



ANNUAL REPORT for Calendar Year 2017 of the CIVIL PRO BONO PANEL

**Submitted by the U.S. District Court, District of Colorado's
Standing Committee on Pro Se Litigation**

Photo courtesy of the U.S. General Services Administration

Under D.C.COLO.LAttyR 15 - CIVIL PRO BONO REPRESENTATION, the Standing Committee on Pro Se Litigation is responsible for implementing the Civil Pro Bono Panel program. As part of its mission, the Standing Committee is responsible for reporting annually to the court on the status of the program. D.C.COLO.LAttyR 15(b)(2).

The Committee has chosen for 2017 to present its report graphically, rather than by a narrative, as a means to concisely and effectively enhance the Court's understanding of the Program's activities. The Table of Contents listed below, followed by the Committee's comment regarding each chart, table , or graph, is an attempt to convey the import of the data collected by district court staff over the course of the life of the program, and to highlight activities in 2017.

The Committee would like to recognize U.S. District Judge William J. Martínez for his past service as the chair of the Committee and his leadership, vision, and stewardship of the Committee and its successes. His zealous advocacy of pro bono representation echoes another jurist:

I think these examples [of ABA Pro Bono awards] demonstrate that any lawyer is qualified to donate legal services - if anyone out there has ever felt inadequate to spend some time serving the public good. I'm telling you right now you're far too modest. The world desperately needs your time and your skills. And if anyone has been putting off pro bono work for later I urge you to pick up the telephone and find out how you can help, because you're needed -- and you're needed now.

- Associate Justice Sandra Day O'Connor, Aug. 14, 1991, American Bar Association Annual Convention.

***The U.S. District Court thanks the contribution of Mr. Ugyen Tshering in the production of this Annual Report.**

Table of Contents:

Case Data:

- 1) **Number of Appointment Orders** – [2016 continues to serve as the high-water mark year, based on the number of appointments, variety of the nature of judges making the appointments, and the causes of action.]
- 2) **Nature of Pro Se Party** – [Not all cases are plaintiff-originated; the *pro se* party can be the respondent in an ICARA action, defendant in a civil rights case, etc.]
- 3) **Counsel Appointed** – [Provides evidence that the Civil Pro Bono Panel Program, with a roughly **75%** appointment rate, is a success – and is performing better than its predecessor, the “Counsel/Co-Counsel” Program, which had a **65%** appointment rate, and with fewer delays (see Table 9).]
- 4) **Duration of Time Between Order of Appointment and Entry of Appearance** – [The mean total of **2.73 months** demonstrates that the random rotation program works, and counsel have sufficient time to properly vet cases.]
- 5) **Appointing Judge** – [Reflects utilization by all judicial officers.]
- 6) **Pretrial or Trial Appointments** – [The choice of managing an entire case, or jumping in at trial – such cases are often accepted and preferable to some law firms – provides important alternative scenarios.]
- 7) **Causes of Action** – [Appointments of counsel are made, and accepted, across a spectrum of causes of action.] [7(a) represents totals up to and including 2016 data, 7(a) totals up to and including 2017 data, for comparison’s sake.]
- 8) **Disposition Time per Case** – [Favorable comparison with previous Counsel/Co-Counsel Program (see Table 9).]
- 9) **Civil Pro Bono Panel Program vs. Counsel/Co-Counsel Program Case Disposition Time** – [Case disposition (**22.61 months vs. 36.99 months**) was much more delayed under the older program.]
- 10) **Civil Pro Bono Panel Program vs. Counsel/Co-Counsel Program Duration of Time Between Order of Appointment and Entry of Appearance** – [In the Counsel/Co-Counsel Program, the mean total of time between Order of Appointment and Entry of Appearance was over **5 months**, whereas the Civil Pro Bono Panel has a significantly shorter time: **2.73 months**.]
- 11) **Outcome of Pro Bono Cases** – [A variety of outcomes are possible. The measure of success of the Civil Pro Bono Program is that cases are resolved, on the merits.]
- 12) **Case Resolved By ...** [Trial, Evidentiary Hearing, Oral Argument ... whatever the outcome, pro bono counsel get courtroom practice before a federal judge. Compare this program’s trial and evidentiary hearing statistic – roughly **7.2%** - to national data re: cases resolved by trial: **1.0%** (from Administrative Office of U.S. Courts, Table C-4 – U.S. District Court Civil Statistical Tables for the Federal Judiciary, March 31, 2017).]

Counsel Data:

- 13) Nature of Counsel Appointed – [The Individual or Law Firm Panel membership options present viable alternatives for Panel membership. Most of the individuals who are Panel members and appointed are solo practitioners – they are the “bread and butter” of the Panel’s composition.]
- 14) Total No. of Declinations Across All Cases Before Appointment of Counsel – [Emphasizes that most cases, but not all, require repeated efforts by the clerk.]
- 15) Declinations or Withdrawals by Counsel After Appointment – [Reflects that the declination option for counsel, by allowing review of a case before acceptance, is an important tool.]
- 16) Mentor Pairings – [One of the goals of the Counsel/Co-Counsel Program that continues into the Civil Pro Bono Panel program, and remains an option for appointed counsel who seek guidance from veteran practitioners.]
- 17) No. of Cases where Costs were Awarded, and to Which Party – [Demonstrates that as a prevailing party, a pro se party who has pro bono counsel appointed can be successful re: costs and/or attorneys’ fees.]
- 18) Panel Members Who Have Accepted Cases – [All Panel members (including member law firms / other legal organizations, or individual members) and their co-counsel who accept an appointment from the court deserve to be recognized for their generous contribution of time and talent to the Civil Pro Bono Panel program.]

