



**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

PRO BONO PROGRAM PROCEDURES

The U.S. District Court Pro Bono Program (“program”) appoints attorneys to represent pro se parties in civil cases who, in the Court's opinion, need and are qualified to receive them. Such parties (who are often incarcerated) typically lack the financial means or legal experience to adequately deal with the issues and proceedings in U.S. District Court. Appointments may be made for all purposes or for a specific purpose.

The following procedures are to be followed when utilizing the program:

1) DECISION TO APPOINT

A judicial officer may consider the appointment of pro bono counsel in a civil action for the following purposes:

- All Purpose Appointment
- Specific Purpose Appointment (such as assisting with a mediation or settlement conference, responding to a motion for summary judgment, filing an amended complaint, conducting a review and appropriate investigation of a pro se litigant's claims or defenses, etc.)

The consideration by a judge to appoint pro bono counsel may be initiated by the filing of a motion for appointment of counsel or on the Court’s own motion (sua sponte).

2) PRO BONO PANEL MEMBERS

The Pro Bono Panel Administrator maintains a non-public spreadsheet containing the names and contact information of attorneys and law firms who have volunteered to participate in the program.

Attorneys and law firms can volunteer to participate in the program by completing and submitting the Application to Participate in the Pro Bono Program form that is included in the General Attorney Admissions packet. Alternatively, an attorney or law firm may send an e-mail requesting to participate in the program to the Panel Administrator at Nicole_Munoz@ord.uscourts.gov.

Each participating law firm has designated a contact attorney who will be initially appointed as conditional counsel of record for every case the law firm is appointed to under the program. The contact attorney is to review the appointment documentation to determine if a conflict of interest exists. If no conflict of interest exists, the Court expects the contact attorney to:

1. file the Pro Bono Appointment Response Form (“Response Form”) on behalf of the firm; and
2. if appropriate, file a Notice of Substitution of Counsel designating another firm member as counsel of record for the appointed case.*

*The Court does not intend the contact attorney for participating law firms to personally accept each case assigned to the firm.

To discontinue participation in the program, attorneys and law firms must send a request for removal to the Panel Administrator by fax at (503) 326-8010 or by e-mail at Nicole_Munoz@ord.uscourts.gov.

3) **APPOINTMENT PROCEDURES**

Upon direction from a judicial officer:

1. The Courtroom Deputy submits a Request for Appointment of Counsel to the Panel Administrator.
2. Upon receipt of the request, the Panel Administrator selects an attorney or law firm from the spreadsheet and forwards the selection to the requesting Courtroom Deputy.

Upon receipt of the name of a pro bono attorney/law firm for appointment from the Panel Administrator, the Courtroom Deputy:

1. docket the Order Appointing Pro Bono Counsel and attaches the appropriate forms pursuant to the appointment type:
 - Pro Bono Appointment Response Form
(All Purpose & Specific Purpose Appointments)
 - Notice of Completion of Pro Bono Appointment
(Specific Purpose Appointments only)
 - Guide for Representing Prisoners
(All Purpose & Specific Purpose Appointments; however, only in cases where the pro se litigant is incarcerated); and
2. mails a paper copy of the Order Appointing Pro Bono Counsel to the pro se litigant.

Docketing of the order sets a public PROBONO case flag and adds the appointed attorney or law firm contact person to the docket sheet as conditional counsel of record. Appointments are conditional upon the selection made on the Response Form.

4) PRO BONO APPOINTMENT RESPONSE FORM

Understanding and responding to the Response Form is critical to the success of the program, the accuracy of case records, and the quality of service case participants receive. The Court expects the appointed attorney/law firm to file the Response Form within 14 days of the filing date of the Order Appointing Pro Bono Counsel.

The Response Form offers three options:

- (a) Representation of [litigant's name] for [enter type of appointment (i.e.: "the purpose of _____" or "All Purposes")] is accepted. If appropriate, a Substitution of Counsel will be filed to designate the responsible attorney continuing as counsel of record.
- (b) Termination of this appointment is requested based on the following conflict of interest: _____
- (c) No conflict of interest exists. However, termination of this appointment is requested for the following reason(s): _____

If an appointed attorney/law firm fails to file the Response Form within 14 days of the date of the Order Appointing Pro Bono Counsel, regardless of the type of appointment, the Courtroom Deputy is to:

- 1. notify the presiding judge that the form has not been timely filed by counsel; and
- 2. contact counsel and instruct them to file the response form immediately.

5) SPECIFIC PURPOSE APPOINTMENTS

The Court expects an attorney/law firm appointed for a Specific Purpose to:

- 1. file the Pro Bono Appointment Response Form with the appropriate option checked within 14 days of the filing date of the Order Appointing Pro Bono Counsel; and
- 2. file the Notice of Completion of Pro Bono Appointment upon completion of the specific purpose(s) outlined in the Order Appointing Pro Bono Counsel or upon acceptance of the appointment for the duration of the case.

6) ALL PURPOSE APPOINTMENTS

The Court expects an attorney/law firm appointed for All Purposes to file the Response Form with the appropriate option checked within 14 days of the filing date of the Order Appointing Pro Bono Counsel.

The Court expects representation to be accepted if a conflict of interest does not exist and the pro se litigant has a factual and legal basis to prevail on any claim or defense.

7) **MOTIONS**

If an appointed attorney/law firm needs more than 14 days to file the Pro Bono Appointment Response Form or additional time to complete the tasks associated with a Specific Purpose Appointment, the attorney/law firm is to file a Motion for Extension of Time.

If an appointed attorney/law firm accepts representation and incurs costs that are not recoverable from the opposing party (e.g., copy costs, transcript costs, travel expenses, telephone charges, etc.), a Motion for Reimbursement of Out-of-Pocket Expenses may be filed. The maximum amount for reimbursement of out-of-pocket expenses is \$3,000.00 per case. When an Order Granting Motion for Out-of-Pocket expenses is issued, a copy is sent to the Attorney Admissions Fund group for reimbursement.

8) **PACER FEES**

Upon request, the Clerk's Office may provide paper or electronic (e-mail) copies of pleadings not available over the Internet that relate to the case or appointment of counsel, without cost, to the appointed attorney/law firm. Upon request to the Court (by motion or letter to the presiding judge), the appointed attorney/law firm may be granted an exemption from PACER fees.

Any documents, docket reports, or other data obtained by the appointed attorney/law firm are not to be sold for profit, transferred, or otherwise provided to third parties.

9) **HOURLY REPORTING REQUIREMENTS**

Effective January 1, 2010, appointed attorneys must report the number of hours spent on pro bono cases on an annual basis using the reporting form found on the Court's website. The reporting form can be submitted at the conclusion of each pro bono appointment or one form may be submitted for all pro bono work performed in the calendar year by the following January 10 (i.e., work performed between January 1, 2012, and December 31, 2012, must be reported by January 10, 2013). These hours are reported to both the Oregon State Bar and the Professional Liability Fund.