

JOINT FORMAL OPINION 2011-100
APPENDIX B

**Court Rules Regarding Unbundled Legal Services
and Court-Annexed Limited Service Programs**

Source: American Bar Association, Standing Committee on the Delivery of Legal Services, Pro se/Unbundling Resource Center,
<http://apps.americanbar.org/legalservices/elivery/delunbundrules.html>, last visited 6/22/2011

Alabama

[*Alabama Rule of Professional Conduct 6.5*](#) governs the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

Alaska

[*Alaska Rule of Civil Procedure 81*](#), expressly permits limited appearances and governs attorney withdrawal.

[*Alaska Rule of Professional Conduct 1.2\(c\)*](#), expressly permits limited representation and governs communication between opposing counsel and self-represented client.

[*Alaska Rule of Professional Conduct 6.5*](#) governs the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

Arizona

[*Arizona Ethics Rule 1.2*](#) governs limited scope representation.

[*Arizona Rule of Civil Procedure 5.2*](#), governs limited representation and attorney withdrawal in vulnerable adult exploitation actions.

[*Arizona Ethics Rule 6.5*](#) governs the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

[*Arizona Rule of Family Law Procedure 9\(B\)*](#), governs limited representation and attorney withdrawal in family law proceedings.

Arkansas

[*Arkansas Rule of Professional Conduct 1.2\(c\)*](#) governs limited scope representation.

[*Arkansas Rule of Professional Conduct 6.5*](#) governs the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

California

[California Family and Juvenile Rule 5.70](#), permits a lawyer to draft proceedings in family law matters without disclosure.

[California Family and Juvenile Rule 5.71](#), governs application to be relieved as counsel.

[FL-950](#), provides a court approved Notice of Limited Scope Representation for family law matters.

[California Civil Rule 3.35](#), defines limited scope representation and application of rules in civil cases.

[California Civil Rule 3.36](#), governs notice and application to be relieved as attorney.

[California Civil Rule 3.37](#), permits a lawyer to draft pleadings in civil matters without disclosure.

[MC-950](#), provides a court approved Notice of Limited Scope Representation for civil matters.

[California Rule of Professional Conduct 1-650](#) governs the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

Colorado

[Colorado Rule of County Court 311\(b\)](#), requires lawyers to disclose assistance in document preparation but clarifies that such disclosure does not create an entry of appearance

[Colorado Rule of Civil Procedure 11\(b\)](#), requires lawyers to disclose assistance in document preparation but clarifies that such disclosure does not create an entry of appearance.

[Colorado Rule of Professional Conduct 1.2](#), clarifies that a lawyer may ethically provide limited services.

[Colorado Rule of Professional Conduct 4.2](#), creates a presumption that a party receiving limited services is unrepresented for purposes of communication.

[Colorado Rule of Professional Conduct 4.3](#), creates a presumption that a party receiving limited services is unrepresented for purposes of communication.

[Colorado Rule of Professional Conduct 6.5](#) governs the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

Connecticut

[Connecticut Rules of Professional Conduct 1.2\(c\) and 6.5](#) govern limited scope representation and the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

Delaware

[Delaware Family Court Rule of Civil Procedure 5\(b\)\(2\)](#), governs limited appearance, service and attorney withdrawal in family law matters.

[Delaware Rules of Professional Conduct 1.2\(c\) and 6.5](#) govern limited scope representation and the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

District of Columbia

[District of Columbia Rules of Professional Conduct 1.2\(c\) and 6.5](#) govern limited scope representation and the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

Florida

[Florida Family Law Rule of Procedure 12.040](#), governs limited scope representation in family law matters, and explicitly permits limited appearances.

[Florida Family Law Rules of Procedure 12.750](#), governs the operation of self-help programs within family courts.

[Florida Rule of Professional Conduct 4-1.2\(c\)](#), explicitly permits limited representation with written consent.

[Florida Rule of Professional Conduct 4-4.2\(b\)](#), establishes the presumption that a self-represented party is unrepresented unless notified to the contrary in writing.

[Florida Rule of Professional Conduct 4-4.3\(b\)](#), establishes the presumption that a self-represented party is unrepresented unless notified to the contrary in writing.

