PROJECT FIRST STEP

Pro Bono Attorney Training Materials

Limited Scope Representation

Project First Step places pro bono attorneys to represent domestic violence survivors on a limited scope basis for the purpose of obtaining permanent restraining orders. The California Rules of Court permit limited scope representation in family law matters.

"'Limited scope representation' is a relationship between an attorney and a person seeking legal services in which they have agreed that the scope of the legal services will be limited to specific tasks that the attorney will perform for the person." (Cal. Rules of Court, rule 5.425(a).)

"A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances, is not otherwise prohibited by law, and the client gives informed consent." (Cal. Rules of Prof. Conduct, Rule 1.2(b).)

When a pro bono attorney agrees to take a Project First Step case, Central California Legal Services (CCLS) prepares a Limited Scope Retainer Agreement that defines the scope of the legal services to be provided. Specifically, the agreement states:

> *Client agrees and understands that CCLS has requested that Pro Bono Attorney represent Client for free, and that Pro Bono Attorney has agreed to represent Client for free as set forth specifically in this Agreement.*
>
> *Specifically, Client agrees and understands that THE SCOPE OF PRO BONO ATTORNEY'S REPRESENTATION IS LIMITED TO: Representing Client to obtain permanent domestic violence restraining order.*

In addition, CCLS prepares, files, and serves a Notice of Limited Scope Representation (Judicial Council Form FL-950) signed by the pro bono attorney and the client. (Cal. Rules of Court, rule 5.425(d)(1)("A party and an attorney must provide the required notice of their agreement for limited scope representation by serving other parties and filing with the court a *Notice of Limited Scope Representation* (form FL-950).")

The FL-950 will specify that the pro bono attorney will represent the client "at the hearing on (date) and for any continuance of that hearing," and that the attorney "will serve as 'attorney of record' for [the client] only for the following issues in the case: ... Restraining Order – Establish."

Pursuant to Rule 5.425(d)(2), during the period of the representation,

> *(A) The attorney must be served only with documents that relate to the issues identified in the Notice of Limited Scope Representation (form FL-950); and*

> *(B) Documents that relate to all other issues outside the scope of the attorney's representation must be served directly on the party or the attorney representing the party on those issues.*

At the conclusion of the representation, the attorney and client should complete a Substitution of Attorney – Civil (Without Court Order), Judicial Council Form MC-050, which should be filed and served. (Cal. Rules of Court, rule 5.425(e).) The client agrees to sign the MC-050 both in the Limited Scope Retainer Agreement and by the terms of the FL-950.

Specifically, the Limited Scope Retainer Agreement states:

> *Client agrees and understands that limited scope representation means that the Pro Bono Attorney has no obligation to provide Client with legal services that exceed the limited scope of this Agreement. Client agrees that the attorney-client relationship will end automatically after the legal services described above have been provided, even if Client has further or other legal issues.*
>
> *Client agrees to timely sign all forms necessary to begin and end the attorney-client relationship with the Pro Bono Attorney. This includes Substitution(s) of Attorney and other court forms as necessary.*

The FL-950 states: "By signing this form, the [client] agrees to sign Substitution of Attorney – Civil (form MC-050) when the representation is completed."

The CCLS Family Law advocate assigned to the case will work with the pro bono attorney to complete the MC-050 and assist in obtaining the client's signature as needed.

To date, no client has failed or refused to sign the requested MC-050. However, should such an event occur, Rule 425.5(e) provides a procedure for the attorney to conclude their representation. The attorney must serve a [Proposed] Notice of Completion of Limited Scope Representation (FL-955), along with a blank Objection (FL-956). If the client files no objection, the attorney then files a Final Notice of Completion. If the client files an objection, the court schedules a hearing to determine if the representation is completed.