



# ILLINOIS JUDICIAL BRANCH

## Bench Card: Limited Scope Representation

A self-represented litigant may proceed with the partial assistance (“limited scope representation”) of a lawyer in some matters. For example, a self-represented litigant may be coached by a lawyer outside of court, may rely on pleadings prepared by a lawyer, or may be represented by a lawyer in court for only a discrete portion of the case. Illinois Supreme Court Rules permit limited scope representation in civil proceedings at the trial court level.

### General Authority for Limited Scope Representation

#### Ethics of Limited Scope

##### Illinois Rule of Professional Conduct 1.2(c)

“A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.”

#### Limited Scope Appearances

##### Illinois Supreme Court Rule 13(c)

- ❖ **Filing a Limited Scope Appearance.** Rule 13(c)(6) allows lawyers to make a limited scope appearance on behalf of a litigant in civil proceedings.
  - ✓ There must be a written representation agreement between the litigant and lawyer.
  - ✓ The lawyer must file a Notice of Limited Scope Appearance in the form prescribed in the rule. (Notice is available as a standardized form.)
  - ✓ The Notice must specify the aspects of the proceeding to which the appearance pertains.
  - ✓ A lawyer may make more than one Limited Scope Appearance during the course of a proceeding.
- ❖ **Ending a Limited Scope Appearance.** There are two ways a limited scope appearance may end under Rule 13(c)(7):
  - ✓ The lawyer can make an oral motion for withdrawal without notice if the client is present in court at that time.
  - ✓ The lawyer can file a Notice of Withdrawal of Limited Scope Appearance and serve it on the represented party as well as the court and other parties. In the absence of a timely objection (filed within 21 days of service), the appearance automatically terminates without a court order.
- ❖ **Objecting to Withdrawal** of a Limited Scope Appearance. Rule 13(c)(7) allows a litigant to object to withdrawal only by alleging the lawyer has not completed the representation specified in the Notice of Limited Scope Appearance.
  - ✓ If the represented party objects to the proposed withdrawal, SCR 13(c)(7) requires an evidentiary hearing on the issue of whether the specified representation has been completed.
  - ✓ Following the hearing, SCR 13(c)(7) requires the court to allow the lawyer to withdraw unless it expressly finds that the lawyer has not completed the limited scope representation.

#### Document Preparation Assistance Illinois Supreme Court Rule 137(e)

A lawyer may assist in drafting or reviewing documents that will be filed by a party on a self-represented basis.

- ✓ The lawyer is not required to file an appearance (general or limited scope).
- ✓ The pleading, motion or other paper is to be signed by the party, not the lawyer providing assistance.
- ✓ The rule does not require the lawyer’s involvement in preparing a document to be noted.

## Service Requirements

### Illinois Supreme Court Rule 11(f)

SCR 11(f) requires that documents must be served on both a lawyer who has filed a Notice of Limited Scope Appearances and the party represented pursuant to the appearance until the appearance is withdrawn or terminates pursuant to SCR 13(c).

### Managing Limited Scope in the Courtroom

The **Comments to Rule 13** address several practical issues related to limited scope appearances:

- ❖ The rule does not limit the number of Limited Scope Appearances that can be filed in a given matter.
- ❖ There is no restriction on the purpose of a Limited Scope Appearance.
- ❖ Lawyers are encouraged to seek withdrawal via oral motion (with litigant present) to ensure the withdrawal is timely and that the court is aware of it.
- ❖ The rule does not restrict the court's ability to manage cases or respond to abuses of limited scope representation.
- ❖ The comments caution against refusing to permit a lawyer's withdrawal or encouraging a lawyer to remain in a case. Such practices may discourage a lawyer from undertaking limited representation in the future.

## Standardized Forms

The Supreme Court Access to Justice Commission has produced three statewide forms that must be accepted for use in connection with limited scope appearances: Notice of Limited Scope Appearance, Notice of Withdrawal of Limited Scope Appearance, and Objection to Withdrawal of Limited Scope Appearance. All three are available from the Illinois Courts website through this link: [http://illinoiscourts.gov/Forms/approved/procedures/limited\\_scope.asp](http://illinoiscourts.gov/Forms/approved/procedures/limited_scope.asp)

### Limited Scope Appearance Form

The Limited Scope Appearance should reflect the limitations agreed to by the lawyer and the party and should be signed by both.

- ✓ The lawyer should file a new Limited Scope Appearance if the lawyer seeks to appear in a proceeding not specified in the original appearance.
- ✓ The limitations specified in the notice should be consistent with the scope of representation described in the representation agreement required under SCR 13(c).
- ✓ The key issue in hearing an objection to a lawyer's notice to withdraw is whether the lawyer has completed the representation as specified in section 3 of the Notice of Limited Scope Appearance (see below).

3. The attorney appears pursuant to Supreme Court Rule 13(c)(6). This appearance is limited in scope to the following matter(s) in which the attorney will represent the Party (*check and complete all that apply*):

- in the court proceeding (*identify*) \_\_\_\_\_ on the following date: \_\_\_\_\_
- and in any continuance of that proceeding
- at the trial on the following date: \_\_\_\_\_
- and in any continuance of that trial
- and until judgment
- at the following deposition(s): \_\_\_\_\_
- if a family law matter, specify the scope and limits of representation: \_\_\_\_\_
- Other (*specify the scope and limits of representation*): \_\_\_\_\_

4. If this appearance does not extend to all matters to be considered at the proceeding(s) above, identify the discrete issues within each proceeding covered by this appearance: \_\_\_\_\_