Hawaii

[Comment \[4\] to Hawaii Revised Code of Judicial Conduct Rule 2.2](#), clarifies that a judge may make reasonable accommodations to assure that pro se litigants have the opportunity to have their matters fairly heard.

Idaho

[Idaho Rules of Professional Conduct 1.2\(c\) and 6.5](#) govern limited scope representation and the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

Illinois

[Illinois Rule of Professional Conduct 1.2 \(c\)](#) governs limited scope representation.

[Illinois Rule of Professional Conduct 6.5](#) governs the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

Indiana

[Indiana Rule of Professional Conduct 1.2\(c\)](#) governs limited scope representation.

[Indiana Rule of Professional Conduct 6.5](#) governs the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

Iowa

[Iowa Rule of Professional Conduct 32:1.2\(c\)](#), expressly permits limited representation and outlines requirements for written consent.

[Iowa Rule of Professional Conduct 32:4.2](#), establishes the presumption that a self-represented party is unrepresented unless notified to the contrary in writing.

[Iowa Rule of Professional Conduct 32:6.5](#), governs the responsibility to determine conflicts in non-profit and court-annexed limited service programs..

[Iowa Rule of Professional Conduct 32:7.2](#), permits an attorney to advertise that he/she provides limited representation.

[Iowa Rules of Civil Procedure](#) enabling unbundled services include:

- [Rule 1.404\(3\)](#), expressly permitting limited appearances so long as the court is notified;
- [Rule 1.404\(4\)](#), governing termination of limited appearance;
- [Rule 1.423](#), requiring lawyers who prepare pleadings in limited representation to sign them and clarifying that signing a pleading does not constitute an appearance; and
- [Rule 1.442\(2\)](#), establishing the requirements for service on attorney who has made a limited appearance.

Kansas

[Kansas Rule of Professional Conduct 1.2\(c\)](#) governs limited scope representation.

Kentucky

[Kentucky Rule of Professional Conduct 1.2\(c\)](#) governs limited scope representation.

[Kentucky Rule of Professional Conduct 6.5](#) governs the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

Louisiana

[Louisiana Rules of Professional Conduct 1.2\(c\) and 6.5](#) govern limited scope representation and the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

Maine

[Maine Rule of Professional Conduct 1.2\(c\)](#), explicitly allows limited representation and allows a lawyer to file a limited appearance if the client consents in writing.

[Maine Rule of Professional Conduct Rule 1.16\(c\)](#), clarifies limited representation.

[Maine Rule of Professional Conduct 4.2\(b\)](#), permits opposing counsel to communicate with assisted pro se client unless unbundling attorney notifies opposing attorney of representation.

[Maine Rule of Professional Conduct 6.5](#), governs the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

[Attachment A to Maine Rule of Professional Conduct 1.2\(c\)](#), includes a court-approved Limited Representation Agreement.

[Maine Rules of Civil Procedure enabling unbundled legal services](#) include:

- *Rule 5*, governing service;
- *Rule 11*, governing the signing of pleadings; and
- *Rule 89(a)*, governing the withdrawal of attorneys.

Maryland

[Maryland Rules of Professional Conduct 1.2\(c\) and 6.5](#) govern limited scope representation and the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

Massachusetts

[Supreme Judicial Court Order In Re: Limited Assistance Representation](#) governs unbundling in Massachusetts Trial Courts.

[Massachusetts Rule of Professional Conduct 6.5](#) governs the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

Minnesota

[Minnesota General Rule of Practice for the District Courts 110](#), governs the operation of self-help programs.

[Minnesota Rule of Professional Conduct 1.2\(c\)](#) governs limited scope representation.

[Minnesota Rule of Professional Conduct 6.5](#) governs the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

Mississippi

[Mississippi Rule of Professional Conduct 1.2\(c\)](#) governs limited scope representation.

Missouri

[Missouri Rule of Professional Conduct 1.2](#), expressly permits limited representation with written consent and governs communication between opposing counsel and limited representation client.

[Missouri Rule of Professional Conduct 1.16 \(c\)](#), governs attorney withdrawal for limited representation.

[Missouri Rule of Professional Conduct 6.5](#), governs the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

[Missouri Rule of Civil Procedure 43.01\(b\)](#) requires service on otherwise self-represented person and not on limited appearance attorney unless notified in writing to do otherwise.

