



SUPREME COURT OF VIRGINIA

MURIEL-THERESA PITNEY, CLERK

SUPREME COURT BUILDING
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Supreme Court of Virginia

Call for Comments

Contact: Muriel-Theresa Pitney, Clerk

Release Date: April 15, 2022

THE SUPREME COURT OF VIRGINIA REQUESTS
PUBLIC COMMENT ON PROPOSED AMENDMENTS TO
PART ONE, RULE 1:5(f). LIMITED SCOPE APPEARANCE; NOTICE;
SERVICE; COMPLETION OR TERMINATION OF APPEARANCE.

RICHMOND – The Supreme Court of Virginia is considering proposed amendments to the Rules of Court, Part One, Rule 1:5(f), Limited Scope Appearance; Notice; Service; Completion or Termination of Appearance. Comments on the proposed amended rule must be **received** by June 14, 2022, and must be addressed to:

Muriel-Theresa Pitney, Clerk
Supreme Court of Virginia
Via email (scvclerk@vacourts.gov) with the subject line “Rule 1:5(f)”

In the alternative, comments may be mailed to the Clerk’s office at:

Clerk, Supreme Court of Virginia
100 N 9th Street
5th Floor
Richmond, VA 23219

PART ONE
GENERAL RULES APPLICABLE TO ALL
PROCEEDINGS

Rule 1:5. Counsel and Parties Appearing Without Counsel.

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(f) *Limited Scope Appearance; Notice; Service; Completion or Termination of Appearance.*

(1) Notice of Limited Scope Appearance by a Qualified Legal Services Provider. In any civil court proceeding an attorney may, prior to or simultaneous with the proceeding, file and serve on all parties a notice of limited scope appearance ~~if the:~~ (A) providing evidence stating that the attorney is (i) employed by a qualified legal services provider, as ~~that is~~ defined in Section IV, Paragraph 3(~~ef~~) of the Rules for Integration of the Virginia State Bar, Part Six of the Rules of Court (hereafter “QLSP”), or (ii) acting pro bono on a direct referral from a QLSP; (B) stating that the attorney and the party have a written agreement that the attorney will make a limited scope appearance in such action; and (C) specifying the matters, hearings, or issues on which the attorney will appear for the party.

(2) Limited Scope Appearance by Leave of Court. Any attorney not proceeding under subpart(f)(1) of this Rule may seek leave of court to make a limited scope appearance in any civil case. If such leave is granted, the appearance will be governed by the notice requirements of subparts(f)(1)(B) and (C) of this Rule, the service and unrepresented party provisions of subpart (f)(3), and the completion or termination provisions of subpart (f)(4).

(3) Service of Papers After Notice. For the duration of the limited scope appearance as provided in this Rule, Sservice of all papers ~~after the filing of a notice of limited scope appearance as provided in this Rule~~ must be made upon both the attorney making such limited scope appearance and the party on whose behalf the appearance is made, who will be considered an unrepresented party.

(4) Completion or Termination of Limited Scope Appearance.

(A) *Notice of Completion of Limited Scope Appearance.* — An attorney who has completed the obligations identified in a notice of limited scope appearance must file a notice of completion of limited scope appearance, ~~providing at least seven (7) days’ notice to the party on whose behalf the attorney appeared.~~ The notice must be accompanied by a declaration by the attorney that counsel’s obligations under the limited scope appearance agreement have been satisfied, and

must be (i) endorsed by the party on whose behalf the limited scope appearance was made, and (ii) served on all counsel and any unrepresented parties. Upon the filing of the notice of completion of limited scope appearance, the attorney is deemed to have ceased appearances in the matter.

(B) *Termination of Limited Scope Appearance.* — If the party on whose behalf the limited scope appearance was made cannot or will not endorse the notice of completion of limited scope appearance, the attorney may file a motion to terminate the limited scope appearance, serve it on all parties, and afford seven days for objection. If an objection is filed, the court may hold a hearing to determine whether the attorney’s obligations under the notice of limited scope appearance have been met. If the court finds that the attorney’s obligations under the notice of limited scope appearance have been met, it must grant the motion to terminate the limited scope appearance.

(C) *Replacement Counsel or the Party Acting Pro Se.* — If replacement counsel is not being designated at the time of the attorney’s completion of limited scope appearance, the notice of completion of limited scope appearance or order permitting termination of limited scope appearance must state the address and telephone number of the party on whose behalf the limited appearance was made for use in subsequent mailings or service of papers and notices, and said party will be deemed self-represented.

~~(5) Pilot Project. The provision of this subpart (f) will remain in effect until December 31, 2021, unless by Order of the Supreme Court operation of these provisions is ended, modified, or extended; except that any limited scope appearance commenced prior to December 31, 2023, may be completed in accordance with these provisions. Limited Scope Appearance for a Single District Court Hearing. If the matters, hearings, or issues on which the attorney will appear for the party are limited to one court appearance in General District Court or Juvenile and Domestic Relations District Court, an attorney meeting the criteria in subpart (f)(1) may, prior to or simultaneous with the appearance, file and serve on all parties a notice of limited scope appearance for a single District Court hearing. The notice of limited scope appearance for a single District Court hearing serves as both a notice of appearance and notice of completion of limited scope appearance. The limited scope appearance will automatically conclude at the end of the District Court hearing. The completion or termination of limited scope appearance requirements outlined in subpart (f)(4) do not apply to a limited scope appearance for a single~~

District Court hearing. Nothing will preclude an attorney from making more than one limited scope appearance.

(6) Local Counsel or Covering Docket Calls. Nothing in this subpart (f) will apply where a party is represented for all purposes by counsel of record and another attorney appears in lieu of counsel of record for a particular proceeding or docket call.