

2023-2024 U.S. District Court – Civil Pro Bono Panel Annual Report

U.S. District Court – District of Colorado

Presented by the Standing Committee on Pro Se Litigation of the U.S. District Court

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Overview

The Civil Pro Bono Panel began as a pilot project in 2013 and was formalized as a local rule in 2014. The program is a successor to the [Faculty of Federal Advocate's \(FFA\)](#) Counsel/Co-Counsel pro bono program. The Panel is a vital resource to some of the many pro se litigants who appear before the Court. By volunteering on the Panel, attorneys can gain experience, feedback from judicial officers, and available resources to assist them with training and financial reimbursement.

The program's ability to place volunteer counsel successfully is documented. From the implementation of the program until the end of 2024, 550 orders appointing counsel were entered and there have been 370 successful appointments – a 67% overall success rate.

The Panel is always welcoming new volunteer attorneys. Those interested should visit the Civil Pro Bono Panel webpage on the Court's website [here](#), where you can find a list of available cases, information about the Panel, and the Civil Pro Bono Panel application. Attorneys who are interested in joining the Panel or have any questions should email cod_probonopanel@cod.uscourts.gov.

In addition to the Panel, other opportunities for pro bono service include:

Federal Pro Se Clinic:

The Court's [Federal Pro Se Clinic](#) is operated by the Colorado Bar Association. The Clinic assists pro se, civil litigants by providing limited-scope advice and counsel to help with pleadings and motions, answer procedural questions, and explain legal concepts.

Lawyers licensed in the US District Court for the District of Colorado can make a big difference by volunteering as little as one or two hours a month. Sign up to volunteer [here](#). If interested in learning more about the Clinic, please contact fpssc@cobar.org. The District of Colorado Bankruptcy Court has a Clinic as well. Please click [here](#) for more information on the Pro Se Bankruptcy Clinic.

Federal Limited Appearance Program (FLAP):

The [Federal Limited Appearance Program](#) (FLAP) was developed by the US District Court for the District of Colorado and the Colorado Bar Association Young Lawyers Division ("CBA YLD").

Per the FLAP website: "The FLAP program is designed to bridge the gap between the limited scope, out-of-court services provided by the Federal Pro Se Clinic and the full-scope pro bono representation facilitated by the Civil Pro Bono Panel. Specifically, FLAP aims to address the difficulty pro se parties in civil litigation oftentimes face in dealing with procedural and other non-dispositive issues in "real time" during a court appearance by providing those litigants with limited representation by a volunteer attorney before, during, and/or immediately after scheduled appearances in the United States District Court for the District of Colorado, such as Scheduling and Status Conferences, Discovery Conferences, and other Non-Dispositive Hearings."

Application submissions for this program cannot be submitted without a scheduled hearing date. This program does not offer full representation; however, it provides Limited Scope representation for:

- Scheduling Conferences
- Status Hearings
- Discovery Disputes
- Pre-Trial Hearings
- Settlement Conferences

Those interested in volunteering with FLAP should visit the Volunteer Resources page on their website [here](#). For additional information, please email jham@cobar.org.

Civil Pro Bono Panel Procedure

When attorneys join the Panel, they are committing to the idea they will be randomly called at some point to serve as pro bono counsel. Attorneys do have the opportunity to submit in their application types of cases they are interested in volunteering for as well as types of cases they would like to opt out of. This allows the Clerk's Office to be able to accurately match attorneys with cases that fit their interests and abilities. Attorneys also have the freedom to decline a case.

The process begins with a pro se litigant filing a motion requesting the Court appoint them Pro Bono Counsel. The presiding judicial officer then either denies the motion or grants it. When a motion is granted, the Clerk's Office receives notice, and the case is added to the list of available cases. Under D.C.COLO.LAttyR 15(f), the Clerk's Office will begin attempting to appoint an attorney within fourteen days of the order. If an attorney is not appointed after four attempts, the Clerk's Office notifies the presiding judicial officer(s). As a courtesy, the Clerk's Office also enters a notice on the docket so the pro se litigant and other parties involved are aware the recruitment was unsuccessful.

When an attorney accepts a case, the Clerk's Office will notify chambers that an attorney has volunteered to take the case and enter a Notice of Appointment. Under D.C.COLO.LAttyR 15(g), appointed counsel is to either formally enter their appearance or file a Notice Declining Appointment no later than 30 days after receipt of the Notice of Appointment.

The FFA offers support to Panel members who accept cases by providing malpractice insurance upon request, reimbursement of certain costs, and periodic training seminars on pro bono-related topics. Attorneys may also request CLE credits for pro bono representation – one general CLE credit for every five billable-equivalent hours, with a maximum of nine general credits in a three-year compliance period.

Practitioner Perspectives in 2023-2024

(The views of the attorneys below do not represent the views of the U.S. District Court for the District of Colorado)

Attorney Insight from Civil Pro Bono Case *Smith v. Crockett* – by Luke McConnell and Zach Shiffler

In the case *Smith v. Crockett*, the plaintiff Mr. Smith, an inmate in the Department of Corrections (DOC), alleged in his *pro se* complaint that the cancellation of his religious diet by DOC officials violated his First Amendment rights and the Religious Land Use and Institutionalized Persons Act. While Mr. Smith was granted the appointment of pro bono counsel early on in his case, an attorney was not able to take his case until Luke W. McConnell of Weatherly McConnell, LLC, and Zach Shiffler of the Civil Rights Litigation Group agreed to represent Mr. Smith. By the time Mr. McConnell and Mr. Shiffler entered, discovery was

complete and dispositive motions were concluded, all of which Mr. Smith had taken on by himself. All that remained was a settlement conference and a jury trial.

Perspective from Luke McConnell:

I have had the opportunity to work on cases through our District's civil pro bono panel on several occasions. I am a huge supporter of the program, and I encourage everyone to contribute to its vital mission. The program is administered by wonderful and professional people who will do whatever they can to support attorneys who agree to take a case. I have always taken great comfort in the fact that the panel will facilitate finding a mentor who can help guide you through something unfamiliar, and the financial backstop provided by the program can meaningfully offset the risk associated with civil litigation.

