

**HOUSING COURT DEPARTMENT**  
**STANDING ORDER 1-10**  
**LIMITED ASSISTANCE REPRESENTATION**

**INTRODUCTION**

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 a full representation of the client on all issues related to the legal matter for which the attorney is engaged.

On April 10, 2009, the Supreme Judicial Court issued an Order (effective May 1, 2009) providing that 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.

**ORDER**

The Housing Court Department, with the approval of the Chief Justice for Administration and Management, hereby adopts Housing Court Standing Order No. 1-10, to implement Limited Assistance Representation.

Notwithstanding any provisions to the contrary in any Rule of Court or Standing Order, it is hereby **ORDERED** that the following procedures shall apply in the Housing Court Department with respect to Limited Assistance Representation.

1. Matters for Which an Attorney May Enter a Limited Appearance

An attorney shall be permitted to enter a limited appearance on behalf of a self-represented litigant for the purpose of representing such a litigant in connection with any civil matter pending or filed on or after the effective date of this Standing Order in any Division of the Housing Court Department.

2. 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 one of the following information sessions on Limited Assistance Representation approved by the Chief Justice of the Housing Court Department: (1) the written and audio LAR materials developed by the LAR Advisory Group of the Supreme Judicial Court Steering Committee on Self-Represented Litigants, which are currently available through Senior Partners for Justice at [www.spfj.org](http://www.spfj.org); (2) the “Building Your Practice with Limited Assistance Representation”

seminar periodically offered by Massachusetts Continuing Legal Education; (3) any LAR training and/or training materials developed and made available by the LAR Task Force of the Access to Justice Initiative. If an attorney previously completed an LAR information session approved by the Boston Municipal Court or Probate and Family Court prior to the issuance of this Standing Order, then such attorney need not complete another information session. By filing the Notice of Limited Appearance attached to this Standing Order, an attorney is certifying that he or she is qualified to appear as an LAR attorney in the Housing Court Department. An attorney participating in the Lawyer for a Day Program pursuant to Housing Court Department Standing Order 1-01 need not be an LAR qualified attorney for the sole purpose of assisting or representing a self-represented litigant in mediation.

### 3. 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 Standing 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 Standing 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.

### 4. 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.

5. 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.

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**Steven D. Pierce**  
**Chief Justice**  
**Housing Court Department**

**Effective Date :      November 1, 2010**

**Dated :                      August 30, 2010**

**Commonwealth of Massachusetts  
The Trial Court  
Housing 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 events<sup>1, 2</sup> (enter date of event if known):

- |                          |    |   |       |
|--------------------------|----|---|-------|
| <input type="checkbox"/> | a. | Motion to dismiss   | _____ |
| <input type="checkbox"/> | b. | Motion for summary judgment   | _____ |
| <input type="checkbox"/> | c. | Motion to vacate default judgment   | _____ |
| <input type="checkbox"/> | d. | Motion to issue execution   | _____ |
| <input type="checkbox"/> | e. | Motion to file late answer and discovery  | _____ |
| <input type="checkbox"/> | f. | Motion for stay or continuance  | _____ |
| <input type="checkbox"/> | g. | Motion for stay or continuance in proceedings in connection with referral of litigant to the Tenancy Preservation Project | _____ |
| <input type="checkbox"/> | h. | Motion to compel discovery  | _____ |
| <input type="checkbox"/> | i. | Motion for new trial  | _____ |
| <input type="checkbox"/> | j. | Motion to waive appeal bond   | _____ |
| <input type="checkbox"/> | k. | Motion for injunction or order to repair  | _____ |
| <input type="checkbox"/> | l. | Motion for injunction or order to enjoin interference with quiet enjoyment  | _____ |
| <input type="checkbox"/> | m. | Mediation   | _____ |
| <input type="checkbox"/> | n. | Trial   | _____ |
| <input type="checkbox"/> | o. | Other _____   | _____ |

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<sup>1</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>2</sup>If a Notice of Withdrawal of Limited Appearance is filed prior to the completion of all court events covered by the appearance, a new Notice of Limited Appearance must be filed for the remaining events.

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 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

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I certify that I have this day served notice of limited appearance on all counsel and all parties not represented by counsel. I further certify that I am in compliance with the requirements of Housing Court Department Standing Order 1-10 and qualified to utilize Limited Assistance Representation in the Housing Court Department.

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

\_\_\_\_\_  
Type or print Name of Attorney

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

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

\_\_\_\_\_  
Date

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