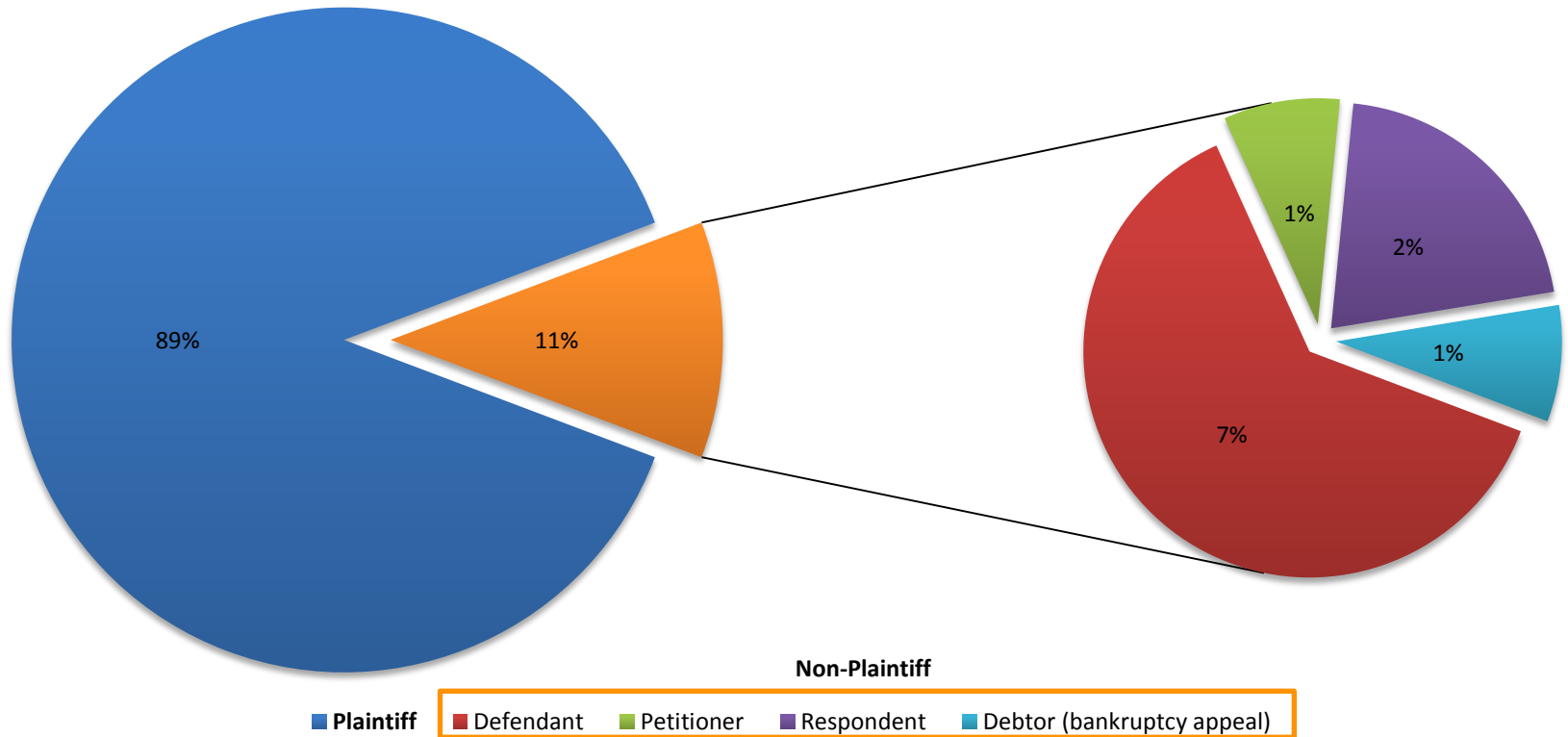
Case Data

1. Number of Appointment Orders (as of 12/31/17)



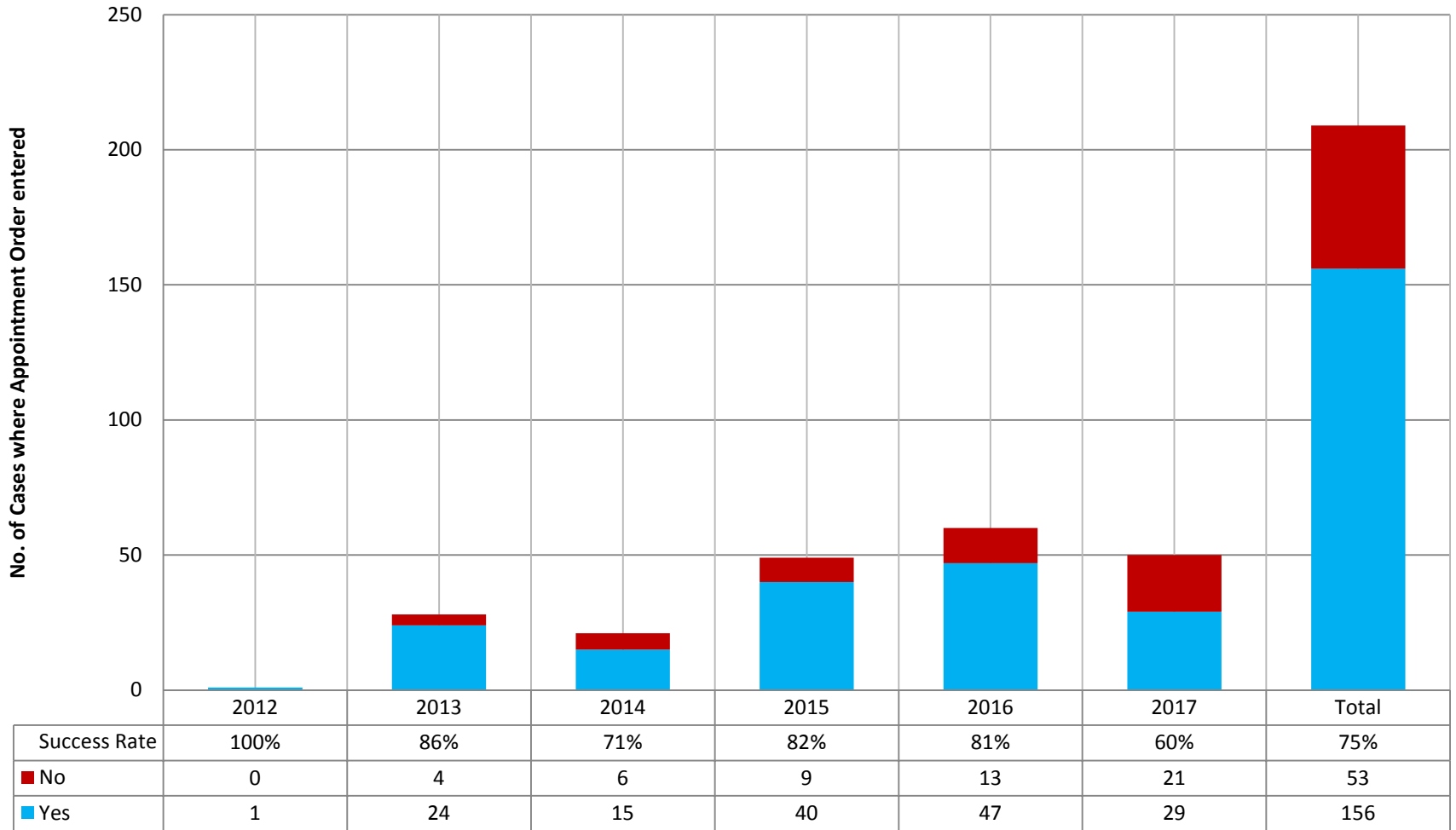
Total No. Appointment Orders (2012 – 17): 209

2. Nature of Pro Se Party



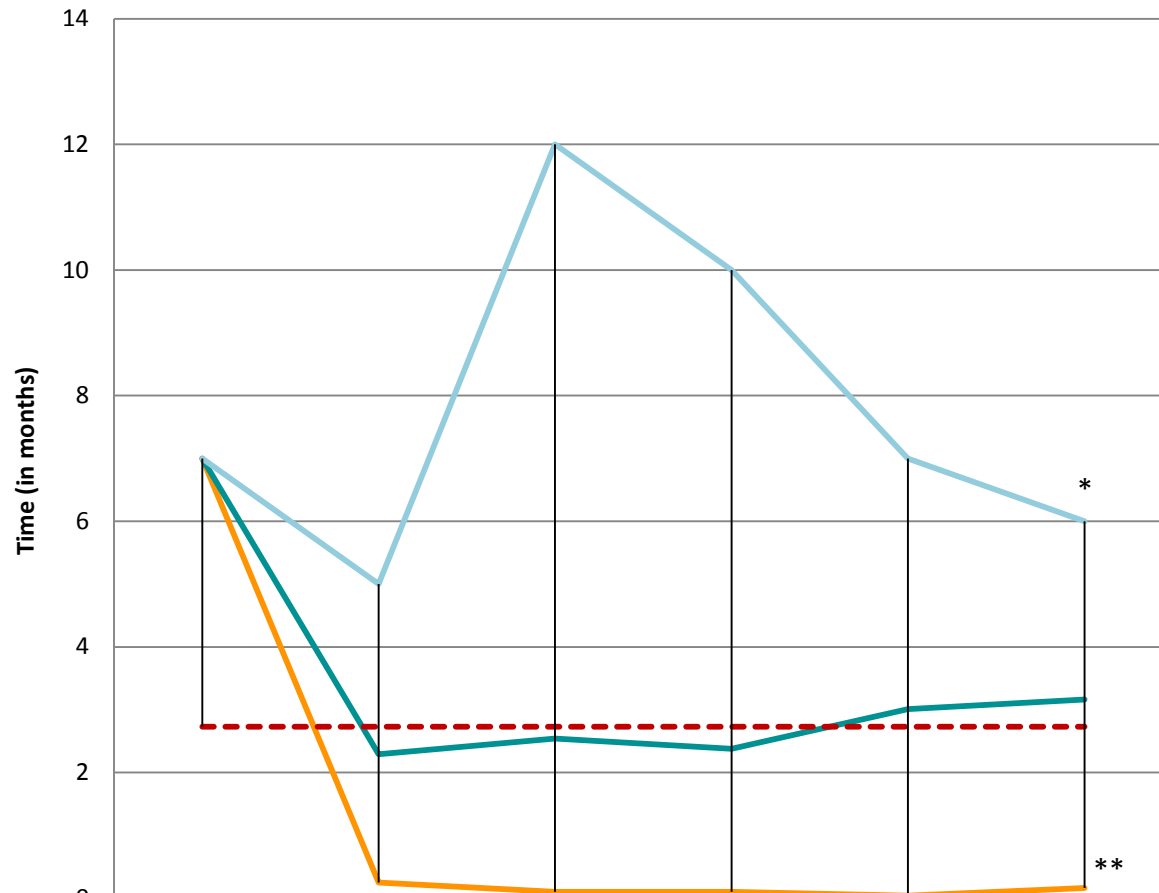
	Plaintiff	Defendant	Petitioner	Respondent	Debtor (bankruptcy appeal)	Total
Entire program (incl. 2017)	185	15	2	5	2	209
2017 only	46	3	1	0	0	50

3. Counsel Appointed



* This chart uses the filing of an Entry of Appearance (EoA) in a case by a Pro Bono Panel member as the manner of defining a “successful appointment.” For example, out of 21 cases in 2014 that the court identified as deserving appointment of Pro Bono counsel, Panel members eventually filed EoAs in 15 of them, while 6 never received an EoA. Therefore, the “Success Rate” of 2014 is 71%.

