

U.S. DISTRICT COURT, DISTRICT OF COLORADO
STANDING COMMITTEE ON PRO SE LITIGATION
2018-19* ANNUAL REPORT | CIVIL PRO BONO PANEL



Image courtesy of the U.S. General Services Administration

**New data for this report spans from Jan. 1, 2018-July 1, 2019*

Executive Summary

36 Colorado law firms, 179 individual lawyers, 2 law school clinical programs – the U.S. District Court’s Civil Pro Bono Panel attracts members of the Colorado legal community because of its success in offering experience in federal court, positive feedback from judicial officers, and availability of resources to assist counsel with training and financial reimbursement. More importantly, the program is a vital link in the continuum of legal services to litigants of limited financial means who cannot afford an attorney.

The Civil Pro Bono Panel provides direct representation of pro se parties (plaintiffs **and** defendants) in civil actions in the U.S. District Court. The Program was implemented by the [Standing Committee on Pro Se Litigation](#) (composed of judicial officers and members of the federal trial bar and interested representatives of the Colorado legal community), is administered by the clerk’s office, and is supported by the [Faculty of Federal Advocates](#) (FFA) with recruitment efforts, training programs, and management of the Civil Pro Bono Panel reimbursement fund.

To date, Panel lawyers have represented **207** clients, taken **12** cases to a jury trial, **6** to a bench trial, **8** to evidentiary hearings or oral arguments, and settled **63** civil actions. ***Of the 282 cases with an order appointing pro bono counsel, 6.3 % went to trial with a Panel lawyer***, a percentage far greater than the national average of federal civil cases that reach an outcome through trial. [[Federal Judicial Caseload Statistics, 2019](#)] The program’s ability to place counsel successfully is documented – as of July 1, 2019 **282** orders have been entered, with **207** successful appointments – a **73%** overall success rate.

The Civil Pro Bono Panel began in 2013 as a pilot project and was formalized as a local rule in 2014 as a key feature to the Court’s commitment to provide judicial services to all the people of Colorado. It continues a tradition of service by the Court to pro se litigants by matching parties who cannot afford lawyers with volunteer counsel. The Panel program is a successor to the FFA’s Counsel /Co-Counsel pro bono program that also focused on developing mentoring relationships between new attorneys and those with federal practice experience.

Through a collaborative relationship with the [Federal Pro Se Clinic](#), referrals to the Pro Bono Panel fulfills its mission and purpose of promoting access to the court by unrepresented parties.

CIVIL PRO BONO PANEL

Ongoing Success

Program success stems from:

- Panel lawyers review only those types of cases they initially stated as their preference
- Once selected by the clerk based on a random draw, Panel members have sufficient time to review & accept or decline
- The Court conducts initial review of each case's merits
- Mentoring is offered and continues to be a goal
- The Faculty of Federal Advocates manages a fund to reimburse costs incurred

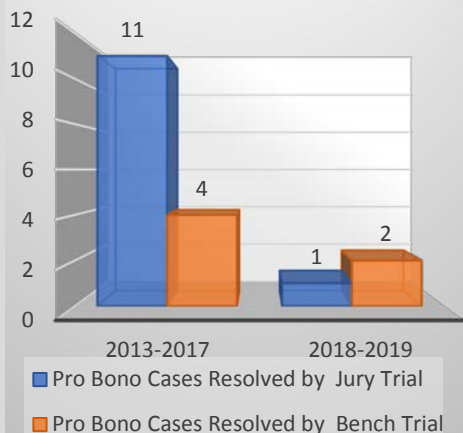
At the time of the Civil Pro Bono Panel's inception as a pilot project in 2013, 33 individual lawyers joined or continued their membership from the FFA Counsel/Co-counsel program; 4 law firms joined as inaugural members; and 6 out of 8 orders entered by the court resulted in Panel attorneys accepting the cases. In contrast, as of July 1 2019, **282** orders have been entered, with **207** successful appointments – a **73% overall success rate**.

The goal of the program is to aid litigants of **limited financial means**, not just the “indigent.”

