

LIMITED SCOPE REPRESENTATION IN MARYLAND
A White Paper of the Maryland Access to Justice Commission
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Limited Scope Not Quality

The idea of limited scope representation derives from the recognition that securing the assistance of legal counsel ought not be an all-or-nothing proposition. Ethical rules require attorneys to be zealous and thorough in their representation. Attorneys taking seriously their obligation to provide comprehensive representation are more hesitant to provide limited services. An unintended consequence has been limited access to legal help for those who cannot afford to engage an attorney for soup-to-nuts representation. In the last decade a number of practitioners, bar associations and courts have been experimenting with models of legal practice that permit attorneys to provide *a la carte* services to clients who want or need to limit their expenditures, and are able to effectively handle the other aspects of their case on their own. The terms “unbundling,” “discrete task representation,” and “limited scope representation” have been used to describe these practice models. For the purposes of this paper we will use the term “limited scope representation” as it tracks the language currently used in the Maryland Rules to refer to this type of practice.

“Limited scope representation” conveys an alternative mechanism for delivering high quality legal services to well-prepared clients. It means a reduction in scope only, not in quality. M. Sue Talia, a California practitioner who has written, trained and advocated extensively as a limited scope practitioner calls it, “...a partnership between lawyers and litigants, where private attorneys provide some, but not all, of the services contained in traditional full service representation.”¹ The ideal client is a savvy legal consumer who is capable of and prepared to handle many of the tasks that a lawyer and his or her team might perform in handling a case. The client and the lawyer together decide which tasks would be most appropriate for the lawyer to perform, and which the client will handle. Clients may elect to engage their attorney for limited services for a variety of reasons. Some clients may be unable to afford full representation; others may simply be worried that they cannot evaluate the full cost of representation at the outset and want to limit the costs. Other clients may want to retain control over the process and prefer to call upon the attorney for discrete, specific tasks. They may want direct access to the courts and the litigation process.

As in all professional relationships, limited scope representation works best when it is founded on clear and effective communication between the lawyer and the client. An attorney who offers limited services to his or her clients, will need to clearly define the relationship in a limited scope retainer agreement, and will need to provide *a la carte* pricing so that the client can make effective decisions about when and how to engage the attorney. When the process is well-defined, it can be an excellent means to increase

¹ M.SUE TALIA, ROADMAP FOR IMPLEMENTING A SUCCESSFUL UNBUNDLING PROGRAM (2005) *available at* <http://www.wsba.org/taliaspaper.pdf> (last visited July 7, 2009).

access to critical representation for those who might not otherwise be able to afford counsel.

This permits attorneys to take advantage of what Richard Susskind has called the “latent legal market.”² This is the idea that many people need legal help and would benefit from legal guidance but lack the resources or courage to seek help from lawyers.

Despite some early activity in Maryland,³ limited scope practice has not found much traction in the State. In a 2007 report, the Maryland Judiciary Work Group on Self-Representation in the Maryland Courts, chaired by Hon. Clayton Greene, Jr., recommended the Judiciary appoint a Bench-Bar committee to explore ways to support discrete task representation.⁴ In following up on that recommendation, the Maryland Access to Justice Commission has prepared this report to investigate the current rules climate in the State, and suggest reforms that might support lawyers willing to provide limited scope services.

The Rules Environment

Two Maryland court rules address issues of limited scope representation. The first was modified and the second added at the recommendation of the Select Committee to Study the Ethics 2000 Amendments to ABA Model Rules of Professional Conduct [hereinafter *Rowdowsky Committee*] appointed by the Court of Appeals in 2002.⁵

Rule 1.2. The first, MRPC Rule 1.2(c) provides that “a lawyer may limit the scope of representation if the limitation is reasonable under the circumstances and the client gives informed consent.”⁶

Comment 6 to the rule provides that the terms may be limited by agreement with the client, or by the terms of the representation. The comment suggests limited scope representation may be appropriate where the “client has limited objectives for the representation.” The client and the lawyer may purposefully choose not to pursue certain litigation options or “means.” The comment suggests this may include options the client finds “too costly” or that the lawyer finds “repugnant or imprudent.”⁷ The reference to cost does seem to contemplate an *a la carte* approach to legal services when appropriate.