Every year at the CLE reviewing the past year's business of the Court, I am always astonished at the volume of *pro se* litigation coursing through the courthouse. The Judges and their dedicated staff handle this enormous burden nearly unseen and for the most part unaided by the rest of us. Furthermore, within the crush of all those cases are many worthy claims and legitimate litigants in need of competent counsel. Every pro bono panel case serves the dual purposes of helping the litigants and the Court, and there is no doubt that the injection of competent counsel promotes fairness, access to the law, and justice.

Mr. Smith's case presented a unique opportunity because when I was contacted by the program to consider taking his case, discovery had already been completed and dispositive motions had been fully litigated. Thus, all that remained was a jury trial. Under these circumstances, this was a great opportunity to do a jury trial with the record that remained. I am always looking to do more civil trials, and it would have been a great opportunity for my co-counsel Zach Shiffler to get more trial experience. And a jury trial is certainly when a *pro se* litigant is going to need an attorney.

Mr. Smith proved to be a kind, thoughtful, and reasonable person, and when we had the opportunity to wrap our heads around the facts and the claims, we realized his case had real merit. We were very excited at the prospect of representing Mr. Smith in a jury trial. However, a final settlement conference had been set by former Chief Magistrate Judge Hegarty with the urging of Judge Martinez. Ultimately, we were able to resolve Mr. Smith's claims. Mr. Smith was able to secure some monetary compensation and equitable relief that will make a difference not just for him but for other Muslim inmates. The process of settlement and a settlement conference is very foreign to *pro se* litigants, and we were glad to step in to assist Mr. Smith in presenting his case during the mediation process and guide him through it. While we were excited about the prospect of the trial, I think our involvement assisted in the efficient and just settlement of Mr. Smith's case.



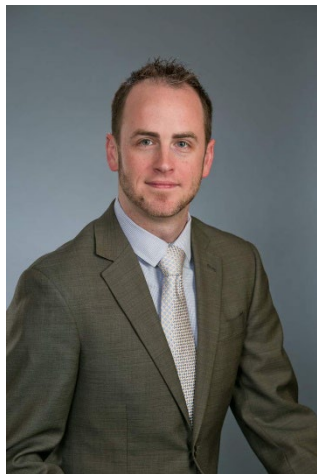
Luke McConnell, Esq.

Mr. Smith's case was another rewarding experience through the civil pro bono panel and I will certainly be looking to step into another case through the program again soon. Let me know if you want to co-counsel!

Perspective from Zach Shiffler:

Being a civil rights attorney has given me numerous opportunities to help people who feel helpless or overwhelmed when trying to litigate against the government. Ray Smith's case gave me a unique opportunity, and I'm happy to share that experience here.

Mr. Smith filed his lawsuit *pro se* alleging violations of the First Amendment and the Religious Land Use and Institutionalized Persons Act. From the confines of prison, Mr. Smith engaged in discovery, filed motions, responded to motions, and successfully survived summary judgment. It was a gargantuan feat



Zach Shiffler, Esq.

that cannot be overstated. That is when the Pro Bono Panel reached out to Luke McConnell to ask if we could assist with the case. I had never taken a pro bono case before, nor did I have any experience with the claims at issue. There was also a bit of a learning curve regarding the practice of Islam generally, and the religious-based diet specifically. Regardless of what I didn't know, I knew that I wanted to help Mr. Smith.

My first conversation with Mr. Smith told me everything I needed to know. We spoke to him via Zoom for about an hour. He had a zen-like, calm demeanor, and he was ready with records in hand to discuss the law and facts of his case. He knew that his rights were violated, and it was important enough to him that we would take it to the finish line by himself if necessary. His position and expectations were reasonable. But federal court can be scary and intimidating for anyone, especially an incarcerated person litigating against the Attorney General's Office. I vividly remember Mr. Smith's smile when we told him that we would take his case. His sense of relief was palpable.

