

SUPREME COURT OF ARIZONA

In the Matter of ) Arizona Supreme Court  
) No. R-07-0024  
PETITION TO ADOPT RULE 5.2 AND )  
FORM 8, RULE 84, ARIZONA RULES )  
OF CIVIL PROCEDURE )  
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**ORDER**  
**ADOPTING RULE 5.2 AND FORM 8, RULE 84, ARIZONA RULES OF**  
**CIVIL PROCEDURE**

A petition having been filed proposing to authorize limited appearances by attorneys in matters involving alleged financial exploitation of vulnerable adults and to include a form of notice of limited scope representation,

IT IS ORDERED that Rule 5.2 and Form 8, Rule 84, Arizona Rules of Civil Procedure, be adopted in accordance with the attachment hereto, effective January 1, 2009.

DATED this \_\_\_\_\_ day of September, 2008.

\_\_\_\_\_  
REBECCA WHITE BERCH  
Vice Chief Justice

TO:  
Rule 28 Distribution

**ATTACHMENT**

**Rule 5.2. Limited Scope Representation in Vulnerable Adult Exploitation Actions Brought under A.R.S. § 46-451, et seq.**

(a) **Limited Appearance.** An attorney may make a limited appearance on behalf of a claimant in a vulnerable adult exploitation action brought under A.R.S. § 46-451, *et seq.*, by filing and serving a Notice of Limited Scope Representation in the form prescribed in Rule 84, Form 8. The notice shall:

(1) state that the attorney and the party have a written agreement that the attorney will provide limited scope representation to the party for the purpose of representing the party in such an action; and

(2) specify the matters, hearings or issues with regard to which the attorney will represent the party.

(b) **Service; Limits on Scope of Appearance.** Service on an attorney making a limited appearance on behalf of a party shall constitute effective service on that party under Rule 5(c) with respect to all matters in the action, but shall not extend the attorney's responsibility for representing the party beyond the specific matters, hearings or issues for which the attorney has appeared. Nothing in this Rule shall limit an attorney's ability to provide limited services to a client without appearing of record in any judicial proceedings.

(c) **Withdrawal.** Upon an attorney's completion of the representation specified in the Notice of Limited Scope Representation, the attorney may withdraw from the action as follows:

(1) *With Consent.* If the client consents to withdrawal, the attorney may withdraw from the action by filing a Notice of Withdrawal with Consent, signed by

both the attorney and the client, stating: (i) the attorney has completed the representation specified in the Notice of Limited Scope Representation and will no longer be representing the party; and (ii) the last known address and telephone number of the party who will no longer be represented. The attorney shall serve a copy of the notice on the party who will no longer be represented and on all other parties. The attorney's withdrawal from the action shall be effective upon the filing and service of the Notice of Withdrawal with Consent.

(2) *Without Consent.* If the client does not consent to withdrawal or sign a Notice of Withdrawal with Consent, the attorney may file a motion to withdraw, which shall be served upon the client and all other parties, along with a proposed form of order.

(i) If no objection is filed within ten (10) days from the date the motion is served on the client, the court shall sign the order unless it determines that good cause exists to hold a hearing on whether the attorney has completed the limited scope representation for which the attorney has appeared. If the court signs the order, the withdrawing attorney shall serve a copy of the order on the client. The withdrawing attorney also shall promptly serve a written notice of the entry of such order, together with the name, last known address and telephone number of the client, on all other parties.

(ii) If an objection is filed within ten (10) days of the service of the motion, the court shall conduct a hearing to determine whether the attorney has completed the limited scope representation for which the attorney appeared.

**(d) Experimental Rule.** This rule shall be deemed experimental in nature and shall be reviewed in approximately four years by a committee to be appointed by the Supreme Court.

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_

State Bar #: \_\_\_\_\_

Representing: \_\_\_\_\_

ARIZONA SUPERIOR COURT OF \_\_\_\_\_

\_\_\_\_\_  
[Name]

Plaintiff,

\_\_\_\_\_  
[Name(s)]

Defendant(s).

Case No. \_\_\_\_\_

NOTICE OF LIMITED SCOPE  
REPRESENTATION IN ACTION  
BROUGHT PURSUANT TO A.R.S.  
§ 46-451, *ET SEQ.*

(Assigned to the Honorable \_\_\_\_\_)

TO: THE COURT, THE CLERK OF THE COURT AND ALL PARTIES

Undersigned counsel, pursuant to Ariz. R. Civ. Proc., Rule 5.2, hereby enters

[his/her] Notice of Limited Appearance for [name of party represented], who [is/is not] also the real party in interest, as follows:

1. Undersigned counsel's appearance in this matter shall be limited in scope to the following matters, hearings or issues: [Identify the specific matters, hearings or issues with regard to which the representation shall extend].

2. Undersigned counsel hereby states that undersigned counsel and [his/her] [client/client's legally authorized representative] have a written agreement that the attorney shall

provide limited scope representation for the purpose of representing the client in a vulnerable adult exploitation action in this Court, and this Notice accurately represents the scope of that agreed representation.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Client or client's legally authorized representative