

STATE BAR OF CALIFORNIA
LIMITED SCOPE LEGAL ASSISTANCE (UNBUNDLING) RESOLUTION

(Adopted by the Board of Governors of the State Bar of California at its May 15, 2009 Meeting)

Whereas, limited scope legal assistance is defined as a relationship between an attorney and a person seeking legal services in which it is agreed that the scope of the legal services will be limited to the defined tasks that the person asks the attorney to perform;

Whereas the need for legal services for all Californians continues to increase and limited scope representation can help fill that need by providing legal assistance and specific representation at critical points in the legal process;

Whereas limited scope practice has been recognized by the State Bar Board of Governors as well as by the Judicial Council through the adoption of Rules of Court and Court Forms to facilitate providing legal services;

Whereas the Standing Committee on the Delivery of Legal Services has promoted the use of limited scope legal assistance as a way to address the unmet legal need of low and moderate income Californians; they have sponsored or co-sponsored multiple trainings on Limited Scope Representation at numerous conferences and local bar associations statewide to educate State Bar members on the ethical and competent practice of Limited Scope Legal Assistance;

Whereas various segments of the legal profession can play an important role in promoting and expanding limited scope practice and State Bar members can enhance their practices by providing services on a limited scope basis;

RESOLVED that the State Bar supports the expansion of limited scope legal assistance as part of the ongoing effort to increase access to legal services; that it is important to continue to identify ways in which attorneys can appropriately provide “unbundled” legal services to provide limited and specific services to litigants without undertaking full case representation;

RESOLVED FURTHER that limited scope legal assistance must be performed with a sound understanding of the ethical obligations, and that all education programs must clearly explain that limits on the scope of legal assistance do not limit the ethical obligations of the attorney to the client nor the obligations of counsel to other parties or to the court, the attorney’s exposure to liability for the work he or she agreed to perform is not limited, and that the attorney continues to have an obligation to warn a client about issues outside the scope of representation which the client should address, and for which the client should consider seeking counsel, Attorneys and clients must be thoughtful in their approach to establishing the scope of services, and an attorney should not undertake such an engagement without a careful analysis of the client's capabilities, the complexity of the case, as well as the alternatives available.

THEREFORE the following steps should be pursued:

- **State Bar Section members**, particularly the Family Law, Solo and Small Firm Practice, Business Law, Real Property and Trusts & Estates Sections, should be encouraged to develop education for their membership and to expand the use of limited scope representation in their

respective practice areas, and should emphasize the benefits to their members if they offer limited scope legal assistance;

- **Law schools** should be encouraged to expand their efforts to raise awareness of limited scope legal assistance, particularly through their legal clinics, so that their students can competently incorporate it into their private practices after graduation. Law schools can also help by developing a quality teaching curriculum including the concept of limited scope representation to supplement their clinical offerings;
- **State Bar Certified Lawyer Referral Services** should be encouraged to create and expand subject matter panels to include limited scope representation in a greater number of practice areas and to provide additional training for increased participation of panel attorneys;
- **Errors and Omissions insurance carriers** should be encouraged to offer training on limited scope representation;
- **The Judicial Council** should continue to be involved with the coordination of strategies for educating the legal profession and the judiciary as to the need for and implementation of increased limited scope representation; and
- **The State Bar** should continue to coordinate with experts in the field and with legal training providers to present training programs on limited scope representation on a statewide and local basis, with programs offered live and online to maximize training opportunities and the expanded limited scope practice.

The State Bar Board of Governors will continue to review the efforts to expand the use of limited scope representation on an annual basis to further support and promote these efforts.