4. Duration of Time Between Order of Appointment and Entry of Appearance



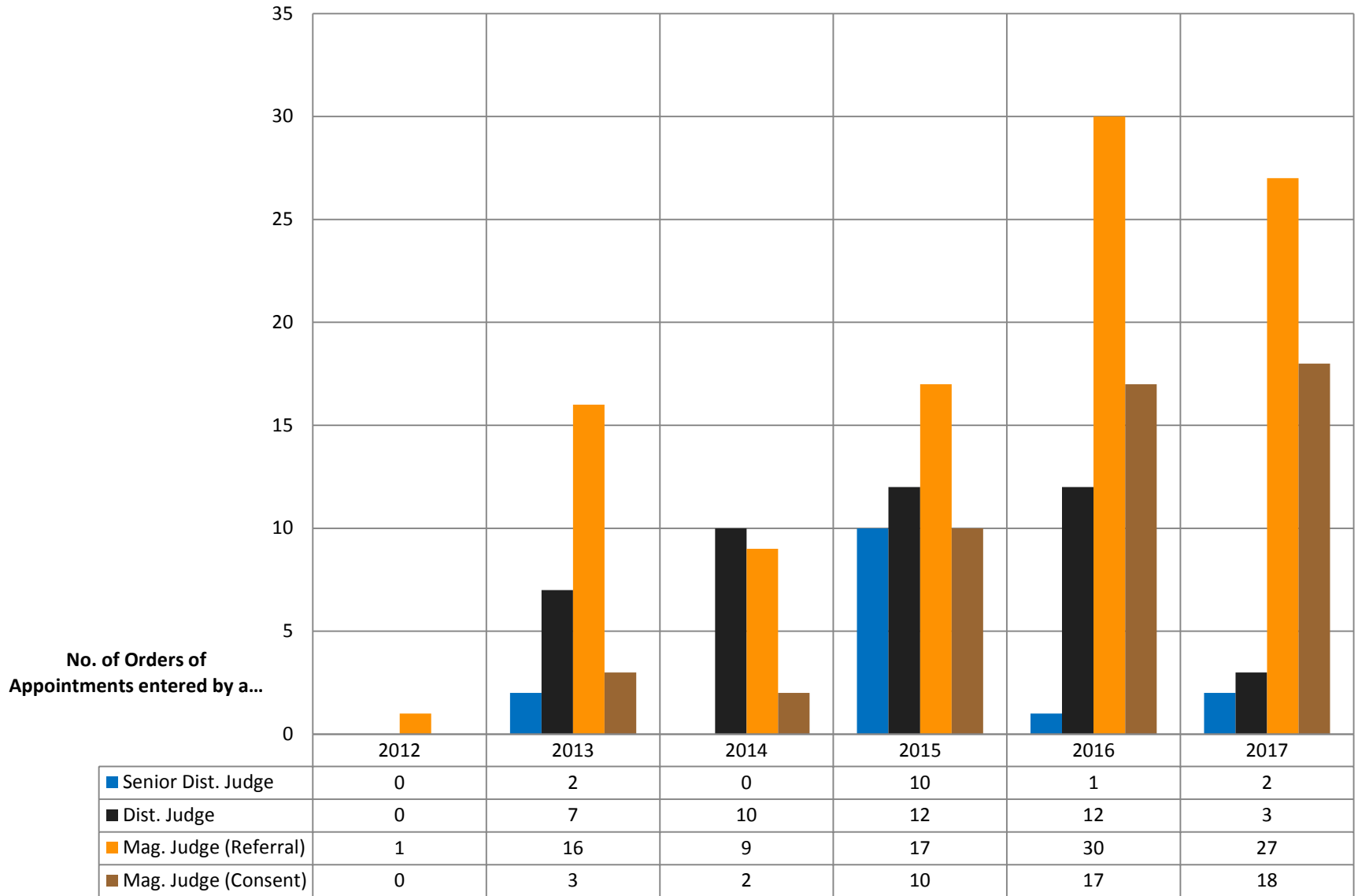
	2012	2013	2014	2015	2016	2017
Lowest	7	0.25	0.1	0.1	0.04	0.16
Mean (yearly)	7	2.29	2.54	2.38	3.01	3.16
Highest	7	5	12	10	7	6
Mean (total)	2.73	2.73	2.73	2.73	2.73	2.73

* In 2017, the longest period between an Order of Appointment being issued, and an attorney filing an Entry of Appearance (EoA) was 6 months, for the case 1:16-cv-02860-LTB-STV *Edmonds-Radford v. Southwest Airlines*. The Appointment Order was issued 03/27/17, but counsel did not file an Entry of Appearance (EoA) until 09/27/17.

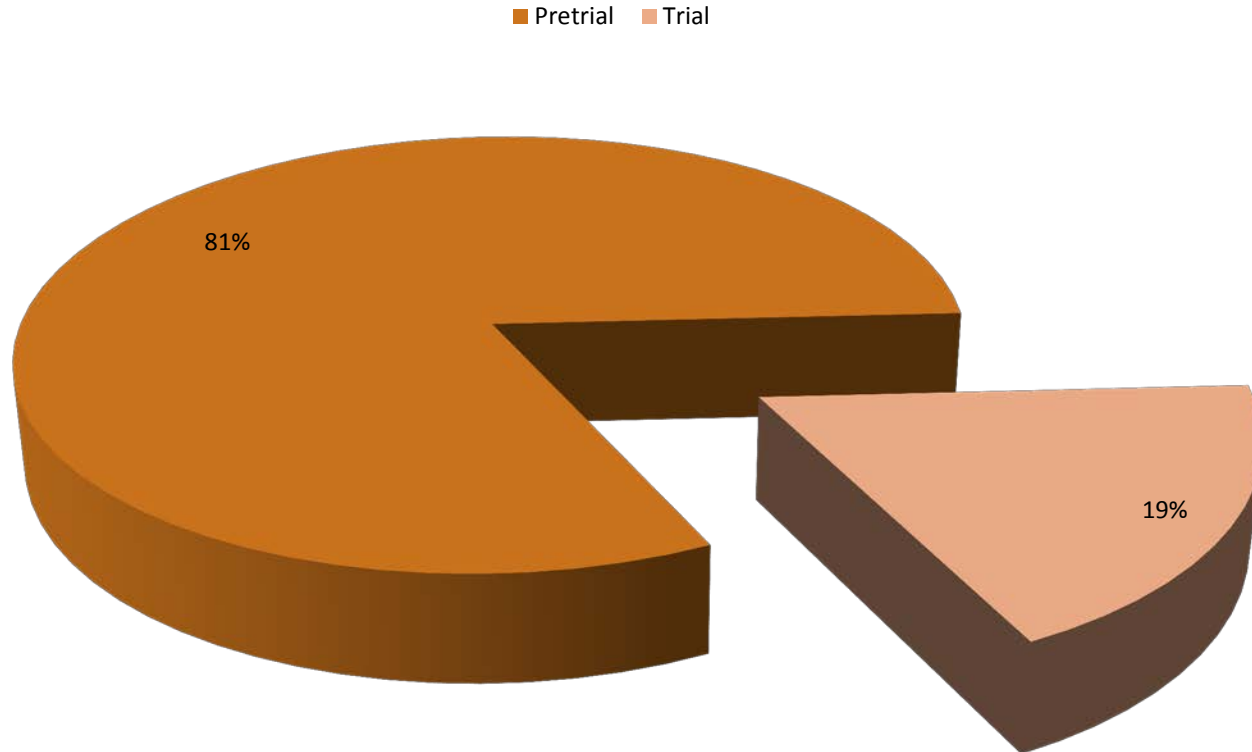
** By contrast, the shortest period was 5 days, in 1:16-cv-01717-MSK-STV *Radan v. Boyd et al.* Order of Appointment was issued 02/15/17, and EoA was filed on 02/20/17.

In spite of exceptions like the ones mentioned above, the vast majority of cases, in 2017 and across the entire Program, take between 1 to 3 months, giving a total average duration of about 2.73 months between the Appointment Order and Entry of Appearances by appointed counsel.

5. Appointing Judge



6. Pretrial or Trial Appointments



Total no. of Appointments of Pro Bono Counsel made Pretrial (i.e.: cases where counsel was appointed at any point prior to the Final Pretrial Conference, if there is one held, *or* at any point in a case in which no trial or evidentiary hearing has been set).

127

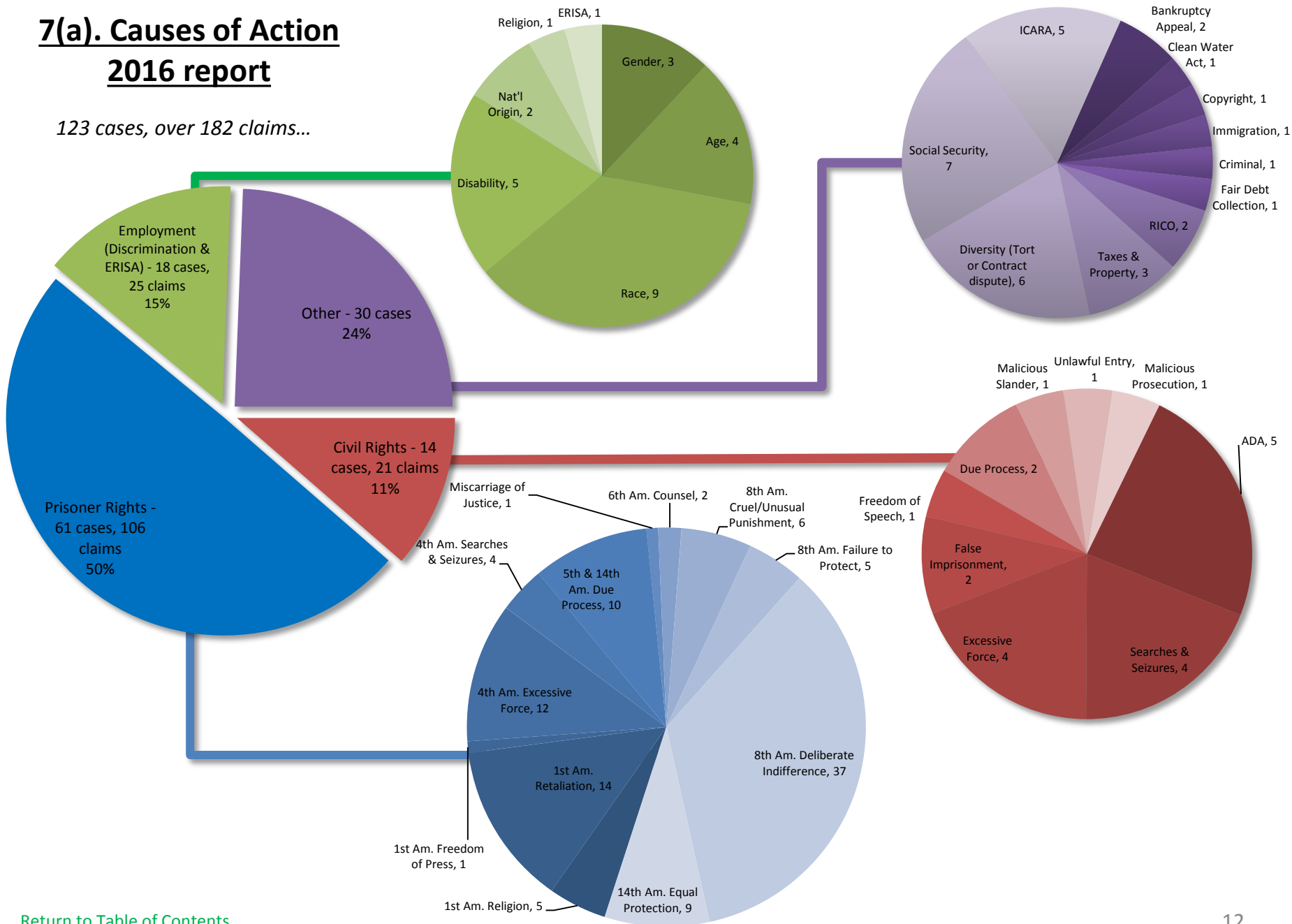
Total no. of Trial Appointments (i.e.: cases where counsel is appointed at or after the Final Pretrial Conference).

