

Limited Scope Representation

A New Option for Virginia Practitioners

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I. Introduction.

On October 31, 2018, the Supreme Court of Virginia promulgated an amendment to Rule 1:5 of the Rules of the Supreme Court of Virginia, effective January 1, 2019, creating a pilot program for “limited scope appearances.” This pilot program will run through the end of 2021, unless otherwise ordered by the court.

In a nutshell, the rule change permits lawyers, under certain circumstances, to appear in a case for a single matter, hearing or issue - not the entire case - without the necessity of obtaining leave of court to withdraw once that appearance has been completed.

II. Background – the Concept of “Unbundling Legal Services”

A. The broad concept of “unbundling” the provision of legal services has been under discussion across the country and in Virginia for over two decades.

1. Since the 1990’s, the concept has been promoted as a means of allowing greater access to legal services to a public that increasingly cannot afford counsel. This is an progressively pressing need in our courts, one that threatens to undermine the very legitimacy of our system of civil justice.
 - a. A recent study by the National Center for State Courts (NCSC) revealed that in non-family law civil cases across America, both litigants in a case are represented by counsel in only 24% of the cases. In 68% of the cases, only the plaintiff has representation, to the likely detriment of the unrepresented defendant. This represents a dramatic increase in the number of unrepresented litigants over the last 25 years.
 - b. The NCSC conducted a study of self-represented litigants in Virginia’s courts in 2017 and found:

- i. Neither party had representation in 87% of the cases in Virginia's J&DR District Courts in 2016;
- ii. Both parties were represented in only 2% of cases in Virginia' general district courts in 2016; only the plaintiffs were represented in 54% of cases; and neither party was represented in 43% of the cases.
- iii. Only 38% of circuit court cases had counsel representing both parties. Only the plaintiffs were represented in 42% of the circuit court cases, while neither party had counsel in 14% of the circuit court cases. (It should be noted that many of the cases where only the plaintiff had counsel were undoubtedly uncontested matters (e.g., no fault divorces) where there was likely no adverse impact on the defendant resulting from the lack of representation.)

B. The concept of “unbundling” can be broken down into **3 components**:

1. **Providing advice** (including legal research) to a client on how she can represent herself in court;
2. **Assisting a client in preparing pleadings, discovery responses and other documents for litigation** without becoming counsel of record, sometimes called “ghost-writing”; and
3. **Making limited appearances in the litigation** for purposes of addressing one particular issue or one stage of litigation without the need to seek the court's leave to withdraw at the conclusion of that limited appearance.

C. **Advising the Client without Appearing as Counsel of Record.** The first component, *viz.*, providing unbundled advice to a client on how to proceed in court without a lawyer, is now commonplace in Virginia. The language of Rule 1.2 of the Rules of Professional Conduct, at least since 2000 has been broad enough to allow for this degree of unbundling when it provides that “[a] lawyer may limit the objectives of the representation if the client consents after consultation.”

1. In the legal aid world where I have practiced for the last 38 years, this approach has been an integral part of our delivery of services to clients. Our pro bono hotlines are built around this model.

D. Document Drafting/Ghostwriting. The second component of unbundling, “ghost-writing,” is now similarly permitted in state courts. With the promulgation of LEO 1874 in 2014, the ethical constraints on ghostwriting have been removed, allowing attorneys to assist clients in preparing pleadings, discovery responses, and other court documents so that they can more effectively present their cases to the court, without appearing as counsel of record.

E. Limited Scope Appearances. It is this third component of unbundling that the Supreme Court of Virginia has now allowed, on a limited basis for a limited time, as a pilot program.

III. A History of the Proposal for Limited Scope Appearances in Virginia.

A. The Lacy Commission. In 2002, the Supreme Court of Virginia’s *Pro Se Litigation Planning Committee*, chaired by Justice Elizabeth Lacy, studied the rise of unrepresented litigants in Virginia’s courts. In its report, “Self-Represented Litigants in the Virginia Court System, Enhancing Access to Justice,” the Committee recommended, among other things, that the Virginia State Bar explore the feasibility of delivering legal services through limited scope representation.

1. At the time of the Lacy report, only 4 states allowed such limited appearances.
2. This particular recommendation was not pursued by the VBS at the time, in order to “give the concept of unbundled representation an opportunity to evolve in Virginia in a measured way.”

B. Virginia Access to Justice Commission. In 2016 the newly created Virginia Access to Justice Commission reviewed the recommendations of the Lacy Report and renewed the call for limited scope appearances as a key tool toward expanding access to justice by legal aid and pro bono attorneys.

1. In the intervening years since the Lacy Report, another 28 states plus the District of Columbia have enacted rules, orders, or statutes explicitly authorizing limited scope representation, with more states doing so every year.

