



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on May 18–19, 2017

Title

Family Law: Simplifying Limited Scope
Representation Forms and Procedures

Agenda Item Type

Action Required

Effective Date

September 1, 2017

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Rules of Court, rule 5.425;
approve forms FL-955-INFO and FL-956;
revise forms FL-950, FL-955, FL-957, and
FL-958

Date of Report

April 10, 2017

Recommended by

Family and Juvenile Law Advisory
Committee

Hon. Jerilyn L. Borack, Cochair

Hon. Mark A. Juhas, Cochair

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Executive Summary

The Family and Juvenile Law Advisory Committee recommends amending rule 5.425 of the California Rules of Court, approving two new forms, and revising four existing forms to simplify the procedures for an attorney to withdraw from limited scope representation upon completing the work agreed on with the client in a family law matter. The recommended simplified withdrawal procedures are likely to promote more limited scope representation in family law matters, reduce the number of hearings regarding withdrawal of counsel, and reduce the impact on case management systems in family courts.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective September 1, 2017:

1. Amend rule 5.425 to reflect the new, simplified procedures for an attorney to withdraw from representation, as well as the obligations of the client who opposes the withdrawal;
2. Revise *Notice of Limited Scope Representation* (form FL-950) to include minor formatting changes and to reflect that the limited scope attorney is expected to prepare the form;
3. Revise *Notice of Completion of Limited Scope Representation* (form FL-955) to implement the new withdrawal procedures specified in the amendments to rule 5.425;
4. Approve *Information for Client About Notice of Completion of Limited Scope Representation* (form FL-955-INFO) to provide specific information to a client about how to respond to a proposed *Notice of Completion of Limited Scope Representation* (form FL-955) and, if applicable, file and serve an *Objection to Proposed Notice of Completion of Limited Scope Representation* (form FL-956).
5. Revise *Objection to Application to be Relieved as Counsel Upon Completion of Limited Scope Representation* (form FL-956) to:
 - a. Retitle it to “Objection to Proposed Notice of Completion of Limited Scope Representation”;
 - b. Include hearing date information to be completed by the court clerk on filing;
 - c. Serve as the method for the client to identify the services that he or she believes the attorney has not completed; and
 - d. Include notices to the client to reduce the likelihood of disclosing information that could potentially compromise the attorney-client privilege;
6. Approve *Response to Objection to Proposed Notice of Completion of Limited Scope Representation* (form FL-957) to be used by the limited scope attorney to indicate whether he or she agrees to continue representation or requests an order to be relieved as counsel; and
7. Revise *Order on Application to Be Relieved as Counsel Upon Completion of Limited Scope Representation* (form FL-958) to implement the proposed new process to withdraw from limited scope representation, changing the title of the form to “Order on Completion of Limited Scope Representation” and adding new sections for the court’s findings and orders, as well as a section to note the client’s last-known address and contact information.

The text of the amended rule is attached at pages 17–20. The new and revised forms are attached at pages 21–33.

Previous Council Action

Effective July 1, 2003, the Judicial Council adopted rules and forms “to enable limited scope representation so that attorneys can assist self-represented litigants, thereby increasing access to

justice and encouraging court efficiency.”¹ The council adopted the rules and forms in response to the request and recommendations of the Board of Trustees of the State Bar of California.

On April 23, 2011, the Judicial Council adopted the recommendations of the Elkins Family Law Task Force, which included changes to ensure meaningful access to justice for all litigants and increase the availability of legal representation and providing a continuum of legal services in family court.²

Rationale for Recommendation

The current procedures in family law limited scope cases place a burden on the attorney to seek court intervention to withdraw from a case in certain situations, and are reported to discourage attorneys from accepting limited scope clients. For example, the limited scope attorney must file an *Application to Be Relieved as Counsel Upon Completion of Limited Scope Representation* (form FL-955), along with a proposed *Order on Application to Be Relieved as Counsel Upon Completion of Limited Scope Representation* (form FL-958) if the party/client fails to sign a *Substitution of Attorney—Civil* (form MC-050) when the limited scope representation is complete. The next steps depend on whether the party/client files an objection to that application and proposed order:

- If the party/client does not object within 15 days of the service date, the attorney must file an updated form FL-955 to so inform the court and include a proposed *Order on Application to Be Relieved as Counsel Upon Completion of Limited Scope Representation* (form FL-958). Then the clerk must forward the proposed order for judicial signature.
- If the party/client files an *Objection to Application to Be Relieved as Counsel Upon Completion of Limited Scope Representation* (form FL-956), then the court clerk must set a hearing no later than 25 days from the date that the objection was filed. The court must then send the notice of the hearing to the parties and the attorney.

In response to suggestions by the California Commission on Access to Justice—as well as family law attorneys and judges—that the rules and forms be simplified and reflect practice in other states, the Family and Juvenile Law Advisory Committee recommends changing the current procedure by allowing the attorney to file a new *Notice of Completion of Limited Scope*

¹ Judicial Council of Cal., Family and Juvenile Law Advisory Com. Rep., *Family Law: Limited Scope Representation* (Mar. 14, 2003), p. 1.

² “Equal justice for all is basic to our democracy. The first step toward equal justice is providing everyone, regardless of his or her economic circumstances, meaningful access to the courts. Today, too many people find themselves in family court without the assistance they need to present their cases. For those who are able to represent themselves, we need to provide more services to help them navigate the court system and get their day in court. For those who cannot represent themselves meaningfully, we need to find additional ways to increase representation.” Judicial Council of Cal., Task Force Rep., *Elkins Family Law Task Force: Final Report and Recommendations* (April 2010), Recommendation III, p. 58, www.courts.ca.gov/documents/elkins-finalreport.pdf.

Representation (form FL-955) to withdraw from the case, instead of filing a motion to withdraw if the client fails to sign a substitution of attorney. The committee's goals are to:

- Respond to the identified concern that attorneys would be more willing to accept limited scope assignments but for the difficulty associated with withdrawing from assignments when the work has been completed;
- Increase court efficiencies by eliminating, in most cases, the need for the clerk to (1) process the application to be relieved as counsel each time a party/client fails to substitute out of the case on completion of the representation, (2) process the proposed order submitted with the application, and/or (3) set a hearing on the matter; and
- Advance the Judicial Council's goals and objectives of ensuring meaningful access to justice for all litigants and increasing the availability of legal representation and providing a continuum of legal services in family court.

To support these goals, the committee recommends the following procedure if a party/client fails to sign a substitution of attorney following completion of the agreed-upon limited scope services:

1. The attorney will be required to serve the client with a *Notice of Completion of Limited Scope Representation* (form FL-955) that is marked as "Proposed," a form entitled *Information for Client About Notice of Completion of Limited Scope Representation* (form FL-955-INFO), and a blank *Objection to Proposed Notice of Completion of Limited Scope Representation* (form FL-956). The attorney would also be required to indicate in the notice box of the proposed *Notice of Completion* the date by which the client must file the *Objection*. The date is 10 calendar days after service of the proposed *Notice of Completion* on the client.
2. Following the 10-day period, if the client agrees or does not respond to the attorney, the attorney must file and serve a *Notice of Completion of Limited Scope Representation* (form FL-955) that is marked as "Final" in the caption. In this situation, the attorney will be deemed to be relieved of his or her responsibilities upon filing and service of the final *Notice of Completion* on the client and other parties in the action.
3. If, however, within the 10-calendar-day waiting period, the client files and serves the *Objection* to the proposed *Notice of Completion of Limited Scope Representation* (form FL-956):
 - The court clerk must set a hearing on the objection, and the hearing must be conducted no more than 25 court days after the *Objection* is filed;
 - The attorney may file a *Response to Objection to Proposed Notice of Completion of Limited Scope Representation* (form FL-957); and

- Following the hearing, unless the court orders otherwise, the attorney must prepare and obtain the judge’s signature on the *Order on Completion of Limited Scope Representation* (form FL-958). The attorney must then file the order and serve it on the client and the parties or the attorneys for all parties in the case.

The proposed approach has a number of advantages:

- It will eliminate the need for the attorney to incur additional expenses to seek a court order to withdraw from the case if the client does not sign a substitution of attorney.
- Based on the current procedure, most clients would likely not disagree that the representation is ended. Thus, most withdrawals would be completed using the final *Notice of Completion of Limited Scope Representation* (form FL-955), thereby significantly reducing the workload of court staff and the impact on case management systems.
- It will provide clarity about the actual date of the attorney’s withdrawal. The withdrawal will be completed on service of a final *Notice of Completion* or the court order issued on form FL-958.

Although the rule will still require that the court clerk schedule a hearing so that the matter is heard within 25 days if an *Objection to Proposed Notice of Completion of Limited Scope Representation* (form FL-956) is filed, the proposed new process will greatly reduce the number of cases that require a hearing before the attorney can withdraw.

Flowcharts showing the current and proposed withdrawal procedures are included as Attachments A and B

Rule 5.425. Limited scope representation; application of rules

The committee recommends amending the rule to reflect the new procedure to withdraw from limited scope representation. In addition, recommended amendments include that the attorney may not be charged a fee to file the final *Notice of Completion of Limited Scope Representation* (form FL-955), even if the attorney had not previously made an appearance in the case. The committee believes that this change will eliminate another reported barrier for attorneys to take on limited scope clients in family law cases.

Notice of Limited Scope Representation (form FL-950)

The committee recommends a few changes to form FL-950. The caption has been revised to reflect that the attorney is expected to prepare the form. Therefore, the reference on the first line of the caption to “party without attorney” has been deleted.

In addition, the order of the headings has changed to be consistent with other family law forms. For example, item 3a (“Child support”) has been moved to item 3b, and item 3d (“Child custody

and visitation”) has been moved to 3a. Also, the headings under item 3 have been updated to be consistent with language on current forms. For example, “Child custody and visitation” has been changed to “Child custody and visitation (parenting time)” and “Spousal support” to “Spousal or domestic partner support.”

Notice of Completion of Limited Scope Representation (form FL-955)

The committee recommends that this form be revised for mandatory use and include language to help attorneys implement the recommended amendments to rule 5.425. The caption has been changed to reflect that the attorney is expected to complete this form and includes check boxes for the attorney to indicate if it is a proposed or final version of the form. The revised form includes instructions directing the limited scope attorney to insert the date by which the client must file the *Objection*. Requiring the limited scope attorney to calculate the date that corresponds to 10 calendar days after the date that the proposed *Notice of Completion* was served will minimize confusion by the client because that date can vary depending on how the proposed *Notice of Completion* was served.

Information for Client About Notice of Completion of Limited Scope Representation (form FL-955-INFO)

The committee developed this form to provide to a client specific information about how to respond to a proposed *Notice of Completion of Limited Scope Representation* (form FL-955) and file and serve the *Objection to Proposed Notice of Completion of Limited Scope Representation* (form FL-956). This information is essential for a client seeking court intervention in a dispute with the limited scope attorney about whether the attorney completed the representation. Among other things, the form covers how to calculate the deadline by which the client must file and serve the *Objection* (form FL-956) and prepare for the hearing. It also provides links to resources if the client has questions.

Objection to Application to be Relieved as Counsel Upon Completion of Limited Scope Representation (form FL-956)

The committee recommends that this form be revised and renamed “Objection to Proposed Notice of Completion of Limited Scope Representation.” The revised form provides space for the client to identify the services that he or she believes the attorney has not completed. However, the content has been tailored to reduce the likelihood of a client’s disclosing information that could potentially compromise the attorney-client privilege. In addition, the notice box on the form provides information about protecting the confidentiality of attorney-client communications.

Response to Objection to Proposed Notice of Completion of Limited Scope Representation (form FL-957)

This recommended new form will be used by the limited scope attorney to indicate whether he or she agrees to continue representation or requests an order to be relieved as counsel. The form includes a notice for the attorney not to file additional documents with the form to protect

attorney-client confidentiality but, instead, to bring any such evidence to the hearing. Finally, the form includes a proof of service on page 2.

Order on Application to Be Relieved as Counsel Upon Completion of Limited Scope Representation (form FL-958)

The committee recommends revising the form to implement the proposed new process to withdraw from limited scope representation. The title of the form has been changed to “Order on Completion of Limited Scope Representation,” and the form includes new sections for the court’s findings and orders, as well as a new section to note the client’s last-known address and contact information.

In addition, the committee recommends revising the proofs of service on forms FL-950, FL-955, FL-956, and FL-958. The proposed changes reflect the revised form names of forms that are required to be served and/or expand the content to include a section for attorneys who choose to serve the client with a *Notice of Completion* by overnight delivery or another agreed-upon method, such as electronic service.

Comments from prior circulation

The Family and Juvenile Law Advisory Committee circulated an invitation to comment in the previous public comment cycle proposing a different procedure if a party/client fails to sign a substitution of attorney following completion of the agreed-upon limited scope services.³

Feedback received from the public about that proposal indicated that improvements were needed. Therefore, the committee developed the current recommendations for simplifying limited scope representation, which take into account the following suggestions:

- Reduce court costs to implement the rule’s procedures;
- Impose fewer requirements on the client if there is a disagreement about completion of limited scope services;
- Provide clarity about the actual date of the attorney’s withdrawal; and
- Provide more protections and awareness of the confidentiality of the communications between the attorney and the client.

The comments chart for the previous proposal is included in this report as Attachment A.

³ The invitation to comment is available at www.courts.ca.gov/documents/SPR16-18.pdf.

Comments, Alternatives Considered, and Policy Implications

The current proposal circulated for comment as part of the winter 2017 invitation-to-comment cycle, from December 16, 2016 to February 14, 2017, to the standard mailing list for family and juvenile law proposals. Included on the list were appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, court administrators and clerks, attorneys, family law facilitators and self-help center staff, social workers, probation officers, Court Appointed Special Advocate (CASA) programs, and other juvenile and family law professionals.

The committee received comments from 13 individuals or organizations. Of these commenters, 6 agreed with the proposal, 3 agreed if modified, 3 expressed no position but included comments and suggestions to improve the rule and forms. Also, 1 disagreed with the proposal if it would require the limited scope attorney to remain in the case until an order after hearing or judgment when the party and attorney did not specifically agree to this service. A chart with the full text of the comments received and the committee's responses is attached at pages 34–69.

Rule 5.425. Limited scope representation; application of rules

Five commenters suggested changes to the rule. Most commenters suggested technical changes; some suggested substantive changes; and one generally expressed support for the rule amendments.

Technical changes included correcting a typographical error in the numbering of the rule's subsections, using the word "limited" in front of all references to "attorney" in the rule, and using the word "shall" instead of "should" in a subsection relating to the requirement to pay a filing fee for the *Objection* (form FL-956). In response, the committee incorporated some of the technical changes into the recommendations being made to the Judicial Council. Other changes were incorporated to the extent that they supported the intended meaning of the rule. The committee did not agree to use the term "shall," but recommended using the term "must," as is the policy of Judicial Council regarding rules and forms.

Some commenters suggested substantive changes, such as changing the number of days that the client has to object to the Proposed Notice of Completion from 10 to 15. This suggestion was made because currently clients have 15 days to file the *Objection*. The committee does not agree to recommend that the deadline for the client to file the *Objection* be changed to 15 calendar days. The client will not be prejudiced by the shortening of time in the process, and it will reduce the limbo period in the representation.

The 10-calendar-day deadline for filing the *Objection* applies only in situations in which the client fails to sign a substitution of attorney at the end of the limited scope service. When a client agrees in the *Notice of Limited Scope Representation* (form FL-950) to file a substitution of attorney when the services are completed, but then fails to do so, this leaves the attorney in limbo. The attorney cannot have a client sign a blank substitution but may be unable to get the

client's attention after the services have been completed. Shortening the period to object will help address those situations in which the client has not been responsive to the attorney's attempt to communicate about substituting out of the case.

Finally, as noted in the recommended information sheet (form FL-955-INFO), the actual deadline for filing the *Objection* will vary depending on how the proposed *Notice of Completion* was filed. A deadline of 10 days applies to personal service of the *Notice*; however, it would be extended by 2 court days for overnight delivery and 5 calendar days if service was effected by mail within the state of California.

The same commenter suggested that the rule be changed to state that, if the *Objection* is late, the court may reject the filing. In response, the committee does not agree to recommend amending the rule as suggested by the commenter. If the attorney takes prompt steps to submit the Final *Notice of Completion* at the end of the 10-day waiting period, the risk of late filings should be very limited. Because the attorney has the incentive to be relieved as counsel, the attorney should be given the responsibility of filing the Final *Notice* at the end of the 10-day period. Further, to authorize court clerks to reject an *Objection to Proposed Notice of Completion of Limited Scope Representation* (form FL-956) that is untimely filed seems imprudent. If a timeliness issue arises with the filing of the *Objection*, it should be adjudicated by the judicial officer at a hearing on the issue rather than by the clerk.

In response to other suggestions made by commenters, the committee recommends:

- Removing references in the rule to service deadlines for the *Objection*. To avoid confusion, the committee recommends that the deadlines be included in the information sheet.
- Not revising the rule to state that a client can have only one limited scope attorney in the family law case working on separate issues. The State Bar's *California Rules of Professional Conduct* make no such restriction, and such a rule does not support the goal of increasing access to justice.
- Requiring in the rule that the limited scope attorney submit a proof of service for the *Notice of Completion* forms marked as "Proposed" and "Final." This requirement will allow the attorney to let the court know how the "Proposed" *Notice of Completion* was filed, and thus determine if the "Final" *Notice of Completion* was timely filed and served.
- Including in the rule that, before being relieved as counsel, the limited scope attorney must file and serve the order after hearing or judgment following the hearing or trial at which he or she provided representation, unless otherwise directed by the court or unless the party agreed in form FL-950 that completion of the order or judgment was not within the scope of the attorney's representation.

Notice of Limited Scope Representation (form FL-950)

Three commenters suggested changes to the form. One person suggested changes to the proof of service to make it clear what the party should do if service is completed by electronic means. The committee agreed with the commenter and recommends revising page 3 of the form to include a check box for electronic service. The proposed form requires that a separate proof of electronic service be attached because of the space limitations of the form and includes a link to optional *Proof of Electronic Service* (form POS-050). The committee recommends this change to the other forms in this report that include a proof of service.

Two commenters suggested technical changes, such as correcting the form number at the bottom left corner from FL-955 to FL-950 and other minor, technical changes to the proof of service. The committee agreed to incorporate these changes into the recommendations being made to the Judicial Council.

One commenter did not agree to the proposed revision (item 2) that the rule should require a limited scope attorney to remain in the case until he or she submitted an order after hearing of judgment in all cases, especially if the work is not included within the scope of the representation. The commenter, who has a limited scope practice in which he makes court appearances and does not budget to do the order after hearing, indicated that this would add significant costs to his representation. He further asked whether an attorney who was able to settle the entire case at a request for order hearing would be required to prepare the judgment—even if doing so had not been contemplated in the original representation?

In response, the committee noted the requirements of rule 5.125 of the California Rules of Court regarding the preparation, service, and submission of the order after hearing, which provides the following:

The court may prepare the order after hearing and serve copies on the parties or their attorneys. Alternatively, the court may order one of the parties or attorneys to prepare the proposed order as provided in these rules. The court may also modify the timelines and procedures in this rule when appropriate to the case.

(Cal. Rules of Court, rule 5.125.)

The committee also reviewed the specific comments received from the prior circulation of the rule and forms in the SPR16-18 proposal. In that proposal, 6 of the 12 commenters responded to the specific question “Should the rule or forms require that if an attorney makes an appearance at a hearing, the attorney is responsible for preparing the order after hearing, if so directed by the judge.” All 6 agreed that the rule should include the requirement. Below are the commenters are their statements:

- *Harriett Buhai Center for Family Law*: Yes, absolutely. This language should encompass judgments and restraining orders after hearing as well as orders after hearing. Far too often we encounter clients who had limited scope attorneys for a

hearing and neither party completed the order after hearing.

