

## SUPREME JUDICIAL COURT

SUFFOLK, SS.

SUPREME JUDICIAL COURT

### IN RE: LIMITED ASSISTANCE REPRESENTATION

#### BACKGROUND

Limited Assistance Representation permits attorneys to assist a self-represented litigant on a limited basis without undertaking a full representation of the client on all issues related to the legal matter for which the attorney is engaged. After the completion and assessment of a Limited Assistance Representation Pilot Project in the Hampden, Suffolk, and Norfolk Divisions of the Probate and Family Court Department pursuant to a Standing Order dated August 1, 2006, as amended from time to time, the Justices have concluded that limited assistance representation can be of significant benefit in expanding access to justice in the Trial Courts, and should be available in such Divisions and in connection with such matters as each Trial Court Department Chief Justice, in his or her discretion and with the approval of the Chief Justice for Administration and Management, may prescribe.

#### ORDER

Limited Assistance Representation may be implemented in any Department of the Trial Court in such Divisions and in connection with such matters as each Trial Court Department Chief Justice, in his or her discretion and with the approval of the Chief Justice for Administration and Management, may prescribe. Notwithstanding any provision to the contrary in any Rule of Court or Standing Order, it is hereby **ORDERED** that the following procedures shall apply with respect to Limited Assistance Representation.

##### 1. Limited Assistance Representation.

A qualified attorney may limit the scope of his or her representation of a client if the limitation is reasonable under the circumstances and the client gives informed consent. An attorney shall not be deemed a "qualified attorney" unless he or she completes an information session on Limited Assistance Representation approved by the Chief Justice of the Trial Court Department in which the attorney seeks to represent a client on a limited basis.

## 2. Limited Appearance.

An attorney making a limited appearance on behalf of an otherwise unrepresented party shall file a Notice of Limited Appearance in the form attached to this Order. The Notice shall state precisely the court event to which the limited appearance pertains, and, if the appearance does not extend to all issues to be considered at the event, the Notice shall identify the discrete issues within the event covered by the appearance. An attorney may not enter a limited appearance for the sole purpose of making evidentiary objections. Nor shall a limited appearance allow both an attorney and a litigant to argue on the same legal issue during the period of the limited appearance. An attorney may file a Notice of Limited Appearance for more than one court event in a case. At any time, including during an event, an attorney may file a new Notice of Limited Appearance with the agreement of the client.

A pleading, motion or other document filed by an attorney making a limited appearance shall comply with Rule 11(a), Mass. R.Civ.P., and/or cognate Departmental Rules, and shall state in bold type on the signature page of the document: "**Attorney of [party] for the limited purpose of [court event].**" An attorney filing a pleading, motion or other document outside the scope of the limited appearance shall be deemed to have entered a general appearance, unless the attorney files a new Notice of Limited Appearance with the pleading, motion or other document.

Upon the completion of the representation within the scope of a limited appearance, an attorney shall withdraw by filing a Notice of Withdrawal of Limited Appearance in the form attached to this Order, which notice shall include the client's name, address and telephone number, unless otherwise provided by law. The attorney must file a Notice of Withdrawal of Limited Appearance for each court event for which the attorney has filed a Notice of Limited Appearance. The court may impose sanctions for failure to file such notice.

## 3. Service.

Whenever service is required or permitted to be made upon a party represented by an attorney making a limited appearance, for all matters within the scope of the limited appearance, the service shall be made upon both the attorney and the party. Service upon a party shall be at the address listed for the party in the Notice of Limited Appearance. If the party's address has been impounded by court order or rule, service of process on the party shall be made in accordance with the court order or rule. Service upon an attorney making a limited appearance shall not be required for matters outside the scope of the limited appearance.

4. Assistance in the preparation of documents.

An attorney may assist a client in preparing a pleading, motion or other document to be signed and filed in court by the client, a practice sometimes referred to as "ghostwriting." In such cases, the attorney shall insert the notation "prepared with assistance of counsel" on any pleading, motion or other document prepared by the attorney. The attorney is not required to sign the pleading, motion or document, and the filing of such pleading, motion or document shall not constitute an appearance by the attorney.