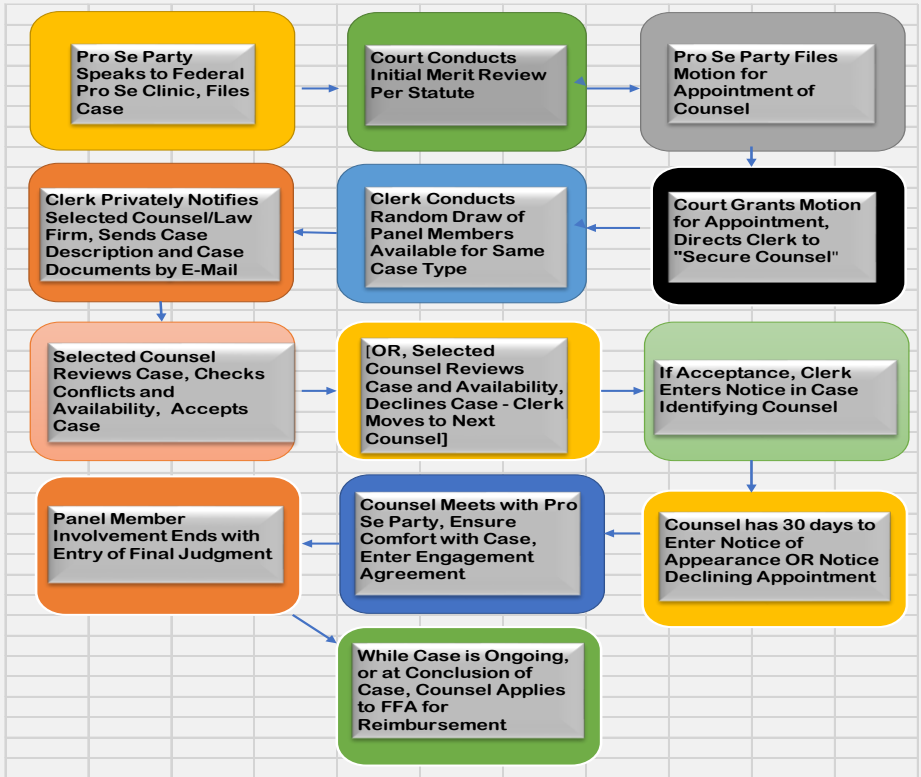


Chief Judge Brimmer hands Recognition Certificates to DU Civil Rights Clinic director Prof. Laura Rovner and students at the 2018 awards ceremony.

The Not-So-Vanishing Trial in the Panel Program



THE CIVIL PRO BONO PANEL PROCESS



Pro Bono Panel Information and Available Cases – Visit [USDC Website](http://USDCWebsite) – Attorney Information – Civil Pro Bono Panel

THE UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO
 Hon. Philip A. Simmes, Chief Judge
 Jeffrey P. Colwell Esq., Clerk of Court

Our mission is to serve the public by providing a fair and impartial forum that ensures equal access to justice in accordance with the rule of law, protects rights and liberties of all persons, and resolves cases in a timely and efficient manner.

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Civil Pro Bono Panel - Details, and Available Cases

ADOPTION OF A PERMANENT PROGRAM BONO COUNSEL

- Download Civil Pro Bono Application
- Download Local Rule 144r(1) - Civil Pro Bono Representation
- Download Civil Pro Bono Panel Description
- Download Limited Representation Guide
- Download Annual Report 2017 USDC Civil Pro Bono Panel

Cases Available for Pro Bono Representation

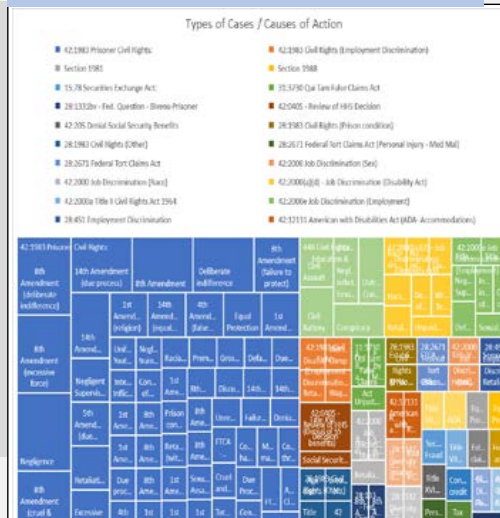
Case Number	Case Name	Case of Action	Plaintiff/Defendant	Complaint
17-cv-01480-WJM-STV	Adan Federngill, et al. v. Denver Public Schools	42,000's Title II Civil Rights Act 1964 (Race)	Plaintiff-Multiple	Complaint
16-cv-02744-RJK-EJRT	Jane Rae-PL, et al. v. Carlos Alinguela, former Deputy with the Teller County Sheriff's Department, in his Individual	Color. 42-1903 Prisoner Civil Rights	Defendant	Complaint Note - case is not needed

www.csd.uscourts.gov/attorneyinformation/CivilProBonoPanelDetailsandAvailableCases.aspx

Case Types:

- **2013-2017: 209 cases, over 336 claims.**
- **2018-July 1, 2019: 76 cases, 31 causes of action, 190 different types of claims, with a total of 251 claims.**
- **Claims most frequently filed 2018-19:**
 - 8th Amendment: cruel & unusual, delib. indiff., & excess. force - **30**
 - 14th Amend. due process - **11**
 - Social Security Appeals - **10**
 - Title VII Employment Discrim. - **41**
 - Americans with Disability Act - **20**

Variety of Claims Filed 2018-2019: Prisoner Civil Rights cases comprise the majority



Other Program Features:

- **Limited Representation:** Counsel are permitted to represent all pro se parties on a limited representation basis, following specific procedures established by the Court. For more information, including an [Instruction Guide](#), visit the Limited Representation page [HERE](#). **To date, 17 “discrete task” or “unbundled” representations have occurred in Panel cases.**
- **Pro Bono Mediation Panel:** 21 skilled professionals from law firms and mediation groups such as JAG have agreed to act as mediators on a pro bono basis for Panel cases.

