

## **Twenty Ways Judicial Officers Can Encourage Limited Scope Representation**

### **A. Supporting the Idea**

1. Comment positively about limited scope representation, e.g., you appreciate getting forms you can understand, and orders you can enforce. Tell litigants that they may get limited scope assistance. This is a win/win situation for the court, litigant, and attorney.
2. Train judicial officers and the local bar on limited scope representation. Consider an annual training program by the local bar to address procedures and problems.
3. When speaking to lawyers or the public, mention unbundling legal services as you mention pro bono service.
4. Encourage the bar association to set up a limited scope representation panel. Keep a list of persons who will help prepare and negotiate judgments, especially in low asset cases.
5. Get the local bar board of directors to pass a resolution in favor of limited scope representation. Consider a joint resolution with the bench.
6. Suggest to counsel how to improve their “package” of services.
7. Make it known that you believe partial representation is helpful. Tell lawyers you appreciate their involvement and that their training helps litigants and the courts.

### **B. Courtroom Conduct**

8. If a party agrees to limited representation, release the attorney once the scope of the representation is completed. If you don’t honor these agreements, attorneys will feel they’re being held hostage and won’t agree to make limited appearances in the future.
9. If an attorney appears on only one issue, try to bifurcate it so the attorney doesn’t sit through issues he or she is not authorized to address, or isn’t tempted to expand the scope of representation. If the attorney speaks to other issues, give him or her the opportunity to revise the scope of representation.
10. Recognize that clients who have consulted an attorney may not present the attorney’s advice fully or accurately. Trust that it is unlikely that the attorney told them “not to bother with service.” Address general issues with the local bar.
11. Resist attempts by opposing counsel to broaden the scope of representation.
12. Clarify the scope of representation so that opposing counsel will know which issues require contact through counsel and which issues permit client contact.

### **C. Forms, Papers and Processes**

13. Modify local rules that may contradict or hinder limited scope representation.
14. Establish procedures with the clerk's office to ensure that clerks know how to reflect the litigant's status in the case management system when representation is limited.
15. Use the Judicial Council form of limited scope representation. Give the other side a copy. Get a clear understanding of the scope limitations from the attorney.
16. Contact the Administrative Office of the Courts if problems arise in order to have them addressed by the AOC and State Bar.
17. Work with the local bar to develop practical solutions. For example, if you don't want to continue settlement conferences so self-represented litigants can consult with advisory counsel, tell the litigants that they must notify their counsel and arrange for them to be available on standby.

### **D. Encouraging Quality**

18. Convene meetings of the family law bar and legal services programs to discuss limited scope representation; suggest that they create a working group to develop standards of care, informational materials, fee agreements, and office tools; and develop working relationships, referral systems, and protocols.

### **E. Financial Issues**

19. Award attorney fees for limited scope services when appropriate and tell attorneys what forms or information they need to provide. This is especially important if the attorney is not appearing of record, but is helping to prepare forms, declarations, etc.
20. Be sensitive to economic issues. For example, if an attorney is in court for a limited scope, even a routine continuance can impose a hardship by pricing the service outside the client's reach. Also, be sensitive to when opposing counsel is delaying or otherwise obstructing for tactical reasons.