2. In July 2017 the Virginia Access to Justice Commission submitted a proposal to the Supreme Court of Virginia to amend Rule 1:15 of the Rules of the Supreme Court of Virginia to allow for limited scope appearances by any attorney in any civil case.
3. The Commission urged the Court to approve limited scope appearance on “Access to Justice” grounds:

“Particularly in the context of family law and divorces, legal aid (and pro bono) attorneys face a predicament where their case acceptance policies might suggest taking a case involving support, yet provide that they should avoid accepting equitable distribution cases because of the major commitment of resources these entail. If a pro bono attorney could make a limited appearance to obtain pendente lite spousal support, for example, she might be able to stabilize the client financially, allowing her thereafter to retain private counsel to litigate the equitable distribution issues. Under the current court rules, the choice is all or nothing, a difficult dilemma for legal aid societies and their clients. It is virtually impossible to refer a contested divorce with issues of custody, support, and equitable distribution of a modest home and retirement accounts, along with the family’s debts, to a pro bono attorney. It is difficult to refer a hotly contested custody case to a pro bono attorney, because the pro bono attorney fears she will be involved in the litigation until the child becomes an adult. But if a legal aid program could refer a single hearing, or a single issue, to a pro bono attorney – that would be a very different story.

While the trial court might understandably prefer an attorney to be involved throughout the litigation, wouldn’t it be better to at least have an attorney there for one important hearing or issue, rather than not at all? Providing full representation of low-income parties who cannot afford to hire an attorney would be ideal. But when legal aid programs are faced with overwhelming demand and limited resources, the choice of all or nothing – all in, or not in at all – presents a frustrating quandary. Take this case and turn down the next ten clients? Or turn down this case with the near certain knowledge that the client will lose, not on the merits, but for lack of a lawyer.”

4. The proposal was referred by the Court to its Advisory Committee on Rules of Court for consideration. Ultimately, after a number of public comment periods, that committee proposed a somewhat more narrow rule amendment, for a three year trial period. It was this version that was substantially adopted by the Court on October 31, 2018 in the newly revised Rule 1:15.

IV. The Rule as Adopted by the Supreme Court of Virginia

A. The Revisions to Rule 1:5. The amendment to Rule 1:5 added a new subpart f to the existing rule, while amending subpart d to provide that subpart f provides an alternative means of withdrawing from a case.

B. Legal Aid and *Pro bono* Attorneys. The Court and its Advisory Committee on Rules of Court apparently found the “Access to Justice” argument persuasive, enough so to provide that legal aid attorneys, and *pro bono* attorneys handling cases referred from a legal aid program, have an automatic right to make a limited scope appearance, while other attorneys may seek the court’s permission to make a limited scope appearance.

1. Under new subpart f(1), the amended rule allows in any civil proceeding an attorney who is either employed by a “qualified legal services provider” or an attorney acting *pro bono* on a direct referral from a qualified legal services provider, to file and serve on all parties a “notice of limited-scope appearance.”
2. Under new subpart f(2), the amended rule allows any other attorney (that is, not a legal aid or *pro bono* attorney) in a civil case to seek leave of court to make a limited scope appearance.

C. Notice of Limited Scope Appearance. Elements include:

1. Provide evidence that the attorney is either:
 - a. employed by a qualified legal services provider, as that is defined in Section IV, Paragraph 3(e) of the Rules for Integration of the Virginia State Bar, Part Six of the Rules of Court (hereafter "QLSP"), or
 - b. acting *pro bono* on a direct referral from a QLSP;
2. State that the attorney and the party have a written agreement that the attorney will make a limited scope appearance in such action; and

3. Specify the matters, hearings, or issues on which the attorney will appear for the party.
4. Note: An attorney seeking to make a limited scope appearance who is not a legal aid or pro bono attorney would not file this notice; instead, that attorney would file a motion for leave to make a limited scope appearance. The rule does not provide any particular criteria for the court to weigh in considering whether to grant such a motion.

D. Service of Papers After Notice. Subpart (f)3 provides that service of all papers after the filing of a Notice of Limited Scope Appearance shall be made upon both the attorney making the limited scope appearance AND the party on whose behalf the appearance is made.

E. Completion or Termination of Limited Scope Appearance. The amended rule envisions two alternative means of ending a limited scope appearance in subpart (f)4:

1. **Notice of Completion of Limited Scope Appearance.** This method is the way of terminating the limited scope appearance if the client agrees that the attorney has completed all obligations under the limited scope appearance agreement and endorses the Notice of Completion.
2. **Motion for Termination of Limited Scope Appearance.** This method is the way of terminating the limited scope appearance if the client cannot or will not endorse a Notice of Completion and/or disagrees that the attorney has completed all obligations under the limited scope appearance agreement.
 - a. The attorney must provide at least 7 days' notice before seeking an order terminating the appearance, to allow the client to file an objection.
 - b. If no objection is filed, presumably the court should grant the motion.
 - c. If an objection is filed by the client, the court may hold a hearing to determine whether the attorney's obligations under the Notice of Limited Scope Appearance have been met.

