



# The Case for . . .

## The Discrete Task Assistance Program:

A Low Cost Attorney Assistance Solution for Access to Justice Problems

### What is a Discrete Task Assistance Program?

The idea of “unbundling,” or limited scope representation, is the situation in which an attorney assists a client with part of a legal matter, while coaching the client to self-represent on the simpler aspects. It may be as simple coaching a self-represented litigant on court procedures, ghostwriting or assistance with document preparation, or even appearing in court for a limited purpose.

### Why Start a Discrete Task Assistance Program?

The vast majority of individual litigants cannot afford full service representation. Unprepared litigants increase the burden on the court in the form of incorrect documents, ignorance of procedures, and repeated continuances. Self-represented litigants consume a disproportional amount of staff and judicial time. By providing quality coaching, well-drafted documents and assisting in the more complex aspects of a legal matter,

limited scope attorneys help streamline the process and reduce the burden on courts and their staff.

#### Benefits for Judges and Court Staff:

- Increased ability of judges to make decisions on the merits based on properly drafted pleadings.
- Reduced continuances due to improper service, form or other technical failures.
- Focusing the attorney’s involvement on the more complex or challenging aspects of the legal matter, where such assistance is most helpful to the court.
- Reducing the staff time required to answer litigants’ questions or explain improper process.
- Reduced need to return improper pleadings for correction and clarification, resulting in fewer visits to the filing window
- Enhanced credibility of the legal system.

### What Does a Program Include?

A discrete task assistance program includes:

- Training for attorneys on how to identify those issues, tasks and clients, who lend themselves to limited scope, and to coach self-represented litigants, or to appear in court on a limited basis.
- Courts who allow attorneys to appear for

a single hearing or on a limited issue and be relieved from the case on conclusion of their responsibilities without being required to represent the client on all issues or indefinitely.

#### Benefits for the Public:

- Underscores the public policy that the courts are there to serve all citizens, and not just those who can afford traditional full service representation.
- Enhanced transparency of the legal process and greater public satisfaction.
- Improved access to justice.
- Higher quality justice.

- Sensitivity to the fact that most individual litigants do not qualify for legal aid, but cannot afford full service representation, and a willingness to allow the attorney’s involvement to be limited.
- A method for



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matching litigants with limited scope attorneys, perhaps through a lawyer referral service.

- Procedures for releasing a limited scope attorney from the case at the conclusion of the assigned tasks.
- Safeguards against expanding the scope beyond that which was agreed between the attorney and the litigant.

### What are the Keys to Starting an Effective Unbundled Assistance Program?

An effective unbundled assistance program requires:

- Strong judicial buy-in and leadership support.

- Strong support by the local bar and reassurance to attorneys that their limitations on scope will be respected by the courts.
- Attorney training.
- Marketing to attorneys and the public.
- Method for referring self-represented litigants to limited scope attorneys.
- Court processes which recognize that an attorney may represent a client on part of a matter while the

litigant retains responsibility for other aspects.

#### Benefits for Attorneys

- Lawyers can focus on the more complex (and professionally interesting) aspects of a legal matter and coach the client on the simpler ones.
- Reassurance that their commitment is limited and they will not be drawn into protracted litigation for which the client cannot pay and from which they cannot withdraw.
- Attraction of a broadened base of paying clients who can afford to pay for some (but not all) of their services, and who pay at the time service is rendered without building accounts receivable.
- Increased willingness to volunteer for pro bono since they are assured their involvement is finite and manageable.

## Where Is Additional Information Available?

Information and assistance are available from a variety of sources, including:

**Selfhelpsupport.org.** An online community and clearinghouse of information for pro se practitioners. A sampling of core unbundling resources available on [www.selfhelpsupport.org](http://www.selfhelpsupport.org) includes:

- *Roadmap for Implementing a Successful Unbundling Program.* M. Sue Talia.
- *An Analysis of Rules that Enable Lawyers to Serve Pro Se Litigants.* A White Paper by the ABA Standing Committee on the Delivery of Legal Services (April 2005).
- *Family Law Limited Scope Representation--Risk Management Materials.* Limited Representation Committee. California Commission on Access to Justice (January 12, 2004).
- *Handbook on Limited Scope Legal Assistance.* ABA Modest Means Task Force (2003).
- *20 Things Judicial Officers Can Do to Encourage Attorneys to Provide Limited Scope Representation.* The Bench (Summer 2003).

### ABA Pro Se/Unbundle Law Resource Center;

<http://www.abanet.org/legalservices/delivery/delunbund.html> Provides resources on court rules, cases, ethics opinions as well as a bibliography on unbundling and a database that is searchable by subject, issue, or state.

**Unbundledlaw.org.** Maryland Legal Assistance Network; <http://www.unbundledlaw.org/> A general source of information on the concept. Includes sample retainer agreements, program profiles, and state and national updates.