- *Orange County Bar Association*: Yes, for the attorney's own protection as well as protecting the interests of the client.
- *The State Bar of California, The Executive Committee of the Family Law Section of the State Bar of California (FLEXCOM)*: Yes. If a judge instructs the limited scope attorney to prepare the order, the attorney should do so before he or she withdraws. If the representation is limited to a court appearance, it is only logical that preparation of the order after that hearing is part of the "work agreed upon."
- *State Bar of California, Standing Comm. on the Delivery of Legal Services*: Yes. Appearing at a hearing to get an order and not preparing the order after hearing (i.e., not actually getting an order) is not terribly helpful to a client, as many clients seem to have difficulty with the findings and order after hearing.
- *Superior Court of Los Angeles County*: Yes.
- *Superior Court of San Diego County*: Yes.

In light of the above rule and input from commenters, the committee recommends revising item 2 on form FL-950. Item 2 requires the attorney to indicate the duration of the limited scope representation. The recommendation is to provide three check boxes to specify the duration of the representation, as follows:

The attorney will represent the party as follows:

- ☐ at the hearing on (date): _____ ☐ and for any continuance of that hearing
- ☐ until resolution of the issues checked on this form by trial or settlement
- ☐ Other (specify duration of representation):

However, instead of a separate check box that states: "☐ until submission of the order after hearing" the committee recommends that the form include a check box for the attorney to indicate whether there is an exception to the rule that the attorney will prepare an order after a hearing or a judgment after the hearing or trial. Specifically, the committee recommends that the check box state, "☐ Submitting to the court an order after hearing or judgment is not within the scope of the attorney's representation." By checking this box, the attorney will represent to the court that he or she had a conversation with the client about preparing the order or judgment and that the client agreed that the attorney's representation will not include these tasks.

Notice of Completion of Limited Scope Representation (form FL-955)

Seven commenters suggested changes to improve form FL-955. In response, the committee recommends the following changes:

- Adding a section on page 1 to allow the attorney to indicate the date that the proposed *Notice of Completion* was served, along with the method of service.
- Adding a reference and a link to the information sheet, form FL-955-INFO.
- Reformatting the notice boxes to better clarify for the client what is meant if the form is marked “Proposed” or “Final.”
- Clarifying in item 2 the document that the attorney must attach to describe the scope of the representation that was agreed upon with the client.
- Adding in item 2 text indicating that the attorney is not to attach a copy of the fee agreement to demonstrate the agreement with the client.
- Changing the second page for use as the proof of service for either the proposed or final *Notice of Completion* (form FL-955)

Information for Client About Notice of Completion of Limited Scope Representation (form FL-955-INFO)

Five commenters suggested changes to the proposed new information sheet. Most of the suggestions were minor or technical in nature, such as globally replacing the term “lawyer” with “attorney” to be consistent with the term in rule 5.425, adding and deleting space between words, and emphasizing text by underlining or bolding words or phrases. The committee generally agreed to incorporate these changes into its recommendations.

Two commenters suggested substantive changes. One change was to indicate in section 7 that the court may reject the filing if it is not timely filed and served. The committee does not recommend amending the form as suggested. As previously stated, to authorize court clerks to reject an *Objection to Proposed Notice of Completion of Limited Scope Representation* (form FL-956) that is untimely filed seems imprudent. The attorney’s incentive to be relieved as counsel should act as a motivator for taking prompt steps to file the *Final Notice of Completion of Limited Scope Representation* (form FL-955), and should, thereby, decrease the risk that the client will file the *Objection* late. Further, if a timeliness issue arises with the filing of the *Objection*, it should be adjudicated by the judicial officer at a hearing on the issue rather than by the clerk.

Also relating to fees, another commenter queried why the party filing the *Objection* has to pay a filing fee when the attorney does not have to pay a fee to file the *Final Notice of Completion*. In response, the committee recommends new language in item 7 to state that the party must pay a fee to file the *Objection* because the court clerk is required to set a hearing on the matter. Because the required fee may be either a motion fee or a first appearance fee, the committee recommends against including more-specific information about fees in the information sheet.

Finally, the committee recommends adding language to the proposed new form to make it consistent with the changes recommended to rule 5.425. Specifically, the committee recommends that item 4 (“What if I don’t take any action?”) reflect that the limited scope attorney will also file the “Final” *Notice of Completion* with the court, along with the proofs of service of the “Proposed” and “Final” *Notices*.

Objection to Application to be Relieved as Counsel Upon Completion of Limited Scope Representation (form FL-956)

Three commenters suggested changes to the form. One stated that the form should not have a proof of service attached to it. The reason is that the client must file the form first to get a hearing date before serving the attorney, which means that the proof of service on the second page will not be filled out at the time of filing.

The committee agreed with the suggestion and recommends not including the proof of service on page 2. However, the committee recommends replacing it with information about serving the *Objection* by personal service, mail service, express mail, and electronic service.

Procedurally, the court clerk will return copies to the party/client with the court date completed on page 1. Having the service information on the back of each form will serve as an important resource for the client in arranging for the limited scope attorney and other parties to be served. The service information includes links to each type of proof of service and information sheets about service available on the California Courts website.

Other commenters suggested removing the attorney contact information from the caption on page 1 because the form will be completed by the litigant. In addition, a commenter suggested that the form include that service must be completed by a person who is at least age 18 and not a party to this case. The committee agreed to include the information on page 2 of the form.

Response to Objection to Proposed Notice of Completion of Limited Scope Representation (form FL-957)

Three commenters made suggestions about form FL-957. One suggested minor, technical changes to the proof of service attached to the form. The committee agreed and incorporated them into the recommendations about the form. The committee also agreed and incorporated the changes suggested about adding a section specifically for electronic service and a link to a form that may be used for this purpose.

One commenter asked, “shouldn’t there be a way for the hearing to come off calendar or at least a prompt that the client or limited scope attorney will take the hearing off calendar?” In response, the committee notes that the suggested change is not one that is normally included in Judicial Council forms. The committee does not recommend revising the form for this purpose. The attorney may follow local court procedures for taking the matter off calendar if he or she reaches an agreement with the client.

Order on Application to Be Relieved as Counsel Upon Completion of Limited Scope Representation (form FL-958)

The committee agreed with the minor, technical changes suggested by the three commenters to this form. The changes include switching the order of “Client/Party” to “to Party/Client” throughout the form for consistency with form FL-955, and using the term “may use” instead of “can use” in the notice box relating to a change of address form. Another minor technical change is to use boldface for the phrase “you now represent yourself in the case” so that the notification to the party/client is more prominent.

Responses to request for specific comments

Cost savings. The committee sought comments about whether the new procedure for limited scope representation will provide cost savings. Three courts responded. Although one court stated that it would not provide cost savings, two courts responded that it would. Specifically, the two courts responded that the number of hearings related to the withdrawal of the limited scope attorney would decrease. A court also noted that the proposal will offer a clearer time frame for when the withdrawal from limited scope representation occurs.

Implementation requirements. Four courts responded to the inquiry about implementation requirements for the courts. None of the courts responded that the changes would be burdensome to implement. All noted that staff will need to be trained, including staff at the filing window, data entry clerks, and courtroom clerks. One court provided the example that the filing window clerk will need to know the time frame for setting a court hearing when an *Objection* is filed. Another court noted that court clerks, courtroom assistants, judicial officers, and judicial assistants will also need to be trained about the new withdrawal procedures.

Each court responded that some changes will be needed to their case management systems. The new procedures will need to be integrated into the current system. Also, new case management codes will need to be created for the new forms, FL-955-INFO and FL-956. Another court noted that the configuration of its case management system will be minor. Finally, courts responded that the proposal will require them to update their training materials.

Impact on low- and moderate-income litigants. Three courts responded to this inquiry. One court responded that the proposal will have no impact. Another court responded that the impact is unknown. The third court responded that “[t]he increased ease in which an attorney may withdraw from a case may be a detriment to a self-represented litigant who disputes the withdrawal since they would have to file an objection and attend a hearing.”

In response, the committee recognizes that the new process does shift the burden on the party in terms of requiring the party to dispute the proposed *Notice of Completion*. However, the committee anticipates that the cost to the party will actually decrease because the attorney will no longer be charging the party/client for his or her professional time to draft an application and proposed order to be relieved as counsel. Nor will the client be charged by the attorney for filing

fees and the attorney's cost for serving the documents. Instead, the party's costs may be limited to the fees for filing the *Objection* and the cost of serving the documents.

Finally, a private family law judge responded that "[t]his proposal will benefit low and moderate income litigants by encouraging lawyers to get involved for limited purposes or issues without fear of being drawn into an uncompensated quagmire of *pro per* litigation."

Timing of effective date. Only three courts responded to the question of timing, and they each agreed that two months from the Judicial Council approval of the committee's recommendations until their effective date will provide sufficient time for implementation.

Alternatives considered

The Family and Juvenile Law Advisory Committee considered changing the rule and forms based on comments received from the public and recommending that the Judicial Council adopt the recommendations effective January 1, 2017.

The committee decided to develop a new proposal to try to address the concerns and suggestions of commenters and circulate it for comment in the winter 2017 public comment cycle. Because there is no legislative mandate to revise the forms with a specified deadline for implementation, there was no detriment inherent in allowing more time to develop recommendations to the Judicial Council about simplifying the limited scope representation procedures in family court.

Implementation Requirements, Costs, and Operational Impacts

The committee anticipates that the recommendations will result in some costs incurred by the courts to revise forms, train court staff about the changes to the rules and forms included in this proposal, and possibly revise local court rules and forms so they are consistent with the changes adopted by the Judicial Council. However, the committee expects that the changes will save resources for the courts in the long term by clarifying and simplifying procedures.

Relevant Strategic Plan Goals and Operational Plan Objectives

The rule and forms in the report support the policies underlying Goal I, Access, Fairness, and Diversity, by increasing the availability of legal representation and providing a continuum of legal services in family court. They respond to the identified concern that attorneys would be more willing to accept limited scope assignments but for the difficulty associated with withdrawing from that assignment when the work has been completed.

In addition, the rule and forms in the report increase court efficiencies by eliminating, in most cases, the need for the clerk to (1) process the application to be relieved as counsel each time a party/client fails to substitute out of the case on completion of the representation, (2) process the proposed order submitted with the application, and/or (3) set a hearing on the matter.

Attachments

1. Cal. Rules of Court, rule 5.425, at pages 17–20
2. Forms FL-950, FL-955, FL-955-INFO, FL-956, FL-957, and FL-958, at pages 21–33⁴
3. W17-05 chart of comments, at pages 34–69
4. Attachment A: Limited Scope Representation, Current Withdrawal Procedure
5. Attachment B: Limited Scope Representation, Recommended Withdrawal Procedure
6. Attachment C: SPR16-18 chart of comments

DRAFT

⁴ Please note that the recommended revisions to forms FL-955, FL-956, and FL-957 are so extensive that these revisions are not identified on the attached forms by using shading, as is the typical practice. The changes are, however, described in the body of this invitation to comment.

Rule 5.425 of the California Rules of Court is amended, effective September 1, 2017, to read:

Rule 5.425. Limited scope representation; application of rules

(a)–(c) * * *

(d) Noticed limited scope representation

- (1) A party and an attorney must provide the required notice of their agreement for limited scope representation by serving other parties and filing with the court a *Notice of Limited Scope Representation* (form FL-950).
- (2) After the notice in (1) is received and until either a ~~substitution of attorney~~ *Substitution of Attorney—Civil* (form MC-050), a *Notice of Completion of Limited Scope Representation* (form FL-955) with the “Final” box checked, or an order to be relieved as attorney is filed and served:
 - (A) The attorney must be served only with documents that relate ~~only~~ to the issues identified in the *Notice of Limited Scope Representation* (form FL-950); and
 - (B) ~~The party must be served directly with~~ Documents that relate to all other issues outside the scope of the attorney’s representation must be served directly on the party or the attorney representing the party on those issues.
- (3) Electronic service of notices and documents described in this rule is permitted if the client previously agreed in writing to accept service of documents electronically from the attorney.
- (4) Before being relieved as counsel, the limited scope attorney must file and serve the order after hearing or judgment following the hearing or trial at which he or she provided representation, unless:
 - (A) Otherwise directed by the court; or
 - (B) The party agreed in the *Notice of Limited Scope Representation* (form FL-950) that completion of the order after hearing is not within the scope of the attorney’s representation.

(e) Procedures to be relieved as counsel on completion of limited scope representation if client has not signed a substitution of attorney

An attorney who has completed the tasks specified in the *Notice of Limited Scope Representation* (form FL-950) may use the following procedures to request that he

1 or she be relieved as attorney in cases in which the attorney has appeared before the
2 court as an attorney of record and if the client has not signed a *Substitution of*
3 *Attorney—Civil* (form MC-050):

4
5 (1) ~~Application~~ Notice of completion of limited scope representation

6
7 An application to be relieved as attorney on completion of limited scope
8 representation under Code of Civil Procedure section 284(2) must be directed
9 to the client and made on the *Application to Be Relieved as Counsel Upon*
10 *Completion of Limited Scope Representation* (form FL-955). The limited
11 scope attorney must serve the client with the following documents:

12
13 (A) A Notice of Completion of Limited Scope Representation (form FL-
14 955) with the “Proposed” box marked and the deadline for the client to
15 file the *Objection* completed by the attorney;

16
17 (B) Information for Client About Notice of Completion of Limited Scope
18 Representation (form FL-955-INFO); and

19
20 (C) A blank *Objection to Proposed Notice of Completion of Limited Scope*
21 *Representation* (form FL-956).

22
23 (2) ~~Filing and service of application~~

24
25 The application to be relieved as attorney must be filed with the court and
26 served on the client and on all other parties or attorneys for parties in the
27 case. The client must also be served with a blank *Objection to Application to*
28 *Be Relieved as Counsel on Completion of Limited Scope Representation*
29 (form FL-956).

30
31 (3)(2) ~~No objection~~

32 If no objection is served and filed with the court within 15 days from the date
33 that the *Application to Be Relieved as Counsel on Completion of Limited*
34 *Scope Representation* (form FL-955) is served on the client, the attorney
35 making the application must file an updated form FL-955 indicating the lack
36 of objection, along with a proposed *Order on Application to Be Relieved as*
37 *Counsel on Completion of Limited Scope Representation* (form FL-958). The
38 clerk must then forward the order for judicial signature. If the client does not
39 file and serve an *Objection to Proposed Notice of Completion of Limited*
40 *Scope Representation* (form FL-956) within 10 calendar days from the date
41 that the *Notice of Completion of Limited Scope Representation* (form FL-955)
42 was served, the limited scope attorney:

- 1 (A) Must serve the client and the other parties or, if represented, their
2 attorneys with a *Notice of Completion of Limited Scope Representation*
3 (form FL-955) with the “Final” box marked;
4
5 (B) Must file the *Final Notice of Completion of Limited Scope*
6 *Representation* (form FL-955) with the court, and attach the proofs of
7 service of both the “Proposed” and “Final” *Notices of Completion*;
8
9 (C) May not be charged a fee to file the final *Notice of Completion*, even if
10 the attorney has not previously made an appearance in the case; and
11
12 (D) Is deemed to be relieved as attorney on the date that the final *Notice of*
13 *Completion* is served on the client.
14

15 (4)(3) Objection

16 ~~If an objection to the application is served and filed within 15 days, the clerk~~
17 ~~must set a hearing date on the *Objection to Application to Be Relieved as*~~
18 ~~*Counsel on Completion of Limited Scope Representation* (form FL-956). The~~
19 ~~hearing must be scheduled no later than 25 days from the date the objection is~~
20 ~~filed. The clerk must send the notice of the hearing to the parties and the~~
21 ~~attorney. If the client files the *Objection to Proposed Notice of Completion of*~~
22 ~~*Limited Scope Representation* (form FL-956) within 10 calendar days from~~
23 ~~the date that the proposed *Notice of Completion* was served, the following~~
24 ~~procedures apply:~~
25

- 26 (A) The clerk must set a hearing date on the *Objection to Proposed Notice*
27 *of Completion of Limited Scope Representation* (form FL-956) to be
28 conducted no later than 25 court days from the date the *Objection* is
29 filed.
30
31 (B) The court may charge a motion fee to file the *Objection* and schedule
32 the hearing.
33
34 (C) The *Objection*—including the date, time, and location of the hearing—
35 must be served on the limited scope attorney and all other parties in the
36 case (or on their attorneys, if they are represented). Unless the court
37 orders a different time for service, the *Objection* must be served by the
38 deadline specified in *Information for Client About Notice of Completion*
39 *of Limited Scope Representation* (form FL-955-INFO).
40
41 (D) If the attorney wishes, he or she may file and serve a *Response to*
42 *Objection to Proposed Notice of Completion of Limited Scope*
43 *Representation* (form FL-957). Unless otherwise directed by the court,

1 any response should be filed with the court and served on the client and
2 other parties, or their attorneys, at least nine court days before the
3 hearing.

4
5 (E) Unless otherwise directed by the court, the attorney must prepare the
6 Order on Completion of Limited Scope Representation (form FL-958)
7 and obtain the judge's signature.

8
9 (F) The attorney is responsible for filing and serving the Order on the
10 client and other parties after the hearing, unless the court directs
11 otherwise.

12
13 (G) If the court finds that the attorney has completed the agreed-upon work,
14 the representation is concluded upon service of the signed Order on
15 Completion of Limited Scope Representation (form FL-958).

16
17 ~~(5) — Service of the order~~

18
19 ~~If no objection is served and filed and the proposed order is signed, the~~
20 ~~attorney who filed the Application to Be Relieved as Counsel on Completion~~
21 ~~of Limited Scope Representation (form FL-955) must serve a copy of the~~
22 ~~signed order on the client and on all parties or the attorneys for all parties~~
23 ~~who have appeared in the case. The court may delay the effective date of the~~
24 ~~order relieving the attorney until proof of service of a copy of the signed~~
25 ~~order on the client has been filed with the court.~~

26
27 (f) * * *

ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PETITIONER: _____ RESPONDENT: _____ OTHER PARENT/CLAIMANT: _____	
NOTICE OF LIMITED SCOPE REPRESENTATION <input type="checkbox"/> AMENDED	CASE NUMBER: _____

1. Attorney (name): _____ and party (name): _____ have an agreement that attorney will provide limited scope representation to the party.

2. The attorney will represent the party as follows:

☐ At the hearing on (date): _____ and for any continuance of that hearing
☐ Until resolution of the issues checked on this form by trial or settlement
☐ Other (specify duration of representation): _____

☐ Submitting to the court an order after hearing or judgment is not within the scope of the attorney's representation.

3. Attorney will serve as "attorney of record" for the party **only** for the following issues in the case:
 - a. ☐ Child custody and visitation (parenting time): (1) ☐ Establish (2) ☐ Enforce (3) ☐ Modify (specify): _____

 - b. ☐ Child support: (1) ☐ Establish (2) ☐ Enforce (3) ☐ Modify (describe in detail): _____

 - c. ☐ Spousal or domestic partner support: (1) ☐ Establish (2) ☐ Enforce (3) ☐ Modify (describe in detail): _____

 - d. ☐ Restraining order: (1) ☐ Establish (2) ☐ Enforce (3) ☐ Modify (describe in detail): _____

 - e. ☐ Division of property (describe in detail): _____

PETITIONER: RESPONDENT: OTHER PARENT/CLAIMANT:	CASE NUMBER:
--	--------------

3. f. ☐ Pension issues (*describe in detail*):

g. ☐ Contempt (*describe in detail*):

h. ☐ Other (*describe in detail*):

i. ☐ [See attachment 3i.](#)

4. **By signing this form, the party agrees to sign *Substitution of Attorney—Civil* (form MC-050) when the representation is completed.**

5. The attorney named above is "attorney of record" and available for service of documents only for those issues specifically checked on pages 1 and 2. For all other matters, the party must be served directly. The party's name, address, and phone number are listed below for that purpose.

Name:

Address (*for the purpose of service*):

Phone:

Fax Number:

This notice accurately sets forth all current matters on which the attorney has agreed to serve as "attorney of record" for the party in this case. The information provided in this document is not intended to set forth all of the terms and conditions of the agreement between the party and the attorney for limited scope representation.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY)

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF ATTORNEY)

PETITIONER: RESPONDENT: OTHER PARENT/CLAIMANT:	CASE NUMBER:
--	--------------

PROOF OF SERVICE: ☐ **PERSONAL SERVICE** ☐ **MAIL** ☐ **OVERNIGHT DELIVERY** ☐ **ELECTRONIC SERVICE**

1. At the time of service, I was at least 18 years of age and **not a party to this legal action** (not applicable to electronic service).