29

7(a). Causes of Action

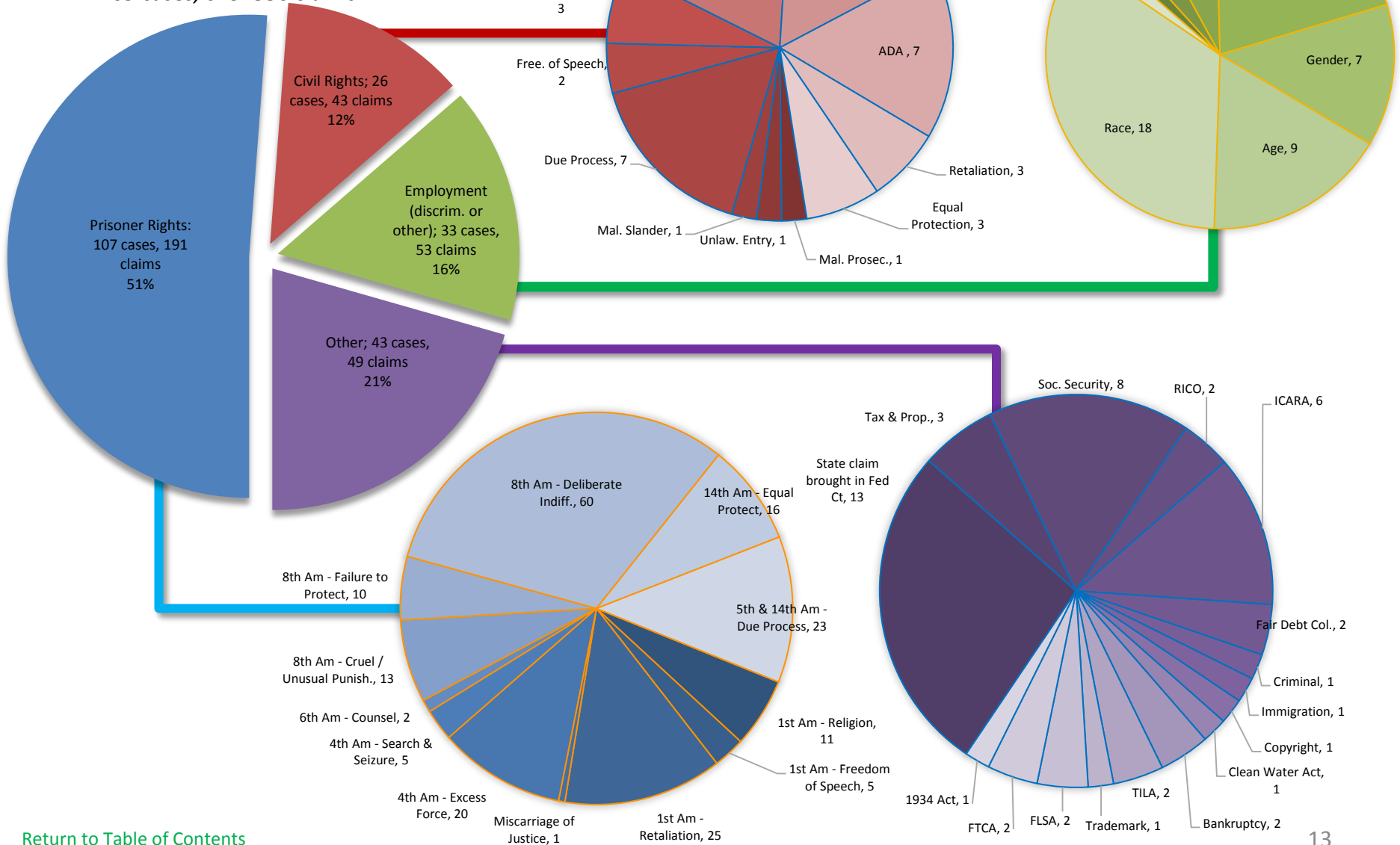
2016 report

123 cases, over 182 claims...

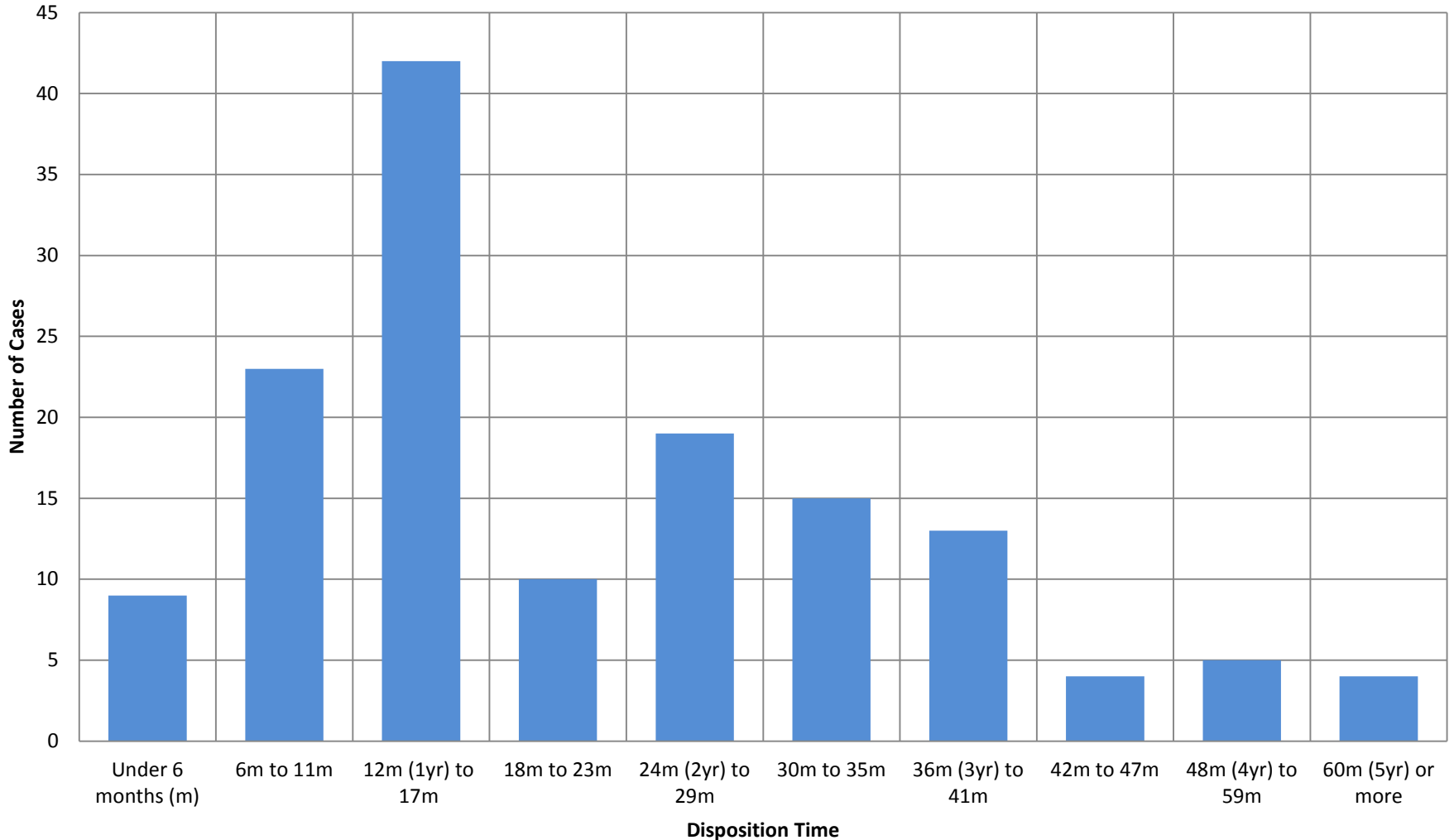


7(b). Causes of Action 2017 report

209 cases, over 336 claims...



8. Disposition Time per Case



* Although the total disposition time of a case can vary enormously, from under 6 months to over 5 years, this chart shows that most of the total closed cases were resolved within a year and a half. Out of 144 cases resolved (as of 12/30/17), 74 were resolved in less than 18 months (1.5yr) and only nine have lasted over 48m (4yr).

