

EXCERPTS OF KEY RULES RELATED TO LIMITED SCOPE REPRESENTATION

NOTE: Excerpts of rules below were compiled by the CBA from the 2021 Connecticut Practice Book for your convenience only. Attorneys should refer to the current version of the rules, including any amendments or new statutes that may affect these rules and should not rely on the excerpts below, which may not reflect the latest rule changes. This is not a complete list, and other rules may be relevant to providing LSR services as well.

CT Rules of Professional Conduct, Rule 1.2(c). Scope of Representation and Allocation of Authority between Client and Lawyer (emphasis added)

A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent. Such informed consent shall not be required when a client cannot be located despite reasonable efforts where the lawyer is retained to represent a client by a third party that is obligated by contract to provide the client with a defense.

CT Rules of Professional Conduct, Rule 1.5(b). Fees (emphasis added)

The scope of the representation, the basis or rate of the fee and expenses for which the client will be responsible, shall be communicated to the client, in writing, before or within a reasonable time after commencing the representation, except when the lawyer will charge a regularly represented client on the same basis or rate. Any changes in the basis or rate of the fee or expenses shall also be communicated to the client in writing before the fees or expenses to be billed at higher rates are actually incurred. *In any representation in which the lawyer and the client agree that the lawyer will file a limited appearance, the limited appearance engagement agreement shall also include the following: identification of the proceeding in which the lawyer will file the limited appearance; identification of the court events for which the lawyer will appear on behalf of the client; and notification to the client that after the limited appearance services have been completed, the lawyer will file a certificate of completion of limited appearance with the court, which will serve to terminate the lawyer's obligation to the client in the matter, and as to which the client will have no right to object.* Any change in the scope of the representation requires the client's informed consent, shall be confirmed to the client in writing, and shall require the lawyer to file a new limited appearance with the court reflecting the change(s) in the scope of representation. This subsection shall not apply to public defenders or in situations where the lawyer will be paid by the court or a state agency.

CT Superior Court Rules, Rule 3-8(b). Appearance for Represented Party (emphasis added)

An attorney is permitted to file an appearance limited to a specific event or proceeding in any family or civil case. If an event or proceeding in a matter in which a limited appearance has been filed has been continued to a later date, for any reason, it is not deemed completed unless otherwise ordered by the court.

Except with leave of court, a limited appearance may not be filed to address a specific issue or to represent the client at or for a portion of a hearing. A limited appearance may not be limited to a particular length of time or the exhaustion of a fee. Whenever an attorney files a limited appearance for a party, the limited appearance shall be filed in addition to any self-represented appearance that the party may have already filed with the court. Upon the filing of the limited appearance, the client may not file or serve pleadings, discovery requests or otherwise represent himself or herself in connection with the proceeding or event that is the subject of the limited appearance. An attorney shall not file a limited appearance for a party when filing a new action or during the pendency of an action if there is no appearance on file for that party, unless the party for whom the limited appearance is being filed files an appearance in addition to the attorney's limited appearance at the same time. A limited appearance may not be filed on behalf of a firm or corporation. A limited appearance may not be filed in criminal or juvenile cases, except that a limited appearance may be filed pursuant to Section 79a-3 (c) (1).

CT Superior Court Rules, Rule 3-9(c). Withdrawal of Appearance; Duration of Appearance (emphasis added)

...[A] lawyer who represents a party or parties on a limited basis in accordance with Section 3-8 (b) and has completed his or her representation as defined in the limited appearance, shall file a *certificate of completion of limited appearance* on Judicial Branch form JD-CL-122. The certificate shall constitute a full withdrawal of a limited appearance. Copies of the certificate must be served in accordance with Sections 10- 12 through 10-17 on the client, and all attorneys and self-represented parties of record.

CT Superior Court Rules, Rule 4-2(c). Signing of Pleading (emphasis added)

An attorney may assist a client in preparing a pleading, motion or other document to be signed and filed in court by the client. In such cases, the attorney shall insert the notation "prepared with assistance of counsel" on any pleading, motion or document prepared by the attorney. The attorney is not required to sign the pleading, motion or document and the filing of such a pleading, motion or document shall not constitute an appearance by the attorney.