F. Replacement Counsel or the Party Acting Pro Se following completion or termination of Limited Scope Appearance.

The amended rule provides that whether the limited scope appearance is terminated by a Notice of Completion or by an Order Permitting Termination of Limited Scope Representation, either such paper shall state the address and telephone number of the party on whose behalf the limited appearance had been made for use in subsequent mailings or service of papers and notices, said party being deemed self-represented and thereby counsel of record thereafter.

G. Pilot Project. The Court approved the Limited Scope Appearance proposal, effective January 1, 2019, as a 3-year pilot project, to remain in effect only until December 31, 2021, unless ended, modified or extended, by the Court.

H. Model Pleadings. In the Appendix are model pleadings for legal aid and pro bono attorneys seeking to make limited scope appearances under the amended rule. There are two versions of each pleading; one for a legal aid attorney, the other for a pro bono attorney. These model pleadings were developed by a committee of legal aid lawyers in an effort to promote the use of limited scope appearances. These pleadings could certainly be adapted for other attorneys wishing to seek leave of court to make a limited scope appearance. In that situation, you would need to substitute a Motion for Leave to Make a Limited Scope Appearance for the Notice of Limited Scope Appearance. Once such leave is granted, the other pleadings could be used more or less as drafted.

V. Making the Most of this New Flexibility.

A. A Brave New World. While this is a brave new world for Virginia practitioners, we can look to other states where they've had limited scope appearances as an option for years, for ideas of how to integrate this into our practices. In the Appendix to this outline, we've included a list of resources from other states that provide a wealth of information.

B. Private Practice. In states where they've had this option for decades, some practitioners have designed their entire practice to providing unbundled services, a la carte – particularly in family law. In Alaska, for instance, there is now a Unbundled Section of the bar. In this way, they are exploring new approaches to providing legal services in strategic and affordable ways for modest means populations who cannot afford full representation.

1. Here are some of the a la carte, discrete legal services that might be provided in an unbundled practice (from a list from the Alaska Unbundled Law Section):

- Legal advice: office visits, telephone calls, fax, mail, e-mail
- Advice about availability of alternative means to resolving the dispute, including mediation and arbitration.
- Evaluation of clients' self-diagnosis of the case and advising client about legal rights.
- Guidance and procedural information for filing or serving documents.
- Reviewing correspondence and court documents.
- Preparing and/or suggesting documents to be prepared.
- Factual investigation: contacting witnesses, public record searches, in-depth interview of client.
- Legal research and analysis.
- Discovery: interrogatories, depositions, requests for document production.
- Planning for negotiations, including simulated role playing with client.
- Planning for court appearances made by client, including simulated role playing with client.
- Backup and trouble-shooting during the trial.
- Referring client to other counsel and to other experts.
- Counseling client about possible appeal.
- Procedural assistance with appeal and assisting with substantive legal argumentation in appeal.

C. Access to Justice. Clearly the impetus for the Court's adoption of the Limited Scope Representation proposal was to desire to facilitate greater access to justice. There is no area of law where legal representation is more in demand in our legal aid offices than family law.

- a. Many family law practitioners have been reluctant to take family law cases on a pro bono basis, for fear of an open-ended, never-ending case.
- b. With limited scope appearances under this rule – especially designed for pro bono attorneys – you no longer have to worry about a pro bono case that never ends. You can commit to represent a pro bono client on a specific issue or hearing, and be assured that your representation will end once you've completed your work on that issue or hearing.

Appendix

1. Rule 1:5 as amended October 31, 2018, effective January 1, 2019
2. Model Pleadings
 - a. Limited scope representation agreement addendum – legal aid
 - b. Limited scope representation agreement addendum – pro bono
 - c. Notice of LS Appearance -legal aid
 - d. Notice of LS Appearance – pro bono
 - e. Notice of Completion of LSA- legal aid
 - f. Notice of Completion of LSA – pro bono
 - g. Motion to Terminate LSA – legal aid
 - h. Motion to Terminate LSA – pro bono
 - i. Order Terminating LSA – legal aid
 - j. Order Terminating LSA – pro bono
3. List of Resources on Limited Scope Representation

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Wednesday, the 31st day of October, 2018.

It is ordered that the Rules heretofore adopted and promulgated by this Court and now in effect be and they hereby are amended to become effective January 1, 2019.

Amend Rule 1:5 as follows:

Rule 1:5. Counsel and Parties Appearing Without Counsel.

* * *

(d)(1) Counsel of record shall not withdraw from or terminate appearances in a case except (i) by leave of court after notice to the client of the time and place of a motion for leave to withdraw, or (ii) pursuant to the provisions in subpart (f)(4) of this Rule.

(2) Any order permitting withdrawal shall state the name, Virginia State Bar number, office address and telephone number of the attorney or law firm being substituted as counsel of record for the party, along with any electronic mail (email) address and any facsimile number regularly used for business purposes by such counsel; or

(3) if replacement counsel is not being designated at the time of withdrawal by an attorney or law firm, the order permitting withdrawal shall state the address and telephone number of the formerly represented party for use in subsequent mailings or service of papers and notices, and the pro se party shall be deemed counsel of record.