² RICHARD SUSSKIND, THE END OF LAWYERS? RETHINKING THE NATURE OF LEGAL SERVICES 18 (2008).

³ In 2000 the Maryland Legal Assistance Network (MLAN), at that time a project of the Maryland Legal Services Corporation (MLSC), hosted a national conference on “unbundling.” The event was held in Baltimore, October 12-24, 2000. Materials are available at www.unbundledlaw.org (last visited July 7, 2009).

⁴ MARYLAND JUDICIARY WORK GROUP ON SELF-REPRESENTATION IN THE MARYLAND COURTS, CLEARING A PATH TO JUSTICE (August, 2007) 14 available at <http://www.mdcourts.gov/publications/pdfs/selfrepresentation0807.pdf> (last visited July 7, 2009).

⁵ REPORT OF THE SELECT COMMITTEE TO STUDY THE ETHICS 2000 AMENDMENTS TO ABA MODEL RULES OF PROFESSIONAL CONDUCT [hereinafter RODOWSKY COMMITTEE] (December 16, 2003) available at http://www.mdcourts.gov/publications/pdfs/lawyersropc_finalrept03.pdf (last visited July 7, 2009).

⁶ MD. LAWYERS’ R. OF PROF’L CONDUCT 1.2 (2009).

⁷ See Comment 6, MD. LAWYERS’ R. OF PROF’L CONDUCT 1.2 (2009).

The modifications to the Rule and its comment suggest that the Rodowsky Committee, the Court of Appeals Standing Committee on Rules of Practice and Procedure (Rules Committee) and the Court of Appeals, itself, intended to support lawyers in expanding the manner in which they deliver services to their clients, especially those of limited means. The text of the Rule was altered to permit lawyers to “limit the scope” rather than “limit the objectives.” In response to public comments on the proposed changes, the Rodowsky Committee noted that they agreed “that limited representation can expand access to legal services,” although they declined to state the connection to access to justice more affirmatively in the comment, as they believed the comment provided sufficient background as proposed. Nevertheless, few in Maryland have overtly ventured into limited scope practice under the imprimatur of this rule.⁸

Rule 6.5. On the other hand, the practice of providing assistance to self-represented litigants, short of full representation, is a common practice in Maryland, promoted by the courts. Maryland Circuit Courts have operated Family Law Self-Help Centers in the Circuit Courts for over ten years. In these centers, which serve between 35,000 and 40,000 per year, persons without counsel can meet with an attorney to discuss the facts in their case, receive guidance on which forms to use, and receive basic procedural information and assistance in representing themselves.⁹ Circuit Courts operate these centers, in many instances, by contracting with local attorneys, firms or legal services providers. A few courts have hired attorneys and paralegals directly to operate the service in the courthouse. All Circuit Courts provide space, furnishings and equipment for the center.

The Court of Appeals adopted Rule 6.5 upon the Rodowsky’s Committee’s recommendation in 2005:

Rule 6.5. Nonprofit and court-annexed limited legal services programs.

- (a) A lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter:
 - (1) is subject to Rules 1.7 [Conflict of Interest: General Rule] and 1.9(a) [Duties to Former Clients] only if the lawyer knows that the representation of the client involves a conflict of interest; and
 - (2) is subject to Rule 1.10 [Imputation of Conflicts of Interest: General Rule] only if the lawyers know that another lawyer associated with the lawyer in a law firm is disqualified by Rule 1.7 or 1.9(a) with respect to the matter.

⁸ See the Rodowsky Committee’s Response to Public Comment: Rule 1.2 in RODWOSKY COMMITTEE, *supra* at 341.

⁹ MARYLAND JUDICIARY, ADMINISTRATIVE OFFICE OF THE COURTS, DEPARTMENT OF FAMILY ADMINISTRATION, ANNUAL REPORT OF THE MARYLAND CIRCUIT COURT FAMILY DIVISIONS AND FAMILY SERVICES PROGRAMS (FISCAL YEAR 2006) 35-38 (2007).

- (b) Except as provided in paragraph (a)(2), Rule 1.10 is inapplicable to a representation governed by this Rule.¹⁰

Comment 1 specifically attaches this rule to self-help projects like those operated by the Maryland Circuit Courts.

