

# LIMITED SCOPE REPRESENTATION BY WYOMING FAMILY LAW ATTORNEYS

BY ALEX H. SITZ III

So often I experience clients calling who really need the help of a family law attorney, but who can't afford to hire me on a full-time basis to see their cases all the way through to the end. It can be for something as simple as a young 20 year-old couple with no substantial assets needing assistance with how to properly file and complete a *pro se* divorce packet, or a stay-at-home mother estranged from her husband with little money who has an upcoming temporary custody hearing, or a post-divorce case

where the former spouses need an agreement to voluntarily change custody of their 14 year-old son who now wants to live with his father. Scenarios, similar to these mentioned, are endless; but how we choose to help and represent these individuals can be limited if agreed.

If contacted for situations as described in the preceding cases it may be a perfect time to consider a limited scope representation where the attorney handles part, but not all, of a legal matter. This limited rela-

tionship is typically a win-win situation for both the attorney and the client because the client gets the necessary help they need at that particular moment at a more affordable cost, and we as attorneys don't get in over our heads in a case without receiving payment.

In doing a limited scope representation be aware of a few rules. First, Wyoming Rule of Professional Conduct 1.2(c), states:

**Rule 1.2(c)** A lawyer may limit the scope of representation if the limitation is reasonable under the circumstances and the client gives informed consent. An otherwise unrepresented person to whom limited representation is being provided or has been provided in accordance with this rule is considered to be unrepresented for purposes of Rules 4.2 and 4.3 unless the opposing lawyer knows of or has been provided with:

- (1) a written notice stating that the lawyer is to communicate only with the limited representation lawyer as to the subject matter of the limited representation; or
- (2) a written notice of the time period during which the lawyer is to communicate only with the limited representation lawyer concerning the subject matter of the limited representation.

The second rule to be aware of is Rule 102 of the Uniform Rules for District Courts which states in relevant part:

**Rule 102(a)(1)** An attorney appears in a case:

- (C) By a written appearance. Except in a criminal case, a written entry of appearance may be limited, by its terms, to a particular proceeding or matter.

**Rule 102(a)(2)** Except as otherwise limited by a written entry of appearance, an appearing attorney shall be considered as representing the party or parties for whom the attorney appears for all purposes.

**Rule 102(c)**...An attorney who has entered a limited entry of appearance shall

STATE OF WYOMING  
COUNTY OF LARAMIE

) IN THE DISTRICT COURT  
) FIRST JUDICIAL DISTRICT  
)

PETITIONER

) Docket No. 1234  
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)  
)  
)

vs

RESPONDENT.

## LIMITED ENTRY OF APPEARANCE

Attorney John Doe, pursuant to the Uniform Rules for District Courts of the State of Wyoming, Rule 102, hereby enters a limited appearance as counsel of record for Petitioner in the above-named action, for the purpose of \_\_\_\_\_.  
Attorney John Doe will be deemed withdrawn as counsel of record upon completion of \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Attorney

be deemed to have withdrawn when the attorney has fulfilled the duties of the limited entry of appearance.

In addition to being aware of the aforementioned rules, a few practical pointers to keep in mind when entering a limited scope representation case include the following:

1. Be clear in your initial interview with the client about fees and expectations to avoid any misunderstandings.
2. Be careful in preparing your engagement letter so that your fee schedule and scope of representation is clear to everyone.
3. File a "Limited Entry of Appearance" pleading with the Court at the onset (see below form without certificate of service included).
4. File a "Notice of Completion and Withdrawal of Counsel" pleading at the end of the representation (see below form without certificate of service included).
5. Don't do further work on the case without doing a change in scope letter clearly documenting that you have agreed to do work above and beyond your initial agreement.
6. Send your client a closing letter at the end of your limited representation.

I have found two forms, which I obtained several years ago from the Wyoming Center for Legal Aid and reprint here with permission, helpful in my practice and hope you can too. ☺

STATE OF WYOMING  
COUNTY OF LARAMIE

IN THE DISTRICT COURT  
FIRST JUDICIAL DISTRICT

PETITIONER

Docket No. 1234

vs

RESPONDENT.

#### NOTICE OF COMPLETION AND WITHDRAWAL OF COUNSEL

John Doe, attorney for \_\_\_\_\_, Petitioner, pursuant to the Uniform Rules for District Courts of the State of Wyoming, Rule 102, entered a limited appearance as counsel of record for Petitioner in the above-named action, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. This *Notice of Completion and Withdrawal of Counsel* verifies that Attorney has fulfilled all terms of the limited scope agreement entered into with Petitioner.

Pursuant to Rule 102(c) of the Uniform Rules for District Courts of the State of Wyoming, John Doe is deemed withdrawn and is discharged as counsel for Petitioner. All further notices and pleadings in this case should be served or delivered directly to Petitioner at [\*\*Petitioner's address\*\*].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Attorney

[26]

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