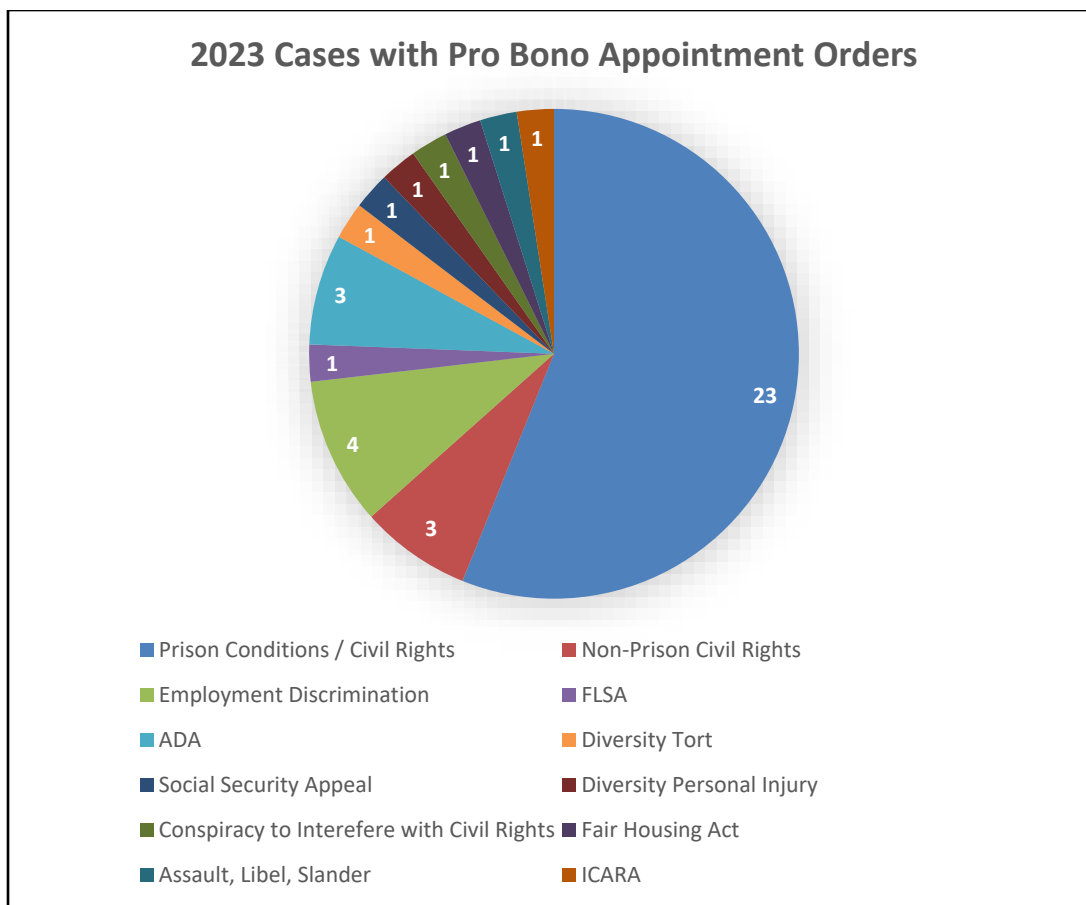
Because discovery was closed and summary judgment completed, our job was to take the case to trial or negotiate a settlement. Luke and I were excited to take this case to trial, but the infamous Prison Litigation Reform Act reared its ugly head and presented some hurdles. On the way to trial, former Chief Magistrate Judge Michael Hegarty scheduled a settlement conference. Instead of conducting the hearing from the comfort of the bench or inside his home, Judge Hegarty drove several hours to conduct the conference face-to-face with Mr. Smith inside the prison. Everyone's physical presence in the same room definitely made a difference, especially for Mr. Smith. People were taking him seriously. The conference lasted for a few hours, and ultimately, we reached an agreement. The agreement included monetary compensation for wrongfully denying Mr. Smith's religious diet for 244 days, along with injunctive relief to ensure the canteen list is accurate to prevent similar issues from occurring again. Instead of solely relying on prison staff, who lack the knowledge and experience to make educated decisions about religious-based diets, the prison will now consult with a third-party Islamic organization regarding halal

designations on the canteen list. This was a good result. Because of Mr. Smith's hard work, he and other Muslims in the prison will benefit from these changes to a terribly flawed system.

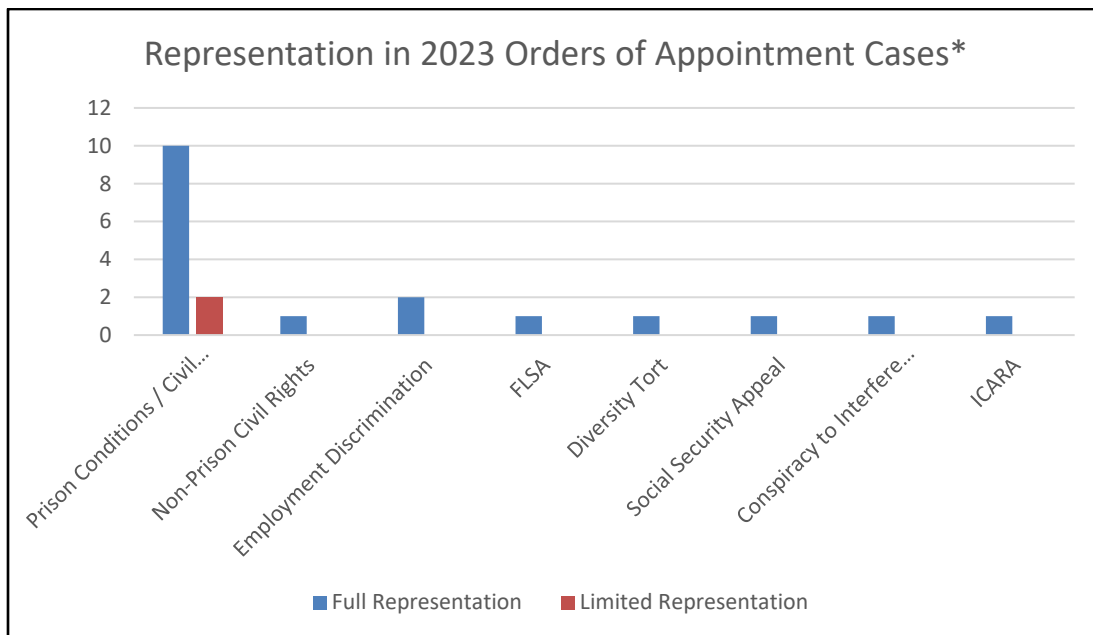
The cards are heavily stacked against incarcerated people, and this case provided a stark reminder of that fact. Despite that, Mr. Smith did all of the heavy lifting necessary to get past summary judgment. Luke and I merely leveraged our experience as attorneys to help him cross the finish line. It was a truly rewarding experience, and I hope all attorneys have the opportunity to help a person like Mr. Smith.

2023 Pro Bono Case Data

In 2023, judicial officers entered orders in 41 civil cases appointing pro bono counsel.