The Rule is a practical one. It relaxes the normal conflict of interest rules for attorneys serving in high volume, brief advice programs, recognizing that it is impractical to expect attorneys to conduct a full conflicts check when they may see hundreds of clients a week for brief 15-minute consultations. Programs can serve a larger number of individuals if they reduce the amount of time spent conducting intake screening to root out conflicts. These programs typically do not retain client contact information, files or materials. Circuit Court Family Law Self-Help Centers, for example, collect demographic information about their clients, without identifying information. While Rule 6.5 permits attorneys to provide assistance without conducting a conflicts check, a conflict will attach if the attorney has actual knowledge of a conflict of interest.

Are These Rule Provisions Enough? Talia notes that “Explicit permission granted by rules is less important than the absence of a specific prohibition.”¹¹ She notes that states which have adopted Rules 6.5 and 1.2(c) from the ABA Model Rules should have an advantage. Twenty-nine states have adopted some version of Model Rule 1.2(c) – nine without alteration. Twenty-seven states have adopted some version of Model Rule 6.5 – nineteen, including Maryland, without alteration.

Maryland has a positive rules climate for limited scope representation. There are few impediments restricting attorneys who want to serve a broader range of clients who may, for financial, control, strategic or psychological reasons, be interested in engaging them for discrete tasks only.

Are Additional Rules Needed? Only a few states have enhanced Model Rule 1.2 with additional rules to address specific aspects of limited scope representation. The ABA Section of Litigation recommended a number of additional rules clarifications Maryland should consider in supporting limited scope representation.

- (1) Allow lawyers to make **limited appearances in courts and before administrative agencies**.¹² Maine and Washington State have both adopted rules that expressly permit attorneys to make limited appearances.¹³
- (2) Allow lawyers to **withdraw from representation** when they have completed the promised, limited representation, after giving the client notice and the opportunity to be heard if the client objects.¹⁴ California has adopted CA Rule 5.71

¹⁰ MD. LAWYERS’ R. OF PROF’L CONDUCT 6.5 (2009).

¹¹ TALIA, *supra* at 6, n.2.

¹² AMERICAN BAR ASSOCIATION SECTION OF LITIGATION, HANDBOOK ON LIMITED SCOPE LEGAL ASSISTANCE: A REPORT OF THE MODEST MEANS TASK FORCE [hereinafter ABA, HANDBOOK]141 (2003).

¹³ ME. BAR RULE 3.4(i)(2009) and WASH. C.R.L.J. 4.2 (2009), C.R.L.J. 11 (2009), C.R. 70.1 (2009) and C.R.L.J. 70.1 (2009).

¹⁴ ABA, HANDBOOK, *supra* at 141.

“Application to be relieved as counsel on completion of limited scope representation.”¹⁵

- (3) Clarify the rules governing **communications** between and among clients receiving limited representation, opposing parties who are represented, and limited and full-service lawyers so that all of the affected parties understand when they can communicate directly with one another and when they cannot.¹⁶ Other states and some local bar associations have weighed in on this issue. In an ethics opinion, the Los Angeles Bar Association found there was no provision in the rules precluding the lawyer from communicating with a partially represented party.¹⁷ Other states have said you have to communicate with the limited scope lawyer if you have knowledge of the limited representation.¹⁸ Still other states allow lawyer-to-party communication unless the limited scope lawyer notifies opposing counsel of the representation.¹⁹ This issue also arises when the lawyer **scripts** communications between their client and an opposing party who is represented. In its Handbook on Limited Scope Representation, the ABA Section on Litigation notes this would be prohibited if you were fully representing the person. Although clients are permitted to talk to one another, this type of advice should be very limited.²⁰

- (4) Allow lawyers to help otherwise *pro se* litigants to prepare pleadings, or allow lawyers to prepare those pleadings themselves (**ghostwriting**), **without requiring disclosure of the assistance**.²¹ California Rule 5.70 includes such a provision.²² Two states have adopted rules that counter the ABA recommendation by requiring disclosure.²³ Note that requiring disclosure could have a deleterious effect on the operations of court-based self-help centers which routinely assist self-represented litigants in preparing pleadings.

- (5) Allow an attorney who assists a litigant in preparing pleadings to rely on that person’s representation of the facts, unless the attorney has reason to believe the representations are false or materially insufficient in which case the attorney should make an independent inquiry into the facts.²⁴ Washington State has crafted two rules which do precisely that.²⁵

¹⁵ CAL. RULES OF COURT, Rule 5.71 (2009).

