

McLean County Bar Association November 2014 Luncheon Reservation

1 Hour Professionalism CLE Credit

“Limited Scope Representation and Rule 138”

Presented by:

Marisa Wiesman, Director of Volunteer Services, Attorney at Law
Prairie State Legal Services, Inc.

Tuesday, November 18, 2014
11:45a.m. – 1:00p.m.

Second Presbyterian Church - 313 North East St., Bloomington IL

AGENDA

- | | |
|-----------------------|--------------------------|
| 11:45a.m. – 12:00p.m. | Sign In and Obtain Lunch |
| 12:00p.m. – 1:00p.m. | Presentation |

Financial Hardship Policy: The Bar Association of McLean County will waive the cost of the meeting and luncheon to anyone showing need thereof by direct application to the President of the Association. Please contact Eitan Weltman, at eitanw@aol.com, if financial assistance is needed.

Marisa Wiesman is the Director of Volunteer Services for Prairie State Legal Services, Inc. Prairie State is a non-profit law firm that provides free civil legal services to low income individuals and seniors in northern and central Illinois. As Director of Volunteer Services, Ms. Wiesman oversees Prairie State's *pro bono* programs in its 36 county service area, and also coordinates its internship program. Prior to becoming Prairie State's Director of Volunteer Services in October 2013, Ms. Wiesman was the managing attorney of Prairie State's Kankakee office and a staff attorney in Prairie State's Rockford office. Ms. Wiesman has practiced in the areas of landlord/tenant law, foreclosure defense, public benefits, consumer law, and family law.

Ms. Wiesman received her J.D. *cum laude* from the University of Minnesota Law School in 2006, and her B.A. *magna cum laude* from Macalester College in 2003. Prior to joining Prairie State in 2008, Ms. Wiesman was a law clerk for the Honorable Marilyn Brown Rosenbaum of the Fourth Judicial District of Minnesota. Ms. Wiesman is a member of several local bar associations and the Illinois Access to Justice Commission's procedural forms subcommittee, and she regularly trains new attorneys and *pro bono* volunteers.



