

# Unbundled Law

## An Alternative to Going It Alone...

Many Mainers who do not qualify for free or reduced fee legal services still find it financially impossible to hire an attorney when an important legal matter, like divorce, or a real estate transaction, or a dispute about a will or inheritance, requires professional legal assistance. Until a few years ago, the choice was either going in alone, *pro se*; or giving up.

To address this real impediment to “equal justice under the law,” Maine’s judicial community initiated a change in the rules that govern how attorneys in Maine may legally conduct their practices. Under a new understanding, attorneys may make agreements with clients to perform distinct parts of legal matters, limiting both their responsibilities and their fees to those particular parts, leaving clients to handle the rest. This is known as “unbundled” law because it allows the many parts of complex legal actions to be separated out, or “unbundled,” and responsibility assigned specifically to the client or the attorney.

### ...And a Better Deal For Both Sides

Attorneys are not required to provide “unbundled” services, and not all do. In cases where the tasks can clearly be divided, and both the attorneys and the clients feel secure that the clients are capable of handling their own parts independently, however, it can be an attractive way for attorneys to be helpful to people of moderate means, bring in a stream of small fees, and seed good professional relationships for the future, without taking on a *pro bono* burden

## Keeping Expectations Clear

If you are one of the many people who can’t afford to retain an attorney for full representation, this approach allows you the benefit of at least some professional legal help for less money. However, “unbundled” is not the same as “reduced fee services,” which in Maine are available for only some kinds of cases, and most often for people of severely limited means. In your case, for whichever tasks the attorney takes on, he/she will charge standard fees, and you should be sure to reach a very clear agreement about how much these fees will be, and how they will be billed. Though not legally required, it is highly advisable, and considered a professional “best practice” for the attorney to draw up a contract which describes precisely which things the attorney will be doing for you, and how fees will be charged, so that later neither you nor the attorney can claim to have misunderstood or been misled. If the attorney doesn’t suggest this, you should.

## Do Your Research First

If at all possible, before speaking with an attorney about an unbundled services arrangement, do your best to find out what steps pursuing your issue will entail. Information regarding some legal procedures, like landlord/tenant issues, divorce and parental rights and responsibilities conflicts, some consumer matters, and small claims suits, is available online at some of the sites listed below. Court clerks may give you specific forms, but are generally not able to explain how to pursue a legal action, as that is considered giving legal advice, and for someone who is not an attorney to offer legal advice is actually illegal!

Then look for an attorney who practices in the proper area of law – landlord/tenant, family law, probate, etc. – and call to check if they are willing to consider a limited service agreement.

**The Lawyer Referral & Information Service** can be particularly helpful in this instance, as we invite member attorneys to sign up for “unbundled services” as one of their many selections, and then combine that selection with the relevant areas of law in our database search to obtain an appropriate referral.

## Deciding Who Does What

You may have already done much of the work – filed with the courts, had summons or subpoenas served, etc. – before you even seek out an attorney. In any case, you will want to check with the attorney to confirm that you are on the right track, and then decide between the two of you how to make the best use of his/her professional services within your financial constraints. Remember that if you believe you can do all the paperwork, and just need an attorney in the courtroom to do the talking, your attorney will legitimately require some time to review your documents and become familiar with your case – and so the charges will be for more than just the time in the courtroom. In addition, if you are required by the court to be available at the courthouse at the beginning of a session, but end up waiting for a couple of hours for your turn, you should expect to pay your attorney for both travel and waiting time, as well as the moments when he/she is speaking for you in court.

On the other hand, you may feel confident enough to speak in court, but really want to



Maine State Bar  
ASSOCIATION

Lawyer Referral & Information Service

## Limited Legal Services

How Maine's "Unbundled Law"  
Makes Some Legal Help  
Affordable for Pro Se  
Litigants

The Right Call for the Right Lawyer

1-800-860-1460



[http://www.courts.state.me.us/citizen\\_info/representing\\_yourself.html](http://www.courts.state.me.us/citizen_info/representing_yourself.html) - for information about representing yourself in Maine courts

[http://www.courts.state.me.us/maine\\_courts/specialized/family/handbook\\_parents.html](http://www.courts.state.me.us/maine_courts/specialized/family/handbook_parents.html) - regarding child protection cases

[http://www.courts.state.me.us/court\\_info/forms/index.html](http://www.courts.state.me.us/court_info/forms/index.html) - links to legal forms for everything from probate, to family, to business cases

<http://www.maine.gov/legis/lawlib/index.htm> - for assistance researching Maine law

<http://ilapmaine.org/about.html> - for information regarding immigration and citizenship

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For referral to an appropriate attorney call

**1-800-860-1460**

or use the

### Client Referral Request Form

found in the Lawyer Referral section of the  
Maine State Bar Association website.

**www.mainebar.org**

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*Use of the ABA Lawyer Referral and Information Service logo indicates that this lawyer referral program has been reviewed by the ABA and meets the specific public service standards established by the ABA. ABA approved lawyer referral programs:*

- Agree to establish and maintain objective experience criteria for their panel attorneys,
- Provide a mechanism for client feedback and resolving client complaints
- Do not limit the number of attorneys who may join the Lawyer Referral and Information Service, provided that they meet the objective requirements for panel membership,
- Require and verify that all panel attorneys carry legal malpractice insurance.

*Use of the logo indicates that this program meets ABA standards for lawyer referral services. The ABA does not review the qualifications of the individual lawyers who participate in the service. For more details on the ABA standards, visit [www.abanet.org/legalservices/lrsrules.html](http://www.abanet.org/legalservices/lrsrules.html).*

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make sure some of the technical parts of your case, such as discovery or depositions, are done correctly. In this case, coaching you on how to anticipate, ask, and answer questions may be one of the tasks you hire an attorney for, and your business together may be done before you enter court.

### Arrangements to Fit Your Circumstances

The amount of services you pay for will depend upon the complexity of your case, your own ability to understand the forms and process, your confidence, the money you have to work with, the rates your attorney charges, and what you and your attorney agree is the wisest use of your funds.

Conducting legal business with limited legal services may be scary, but it is better than going to court with no legal services at all, and, in the end, may even be one of the most rewarding adventures you ever have.

### Legal Information to Get You Started

[www.mainebar.org/lawyer\\_need.asp](http://www.mainebar.org/lawyer_need.asp) - for referral to an attorney doing Unbundled Law, and for informational publications

[www.helpmelaw.org](http://www.helpmelaw.org) - for information on most areas of non-criminal law

[http://www.maine.gov/ag/consumer/consumer\\_law\\_guide.shtml](http://www.maine.gov/ag/consumer/consumer_law_guide.shtml) - for information regarding landlord/tenant and consumer law issues

[http://www.courts.state.me.us/maine\\_courts/specialized/small\\_claims/index.shtml](http://www.courts.state.me.us/maine_courts/specialized/small_claims/index.shtml) - for information about how small claims court works