

APPENDIX “B”

SURVEY 2
UNBUNDLED LEGAL SERVICES QUESTIONNAIRE

1. Since January 1, 2004, 8 have 8 have not provided limited legal services.

If you have not provided limited legal services, why?

- 0 unaware of rules
- 3 concern of malpractice claims
- 5 other (please explain)
 - employed by government
 - have not had need to do so
 - concerned about being dragged into litigation without payment

If you have provided limited legal services, the services involved 1 drafting of pleadings 0 appearance in court 5 both.

2. Since January 1, 2004, 1 I have been involved in a case where the opposing counsel has provided limited legal services.

The limited legal services involved 0 drafting of pleadings 0 appearance in court 2 both.

3. Since January 1, 2004, my experience with limited representation has been 6 positive 2 negative.

4. Based on the experience my experience, the following changes are suggested.

See attached.

Comments

See attached.

ATTORNEY RESPONSES TO SURVEY 2

- I teach in an “unbundling” clinic at UF Levin College of Law. Providing limited legal services has benefited the clients and the family law court, as well as the law students.
- To extent rules apply to representation of a client “only” in litigation involving accident, I have always limited representation to accident matters.
- It should be made clear that “limitation” representation “in writing” applies to accident cases (or doesn’t) and other type of specialty cases (criminal, Family, probate).
- When the client is illiterate, the fact should be disclosed in the notice of appearance.
- It allowed me to jump into a case where jurisdiction under the UCCJCA clearly in Florida, not in Mississippi (where the child had been taken by the father), without committing to representation in the underlying custody case without having the opportunity to look into the merits.
- At the time, there were no approved forms, so I had to create my own. I looked forward to, and not welcome the approved forms.
- I have not done any single task work, but single issue representation, ie: child support, mod., enforce.
- I have not so much provided a la carte services to prospective litigants but have on the whole been limiting my representation to single areas of family law pertaining to their case. For example, I represented a gentleman to defend against a relocation action. I represented him in all regards to that matter including assessment of attorney’s fees. I did not represent him in regard to any of the other issues relating to the case. This was post-judgment (sic) and there still many issues remaining such as modification of child support, enforcement of property settlement and clarification of other minor issues. Ultimately I expanded my representation of him to include all child support issues but I remained of record in the case for certain limited items.

Another example of the limited representation I have done for clients is to represent them in regard to enforcement matters only. I feel it is an advantage to be able to enter a case under a limited appearance so that you are not subjected to taking any entire case with a limited retainer. For example quite frequently when you file for modification of a child support, a counter-petition for changes in custody may occur. Of course the cost for a custody case vs. a straight child support revision can be dramatically different. Finally, another example is where I represented a client strictly for the purpose of pursuing for him credits against prior child support arrears for social security disability payments made to the mother on the children's behalf arising from his disability. It is my belief that unbundled services or limited representation agreements are opportune for use in post-judgment when the parties continue to have disputes or need revision of prior parenting provisions.

The judiciary has been generally receptive in my circuit to limited representation but typically opposing counsels have often been confused as to what they may present to me or what they may not. In addition, I have not yet seen an opposing attorney properly serve pleadings and other documents pursuant to the rule. It may be helpful to have articles of clarification on how these things are done and promulgate forms at minimum through the various journals the Florida Bar sponsors and family law section. It has not been a negative experience because it has allowed me to provide more discrete representation to persons without providing my full retainer. It also makes (sic) me more comfortable going into a case with limited issues knowing that I will not be drawn into more substantial issues because of the agreement over limited representation.

- I was able to help some people who could not have otherwise hired me.
- Appeared before (2) different judges in 2 different counties. I requested a continuance on both of those cases before I would enter a general appearance. Both judges denied my motion.
- There should be a "cap" on how many attorneys can file limited appearance in the same case. Further, judges should be more liberal and grant the continuance where good cause exists (sic) so a litigant

can have competent counsel. The judges are too worried about their stats.

- Clients not sure about divorce.
- I have people come to see me who can't afford an attorney and the court self-help program doesn't help enough.
- Delete this provision or provide add'l protection for lawyers who are trying to assist clients.
- Only represent children with disabilities in education & mental health & we have family law attys. in our office.