PRAIRIE STATE LEGAL SERVICES

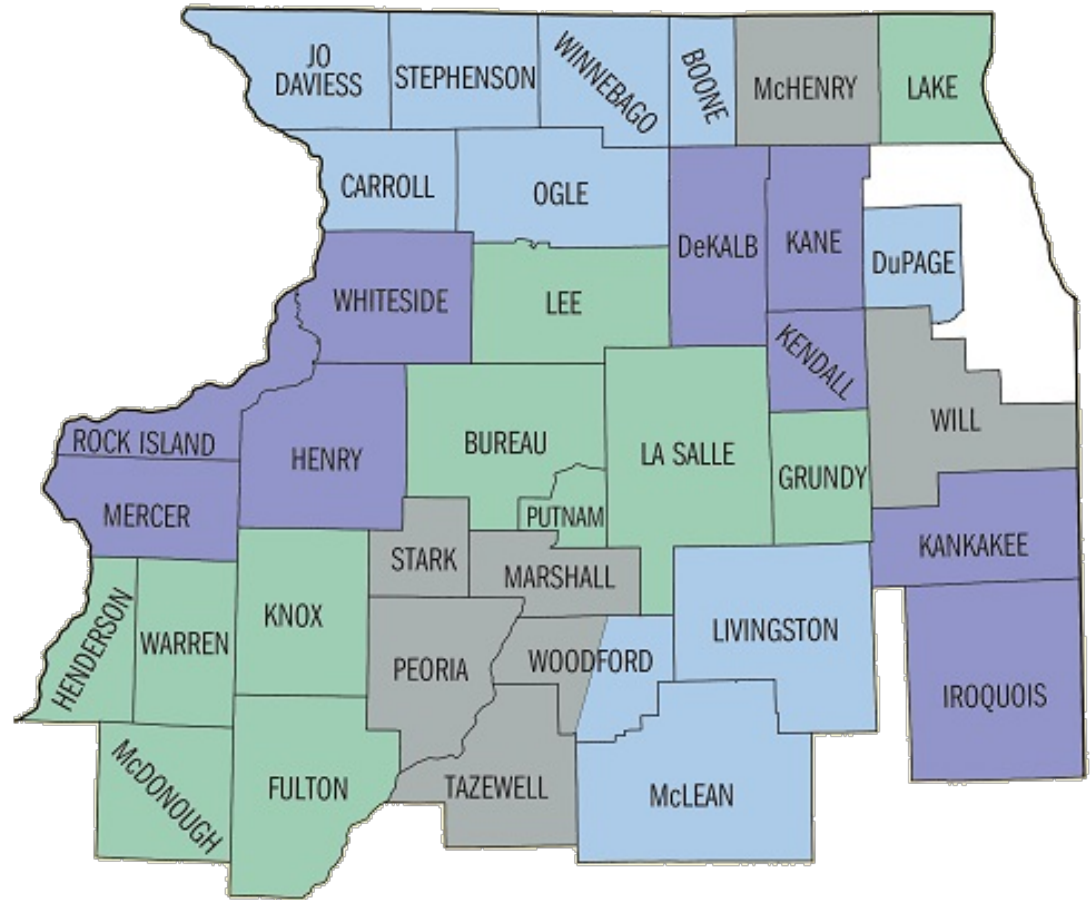
Equal Access to Justice

SUPREME COURT RULES UPDATE: RULE 138 AND LIMITED SCOPE REPRESENTATION

McLean County Bar Association
November 18, 2014

Marisa Wiesman, Prairie State Legal Services

Who we are

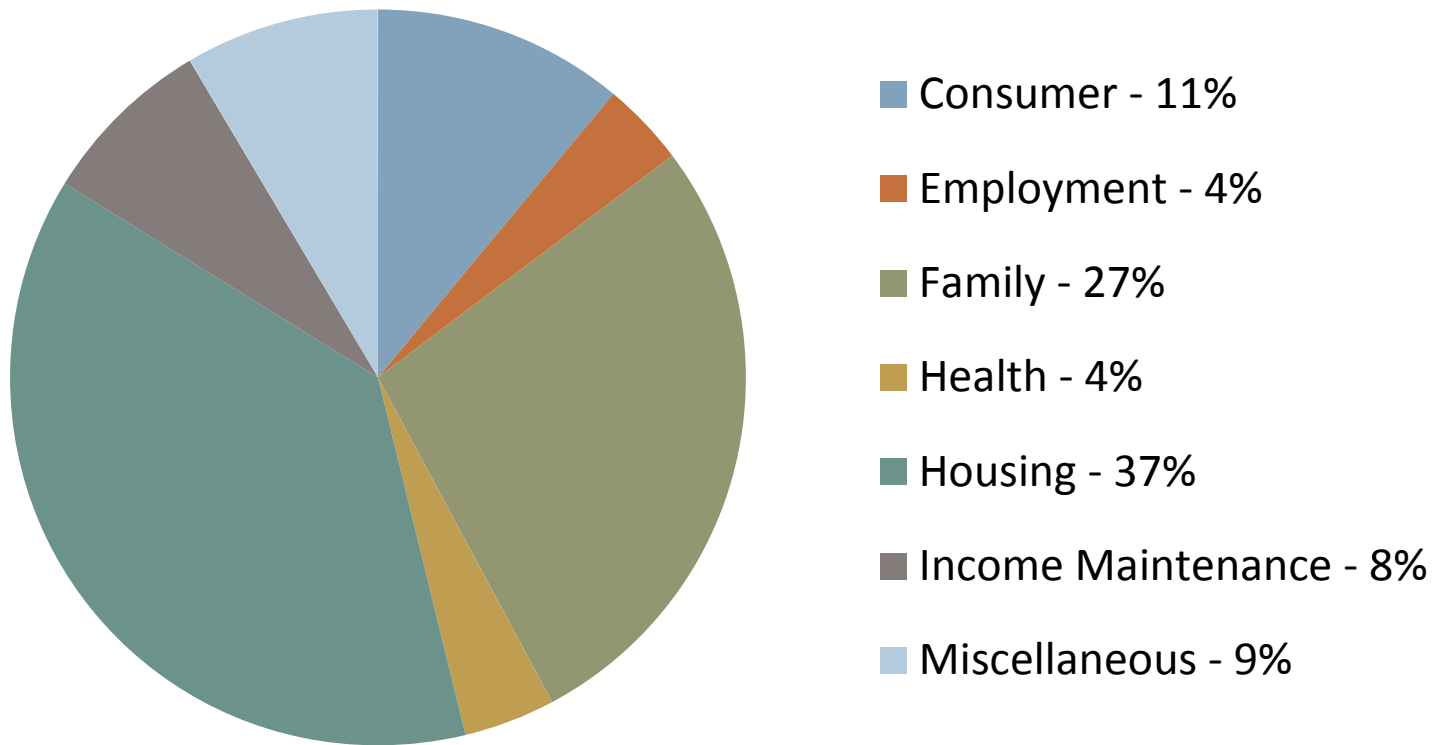


Prairie State is a non-profit law firm that provides free civil legal aid to people who cannot afford an attorney and who have a legal problem affecting their basic human needs.

Our services

- Civil legal issues affecting basic human needs
- Services range from education, to advice over the phone, to representation in court and at administrative hearings
- All services are free

What we did in 2013



16,177

cases opened in
2013

14%

survivors of
domestic violence

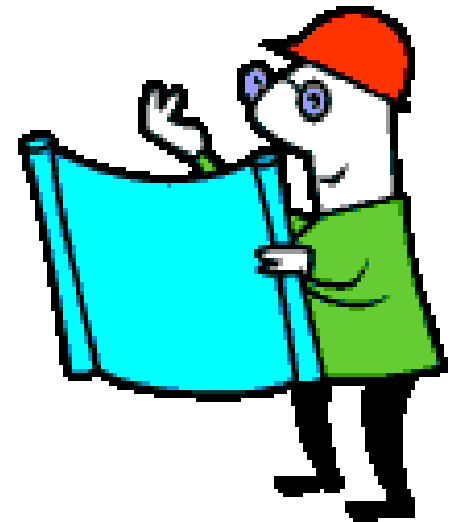
58%

under 100% of
poverty

Our plan for today

- Two topics
 - ▣ Illinois Supreme Court Rule 138
 - ▣ Limited scope representation – Illinois Supreme Court Rules 11, 13, and 137

- “How to” guide – focus on the rules



RULE 138

Personal Identity Information

Rule 138: Personal Identity Information

- Purpose is to protect personal identity information that could be used for identity theft
- Two elements:
 - ▣ Requires redaction of personal identity information from public court filings
 - ▣ When personal identity info is required by law, requires provision of unredacted info through filing of “Notice of Confidential Information Within Court Filing”

Applicability

- Applies to civil proceedings only
- Applies to paper and electronic filings
- Does not apply to cases filed confidentially and not available to the public (e.g. adoption, juvenile)
 - ▣ Rule does apply to adult guardianship cases eff.

1/1/14

What is “personal identity info?”

- (1) Social Security and individual taxpayer-identification numbers;
 - (2) birth dates [*eff. Jan. 1, 2015*];
 - (3) names of individuals known to be minors [*eff. Jan. 1, 2015*];
 - (4) driver’s license numbers;
 - (5) financial account numbers; and
 - (6) debit and credit card numbers.
-
- A court may order other types of information redacted or filed confidentially

Rule 138(b)

Redacting personal identity info

- Public filings must contain redacted personal identity information

- What to include in your redacted filings:
 - ▣ (1) the last four digits of the Social Security or individual taxpayer-identification number;
 - ▣ (2) the year of the individual's date of birth [*eff. Jan. 1, 2015*];
 - ▣ (3) the minor's initials [*eff. Jan. 1, 2015*];
 - ▣ (4) the last four digits of the driver's license number;
 - ▣ (5) the last four digits of the financial account number; and
 - ▣ (6) the last four digits of the debit and credit card number.