9. Civil Pro Bono Panel vs. Counsel/Co-Counsel Program Case Disposition Times

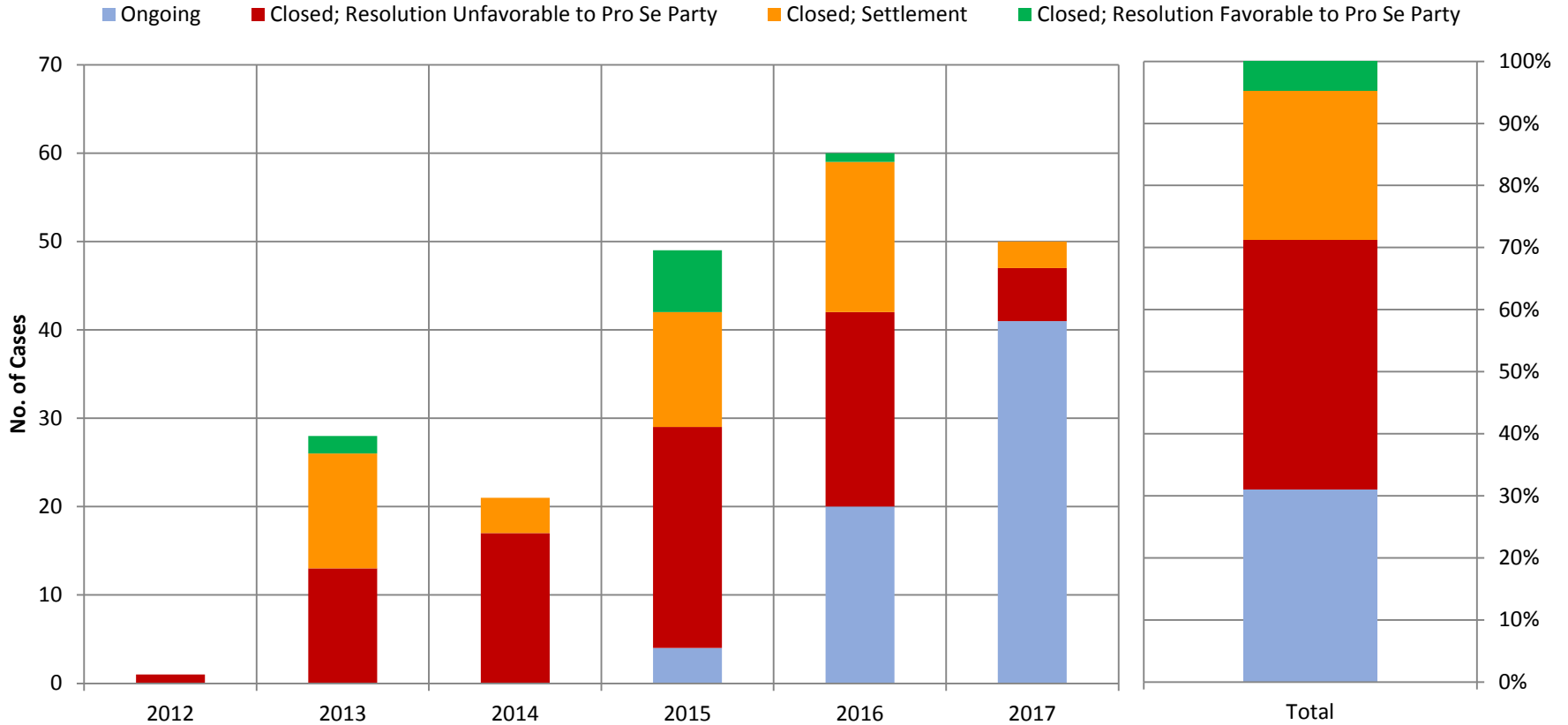
	Counsel/Co-Counsel Cases with Counsel	Counsel/Co-Counsel Cases w/o Counsel	Counsel/Co-Counsel Total	Civil Pro Bono Panel Cases* (2016 report)	Civil Pro Bono Panel Cases* (2017 report)
Total No. of cases	69	37	106	72	144
Avg. Disposition Time per Case (months)	41.15	29.23	36.99	20.38	22.61
Longest Disposition Time (months)	130 (over 10 years)	107	130	65	65
Shortest Disposition Time (months)	8	4	4	3	2

* This table only looks at cases that have been closed as of the time report was prepared (i.e. 06/30/16 for the 2016 report, and 12/31/17 for the 2017 report).

10. Civil Pro Bono Panel / Counsel/Co-Counsel Program Duration of Time Between Order of Appointment and Entry of Appearance

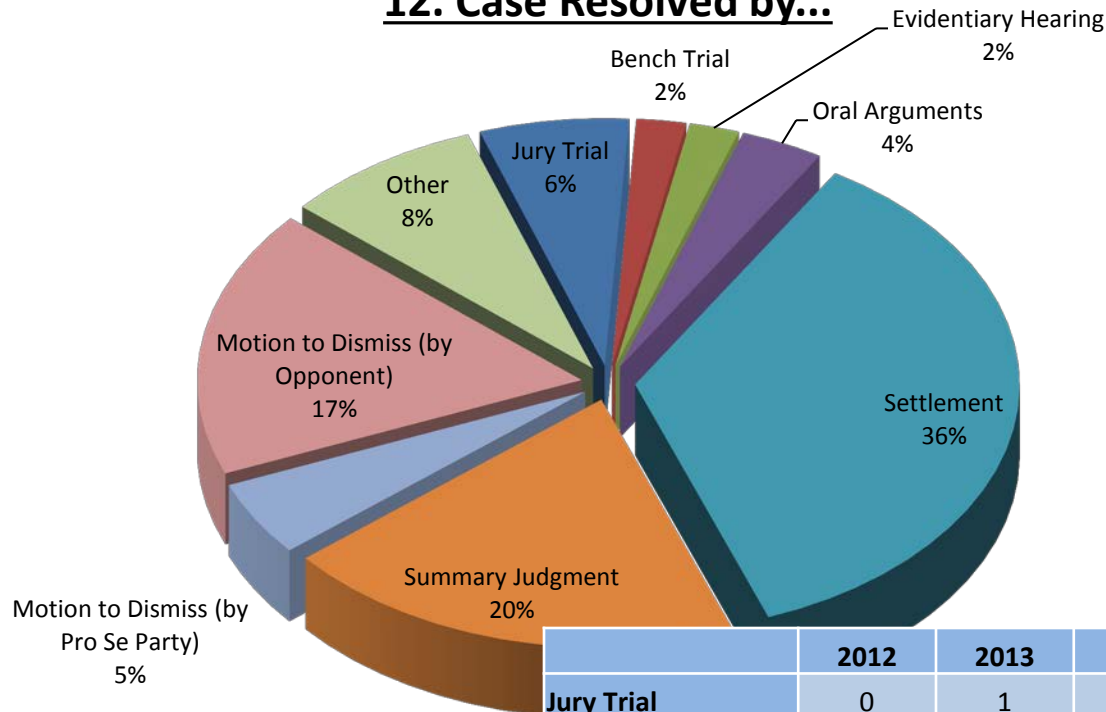
	Counsel/Co-Counsel Program	Civil Pro Bono Panel (2016 report)	Civil Pro Bono Panel (2017 report, cumulative)
Rate of Successful Appointment of Counsel	65%	75%	75%
Avg. Duration between Order of Appointment and Entry of Appearance (months)	5.28	2.41	2.73

11. Outcome of Pro Bono Cases



	2012	2013	2014	2015	2016	2017	Total
Closed; Resolution Favorable to Pro Se Party	0	2	0	7	1	0	10
Closed; Settlement	0	13	4	13	17	3	50
Closed; Resolution Unfavorable to Pro Se Party	1	13	17	25	22	6	84
Ongoing	0	0	0	4	20	41	65

12. Case Resolved by...

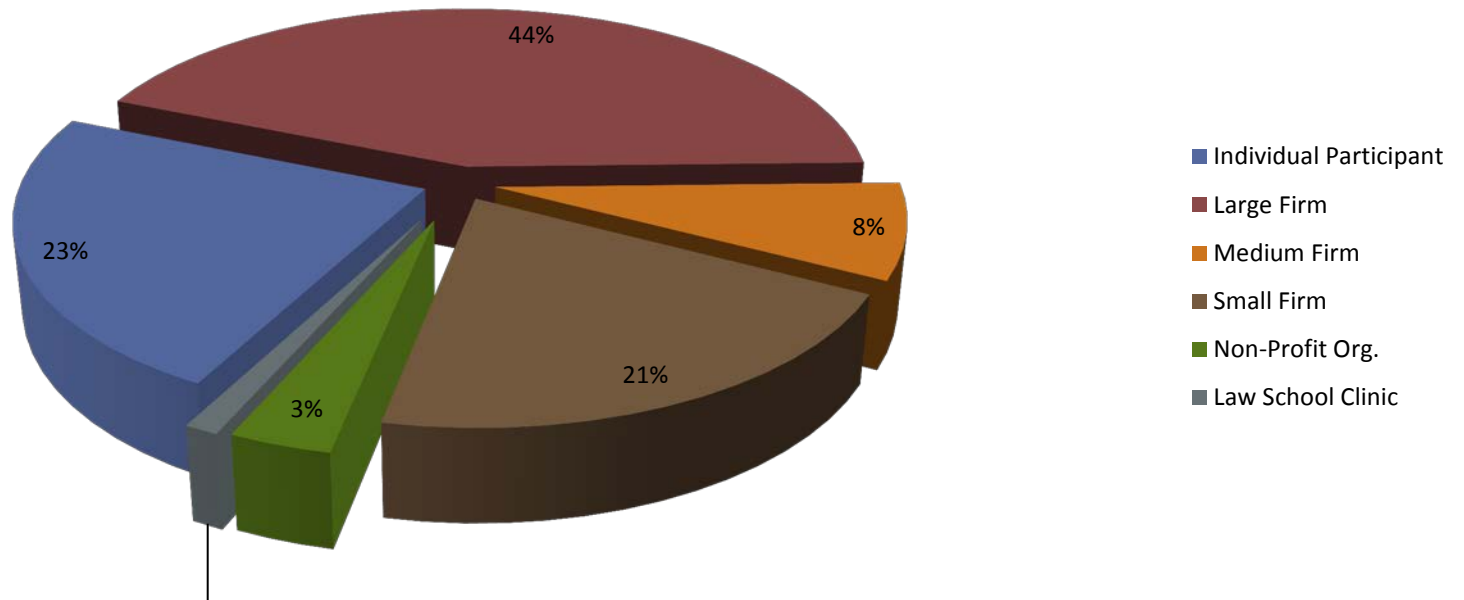


* As shown in the chart, out of 144 cases closed as of 12/31/17, the single most common resolution to the case was settlement. Of these 51 cases, the average duration of time from Entry of Appearance (EoA) to settlement of the case was **7.22 months**.

