new (California) Judicial Council forms, the risk of expanded scope or court refusal to allow the attorney to withdraw at the end of the limited scope task has been greatly reduced.

- The LRS can insist on minimum training for panel members to insure that they understand the differences between limited scope and full representation, and can protect the client and themselves. Training provides them the skills to do it competently, together with forms and fee agreements which they can take back to their offices and utilize in their practice.

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[1] The following materials focus on Family Law, but could apply to other areas of the law, where appropriate.
[2] These talking points were graciously provided by Sue Talia (Contra Costa County's ambassador for unbundling)

- (Most) LRSs are required, by their minimum standards, to increase access to justice. This is an effective way for them to do so. The current *ad hoc* system of serial referrals is unfair to both the clients and the LRS. It isn't reasonable to take the position that the only way lawyers can increase access to justice is to offer free services. Most already do *pro bono* as a matter of course, but that can't begin to address the huge need. For associations who have institutionalized *pro bono* programs, unbundling makes it much easier to recruit attorneys who are willing to take on a case because they know they won't be stuck in it forever. They know the scope of what they are volunteering, and know they can get out at the conclusion of that scope. That makes it much easier to recruit them.

- There is a huge untapped source of potential clients out there. The latest (California) Judicial Council statistics indicate that in 80% of the family law filings in this state, at least one party is unrepresented, and in upwards of 50%, both parties are unrepresented. This is not limited to poor people. The increasing complexity of family law has priced many middle class people out of full service representation. They have assets to protect, but can't afford the several thousand dollars which may be required to do a full service case. These people are currently unserved by the legal system.

- This is also driven by a self-help mentality. Many people could afford full service, but choose to represent themselves to retain control over the process. They still need assistance and coaching, and can afford to pay for it. This is potentially a lucrative market.

- The experience of those in the trenches is that the clients are happier after limited scope than after full service. These people feel utterly baffled and ostracized by the legal system and are profoundly grateful for the help they get in steering through a foreign and to them, frightening process.

- Unbundling doesn't compete with full service. The people who want these services either can't afford full service, or can afford it but want to retain control over their case. This will not compete with full service panels.

- There are working panels in Washington and other states.

- There are national experiences with this. www.unbundledlaw.org is a clearing house for other states.

II. Recruiting & Training Panelists

Recruitment:

Once you have gotten your LRS Committee's support to move forward with establishing a Limited Legal Representation ("Unbundling") LRS Panel, you will need to recruit and train panelists. Given that many family law practitioners already incorporate some form of limited scope representation into their practice, you will likely find that you already have a stable of potential panelists within your ranks. If you don't already have a list, you can survey your current LRS panelists, or all family law practitioners in your local bar association. You may wish to introduce the survey with an overview of limited legal representation so that the respondents understand the concept. An example follows:

"Limited Legal Representation", also known as Unbundling, Coaching, Limited Scope Legal Service or Discrete Task Representation, is intended for self-represented litigants who are not prepared to hire an attorney for "full representation," but who need specific advice, services, document review, etc. The attorney and client mutually agree to handle a specific and limited service or services, tailored to the needs and concerns of the client, through a detailed contract. It is imperative that the client understand that this type of practice is a joint effort on the part of the attorney and client, and that the attorney has a specified end to what he or she will perform. This is by no means a substitute for traditional legal services, merely an alternative form of representation for the pro per litigant.

Survey questions might include:

1. Do you practice limited scope ("unbundled") representation in your practice?
   ☐ Yes ☐ No

   If no, would you be interested in learning more about this and/or participating in a limited legal representation LRS panel?
   ☐ Yes ☐ No *(If yes, please skip the rest of this survey and return it with your name and contact information to _____)*

   If yes, would you be interested in participating in a limited legal representation LRS Panel? ☐ Yes ☐ No

For statistical and informational purposes, you may also wish to ask:

2. How long have you been practicing unbundled legal representation?
3. What is the average economic make-up of your unbundled clientele?
4. How successful has unbundled representation been in your practice?
5. What are the difficulties you have come across?
6. Please provide any additional comments about your unbundled legal experiences (i.e. how you usually provide this service, etc.)

Training & Requirements for Panel Membership:

It is important to establish training and qualification requirements for your limited representation/unbundled legal services panelists, not only to minimize liability exposure for your program and the panelists themselves, but to ensure that your LRS clients are provided with appropriate services. If you do not have access to training in your area, you can contact Ayn Crawley with the Maryland Legal Assistance Network at 410/576-9494 extension 1012 for materials, ideas, suggestions, and other available resources, or Sue Talia via e-mail at sue@divorcefromhell.com to schedule a live training or to purchase her training video and materials.

Once your panelists have been trained in how to safely and appropriately provide limited legal representation/unbundled legal services, you should develop a panel handbook or materials specific to your LRS, as well as a panel application. The following are the Contra Costa County Bar Association's Limited Legal Representation LRS Panel Description and Statement of Qualifications:

Contra Costa County
BAR ASSOCIATION

LIMITED LEGAL REPRESENTATION LRS PANEL DESCRIPTION:

Mission Statement:
The mission of the "Limited Representation Lawyer Referral Service Panel" is to help a significant portion of the Contra Costa County community who would not otherwise have the assistance of a legal professional. "Limited Legal Representation", also known as Unbundling, Coaching, Limited Scope Legal Service, or Discrete Task Representation, is intended for self-represented litigants who are not prepared to hire an attorney for "full representation," but who need specific advice, services, document review, etc. The attorney and client mutually agree to handle a specific and limited service or services, tailored to the needs and concerns of the client, through a detailed contract. It is imperative that the client understand that this type of practice is a joint effort on the part of the attorney and client, and that the attorney has a specified end to what he or she will perform. This is by no means a substitute for traditional legal services, merely an alternative form of representation for the pro per litigant.