* * *

(f) *Limited Scope Appearance; Notice; Service; Completion or Termination of Appearance.* — (1) Notice of Limited Scope Appearance by a Qualified Legal Services Provider. In any civil court proceeding an attorney may file and serve on all parties a notice of limited-scope appearance: (A) providing evidence that the attorney is (i) employed by a qualified legal services provider, as that is defined in Section IV, Paragraph 3(e) of the Rules for Integration of the Virginia State Bar, Part Six of the Rules of Court (hereafter “QLSP”), or (ii) acting pro bono on a direct referral from a QLSP; (B) stating that the attorney and the party have a written agreement

that the attorney will make a limited scope appearance in such action; and (C) specifying the matters, hearings, or issues on which the attorney will appear for the party.

(2) Limited Scope Appearance by Leave of Court. Any attorney not proceeding under subpart (f)(1) of this Rule may seek leave of court to make a limited scope appearance in any civil case. If such leave is granted, the appearance shall be governed by the notice requirements of subparts (f)(1)(B) and (C) of this Rule, the service and unrepresented party provisions of subpart (f)(3), and the completion or termination provisions of subpart (f)(4).

(3) Service of Papers After Notice. Service of all papers after the filing of a notice of limited scope appearance as provided in this Rule shall be made upon both the attorney making such limited scope appearance and the party on whose behalf the appearance is made, who shall be considered an unrepresented party.

(4) Completion or Termination of Limited Scope Appearance. (A) *Notice of Completion of Limited Scope Appearance.* — An attorney who has completed the obligations identified in a notice of limited scope appearance shall file a notice of completion of limited scope appearance, providing at least seven (7) days' notice to the party on whose behalf the attorney appeared. The notice shall be accompanied by a declaration by the attorney that counsel's obligations under the limited scope appearance agreement have been satisfied, and shall be (i) endorsed by the party on whose behalf the limited scope appearance was made, and (ii) served on all counsel and any unrepresented parties. Upon the filing of the notice of completion of limited scope appearance, the attorney shall be deemed to have ceased appearances in the matter. (B) *Termination of Limited Scope Appearance.* — If the party on whose behalf the limited scope appearance was made cannot or will not endorse the notice of completion of limited scope appearance, the attorney may file a motion to terminate the limited scope appearance, serve it on all parties, and afford seven days for objection. If an objection is filed, the court may hold a hearing to determine whether the attorney's obligations under the notice of limited scope appearance have been met. If the court finds that the attorney's obligations under the notice of limited scope appearance have been met, it shall grant the motion to terminate the limited scope appearance. (C) *Replacement Counsel or the Party Acting Pro Se.* — If replacement counsel is not being designated at the time of the attorney's completion of

limited scope appearance, the notice of completion of limited scope appearance or order permitting termination of limited scope appearance shall state the address and telephone number of the party on whose behalf the limited appearance was made for use in subsequent mailings or service of papers and notices, and said party shall be deemed self-represented.

(5) Pilot Project. The provisions of this subpart (f) shall remain in effect until December 31, 2021, unless by Order of the Supreme Court operation of these provisions is ended, modified, or extended; except that any limited scope appearance commenced prior to December 31, 2021, shall be completed in accordance with these provisions.

(6) Local Counsel or Covering Docket Calls. Nothing in this subpart (f) shall apply where a party is represented for all purposes by counsel of record and another attorney appears in lieu of counsel of record for a particular proceeding or docket call.

**LIMITED SCOPE APPEARANCE
REPRESENTATION AGREEMENT ADDENDUM**

(Pursuant to Rule 1:5(f) of the Rules of the Supreme Court of Virginia)

Legal Aid and _____ (print Client name) agree to supplement their representation agreement as follows:

Legal Aid will make a Limited Scope Appearance for the following legal matters, hearings, or issues:

This Limited Scope Appearance does not cover any other legal matter or an appeal of this case. If you need additional help with a different legal matter, you must fill out a new application.

**Legal Aid's Limited Scope Appearance is solely for
the limited legal matters, hearings, or issues described above.**

Notice of Completion of Limited Scope Appearance. — Once this Limited Scope Appearance is completed, a Notice of Completion will be filed with the Court. You will be provided at least seven (7) days' notice of this filing and you will be requested to sign this Notice. Once this Notice is filed, Legal Aid shall be deemed to have ceased appearances in the matter.

Termination of Limited Scope Appearance. — If you cannot or will not endorse the Notice of Completion of Limited Scope Appearance, Legal Aid may file a Motion to Terminate the Limited Scope Appearance, serve it on all parties, and afford seven (7) days for objection. If an objection is filed, the court may hold a hearing to determine whether the attorney's obligations under the Notice of Limited Scope Appearance have been met. If the court finds that the attorney's obligations under the Notice of Limited Scope Appearance have been met, it shall grant the Motion to Terminate the Limited Scope Appearance.