2. I served a copy of *Notice of Limited Scope Representation* (form FL-950) as follows:

a. ☐ **Personal service.** The document listed above was given to

(1) Name of person served:

Address where served:

Date served:

Time served:

(2) Name of person served:

Address where served:

Date served:

Time served:

b. ☐ **Mail.** I placed a copy of the form listed above in the U.S. mail in a sealed envelope with postage fully prepaid. The envelope was addressed and mailed as indicated below. I live or work in the county where the form was mailed.

(1) Name of person served:

Address where served:

Date of mailing:

Place of mailing (*city and state*):

(2) Name of person served:

Address where served:

Date of mailing:

Place of mailing (*city and state*):

c. ☐ **Overnight delivery.** I placed a copy of the form listed above in a sealed envelope, with Express Mail postage fully prepaid, and deposited it in a post office mailbox, subpost office, substation, mail chute, or other like facility maintained by the U.S. Postal Service for receipt of Express Mail. The envelope was addressed and mailed as indicated below. I live or work in the county where the form was deposited for overnight delivery.

(1) Name of person served:

Address where served:

Date of mailing:

Place of mailing (*city and state*):

(2) Name of person served:

Address where served:

Date of mailing:

Place of mailing (*city and state*):

d. ☐ **Electronic service.** I electronically served the document listed above as described in the attached proof of electronic service (*Proof of Electronic Service* (form POS-050) may be used for this purpose).

3. Server's information

a. Name:

b. Home or work address:

c. Telephone number:

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PERSON SERVING NOTICE)

ATTORNEY: NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NO.: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PETITIONER: RESPONDENT: OTHER PARENT/CLAIMANT:		
NOTICE OF COMPLETION OF LIMITED SCOPE REPRESENTATION <input type="checkbox"/> Proposed <input type="checkbox"/> Final		CASE NUMBER:

1. In accordance with the terms of an agreement between (name): ☐ petitioner
☐ respondent ☐ other party/claimant and myself, I agreed to provide limited scope representation.
2. I was retained as attorney of record for the services described in the attached ☐ *Notice of Limited Scope Representation* (form FL-950) ☐ Other (specify): _____ (Do not include your fee agreement.)
3. I completed all services within the scope of my representation on (date): _____
4. The last known information for the ☐ petitioner ☐ respondent ☐ other party/claimant (for the purpose of service) is
 Mailing address:
 Telephone number:
 E-mail address:

NOTICE TO PARTY/CLIENT:

Your attorney has served this *Notice of Completion of Limited Scope Representation* stating that he or she has completed the tasks that you agreed the attorney would perform. For more information, read *Information for Client About Notice of Completion of Limited Scope Representation* (form FL-955-INFO).

<p style="text-align: center;">IF THIS FORM IS MARKED “<input checked="" type="checkbox"/> PROPOSED”</p> <p>You have the right to object if you believe that the attorney has not finished everything that he or she agreed to do. To object, you must do the following:</p> <ol style="list-style-type: none"> (1) Complete the enclosed <i>Objection to Notice of Completion of Limited Scope Representation</i> (form FL-956). (2) Have the <i>Objection</i> served on your limited scope attorney and the other parties in the case by a person who is at least 18 years of age and not a party in the case. (3) File the <i>Objection</i> and proof of service with the court. (4) Have the <i>Objection</i> filed and served by the following date: _____ 	<p style="text-align: center;">IF THIS FORM IS MARKED “<input checked="" type="checkbox"/> FINAL”</p> <p>You did not object to the proposed <i>Notice of Completion</i>, which was served on (date): _____ by (specify type of service): _____</p> <ol style="list-style-type: none"> (1) The attorney no longer represents you in your limited scope action. (2) YOU NOW REPRESENT YOURSELF IN ALL ASPECTS OF THIS CASE. (3) All legal documents will be directed to you at your last known address, shown above in item 4. <p>If that address is incorrect, you need to let the court and the other parties in the case know your correct mailing address as soon as possible. You may use <i>Notice of Change of Address or Other Contact Information</i> (form MC-040) for this purpose.</p>
--	---

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

 (TYPE OR PRINT NAME)

▶

 (SIGNATURE OF ATTORNEY)

PETITIONER: RESPONDENT: OTHER PARENT/CLAIMANT:	CASE NUMBER:
--	--------------

PROOF OF SERVICE: ☐ **PROPOSED** ☐ **FINAL** **NOTICE OF COMPLETION OF LIMITED SCOPE REPRESENTATION**

1. At the time of service, I was at least 18 years of age and **not a party to this legal action.**
2. I served a copy of (specify):
 - ☐ Proposed *Notice of Completion of Limited Scope Representation* (form FL-955), a blank *Objection to Proposed Notice of Completion of Limited Scope Representation* (form FL-956), and *Information for Client About Notice of Completion of Limited Scope Representation* (form FL-955-INFO).
 - ☐ Final *Notice of Completion of Limited Scope Representation* (form FL-955).
3. I served the above forms as follows:
 - a. ☐ **Personal service.** The documents listed above were given to
 - (1) Name of person served:
Address where served:
Date served:
Time served:
 - (2) Name of person served:
Address where served:
Date served:
Time served:
 - b. ☐ **Mail.** I placed a copy of the forms listed above in the U.S. mail in a sealed envelope with postage fully prepaid. The envelope was addressed and mailed as indicated below. I live or work in the county where the forms were mailed.
 - (1) Name of person served:
Address where served:
Date of mailing:
Place of mailing (*city and state*):
 - (2) Name of person served:
Address where served:
Date of mailing:
Place of mailing (*city and state*):
 - c. ☐ **Overnight delivery.** I placed a copy of the forms listed above in a sealed envelope, with Express Mail postage fully prepaid, and deposited it in a post office mailbox, subpost office, substation, mail chute, or other like facility maintained by the U.S. Postal Service for receipt of Express Mail. The envelope was addressed and mailed as indicated below. I live or work in the county where the forms were deposited for overnight delivery.
 - (1) Name of person served:
Address where served:
Date of mailing:
Place of mailing (*city and state*):
 - (2) Name of person served:
Address where served:
Date of mailing:
Place of mailing (*city and state*):
 - d. ☐ **Electronic service.** I electronically served the document listed above as described in the attached proof of electronic service (*Proof of Electronic Service* ([form POS-050](#)) may be used for this purpose).
4. Server's information
 - a. Name:
 - b. Home or work address:
 - c. Telephone number:

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PERSON SERVING NOTICE)

FL-955-INFO**Information for Client About Notice of Completion of Limited Scope Representation****1 Why did I get this Proposed Notice of Completion of Limited Scope Representation (form FL-955)?**

When you and the limited scope attorney (attorney) signed the *Notice of Limited Scope Representation* (form FL-950), you agreed to sign the *Substitution of Attorney—Civil* (form MC-050) form when the attorney completed the tasks listed on that form.

You have not yet signed that *Substitution of Attorney* form. By serving you a *Proposed Notice of Completion* (form FL-955), your attorney is telling you that he or she has completed the tasks agreed to and is taking action to be removed from your case.

2 Why is it marked “Proposed”?

The attorney wants to give you a chance to respond if you agree or disagree that he or she completed the work for you.

3 What do I do if I agree?

You can contact the attorney and say that you agree. But you don’t have to take any action.

4 What if I don’t take any action?

After the 10th day, the attorney will serve you and the other party a *Notice of Completion* form marked “Final.” It will then be filed with the court along with the proofs of service of the “Proposed” and “Final” *Notices of Completion*. When the “Final” *Notice* is served on you, the attorney no longer represents you. Unless you have a new attorney, you now represent yourself.

5 What if I don’t agree and think that the attorney is not finished with the work we agreed to?

Contact the attorney right away and see if you can work it out. But, if you can’t, YOU MUST ACT RIGHT AWAY to file papers and ask for a court hearing.

6 How fast do I have to act?

You have only **10 days** from the date that form FL-955 was personally served on you to file papers with the court. If the form was served another way, the time to act is increased by a short time.

Look at the *Objection to Proposed Notice of Completion of Limited Scope Representation* (form FL-956). The attorney is required to fill in the date by which you have to file the form. To understand how that date was calculated, read **7**.

7 What do I have to do by the 10th day if I disagree?

- ☒ Fill out form FL-956, *Objection to Proposed Notice of Completion of Limited Scope Representation*.

You should have been served with a blank form FL-956 along with the *Notice of Completion of Limited Scope Representation* that was marked “Proposed.” Form FL-956 is also available online at courts.ca.gov/documents/fl956.pdf.

- ☒ Next, make 2 copies of the completed *Objection* (form FL-956).
- ☒ File the original *Objection* with the court clerk by the following deadlines:

10 calendar days	from the date that form FL-955 was personally served on you.
10 calendar days, PLUS 2 court days	from the date that form FL-955 was served on you by e-mail, facsimile, express mail, or other overnight delivery.
10 calendar days, PLUS 5 calendar days	from the date that form FL-955 was served to you by mail within the state of California.

Note: The court clerk may reject your *Objection* if it is not served and filed by the correct deadline.

- ☒ The court clerk will set the hearing no later than 25 court days from the date you file the *Objection* and give you filed copies of the *Objection* so that they can be served as described in item **11**.

8 Is there a filing fee for the Objection?

Yes, a fee is due when you file the *Objection* (form FL-956) because the court will have to set a hearing on the *Objection*. If you cannot afford to pay and don't have a fee waiver order for your case yet, you can ask the court to waive the fee by completing and filing [form FW-001, Request to Waive Court Fees](#) and [form FW-003, Order on Court Fee Waiver](#).



FL-955-INFO**Information for Client About Notice of Completion of Limited Scope Representation****9 What else needs to be done?**

Copies of the filed *Objection* have to be “served” on your attorney and the other party in the case, or the other party’s attorney. Someone else who is at least 18 years old must do it (for example, a friend, relative, sheriff, or professional process server). The server must complete a proof of service, which must be filed with the court.

10 How can the *Objection* be served?

A copy of the filed *Objection* can be served by:

- **Personal service.** The server hand delivers the papers. The server may leave the papers near the person if he or she will not take them.
- **Mail service.** The server places a copy of all documents in a sealed envelope and mails them to the address of each person being served. The server must be at least 18 years old and live or work in the county where the mailing took place.
- **Electronic service.** If you and your attorney have agreed in writing that you can send each other documents by e-mail or other electronic transmission, you can serve each other that way.
- **Service by express mail or overnight delivery.** An authorized courier or driver authorized by the express service delivers the papers to a person's business or residence.

11 When does the *Objection* need to be served?

Everyone in the case needs to be served with the *Objection*, as described below, unless otherwise ordered by the court:

16 court days before the hearing	if personal service is used.
16 court days PLUS 2 court days before the hearing	if service is by fax, electronic service, or overnight delivery.
16 court days PLUS 5 calendar days before the hearing	if service is by mail within California. <i>For service outside of California, see item 15.</i>

12 What does my limited scope attorney do if I file the *Objection*?

The attorney may file form FL-957, *Response to Objection to Notice of Completion of Limited Scope Representation*, with the court at least nine court days before the hearing, and serve a copy on you and all the parties (or their attorneys) in the case. The hearing will go forward even if the attorney does not file and serve a *Response*.

13 Get ready for your hearing

- ☒ Take at least two copies of your documents and filed forms to the hearing.
- ☒ Write down the tasks that the attorney agreed to do but has not completed and bring that list to court.
- ☒ Bring any paperwork that helps prove that the work is incomplete.

Important! Your agreement with your attorney is private and should not go into the court file. Letters between you and your lawyer are also private. If you want to bring these documents to court to show why you don’t think the tasks are completed, make two copies. Keep the original and give one copy to the judge and the other to the attorney at the hearing. These documents will help the judge make the decision, but they should not be filed with form FL-956, *Objection*.

14 What happens at the hearing?

The judge will decide if your attorney has finished the work agreed to or not. You will get an *Order on Completion of Limited Scope Representation* (form FL-958) signed by the judge. The attorney will usually prepare the order, unless the court decides otherwise.

15 Do you have questions or need help?

Talk to a lawyer or contact the Family Law Facilitator or Self-Help Center for information and assistance about any subject included in this form. Go to www.courts.ca.gov/selfhelp-courtresources.htm.

1. I am the ☐ petitioner ☐ respondent ☐ other parent/claimant in this case.
2. I object to the proposed *Notice of Completion of Limited Scope Representation* (form FL-955) that I received from my attorney. *(Attach a copy if available.)*
3. I believe that my attorney has not finished everything he or she agreed to do in the *Notice of Limited Scope Representation* (form FL-950). I understand that this is the only reason that I can object to my attorney's proposed notice of completion.
4. My attorney has not completed these specific services:
5. ☐ Before I filed this *Objection*, I attempted to contact the attorney and resolve our difference of opinion about whether the representation was complete. That effort was unsuccessful.
6. I request that the court not allow the attorney to withdraw from representation until those services have been completed.

If you want to object to the proposed *Notice of Completion of Limited Scope Representation* (form FL-955), you must complete this *Objection* and file it with the court clerk by **10 calendar days** after the date that the attorney served the proposed *Notice of Completion*.

Protect the confidentiality of the communications between you and your attorney! This form serves as your declaration to the court in support of your *Objection*. Do not file any other declarations with this form. Do not file any other papers that you received or sent to your attorney about your case! Instead, you may bring the papers or other evidence with you to the court hearing.

Date:

(SIGNATURE)

INFORMATION FOR SERVING FORM FL-956
(This page does not need to be filed with the *Objection*.)

A copy of the filed *Objection to Proposed Notice of Completion of Limited Scope Representation* (form FL-956) must be served on the limited scope attorney and the other parties in the case (or on their attorneys). The document must be served by a person who is at least 18 years of age and not a party in the case, unless electronic service is used. For more information, read *Information for Client About Notice of Completion of Limited Scope Representation* (form [FL-955-INFO](#)).

1. The *Objection to Proposed Notice of Completion of Limited Scope Representation* (form FL-956) can be served on the limited scope attorney and on the other parties in the case (or their attorneys, if they have one) by:

- | | | |
|----|--|--|
| a. | Personal service. | The server hand delivers the <i>Objection</i> . The server then fills out a proof of service and gives it to you. <i>Proof of Personal Service</i> (form FL-330) may be used for this purpose. If the server needs instructions, give him or her <i>Information Sheet for Proof of Personal Service</i> (form FL-330-INFO). |
| b. | Mail | The server places a copy of the <i>Objection</i> in the U.S. mail, in a sealed envelope with postage fully prepaid and addressed. The server must live or work in the county where the form was mailed. The server then fills out a proof of service and gives it to you. <i>Proof of Service by Mail</i> (form FL-335) may be used for this purpose. If the server needs instructions, give him or her an <i>Information Sheet for Proof of Service by Mail</i> (form FL-335-INFO). |
| c. | Overnight Delivery/Express Mail | The server places a copy of the <i>Objection</i> in a sealed envelope, with Express Mail postage fully prepaid, and deposits it in a post office mailbox, subpost office, substation, mail chute, or other like facility maintained by the U.S. Postal Service for receipt of Express Mail. <i>Proof of Service—Civil</i> (form POS-040) may be used for this purpose. |
| d. | Electronic Service | If you and your limited scope attorney have agreed in writing that you can send each other documents by e-mail or other electronic transmission, you—the client/party in the case—can serve the <i>Objection</i> that way. You would then fill out a proof of service. <i>Proof of Electronic Service</i> (form POS-050) may be used for this purpose. |

2. The deadline for service depends on how the *Objection* was served. See item **11** in *Information for Client About Notice of Completion of Limited Scope Representation* ([form FL-955-INFO](#)) for a list of filing deadlines.
3. Make at least two copies of the completed proof of service. Take the original and two copies to the clerk's office (or e-file it, if available in your court) at least five court days before your hearing.

ATTORNEY: NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NO.: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL
PETITIONER: RESPONDENT: OTHER PARENT/CLAIMANT:		
RESPONSE TO OBJECTION TO PROPOSED NOTICE OF COMPLETION OF LIMITED SCOPE REPRESENTATION		CASE NUMBER:
HEARING DATE: TIME: DEPARTMENT OR ROOM:		

1. I am the limited scope attorney for ☐ petitioner ☐ respondent ☐ other parent/claimant in this case.
2. In response to the *Objection to Proposed Notice of Completion of Limited Scope Representation* (form FL-956) (select one)
 - a. ☐ I agree to continue representation.
 - b. ☐ I request an order to be relieved as the limited scope attorney in this matter.

Notice: Protect the confidentiality of the communications between you and your client!

Do not attach declarations to the *Response to Objection to Proposed Notice of Completion of Limited Scope Representation* (form FL-957).

If you choose to do so, attach only a copy of the proposed *Notice of Completion of Limited Scope Representation* (form FL-955) that was served on the client. Do not attach or file any other papers that you received or sent to your client about the case. Instead, you may bring the papers or other evidence with you to the court hearing.

Following the hearing on the *Objection*, you must file and serve an *Order on Completion of Limited Scope Representation* (form FL-958) as soon as possible, unless otherwise directed by the court.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date:



(SIGNATURE OF PERSON SERVING NOTICE)

PETITIONER: RESPONDENT: OTHER PARENT/CLAIMANT:	CASE NUMBER:
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PROOF OF SERVICE: ☐ **PERSONAL SERVICE** ☐ **MAIL** ☒ **OVERNIGHT DELIVERY** ☐ **ELECTRONIC SERVICE**

1. At the time of service, I was at least 18 years of age and **not a party to this legal action** (not applicable to electronic service).
2. I served a copy of *Response to Objection to Proposed Notice of Completion of Limited Scope Representation* (form FL-957) as follows:

a. ☐ **Personal service.** The document listed above was given to

- (1) Name of person served:
 Address where served:
 Date served:
 Time served:

- (2) Name of person served:
 Address where served:
 Date served:
 Time served:

b. ☐ **Mail.** I placed a copy of the form listed above in the U.S. mail, in a sealed envelope with postage fully prepaid. The envelope was addressed and mailed as indicated below. I live or work in the county where the form was mailed.

- (1) Name of person served:
 Address where served:
 Date of mailing:
 Place of mailing (*city and state*):

- (2) Name of person served:
 Address where served:
 Date of mailing:
 Place of mailing (*city and state*):

c. ☐ **Overnight delivery.** I placed a copy of the form listed above in a sealed envelope, with Express Mail postage fully prepaid, and deposited it in a post office mailbox, subpost office, substation, mail chute, or other like facility maintained by the U.S. Postal Service for receipt of Express Mail. The envelope was addressed and mailed as indicated below. I live or work in the county where the form was deposited for overnight delivery.

- (1) Name of person served:
 Address where served:
 Date of mailing:
 Place of mailing (*city and state*):

- (2) Name of person served:
 Address where served:
 Date of mailing:
 Place of mailing (*city and state*):

d. ☐ **Electronic service.** I electronically served the document listed above as described in the attached proof of electronic service (*Proof of Electronic Service* ([form POS-050](#)) may be used for this purpose).

3. Server's information

- a. Name:
- b. Home or work address:
- c. Telephone number:

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date:

(TYPE OR PRINT NAME)	(SIGNATURE OF PERSON SERVING NOTICE)
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ATTORNEY: NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NO.: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PETITIONER: RESPONDENT: OTHER PARENT/CLAIMANT:		
ORDER ON COMPLETION OF LIMITED SCOPE REPRESENTATION		CASE NUMBER:

1. The proceeding on the party's (name): _____ objection to the attorney's (name): _____
 proposed *Notice of Completion of Limited Scope Representation* (form FL-955) was heard
- a. on (date): _____ at (time): _____ in Dept.: _____ Room: _____
 by Judge (name): _____ ☐ Temporary Judge
- b. The following persons were present at the hearing:
- | | |
|--|---|
| <input type="checkbox"/> Petitioner | <input type="checkbox"/> Attorney (name): _____ |
| <input type="checkbox"/> Respondent | <input type="checkbox"/> Attorney (name): _____ |
| <input type="checkbox"/> Other Parent/Claimant | <input type="checkbox"/> Attorney (name): _____ |
2. **THE COURT FINDS**
- a. ☐ The attorney demonstrated that he or she has completed the services that the party and attorney agreed that the attorney would perform in the *Notice of Limited Scope Representation* (form FL-950).
- b. ☐ The party demonstrated that the attorney has not completed the services that the party and the attorney agreed would be performed in the *Notice of Limited Scope Representation* (form FL-950).
- c. ☐ Other (specify): _____
3. **THE COURT ORDERS**
- a. ☐ The attorney is relieved as attorney of record for the party/client.
- b. ☐ The request of the attorney to be relieved of limited scope representation is denied.
- (1) ☐ effective immediately.
- (2) ☐ effective upon the filing of the proof of service of this signed order on the client.
- (3) ☐ effective on (specify date): _____
- c. ☐ The court further orders (specify): _____
- d. ☐ All legal documents and notices must be served directly on the party using the following address or contact information:
 Mailing address: _____
 Telephone number: _____ E-mail address: _____
- e. The attorney must serve copies of this order on the parties and their attorneys of record and file the proof of service with the court.

