

What is limited assistance representation in Massachusetts and how can I benefit from it?

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Limited assistance representation (“LAR”) is a relatively new (and exciting) way clients and attorneys can structure representation agreements. Specifically, for clients LAR is an agreement to limit the representation to only part of a case, such as one hearing or court conference, instead of the more traditional representation agreement where an attorney represents the client for the entire court case. The goal of LAR is to allow a client to hire an attorney on a limited basis and save money by avoiding the cost of an attorney for an entire case. Also, an intended benefit is for clients to be represented for at least part of the case when they normally would not be represented at all due to cost. It is something to consider when money is tight for the right kind of case.

For attorneys and formally for Massachusetts, LAR is a relaxing of procedural rules. You see, traditionally, a lawyer who files a document in a case makes an “appearance” that triggers a number of responsibilities for the clerk’s office, the lawyer, and the opposing party. Most importantly, a lawyer that has made an appearance in a case for a client must continue to represent the client until he gets permission to leave the case or is replaced by successor counsel. The gist for the lawyer is that (in the past without LAR) it has been difficult to get out once you’re in. (This is one big reason why attorneys require retainers before representing a client.) Lawyers are fearful to avoid having to spend the time to get out of a case when the client is not paying them, or worse, have to represent the client in a trial because for whatever reason the judge will not let them out of the case, which has and does happen.

Technically what has happened is that the Massachusetts Supreme Judicial Court has issued a standing order setting up the procedural rules that must be followed to represent a client on a LAR basis and allowing individual courts throughout Massachusetts to allow LAR if desired. An attorney must follow these procedural rules to appear before a court under LAR.

LAR can be a great way to go for both client and attorney. But it is not appropriate for every case. An attorney considering a LAR agreement must analyze the matter and make sure it is appropriate. If so, the benefits can be great.

In the event that you are involved in a court case or expect to be involved in a court case in Massachusetts and LAR interests you, feel free to give our office a call.

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Limited assistance representation/legal representation on a limited basis/legal representation on a partial basis