¹⁶ ABA, HANDBOOK, *supra* at 143.

¹⁷ L.A. County Bar Assoc. Prof’l Responsibility and Ethics Comm., Formal Op. No. 502 (November 4, 1999) available at <http://www.lacba.org/showpage.cfm?pageid=431> (last visited March 11, 2009).

¹⁸ ABA, HANDBOOK, *supra* at 108-109.

¹⁹ ABA, HANDBOOK, *supra* at 109.

²⁰ ABA, HANDBOOK, *supra* at 112.

²¹ ABA, HANDBOOK, *supra* at 144.

²² CAL. RULES OF COURT, Rule 5.70 (2009) provides “In a family law proceeding, an attorney who contracts with a client to draft or assist in drafting legal documents, but not to make an appearance in the case, is not required to disclose within the text of the document that he or she was involved in preparing the documents.”

²³ COLO. R. CIV. P. 11 (2009) and NEV. E.D.C.R. 5.28 (2008).

²⁴ ABA, HANDBOOK, *supra* at p. 145.

²⁵ WASH. C.R. 11 (2009) and WASH. C.L.R.J. 11 (2009).

The Ethics of Limited Scope Representation

Maryland Ethics Opinions. Three opinions issued by the Maryland State Bar Association's Committee on Ethics have some bearing on limited scope representation, although none directly enlighten the issue.

Maryland Ethics Docket No. 2007-19 addresses whether attorney-mediators can prepare legal documents for unrepresented litigants.²⁶ The opinion notes that while it is common for mediators to prepare a "term sheet or memorandum of understanding" to set forth the terms of the agreement, "[w]hen the task changes from memorializing the understanding to drafting legally binding documents, the mediator's role as scrivener changes to legal practitioner." This would constitute the practice of law and Rule 1.12 prohibits an attorney-mediator from representing any party to the mediation without the consent of all. This opinion seems to turn on the dual role played by the attorney-mediator. An attorney-mediator should not draft legally binding documents for the mediation clients. The opinion does not otherwise preclude an attorney from drafting legally binding documents for a client who has participated in mediation with a mediator other than him or herself.

Maryland Ethics Docket No. 2006-11 asks "Whether a State's Attorney Office that represents the child support enforcement agency may represent *pro se* defendants in filing a request for modification (reduction) of child support payments."²⁷ The Committee opines that it would be impermissible for the agency to advocate for a downward modification on behalf of otherwise unrepresented child support defendants.

Local child support enforcement offices engage attorneys to assist custodial parents in obtaining child support from non-custodial parents. Child support enforcement attorneys make clear to custodial parents that they represent the child support enforcement agency in seeking the best interest of the child. This message is reiterated verbally and in writing throughout the process. Custodial parents are required to sign a "Notice of Legal Representation" which states that the attorney's client is the agency and that the attorney does not represent either parent. As a condition of receiving federal child support funding, local agencies are supposed to serve non-custodial as well as custodial parents and local offices are often under pressure to assist non-custodial parents seeking modifications of child support. As in the case referenced above, the opinion turns on the dual role child support attorneys are being asked to play. Prohibitions against conflict of interest preclude attorneys from representing both opposing parties to a dispute.

It is interesting to note, however, that the child support agency's practice is itself a form of limited scope representation. Child support attorneys distinguish the agency from the

²⁶ Md. State Bar Assn., Committee on Ethics, Ethics Docket No. 2007-19 (November 5, 2007) available at <http://www.msba.org/members/ethics/2007/2007-19.asp> (last visited May 15, 2009).

²⁷ Md. State Bar Assn., Committee on Ethics, Ethics Docket No. 2006-11 available at <http://www.msba.org/members/ethics/2006/2006-11.asp> (last visited May 15, 2009).

custodial parent in providing services, thus avoiding the need to advise custodial parents on collateral issues such as child custody or visitation. Child support attorneys would not need to distinguish the agency-client from the custodial parent-client so affirmatively if there was a general acceptance of limited scope representation in the state. In fact it can be argued that if the child support agencies crafted a well-drafted limited scope representation agreement, they could indeed represent custodial parents without addressing those collateral issues directly.

