

Consumer Legal Guide



A New Way to Get Legal Help: Limited Scope Representation



ILLINOIS STATE

BAR ASSOCIATION

ASK A LAWYER

What is limited scope representation?

Limited scope representation is an arrangement with a lawyer to get help on some parts of a case for a set fee or limited fees. In a limited scope arrangement, you agree that the lawyer will handle some of the work in your case, and that you will handle the rest on your own. You should sign a written retainer or representation agreement with your lawyer that says what specific services your lawyer will provide.

Are there other names for this?

Limited scope representation is sometimes called unbundling, discrete task representation, or *a la carte* legal services.

Why would I be interested in limited scope representation?

It can be expensive to hire a lawyer to provide complete, or full, representation in a case. Limited scope representation may be a more affordable option if you believe that you can do some of the work on your own, without a lawyer's help. A lawyer who provides limited scope representation charges a fee for only the parts of the case the lawyer handles.

What are examples of limited scope representation?

There are many ways you can agree with your lawyer to split the work in a case. Here are some examples:

- The lawyer coaches you on how to prepare documents on your own or reviews documents you have prepared.

- You gather financial data or other information while the lawyer prepares paperwork to be filed in court.
- The lawyer coaches you on how to appear in court by yourself.
- The lawyer prepares the evidence which you will present at court.
- The lawyer appears in court for one or more parts of your case (usually the most difficult or technical parts) while you represent yourself in simpler parts.

Are lawyers allowed to provide limited scope representation?

Yes. In Illinois, lawyers may provide limited representation when it is reasonable and when the client agrees to it. Lawyers also can provide limited scope representation in cases that are in court.

What cases are best for limited scope representation?

There is no “best” case, but there are situations where it might make sense to hire a lawyer to provide limited scope representation:

- **Appearing in court.** Even if you want to do some work on your case, you may not feel comfortable going into court and talking to the judge. You can ask the lawyer to make a “limited scope appearance” and appear in court for you, but without taking responsibility for the whole case.
- **Getting help where you need it.** You may be willing to appear in court on your own but need help

with tasks like drafting documents to file in court or negotiating with the lawyer for the other party. In these situations you can ask the lawyer to complete the documents for you or negotiate with the other party, but you still appear in court on your own behalf.

- **Making the most of the lawyer's time.** You may be able to handle tasks like gathering financial information on your own, so you don't have to pay the lawyer to do it. The lawyer can then take the information and put it in a form which is expected and most useful to the court.

What questions should I ask a lawyer offering limited scope representation?

You and your lawyer should talk about your case and agree on who will be responsible for the different tasks. You should make sure you discuss questions including:

- Who will set the strategy in the case?
- Who will gather information?
- Who will prepare that information for the court?
- Who will draft documents for the court or write letters to the other party?
- Who will go to court and attend meetings and settlement conferences?
- Who will negotiate with the other party to try to settle out of court?

What are the benefits of limited scope representation?

One benefit of limited scope representation is that you might save money. If you are willing and able to handle parts of your case on your own, you can have your lawyer spend time only on the things you can't or don't want to do yourself. This way, you make the most efficient use of the lawyer's time (and your budget). Another benefit of limited scope representation is that you keep more control over your case than if the lawyer handles the whole process.

What are the risks of limited scope representation?

When you hire a lawyer to provide limited representation, you are responsible for what happens in the parts of the case you do yourself – even with a lawyer coaching you. There may be hidden complications that you are not aware of because you don't have legal training. That is why you need to carefully discuss your legal matter with your lawyer. You must be open and truthful about everything in your case so the lawyer helping you can give you the best advice about the risks and benefits of representing yourself. Also, you should remember that when the lawyer finishes the specific tasks he or she agreed to, the lawyer is done with the case. Although the lawyer may agree to provide you with more assistance later on, the lawyer is not required to do so.

What happens if I need more help from the lawyer later on?

New issues often come up when a case is in court. You may decide you need more

legal help than you originally expected. If you use limited scope representation, you can always go back and ask the lawyer to handle more tasks (or to “expand the scope of services”) than the lawyer previously agreed to provide. When your lawyer agrees to provide additional services you need to update or replace the old retainer or representation agreement with your lawyer to show the additional tasks the lawyer will handle.

What if I decide I want the lawyer to handle the entire case?

After going to court on your own – even with good coaching from a lawyer – you may decide that you would rather have a lawyer handle the whole case. Because you pay any lawyer for their time, it may be more efficient to return to the lawyer who already knows you and your legal issues, rather than paying a new lawyer to get up to speed. If you hire your lawyer to provide full representation in the case, then you should enter into a new written retainer or representation agreement to show that the lawyer is taking responsibility for the whole case.

What if the lawyer doesn’t want to do what I ask?

You and your lawyer should work as a team, but the case is always **your** case. The lawyer may have more experience in legal matters than you do, but the choice on how to proceed is always yours. If your lawyer feels strongly that the course you want to take is not in your best interests, you should listen carefully to the reasons why. However, the ultimate decision and responsibility belongs to you. You have the right to disregard your lawyer’s advice. But you have to

accept responsibility for your decision if the case doesn't turn out the way you hoped. You also have the right to seek legal advice from another lawyer or hire another lawyer to handle the case in the way that you want to handle it.

How do I find a lawyer who is willing to help me represent myself?

There are several Lawyer Referral Service programs in Illinois and they may know which lawyers provide limited scope representation. Start with the Illinois State Bar Association Lawyer Finder Program at www.illinoislawyerfinder.com or call 1-800-678-4009.

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Every effort has been made to provide accurate information at the time of publication.

For the most current information, please consult your lawyer. If you need a lawyer and do not have one, call Illinois Lawyer Finder at (800) 922-8757 or online **www.IllinoisLawyerFinder.com**

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