The Moving Target

- Rule 138 currently applies to:
 - ▣ Social Security numbers and individual taxpayer IDs
 - ▣ Driver's license numbers
 - ▣ Financial institution numbers
 - ▣ Credit and debit card numbers

- Rule 138 does not yet apply to:
 - ▣ Birth dates (eff. 1/1/15)
 - ▣ Names of minor children (eff. 1/1/15)
 - ▣ Current proposal removes these provisions entirely

Rule 138 Form

- When unredacted personal identity information is required, you must provide unredacted personal identity info via “Notice Of Confidential Information Within Court Filing” (Rule 138 form)
- Must be in substantial compliance with form attached to Rule 138
 - ▣ Form available on McLean Co Circuit Clerk’s website

Rule 138(c)

File Rule 138 form once

- After filing the initial Rule 138 form, subsequent court filings shall include only redacted personal identity information with appropriate reference to the Rule 138 form
- Exception: if personal identity info must be amended or changed, must file additional Rule 138 form

Rule 138 form not always needed

- Redaction of “personal identity information” is always required
- Rule 138 form is required only when “the filing of [unredacted] personal identity information is required by law, ordered by the court, or otherwise necessary to effect disposition of a matter”

What happens to the Rule 138 form?

- Clerk shall impound the Rule 138 form immediately upon filing
- Rule 138 form will be stored in location separate from court file

Rule 138(c)

Who can access personal identity info?

- Info provided in the Rule 138 form shall be available to:
 - ▣ The parties;
 - ▣ The court;
 - ▣ The clerk (who may transfer info to “appropriate justice partners” – e.g. sheriff, GAL, SDU);
 - ▣ The Secretary of State or other governmental agencies;
 - ▣ Legal aid agencies or bar association *pro bono* groups

Rule 138(d)

What if someone else needs the unredacted personal identity info?

- “...the clerk, the parties, and the parties’ attorneys may prepare and provide copies of documents without redaction to financial institutions and other entities or persons which require such documents.”
 - ▣ e.g. QDRO that must contain full birth date

- How does this work?
 - ▣ Clerk will only file stamp a document going into the court file
 - ▣ Motion to Seal/Impound the unredacted version?

Compliance

- Clerk and court not required to review filings for compliance
 - ▣ Clerk may bring noncompliance to court's attention
 - ▣ Court cannot require clerk to check for noncompliance
 - ▣ Clerk not required to redact

Rule 138(e) and (g)

Failure to comply

- Can file motion for redaction/impoundment of document already filed
 - ▣ If motion allowed, clerk shall impound unredacted version of document

- Court may award reasonable expenses, including attorney fees and court costs, if violation of Rule 138 is willful

Rule 138(f)

Cases to watch

- Dissolution, parentage, child support
 - ▣ *Schultz v. Performance Lighting, Inc.*, 2013 IL 115738: Notice of Withholding that fails to include the obligor's SSN is insufficient to impose a duty of compliance on the employer
 - ▣ Child Support Data sheet is impounded – clerk would like unredacted personal identity info
- Order of Protection
- Minor Guardianship
- Wills

LIMITED SCOPE REPRESENTATION

Rules 11, 13, and 137

What is limited scope representation?

- Apportionment of representation between the attorney and the client
- Includes litigation and non-litigation matters
- Also called “unbundled legal services”

Examples of Limited Scope Representation

- Draft a divorce petition and a petition for temporary relief without signing the pleadings and without entering an appearance
- Take a deposition in a case or prepare written discovery
- File and argue a motion to vacate a default judgment in a foreclosure case
- Represent a client at an OP hearing within a divorce case
- Negotiate and write a joint parenting agreement
- Represent a client in mediation

Reasons to Consider Limited Scope

- Reduces the number of pro se litigants (who are pro se only because they can't afford an attorney)
- Helps judges manage courtrooms
- Makes lawyers more accessible and affordable
- Opens the market of low and moderate income clients and creates new business opportunities for litigation attorneys
- Rules allow withdrawal without court approval

Consumer Demand for Unbundling

- 70% not at all familiar with unbundled services
- 2/3 interested in exploring unbundling as an option
- 2/3 say they would consider the availability of unbundling when choosing a lawyer
- Demand higher among younger and lower income

Is this ethical?

- RPC 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.”

Litigation

- Illinois Supreme Court Rules 11, 13, and 137 were amended effective July 1, 2013 to expressly allow the unbundling of civil litigation
- Applicable to civil proceedings and state court only

Limited Scope Appearance

- Amendment to Illinois Supreme Court Rule 13 – eff. 7/1/13
- Limited scope appearance required only if you are actually appearing in the court case

Entering an Appearance

- Attorney must have a **written agreement** with client to provide limited scope representation in civil litigation
- Must use/file the **Notice of Limited Scope Appearance** attached to Rule 13 – see handout

Rule 13(c)(6)

Notice of Limited Scope Appearance Form

- Requires date of written agreement limiting scope of representation
- Requires description of representation
 - ▣ Special line for family law matters
- Requires client's signature

Appearance Fees

- May file a Notice of Limited Scope Appearance more than once in a case.
- Must file a new Notice of Limited Scope Appearance before taking on an additional aspect of the proceeding.
- Rule 13(c)(6): “A party shall not be required to pay more than one appearance fee in a case.”

Get me out!