	2012	2013	2014	2015	2016	2017	Total
Jury Trial	0	1	3	3	2	0	9
Bench Trial	1	0	1	0	1	0	3
Evidentiary Hearing	0	0	2	1	0	0	3
Oral Arguments	0	0	0	5	0	0	5
Settlement	0	14	4	13	17	3	51
Summary Judgment	0	6	4	8	10	0	28
Motion to Dismiss (by Pro Se Party)	0	2	0	0	3	2	7
Motion to Dismiss (by Opponent)	0	3	5	8	7	2	25
Other	0	2	2	6	0	2	12

Counsel Data

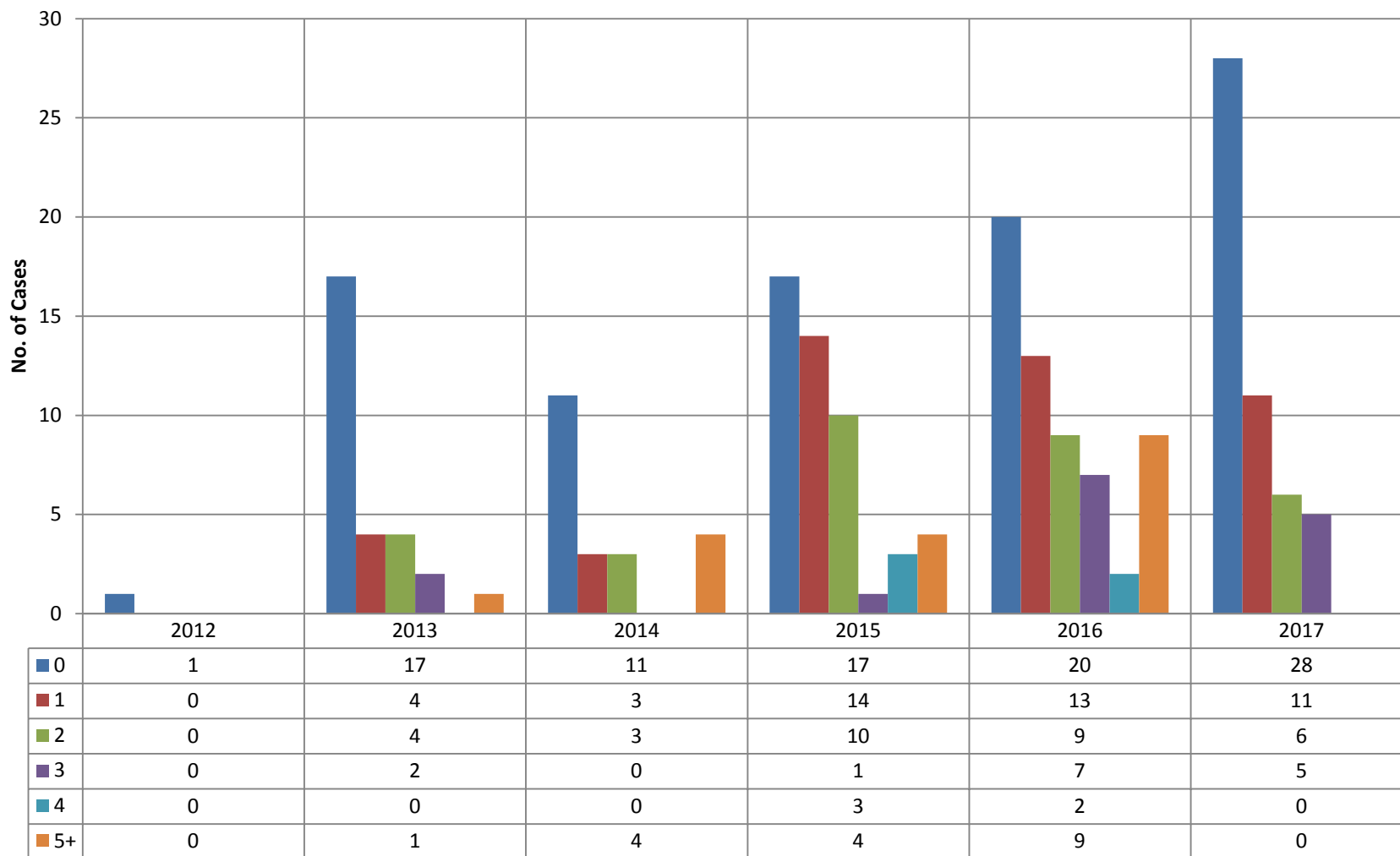
13. Nature Of Counsel Appointed



Nature of Pro Bono Panel Counsel	Count
Individual*	41
Large Firm	76
Medium Firm	14
Small Firm	36
Non Profit Organization	6
Law School Clinic	2
Total	175 Panel members who have accepted case assignments

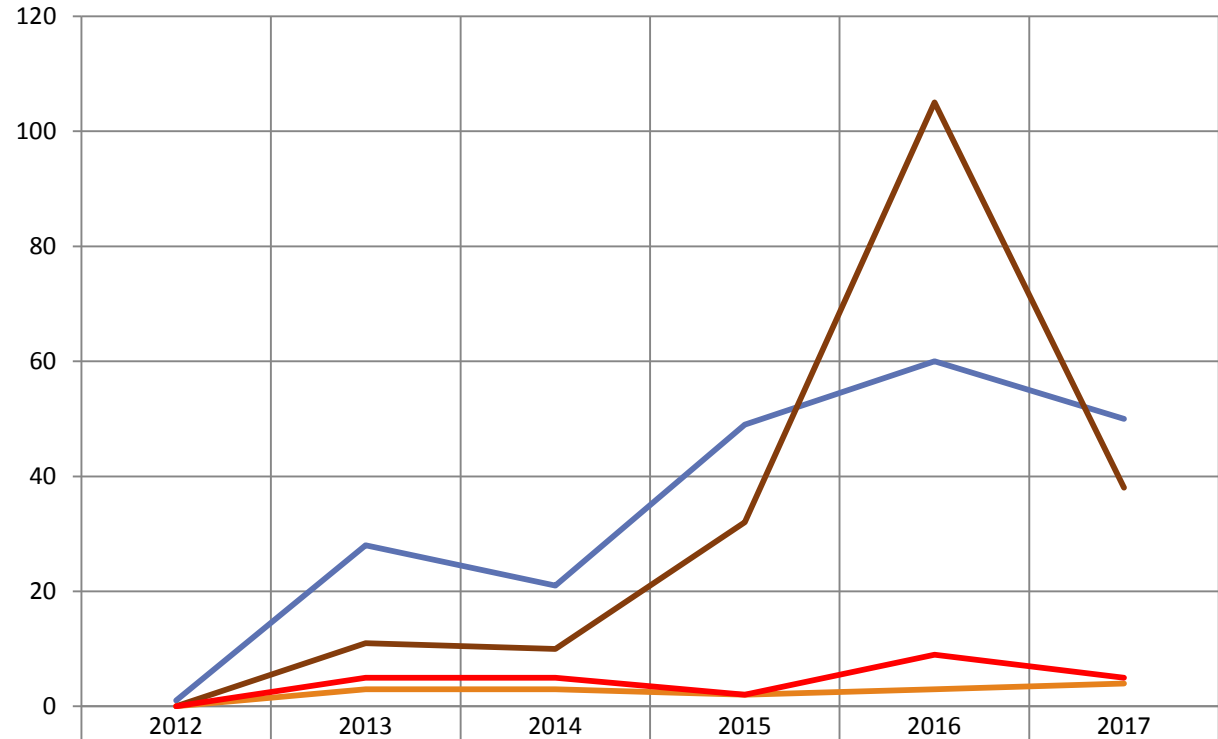
* **Note:** this category may include individuals who are members of Firms also participating in the Panel, but are not appearing in the case on behalf of said Firm.

14. No. of Declinations Before Appointment Of Counsel



* This chart shows that the majority of cases receive only 2 or less declinations by prospective counsel before finally counsel is finally selected. Cases that see 3 or more declinations by counsel are in the extreme minority. For 2017, we included new cases in which an Appointment Order has just been entered, and which are still pending appointment of an attorney, under the column for “0 declinations.”

