



Judicial Council of California

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Subject Details (With Text)

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Attachments: 1. 17-084 - Family Law Simplifying Limited Scope Rep Forms & Proc - report

Date	Ver.	Action By	Action	Result
5/19/2017	1	Judicial Council	approved	Pass

Title

Family Law: Simplifying Limited Scope Representation Forms and Procedures (Action Required)

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.