Date: _____

JUDGE OF THE SUPERIOR COURT

NOTICE TO PARTY/CLIENT: If the court relieved the limited scope attorney as your attorney of record, **you now represent yourself in the case**. You may wish to seek other legal counsel to represent you. You must keep the court and the other parties in your case informed of your current mailing address and contact information. You may use *Notice of Change of Address or Other Contact Information* (form MC-040) for this purpose.

PETITIONER: RESPONDENT: OTHER PARENT/CLAIMANT:	CASE NUMBER:
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PROOF OF SERVICE: ☐ **PERSONAL SERVICE** ☐ **MAIL** ☒ **OVERNIGHT DELIVERY** ☐ **ELECTRONIC SERVICE**

1. At the time of service, I was at least 18 years of age and **not a party to this legal action** (not applicable to electronic service).

2. I served a copy of *Order on Completion of Limited Scope Representation* (form FL-958) as follows:
 - a. ☐ **Personal service.** The document listed above was given to
 - (1) Name of person served:
 Address where served:
 Date served:
 Time served:
 - (2) Name of person served:
 Address where served:
 Date served:
 Time served:

 - b. ☐ **Mail.** I placed a copy of the form listed above in the U.S. mail, in a sealed envelope with postage fully prepaid. The envelope was addressed and mailed as indicated below. I live or work in the county where the form was mailed.
 - (1) Name of person served:
 Address where served:
 Date of mailing:
 Place of mailing (*city and state*):
 - (2) Name of person served:
 Address where served:
 Date of mailing:
 Place of mailing (*city and state*):

 - c. ☐ **Overnight delivery.** I placed a copy of the form listed above in a sealed envelope, with Express Mail postage fully prepaid, and deposited it in a post office mailbox, subpost office, substation, mail chute, or other like facility maintained by the U.S. Postal Service for receipt of Express Mail. The envelope was addressed and mailed as indicated below. I live or work in the county where the form was deposited for overnight delivery.
 - (1) Name of person served:
 Address where served:
 Date of mailing:
 Place of mailing (*city and state*):
 - (2) Name of person served:
 Address where served:
 Date of mailing:
 Place of mailing (*city and state*):

 - d. ☐ **Electronic service.** I electronically served the document listed above as described in the attached proof of electronic service (*Proof of Electronic Service* ([form POS-050](#)) may be used for this purpose).

3. Server's information
 - a. Name:
 - b. Home or work address:
 - c. Telephone number:

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.
 Date:

(TYPE OR PRINT NAME)	(SIGNATURE OF PERSON SERVING NOTICE)
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W17-05

Family Law: Simplifying Limited Scope Representation Forms and Procedures (Amend Cal. Rules of Court, rule 5.425; approve forms FL-955-INFO and FL956; revise forms FL-950, FL-955, FL-957, and FL-958)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
1.	Richard D. Brover Attorney at Law	A	<p>The proposed changes make good sense.</p> <p>In my Family Law practice, in Limited Scope cases, there is currently an unfair burden imposed open my office in 'getting out' of a case. I will ask the client, many times, and often send repeated letters, with a Substitution form and a postage paid envelope. I do this to avoid the expense and delay of a Court appearance.</p> <p>The new procedure will make it easier for attorneys (and therefore, less expensive for clients) to take on Limited Scope Representation, with the knowledge that an attorney can do the work for which he or she was hired, and then not (generally) be obliged to go to Court to get out of the case.</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p>
2.	Dubrovsky Law Gary Vadim Dubrovsky Partner	AM	All comments are included under specific headings below.	See responses to specific provisions below.
3.	Virginia Johnson Staff Attorney Superior Court of San Diego County	N/I	All comments are included under specific headings below.	See responses to specific provisions below.
4.	Levitt & Quinn Family Law Center Ana M. Storey Attorney	N/I	The simplified procedure incorporating the new Notice of Completion of Limited Scope Representation (form FL-955) is an	No response required.

W17-05

Family Law: Simplifying Limited Scope Representation Forms and Procedures (Amend Cal. Rules of Court, rule 5.425; approve forms FL-955-INFO and FL956; revise forms FL-950, FL-955, FL-957, and FL-958)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
			improvement to the current procedure. It allows attorneys to end the representation when we have properly completed the services we contracted with the client to provide without forcing an unnecessary court hearing that further taxes our and the court's resources. And importantly, it protects a client's right to seek relief if their attorney inappropriately attempts to withdraw prior to the completion of agreed upon services. Additional comments are included under specific headings below.	See responses to specific provisions below.
5.	Limited Scope Law Group Christopher Stefan Attorney North Hollywood	N	All comments are included under specific headings below.	See responses to specific provisions below.
6.	State Bar of California The Executive Committee of the Family Law Section of the State Bar of California (FLEXCOM) Saul Bercovitch Legislative Counsel	A	The proposed changes would simplify the current procedure for withdrawal while maintaining protections for the litigant and provide an opportunity to request a hearing to examine the attorney's assertions of fulfilling all limited scope tasks. With a simplified process to be relieved as counsel, more attorneys are expected to adopt this legal service delivery model. As a result, attorneys will be offering this method of representation	No response required.

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Family Law: Simplifying Limited Scope Representation Forms and Procedures (Amend Cal. Rules of Court, rule 5.425; approve forms FL-955-INFO and FL956; revise forms FL-950, FL-955, FL-957, and FL-958)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
			and market these affordable legal services to historically underrepresented and vulnerable populations, thus improving access to justice for low and moderate-income litigants. All comments are included under specific headings below. Additional comments are included under specific headings below.	See responses to specific provisions below.
7.	State Bar of California Standing Commission on the Delivery of Legal Services Sharon Ngim Program Development & Staff Liaison	A	Forms FL-306 and FL-307: The proposed changes are beneficial for low and moderate income litigants. Splitting the form into two streamlines the process for requesting a continuance and providing notice of the request, which will avoid duplicate filing fees and increase efficiency for the court.	No response required.
8.	Superior Court of Los Angeles County Los Angeles County Superior Court	AM	All comments are included under specific headings below.	See responses to specific provisions below.
9.	Superior Court of Orange County Family and Juvenile Orange County Court Managers	N/I	All comments are included under specific headings below.	See responses to specific provisions below.
10.	Superior Court of Riverside County Susan Ryan Chief Deputy of Legal Services	A	All comments are included under specific headings below.	See responses to specific provisions below.
11.	Superior Court of San Diego County	AM	All comments are included under specific	See responses to specific provisions below.

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Family Law: Simplifying Limited Scope Representation Forms and Procedures (Amend Cal. Rules of Court, rule 5.425; approve forms FL-955-INFO and FL956; revise forms FL-950, FL-955, FL-957, and FL-958)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
	Michael M. Roddy Executive Officer		headings below.	
12.	M. Sue Talia Private Family Law Judge	A	<p>I am pleased that the Judicial Council has undertaken the simplification of Rule 5.425. As an expert in limited scope for over 20 years, I am often the first contact when a lawyer has a question about the implementation, and most particularly, the ending of a limited scope engagement. California lawyers have been complaining to me since the very first iteration of the prior Rule 5.71. They feel that the current rule places them at the mercy of unsophisticated clients who don't understand the importance of the Substitution of Attorney. I like the fact that the proposed rule includes two methodologies for withdrawal which are instigated by the lawyer.</p> <p>The complete comment is attached. All comments relating to the rule and forms and request for specific comments are included under specific headings below.</p>	No response required.
13.	TCPJAC/CEAC Joint Rules Subcommittee TCPJAC/CEAC	A	Agree with proposed changes.	No response required.

COMMENTS APPLICABLE TO RULE 5.425

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Family Law: Simplifying Limited Scope Representation Forms and Procedures (Amend Cal. Rules of Court, rule 5.425; approve forms FL-955-INFO and FL956; revise forms FL-950, FL-955, FL-957, and FL-958)

All comments are verbatim unless indicated by an asterisk (*).

Commentator	Comment	Committee Response
Virginia Johnson Staff Attorney Superior Court of San Diego County	<p>*</p> <p>Can a party have both an attorney of record for all purposes and a LSA? It is my legal opinion that a party cannot have a general attorney of record and a noticed LSA.</p> <p>The plain language and history of <i>CRC, rule 5.425</i> provide that a <i>noticed representation</i> limited scope attorney can only represent an SRL.</p>	<p>The Family and Juvenile Law Advisory Committee follows the lead of the State Bar of California commissions (noted below) on the subject of limited scope representation in adopting rules that promote the expansion of limited scope services. The committee does not recommend amending rules or revising forms to preclude a party from having a limited scope attorney and a general attorney of record.</p> <p><i>Rule 5.425</i></p> <p>The committee does not agree with the commentator's interpretation of rule 5.425. Rule 5.425(c) defines the two types of limited scope representation—undisclosed representation and noticed representation. In undisclosed representation, the attorney does not make an appearance in the case, but instead drafts or assists in drafting legal documents. In noticed representation, the attorney actually appears in the case to represent the client, and must be substituted out or relieved of his or her duty to the client by the court following that appearance. So, the rule specifies that, of the two types of representation, only an attorney providing noticed limited scope can represent the client in court. Rule 5.425 does not address the work of the limited scope attorney in relation to a general attorney hired by the same client. Further, the rule does not state nor infer that a party is precluded from having a general attorney of record and a noticed limited scope attorney.</p>

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Family Law: Simplifying Limited Scope Representation Forms and Procedures (Amend Cal. Rules of Court, rule 5.425; approve forms FL-955-INFO and FL956; revise forms FL-950, FL-955, FL-957, and FL-958)

All comments are verbatim unless indicated by an asterisk (*).

COMMENTS APPLICABLE TO RULE 5.425		
Commentator	Comment	Committee Response
	<p>The purpose of a noticed LSA is to provide legal assistance to SRLs who cannot afford to retain a lawyer to handle their entire case. See <i>Report on Limited Scope Legal Assistance with Initial Recommendations dated October 2001 with Initial Recommendations Approved by the Board of Governors of the State Bar of California on July 28, 2001</i>.</p>	<p>The commentator's statement suggests that the only purpose of limited scope representation is to help litigants who are without the financial means to hire a full-service attorney. The <i>Report</i> cited by the commentator written by the Limited Representation Committee of the California Commission on Access to Justice in October 2001, however, does not make such a statement.</p> <p>On the contrary, the <i>Report on Limited Scope Legal Assistance with Initial Recommendations</i>¹ notes on page 2 that <i>in addition</i>, the practice is also used to provide the consumers of legal services with greater control over their legal matters and has been an accepted practice for many years, particularly in certain areas of law such as bankruptcy and corporate law. So, too, individuals can retain the same authority and flexibility by using limited scope legal assistance.</p> <p>Further, the Report notes that corporate clients may use limited representation to try reduce the overall legal costs by having in-house counsel oversee a project and perform many of the tasks, while retaining outside specialists, such as tax, real estate, or corporate finance</p>

¹ The full report is found at: http://www.lians.ca/sites/default/files/documents/report_on_limited_scope_legal_assistance-california.pdf

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Family Law: Simplifying Limited Scope Representation Forms and Procedures (Amend Cal. Rules of Court, rule 5.425; approve forms FL-955-INFO and FL956; revise forms FL-950, FL-955, FL-957, and FL-958)

All comments are verbatim unless indicated by an asterisk (*).

COMMENTS APPLICABLE TO RULE 5.425		
Commentator	Comment	Committee Response
	<p>Presently, both rule 5.425 and form FL-950 provide that after the <i>Notice of Limited Scope Representation</i> is served on the other parties and filed with the court, the limited scope attorney must be served with documents that relate only to the issues identified in the Notice. Documents that relate to all other issues must be served directly on the party. <i>CRC, rule 5.425(d)(2); FL-950 at p.2, #5</i>. Logic dictates that the party would not be served directly with all other documents if that party is represented by another attorney.</p> <p>Having an LSA and a general attorney of record for all other matters also creates conflicts under the Rules of Professional Conduct, Rule 2-100, as to who can communicate what with an opposing counsel. “The attorney of record has the exclusive right to appear in court for his client and neither the party</p>	<p>lawyers, to provide specific advice on specific questions.²</p> <p>In family law cases, the full-representation attorney may do the same, for example, by contracting with, or having the client contract with a specialist to prepare a Qualified Domestic Relations Order for the division of a party’s pension, or a forensic accountant to assist in the division of a community property business.</p> <p>No response required.</p> <p>The commentator cites to a 1958 case. Since then, the committee in the <i>Report on Limited Scope Legal Assistance with Initial Recommendations</i> (2001) stated that “[it] believes that no modifications to the Rules of Professional Conduct are necessary at this time to</p>

² See *Handbook on Limited Scope Legal Assistance, A Report on the Modest Means Task Force of the American Bar Association* (2003), at pages 5-6.
http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_handbook_on_limited_scope_legal_assistance.authcheckdam.pdf

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Family Law: Simplifying Limited Scope Representation Forms and Procedures (Amend Cal. Rules of Court, rule 5.425; approve forms FL-955-INFO and FL956; revise forms FL-950, FL-955, FL-957, and FL-958)

All comments are verbatim unless indicated by an asterisk (*).

COMMENTS APPLICABLE TO RULE 5.425		
Commentator	Comment	Committee Response
	<p>himself nor another attorney should be recognized by the court in the conduct or disposition of the case.” <i>Epley v. Califro</i> (1958) 49 Cal.2d 849, 854.</p> <p>As written, rule 5.425 does not preclude an SRL from having more than one LSA working on separate issues. As a practical matter, I have never seen this and it would not seem to be cost inefficient.</p> <p>I recommend that the rule be clarified to limit an SRL to one LSA at any given time. The change to the rule would be as follows:</p> <p>The party must be served directly with Documents that relate to all other issues outside the scope of the <u>limited scope</u></p>	<p>implement the recommendations of this report.” With respect to Rule 2-100 of the Rules of Professional Conduct, the Limited Representation Committee noted on page 10 of the <i>Report</i>:</p> <p>Of more practical importance is an attorney’s concern about knowing who has authority to negotiate on a given issue, or having to negotiate different issues with different individuals. The limited scope representation form recommended by this Committee may at least help clarify when opposing party is or is not represented by counsel, and thus when direct communication is appropriate.</p> <p>As previously noted, historically, parties in other areas of the law have used more than one limited scope attorney to retain greater control and flexibility over their legal matters. As noted in the 2001 report of the Limited Representation Committee, using more than one limited scope attorney may still result in the overall reduction of legal costs to a client. Further, this type of use has expanded substantially in the area of family law.</p> <p>The committee does not recommend revising the rule to preclude a party from having more than one limited scope attorney. Changing the rule as suggested by the commentator would not support the statement of principle adopted by the Limited Representation Committee (established by the California Commission</p>

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Family Law: Simplifying Limited Scope Representation Forms and Procedures (Amend Cal. Rules of Court, rule 5.425; approve forms FL-955-INFO and FL956; revise forms FL-950, FL-955, FL-957, and FL-958)

All comments are verbatim unless indicated by an asterisk (*).

COMMENTS APPLICABLE TO RULE 5.425		
Commentator	Comment	Committee Response
	<p>attorney's representation <u>must be served directly on the party or the attorney representing the party on those issues.</u></p> <p>Having more than one LSA acting in the same case would likely create confusion for the parties, their attorneys, the court clerks, and the judicial officers on who gets served with what papers. Also, how does the court efficiently set hearings for RFOs on separate but related issues being handled by separate attorneys for the one party.</p> <p>Include language in rule 5.425(b) specifically providing that an attorney acting as a noticed LSA cannot be simultaneously acting as a private child support collector (PCSC) for that same party.</p>	<p>on Access to Justice) that the State Bar should support the expansion of limited scope legal assistance as part of its ongoing effort to increase access to legal services.</p> <p>As noted in page 2 of the Report cited by the commentator,</p> <p>...from a court's perspective, limited assistance will clarify the presentation of issues and help reduce errors and continuances, demand on court personnel, and court congestion. New procedures can provide clarity about when a party is or is not represented, helping the court and opposing party address such issues as knowing who needs to be served, and with whom they can negotiate.</p> <p>Courts will have to properly note the use of multiple limited scope attorney in a case and adjust their case management systems accordingly to respond to the decision of the party to contract with multiple limited scope attorneys in their case.</p> <p>The committee does not agree with the commentator that the rule should be revised to provide that an attorney acting as a noticed limited scope attorney cannot be simultaneously acting as a PCSC for that same party on any other family law issue.</p> <p>If the issue is one of conflicts of interest, as stated by the commentator, and the attorney is aware of a conflict,</p>

W17-05

Family Law: Simplifying Limited Scope Representation Forms and Procedures (Amend Cal. Rules of Court, rule 5.425; approve forms FL-955-INFO and FL956; revise forms FL-950, FL-955, FL-957, and FL-958)

All comments are verbatim unless indicated by an asterisk (*).