15. Declinations or Withdrawals by Counsel After Appointment

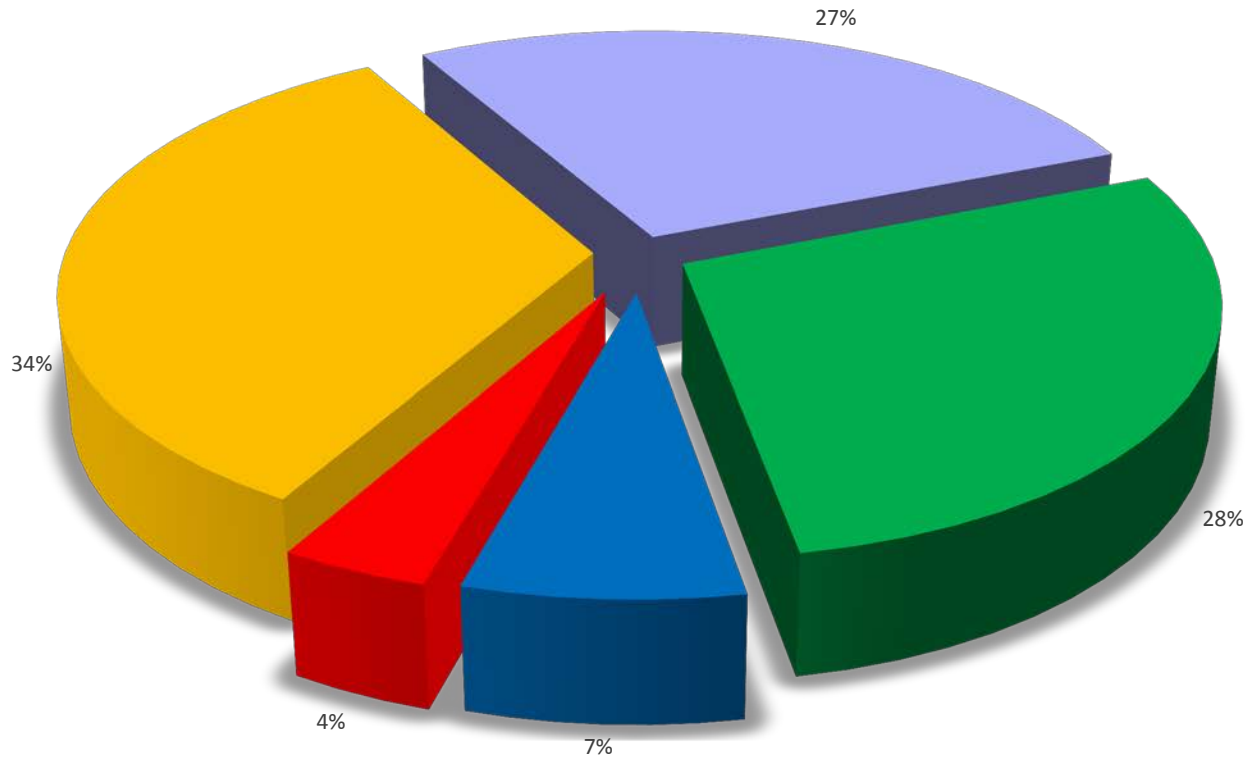


— Total No. of Appointment Orders	1	28	21	49	60	50
— Total No. of Declinations BEFORE Appointment	0	11	10	32	105	38
— No. of Declinations / Withdrawals AFTER Appointment (by No. of Cases)	0	3	3	2	3	4
— No. of Declinations / Withdrawals AFTER Appointment (by No. of Attorneys)	0	5	5	2	9	5

- **Note:** “Withdrawal” is defined here to mean situations wherein (a) appointed counsel withdraws from the representation before the case is terminated, and (b) said withdrawal occurs without replacement counsel. This chart shows that, in 2017, out of 50 Appointment Orders issued, thus far only 4 cases have seen this situation occur, although one of those cases involved 2 attorneys, thereby bringing the total number of withdrawals up to 5.
- Furthermore, this chart does not reflect replacement of Civil Pro Bono Panel counsel by separate counsel retained by the *Pro Se* Party, a phenomenon that occurs occasionally.

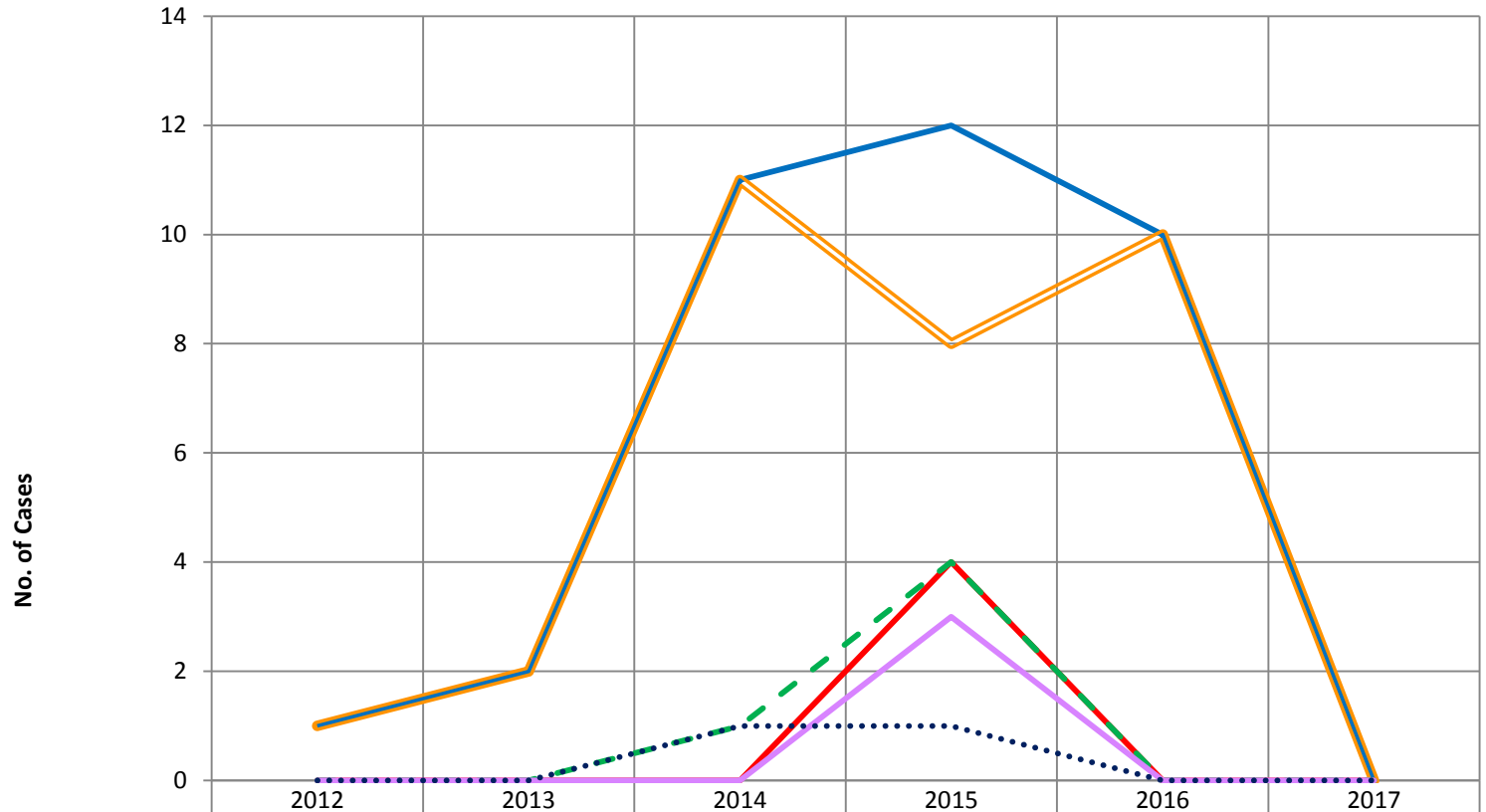
16. Mentor Pairings

■ Yes - Formal Mentoring
 ■ Yes - Informal Mentoring
 ■ Internal Within Firm
 ■ No
 ■ N/A



Mentor Pairing...	No. of Cases
Yes - Formal Mentoring: cases where a formal mentoring pairing established, including filing of Entry of Appearances by both mentor and mentee.	15
Yes - Informal Mentoring: cases usually involving a Partner from one law firm advising Associate(s) of another, or a solo practitioner, without filing Entry of Appearance in the case.	8
Internal Within Firm: cases involving Partner managing Associates from the same law firm.	80
No: cases involving solo practitioner, two Partners working in a firm, etc.	57
N/A: cases where no counsel appointed, pending appointment, case dismissed early, etc.	59

17. No. of Cases where Costs were Awarded, and to Which Party



— Total Awards of Costs (incl. Atty Fees)	1	2	11	12	10	0
— Costs Awarded to Pro Se Party	0	0	0	4	0	0
— Costs Awarded to Opponent	1	2	11	8	10	0
- - Total Awards of Atty Fees	0	0	1	4	0	0
— Atty Fees Awarded to Pro Se Party	0	0	0	3	0	0
••••• Atty Fees Awarded to Opponent	0	0	1	1	0	0

* **Note:** as of 12/31/17, only 9 out of the 50 cases for which an Appointment Order was issued in 2017 have been resolved, and no costs were awarded in any of those cases. The rest of the 2017 cases remain ongoing.

18. Panel Members Who Have Accepted Cases

20(a) ORGANIZATIONS

These are organizations that have formally joined the Civil Pro Bono Panel. In addition, some members of these organizations have joined the Panel individually; these individuals are demarcated with an asterisk (*).