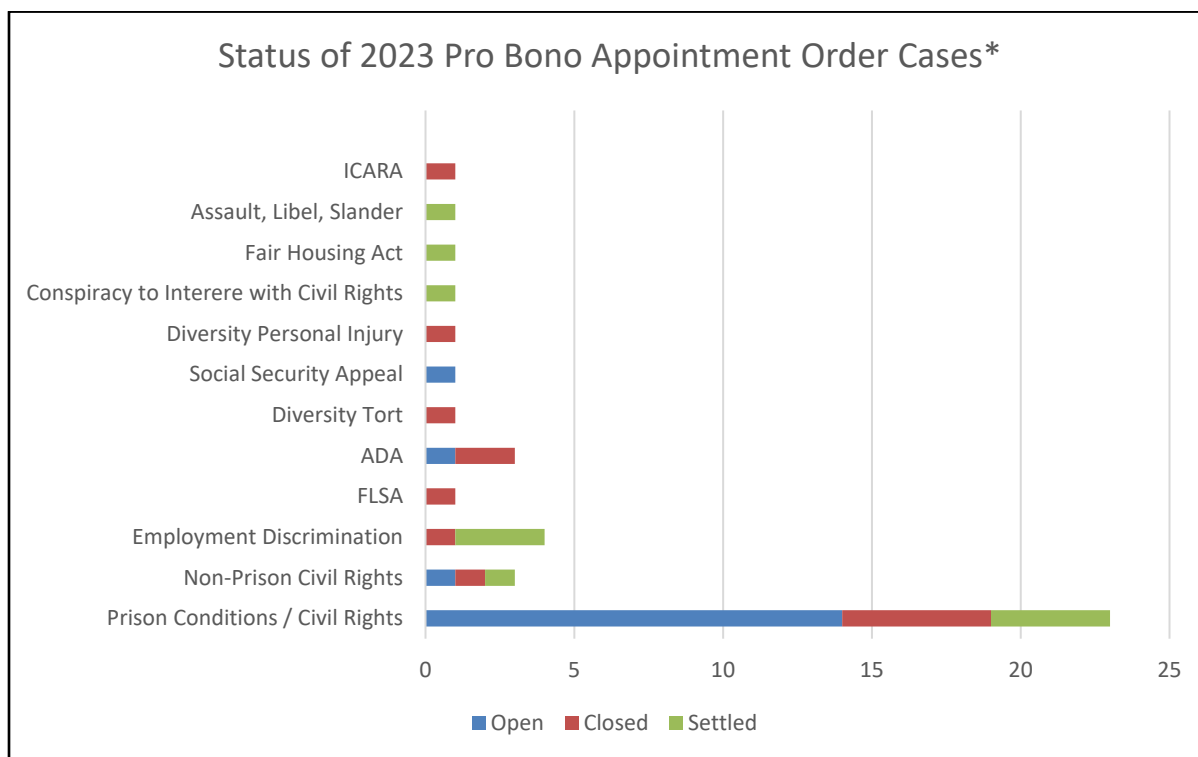


In 20 out of the 41 cases, Civil Pro Bono Panel lawyers were placed by the program and represented the pro se parties either in a full or limited scope representation.

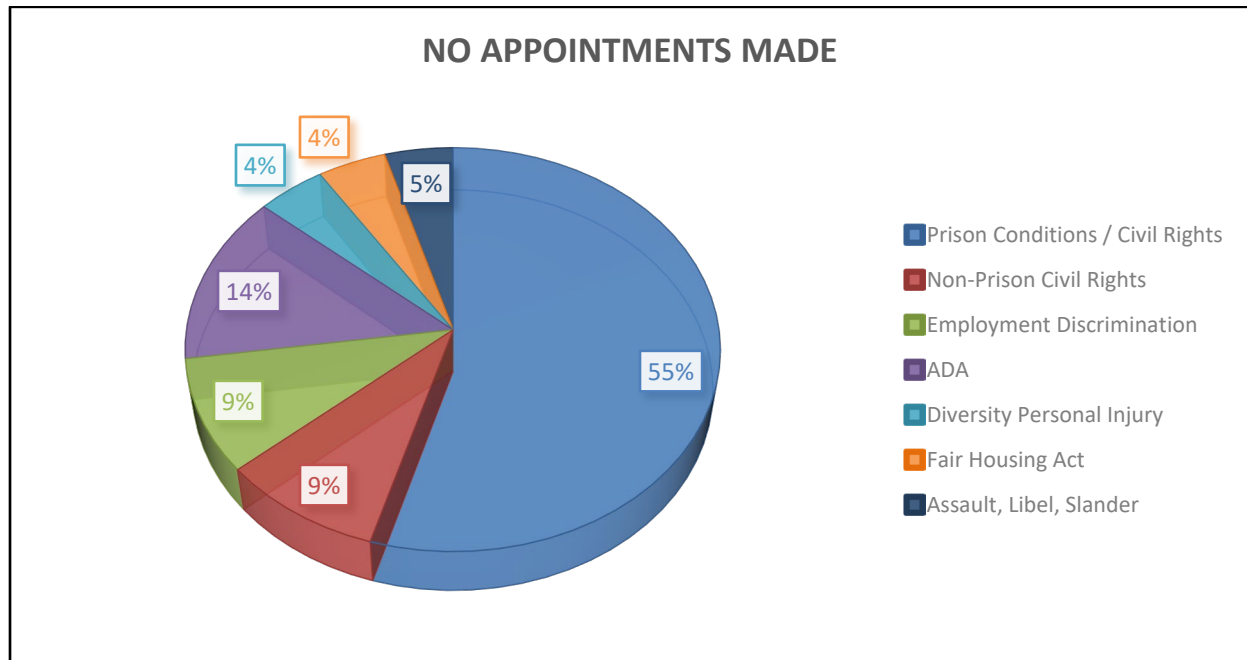


**ADA; Diversity Personal Injury; Fair Housing Act; and Assault, Libel, Slander are not depicted in the above graph because volunteer attorneys were not found who were willing to take the case.*

The status of the 2023 cases are as follows:

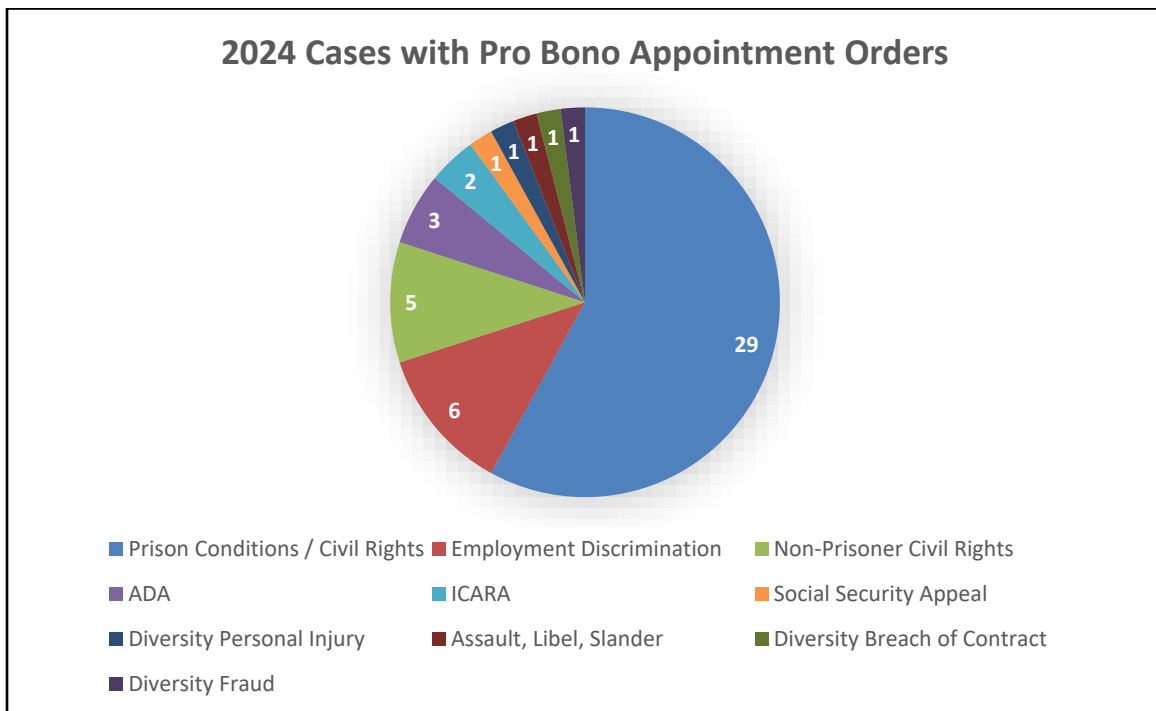


Unsuccessful placement of counsel - 22 of the 41 cases in 2023 still lack counsel.

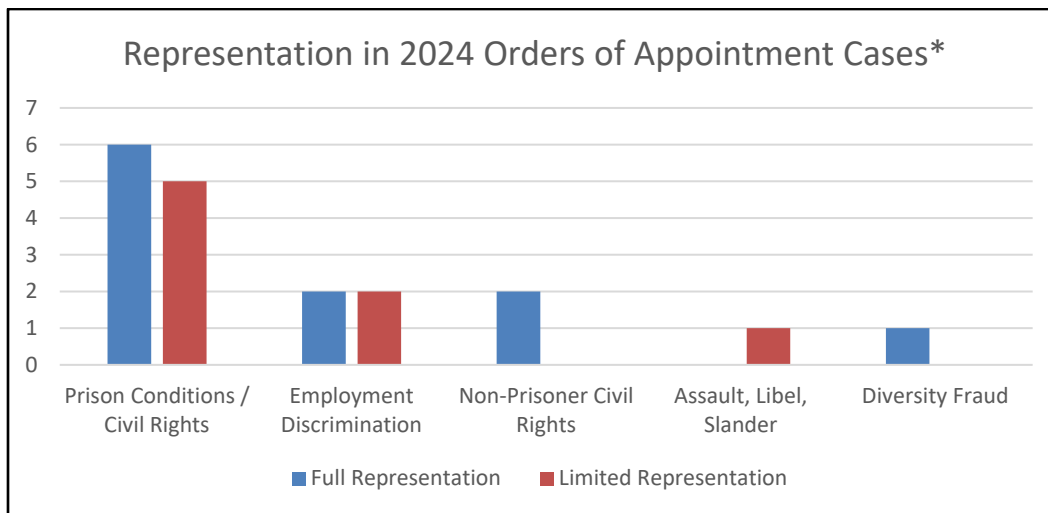


2024 Pro Bono Case Data

In 2024, judicial officers entered orders in 50 civil cases appointing pro bono counsel.