- Two ways to withdraw upon completion of limited scope appearance:
 - oral motion
 - written notice

- No change in procedure for withdrawal for other reasons (e.g. nonpayment, breakdown of relationship)

Rule 13(c)(7)

Objections to Withdrawal

- If the party objects on the basis that the attorney has not completed representation, court must hold an evidentiary hearing
 - ▣ If withdrawal by oral motion, hearing can be held immediately or at specified later date
- If party objects on a basis other than the attorney's failure to complete representation, court must hold a non-evidentiary “hearing”

Rule 13(c)(7)

Withdrawal Option 1: Oral Motion

- Attorney can withdraw by oral motion without prior notice if representation is completed at or before a hearing attended by the party
- This is the preferred method

Rule 13(c)(7)(i)

Withdrawal Option 2: Written Notice

- May file written Notice of Withdrawal using the form attached to the rule
- Must be served on the party the attorney represents, other counsel of record and other parties not represented by counsel, **and the judge** then presiding over the case
- Party has 21 days to file an Objection to Withdrawal of Limited Scope Appearance (attached to rule)
 - ▣ If no timely Objection is filed, limited scope appearance automatically terminates without entry of a court order after 21 days
 - ▣ If Objection is filed, attorney must notice up hearing

Rule 13(c)(7)(ii)

Written agreement is really important!

- The only legitimate objection to withdrawal is that the attorney has not completed representation - so it is really, really important that the written agreement and appearance specifically and accurately describe the limited scope representation
- Written agreement (retainer) and appearance should use the same language

You really can withdraw!

- *Comment to Rule 13*: “[T]he court must allow the attorney to withdraw unless the court expressly finds that the attorney has not completed the representation specified in the Notice of Limited Scope Appearance.... A court’s refusal to permit withdrawal of a completed limited scope representation, **or even its encouragement of the attorney to extend the representation**, would disserve the interests of justice by discouraging attorneys from undertaking limited scope representations out of concern that agreements with clients for such representations would not be enforced.”

Service

- After an attorney files a Notice of Limited Scope Appearance **service of all documents shall be made on both the attorney and the party** represented on a limited scope basis until the limited scope representation is complete

Rule 11(e)

Practice considerations

- Easier to limit scope based on time period rather than subject matter
 - ▣ e.g. “representation at November 18, 2014 hearing on Motion to Vacate Default Judgment” rather than “representation regarding child custody”

- Notify clerk when limited scope appearance expires?

- Set clear expectations
 - ▣ Clear language
 - ▣ Clear client agreement
 - ▣ Tell judge you are appearing pursuant to a LSA

Ghostwriting

- An attorney may assist a self-represented person in drafting or reviewing a pleading, motion, or other paper without making a general or limited scope appearance.
- Attorney may rely on the self-represented person's representation of facts without further investigation by the attorney, unless the attorney knows that such representations are false.

Rule 137(e)

Ghostwriting

- Attorney's name does not need to appear on pleadings (but it can)
- No Notice of Limited Scope Appearance required (because you are not appearing in the court case)
- Rule applies only to state court proceedings
 - ▣ Negative federal case law

Rule 137(e)

Communication with Persons Represented by Counsel

- RPC 4.2 does apply to limited scope representation cases

RPC 4.2: Communication with Persons Represented by Counsel

- *Comment 8A*: For purposes of this Rule...lawyer is only deemed to know that the person is represented by another lawyer, and the subject of that representation, upon receipt of (i) a proper Notice of Limited Scope Appearance under Supreme Court Rule 13(c)(6), or (ii) with respect to a matter not involving court proceedings, written notice advising that the client is being represented by specified counsel with respect to an identified subject matter and time frame.
- **A lawyer is permitted to communicate with a person represented under Rule 1.2(c) outside the subject matter or time frame of the limited scope representation.**

Not one size fits all

- Limited scope is not appropriate in every case
- Remember RPC 1.2(c)
 - ▣ The limitation must be reasonable under the circumstances

Discussion

- How can you incorporate limited scope in your practice?
- Is a Limited Scope Appearance required in divorce cases if you will only represent through judgment?
- Issues with withdrawal?

Limited scope resources

- http://www.isba.org/practiceresourcecenter/limited_scope
- <http://lpmt.chicagobar.org/il-limited-scope/>
- http://www.americanbar.org/content/dam/aba/migrated/legalservices/delivery/downloads/prose_white_paper.pdf

Why volunteer through Prairie State

- Prairie State prescreens cases for merit and financial eligibility.
- *Pro bono* cases are covered under Prairie State's malpractice insurance.
- Prairie State offers free CLEs to *pro bono* attorneys.
- Training and mentoring from experienced legal aid attorneys.
- *Pro bono* hours can be reported on your annual ARDC registration.

Superhero Convention



"Us? No, we're not in disguise.
We're pro bono volunteers."



PRAIRIE STATE LEGAL SERVICES

Equal Access to Justice

Illinois Supreme Court Rule 138
Personal Identity Information

(a) Applicability.

(1) In civil cases, personal identity information shall not be included in documents or exhibits filed with the court except as provided in paragraph (c). This rule applies to paper and electronic filings.

(2) This rule does not apply to cases filed confidentially and not available for public inspection.

(b) Personal identity information, for purposes of this rule, is defined as follows:

- (1) Social Security and individual taxpayer-identification numbers;
- (2) birth dates [eff. Jan. 1, 2015];
- (3) names of individuals known to be minors [eff. Jan. 1, 2015];
- (4) driver's license numbers;
- (5) financial account numbers; and
- (6) debit and credit card numbers.

A court may order other types of information redacted or filed confidentially, consistent with the purpose and procedures of this rule.

