

LIMITED SCOPE REPRESENTATION OR UNBUNDLING

The Mississippi Rules of Professional Conduct (“MRPC”) Rule 1.2(c) allows lawyers and clients to agree to limit the scope of representation.

MRPC Rule 1.2. Scope of Representation:

(c) A lawyer may limit the objectives or scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.

Limited scope representation or “unbundling” of legal services refers to the practice of dividing a case into separate tasks or proceedings and the lawyer and client agreeing, after proper explanation and consultation, that the lawyer will handle only certain aspects or parts of the case. For example, a lawyer and client may agree for the lawyer to draft a response to a Motion to Compel or prepare a Petition to Modify Custody, but the lawyer will not attend a hearing on the Motion or Petition. It is like an *a la carte* menu for legal services.

The objectives or scope of legal services may be limited **BY AGREEMENT**. The lawyer should:

- Ensure the client understands fully the limited representation (capacity; language barriers; informed consent). *See* Rule 1.4, Rule 1.6 and Rule 1.14.
- Have the agreement in writing, signed by the lawyer and the client, so there is no question about the scope of representation.
- Make sure the limited scope of services is reasonable under the circumstances.
- Advise the client of the right to seek counsel on issues outside the scope of the limited representation.

All ethical obligations attach: Confidentiality, Conflict, Competent Representation, etc.

A lawyer is not required to add his/her name to the pleadings or enter an appearance in the case. If asked by the Court, the client should inform the Court he has received help from a lawyer. *See* Ethics Opinion 261.

A lawyer cannot use Rule 1.2 to actively and substantially participate in a matter without disclosure. This would be misleading and violate Rule 8.4(c).

MRPC Rule 8.4. Misconduct:

It is professional misconduct for a lawyer to:

- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

Who Benefits from Unbundling?

- ✓ Clients gain access to courts despite limited financial resources.
- ✓ Lawyers have the opportunity to obtain clients who might otherwise represent themselves and to generate additional income from an untapped market.
- ✓ Clients benefit from lawyers' expertise while paying only for those services they most need.
- ✓ Courts benefit because clients are often better prepared for Court than those who have received no legal assistance.

Remember:

- **Unbundled/Limited Scope services are NOT shortcut or second-class services.**
- **It is always best to have the attorney-client agreement in writing.**
- **Make sure the limitation is reasonable under the circumstances.**
- **All ethical obligations attach.**

Mississippi Rules and Ethics Opinion on Limited Scope Representation:

MRPC Rule 1.2(c). Scope of Representation
MRPC Rule 1.4(b). Communication
MRPC Rule 1.6. Confidentiality of Information
MRPC Rule 1.14. Client Under a Disability
MRPC Rule 8.4(c). Misconduct

ETHICS OPINION NO. 261 OF THE MISSISSIPPI BAR, RENDERED JUNE 21, 2018

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