Counsel Statistics:

Panel Membership	Attorney Estimates of Hours and Costs Spent (average)	Mentoring Relationships
Law Firms / Non-Profit Legal Organizations 36	Number Reporting 8	Formal (entry of appearance counsel from another firm) 20
Individuals 179	Hours Spent (high of 1,296 hours to low of 7) (average) 545 hours	Informal (advising/coaching Panel member) 9
Law School Clinics 2	Costs Spent (average) \$3,727.00	In-house Co-Counsel Mentoring: 92

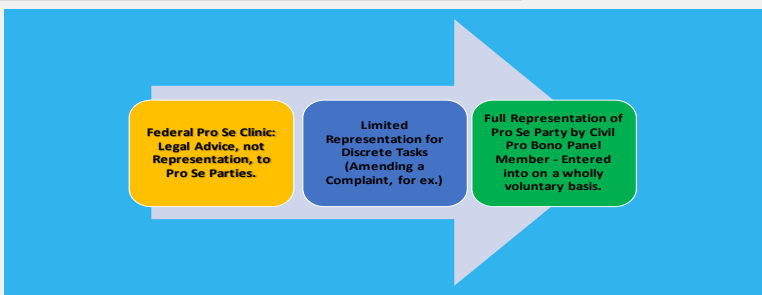
Legal Services Relationships

The Civil Pro Bono Panel and the [Faculty of Federal Advocates](#) have a longstanding collaborative relationship that provides legal representation opportunities to FFA members, grants and funding to support the FFA's reimbursement program, and the sharing of data and advice regarding the administration of the Panel program.

The [Federal Pro Se Clinic](#) (FPSC) opened on March 1, 2018 and is operating and assisting pro se litigants. The Clinic is operated by the Colorado Bar Association pursuant to an agreement between the [Colorado Bar Association](#) and the Court. It has implemented a limited scope volunteer program that offers training and additional opportunities for lawyers – including Civil Pro Bono Panel members – to help pro se litigants.

Pro Bono Panel members are strongly encouraged to hone their federal practice and client communication skills by participating in the FPSC Volunteer Program. The Civil Pro Bono Panel's oversight board, the Standing Committee, supports the FPSC and views the Clinic's activities and volunteer program as a complement to the mission and goals of the Panel.

The Civil Pro Bono Panel also interacts with and relies on such non-profit legal services organizations such as [Disability Law Colorado](#), the [Civil Rights Education and Enforcement Center](#), and local [law school clinical programs](#) to engage in pro bono representation opportunities. The Panel program benefits from a working, mutually supportive relationship with specialty and geographic bar associations, such as the [Colorado Trial Lawyers Association](#), the [Colorado Women's Bar Association](#), and the [Colorado Plaintiff Employment Lawyers Association](#).



Compare with Other Federal District Court Pro Bono Programs

20 federal district courts have a court-maintained pro bono panel or attorney list available to pro se litigants. Colorado's program, by allowing Panel attorneys to freely decline cases and with its robust mentoring, training support, and costs recovery program is distinct from other districts, such as:

- *Western Dist. of Wash.:* Screening Committee reviews the merits of each pro se request; clerk selects appointed lawyer who must enter appearance.
- *Dist. of Rhode Island:* Panel program, but only 3–4 appointments per year.
- *N.D. Illinois:* All members of the Trial Bar are assigned to serve as counsel to pro se litigants.
- *D. Conn.:* Newly appointed counsel receive an e-mail providing notice of the appointment.

Next Steps

- Continued collaboration with the Federal Pro Se Clinic as a source of volunteers for limited representation legal advice appointments and referrals for full representation.
- Enhanced availability of cases for Pro Bono Panel members to review at their own discretion, and greater ease of access to case documents.
- More widespread use of the Civil Pro Bono Mediation Panel, including in prisoner cases.
- Development of a Panel Members' Resource Library and Motions and Opinions Catalog.
- Continued emphasis on fostering mentor relationships, developing training seminars through the FFA, and keeping Panel members informed of new programs and developments through the Pro Bono Panel Periodical.

- For information about the Civil Pro Bono Panel, please visit the U.S. District Court website [here](#) to access helpful resources and view a list of ongoing available cases, or contact:

Edward Butler at
Edward_Butler@cod.uscourts.gov
303-335-2043

- For information about the Federal Pro Se Clinic, please contact:

Leslie Kelly at
lkelly@cobar.org
303-380-8786



Image courtesy of the U.S. General Services Administration