

# NEBRASKA ONLINE LEGAL SELF-HELP CENTER

## Limited Scope Representation (LSR)

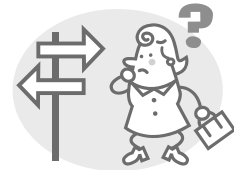
### Frequently asked questions

#### By the public and prospective clients

#### I can't afford to pay an attorney to take my case. Are there other ways to get legal help?

Yes. One way is that in Nebraska, lawyers are permitted to work with you on your legal matter on a limited basis, which can result in reduced legal costs for you. This means:

- You and the lawyer create a list of tasks to accomplish your legal goal.
- You do some of the tasks.
- The lawyer does the other part of the tasks.
- You pay the lawyer only for those tasks that he or she does for you.
- This list is put into a written agreement before work begins. This is called a **limited scope representation** agreement ( also called "limited representation" or "unbundling").



#### What is an example of limited scope representation?

One example would be a divorce. If going through the legal process of a divorce involves 40 tasks, you and your lawyer may agree that you will do 25 of the 40 tasks and the lawyer will be responsible for the other 15 tasks. Your tasks might include filling out financial forms, tracking down documents, contacting possible witnesses, and negotiating with the other spouse. The lawyer's tasks might include drafting briefs, filing legal documents, and providing legal advice on pensions and retirement. You might agree to pay your lawyer for his or her time to represent you at the court hearing, or you could save money by showing up by yourself at the court hearing, and ask your lawyer to coach you ahead of time. You use your limited scope representation agreement as a checklist as to who does what on your case.



#### How do I benefit?

You can get help with parts of your case that are too difficult for you to handle on your own. You may not have enough money to hire an attorney to handle your entire case. With a limited scope representation agreement, you can hire an attorney for only the most difficult parts of your case (limiting the attorney's scope) and limit the amount of money you need to pay for the attorney's work.

#### What are the trade-offs?

- By using limited scope representation, you save money and keep control over parts of your case.
- You still get important legal advice and action from a lawyer who you might not otherwise be able to afford.
- However, law and court procedures can be complicated.
- Failure to present required evidence; ineffective witness examination; and failure to correctly object to the opposing party's evidence are reasons that your case could fail in court. However, a lawyer can help you with these things.
- You will be responsible for the results in the part of the case you do for yourself.



There may be legal matters that you should not perform without an attorney's expertise. There may be hidden complications in your case that you are not aware of because you do not have legal education and experience. That is why you must carefully discuss your case with your attorney, and make sure you are capable of handling the parts of the case you decide to handle by yourself.

**Can limited scope representation be used in all kinds of legal cases?** Yes; but not all cases work well with limited representation. Complexity and the dividing up of responsibilities between you and the lawyer might make limited scope representation unwise. Family law cases, though, are frequently well suited for limited representation.

### **Why can't I just use forms I get from the internet, from books or from other people?**

- Many forms you get from these places or people do not comply with Nebraska law or procedure.
- You may spend many hours on incorrect forms which may not accomplish your goal.
- Non-lawyers who try to give you legal advice could not only be violating the unauthorized practice of law statutes, but may cause you more complications and more money to correct.

### **What kind of questions should I ask the lawyer about limited scope representation?**

- *Do you offer limited scope representation?*
- *Is my case a good one for limited representation?*
- *Do you have a sample limited representation checklist and agreement?*
- *What tasks should you, as the lawyer, do? Which tasks could I do?*
- *Who talks to the other side? How do we handle emergencies?*
- *Who will gather information about my legal case?*
- *Who will prepare the information for the court?*
- *Who will draft documents for the court?*
- *Who will appear at court or mediation or settlement conferences?*
- *What do you charge for limited representation? When do I pay you?*
- Other questions pertaining to your case.



**How do I find out whether an attorney offers limited scope representation?** Call or email the attorney and make a request. If helpful, give them a copy of this information.

### **Will the courts let me do this?**

- Yes. The Nebraska Supreme Court has adopted rules and procedures\* to allow you to use limited scope representation in appropriate cases.
- The judge or court staff cannot act your legal advisor. However courts want you to have access to as much legal help as you need. The judge may suggest you need assistance from a lawyer to accomplish your goal.

### **What other resources are available in Nebraska to help me represent myself?** Some re-

sources are on the **Nebraska Online Legal Self-Help Center** website at: <http://www.supremecourt.ne.gov/self-help/>. You can get online at your local public library, or contact the UNL College of Law Library, Creighton School of Law Library, or the State Capitol Library. Legal self-help desks are available at the courthouses in Omaha, Lincoln, and Grand Island. Contact information is located on the Nebraska Online Legal Self-Help Center website.



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#### **References:**

\***Nebraska Rules of Professional Conduct (2005) as amended 2008.** Neb. Ct. R. of Prof. Cond. §§ 3-501.0 to 3-508.5. [www.supremecourt.ne.gov/rules](http://www.supremecourt.ne.gov/rules) (Limited Scope Representation by Lawyers)

*Limited Scope Representation in Family Law Cases*, A Program of the Lawyer Referral Services, Contra Costa County Bar Association, CA.

*Limited Scope Representation*, Douglas County, Kansas District Court, [http://www.douglas-county.com/district\\_court/dc\\_limitedscope.aspx](http://www.douglas-county.com/district_court/dc_limitedscope.aspx)