[Missouri Rule of Civil Procedure 55.03](#), permits a lawyer to draft pleadings without disclosure and clarifying appearance and withdrawal of attorney in limited representation.

[Missouri Rule of Civil Procedure 88.09](#), requires unrepresented parties to complete a litigant awareness program and to use court approved forms.

Montana

[Montana Rules of Professional Conduct 1.2\(c\) and 6.5](#) govern limited scope representation and the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

Nebraska

[Nebraska Rules of Professional Conduct](#) enabling unbundled services include:

- *Rule 501.2*, governing limited representation, attorney assisted document preparation and attorney withdrawal;
- *Rule 504.2[10]*, allowing opposing counsel to communicate with client on matters outside scope of limited representation; and
- *Rule 506.5*, governing the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

Nevada

[Rules of Practice of the Eighth Judicial District Court of the State of Nevada, Rule 5.28](#) requires signed pleadings, notice of the limited representation to the court and governs the procedure for withdrawal.

[Nevada Rules of Professional Conduct 1.2\(c\) and 6.5](#) govern limited scope representation and the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

New Hampshire

[New Hampshire Rule of Professional Conduct 1.2](#), governs limited representation and provides a sample consent form.

[New Hampshire Rule of Professional Conduct 4.2](#), creates the presumption that limited representation client is unrepresented for purposes of communication, unless notified otherwise in writing.

[New Hampshire Rule of Professional Conduct 6.5](#), governs the responsibility to determine conflicts in one time consultations with clients through non-profit and court annexed legal programs.

[New Hampshire Rule of Civil Procedure](#) enabling unbundled services include:

- *Rule 3*, requiring that pleadings and communication be furnished to both client and limited representation attorney until withdrawal of limited appearance; and
- *Rule 17*, governing appearance, attorney withdrawal and document preparation assistance.

New Jersey

[New Jersey Rule of Professional Conduct 1.2 \(c\)](#) governs limited scope representation.

[New Jersey Rule of Professional Conduct 6.5](#) governs the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

New Mexico

[New Mexico Rules of Civil Procedure](#) governing unbundling include:

- *Rule 1-089* governing limited appearances and attorney withdrawal in district courts;
- *Rules 2-107 and 2-108* governing limited appearances and attorney withdrawal in magistrate courts; and
- *Rules 3-107 and 3-108* governing limited appearances and attorney withdrawal in metropolitan courts.

[New Mexico Rules of Professional Conduct](#) governing unbundling include:

- *Rule 16-102(c)* permitting limited representation with consent;
- *Rule 16-303(E)* requiring lawyer to disclose scope of representation to court; and
- *Rule 16-605* governing the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

New York

[Local Rules of the United States District Court for Southern and Eastern Districts of New York, Civil Rule 7.1\(c\)](#), requires counsel to provide pro se litigants with printed copies of decisions cited when unreported or reported only on computerized databases.

[New York Rules of Professional Conduct 1.2\(c\) and 6.5](#) govern limited scope representation and the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

North Carolina

[North Carolina General Statute 50B-2\(d\)](#), requires the clerk of superior court in each county to provide pro se litigants with all necessary forms.

[North Carolina Rules of Professional Conduct 1.2\(c\) and 6.5](#) govern limited scope representation and the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

North Dakota

[North Dakota Rule of Court 11.2](#) governs attorney withdrawal when an attorney has filed a notice of limited representation.

[North Dakota Rule of Civil Procedure 5\(b\)](#) establishes the requirements for service on an attorney providing limited scope representation.

[North Dakota Rule of Civil Procedure 11\(e\)](#) requires an attorney who provides limited scope representation to file a notice that states precisely the scope of the representation and also requires an attorney to file a notice of termination upon completion.

[North Dakota Rule of Professional Conduct 6.5](#) governs the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

Ohio

[Ohio Rules of Professional Conduct 1.2\(c\) and 6.5](#) govern limited scope representation and the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

Oklahoma

[Oklahoma Rule of Professional Conduct 1.2\(c\)](#) governs limited scope representation.

[Oklahoma Rule of Professional Conduct 6.5](#) governs the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

Oregon

[Oregon Rules of Professional Conduct 1.2\(b\) and 6.5](#) govern limited scope representation and the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

Pennsylvania

[Pennsylvania Rules of Professional Conduct 1.2\(c\) and 6.5](#) govern limited scope representation and the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

Rhode Island

[Rhode Island Rules of Professional Conduct 1.2\(c\) and 6.5](#) govern limited scope representation and the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

South Carolina

[South Carolina Rule of Professional Conduct 1.2\(c\)](#) governs limited scope representation.

