

Rule 115A

LIMITED REPRESENTATION

- (a) **Written Consent Required.** An attorney may limit the scope of representation if the limitation is reasonable under the circumstances, and the client gives informed consent, confirmed in writing.
- (b) **Limited Appearance.** An attorney, pursuant to this rule, may make a limited appearance on behalf of an otherwise unrepresented party.
 - (1) **Notice of Limited Entry of Appearance Required.** An attorney making a limited appearance must file a notice of limited entry of appearance. The notice is sufficient if it is on the judicial council form. The notice must:
 - (A) state precisely the court proceeding to which the limited appearance pertains; and
 - (B) if the appearance does not extend to all issues to be considered at the proceeding, identify the specific issues covered by the appearance.
 - (2) **Scope and Number of Limited Appearances.** An attorney may file a notice of limited entry of appearance for one or more court proceedings in a case. At any time—including during a proceeding—an attorney may, with the client’s consent, file a new notice of limited entry of appearance.
 - (3) **A Paper Filed in a Limited Appearance.**
 - (A) **Statement Required on Signature Page.** A pleading, motion, or other paper filed by an attorney making a limited appearance must state in bold type on the signature page of the document: “Attorney for [party] under limited entry of appearance dated ____.”
 - (B) **Filing Outside Scope of Limited Appearance Constitutes General Appearance.** If an attorney files a pleading, motion, or other paper that is outside the scope of a limited appearance without filing a new notice of limited entry of appearance, the attorney will be deemed to have entered a general appearance in the case.
 - (4) **Service.** When service is required or permitted to be made on a party represented by an attorney making a limited appearance under this rule:
 - (A) for all matters within the scope of the limited appearance, service must be made on both the attorney and the party;
 - (B) the party must be served at the party’s address stated in the notice of limited entry of appearance, but if the party’s address has been made confidential by court order or rule,

service on the party must be made in accordance with the court order or rule; and

(C) service on the attorney is not required for matters outside the scope of the limited appearance.

(5) **Restrictions on Limited Appearances.**

(A) An attorney may not enter a limited appearance for the sole purpose of making evidentiary objections.

(B) An attorney making a limited appearance and the litigant for whom the attorney appears may not argue on the same legal issue during the period of the limited appearance.

(6) **Withdrawal.**

(A) **On Completion of Limited Appearance.** On completion of a limited appearance—including completion and filing of an order or journal entry resolving the court proceeding for which the attorney was retained—an attorney must withdraw by filing a notice of withdrawal of limited appearance and serving the notice on the client and parties. The notice must state that the withdrawal is effective unless an objection is filed no later than 14 days after the notice is filed. The notice is sufficient if it is on the judicial council form and—unless otherwise provided by law—must include the client’s name, address, and telephone number. The attorney must file a notice of withdrawal of limited entry of appearance for each court proceeding for which the attorney has filed a notice of limited appearance. The court may impose sanctions for failure to file a notice of withdrawal under this paragraph.

(B) **Before Completion of Limited Appearance.** If an attorney wishes to withdraw from a limited appearance before it is completed—including before completion and filing of an order or journal entry documenting the court proceeding for which the attorney was retained—the attorney must comply with Rule 117.

(c) **Document Preparation Assistance.** An attorney may help a party prepare a pleading, motion, or other paper to be signed and filed in court by the client. The following rules apply:

(1) The attorney or party preparing a pleading, motion, or other paper under this rule must insert at the bottom of the paper the notation “prepared with assistance of a Kansas licensed attorney”;

(2) The attorney is not required to sign the paper; and

- (3) The filing of a pleading, motion, or other paper prepared under this rule does not constitute an appearance by the preparing attorney.

[History: New rule adopted March 15, 2012.]

COMMENT:

Making a legal form available to a self-represented litigant to complete for themselves, whether in person, by mail, electronically or through the Internet, (at no cost) is not considered document preparation assistance and is not covered by this rule.