The third opinion, Maryland Ethics Docket No. 00-22 concludes that an attorney who serves as a managing attorney of several public welfare projects providing reduced fee legal services in various Maryland counties may oversee other attorneys giving legal advice as part of “pro se assistance services.”²⁸ This opinion, which predates the adoption of MRPC 1.2 and MRPC 6.5 seems to endorse the practice of providing brief advice through these programs.

Other Sources on Legal Ethics. Other state ethics commissions have weighed in on the subject of limited scope representation. Several opinions, some of which predate the creation and adoption of ABA Model Rules 1.2 and 6.5, specifically authorize the practice.²⁹ In an opinion from 1999, the Los Angeles County Bar Association imposed upon the limited scope attorney an independent duty to inform the client of legal problems that are reasonably apparent, including those relating to collateral issues, even though they might fall outside the scope of the representation.³⁰

A number of ethics commissions and bar associations have specifically found that attorneys assisting litigants in completing or drafting pleadings have no obligation to disclose their role to the court or opposing counsel.³¹

The ABA Commission on Ethics and Professional Responsibility rejected the contention that a lawyer who does not appear in the action circumvents court rules requiring the assumption of responsibility for their pleadings. The Commission held such rules only apply if the lawyer signs the pleadings and thereby makes an affirmative statement certifying to the facts.³²

²⁸ Md. State Bar Assn., Committee on Ethics, Ethics Docket No. 2000-22 *available at* <http://www.msba.org/members/ethics/2000/2000-22.asp> (last visited May 15, 2009).

²⁹ L.A. County Bar Assoc. Prof'l Responsibility and Ethics Comm, *supra* (Limited scope permitted so long as the limited scope is explained to the client and client fully consents); Ethics Committee of the Colo. Bar Assn. Formal Op. No. 101 (Jan. 17, 1998; addendum added Dec. 16, 2006) (Unbundled legal services allowed in both litigation and non-litigation matters. A lawyer who provides limited representation must nonetheless make a sufficient inquiry into and analysis of the factual and legal elements of the problem to provide competent representation.)

³⁰ L.A. County Bar Assoc. Prof'l Responsibility and Ethics Comm, *supra*.

³¹ L.A. County Bar Assoc. Prof'l Responsibility and Ethics Comm, *supra*; N. Car. State Bar, 2008 Formal Ethics Op. 3; ABA Standing Committee on Ethics, Formal Op. 07-446 (May 5, 2007); Comm. On Rules of Prof'l Conduct, State Bar of Ariz., Formal Op. 06-03 (July, 2006); New Jersey Advisory Committee on Professional Ethics, Op. 713 (Jan. 18, 2008) (No duty to disclose unless the attorney has counseled the litigant to appear *pro se* as a tactic to invoke the “traditional judicial leniency” toward the self-represented).

³² ABA Standing Comm. on Ethics and Prof'l Responsibility, *supra*.

Ethics Questions to Resolve for Maryland Attorneys. Despite the favorable rules climate and the relatively little said in Maryland ethics opinions on the topic of limited scope representation, there remain key questions that Maryland attorneys may need addressed before venturing into unbundled legal services.

1. Malpractice Concerns. In his seminal book on the topic, *Unbundling Legal Services: A Guide to Delivering Legal Services a la Carte*, Forrest S. Mosten notes that some attorneys will continue to fear allegations of malpractice or disciplinary problems if they limit the scope of representation, even with the client's informed consent.³³ He suggests attorneys be provided statutory immunity for acts outside the agreed scope. He suggests courts, bar associations and legislatures enhance attorney confidence by affirmatively endorsing the practice of unbundling.³⁴

Mosten also provides a list of strategies attorneys can use to avoid malpractice, most of which are designed to ensure the client is truly informed of the risks, and that the attorney is thorough and competent. He urges attorneys to conduct a thorough diagnostic interview and investigation of the facts sufficient to identify relevant legal issues. He notes there is "no pass" on competence for limited scope providers. The scope may be limited but the attorney's responsibility to discharge their service competently is not.³⁵ M. Sue Talia admonishes clients that the planning phase during which the attorney evaluates the client, the case and strategies for representation, is "not a time to get cheap about paying your lawyer. The savings [from electing limited scope representation] occur because you will only be paying for the services that you want and need."³⁶ In some ways, the planning phase is even more critical in a limited scope practice.