Limited Representation LRS Panel Description:
Limited Representation is usually distributed into three main areas: 1) advice and counsel, 2) limited court or administrative appearances, and 3) assistance with documents and pleadings or what is known as "ghostwriting." Complex issues tend to be referred as full service matters elsewhere on the Lawyer Referral Service panels. For our purposes, we have compressed the issues into one panel, known as the "Limited Representation Panel." The client and attorney will agree upon the scope and extent of the relationship, and cost of service.

Unlike other Lawyer Referral Service Panels, the half hour consultation may be primarily reserved for an accurate description of Limited Representation Services and proper screening of client eligibility, rather than direct advice and assistance.

This is not a service *specifically* designed to meet the interests of only low-income clients. All panelists are private practicing attorneys, who may charge their regular fees as determined at the time of the initial interview and screening.

Requirement for Panel Membership:
- The rules and requirements of the LRS apply to the Limited Representation Panel.
- All members must be covered by a policy of errors and omissions insurance in the minimum amount of $100,000.00 single occurrence and $300,000.00 aggregate per year. All members must inquire with the individual insurance carrier as to coverage for "Limited Representation".
- Panel members must qualify according to specific Limited Representation guidelines, as well as meet the standard LRS qualifications.
- Mentor attorneys must have been in practice for at least five years. To be referred to a Mentor, an attorney must sign a disclaimer releasing CCCBA from any liability.
- All panelists will be required to pay LRS membership and percentage fees.

Referral Procedure:
Panel Members will be assigned to a client on a rotational basis. Rotational referrals will guarantee that all participating attorneys have equal opportunity.

Advantages of Limited Representation:

For the Client:
- "Real" legal assistance & guidance
- "Pay as you go" policy, no retainer
- *You* stay in control of *your* case
- Collaborative process
- Saves money and time!

For the attorney:
- Providing valuable service to "consumer"
- "Pay as you go" policy
- High % of returning clients
- Often becomes a "full service" case
- Charge regular hourly rate

Client Eligibility/Screening:
Limited scope legal representation is designed for litigants who cannot afford full legal representation or are not interested in traditional legal representation, and are in the midst of handling their family law matters "Pro Per," or without legal assistance. With appropriate screening, risks associated with limited scope legal representation can be lessened.

Who is a prime candidate:
- A pro per family law litigant, who has handled his/her case before.
- A pro per needing limited assistance, but with low-moderate income.
- Litigants who *want* to handle their case but feel that they need some assistance.
- A litigant who is "stuck" in the middle of a case and needs limited guidance.
- A litigant who needs help with single issues, such as enforcement, orders, wage assignment, etc.
- A litigant who has reached agreement or has previously been through mediation and needs document preparation.
- A semi-literate litigant who is able to prepare and read legal documents.

Additional considerations for prime candidates:
- Is the litigant competent to handle the case him/herself & negotiate with little assistance?
- Can the litigant handle the responsibility?
- Does the litigant have an idea about desired resolution, i.e. modification, disso, etc.?
- Does the litigant *fully understand* the parameters and definition of limited service?
- Does the litigant have some amount of income?

Clients who will need additional screening or are not necessarily prime candidates:
- A domestic violence survivor, who may have difficulty asserting her/his needs.
- "Hotly" contested issues; other party files numerous motions.
- Highly complex or technical cases that include bonds, retirement, pensions, QDRO's, etc.
- Semi-literate individuals.

Who is not eligible:
- Highly emotional or distraught clients.
- Clients who have absolutely no income to pay for even limited representation.
- A caller who does not understand what limited representation entails.
- A caller who wants someone else to do "it" for them.
- Multi-party actions.
- A client without the intellectual capacity to understand, prepare or file paperwork.

Contra Costa County
BAR ASSOCIATION

LIMITED LEGAL REPRESENTATION 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. 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. 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.: _____

Type of Service(s) offered: _____

Name of party: _____

Date: _____ Case No.: _____

Type of Service(s) offered: _____

Name of party: _____

Date: _____ Case No.: _____

Type 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
  - ❑ Document review
  - ❑ Document preparation/ghostwriting
  - ❑ Court Appearances
  - ❑ Negotiations
  - ❑ Legal Research
  - ❑ Other _____

III. CERTIFICATIONS

- ❑ I certify that I have received the "Training Guide," including the risk management and best practices materials.
- ❑ I certify that I will follow the practices outlined in the unbundled training and other materials received, as well as tailor forms and templates for inclusion in limited representation practice.
- ❑ I certify that I will utilize written retainer agreements and retain written records documenting the scope of limited services for *each* client, including any changes in scope.
- ❑ I certify that I will use the "Notice of Limited Scope Representation" form and the "Notice and Withdrawal" form, both provided by the Judicial Council.
- ❑ I certify that I have confirmed coverage for limited representation practice with my errors and omissions insurance carrier.

