

### **What is an example of LSR?**

A dissolution of marriage (or divorce) offers one example of an LSR opportunity. An entire divorce might involve many tasks. You and your lawyer could create a list of the tasks that you can do and those best left to the lawyer. You might fill out the financial forms, get necessary documents or contact witnesses. The attorney could draft legal briefs and motions, provide legal advice on division of property, appear for you at a hearing, draft a parenting plan or property settlement agreement. You agree with your lawyer ahead of time what each of you will do and put that in a document called a **Limited Scope Retainer Agreement**. If the tasks each of you will do change, so will the LSR Retainer Agreement.

### **How might you benefit?**

You can get help with the parts of your case that are too hard for you to do on your own. You may not have enough money to hire an attorney to handle your entire case – even if you'd like one. You limit the attorney's "scope" of representation and pay only for the work agreed upon and performed.

### **There are trade-offs**

You might save money and keep control over parts of your case. You'll get legal advice and tasks from a licensed attorney. But, the law and court procedures can be complicated. Failure to perform certain tasks on your own could cause your case to fail. There are legal matters that you should not perform without an attorney's professional expertise. Lawyers have legal education and experience that may increase your chances of a successful outcome to your case.

### **Not right for all cases**

Not all cases work well with limited representation. Complexity of the case and dividing up responsibilities between you and the lawyer might make LSR very unwise for your case. Talk to a lawyer who understands LSR and consider all of the possible options for you (self-representation, limited task representation or a full service lawyer), before making your decision.

### **There are important things to remember.....**

- If you hire an attorney on an LSR basis, get the Agreement in writing. Make sure it carefully outlines what the lawyer will do for you and what the lawyer expects of you. You can always expand the scope of the lawyer's representation as long as both of you agree. Make sure any changes are put in writing first.
- In LSR, you and the lawyer work as a team, but it is your case. If you cannot agree on the decisions that need to be made in your case, you should not proceed with LSR. Rules and regulations that lawyers must follow mean they are obligated to inform you about certain things, so listen carefully to any reasons the lawyer might give about why your course of action is not in your best interests or why the tasks can't be allocated the way you wish.
- It is your case, your decision and your responsibility. You have the right to disregard the lawyer's advice, but if the case does not turn out the way you hoped, you must be willing to accept responsibility for your decision.

If you aren't sure if a lawyer you are interested in hiring provides LSR, ask him or her to meet with you to discuss if you have options for the scope of legal services he or she provides.

## **Limited Scope Representation ("LSR")**

Can't Afford the Cost of a Lawyer for Full Representation?

Limited Scope Representation ("LSR") May be a Solution.



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Court Help Pro Bono Program

## What is Limited Scope Representation?

**Limited scope representation (LSR)** is a method of handling your legal issue where you and a lawyer agree that the lawyer will handle some parts of your case and you will handle others. LSR is sometimes called “unbundling” or “discrete task representation”.

If you cannot afford a lawyer to represent you in all parts of your case, LSR might offer you a chance to have the legal help you need within your financial circumstances. It is most likely you will do a better job of following proper court procedures and presenting important information to the court if you have the help of a lawyer at the time it is most needed.

### Disclaimer

*The information about limited scope representation (LSR), provided in this brochure is for general information only. It presents some considerations that might be helpful in deciding if you should consider limited scope representation in your case. It is not intended as legal advice or opinion. It is not intended to establish a legal standard for the practice of law. There is no guarantee the information or guidelines will improve your decision making regarding the kind of legal services you need. Legal consumers have different legal needs and requirements and you are responsible for decisions involving hiring a lawyer for your legal issue. You should consult with a lawyer to find out if this is right for you.*

To find out more about limited scope representation, visit the State Law Library at [www.courts.mt.gov/library](http://www.courts.mt.gov/library) or scan the code on the back of the brochure with your smart phone.

## Is LSR right for you and your case?

- Discuss your case with a lawyer in depth, including the parts you want to handle yourself. Discuss the entire case, even those parts you think are simple. You may not know if you overlooked something that is legally important. Once you have this discussion, you and the lawyer can decide if LSR is right for both of you.
- Determine if you are willing to take responsibility for those parts of the case you will handle. Remember, the lawyer went to law school. That means she will know things you do not about the legal process. It is impossible for the lawyer to teach you everything she knows.
- Determine if your case has technical issues or is time-sensitive. Decide if you have the time to put into educating yourself and effectively and efficiently handle your assigned tasks.
- Is there a lot at stake in your case? For instance, could you lose your home, lose rights to see your children, or owe a lot of money? Balance your legal budget with the benefit of what you receive.
- Do you have the time and skills to complete the tasks you want to be assigned? Be honest about your capabilities and expectations. There are trade-offs for not having a lawyer to handle your entire case.

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## Important reasons to get the help of a lawyer

- Only attorneys licensed to practice law in Montana can give you legal advice.
- If you are preparing or have been asked to sign documents that affect your legal rights or property.
- To help you prepare for a court hearing.
- To discuss strategies for your case, like where to file a lawsuit, when and how to file a response, whether to ask for a jury, discovery matters, and many other decisions that will come up during the case.
- Even cases that seem simple often have hidden complications that lawyers are trained to identify. That doesn't mean there aren't simple cases that could end up fine without the help of a lawyer, but you are almost always better off at least talking to a lawyer before trying to tackle your own legal problems.
- You are worried the other side will not play fair (a lawyer is more likely to notice this and know how to make others follow the rules).
- There are complicated decisions to make about a trial like selecting a jury, when to object to introduction of evidence by the other party and what evidence you should or are allowed to present for your case.
- You are emotionally too close to the case and have a hard time seeing things objectively.