

SUPREME JUDICIAL COURT

SUFFOLK, SS.

SUPREME JUDICIAL COURT

IN RE: LIMITED REPRESENTATION PILOT PROJECT

BACKGROUND

To expand access to the Massachusetts courts, the Supreme Judicial Court has approved the implementation of a Pilot Project on Limited Assistance Representation (Project) developed by the Supreme Judicial Court Steering Committee on Self-Represented Litigants. The Project will permit attorneys to assist a pro se 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.

ORDER

The Project shall be implemented in the Hampden and Suffolk Divisions of the Probate and Family Court Department for a period of eighteen months, beginning November 1, 2006, unless otherwise ordered by the Court. The Project is open to all qualified attorneys. To become qualified, attorneys shall complete an information session developed and supervised by the Steering Committee.

Notwithstanding any provision to the contrary in any Rule of Court and Standing Order, it is hereby **ORDERED** that the following procedures shall apply with respect to the Project. With respect to all matters not addressed in this ORDER, the applicable Rule of Court and Standing Order shall govern.

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.

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., Rule 11(a), Mass.R.Dom.Rel.P., and Probate Court Rule 2, 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.

<u>MARGARET H. MARSHALL</u>)
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<u>JOHN M. GREANEY</u>)
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<u>RODERICK L. IRELAND</u>)
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)
<u>FRANCIS X. SPINA</u>)
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)
<u>JUDITH A. COWIN</u>)
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)
<u>MARTHA B. SOSMAN</u>)
)
)
<u>ROBERT J. CORDY</u>)

Justices

Commonwealth of Massachusetts
The Trial Court
Probate and Family Court Department

_____ 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 events¹ (enter date of event if known):

- Hearing on Order for Protection from Abuse, c.209A _____
- Temporary Orders Hearing _____
- Other motion _____
- Case Management Conference _____
- Pre-Trial Conference _____
- Status Conference _____
- Conciliation Session _____
- Other ADR Process session _____
- Trial _____

¹If 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.

Other _____

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 Registry of Probate for assistance in completing service to a party with an impounded address.)

To the Party: If your address and/or telephone number has been IMPOUNDED, DO NOT provide it/them below. Instead, write IMPOUNDED on the address line below.

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
Probate and Family 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.

To the Party: If your address and/or telephone number has been IMPOUNDED, DO NOT provide it/them below. Instead, write IMPOUNDED on the address line below.

Signature of Party

Type or Print Name of Party

Address (for the purpose of service):

Party's Telephone Number

Date