(c) A redacted filing of personal identity information for the public record is permissible and shall only include:

- (1) the last four digits of the Social Security or individual taxpayer-identification number;
- (2) the year of the individual's date of birth [eff. Jan. 1, 2015];
- (3) the minor's initials [eff. Jan. 1, 2015];
- (4) the last four digits of the driver's license number;
- (5) the last four digits of the financial account number; and
- (6) the last four digits of the debit and credit card number.

When the filing of personal identity information is required by law, ordered by the court, or otherwise necessary to effect disposition of a matter, the party shall file a form in substantial compliance with the appended "Notice Of Confidential Information Within Court Filing." This document shall contain the personal identity information in issue, and shall be impounded by the clerk immediately upon filing. Thereafter, the document and any attachments thereto shall remain impounded and be maintained as confidential, except as provided in paragraph (d) or as the court may order.

After the initial impounded filing of the personal identity information, subsequent documents filed in the case shall include only redacted personal identity information with appropriate reference to the impounded document containing the personal identity information.

If any of the impounded personal identity information in the initial filing subsequently requires amendment or updating, the responsible party shall file the amended or additional information by filing a separate "Notice Of Confidential Information Within Court Filing" form.

(d) The information provided with the "Notice of Personal Identity Information Within Court Filing" shall be available to the parties, to the court, and to the clerk in performance of any requirement provided by law, including the transfer of such information to appropriate justice partners, such as the sheriff, guardian *ad litem*, and the State Disbursement Unit (SDU), the

Secretary of State or other governmental agencies, and legal aid agencies or bar association *pro bono* groups. In addition, the clerk, the parties, and the parties' attorneys may prepare and provide copies of documents without redaction to financial institutions and other entities or persons which require such documents.

(e) Neither the court nor the clerk is required to review documents or exhibits for compliance with this rule. If the clerk becomes aware of any noncompliance, the clerk may call it to the court's attention. The court, however, shall not require the clerk to review documents or exhibits for compliance with this rule.

(f)(1) If a document or exhibit is filed containing personal identity information, a party or any other person whose information has been filed may move that the court order redaction and confidential filing as provided in paragraph (b). The motion shall be impounded, and the clerk shall remove the document or exhibit containing the personal identity information from public access pending the court's ruling on the substance of the motion. A motion requesting redaction of a document in the court file shall have attached a copy of the redacted version of the document. If the court allows the motion, the clerk shall retain the unredacted copy under impoundment and the redacted copy shall become part of the court record.

(2) If the court finds the inclusion of personal identity information in violation of this rule was willful, the court may award the prevailing party reasonable expenses, including attorney fees and court costs.

(g) This rule does not require any clerk or judicial officer to redact personal identity information from the court record except as provided in this rule.

Adopted Oct. 24, 2012, eff. July 1, 2013; amended June 3, 2013, eff. July 1, 2013; amended June 27, 2013, eff. July 1, 2013; amended Dec. 24, 2013, eff. Jan. 1, 2014.

Committee Comments
October 24, 2012
(Revised June 3, 2013)
(Revised December 24, 2013)

Paragraph (a)

Supreme Court Rule 138, adopted October 24, 2012, prohibits the filing of personal identity information that could be used for identity theft. For instance, financial disclosure statements used in family law cases typically contain a variety of personal information that shall remain confidential to protect privacy concerns.

Paragraph (b)

While paragraph (b) defines the most common types of personal identity information, it further allows the court to order redaction or confidential filing of other types of information as necessary to prevent identity theft.

Paragraph (c)

The procedures in paragraph (c) address the filing of personal identity information in redacted form for the public record. Where the personal identity information is required by law, ordered by the court, or otherwise necessary to effect a disposition of a matter, the litigant shall

file the document in redacted form and separately file the subject personal identity information in a protected document titled a "Notice of Personal Identity Information Within Court Filing," using the appended form. The filing of a separate document without redaction is not necessary or required because the personal identity information will be available to authorized persons by referring to the "Notice of Personal Identity Information Within Court Filing" form.

Paragraph (d)

The clerk of court can utilize personal identity information and share that information with other agencies, entities and individuals, as provided by law.

[Appendix]

In the Circuit Court of the _____ Judicial Circuit,
_____ County, Illinois
(Or, In the Circuit Court of Cook County, Illinois)

_____)
Plaintiff/Petitioner,)
)
v.) Case No. _____
)
_____)
Defendant/Respondent)

NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING

Pursuant to Illinois Supreme Court Rule 138(c), the filer of a document containing personal identity information required by law, ordered by the court, or otherwise necessary to effect disposition of a matter shall, at the time of such filing, include this confidential information form which identifies the personal identity information redacted from such filing pursuant to Rule 138(c), and which will be redacted from future filings to protect the subject personal identity information. **This personal identity information will not be available to the public and this document will be stored in a separate location from the case file.**

Party/Individual Information:

- 1. Name: _____
- Address: _____
- Phone: _____
- SSN: _____

Other personal identity information as defined in Rule 138(b), to the extent applicable:

2. Name: _____
Address: _____

Phone: _____
SSN: _____

Other personal identity information as defined in Rule 138(b), to the extent applicable:

(Attach additional pages, if necessary.)

RELEVANT PORTIONS OF LIMITED SCOPE RULES

Rule 13. Appearances – Time to Plead – Withdrawal

* * *

(c) Appearance and Withdrawal of Attorneys.

(6) *Limited Scope Appearance.* An attorney may make a limited scope appearance on behalf of a party in a civil proceeding pursuant to Rule of Professional Conduct 1.2(c) when the attorney has entered into a written agreement with that party to provide limited scope representation. The attorney shall file a Notice of Limited Scope Appearance in the form attached to this rule, identifying each aspect of the proceeding to which the limited scope appearance pertains.

An attorney may file a Notice of Limited Scope Appearance more than once in a case. An attorney must file a new Notice of Limited Scope Appearance before any additional aspect of the proceeding in which the attorney intends to appear. A party shall not be required to pay more than one appearance fee in a case.