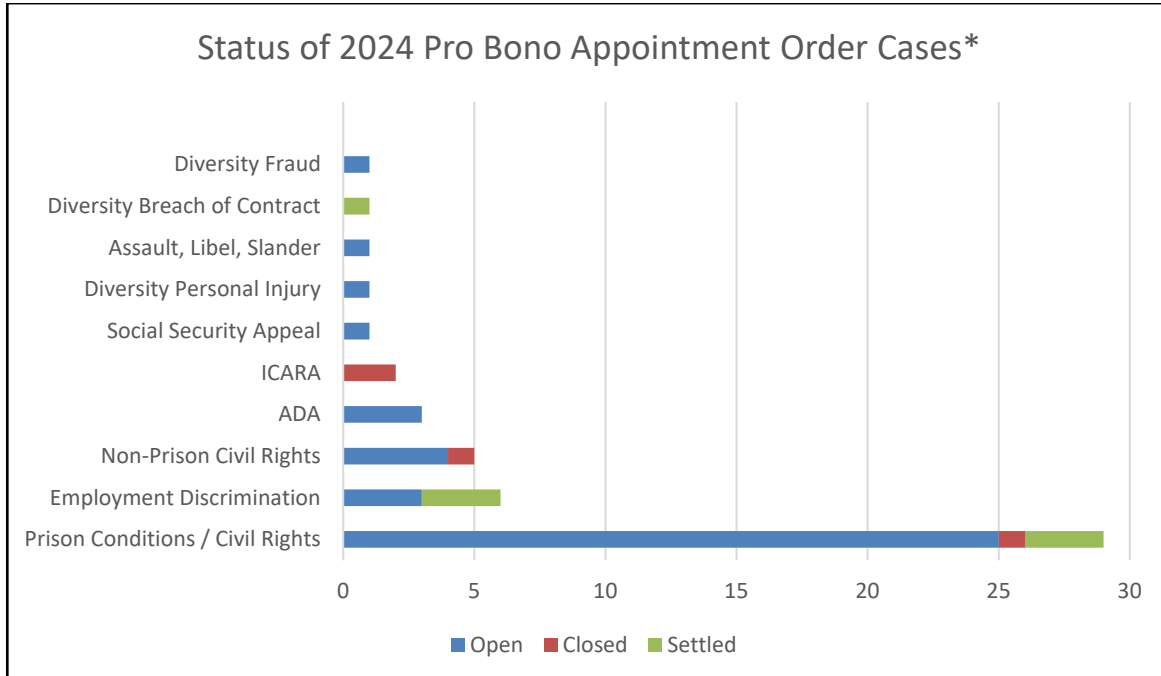


Of the 50 cases, a total of 19 Civil Pro Bono Panel lawyers were placed by the program and represented the pro se parties in either a full or limited scope representation.

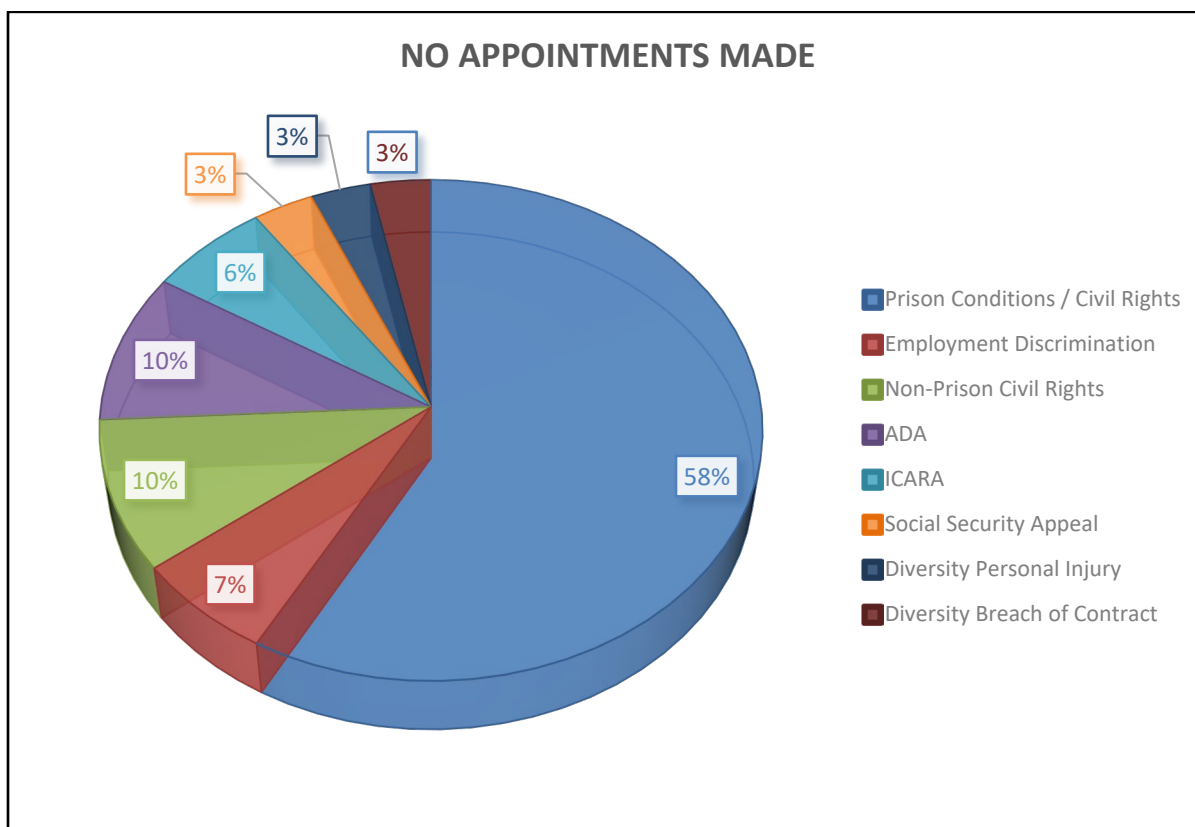


**ADA, ICARA, Social Security Appeal, Diversity Personal Injury, and Diversity Breach of Contract are not depicted in the above graph because volunteer attorneys were not found who were willing to take the case.*

The status of the 2024 cases are as follows:

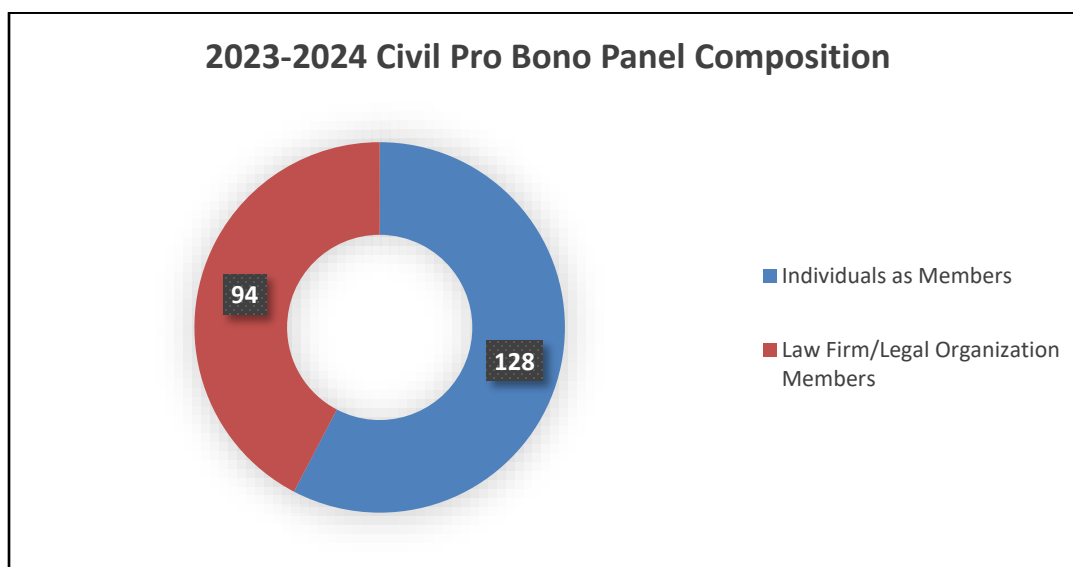


Unsuccessful placement of counsel - 31 of the 50 cases in 2024 still lack counsel.

