

# Access to justice: Limited scope representation

More and more frequently, the delivery of legal services is moving away from the full-service model. Small practitioners and larger firms alike offer limited scope or “unbundled” representation, which let clients pick and choose when (or for which tasks) they want to engage a lawyer during the life of a transaction or piece of litigation. For example, a self-represented client can retain a lawyer simply to draft a Statement of Claim, appear on a motion, or assist with negotiating a settlement. The client handles the rest of the steps in the matter without the assistance of a lawyer. Limited scope representation can provide greater access to justice, as clients need not retain a lawyer for the whole life of a file, and can instead save money by ordering from a “menu” of legal services.

When you offer your client limited scope services, you should be extra clear on which tasks you are undertaking for the client, and which you are not. Miscommunication claims can easily arise in this context when the lawyer doesn’t deliver something the client expects. While a retainer will help

clearly specify the work that is to be done (and under the *Rules of Professional Conduct* are required for limited scope services), a good additional step is to have your client look at the checklist of tasks and sign off on what exactly will and will not be done. Such a checklist can then be appended to the retainer as a schedule. Check [practicepro.ca/limitedscope](http://practicepro.ca/limitedscope) for sample limited scope retainers, checklists and client information brochures.

Also, make sure your client understands the consequences of failing to fulfill, or fulfilling inadequately or inappropriately, the tasks which he or she is undertaking to perform. You do not want to face a claim from the client at a later date for lack of informed consent, based on an allegation that the client would never have agreed to undertake a given task if the possible outcomes of mishandling it had been fully explained.

Follow best practices to avoid any landmines. If you have only known the full-service model in the past, you should be aware

that limited service representation is more than just offering bits and pieces of your legal skills to clients. For example, you cannot provide a research memo to your client and expect your client to write a factum. Some complex legal matters should only be handled by a lawyer. Clients that are not as learned as you will need extra help. Similarly, clients with limited capacity or language barriers are unlikely to be good candidates for limited scope representation. Simply because you have clearly set out the borders does not mean you are absolved of your duties as lawyer. You still must adequately represent your client and take steps to make sure your client is making informed decisions, as described above.

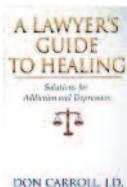
Limited scope representation may help you grow your business as it helps you cater to a different market. With the right tools you can kill two birds with one stone: provide access to justice and improve your bottom line. ■

Ian Hu is Counsel, Claims Prevention and practicePRO at LAWPRO.

## BOOK REVIEW ■

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If you are looking for help in finding more balance in your life, *The Lawyer's Guide to Balancing Life and Work*, by George W. Kaufman, is just for

you. Kaufman, who was a successful and seasoned partner for 40 years at a large U.S. law firm, goes beyond the usual review of steps you can take to reduce stress. Using personal anecdotes and stories, he takes the reader through a deep and personal journey of self-discovery.

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