(7) *Withdrawal Following Completion of Limited Scope Representation.* Upon completing the representation specified in the Notice of Limited Scope Appearance filed pursuant to paragraph (6), the attorney shall withdraw by oral motion or written notice as provided in parts (i)-(ii) of this paragraph. A withdrawal for any reason other than completion of the representation shall be requested by motion under paragraphs (c)(2) and (c)(3).

(i) If the attorney completes the representation at or before a court hearing attended by the party the attorney represents, the attorney may make an oral motion for withdrawal without prior notice to the party the attorney represents or to other parties. The court must grant the motion unless the party objects on the ground that the attorney has not completed the representation. The order granting the withdrawal may require the attorney to give written notice of the order to parties who were neither present nor represented at the hearing. If the party objects that the attorney has not completed the representation, the court must hold an evidentiary hearing on the objection, either immediately or on a specified later date. After hearing the evidence, the court must grant the motion to withdraw unless the court expressly finds that the attorney has not completed the representation specified in the Notice of Limited Scope Appearance.

(ii) An attorney also may withdraw by filing a Notice of Withdrawal of Limited Scope Appearance in the form attached to this rule. The attorney must serve the Notice on the party the attorney represents and must also serve it on other counsel of record and other parties not represented by counsel, unless the court by order excuses service on other counsel and other parties. The attorney must also serve the Notice on the judge then presiding over the case. The attorney must file proof of service in compliance with this paragraph. Within 21 days after the service of the Notice, the party may file an Objection to Withdrawal of

RELEVANT PORTIONS OF LIMITED SCOPE RULES

Limited Scope Appearance in the form attached to this rule. The party must serve the Objection on the attorney and must also serve it on other counsel of record and other parties not represented by counsel unless the court by order excuses service on other counsel and other parties. If no timely Objection is filed, the attorney's limited scope appearance automatically terminates, without entry of a court order when the 21-day period expires. If a timely Objection is filed, however, the attorney must notice a hearing on the Objection. If the ground for the Objection is that the attorney has not completed the representation specified in the Notice of Limited Scope Appearance, the court must hold an evidentiary hearing. After the requisite hearing, the court must enter an order allowing the attorney to withdraw unless the court expressly finds that the attorney has not completed the representation specified in the Notice of Limited Scope Appearance.

Adopted June 15, 1982, effective July 1, 1982; amended February 16, 2011, effective immediately; amended Jan. 4, 2013, eff. immediately; amended June 14, 2013, eff. July 1, 2013.

Committee Comments

(rev. June 14, 2013)

Rule 13 was added in 1982. It was patterned after Proposed Uniform Circuit Court Rule III, which was prepared by a special committee of the Illinois State Bar Association and approved by the ISBA Board of Governors on June 22, 1976. Under paragraph (c) of this rule, an attorney's written appearance on behalf of a client before any court in this State binds the attorney to continue to represent that client in that cause until the court, after notice and motion, grants leave for the attorney to withdraw. ~~(See Code of Professional Responsibility, Rules 2-110, 5-102 and 5-105 Rule of Professional Conduct 1.16(c).) This is true whether a final judgment has been entered in the cause or the contract of employment has been carried out. See Rule 7-101(a)(2).~~

Committee Comments

(June 14, 2013)

Paragraph (c)(6) addresses the provision of limited scope representation to clients under Rule of Professional Conduct 1.2(c). The paragraph is not intended to regulate or impede appearances made pursuant to other types of limited engagements by attorneys, who may appear and withdraw as otherwise provided by Rule 13.

An attorney making a limited scope appearance in a civil proceeding must first enter into a written agreement with the party disclosing the limited nature of the representation. The limited appearance is then effected by using the form Notice of Limited Scope Appearance appended to this Rule. Utilizing this standardized form promotes consistency in the filing of limited scope appearances, makes the notices easily recognizable to judges and court personnel, and helps ensure that the scope of the representation is identified with specificity.

RELEVANT PORTIONS OF LIMITED SCOPE RULES

A party on whose behalf an attorney has filed a Notice of Limited Scope Appearance remains responsible, either personally or through an attorney who represents the party, for all matters not specifically identified in the Notice of Limited Scope Appearance.

Paragraph (c)(6) does not restrict (1) the number of limited scope appearances an attorney may make in a case, (2) the aspects of the case for which an attorney may file a limited scope appearance such as, for example, specified court proceedings, depositions, or settlement negotiations, or (3) the purposes for which an attorney may file a limited scope appearance. Notwithstanding the absence of numeric or subject matter restrictions on filing limited scope appearances, nothing in the Rule restricts the ability of a court to manage the cases before it, including taking appropriate action in response to client or lawyer abuse of the limited scope representation procedures.

Paragraph (c)(7) provides two alternative ways for an attorney to withdraw when the representation specified in the Notice of Limited Scope Appearance has been completed. The first method—an oral motion—can be used whenever the representation is completed at or before a hearing attended by the party the attorney represents. Prior notice of such a hearing is not required. The attorney should use this method whenever possible, because its use ensures that withdrawal occurs as soon as possible and that the court knows of the withdrawal.

The second method—filing a Notice of Withdrawal of Limited Scope Appearance—enables the attorney to withdraw easily in other situations, without having to make a court appearance, except when there is a genuine dispute about the attorney's completion of the representation. The Notice must be served on the party represented and on other counsel of record and other parties not represented by counsel unless the court excuses service on other counsel of record and other parties not represented by counsel. The Notice must also be served on the judge then presiding over the case to ensure that the judge is made aware that the limited scope representation has been completed, subject to the client's right to object. The attorney's withdrawal is automatic, without entry of a court order, unless the client files a timely Objection to Withdrawal of Limited Scope Appearance.

