



# Limited Scope Representation:

## Improving Access to Justice One Client at a Time

by Tracy Hightower-Henne

I am excited to announce the new Limited Scope Representation Section of the Nebraska State Bar Association. For over five years, we have been a subcommittee of the Nebraska Supreme Court's Self-Represented Committee, and we remain a member of this committee. During our time as a subcommittee of the Self-Represented Committee, we have shared our experiences in helping self-represented litigants with the Nebraska Supreme Court, as the committee as a whole attempts to navigate the best way to serve this under-represented group of people through limited scope representation.

As you can imagine, self-represented litigants struggle immensely in court and typically lose their case because they aren't able to articulate what it is they are requesting in court or even how to simply offer an exhibit over objection. As part of our justice system, this hardly constitutes justice for those who are fighting for custody, against eviction and against other severe harms. Limited scope representation can allow these people to continue as self-represented litigants but help them by filing the proper pleadings and even preparing for a hearing.

The Preamble of the Nebraska Rules of Professional Conduct provides that “[a]s a public citizen, a lawyer should seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession. A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance.” The excerpt “*sometimes persons who are not poor, cannot afford adequate legal assistance*” is important for several reasons, because who can really afford a divorce or to get evicted?

Limited scope (or unbundled legal services) is simply that—representing a client on a limited scope, something less than full representation. Limited scope representation may include preparing a complaint for a divorce or just reviewing the decree or even representing the client at a temporary hearing. So long as you abide by the Nebraska Rules of Professional Conduct, which allow us to limit the scope of representation, the options are almost endless. It is important for lawyers and clients alike to recognize that limited scope representation means that the client is officially acting pro se in their case. The client is signing any and all pleadings as a pro se party and the lawyer is not the “attorney of record” on the matter. Thus, we can help with both the access and administration of justice by helping self-represented litigants who are able to afford some representation.

While it is important to recognize that the lawyer must determine if the limited scope is reasonable in the circumstances, more often than not some representation is better than none. It is our duty to assist people of limited means and to use our abilities to enhance the justice system. I hope that you will consider offering limited scope representation to clients who reasonably can continue to represent themselves because with

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## LIMITED SCOPE REPRESENTATION

limited representation, they can protect their interests and be more efficient and effective in court. You may also wish to join our section to be included in more discussion about how limited scope representation can fit into your practice. And remember, limited scope does not by itself mean pro bono. By offering limited scope services at an unbundled price, it is beneficial for both you and your client.

Limited scope representation is not the answer to all pro se parties, but it can be a beneficial service that lawyers can offer

to clients who may just need a little help. Lawyers wanting to tread in the limited scope arena should review the rules carefully and fully understand the procedural filings that may be required. It is also important to have a limited scope fee agreement that is easy to understand. Most importantly, lawyers should not be afraid to represent a client on a limited scope basis, as we can utilize our skills to help self-represented litigants protect their own interests and enhance the administration of and access to justice.