Client verifies by signing her/his initials here that she/he has been informed of the risks and consequences of "Limited Scope Appearance" by Legal Aid, that Client agrees to the limits of assistance that will be provided by Legal Aid as described above, and that Client is consenting to such limited representation.

Client also understands and agrees that Legal Aid must disclose the scope of the limited appearance to the court, which might require this Agreement Addendum to be filed with the court.

Client's initials: _____

Sign below if you agree with the following statement:

I have read and understood this agreement. I have received a copy of this Agreement Addendum.

Legal Aid Casehandler

Date

Client

Date

**LIMITED SCOPE APPEARANCE
PRO BONO REPRESENTATION AGREEMENT ADDENDUM**

(Pursuant to Rule 1:5(f) of the Rules of the Supreme Court of Virginia)

This document is an addendum to Pro Bono Representation Agreement entered into on _____ between _____ (enter client's name) and _____ (enter pro bono attorney/firm's name), hereinafter referred to as "Pro Bono Counsel".

The above counsel will make a Limited Scope Appearance for the following legal matters, hearings, or issues:

This Limited Scope Appearance does not cover any other legal matter or an appeal of this case.

**Pro Bono Counsel's Limited Scope Appearance is solely for
the limited legal matters, hearings, or issues described above.**

Notice of Completion of Limited Scope Appearance. — Once this Limited Scope Appearance is completed, a Notice of Completion will be filed with the Court. You will be provided at least seven (7) days' notice of this filing and you will be requested to sign this Notice. Once this Notice is filed, this firm shall be deemed to have ceased appearances in the matter.

Termination of Limited Scope Appearance. — If you cannot or will not endorse the Notice of Completion of Limited Scope Appearance, this office may file a Motion to Terminate the Limited Scope Appearance, serve it on all parties, and afford seven (7) days for objection. If an objection is filed, the court may hold a hearing to determine whether the attorney's obligations under the Notice of Limited Scope Appearance have been met. If the court finds that the attorney's obligations under the Notice of Limited Scope Appearance have been met, it shall grant the Motion to Terminate the Limited Scope Appearance.

Client verifies by signing her/his initials here that she/he has been informed of the risks and consequences of "Limited Scope Appearance" by Pro Bono Counsel, that Client agrees to the limits of assistance that will be provided by Pro Bono Counsel as described above, and that Client is consenting to such limited representation. **Client also understands and agrees that Pro Bono Counsel must disclose the scope of the limited appearance to the court, which might require this Agreement Addendum to be filed with the court.**

Client's initials: _____

Sign below if you agree with the following statement:

I have read and understood this agreement. I have received a copy of this Agreement Addendum.

Pro Bono Counsel

Date

Client

Date

VIRGINIA:

IN THE _____ COURT FOR THE [CITY] [COUNTY] OF _____

_____)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Civil Action No. _____
)	
_____)	
)	
<i>Defendant.</i>)	
)	

NOTICE OF LIMITED SCOPE APPEARANCE

COMES NOW ON THIS ___ day of _____, 20___, the undersigned attorney and enters a Notice of Limited Appearance for [Plaintiff/Defendant], _____, pursuant to Rule 1:5(f)(1).

1. Pursuant to Rule 1:5(f)(1)(A) counsel certifies that (he/she) is employed by [QLSP], a qualified legal services provider as defined in Section IV, Paragraph 3(e) of the Rules for Integration of the Virginia State Bar, Part Six of the Rules of Court.
2. Undersigned counsel and the [Plaintiff/Defendant] have executed a written agreement that the attorney will make a limited scope appearance in such action.
3. The undersigned attorney’s appearance in this case shall be limited in scope to the following: [specify the matters, hearings or issues on which the attorney will appear for the party]
4. Service of Papers shall be performed as provided in Rule 1:5(f)(3): “[s]ervice of

all papers after the filing of a notice of limited scope appearance as provided in this Rule shall be made upon both the undersigned attorney and the party on whose behalf the appearance is made, who shall be considered an unrepresented party.” Service on the party on whose behalf this limited scope appearance should be at the following:

- a. [Plaintiff’s/Defendant’s represented by limited scope address]
5. Undersigned attorney’s representation of [Petitioner/Respondent] will terminate after undersigned attorney files a “Notice of Completion of Limited Scope Appearance” in accordance with Rule 1:5(f)(4)(A)

Respectfully submitted by,

[Counsel's name] [VSB number]
[Firm/Org.]
[Address]
[City, State, and Zip Code]
[Telephone number]
[E-mail address]
[Fax number]
Counsel for _____

CERTIFICATE OF SERVICE

I certify that pursuant to the provisions of Rule 1:12 of the Rules of the Supreme Court of Virginia I [mailed] [faxed] [delivered] a true copy of the foregoing notice, this ____ day of _____ 20__, to [Plaintiff / Defendant, i.e. Client] and [mailed] [faxed] [delivered] a copy to all counsel of record herein accordingly:

[Insert service address for Plaintiff or Defendant, i.e. Client, and all counsel of record]

[Counsel's name]
Counsel for _____

VIRGINIA:

IN THE _____ COURT FOR THE [CITY] [COUNTY] OF _____

_____)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Civil Action No. _____
)	
_____)	
)	
<i>Defendant.</i>)	
)	

NOTICE OF LIMITED SCOPE APPEARANCE

COMES NOW ON THIS ___ day of _____, 20___, the undersigned attorney and enters a Notice of Limited Appearance for [Plaintiff/Defendant], _____, pursuant to Rule 1:5(f)(1).

1. Pursuant to Rule 1:5(f)(1)(A)(ii) counsel certifies that (he/she) is acting pro bono on a direct referral from [QLSP], a qualified legal services provider as defined in Section IV, Paragraph 3(e) of the Rules for Integration of the Virginia State Bar, Part Six of the Rules of Court.
2. Undersigned counsel and the [Plaintiff/Defendant] have executed a written agreement that the attorney will make a limited scope appearance in such action.
3. The undersigned attorney’s appearance in this case shall be limited in scope to the following: [specify the matters, hearings or issues on which the attorney will appear for the party]
4. Service of Papers shall be performed as provided in Rule 1:5(f)(3): “[s]ervice of

all papers after the filing of a notice of limited scope appearance as provided in this Rule shall be made upon both the undersigned attorney and the party on whose behalf the appearance is made, who shall be considered an unrepresented party.” Service on the party on whose behalf this limited scope appearance should be at the following:

- a. [Plaintiff’s/Defendant’s represented by limited scope address]
5. Undersigned attorney’s representation of [Petitioner/Respondent] will terminate after undersigned attorney files a “Notice of Completion of Limited Scope Appearance” in accordance with Rule 1:5(f)(4)(A)

Respectfully submitted by,

[Counsel's name] [VSB number]
[Firm/Org.]
[Address]
[City, State, and Zip Code]
[Telephone number]
[E-mail address]
[Fax number]
Pro Bono Counsel for _____
Direct Pro Bono Referral from _____

CERTIFICATE OF SERVICE

I certify that pursuant to the provisions of Rule 1:12 of the Rules of the Supreme Court of Virginia I [mailed] [faxed] [delivered] a true copy of the foregoing notice, this ____ day of _____ 20__, to [Plaintiff / Defendant, i.e. Client] and [mailed] [faxed] [delivered] a copy to all counsel of record herein accordingly:

[Insert service address for Plaintiff or Defendant, i.e. Client, and all counsel of record]

[Counsel's name]
Counsel for _____

VIRGINIA :

IN THE _____ COURT FOR THE [CITY] [COUNTY] OF _____

_____)	
<i>Plaintiff,</i>)	
)	
v.)	Civil Action No. _____
)	
_____)	
<i>Defendant.</i>)	
)	

NOTICE OF COMPLETION OF LIMITED SCOPE APPEARANCE

In accordance with Virginia Supreme Court Rule 1:5(f)(4)(A), notice is hereby given that [COUNSEL NAME] has completed his/her appearance in this matter.

A Notice of Limited Scope Appearance (attached as Exhibit A) in the above-captioned case was filed on [DATE] specifying the following matters, hearings, or issues within the scope of this appearance: [copy language from Limited Scope Appearance]

Because the obligations listed above have been satisfied, as confirmed by [insert Client’s name]’s endorsement below made seven (7) days prior to the filing of this notice, counsel’s Limited Scope Appearance is completed. [Attorney name] and [Legal Services Organization] are no longer counsel of record in the above-captioned case.

Respectfully submitted,

[Counsel's name] [VSB number]
[Organization or Firm]
[Address]
[City, State, and Zip Code]

[Telephone number]
[E-mail address]
[Fax number]
Counsel for _____

SEEN AND AGREED:

[Party represented by limited scope]
[Address]
[City, State, and Zip Code]
[Telephone number]
[E-mail address]
[Fax number]

Date

CERTIFICATE OF SERVICE

I certify that pursuant to the provisions of Rule 1:12 of the Rules of the Supreme Court of Virginia I [mailed] [faxed] [delivered] a true copy of the foregoing notice, this _____ day of _____ 20__, to [Plaintiff / Defendant, i.e. Client] and [mailed] [faxed] [delivered] a copy to all counsel of record herein accordingly:

[Insert service address for Plaintiff or Defendant, i.e. Client, and all counsel of record]

[Counsel's name]
Counsel for _____

VIRGINIA :

IN THE _____ COURT FOR THE [CITY] [COUNTY] OF _____

_____)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Civil Action No. _____
)	
_____)	
)	
<i>Defendant.</i>)	

NOTICE OF COMPLETION OF LIMITED SCOPE APPEARANCE

In accordance with Virginia Supreme Court Rule 1:5(f)(4)(A), notice is hereby given that [COUNSEL NAME] has completed [his/her] pro bono appearance in this matter.

