

Proposed Revision to Rule 4-1.2(c)
Proposed Revisions to
Missouri Rules of Professional Conduct
to clarify authorization of limited scope representation

Proposed Revision of MO.RPC Rule 4-1.2(c) ... limited representation

A lawyer may limit the scope of [the] representation if the client gives written consent. Use of the written Notice and Consent form, or a form substantially similar to the approved form, shall create the presumptions that (a) the representation is limited to the lawyer and the services described in the form and (b) the lawyer does not represent the client generally or in any matters other than those identified in the form.

An otherwise unrepresented party to whom limited representation is being provided or has been provided is considered to be unrepresented for purposes of communication under rule 4-4.2 and 4-4.3 except to the extent the lawyer acting in the scope of limited representation provides other counsel with a written notice of a time period within which other counsel shall communicate only with the lawyer of the party who is otherwise self-represented.

COMMENT:

The rules authorize a lawyer to assist a pro se litigant on a limited basis without undertaking the full representation of the client on all issues related to the legal matter for which the lawyer is engaged. The Court is seeking to improve access to justice in Missouri Courts. Any doubt about the scope of representation should be resolved in a manner that promotes the interests of justice and those of the client and opposing party. se of a written agreement for limited representation is required.

The lawyer shall explain to the client the risks and benefits of limited representation during consultation on limiting the scope of representation. An agreement for limited representation does not exempt a lawyer from the duty to provide competent representation; however, the limitation of the scope of representation is a factor to be considered when determining the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation as required in Rule 4-1.1.

APPROVED BY PRO SE COMMISSION VOTE ON 03/21/07.

Sample Form for Limited Representation Agreement

Notice and Consent to Limited Representation

To help you with your legal matters, you, the client, and _____, the lawyer, agree that the lawyer will limit the representation to helping you with a certain legal matter for a short time or for a particular purpose.

The lawyer must act in your best interest and give you competent help. When a lawyer and you agree that the lawyer will provide limited help:

- The lawyer DOES NOT HAVE TO GIVE MORE HELP than the lawyer and you agreed; and

- The lawyer DOES NOT HAVE TO HELP WITH ANY OTHER PART of your legal matter.

While performing the limited legal services, the lawyer:

- Is not promising any particular outcome; and
- Is relying entirely on your disclosure of facts and will not make any independent investigation unless expressly agreed to in writing in this document.

If short-term limited representation is not reasonable, a lawyer may give advice, but will also tell you of the need to get more or other legal counsel.

I, the lawyer, agree to help you by performing the following limited services listed below and no other service, unless we revise this agreement in writing. [INSTRUCTIONS: Check every item either **Yes** or **No** do not leave any item blank. Delete all text which does not apply.]:

Y N

- a) ☐ ☐ Give legal advice through office visits, telephone calls, fax, mail or email.
- b) ☐ ☐ Advise about alternate means of resolving the matter including mediation and arbitration;
- c) ☐ ☐ Evaluate the client's self-diagnosis of the case and advise about legal rights and responsibilities;
- d) ☐ ☐ Review pleadings and other documents prepared by you, the client;
- e) ☐ ☐ Provide guidance and procedural information regarding filing and serving documents;
- f) ☐ ☐ Suggest documents to be prepared;
- g) ☐ ☐ Draft pleadings, motions and other documents;
- h) ☐ ☐ Perform factual investigation including contacting witnesses, public record searches, in-depth interview of you, the client;
- i) ☐ ☐ Perform legal research and analysis;
- j) ☐ ☐ Evaluate settlement options;
- k) ☐ ☐ Perform discovery by interrogatories, deposition and requests for admissions;
- l) ☐ ☐ Plan for negotiations;
- m) ☐ ☐ Plan for court appearances;
- n) ☐ ☐ Provide standby telephone assistance during negotiations or settlement conferences;
- o) ☐ ☐ Refer you, the client, to expert witnesses, special masters or other attorneys;
- p) ☐ ☐ Provide procedural assistance with and appeal;
- q) ☐ ☐ Provide substantive legal arguments in an appeal;
- r) ☐ ☐ Appear in court for the limited purpose of _____;
- s) ☐ ☐ Other: _____.

I will charge to the Client the following costs: _____

I will charge to the Client the following fee for my limited legal representation:

_____.

_____ Date: _____

[Type Lawyer's name]

CLIENT'S CONSENT

I have read this Notice and Consent form and I understand it. I agree that the legal services listed above are the **ONLY** legal services to be provided by the lawyer. I understand and agree that the lawyer who is helping me with these services is not my lawyer for any other purpose and does not have to give me more legal help. If the lawyer is giving me advice or is helping me with legal or other documents, I understand the lawyer will stop helping me when the services listed above have been completed. The address I give below is my permanent address where I may be reached. I understand that it is important that the court handling my case and other parties to the case be able to reach me at the address after the lawyer ends the limited representation. I therefore agree that I will inform the Court and other parties of any change in my permanent address.

In exchange for the Lawyers limited representation, I agree to pay the attorney's fee and costs described above.

Sign your name: _____

Print your name: _____

Print your address: _____

Phone number: _____ FAX: _____

Message Phone: _____ Name: _____

Email address: _____