MARGARET H. MARSHALL )  
 )  
RODERICK L. IRELAND )  
 )  
FRANCIS X. SPINA )  
 ) Justices  
JUDITH A. COWIN )  
 )  
ROBERT J. CORDY )  
 )  
MARGOT BOTSFORD )  
 )  
RALPH D. GANTS )

Effective Date: May 1, 2009

Dated: April 10, 2009

**Commonwealth of Massachusetts**  
**The Trial Court**  
[Name of Trial Court Department]<sup>1</sup>

\_\_\_\_\_ Division

Docket No. \_\_\_\_\_

**Notice of Limited Appearance**

\_\_\_\_\_, Plaintiff/Petitioner

v.

\_\_\_\_\_, Defendant/Respondent

(On a Complaint/Petition for \_\_\_\_\_ filed \_\_\_\_\_)

1. The Attorney, \_\_\_\_\_, and the

Plaintiff/Petitioner/Defendant, Respondent, \_\_\_\_\_,

have executed a written agreement whereby Attorney will provide limited representation to the Party.

2. The attorney's court appearance in this matter is limited to the following court events<sup>2</sup> (enter date of event if known):

[Title of court event] \_\_\_\_\_

[Title of court event] \_\_\_\_\_

[Title of court event] \_\_\_\_\_<sup>3</sup>

3. Upon termination of representation indicated above, the Attorney will file a Withdrawal of Limited Appearance in this Court, and serve a copy upon the party and opposing counsel/party.

4. The Attorney named above is "Attorney of Record" and available for service of documents only for those court events as described in paragraph 2 above. For all other matters, the party must be served directly, except in cases when the address has been IMPOUNDED. The party's name, address and phone number are listed below for that purpose. (If the party's address is designated as IMPOUNDED, opposing counsel or the opposing party must serve pleadings and other court documents through the Court. Inquire at the Clerk's or Register's Office for \_\_\_\_\_)

<sup>1</sup>Note: Material in brackets may be modified by each Trial Court Department as appropriate.

<sup>2</sup>If the appearance does not extend to all matters to be considered at the event, identify the discrete issues within the event covered by the appearance.

<sup>3</sup> Each discrete court event for which limited assistance representation is permitted is to be listed on a separate line.

assistance in completing service to a party with an impounded address.)

\_\_\_\_\_  
Signature of Party

\_\_\_\_\_  
Type or print Name of Party

\_\_\_\_\_  
Address (*for the purpose of service*)

\_\_\_\_\_  
Party's Telephone Number

\_\_\_\_\_  
Date

\*\*\*\*\*  
\*\*\*\*

I certify that I have this day served notice of limited appearance on all counsel and all parties not represented by counsel.

\_\_\_\_\_  
Signature of Attorney

\_\_\_\_\_  
Type or Print Name of Attorney

\_\_\_\_\_  
Attorney's Address

\_\_\_\_\_  
Attorney's Telephone Number

\_\_\_\_\_  
BBO No.

**Commonwealth of Massachusetts  
The Trial Court  
[Name of Trial Court Department]**

\_\_\_\_\_ Division

Docket No. \_\_\_\_\_

**Notice of Withdrawal of Limited Appearance**

\_\_\_\_\_, Plaintiff/Petitioner

v.

\_\_\_\_\_, Defendant/Respondent

(On a Complaint/Petition for \_\_\_\_\_ filed \_\_\_\_\_)

Please enter my Withdrawal of Limited Appearance as attorney for \_\_\_\_\_, the Plaintiff/Petitioner/Defendant/Respondent) in the above action. I certify that I have this day served notice of this Withdrawal on all counsel and all parties not represented by counsel.

Date \_\_\_\_\_

\_\_\_\_\_  
Signature of Attorney

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Attorney's Telephone Number

\_\_\_\_\_  
BBO No.

\_\_\_\_\_  
Signature of Party

\_\_\_\_\_  
Type or Print Name of Party

\_\_\_\_\_  
Address (for the purpose of service):

\_\_\_\_\_  
Party's Telephone Number

\_\_\_\_\_  
Date