COMMENTS APPLICABLE TO RULE 5.425		
Commentator	Comment	Committee Response
	<p>PCSC, including attorneys, are governed by Family Code §§5610 et seq. Practically speaking, an attorney whose primary business is collecting child support arrearages can represent an SRL in court for the limited purpose of collecting those arrearages. Except, there are conflicts between the statutes governing each category. PCSCs are governed by Fam. Code §§5610-5616. LSA are governed by CRC, rule 5.425. Several of the mandatory contract provisions in Fam. Code §5611 for a PCSC conflict with the mandates in rule 5.425 for a LSA. Most notably are: (1) how the attorney's fees will be paid; and (2) how the contractual relationship may be terminated. Rationally and legally, an attorney cannot have two conflicting fee agreements with one client on the same case.</p> <p>This leads me to the conclusion that, by its very nature and in accordance with the law, a PCSC attorney represents a client for the limited purpose of collecting child support. There is no need for, nor should the PCSC attorney, file a notice of limited scope representation which creates legal conflicts between the PCSC attorney and their client.</p>	<p>the attorney has the obligation to refuse to provide services.</p> <p>The committee does not agree with the commentator that the rule should be revised to provide that an attorney acting as a noticed limited scope attorney cannot be simultaneously acting as a PCSC for that same party on any other family law issue. If the issue is one of conflicts of interest, as stated by the commentator, and the attorney is aware of a conflict, the attorney has the obligation to refuse to provide services.</p>
Superior Court of Los Angeles County Los Angeles County Superior Court	<p>Rule 5.425 (e) (2) (B) (page 10) - change "May not be charged a fee," to "Shall not be charged a fee."</p> <p>Rule 5.425 (e) (4) (page 11) - renumber to 5.425 (e) (3).</p>	<p>The committee agrees with the commentator's suggestions. However, because Judicial Council rules and forms use the term "must" instead of "shall," the committee recommends amending the rule by using the term "must."</p>
Superior Court of Orange County	For proposed rule 5.425(d)(2), we recommend adding specific	The committee agrees with the commentator's

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COMMENTS APPLICABLE TO RULE 5.425		
Commentator	Comment	Committee Response
Family and Juvenile Orange County Court Managers	<p>language that clarifies it is the limited scope attorney who is responsible for the serving the Notice of Limited Scope Representation (FL-950) to the other parties.</p> <p>Proposed rule 5.425(e)(2), indicates that clients would have 10 calendar days from the date they were served the Notice of Completion of Limited Scope Representation to file an objection. Currently, clients have 15 days to file an objection. In order to allow clients sufficient time to file their objections, we recommend keeping the timeframe at 15 days.</p>	<p>suggestions and incorporate them into the amendments it is recommending to the Judicial Council.</p> <p>The committee does not agree to recommend that the deadline for the client to file the objection be changed to 10 calendar days. The client will not be prejudiced by the shortening of time in this process because the new procedures/deadlines apply only if the client fails to sign a substitution at the end of the limited scope service.</p> <p>When a client agrees in the <i>Notice of Limited Scope Representation</i> (form FL-950) to file a substitution of attorney when the services are completed, but then fails to do so, this leaves the attorney in limbo. The attorney cannot have a client sign a blank substitution, but may not be able to get the client's attention after the services have been completed. Shortening the period to object will help address those situations in which the client has not been responsive to the attorney's attempt to communicate about substituting out of the case.</p> <p>As noted in the recommended information sheet (form FL-955-INFO), the actual deadline for filing the <i>Objection</i> will vary depending on how the proposed Notice of Completion was filed. A deadline of 10 days applies to personal service. That deadline could be extended by two court days for overnight delivery, or 5 calendar days, if service was effected by mail within the</p>

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COMMENTS APPLICABLE TO RULE 5.425		
Commentator	Comment	Committee Response
	<p>We recommend specifying that if the Objection is filed late, the court may reject the filing.</p>	<p>state of California.</p> <p>The committee does not agree to recommend amending the rule as suggested by the commentator. If the attorney takes prompt steps to submit the Final <i>Notice of Completion</i> at the end of the 10 day waiting period, there should be very limited risk of late filings. Since the attorney has the incentive to be relieved as counsel, it seems as the attorney should be given the responsibility of filing the Final <i>Notice</i> at the end of the 10 day period. Further, it does not seem prudent to authorize court clerks to reject an <i>Objection to Proposed Notice of Completion of Limited Scope Representation</i> (form FL-956) that is untimely filed. If a timeliness issue arises with the filing of the <i>Objection</i>, it should be adjudicated by the judicial officer at a hearing on the issue, not by the clerk.</p>
	<p>For proposed rule 5.425(e)(4)(b) (<i>now(e)(3)(C)</i>), we recommend updating this sentence to read: The limited scope attorney and all other parties must be served with the Objection, including the hearing details. Service of the Objection must be completed 16 court days before the hearing, unless the court orders a different time for service. Updating this sentence will clarify details of who should be served and when.</p>	<p>The committee recommends that the <i>Objection</i> remain the focus of item (e)(3)(C). As suggested, a person reading the rule could misread the rule and believe that the limited scope attorney must serve the <i>Objection</i>. The committee further recommends removing the service deadline from the rule and placing it in the information sheet. The information sheet can then include more detailed information, including how the type of service will affect how to count the 16 day deadline. This additional information would make the rule unnecessarily complex.</p>

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COMMENTS APPLICABLE TO RULE 5.425		
Commentator	Comment	Committee Response
Superior Court of San Diego County Michael M. Roddy Executive Officer	<p>Proposed revised Rule 5.425(d)(2)(B): For clarification consider inserting the words “limited scope” as set forth below. The proposed language is not clear on what type of attorney may be representing the litigant:</p> <p>“(B) Documents that relate to all other issues outside the scope of the limited scope attorney’s representation must be served on the party or the limited scope attorney representing the party on those issues.”</p> <p>Proposed revised Rule 5.425(e): Directly above, in proposed Rule 5.425(d)(2), an order relieving an attorney is listed as a third option to the termination of the attorney-client representation, however; within this subsection, subsection (e), only the event of the signing of a substitution of attorney is provided. Consider adding the event of an order relieving an attorney.</p> <p>Proposed revised Rule 5.425(e): How will the Court know the limited scope attorney served the proposed Notice of Completion of Limited Scope Representation? Only a proof of service of the final Completion of Limited Scope</p> <p>Representation is required by the Rule. Alternatively, consider revising the proof of service on form, FL-955, to where the limited scope attorney can attest on one proof of service form</p>	<p>The committee agrees with the commentator’s suggestions and incorporate them into the amendments it is recommending to the Judicial Council.</p> <p>In response, the committee prefers not to recommend amending the rule as suggested by the commentator. It is possible for a party to have a limited scope attorney as well as an attorney who is not retained specifically as a limited scope attorney. Using the term “attorney” will best cover this situation.</p> <p>The committee does not recommend the proposed change. The committee believes that the proposed language is not needed to clarify the meaning of this section of the rule.</p> <p>The committee recommends revising the rule and form FL-955 for the attorney to indicate when and how the party/client was served with the Proposed <i>Notice of Completion of Limited Scope Representation</i>, as well as the version marked “Final.”</p> <p>Limited space on the form precludes having one form as suggested by the commentator. Instead, the attorney may complete page 2 twice and attach it to the Final Notice</p>

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COMMENTS APPLICABLE TO RULE 5.425		
Commentator	Comment	Committee Response
	<p>that both the service of the proposed and final Notice of Completion forms were served.</p> <p>Proposed revised Rule 5.425(e)(4)(C) but should be 5.425(e)(3)(C): The limited scope attorney may file a response; however, the rule does not state whether the client may file a reply and the procedures for a reply, if any. Same with the Information for Client About Notice of Completion of Limited Scope Representation (form FL-955 INFO).</p>	<p>of Completion. There are checkboxes on the proof of service for the attorney to specify which version of the form was served.</p> <p>The committee prefers to limit the filings of the party and the attorney on the issue of the completion of the services to avoid the filing of confidential documents or statements. Instead of adding procedures about a reply, the committee prefers that the judicial officer handle the matter in the courtroom.</p>
M. Sue Talia Private Family Law Judge	<p>*There are two ranges of issues which argue for the proposed simplification of 5.425:</p> <ol style="list-style-type: none"> 1. Encourage attorneys to agree to make limited scope court appearances by reducing the risk of unanticipated time/costs to withdraw/be relieved at conclusion. 2. The other important impact of the Notice of Completion is to create a bright line for the termination of the attorney's responsibility. <p>These cases can go on a long time. Lawyers want to be able to point to a piece of paper which demonstrates that they were out as of a certain date. A lawyer's involvement may be for only a small part of an ongoing case. There often isn't a bright line at the end. Lawyers (and insurance carriers) want to know when the representation terminates and have a record to protect them</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p>

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COMMENTS APPLICABLE TO RULE 5.425		
Commentator	Comment	Committee Response
	<p>from being dragged into later events/hearings/appearances which may not have been contemplated at the initial retention. Insurance carriers also want to have a bright line when the statute of limitations is triggered.</p> <p>I like the fact that the proposed rule includes two methodologies for withdrawal which are instigated by the lawyer.</p> <p>I support the substitution of a Notice of Completion and believe that the provision of a Proposed notice followed by a Final one 10 days later puts the burden on the attorney rather than the court (unless an objection is filed) and reduces the likelihood that an attorney who has completed the services is forced to remain in a case and invest additional unpaid time. It also means that the default is not to require court staff to schedule and monitor a hearing which may in fact be ignored by the client it is intended to protect. The provision for an objection is, in my opinion, more than sufficient to protect the client whose lawyer has not completed the services which have been contracted for.</p> <p>I have some confusion regarding the reference to filing fees in the second paragraph from the bottom of Page 5. This states that they may not be charged a fee for filing FL-955 “even if the attorney had not previously made an appearance in the</p>	<p>No response required.</p> <p>No response required.</p> <p>The language regarding fees was recommended after the committee received input from an attorney that a court had charged him a fee for filing the application to be</p>

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COMMENTS APPLICABLE TO RULE 5.425		
Commentator	Comment	Committee Response
	case.” I don’t understand what this means. Most of the attorneys who will use FL-955 have previously filed an FL-950, so they will have already made an appearance. I don’t believe they should be charged a fee for either form. It helps the court to have attorneys present on a limited scope basis. The proposed rule change takes significant burdens off of court staff.	relieved as limited scope attorney when he had not appeared in the case.

COMMENTS APPLICABLE TO FORM FL-950		
Commentator	Comment	Committee Response
Dubrovsky Law Gary Vadim Dubrovsky Partner	<p>My comment relates to references to service methods of the Notice of Limited Scope and the new Notice of Completion forms.</p> <p>First, I think it's quite handy that they reference electronic service as an alternative to the more traditional types of service. But it seems to invite confusion by referring to a separate form rather than providing space within the form itself to show that you complied with the requirements of effecting valid electronic service.</p> <p>Since there really isn't enough room for a whole new section relating to e-service, I would suggest we treat it just like the</p>	<p>The committee agrees with the commentator and recommends revising page three of the form to include a checkbox for electronic service, which requires a separate proof of electronic service be attached. The new check box will also refer to optional Proof of Electronic Service (form POS-050).</p> <p>Same as above response.</p>

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COMMENTS APPLICABLE TO FORM FL-950		
Commentator	Comment	Committee Response
	Proof of Service of Summons deals with service via Notice and Acknowledgment of Receipt; you check a box and attach the completed form. So there would be a box to check, asserting that service was via electronic means, as further described in the attached POS-050. Or something like that. But I do think the form needs to be clearer about what folks are supposed to do if service was not via personal, mail, or overnight methods.	
Virginia Johnson Staff Attorney Superior Court of San Diego County	<p>*Include two additional statements on form FL-950 between #2 & #3:</p> <p>Attorney is not aware of any other attorney presently representing the party in this case.</p> <p>Attorney is not acting as a private child support collector under a contract with the party pursuant to Family Code §5610 et seq.</p> <p>There appears to be a typo on the form number on the bottom left of FL-950.</p>	<p>The committee does not recommend the substantive changes to the form as suggested by the commentator. The questions which the commentator suggests be added to the <i>Notice of Completion</i> do not relate to whether or not the attorney has completed the limited scope services that he or she agreed to complete, and are, therefore, not relevant to the form's purpose.</p> <p>The committee recommends correcting the form number as suggested by the commentator.</p>
Limited Scope Law Group Christopher Stefan Attorney	The checkbox regarding whether or not the limited scope attorney was retained to do the order after hearing appears to be going away.	<p>The language referred to by the commentator is highlighted, not because is it proposed for deletion, but because the committee proposed a slight change.</p> <p>The current language is” ...until submission of the order after hearing.” The proposed change was to extend the phrase after the check box to state, “until submission of the order after hearing or judgment that is within the</p>

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COMMENTS APPLICABLE TO FORM FL-950		
Commentator	Comment	Committee Response
	<p>1) Does that mean that it is becoming a permanent requirement for all appearances that need an OAH or judgment? If we settle a case during an RFO or MSC, will we be required to do the judgment as well?</p> <p>2) Will LSR attorneys be permitted to use the other box to specify if we are retained to only do the appearance and any OAH needs to be done by hand on the day of the hearing prior to the parties departure? And any judgment will be submitted by the client rather than the LSR attorney?</p> <p>3) If not, does this mean that the appearing attorney can not complete a MC-050 voluntarily signed by the client prior to submission of the OAH? (Those of us who offer flat rate appearance only representation being unable to execute a sub-out the day of the hearing would have a huge effect on our practice)</p> <p>4) What measures, if any, are available to parties who may be caught in the middle if an LSR attorney must stay in the case prior to the OAH but need to file other documents outside the scope of the LSR?</p>	<p>scope of representation.</p> <p>The committee recommends that form FL-950 include an item for the attorney to indicate if the party and the attorney agreed that submission of an order after hearing or judgment is not within the scope of representation. An “other (specify):” box may also be used to reflect the other terms agreed to about the preparation of the order or judgment.</p> <p>The “other” box may be used to specify other terms of the agreement with the party that are not confidential.</p> <p>The appearing attorney should not complete the substitution of attorney before submitting the order after hearing or judgment, unless the client agreed that the attorney will not complete the order judgment following the hearing or trial or the judge so directs.</p> <p>Parties may always file their own documents outside of the scope of the limited scope representation.</p> <p>No other measure is needed. The party will need to file</p>

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COMMENTS APPLICABLE TO FORM FL-950		
Commentator	Comment	Committee Response
	<p>5) What measures, if any, are available to parties who may need to file docs pending the FL-955 process? (Other than executing a voluntary MC-050).</p> <p>6) What measures, if any, do parties and LSR attorneys have in the event the opposing party (or counsel) send documents OUTSIDE the scope of the terms of the FL-950? How will this operate with the ambiguity the rule change creates?</p>	<p>a substitution of attorney as he or she agreed to do by signing form FL-950.</p> <p>Rule 5.425 (d)(2)(B) requires that the party be served with documents that relate to all other issues outside the scope of the attorney’s representation. The requirement is repeated on form FL-958.</p>
Superior Court of Los Angeles County Los Angeles County Superior Court	<p>Bottom left corner (page 1 of 3), change form number from FL-955 to FL-950.</p> <p>Item 2, Box 3 (page 1 of 3) - change “until resolution of the issues checked on this form by trial or settlement” to “until resolution of the issues checked in item 3 below by trial or settlement</p> <p>Item 2a (page 3 of 3) - change “...documents listed above were...” to “...document listed above was...”</p> <p>Item 2b (page 3 of 3) - change the word “forms” to “form”.</p> <p>Item 2c (page 3 of 3) - change the word “forms” to “form”.</p> <p>Instead of requiring POS-050 to be used for electronic</p>	<p>The committee recommends correcting the form number as suggested by the commentator.</p> <p>The committee agrees with the commentator and recommends revising the form as suggested.</p> <p>The committee agrees with the commentator and recommends revising the form as suggested.</p> <p>The committee agrees with the commentator and recommends revising the form as suggested.</p> <p>Due to a limited space on the form, it is not possible to</p>

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COMMENTS APPLICABLE TO FORM FL-950		
Commentator	Comment	Committee Response
	service, modify this form to include the option of electronic service.	include a complete subitem for electronic service information without expanding the form to four pages. The committee recommends revising the form to include a separate subitem to indicate that electronic service was used. The new subitem will link to form POS-050 in case the server wants to use the form, but not require it to be used.
Superior Court of Orange County Family and Juvenile Orange County Court Managers	On page 1, in the footer section, the form number should be updated to reflect FL-950. On page 2, section 4, we recommend making the advisement bold to help parties understand that they are to file <i>Substitution of Attorney</i> (MC-050) once representation is complete.	The committee recommends correcting the form number as suggested by the commentator. The committee recommends revising the form as suggested by the commentator to try to increase awareness to the party about the agreement to sign a substitution of attorney when the representation is completed.

COMMENTS APPLICABLE TO FORM FL-955		
Commentator	Comment	Committee Response
Dubrovsky Law Gary Vadim Dubrovsky Partner	My comment relates to references to service methods of the Notice of Limited Scope and the new Notice of Completion forms. First, I think it's quite handy that they reference electronic service as an alternative to the more traditional types of service. But it seems to invite confusion by referring to a separate form rather than providing space within the form itself	The committee agrees with the commentator and recommends revising page 2 of the form to include a checkbox for electronic service, which requires a separate proof of electronic service be attached. The new check box will also refer to optional <i>Proof of Electronic Service</i> (form POS-050) but not require it to be used for this purpose.

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COMMENTS APPLICABLE TO FORM FL-955		
Commentator	Comment	Committee Response
	<p>to show that you complied with the requirements of effecting valid electronic service.</p> <p>Since there really isn't enough room for a whole new section relating to e-service, I would suggest we treat it just like the Proof of Service of Summons deals with service via Notice and Acknowledgment of Receipt; you check a box and attach the completed form. So there would be a box to check, asserting that service was via electronic means, as further described in the attached POS-050. Or something like that. But I do think the form needs to be clearer about what folks are supposed to do if service was not via personal, mail, or overnight methods.</p>	Same as above response.
Levitt & Quinn Family Law Center Ana M. Storey Attorney	Our only suggestion is to consider requiring in Section 2 of the Final FL-955 Proof of Service either an attached copy of the Proposed FL-955's Proof of Service or a statement of when and how the Proposed was served so it is clear that the client received the proper "10 day" notice period in circumstances where the client does not file an objection.	The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.
State Bar of California The Executive Committee of the Family Law Section of the State Bar of California (FLEXCOM) Saul Bercovitch Legislative Counsel	<p>Page 16 [FL-955, paragraph 2] – The form refers to "Attachment 2" but does not specify the form – i.e. what "Attachment 2" is. We would like to see clarification as to what is to be attached as "Attachment 2."</p> <p>Page 16 [FL-955, paragraph 3] – FLEXCOM recommends putting a "line" to clarify that it needs to be filled in with the date service is completed.</p>	<p>The committee recommends inserting a hyperlink in item 2 to allow the attorney the option of using form MC-025, <i>Attachment to Judicial Council Form</i>, or using another document to describe the limited scope services that the attorney was retained to complete.</p> <p>The committee agrees with the commentator and recommends revising item 3 to state, "I completed all services within the scope of my representation on (date):"</p>

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COMMENTS APPLICABLE TO FORM FL-955		
Commentator	Comment	Committee Response
State Bar of California Standing Commission on the Delivery of Legal Services Sharon Ngim Program Development & Staff Liaison	<p>In the text box labeled “NOTICE TO PARTY/CLIENT,” SCDLS recommends the following:</p> <p>1) In the second paragraph, add clarifying language about service of process (e.g. “...and have it served on your limited scope attorney and the other parties in the case (or their attorneys) by a person who is at least age 18 and not a party to this case, and who completes Proof of Service on page 2 of this form.”).</p> <p>2) In the fourth paragraph, bold the sentence, “You now represent yourself in all aspects of the case.” so that the notification to the party/client is more prominent.</p> <p>3) Add a fifth paragraph that references FL-955-INFO to guide Party/Client how to file and serve Objection to Proposed Notice of Completion of Limited Scope Representation where appropriate.</p>	<p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.</p>
Superior Court of Los Angeles County Los Angeles County Superior Court	<p>In the box “Notice to Party/Client,” 2nd paragraph - instead of “file it, and serve it” change wording to “file the form at the court by _____ and serve it on the other party and your attorney”</p> <p>In the box “Notice to Party/Client,” 4th paragraph - last line change “you can use Notice of Change of Address...” to “you may use Notice of Change of Address...”</p>	<p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.</p>

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COMMENTS APPLICABLE TO FORM FL-955		
Commentator	Comment	Committee Response
Superior Court of Orange County Family and Juvenile Orange County Court Managers	<p>On page 1, in the If this form is marked “Proposed” section, we recommend updating the last sentence to indicate the number of days a party has to file and serve an objection.</p> <p>On page 1, in the Notice to Party/Client section, we recommend adding, “in the title section above”, after “If this form is marked “Proposed/Final” to make it easier for the party to identify where they should look for this information on the form.</p>	<p>The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.</p> <p>The committee agrees that the notices boxes on the form should be improved to relate them back to the check boxes in the title caption. Instead of amending the form as proposed by the commentator, the committee recommends reformatting the notice boxes and incorporating images of a box that is checked for “Proposed” and “Final,” as they would appear when completed by the attorney.</p>
Superior Court of San Diego County Michael M. Roddy Executive Officer	<p>Signature line needs a closing “)” after “Attorney”</p> <p>(notice box) and new form FL-955-INFO: Consider replacing the word “removed” with “relieved” to be consistent with Rule 5.425 that the limited scope attorney is being relieved as opposed to being removed from a case.</p> <p>Item 2: What is “Attachment 2” as referenced on this form? Consider the following sentence instead: “2. I was retained as attorney of record for the limited scope services described in the Notice of Limited Scope Representation (form FL-950) filed on date: (Attach a copy if available.)”</p>	<p>The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.</p> <p>The committee agrees with these suggestions, and recommends adding a checkbox for the attorney to indicate if form FL-950 is attached or if another document is attached (with a fillable space to specify the name of the document) that describes the scope of the services. The committee recommends deleting “Attachment 2.”</p>

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COMMENTS APPLICABLE TO FORM FL-955		
Commentator	Comment	Committee Response
M. Sue Talia Private Family Law Judge	I have some concerns regarding section 2 of FL-955. It is not uncommon for me to hear from a lawyer who thinks they should attach their limited scope fee agreement to the FL-950 as evidence of the terms of the agreed scope. I always advise them that the fee agreement is a <i>confidential document</i> which should <i>never</i> be entered into the public record. To avoid confusion, I would recommend adding an admonition that the attachment should be the original FL-950 or other explanation of the scope, <i>not the fee agreement</i> .	The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.

