

Limited Appearance Representation in the Land Court

Hon. Robert B. Foster

The Land Court is pleased to announce the issuance of Standing Order 1-12, Limited Appearance Representation, effective January 2, 2013. Limited Appearance Representation, or “LAR,” allows qualified attorneys to appear in a case for a single event, or even to prepare pleadings on behalf of clients without filing an appearance. The Land Court, like the other trial courts in the Commonwealth, has seen an increase in the number of unrepresented litigants in recent years. These *pro se* litigants are usually people who cannot afford to hire an attorney to represent them through the entire case. With LAR, they will be able to engage an attorney at a lesser fee for part of the case—a crucial event like the case management conference or a motion to dismiss—and thereby get representation they wouldn’t otherwise have, at a cost they can afford. The advantage of LAR for attorneys is that it opens up a whole new group of potential clients—people who previously would not hire an attorney at all.

The Land Court hopes that REBA members will consider LAR representation for their clients. To appear as an LAR attorney, you must be qualified by completing an approved training program. The training is important. It outlines the kinds of discussions and agreements you must have with your client to ensure that she fully understands and agrees to the limited scope of your representation. The Court will be working with REBA to create LAR training tailored to Land Court practice, which will, we hope, lead to the establishment of a REBA referral list of qualified attorneys who can take on LAR representation in the Land Court. We are confident that you, like us, will find that LAR is a win-win opportunity to provide paid representation to parties who would otherwise never hire an attorney but appear *pro se*.

Land Court Associate Justice Robert B. Foster was nominated to the bench in 2011 by Governor Deval Patrick, succeeding Hon. Charles W. Trombly. Judge Foster will oversee the Courts LAR program.