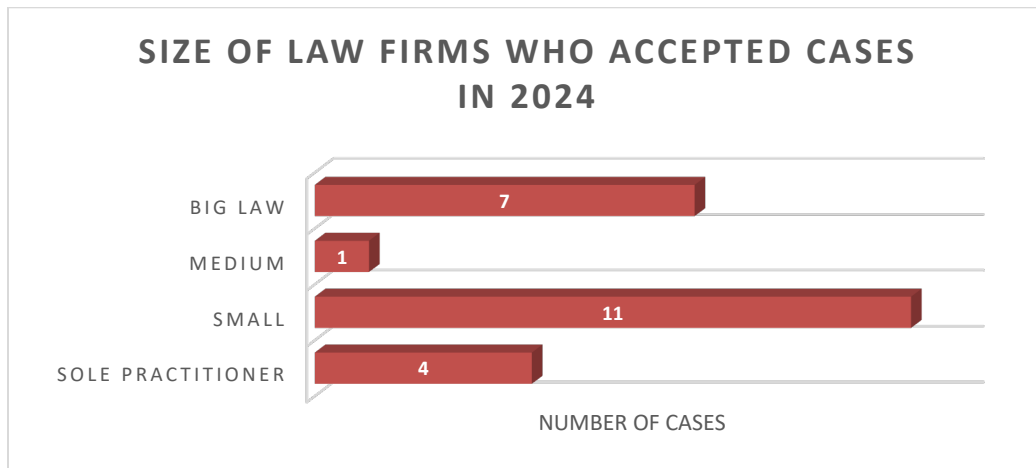
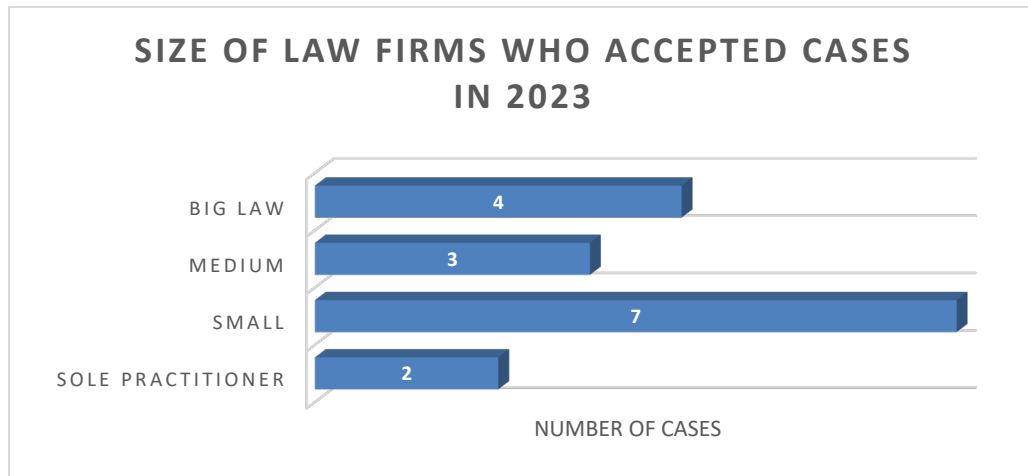


2023 - 2024 Pro Bono Panel Member Data

Below is a graph representation of the current membership of the Civil Pro Bono Panel:



The size of law firms who accepted cases in 2023 & 2024 varied greatly.



2023 - 2024 U.S. District Court Pro Bono Honor Roll

The following attorneys and law firms accepted cases in 2023 and 2024:

- Kimberly Chongyon Motley of *Motley Legal Services* & Cheyenne A.E. Moore of *Nelson Mullins Riley & Scarborough* – 18-cv-01962-GPG-MDB Millbrook v. Spitz et al (*Prisoner Civil Rights*)
- Cheyenne A.E. Moore of *Nelson Mullins Riley & Scarborough LLP* – 20-cv-03698-RMR-TPO Pintos-Rios Brown et al (*Non-Prison Civil Rights*)
- Jenipher R. Jones of *A People's Legal Office-For the People* – 20-cv-00459-PAB-CYC Johnson v. Reyna et al (*Prison Condition*)
- Matthew William Buck of *Red Law* –
 - 20-cv-00755-RMR-STV Ochoa v. Williams (*Prisoner Civil Rights*)
 - 22-cv-01922-CYC Peterson v. Chase et al (*Prison Condition*)