I submit this Statement of Qualifications to participate in the Limited Representation Panel of the Lawyer Referral Service. I understand that the information contained herein is subject to reasonable verification and I agree to cooperate with the Lawyer Referral 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

ADDITIONAL RESOURCES FOR YOUR LRS PANELISTS:

Your panelists should receive risk management materials, including sample retainer agreements, when trained. However, you might want to provide them with additional materials, guidelines and resources in conjunction with your program. There are numerous resources available for unbundling practitioners. A small sampling includes:

www.unbundledlaw.org - This came out of the first conference on unbundling in October 2000 and includes the conference program and recommendations. It is continually updated with the latest activities and reports from around the country and includes sample retainer agreements and malpractice avoidance tips. Your panelists should check it regularly for recent postings.

http://www.cobar.org - This is the Colorado Bar Association web site. Look for Ethics Opinion 101 for a comprehensive discussion of the ethical issues, and citations to opinions in other states.

http://www.lacba.org - This is the Los Angeles County Bar web site. Look for Ethics opinion 502. It is the only California opinion, and was very thoughtfully written by some ethics and malpractice experts.

http://www.calbar.ca.gov/calbar/pdfs/unbundlingreport01.pdf - This is the California State Bar web site, where you can read the Report on Limited Scope Legal Assistance with Preliminary Recommendations by the Limited Representation Committee of the Commission on Access to Justice. It's very thorough and supportive, and the recommendations were unanimously approved by the Board of Governors in 2001. Don't miss the appendix, which has lots of other cross links and resources.

http://www.abanet.org/genpractice/magazine/octnov2001/mosten.html - This is Woody Mosten's unbundling article in the GP Solo magazine of the ABA which appeared in the October-November 2001 issue.

http://www.divorceinfo.com/unbundlingbiblio.htm

http://www.zorza.net/resources/Ethics/mosten-borden.htm

http://www.equaljustice.org/ethics/unbund.htm

http://www.digital-lawyer.com/copy_of_justice/prose/proseresource.htm

http://www.pro-selaw.org

The ABA's Law Practice Management Section also published a book entitled *Unbundling Legal Services: A Guide to Delivering Legal Services a la Carte*, by Forrest Mosten. It can be purchase through www.abanet.org, or www.amazon.com.

III. TRAINING YOUR LRS INTAKE STAFF:

Your staff will no doubt be delighted once your limited representation LRS panel has been established, as they will now be able to assist many family law litigants who might not qualify for a moderate means program, pro bono assistance, or who simply cannot or choose not to hire an attorney for full legal representation. However, it is important that your intake staff understand which clients are appropriate candidates for these services. We recommend that you develop a client eligibility and screening worksheet/checklist for their use, and that you devote some time to training them. The following is what the Contra Costa County Bar Association's LRS intake staff currently use:

LRS INTERVIEWER CHECKLIST FOR "LIMITED REPRESENTATION" CLIENTS

Before proceeding with the checklist, you should explain briefly what "Limited Representation" entails and/or send the caller further information (FAQ brochure).

STEP 1: Does the caller have a family law issue & interested in doing part of the case pro per with attorney assistance?

❒ YES *(to both)* ❒ NO → refer the caller to other Family Law Panels

↓

STEP 2: *If the caller answers "YES" to any of the following questions, proceed to STEP 3. If the caller answers "NO" to any questions, s/he may be ineligible & might need to be referred elsewhere on the LRS (take responses as a whole in determining this).*

❒ YES	❒ NO	Does the caller have a steady source of income?
❒ YES	❒ NO	Does the caller *WANT* to handle his/her case alone, but needs assistance?
❒ YES	❒ NO	Is the caller "stuck" in the middle of the case & *WANTS* assistance in finishing the case by him/herself?
❒ YES	❒ NO	Does s/he need help with a single issue, such as enforcement, wage assignment, etc?
❒ YES	❒ NO	Has s/he reached an agreement and/or been through mediation previously and simply needs document preparation?
❒ YES	❒ NO	Is the caller interested in understanding his/her rights and would like more information on how to complete the action him/herself?

↓

STEP 3: *If the caller answers "YES" to any of the following questions, proceed to STEP 4. If the caller answers "NO" to any questions, s/he is ineligible & should be referred elsewhere on LRS.*

❒ YES	❒ NO	Does the caller comprehend the parameters, scope & definition of "Limited Representation" practice?
❒ YES	❒ NO	Does the caller have the intellectual capacity to assist with his/her case, i.e. can s/he articulate issues over the phone clearly?
❒ YES	❒ NO	Can the caller speak ENGLISH clearly? *(client & attorney should speak the same language)*
❒ YES	❒ NO	Is the caller literate, and can prepare & read documents on his/her own?

❒ YES ❒ NO Is the caller competent to handle a portion of the case him/herself?

❒ YES ❒ NO Does the caller seem sufficiently emotionally stable & focused on the issue enough to handle it pro per?

↓

STEP 4: *If the caller answers "YES" to any of the following questions, s/he is* ***NOT*** *suited for the panel.*

❒ YES ❒ NO Does s/he want someone else to do "it" for them?

❒ YES ❒ NO Does the case involve complex or technical issues, i.e. bonds, retirement, QDRO's, pensions, etc, and wishes to complete that portion without attorney assistance?

❒ YES ❒ NO Is the caller completely *ILL*ITERATE?

↓

STEP 5: *Issues to be leery of & may need additional screening– i.e., does the caller "pass" other parts of the checklist?*

- The caller a DOMESTIC VIOLENCE SURVIVOR (who may have difficulty being assertive in court)
  Is s/he fearful, timid, or has difficulty asserting himself?
  ❒ YES ❒ NO → s/he *MAY* be suitable for "Limited Representation." Use your judgment.
  ↳ S/he should be referred for full service on the LRS.
- The caller SEMI-LITERATE (s/he may have difficulty handling the case in pro per)
  If s/he has other assistance or has handled the case previously pro per, they *MAY* be suited for the panel. Use your judgment.