COMMENTS APPLICABLE TO FORM FL-955-INFO		
Commentator	Comment	Committee Response
State Bar of California The Executive Committee of the Family Law Section of the State Bar of California (FLEXCOM) Saul Bercovitch Legislative Counsel	Page 19 [FL-955-INFO, paragraph 11 box] – “court days” is only underlined in the last deadline. FLEXCOM believes it would be more clear (especially for self-represented litigants) to underline “court days” in all deadlines in the box under Paragraph 11.	The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.
State Bar of California Standing Commission on the Delivery of Legal Services Sharon Ngim Program Development & Staff Liaison	In number 14 (What happens at the hearing?), add “completed by the limited scope attorney and” after “(form FL-958)”.	The committee agrees with this suggestion that the form specify that the limited scope attorney will complete the order after hearing, if directed by the court, and has incorporated it into the amendments that it is recommending for adoption.

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Family Law: Simplifying Limited Scope Representation Forms and Procedures (Amend Cal. Rules of Court, rule 5.425; approve forms FL-955-INFO and FL956; revise forms FL-950, FL-955, FL-957, and FL-958)

All comments are verbatim unless indicated by an asterisk (*).

COMMENTS APPLICABLE TO FORM FL-955-INFO		
Commentator	Comment	Committee Response
Superior Court of Los Angeles County Los Angeles County Superior Court	Remove all references to “lawyer” and replace with “attorney.” Both words are used throughout the form.	The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.
	Item 1 - title and 2 nd paragraph - the word “proposed” should be capitalized and in quotes as “Proposed.”	The committee agrees to capitalize the word propose as suggested by the commentator, and has incorporated the change into the amendments that it is recommending for adoption.
	Item 4 - change, “In about 10 days” to “After the 10 th day.”	The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.
	Item 7, check box 1, second to last line - Add a space between the words “Proposed.” and “Form.”	The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.
	Item 9 - change “friend, relative” to “friend or relative.” and remove extra space between “sheriff, or” and “professional.”	The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.
	Item 10 - “Handdelivers” should be two words.	The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.
	Item 13 last sentence of note - change “They will help the judge...” to “These documents will help the judge...”	The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.

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COMMENTS APPLICABLE TO FORM FL-955-INFO		
Commentator	Comment	Committee Response
Superior Court of Orange County Family and Juvenile Orange County Court Managers	On page 1, section 7, we recommend adding a sub-section that indicates the court may reject the filing if is not filed and served timely.	The committee does not agree to recommend revising the form as suggested by the commentator. If the attorney takes prompt steps to submit the <i>Final Notice of Completion</i> at the end of the 10 day waiting period, there should be very limited risk of late filings. Since the attorney has the incentive to be relieved as counsel, it seems as the attorney should be given the responsibility of filing the <i>Final Notice</i> at the end of the 10 day period. Further, it does not seem prudent to authorize court clerks to reject an <i>Objection to Proposed Notice of Completion of Limited Scope Representation</i> (form FL-956) that is untimely filed. If a timeliness issue arises with the filing of the <i>Objection</i> , it should be adjudicated by the judicial officer at a hearing on the issue, not by the clerk.
Superior Court of San Diego County Michael M. Roddy Executive Officer	Although they are interchangeable, consider replacing the word “lawyer” with “attorney” to be consistent with Rule 5.425 and the forms. Item 8: Is this correct? The attorney pays no fee to file, but if the litigant objects that his/her counsel has not completed the agreed upon registration he/she has to pay a fee? If this is correct, what is the appropriate fee? First paper or motion?	The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption. A fee is required to file the <i>Objection</i> because the court will have to set a hearing within 25 days of the filing. The fee may be a motion fee or a first appearance fee depending on the facts of the case.

COMMENTS APPLICABLE TO FORM FL-956		
Commentator	Comment	Committee Response

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COMMENTS APPLICABLE TO FORM FL-956		
Commentator	Comment	Committee Response
State Bar of California Standing Commission on the Delivery of Legal Services Sharon Ngim Program Development & Staff Liaison	In the “NOTICE” text box, second paragraph, add the following language: “by a person who is at least age 18 and not a party to this case, and who completes the Proof of Service on page 2 of this form.” between the words “served” and “on”.	The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.
Superior Court of Los Angeles County Los Angeles County Superior Court	<p>In the “Notice” section, last line - change “your court hearing” to “the court hearing”</p> <p>The Objection should require a separate Proof of Service. Please Note: The litigant must file the form first, to get a hearing date before serving the attorney. Which means that POS on the second page will not be filled out at the time of filing. Since it is page 2 of a document, it can’t be filed separately from page 1.</p> <p>Item 2a (page 2 of 2) - change “documents listed above were” to “document listed above was.”</p> <p>Item 2b (page 2 of 2) - change the word “forms” to “form.”</p> <p>Item 2c (page 2 of 2) - change the word “forms” to “form.”</p>	<p>The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption. The committee recommends deleting the proof of service on page 2 and replacing it with information about serving the <i>Objection</i> by personal service, mail service, express mail, and electronic service. The information would include links to each type of proof of service and information sheets about service.</p> <p>The committee recommends deleting the proof of service language from page 2 of the form and replacing it with information about service and links to applicable proofs of service. The suggested changes do not apply to the recommended new text.</p> <p>Same as above response.</p> <p>The committee recommends deleting the proof of</p>

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COMMENTS APPLICABLE TO FORM FL-956		
Commentator	Comment	Committee Response
		service language from page 2 of the form and replacing it with information about service and links to applicable proofs of service. The suggested changes do not apply to the recommended new text.
	Include the option for electronic service instead of requiring form POS-050 to be used for electronic service.	Same as above response.
Superior Court of San Diego County Michael M. Roddy Executive Officer	Caption should be changed to remove Attorney, State Bar No, etc., as the form would be completed by the litigant.	The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.

COMMENTS APPLICABLE TO FORM FL-957		
Commentator	Comment	Committee Response
Dubrovsky Law Gary Vadim Dubrovsky Partner	My comment relates to references to service methods of the Notice of Limited Scope and the new Notice of Completion forms. First, I think it's quite handy that they reference electronic service as an alternative to the more traditional types of service. But it seems to invite confusion by referring to a separate form rather than providing space within the form itself to show that you complied with the requirements of effecting valid electronic service. Since there really isn't enough room for a whole new section relating to e-service, I would suggest we treat it just like the Proof of Service of Summons deals with service via Notice and	The committee agrees with the commentator and recommends revising page 2 of the form to include a checkbox for electronic service, which requires a separate proof of electronic service be attached. The new check box will also refer to optional <i>Proof of Electronic Service</i> (form POS-050) but not require it to be used for this purpose. Same as above response.

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COMMENTS APPLICABLE TO FORM FL-957		
Commentator	Comment	Committee Response
	Acknowledgment of Receipt; you check a box and attach the completed form. So there would be a box to check, asserting that service was via electronic means, as further described in the attached POS-050. Or something like that. But I do think the form needs to be clearer about what folks are supposed to do if service was not via personal, mail, or overnight methods.	
Superior Court of Los Angeles County Los Angeles County Superior Court	<p>In the “Notice” section, last line- change “your court hearing” to “the court hearing.”</p> <p>Item 2a (page 2 of 2) - change “documents listed above were” to “document listed above was.”</p> <p>Item 2b (page 2 of 2) - change the word “forms” to “form.”</p> <p>Item 2c (page 2 of 2) - change the word “forms” to “form.”</p> <p>Include the electronic service option on this form instead of requiring form POS-050 to for electronic service.</p>	<p>The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.</p> <p>Due to a limited space on the form, it is not possible to include a complete subitem for electronic service informaion without expanding the form to four pages. The committee recommends revising the form to include a separate subitem to indicate that electronic service was used. The new subitem will link to form POS-050 in</p>

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COMMENTS APPLICABLE TO FORM FL-957		
Commentator	Comment	Committee Response
		case the server wants to use the form, but not require it to be used.
Superior Court of San Diego County Michael M. Roddy Executive Officer	Item 2.a.: If the limited scope attorney agrees to continue representation shouldn't there be a way for the hearing to come off calendar or at least a prompt that the client or limited scope attorney will take the hearing off calendar?	The suggested change is not one that is normally included in Judicial Council forms. The committee does not recommend revising the form for this purpose. The attorney may follow local procedure for taking the matter off calendar if he or she reaches an agreement with the client.

COMMENTS APPLICABLE TO FORM FL-958		
Commentator	Comment	Committee Response
Dubrovsky Law Gary Vadim Dubrovsky Partner	<p>My comment relates to references to service methods of the Notice of Limited Scope and the new Notice of Completion forms.</p> <p>First, I think it's quite handy that they reference electronic service as an alternative to the more traditional types of service. But it seems to invite confusion by referring to a separate form rather than providing space within the form itself to show that you complied with the requirements of effecting valid electronic service.</p> <p>Since there really isn't enough room for a whole new section relating to e-service, I would suggest we treat it just like the Proof of Service of Summons deals with service via Notice and Acknowledgment of Receipt; you check a box and attach the</p>	<p>The committee agrees with the commentator and recommends revising page 2 of the form to include a checkbox for electronic service, which refers to an appropriate proof of service form for electronic service and requires that it be filed with the court.</p> <p>Same as above response.</p>

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COMMENTS APPLICABLE TO FORM FL-958		
Commentator	Comment	Committee Response
	completed form. So there would be a box to check, asserting that service was via electronic means, as further described in the attached POS-050. Or something like that. But I do think the form needs to be clearer about what folks are supposed to do if service was not via personal, mail, or overnight methods.	
State Bar of California Standing Commission on the Delivery of Legal Services Sharon Ngim Program Development & Staff Liaison	In the text box labeled “NOTICE TO CLIENT/PARTY,” bold the words “you now represent yourself in the case.” so that the notification to the party/client is more prominent.	The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.
Superior Court of Los Angeles County Los Angeles County Superior Court	<p>In the box “Notice to Client/Party”- change “Client/Party to “Party/Client” for consistency with form FL-955.</p> <p>In the box “Notice to Client/Party”- change last line change “You can use Notice of Change of Address” to “You may use Notice of Change of Address.”</p> <p>Item 2a (page 2 of 2) - change “documents listed above were” to “document listed above was.”</p> <p>Item 2b (page 2 of 2) - change the word “forms” to “form.”</p> <p>Item 2c (page 2 of 2) - change the word “forms” to “form.”</p>	<p>The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has</p>

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COMMENTS APPLICABLE TO FORM FL-958		
Commentator	Comment	Committee Response
		incorporated it into the amendments that it is recommending for adoption.

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Family Law: Simplifying Limited Scope Representation Forms and Procedures (Amend Cal. Rules of Court, rule 5.425; approve forms FL-955-INFO and FL956; revise forms FL-950, FL-955, FL-957, and FL-958)

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Request for Specific Comments		
Commentator	Comment	Committee Response
Superior Court of Los Angeles County Los Angeles County Superior Court	Q. Would the proposal provide cost savings? If so please quantify. A. The proposal could provide a cost savings as to the number of court hearings set on the court's calendar to relieve counsel of record.	No response required.
	Q. What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? A. Training would be necessary for the filing window and data entry clerks as well as the courtroom clerks. For example, the filing window clerk needs to know the time frame for setting a court hearing when an Objection is filed. New CMS codes would need to be created for form FL-955 INFO and FL-956.	No response required.
	Q. Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A. Two months is sufficient time for implementation.	No response required.
	Q. How well would this proposal work in courts of different sizes? A. The proposal will work in any size court location.	

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Request for Specific Comments		
Commentator	Comment	Committee Response
	Q. What is the impact of this proposal on low- and moderate- income litigants? A. No impact on low and moderate income litigants.	No response required. No response required.
Superior Court of Orange County Family and Juvenile Orange County Court Managers	Q. What would the implementation requirements be for courts? Staff training, procedures, changing docket codes or modifying case management systems? A. Minor configuration changes to our case management system, procedure updates and training would be needed to implement this change.	No response required.
Superior Court of Riverside County Susan Ryan Chief Deputy of Legal Services	Q. Would the proposal provide cost savings? If so, please quantify. A. Yes, there would be a reduction in the number of hearings related to this issue. This will also offer a clearer timeframe for when the withdrawal from limited scope representation occurs. Q. What are the implementation requirements for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? A. Court clerks, courtroom assistants, judicial officers, and judicial assistants would need to be trained, and the process would need to be integrated into the case management system. Q. Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for	No response required. No response required.

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Request for Specific Comments		
Commentator	Comment	Committee Response
	implementation? A. For Self Help purposes and staff training, two months is sufficient for implementation. Q. How well would this proposal work in courts of different sizes? A. The proposed change appears to suit courts of all sizes. Q. What would the impact of this change be on low- and moderate-income litigants? A. The increased ease in which an attorney may withdraw from a case may be a detriment to a self-represented litigant who disputes the withdrawal since they would have to file an objection and attend a hearing. A translated document would be tremendously helpful. A limited or non-English speaker would need assistance understanding the document.	No response required. No response required. The process does shift the burden on the party in terms of requiring the party to dispute the proposed withdrawal. However, the committee anticipates that the cost to the party will actually decrease because the attorney will no longer be charging the party/client for his or her professional time spent drafting an application to be relieved as counsel. Nor will the client be charged by the attorney for filing fees and the attorney's cost for serving the documents. Instead, the party's costs may be limited to the fees for filing the Objection and the cost of serving the documents. The documents will be translated and posted on the California Courts Web Site.

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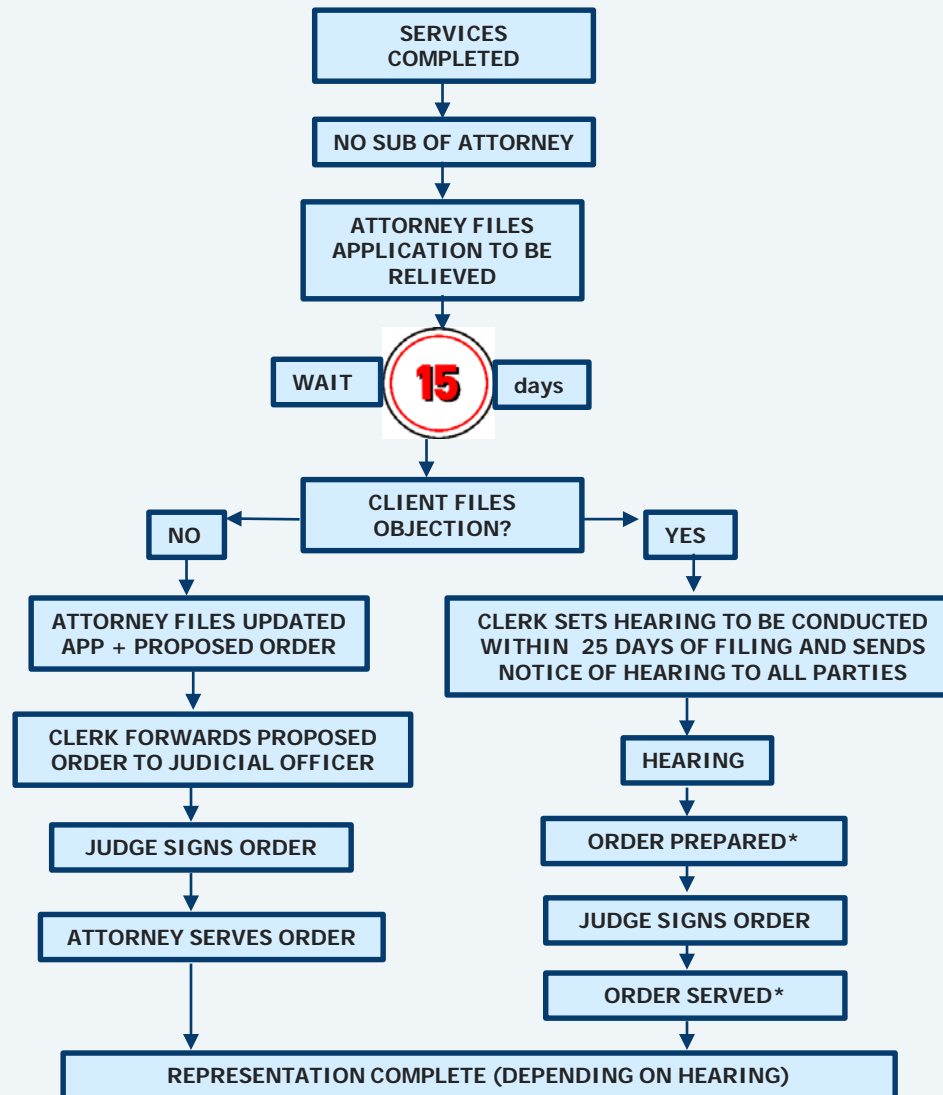
Family Law: Simplifying Limited Scope Representation Forms and Procedures (Amend Cal. Rules of Court, rule 5.425; approve forms FL-955-INFO and FL956; revise forms FL-950, FL-955, FL-957, and FL-958)

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Request for Specific Comments		
Commentator	Comment	Committee Response
Superior Court of San Diego County Michael M. Roddy Executive Officer	<p>Q: Would the proposal provide cost savings? A No.</p> <p>Q: What would the implementations requirements be for courts? A. Update training materials and update case management system.</p> <p>Q: Would two months from JC approval of this proposal until its effective date provide sufficient time for implementation? A. Yes.</p> <p>Q: What is the impact of this proposal on low- and moderate-income litigants? A. Unknown.</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p>
M. Sue Talia Private Family Law Judge	<p><u>Impact on Low and Moderate Income Litigants:</u> This proposal will benefit low and moderate income litigants by encouraging lawyers to get involved for limited purposes or issues without fear of being drawn into an uncompensated quagmire of <i>pro per</i> litigation. They want to help, generally look on this as an opportunity to expand their client base. It is important to keep in mind that all lawyers aren't rich or well compensated, and that it particularly true of those who serve low and moderate income clients. These people still have offices to run, insurance to pay, and need these clients, even if they charge modest fees. The legal problems of these clients are usually more complex</p>	No response required.

Limited Scope Representation Current Withdrawal Procedure

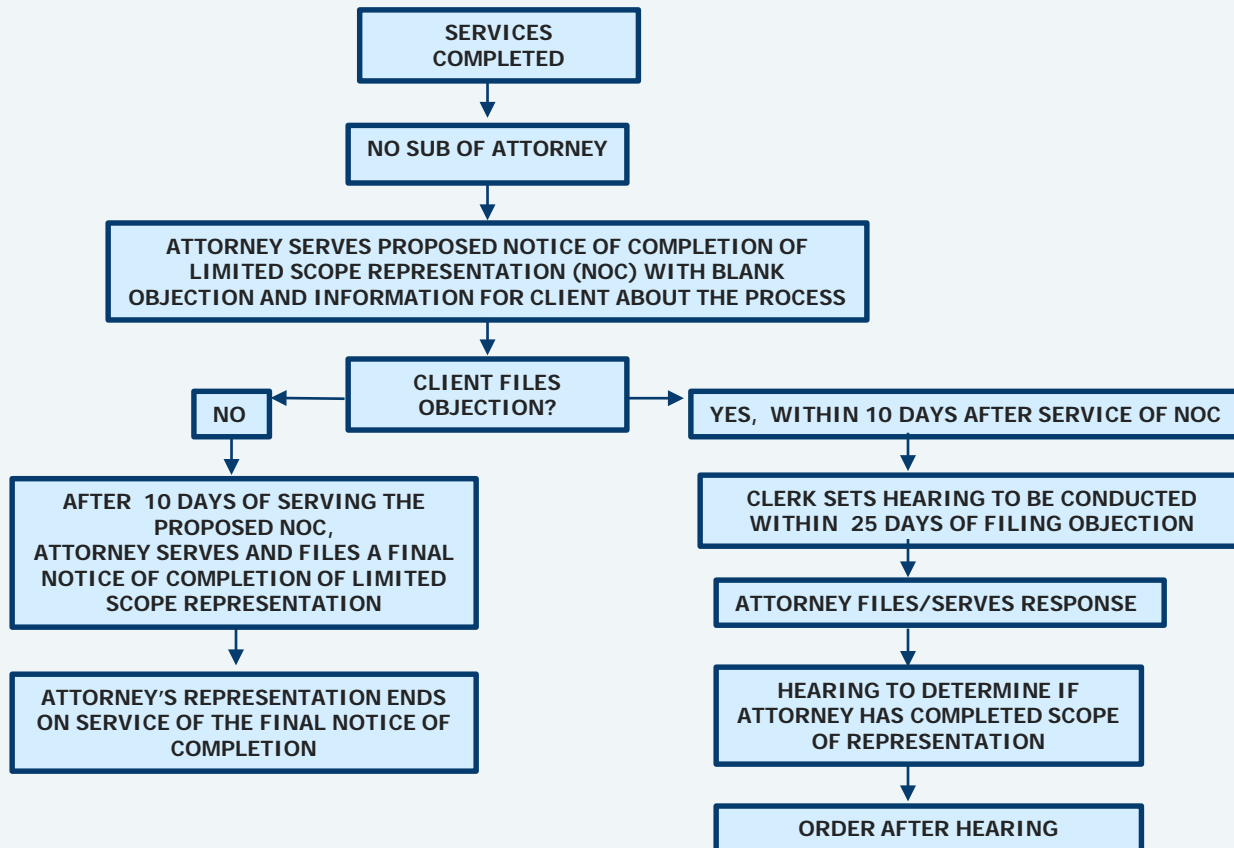
Attachment A



* Current rule does not assign responsibility for completing this action.

