

LAND COURT DEPARTMENT
STANDING ORDER 1-12
LIMITED ASSISTANCE REPRESENTATION

INTRODUCTION

Limited Assistance Representation (LAR) permits an attorney, either for payment or not (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 of the Trial Court, may prescribe.

ORDER

The Land Court Department, with the approval of the Chief Justice of the Trial Court, hereby adopts Land Court Standing Order No. 1-12, 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 Land Court Department with respect to Limited Assistance Representation. In addition, the judge in an individual case may enter further orders with respect to Limited Assistance Representation to the extent necessary to further the goals of this Order and access to and the administration of justice.

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

A qualified 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 matter pending or filed in the Land Court Department on or after the effective date of this Standing Order.

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 Land 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; (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, District Court, Housing 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 Land Court Department.

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. An attorney may not enter a limited appearance for the sole purpose of making evidentiary objections. A limited appearance 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 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), Massachusetts Rules of Civil Procedure, and/or cognate Land Court 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 promptly 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, telephone number, and email address, 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. Unless and until a Notice of Withdrawal of Limited Appearance is filed, the attorney shall be treated as appearing for the party, notwithstanding whether the court event for which the attorney filed the Notice of Limited Appearance has been concluded. An attorney who fails to file a Notice of Withdrawal of Limited Appearance promptly upon completion of the court event for which the attorney filed the Notice of Limited Appearance will be deemed to have entered a general appearance. In addition, 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, brief 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, brief or other document prepared by the attorney. The attorney is not required to sign the pleading, motion, brief or document, and the filing of such pleading, motion, brief or document shall not constitute an appearance by the attorney. The client remains responsible to the court and other parties for all statements in any pleading, motion, brief or other document prepared but not signed by an attorney.

6. Notice of Availability of LAR

The plaintiff in any action shall serve a copy of the "Limited Assistance Representation (LAR) Information Sheet" upon all defendants at the same time as service of the summons, complaint, and civil cover sheet is made. The "Limited Assistance Representation (LAR) Information Sheet" is available at the Land Court website or from the clerk's office. Plaintiff or plaintiff's counsel shall certify to the Court that the "Limited Assistance Representation (LAR) Information Sheet" has been served.

Karyn F. Scheier
Chief Justice
Land Court Department

Effective Date : January 2, 2013

Dated : October 9, 2012

**Commonwealth of Massachusetts
The Trial Court
Land Court Department**

_____, ss

Case No. _____

Notice of Limited Appearance

_____, Plaintiff

v.

_____, Defendant

(On a Complaint/Petition for _____ filed _____)

1. The Attorney, _____, and the Plaintiff/Defendant,

_____,

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^{1, 2} (enter date of event if known):

- | | | | |
|--------------------------|----|------------------------------------|-------|
| <input type="checkbox"/> | a. | Answer and counterclaim | _____ |
| <input type="checkbox"/> | b. | Case management conference | _____ |
| <input type="checkbox"/> | c. | Motion for lis pendens | _____ |
| <input type="checkbox"/> | d. | Motion for preliminary injunction | _____ |
| <input type="checkbox"/> | e. | Motion to dismiss | _____ |
| <input type="checkbox"/> | f. | Motion to consolidate | _____ |
| <input type="checkbox"/> | g. | Preparation of discovery requests | _____ |
| <input type="checkbox"/> | h. | Preparation of discovery responses | _____ |
| <input type="checkbox"/> | i. | Attendance at depositions | _____ |
| <input type="checkbox"/> | j. | Motion to compel discovery | _____ |
| <input type="checkbox"/> | k. | Motion for summary judgment | _____ |
| <input type="checkbox"/> | l. | Status conference | _____ |
| <input type="checkbox"/> | m. | Pretrial conference | _____ |
| <input type="checkbox"/> | n. | ADR screening | _____ |
| <input type="checkbox"/> | o. | Trial | _____ |
| <input type="checkbox"/> | p. | 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.

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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.

2 ²If 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.

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. In addition, for those court events described in paragraph 2 above **and** for all other matters, the party must be served directly, except in cases when the address has been IMPOUNDED. The party’s name, address, phone number, and email address 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 Recorder’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

Party’s Email Address

I certify that I have this day served notice of limited appearance on all counsel and all parties not represented by counsel, including my client. I further certify that I am in compliance with the requirements of Land Court Department Standing Order 1-12 and qualified to provide Limited Assistance Representation in the Land Court Department.

Signature of Attorney

Type or print Name of Attorney

Attorney’s Address

Attorney’s Telephone Number

Date

Attorney’s Email Address

BBO No.

**Commonwealth of Massachusetts
The Trial Court
Land Court Department**

_____, ss

Case No. _____

Notice of Withdrawal of Limited Appearance

_____, Plaintiff

v.

_____, Defendant

(On a Complaint/Petition for _____ filed _____)

Please enter my Withdrawal of Limited Appearance as attorney for _____, the Plaintiff/Defendant) 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.

Attorney's Email 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

Party's Email Address