[South Carolina Rule of Professional Conduct 6.5](#) governs the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

South Dakota

[South Dakota Rule of Professional Conduct 1.2\(c\)](#) governs limited scope representation.

[South Dakota Rule of Professional Conduct 6.5](#) governs the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

Tennessee

[Tennessee Rule of Professional Conduct 1.2\(c\)](#) governs limited scope representation and encourages written consent.

[Tennessee Rule of Professional Conduct 6.5](#) governs the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

Utah

[Utah Rule of Professional Conduct 1.2 \(c\)](#), permits limited representation with consent.

[Utah Rule of Professional Conduct 4.2 \(b\)](#), creates presumption that limited representation client is unrepresented for purposes of communication, unless notified otherwise in writing.

[Utah Rule of Professional Conduct 4.3 \(b\)](#), creates presumption that limited representation client is unrepresented for purposes of communication, unless notified otherwise in writing.

[Utah Rule of Professional Conduct 6.5](#), governs the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

[Utah Rule of Civil Procedure 5\(b\)\(1\)](#), requires that papers relating to a matter within limited scope agreement be served upon attorney and party.

[Utah Rule of Civil Procedure 74\(b\)](#), governs attorney withdrawal following limited appearance.

[Utah Rule of Civil Procedure 75](#), expressly permits limited appearances after client consents in writing.

Vermont

[Vermont Rule of Civil Procedure 79.1\(1\)](#), govern appearance, withdrawal and service.

[Vermont Rule of Family Procedure 15\(h\)](#) governs limited appearances, withdrawal and service in family law matters.

[Vermont Rules of Professional Conduct 1.2\(c\) and 6.5](#) govern limited scope representation and the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

Virginia

[Virginia Rule of Professional Conduct 6.5](#) governs the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

Washington

[Washington Rule of Professional Conduct 1.2\(c\)](#), permits limited scope of representation with consent.

[Washington Rule of Professional 1.5\(f\)\(2\)](#), permits an attorney to charge a flat fee for specified legal services and to place that fee into the lawyer's operating account, if there is a written fee agreement containing certain disclosure requirements.

[Washington Rule of Professional Conduct 4.2](#), creates the presumption that a person is unrepresented unless opposing party is notified otherwise.

[Washington Rule of Civil Procedure 4.3](#), creates the presumption that a person is unrepresented unless opposing party is notified otherwise.

[Washington Rule of Professional Conduct 6.5](#), governs the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

[Washington Civil Rule 4.2](#), expressly permits a limited entry of appearance.

[Washington Civil Rule of Limited Jurisdiction 4.2](#), governs limited appearances.

[Washington Civil Rule 11](#), permits a lawyer who assists with drafting to rely on the self-represented party's representation of facts.

[Washington Civil Rule of Limited Jurisdiction 11](#), permits a lawyer who assists with drafting to rely on the self-represented party's representation of facts.

[Washington Civil Rule 70.1](#), expressly allows limited appearances in litigation.

[Washington Civil Rule of Limited Jurisdiction 70.1](#), expressly allowing limited appearances in litigation.

Wisconsin

[Wisconsin Rule of Professional Conduct 1.2\(c\)](#) governs limited scope representation.

[Wisconsin Rule of Professional Conduct 6.5](#) governs the responsibility to determine conflicts in non-profit and court-annexed limited service programs.

[Milwaukee County Family Division Rule 5.6](#) expressly permits limited appearances.

Wyoming

[Wyoming Rules of Professional Conduct](#) governing limited scope representation include:

- *Rule 1.1 [4]* addressing competence in limited scope representation;
- *Rule 1.2(c)* explicitly permitting limited scope representation and outlining the requirements for written consent;
- *Rule 6.5* governing the responsibility to determine conflicts in non-profit and court-annexed limited service programs; and
- *Appendix to Rule 1.2* providing a court approved notice and consent to limited scope representation notice.

[The Uniform Rule of the District Court of the State of Wyoming 102](#) governs appearance and withdrawal for unbundled representation.