- 23-cv-01098-NYW-TPO Hamrick v. Federal Bureau of Prisons et al (Prisoner Civil Rights)
- Luke W. McConnell of *Weatherly McConnell LLC* & Zachary Lyon Shiffler of *Civil Rights Litigation Group, PLLC* – 20-cv-00841-WJM-MEH Smith v. Crockett et al (Prisoner Civil Rights)
- Cheryl Louise Trine of *Trine Law Firm LLC* – 20-cv-01179-CNS-MDB Pike v. Correct Care Solutions LLC et al (Prison Condition)
- Jennifer C. Robinson of *Robinson & Associates Law Offices LLC* – 20-cv-01559-RMR-CYC Wise v. DeJoy (Employment Discrimination)
- Lenora B. Plimpton & Elizabeth Tillotson Hartsel of *Fortis Law Partners LLC* – 20-cv-01703-MDB Knoten-Hickerson v. FerrellGas Inc. (Employment Discrimination)
- Brittany Lynn Garza & Case L. Collard of *Dorsey & Whitney LLP* –
 - 20-cv-03132-MEH Handy, Jr. v. Dobbin et al (Non-Prison Civil Rights)
 - 22-cv-01102-CYC Cotto v. USA et al (Prison Condition)
- Alan Daniel Schindler of *Greenspoon Marder LLP* – 20-cv-03495-PAB-STV Wilkins v. Palomino et al (Prisoner Civil Rights)
- Andrew C. Lillie & Mark Douglas Gibson of *Holland & Hart LLP* – 21-cv-01182-CNS-MDB Greene v. JLV LLC et al (Fair Labor Standards Act)
- Alex James Gunning & Perry L. Glantz of *Stinson LLP* – 21-cv-01687-CNS-MDB Arroyo v. Eischen et al (Non-Prison Civil Rights)
- Anne Marie Anderson of *Wheeler Trigg O'Donnell LLP* & Katherine Joan Mercer-Lawson of *Weitz & Luxenberg* – 21-cv-01792-CNS-STV Jones v. Brown et al (Prisoner Civil Rights)
- Penn Anderson Dodson of *Anderson Dodson PC* – 21-cv-02221-MEH Ali v. Sam's West Inc et al (Employment Discrimination)
- James Lee Gray & Joshua Fredrick Bugos of *Gray Bugos & Schroeder LLC* – 21-cv-02937-GPG-STV White v. Baldrige et al (Prisoner Civil Rights)
- Jackson K. Dering, V formerly of *Nelson Mullins Riley & Scarborough LLP* & John Peter Streelman of *Nelson Mullins Riley & Scarborough LLP* – 22-cv-00067-RMR-STV Stevenson v. Rodriguez (Prison Condition)
- Sean Michael Dormer of *Dormer Harping LLC* – 22-cv-00473-MEH Rodriguez v. Yegapan (Prisoner Civil Rights)
- Gwendolyn M. Lawson of *Gwendolyn M. Lawson, Attorney at Law* – 22-cv-01356-SBP Clarke v. USA (Prisoner Civil Rights)
- Meredith R. Callan of *The Law Office of Meredith R. Callan, Esq.* –
 - 22-cv-01699-NYW-CYC Kohn v. Hansen (Prison Condition)
 - 22-cv-02055-NYW-NRN Reynolds v. Wilcox et al (Prisoner Civil Rights)
 - 22-cv-02905-PAB-STV Lovato v. Willer et al (Prisoner Civil Rights)
 - 23-cv-01635-CYC Rodriguez-Barragan v. City and County of Denver, The et al (Prison Condition)
- Carolyn Michelle Shaffer of *Snell & Wilmer LLP* – 22-cv-01770-WJM-MDB Hayden v. City of Pueblo, Colorado, the et al (Diversity – Tort)

- Cynthia L. Rice of *Disability Law United* & Mari Anne Newman of *Newman McNulty LLC* – 22-cv-01979-CNS-KAS Latimore v. Denver Housing Authority (DHA) of the City and County of Denver et al (*Conspiracy to Interfere with Civil Rights*)
- Nora Quinto Passamaneck of *Wilmer Cutler Pickering Hale & Dorr LLP* – 22-cv-02765-MEH Jones v. Rising Higher Staffing Solutions Inc. (*Employment Discrimination*)
- Heather C. Papini-Chapla of *Greenberg Traurig LLP* –
 - 23-cv-00072-NYW-SBP Roquemore v. Smith et al (*Prison Condition*)
 - 23-cv-00819-CNS-NRN Fleckenstein v. Core Civic et al (*Prisoner Civil Rights*)
- Bryan Patrick Rose of *Stinson LLP* – 23-cv-00154-RMR-CYC Townsend v. Williams et al (*Prisoner Civil Rights*)
- Gideon S. Irving of *Levin Sitcoff PC* & Joseph Conner Chase of *Shulman Chase LLC* – 23-cv-01294-MDB Pettigrew v. Long et al (*Prisoner Civil Rights*)
- Aaron Slade of *Novo Legal Group* – 23-cv-01333-CYC Casilla-Diaz v. USA (*Prison Condition*)
- William C. Groh, III of *LMB Partners* – 23-cv-01418-NYW-MDB Williams v. Simpson (*Diversity Fraud*)
- Angela Campbell Tarasi of *King & Spalding LLP* – 23-cv-01685-LTB Brown v. Commissioner, Social Security Administration (*Social Security Appeal*)
- Abigail Zinman of *HKM Employment Attorneys LLP* –
 - 23-cv-01917-NYW-STV Luke et al v. Stancil et al (*Prison Condition*)
 - 23-cv-02030-PAB-MDB Fisher v. Stancil et al (*Prison Condition*)
- Vikrama Shiva Chandrashekar of *Fennemore Craig PC* – 23-cv-01917-NYW-STV Lewis v. Stancil et al (*Prison Condition*)
- Brian Scott Green of *Karla Yaneth Silva Guevara* – 23-cv-02655-CNS Urbina v. Guevara (*International Child Abduction Remedies Act*)
- Mary Josephine Lowrey of *Lowrey Parady Lebsack LLC* – 23-cv-03277-CNS-KAS Younger v. United Airlines, Inc. (*Employment Discrimination*)
- Daniel R. Shaffer of *Daniel R. Shaffer, LLC* – 24-cv-00858-DDD-NRN Payne v. Medellin et al (*Prisoner Civil Rights*)
- Yun Y. Wang of *Britt Tshering & Wang* – 24-cv-00933-NYW-CYC Allstate Insurance Company v. Cruz et al (*Assault, Libel, Slander*)
- Samara Rose Hoose & Sean C. Grimsley of *Olson Grimsley Kawanabe Hinchcliff & Murray LLC* – 24-cv-01003-MDB Marquez v. Valley Wide Health Services (*Employment Discrimination*)