Limited Scope Representation Recommended Withdrawal Procedure

Attachment B



SPR16-18**Family Law: Simplifying Limited Scope Representation Procedures** (amend rule California Rules of Court, rule 5.425, adopt forms FL-957, revise forms FL-950, FL-955, FL-956, and FL-958)

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	Commentator	Position	Comment	Committee Response
1.	Aderant Legal Software Elaine Kwak Rules Attorney Los Angeles	AM	<p>According to the SPR 16-18 Invitation to Comment, CRC 5.425(e)(1)(B) as proposed would state:</p> <p>“The client has <u>15 calendar days after the date on the proof of service</u> on the Notice of Completion to file the objection and a proposed order with the court and serve it on his or her attorney and on all other parties or attorneys for parties in the case.” (Emphasis added.)</p> <p>The rule as proposed is ambiguous and could lead to confusion regarding whether additional time should be added to this deadline to account for method of service of the notice.</p> <p>For example, CCP 1013(a) states in relevant part, “any period of notice and any right or duty to do any act or make any response <u>within any period or on a date certain after service</u> of the document, which time period or date is prescribed by statute or rule of court, shall be extended five calendar days, upon service by mail.” (Emphasis added.) CCP 1013(c) and (e), and CRC 2.251(h)(2) have similar provisions for an additional 2 court days to respond following service by fax, overnight delivery, and electronic means, respectively.</p> <p>By using the phrase, “15 calendar days after the date on the proof of service on the Notice of Completion,” instead of “15 days after the date of service,” the rule is unclear as to whether the</p>	<p>No response required.</p> <p>Based on comments received from this and other commentators, the committee recommends an alternative procedure for the attorney to use to withdraw as counsel of record after completing limited scope services. The procedure no longer includes language in the rule and forms on which the comment is based.</p> <p>The committee believes that the new recommended procedures will provide more clarity about the actual date of the attorney’s withdrawal, impose fewer requirements on the client who objects to the attorney’s <i>Notice of Completion of Limited Scope Representation</i>, and further reduce court staff’s workload to implement the rule’s procedures.</p> <p>Same as above response.</p>

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Commentator	Position	Comment	Committee Response
		<p>provisions of CCP 1013 and CRC 2.251(h)(2) apply to extend the time to file the objection and proposed order with the court, following service by means other than hand.</p> <p>If it is the court's intention to allow extra time for method of service, and in order to make the rules consistent and remove any ambiguity, we propose that CRC 5.425(e)(1)(B) be modified as follows:</p> <p>"The client has 15 calendar days after the date on the proof of service on of the Notice of Completion to file the objection and a proposed order with the court and serve it on his or her attorney and on all other parties or attorneys for parties in the case."</p> <p>By modifying the language as shown above, it becomes clear that the extra time for service (i.e., the 5 day extension for service by mail) should be added to the 15 day deadline.</p> <p>Additionally, the language of proposed the proposed forms is inconsistent with the language of the revised rule, as well as within each form. Specifically, Form FL-955 as proposed states, "If you do not agree that these tasks have been completed and you want the attorney to continue to represent you until the tasks are completed, you must file an <i>Objection to Notice of Completion of Limited Scope Representation</i> (form FL-956) and a proposed</p>	<p>Based on comments received from this and other commentators, the committee recommends an alternative procedure for the attorney to use to withdraw as counsel of record after completing limited scope services. The procedure no longer includes language in the rule and forms on which the comment is based.</p> <p>The committee believes that the new recommended procedures will provide more clarity about the actual date of the attorney's withdrawal, impose fewer requirements on the client who objects to the attorney's <i>Notice of Completion of Limited Scope Representation</i>, and further reduce court staff's workload to implement the rule's procedures.</p> <p>Same as above response.</p>

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Commentator	Position	Comment	Committee Response
		<p><i>Order on Objection to Notice of Limited Scope Representation</i> (form FL-958) with the court within 15 calendar days of the date that this notice was served on you.”</p> <p>Form FL-955 then states, “Please refer to the <i>Proof of Service</i> on page 2 of this form to determine the date that the notice was served on you (if this form was served by mail, the date of service is 5 days after the date of mailing).”</p> <p>Form FL-956 as proposed then states, “You must file the <i>Objection</i> and proposed <i>Order</i> within 20 calendar days of the date that the <i>Notice of Completion</i> was put in the mail to you. If you were personally served, the <i>Objection</i> and proposed <i>Order</i> must be filed 15 calendar days from the date the notice was given to you.”</p> <p>In order to make the forms consistent and remove any ambiguity, we propose that Forms</p>	<p>Based on comments received from this and other commentators, the committee recommends an alternative procedure for the attorney to use to withdraw as counsel of record after completing limited scope services. The procedure no longer includes language in the rule and forms on which the comment is based.</p> <p>The committee believes that the new recommended procedures will provide more clarity about the actual date of the attorney’s withdrawal, impose fewer requirements on the client who objects to the attorney’s <i>Notice of Completion of Limited Scope Representation</i>, and further reduce court staff’s workload to implement the rule’s procedures.</p> <p>Same as above response.</p>

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All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>FL-955 and FL-956 include consistent language throughout, for example:</p> <p>“If you were personally served, this form must be filed 15 calendar days from the date the notice was given to you. If the notice was served by mail, this form must be filed 20 calendar days from the date the notice was mailed to you.</p>	<p>Based on comments received from this and other commentators, the committee recommends an alternative procedure for the attorney to use to withdraw as counsel of record after completing limited scope services. The procedure no longer includes language in the rule and forms on which the comment is based.</p>
2.	Harriett Buhai Center for Family Law Rebecca L. Fischer, Staff Attorney Los Angeles	AM	<p>General Comment: The Harriett Buhai Center for Family Law wholeheartedly supports modifying the rules and forms related to Limited Scope Representation to make the process simpler and more efficient.</p> <p>Should the rule or forms require that if an attorney makes an appearance at a hearing, the attorney is responsible for preparing the order after hearing, if so directed by the judge?</p> <p>Yes, absolutely. This language should encompass judgments and restraining orders after hearing as well as orders after hearing. Far too often we encounter clients who had limited scope attorneys for a hearing and neither party completed the order after hearing.</p>	<p>No response required.</p> <p>In response to the comment, the committee recommends changing the rule and forms to clarify that the attorney must file and serve the order after hearing or judgment if the attorney has appeared at a hearing or trial within the scope of the representation, if so directed by the court.</p>

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	Commentator	Position	Comment	Committee Response
			<p>Does the proposal appropriately address the stated process? Yes.</p> <p>Will this proposal improve access for low-and moderate-income litigants?</p> <p>Yes. Many of our clients are assisted by pro bono attorneys during the course of their cases and simplifying the forms will encourage more pro bono attorneys to accept limited scope representation.</p> <p>Re: Form FL-950: In Item 2, the language "until submission of the order after hearing" should be modified to make it clear "order after hearing" also encompasses completing a judgment or a restraining order after hearing.</p>	<p>No response required.</p> <p>No response required.</p> <p>The committee recommends revising the form to state "until submission of an order after hearing or judgment within the scope of representation. The committee believes that the "order after hearing" sufficiently conveys that it includes restraining orders after hearing.</p>
3.	Orange County Bar Association By: Todd G. Friedland, President Newport Beach	N/I	<p>Should the rule or forms require that if an attorney makes an appearance at a hearing, the attorney is responsible for preparing the order after hearing, if so directed by the judge? Yes, for the attorney's own protection as well as protecting the interests of the client.</p> <p>Does the proposal appropriately address the stated purpose? Yes.</p> <p>Will the proposal improve access for low- and moderate-income litigants? Yes; one of the issues with "unbundled services" or taking a</p>	<p>The committee recommends that the rule and forms be revised as suggested by the commentator.</p> <p>No response required.</p> <p>No response required.</p>

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Family Law: Simplifying Limited Scope Representation Procedures (amend rule California Rules of Court, rule 5.425, adopt forms FL-957, revise forms FL-950, FL-955, FL-956, and FL-958)

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	Commentator	Position	Comment	Committee Response
			case on limited scope was the additional cost of seeking to have that representation declared complete. The forms expedite the ability of the attorney to be done with the representation.	
4.	The State Bar of California The Executive Committee of the Family Law Section of the State Bar of California (FLEXCOM) by Saul Bercovitch Legislative Counsel San Francisco		<p>The Executive Committee of the Family Law Section of the State Bar (FLEXCOM) supports simplifying the procedures for an attorney to withdraw from limited scope representation when the attorney has completed the work agreed upon with the client in a family law case. With respect to the specific request for comments, FLEXCOM responds as follows:</p> <p>1. Should the rule or forms require that if an attorney makes an appearance at a hearing, the attorney is responsible for preparing the order after hearing, if so directed by the judge?</p> <p>Yes. If a judge instructs the limited scope attorney to prepare the order, the attorney should do so before he or she withdraws. If the representation is limited to a court appearance, it is only logical that preparation of the order after that hearing is part of the “work agreed upon.”</p> <p>2. Does the proposal appropriately address the stated purpose?</p> <p>Yes. The proposed forms provide a streamlined process for an attorney to request withdrawal and obtain it if there is no objection. If there is</p>	<p>No response required.</p> <p>The committee recommends that the rule and forms be revised as suggested by the commentator.</p> <p>No response required.</p>

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		<p>an objection, proposed new rule 5.425(e)(1) provides an opportunity for the client to object.</p> <p>With regards to requiring the client to provide a proposed order to the court along with his or her Objection to Notice of Completion of Limited Scope Representation, FLEXCOM recommends the following:</p> <p>a) Amend 5.425(e)(1)(A) to require the limited scope attorney to serve a blank proposed order to client with the Notice of Completion of Limited Scope Representation form;</p> <p>b) Or, in the alternative, modify 5.425(e)(1)(B) to not require the client to submit a proposed order with his or her objection.</p> <p>3. Will this proposal improve access for low- and moderate-income litigants?</p> <p>Yes. The limited scope representation process was developed so that low and moderate income self represented litigants could afford to have representation for what they deemed to be key issues or stages of their cases. This proposal</p>	<p>Based on comments received from this and other commentators, the committee recommends an alternative procedure for the attorney to use to withdraw as counsel of record after completing limited scope services. The procedure no longer includes language in the rule and forms on which the comment is based.</p> <p>Same as above response.</p> <p>Based on comments received from this and other commentators, the committee recommends an alternative procedure for the attorney to use to withdraw as counsel of record after completing limited scope services. The procedure no longer includes language in the rule and forms on which the comment is based.</p> <p>Based on comments received from this and other commentators, the committee recommends an alternative procedure for the attorney to use to withdraw as counsel of record after completing limited scope services. The procedure no longer</p>

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			simplifies what is now a complicated withdrawal procedure and, hopefully, more attorneys will be willing to offer such services.	includes language in the rule and forms on which the comment is based. The committee believes that the new recommended procedures will provide more clarity about the actual date of the attorney's withdrawal, impose fewer requirements on the client who objects to the attorney's <i>Notice of Completion of Limited Scope Representation</i> , and further reduce court staff's workload to implement the rule's procedures.
5.	State Bar of California, Standing Comm. on the Delivery of Legal Services	AM	<p>Should the rule or forms require that if an attorney makes an appearance at a hearing, the attorney is responsible for preparing the order after hearing, if so directed by the judge?</p> <p>Yes. Appearing at a hearing to get an order and not preparing the order after hearing (i.e., not actually getting an order) is not terribly helpful to a client, as many clients seem to have difficulty with the findings and order after hearing.</p> <p>Does the proposal appropriately address the stated purpose? Yes.</p> <p>Will this proposal improve access for low and moderate-income litigants?</p> <p>Intuitively it seems likely, but without empirical data it would not be possible to know.</p>	<p>The committee recommends amending the rule and forms as suggested by the commentator.</p> <p>No response required.</p> <p>No response required.</p>

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		Additional Comments FL-955 (Notice of Completion of Limited Scope Representation) “Notice to party/client” text box on page 1 First paragraph last sentence: bold “If this is correct, you now represent yourself in all aspects of your case.” Remove requirement that client also prepare, serve, and file proposed order. New paragraph beginning with “You must also have copies of [this] form served on your attorney. . .” Move sentence “If you do not file the Objection . . .” to after first sentencing ending in “ . . .that this notice was served on you.” Edit sentence beginning with “Please refer to the Proof of Service” to state “The deadline to file your objection is based on the date this form was served on you. To determine the date this form was served on you, please refer to page 2 for date of personal service or date of mailing. If this form was served by mail, you must file your objection with the court within 20 calendar	 Based on comments received from this and other commentators, the committee recommends an alternative procedure for the attorney to use to withdraw as counsel of record after completing limited scope services. The procedure no longer includes language in the rule and forms on which the comment is based. Based on comments received from this and other commentators, the committee recommends an alternative procedure for the attorney to use to withdraw as counsel of record after completing limited scope services. The procedure no longer includes language in the rule and forms on which the comment is based. Same as above response. Same as above response.

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			<p>days.”</p> <p>Form FL-956 (Objection to Notice of Completion of Limited Scope Representation) “Notice” text box on page 1</p> <p>Require the attorney to serve a blank FL-956 (Objection to Notice) and blank FL-958 (Order on Objection).</p> <p>Include directions to client about what part of the FL-958 (Order on Objection) must be completed.</p> <p>Edit last sentence as new paragraph and to state “You must serve this form on the attorney and the other party’s attorney. This means that a person who is not a party in this case must complete page 2 of this form and serve a copy of this form in person or by mail to the attorney and the other party’s attorney.”</p>	<p>Based on comments received from this and other commentators, the committee recommends an alternative procedure for the attorney to use to withdraw as counsel of record after completing limited scope services. The procedure no longer includes language in the rule and forms on which the comment is based.</p> <p>Based on comments received from this and other commentators, the committee recommends an alternative procedure for the attorney to use to withdraw as counsel of record after completing limited scope services. The procedure no longer includes language in the rule and forms on which the comment is based.</p>
6.	Superior Court of Los Angeles County	AM	<p>Page 7, (d)(2)(A): A Substitution of Attorney (form MC-050); or (add the word “or” at the end of this section so it is clearer)</p> <p>Page 7, (d)(3)(C): An order to be relieved as attorney of record (correct the word “or” to “of”)</p>	<p>The committee agrees with the commentator and recommends amending the rule as suggested.</p> <p>The committee agrees with the commentator and recommends amending the rule as suggested.</p>

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		Page 8, (1)(B): The client has 15 calendar days... to file an objection --Move this entire paragraph to (3) under Objection	Based on comments received from this and other commentators, the committee recommends an alternative procedure for the attorney to use to withdraw as counsel of record after completing limited scope services. The procedure no longer includes language in the rule and forms on which the comment is based.
		Page 8, (2): If the client does not object within the time permitted—specify 15 (court or calendar?) days after the date on the proof of service	Same as above response.
		Page 10, bottom left hand corner of page (footer): Correct the form number from FL-955 to FL-950	The committee agrees with the commentator and recommends amending the rule as suggested.
		Page 13, bottom of page: Place end parenthesis after Signature of Attorney.	The committee agrees with the commentator and recommends amending the rule as suggested.
		Page 15, item 3: See Attachment 3—For clarification purposes, add verbiage: if you need more space, attach Form MC-025 and title it Attachment 3	The committee does not recommend revising the form as suggested. The proposed language is used in plain language forms, instead of standard family law forms like the “FL-“ series of forms.
		Page 15, item 4: See Attachment 4—For clarification purposes, add verbiage: if you need more space, attach Form MC-025 and title it Attachment 4	Same as above response.
		Page 17, item 2: See Attachment 2—For	The committee does not recommend revising the

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		clarification purposes, add verbiage: if you need more space, attach Form MC-025 and title it Attachment 2	form as suggested. The proposed language is used in plain language forms, instead of standard family law forms like the “FL-“ series of forms.
		Page 17, item 3: See Attachment 3—For clarification purposes, add verbiage: if you need more space, attach Form MC-025 and title it Attachment 3	The committee does not recommend revising the form as suggested. The proposed language is used in plain language forms, instead of standard family law forms like the “FL-“ series of forms.
		Page 17, declaration at bottom of page: Should require signature of attorney (not person serving notice)	The committee agrees with the commentator and recommends amending the rule as suggested.
		We recommend eliminating the proposal that gives the clerk 25 days to set the hearing and instead allowing the hearing date to be set at the time the form FL-956 Objection to Notice of Completion of Limited Scope Representation is filed. This would provide the ability to collect fees at the time the hearing date is set. This process would also allow for the form to be filed and served with a hearing date. Resources will be saved by eliminating the need for notice to be given by the clerk at a later date.	The committee agrees with the commentator and recommends amending the rule as suggested.
		The proposal as written creates additional work and complicates the fee collection process.	The committee believes that the recommended changes to the rule and forms will eliminate additional work for the courts and not impact the collection of fees.
		We also recommend eliminating page 2, Proof of Service, and allowing this document to be a one page document.	The committee agrees and recommends eliminating the proof of service on page 2 of form FL-956.