A Notice of Limited Scope Appearance (attached as Exhibit A) in the above-captioned case was filed on [DATE] specifying the following matters, hearings, or issues within the scope of this appearance: [copy language from Limited Scope Appearance]

Because the obligations listed above have been satisfied, as confirmed by [insert Client’s name]’s endorsement below made seven (7) days prior to the filing of this notice, counsel’s Limited Scope Appearance is completed. [Attorney name] and [firm], acting on a direct pro bono referral from [QLSP], are no longer counsel of record in the above-captioned case.

Respectfully submitted,

[Counsel's name] [VSB number]
[Organization or Firm]
[Address]
[City, State, and Zip Code]
[Telephone number]
[E-mail address]
[Fax number]
Pro Bono Counsel for _____
Pro Bono Referral from _____

SEEN AND AGREED:

[Party represented by limited scope]
[Address]
[City, State, and Zip Code]
[Telephone number]
[E-mail address]
[Fax number]

Date

CERTIFICATE OF SERVICE

I certify that pursuant to the provisions of Rule 1:12 of the Rules of the Supreme Court of Virginia I [mailed] [faxed] [delivered] a true copy of the foregoing notice, this _____ day of _____ 20__, to [Plaintiff / Defendant, i.e. Client] and [mailed] [faxed] [delivered] a copy to all counsel of record herein accordingly:

[Insert service address for Plaintiff or Defendant, i.e. Client, and all counsel of record]

[Counsel's name]
Counsel for _____

VIRGINIA :

IN THE _____ COURT FOR THE [CITY][COUNTY] OF _____

_____)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Civil Action No. _____
)	
_____)	
)	
<i>Defendant.</i>)	
)	

MOTION TO TERMINATE LIMITED SCOPE APPEARANCE

Counsel for [Plaintiff / Defendant] moves this Court under Rule 1:5(f) to terminate counsel’s limited scope appearance and in support of the motion states:

1. The undersigned counsel filed in this action a notice of limited scope appearance based upon employment by a qualified legal services provider.
2. The notice specified that the appearance would be limited to [state to relevant matters, hearings, or issues].
3. The undersigned counsel’s obligations under the notice of limited scope appearance have been met because she/he has completed representation in [refer to the relevant matters, hearings, or issues].
4. [Plaintiff / Defendant]’s [refusal / inability] to endorse a notice of completion of limited scope appearance necessitates this motion.

WHEREFORE, the undersigned counsel asks this court for entry of an order terminating the limited scope appearance.

Respectfully submitted,

[Counsel's name] [VSB number]
[Address]
[City, State, and Zip Code]
[Telephone number]
[E-mail address]
[Fax number]
Counsel for _____

CERTIFICATE OF SERVICE

I certify that pursuant to the provisions of Rule 1:12 of the Rules of the Supreme Court of Virginia I [mailed] [faxed] [delivered] a true copy of the foregoing motion, this _____ day of _____ 20 __, to [Plaintiff / Defendant, i.e. Client] and [mailed] [faxed] [delivered] a copy to all counsel of record herein accordingly:

[Insert service address for Plaintiff or Defendant, i.e. Client, and all counsel of record]

[Counsel's name]
Counsel for _____

VIRGINIA :

IN THE _____ COURT FOR THE [CITY] [COUNTY] OF _____

_____)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Civil Action No. _____
)	
_____)	
)	
<i>Defendant.</i>)	

MOTION TO TERMINATE LIMITED SCOPE APPEARANCE

Counsel for [Plaintiff / Defendant] moves this Court under Rule 1:5(f) to terminate counsel’s limited scope appearance and in support of the motion states:

1. The undersigned counsel filed in this action a notice of limited scope appearance based upon a direct *pro bono* referral from a qualified legal services provider.
2. The notice specified that the appearance would be limited to [state to relevant matters, hearings, or issues].
3. The undersigned counsel’s obligations under the notice of limited scope appearance have been met because she/he has completed representation in [refer to the relevant matters, hearings, or issues].
4. [Plaintiff / Defendant]’s [refusal / inability] to endorse a notice of completion of limited scope appearance necessitates this motion.

WHEREFORE, the undersigned counsel asks this court for entry of an order terminating the limited scope appearance.