If the attorney makes an oral motion to withdraw pursuant to paragraph (c)(7)(i), with or without client objection, or if the client files a timely Objection to Withdrawal of Limited Scope Appearance pursuant to paragraph (c)(7)(ii), the court must allow the attorney to withdraw unless the court expressly finds that the attorney has not completed the representation specified in the Notice of Limited Scope Appearance. An evidentiary hearing is required if the client objects to the attorney's withdrawal based on the attorney's failure to complete the representation. A nonevidentiary hearing is required if the client objects on a ground other than the attorney's failure to complete the representation, although the primary function of such a hearing is to explain to the client that such an objection is not well-founded. A court's refusal to permit withdrawal of a completed limited scope representation, or even its encouragement of the attorney to extend the representation, would disserve the interests of justice by discouraging attorneys from undertaking limited scope representations out of concern that agreements with clients for such representations would not be enforced.

RELEVANT PORTIONS OF LIMITED SCOPE RULES

A limited scope appearance under the rule is unrelated to "special and limited" appearances formerly used to object to the lack of personal jurisdiction. The use of such appearances ended with the adoption of Public Act 91-145, which amended section 2-301 of the Code of Civil Procedure (735 ILCS 5/2-301) effective January 1, 2000.

Form for Limited Scope Appearance in Civil Action

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS
(OR, IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS)

_____))
Plaintiff/Petitioner))
))
v.) No.)
))
))
_____))
Defendant/Respondent))

NOTICE OF LIMITED SCOPE APPEARANCE

1. The attorney, _____, and the Party, _____, have entered into a written agreement dated _____ providing that the attorney will provide limited scope representation to the Party in the above-captioned matter in accordance with Paragraphs 3 and 4, below.

2. The Party is Plaintiff Petitioner Defendant Respondent in this matter. (Circle one)

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): _____

RELEVANT PORTIONS OF LIMITED SCOPE RULES

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: _____

5. The attorney may withdraw following completion of the limited scope representation specified in this appearance as follows:

a. orally move to withdraw at a hearing attended by the Party, at which the Party may object to withdrawal if the Party contends that the limited scope representation specified in this appearance has not been completed; or

b. file a Notice of Withdrawal of Limited Scope Representation in the form attached to Supreme Court Rule 13. If the attorney files such a Notice, the attorney shall serve it upon the Party and upon all counsel of record and other parties not represented by counsel unless the court excuses service upon other counsel and other unrepresented parties, and upon the judge then presiding over this case. The method of service shall be as provided in Supreme Court Rule 11 unless the court orders otherwise. If the Party objects to the withdrawal, the Party may, within 21 days after the date of the attorney's service of the Notice of Withdrawal of Limited Scope Appearance, file an Objection to Withdrawal of Limited Scope Appearance in the form attached to Supreme Court Rule 13. The attorney will provide a copy of the form of Objection to the Party with the attorney's Notice, including instructions for filing and service of an Objection. If the Party timely serves an Objection, the attorney shall notice the matter for hearing to rule on the Objection.

6. Service of pleadings on the attorney and party named above shall be made in accordance with Supreme Court Rule 11(e).

7. By signing below, the Party being represented under this Limited Scope Appearance:

a. agrees to the delivery of all court papers to the addresses specified below; and

b. agrees to inform the court, all counsel of record, and all parties not represented by counsel of any changes to the Party's address information listed below during the limited scope representation.

Signature of Attorney

Name of Attorney

Attorney's Address

Attorney's Telephone Number

Attorney's E-Mail Address

Attorney Number

Signature of Party

Name of Party

Party's Address

Party's Telephone Number

Party's E-Mail Address

Date

RELEVANT PORTIONS OF LIMITED SCOPE RULES

Form for Notice of Withdrawal of Limited Scope Appearance

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS
(OR, IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS)

_____))
Plaintiff/Petitioner))
v.) No.)
_____))
Defendant/Respondent))

NOTICE OF WITHDRAWAL OF LIMITED SCOPE APPEARANCE

I withdraw my Notice of Limited Scope Appearance for _____ [party], pursuant to Supreme Court Rule 13(c)(7).

I have completed all services within the scope of the Notice of Limited Scope Appearance, and I have completed all acts ordered by the court within the scope of that appearance.

Service of documents upon me under Supreme Court Rule 11(e) will no longer be required upon the later of: (a) 21 days after service of this Notice or, (b) if _____ [party] files and serves an Objection to Withdrawal of Limited Scope Appearance within 21 days after service of this Notice, entry of a court order allowing my withdrawal. Service of documents on _____ [party] continues to be required.

NOTICE TO _____ [party]: You have the right to object to my withdrawal as your lawyer if you believe that I have not finished everything that I had agreed to do. To object, you must:

1. Fill in the blanks in the attached form of Objection to Withdrawal of Limited Scope Appearance, including the Certificate of Service and sign where indicated.
2. File the original Objection with the court by _____, _____, [date to be filled in by lawyer] which is 21 days after the date that I am filing and serving this Notice.
3. On the same day that you file the Objection with the court, send copies of it to me and to the other persons listed in the Certificate of Service attached to the Objection. Also, check the boxes in the Certificate of Service to show how you sent the copy to each person.

RELEVANT PORTIONS OF LIMITED SCOPE RULES

If you file and serve an Objection within the 21-day period, I will arrange to have a hearing date set by the court. I will send you notice of the date. You must appear at the hearing and explain to the judge why you believe that I have not finished everything that I had agreed to do for you.

Signature of Attorney

Name of Attorney

Attorney's Address

Attorney's Telephone Number

Attorney's E-Mail Address

Attorney Number

Date

Proof of Filing and Service

I certify that this Notice has been filed with the court on the ____ day of _____, 20 __, and on the same day I served this Notice on the following, including the Party that I represented, all counsel of record and parties not represented by counsel, and the judge now presiding over this case, by the method checked below for each.

