

Limited Scope Representation (LSR):

Alive and Well at Kentucky's Legal Help Centers



KENTUCKY
ACCESS TO
JUSTICE
COMMISSION

Presenters

**Sylvia Lovely, Special Projects Coordinator
Kentucky Access to Justice Commission**



Limited Scope Representation

- Limited Scope Representation refers to the concept of a lawyer agreeing with a client to handle only some part(s) of the client's legal matter. The term "**unbundling**" is sometimes used to refer to this method of client service.
- Designated service or services, rather than the full package of traditionally offered services, are agreed upon. The client and lawyer select the service(s) the lawyer will provide.



Controlling Authority for LSR

Rules of the Supreme Court (SCR) Rule 3.130, Rules of Prof. Conduct Rule 3.130(1.2)

SCR 3.130(1.2) Scope of representation and allocation of authority between client and lawyer

Persels & Associates, LLC v. Capital One Bank, (USA), N.A. , 481 S.W.3d 501 (Ky. 2016)

(Formal) Ethics Opinion KBA E- 441 Issued: July 28, 2017

Rules of the Supreme Court (SCR) Rule 3.130, Rules of Prof. Conduct Rule 3.130(1.2)

SCR 3.130(1.2) Scope of representation and allocation of authority between client and lawyer.

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



KENTUCKY
**ACCESS TO
JUSTICE**
COMMISSION

**Persels & Associates, LLC v. Capital One Bank,
(USA), N.A. , 481 S.W.3d 501 (Ky. 2016)**

Agreements which limit representation:

- (1) must be reasonable under the circumstances;**
- (2) must be in writing;**
- (3) the client must give informed consent; and**
- (4) must comport with other Supreme Court Rules, including the rules of professional conduct.**

**Persels & Associates, LLC v. Capital One Bank,
(USA), N.A. , 481 S.W.3d 501 (Ky. 2016)**

Pleadings prepared by an attorney pursuant to a limited scope agreement, should have the notation on the pleading “Prepared By or With Assistance of Counsel.”

(Formal) Ethics Opinion KBA E- 441

Issued: July 28, 2017

Question 1: What is “limited scope representation?”

Question 2: What are the requirements of a “limited scope representation” in litigation?



KENTUCKY
**ACCESS TO
JUSTICE**
COMMISSION

Question 3: What is required of an attorney who “ghost writes” an initial pleading (complaint, answer, cross-claim or counter-claim) for a pro se litigant?

“Prepared with the assistance of counsel.”



KENTUCKY
**ACCESS TO
JUSTICE**
COMMISSION

How does the KY Access to Justice Commission Utilize Limited Scope Representation to Increase Access to the Courts?

- **Legal Help Centers**
- **Kyfreelegalanswers.org**



KENTUCKY
**ACCESS TO
JUSTICE**
COMMISSION

Brief Overview of KY Access to Justice Commission

- **Mission**
- **Strategic Planning**
- **Strategic Planning Initiatives**



KENTUCKY
ACCESS TO
JUSTICE
COMMISSION

Fayette County Legal Help Center

- **First of its kind in the state of Kentucky**
- **Opened to the public in March 2022**
- **Open each Thursday from 11 am – 2 pm**
- **To date, has assisted more than 4800 patrons**



KENTUCKY
ACCESS TO
JUSTICE
COMMISSION

Interested in Volunteering?

To volunteer for the Fayette County Legal Help Center or kyFreeLegalAnswers, contact Sylvia Lovely at Sylvia.lovely@kyaccesstojusticecommission.org

OR

see the information on the 'Useful Links' handout in the materials.



KENTUCKY
ACCESS TO
JUSTICE
COMMISSION