

**JOINT OPINION 2011 – 100**  
**APPENDIX A**

<p style="text-align: center;"><b>NO DISCLOSURE REQUIRED OF LIMITED SCOPE ENGAGEMENT</b></p>	<p style="text-align: center;"><b>DISCLOSURE OF LIMITED SCOPE ENGAGEMENT IS ALWAYS MANDATORY</b></p>	<p style="text-align: center;"><b>DISCLOSURE OF LIMITED SCOPE ENGAGEMENT IS REQUIRED WHERE AID IS “SUBSTANTIAL” OR “EXTENSIVE”</b></p>	<p style="text-align: center;"><b>DISCLOSURE OF THE FACT BUT NOT THE IDENTITY OF THE LEGAL ASSISTANCE IS REQUIRED</b></p>
<ul style="list-style-type: none"> <li>• ABA Formal Opinion 07-446 (2007) (A lawyer may provide legal assistance to litigants appearing before tribunals pro se and help them prepare written submissions without disclosing or ensuring the disclosure of the nature or extent of such assistance)</li> <li>• Alabama Bar Ass’n Eth. Op. 2010-01 (2010) (Lawyers may offer limited scope representation; not inherently misleading not to reveal lawyer’s involvement)</li> <li>• Arizona State Bar Ass’n Eth. Op. 06-03 (2006) (Limited Scope Representation; Confidentiality; Coaching; Ghost Writing) and Op. 05-06 (2005)</li> </ul>	<ul style="list-style-type: none"> <li>• Alaska Bar Ass’n Eth. Op. 93-1 (1993) (Preparation of a Client’s Legal Pleadings in a Civil Action Without Filing an Entry of Appearance) (lawyer’s assistance must be disclosed unless lawyer merely helped client fill out forms designed for pro se litigants)</li> <li>• Iowa Supreme Court Bd. of Prof’l Ethics and Conduct Ops. 96-31 (1997), 94-35 (1995) (requiring disclosure even if the attorney only assists with a one-time simple pleading)</li> <li>• State Bar of Nevada Formal Eth. Op. No. 34 (2006, Revised 2009) (a lawyer who provides substantial assistance to a self-represented litigant must</li> </ul>	<ul style="list-style-type: none"> <li>• Colorado Bar Ass’n Eth. Op. 101 (1998) (Unbundled Legal Services) (Addendum added Dec. 16, 2006, noting that Colorado Rules of Professional Conduct amended to state that a lawyer providing limited representation to pro se party involved in court proceeding must provide lawyer’s name, address, telephone number and registration number in pleadings)</li> <li>• Connecticut Inf. Eth. Op 98-5 (1998) (Duties to the Court Owed by a Lawyer Assisting a Pro Se Litigant)</li> <li>• Delaware State Bar Ass’n Committee on Prof’l Eth. Op. 1994-2 (1994)</li> <li>• Kentucky Bar Ass’n Eth. Op. E-343 (1991)</li> </ul>	<ul style="list-style-type: none"> <li>• ABA Inf. Op. 1414 (1978) (Conduct of Lawyer Who Assists Litigant Appearing Pro Se), in Formal and Informal Ethics Opinions: Formal Opinions 316-348, Informal Opinions 1285-1495, at 1414 (ABA 1986)</li> <li>• Florida Bar Ass’n Eth. Op. 79-7 (Reconsideration) (2000)</li> <li>• Kansas Ethics Op. 09-01 (2009)</li> <li>• Utah 74 (1981) (superseded)</li> </ul>

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<ul style="list-style-type: none"> <li>• D.C. Bar Op. 330 (2005) Unbundling of legal services is permissible ;if a party is proceeding <i>pro se</i>, opposing counsel should treat that party as unrepresented unless and until that counsel receives reasonable notice of representation from the party or her lawyer)</li> <li>• Illinois State Bar Ass’n Op. 849 (1983) (Limiting Scope of Representation)</li> <li>• Los Angeles County Bar Ass’n Prof’l Resp. &amp; Eth. Comm. Op. 502 (1999) (Lawyers’ Duties When Preparing Pleadings or Negotiating Settlement for In Pro Per Litigant)</li> <li>• Los Angeles County Bar Ass’n Prof’l Resp. &amp; Eth. Comm. Op. 483 (1995) (Limited Representation of In Pro Per Litigants)</li> <li>• Maine State Bar Eth. Op. 89 (1988)</li> </ul>	<p>disclose such assistance to the court. The lawyer’s identity must be disclosed by signing all papers filed with the court for which the lawyer gave substantial assistance to the pro se litigant, by drafting or otherwise. In non-litigation settings, any attorney that provides substantial assistance to a pro se litigant must disclose such assistance, in writing, to the opposing party)</p>	<ul style="list-style-type: none"> <li>• Massachusetts Bar Ass’n Comm. on Prof’l Eth. Op. 98-1 (1998)</li> <li>• New Jersey Supreme Court Advisory Committee on Prof’l Ethics Op. 713 (2008) (disclosure required where assistance is a tactic to gain advantage in litigation involving <i>pro se</i> litigant or when the lawyer is in fact effectively in control of the final form and wording of the pleadings and conduct of the litigation)</li> <li>• New York County Lawyers Ass’n Comm. on Prof’l Eth. Op. 742 (2010) (Disclosure of assistance to pro se litigant required only when mandated by a procedural rule, court rule, a particular judge’s rule or a judge’s order in a specific case or in any other situation where failure to disclose would constitute a misrepresentation or otherwise violate a law or an attorney’s ethical obligations)</li> </ul>	
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<ul style="list-style-type: none"> <li>• State Bar of Michigan Op. RI-347 (2010)</li> <li>• North Carolina State Bar Formal Op. 3 (2008) (lawyer may assist with disclosing involvement unless required to do so by law or court order)</li> <li>• Utah Eth. Adv. Op. 08-01 (2008) (not unethical to provide extensive undisclosed legal help to a pro se party unless a court rule or ethical rule explicitly requires disclosure)</li> </ul>		<ul style="list-style-type: none"> <li>• Ass’n of the Bar of the City of New York, Committee on Prof’l &amp; Jud. Eth. Formal Op. 1987-2 (1987) (disclosure required where assistance is active and substantial or includes the drafting of pleadings)</li> <li>• New York State Bar Ass’n Committee on Prof’l Eth. Op. 613 (1990)</li> <li>• Bd. of Prof. Resp. of Sup. Ct. of Tenn. Op. 2007-F-153 (disclosure required if preparing pleadings and other legal documents creates the false impression that the litigant is without substantial legal assistance)</li> <li>• Virginia State Bar Ass’n Legal Eth. Op. 1761 (2002) (Providing Forms to Pro Se Litigants)</li> <li>• Virginia State Bar Ass’n Legal Eth. Op. 1592 (1994) (Conflict of Interest; Multiple Representation; Contact with Adverse Party; Representation of Insurance Carrier Against</li> </ul>	
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		<p>Pro Se Uninsured Motorist; Attorney-Client Relationship)</p> <ul style="list-style-type: none"><li>• Virginia State Bar Ass'n Legal Eth. Op. 1127 (1988) (Attorney-client Relationship- Pro Se Litigant: Rendering Legal Advice) (failure to disclose that lawyer provided active or substantial assistance, including the drafting of pleadings, may be misrepresentation).</li></ul>	
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