

# LIMITED SCOPE RETAINER SERVICES

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Classroom for Self-Reps



[www.litigation-help.com](http://www.litigation-help.com)

# NOTES

- This is a shortened version of the slides used at the Feb. 2, 2019 presentation at Deer Park library.
- The presentation and these slides are legal information only. For legal advice, please consult with a lawyer or paralegal.

# “I NEED A LAWYER!”

- Traditional and most common
- First consult (sometimes free)
- “Retainer fee” up front
- You also sign a “retainer agreement”
- Lawyer represents you
- Lawyer is responsible for all aspects of your lawsuit

# EXAMPLE OF A REGULAR RETAINER

- See Law Pro's page for various retainer agreements
- [https://www.practicepro.ca/wp-content/uploads/2017/08/retainer\\_letter\\_family.pdf](https://www.practicepro.ca/wp-content/uploads/2017/08/retainer_letter_family.pdf)

# SELF REPRESENTATION

- Trend to self-represent due to costs
- National Self-Represented Litigants Project (Windsor)
- NSRLP report 2013: <https://representingyourselfcanada.com/wp-content/uploads/2016/09/srlreportfinal.pdf> (p. 32-34)

# DIFFERENT NAMES

- Hiring a Lawyer for Legal Services for Parts of your Lawsuit
  - “limited scope legal services”
  - “limited scope retainer services (LSR)”
  - “unbundled services”
  - “discrete task services”

# WHAT CAN YOU HIRE LAWYERS FOR?

A Few Examples:

- Drafting legal documents
- Conduct legal research
- Perform “discovery”
- Appear at hearings on your behalf as “agent”
- Lawyer coaches you so that YOU can do the work:
  - Provide “substantive” strategic advice
  - Provide “procedural how to” guidance

# HOW IT WORKS

- An LSR agreement covers a defined task or number of tasks: “scope”
- Once service is complete, relationship with lawyer is over
- Additional services require NEW RETAINER AGREEMENT



# EXAMPLES OF FAMILY LAW LSR RETAINERS

- Ontario Family Law Limited Scope Services:
  - <https://www.familylawlss.ca/precedent-retainer-agreement/>
- Law Pro
  - <https://www.practicepro.ca/practice-aids/limited-scope-representation-resources/>

# CHOOSE YOUR SERVICE

- Taken from Law Pro's precedent retainer

<https://representingyourselfcanada.com/wp-content/uploads/2016/09/srlreportfinal.pdf>

3. **Scope of Services:** The Client requests the Lawyer to perform or *not to perform* the following services related to the family law issues identified above:

(Indicate Yes or No in box)

a.	<input type="checkbox"/>	Procedural advice
b.	<input type="checkbox"/>	Advice on substantive rights and obligations
c.	<input type="checkbox"/>	Advice about law and strategy related to an ongoing mediation, negotiation or litigation
d.	<input type="checkbox"/>	Formulate strategy and tactics
e.	<input type="checkbox"/>	Communications with opposing counsel
f.	<input type="checkbox"/>	Review correspondence
g.	<input type="checkbox"/>	Draft correspondence
h.	<input type="checkbox"/>	Information about document preparation
i.	<input type="checkbox"/>	Assistance with document preparation
j.	<input type="checkbox"/>	Information about fact gathering, discovery or questioning
k.	<input type="checkbox"/>	Investigation of facts

# WHAT LAWYER WILL NOT DO

4. **Limitation of Lawyer's Responsibilities:** the Lawyer will perform the specific legal tasks identified by the word **"Yes"** in paragraph 3 above, consistent with the Lawyer's ethical and professional responsibilities, including observing strict confidentiality, and based on the information available to the Lawyer. In providing those services, the Client agrees that the Lawyer **will not do the following:**
- Represent, speak for, appear for, or sign papers on Client's behalf.
  - Represent, speak for, appear on behalf of the Client, at any Court attendance.
  - Take any steps to prepare the Client's case for trial.
  - Make decisions for the Client about any aspect of the case.
  - Protect the Client's property by means of restraining orders while discovery, negotiations, mediation or litigation are in progress.
  - Perform any services identified by the word "NO" in paragraph 3 above.

# PROS

- Affordable, flexibility with fixed fees (depending on task)
- Control
- Access to Expertise
- Client and Lawyer work together
- Client can hire different lawyers who are talented in different areas (one for research; one for speaking in front of a judge)
- Hiring different lawyers give you different opinions and insights
- (danger: if you give one lawyer a set of facts that's different from the one you give another, you cannot compare the opinions)

# CONS

- Need lots of time: educating yourself about the law and procedures
- Best if you have access to a computer (laptop or desktop)
- Best if you have higher education
- Not recommended for individuals with communication barriers (literacy, language)
- Number of lawyers who offer LSR for specific appearances (motions and trials) are still rare
  - You may not be able to hire a lawyer to cross examine for you, but you could hire one to coach you on how to do this yourself.

# IDEAL LSR CLIENT

- Organized (tons of paper and computer files!)
- Self-motivated
- Control/independence—> responsible for own matter
- Keep up with deadlines
- Educated about how the legal system works
  - substantive law
  - procedural law

# WHERE TO FIND LSR LAWYERS

- NSRLP (nation wide)
  - <https://representingyourselfcanada.com/directory/>
- Ontario Family Law Limited Scope Services Project
  - <https://www.familylawlss.ca/lawyer-directory/>
- Law Society of Ontario Directory
  - <https://www2.lsuc.on.ca/LawyerParalegalDirectory/loadSearchPage.do>
- Self-Rep Navigators (GTA)
  - <http://www.limitedscoperetainers.ca/members/>

# LEARN MORE ABOUT LSR

- Law Pro (Lawyers' insurance company)
  - <https://www.practicepro.ca/practice-aids/limited-scope-representation-resources/>
- Family Law Limited Scope Project
  - <https://www.familylawlss.ca/faq/>
- Classroom for Self-Reps
  - <http://litigation-help.com/classroom-for-self-reps/>