Respectfully submitted,

[Counsel's name] [VSB number]
[Address]
[City, State, and Zip Code]
[Telephone number]
[E-mail address]
[Fax number]
Pro Bono Counsel for _____
Direct Pro Bono Referral from [QLSP]

CERTIFICATE OF SERVICE

I certify that pursuant to the provisions of Rule 1:12 of the Rules of the Supreme Court of Virginia I [mailed] [faxed] [delivered] a true copy of the foregoing Motion, this _____ day of _____ 20 __, to [Plaintiff / Defendant, i.e. Client] and [mailed] [faxed] [delivered] a copy to all counsel of record herein accordingly:

[Insert service address for Plaintiff or Defendant, i.e. Client, and all counsel of record]

[Counsel's name]
Counsel for _____

VIRGINIA :

IN THE _____ COURT FOR THE [CITY][COUNTY] OF _____

_____)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Civil Action No. _____
)	
_____)	
)	
<i>Defendant.</i>)	
)	

ORDER TERMINATING LIMITED SCOPE APPEARANCE

The Court has reviewed counsel for [Plaintiff / Defendant]’s Motion to Terminate Limited Scope Appearance under Rule 1:5(f), which has been properly filed and served on all parties more than seven days previous, [there being no objection filed or and after a hearing on the [Plaintiff / Defendant]’s objections filed herein].

UPON CONSIDERATION WHEREOF, it appearing to the Court that counsel for [Plaintiff / Defendant] has met her/her/its obligations under the Notice of Limited Scope Appearance previously filed herein, it is hereby **ORDERED** that the limited scope appearance by _____, counsel for [Plaintiff / Defendant] in the above-captioned proceeding pending in this Court, be, and it hereby is, terminated.

Unless and until the appearance of replacement counsel is subsequently noted, the [Plaintiff / Defendant] shall hereafter be deemed self-represented (that is, counsel of record) in this proceeding, and the following address and telephone number of the

[Plaintiff / Defendant] shall be used in subsequent mailings or service of papers and notices:

[Plaintiff / Defendant]'s Address:

[Plaintiff / Defendant]'s Phone Number:

This cause is continued on the docket.

Endorsement by other counsel or parties is hereby dispensed with pursuant to Rule 1:13.

ENTERED on this _____ day of _____, 20__.

Judge of the [Circuit/General District] Court of the
[City/County] of [Jurisdiction]

WE ASK FOR THIS:

Counsel for [Plaintiff / Defendant]

VIRGINIA :

IN THE _____ COURT FOR THE [CITY][COUNTY] OF _____

_____)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Civil Action No. _____
)	
_____)	
)	
<i>Defendant.</i>)	

ORDER TERMINATING LIMITED SCOPE APPEARANCE

The Court has reviewed counsel for [Plaintiff / Defendant]’s Motion to Terminate Limited Scope Appearance under Rule 1:5(f), which has been properly filed and served on all parties more than seven days previous, [there being no objection filed or and after a hearing on the [Plaintiff / Defendant]’s objections filed herein].

UPON CONSIDERATION WHEREOF, it appearing to the Court that pro bono counsel for [Plaintiff / Defendant] has met [her/her/its] obligations under the Notice of Limited Scope Appearance previously filed herein, it is hereby **ORDERED** that the limited scope appearance by _____, pro bono counsel for [Plaintiff / Defendant] in the above-captioned proceeding pending in this Court, be, and it hereby is, terminated.

Unless and until the appearance of replacement counsel is subsequently noted, the [Plaintiff / Defendant] shall hereafter be deemed self-represented (that is, counsel of record) in this proceeding, and the following address and telephone number of the

[Plaintiff / Defendant] shall be used in subsequent mailings or service of papers and notices:

[Plaintiff / Defendant]'s Address:

[Plaintiff / Defendant]'s Phone Number:

This cause is continued on the docket.

Endorsement by other counsel or parties is hereby dispensed with pursuant to Rule 1:13.

ENTERED on this _____ day of _____, 20__.

Judge of the [Circuit/General District] Court of the
[City/County] of [Jurisdiction]

WE ASK FOR THIS:

Pro Bono Counsel for [Plaintiff / Defendant]

List of Resources on Limited Scope Representation

ABA's Unbundling Resource Center

https://www.americanbar.org/groups/delivery_legal_services/resources/

ABA's "An Analysis of Rules that Enable Lawyers to Serve Self-Represented Litigants"

https://www.americanbar.org/content/dam/aba/administrative/delivery_legal_services/ls_del_unbundling_white_paper_2014.authcheckdam.pdf

Chicago Bar Foundation's Limited Scope Representation Practice Resources

<https://chicagobarfoundation.org/resources/practice/limited-scope-representation-practice-resources/>

Self-Representation Litigation Network's Unbundling Resources

<https://www.srln.org/taxonomy/term/174>

Practising Law Institute, "Expanding Your Practice Using Limited Scope Representation 2018"

https://www.pli.edu/Content/OnDemand/Limited_Scope_Representation_2018_Ethical/_N-4nZ1z0ztu7?fromsearch=false&Ns=sort_date%7c1&ID=355814

IAALS's "Unbundling Legal Services: A Guide for Lawyers"

<https://iaals.du.edu/publications/unbundling-legal-services-guide-lawyers>

Alaska Bar Association's Section on Unbundled Law

<https://alaskabar.org/sections-committees/section-webpages/unbundled-law/>