Although initial eligibility screening should be conducted by your LRS intake staff, we recommend that your panelists devote the half-hour consultation to further explore whether or not the client is a suitable candidate for limited representation services. The staff should explain this clearly to avoid the client's expectation that s/he will be receiving advice and counsel during the initial consultation.

If a potential client is still unclear about whether or not unbundling is for them, you may wish to develop a brochure or FAQ and make it available through your service. The following was developed by Sue Talia for the Contra Costa County Bar Association's (CCCBA) program. (*Brochures are available for purchase in bulk from the CCCBA)*:

LIMITED SCOPE REPRESENTATION, OR "UNBUNDLING"

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 financial 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. The attorney 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. The attorney 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?

Family law cases are frequently well suited for limited representation. 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 is the one that makes 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 to 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: 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 (LRS) for a new referral each time a question comes up in my case?

This is really not in *your* best interest. 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. There are frequent issues of which you are not aware. 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 like 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.

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

New issues frequently come up in family law 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?

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 my spouse has a lawyer and I have a coach?

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?

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 my spouse?

If you are afraid of your spouse, be sure to discuss your fears with your attorney. While there are security systems at the courthouse, both at the entrance and in the court rooms, 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.

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 family law, have had specialized training in helping people represent themselves and who 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.

What other resources are available to help me represent myself? 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.courtinfo.ca.gov/selfhelp/) and California legal services website (http://www.lawhelpcalifornia.org/). Many of these materials are available both in English and Spanish.

IV. MARKETING YOUR PROGRAM:

Once your program has been established, you should notify your local family law bench and agencies such as your family law facilitator's office, your court clerks and other court personnel, surrounding area bar associations, your membership, as well as relevant news organizations. You can provide them with brochures and other materials about your program, including an FAQ such as the one above. You will be providing a valuable and much needed service to your community, so let the world know about it!

V. MONITORING YOUR PROGRAM:

Since we are breaking new ground by incorporating limited legal representation/unbundling into our Lawyer Referral Services, it behooves us all to diligently monitor what works and what doesn't – both for the program and the panelists, how well it meets the needs of our clients, how it impacts the courts, and how it affects access to justice for family law litigants in our counties. Establishing an LRS subcommittee to develop and review surveys[3], listen to LRS intake staff suggestions and feedback, and continually modify the program based on this feedback is imperative. A network of other LRS programs offering this service will no doubt be established and prove invaluable as we muddle through this process together.

Attached are a sample client satisfaction survey, marketing materials for your program, a sample training brochure, and flow charts for both panelists and clients. You may contact Lisa Reep at 925/288-2555, or by e-mail at lgreep@cccba.org if you would like any of these materials in electronic format.

[3] A sample limited legal representation client satisfaction survey is attached, pages 15-16

Contra Costa County
BAR ASSOCIATION

704 Main Street / Martinez, CA 94553
925-686-6900 / FAX 925-686-9867 / http://www.cccba.org

Limited Legal Representation Client Satisfaction Survey

[Date]

[Client Name]
[Client Address]

Attorney: [Attorney's Name]

Dear [Client]:

The Lawyer Referral Service is a public service of the Contra Costa County Bar Association. The purpose of the service is to provide a lawyer for your type of legal problem. In order to maintain and improve our referral service, specifically the Limited Legal Representation Panel, we would appreciate you answering the following questions to assist us in our evaluations:

1) What was your legal problem? _____
_____

2) Were you satisfied with the Lawyer Referral Service?
( ) Yes ( ) No If no, why not? _____

3) Do you think that the Lawyer Referral Service fee of $30.00 was reasonable?
( ) Yes ( ) No If no, why not? _____

4) Were you satisfied with the attorney?
( ) Yes ( ) No If no, why not? _____

5) Do you feel the attorney spent enough time with you?
( ) Yes ( ) No If no, why not? _____

6) During the initial interview, did the attorney discuss:
( ) the definition and practice of limited representation, unbundling, limited scope, etc?
( ) the limitations of the attorney-client relationship when practicing limited representation?
( ) the collaborative relationship between you and the attorney?
( ) what you would accomplish by yourself and what s/he would handle?

7) During the initial interview, did the attorney discuss fees?
( ) Yes ( ) No

8) Did you hire the attorney?
( ) Yes ( ) No

If you check -**NO**-, please answer the following questions:

_____ Advice was sufficient and legal representation was not necessary

_____ I am no longer interested in pursuing the case

Continued from previous page...

_____ In the attorney's opinion, the case had no merit or should not be pursued

_____ There was a conflict with the attorney or the case was too complex

_____ You have opted to pursue the matter on your own, without hiring an attorney

_____ Fees were too expensive

If you checked –**YES**-, please answer the following:

_____ Attorney and I have agreed to each work on designated parts of the case

_____ The attorney will handle the entire case and not handle limited parts of the case *(I will not handle ANY portion of the case)*

_____ Other *(please explain)* _____

9) Did you sign a detailed retainer agreement?
( ) Yes ( ) No

10) Did you pay a fee to the attorney before you left the office?
( ) Yes ( ) No

If - **YES**-, how much? _____

11) Are you going to seek assistance from this attorney again?
( ) Yes ( ) No

12) Would you contact the Lawyer Referral Service again with a problem?
( ) Yes ( ) No If no, why not? _____

13) We would appreciate any additional information or comments you want to make regarding your experience with the Lawyer Referral Service and/or the attorney:

_____

_____

_____

_____

14) May we discuss your comments with the attorney?
( ) Yes ( ) No

SIGNATURE _____ **DATE** _____

Thank you for using the Lawyer Referral Service. If you were satisfied with our services, please tell your friends and neighbors. If you were dissatisfied with our services, have a dispute with the attorney or a complaint against the attorney, we urge your to contact us for assistance.

