

**STANDING ORDER 1-10.
LIMITED ASSISTANCE REPRESENTATION
IN CIVIL MATTERS ONLY.**

I. Authority

This Standing Order is promulgated by the Chief Justice of the Boston Municipal Court Department pursuant to the provisions of G. L. c. 211B, § 10 and G. L. c. 218, § 51A, and in compliance with the Order In Re: Limited Assistance Representation issued by the Massachusetts Supreme Judicial Court effective May 1, 2009.

II. Purpose and Applicability

Limited Assistance Representation (LAR) permits an attorney, either for payment or pro bono, to assist a self-represented litigant on a limited basis without undertaking full representation of the client on all issues and events in the client's case. This Standing Order of the Boston Municipal Court Department shall establish the required protocols and procedures for the use of LAR in civil matters currently pending or filed after the effective date of this Standing Order, notwithstanding any provision to the contrary in any rule of court or other standing order.

III. Required Protocols and Procedures

A. *Qualified Attorney; Certification; Limited Assistance Representation.* As of the effective date of this Standing Order, a qualified attorney may limit the scope of his or her representation of a client in any pending or newly-filed civil matter only, provided the limitation is reasonable under the circumstances and the client has given informed consent. To become qualified, an attorney shall complete one of the information sessions on LAR approved by the Chief Justice¹, and then file a certification in the form attached to this Standing Order with the Administrative Office of the Boston Municipal Court Department, 24 New Chardon Street, 6th floor, Boston, MA 02114. If an attorney previously completed one of the approved LAR information sessions, then said attorney does not have to complete another information session, but must file a certification form with the Boston Municipal Court Department.

¹ The Chief Justice of the Boston Municipal Court Department has approved the following LAR information sessions to qualify attorneys: (1) the written and audio LAR materials compiled by the Expanding Justice Working Group, an adjunct to the Supreme Judicial Court Steering Committee on Unrepresented Litigants, currently available through Senior Partners for Justice at www.spfj.org; (2) the LAR seminars currently offered by Massachusetts Continuing Legal Education; and (3) the LAR materials being developed by the Access to Justice Initiative, Task Force on LAR and expected to be available through the Trial Court and various bar associations.

B. *Limited Appearance and Withdrawal; Documents Filed by Attorney.* 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 Standing Order. The Notice of Limited Appearance shall state precisely the court event to which the limited appearance pertains. If the limited appearance does not extend to all issues to be considered in the specified event, the Notice of Limited Appearance shall identify those discrete issues within the specified event that shall be covered by the limited appearance.

An attorney may not enter a limited appearance for the sole purpose of making evidentiary objections. A limited appearance also shall not 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 civil case. At any time, including during an event, an attorney may file a new Notice of Limited Appearance with the agreement of the client.

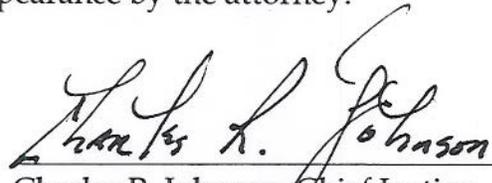
A pleading, motion or any other document filed by an attorney making a limited appearance shall comply with Rule 11(a), Mass. R. Civ. P., and/or cognate departmental rules, and shall state in bold type on the signature page of the document: **"Attorney of [party] for the limited purpose of [court event]."** 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 completion of the representation within the scope of the limited appearance, an attorney shall withdraw by filing a Notice of Withdrawal of Limited Appearance in the form attached to this Standing Order, which notice of withdrawal 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 an attorney's failure to file such notice of withdrawal.

C. *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.

D. *Assistance in Preparation of Documents; Ghostwriting.* An attorney may assist a client in preparing a pleading, motion or any 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.

Dated: March 23, 2010



Charles R. Johnson, Chief Justice

Effective Date: May 3, 2010



BOSTON MUNICIPAL COURT DEPARTMENT
TRIAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS
EDWARD W. BROOKE COURTHOUSE
24 NEW CHARDON STREET
6TH FLOOR
BOSTON, MA 02114

**Limited Assistance Representation (LAR)
Attorney Statement of Qualification**

An attorney must be deemed a “qualified attorney” in order to limit his/her representation of a client, which requires that an attorney complete an information session on Limited Assistance Representation (LAR) approved by the Chief Justice of the Trial Court Department in which the attorney seeks to represent a client on a limited basis. In Standing Order 1-10 implementing LAR in civil matters only, the Chief Justice of the Boston Municipal Court Department has approved several information sessions to qualify. Once you have completed one of these information sessions, you must complete this Statement of Qualification and send it to the address below. If you previously completed an approved LAR information session, you do not have to complete another information session, but you must submit a new Statement of Qualification to the address below. Please keep a copy of this Statement for your records.

Please type or print:

Name: _____

Address: _____

Telephone: _____ BBO # _____

Email: _____

Statement of Qualification:

- I certify that on _____, I received and reviewed the approved LAR materials from _____.
- I certify that on _____, I attended the LAR information session offered by _____.
- I certify that I previously completed approved LAR training on _____, and submit a new Statement of Qualification.

I submit this Statement of Qualification in order to participate in Limited Assistance Representation for civil matters only in the Boston Municipal Court Department.

Signature

Date

Please mail or fax this completed form to:

Administrative Attorney Lisa Yee

Administrative Office of the Boston Municipal Court Department

24 New Chardon Street, 6th floor, Boston, MA 02114

Fax Number: (617) 788-8747

3. Upon termination of the limited 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 Party's address has been IMPOUNDED. The Party's name, address and telephone 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 Office 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/Print Name of Party

Party Street Address (for purpose of service)

Party Telephone Number

City, State, Zip Code

Date

I certify that I have this day served this Notice of Limited Appearance on all counsel and all parties not represented by counsel.

Signature of Attorney

Type/Print Name of Attorney

Attorney Street Address

Attorney Telephone Number

City, State, Zip Code

Attorney BBO No.

Date

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
BOSTON MUNICIPAL COURT DEPARTMENT

_____ Division

Docket No. _____

Notice of Withdrawal of Limited Appearance

_____, Plaintiff/Petitioner

v.

_____, Defendant/Respondent

On a Complaint 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 of
Limited Appearance on all counsel and all parties not represented by counsel.

Signature of Attorney

Type/Print Name of Attorney

Attorney Street Address

Attorney Telephone Number

City, State, Zip Code

Attorney BBO No.

Date

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/Print Name of Party

Party Street Address (for purpose of service)

Party Telephone Number

City, State, Zip Code

Date