[List Name and Address of Each]

[Check Method of Service]

The Honorable _____

US Mail, Postage Prepaid Messenger

Personal Delivery Facsimile

Email

[Client] _____

US Mail, Postage Prepaid Messenger

Personal Delivery Facsimile

Email

[Repeat Same Information for Each Other Counsel of Record and Unrepresented Party]

Signature of Attorney

RELEVANT PORTIONS OF LIMITED SCOPE RULES

Form for Objection To Withdrawal of Limited Scope Appearance

[To Withdrawing Attorney: On the Copy of This Form Sent to the Client, List the Parties and Addresses in the Certificate of Service and Complete All Parts of the Form Except the Statement of Grounds, the Signature Block Information, the Date of Filing and Service of the Objection, the Client's Method of Service, and the Client's Signatures]

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS
(OR, IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS)

_____)
Plaintiff/Petitioner)
)
v.) No.
)
)
_____)
Defendant/Respondent)

OBJECTION TO WITHDRAWAL OF LIMITED SCOPE APPEARANCE

I, _____, object to my attorney's Notice of Withdrawal of Limited Scope Appearance filed on _____.

My attorney has not finished everything he or she had agreed to do in the Notice of Limited Scope Appearance. I understand this is the only basis for me to present a valid objection to my attorney's notice of withdrawal. The specific services that my attorney has not completed are:

I understand that my objection will be set for a court hearing and I will be required to appear at that hearing and explain to a judge what services my attorney has not completed that he or she had agreed to do for me.

Signature of Party Name of Party

RELEVANT PORTIONS OF LIMITED SCOPE RULES

Party's Address _____ Party's Telephone Number _____

Party's E-Mail Address _____

Date _____

Proof of Filing and Service

I certify that this Objection has been filed with the court on the ____ day of _____, ____ and on the same day I served this Objection on the following by the method checked below for each.

- | | |
|-----------------------------------|---|
| [List Name and Address of Each] | [Check Method of Service] |
| [Attorney Who Represented Client] | <input type="checkbox"/> US Mail, Postage Prepaid |
| _____ | <input type="checkbox"/> Messenger |
| _____ | <input type="checkbox"/> Personal Delivery <input type="checkbox"/> Facsimile |
| _____ | <input type="checkbox"/> Email |

[Repeat Same Information for Each Other Counsel of Record and Unrepresented Party]

Signature of Party _____

Committee Comments

Rule 13 was added in 1982. It was patterned after Proposed Uniform Circuit Court Rule III, which was prepared by a special committee of the Illinois State Bar Association and approved by the ISBA Board of Governors on June 22, 1976. Under paragraph (c) of this rule, an attorney's written appearance on behalf of a client before any court in this State binds the attorney to continue to represent that client in that cause until the court, after notice and motion, grants leave for the attorney to withdraw. (See Code of Professional Responsibility, Rules 2--110, 5--102 and 5--105.) This is true whether a final judgment has been entered in the cause or the contract of employment has been carried out. See Rule 7--101(a)(2).

RELEVANT PORTIONS OF LIMITED SCOPE RULES

Rule 137. Signing of Pleadings, Motions and Other Documents – Sanctions

* * *

(e) **Attorney Assistance Not Requiring an Appearance or Signature.** An attorney may assist a self-represented person in drafting or reviewing a pleading, motion, or other paper without making a general or limited scope appearance. Such assistance does not constitute either a general or limited scope appearance by the attorney. The self-represented person shall sign the pleading, motion, or other paper. An attorney providing drafting or reviewing assistance may rely on the self-represented person's representation of facts without further investigation by the attorney, unless the attorney knows that such representations are false.

Adopted June 19, 1989, effective August 1, 1989; amended December 17, 1993, effective February 1, 1994; amended Jan. 4, 2013, eff. immediately; amended June 14, 2013, eff. July 1, 2013.

Committee Comments (June 14, 2013)

Under Illinois Rule of Professional Conduct 1.2(c), an attorney may limit the scope of a representation if the limitation is reasonable under the circumstances and the client gives informed consent. Such a limited scope representation may include providing advice to a party regarding the drafting of a pleading, motion or other paper, or reviewing a pleading, motion or other paper drafted by a party, without filing a general or limited scope appearance. In such circumstances, an attorney is not required to sign or otherwise note the attorney's involvement and the certification requirements in Rule 137 are inapplicable. Moreover, even if an attorney is identified in connection with such a limited scope representation, the attorney will not be deemed to have made a general or limited scope appearance.

Consistent with the limited scope of services envisioned under this drafting and reviewing function, attorneys may rely on the representation of facts provided by the self-represented person. This rule applies, for example, to an attorney who advises a caller to a legal aid telephone hotline regarding the completion of a form pleading, motion or other paper or an attorney providing information at a pro bono clinic.

All obligations under Rule 137 with respect to signing pleadings and certifications apply fully in those limited scope representations where an attorney has filed a general or limited scope appearance. Drafting a pleading, motion or other paper, or reviewing a pleading, motion or paper drafted by a party does not establish any independent responsibility not already applicable under current law.

Eleventh Judicial Circuit
_____ County, Illinois

Plaintiff/Petitioner

vs.

Case Number: _____

Defendant/Respondent

NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING

Pursuant to Illinois Supreme Court Rule 138, the filing of a court record at the time of filing shall include a *Confidential Information Form* which identifies the full social security number for any individual whose social security number is redacted within the filing. **This information shall not be available to the public and this document will be stored in a separate location from the case file.**

Party/Individual Information:

1. Name _____
Address _____
City, State, Zip _____
Phone _____
SSN: _____

2. Name _____
Address _____
City, State, Zip _____
Phone _____
SSN: _____

3. Name _____
Address _____
City, State, Zip _____
Phone _____
SSN: _____

Attach additional pages if necessary