Family Law Pro Per Cases

... just got easier!

Need help representing yourself in a divorce?
Can't afford a lawyer to help finish your child support matter?
Need review of your paperwork before appearing in Court?
Want more control of your family law matter?

Contact the
Contra Costa County Bar Association's
Lawyer Referral Service
and ask about our

LIMITED REPRESENTATION PROGRAM!

(925) 825-5700

Provider #0018

"Limited Representation," commonly known as unbundling or coaching, is intended for self-represented family law litigants who are not prepared to hire an attorney for full-representation, but who need specific advice, services, document review, etc.

Our "Limited Representation Program" will help you find a family law attorney to meet your needs!

Contra Costa County
BAR ASSOCIATION and its Lawyer Referral Service are pleased to present . . .

UNBUNDLING YOUR PRACTICE . . .
A Hands-on Training Workshop

If you want to expand your family law practice and broaden your client base,
don't miss this workshop on how to <u>safely</u> unbundle your practice.

When: Saturday, September 20, 2003
9:00am – Noon / Continental breakfast provided
Where: Contra Costa County Bar Association offices
704 Main Street – Martinez
Cost: $75.00 (participants who successfully complete this workshop and signup
for the CCCBA's Limited Scope Representation LRS panel will be reimbursed
100% of their registration fees – see reverse for LRS details)
To Register: Mail your check, payable to CCCBA, to 704 Main Street, Martinez, CA 94553 – *or* – Call 925/370-2548 to pay with your Visa or MasterCard
MCLE: 3 Hours, including 2 hours Legal Ethics**

SUE TALIA, a nationally known advocate and proponent of "unbundled services", will provide the training. Among the questions she will answer are:

- What is unbundling and how can I make it work for me?
- How can I do it safely?
- What are the insurance carriers doing about it?
- How is the State Bar promoting it (and yes, it is)?
- What is the Judicial Council doing about it?
- What are the ethical issues? What is the standard of care?
- What are the common pitfalls and how do I avoid them?
- How can I set up office procedures to make it work smoothly & profitably?

The materials are useful and practical, and include a complete Risk Management Package

which has been approved for comment by the Access to Justice Commission, so you don't need to reinvent the wheel. In addition applicable ethics opinions, they include:

- Four separate retainer agreements and complete instructions on how (and how not) to use them.
- Office checklists and procedures specifically tailored to the unique needs of unbundled services.
- Intake and diagnostic questionnaires to help you identify which clients lend themselves to limited scope representation.

Join our Limited Representation LRS Panel

A terrific source for new clients

The time has come! We have finally added an unbundled panel to our Lawyer Referral Service (LRS). The "Limited Representation LRS Panel" will be limited to family law matters and will provide a great means for self-represented and similarly-minded litigants to obtain guidance and assistance.

This is an opportunity to tap into an unserved market of clients who need your help (and can pay for it). There is literally no legal organization serving this market at the present time. The result is that people are taking complex family law problems to document preparers rather than the lawyers they need. With the cuts in funding across the board, this is going to become more and more of a problem in the future. Don't miss this opportunity to tap into this growing client base. And don't forget, limited scope representation is, by definition, pay as you go. You won't be taking on accounts receivable, but will instead create a steady source of recurring income.

To join, simply follow these easy steps:

1. Complete our simple "Statement of Qualifications" and return it to Kris Miller, LRS Coordinator. Successful completion of a three-hour training in unbundling is required. If you attend this workshop and join our Limited Representation LRS Panel we will refund 100% of your registration fees. LRS panel fees will be pro-rated for those who join between now and the end of 2003.

If you are already a member of the LRS, you are now a part of the innovative "Limited Representation LRS Panel," the first in California and one of the first in the nation! If you are not *a member of the LRS, you will also need to complete the following steps.*

