

RULES OF THE SUPREME COURT OF VIRGINIA
PART ONE
RULES APPLICABLE TO ALL PROCEEDINGS

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

(a) (1) When used in these Rules, the word “counsel” includes a partnership, a professional corporation or an association of members of the Virginia State Bar practicing under a firm name.

(2) When such firm name is signed to a pleading, notice or brief, the name of at least one individual member or associate of such firm must be signed to it. Papers filed electronically may be signed electronically or by inclusion of a digital image of the signature, as provided in Rule 1:17. Signatures to briefs and petitions for rehearing may be printed or typed and need not be in handwriting.

(3) Service on one member or associate of such firm constitutes service on the firm. Service is not required to be made on foreign attorneys.

(b) “Counsel of record” includes a counsel or party who has signed a pleading in the case or who has notified the other parties and the clerk in writing that he or she appears in the case, or has endorsed a draft order of the court as provided in Rule 1:13.

(c) As required by Code § 8.01-271.1, a party who is not represented by an attorney – including a person confined in a state or local correctional facility proceeding pro se – must sign every pleading, motion, or other paper that he or she serves or files, and must state his or her address.

(d) (1) Counsel of record may not withdraw from or terminate appearances in a case except by (i) leave of court after notice to the client of the time and place of a motion for leave to withdraw, or (ii) pursuant to the provisions in subpart (f)(4) of this Rule.

(2) Any order permitting withdrawal must state the name, Virginia State Bar number, office address and telephone number of the attorney or law firm being substituted as counsel of record for the party, along with any electronic mail (email) address and any facsimile number regularly used for business purposes by such counsel; or

(3) if replacement counsel is not being designated at the time of withdrawal by an attorney or law firm, the order permitting withdrawal must state the address and telephone number of the formerly represented party for use in subsequent mailings or service of papers and notices, and the pro se party will be deemed counsel of record.

(e) As required by Code §§ 8.01-319(A) and 16.1-88.03, any party not represented by counsel who has made an appearance in the case must promptly file with the clerk of the court in which the action is pending a written statement of his or her place of residence and mailing address, and must inform the clerk in writing of any changes of residence and mailing address during the pendency of the action. The clerk and all parties to the action may rely on the last written statement filed as aforesaid.

(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: (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(e)f) 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. Service For the duration of the limited scope appearance as provided in this Rule, service 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 provisions of this subpart (f) will remain in effect until December 31, 2023, 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.

Last amended by Order dated September 19, 2022; effective November 13, 2022.