2. Malpractice Liability Coverage. Attorneys may also fear that their malpractice carriers will deny coverage for limited scope representation. This may be an issue to be addressed with individual carriers. As courts, bar associations and legislatures endorse the practice, professional liability carriers will be more likely to acknowledge coverage. Those entities might also urge carriers to make coverage explicit. The State Bar of California has issued a proposed resolution, pending public comment, that will include a provision urging professional liability insurance carriers to endorse limited scope representation as part of the normal practice of law.³⁷

One malpractice carrier summarized it this way:

³³ FORREST S. MOSTEN, *UNBUNDLING LEGAL SERVICES: A GUIDE TO DELIVERING LEGAL SERVICES A LA CARTE* (2000), Chapter 6 available at <http://www.zorza.net/resources/Ethics/most-ethics.html> (last visited March 11, 2009).

³⁴ MOSTEN, *supra*.

³⁵ MOSTEN, *supra*.

³⁶ M. SUE TALIA, *A CLIENT'S GUIDE TO LIMITED LEGAL SERVICES* (1997) at 37, *cited* in ABA HANDBOOK, *supra* at 67.

³⁷ STATE BAR OF CALIFORNIA, STATEMENT IN SUPPORT OF LIMITED SCOPE LEGAL ASSISTANCE (UNBUNDLING) [proposed resolution] available at <http://calbar.ca.gov/calbar/pdfs/public-comment/2009/Limited-Scope-Statement.pdf> (last visited July 7, 2009).

There is nothing wrong with limited scope representations. They are a good way to attract clients and reduce exposure to malpractice claims. Be sure, however, to get client consent after consultation using the ideas suggested in this article. Risk manage the representation by thoroughly documenting the file and strictly adhering to agreed limitations. The most important point to remember is the duty to look beyond the scope of a representation no matter how broad or narrow to at least identify for the client other potential legal issues.³⁸

Support for Practitioners

There are a range of ways courts, bar associations and others can support and encourage the practice of limited scope representation. The California Access to Justice Commission developed a set of forms, guidelines and handouts for use in limited scope matters. These *Risk Management Materials*³⁹ include best practices, interview checklists, sample fee agreements, additional checklists and Judicial Council forms to be used if and when the case goes to court.

Maryland courts could send a strong message to practitioners by providing standardized, court-endorsed forms for practitioners to use. Forms might include:

- a limited scope retainer agreement to be included as a part of MRPC 1.2;
- notice of limited appearance;
- forms and orders supporting the termination of or withdrawal from representation;
- sample fee agreements;
- checklists;
- sample client letters; and
- educational materials for use with clients

Many of these might be developed by or in partnership with practitioners and bar associations. To the extent that resource materials can be endorsed by the court, they will be more likely to encourage the practice among Maryland attorneys.

A Win-Win for Lawyers and Clients

Limited scope representation provides an opportunity for lawyers to expand their practice to provide assistance to those who might otherwise never seek their aid. Attorneys with excellent communication skills and a good set of boundaries can envision ways to structure their practice so that competent clients can engage them for discrete services. Limited scope representation is not appropriate for all clients. Those with diminished

³⁸ Del O’Roark, *Where L.A. Law Meets Home Improvement*, KBA BENCH & BAR, May 2000.

³⁹ LIMITED REPRESENTATION COMMITTEE OF THE CALIFORNIA ACCESS TO JUSTICE COMMISSION, FAMILY LAW LIMITED SCOPE REPRESENTATION RISK MANAGEMENT MATERIALS (January 12, 2004) at http://www.calbar.ca.gov/calbar/pdfs/accessjustice/Risk-Management-Packet_2004-01-12.pdf (last visited July 7, 2009).

capacity or excitable personalities may not be able to handle the rigors and emotional ups-and-downs of the litigation process without undermining their own objectives. But for many, the availability of *a la carte* legal services may provide them the opportunity to pursue their legal objectives with some legal help. It may mean that individuals who would otherwise not pursue their case or enforce their rights, for the first time have the opportunity to do so. Innovative legal practices, like limited scope representation, can enhance access to justice for Marylanders. Together the Bench and the Bar can and should take affirmative steps to support the practice of limited scope representation.