2. Complete the Lawyer Referral Service application
3. Send or fax us a copy of your current liability insurance

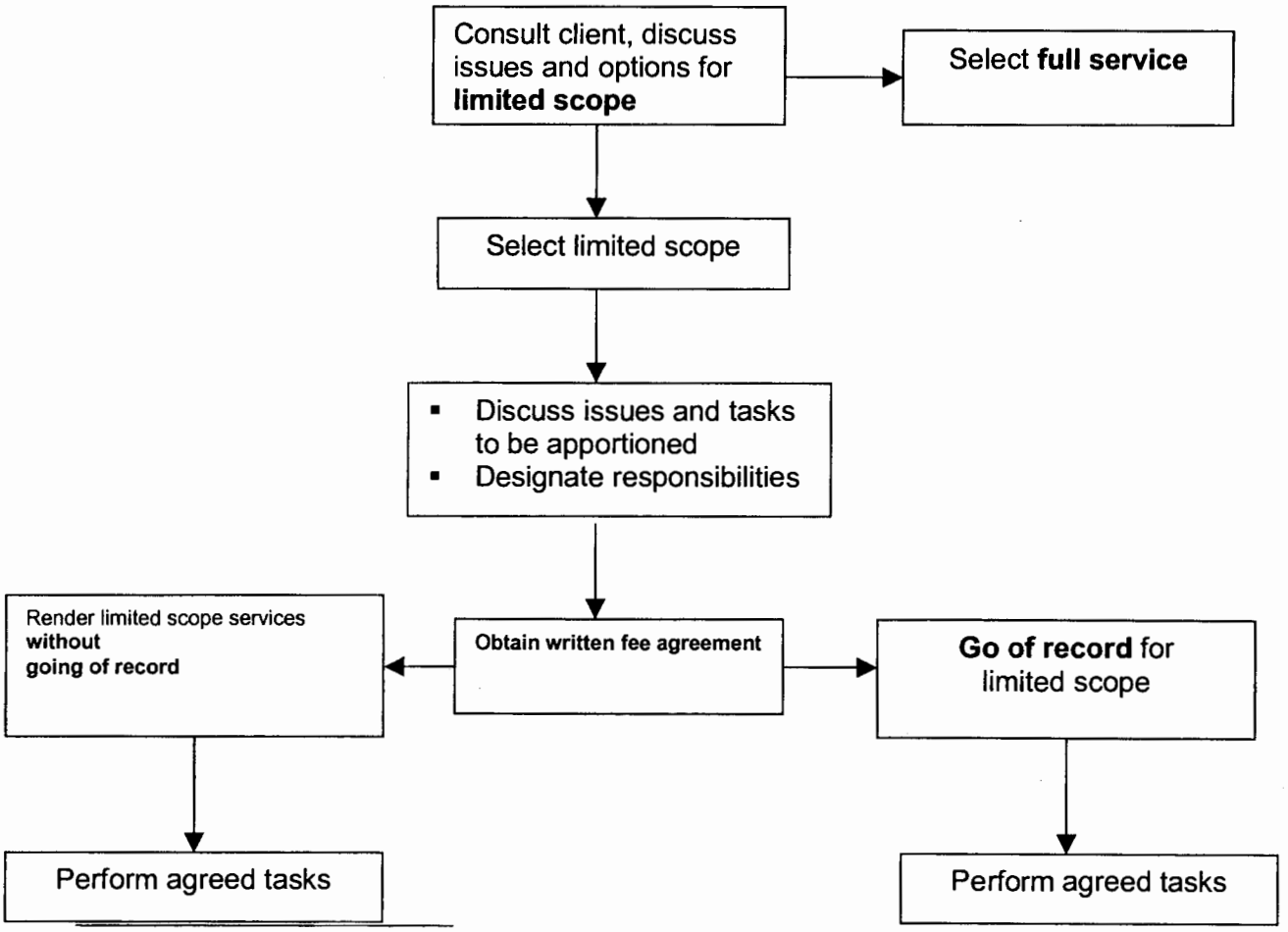
Upon receipt of the application and any applicable materials, we will send you a "Limited Representation Guidebook" and request that you certify to utilize the Guidebook in your practice of unbundled law when representing clients referred to you by our Lawyer Referral

Service. Once you have completed the necessary steps, you are ready to begin receiving limited representation consultations.

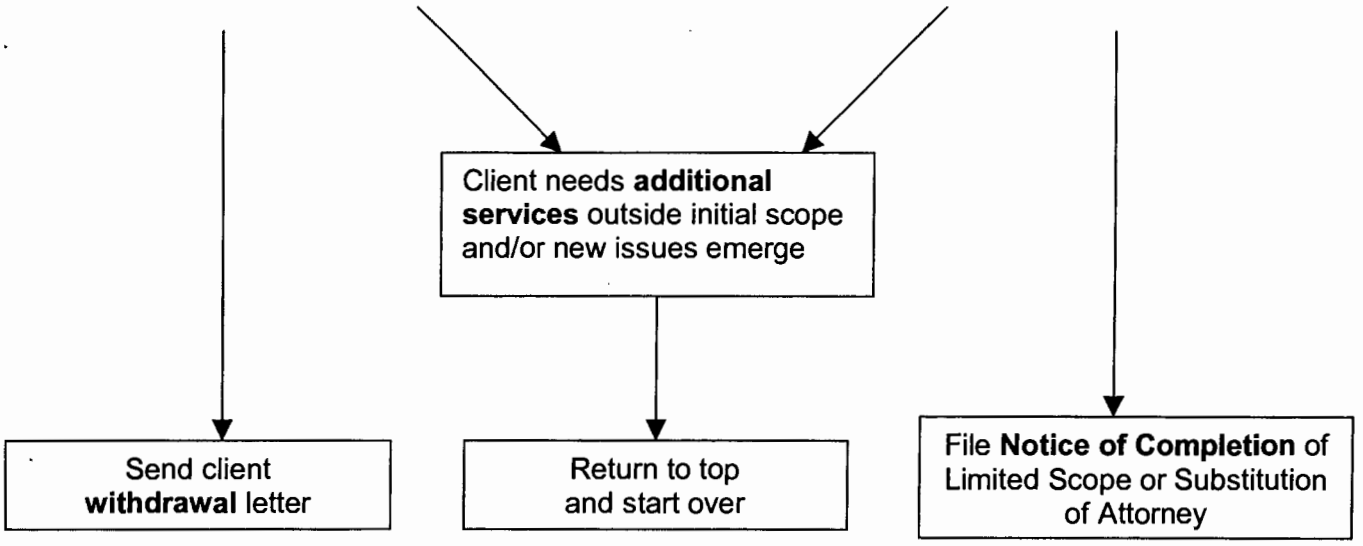
We appreciate your participation in this ground-breaking program. If you should have any questions about this program or would like to join our LRS, please feel free to call (925) 370-2548 or e-mail cmorrissey@cccba.org.