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		<p>In the alternative, we recommend modifying form FL-956 Objection to Notice of Completion of Limited Scope Representation by inserting a box for “Dept. No/Room No” and removing the box that provides space for the hearing date, time and department or room. Once the form is filed, staff will not be able to modify the form to insert a hearing date and therefore, the hearing information box is not necessary.</p>	<p>The committee recommends inserting a space on the form to include hearing information.</p>
		<p>Proposed rule 5.425(e)(3)(B) states that the attorney must file a response to the objection at least 9 court days before the hearing, however, there is no language indicating how many days before the hearing the attorney must be served notice of the hearing date.</p>	<p>The committee recommends that the rule and forms be revised as suggested by the commentator.</p>
		<p>Request for Specific Comments:</p> <p>Should the rule or forms require that if an attorney makes an appearance at a hearing, the attorney is responsible for preparing the order after hearing, if so directed by the judge? Yes.</p>	<p>No response required.</p>
		<p>Does the proposal appropriately address the stated purpose?</p>	
		<p>Yes. It would simplify the process for limited scope representation.</p>	<p>No response required.</p>
		<p>Will this proposal improve access for low- and moderate-income litigants?</p>	

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		<p>Yes, simplifying the procedures for limited scope representation will improve access for low and moderate income litigants by increasing resources available.</p> <p>The advisory committee also seeks comments from courts on the following cost and implementation matters:</p> <p>Would the proposal provide cost savings? If so please quantify.</p> <p>Yes, it will provide cost savings by reducing the number of hearings required. We are unable to quantify the savings at this time.</p> <p>What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.</p> <p>A form will need to be created for setting hearing dates.</p> <p>The current case management and financial system will need to be updated to include the fee assessment for this type of hearing. The court would be required to identify and train</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p>

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			<p>appropriate staff, implement corresponding CMS codes.</p> <ul style="list-style-type: none">• Would 2 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? <p>Yes. Implementation would require limited training.</p> <ul style="list-style-type: none">• How well would this proposal work in courts of different sizes? Size of court would not affect implementation. However, unless the clerk provides a hearing date when form FL-956 Objection to Notice of Completion of Limited Scope Representation is filed, the process will add workload to clerks.	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p>
7.	Superior Court of Orange County, Family and Juvenile Court Managers Michelle Wang Program Coordinator Specialist	N/I	<p>Form FL-956</p> <p>The attachments on each form lists corresponding numbers which may be misleading. For example, number 3, if there is more space that is needed, the form lists “see attachment 3.” We recommend using the general MC-025 attachment form and incorporate this as an option for wherever additional space is needed rather than matching the number to the attachment. This may be misleading because numbers 1 and 2 may not have an attachment, and since numbers 3 and 4 have attachments, this may appear on the form that each number should have a corresponding attachment.</p>	<p>Based on comments received from this and other commentators, the committee recommends an alternative procedure for the attorney to use to withdraw as counsel of record after completing limited scope services. The procedure no longer includes the specific language in form FL-956 on which the comment is based.</p>

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8.	Superior Court of Riverside County Marita Ford Sr. Management Analyst	N/I	<p>The proposed changes address attorney's concerns regarding withdrawing from cases. Their clients, especially those who are non-English speakers or have literacy issues, would be exposed to some vulnerability given that the proposed procedure places the obligation on them to object within a relative short time frame. For this reason, plain language and clear instructions should be on the orders.</p> <p>Specifically, the Notice of Change of Address or Other Contact Information (form MC-040) should be a required form rather than optional when an address update is needed.</p>	<p>Based on comments received from this and other commentators, the committee recommends an alternative procedure for the attorney to use to withdraw as counsel of record after completing limited scope services.</p> <p>The committee believes that the new recommended procedures will impose fewer requirements on the client who objects to the attorney's <i>Notice of Completion of Limited Scope Representation</i>.</p> <p>Form MC-040 was approved as an optional form. Therefore, the committee does not recommend requiring the party to use one particular form to provide a change of address. This will allow the court clerk to accept a party's notice of change of address submitted on pleading or any other paper—and not reject it because the party did not use any one particular form.</p>
9.	Superior Court of San Diego County Michael M. Roddy Executive Officer	AM	<p>Q: Should the rule or forms require that if an attorney makes an appearance at a hearing, the attorney is responsible for preparing the order after hearing, if so directed by the judge? Yes.</p> <p>Q: Does the proposal appropriately address the stated purpose? Yes.</p> <p>Q: Will this proposal improve access for low and moderate income persons? Unable to determine.</p>	<p>The committee recommends that the rule and forms be revised as suggested by the commentator.</p> <p>No response required.</p> <p>No response required.</p>

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		Q: Would the proposal provide cost savings? No.	The committee anticipates that this proposal will result in some costs incurred by the courts to revise forms, train court staff about the changes to the rules and forms included in this proposal, and possibly revise local court rules and forms so they are consistent with the changes adopted by the Judicial Council. However, the committee expects that the changes will save resources for the courts by clarifying and simplifying procedures.
		Q: What are implementations requirements for courts? Training effected staff and updating case management system.	Same as above response.
		Q: Would two months from JC approval of this proposal until its effective date provide sufficient time for implementation? Yes.	No response required.
		FL-955: Signature line on page one needs a closing “)”	The committee agrees with the commentator and recommends correcting the form as suggested.
		FL-956: It is recommend to include some sort of notice or advisement on this form to the client/party against providing detailed information that could potentially waive any privilege they may have including attorney-client privileged communications.	The committee recommends an alternative procedure for the attorney to use to withdraw as counsel of record after completing limited scope services, which could not potentially waive any of the party’s privilege, including attorney-client privileged communications.
		FL-957: “Of person serving notice” should be removed from signature line on page one and replaced with “of Attorney.”	The committee agrees with the commentator and recommends revising the form as suggested.

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		<p>CRC Rule 5.425(d)(2) should read: (2) After the notice in (1) is received, the attorney will continue to represent the party until <i>one of</i> the following is filed and served:</p> <p>Rule 5.425(d)(2)(C): Correct typo to delete “or” and replace with “of” as follows: “An order to be relieved as attorney <u>of</u> or record.”</p> <p>Rule 5.425(d)(2)(C): What is the order referenced in (d)(2)(C)? Is it the form, <i>Order Granting Attorney’s Motion to Be Relieved as Counsel-Civil</i> (MC-030) or some other order? What happens if a <i>Notice of Withdrawal of Attorney of Record</i> (FL-960) is filed?</p> <p>Rule 5.425(e)(1)(A) and (e)(1)(B): Attorneys sometimes do not complete the proof of service on the back of FL-955 as they use another type of proof of service. It is suggested that it be clarified that whatever proof of service is used that it be clear that the proof of service must be filed with the court within a specified period of time after service, such as two court days, in order for the court to determine whether a client/party has been served with an FL-955.</p> <p>Rule 5.425(e)(3)(C) should read: (C): Following the hearing the attorney must serve a copy of the court’s signed Order on Objection to Notice of Completion of Limited Scope Representation (form FL-958) on all parties or</p>	<p>The committee agrees with the commentator and recommends revising the form as suggested.</p> <p>The committee recommends another construction for this section as noted in the report.</p> <p>The word ‘order’ refers to any order made by the court relieving the attorney as attorney of record.</p> <p>The committee does not agree to recommend amending the rule as suggested by the commentator. The additional language is not needed. The recommended amendments provide the incentive for the attorney to file proof that the party was served with a final Notice of Completion, since he or she will remain in the case until it is filed.</p>

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			<p>the attorneys for all parties who have appeared in the case. The order will be deemed effective once proof of service of the order on all parties has been filed with the court, unless otherwise ordered by the court at the time of the hearing.</p> <p>General Comment:</p> <p>The rule should be clear as to when the order is effective. The language that the court “may” delay the effective date of the order until proof of service of a copy of the signed order has been filed with the court will create a vacuum of ambiguity surrounding its effective date. Better to state plainly when it is effective and to put the burden on the attorney to complete the required process in order to be relieved as counsel.</p>	<p>Based on comments received from this and other commentators, the committee recommends an alternative procedure for the attorney to use to withdraw as counsel of record after completing limited scope services.</p> <p>The committee believes that the new recommended procedures will provide greater clarity about the actual date of the attorney’s withdrawal.</p>
10.	M. Sue Talia Private Family Law Judge		<p>I am a national expert on limited scope representation, having published my first book on the subject in 1997. I was an early advocate for California’s pioneering work on the subject. Since that time, I have traveled throughout the United States and Canada, teaching thousands of lawyers how to offer limited scope services competently and ethically.</p>	No response required.

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		I support the proposed revision of Rule 5.425 and accompanying proposed forms.	No response required.
		By way of background, in May 2014, I suggested a relaxation of rule 5.425, fulfilling a promise I had made to numerous California lawyers over the years to do what was in my power to facilitate withdrawal after a limited scope court appearance.	No response required.
		Over the years I have been consulted, both formally and informally, by the Supreme Courts and Access to Justice Commissions in numerous states which were interested in modifying their rules to facilitate and encourage limited scope representation. In each case, my recommendation was that there be a Notice of Completion of Limited Scope Representation served and filed at the completion of the attorney's involvement, without the requirement of client consent or court permission for withdrawal.	No response required.
		We would all prefer to see a Substitution of Attorney at the end of a limited scope court appearance, but that is not always practical. The chilling effect of the current cumbersome process of filing an Application to be Relieved is real, traceable partly to economics and partly to demographics.	No response required.
		The economic factors relate to the fact that the lawyers who offer limited scope in family law	No response required.

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		<p>tend to be solo and small firm practitioners who already serve a middle class and modest means clientele. They usually have high accounts receivable from full service clients which they will never collect. Many of them are hand to mouth themselves. They want and need their limited scope clients. Several have told me that, but for limited scope, they would not have been able to keep their doors open during the worst of the Recession in 2009 and 2010.</p>	
		<p>They are happy to get the additional business limited scope offers, but can't afford to take the risk that their engagement will be expanded, or that they will have to attend an additional (and uncompensated) hearing just to get out after they have performed the agreed services. Many simply elect not to make limited court appearances because of those barriers.</p>	No response required.
		<p>The demographic barriers relate to the client base most of these lawyers serve (and where the greatest demand for limited scope services is found). They are generally unsophisticated, distrustful of attorneys, and profoundly suspicious of the billable hour. To them, legal services are a commodity, not unlike the service provided by a plumber. They expect the lawyer to draft the documents, advise them on the law, or make a court appearance, and then be gone. In their minds, they have paid for a service which the lawyer has performed. They don't understand why they then have to sign a paper</p>	No response required.

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		attesting that the work was done. They suspect this is just something else the lawyer will charge them for.	
		Lawyers have told me that sometimes their limited scope clients won't even open an envelope with their return address after a court appearance, out of fear that it is either a bill, or something they will be billed for. They fear that the lawyer is drafting more paper to force them to pay more money.	No response required.
		This has a palpable chilling effect on the willingness of some lawyers to accept a limited scope assignment which requires a court appearance: They can't get a substitution signed in advance to be filed at their discretion. While I always tell the lawyers I train to take a substitution to the hearing to potentially be signed at the conclusion, this isn't always practical, or even appropriate.	No response required.
		If the judge has ordered the lawyer to prepare the Order After Hearing, the work isn't completed, and a substitution signed before it is done would itself be an ethical violation. If the hearing is law and motion, the client probably isn't present to sign it, and there is still the issue of drafting the Order.	No response required.
		The current system is simply too cumbersome to make many attorneys uncomfortable signing on for a court appearance. The fees for such limited	The committee agrees with this position and recommends changes to the rule and forms to simplify the process.

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		<p>scope appearances are necessarily modest, and the risk of having to make subsequent appearances for free undercuts the incentive to take a reduced fee in the hand rather than a greater one in the future.</p> <p>Orders After Hearing When I train lawyers, I tell them that if they agree to go to court, they should assume they will be drafting the Order After Hearing, and factor that into the fee they quote. While I know many lawyers would love to walk away at the end of the hearing, I believe that an order announced from the bench is illusory if it isn't reduced to an enforceable writing. The lawyer who obtained the order is in the best position to draft an enforceable order: not the <i>pro per</i> client or the staff or facilitators at the Self Help Center.</p> <p>While I would not make it a mandatory practice, because there are reasons why judges may not order the limited scope lawyer to draft the order (there may be a full service lawyer on the other side who would be better suited to draft the order) if requested by the judge, I think lawyers should consider drafting the order as an integral part of the service they are offering in attending the hearing. Not only is it essential to the client to have an enforceable order, a rule which does not provide for an enforceable order at conclusion of a hearing imposes an unreasonable burden on the courts and court</p>	<p>No response required.</p> <p>The committee recommends that the rule and forms reflect that an attorney who makes an appearance at a hearing under the agreement for limited scope representation must prepare the order after hearing or judgment if so directed by the judge.</p>

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		<p>staff when they are unable to determine, with clarity, what the resulting order was.</p> <p>Abandonment of Clients I understand the concern, which led up to the current version of the rule, is that some unscrupulous lawyers will abandon their clients before all agreed work is done. Full service lawyers also do it occasionally. To me, that is a disciplinary and not a rules issue. Those aren't the lawyers I talk to. At the conclusion of every training I do, I post my contact information and encourage lawyers to contact me at any time about questions that arise in the future. I get emails all the time from lawyers I have trained, sometimes years after the fact. These are conscientious people who want to be sure they are doing it right, don't want to get into disciplinary or ethical trouble, want to offer a service to the public and, frankly, need the business. They would love to have more paying clients if they could figure out how to manage the economics while adhering to their ethical responsibilities.</p> <p>Competence Issues I further understand the fact that, in drafting rules, it is important to give lawyers clear guidelines as to their responsibilities. That means that sometimes rules are drafted with the lowest common denominator in mind. There are sloppy lawyers out there, both limited scope and full service, though I try to reduce their numbers</p>	<p>No response required.</p> <p>The committee agrees with this comment and believes that the recommended changes to the rule and forms will achieve the balance about which the commentator writes.</p>

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		<p>with the free trainings and risk management materials I offer. However, the fact that some may do the thing badly is not evidence that the thing itself is bad. There needs to be a balance between drafting a rule strictly enough so that there is a clear roadmap to what a competent attorney will understand as their responsibilities, but not so strictly that, in protecting the public from predators, it discourages good lawyers from providing essential legal services to members of the public who are in desperate need of them.</p> <p>Insurance Carrier Issues</p> <p>While not part of the request to comment, I am aware that some have raised issues regarding insurance carrier issues in connection with the termination of a limited scope representation. Having talked to numerous carriers over the years, both in California and elsewhere, I can shed some light on the concerns they have expressed to me.</p> <p>One of the most frequently cited issues is not a limited scope issue at all. Carriers express frustration that lawyers get lazy at the end of a full service representation, and don't promptly serve and file the Notice of Withdrawal. They hate it when a lawyer ends a case and doesn't get around to filing the Notice until the end of the year or until they need the file shelf space for other cases. This means there is no bright</p>	<p>No response required.</p> <p>No response required.</p>

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		<p>line memorializing when the representation ends and the statute of limitations begins to run. They hate having a grey area at the end of the representation. The current system, consisting of Application, time to Object, potential hearing, is the antithesis of a bright line termination.</p> <p>It is my belief that carriers would overwhelmingly favor a rule which allows a Notice of Completion to be served and filed which, if not objected to, starts the statute running. I should also point out that, unlike those full service lawyers who feel no urgency to serve and file the Notice of Withdrawal, limited scope lawyers who have made an appearance have a strong incentive to serve and file the Notice of Completion promptly, before the service of another RFO.</p> <p>Conclusion I ask that the Council focus, not on the examples of sloppy work that we have all seen, but on the vast need for limited scope court appearances. When between 70% and 80% of family law litigants don't have lawyers, when the lawyers who want to serve them are often struggling themselves to make ends meet, it is incumbent on us as a society to make it easier rather than harder for lawyers to serve the needs of such a vast percentage of the population. I submit that when 70% of family law litigants don't have lawyers, we, as a profession and the court, as an institution, are morally and</p>	<p>No response required.</p> <p>No response required.</p>

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			professionally obligated to identify the barriers to representation and remove them where we can. The proposed revision to Rule 5.425 is just such an opportunity.	
11.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee	AM	<p>Regarding the impact on existing automated systems: A small impact to case management systems is anticipated as a result of configuring elements and importing forms into the system.</p> <p>Regarding development of local rules and/or forms: This proposal will require development of local rules/forms. It will also create one time staff costs to prepare the packet.</p> <p>Regarding additional training: Minimum time training staff is anticipated.</p> <p>Regarding increases to court staff's workload: The proposal will result in increased court staff workload to reschedule hearings to accommodate the 25 day requirement.</p> <p>Suggested Modification: Regarding rule 5.425(e)(3)(A), the JRS recommends adding the following language (see</p>	<p>The committee believes that the small impact on case management systems will be outweighed by the benefit of reduced filings by attorneys to be relieved as the limited scope attorney in the case.</p> <p>The committee agrees that courts may have to amend local rules to conform to the simplified procedures in this report.</p> <p>The committee agrees that the changes to the rules and forms will require some training for court staff.</p> <p>Based on comments received from this and other commentators, the committee recommends an alternative procedure for the attorney to use to withdraw as counsel of record after completing limited scope services. The procedures no longer includes a requirement that the court clerk set a hearing on an application to be relieved as counsel within 25 days, but that the hearing be set if the client files an <i>Objection to the Proposed Notice of Completion</i>.</p> <p>The committee agrees with this comment and recommends incorporating some of the language</p>

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			<p>italicized text) to make it explicit to court clerks that the hearings can be scheduled for an earlier time. This will help to alleviate crowded family law calendars.</p> <p>“The court clerk must set a hearing on the objection no later than 25 days from the date the objection is filed or as soon as the matter can be scheduled.”</p>	<p>into the rule.</p>
12.	Hon. Rebecca Wightman Commissioner Superior Court of San Francisco County	AM	<p>I am very glad to see this process getting simplified!</p> <p>One form correction: (1) Your current draft version of new FL-957 states at the bottom left that it is a mandatory form, when the report indicated that it was decided to provide this form for optional use (I agree it should be optional).</p> <p>A few minor suggested edits for clarification:</p> <p>(1) FL-955, Item 3 -- this item should be expanded to indicate that there has been completion of the work that the party and the attorney agreed would be performed in the Notice of Limited Scope Representation (form FL-950), as well as any work ordered by the court. There are many situations where the work to be performed was not ordered by the court and/or the court made no orders as to the attorney (i.e. perhaps it was just to make an appearance and argue the matter). This change</p>	<p>No response required.</p> <p>The committee recommends correcting form FL-957 to reflect that it is an optional form.</p> <p>The committee agrees to expand the language of the rule and form to include that the attorney has filed and served an order after hearing or judgment within the scope of the representation, if so directed by the court. However, the committee has decided to recommend deleting language about the attorney performing any acts ordered by the court.” The committee believes that the language is ambiguous and could unduly interfere with the attorney withdrawing from the case on completion of the limited scope services</p>

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		<p>would make it similar to the language used in FL-958, Item 4.</p> <p>(2) Rule 5.425 (e)(1)(B) -- it is suggested that you add a phrase at the end of (e)(1)(B) to reference the section on the procedures to follow: E.g. add the phrase "in accordance with the procedures set forth in (e)(3)." This would add clarity for a pro per reading through the rule.</p> <p>Several concerns: The one conceptual problem I see with this new process/procedure is that it creates a "limbo" period where it is a little murky as to responsibilities (in terms of who is on the hook so to speak and who to serve) if RFO's, etc. are filed after the filing of the Notice of Completion (but before 15 days has passed), or after a Notice of Objection has been filed (and before a hearing and order has been made). I am not sure the rule as amended is clear here. Which leads me to another concern.</p> <p>The one other concern I have has to do with looking at the process from a case management system view point. The current proposal will cause there to likely be a more heavy manual system adjustment for finally removing a limited scope attorney from a court's case management system...because the status of the Notice of Completion has to be monitored by a clerk.</p>	<p>agreement with the client.</p> <p>Based on comments received from this and other commentators, the committee recommends an alternative procedure for the attorney to use to withdraw as counsel of record after completing limited scope services. The procedure no longer includes language in the rule on which the comment is based.</p> <p>The committee agrees with the commentator and believes that the new recommended procedures will provide more clarity about the actual date of the attorney's withdrawal, impose fewer requirements on the client who objects to the attorney's <i>Notice of Completion of Limited Scope Representation</i>, and further reduce court staff's workload to implement the rule's procedures.</p> <p>Same as above response.</p>

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		<p>Suggestion: Rather than have the "Notice of Completion" document and a waiting period of 15 days be determinative of when removal of the name from the system can occur (or not), what about making the procedure be a simple two-step process by the filing of a "PRELIMINARY Notice of Completion" and then, if no objection, requiring the filing of a FINAL Notice of Completion (once the 15 days is up and no objection was filed). While it would mean one additional form, perhaps the attorney could be allowed to provide them both at the same time under the current proposed process (akin to submitting an initial or preliminary Notice and a "proposed" Final Notice) -- so it is really not much more of a burden at all.</p> <p>The BENEFITS of having this done in this manner would not only be to provide absolute clarity as to the date the actual withdrawal occurs, but it would allow courts to configure their case management systems to automatically remove the attorney from their list upon the filing of the FINAL notice. (This two-notice process is obviously for the "no objection" situation; nothing would need to change if there were an objection, although the FINAL could be a part and parcel of the final order on objection if it would help from a case management system viewpoint).</p>	<p>The committee considered the process suggested by the commentator and agreed that it would provide more clarity as to the effective date of the attorney's withdrawal. The committee incorporated the suggestions, with some modifications, into the recommendations being made to the Judicial Council.</p> <p>Same as above response.</p>

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	Commentator	Position	Comment	Committee Response
			having to do a lot of manual monitoring.	

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