

**PRELIMINARY RECOMMENDATIONS CONCERNING UNBUNDLING
PRESENTED TO THE BOARD OF GOVERNORS
SATURDAY, JULY 28, 2001
BY THE
DISCRETE TASK REPRESENTATION COMMITTEE
ACCESS TO JUSTICE COMMISSION**

(Supported in principle by the Board of Governors July 28, 2001)

Courts Study Group:

- **Recommendation One:** Request that the Judicial Council work with our Committee to develop a rule of court that would allow attorneys to "ghostwrite" pleadings without disclosing that they assisted the litigant if they are not appearing as attorney of record.
- **Recommendation Two:** Request that the Judicial Council work with our Committee to develop a form or forms to be filed with the court clarifying the scope of representation if the attorney and client have contracted for discrete task representation.
- **Recommendation to come later:** The Judicial Study Group is also continuing its research on the issue of attorneys fees awards for services performed by an attorney who is not "of record."

Disclosure & Agreements issues – This is the area that involved most suggestions for State Bar efforts to support their members:

- **Recommendation One:** That the State Bar work with our Committee to develop a brochure disclosing the options available for discrete task representation along the lines of other consumer-oriented brochures prepared by the State Bar.
- **Recommendation Two:** That the Judicial Council work with our Committee to develop a form to be filed and served which details the scope of limited representation.
- **Recommendation Three:** That the State Bar work with our Committee to develop standards for limited scope retainer agreements and sample forms.
- **Recommendation Four:** That the Judicial Council work with our Committee to develop a form of Notice of Withdrawal to facilitate attorney withdrawal at the conclusion of discrete task representation.

The State Bar can also help with the important role of educating attorneys about the limits of unbundling, the need to educate their clients on the subject, and the importance of disclosures as part of the requirement of competency.

Insurance Study Group:

The committee was not prepared with recommendations concerning insurance issues at this time. However, the committee does recommend that the State Bar help broker clearer policy coverage for attorneys offering limited scope legal assistance.

Several of the other recommendations, particularly the proposed court form approved by the Judicial Council and the disclosures recommendations would address the insurance question.

Ethics Study Group:

We are not recommending that the Bar proceed with any modifications of the Rules of Professional Conduct at this time.

On July 28th, the Board approved reactivating the State Bar Special Committee on the Revision of Rules of Professional Conduct. That group will need to keep unbundling in mind, as did the ABA in the Ethics 2000 process, and this Discrete Task Representation Committee will be glad to work with the Special Committee to provide input on these issues.

Lawyer Referral Services Study Group:

- **Recommendation One:** Request that the Office of Certification work with our Committee to complete a review of present LRIS regulations in order to determine if any changes or rule explanations would be needed to allow LRIS organizations to include effective discrete task panels.
- **Recommendation Two:** Request that the Program Development Department of the Office of Legal Services, Access & Fairness include training about discrete task services as part of its curriculum for future LRIS trainings.