To unbundle or not unbundle? IF that is the question . . . Be prepared for success and happiness. Lawyers who unbundle are sued less, are reported to ethics boards less, have lower accounts receivable, and experience higher client and personal satisfaction. Lawyers who begin by unbundling a little soon see a rise in an unbundling client base that can afford the legal expertise of their legal coach. While the acute legal problems remain just as sophisticated, they are solved in a manageable fashion that maintains the intellectual challenge all lawyers enjoy. To those who ask, "Why unbundle," I answer, "Why not?"[4]

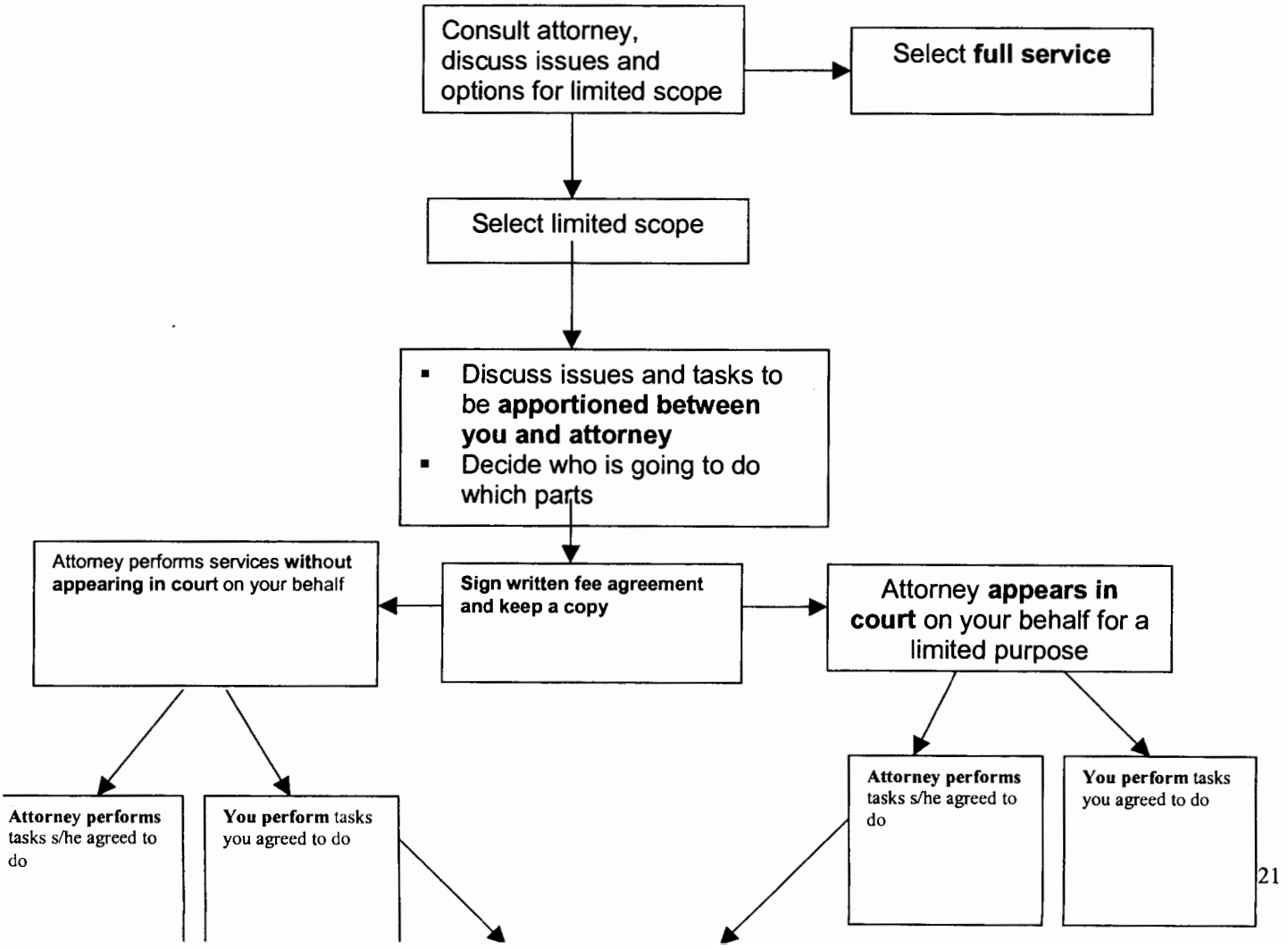
LIMITED SCOPE REPRESENTATION FLOW CHART FOR ATTORNEYS