Organizations and individuals who have represented multiple cases are followed by that number in parenthesis. For example, "(3)" if they represented 3 cases as part of the Panel. Please also note that attorneys are listed with the law firm with which they were affiliated at the time of pro bono representation.

Brownstein Hyatt Farber Schreck LLP (2)

Martha Fitzgerald
Kathryn Barrett
Charles Grell

Bryan Cave LLP (2)

Stephen Gurr (2)
Cynthia Lowery Graber
Sarah Hartley
Courtney Warren

Colo. Prison Law Project/Prisoners Justice League (2)

Elisabeth Owen* (2)

Davis Graham & Stubbs LLP (7)

William Bianco (2)
Ben Strawn (2)
Natalie West (2)
Kyler Burgi
Mark Champoux
Ericka Houck Englert
Tess Hand-Bender
James Henderson
Kenzo Kawanabe
Ann Lebeck
Terry R. Miller

Anna Lisa Mullis
Jacqueline Roeder
Paul Swanson
Emily Wasserman

Dentons U.S. (formerly McKenna Long & Aldridge) (2)

Lino Lipinsky de Orlov (2)
Lauren Carboni
Shaun Kennedy
Britton Nohe-Braun
Jack Quincy Stott
Kayla Smith

Dormer, Harping & Grey LLC

Kevin Harping

Dorsey & Whitney LLP (4)

Case Collard (4)
Andrea Ahn Wechter

D.U. Sturm College of Law Civ. Rights Clinic

Nicole Godfrey (2)
Laura Rovner (2)
Lauren Fontana
Danielle Jefferis
Lindsay Webb

Faegre Baker Daniels LLP (5)

Rachel Burkhart (2)
Colin Diehl (2)
Brian Lefort (2)
Kara Lyons
Brandan Oliver
Joshua Pellant
Leslie Prill
David Stark
Chelsea Warren
Daniel Williams

Gibson, Dunn & Crutcher LLP

Michael Campbell
Allison Chapin
Meghan Dunn
Reid Rector

Hogan Lovells LLP (5)

Andrew Lillie (3)
Nicholas DeWeese (2)
Mark Gibson* (2)
Nathaniel Nesbitt (2)
Katy Bonesio
Richard Hosley*
Amanda Levin
Jessica Livingston
Katherine Nelson
Elizabeth Och
Alison Toivola

Holland, Holland-Edwards & Grossman PC (3)

Erica Grossman (3)
Anna Holland-Edwards (3)
John Holland (2)
Dan Weiss (2)

Husch Blackwell LLP (2)

Sonia Anderson
Megan Caldwell
Carrie Claiborne
Ephraim Hintz
Glenn Lenzen
Christopher Ottele
Kathryn Reilly
Sudee Wright

Jackson Kelly PLLC

Peter Almaas
Zachary Grey
John Skari, Jr.
John Zakhem

Jahn & Associates LLC

Kirsten Jahn
Randall Weiner (solo)

Jones & Keller PC

Aaron Goldhamer

Kazazian & Associates

Nina Kazazian

Keating Wagner Polidori Free

Lidiana Rios

Killmer Lane & Newman LLP (2)

Tiffany Drahota
Danielle Jefferis
David Lane
Andrew McNulty
Sarah Morris
Mari Newman

King & Greisen LLP

Diane King
Hunter Swain

Kirkland & Ellis LLP (2)

Alexander Bastian
Allison Buchner
Shaun Paisley
J. Patrick Park
Michael Silverman

Lewis Roca Rothgerber Christie LLP (6)

Trevor Bartel (2)
Brent Owen* (2)
Erin Mangum (Squire Patton Boggs)
Nathaniel Barker*
Joshua Bugos
Conor Flanigan
Charles Goldberg
John Guevara
Andrew Helm
Benjamin Hudgens
Hermine Kallman
Darren Lemieux
Caitlin McHugh
Kenneth Rossman
Delany Steele
Amy Wills

Martinez Law Group

Dayna Dowdy
Meghan Martinez
Danielle Yatrakis

Polsinelli PC (2)

Eric Gorman*
Parker Smith*
Mary Kapsak
Thomas Wagner

Reubel & Quillen LLC (2)

Casey Quillen (2)

Levin Sitcoff PC/ Robert Levin Rosenberg PC

Ross Buchanan
Timothy Garvey
Elisabeth Owen

Stinson Leonard Street LLP

Zane Gilmer (2)
Perry Glantz (2)
Anna Day
Reid Page
Ryan Sugden
Daniel Wennogle

Telios Law PLLC

Jessica Ross
Theresa Sidebotham

Wilmer-Hale LLP

Natalie Hanlon-Leh
Michael Hazel
Nora Passamaneck
Michael Silhasek

Wheeler Trigg O'Donnell LLP (4)

Scott Barker (2)
Erin Frohardt
Toren Mushovic
Thomas Olsen
Jennifer Parker
Eric Robertson
Victor Scarpato

20(b) INDIVIDUALS

Individuals who have joined the Panel are demarcated with an asterisk (*). All other names are of those who are not Panel members, but have acted as co-counsel to Panel members.

Teresa Abbott*

Thomas Arckey* (Arckey & Associates LLC)
Allison Derschang

Meghan Baker (Guardian ad litem)

Mark Barr* (Lichter Immigration)

Stephen Baumann* (Littler Mendelson PC)
Danielle Kitson* (Littler Mendelson)
Andrew Epstein

Todd Bovo*

Adam Bowers* (Norton & Bowers PC)

Kenneth Burton*

James Chalatz* (Chalatz Hatten & Banker PC) (2)
Sarah Weimer
Chad Grell
Alison Hart

Ashley Chase (Guardian ad litem)

CiCi Cheng* (Holland & Hart LLP)
Timothy Getzoff* (Holland & Hart)
James Gray* (Holland & Hart)
Adam Hubbard* (Holland & Hart)
Diego Hunt* (Holland & Hart)
Robert Lawrence* (Holland & Hart)
Benjamin Simler* (Holland & Hart)

Douglas Abbott
Kathleen Custer
Jessica Smith
Christopher Toll
Kristina Van Bockern

Eric Coakley* (Coakley-Krol LLC)
Catherine Krol

Renee Cooper*

John Cutler* (Lindquist & Venum LLP)

Jess Dance* (Perkins-Coie LLP)
Laura Cramer-Babycz
Brian Delanghe
Daniel Graham
Michael Lee Bender

Mary Donachy* (Donachy Law Firm) (2)

Katy Donnelly* (Azizpour Donnelly LLC) (3)

Elayna Fiene* (Wilson Elser Moskowitz Edleman & Dicker LLP)

Carl Glastein (Glastein & O'Brien LLP) (Guardian ad litem)

Bethany Gorlin* (Snell & Wilmer LLP) (2)

Neil McConomy* (Snell & Wilmer) (2)

Luke Mecklenburg* (Snell & Wilmer)
James Kilroy (2)
Stephanie Kanan
Ellie Lockwood
Nicolas Ores
Neil Peck
Jessica Yates

Aaron Hall* (Joseph Law Firm)

Jeffrey Joseph* (Joseph Law Firm)

Ken Harmon*

Jamie Hubbard* (Haddon Morgan & Foreman PC) (2)

Alan Schindler* (Haddon Morgan & Foreman) (2)

Adam Mueller

Christina Huszcza* (Tucker-Ellis LLP)

Taylor Ivy* (Noble Law Firm LLC)

Cynthia Jaye Mills* (Cave & Mills, Inc.)

Gail Johnson* (Johnson, Brennan & Klein PLLC)

Amy Kapoor* (Johnson, Brennan & Klein PLLC)

Eric Klein
Aurora Randolph

Christopher Kenney* (2)
Michael Anderson

Jeffrey Klaus* (Diesch Marion & Klaus) (2)

Seth Kretzer* (3)

Dave Lichtenstein* (2)
Kristina Rosett
Matthew Molinaro

Brett Lilly* (3)

Christine Lyman*
Robert Lyman*

L. James Lyman* (Arnold & Porter LLP)
Jeffrey Graves
George Philips
Thomas Stoever Jr.

Luke McConnell* (2)

Cheyenne Moore* (Messner & Reeves)
Simone Montoya

Ruth Moore*

Brent Owen* (Squire Patton Boggs)

Elisabeth Owen* (Prisoners' Justice League) (2)

Sarah Parady* (Lowrey-Parady LLC)

Courtenay Patterson*

Titus Peterson*
John Culver

Andrew Petrie* (Ballard Spahr LLP) (2)
Patrick Pugh* (Ballard Spahr)
Matthew Thornton* (Ballard Spahr)
Sarah Wallace* (Ballard Spahr)
Rachel Mentz
Mark Wilding

Shirley Pointer* (Pointer Law Office)

Edward Ramey* (3) (Tierney Lawrence LLC)

Amy Robertson* (Civil Rights Education & Enforcement Center)
Sarah Morris

Jack Robinson* (Spies, Power & Robinson PC)

Mark Schwane* (3)

Daniel Shaffer* (2)

Maxwell Shaffer* (Holland & Knight) (2)

Gwendolyn Solomon*

William Strohmeyer* (Lieberg, Oberhansley & Strohmeyer LL)
(2)

Gregory Stross* (3)

Charlotte Sweeney* (Sweeney & Bechtold LLC)

Matthew Tieslau* (Ryley, Carlock & Applewhite PA)

James Thorburn* (2)

Zach Warren* (Highlands Law Firm)

Maureen Watson* (Fennemore Craig PC)

Paul Wolf*

Julian Wolfson*

Anne Zellner* (Godfrey Johnson PC)