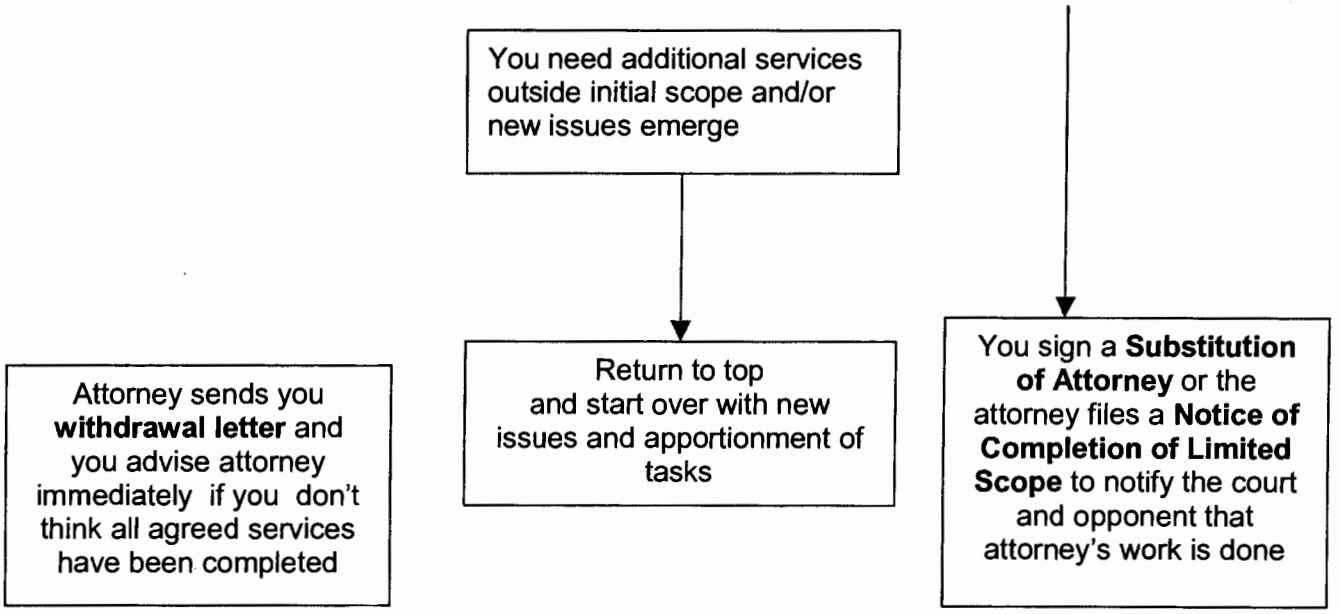


[4] Excerpt from an article entitled *"Legalizing" Unbundled Practice: The Main Experience*, which appeared in the Summer 2003, Volume 7, No. 3 edition of Dialogue, a publication by the American Bar Association's Division for Legal Services. Author, Elizabeth Scheffee, is a family law practitioner in Maine and a member of the ABA Standing Committee on LRS.



LIMITED SCOPE REPRESENTATION FLOW CHART FOR CLIENTS




You need additional services outside initial scope and/or new issues emerge
Return to top and start over with new issues and apportionment of tasks
Attorney sends you **withdrawal letter** and you advise attorney immediately if you don't think all agreed services have been completed
You sign a **Substitution of Attorney** or the attorney files a **Notice of Completion of Limited Scope** to notify the court and opponent that attorney's work is done

Contra Costa County
BAR ASSOCIATION and its Lawyer Referral Service are pleased to present . . .

U N B U N D L I N G YOUR PRACTICE . . .

A Hands-on Training Workshop

If you want to expand your family law practice and broaden your client base, don't miss this workshop on how to safely unbundle your practice.

When: Thursday, May 12th
1:30 - 4:30pm / Refreshments provided

Where: Contra Costa County Bar Association offices
704 Main Street - Martinez

Cost: $75.00 (participants who successfully complete this workshop and sign up for the CCCBA's Limited Scope Representation LRS panel will be reimbursed 100% of their registration fees - see reverse for LRS details)

To Register: Mail your check, payable to CCCBA, to 704 Main Street, Martinez, CA 94553 - *or* - Call 925/370-2548 to pay with your Visa or MasterCard

MCLE: 3 Hours, including 2 hours Legal Ethics**

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- What is unbundling and how can I make it work for me?
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- How is the State Bar promoting it (and yes, it is)?
- What is the Judicial Council doing about it?
- What are the ethical issues? What is the standard of care?
- What are the common pitfalls and how do I avoid them?
- How can I set up office procedures to make it work smoothly & profitably?

The materials are useful and practical, and include a complete Risk Management Package which has been approved by the Access to Justice Commission, so you don't need to reinvent the wheel. In addition applicable ethics opinions, they include:

- Four separate retainer agreements and complete instructions on how (and how not) to use them.
- Office checklists and procedures specifically tailored to the unique needs of unbundled services.

- Intake and diagnostic questionnaires to help you identify which clients lend themselves to limited scope representation.

***The Contra Costa County Bar Association certifies that this activity has been approved for MCLE credit by the State Bar of California (Provider #393)*

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A terrific source for new clients

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   LRS Coordinator. Successful completion of a three-hour training in unbundling is required. If you attend this workshop and join our Limited Representation LRS Panel <u>we will refund 100% of your registration fees</u>. LRS panel fees will be pro-rated for those who join between now and the end of 2003.

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2. Complete the Lawyer Referral Service application
3. Send or fax us a copy of your current liability insurance

Upon receipt of the application and any applicable materials, we will send you a "Limited Representation Guidebook" and request that you certify to utilize the Guidebook in your practice of unbundled law when representing clients referred to you by our Lawyer Referral Service. Once you have completed the necessary steps, you are ready to begin receiving limited representation consultations.

We appreciate your participation in this ground-breaking program. If you should have any questions about this program or would like to join our LRS, please feel free to call (925) 370-2548 or e-mail <u>cmorrissey@cccba.org</u>.

To unbundle or not unbundle? <u>IF</u> that is the question . . . Be prepared for success and happiness. Lawyers who unbundle are sued less, are reported to ethics

boards less, have lower accounts receivable, and experience higher client and personal satisfaction. Lawyers who begin by unbundling a little soon see a rise in an unbundling client base that can afford the legal expertise of their legal coach. While the acute legal problems remain just as sophisticated, they are solved in a manageable fashion that maintains the intellectual challenge all lawyers enjoy. To those who ask, "Why unbundle," I answer, "Why not?"[1]

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[1] Excerpt from an article entitled *"Legalizing" Unbundled Practice: The Main Experience*, which appeared in the Summer 2003, Volume 7, No. 3 edition of Dialogue, a publication by the American Bar Association's Division for Legal Services. Author, Elizabeth Scheffee, is a family law practitioner in Maine and a member of the ABA Standing Committee on LRS.